PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 18, 1995

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, May 18, 1995.

A G E N D A

Work Session

4:00 p.m. Council questions and comments
4:15 p.m. Construction mitigation for lower Main Street
4:30 p.m. Budget, financial plan, CIP
4:45 p.m. Review of regular meeting
Ordinances/resolutions
Affordable housing projects
Teen Center noise ordinance exception
Entry corridor master plan
Meeting questions

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF MAY 11, 1995

IV COMMUNICATIONS FROM COUNCIL AND STAFF

V ORDINANCES

1. Ordinance amending Title 6, Chapter 3 - Noise, of the Municipal Code of Park City, Utah to exempt specified streets from the prohibition on using jake brakes and limiting the exemption to certain hours

VI NEW BUSINESS

1. Waiver of noise ordinance to allow the Outdoor Center (aka Teen Center)amplified music in City Park on June 10, 1995 from noon to 5 p.m.

2. Resolution of the Park City Council authorizing assistance to the 88 unit Aspen Villas Moderate Income Master Plan Development located at Highway 248, Park City, Utah

3. Resolution of intent of the Park City Council to assist the North Horse Affordable Housing Project

VII PUBLIC HEARINGS

1. Ordinance approving a plat amendment to the Deer Valley Club Estates Subdivision Plat in Park City, Utah

2. Ordinance amending Title 9, "Parking Code" to include parking restrictions on newly built Seventh and Ninth Streets and adding language describing the Historic District parking sign colors

3. Olympic Parkway (SR224) Entry Corridor Master Plan

VIII CONSENT AGENDA

1. Contract with Johnson & Higgins for insurance broker services in an amount of $16,000 per year, with two one year options to extend

2. Ordinance approving a plat amendment to the Deer Valley Club Estates Subdivision Plat in Park City, Utah

3. Resolution declaring May 22 - 28, 1995 as Preservation Week in Park City, Utah

IX ADJOURNMENT

Posted: 5/16/95 noon

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 18, 1995

I ROLL CALL

Mayor Pro Tem Leslie Miller called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May, 18 1995. Members in attendance were Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Brad Olch was excused. Staff present were Toby Ross, City Manager; Frank Bell, Chief of Police; Meg Ryan, Planner; Myles Rademan, Public Affairs Director; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on City business not scheduled on the agenda.

1. Affordable housing - Rich Wyman, member of the Affordable Housing Task Force, commended the Council on the political will to address the affordable housing issues seriously.

2. Town Lift Project area - Todd Gabler, resident, felt that there needs to be a quick decision on the Heber and Main Street congestion problem and information needs to be collected and shared with the public. This should be an open and public process. Toby Ross reported that the City has issued an RFP for a parking and traffic study for the Main Street area.

III MINUTES OF MEETING OF MAY 11, 1995

Ruth Gezelius, "I move approval of the Minutes of May 11, 1995, as presented". Lou Hudson seconded. Motion unanimously carried.

IV COMMUNICATIONS FROM COUNCIL AND STAFF

None.

V ORDINANCES

Ordinance amending Title 6, Chapter 3 - Noise, of the Municipal Code of Park City, Utah to exempt specified streets from the prohibition on using jake brakes and limiting the exemption to certain hours - See attached staff report. Shauna Kerr, "I move approval of this ordinance. Ruth Gezelius seconded. Motion carried unanimously.

VI NEW BUSINESS

1. Waiver of noise ordinance to allow the Outdoor Center (aka Teen Center)amplified music in City Park on June 10, 1995 from noon to 5 p.m. - This discussion did not occur in this sequence in the meeting, but appears here for ease of reference. Leslie Miller invited the teens in the audience to comment.

Karen Massey, representing the High School student council and the Outdoor Center since the director has been detained, stated that she is asking for Council's approval to use the City Park. She felt that the park is a central location. They would like to draw support from the community not just the high school and the park offers other amenities. Ms. Massey pointed out that this is the first time they have planned an event like this and they have considered other options that wouldn't work as well. Dylan Locket, vice-president of the Sophomore class, explained that special events at the schools is not appealing to students. Dennis Minew, Freshman class president, stressed that the park will entice more people to attend. Ms. Massey added that a high school special event would not work at the middle school area.

Ruth Gezelius stated that she is sorry to be put into a position of approving an exception to an ordinance that Council worked hard to draft for noise throughout the City and specifically, the City Park area. In considering the residents in the area, uses in the park are scrutinized, including noise. Although this is a good event, she did not feel that a battle of the bands with amplified music in the park passes the test of neighborhood compatibility. The same rules need to be applied to everyone, and there is not amplified music in City Park except for the approved Chamber/Bureau music series which is controversial among Councilmembers. Lou Hudson agreed and is not in favor as there should be across-the-board rules and exceptions prompt other requests. Shauna Kerr commended the teens' presentations and understood why the students would not want the event at the middle school, but suggested the school grounds or the Wolf Mountain arena. She thought that Wolf Mountain might waive fees if approached, and felt that the students should pursue other options for all the reasons stated. Ms. Kerr added that there are competing uses in the park which may make the event less enjoyable. Roger Harlan felt that Council could live with an exception; he felt that this is a slow time of year and the event will not go on into the evening and pointed out the inconsistency with allowing some amplified music.

Ruth Gezelius, "I move that we deny the waiver of the noise ordinance to allow the Outdoor Center amplified music in City Park on June 10". Shauna Kerr seconded. Motion carried.

Ruth Gezelius	Aye
Roger Harlan	Nay

Lou Hudson	Aye
Shauna Kerr	Aye
Leslie Miller	Aye

2. Resolution of the Park City Council authorizing assistance to the 88 unit Aspen Villas Moderate Income Master Plan Development located at Highway 248, Park City, Utah - See attached staff report. Planner Meg Ryan clarified that the resolution before Council is for assistance to an 88 unit residential project, called Aspen Villas. It is an approved master planned moderate income development, located on SR248. Planning Commission approval was contingent on the request before the Council; if Council does not approve the affordability components, then the master plan development approval is null and void. There are two requests that deal with the financial participation in this project. The first amount is approximately $440,000 in the form of fee waivers and about $270,000 will come from foregone revenues in fees; $200,000 in a transfer from the general fund to the water fund; and a cash grant from the Housing Authority budget of approximately $10,000. Staff is recommending that a $5,000 allocation be granted per unit according to the action plan adopted by Council. The second feature of the assistance is a loan in the form of a second mortgage. Approximately $700,000 could potentially be the total amount contributed to this package and the request is for $400,000 now; $200,000 over two years and $100,000 in the event that the school impact fees need to be rebated. There are specific terms that Council must approve and the basic parameters of the second mortgage involve repayment with interest. Repayment with interest would begin in year seven but could start earlier if the developer refinanced the project. The City also has the right to purchase the project between years 12 to 16 with special restrictions and through years 17 to 25, at any time.

Ms. Ryan continued that the source of revenue for this land participation would be through funds generated from prior in-lieu payments and through supplemental funds from the Housing Authority. There are alternatives at Council discretion and the applicant is also available for questions.

The Mayor Pro Tem asked if there were questions from the public and the Council. Hearing none, Shauna Kerr, "I move approval of a resolution of the City Council authorizing assistance to the 88 unit Aspen Villa Moderate Income Master Planned Development located at Highway 248, Park City, Utah, with the one clarification in the resolution indicating $5,000 per unit". Ruth Gezelius stated that the project is requesting a height exception and she felt that this is inappropriate and inconsistent from a planning standpoint. She wished that the project was less dense but is sympathetic to the developer's plight in terms of high land and construction costs. Ms. Gezelius commended the City Manager and staff for working with the applicant on behalf of affordable housing in terms of creative financing and all of the other issues in terms of occupancy and development standards. She stressed that the only reason she is voting against the project is to be consistent with her position regarding height exceptions. Lou Hudson seconded. Motion carried.

Ruth Gezelius	Nay
Roger Harlan	Aye
Lou Hudson	Aye
Shauna Kerr	Aye
Leslie Miller	Aye

3. Resolution of intent of the Park City Council to assist the North Horse Affordable Housing Project - Planner Meg Ryan explained that financial assistance is proposed to be in the form of fee waivers, a CDBG block grant for infrastructure and financing of water fees for 94 units. North Horse was approved in 1993 by the Planning Commission as a MPD and subsequently the Council authorized approximately $4,500 per unit in fee waivers with a condition that the project needed to commence construction by July 1, 1993. The developers did not meet that goal but are now ready to obtain building permits contingent upon another request for $5,000 per unit in fee waivers. Approximately $276,000 is foregone revenue in the form of fee waivers and there would be approximately $1,063 per unit grant assistance from the CDBG grant which was awarded from the state through the city. Finally, staff is proposing that water fees are financed for 15 years at a 6% rate which breaks down to $997 per unit, totaling $5,000 in assistance per unit for this project.

Ruth Gezelius, "I move approval of the resolution of intent of the Council to assist in the North Horse Affordable Rental Housing Project". Roger Harlan seconded. Councilman Harlan stated that this is an historic evening in the community as affordable housing has been an issue that the Council has struggled with. These two projects could really make a difference in reducing rents and preserving our social diversity. Leslie Miller added that in consideration of the desirability of living in Park City, this is an enormous accomplishment that required a great deal of effort from many individuals and this is an instance of government working well. Motion unanimously carried.

VII PUBLIC HEARINGS

1. Ordinance approving a plat amendment to the Deer Valley Club Estates Subdivision Plat in Park City, Utah - See following staff report. Meg Ryan explained that this plat amendment includes a name change from Deer Valley Club Estates to Knoll Estates and to change a note on the plat dealing with limits of disturbance. The applicant and the City are requesting that the note be change to allow more flexibility at the staff level for setting the limit of disturbance distance. Hearing no comments or questions from the Council or the public, the hearing was closed.

2. Ordinance amending Title 9, "Parking Code" to include parking restrictions on newly built Seventh and Ninth Streets and adding language describing the Historic District parking sign colors - The Mayor Pro Tem explained that the amendment adds the reference of newly built Seventh and Ninth Streets and distinguishes the color of parking signs in the Historic District as blue and white. Hearing no questions or comments from the Council or the public, the hearing was closed.

3. Olympic Parkway (SR224) Entry Corridor Master Plan - Myles Rademan explained that the area includes about 560 acres and about 300 acres is in the County and has development potential. Mr. Rademan emphasized that this property is not protected and it will take consistently hard negotiations over a long period of time as development proposals continue to be submitted. This is the beginning of a policy plan to move forward to manage the lands that the City owns to make sure that they are protected and used in accordance with the public will and to set the tenor for the other lands. The plan identifies the natural resource space in terms of riparian, wetland, slope, and agricultural areas and management policies to be applied to each of the resource areas. There were hearings on this and the plan was reviewed by the Parks, Recreation and Beautification Advisory Board and its key recommendation is having some mechanism by requiring a majority of the City Council followed by a referendum to preserve the open space. Other issues involved the trails, access, and allowable uses on the property. Most people support low impact uses. Once the property is open to public recreation, rest rooms, security and parking areas will need to be provided. Mr. Rademan pointed out that the Parks, Recreation and Beautification Advisory Board's recommendation is specific with regard to trail locations and staff doesn't feel that technically those cannot be determined without more carefully studying the wetlands. Discussion ensued regarding higher winter use as the impacts are less, and drainage and restoration of the stream. It is anticipated that the report will be revised to incorporate the Parks, Recreation and Beautification Advisory Board's recommendations and will come before Council again on June 8.

Hearing no further comments or questions from the public or the Council, the public hearing was closed.

VIII CONSENT AGENDA

Ruth Gezelius, "I move approval of Consent Agenda Items 1, 2, and 3". Lou Hudson seconded. Motion unanimously carried.

1. Contract with Johnson & Higgins for insurance broker services in an amount of $16,000 per year, with two one year options to extend - See attached staff report.

2. Ordinance approving a plat amendment to the Deer Valley Club Estates Subdivision Plat in Park City, Utah - See staff report.

3. Resolution declaring May 22 - 28, 1995 as Preservation Week in Park City, Utah - See staff report.

IX ADJOURNMENT

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

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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
Deputy City Recorder

PARK CITY COUNCIL WORK SESSION
SUMMIT COUNTY, UTAH
MAY 18, 1995

Present: **Roger Harlan, Lou Hudson, Shauna Kerr, Leslie Miller, Ruth Gezelius, Toby Rick Lewis, Ron Ivie, Ross, Jodi Hoffman, Kent Parker**

Richard Patterson, Main Street merchant; Pat Sweeney, developer

Absent: **Brad Olch**

1. **Council questions and comments.** Lou Hudson expressed his concern about the architectural mix in the Historic District and asked that replicative architecture by considered as it would blend better in the area. Ruth Gezelius reported that the Historic District Commission will be reviewing this at its meeting of June 5 and will have experts present to discuss the advantages and disadvantages of replicative architecture. Ruth Gezelius reminded the public that the second vote on the technology bond for the School District is scheduled on June 22.

2. **Construction mitigation for lower Main Street.** Through illustration of a map, Community Development Director Rick Lewis described the status of construction of buildings in the Town Lift area. He explained that the construction fence was installed because of the excavation work and to save the integrity of Main Street and to provide an area for the trucks. He added that the mitigation plan includes a proposal to move the fence back six feet on Main Street and to install a four-way stop on Heber and Main. Also, the developer is willing to install temporary signage indicating that there is parking under Summit Watch and that the shops are open. Ruth Gezelius pointed out that special attention to lower Main Street might upset upper Main Street merchants who would request that the signage also indicate that there is parking and shopping on the upper portion of the street. Council discussed this and felt that because lower Main Street is under construction and that the sign's purpose is direction and the health and safety of patrons, that it should be geared to lower Main Street only. Leslie Miller commented on the potential back-up of traffic, especially in the winter with a four-way stop sign. Ruth Gezelius suggested that a crosswalk be tried first and Ms. Miller agreed and felt that there could be some publicity on the changes at this intersection. Toby Ross noted that crosswalk pedestrian crossing signs could also be installed.

Richard Patterson, merchant on both upper and lower Main Street, voiced his frustration with the fence on Main Street which he claims has adversely affected his business. He strongly felt that it is not necessary and seriously hampering his business. Ron Ivie, Chief Building Official, discussed the plan for the project and agreed that it could have been shored to eliminate the need for the fence, but a pedestrian walk would have been necessary. Fencing has traditionally been used for other projects as the project progresses faster and it is more cost effective than shoring. Mr. Ivie stated that this seemed to be in the best interest of the public but admitted that he did not hold a meeting with the lower Main Street merchants. Mr. Patterson again reiterated his disdain for not shoring the excavated area. Pat Sweeney, developer, stated that he is providing underground parking including 40 spaces at the Summit Watch building to merchants in the area. He felt that Mr. Patterson is experiencing problems because of the shoulder season. Rick Lewis then explained the detouring of the bike path planned during the construction.

3. **Budget, financial plan, CIP.** Finance Director Kent Parker discussed the composition of the CIP committee which includes Eric DeHaan, Bob Johnson, Jerry Gibbs, and Jennifer Harrington. Projects are generated by the public, the Council, and staff. The Committee evaluates priorities and funding of projects; he pointed out that impact fees involve a ten year plan.

Toby Ross explained that the Historic District Grant program is allocated at $150,000 but it is proposed to add $50,000 for the sprinkler program this budget year. In order to facilitate timely notice to Historic District residents and merchants, Council agreed that the increase has merit and should be added to this year's grant total.

4. **Review of regular meeting.** See regular meeting minutes.

Prepared by Janet M. Scott

MEETING RECOMMENDATIONS

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: April 19, 1995
DEPARTMENT: Public Safety
AUTHOR: Lloyd D. Evans
TITLE: "JAKE BRAKE" Ordinance Revision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Approve the ordinance changes as per attached draft

DESCRIPTION:

A. Background:

Early in 1994, the new NOISE ORDINANCE, Title 6, Chapter 3, was adopted which prohibited use of "JAKE BRAKES" within the city limits. Once enforcement began, the trucking companies brought to the attention of the City Council, safety concerns this new ordinance may have ignored when operating on the city's steep grades. The Council requested review of the ordinance in connection with those safety issues.

B. Analysis:

The safety issues raised by the trucking companies were centered around them not being able to use the "JAKE BRAKES" on steep grades, thus putting them in an unsafe situation if they needed to stop the truck quickly. The issue seemed to be the general prohibition of the use of "JAKE BRAKES". That there are certain streets that safe operation of a truck would require use of these devices.

A meeting was held to bring the parties that had opposing issues with this ordinance together to discuss common ground, clarify points of view and receive input. Staff, as well as the general public and trucking companies were invited to a attend. Attendance at the meeting was sparse. Staff was well represented, however the general public and the trucking companies were not in attendance. One council member attended. The input from staff was invaluable in putting together an ordinance that addresses the issues.

Several points were of group consensus. First, there are few streets in the city limits that should be exempted from the ordinance. Second, there should be a time restriction on the exemptions, which would aline with the construction site time restrictions, and third, signs would be a critical part of making the ordinance effective and enforceable. Through staff input, three (3) streets were identified as areas of concern. The proposed amendment exempts those streets either in their entirety or portions of them, regulated by signs.

A draft of the proposed changes were distributed to city staff for review, as well, four major trucking companies operating in this area were mailed letters requesting their input on the draft. Unfortunately, only one trucking company responded to that letter with a telephone call, however, my attempts to reach Mr. Byer by phone have been unsuccessful as of this date.

C. <u>Department review</u>:

The draft ordinance has been reviewed by the Legal Department, Community Development, Public Works, Public Safety and Administration.

D. <u>Implementation strategy</u>:

Signs of notable size would be placed at or near the city limits on SR 224 and SR 248 indicating strict enforcement of the engine brake ordinance, exceptions were posted. On Aerie Drive, Ontario Canyon Road and portions of Royal Street, beginning and ending exemption from ordinance signs will be placed, clearly marking exempted areas.

E. <u>Enforcement strategy</u>:

The areas of exemption will have regularly scheduled enforcement, much like the scheduled speed enforcement currently being conducted with the "SMART TRAILER". General enforcement in all other areas of the city would be conduct as routine traffic enforcement by the duty officers.

<u>ALTERNATIVES</u>:

A. APPROVE THE DRAFT ORDINANCE AS SUBMITTED, ALLOWING EXEMPTIONS ON LISTED STREET SECTIONS.
B. REPEAL THE "JAKE BRAKE" SECTION, ELIMINATING RESTRICTED USE.
C. KEEP THE ORDINANCE AS IT IS CURRENTLY, MAINTAINING A GENERAL PROHIBITION ON USE OF THESE DEVICES CITY WIDE.

SIGNIFICANT IMPACTS:

1. If the ordinance is not changed, the truckers will continue to raise safety issues and protest enforcement.

2. If the ordinance is amended, directed enforcement can be more effectively applied.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the City Council does not amend this ordinance, controversy will continue and enforcement of the current ordinance will raise larger issues.

RECOMMENDATION:

Staff recommends that the City Council amend ordinance, Title 6, Chapter 3, subsection 8(N) to include exceptions, on posted streets, to the prohibition of using "JAKE BRAKES" within the limits of the city.

EXHIBITS:

Exhibit A - Proposed Draft Amendment

Ordinance 95-___

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3- NOISE, OF THE MUNICIPAL CODE OF PARK CITY TO EXEMPT SPECIFIED STREETS FROM THE PROHIBITION ON USING JAKE BRAKES AND LIMITING THE EXEMPTION TO CERTAIN HOURS

WHEREAS, ; and

WHEREAS, ;

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

SECTION I. AMENDMENT. Section 6-3-8 of the Municipal Code of Park City is hereby amended to read as follows:

(N) **Dynamic braking devices.** Operating any motor vehicle with a dynamic braking device engaged, except ~~for the avoidance of imminent danger.~~ :

(1) To avoid imminent danger; or

(2) Where permitted as posted on the following streets:
- Ontario Canyon
- Royal Street
- Aerie Drive

during the following hours: 7 a.m. thru 10 p.m., Monday thru Saturday, and 9 a.m. thru 10 p.m. on Sundays.

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

PASSED AND ADOPTED this ____ day of ____________, 1995.

Park City Municipal Corporation

____
Bradley A. Olch, Mayor

Attestation by:

____
Anita Sheldon, City Recorder

Approved as to Form:

____
Mark D. Harrington, Asst. City Attorney

15 May 1995

MEMORANDUM

TO: Toby Ross
City manager

FROM: F.M. Bell
Chief of Police

SUBJECT: Teen Center - Request for Music in the Park

Nick Shapper from the Teen Center addressed the council last week on his desire for amplified rock music in City Park as part of an event to benefit the Teen Center. Several days prior I had informally advised Nick of the council's no amplified music in the park policy and suggested he search for other venues or have an indoor event. I was somewhat surprised to see him approach the council, but I think it also demonstrates his commitment to the center.

The teen center has not yet applied for a Master Festival License. Absent the concern about noise problems, I don't think this would be an otherwise large or unruly event. I think he plans to run the event from noon until 5:00PM. I presume it would be alcohol free. In short, if the event occurred somewhere other than the park it would probably be approved.

If the council wishes to waive their policy, that is fine with me. However, I think the council needs to consider that the publicity generated by this waiver may lead other groups to follow suit. For example, the Rugby Team has been a little miffed that we exiled them to the park on Art Festival and would love to have live music to strengthen their beer garden. I think we could shortly be right back where we were before with lots of groups competing for concerts in the park, and many neighborhood complaints about noise.

I think it best, given the nature of City Park, events focus on those involving athletic competition where space, lawn, or playing fields are important. I think the Teen Center should either find some other venue or move away from the battle of the bands concept in the park.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	**May 15, 1995**
DEPARTMENT:	**Community Development Department**
AUTHOR:	**Megan B. Ryan, Toby Ross**
TITLE:	**Aspen Villas - Request for Assistance**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:

Authorize fee waivers and grants to the 88 residential unit project located on Highway 248 of $5,000 per unit; authorize lending $600,000 for land acquisition .

DESCRIPTION:

PROJECT STATISTICS

Applicant:	**PSC Development**
Location:	**Highway 224 across from the High School**
Zoning:	**Residential Density Medium Development - RDM with a Frontage Protection Zone Overlay - FPZ**
Acreage:	**4.80 acres**
Adjacent Uses:	**LDS Seminary, Residential, Commercial**
Date of Application:	**February 9, 1995**

A. <u>TOPIC</u> PSC, developers of Silver Meadows Estates, is requesting a $5,000 per unit subsidy for an 88 unit rental development on Highway 248. The subsidy can take the form of fee waivers, impact fees waivers and/or direct cash assistance. The total subsidy requested amounts to $440,000. The City Council has granted fee waivers to affordable housing projects in the past with the most recent allocated to the Silver Meadows, Washington Mill Housing project, apartments over Dolly's Bookstore and the Northorse residential development.

B. <u>BACKGROUND</u> The Planning Commission first reviewed a preliminary concept plan from PSC Development at its February 22nd meeting for an 88 unit, rent-restricted residential project on a 4.80 acre parcel adjacent to the Silver Meadows development. At that meeting the Commissioners directed staff and the applicant to proceed with the concept but to significantly revise the site plan. The revisions came before the Planning Commissioners at their meeting of April 12, 1995. The Commissioners had few comments on the revisions other than that the reconfiguration of units significantly helped reduce the mass on the site. The Planning Commissioners held a public hearing on the revised proposal at their meeting of April 26, 1995. No public comment was received at that meeting. Three objections letters were received and distributed to the Commissioners. Staff has not received any further public input since the meeting of the 26th. A final public hearing was held at the meeting of May 10, 1995. No input was received from the public. The Commissioners voted to approve the project, subject to Council's approval of the affordability component, at the close of the public hearing.

The project is located on the remainder of a LDS owned parcel, a portion of which was approved for the construction of a seminary. The parcel abuts the Bellemarc office building to the South. The project consists of 7 residential structures (6 three-story 12-plexes and one, two story 16-plex) and one 2,000 square foot management facility. . The two bedroom units range in size from 798 s.f. to 864 s.f.. The three bedroom units range from 954 s.f. to 990 s.f.. All of the units will also have a secured storage area of approximately 40 square feet located off of the stairways.

C. <u>ANALYSIS</u> Staff has been working with the developers of Aspen Villas for several months to see if a project could be made feasible on the site just east of Silver Meadows. Aspen Villas is an 88 unit affordable housing project proposed by Peter Cooke in partnership with DFC Group (PSC) and SunAmerica Insurance Co. As a rental project (no subdivision), the project will not come to the Council, unless appealed. The project had been proposed to use 9% Federal Tax Credits but did not receive an allocation from the State. PSC now proposes to use 4% Tax Credits with tax-exempt financing. PSC has an option to buy the site from the LDS Church for $800,000 that expires on June 1, 1995; an extension appears impossible. Like most affordable housing projects the margins are very slim and additional assistance is necessary for it to be feasible. The specific forms of assistance requested of Park City are:

- Waiver of fees and grants totalling $5000 per unit; any school impact fees paid to the City that are rebated to PSC would be repaid to City as or when rebated.
- $400,000 immediate assistance with the land purchase as part of the Second Mortgage Loan described below.
- $200,000 additional assistance with the land purchase as part of the Second Mortgage Loan described below; $100,000 by 7-15-96 and $100,000 by 7-15-97. In the event that school impact fees are rebated, the City would increase the Second Mortgage Loan by an additional $100,000 for a total of $700,000.

These requests are consistent with but not required by the recently enacted Housing Action Plan and revised Housing Policy. This project would support the Council's long-term goal of *Diverse Housing Opportunities* and the *Affordable Housing* action target

DIRECT SUBSIDY. The direct subsidy requested by PSC Development amounts to $440,000. This figure reflects a $5,000 per unit subsidy. The following list details the development and impact fees associated with the Aspen Villas project that the Council may use in its assessment of fee waivers. These calculations were based on the average unit size determined at 900 square feet and may be subject to variation upon final submittal of the building plans.

ASPEN VILLAS - Fee Waiver Analysis

FEES	PER UNIT	PROJECT TOTAL
1. Building permit	$ 537.00	$47,315.00
2. Plan check	349.00	30,755.00
3. Impact fee	1,433.00	126,175.00
4. Planning	200.00	17,600.00
5. Water Development	1,599.00	140,712.00
6. Water Connection	649.00	57,156.00
7. Public Improvement inspection (6% of costs)	114.00	10,000.00
TOTAL	4881.00	429,713.00

OPTIONS: The Council may select any combination of the waivers outlined above. Staff recommends waiving all fees listed and allocating a grant of about $119 per unit ($10,472). In no case would the combination of waivers and grants exceed $5,000 per unit. The grant would be made when the buildings are completed and ready for occupancy in an amount equal to the difference between the amount of fees waived and the $5000 cap.

SOURCE OF FUNDING: Fee revenues would not exist without the project; fee waivers do not require appropriations except for reimbursement of the Water Fund. If the recommended fee waiver is approved, the amount of the water fees would be paid with interest from the General Fund to the Water Fund.

OVERALL TRANSACTION

A. The overall financing (with required reserves) is:

$6,400,000	Bonds
1,905,000	Equity
1,040,000	City sources
$9,345,000	Total Project Funding

B. In exchange for the City assistance PSC has proposed a Special Land Use Restriction Agreement providing for :

1. A rent restriction compliance period according the Section 42 (tax credit) income guidelines as annually adjusted by the Consumer Price Index, and allowing the City to require restricted rents for an additional time so that rents would be restricted for at least a total of 40 years; and

2. Repayment of the Second Mortgage Loan plus interest beginning when the initial debt is refinanced or in seven years, whichever is sooner. Repayment would be at the rate of $20,000 or 20% of "surplus cash ", whichever is greater provided the first $100,000 of surplus cash distributable would be retained by PSC. Interest would accrue at six (6) percent until the initial debt is refinanced or in seven years, whichever is sooner at which time the rate would increase to eight (8) percent. Interest would be compounded annually and payments would be applied first to interest.

3. An option to purchase ("Purchase Option") the Development for a price set by a formula being: The strictly defined Net Operating Income (NOI) for the preceding calendar year, capitalized at eight percent (8%), less the sum of (a) the remaining balance of the City's Second Mortgage Loan plus interest, (b) a five percent sales commission or $440,000 whichever is greater and (c) the Assumable Debt. The agreement will include provisions to assure that the mortgage is easily assumable, that there is no deferred maintenance and that the final NOI is not exceptional with respect to expenses or reserves.

   This option could be exercised under special circumstances in years twelve (12) through sixteen (if the City paid for a surety bond and agreed to comply with rent restrictions required by Section 42 j) or at any time between year seventeen (17) and year twenty-five (25) following commencement of construction. The City would have twelve (12) months to close under the Purchase Option, once exercised. During that period the City would be able to review management of the project to protect its interests. After year seventeen (17), PSC could offer the property for sale but the City would retain a Right of First Refusal to meet any bona fide sales offer in addition to its option.

   In the event the City does not exercise its Purchase Option, it could demand the full repayment of the Second Mortgage Note plus interest which would be converted to a note bearing interest set at the prime rate (Conversion Note). Such repayment would be amortized over ten years due at the end of the 60th month. The Second Mortgage Note would be due and payable upon closing if the City failed to excercise its right of first refusal.

4. A leasing policy, similar to that for Silver Meadows, would be instituted and maintained.

C. PSC hopes to commence construction early this summer and open in the spring of 1996.

<u>LAND ACQUISITION/LOAN</u> The current option to purchase the site held by PSC expires on June 1, 1995. The Purchase Price is $800,000. No extension is believed to be possible. The site is not currently a separate parcel and must be segregated from the balance of the parcel before it can be transferred. Construction is expected to commence before the site is transferred according to an agreement (Transfer Note) with the property owner.

PSC proposes that the City lend $400,000 to the purchase of the property which loan would be secured by a Second Mortgage Note as described above. PSC would be responsible for the balance of the purchase price and all closing costs. The City would add $100,000 in each of the next two years to the Second Mortgage Loan. In addition to a lien on the property, the City's Second Mortgage Note would be protected by these covenants:

A. In the event construction does not start on Aspen Villa by June 1, 1996, the City could:

1. Call the loan (foreclose); and

2. Assume the first mortgage on the land (Land Mortgage) and take possession of the parcel; PSC would be obliged to pay the debt service on the mortgage for six months or until the parcel is sold, whichever comes first.

B. PSC would not have the right to pay off the Second Mortgage Note and then hold or resell the site for a profit. Any profit from resale would belong to the City.

C. The two $100,000 advances (and third in the event of a rebate of school impact fees) noted above shall be added to the Prinicipal of the Second Mortgage Loan and bear interest thereon from the date of the advance.

D. The Second Mortgage Loan would be subordinated to only First Mortgage debt of no more than $6,500,000 (at all times) as part of the noted Bonds or any refinancing thereof.

<u>SOURCES OF REVENUE</u> Park City expects housing in-lieu fees from the Hidden Meadows annexation and the Bald Eagle subdivision and these would be logical ultimate sources for the initial $400,000 contribution toward the land purchase. The additional money could come from housing funds proposed in the 1995-97 Financial Plan or other in-lieu fees. Because of the tight time schedule the money would be advanced from current reserves or fund balances.

SUMMARY ANALYSIS The high cost of land and construction; the reduction of the rents that can be charged under HUD standards; and the shortage of 9% tax credits combine to make construction of affordable housing in Park City extremely difficult. Even with tax credits, tax-exempt loans and fee waivers, the current project is about $700,000 shy of true feasibility. PSC hopes that Park City will assist with acquisition by lending $600,000, $400,000 of which by June 1, 1995. These loans would be repaid with interest but repayment would not commence for up to seven years; the City also would have the right to purchase the project at a predetermined price. The City expects to have money from in-lieu payments that could be used to make the loans. This money is committed to affordable housing, but not necessarily to this project. Final contribution would be contingent on PSC securing all necessary approvals.

ALTERNATIVES

A. **APPROVE THE REQUEST**. Authorize: 1) waiver of fees and contributions totaling $5000 per unit; 2) $400,000 immediate assistance with the land purchase; and 3) $200,000 additional assistance with the land; $100,000 by 7-15-96 and $100,000 by 7-15-97. With authorization from the Council, the staff would proceed to prepare and execute the necessary documents to complete the proposed transaction (as described in this report) including the Second Mortgage Note, Land Mortgage, Special Land Use Restriction Agreement,development agreement Purchase Option, Right of First Refusal, escrow instructions, Conversion Note, Transfer Agreement and guarantees.

B. **DENY REQUEST.** While these requests are consistent with the recently enacted Housing Action Plan and revised Housing Policy they are not required by them. The Council is free to reject the proposal.

C. **MODIFY THE TERMS.** The Council could suggest or approve modified terms.

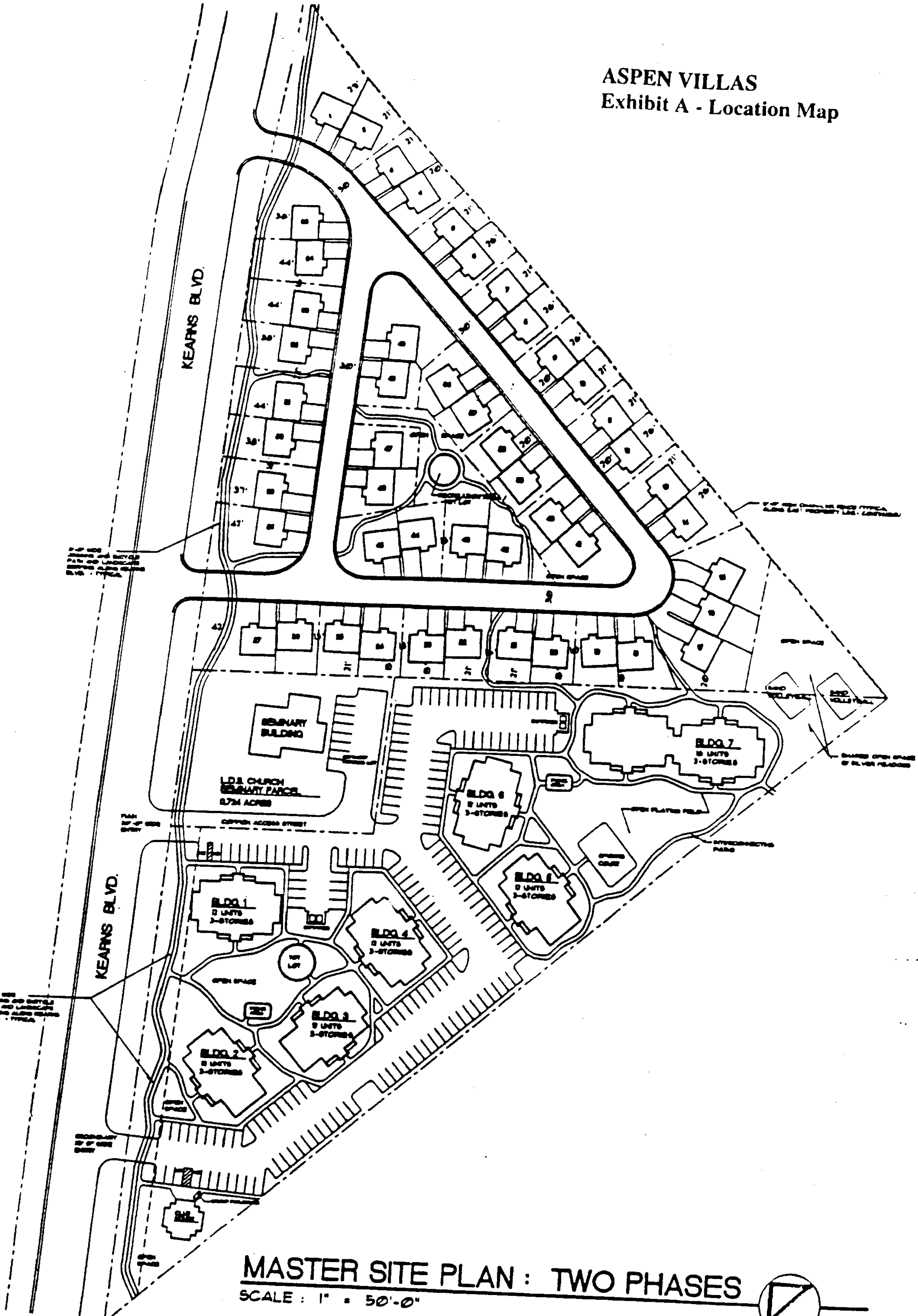
SIGNIFICANT IMPACTS: If the City Council chooses to approve the fee waivers the City will forgo approximately $440,000 of potential revenue. The City's General Fund will undergo a transfer of about $200,000 to the Water Fund.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the City Council denies the fee waivers the project is deemed invalid per the Final Conditions of Approval from the Planning Commission. Denial of the request or major changes to the terms probably would cause the project to be abandoned because other arrangements could not be made by the June 1 date of the option. Changes that do not affect the core terms probably could be accommodated without jeopardizing the project.

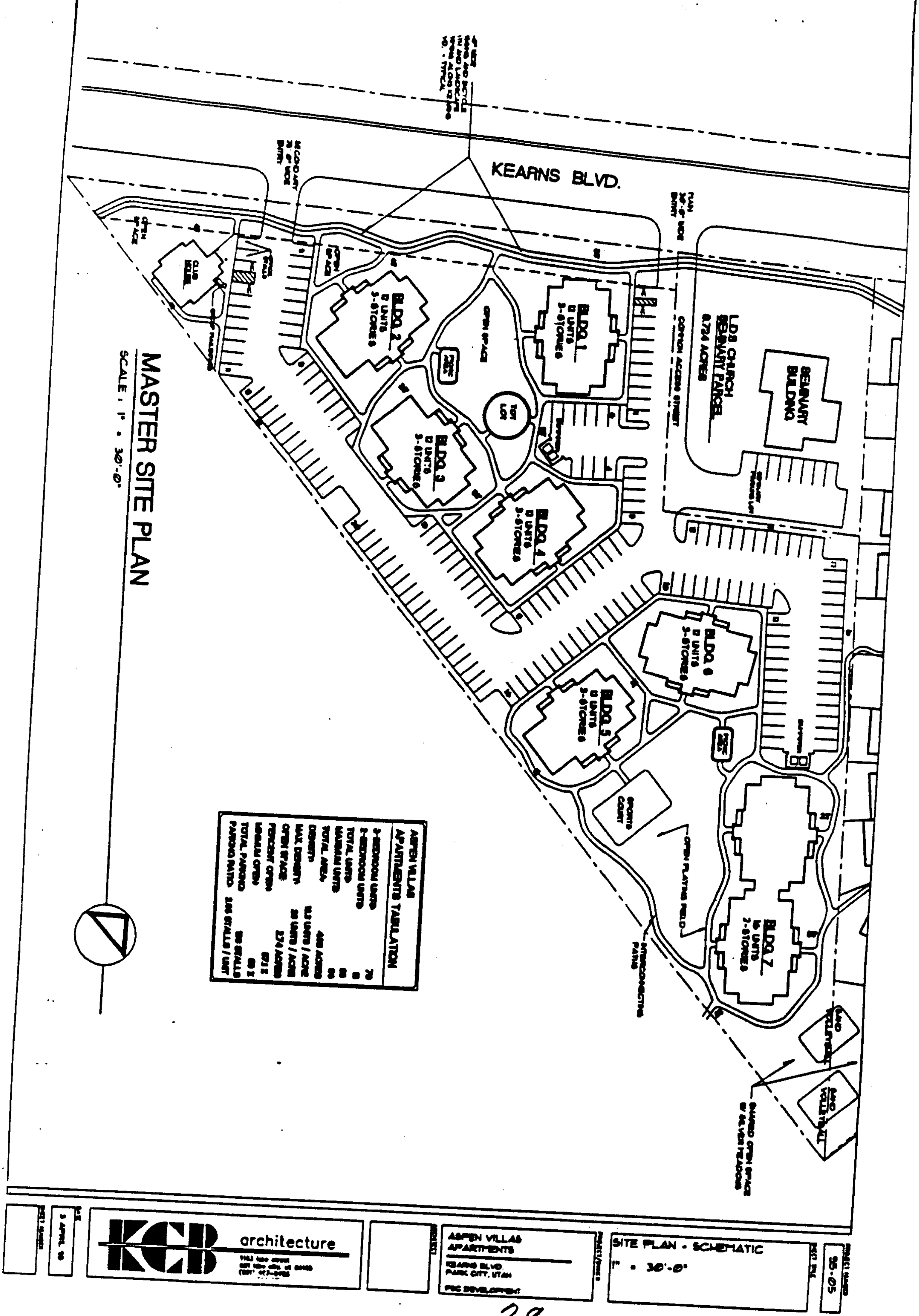
DEPARTMENT REVIEW. The City Manager's Office, Community Development Department and the City-Wide Staff review team have reviewed this application.

RECOMMENDATIONS: The Council should authorize: Fee waivers and grants to the 88 residential unit project located on Highway 248 of $5,000 per unit; lending $600,000 ($700,000 if school impact fees are rebated) for land acquisition; and preparation and execution of documents necessary to complete the agreements and transactions.

ASPEN VILLAS
Exhibit A - Location Map



ASPEN VILLAS
Exhibit B - Site Pla



38

EXHIBIT A

RESOLUTION 95 -

RESOLUTION OF THE PARK CITY COUNCIL AUTHORIZING ASSISTANCE TO THE 88 UNIT ASPEN VILLAS MODERATE INCOME MASTER PLAN DEVELOPMENT LOCATED AT HIGHWAY 248, PARK CITY, UTAH

WHEREAS, in March of 1995 the City Council approved Resolutions 7-95 and 8-95 establishing a Housing Action Plan and Affordable Housing Guidelines and Standards: and

WHEREAS, the City Council adopted policies in Resolution 7-95 to encourage and support affordable housing including a policy that Park City will consider financial participation in affordable housing projects to a maximum of $5,000 per unit; and

WHEREAS, the Developer of PSC Development is requesting assistance on an 88 residential unit Moderate Income Master Plan Development of $5,000 per unit in fee waivers, water development assistance, a cash grant;

WHEREAS, the Developer has additionally requested assistance on the purchase of land totaling $700,000 over a three year period ;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Park City Council authorizes a package of assistance to the Aspen Villas project totaling approximately $5,000, which is consistent with the Affordable Housing Policy and is specifically delineated in Table A.

2. The Park City Council also authorizes the City Manager to enter in to agreements to finance land acquisition for this project not to exceed $700,000 and to direct the City Manager to execute the necessary documents required. The terms of this agreement will be outlined in the following documents. Each document will be in a form approved by the City Attorney and will be consistent with the actions described in the staff report for the meeting of May 18, 1995.. These documents may be combined in a Master Document for the project and include but are not limited to the following:

   1. Second Mortgage Note
   2. Land Mortgage
   3. Special Land Use Restrictions
   4. Development Agreement Purchase Option
   5. Transfer Agreement
   6. Conversion Note
   7. Right of First Refusal

3. The actual obligation to provide this assistance will be incurred only after the project has received all necessary approvals and the agreements outlined above, covering the applicant's responsibilities to maintain 88 affordable units per Resolution 7-95, have been executed.

4. Any intent to assist this project is dependent upon the project commencing construction by August 31, 1995.

PASSED AND ADOPTED this 18th day of May, 1995.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Anita Sheldon, Deputy City Recorder

Approved as to Form:

____

Mark Harrington, Assistant City Attorney

TABLE A

Aspen Villas

City Assistance:

Estimated Value Per Unit		
Fee Waivers		
Planning fees	$	200
Building permit		537
Plan check		349
Development impact		1,433
Engineering inspection		114
Water Fees		2,248
Cash grant		119
TOTAL		**$5, 000**

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: May 15, 1995
DEPARTMENT: Community Development Department
AUTHOR: Toby Ross, Megan B. Ryan
TITLE: North Horse Moderate Income MPD - Request for Fee Waivers
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

Conduct a Public Hearing to consider approval of fee waivers to the 94 residential unit project located at IronHorse Drive and Bonanza of $5,000 per unit.

DESCRIPTION:

PROJECT STATISTICS

Applicant:	**Oak Financial**
Location:	**Iron Horse Drive and Bonanza**
Zoning:	**Residential Density Medium Development - RDM**
Acreage:	**acres**
Adjacent Land Uses:	**Residential, Commercial, Rail Trail**
Date of Application:	**May 11, 1995**

A. Topic.

Oak Financial, representative for the developers of North Horse, is requesting a $5,000 per unit subsidy for a 94 rental residential development on Highway 248.

B. Background.

The subsidy can take the form of fee waivers, impact fees waivers and/or direct cash assistance. The total subsidy requested amounts to $470,000. The City Council granted fee waivers to this project in 1992 with the condition that the project must have commenced construction by July 1, 1993. Please see Exhibit A - Resolution

36-92. The developers were not able to meet this goal and are now requesting that the Council reinstate and increase the fee waivers and assistance for this project. The developers are ready for Final Building permits on this project contingent to approval of this request.

Project Description

The project is located below Iron Horse and Fireside Condominiums and consists of 94 units. The units will all be rental units. 24 units have been awarded Tax Credits from the Utah Housing Finance Agency. The remaining units will be tied to Park City Municipal Corporation Rental Guidelines as delineated in Resolution 7-95.

C. Analysis

The total subsidy requested by amounts to approximately $375,342. This figure reflects a $5,000 per unit subsidy.

The following list details the development and impact fees associated with the North Horse project that the Council may use in its assessment of fee waivers. These calculations were based on the average unit sizes and may be subject to variation upon final submittal of the building plans.

North Horse - Fee Waiver Analysis

FEES	***CALCULATION OF PER UNIT FEES TO BE WAIVED***	***TOTAL PROJECT FEES***
1. BUILDING PERMIT	$ 558	$52,452
2. PLAN CHECK	$363	$34,122
3. IMPACT FEE	$1,489	$139, 966
4. PLANNING	$430	$37,600
5. ENGINEERING	$100	$9,400
6. CDBG GRANT	$1,063	$100,000
7. FINANCE WATER FEES	$997	$93,718
TOTAL	$5,000	

OPTIONS: The Council may select assistance to the project from the combination of the waivers outlined in the chart above. Staff recommends waiving fees 1 - 5 , crediting #6 and financing water fees, #7.

SOURCE OF FUNDING: Building, Planning and Impact Fee waivers (1-5) are not new net expenditures to the City Budget but rather revenue that is not collected. The Community Development Block Grant, #6, was awarded to the City by the State. The city will finance the water development fees, #7, for the applicant over a 15 year period at a 6% interest rate. In order to derive the value of this to the developer, Staff calculated the value of financing the water fees as the difference in value between a 10% market rate fund and the 6% to be charged to the developer. The 6% is derived from the rate that is currently earned by the City on reserves held in the Water Fund. No transfer from the General Fund will be required for the City to finance the Water Development Fees..

D. Department Review.

The City Manager's Office, Community Development Department and City Attorney's Office have reviewed this application.

ALTERNATIVES

A. **Waive Items 1 - 5, credit #6, and Finance Water Fees, #7. - Total assistance $5,000 per unit.**
B. **Waive Items 1 -5 and credit #6 - Total assistance $4,003 per unit.**
C. **Waive any portion and or combination of Items 1 - 7.**
D. **Deny request of Fee Waivers.**

SIGNIFICANT IMPACTS:

If the City Council chooses to approve the fee waivers the City will forgo or defer approximately $375,342 of potential revenue.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the City Council denies the fee waivers the project will need to seek an alternate subsidy source and the project may be delayed or abandoned.

RECOMMENDATION

Staff recommends that the City Council adopt the Resolution as shown on Exhibit B granting Fee Waivers to the North Horse residential project. The Resolution waives Fees # 1 - 5, crediting #6, and finances the water fees at $997 per unit. The Council should also authorize staff to prepare and execute a formal agreement that assures affordability on all 94 units and adheres to Resolution 7-95 and all other necessary documents.

EXHIBITS

Exhibit A -Resolution 36-92
Exhibit B - Proposed Resolution

EXHIBIT A

Resolution No. 36-92

RESOLUTION OF INTENT OF THE PARK CITY COUNCIL TO ASSIST THE NORTH HORSE AFFORDABLE HOUSING PROJECT

WHEREAS, in May of 1991 the City Council reviewed a request by Sundial Investments that Park City waive fees for a two-phase, 112 unit affordable housing project and the Council supported the concept of the City assisting the project in the magnitude of $4,000 to $4,500 per unit provided that there was adequate protection for affordability; and

WHEREAS, in December of 1991 the Council adopted a resolution establishing policies to encourage and support affordable housing including a policy that Park City will consider financial participation in affordable housing projects to a maximum of $5000 per unit; and

WHEREAS, Sundial has requested that the City participate in the North Horse project to the extent possible;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Park City Council expresses its intent approve a package of assistance to the North Horse project totaling about $4,225 which is consistent with the Affordable Housing Policy and previous indications similar to that reflected in Table A.

2. The actual obligation to provide this assistance will be incurred only after the project has received all necessary approvals and an agreement covering the responsibilities of both parties had been executed.

3. Any intent to assist this project is dependent upon the project commencing construction by July 1, 1993 and all construction of public improvements related to the CDBG grant being completed by December 31, 1993.

PASSED AND ADOPTED this 8th day of October, 1992.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

TABLE A

City Assistance:

	Estimated Value Per Unit
Fee Waivers	
Planning fees	$ 200
Building permit	500
Plan check	325
Development impact	1,300
Engineering inspection	100
CDBG Housing Grant	900 (1)
Housing Authority Grant	400 (2)
Finance Water Fees	500 (3)
TOTAL	**$4,225**

(1) for infrastructure improvements and fees, requires the developer to match the grant

(2) requires a separate action of the Park City Housing Authority, may be used for to offset water impact fees.

(3) Based on interest savings accruing to the project by allowing estimated water fees of $1,850 per unit to be paid over five years rather than in advance.

EXHIBIT B

RESOLUTION 95 -

RESOLUTION OF INTENT OF THE PARK CITY COUNCIL TO ASSIST THE NORTH HORSE AFFORDABLE HOUSING PROJECT

WHEREAS, in May of 1991 the City Council reviewed and approved a request by Sundial Investments that Park City waive fees for a two-phase, 112 unit affordable housing project and the Council supported the concept of the City assisting the project in the magnitude of $4,000 to $4,500 per unit provided that there was adequate protection for affordability; and

WHEREAS, in December of 1991 the Council adopted a resolution establishing policies to encourage and support affordable housing including a policy that Park City will consider financial participation in affordable housing projects to a maximum of $5,000 per unit; and

WHEREAS, the project has undergone a change in ownership and experienced unexpected site redemption that have resulted in an extended development schedule, Oak Financial is requesting that the City reaffirm its participation in the North Horse project to the greatest extent possible;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Park City Council expresses its intent approve a package of assistance to the North Horse project totaling approximately $5,000, which is consistent with the Affordable Housing Policy and is specifically delineated in Table A.

2. The actual obligation to provide this assistance will be incurred only after the project has received all necessary approvals and an agreement covering the applicant's responsibilities to maintain 94 affordable units per Resolution 7-95 has been executed.

3. Any intent to assist this project is dependent upon the project commencing construction by July 1, 1995 and all construction of public improvements related to the CDBG grant being completed by December 31, 1995.

PASSED AND ADOPTED this 18th day of May, 1995.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Anita Sheldon, Deputy City Recorder

Approved as to Form:

____

Mark Harrington, Assistant City Attorney

TABLE A

City Assistance:

Estimated Value Per Unit		
Fee Waivers		
Planning fees	$	430
Building permit		558
Plan check		363
Development impact		1,489
Engineering inspection		100
CDBG Infrastructure Grant		1,063 (Note 1)
Finance Water Fees		997 (Note 2)
TOTAL		**$5, 000**

Notes:

(1) For infrastructure improvements and fees, requires the developer to match the grant.

(2) Based on interest savings accruing to the project by allowing estimated water fees of $222,672 to be paid over fifteen years rather than in advance.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	**May 18, 1995**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Stephen R. Call**
TITLE:	**Plat Amendment - Deer Valley Club Estates Subdivision**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:

Receive public testimony and take action on a proposed amendment to the Deer Valley Club Estates Subdivision Plat which changes the subdivision name to Knoll Estates and also provides for deviations in the Limits of Disturbance without requiring a formal plat amendment. Staff recommends approval of the amendment.

DESCRIPTION:

A. Topic.

This plat amendment has been initiated by Park City with the cooperation of Bob Wells who is acting on behalf of the Deer Valley Club Estates Architectural Committee. The amendment is proposed for the following reasons:

1. The amendment will provide for deviations from the Limits of Disturbance without requiring a formal plat amendment. Any such deviations or changes would be subject to review and approval by the Park City Community Development Department and the Deer Valley Club Estates (to be renamed Knoll Estates) Architectural Committee.

2. The amendment will also change the subdivision name from Deer Valley Club Estates to **Knoll Estates**.

B. Background.

The Deer Valley Club Estates Subdivision was platted and recorded in 1992 with building pads indicated for each lot on the plat. According to note #8 on the plat, the *LIMITS OF*

DISTURBANCE SHALL BE 15 FEET OUTSIDE OF ALL ROAD RIGHT OF WAYS, BUILDING PAD ENVELOPES, AND UTILITY EASEMENTS. FRONT YARD AREAS MAY BE DISTURBED AND REVEGETATED UPON APPROVAL OF PARK CITY PLANNING DEPARTMENT. Generally, the Limits of Disturbance as defined above are suitable for most situations. However, this rigid definition does not allow the flexibility needed to respond to existing vegetation patterns or other unanticipated special circumstances.

As part of this plat amendment, the owners also wish to change the name of the subdivision from Deer Valley Club Estates to **Knoll Estates**.

The following language has been proposed to amend the Deer Valley Club Estates Subdivision plat:

> **Note:**
> **The Limits of Disturbance represents the boundary in which all building and associated construction disturbance shall occur. The limits of construction disturbance shall be no greater than 15 feet beyond the building pad. The building footprint can shift within the building pad. Driveway access to the building pad shall be no wider than 20 feet. Deviations from the Limits of Disturbance may and must be approved by the Knoll Estates Architectural Committee.**
>
> **The Amended plat of Deer Valley Club Estates is hereby further amended to change the name of the subdivision from Deer Valley Club Estates to Knoll Estates.**

C. Analysis

As proposed, the plat amendment will not remove or alter any of the platted building pads, easements or setbacks as presently shown on the Deer Valley Club Estates Subdivision plat. Instead, the proposed language will provide for deviations in the Limits of Disturbance subject to review and approval by the Knoll Estates Architectural Committee and the Community Development Department as a part of the normal building permit review process. The Building Department shall remain responsible for enforcing the Limits of Disturbance and shall still require the customary orange fencing or steel fencing as deemed necessary to protect existing vegetation.

The Proposed plat amendment will also change the name of the subdivision from Deer Valley Club Estates to **Knoll Estates**. (The street names do not change)

Findings:

1. Staff supports the proposed amendment to the Deer Valley Club Estates Subdivision plat because it retains existing building pad locations, setbacks and easements for each lot while providing for deviations in the Limits of Disturbance where appropriate in

order to preserve significant vegetation and provide reasonable access for construction activities.

2. This plat amendment will enable future requests for changes/deviations in the Limits of Disturbance (within Knoll Estates Subdivision) to be handled administratively by city staff with the concurrence of the Knoll Estates Architectural Committee. This will result in improved customer service and in a significant savings of time otherwise expended by city staff, Planning Commission and City Council as required in the plat amendment process.

Conclusions of Law:

1. There is good cause for the plat amendment because it will allow some flexibility in site design and grading in order to preserve significant vegetation while retaining restrictions on site disturbance through the standard review process by the city and the Knoll Estates Architectural Committee.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review.

The Community Development Department and the City Attorney's office have reviewed this application.

On April 26, 1995, the Planning Commission reviewed this application and has forwarded it with a positive recommendation for City Council Approval.

ALTERNATIVES

A. Approve the plat amendment allowing requests for changes in the Limits of Disturbance to be reviewed and approved administratively with the concurrence of the Knoll Estates Architectural Committee and approve changing the name of the subdivision from Deer Valley Club Estates to **Knoll Estates**.

B. Deny the plat amendment request.

C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:

Alternative A: This one-time amendment will allow future requests for changes/deviations in the Limits of Disturbance to be reviewed and negotiated, approved, or denied administratively by city staff with the concurrence of the Knoll Estates Architectural Committee. All existing building pads, setbacks and easements remain unchanged and in effect. Improved customer service and a significant savings in time and city resources will result from approval of this alternative.

Alternative B: Alternative B will continue to require each future request for a change in the Limits of Disturbance to be handled through the plat amendment process. The requirements for noticing, preparation and review of reports, and the holding of public hearings results in additional delays in processing time and a continued demand on the city resources required to process each plat amendment.

Alternative C: Defers action to a later date

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

A plat amendment will be required for each lot when changes in the Limits of Disturbance are proposed, resulting in extended processing time, and an unnecessary demand on the city resources needed to process each plat amendment.

PUBLIC NOTICE AND COMMENTS:

Notices were sent to all property owners in Deer Valley Club Estates Subdivision and within 300 feet of Deer Valley Club Estates Subdivision.

At the time of this report, no comments in opposition to the proposed plat amendment have been received.

RECOMMENDATION:

Receive public testimony and take action on a proposed amendment to the Deer Valley Club Estates Subdivision Plat which changes the subdivision name to Knoll Estates and also provides for deviations in the Limits of Disturbance without requiring a formal plat amendment. Staff recommends approval of the amendment.

EXHIBITS:

EXHIBIT A - Location map
EXHIBIT B - Ordinance & Plat
EXHIBIT C - Sample excerpt from Deer Valley Club Estates Subdivision plat

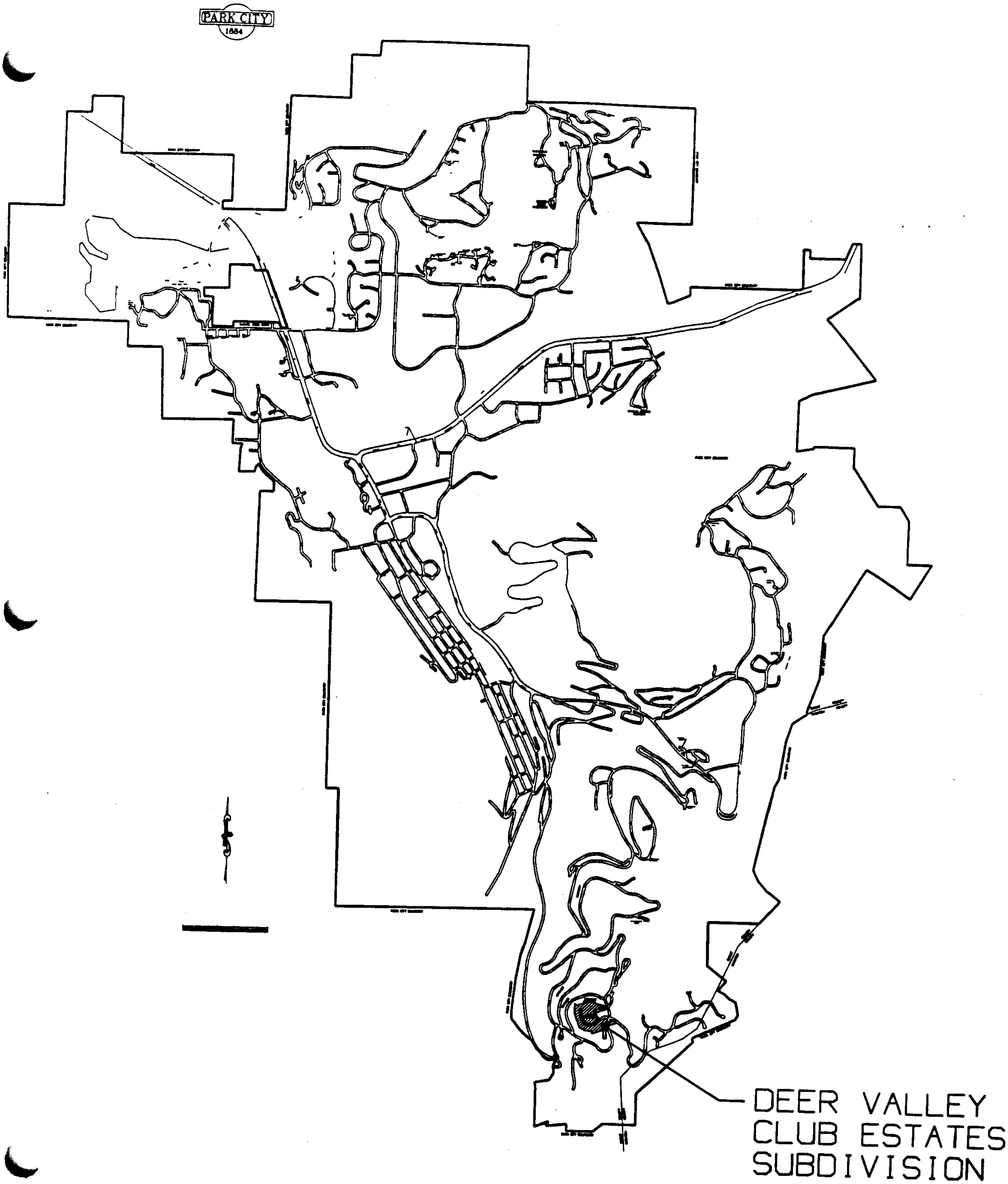


EXHIBIT A
Location Map

Ordinance No. 95-___

AN ORDINANCE APPROVING A PLAT AMENDMENT TO THE DEER VALLEY CLUB ESTATES SUBDIVISION PLAT IN PARK CITY, UTAH

WHEREAS, Park City, in cooperation with the Deer Valley Club Estates Subdivision Architectural Committee, petitioned the Planning Commission for approval of a plat amendment to the Deer Valley Club Estates Subdivision plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed plat on April 26, 1995; and

WHEREAS, on April 26, 1995, the Planning Commission approved the plat amendment described below;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council concludes that it is in the best interest of Park City to approve the plat amendment and neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT AMENDMENT APPROVAL. The Deer Valley Club Estates Subdivision Plat is hereby amended as shown in ATTACHMENT A by adding the following language:

> **Note:**
> **The Limits of Disturbance represents the boundary in which all building and associated construction disturbance shall occur. The limits of construction disturbance shall be no greater than 15 feet beyond the building pad. The building footprint can shift within the building pad. Driveway access to the building pad shall be no wider than 20 feet. Deviations from the Limits of Disturbance may and must be approved by the Knoll Estates Architectural Committee.**
>
> **The Amended plat of Deer Valley Club Estates is hereby further amended to change the name of the subdivision from Deer Valley Club Estates to Knoll Estates.**

EXHIBIT B

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 18th day of May, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

NOTE:

THE LIMITS OF DISTURBANCE REPRESENTS THE BOUNDARY IN WHICH ALL BUILDING AND ASSOCIATED CONSTRUCTION DISTURBANCE SHALL OCCUR. THE LIMITS OF CONSTRUCTION DISTURBANCE SHALL BE NO GREATER THAN 15 FEET BEYOND THE BUILDING PAD. DRIVEWAY ACCESS TO THE BUILDING PAD SHALL BE NO WIDER THAN 20 FEET. DEVIATIONS FROM THE LIMITS OF DISTURBANCE MAY AND MUST BE APPROVED BY THE KNOLL ESTATES ARCHITECTURAL COMMITTEE.

THE AMENDED PLAT OF DEER VALLEY CLUB ESTATES IS HEREBY FURTHER AMENDED TO CHANGE THE NAME OF THE SUBDIVISION FROM DEER VALLEY CLUB ESTATES TO:

KNOLL ESTATES

AN AMENDMENT TO THE AMENDED PLAT
OF

DEER VALLEY CLUB ESTATES

A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22 AND THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

ACCORDING TO THE AMENDED PLAT RECORDED ON 12/10/92 AS ENTRY NO. 370399 IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

CITY COUNCIL APPROVAL

PRESENTED TO THE PARK CITY COUNCIL THIS ______ DAY OF __________ A.D. 1995, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR ______________

CITY RECORDER ______________

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ______ DAY OF __________ A.D. 1995.

CITY ENGINEER ______________

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ______ DAY OF __________ A.D. 1995

CHAIRMAN ______________

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS ______ DAY OF __________ A.D. 1995

CITY ATTORNEY ______________

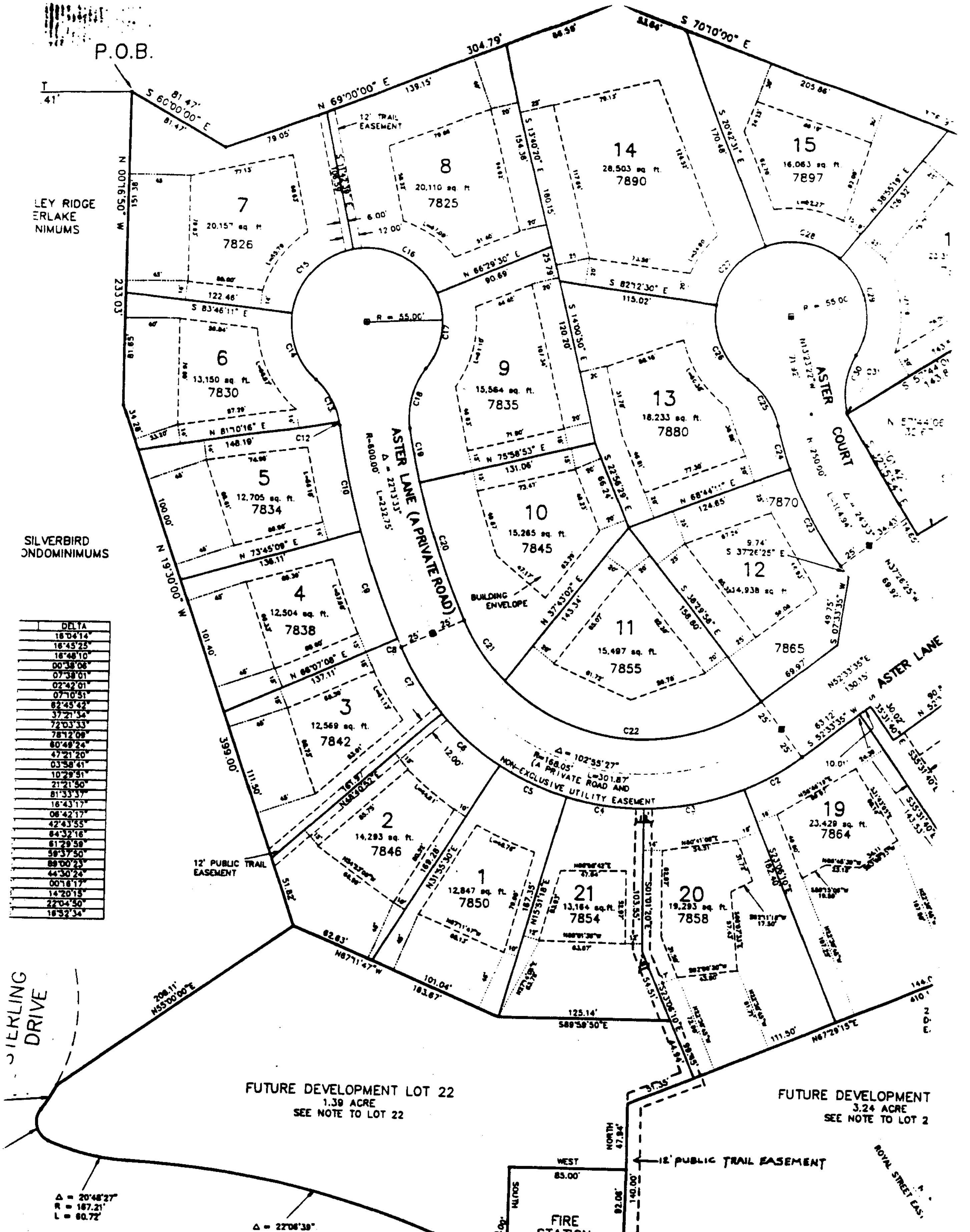
RECORDED

No. ______
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF ______________

FEES ______ COUNTY RECORDER ______________

ATTACHMENT A

56 **Plat**



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81°33'37"
16°43'17"
06°42'17"
42°43'55"
84°32'16"
61°29'59"
58°37'50"
88°00'23"
44°30'24"
00°16'17"
14°20'15"
22°04'50"
18°52'34"

EXHIBIT C

Sample - excerpt from Deer Valley Club Estates Plat

57

NOTE TO FUTURE LOTS 22 AND 23

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: April 21, 1995
DEPARTMENT: Legal
AUTHOR: Anita Sheldon
TITLE: City Recorder
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: A public hearing to receive input on an ordinance amending Title 9, "Parking Code" to include parking restrictions on newly built 7th and 9th Streets and adding language describing the Historic District parking sign colors.

DESCRIPTION:

A. **Topic**: An ordinance amending Title 9 of the Municipal Code.

B. **Background**: With the addition of newly built 7th and 9th Streets, it has become necessary to amend Title 9-4-1(C) of the Parking Code so that it is consistent with the Parking and Circulation Plan for Main Street and Swede Alley adopted by Resolution No. 19-93. Also, as a housekeeping issue, Title 9-6-2(A) describes parking regulation signs throughout the City and the colors of those signs have recently been changed in the Historic District.

C. **Analysis**: Resolution 19-93 (Parking and Circulation Plan for Main Street and Swede Alley) was passed on August 5, 1993, and was designed to help alleviate parking problems in the Main Street/Swede Alley area. In order to conform to this Resolution, 7th Street and 9th Street have been designated as part of the Main Street/Swede Alley plan and regulations on these two streets should be consistent with the plan.

D. **Department Review**: This Ordinance has been reviewed by the Legal Department, Police Department and Public Works Department.

ALTERNATIVES:

A. **Approve the request**:

B. **<u>Deny the request</u>**: The inconsistencies between the Code and the Parking and Circulation Plan for Main Street and Swede Alley cause many problems for the parking enforcement officers and the parking appeals committee, as well as the citizens who park in this area.

C. **<u>Continue the Item</u>**:

D. **<u>Do nothing</u>**:

<u>SIGNIFICANT IMPACTS</u>:

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u>: It will become increasingly difficult for the circulation plan and parking enforcement to be effective in the area if inconsistencies continue.

<u>RECOMMENDATION</u>: Pass and Adopt the Ordinance amending Title 9, "Parking Code".

ORDINANCE 95-___

AN ORDINANCE AMENDING TITLE 9, "PARKING CODE" TO INCLUDE PARKING RESTRICTIONS ON NEWLY BUILT SEVENTH AND NINTH STREETS AND ADDING LANGUAGE DESCRIBING THE HISTORIC DISTRICT PARKING SIGN COLORS

WHEREAS, the City Council is empowered to make amendments to the Municipal Code of Park City, Utah; and

WHEREAS, the health and safety of residents and visitors is an important consideration of the City Council; and

WHEREAS, the City Council finds it in the best interest of the public to amend the Municipal Code so that it is consistent with the Parking and Circulation Plan for Main Street and Swede Alley adopted by Resolution No. 19-93 on August 5, 1993,

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

SECTION 1. Title 9-4-1(C) is hereby amended as follows:

(C) It shall be unlawful to park any vehicle on Park Avenue between 12th Street and Heber Avenue, on Heber Avenue, 7th Street, 9th Street or Main Street between the hours of 2:00 a.m. and 6:00 a.m. during the winter months. Additional streets may be designated as no parking areas during these periods as necessary to facilitate snow removal.

SECTION 2. Title 9-6-2(A) is hereby amended as follows:

(A) Signs pertaining to a permanent parking regulation shall be blue with white lettering in the Historic District and white with ~~and~~ red lettering in all other areas, and shall state the nature of the regulations on the face of the sign. Signs shall be erected ~~with~~ in sufficient number to adequately inform the public of the parking regulation.

SECTION 3. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this ____ day of __________, 1995.

PARK CITY MUNICIPAL CORPORATION

____

BRADLEY A. OLCH, MAYOR

ATTEST:

____

ANITA L. SHELDON, CITY RECORDER

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: May 10,1995
DEPARTMENT: Public Affairs
AUTHOR: Myles Rademan
TOPIC: Olympic Parkway Entryway Corridor Master Plan
TYPE OF ACTION: Public Hearing

SUMMARY RECOMMENDATIONS: The City Council may wish to take one or more of the following actions: 1) the Council may direct the Public Affairs Department staff to incorporate the Parks, Recreation and Beautification Advisory Board comments and recommendations into the current draft of the Entry Corridor Master Plan; 2) the Council may change or add to the Advisory Board comments based upon public input; 3) the Council may direct the staff to make no changes to the current draft of the Entry Corridor Master Plan.

DESCRIPTION:

A. **Topic** The City Council directed the staff to prepare a master plan for the McLeod Creek Entryway properties and their immediate surroundings. The scope of the study embraced the Thaynes Buffer strip, that portion of the Park City Golf Course fronting Highway 224, the Huntsman parcel, the Petersen parcels, the Osguthorpe farm, the right-of-way of Highway 224, the Mountain Fuel parcel near Meadows Drive, and properties along both sides of Highway 224 north of the Osguthorpe farm to the entrance of Wolf Mountain. Taken together, these lands form the major entryway to Park City. A draft master plan was completed in late 1994 and distributed to the City Council as well as the Parks, Recreation and Beautification Advisory Board.

B. **Background** The Olympic Parkway Entryway Corridor Master Plan is before the City Council for a Public Hearing and further discussion. Attached are comments and recommendations from the Parks, Recreation and Beautification Advisory Board.

C. **Analysis** The Master Plan is an important tool to focus discussion and decisions on the short and long term use of the property within the McLeod Creek Entryway. The primary objective of the plan is "to preserve and enhance the visual quality of a portion of the entryway to Park City along Highway 224." To achieve this objective the plan sets forth several goals around the protection of visual, historic, and natural elements of the site, creating educational and passive recreational opportunities on the site, and preserving long term options for the recreational use and open space value of the property. Resource areas are identified and overlain with activity areas and four trail location alternatives are presented in the plan. Design criteria, management policy recommendations, and resource management guidelines are proposed. Finally, a capital improvements schedule is proposed.

The Parks, Recreation and Beautification Board has recommended several changes to the Master Plan. Most of the changes are positive additions that can be easily incorporated. A few issues may deserve additional review including the precise schedule of capital improvements, trail location, and protection of bond covenants. Staff will provide analysis of these issues and others raised by the public before requiring action by the City Council.

We are currently working with the Corps of Engineers and our wetland consultants to evaluate wetland impacts associated with various trail alternatives. It may be premature to limit trail location options until this work is further along. Having the trails discussion be an appendix to the Master Plan is an acceptable option.

D. <u>Department Review</u> Various city departments have had an active part in the development of the master plan including: Community Development, Administration, and Public Affairs. In addition, Leisure Services and Public Works reviewed the draft prior to its being distributed to the public. In addition to internal department review, Utah Division of Wildlife Resources and The US Army Corps of Engineers were involved in the data gathering and policy formulation stage of the Master Plan.

<u>ALTERNATIVES:</u>

Conduct a Public Hearing and consider comments from the general public during the public meetings held by the Parks, Recreation and Beautification Advisory Board a number of user groups, especially trail users were present expressing their particular needs. These groups may have unresolved issues.

No action is requested on May 18th.

<u>SIGNIFICANT IMPACTS</u> Continuing to move this Master Plan to adoption will provide a policy and management tool to guide the community in making appropriate decisions in achieving the goals and objectives set forth in the plan.

<u>CONSEQUENCE OF NOT TAKING RECOMMENDED ACTION</u> The staff will continue to operate the Farm on as-needed basis, responding to emergencies, continuing to renew the White Pine cross-country ski lease, and continuing to make improvements as reviewed and funded by City Council, if the Council decides not to pursue adoption of the Olympic Parkway Entryway Corridor Master Plan at this time.

<u>RECOMMENDATION</u> The staff recommends the City Council identify any revisions to the draft Master Plan they would like staff to prepare and set a date for adoption

Sally Elliott
2690 Sidewinder Drive
Park City, UT 84060
801-649-5712
April 18, 1995

Honorable Mayor and Council Members,

I join you in commending the Parks Recreation Board for the many hours they have contributed in preparation of the Entry Corridor recommendations. They have taken lots of public input and have worked long to bring you their final recommendation.

In my last conversation with them I understood that they planned to remove discussion of trail locations to an appendix. They also expressed a desire to go out with a wetlands specialist from the Corps of Engineers to look at the various constraints and limitations on trail locations. The preliminary finding of the Parks Recreation Board was that access through the west/south side of the property should be limited to pedestrian only in order to protect it from overuse or misuse by cyclists and equestrians. This recommendation is not in keeping with the Park City Trails Masterplan and may not be acceptable to citizens. As you make your decision about trails through the property, please consider the following points:

1. The Park City Trails Masterplan, developed over a number of years with extensive public input and consensus indicates 2 multi-use trails across the property. One goes between the meadow area and the hillside aspens and the other follows the stream. The understanding with both bicycle and equestrian groups was that they would have access on both of those trails. The wetter areas obviously should be protected from bike tires and horses hooves and that can be accomplished with trail design and signage indicating "pedestrian only" areas. It would be a mistake, however, to abandon the trails masterplan and exclude bikes and horses entirely from the west side of the property without extensive public hearings.

2. We all bought the property together and we all want to be able to enjoy a little piece of it. We must be inclusive rather than exclusive within our limitations. Bikers' and horseback riders' interests must be considered as carefully as those of pedestrians.

3. Now that we have had a chance to look at the property for several years, it might be appropriate to switch the two trails on the west side of the property with the "high volume" trail above the meadow and the "multiple use" trail nearer the wet, visually sensitive stream corridor, but limiting that entire side of the property to "pedestrian only" without amending the masterplan through significant public hearings would be a mistake.

4. Access to "Kids Creek" should of course be preserved, but may appropriately be limited to pedestrians with horses and bikes parked in a safe area.

Thanks for taking the time to read this. Hope it helps avert a potentially confrontational situation.

Yours,

Sally

Sally Elliott

PARK CITY 1884

COUNCIL AGENDA REPORT

DATE: May 10 for May 18 Meeting
DEPARTMENT: Legal
AUTHOR: Anita Sheldon
TITLE: Risk Manager
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Authorize Mayor to execute a three year contract with Johnson & Higgins for broker services in an amount of $16,000 per year, with two one-year options to extend.

DESCRIPTION:

A. **Topic**: New contract with Johnson & Higgins for brokerage services.

B. **Background**: Johnson & Higgins has been responsible for placing our insurance coverage and advising and training employees on risk management and insurance problems for the past three years. The current contract with J & H will expire shortly. We advertised our request for proposals in both the Salt Lake Tribune and Park Record and received proposals from four very reputable and capable companies.

Willis Corroon	$15,000 (would prefer commission)
Rollins Hudig Hall	$14,750 - 16,000 (would prefer commission)
Fred A. Moreton	$10,300
Johnson & Higgins	$16,000

C. **Analysis**: The four proposals were reviewed by a committee and interviews were conducted on May 8. The committee selected Johnson & Higgins as the firm best suited to meet our needs. Professional services contracts are awarded on the basis of the applicant's ability to meet our needs and the criteria includes experience, references and level of service. Our history with Johnson & Higgins has been excellent and their fee was commensurate with the others who submitted proposals. All of the fees were in the same neighborhood with the exception of one which was considerably lower than the others. While the low bidder claimed that all of the services we were requesting were covered in that fee, the committee remained concerned that the level of service we have come to expect would not be provided at that fee. Our RFP advised the applicants that the City would prefer to work on a fee basis rather than having the broker paid by commission from the underwriters to avoid any conflicts.

Additionally, staff is requesting Council to approve a three year contract with two one-year extensions. While the insurance market has been soft for the past several years, experience shows that it will harden again and when that occurs, it isn't a good time to be out in the market. looking for a broker or underwriters. By adding the two one-year extensions, the City has the option to request proposals in three years if conditions are favorable or continue with our current broker if the market has changed.

D. <u>Department Review</u>: Legal, Administrative, Personnel and Finance Departments

<u>ALTERNATIVES</u>:

A. <u>Approve the request</u>: The recommended action.

B. <u>Deny the request</u>: The staff could place the contract for bid again or look at one of the other bidders if Council so directs.

C. <u>Continue the Item</u>: Not applicable

D. <u>Do nothing</u>: Not applicable

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u>: The broker we select needs to begin placing our insurance with underwriters. This can take as long as 60-90 days and our current policies expire August 1. Requesting new proposals seriously jeopardizes the broker's ability to analyze the market and find the most economical yet comprehensive coverage for the City's insurance.

<u>RECOMMENDATION</u>: Authorize the City Manager to enter into a contract with Johnson & Higgins for brokerage services as described above.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: May 18, 1995
DEPARTMENT: Planning Department
AUTHOR: Janice Lew
TITLE: Resolution to Adopt May 22- 28, 1995 as Preservation Week
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt a resolution to designate May 22-28, 1995 as Preservation Week.

DESCRIPTION:

A. Topic.

Preservation Week

B. Background.

The 22nd annual National Historic Preservation Week will be celebrated during May 14-20, 1995. "Real People, Real Places, Real History" is the theme of the week-long event cosponsored by the National Trust for Historic Preservation. Here in Park City, Preservation Week 1995 will be observed May 22-28, 1995. This year, the Historical Society will recognize all restored historic homes by placing a ribbon on the front facade for all to see. Preservation awards will presented at a ceremony held at the Miners Hospital Community Center on Sunday, May 28, which is Preservation Day. In addition, the Society will meet on May 13 to clean and polish the Park City Museum. The Glenwood Cemetery also will be holding its annual cleanup and planting party on two Saturdays in May, May 20 and 27.

ALTERNATIVES:

A. Adopt the resolution.
B. Deny the resolution.

RECOMMENDATION:
Adopt the resolution and encourage the community to participate in this special celebration.

Resolution No. 95-

A RESOLUTION ADOPTING MAY 22- 28, 1995, AS PRESERVATION WEEK PARK CITY, UTAH

WHEREAS, it is a city objective to preserve and enhance our historic resources and encourage respect for the personal histories which contribute to the identity and special sense of place which form an integral part of Park City's appeal; and

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of our past; and

WHEREAS, individuals around the country will take part of a nationwide celebration of the 22nd annual National Historic Preservation Week, May 14-20, 1995; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to adopt the resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council that Preservation Week is May 22-28, 1995 and we call upon the people of the City of Park City, Utah to participated in this special observance.

SECTION 1 **EFFECTIVE DATE** This resolution shall become effective immediately.

PASSED AND ADOPTED this 18 day of May, 1995.

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