



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 5, 1997**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 5, 1997.

A G E N D A

Closed Session - To be held in Work Session Room - Main Level

2:30 p.m. Property acquisition

Work Session - To be held in Work Session Room - Main Level

3:00 p.m. Council questions and comments
3:30 p.m. Flagstaff annexation update
 Review of regular meeting
4:00 p.m. LMC amendments/appeals process
5:15 p.m. Budget review
5:45 p.m. Other meeting comments or questions

Regular Meeting - To be held in Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 15, 1997

V PUBLIC HEARING

1. An Ordinance approving the plat amendment to the Thaynes Canyon Subdivision #8 located in the northeast quarter of Section 8, Township 2 south, Range 4 East, Salt Lake Base and Meridian, Park City, Utah

2. Amendments to the Land Management Code amending Chapter 1, Section 13 to clarify the conditional use review process; Chapter 1, Section 15 to change the minimum notice requirements; Chapter 1, Section 16 to clarify the finality of action and appeals review process; and Chapter 5 to clarify and update the duties and procedures of the Board of Adjustment
3. Resolution adopting a revised budget for FY 1996-97, a tentative budget for FY 1997-98 and a tentative plan for FY 1998-99 for Park City Municipal and its related agencies and tentatively adopting a pay plan for Park City Municipal Corporation exempt and non-exempt employees for FY 1997-99

VI CONSENT AGENDA

1. Resolution declaring June 14, 1997 as Arbor Day in Park City, Utah
2. An Ordinance approving the plat amendment to the Thaynes Canyon Subdivision #8 located in the northeast quarter of Section 8, Township 2 south, Range 4 East, Salt Lake Base and Meridian, Park City, Utah

VII NEW BUSINESS

Resolution adopting a revised budget for FY 1996-97, a tentative budget for FY 1997-98 and a tentative plan for FY 1998-99 for Park City Municipal and its related agencies and tentatively adopting a pay plan for Park City Municipal Corporation exempt and non-exempt employees for FY 1997-99

VIII ADJOURNMENT

Posted: 6/2/97



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 5, 1997**

Present: Mayor Brad Olch; Council members, Roger Harlan, Shauna Kerr; Chuck Klingenstein, and Paul Sincock

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Nora Seltenrich, Special Projects Manager; Mark Harrington, Assistant City Attorney; Rick Lewis, Community Development Director; Pat Putt, Planning and Zoning Administrator; Tom Bakaly, Finance Manager; Bob Stephens, Administrative Services Director; Jerry Gibbs, Public Works Director; and Kurt von Puttkammer, Planner

Hank Rothwell, United Park City Mines Company (UPCM)

Absent: Hugh Daniels

1. Council questions and comments. Paul Sincock stated that he has spoken to staff about the dying trees at the Gateway Tree Project and reported on the Earth Day celebration last weekend, sponsored by Recycle Utah. Chuck Klingenstein commented that the Institute of Traffic Engineers will be issuing new road standard guidelines and requested a copy. He added that the Historical Society pointed out the absence of a designated planner for the Historic District and suggested that this be considered. Ms. Kerr reported that there will be a County mayor/council quarterly meeting on Monday, June 16 in Kamas. Ms. Kerr referred to a letter to the editor in the *Park Record* about what the City is doing with regard to parking, traffic and circulation which made her think that we're at cross purposes. She referred to costs of a traffic and parking program and transportation trends in the future, and yet there are projects, like the Park City Mountain Area expansion in the process where the Land Management Code standards are applied and invite additional traffic. Nora Seltenrich responded that the Planning Commission has talked a lot about this and the Ski Area will provide additional parking spaces and transit improvements, although it is not anywhere near what will be necessary on a peak day. She added that the City's consultants performed an analysis on the Ski Area. There was discussion about designated parking stalls in the condominium projects.

2. Flagstaff annexation update. Toby Ross explained that this discussion is to determine a schedule for this project. Hank Rothwell stated that he appreciates the opportunity to be before Council today but is disappointed that Flagstaff doesn't seem to have a higher priority. He expressed his frustration that the local paper reported that they are not willing to play by the City

rules, but in their opinion, they only want to play by City rules, which continue to change. They are obligated by state law to actively negotiate with the City for one year and that expired June 1995. The Council's unanimous adoption of Resolution No. 10-97 and the Council's failure to respond to their comments of May 22, 1997, are indications to the applicants that the Council isn't serious about pursuing their application and they view this as a denial of their application for annexation. He stated that the suggestion of an action by mid-July is unacceptable, but if that is the best Council can do, they are willing to continue to meet with Council in the future, but are no longer willing to negotiate exclusively with the City. Paul Sincock pointed out that mid-July was the only time all Council members would be present and could take an action, but Council is willing to meet prior to that in work sessions. The Mayor felt that Mr. Rothwell's comments are unfair, because the Council and staff worked very hard from the time of the Planning Commission decision to the state mandated deadline. He added that prior to that time, members of the Council scheduled vacations and time away from the City. He felt that the applicants should be flexible. Mr. Rothwell appreciated Mayor Olch's comments, but again pointed out their frustration. Paul Sincock expressed his willingness to meet in work sessions and to direct staff to meet with Mr. Rothwell.

Shauna Kerr felt that rather than interrupting everyone's schedule, asked what can be accomplished. If the City and the applicants are so far apart that additional planning and conversation are going to result in the same outcome, then is it not fair to the applicants, staff and the Council to continue if nothing can be accomplished. She emphasized the importance of being honest with the applicant as continuing could just be a time consuming process and if there are impenetrable barriers that cannot be negotiated, she encouraged Council to be realistic. The Mayor did not disagree but pointed out that from the time the Council adopted the resolution, there hasn't been any real dialog about differences or issues that could be narrowed to bring everyone closer together which would be worthy of discussion. Ms. Kerr agreed but emphasized there should be realistic time limits. The Mayor suggested that the City Manager and Mr. Rothwell meet. Mr. Rothwell indicated that his goal is not to waste Council's time either and he is happy to meet with Toby Ross and review the issues. He pointed out that he has been in the process for three and a half years and had a staff recommendation that was acceptable to the applicants and a Planning Commission recommendation that was 95% there. Roger Harlan added that UPCM's letter of May 22, 1997 was so far apart from Council's position, that Ms. Kerr's point is well taken. Personally, he did not feel he would change his mind and noted that he was taken back with the short amount of time demanded for a response. Mr. Rothwell pointed out that the last communication from the City required his response by June 1 and he understood that June 1 was an critical deadline date. Paul Sincock believed there are two or three alternatives that he has already communicated with the City Manager that he would like explored and a little more discussion is necessary. Chuck Klingenstein supported a meeting with the City Manager and it would be beneficial for him to understand the motivations behind the letter and determine if there is something that can be mediated. Toby Ross suggested a meeting with Mr. Rothwell to assess that and he will report if any additional meetings would be appropriate.

3. **LMC amendments/appeals process.** City Attorney Jodi Hoffman explained that Council has a recommendation before them on the LMC amendments which Mark Harrington will discuss and a protected memo outlining a history of the appeals process and a large range of options. Mark Harrington pointed out that this is hopefully the last quick fix to the current LMC before the rewrite. There are three major components, including the conditional use permit process. The public comment section was burdensome and contrary to state law and it is recommended to delete it. Other clean-up amendments of the section and the number of plans required were discussed. With regard to Section 1.13, Mr. Sincock asked for clarification on the conditions the Community Development Department can impose. Mr. Harrington explained that there are several new sections that provides CDD administrative approvals but there are specific standards of review, and these conditions would not be in addition to those specified. Mr. Sincock asked how one would know that this referred to other conditions that were objectively set forth in the Code. Mr. Harrington answered that it will be clear in the rewrite of the LMC; it is the intent to have each zone section self-contained. Using the word "diligently" was discussed and Mark Harrington explained that it is not the intent to delay an applicant and the alternative would be a designated time frame. Ms. Kerr pointed out that the title report should indicate that it's in the applicant's name or there is authorization for an agent. Mr. Harrington felt it was covered in another section but would clarify this. There was discussion about consistently using the term, "home owners association" and notifying condominium associations. Shauna Kerr pointed out language that if there is an approval, a permit will be granted, and brought up the circumstance of issuance of a permit and subsequently having an appeal filed. Mark Harrington responded that the appeal section covers this issue and Jodi Hoffman noted that if there was a building permit issued and an appeal filed, there would be a stop order. In response to a question from Ms. Kerr, Mr. Harrington explained that an applicant receives notice from the Planning Department when a submittal is complete. The wording, "substantial completion" was explained and provisions under the Uniform Building Code were discussed.

Mark Harrington pointed out that the noticing requirements are simplified in the noticing matrix. Second home owners complained that ten days was not sufficient, and in many cases, the noticing has been increased to 14 days. He continued that Section 3 amendments reflect requests for amendments resulting from the Sweeney Town Bridge Appeal. He noted that there must be a comprehensive statement of the basis of the appeal; the 30 day requirement for the Council call-up has been removed. People who received original notice of an application will receive mailed notice if the project is appealed and there was discussion about the appearance of inviting public input in a quasi-judicial matter. Mark Harrington explained finality of action being adopting written findings; Mr. Sincock suggested adding execution by the Mayor. The Assistant City Attorney added that reconsiderations are not limited by a duration of final action. There is mention of special meetings to ensure circumventing standard meeting procedures; there has to be the minimal number of Council members present at the original meeting at the reconsideration. Jodi Hoffman explained that the draft intends that Council can consider a reconsideration from the time of a decision up to the entry of the findings and another ten days.

Shauna Kerr emphasized that she wanted to have the findings completed within a defined period of time, because finality of action could be delayed by failure to adopt and execute the findings by the presiding officer. Mark Harrington explained that the Planning Commission discussed this but it didn't want to be tied to a specific deadline as there hasn't been a problem so far. Jodi Hoffman noted the full workload of staff, often appeals are unexpected, and staff would have to be directed what to push aside to meet a 15 day deadline, for example. She would expect that Council would direct staff to get them completed in a timely fashion. Paul Sincock also felt that a time limit should be set. Ms. Kerr added that findings are composed from the best recollections of what occurred and the sooner they are reduced to writing, the more accurately they will reflect occurrences. This may be the type of project that may have to come to the top of the priority list, pushing something else aside. Ms. Hoffman questioned what the consequences would be if staff missed the deadline; she noted that missing a deadline might undermine a decision by Council and the courts do not require this process. Mr. Harrington suggested adding "reasonableness" language so that if an applicant feels mistreated, this issue could be raised. He added that the Sandridge Heights findings were delayed because the applicants' lawyer was on vacation, so there may be other circumstances other than staff delay. Ms. Kerr clarified her position as some aspect of a project is likely to be stayed pending the final outcome of the appeal. She felt that the legal staff's position of finality of action when the findings are adopted as opposed to a decision at the appeal hearing was confusing enough for applicants. Mr. Sincock recommended 15 working days as opposed to 15 calendar days. Ms. Hoffman indicated the potential delay of the findings by the petitioner and Ms. Kerr suggested setting a time frame for a response. Chuck Klingenstein expressed concern about imposing time constraints that may affect the City as there is no control over the other party. Ms. Kerr interjected that the Council adopts the findings and they are sent out to the appellant(s) as a courtesy and they have no ability to object to the Council's findings. She added that there is no mention of this in the ordinance. Jodi Hoffman agreed and explained that it is the intent that the findings are agreed upon, which may result in a better project. She felt it good practice to complete the findings as soon as possible, schedule on the next available agenda, and didn't feel this practice needs to be changed. Paul Sincock reiterated that he would like to see a specified time and allow for exceptions. Mr. Ross pointed out that there should be consideration in the event there is no meeting scheduled; there was discussion of 15 days which wouldn't work for the Planning Commission. Ms. Kerr pointed out that the Board of Adjustment meets when there is pending business, and findings would have to be adopted at the next scheduled meeting. Mr. Harrington explained that this Board could adopt findings the same meeting day.

Through illustrations, Ms. Hoffman explained that Council business falls into two categories, original jurisdiction and appellate jurisdiction. With regard to appeals, matters that fall within original jurisdiction drives a certain standard of review or *de novo* where new evidence is taken. Examples of original jurisdiction include original plats, vacations of rights-of-way, encroachments, call-ups, and height exceptions. The other types of appellate jurisdiction include appeals of conditional use permits which are wide in range, Historic District Commission actions including determination of significance and certificates of appropriateness for demolition, and any

other Planning Commission action that involves interpretation of the Code. There is a range of standards of review for appeals including *de novo*, which is a new review of the matter and new testimony is considered, or the Council could use an error of law or arbitrary and capricious standard where no new testimony is considered. The difference with the two is that each one is harder to reverse. The arbitrary and capricious standard is the one desired from the court by the City. Ms. Hoffman stated that the Town Lift appeal was a hybrid as it was an appeal of an MPD and but

Rick Lewis, Community Development Director, emphasized that the public process may identify community issues which may easily extend LMC adoption. Pat Putt emphasized that staff knows the issues of the LMC where a consultant would have to be educated. Paul Sincok noted that a professional editor may be worthwhile. Ms. Hoffman explained that staff will present basic principles to the Council on July 17. Mark Harrington reiterated that whether a consultant is involved or not, the public process will still have to unfold.

Ms. Hoffman explained that the amendments to the LMC before Council clarifies

discussed the 2% increase in compensation for Council and Ms. Kerr asked if there has been additional input from employees on the pay plan. Bob Stephens explained that there have been some procedural questions, but four meetings have been held with the employees on the pay plan and there has been notice of the budget work sessions.

Mr. Bakaly discussed some changes to the resolution recommended for adoption including an increase for streets maintenance and building maintenance so the funds will not be over budget this year. There is an adjustment to the Municipal Building Authority budget, shifting more funds this year for the construction of the new Public Works building; it is not increased funding for the two year period.

With regard to the Capital Budget, Mr. Bakaly understood the Council desired to increase the Sandridge parking lot project by \$90,000, which would be appropriated from the Main Street parking project and parking in-lieu fees. He explained that parking revenues will be allocated toward the operating expenses of the program and those have not been slated for capital projects. He added that \$313,353 will be allocated to the affordable housing capital improvement project. In accordance with state mandates, there will be a transfer of \$1.5 million from the General Fund to capital improvement projects; \$500,000 of which will go toward open space acquisition.

With regard to the operating budget, \$70,000 is budgeted for year-round service. Jerry Gibbs explained that this is a proposal for service in the shoulder season and the specifics will come back to Council. There was discussion regarding full-time bus drivers. Mr. Bakaly explained that the Domestic Peace Task Force requested an additional \$4,000 to the \$16,000 grant amount and the City agreed it would provide the additional funds if the County would match it, which it did. This increased the City's donation to \$20,000 and because the grant amount is driven by a percentage of the General Fund budget, the grant would increase to \$23,000 next year. Because there is no guarantee of the County's participation next year, Mr. Sincock suggested that the base grant be \$16,000 which can be proportionately increased by the General Fund percentage, and in addition to that, the City will match what the County contributes. The City Manager suggested budgeting the full amount and having the grant contract clearly explain the allocation. Ms. Kerr felt that the matching strategy provides the Domestic Peace Task Force some leverage in its request to the County. Mr. Harlan requested information on how many Park City residents have been assisted by the program. Mr. Bakaly explained the decrease in youth carry-forward funds in FY 1997-98 and an error in the Fitness Center's revenues.

5. Review of regular meeting. Planner Kurt von Puttkammer explained the requested plat amendment for Thaynes Canyon. This subdivision was heavily debated several years ago and there was a square footage restriction of 3,500 square feet. The owner is requesting building a three car garage meeting the building pad and height limits, but not conforming with the square footage requirements. The owner has discussed this with his neighbors who will sign off on the plans before

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June 5, 1997

a certificate of occupancy is issued. Mr. von Puttkammer added that he has been working with the applicant since last September and the applicant has been diligent in proceeding with the application.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 5, 1997**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 5, 1997. Members in attendance were Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Kurt von Puttkammer, Planner; Tom Bakaly, Finance Manager; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Olympics - Roger Harlan reported that he read an Olympic publication and noted that Park City was not identified, although 45% of the games will be here, and all the other venues have been mentioned. The Mayor reported that he will be unable to attend the Olympic Organizing meeting next week, and urged Council members to attend.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 15, 1997

The Mayor asked if there are any omissions or corrections. Hearing none, he requested a motion to approve. Paul Sincock, "I so move". Roger Harlan seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

V PUBLIC HEARING

1. An Ordinance approving the plat amendment to the Thaynes Canyon Subdivision #8 located in the northeast quarter of Section 8, Township 2 south, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - See work session notes and staff report. Planner Kurt von Puttkammer explained that the request is to amend the plat to increase the allowable square footage from 3,500 square feet to 4,000 square feet to add a garage to an existing house. With no further questions or comments, the public hearing was closed.

2. Amendments to the Land Management Code amending Chapter 1, Section 13 to clarify the conditional use review process; Chapter 1, Section 15 to change the minimum notice requirements; Chapter 1, Section 16 to clarify the finality of action and appeals review process; and Chapter 5 to clarify and update the duties and procedures of the Board of Adjustment - See work session comments and staff report. With no questions or comments from the Council or public, the public hearing was closed.

3. Resolution adopting a revised budget for FY 1996-97, a tentative budget for FY 1997-98 and a tentative plan for FY 1998-99 for Park City Municipal and its related agencies and tentatively adopting a pay plan for Park City Municipal Corporation exempt and non-exempt employees for FY 1997-99 - Tom Bakaly explained that Council will not be adopting a pay plan this evening, but rather considering an ordinance next week addressing the pay plan. See work session notes and staff report. With no questions or comments, the Mayor requested a motion to continue the public hearing to June 12. Chuck Klingenstein, "I so move". Roger Harlan seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

VI CONSENT AGENDA

Chuck Klingenstein, "I move approval of the Consent Agenda for Items 1 and 2 as outlined in the staff reports". Shauna Kerr seconded.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

1. Resolution declaring June 14, 1997 as Arbor Day in Park City, Utah - See attached resolution.
2. An Ordinance approving the plat amendment to the Thaynes Canyon Subdivision #8 located in the northeast quarter of Section 8, Township 2 south, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - See staff report, work session notes, and public hearing commentary.

VII NEW BUSINESS

Resolution adopting a revised budget for FY 1996-97, a tentative budget for FY 1997-98 and a tentative plan for FY 1998-99 for Park City Municipal and its related agencies and tentatively adopting a pay plan for Park City Municipal Corporation exempt and non-exempt employees for FY 1997-99 - See staff report, work session notes, and public hearing commentary. Shauna Kerr, "I move approval". Chuck Klingenstein seconded. Motion carried.

Roger Harlan	Aye
Hugh Daniels	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

VIII ADJOURNMENT

With no further business, the meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "I move to close the meeting to discuss property acquisition". Paul Sincock seconded. Motion carried unanimously.

Roger Harlan	Aye
Hugh Daniels	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

The meeting opened at approximately 3:25 p.m.

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City Council Meeting
June 5, 1997

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The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



Janet M. Scott, City Recorder

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: May 30, 1997 (June 5 meeting)
DEPARTMENT: Planning Department
AUTHOR: Kurt von Puttkammer, AIA
TITLE: 77 Thaynes Canyon Drive
TYPE OF ITEM: Consent

SUMMARY RECOMMENDATIONS:

Adopt the ordinance approving a modification to the Thaynes Canyon Subdivision #8 Plat, thereby, creating the First Amended Thaynes Canyon Subdivision #8.

DESCRIPTION:

A. TOPIC

PROJECT STATISTICS

Applicant: Robert Raymond
Location: 77 Thaynes Canyon Drive
Proposal: Plat amendment
Zoning: Single Family Residential
Adjacent Land Uses: Single Family Residential
Project Planner: Kurt von Puttkammer, AIA

B. BACKGROUND

The proposed project consists of a plat amendment to the "notes" for Thaynes Canyon Subdivision No. 8. The applicant has requested the maximum house size be increased from 3,500 square feet to 4,100 square feet (Exhibit "C").

On July 16, 1992, the City Council approved the Thaynes Canyon Subdivision No. 8 with several conditions. The original maximum house size was 4,000 square feet with no more than 1,200 of the maximum 4,000 square feet above the main level. Through the Council discussion period, the maximum house size was decreased to 3,500 square feet. Much of the discussion during the Council review process focused on golf course issues and bike path access, not on maximum house size.

On April 9, 1997, the Planning Commission continued this project until the issues could be resolved between the applicant and the concerned neighbors. Prior to the April 9 meeting, the Planning Department has received an agreement between the applicant and two of the concerned neighbors describing conditions the applicant must complete in order for the neighbors to support the project (Exhibit "B").

In addition, the Planning Department has received letters of support from the homeowners at 75 Thaynes Canyon Drive and 74 Thaynes Canyon Drive, as well as a consent letter from the president of the Thaynes Canyon Subdivision #1.

C. ANALYSIS

The Thaynes Canyon area consists of eight subdivisions of varying sizes, from 2 lots to 96 lots (Exhibit "D"). Only Thaynes Canyon Subdivision #5, consisting of 4 lots, is restricted to a maximum house size of 4,000 square feet. All other Thaynes Canyon subdivisions, except #5 and #8, have no restriction on maximum house size.

The applicant's request is limited to increasing the maximum house size, but does not include modifying the building limits delineation from the approved plat setbacks or the building height limitations.

D. PLANNING COMMISSION ACTION

On May 14, 1997, the Planning Commission held a public hearing on this item. There was no public comment at the hearing. The Planning Commission voted to forward a positive recommendation to the City Council with findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

Proper legal notice was published and notice was mailed to all property owners within 300' and to all property owners within the original Park City Survey. Public input was described in the background section of this report.

ALTERNATES

1. Approve the proposed amendment, thereby, allowing the increase to the maximum square footage allowed by the plat.
2. Deny the plat amendment request thereby retaining the original restriction.
3. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:

This proposed amendment will result in the potential for additional square footage to the two houses in this subdivision and could potentially affect the views of the surrounding neighbors. The applicant agrees to specific conditions of approval related to future building designs to mitigate the potential adverse impacts.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the owner will be limited to a house size of 3,500 square feet. The applicant's current building design (not yet approved) would need to be modified to comply with the house size limitations.

RECOMMENDATION:

The Staff recommends that the City Council approve the proposed plat amendment based on the following:

Findings of Fact

1. The plat amendment affects lots #1 and #2 of the Thaynes Canyon Subdivision No. 8.
2. The proposed plat amendment increases the maximum house size from 3,500 square feet to 4,100 square feet.
3. Significant public input in regards to visual impact has been received at the public hearing and the applicant has agreed to specific conditions to mitigate any adverse impact to the surrounding neighbors.
4. The new plat shall be known as the First Amended Thaynes Canyon Subdivision #8 (Exhibit "A").
5. The applicant has stipulated to the conditions of approval.

Conclusions of Law:

1. There is good cause for the amendment in that the proposed maximum house size will result in a size compatible with the surrounding houses, and any visual impacts will be mitigated through additional landscaping.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The proposed roof ridge line will be sloped downward at the same slope as the existing roof on the East facing portion of the main structure.
4. Windows on the West side of the new garage shall be shuttered to restrict light emission during hours of darkness.

5. Additional landscaping shall be provided behind the new structure and installed within 30 days of completion of the new garage and no later than the summer of 1997. Letters of consent will be required from the two neighbors identified in exhibit "B" prior to Certificate of Occupancy is issued.
6. This approval is valid one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval shall be considered null and void.

REQUESTED COUNCIL ACTION:

The Staff recommends that the City Council approve the proposed plat amendment.

EXHIBITS:

Exhibit A- Proposed plat map

Exhibit B- Agreement between applicant and concerned neighbors

Exhibit C- Proposed written amendment

Exhibit D- Location map

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EXHIBIT "B"

April 9, 1997

Park City Planning Department
445 Marsac Avenue, P.O. Box 1480
Park City, Utah

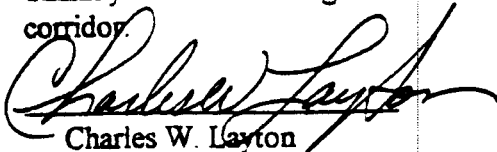
Re: Request to increase maximum house size

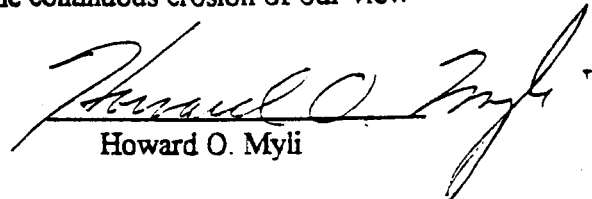
Thank you for the notification of Mr. Raymond's request for permission to make modifications to his home at 77 Thaynes Canyon Drive that exceed the maximum size agreed on in July 1992. This request would increase maximum house size by over 17% and maximum garage size by 50%. If approved as requested, it would further reduce our remaining view corridor by approximately 60%.

In the event this project is approved, it is requested that the following conditions be imposed:

1. The north half of the new garage ridgeline be slanted downward at the same pitch as the east-facing portion of the main structure, as portrayed by Mr. Raymond's revised drawings.
2. Windows on the fairway (west) side of the new garage and the converted previous garage be shuttered to restrict light emission during hours of darkness.
3. The backyard area behind the new structure be screened from view by mature landscaping with evergreens of minimum 7-8 foot height. Such landscaping must be suitable to cross-fairway neighbors, exercising reasonable judgment and fairness, and be in place within 30 days of completion of the new garage and no later than the summer of 1997.

Thank you for addressing our concern about the continuous erosion of our view corridor.


Charles W. Layton


Howard O. Myli

I have read the above conditions and agree to conform to them.

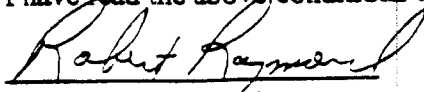

Robert Raymond

EXHIBIT "C" :

EXISTING

MAXIMUM HOUSE SIZE IN THAYNES CANYON SUBDIVISION
NO. 8 SHALL BE 3500 SQUARE FEET PLUS 600 SQUARE
FEET GARAGE ALLOWANCE. NO MORE THAN 1200 SQUARE
FEET OF THE MAXIMUM 3500 SQUARE FEET SHALL BE
ABOVE THE MAIN LEVEL AND THE ROOF LINE SHALL COINCIDE
WITH THAT 1200 SQUARE FEET SO THAT NO MORE THAN
APPROXIMATELY ONE-HALF OF THE ROOF LINE SHALL BE
AT THE MAXIMUM HEIGHT AND THE REMAINDER SHALL BE
SIGNIFICANTLY BELOW THE MAXIMUM AND COMMENSURATE
WITH THE SINGLE FAMILY DWELLING.

Proposed

2. MAXIMUM HOUSE SIZE IN THAYNES CANYON SUBDIVISION
NO. 8 SHALL BE 4100 SQUARE FEET PLUS 900 SQUARE
FEET GARAGE ALLOWANCE. NO MORE THAN 1200 SQUARE
FEET OF THE MAXIMUM 4100 SQUARE FEET SHALL BE
ABOVE THE MAIN LEVEL AND THE ROOF LINE SHALL COINCIDE
WITH THAT 1200 SQUARE FEET SO THAT NO MORE THAN
APPROXIMATELY ONE-HALF OF THE ROOF LINE SHALL BE
AT THE MAXIMUM HEIGHT AND THE REMAINDER SHALL BE
SIGNIFICANTLY BELOW THE MAXIMUM AND COMMENSURATE
WITH THE SINGLE FAMILY DWELLING.

77 Thaynes Canyon Dr.

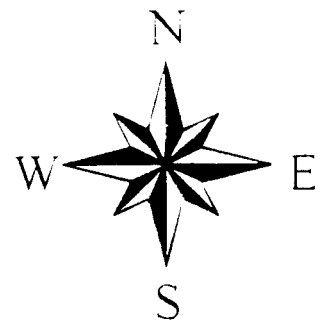


EXHIBIT "D"

**AN ORDINANCE APPROVING THE PLAT AMENDMENT
TO THE THAYNES CANYON SUBDIVISION #8
LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
PARK CITY, UTAH**

WHEREAS, the owner, Robert Raymond, of the property at 77 Thaynes Canyon Drive, located in the Northeast Quarter of Section 8, Township 2 South, Range 4 East, Park City, Utah, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on May 14, 1997 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 5, 1997 the City Council reviewed the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT.

1. The plat amendment affects lots #1 and #2 of the Thaynes Canyon Subdivision No. 8.
2. The proposed plat amendment increases the maximum house size from 3,500 square feet to 4,100 square feet.
3. Significant public input in regards to visual impact has been received at the public hearing and the applicant has agreed to specific conditions to mitigate any adverse impact to the surrounding neighbors.
4. The new plat shall be known as the First Amended Thaynes Canyon Subdivision #8 (Exhibit "A").
5. The applicant has stipulated to the conditions of approval (Exhibit "B").

SECTION 2. CONCLUSIONS OF LAW.

1. There is good cause for the amendment in that the proposed maximum house size will result in a size compatible with the surrounding houses, and any visual impacts will be mitigated through additional landscaping.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 3. PLAT APPROVAL.

The plat amendment known as the First Amended Thaynes Canyon Subdivision #8, is hereby approved as shown on Exhibit A, with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The proposed roof ridge line will be sloped downward at the same slope as the existing roof on the East facing portion of the main structure.
4. Windows on the West side of the new garage shall be shuttered to restrict light emission during hours of darkness.
5. Additional landscaping shall be provided behind the new structure and installed within 30 days of completion of the new garage and no later than the summer of 1997. Letters of consent will be required from the two neighbors identified in Exhibit "B" prior to Certificate of Occupancy is issued.
6. This approval is valid one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval shall be considered null and void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5 th day of June, 1997.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

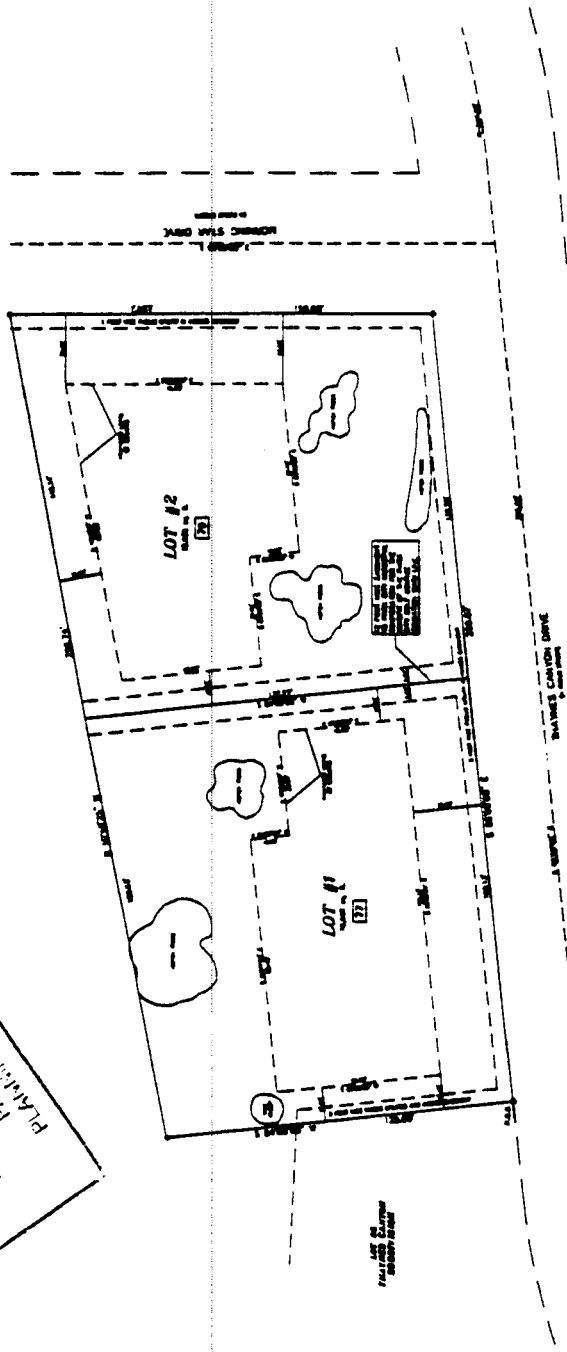
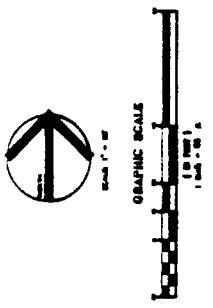
Mark D. Harrington, Assistant City Attorney

M:\CDD\KVP\CC\77THAYRE.ORD

FIRST AMENDED
THAYNES CANYON SUBDIVISION NO. 8

A SUBDIVISION LOCATED IN THE UNINCORPORATED AREA OF SECTION 4,
TOWNSHIP 3 NORTH, RANGE 12 EAST, 10TH PRINCIPAL MERIDIAN,
SOUTH DAKOTA.

RECEIVED
PLANNING DEPT.
MAY 27 1971



1. THE CITY ENGINEER HAS REVIEWED THE PLANS AND FINDS THAT THEY COMPLY WITH THE CITY ENGINEERING DEPARTMENT'S REQUIREMENTS FOR A SUBDIVISION OF LAND.

2. THE CITY ENGINEER HAS REVIEWED THE PLANS AND FINDS THAT THEY COMPLY WITH THE CITY ENGINEERING DEPARTMENT'S REQUIREMENTS FOR A SUBDIVISION OF LAND.

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4. THE CITY ENGINEER HAS REVIEWED THE PLANS AND FINDS THAT THEY COMPLY WITH THE CITY ENGINEERING DEPARTMENT'S REQUIREMENTS FOR A SUBDIVISION OF LAND.

CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF CITY COUNCIL ON _____ DAY OF _____ AT _____ THIS _____ RECORD OF SUBMIT WAS APPROVED DATE _____ CITY ENGINEER _____	CITY ENGINEER APPROVED AND ACCEPTED BY THE CITY ENGINEER ON _____ DAY OF _____ AT _____ THIS _____ RECORD OF SUBMIT WAS APPROVED DATE _____ CITY ENGINEER _____	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON _____ DAY OF _____ AT _____ THIS _____ RECORD OF SUBMIT WAS APPROVED DATE _____ CITY PLANNING COMMISSION CHAIRMAN _____	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 19____ CITY ATTORNEY _____	RECORDED STATE OF _____ COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF DATE _____ COUNTY RECORDER _____	THE JACK JOHNSON COMPANY THE JACK JOHNSON COMPANY 1000 14TH STREET, SUITE 100 SIOUX FALLS, S.D. 57104 TEL. 335-1111
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EXHIBIT "B"

April 9, 1997

Park City Planning Department
445 Marsac Avenue, P.O. Box 1480
Park City, Utah

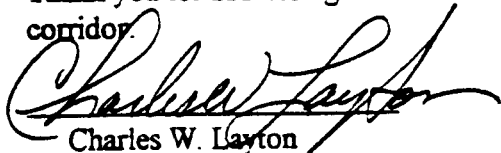
Re: Request to increase maximum house size

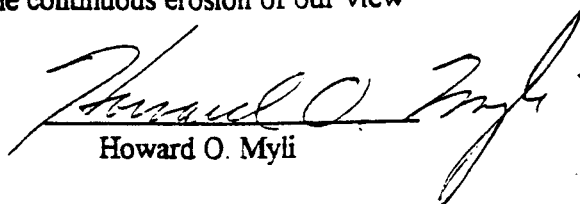
Thank you for the notification of Mr. Raymond's request for permission to make modifications to his home at 77 Thaynes Canyon Drive that exceed the maximum size agreed on in July 1992. This request would increase maximum house size by over 17% and maximum garage size by 50%. If approved as requested, it would further reduce our remaining view corridor by approximately 60%.

In the event this project is approved, it is requested that the following conditions be imposed:

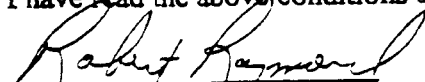
1. The north half of the new garage ridgeline be slanted downward at the same pitch as the east-facing portion of the main structure, as portrayed by Mr. Raymond's revised drawings.
2. Windows on the fairway (west) side of the new garage and the converted previous garage be shuttered to restrict light emission during hours of darkness.
3. The backyard area behind the new structure be screened from view by mature landscaping with evergreens of minimum 7-8 foot height. Such landscaping must be suitable to cross-fairway neighbors, exercising reasonable judgment and fairness, and be in place within 30 days of completion of the new garage and no later than the summer of 1997.

Thank you for addressing our concern about the continuous erosion of our view corridor.


Charles W. Layton


Howard O. Myli

I have read the above conditions and agree to conform to them.


Robert Raymond



CITY COUNCIL REPORT

DATE: June 5, 1997

DEPARTMENT: Legal Department

AUTHOR: Mark Harrington

TITLE: Proposed Amendments to the Land Management Code ("LMC")

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a work session and public hearing on the proposed ordinance and provide staff with direction on the appeals process.

DESCRIPTION:

A. Topic.

The Park City Land Management Code ("LMC").

B. Proposal.

Recommend amendments to the LMC which clarify appeals process, statutory noticing requirements, and the Board of Adjustment's powers.

C. Background and Analysis.

The Planning Commission reviewed the proposed ordinance changes in work session at its November 20, 1996 meeting and forwarded a **positive recommendation** on December 18, 1996 after a public hearing. Staff delayed bringing the amendments to Council because: 1) there was an appeal pending; and 2) there was state legislation pending this spring that changed some of the noticing requirements. Because these issues have been a Council

priority, they appear on the Council agenda ahead of staffs' attempts to bring comprehensive LMC revisions to the public discourse. The Staff has scheduled the broader issue of comprehensive LMC revisions for a joint Planning Commission and City Council work session in July.

A separate, protected memo shall be distributed to Council specifically addressing the Council's options to further revise the appeals process. The memo is "protected" because it includes prior attorney-client correspondence as attachments, which the Council has not yet waived its privilege to. If Council wishes, it may move to "release" the protected memo for public distribution at the meeting.

1. Appeals Process.

Largely as a result of the ski bridge decision, the City Council directed staff to amend LMC § 1.16 to codify the City's practice of adopting formal findings and conclusions of law for all quasi-judicial matters. The Council also asked staff to establish specific time lines so that to the extent the action occurs over two or more meetings, the process does not drag out too long. Additionally, language clarifying the "finality" of actions and the availability of "reconsideration" was asked for.

The proposed ordinance addresses all of the Council's requests except for time lines. The Planning Commission discussed this matter and recommended simply to codify the existing practice and specifically requested no new deadlines. The Commission felt the existing practice works fine and leaves them and the Council the necessary flexibility to handle a variety of appellate/quasi-judicial matters. Accordingly, no specific time frames are included in this draft.

The proposed ordinance does not yet incorporate or address concerns raised by Council members after the Sandridge appeal. The Planning Commission had already forwarded a positive recommendation on this draft prior to the Sandridge appeal. In essence, Council has requested an opportunity to engage in an informed discussion regarding a wide variety of options with regard to the manner by which we process appeals. The protected memo prepared by legal staff is an attempt to provide the Council with background to inform that discussion. Should the Council desire to codify any further policy changes regarding the appeals process after Thursdays' discussion, staff will prepare those amendments in ordinance form and bring them back to the Council as soon as practicable.

2. Noticing.

The proposed amendments clean-up LMC § 1.13 (conditional use permits) and 1.15 (noticing) to conform with the noticing requirements prescribed by state statute. The noticing was generally changed from 10 days to either 7 or 14 days, depending on the action, to work better with the new publication schedule of the Park Record. Staff also revised the notice matrix to reflect the new 300 feet noticing for plat amendments and to assist staff and residents in determining what the necessary notice is for each particular

type of action. The amendments remove some conflicting and/or redundant notice requirements and make some stylistic and form corrections for conditional use permits in LMC § 1.13. Staff requests that the Council review these sections of the Code and suggest any additional changes that it would like to recommend.

3. **Board of Adjustment.**

The Planning Commission and Staff recommend amending Chapter 5 of the LMC by removing language that is inconsistent with Board's power as defined by state enabling legislation (i.e. removing phrases like "the Board shall exercise broad discretion"). The amendments essentially cut and paste portions of the state code into the LMC. The amendments also establish standards for special exceptions, as required by state law. (See 5.6(d)) These standards were drafted from Salt Lake City's experience, and modified with input from Planning Staff and the Planning Commission.

D. Alternatives

1. **Hold a work session and public hearing on the Ordinance.** This is the recommended action.

2. **Modify the Ordinance.** If after public input and discussion during the work session, the Council desires further changes, it should direct staff accordingly.

E. Recommendation

Conduct a public hearing and work session on the ordinance.

ORDINANCE 97-____

AN ORDINANCE AMENDING CHAPTER 1, SECTION 13 OF THE LAND MANAGEMENT CODE TO CLARIFY THE CONDITIONAL USE REVIEW PROCESS; AMENDING CHAPTER 1, SECTION 15 OF THE LAND MANAGEMENT CODE TO CHANGE MINIMUM NOTICE REQUIREMENTS; AMENDING CHAPTER 1, SECTION 16 OF THE LAND MANAGEMENT CODE TO CLARIFY THE FINALITY OF ACTION AND APPEALS REVIEW PROCESS;; AND AMENDING CHAPTER 5 OF THE LAND MANAGEMENT CODE TO CLARIFY AND UPDATE THE DUTIES AND PROCEDURES OF THE BOARD OF ADJUSTMENT

WHEREAS, the City Council has determined that a clearer, more accurate description of the conditional use review process will benefit Park City; and

WHEREAS, the City Council has determined that a clearer, more accurate description of the notice requirements and finality of City action will benefit the residents of Park City; and

WHEREAS, the City Council has determined that Chapter 5 of the Land Management Code will clarify the duties and procedures of the board of adjustment; and

WHEREAS, Park City must comply with relevant state law; and

WHEREAS, the City Council has determined that the Board of Adjustment needs to make decisions based on proper standards and guidelines.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. Amendment. Section 1.13 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

1.13 CONDITIONAL USE REVIEW PROCESS. Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, resort lodging, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone, and, if properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, the traffic capacities of adjacent and feeder streets, the environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while

at the same time, preserving the neighborhood characters and assuring compatibility between the conditional uses, the uses on adjoining properties, and the City at large. The Community Development Department will review all proposed conditional uses and may impose conditions of approval to preserve Development of conditional uses will be subject to review by the Community Development Department, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district; and mitigating to mitigate potential adverse effects of the conditional use. Where the City and applicant cannot devise conditions that conditions to the use cannot be devised to satisfactorily mitigate the adverse effects of the conditional use, the City shall deny application for the conditional use permit shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed The City shall review all proposed conditional uses according to the following procedure, unless a subsequent provision of this Code specifically sets forth an administrative approval process, in which case that section shall control:

- (a) Pre-Application Conference. ~~A pre-application conference may be held~~ An applicant may request a pre-application conference with the Community Development Department to determine discuss the nature of the proposed conditional use and the general nature of conditions that the City might be imposed. At the pre-application conference, the Department and applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.
- (b) The Application. ~~A conditional use application shall be filed on a form prepared by the Community Development Department, and shall be supported and accompanied by the following information (seven sets are required)~~ An applicant shall file seven copies of a completed conditional use application and seven copies of the following information:
 - (1) a map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale;
 - (2) a map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale;
 - (3) the boundaries of the site, and any easements of record or known prescriptive easements;
 - (4) topography with contours shown at intervals of not more than five feet;
 - (5) vegetation type and location;
 - (6) soil type and load carrying capacity information;
 - (7) 100 year flood plain and high ground water areas, known spring and seep areas and ditches or canals;

- (8) all existing roads, fences, irrigation ditches, and drainage facilities;
- (9) location of public utility facilities and easements;
- (10) site plan of the proposed conditional use showing building locations;
- (11) proposed road locations and other circulation features;
- (12) proposed finish grade;
- (13) proposed drainage, drainage works, retaining walls, and erosion control plans;
- (14) proposed location of all site improvements such as plazas, tennis courts, pools, and similar improvements;
- (15) proposed easements for new utility services or relocated utility services;
- (16) proposed landscaping;
- (17) designations of proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;
- (18) proposed intersections with existing public streets;
- (19) general architectural concept drawings of proposed buildings;
- (20) lighting plans, if any;
- (21) signage plans, if any;
- (22) proposed location of a common satellite receiving station; and
- (23) other information as may be useful or necessary for the meaningful review of the project. ~~Additional information may be requested~~ **The Community Development Department may request additional information** at the pre-application conference ~~based on the nature of the project or the site.~~

(c) Written Statement. ~~A written statement shall be submitted~~ **An applicant shall submit a written statement** containing the following information:

- (1) a preliminary title report showing the title to the property, ~~and listing all the~~ encumbrances, covenants, easements, and other matters affecting the title, and a ~~the~~ legal description of the site;

- (2) copies of any covenants or easements ~~which are referred to~~ mentioned in the title report;
 - (3) a development schedule indicating phased development, if any, and the estimated completion date for the project;
 - (4) stamped and addressed envelopes for all property owners within three hundred (300) feet of ~~any boundary of the subject property of the perimeter of the site~~ with their current mailing addresses as shown from the most recently available county assessment rolls, ~~provided except that if the subject property is a condominium that the name and address of the registered agent for a condominium project homeowners association is sufficient in lieu of each owner;~~
 - (5) a general description of the project, ~~the prospective tenants or types of tenants of~~ occupants, whether condominium ownership, time share ownership, or nightly rental uses are proposed, and the proposed property management structure for timeshare or nightly rental;
 - (6) and other information that might be helpful to the Department in reviewing the proposed use.
- (d) Notice/Posting. Upon receipt of ~~the~~ a complete conditional use application and payment of all applicable fees, the Community Development Department shall ~~cause provide~~ notice ~~to be given~~ to the public in accordance with the provisions of Section 1.15 of the Code.
- ~~(e) Public Comment. The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the Community Development Department office during normal business hours. The notice shall provide a public comment period for not less than 15 days during which written comments may be submitted for staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the Department. All persons who have submitted written comments shall receive notice of the approval or denial of the application and the conditions imposed.~~
- (e) Department Action. Once ~~an application is received~~ the Community Development Department receives a complete application, the staff will work diligently to review the application as quickly as time and workload allows. ~~It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application.~~ The scale or complexity of a project or staff workload may necessitate a longer processing period. ~~In such cases, the staff will notify the applicant when an application is filed as to the~~

~~projected processing time frame.~~ The Community Development Department and other appropriate City departments or officials shall review the project and propose a conditional use permit encompassing all conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. ~~The conditional use permit shall be subject to a public hearing and shall be either approved, denied, or modified by the Planning Commission. The Planning Commission shall conduct a public hearing on the proposed conditional use permit and shall either approve, deny, or modify the permit. Upon Planning Commission approval, the City shall issue building permits. After action by the Commission has become final, building permits are to be issued as provided in the Building Code and this Code, unless otherwise conditioned.~~

If the Community Development Department has not acted on an application which it has ~~administrative authority to approve or has not indicated to the developer what aspects of the plan are not acceptable as proposed~~ within 45 working days after of the application's complete submission, the developer shall have the right of review by the Planning Commission. The developer may, ~~at any time in within~~ 10 days of completion of the administrative review process, request that the Planning Commission review of the Community Development Department's decision and/or specific conditions of approval by the Commission.

- (f) Standards for Review. ~~No conditional use permit shall be issued.~~ The City shall not issue a conditional use permit unless the Community Development Department finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the Park City Comprehensive General Plan, as amended; and that the effects of any differences in use or scale have been mitigated through careful planning. The Department shall review each of the following items when considering a conditional use permit:

- (1) size and location of the site;
- (2) traffic considerations including capacity of the existing streets in the area;
- (3) utility capacity;
- (4) emergency vehicle access;
- (5) location and amount of off-street parking;
- (6) internal circulation system;
- (7) fencing, screening, and landscaping to separate the use from adjoining uses;
- (8) building mass, bulk, and orientation, and the location of buildings on the site;

including orientation to buildings on adjoining lots;

- (9) usable open space;
 - (10) signage and lighting;
 - (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
 - (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site;
 - (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;
 - (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;
- (g) Architectural Review. All conditional uses are subject to architectural review by the Community Development Department subject to a right of review by the Planning Commission for all zones, except those in the Historic District, where architectural review shall be by the Historic District Commission. The Historic District Commission shall conduct an architectural review of all proposed conditional uses in the Historic District. Within the Historic District, Such proposed conditional uses and permitted uses shall be subject to must comply with the Historic District Commission architectural guidelines promulgated by the Historic District Commission and adopted by the Council by resolution as a provided in a supplement to this Code. The Community Development Department shall conduct an architectural review of all proposed conditional uses in the zones outside the Historic District. Outside the Historic District, Such proposed conditional uses are subject to must comply with the General Architectural Guidelines adopted as a part of this Code in Chapter 9. Compliance with the architectural criteria is a condition of approval of all conditional use permits. The Planning Commission shall review all architectural review appeals.
- (h) Sensitive Lands Review. If a proposed conditional use approval is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions.
- (i) Plat Approval. When a conditional use requires the recording of a condominium record of survey, planned unit development, or subdivision plat, the final plat shall be taken to an applicant shall take the final plat to the Planning Commission for plat approval only. The scope of review for plat approval is limited as set forth below in Section 1.24(e). Plat approval may be granted The Planning Commission may forward a recommendation to the City Council at the same time as the conditional use approval.

- (j) Transferability. A conditional use permit is transferrable with the title to the underlying property so that ~~an approved project may be conveyed or assigned by the applicant to others~~ an applicant may convey or assign an approved project without losing the approval. ~~The permit cannot be transferred~~ The applicant cannot transfer the permit off the site on which the approval was granted.
- (k) Expiration. Conditional use permits shall expire one year from the date of the Planning Commission approval ~~of the conditional use~~, unless substantial construction activity has commenced on the project. Substantial construction activity ~~is~~ shall be evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). ~~Permits may be issued in stages, but~~ The issuance of a footing and foundation permit is not evidence of substantial construction activity, unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are paid for within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction activity ~~work for purposes of extending a conditional use permit.~~ Whether construction has commenced or not, the Planning Commission may grant an extension of the conditional use permits for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction, such as inclement weather, delays in financing, or similar factors.
- (l) Appeals. Appeals of approval or denial of conditional use permits shall be to the City Council pursuant to Section 1.16 herein.

SECTION II. Amendment. Chapter 1, Section 15 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

~~1.15. NOTICE. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission concerning amendments to the comprehensive plan, zoning and zone changes, substantive amendments to the Land Management Code, preliminary and final subdivision and condominium plat approvals, master planned development approvals, certificates of appropriateness for demolitions, appeals and variances shall be provided in accordance with this section. Notice of amendments to the comprehensive plan and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the date set for hearing. All notice required under this section shall be given as follows:~~

1.15 NOTICE. Notice of amendments to the general plan, substantive amendments to the Land Management Code and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, amendment of a record of survey, or of vacating or changing a street, when required, shall be given in accordance with State law. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission shall be provided in accordance with this section and the attached Notice Matrix. All notice required by this section, unless otherwise specified in this Code, shall be given at least seven (7) days before the date set for hearing and shall be given as follows:¹

- (a) Posted Notice. The Community Development Department shall post notice on the property affected by the application and in at least three other public places within the City, stating that an application concerning the ~~development of that~~ subject property has been filed, and stating that more detailed information concerning the application is available from the Community Development Department.
- (b) Published Notice. Published notice shall be given by publication in a newspaper having general circulation in Park City. Published notice shall describe the action state than an application has been filed affecting the subject property, or than an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter.
- (c) Courtesy Notice. As a courtesy to property owners, the applicant shall provide the Community Development Department with stamped and pre-addressed envelopes for

¹Consult the "Notice Matrix" at the end of this section for the various notice requirements.

each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the ~~subject property subject to the application~~, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit county tax assessment rolls. ~~except if the subject property is a condominium, that the name and address of the registered agent for a condominium project homeowner's association~~ is sufficient in lieu of the address for each unit owner. The courtesy notice shall state that an application has been filed affecting the subject property, ~~or that an appeal or call-up has been made, the nature of the application or action,~~ and the time, place and date set for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any board or commission.

Proof that notice was given pursuant to either subsection (a) or (b), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper

(d) Homeowners Associations Registration and Notification:

- (1) Registration. Homeowners associations desiring notice of requests for building permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50). This registration shall be due by January 31 of each year.

The registration shall consist of the name(s), address including post office box, and telephone numbers of at least three (3) authorized representatives of the homeowners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Any change(s) in the above information shall be forwarded in writing to the Building Department within ten (10) days of the change.

- (2) Notice. Beginning January 31, 1990 prior to application for a building permit for all new construction or major alterations, additions or repairs, variances, conditional use permits or expansion of non-conforming uses in subdivision or condominium developments registered with the City, the applicant shall file with the City evidence of notification to the appropriate registered homeowners association. Acceptable evidence of notification shall be the following: (a) properly executed approval from the homeowners associations; (b) a signed return receipt from a certified letter posted to the proper association representative; and/or (c) the properly executed notice form, as approved by the City.
- (3) No Notice Required. Minor alterations, additions or repairs, as defined by the Land Management Code Section 12.3(b), shall not require notice to the

homeowners association prior to permit issuance.

Minor changes to projects after permit issuance shall not require further notice to the homeowners association.

Associations not registered with the City will not be included in the published list of homeowners associations and may not receive notice of building permit requests prior to their issuance.

- (4) City Not Party to Disputes. The City shall not become a party to disputes between the permit applicant and the homeowners association and shall not delay the City's permitting process because of such dispute.

NOTICE MATRIX

ACTION:	POSTED:	MAILED:	PUBLISHED:
Zoning and Rezoning	14 days prior to the hearing before the Planning Commission. and City Council	To owners of the property and owners within 300 ft. 14 days prior to the hearing before the Planning Commission and City Council (if individual property).	Once 14 days prior to each hearing before the Planning Commission and City Council.
Substantive Amendments to LMC	14 days prior to the hearing before the Planning Commission and City Council.	-----	Once 14 days prior to the hearing before the Planning Commission and City Council.
Procedural Amendments to LMC	-----	-----	Once 7 days prior to the hearing before City Council.
Amendments to General Plan	14 days prior to the hearing before the Planning Commission and City Council.	-----	Once 14 days prior to the hearing before the Planning Commission and City Council.
Master Planned Developments	14 days prior to the hearing before the Planning Commission.	To owners within 300 ft. 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commisison.
Appeals from Historic District Commission or Planning Commission, including City Council Call-Up.	7 days prior to the date set for the appeal or call-up.	To all parties who received mailed notice for the original Historic District Commission or Planning Commission meeting 7 days prior to the City Council meeting.	Once 7 days before the date set for the appeal or call-up.

ACTION:	POSTED:	MAILED:	PUBLISHED:
Conditional Use Approval	14 days prior to the hearing before the Planning Commission.	To owners within 300 ft., at least 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment.	To owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment. (within 100 ft. if non-conforming use)	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness of Demolition (CAD)	45 days on the property upon refusal of the Community Development Dept. to issue a CAD; 14 days prior to the hearing before the Historic District Commission.	To owners within 300 ft. 14 days prior to the hearing before the Historic District Commission.	Once 14 days prior to the hearing before the Historic District Commission.
Determination of Historic Significance	Once 7 days prior to hearing.	-----	Once 7 days prior to hearing.
Historic District Design Review	Once 7 days prior to hearing.	To owners of adjoining property 7 days prior to hearing.	Once 7 days prior to hearing.
Annexations	Varies, Depending on Number of Owners and Whether Amending the Policy Declaration so Verify with the Legal Department.		

ACTION:	POSTED:	MAILED:	PUBLISHED:
Termination of Project Applications	-----	Mailed Notice: To developer and certified agent by certified mail 60 days prior to hearing before the Planning Commission.	-----
Lot Lines: Between two lots without a plat amendment. If application is turned down, then applicant will be notified of right to appeal to Planning Commission and of right to file a formal plat amendment application.	-----	To owners within 300 ft. at time of initial application for lot line adjustment. Need consent letters from adjacent owners.	-----
Preliminary and Final Subdivision Plat Applications.	7 days prior to the hearing before the Planning Commission.	To owners within 300 ft. 7 days prior to the hearing before the Planning Commission.	Once 7 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey	7 days prior to the hearing before the Planning Commission	To owners within 300 ft. 7 days prior to the hearing before the Planning Commission.	Once 7 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	-----	To owners within 300 ft. 7 days prior to the hearing before the City Council. See Notice Requirement listed in Appendix A.	-----

ACTION:**POSTED:****MAILED:****PUBLISHED:**

**Petition with consent
of all Owners in Plat
to Vacate or Change a
Plat**

(No public hearing before City Council necessary. Consent item only)

**Petition without
Consent of all Owners
to Vacate or Change a
Plat; Vacating or
Changing a Plat
without a Petition
when written
objections are
received.**

To owners within 300
ft. 14 days prior to
the hearing before
the City Council.

Once 14 days prior to the
hearing before City Council.

**See content Notice
Requirement listed
in Appendix A
(below).**

**Vacating or Changing
a Street**

To owners within 300
ft. 14 days prior to
the hearing before
the City Council.

Once a week for 4
consecutive weeks prior to
the hearing before the City
Council.

**See content Notice
Requirement listed
in Appendix A.
(below).**

Appendix A

Plat Amendment, Record of Survey Amendment, and Street Change Notice (mailed and published) shall include:

1. a statement that anyone objecting to the proposed plat must file a written objection to change within 10 days of the date of notice;
2. a statement that if no objection is filed, no public hearing will be held; *AND*
3. the date, time and place of the public hearing if objections are filed.

SECTION III. Amendment. Chapter 1, Section 16 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

1.16. APPEALS, REVIEW RECONSIDERATION AND CALL-UP PROCESS.

Decisions by the Historic District Commission on architectural review in the Historic District may be appealed to the City Council. Decisions by the Planning Commission regarding conditional uses, including small or large scale Master Planned Developments, may be appealed to the City Council. Any person who submitted written comment on a proposal before the Historic District Commission or Planning Commission, the owner of any property within three hundred (300) feet of the boundary of the subject site, ~~any City official, board or commission having jurisdiction over the matter~~ and the owner of the subject property shall have standing to appeal a decision of ~~the any Board or Commissions, except the Board of Adjustment, to the City Council within ten (10) calendar days of the final action.~~ Appeals ~~from Commission actions~~ shall be by letter or petition to the City Recorder, ~~to~~ contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and ~~must have a comprehensive statement of all the reasons for the appeal requesting review,~~ including specific provisions of ~~the law~~ this Code, if known, that are alleged to be violated by the action taken.

- (a) Written Findings Required. The City Council, Planning Commission or Historic District Commission (whichever has acted) shall prepare detailed written findings on any application ~~or appeal~~ that it denies ~~or approves~~. These findings shall state the reasons for denial ~~or approval~~, and the provisions of this Code or other City ordinances, or guidelines, or applicable state or federal laws or regulations that would be violated by approval, and/or the proposed conditions of approval to be imposed and the reasons why those conditions were thought necessary.
- (b) Non-owner Petitions. Any person who submitted written comment on a proposal before the Planning Commission or Historic District Commission, and the owner of any property within three hundred (300) feet of the boundary of the subject site has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final action ~~project approval~~. The petition for the appeal shall state the name, address, and telephone number of the petitioner and his agent, if any, the name of the project, and a ~~comprehensive statement of all the grounds for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken.~~ The City Council, ~~with the consultation of the appellant,~~ shall set a date for the appeal, ~~which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the Recorder.~~ The City Recorder shall notify the petitioner and the owner of the project of the appeal date. The City Recorder shall obtain the findings ~~from the Community Development Department,~~ and all other pertinent information and transmit them to the Council.
- (c) Petitions by the Owner. The owner of any project has the right to appeal to the City

Council any final decision of the Planning Commission or Historic District Commission affecting that project. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final action ~~project approval~~. The petition for the appeal shall state the name, address, and telephone number of the owner and his agent, if any, the name of the project, and a comprehensive statement of all the grounds for the appeal, ~~including specific provisions of the law, if known, that are alleged to be violated by the action taken.~~ The City Council, ~~with the consultation of the appellant,~~ shall set a date for the appeal, ~~which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City Recorder.~~ The City Recorder shall notify the owner of the project of the appeal date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.

- (d) Action on Petitions. The City Council may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate commission with directions for specific areas of review or clarification. Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
- (e) City Council Call-up. Within fifteen (15) calendar days of final action on any project, the City Council, on its own motion, may call any final action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 1.15 of this Code. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. ~~The City Council shall act on the matter within thirty (30) days of the call-up, or the prior action is deemed approved.~~ The City Council, ~~with the consultation of the owner,~~ shall set a date for the call-up. The City Recorder shall notify the owner of the project of the call-up date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.
- (f) Stay of Approval Pending Review or Appeal. Upon the filing of a non-owner petition or a petition by the owner for review by the City Council of a Historic District Commission or Planning Commission decision, any approval granted by the Historic District Commission or the Planning Commission will be suspended until the City Council has acted on the appeal. In the event the City Council votes to call-up an action taken by the Historic District Commission, Planning Commission or Community Development Department, any approvals granted by those entities shall be suspended until the Council has acted on the call-up.

- (g) Appeal from the City Council. The owner of any project, or any person aggrieved by the approval of any project may appeal from the final action by the City Council affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Council shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order stating the effectiveness of that decision.
- (h) Finality of Action. Final Action shall occur when the deciding body has adopted written findings of fact, conclusions of law, and when applicable, conditions of approval. ~~If no appeal or call-up has been taken at the end of fifteen (15) days from the date of final action by the Planning Commission, Community Development Department or Historic District Commission, the action is final.~~
- (i) Reconsideration. The City Council, and any board or commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any board or commission, may reconsider any issue or matters of consideration of an appeal or quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action, as defined above. Any action taken by the deciding body shall not be reconsidered or rescinded at any special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

SECTION IV. Amendment. Chapter 5 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

5.1 ESTABLISHMENT OF BOARD. In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members, one member of which shall be a member of the Planning Commission. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

5.2. TERM OF OFFICE. Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

5.3 ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the ~~Council~~ Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed against the member with the Mayor. The Mayor shall provide the member with a public hearing if the member requests one.

5.4. ORGANIZATION.

- (a) Chairman. The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.
- (b) Quorum. No business shall be conducted unless at least three members of the Board, not counting the alternate, are present.

5.5. MEETINGS. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions or, if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said Board and shall be public record.

5.6. HEARINGS BEFORE THE BOARD. The Board of Adjustments is created to hear four (4) classifications of cases as follows:

- (a) Variance Applications. ~~Whenever any application or permit has been stayed or denied by the Planning Commission or City staff on the basis that approval of the requested permit or application would violate the provisions of this code relating to set back, building height, side yard, lot size, site requirements, parking requirements, or some similar provision of the Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code. Pursuant to Section 5.7 of this Code, the Board shall have the power to grant a variance from the provisions of this Code whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property.~~
- (b) Modifications of Non-Conforming Uses. The Board shall have the power to rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and to have hearings to determine whether the use in question is in fact a non-conforming use, as opposed to a violation of the ordinance or an allowable use within the zone. Non-conforming uses are addressed in Chapter 12 of this Code.
- (c) Appeals. The Board shall hear and decide appeals ~~where any party with standing as defined in Section 1.17 of this Code alleges from an applicant or any other person or entity, including any officer or board of the City, adversely affected by a decision administering or interpreting a zoning ordinance which allege that there is an error in any order, requirement, decision or determination of the zoning ordinance. made by the Community Development Department in the enforcement of Article 1, Chapter 9, Title 10 of the Utah Code (1953, as amended), or any City ordinance adopted pursuant thereto.~~ The appeal must be made within ten days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The person or entity making the appeal has the burden of proving that an error has been made. Only decisions of the Community Development Department applying the zoning ordinance may be appealed to the Board of Adjustment. A person may not appeal, and the Board of Adjustment may not consider, any zoning ordinance amendments, or appeals of conditional use permits or Master Planned Developments which shall be to the City Council. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.
- (d) Special Exceptions. The Board may hear applications for special exceptions to the terms of this Code which apply to variances, modifications of non-conforming uses, appeals and other matters upon which the Board is required to pass judgment under this Code. No application for a special exception shall be approved unless the Board of Adjustment

shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

- (1) The proposed use and development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.
- (2) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- (3) The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety, and general welfare.
- (4) The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- (5) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- (6) The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

5.7. VARIANCE. ~~Variances from the provisions of the Code may be granted by the Board whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property. Because of the historical development of Park City, which has resulted in a number of irregular lots, encroachments by public streets, and the access problems inherent in the area because of these misplaced streets and steep grades, the Board shall exercise broad discretion in acting on variances to assure the public and the owners of property on which variances are requested that substantial equity results from Board actions.~~

- (a) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds

some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the zoning ordinance.

- (b) An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.
- (c) Variances shall be granted only if all of the following conditions are found to exist:
 - (1) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - (2) there are special circumstances attached to the property that do not generally apply to other properties in the same district;
 - (3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - (4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (5) the spirit of the zoning ordinance is observed and substantial justice done.
- (d)
 - (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (c), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - (2) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (c), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (e) In determining whether or not there are special circumstances attached to the property under Subsection (c), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted other properties in the same district.

- (f) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (g) Variances run with the land. However, the Board of Adjustment may condition a variance by requiring the owner to obtain a building or other necessary permit within one year of issuance of the variance, or the variance shall be null and void.
- (h) The Board of Adjustment and any other body may not grant use variances.
- (i) In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:
 - (1) mitigate any harmful affects of the variance; or
 - (2) serve the purpose of the standard or requirement that is waived or modified.

~~**5.8. APPLICATION FOR VARIANCE REVIEW.** An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.~~

~~**5.9. HEARING.** The Board shall, upon receipt of the application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Chapter 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the city.~~

~~**5.10 5.8. PERSONS ENTITLED TO APPEAR.** At the hearing on any matter before the Board of Adjustment, any person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The applicant shall have the right to respond to testimony offered in opposition to the application.~~

~~**5.11 5.9. DECISION.** In exercising the above mentioned powers the Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken. Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.~~

5.12 5.10. VOTE NECESSARY FOR REVERSAL. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

5.13. LIBERAL CONSTRUCTION. ~~Because of the unique historical factors in the platting of the older portions of Park City, and the fact that many times existing public streets enroach on platted lots, or that platted lots may be adjacent to platted but unopened street rights-of-way, the powers of the Board shall be liberally construed to grant the flexibility reasonably necessary to enable the owners of property within the affected parts of the City reasonable opportunities to develop that property to the same extent as others similarly situated within the zone, but without the unique site constraints affecting the applicant's site.~~

5.14 5.11 JUDICIAL REVIEW OF BOARD DECISION. The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in the District Court in Summit County provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision with the City Recorder.

SECTION VI. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 1996.

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attestation by:

Jan Scott, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney



COUNCIL AGENDA REPORT

DATE: June 5, 1997
DEPARTMENT: Administrative Services
AUTHOR: Tom Bakaly, Finance Manager
TITLE: FY 1998 Budget (next year) & FY 1997 Revised Budget (current year)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

1) Public Hearing: Open, hold and continue a public hearing on the budget for FY 1996-97 (Revised), 1997-98 (Budget), and 1998-99 (Plan). The final public hearing on the budget will be on June 12, 1997.

2) Review the budget materials and adopt a resolution (attached) that does the following:

- Approves the recommended changes to the FY 1996-97 budget
- Tentatively adopts by the FY 1997-98 City Manager's Recommended budget with recommended changes as described in this report (Final adoption by resolution is scheduled for June 12, 1997).
- Tentatively approves the FY 1998-99 City Manager's Recommended plan with recommended changes as the FY 1998-99 plan.
- Authorizes staff to file with the County the "Certified Property Tax Rate" {No Tax Increase Rate} for FY 1998, after the county has provided the City with the data necessary to determine the Certified Tax Rate [*Actual tax rate will not be known until at least the June 12, 1997 meeting*].

DESCRIPTION:

A. Topic: In accordance with Utah State Code, the City Council must adopt a budget for each fiscal year. The attached resolution adjusts the FY 1996-97 budget (current) and tentatively adopts the FY 1997-98 budget for next year.

B. Background: On May 1, 1997, the City Council received the City Manager's recommended budget that showed recommended changes to the FY 1996-97 (current) budget, the proposed FY 1997-98 budget (next year) budget, and a recommended plan for FY 1998-99. Also at that time, the City Council received a copy of the new budget policies, a description of current resource/expenditure trends and detail about individual departmental budgets. The budget summary pages attached to this report depicting the City's budget have been modified to reflect City Council adjustments during budget review sessions.

The budget presentation for this year was focused on the recommended operating and capital budgets for FY 1997-98. A new complete budget document was presented on May 1, 1997 as is the practice during the first year of the two-year budget. Next year, the City Council will focus on changes to the FY 1998-99 plan as opposed to receiving an entire document. The following is the recommended schedule for the remainder of the Budget Process:

- | | |
|-----------|---|
| June 5th | <ol style="list-style-type: none">1) Public Hearing on budget2) Budget changes overview, wrap-up and questions3) Adoption of a resolution that does the following:<div style="margin-left: 40px;"><p>Adopts the FY 1996-97 Amended Budget</p><p>Tentatively adopts the recommended FY 1997-98 budget</p><p>Tentatively adopts the FY 98-99 Plan</p></div> |
| June 12th | <ol style="list-style-type: none">1) Continuation of the Public hearing on the budget2) Public Hearing on the Pay Plan and Mayor and City Council member compensation. The budget for FY 1997-98 recommends a 2% salary increase for the Mayor and City Council members bringing their salaries to \$16,680 and \$9,825 respectively. |

- 3) Final adoption, by resolution, of both the FY 1997-98 Budget and the FY 1998-99 Plan.
- 4) Adoption of an ordinance approving the City's pay plan, including City Council, the Mayor and other City officers.

C. Analysis:

Since receiving the budget document on May 1, 1997, the City Council has heard presentations from departments regarding the proposed changes to the current year's budget, and the FY 1998 budget and FY 1999 plan. The focus of these discussions for the Operating Budget has centered on options that were presented by the operating departments. Attached to this report is a summary of options that were included in the recommended budget, as well as those that were not. The City Council had the opportunity to ask staff why certain options were included and others were not.

The City Council has endorsed the revisions to the FY 1996-97 budget, the FY 1997-98 budget and the 1998-99 plan as recommended by staff with the following changes:

Capital Budget:

The City Council changed the Capital Budget related to transportation and parking. The City Council requested that funding for the Sandridge Parking lot (project #620) be increased by \$90,000. The Sandridge Parking lot project was increased by that amount using existing funds from the Main Street Parking project (#481). The Main Street Parking project has accumulated funds over the years for improvements to parking in the Main Street area. This project (#481) has been identified in the CIP as the possible project that would undertake parking structure improvement projects. The other change that was made was to eliminate project # 668 which was a duplicate parking structure project.

Staff is recommending three other changes to the CIP budget from what was recommended by the City Manager.

The first change is to appropriate an additional \$312,353 in revenue relating directly to Affordable Housing to project #445. This was revenue that was not assigned to any particular project in the May 1, 1997 document and should have been appropriated to the Affordable Housing capital improvement project.

The second change is to increase the 5 Year CIP funding project (#648) by \$1,500,000 and the Open Space Acquisition project (#547) by \$500,000. These funds are transferred from the General Fund in accordance with City policies concerning fund balances.

The third change is increase annual funding for the Open Space Acquisition project (#547) by \$370,000. This appropriation will be funded by impact fee revenue.

The specific action taken by City Council relating to these projects is as follows:

- 1) Increase funding for the Sandridge Parking Lot Project from \$125,779 to \$215,779 Please note that \$94,221 in Parking in lieu funds (project #651) will also be used for the Sandridge Parking lot bringing the project total to \$310,000.
- 2) Decrease the funding for the Main Street Parking Project by an additional \$90,000 from an adjusted FY 1997 budget of \$604,882 to \$514,882
- 3) Reduce Project #668 - Swede Alley Project Structure from \$8,400,000 to 0
- 4) Increase Project #445 - Affordable Housing from \$659,012 to \$971,365
- 5) Increase Project #648 - 5 Year CIP Funding from \$1,806,420 to \$3,306,420 in FY 1996-97.
- 6) Increase Project #547 - Open Space Acquisition from \$309,525 to \$809,525 in FY 1996-97 and increase the annual appropriation for each year starting in FY 1997-98 by \$370,000.

Operating Budget: The City Council changes to the recommended Operating Budget that was presented on May 1 1997 relate to transportation. In the recommended budget, there was an option for Prospector Summer transit service that totaled \$60,087. During budget presentations, staff reduced that option by approximately \$30,000. City Council then requested year-around transit service. Since the option already addressed year-around service in part, an additional \$10,000 from the original option of \$60,087 is needed to achieve year around service. Therefore, the total cost of the year-around transit option would be \$70,087.

In addition to the City Council changes, there are some changes recommended by staff. For FY 1996-97 (Current Year) an additional \$4,000 should be appropriated to the Domestic Peace Task Force (DPTF). When their grant was awarded last year, City Council agreed to match County funding up to \$4,000. The DPTF has received the County funding. For FY 1997-98, the grant funding for the DPTF should be increased by \$5,000 to reflect the match provision and the increase due to grant policy and the increase in the General Fund. Increases for both years will be offset by a reduction in the grant contingency amount. Therefore the percent of the General Fund assigned to Special Services is 1.13% and the percent assigned to the contingency is .28%. This action is a correction from what should have been presented on May 1, 1997 per the City Council action and the grants policy. Please see the attached grants spreadsheet for more information concerning grants. City Council will be discussing other grant

issues in detail on June 12, 1997 when the Grants Committee brings its recommendations to the City Council.

Also, the Grant Carry-forward amount for youth from the current year to next year should be reduced by \$17,106 to reflect the fact that that money will be spent this year.

There are also some recommended changes by staff from what was presented on May 1, 1997. First, an additional \$25,000 should be appropriated as a same level adjustment to the Public Works Streets budget for FY 1996-97. This is needed for additional Street Maintenance work due to the large amount of snow fall.

As was mentioned above, \$2,000,000 should be transferred to the CIP for future projects from the General Fund. This action is in compliance with State Law.

Due to a technical error, the revenue for the Fitness Center in the Recreation Fund was counted twice and been adjusted downward by \$71,460.

Lastly, as a point of clarification, City Council should be aware that approximately \$200,000 in additional funds from the Equipment Replacement Fund are scheduled to be spent on vehicles relating to the recommended new positions. There is adequate funding on an ongoing basis from departmental contributions to fund these vehicles.

The specific action taken by City Council relating to the Operating Budget should be as follows:

- 1) Increase Transportation Fund budget for year-around transit by \$10,000
- 2) Increase the Domestic Peace Task Force Grant amount by \$4,000 in FY 1996-97 and \$5,000 in FY 1997-98. Decrease the Contingency Fund by \$4,000 in FY 1996-97 and \$5,000 in FY 1997-98.
- 3) Increase the Streets Maintenance budget by \$25,000 in FY 1997-98.
- 4) Increase the General Fund Transfer to the CIP by \$2,000,000.
- 5) Decrease Recreation Fund Fitness Center revenue by \$71,460
- 6) Decrease Youth Carry-Forward funds by \$17,106 in FY 1997-98.

Please see the attached budget sheets for a complete listing of the Operating and CIP budget.

D. Department Review: - Departmental review was provided in the form of presentations during the budget review process that took place during the month of May.

ALTERNATIVES:

A. **Approve the Request** - Tentatively approve the budget as recommended on May 1, 1997, and adjusted during City Council review (relevant spreadsheets attached).

B. **Deny the Requested Changes** - City Council could deny (in total or in part) the recommended changes. The impact of such denial would need to be elaborated upon at the June 5, 1997 City council meeting.

C. **Continue the Item** - June 19 is the last date that adoption can occur in order for us to meet the filling dead lines with the State and County. A City Council meeting is not scheduled for that date, so the budget is schedule for final adoption on June 12, 1997.

D. **Do Nothing** - Not an Option.

SIGNIFICANT IMPACTS: Establishes the level of service that the City will provide for the next year and authorizes expenditure of funds. The total FY 1997-98 budget is approximately \$31.2 million. The budget is balanced without a tax increase.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The specific impacts of not approving individual recommended changes have been discussed, but could be elaborated upon further if necessary.

RECOMMENDATION:

The City Council should adopt by resolution (attached) the revised FY 1996-97 budget and tentatively adopt the 1997-98 budget and the FY 1998-99 plan, on June 5, 1997, with final approval scheduled for June 12, 1997.

**A RESOLUTION ADOPTING A REVISED BUDGET FOR FY 1996-97,
A TENTATIVE BUDGET FOR FY 1997-98 AND A TENTATIVE PLAN FOR FY 1998-99
FOR PARK CITY MUNICIPAL AND ITS RELATED AGENCIES**

WHEREAS, the Utah State law requires that city budgets be adopted by resolution: and;

WHEREAS, a public hearing was held on June 5, 1997, and one is scheduled for June 12, 1997 at the City Council's regularly scheduled meetings, complying with State law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that:

SECTION 1. REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 1, 1997 and with changes as summarized in the Attachments to this resolution is hereby adopted as the Revised 1996-97 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 2. TENTATIVE BUDGET AND TENTATIVE PLAN ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 1, 1997 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative budget for FY 1997-98 and the tentative plan for FY 1998-99 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED TAX RATE. The City's Finance Director is authorized, after the County has provided the Certified Property Tax data, to compute the City's Certified Property Tax Rate for 1998 at a "No Tax Increase Rate" and file said rate with the County

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect June 5, 1997 for the FY 1996-97 revised budget and July 1, 1997 for the FY 1997-98 budget and 1998-99 plan.

PASSED AND ADOPTED this 5th day of June, 1997

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

68

May 30, 1997 (8:54am)

PARK CITY MUNICIPAL CORPORATION, UTAH

BUDGET - EXPENDITURE SUMMARY ALL FUNDS

/.....ACTUAL.....\ /.....1997 BUDGET.....\				/.....COUNCIL APPROVED.....\			
1994	1995	1996	ORIGINAL	ADJUSTED	1998	1999	BUDGET PLAN
675,158	482,096	893,779		4,011,171	2,923,182	32,000	
2,246,483	7,925,246	2,411,047	2,344,719	10,965,311	7,413,146	3,969,916	
					216.1 %	69.31 %	
2,921,641	8,407,342	3,304,826	2,344,719	14,976,482	10,336,328	4,001,916	
					340.83 %	70.68 %	
				TOTAL MUNICIPAL BUILDING AUTHORITY			
364,306	714,622	938,416	1,400,000	1,878,705	1,377,387	1,269,122	
					-1.62 %	-9.35 %	
2,063,698	2,492,913	2,630,168	1,375,335	2,889,730	1,418,539	1,344,472	
					3.14 %	-2.24 %	
1,025,883	1,058,691	1,091,092	1,136,551	1,075,545	1,075,545	1,074,258	
					-5.37 %	-5.48 %	
3,453,887	4,266,226	4,659,676	3,911,886	5,843,980	3,871,471	3,687,852	
					-1.03 %	-5.73 %	
				TOTAL PARK CITY REDEVELOPMENT AGENCY			
46,776,954	60,127,314	58,996,790	37,886,127	73,919,525	49,895,417	65,654,007	
					31.70 %	73.29 %	
				TOTAL			

NOTE: Percentages "%" Reflects the change from 1997 ORIGINAL BUDGET to the respective column

May 30, 1997 (8:54am)

PARK CITY MUNICIPAL CORPORATION, UTAH

EXPENDITURE SUMMARY ALL FUNDS COMBINED

/-----ACTUAL-----\ /-----1997 BUDGET-----\				/-----COUNCIL APPROVED-----\			
1994	1995	1996	ORIGINAL	ADJUSTED	1998	1999	PLAN
					BUDGET		
6,873,293	7,476,737	8,473,193	9,390,443	9,391,094	10,816,250	11,536,722	
4,172,566	6,928,362	6,544,481	6,231,257	7,150,583	15,18 *	22,86 *	
4,053,179	2,032,262	5,288,040	7,536,539	28,791,610	7,422,314	7,298,151	
2,523,746	8,056,182	2,837,320	3,000,617	3,239,694	19,11 *	17,12 *	
			469,986		8,920,650	29,048,676	
					18,37 *	285,4 *	
					3,637,726	3,632,177	
					21,23 *	21,05 *	
					425,000	445,000	
					-9,57 *	-5,32 *	
17,622,784	24,493,543	23,143,034	26,628,842	48,572,981	31,221,940	51,960,726	
					17,25 *	95,13 *	
7,305,443	8,822,087	4,986,067	4,897,941	10,766,379	9,128,405	5,709,671	
21,848,727	26,811,684	30,867,689	6,359,344	14,580,165	86,37 *	16,57 *	
29,154,170	35,633,771	35,853,756	11,257,285	25,346,544	9,545,072	7,983,610	
					50,10 *	25,54 *	
					18,673,477	13,693,281	
					65,88 *	21,64 *	
46,776,954	60,127,314	58,996,790	37,886,127	73,919,525	49,895,417	65,654,007	
					31,70 *	73,29 *	
				TOTAL			

NOTE: Percentages "%" Reflects the change from 1997 ORIGINAL BUDGET to the respective column

BUDGET - REVENUE SUMMARY ALL FUNDS COMBINED

/-----ACTUAL-----\ /----- 1997 BUDGET -----\ 1994 1995 1996 ORIGINAL ADJUSTED				/-----COUNCIL APPROVED-----\ 1998 1999 BUDGET PLAN			
5,614,752	5,986,919	6,238,946	6,799,279	6,799,279	PROPERTY TAXES	6,849,279	6,899,279
4,802,574	5,876,268	6,334,699	4,853,000	5,823,000	SALES TAX	5,823,000	5,703,000
821,783	915,216	953,758	919,000	919,000	FRANCHISE TAX	919,000	919,000
424,645	449,688	494,026	352,950	352,950	LICENSES	352,950	352,950
3,541,454	3,730,967	5,051,312	2,696,500	3,104,276	PLANNING BUILDING & ENG FEES	3,216,472	3,404,522
53,334	78,723	31,635	10,000	185,695	OTHER FEES	10,000	10,000
1,409,826	534,144	597,604	809,996	931,460	INTERGOVERNMENTAL REVENUE	798,020	9,976,486
2,141,259	2,064,379	2,324,875	2,569,650	2,570,650	CHARGES FOR SERVICES	-1,48	1,131
1,604,518	1,616,131	1,814,933	1,869,934	1,839,934	RECREATION	2,048,189	2,139,334
1,790	1,118	-235			OTHER SERVICE REVENUE	9,53	14,41
82,161	142,133	158,118	91,500	106,925	FINES & FORFEITURES	617,937	622,754
1,051,575	2,436,363	2,533,779	737,690	1,108,991	MISCELLANEOUS REVENUES	575,3	580,6
6,884,819	8,811,330	4,983,067	4,894,941	10,763,379	INTERFUND TRANSACTIONS	731,690	731,690
		3,000	3,000	3,000	INTERFUND CHARGES	-81	-81
15,051	5,635,206	665,590	260,000	8,552,804	SPECIAL REVENUES & RESOURCES	9,125,402	5,706,671
18,327,412	21,848,729	26,811,683	11,018,687	30,858,182	BEGINNING BALANCE	86,43	16,58
						3,000	3,000
						97,000	13,652,100
						-62,6	5,150
						16,733,828	12,963,571
						51,87	17,65

May 30, 1997 (8:41am)

PARK CITY MUNICIPAL CORPORATION, UTAH

BUDGET - REVENUE SUMMARY ALL FUNDS COMBINED

/-----ACTUAL-----\		/-----1997 BUDGET-----\	
1994	1995	1996	ORIGINAL ADJUSTED
46,776,953	60,127,314	58,996,790	37,886,127 73,919,525

TOTAL

/-----COUNCIL APPROVED-----\	
1998 BUDGET	1999 PLAN
49,895,417	65,654,007
31.70 %	73.29 %

NOTE: Percentages "%" Reflects the change from 1997 ORIGINAL BUDGET to the respective column

Park City Municipal Corporation - FY 1998 and FY 1999 Options

Option Description	1998				1999				Council Priority		
	Requested	Recommended	Difference	Rev. Offset	FTE Impact	Requested	Recommended	Difference		Rev. Offset	FTE Impact
Employee Recognition	\$691,861	\$680,263	\$11,598	(\$13,182)	0.00	\$691,774	\$656,705	\$5,069	(\$65,691)	0.00	Valuing Employees
Finance Enhancements	\$50,793	\$24,194	\$26,599	\$0	0.75	\$52,832	\$44,065	\$8,767	\$0	0.50	Financial Policy
General Plan Implementation/Construction Mitigation/LMC	\$397,315	\$189,441	\$207,874	\$0	3.50	\$381,034	\$247,429	\$133,605	(\$36,000)	1.00	General Plan/Land Management Code
General Plan Phase II (Coordinated with Transportation Planning and Implementation)	\$100,000	\$50,000	\$50,000	\$0	0.00	\$100,000	\$50,000	\$50,000	\$0	0.00	Transportation Planning
GIS	\$192,705	\$25,000	\$167,705	\$0	0.00	\$90,219	\$60,744	\$29,475	\$0	1.00	General Plan/Land Mgt. Code
Internet/Web Page	\$51,032	\$51,536	(\$504)	\$0	1.00	\$50,672	\$51,176	(\$504)	\$0	0.00	
Leisure Services Enhancements	\$375,431	\$234,792	\$140,639	\$0	6.68	\$306,681	\$223,042	\$83,639	\$0	0.00	Recreation Direction
Parks and Trails	\$136,269	\$47,684	\$88,585	\$0	1.23	\$132,094	\$46,684	\$85,410	\$0	0.00	Open Space/Land Banking
Public Safety Enhancements	\$341,210	\$231,841	\$109,369	(\$70,500)	3.50	\$403,268	\$317,314	\$85,954	(\$17,000)	2.00	Public Safety Enhancements
Public Works Enhancements	\$175,322	\$148,930	\$26,392	\$0	4.50	\$262,648	\$228,330	\$34,318	\$0	2.00	Olympic Planning
Records Management	\$39,393	\$98,417	(\$59,024)	\$0	1.00	\$39,393	\$62,289	(\$22,896)	\$0	1.00	
Snyderville Basin Recreation Program	\$85,501	\$52,876	\$32,625	(\$55,000)	1.00	\$207,922	\$156,498	\$51,424	(\$150,000)	1.00	Improved County Relationships
Special Events	\$113,290	\$21,182	\$92,108	\$0	0.00	\$81,790	\$14,682	\$67,108	\$0	0.00	Olympic Planning
Transportation Planning Implementation	\$337,865	\$338,390	(\$525)	(\$55,000)	2.00	\$285,865	\$266,390	(\$19,000)	(\$55,000)	0.00	Transportation Planning
Miscellaneous	\$120,584	\$100,584	\$20,000	(\$25,000)	1.00	\$130,908	\$130,908	\$0	\$0	0.00	Various
Total	\$3,208,571	\$2,295,130	\$913,441	(\$336,882)	26.16	\$3,367,100	\$2,156,256	\$610,844	(\$323,891)	8.50	

PARK CITY MUNICIPAL CORPORATION
GRANTS FY 1998 - Adopted - June 5, 1997
Does not include Carry Forward from FY 1997 for Arts, Youth, or Contingency

CATEGORY/DESCRIPTION	GRANT \$ FY1997 (April 18)	% OF BUDGET GENERAL FUND	GRANT \$ FY1997 ADJUST	% OF BUDGET GENERAL FUND	GRANT \$ FY1998 Budget	% of BUDGET GENERAL FUND
SPECIAL SERVICES						
Recycling	\$8,000		\$8,000	6.27%	\$10,000	
Chamber Bureau	\$65,000		\$65,000	50.93%	\$75,000	
Historical Society	\$34,621		\$34,621	27.13%	\$40,000	
Domestic Peace Task Force	\$10,000		\$20,000	15.67%	\$23,000	
Sub-total Special Services	\$117,621	1.10%	\$127,621	1.13%	\$148,000	1.13%
ARTS/CULTURE/HUMANITIES						
Sub-total Arts	\$31,500	0.29%	32,753	0.29%	38,117	0.29%
YOUTH						
Sub-total Youth	\$26,000	0.24%	27,106	0.24%	31,545	0.24%
RENT CONTRIBUTIONS						
Sub-total Rent Contribution	\$45,992	0.43%	40,492	0.36%	40,492	0.31%
GRANT CONTINGENCY FUND	\$20,355	0.19%	26,143	0.23%	37,313	0.28%
TOTAL GRANTS - GENERAL FUND	\$241,468	2.25%	254,115	2.25%	295,734	2.25%
GENERAL FUND BUDGET W/O GRANTS	\$10,712,423		11,293,981		13,143,736	
HOUSING						
Sub-total Housing	\$260,000		260,000		280,000	
HISTORIC PRESERVATION						
Sub-total Historic Preservation	\$175,000		175,000		175,000	
TOTAL GRANTS - All FUNDS	\$676,468		\$689,115		\$750,467	

RESOLUTION

DECLARING JUNE 14, 1997 AS ARBOR DAY IN PARK CITY, UTAH

WHEREAS, Park City is vitally interested in maintaining its natural tree resources and other significant flora; and

WHEREAS, Park City is further interested in planting trees and other significant flora so that the present generation can leave an even more lush and healthy environment to future generations than presently exists and,

WHEREAS, Park City recognizes the importance of educating and involving our citizens in the care, planting and nurturing of our arbor resources; and,

WHEREAS, Park City desires to be known as a 'Tree City USA' and so join the ranks of those other cities demonstrating their commitment to the arbor resources;

NOW THEREFORE BE IT RESOLVED AND PROCLAIMED that in honor of these desires and to further the aims enumerated above, Park City proclaims June 14, 1997 as the official Park City Arbor Day, and will proclaim subsequent Arbor Days in each successive year.

PASSED AND ADOPTED this 5th day of June, 1997.

PARK CITY MUNICIPAL
CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott
City Recorder