

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 11, 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 11, 1995

A G E N D A

Closed Session

3:30 p.m. Personnel matter
 Property acquisition

Work Session

4:15 p.m. Council questions and comments
4:30 p.m. Protected memoranda
5:00 p.m. Budget, financial plan, CIP
5:30 p.m. Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF APRIL 27, 1995

IV CONSENT AGENDA

1. Amendment to Hidden Meadows annexation agreement
2. Ordinance approving the final plat of Hidden Meadows located at Solamere Drive, Park City, Utah
3. Ordinance approving the amendment to the Record of Survey of Prospector Square, recorded on December 26, 1974 at Summit County, recorded #125443, on Lot 37A/B located at 1670 Bonanza Drive
4. Ordinance approving the final plat of Hidden Oaks (aka Royal Oaks) located at Solamere Drive, Park City, Utah
5. Resolution of intent to form a Main Street Business License District in Park City, Utah and appoint a Main Street Enhancement Task Force

V RESIGNATIONS AND APPOINTMENTS

Appointments to Parks, Recreation and Beautification Advisory Board

VI REPORTS FROM COMMISSIONS AND BOARDS

VII COMMUNICATIONS FROM COUNCIL AND STAFF

VIII PUBLIC HEARINGS

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
2. Amendment to Resolution No. 29-92 regarding water connection and development impact fees and Ordinance adopting a Water Capital Facilities Plan

IX ADJOURNMENT

Posted: 5/9/95 noon

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 11, 1995**

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, May 11, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Frank Bell, Chief of Police; Eric DeHaan, City Engineer; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

1. Parking in Main Street area - Bruce Margolius, resident, discussed the request for proposals for a study on a parking plan which includes preliminary design of parking facilities and parking areas with estimates of cost and potential financing strategies. The study is to begin in July and take about eight months. He felt that the components of the study could be separated and that the location of potential parking areas are few enough that it is possible to get the work underway now so that construction could occur a full building season earlier. He pointed out that staff started work on the Enhancement District in October 1994 and if staff worked on parking at that time, the bulk of the study would be behind us. In light that it wasn't done last fall, he urged Council to get it on track as soon as possible. Mr. Margolius stressed that spending public funds is a serious matter, as well as taxing the public.

2. Outdoor Center (aka Teen Center) noise ordinance waiver request - Nick Schapper, Director, explained that he is applying for a special event permit for a fund-raiser, which is "a battle of the bands" on June 10 in City Park for fund-raiser. This is scheduled from noon to 5 p.m. and open to the general public. He emphasized reacting positively to good projects proposed by our youth. Chief Bell clarified that amplified music is not allowed in City Park, except for the Chamber/Bureau music series. Council would have to waive the ordinance to allow the event and will take this matter under advisement.

III MINUTES OF MEETING OF APRIL 27, 1995

Ruth Gezelius, "I move approval of the Minutes of the meeting of April 27, 1995". Roger Harlan seconded. Lou Hudson abstained because he was not in attendance. Motion carried.

Ruth Gezelius
Roger Harlan
Lou Hudson

Aye
Aye
Abstention

Shauna Kerr	Aye
Leslie Miller	Aye

IV CONSENT AGENDA

Ruth Gezelius, "There was a request during work session that Item 5, the resolution of intent, be removed from the Consent Agenda and moved to New Business for the purpose of discussion, and I so move". Shauna Kerr seconded. Motion unanimously carried.

Ruth Gezelius, "I move approval of the Consent Agenda with the language change on Page 2 under Item 1". Roger Harlan seconded. Leslie Miller disclosed that she will be abstaining from Items 1, 2, and 4. Motion carried.

Ruth Gezelius	Aye
Roger Harlan	Aye
Lou Hudson	Aye
Shauna Kerr	Aye
Leslie Miller	Abstention Items 1, 2, and 4

1. Amendment to Hidden Meadows annexation agreement - See attached staff report.

2. Ordinance approving the final plat of Hidden Meadows located at Solamere Drive, Park City, Utah - See attached staff report.

3. Ordinance approving the amendment to the Record of Survey of Prospector Square, recorded on December 26, 1974 at Summit County, recorded #125443, on Lot 37A/B located at 1670 Bonanza Drive - See attached staff report.

4. Ordinance approving the final plat of Hidden Oaks (aka Royal Oaks) located at Solamere Drive, Park City, Utah - See attached staff report.

5. Resolution of intent to form a Main Street Business License District in Park City, Utah and appoint a Main Street Enhancement Task Force - See New Business.

V NEW BUSINESS

Resolution of intent to form a Main Street Business License District in Park City, Utah and appoint a Main Street Enhancement Task Force - Shauna Kerr stated that she asked that this item be removed from the Consent Agenda so that there could be some discussion. The word "enhancement" is problematic for her as it is nebulous. Jodi Hoffman explained that in the short term, it

is proposed to hang flower baskets and implement relatively low cost beautification projects. This is not a special improvement district, but Council could expand the scope of projects. Ms. Kerr suggested that if this is not a Utah Code §17(a) district, that the word "district" be eliminated and call it a "beautification project". Jodi Hoffman clarified that this is a district, as described in Utah Code §10-8-3, which allows a city to create a taxing district, but it would not be a special improvement district for large scale capital improvements. Ms. Hoffman continued that the word "district" can be appropriately used if the distinction is made. Councilman Hudson stated that the people who have talked with him have been overwhelmingly against the tax and suggested that this be handled through volunteer efforts. Ms. Hoffman responded that it is not likely that people would voluntarily pay and described the public-private partnership concept of this proposal. She explained further that Council has many options, including not doing it at all.

Leslie Miller indicated that she also has a problem with the word "enhancement" and taxing businesses who are opposed to the proposition. She stated that she does not have a solution and would like to see a specific project outlined and suggested that this project could be appropriately delegated to the Parks, Recreation and Beautification Board. The Board could then ask the Council for a grant. This would be an on-going \$50,000 budget allocation (i.e., \$25,000 City/\$25,000 businesses) and there is no measure for success or effectiveness. Fifty thousand dollars for flowers seems absurd and it is uncertain if Main Street businesses are demanding this level of service; Ms. Miller cannot support this proposal.

Ms. Kerr stated that this was somewhat her ideas as she was impressed with the landscaping in communities in Colorado, but when this is measured against other projects, it doesn't fall into a real need. The City receives numerous complaints about parking, but doesn't receive national attention because of our lack of flowers. She did not feel that this is a priority and agreed with Ms. Miller that the \$50,000 on-going commitment for a three month beautification effort is substantial. It is appropriate if the Restaurant Tax Grant monies were awarded to allocate them for this type of project. Ms. Kerr felt uncomfortable taxing all of the businesses in the area, when retail businesses probably benefit more than professional offices. She felt the money could be better used for parking solutions. Ms. Kerr reported that she received a phone call from Terry Lawton from the Alamo Bar opposed to this proposal and felt that parking should be addressed at this time.

Roger Harlan questioned if the public sees it as flowers versus parking and would like the City to move forward in funding a beautification project. He pointed out that at the public

hearing, many people testified that they were in favor. Parking will be addressed, and Mr. Harlan suggested that there be a demonstration project. He hoped that the reaction would be positive and Lou Hudson stated that he would not be opposed to a demonstration project. Ms. Kerr asked when the Restaurant Tax Grant awards will be made. Hugh Daniels, Grant Committee member, explained that the Committee will render a decision by June 6; those recommendations will then be submitted to the Summit County Commissioners. Ms. Gezelius expressed that she is disappointed that this has gotten caught up in semantics and discussion of the on-going parking problems. She strongly felt that the Main Street area needs attention in many ways from the entire community. If this mechanism doesn't work she suggested that another option should be pursued as this is an important area and concurred with Mr. Hudson and Mr. Harlan that a demonstration project would be appropriate and the City needs to take a proactive stance as volunteerism has not solved the problem.

City Manager Toby Ross emphasized that the mechanism proposed has worked in many areas throughout the country and didn't feel that there is anything inherently wrong with the business license tax. There was no testimony requesting a lower fee for professional services and a higher one for retail businesses and comments were either for or against. The survey indicated that about 2/3rds of the Main Street merchants were for the project; it appeared that about half of the testimony was for and half against. He discouraged direction to staff to find another strategy as one of the central keys is participation of the local businesses with the general public. The City provides a higher level of service on Main Street than to any other commercial or residential area in the City. He continued that other areas feel that the City should not use general fund money in great quantities to enhance that area further even though it is acknowledged that it is the core of the City. He clarified that this is why the public-private partnership concept was developed and that pursuing another option would be "chasing your tail". Mr. Ross recommended either proceeding with this plan or terminating it at this point, perhaps after parking has been addressed. He emphasized that if we can't get resolution on a beautification project, getting participation on parking is going to be very difficult. He didn't feel that there is a better solution available.

Ruth Gezelius, "I move approval of the resolution of intent to form a Main Street Business License District". Roger Harlan seconded. Motion defeated.

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

Leslie Miller

Nay

The Mayor expressed that he does not personally have a problem with the way the vote turned out, however, this whole concept was Council generated. Council directed staff to spend numerous hours on surveys, research and meetings and there have been many opportunities throughout the months to "pull the plug" on this. He felt that it is disheartening for staff to complete tasks directed by Council and to get to this point and because of parking concerns, to cause the vote to turn out the way it did. He encouraged the Council in the future to be more candid about support of projects; he added that the amount of staff time expended on this proposal probably could have paid for the beautification projects and a couple of parking spaces. Ms. Kerr countered that at work session early on, members expressed their skepticism and that the process worked as it should; there was public input. Mr. Hudson noted that originally he wanted the project, but the input he received was far more against it. Leslie Miller agreed with Councilmembers Kerr and Hudson and stated that she was originally opposed but changed her mind, then heard many negative comments about it. Her decision had to do with fairness and taxation and the amount of money and the way the project was proposed to Council. She felt that this is good governance and that Council has been responsible in the way it has conducted itself. The Mayor explained his frustration that it took so long to get to this resolution when there were ample opportunities to conclude this matter. Councilman Harlan hoped that the 2/3rds in favor that were surveyed will come forward to express their disappointment. Ms. Miller countered that 2/3rds of the population did not vote on this; there were only 60 people polled and probably 18 businesses responded.

VI RESIGNATIONS AND APPOINTMENTS

Appointments to Parks, Recreation and Beautification Advisory Board - Ruth Gezelius, "I move that we reappoint George Hull, Lani Furr, Joram Lichtenstein to a term from 1995 to 1997; and that we appoint Brigitta Wray, Holly Carlin, Gail Meakins and Bruce Feyerabend to terms from 1995 to 1997". Leslie Miller seconded. Motion carried unanimously.

VII REPORTS FROM COMMISSIONS AND BOARDS

None.

VIII COMMUNICATIONS FROM COUNCIL AND STAFF

1. Daly Avenue storm drain project - Eric DeHaan indicated that \$600,000 has been allocated to replace the storm drain, water

and sewer lines. The Sewer District will be paying its share of the road improvements as well as the line replacement. The engineering plans are half complete and at this time, it is important to include the neighborhood regarding this disruptive project. This meeting will be held on Wednesday, May 17 at 5 p.m. This project is very important as potential flooding damage could be substantial.

2. North Horse affordable housing project - Toby Ross reported that there were time limits on the fee waivers granted by Council which have expired and those will come back to Council next week.

IX PUBLIC HEARINGS

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 - Chief Frank Bell explained that the streets in question are the Mine Road, certain portions of Royal Street and the Aerie Subdivision where the necessity of compression brakes on loaded vehicles is in the public safety interest of the community. The prohibition on jake brakes would remain. This has been discussed with the trucking community in a meeting at the direction of Council. With no comments or questions from Council or the public, the public hearing was closed.

2. Amendment to Resolution No. 29-92 regarding water connection and development impact fees and Ordinance adopting a Water Capital Facilities Plan - Jerry Gibbs, Public Works Director, explained that since the early 1980s, Park City has had a water connection and development fee. Periodically, staff has reviewed impact fees and with the new legislation, it was determined that a portion of the current fees complied while other portions did not. In order to be in compliance, a Water Capital Facilities Plan has been developed that includes the five previous years and the next ten years of improvements. Projects that are a result of growth, or repair, or developer's responsibilities are identified and a percentage is assigned to each category. Through other studies that have been completed, staff was able to determine what the number of equivalent residential units are left for build-out. Mr. Gibbs continued that from that a methodology has been established from determining projects to meet future growth, the number of equivalent residential units, and an equivalent residential cost associated with connection and development fees. The next step was then to determine what portion of the fee should be allocated toward indoor use and outdoor use and from EWP, it was determined that a larger portion should be toward outdoor use than indoor. The fees, as proposed, would allocate 68% of the fee to outdoor use and 32% to indoor. Mr. Gibbs stated that an equivalent residential

unit has been determined as a 4,000 square foot home, four bedroom, with 5,000 square feet for landscaping or disturbed area. This may need to be adjusted, as in discussions with the Building Department, 7,000 square feet may be more typical. The goal is to develop a fee schedule that fairly assesses where impacts occur which is outdoor watering. Because sod and turf are water intensive, it is proposed to assess a higher fee or surcharge for that type of landscaping.

For the benefit of Roger Harlan, Rick Lewis explained that the lots in the Kearns-Tribune project vary, but on the average the limits of disturbance area will probably be at least 7,000 square feet.

Rick Brighton, architect, analyzed the staff report and his calculations indicate a doubling in the water fee from \$5,600 to over \$12,000. He expressed his distress over the spiralling cost of building. Mr. Brighton stated that increased fees affect the fabric of the community; the people that can afford these homes come from California and bring their problems with them. He felt that we are creating an Aspen here and "we're going to tax ourselves out of our community". The Mayor asked if he had any options. Mr. Brighton responded that high water use can be monitored by creating limited standards rather than arbitrarily adding \$10,000 to a building permit. He added that if we made things less expensive in Park City, some of the old structures may be saved as opposed to destroying them because the land values are so inflated.

Ms. Gezelius stated that Council would be receptive to suggestions from the development community that addressed the demands of build-out. Rick Brighton stated that he supports the ecological aspects of reducing high water use and there are creative things that could be endorsed. He felt the reaction to this proposal is that people are going to build lot line to lot line and asphalt the balance. He felt that there are creative solutions and encouragements as opposed to discouragements. Tacking on increased costs results in buyers who can afford more expensive homes. Toby Ross clarified that Mr. Brighton would prefer to restrict landscaping to 5,000 square feet, rather than charging a premium to allow more area. Mr. Brighton agreed. Mr. Ross added that if there is a prohibition then the development fee would actually be less than it is today. Mr. Brighton reiterated that this proposal is not the answer and is heading us in a direction that will create a community that none of us will want to live in or can afford to live in.

Al Coehlo, President of a local Summit County home builders association, stated that there is a perception that developers are uncaring about the community because costs are

passed on. He personally felt that he is being forced out of Park City. Water costs would double, but agreed that outdoor water demands are prominent. He would like, however, to see more analysis of this to find ways to bring costs down. Also these costs are charged before construction. This proposal doesn't address the possibility of people increasing their landscaped areas in the future. He agreed with Mr. Brighton's comments and understood that Park City has two years to comply with the new legislation. Mr. Coehlo hoped that the construction community would be invited to participate in the development of impact fees. The Mayor felt it appropriate for staff to meet with the development community to review options. Mr. Coehlo indicated that it was his understanding that this was going to be acted upon next week. Escalating building costs are his utmost concern. He feels that water conservation is one of the major issues in the area and a sense of pride can be created in all affluence levels by participating in conservation programs.

X ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

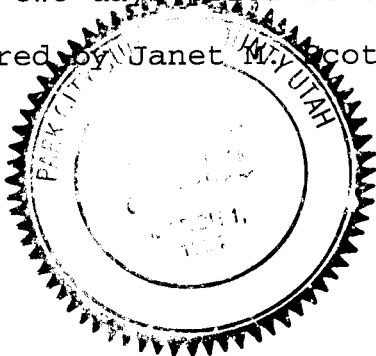
The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; Jodi Hoffman, City Attorney; Myles Rademan, Public Affairs Director; and Mark Harrington, Assistant City Attorney. Ruth Gezelius, "I move to close the meeting to discuss a personnel matter and property acquisition". Leslie Miller seconded. Motion carried unanimously.

The meeting opened at approximately 4:15 p.m.

* * * * *

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 11, 1995**

Present: Brad Olch, Roger Harlan, Lou Hudson, Shauna Kerr, Leslie Miller, Ruth Gezelius, Toby Ross, Jodi Hoffman, Kent Parker

1. Council questions and comments. Leslie Miller reported that there is graffiti in the tunnel area of the bike path. Shauna Kerr noted that she received a call from The Club/Alamo opposing the Enhancement District. She also received a complaint about the lack of the dissemination of appropriate landscaping information at the time of the bond. For the benefit of Leslie Miller, Rick Lewis indicated that the General Plan consultants are in the process of revising the action language and written comments would be helpful at this time. The City Council agreed to meet on Wednesday to review grant applications.

Myles Rademan stated that a meeting has been scheduled for June 2 for the intergovernmental committee; Leslie Miller volunteered to serve and Lou Hudson and Ruth Gezelius will be alternates. Toby Ross reported that dynamite was discovered at the cemetery by a backhoe driver who was digging a foundation for the information gazebo.

2. Protected memoranda. Jodi Hoffman stated that this policy should be discussed at least annually. This was last discussed in January 1994 and it was agreed that she would formally communicate in confidential correspondence and the Council, as a group, would decide if that information could be released. Ms. Hoffman discussed the three ethics rules of attorneys. The first rule is communication and the obligation as a lawyer to keep the Council reasonably well informed. She also has an obligation to keep all information obtained as a result of her representation of the Council, confidential. She has an obligation to Council as a client and city attorneys are different from other public attorneys because she is not elected by the public, but appointed by Council. As a city attorney, the Council is the client, not the public or the staff. Ms. Hoffman clarified that she does not serve individual Councilmembers, but as a body.

Ms. Hoffman noted that there has been some confusion about what happens with the information Council receives from her in protected memos. She pointed out that there are components to topics which can be generally discussed with the public, but legal advice and legal strategies should not be publicly shared. Ms. Miller noted that with regard to the initiative petition, there was legal advice in a protected memo before it was discussed as a "topic". Ms. Hoffman responded that she was the first to receive that information and has a duty to keep Council reasonably informed but not to announce publicly the legal options of the City, however, the policy discussion on whether the City should host the Olympics should be publicly debated. She explained that the reason Council may receive more general than legal information in a protected memo is that she has

to provide background material. Ms. Hoffman discussed other practices in other Utah communities and her preference to provide legal advice in writing for Council's review. She encouraged Council to call her with questions or clarification. Ms. Miller asked for clarification on legal issues opposed to legal strategies. Mr. Ross explained that there may be a policy direction but legal strategies in implementing a policy which could be challenged; Ms. Hoffman pointed out that many times staff provides options with varying levels of risk.

Ruth Gezelius asked how the Legal Department handled research requests from individual Councilmembers and Ms. Hoffman responded that a Council request has precedence over staff and she would share that information with all the Councilmembers. In light of the day-to-day workload and emergencies, Ms. Gezelius suggested that individual Councilmember requests should be brought to the entire Council and supported as a group. The Mayor suggested that if an individual project is estimated to take several hours, then that should be brought back to Council. Leslie Miller emphasized that since she represents the general public, there may be requests based on a constituent's request for information. She felt that the public would expect that a Councilmember has access to a staff member when needed. Ms. Hoffman stated that members certainly have access to her and Toby at any time since they both directly work for Council. Ms. Hoffman distinguished between information and background requests between new projects that may be time consuming and suggested that this discussion take place at her evaluation in June. Shauna Kerr pointed out that many requests simply require existing information to be copied. Ms. Hoffman emphasized that she felt that Councilmembers do not call her enough. She suggested that she could identify or separate legal components in memos so general information would be more obvious. Ms. Hoffman stressed her risk management concerns and protecting the public purse.

2. Budget, financial plan, CIP. Kent Parker explained the format of the budget document and emphasized that interfund transactions inflate the bottom line total. The proposed budget is in balance and a tax increase is not proposed. The budget reflects proposed increases in water fees which are scheduled for public hearing on this evening's budget. Mr. Parker discussed yearly surpluses which are allocated in the next year's budget. A \$1.6 million balance is targeted for 1996. The State Auditor has questioned this practice for surpluses and therefore it may be more prudent to bring the surplus to a lower level and enhance replacement funds at a greater level. Because reserves have been healthy, tax anticipation notes have not had to be issued in six years. Toby Ross discussed the review of budget options which may be prompted by departments, priorities and changes in services. Kent Parker reviewed grants which include award to service organizations, affordable housing efforts and RDA Historic District grants which total \$600,000.

3. Review of regular meeting. See regular meeting minutes.

MEETING RECOMMENDATIONS

COUNCIL AGENDA REPORT

DATE: 5/8/95
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Amendment to the Hidden Meadows Annexation Agreement
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the proposed Amendment to the Hidden Meadows Annexation Agreement (attached as Exhibit A) to enable the City to accept a \$364,000 payment as satisfaction of the owner's affordable housing obligation.

DESCRIPTION:**A. Topic.**

The Hidden Meadows Annexation Agreement entered into on March 3, 1995.

B. Background.

The original Hidden Meadows Annexation Agreement (attached as Exhibit B) called for a total of 4.4 affordable unit equivalents to be provided as satisfaction of the Affordable Housing Annexation requirement. 44 lots were originally approved for single-family development with a 45th lot added to provide a duplex. The duplex was intended to satisfy a portion (2 units) of the developer's obligation to provide 4.4 affordable unit equivalents. The other 2.4 units were to be provided by in-lieu payment or another manner approved by the Housing Authority. (See Paragraph 9, pg. 3 of Exhibit B). The total cash value of this requirement was valued at \$264,000.

C. Analysis.

The owner, Blue Ledge, is now asking the City to accept payment in-lieu for all of the 4.4 units and proposes to pay approximately \$364,000 as follows: \$264,000 prior to recordation of the

final plat for Phase I and approximately \$100,000 to be paid within 2 years of plat recordation upon terms and security satisfactory to the City Attorney. In exchange, Blue Ledge seeks release of its obligation to build the duplex on Lot 45. Under this proposal, Lot 45 would become an additional market rate, single-family lot. Staff feels that this offer is of benefit to the City because it enables the City to fund other more viable projects which shall ensure the building of a greater number of affordable units. Several possible uses of this money were reviewed in your closed session on April 27th. The total cash value of the proposal is valued at approximately \$364,000.

D. Department Review.

The Community Development Department and the Legal Department reviewed this proposal.

ALTERNATIVES:

1. **Adopt the amendment in a form substantially as shown on Exhibit A and as approved by the City Attorney. This is the recommended action.**
2. **Direct staff to make changes to the amendment.**
3. **Deny the amendment.**

SIGNIFICANT IMPACTS:

The amendment as proposed provides the City with immediate cash flow to support other affordable housing projects.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The City would have to look at other sources of revenue to support the other affordable housing projects the City wishes to assist. The City would receive the benefit of one affordable duplex in the subdivision and \$144,000 payment in-lieu for the remaining 2.4 units required.

RECOMMENDATION: Adopt the amendment in form substantially as shown as Exhibit A and as approved by the City Attorney.

EXHIBIT A

When recorded mail to:
Anita Sheldon, City Recorder
P.O. Box 1480
Park City, UT 84060

AMENDMENT TO THE HIDDEN MEADOWS ANNEXATION AGREEMENT

Whereas, the City Council has determined that it is in the best interest of the City to accept a payment in-lieu of the affordable housing requirement because the money will be used to facilitate the construction of a greater number of affordable housing units in other projects; and

Whereas, Blue Ledge has agreed to give to the City approximately fifty percent of the sale price of one lot as consideration for release of the obligation to build an affordable housing duplex on Lot 45;

NOW THEREFORE, this Agreement is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to amend the Hidden Meadows Annexation Agreement entered into on March 2, 1995. In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of Hidden Meadows Annexation Agreement shall be amended to read as follows:

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be 53 ~~54~~ lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 ~~45~~ lots shall be Hidden Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall pay Park City \$364,000 as follows: provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D

A. Payment in Lieu. Prior to final plat recordation, Blue Ledge shall pay \$264,000 to Park City which shall satisfy its affordable housing obligation for 4.4 affordable unit equivalents.

B. Lot 45. Blue Ledge shall pay \$100,000 to Park City within 2 years of Phase I final plat recordation as consideration for retaining ownership and single-family use of Lot 45. Blue Ledge shall execute and record a lien and promissory note on Lot 45 to Park City's satisfaction. Blue Ledge hereby grants to Park City a right of first refusal to purchase Lot 45 at the price of \$215,000. Such right shall expire 30 days after Blue Ledge provides written notice to Park City of the first bona fide offer of purchase for Lot 45.

A. Duplex Units. ~~Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.~~

B. Remaining Requirement. ~~The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.~~

C. Security Required. ~~Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.~~

D. Deadlines.

- i. ~~Duplex Units~~. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.
- ii. ~~Other Units~~. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.
- iii. ~~Security~~. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.

~~E. Fee Waivers~~. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.

Dated this ____ day of May, 1995.

BLUE LEDGE CORPORATION

By:
Its:

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Summit)

On the ____ day of May, 1995, personally appeared before me _____, who did say that he/she is the _____ of Blue Ledge Corporation, and that the foregoing Agreement was signed in behalf of said corporation by authority of a resolution of its board of directors; and said person acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

Attest:

Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney

EXHIBIT B

When recorded mail to:
Anita Sheldon, City Recorder
P.O. Box 1480
Park City, UT 84060

HIDDEN MEADOWS ANNEXATION AGREEMENT

THIS AGREEMENT is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to set forth the terms and conditions under which Park City will annex land owned by Blue Ledge into the corporate limits of Park City, and extend municipal services to that property. This agreement is made under authority of Utah Code Annotated §10-2-414, (1953, as amended) and shall serve as part of a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. Property. The property to be annexed is described on the attached Exhibit A, and is referred to herein as the Hidden Meadows Property.
2. Zoning. Upon annexation, the Hidden Meadows property will become subject to the Park City Land Management Code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. The property will be zoned in two areas as shown on the annexation plat for the property, which is incorporated into this agreement as Exhibit B. The open hillsides outside of the development area will be zoned RECREATION OPEN SPACE (ROS). The developed area will be zoned ESTATE (E), with maximum density as outlined in Paragraph 4 of this agreement. It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space areas will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.
3. Master Plan Approval. The Planning Commission has approved a master plan as part of the action on the annexation. The density, road and lot locations, open space and other parameters of the project shall be consistent with the master plan approval as shown in Exhibit C. The master plan approval is contingent upon approval of this agreement by the City Council. The MPD approval is valid for two years from the date of the Royal Oaks Phase II plat recordation.
4. Density.
 - A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal-Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

5. Site Planning. The configuration of the Hidden Meadows Property shall be substantially as shown in Exhibit C and as described in the MPD approval.

6. Trails and Sidewalks. A trails plan shall be approved concurrently with the preliminary plat and shall conform to the MPD approval. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.

7. Open Space. The Hidden Meadows Property open space shall be as shown in Exhibit C.

A. Ownership. Blue Ledge shall by statutory warranty deed transfer land designated as Recreational Open Space (ROS) to the City in fee simple. Blue Ledge hereby warrants marketable title to the entire area designated ROS in Exhibit C.

B. Use Restrictions and Preservation. The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.

C. Maintenance. Open space shall be maintained by the entity holding fee title to the property unless other provisions have been made by agreement or as conditions of plat approval.

8. Fire Safety. Exterior and interior fire sprinklers are required. Wood roofs are prohibited.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

D. Deadlines.

- i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.
- ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.

- iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.

E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.

10. Roads and Road Design. All streets and roads within the Hidden Meadows property shall be public and public access may not be obstructed. All streets and roads, excluding the cul de sacs and the meadow loop road, must be platted and built in the first phase of the development. Park City agrees to consider road designs submitted by registered engineers on Blue Ledge's behalf, and agrees that roads within the project will be required to meet Park City standards for residential and collector streets, including adequate provisions for construction traffic.

A. The road traversing the hillside below the Oaks Clubhouse shall have a minimum width of twenty-four feet from back of curb to back of curb, with a ten-foot shoulder on each side. The road design will be rigorously reviewed by the staff for retaining walls, landscaping, and irrigation which will minimize the visual impact of the road crossing. This road shall have a very confined limit of disturbance, particularly on the downhill side, in order to retain as much of the natural screening as possible.

11. Future Rights-of-Way. The subdivision plat for the Hidden Meadows Property shall show a right-of-way, of at least fifty feet in width, on the east edge of the property bordering the Gillmor parcel in the general location of the existing dirt road. The right-of-way shall not be improved for public vehicular traffic until a review of the Park City Annexation Declaration Policy and Comprehensive Plan is completed and the use of the right-of-way is determined to be appropriate and desirable as a result of such comprehensive review. Blue Ledge, as the developer, shall have no obligation now or in the future to construct or pay for the construction of this road beyond the cul-de-sac bulb; provided that if Blue Ledge still owns lots at such time as a special improvement district is formed for that purpose, Blue Ledge would be subject to assessment on the same basis as other lot owners.

12. Sanitary Sewer. Alignment of the sanitary sewer through Chatham Crossing is subject to Park City review and approval prior to and after final design. Blue Ledge shall submit a revegetation plan for the disturbance associated with the installation of the sanitary sewer. This plan shall be approved by the staff prior to commencement of sanitary sewer construction.

13. Dedication of Water Rights. In consideration of the benefits incurred to Park City in the January 22, 1992 "Agreement between Park City Municipal Corporation and United Park City Mines Company Consenting to a Sale of Surplus Salt Lake City Water," Park City will not require dedication of water rights by Blue Ledge as a condition of annexation of the Hidden Meadows property.

14. Water Connection and Development Fees and Other Water Costs. As each building permit is obtained for individual houses within the subdivision, the owner shall pay the Park City water connection and development fees as provided by the Park City ordinance in effect at the time of application for building permits. Because there is no longer desirable distribution capacity in the Oaks Tank, Blue Ledge shall be required to pay a City approved portion of the cost of a pump station to send water from the Chatham area to the Solamere area.

15. Homeowners Association. A Homeowners Association shall be formed to maintain trails and any common open space under the ownership of the association.
16. Park Development Fees. Blue Ledge shall pay and agrees not to contest Parks and Recreation fees in the amount of \$1035 per Hidden Meadows lot prior to final plat recordation. However, pursuant to Paragraph 7 of this Agreement, Blue Ledge is dedicating substantial open space to Park City. Accordingly, all or part of the Park and Recreation fees may be waived by Park City in an amount to be determined by the Park City Parks, Recreation and Beautification Board. The potential for a fee waiver shall be scheduled on the first available agenda of the Park City Parks, Recreation and Beautification Board upon the execution of this Agreement. Blue Ledge shall not be responsible for payment of Parks and Recreation fees for the nine Royal Oaks Phase II lots located on Blue Ledge Property.
17. Planning Review Fees. Blue Ledge shall be responsible for all subdivision approval fees as deemed appropriate by the Community Development Director. Blue Ledge shall not be responsible for payment of fees for the nine Royal Oaks lots located on the Hidden Meadows parcel.
18. Impact and Building Fees. Blue Ledge or successor owners of lots will pay and not contest all generally applicable impact (including school facilities impact fees), building permit, and plan check fees due for construction on the annexed land as provided by Park City ordinance in effect at the time of application for building permits.
19. Acceptance of Public Improvements. Park City will accept title to the public improvements within each phase of the project upon final approval of the construction for each phase. Blue Ledge shall pay for the usage of water in each phase sufficient, in the opinion of the Park City Public Works Director, to avoid freezing of water lines until homes have been built on 23 lots (or 50% of the lots) in that phase.
20. Snow Removal and Storage. Park City is not obligated to take over snow removal responsibility on public streets within Hidden Meadows Property until at least 23 lots in the Hidden Meadows Subdivision exclusive of the Nine Royal Oaks Phase II Lots) have been improved by the construction of a house on those lots as evidenced by issuance of a certificate of occupancy on those lots. Until that occurs, snow removal shall be Blue Ledge's responsibility, or that of the homeowners' association. Because of the project location within a drift line and on a north-facing slope, a ten-foot snow storage easement shall be provided on either side of all streets within Hidden Meadows.
21. Governing Law. This agreement shall be governed by the laws of Utah.
22. Full Agreement. This agreement contains the full and complete agreement of the parties regarding the annexation and there are no other agreements in regard to the annexation of the Hidden meadows Property. This agreement may only be modified or varied by in writing signed by the parties.

Dated this 2nd day of March, 1995.

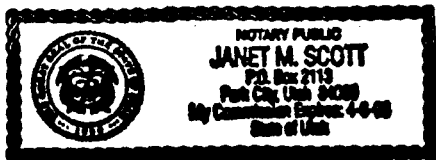
BLUE LEDGE CORPORATION

Hank Rothwell
By:
Its: President

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
 : SS.
County of Summit)

On the 3 day of March, 1995, personally appeared before me
HANK ROTHWELL, who did say that he/she is the
PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was
signed in behalf of said corporation by authority of a resolution of its board of directors; and said
person acknowledged to me that said corporation executed the same.



Janet M. Scott
NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olsen
Bradley A. Olsen, Mayor

Attest:

Anita Sheldon
Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington
Mark D. Harrington, Asst. City Attorney

Exhibit A - Legal description of property to be annexed

Exhibit B - Annexation plat (estimated reduction - original recorded w/ Summit County Recorder)

Exhibit C - Site plan per approved MPD (reduction)

Exhibit D - Resolution 8-93

EXHIBIT A

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North $00^{\circ}19'41''$ East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South $77^{\circ}00'00''$ West 1631.18 feet; thence South $35^{\circ}30'00''$ West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North $77^{\circ}39'13''$ West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North $28^{\circ}59'00''$ West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North $59^{\circ}06'00''$ East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North $61^{\circ}01'00''$ East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North $83^{\circ}40'43''$ West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North $89^{\circ}51'10''$ East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North $00^{\circ}40'33''$ East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North $60^{\circ}10'00''$ East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North $62^{\circ}56'19''$ East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North $44^{\circ}04'01''$ West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North $78^{\circ}41'14''$ East 40.19 feet; thence along the easterly side line of the Potosi mining claim North $53^{\circ}33'00''$ East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South $41^{\circ}00'00''$ East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South $39^{\circ}40'23''$ East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South $38^{\circ}46'13''$ East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South $75^{\circ}52'07''$ West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South $63^{\circ}17'52''$ West 344.36 feet; thence along the east line of Section 10 South $00^{\circ}19'41''$ West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

EXHIBIT B

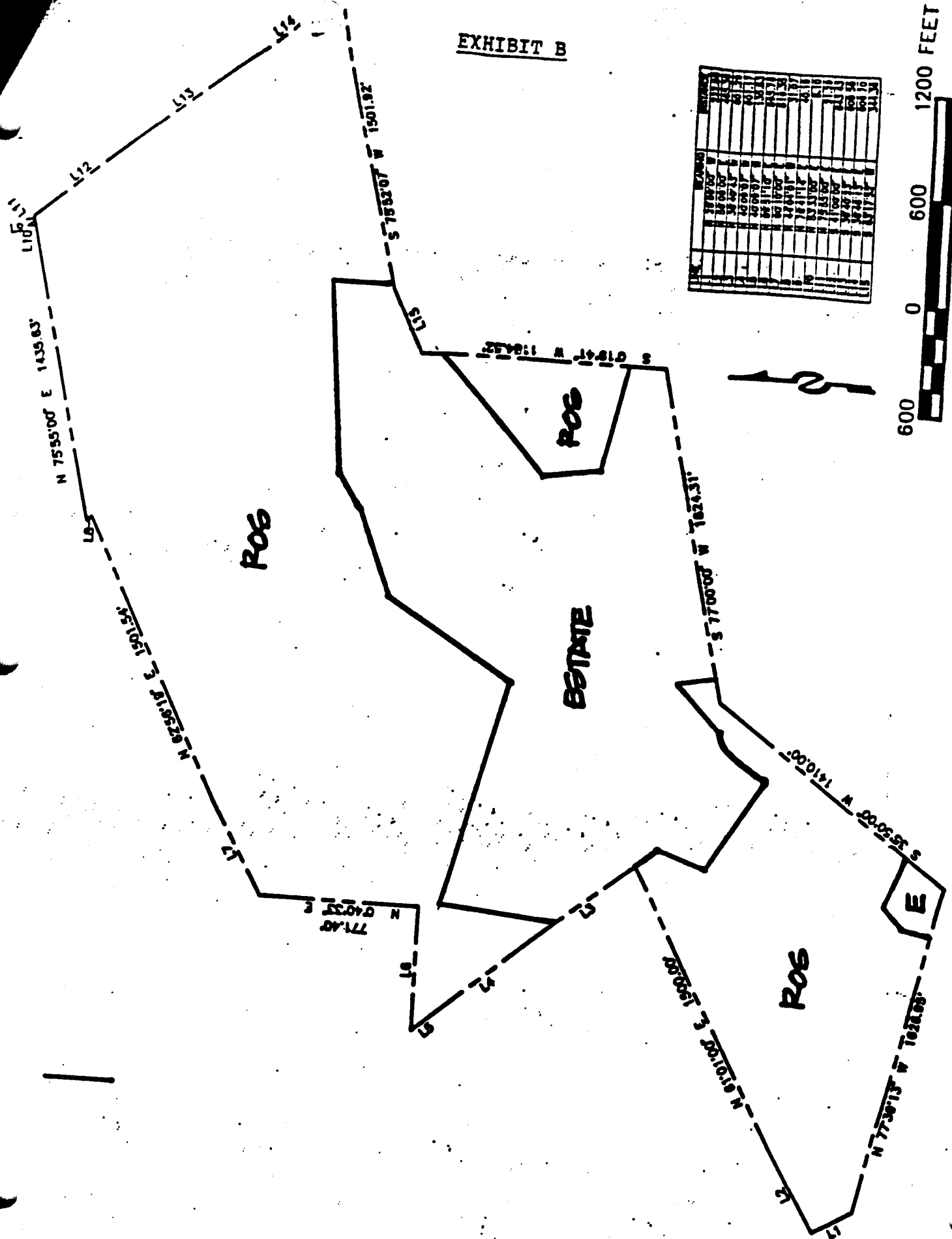


EXHIBIT C

**HIDDEN MEADOWS
MPD SITE PLAN**

↑
North

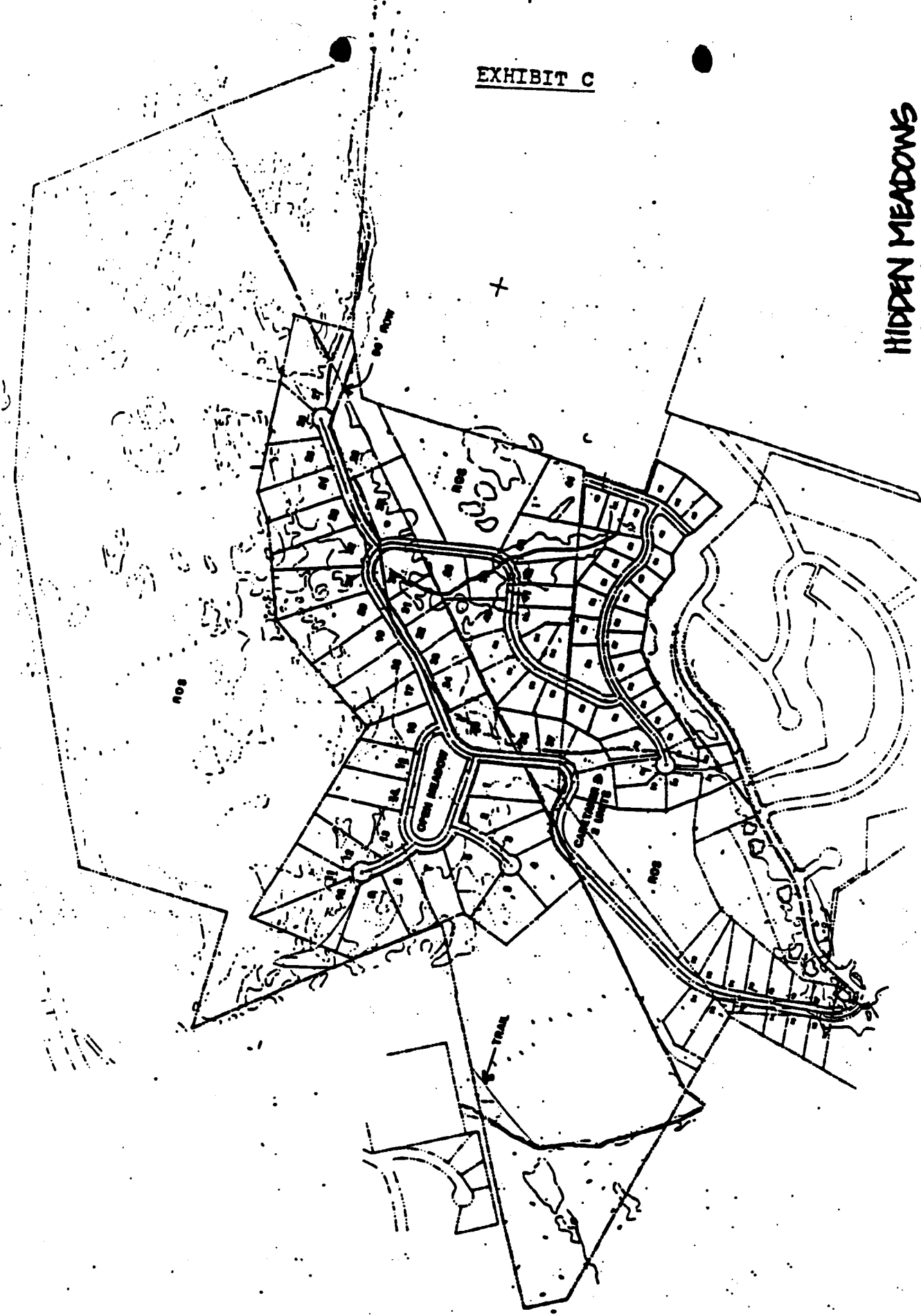


Exhibit D

Resolution No. 8-93

A RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council has identified affordable housing as a high priority in its work program for 1993 through 1995; and

WHEREAS, the City Council has adopted Resolution No. 37-91 on December 5, 1991 which established policies to support and increase affordable housing in Park City; and

WHEREAS, it is deemed in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, and other planning actions where affordable housing is an issue; and

WHEREAS, it is appropriate to base the following figures on standards in other resort communities, two Park City studies, HUD standards, and input from the Planning Commission Subcommittee on Affordable Housing;

NOW, THEREFORE BE IT RESOLVED that the City Council adopt the following:

SECTION 1. AFFORDABLE HOUSING STANDARDS AND GUIDELINES ADOPTED.

MINIMUM UNIT SIZE--STANDARD

studio	400 square feet
1 br	550 square feet
2 br	750 square feet
3 br	950 square feet
4 br	1,100 square feet

MAXIMUM RENT--GUIDELINE

studio	\$400
1 br	500
2 br	650
3 br	800
4 br	950

It is assumed that the affordable units will be in multifamily configuration. Modifications to the maximum rent guidelines may be made based upon such factors as housing configuration (detached), provision of a public benefit, or project amenities. These numbers will be adjusted annually in consideration of the CPI and rental

rates. The City Council will reevaluate the rent maximums every three years.

MAXIMUM CITY ASSISTANCE--STANDARD
\$5,000 regardless of unit size or configuration.

LIMITATION PERIOD--GUIDELINE
15 years regardless of unit size.

The limitation period may be varied based upon provision of a public benefit or other factors as negotiated by the City Council or Housing Authority.

ANNEXATION REQUIREMENTS--STANDARDS
10% minimum percent affordable housing.
2 bedroom standard unit size.

UNIT EQUIVALENTS FOR AFFORDABLE HOUSING--STANDARDS

studio	.50
1 br	.75
2 br	1.00
3 br	1.25
4 br	1.50

IN LIEU PAYMENTS FOR ANNEXATION AFFORDABLE HOUSING
REQUIREMENT

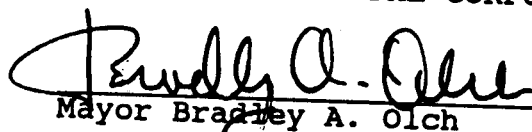
studio	\$30,000
1 br	45,000
2 br	60,000
3 br	75,000
4 br	90,000

The in lieu payment figures were derived from a recent estimate of the cost of providing one unit of affordable housing. The estimate of \$60,000 includes financing and title costs, construction costs, and contingency costs for a two bedroom unit. All other in lieu payments (for other sizes of units) are based upon the unit equivalents. These numbers will be adjusted annually in consideration of the CPI and estimates of affordable housing development costs. The City Council will reevaluate the in lieu amounts every three years.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch



COUNCIL AGENDA REPORT

DATE: May 5, 1995
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Final Subdivision Plat for Hidden Meadows
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve the final subdivision plat for Hidden Meadows.

DESCRIPTION:

A. Topic.

Applicant:	United Park City Mines Company dba Blue Ledge Corporation
Location:	Between Royal Oaks and Prospector
Zoning:	Estate-MPD and Recreation Open Space
Adjacent Land Uses:	Vacant, planned single family residential
Date of Application:	January 23, 1995

B. Background.

In February of 1994, the City Council approved an annexation of the Hidden Meadow MPD. The Annexation Plat and Agreement have recently been finalized and recorded on March 5, 1995. The applicant is now requesting approval of the preliminary and final plat for Hidden Meadow. The Planning Commission approved a Master Plan for Hidden Meadow as a part of the Annexation Process.

Concurrently with this application, a revision to the final plat for Hidden Oaks is being processed. That revision is necessary prior to or concurrent with approval of this plat.

C. Analysis

The preliminary and final plat request is consistent with the MPD approval and Annexation Agreement for Hidden Meadow. The project consists of a 44 lot single family subdivision on 227.99 acres. As outlined in the Annexation Agreement, the project was allowed 35 lots, plus a bonus of 9 lots for the reconfiguration of 9 lots in Royal Oaks Phase 2 for a total of 44 lots.

The portions of the plat which are to be developed as single family parcels is zoned Estate-MPD and the density is controlled by the approved MPD and Annexation Agreement. There are several parcels on the plat which are not intended for development and are zoned ROS. The applicant has agreed to dedicate all but 1 of these open space parcels to the City. One of the Open Space Parcels, ROS 3, is internal to the subdivision and will be retained by the Homeowner's Association. The Parks and Recreation Board accepted these Open Space parcels at their meeting of April 19, 1995. The applicant will pay a Parks and Dedication fee of \$1,035 for each lot.

The average parcel size is 78,208 sq. ft and the smallest parcel is 29,535 sq. ft. The applicant and staff have worked to define limits of disturbance and building pads for the parcels. All parcels will have maximum square footages of disturbed areas and some parcels will have locational parameters to reduce potential visual impact. The Commissioners were presented maximum house sizes at their meeting of March 22nd and a visual analysis at their meeting of April 12, 1995. The Planning Commissioners and staff indicated that they were satisfied with the proposed changes which include:

1. Lots 4, 5, 9, 10 and 11 will be reduced in height from 28' midpoint 33' peak to a height of 25' midpoint 28' peak.
2. On Lots 10 and 11, a maximum front yard setback of 100' and a rear yard setback of 75' from the Limits of disturbance line will be set. 10,000 square feet will be the maximum house size on lots over 2 acres.

Trails are provided per the Final Conditions of Approval for the MPD approved by the Planning Commission on December 15, 1993.

The Planning Commission reviewed the subdivision and Final Plat at their meeting of March 22, 1995 and their meeting of April 12, 1995. The Planning Commissioners forwarded a positive recommendation to the City Council at their meeting of April 26, 1995.

Findings:

The staff supports the final subdivision plat for Hidden Meadows as it is in compliance with the the Annexation Plat and Agreement recorded on March 5, 1995 and the Master Planned Development Final Conditions of Approval, December 15, 1993.

Conclusions of Law:

1. There is good cause for the approval of the final subdivision plat as it provides additional residential and recreational opportunities for Park City residents; and
2. Neither the public nor any person will be materially injured by the proposed plat revision.

D. Department Review.

The Community Development Department, Public Affairs Office and the City Attorney's office have reviewed this project.

ALTERNATIVES

- A. Approve the final Hidden Meadows Subdivision plat.
- B. Deny the final Hidden Meadows Subdivision plat.
- C. Continue the item until May 18, 1995 for further discussion and/or additional input from Staff, Applicant or Council members.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the City Council does not approve the Final subdivision plat for Hidden Meadows the subdivision may not be sold and the applicant would not be able to finalize his approval process under the terms of the Annexation and Master Planned Development Agreements.

RECOMMENDATION:

The staff recommends that the City Council approve the final subdivision plat at Hidden Meadows subject to the following conditions:

1. Prior to plat recordation the final plat shall be reviewed and approved by the City Engineer and City Attorney. The final plat shall reflect the designated utility and roadway easements as reviewed and approved by the City Engineer. The final plat shall also incorporate all the Final Conditions of Approval as ratified on December 15, 1993 and the Hidden Meadows Annexation Agreement approved on March 5, 1995. The final engineering plans shall give priority to visual impact mitigation including wherever possible cut and fill slopes at a lower slope angle then the 1 1/2 :

1 slopes. Grading and revegetation of Solamere Road shall be specifically reviewed by staff. Performance standards shall include reseeding with vegetation that matches existing color and texture standards and will also include re-establishing Oak brush along the cut and fill slope and protect to the greatest extent possible downhill vegetation. This does not require structural retaining walls, nor is irrigation to be required.

2. Prior to plat recordation the applicant shall post a security, in a form acceptable to the City Attorney, in an amount equal to 125% of the cost of public improvements as estimated by the City Engineer. The public improvements shall include the costs for installation of trails and maintenance during the security period. All public improvements, including trails shall be completed in Phase I of this project. Phase II is approved in concept and shall be recorded and started within six months of the final resolution of the title dispute with the adjacent property owner.

EXHIBITS

Location Map

Exhibit A - Final Plat

ORDINANCE NO. 95-__

**AN ORDINANCE APPROVING THE FINAL PLAT OF HIDDEN MEADOWS
LOCATED AT SOLAMERE DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Hidden Meadows petitioned the Planning Commission for approval of a revision to the final plat; and

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

WHEREAS, on April 26, 1995, the Planning Commission approved the final plat attached hereto as Exhibit A; and

WHEREAS, the staff supports the final subdivision plat for Hidden Meadows as it is in compliance with the the Annexation Plat and Agreement recorded on March 5, 1995 and the Master Planned Development Final Conditions of Approval, December 15, 1993; and

WHEREAS, it is in the best interest of Park City to approve the final plat, and

WHEREAS, there is good cause for the approval of the final subdivision plat as it provides additional residential and recreational opportunities for Park City residents; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The Hidden Meadows final plat is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation the final plat shall be reviewed and approved by the City Engineer, City Attorney, and City Council. The final plat shall reflect the designated utility and roadway easements as reviewed and approved by the City Engineer. The final plat shall also incorporate all the Final Conditions of Approval as ratified on December 15, 1993 and the Hidden Meadows Annexation Agreement approved on March 5, 1995. The final engineering plans shall give priority to visual impact mitigation including wherever possible cut and fill slopes at a lower slope angle than the 1 1/2 : 1 slopes. Grading and revegetation of Solamere Road shall be specifically reviewed by staff. Performance standards shall include reseeding with vegetation that matches existing color and texture standards and will also include re-establishing Oak brush along the cut and fill slope and protect to the greatest extent

possible downhill vegetation. This does not require structural retaining walls, nor is irrigation required.

2. Prior to plat recordation the applicant shall post a security, in a form acceptable to the City Attorney, in an amount equal to 125% of the cost of public improvements as estimated by the City Engineer. The public improvements shall include the costs for installation of trails and maintenance during the security period. All public improvements, including trails shall be completed in Phase I of this project. Phase II is approved in concept and shall be recorded and started within six months of the final resolution of the title dispute with the adjacent property owner.

SECTION 2. This ordinance shall take effect immediately.

DATED this 11th day of May, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

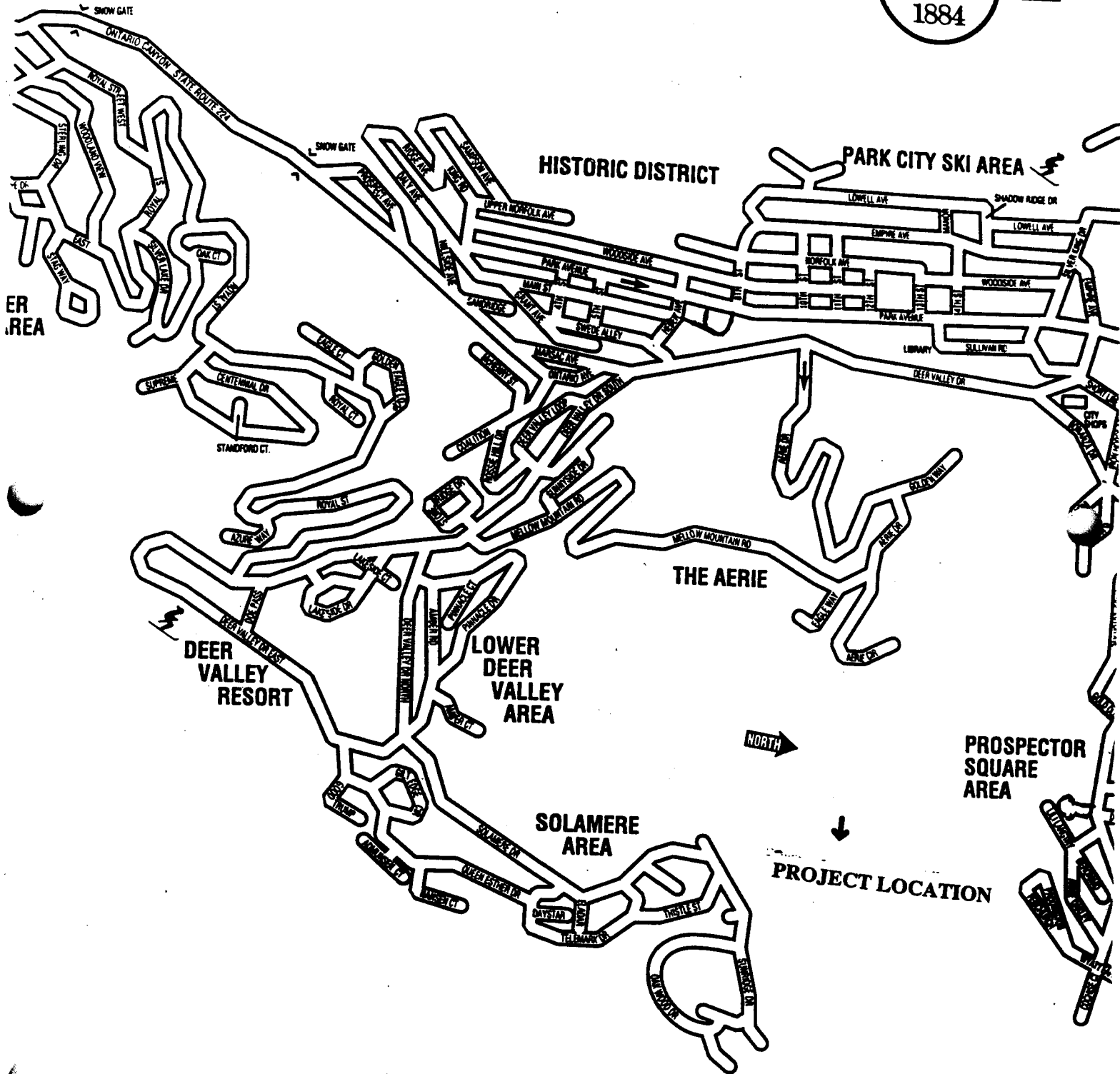
ATTEST:

Anita Sheldon, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney

**HIDDEN MEADOW
LOCATION MAP**



[illegible]

THE UNIVERSITY OF MICHIGAN LIBRARY

ECUADORIAN PRESIDENT

[The page contains dense, illegible handwritten text.]

OWNER'S EDUCATION AND CONSENT TO RECORD

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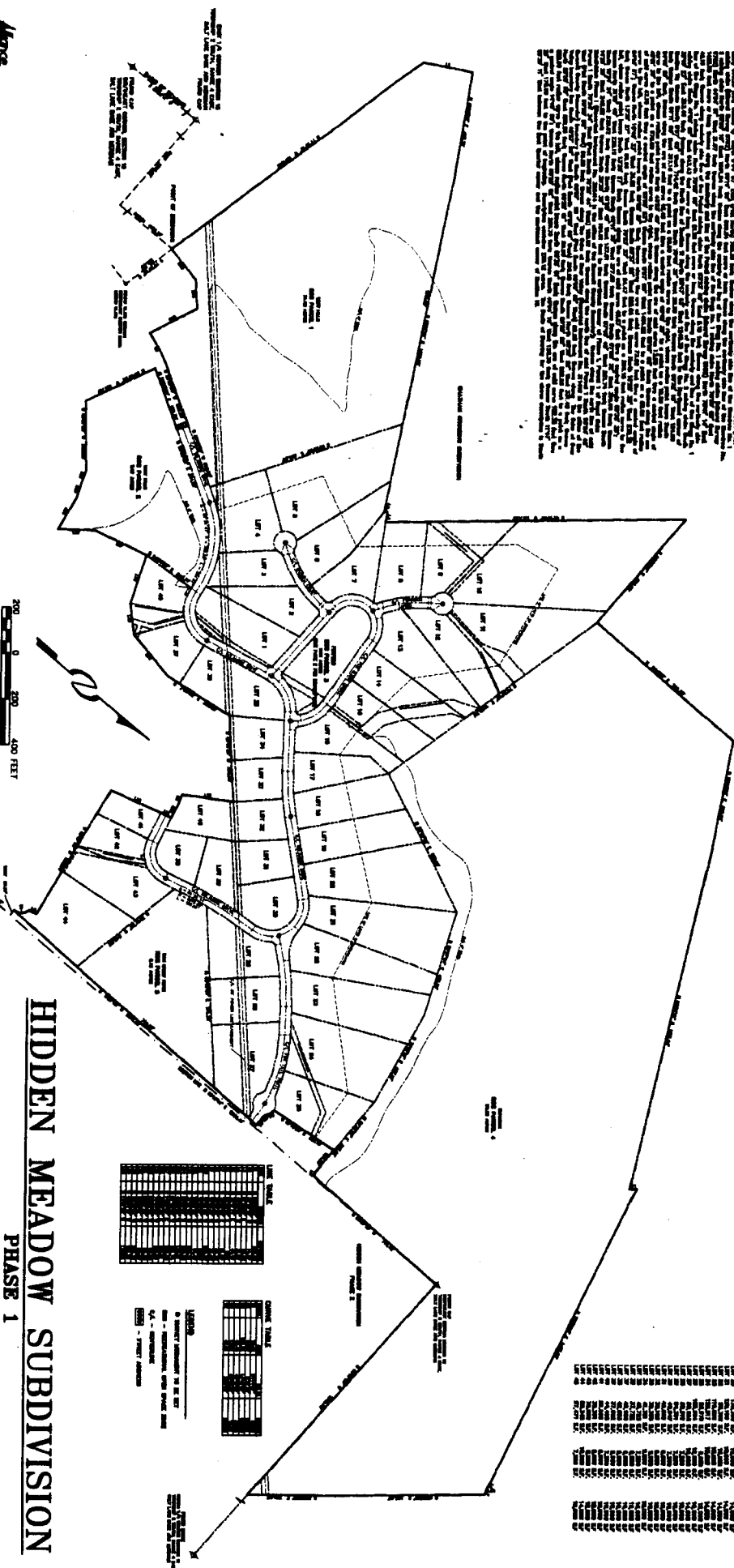
ADDITIONAL INFORMATION

COUNTY OF SHERIDAN

On the _____ day of _____, 1964, John Edward, Special Agent in Charge, advised that he is the President of the Little Company of Mary Corporation and that he wishes for some or part of the Corporation (s) to pay tribute.

TABLE

The image is a large, dense grid of small, stylized human figures. The figures are black silhouettes of people in various poses, arranged in rows and columns. The grid is composed of many small, repeating units, each containing a stylized human figure. The figures are arranged in a way that creates a complex, textured pattern. The overall effect is a dense, almost abstract representation of a crowd or a large group of people.



HIDDEN MEADOW SUBDIVISION

PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PROGRESS DRAWING 4-25-95

PAGE 1 OF 3

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
1995 A.D.

by _____

RECOMMEND

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

FILE	RECORD
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JOS NO. 4-8-84 VC/D/PL/IMP1
ALLANCE ENGINEERING INC

P.O. BOX 2084
325 MAIN STREET
PAK CITY, UTAH 84060
(801) 649-9487

STAYBEEVILLE HASN SEEN SEVER IMPROVEMENT DISTRICT

BY _____
IMPROVEMENT DISTRICT STANDARDS ON THIS _____
DAY OF _____ 1995 A.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 1995 A.D.

NEGATIVE CERTIFICATE

IN ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 1985 A.D.

APPROVAL AS TO CONTENT

APPROVED AS TO FORM THIS _____
DAY OF _____, 1995 A.D.
BY _____

ATTENTION: This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552.

CERTIFY THIS RECORD OF SURV
MAP WAS APPROVED BY PARK CI
COUNCIL THIS ____ DAY
OF ____ 1895 A.D.

[illegible]

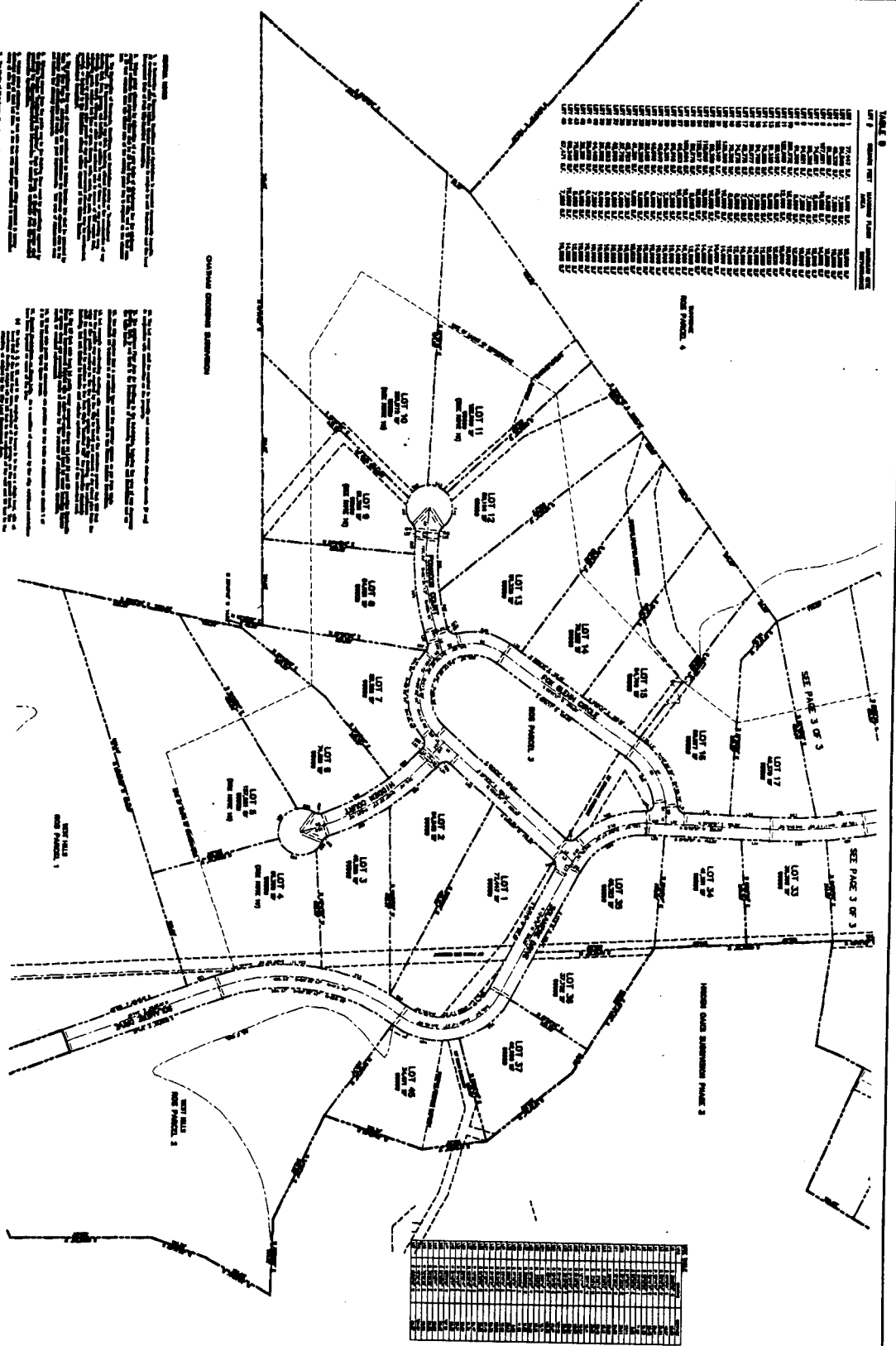
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
1995 A.D.

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STATE OF UTAH COUNTY OF SALT LAKE
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____

TABLE 1
 LOT AREA
 LOT NO. AREA AC. AREA SQ. FT.

LOT NO.	AREA AC.	AREA SQ. FT.
1	1.00	69,696
2	1.00	69,696
3	1.00	69,696
4	1.00	69,696
5	1.00	69,696
6	1.00	69,696
7	1.00	69,696
8	1.00	69,696
9	1.00	69,696
10	1.00	69,696
11	1.00	69,696
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14	1.00	69,696
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39	1.00	69,696
40	1.00	69,696
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74	1.00	69,696
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86	1.00	69,696
87	1.00	69,696
88	1.00	69,696
89	1.00	69,696
90	1.00	69,696
91	1.00	69,696
92	1.00	69,696
93	1.00	69,696
94	1.00	69,696
95	1.00	69,696
96	1.00	69,696
97	1.00	69,696
98	1.00	69,696
99	1.00	69,696
100	1.00	69,696

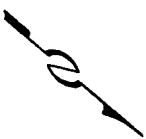


HIDDEN MEADOW SUBDIVISION

PHASE 1
 A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH,
 RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
 PROGRESS DRAWING 4-25-85
 PAGE 1 OF 3

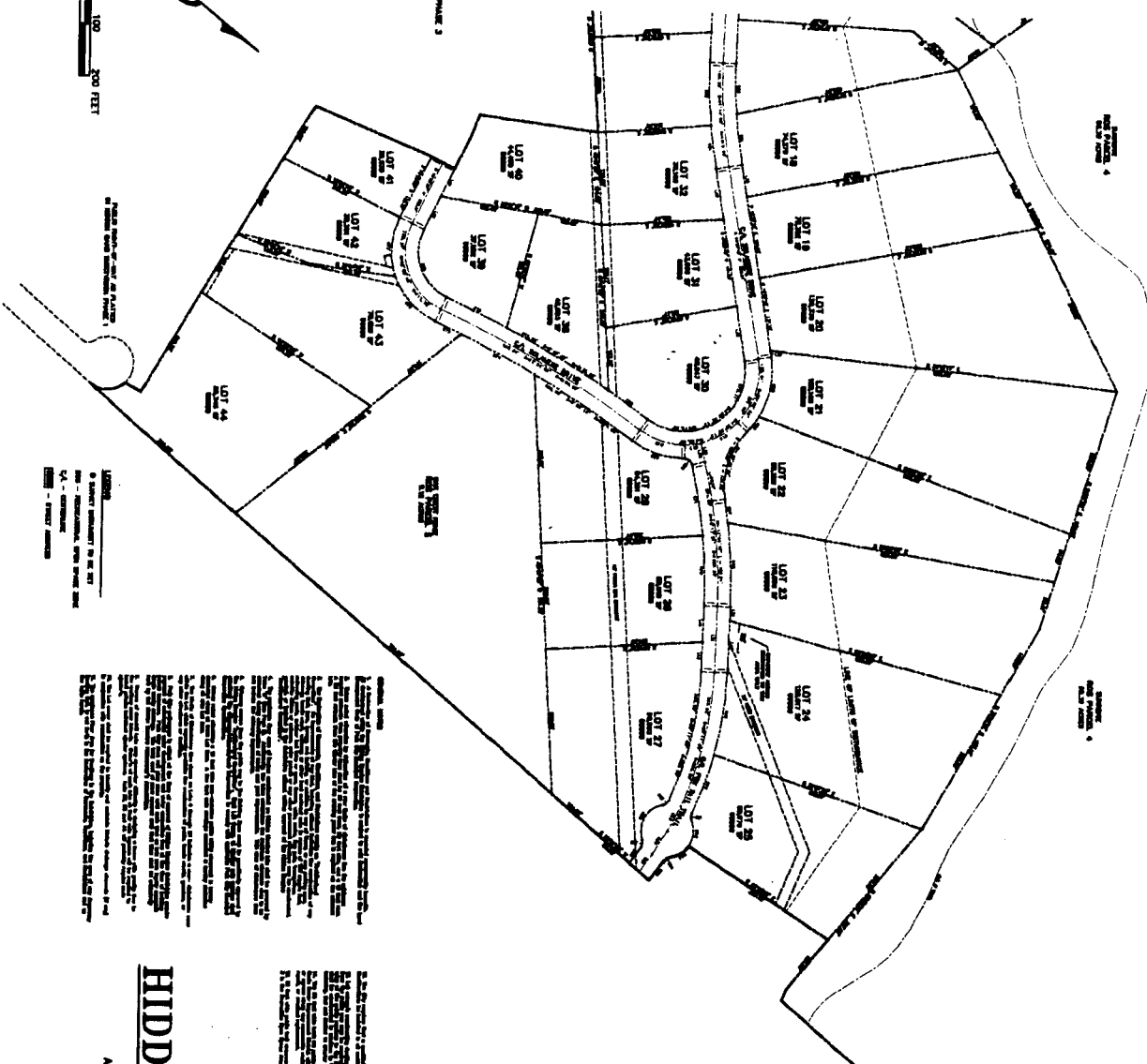
STATE OF UTAH
 COUNTY OF SALT LAKE
 DATE _____ TIME _____ BOOK _____ PAGE _____
 FILE _____ RECORDS

208 NO. 4-2-84 VOL. 11172



**POSSIBLE-ONLY AD PLAYS
ON OTHER GDS EMPLOYING PAPER**

• SUBJECT REFERENCE TO HQ CITY
 HQ - MEMPHIS, TENN. 38003
 SA - CLEVELAND
 [REDACTED] - TRACY, ALABAMA

[illegible]

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

HIDDEN MEADOW SUBDIVISION

PHASE I

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PROGRESS DRAWING 4-25-93

PAGE 3 OF 3

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

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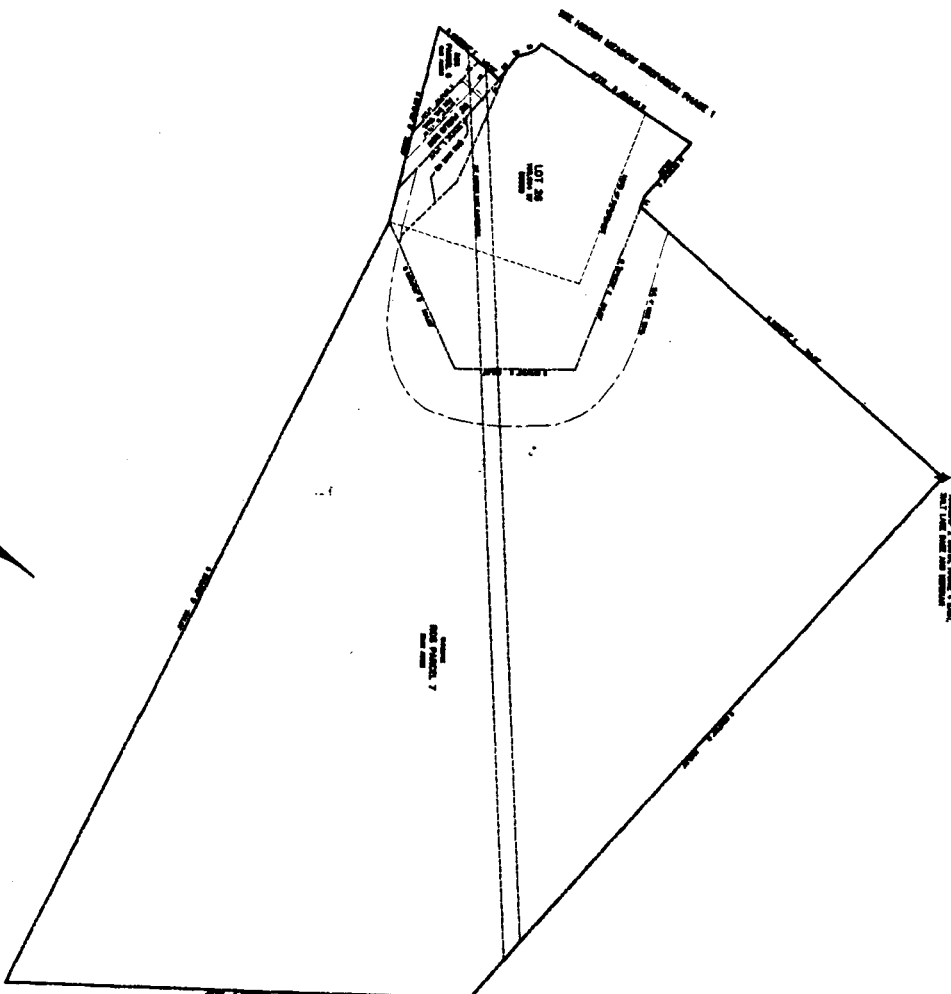
JOB NO. 4-6-94 VC/D/PLINMP

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RECORD OF SURVEY
BY THE SURVEYOR
AND THE RECORD



SUBDIVISION CERTIFICATE

THE SURVEYOR HEREBY CERTIFIES THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT, R.S. 48-1-1, AND THAT THE SURVEY IS CORRECT AND ACCURATE.

DATE OF SURVEY: 1995 A.D.

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the owner of the land shown on this map, hereby declare that the information provided is true and correct, and I consent to the recording of this map.

DATE OF DECLARATION: 1995 A.D.

RECORDING INFORMATION

ASSURANCE OF RECORD

THE SURVEYOR HEREBY ASSURES THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT, R.S. 48-1-1, AND THAT THE SURVEY IS CORRECT AND ACCURATE.

DATE OF ASSURANCE: 1995 A.D.

LEGEND

LOT 1	200' x 100'
LOT 2	200' x 100'
LOT 3	200' x 100'

LOT 4	200' x 100'
LOT 5	200' x 100'
LOT 6	200' x 100'

LOT 7	200' x 100'
LOT 8	200' x 100'
LOT 9	200' x 100'

LOT 10	200' x 100'
LOT 11	200' x 100'
LOT 12	200' x 100'

HIDDEN MEADOW SUBDIVISION

PHASE 2

A SUBDIVISION LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PROGRESS DRAWING 4-29-95

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.

P.O. BOX 1144
325 MAIN STREET
PARK CITY, UTAH 84302
(801) 434-9447

REVIEWED FOR CONFORMANCE TO SURVEYING ACT, R.S. 48-1-1, AND THE RECORD OF SURVEY.

DATE OF REVIEW: 1995 A.D.

BY: S.B.110

APPROVED BY THE PARK CITY PLANNING COMMISSION.

DATE OF APPROVAL: 1995 A.D.

BY: CHAIRMAN

ENGINEER'S CERTIFICATE

DATE OF ENGINEERING: 1995 A.D.

BY: PARK CITY ENGINEER

APPROVAL AS TO FORM

DATE OF APPROVAL: 1995 A.D.

BY: CITY ATTORNEY

CERTIFICATE OF ATTEST

DATE OF CERTIFICATION: 1995 A.D.

BY: PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

DATE OF COUNCIL APPROVAL: 1995 A.D.

BY: MAYOR

RECORDED

DATE OF RECORDING: 1995 A.D.

FILE



CITY COUNCIL REPORT

DATE: May 8, 1995
DEPARTMENT: Planning Department
AUTHOR: Jennifer Duane
TITLE: Condominium Conversion at Lot
37 A/B Prospector Square - The Park Record Building
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the ordinance amending the Record Of Survey on Lot 37A/B Prospector Square, 1670 Bonanza Drive, in order to allow for the separate ownership of the four units.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Applicant: Dean S. Berrett
Proposal: Condominium Conversion at Lot 37 A/B
Zoning: GC
Adjacent Land Uses: Commercial, Residential
Date of Application: March 27, 1995
Project Planner: Jennifer Duane
Staff Recommendation: Approve with Conditions

B. Background.

The applicant is requesting to convert an existing office structure from single to condominium type of ownership. The existing building was constructed lot-line to lot-line in 1984 as a permitted use. There are no common areas outside the property lines of the structure. The original design and physical construction was done in order to provide for the future conversion of the structures to a condominium type of ownership.

C. Analysis

The proposed condominium will contain four units. The conversion will not change the existing or proposed use of the building. There is no additional square footage added to the building or construction of any new improvements. The existing net leasable square footage will be the same before and after this conversion. The change will only be in form of ownership. The current owner of record is a partnership with four partners. These partners, individually, will become the owner of record of each condominium unit.

Determination of Findings: The Staff recommendation for the project is based on the following findings:

1. There are no additional impacts such as parking or density created by this proposal.

Conclusions of Law:

1. There is good cause for the condominium conversion as it allows the owner to sell off each office unit separately.
2. Neither the public nor any person will be materially injured by the proposed record of survey.

D. Department Review.

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

ALTERNATIVES

- A. Approve the plat amendment to allow the condominium conversion. This is the recommended action.
- B. Deny the condominium conversion.
- C. Continue the item for further discussion and input from the staff.

SIGNIFICANT IMPACTS:

The approval of this proposal will allow individual ownership of each unit and will not significantly impact the Prospector Square property owners or the intention of the original plat.

Denying the proposal would result in sole ownership of the building. This result would not impact the City, but only the financial concerns of the existing owner.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the City Council does not approve the condominium conversion the owner will not be

able to sell each of the individual units separately.

RECOMMENDATION:

The Staff recommends the City Council approve the Final Record of Survey Amended Plat of Prospector Square at Lot 37 A/B subject to the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall have reviewed and approved the final plat and CC&R's.
2. All other notes and dedications from the recorded Prospector Square Plat, Recorded # 125443, and the Supplemental Amended Plat, recorded # 397064, are in full force and effect.

EXHIBITS:

- Exhibit A: Location Map
- Exhibit B: Proposed Record of Survey
- Exhibit C: Proposed Ordinance

EXHIBIT A

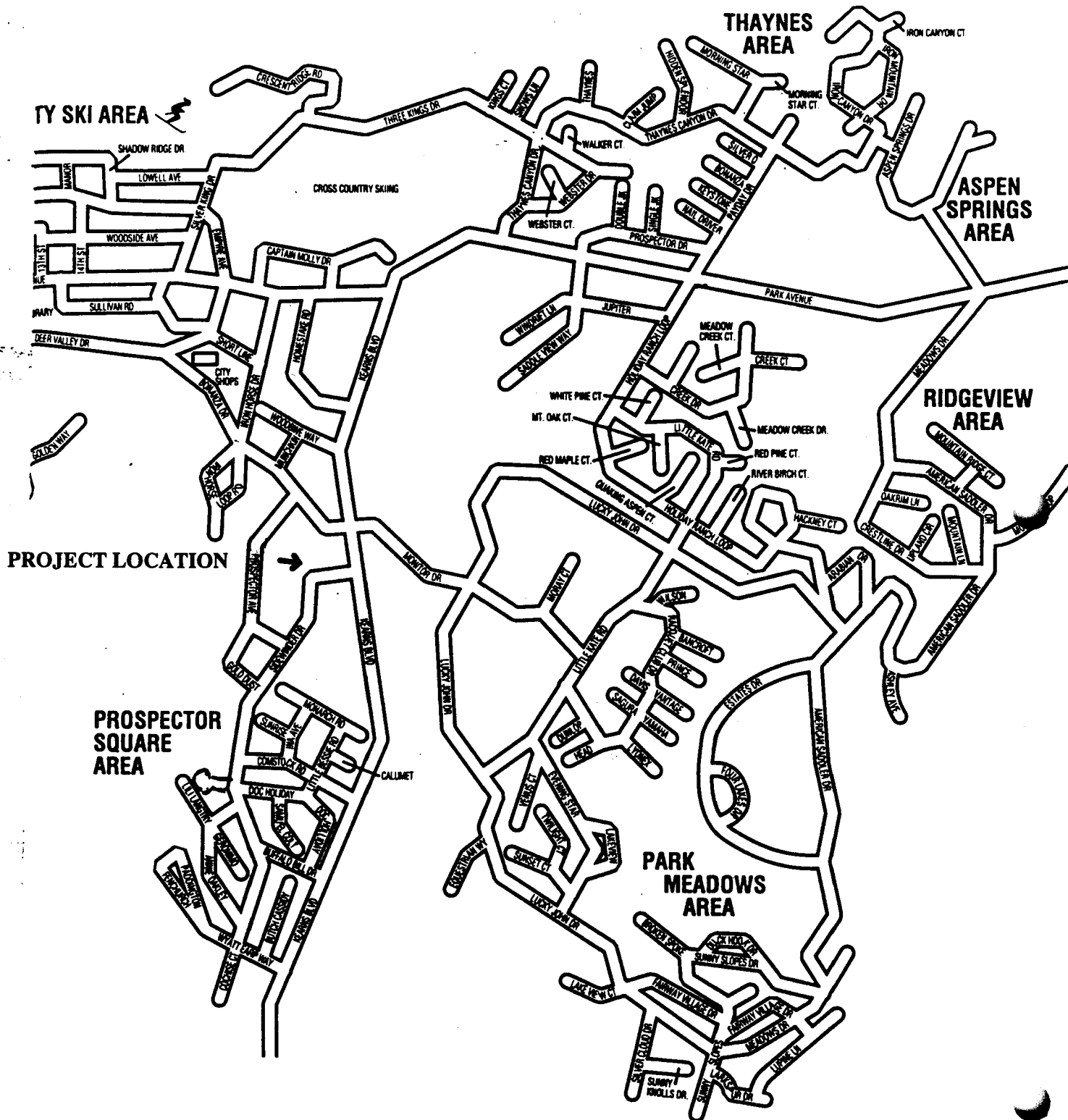


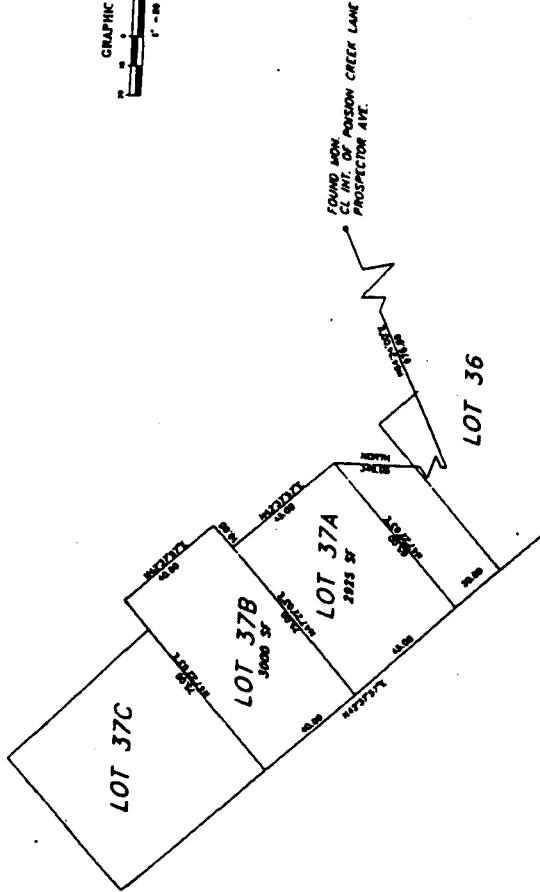
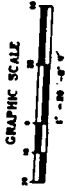
EXHIBIT B

RECEIVED

MAR 27 1995

PLANNING DEPT
SAND CITY

CONDOMINIUM



NOTE = THE STREET ADDRESS OF A UNIT IN THE 37 A/B CONDOMINIUM
IS 1670 BENJAMIN DRIVE, UNIT # _____.

SURVEYOR'S CERTIFICATE
I, JACOB HARRISON, a duly licensed and qualified surveyor, and I have personally surveyed and measured the above described lots and have found them to be in accordance with the plat of the same as recorded in the office of the County Recorder of the County of Stanislaus, California, and I have also measured the same and found them to be in accordance with the same.

JACOB HARRISON

LEGAL DESCRIPTIONS

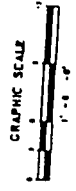
Being a subdivision of lots 36, 37A and 37B of the Moscovia Subdivision, as shown on the map of the same as recorded in the office of the County Recorder of the County of Stanislaus, California, and I have also measured the same and found them to be in accordance with the same.

OWNERS

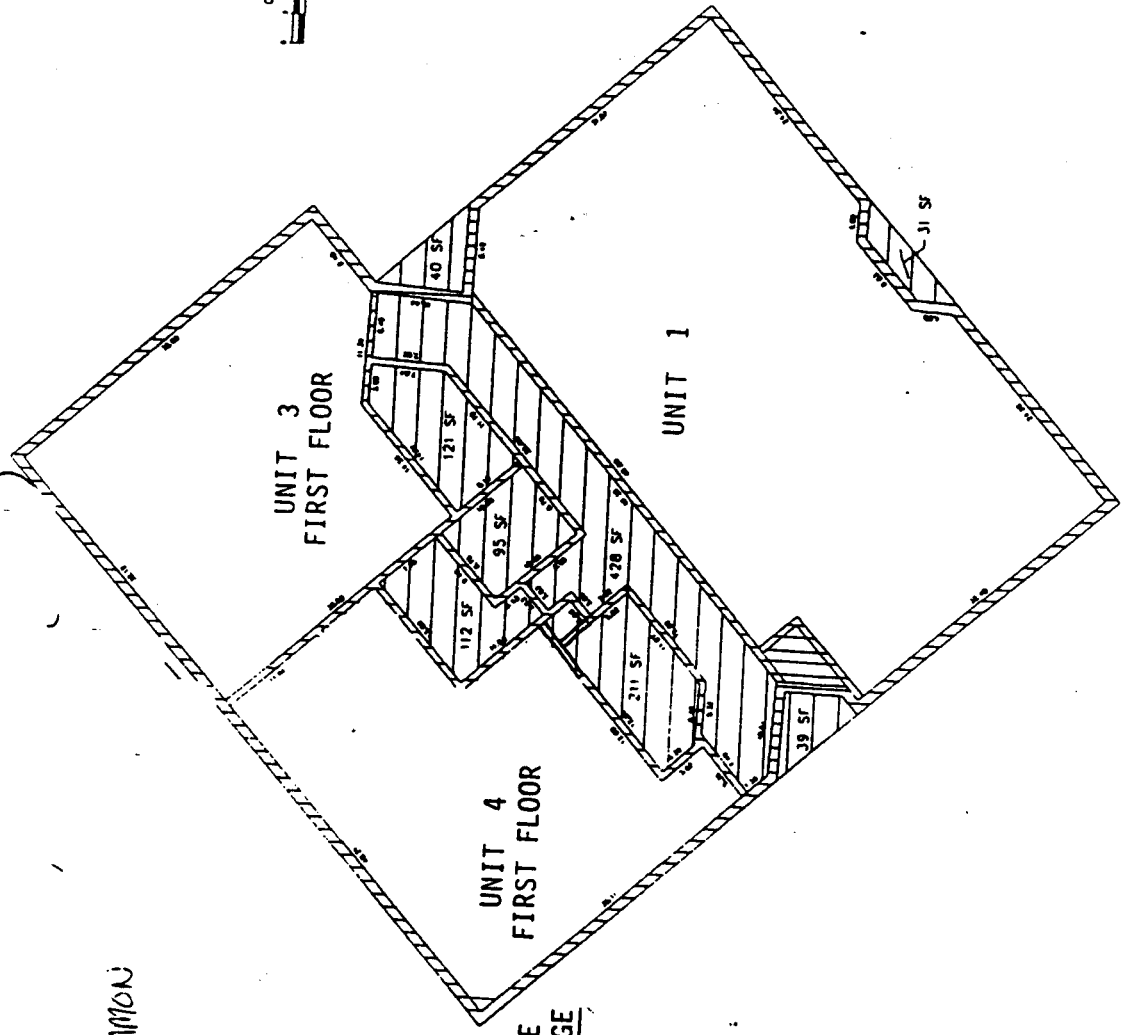
CITY COUNCIL APPROVED BY THE CITY COUNCIL ON _____ DAY OF _____, 1995 BY RECORDER _____		CITY ENGINEER APPROVED BY THE CITY ENGINEER ON _____ DAY OF _____, 1995 CITY ENGINEER _____		CITY PLANNING COMMISSION APPROVED BY THE CITY PLANNING COMMISSION ON _____ DAY OF _____, 1995 CHAIRMAN _____		CITY ATTORNEY APPROVED AS TO FORM BY THE CITY ATTORNEY ON _____ DAY OF _____, 1995 CITY ATTORNEY _____		SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT APPROVED AND ACCEPTED IN 1995 ON _____ DAY OF _____, 1995 SUPERVISOR _____		RECORDED NUMBER _____ DATE _____ STATE OF CALIFORNIA COUNTY OF SAN JUAN RECORDS AND FILED AT THE REQUEST OF _____ COUNTY RECORDS		SHEET 1 OF 3
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CONDOMINIUM

RECEIVED
MAR 27 1995
PARK CITY
PLANNING DEPT



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OF
3



PER STATE CODE:

PRIVATE

LIMITED COMMON

COMMON

	TOTAL SQUARE FOOTAGE
UNIT 1	2245
UNIT 2	2319
UNIT 3	2245
UNIT 4	2160

COMMON AREA

LIMITED COMMON AREA

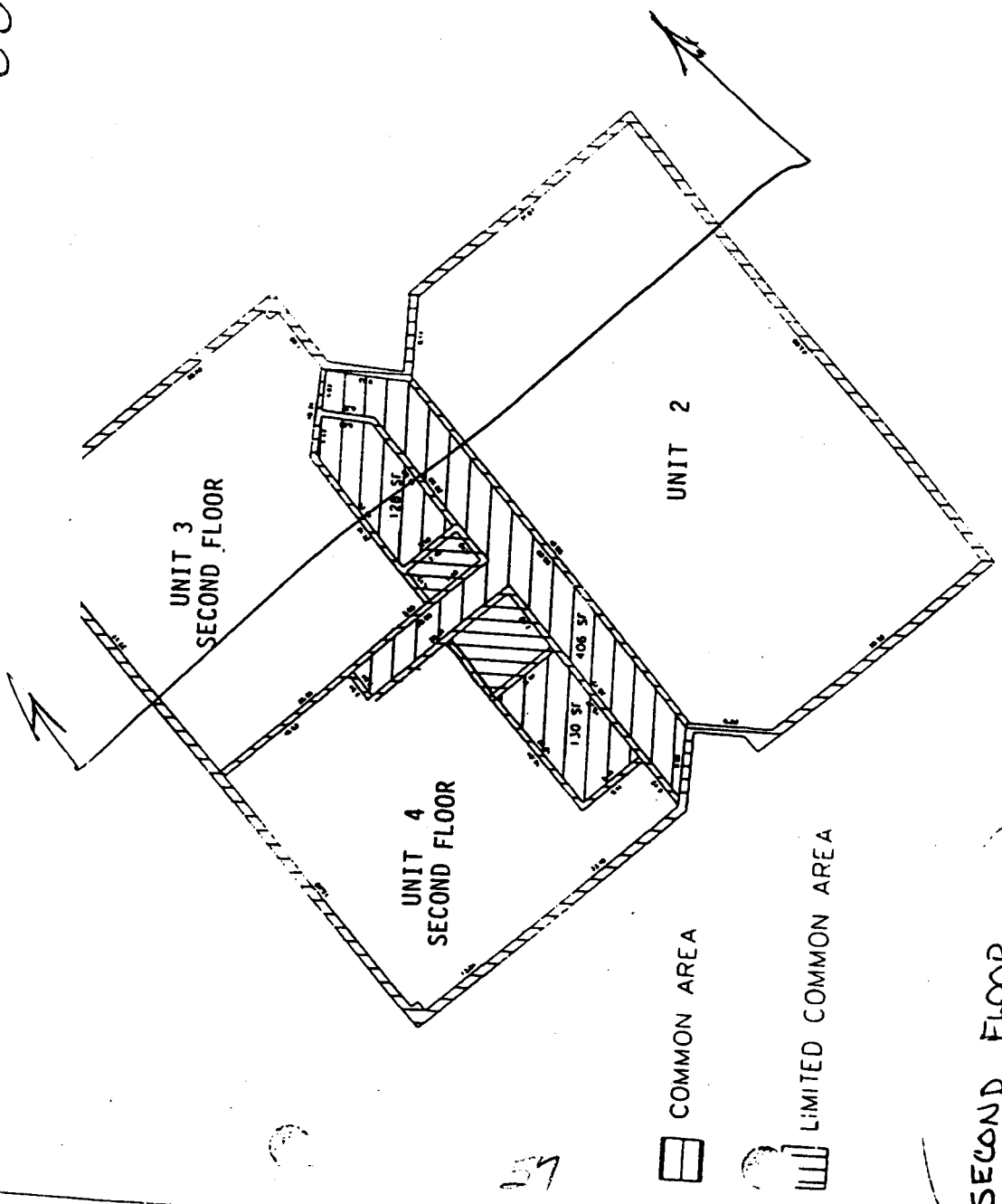
TOTAL FLOOR AREA

FIRST FLOOR

CONDOMINIUM

RECEIVED
MAR 27 1995
PARK CITY
PLANNING DEPT

3 OF 3



SECOND FLOOR

EXHIBIT C

Ordinance No. 95-

AN ORDINANCE APPROVING THE AMENDMENT TO THE AMENDED PLAT OF PROSPECTOR SQUARE, RECORDED ON DECEMBER 26, 1974 AT SUMMIT COUNTY, RECORDED #125443, ON LOT 37A/B LOCATED AT 1670 BONANZA DRIVE, PARK CITY, UTAH

WHEREAS, the owner of the property indicated above petitioned the City Council for approval of the amendment to the amended plat of Prospector Square; and

WHEREAS, there has been proper notice and the City Council held a public hearing on May 11, 1995 to receive testimony on the proposed plat amendment; and

WHEREAS, the plat is consistent with the Land Management Code and the subdivision ordinance; and

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

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 there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment of the final plat of Lot 37A/B at 1670 Bonanza Drive, is approved as shown on the attached Exhibit B with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall have reviewed and approved the final plat.
2. All other notes and dedications from the recorded Prospector Square Plat, Recorded # 125443, and the Supplemental Amended Plat, recorded # 397064, are in full force and effect.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.



COUNCIL AGENDA REPORT

DATE: May 5, 1995
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Revision to Hidden Oaks Final Plat aka Royal Oaks
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve the revised Final Plat for Hidden Oaks Phase 2.

DESCRIPTION:

A. Topic.

Applicant:	Royal Oaks LLC/Alliance Engineering
Location:	Between Royal Oaks Phase I and Hidden Meadows
Zoning:	RD-MPD and ROS
Adjacent Land Uses:	Vacant, Single family, proposed single family
Date of Application:	January 23, 1995

B. Background.

In 1991, the City Council approved a final plat for the Royal Oaks Phase 2 subdivision with an agreement that the applicant would look at revising the subdivision to eliminate some of the lots in the subdivision which were most visible from vantage points throughout the community. The plat for Royal Oaks 2 has

PASSED AND ADOPTED this 11th 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

therefore never been recorded. In 1992 and 1993, the City was negotiating with the developers of Hidden Meadows on a request for Annexation. As a part of that process, 9 of the most visible parcels in the Royal Oaks 2 subdivision were to be relocated to the Hidden Meadows property to decrease the visibility of the parcels and associated roads. Hidden Meadows received approval for an MPD and has been annexed to the City. Prior to Hidden Meadows moving forward with platting, it is necessary to revise Royal Oaks Phase 2 plat, so that the projects are consistent. This request is being processed concurrently with the Preliminary and Final plat request for Hidden Meadows. The applicants have also changed the project name from Royal Oaks to Hidden Oaks.

The Planning Commission reviewed this application of their meeting of March 22, 1995 and at their meeting of April 12, 1995. After receiving public comment the Planning Commissioners requested staff and the applicant to explore the possibility of adding a Limits of Disturbance Line on the reconfigured Lots 20-24. This was done by the applicant and addressed the adjacent property owner's concerns. The Planning Commission forwarded a positive recommendation to the City Council at their meeting of April 26, 1995.

C. Analysis

The application is for a 52 lot subdivision. The original Royal Oaks approval contained 52 lots as well. In order to minimize visual impact, 9 of the parcels have been relocated. The applicant is also requesting that the 52 lot subdivision be a 3 phase addition to the first phase of Royal Oaks which is constructed. This request results in three separate subdivision plats.

The configuration of the parcel has also changed, reflecting the relocation of the parcels. In addition, a parcel which was to be open space for Hidden Oaks is being platted as a part of Hidden Meadows so that the Hidden Meadows Homeowners Association can be responsible for maintenance (Hidden Oaks does not have a Homeowners Association for these purposes).

Per the direction of the Planning Commission on April 12, 1995, the Staff has met with the applicant in order to consider building site restrictions on Lots 20-24. A rear Limits of Disturbance Line has been set on these lots. A 15 foot setback from this Limits of Disturbance Line will also be respected on these lots.

Findings:

Staff supports the revision to the final plat at Hidden Oaks as it reduces the visual impact of the original plat approval.

Conclusions of Law:

There is good cause for the revision as the reconfiguration will allow for visual mitigation on Phase II.

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

D. Department Review.

The Staff Review Team has reviewed this plat and finds it to be consistent with the MPD approval for Hidden Meadows and finds that the reconfiguration results in a positive visual impact.

ALTERNATIVES

- A. Approve the revision to the Hidden Oaks Final Plat.
- B. Deny the revision to the Hidden Oaks Final Plat.
- C. Continue the item until May 18, 1995 for further discussion and/or additional input from Staff.

SIGNIFICANT IMPACTS:

The proposed reconfiguration of nine lots in Phase 2 of Hidden Oaks mitigates the visual impact of the project as originally approved. The additional provision of a Limits of Disturbance Line on Lots 20-24 will add to the visual mitigation for the project.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the City Council does not approve the revision to the Final Plat the original approval will be the basis for Staff to work with in developing subsequent phases of this project.

RECOMMENDATION:

The staff recommends that the City Council approve the revision to the Final Plat with the following conditions:

- 1. Prior to plat recordation the final plat shall be reviewed and approved by the City Engineer, City Attorney, and City Council. The final plat shall reflect the designated utility and roadway easements as reviewed and approved by the City Engineer.
- 2. Prior to plat recordation the applicant shall post a security, for all phases, in a form acceptable to the City Attorney, in an amount equal to 125% of the cost of public improvements as estimated by the City Engineer.

EXHIBITS

Exhibit A - Revised Plat - Phase 2

Exhibit B - Lots 20-24 - Limits of Disturbance Line

ORDINANCE NO. 95-__

**AN ORDINANCE APPROVING THE FINAL PLAT OF HIDDEN OAKS
LOCATED AT SOLAMERE DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Hidden Oaks petitioned the Planning Commission for approval of a revision to the final plat; and

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

WHEREAS, on April 26, 1995, the Planning Commission approved the final plat attached hereto as Exhibit A; and

WHEREAS, it is in the best interest of Park City to approve the final plat, and

WHEREAS, staff supports the revision to the final plat at Hidden Oaks as it reduces the visual impact of the original plat approval.

WHEREAS, there is good cause for the revision as the reconfiguration will allow for visual mitigation on Phase II; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The Hidden Oaks final plat is approved as shown on the attached Exhibit A with the following conditions:

- 1. Prior to plat recordation the final plat shall be reviewed and approved by the City Engineer, City Attorney, and City Council. The final plat shall reflect the designated utility and roadway easements as reviewed and approved by the City Engineer.**
- 2. Prior to plat recordation the applicant shall post a security, for all phases, in a form acceptable to the City Attorney, in an amount equal to 125% of the cost of public improvements as estimated by the City Engineer.**

SECTION 2. This ordinance shall take effect immediately.

DATED this 11th day of May, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCHE, MAYOR

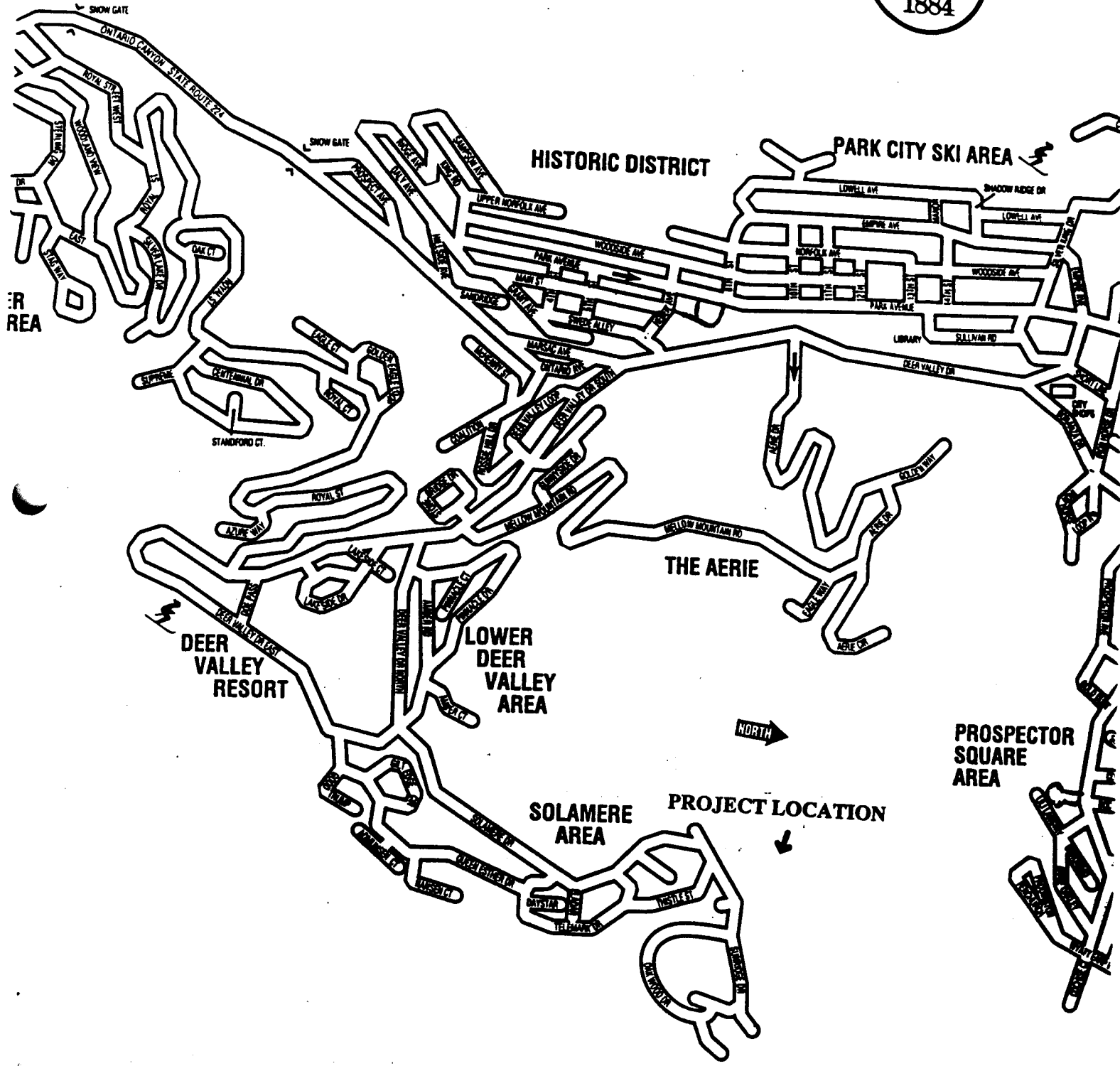
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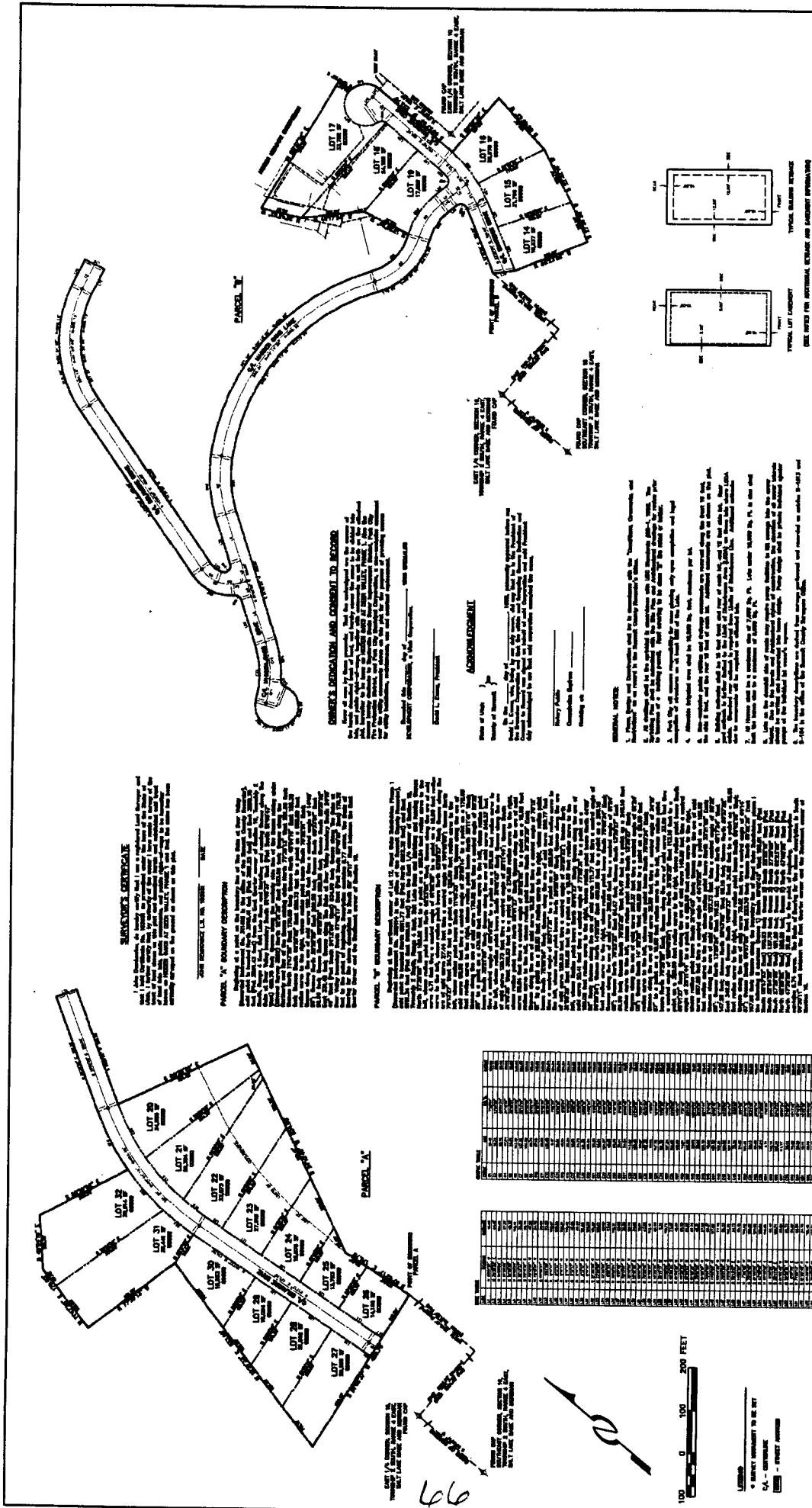
Anita Sheldon, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney

Royal Oaks
Location Map





HIDDEN OAKS AT DEER VALLEY

PHASE 1
A SUBDIVISION LOCATED IN SECTION 10, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PROCESS DRAWING 5-3-95

JOB NO. 4-6-94 VCU/P/1801

ALLIANCE ENGINEERING INC.

P.O. BOX 2864
223 MAIN STREET
BAYVIEW
(801) 644-8467

STUYVESANT BAYVIEW IMPROVEMENT DISTRICT

RECEIVED FOR CONFORMANCE TO STUYVESANT BAYVIEW
IMPROVEMENT DISTRICT STANDARDS ON THIS
DATE OF 1995 A.D.
BY S.B.S.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION 1995 A.D.
DATE OF 1995 A.D.
BY CHAIRMAN

ENGINEERS CERTIFICATE

ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS
DATE OF 1995 A.D.
BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS
DATE OF 1995 A.D.
BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
AND MAP WAS FILED BY THE PARK CITY
COUNCIL THIS DATE OF 1995 A.D.
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS DATE OF 1995 A.D.
BY MAYOR

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF
DATE TIME NOOK ORDER

PAGE 1 OF 1

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described land, do hereby declare that the foregoing is a true and correct copy of the original survey and map, and that I consent to the recording of the same in the public records of the State of Utah.

ACKNOWLEDGEMENT

I, the undersigned, being the owner of the above described land, do hereby acknowledge the recording of the foregoing survey and map in the public records of the State of Utah, and I consent to the same.

GENERAL NOTES

1. The survey was made by the undersigned, and the same is a true and correct copy of the original survey and map.
2. The survey was made by the undersigned, and the same is a true and correct copy of the original survey and map.
3. The survey was made by the undersigned, and the same is a true and correct copy of the original survey and map.
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10. The survey was made by the undersigned, and the same is a true and correct copy of the original survey and map.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey and map, and that I consent to the recording of the same in the public records of the State of Utah.

PARCEL 1A SURVEY DESCRIPTION

Parcel 1A is a portion of the land described in the foregoing survey and map, and is situated in the north-east corner of the same. It contains lots 1 through 10, and is bounded on the north by the line of the land described in the foregoing survey and map, on the east by the line of the land described in the foregoing survey and map, on the south by the line of the land described in the foregoing survey and map, and on the west by the line of the land described in the foregoing survey and map.

PARCEL 1B SURVEY DESCRIPTION

Parcel 1B is a portion of the land described in the foregoing survey and map, and is situated in the south-east corner of the same. It contains lots 11 through 20, and is bounded on the north by the line of the land described in the foregoing survey and map, on the east by the line of the land described in the foregoing survey and map, on the south by the line of the land described in the foregoing survey and map, and on the west by the line of the land described in the foregoing survey and map.

Parcel 1C is a portion of the land described in the foregoing survey and map, and is situated in the south-west corner of the same. It contains lots 21 through 30, and is bounded on the north by the line of the land described in the foregoing survey and map, on the east by the line of the land described in the foregoing survey and map, on the south by the line of the land described in the foregoing survey and map, and on the west by the line of the land described in the foregoing survey and map.

The foregoing survey and map were made by the undersigned, and the same are a true and correct copy of the original survey and map. I, the undersigned, being a duly licensed surveyor in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey and map, and that I consent to the recording of the same in the public records of the State of Utah.

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COUNCIL AGENDA REPORT

DATE: May 8, 1995
DEPARTMENT: Public Affairs
AUTHOR: Myles C. Rademan, Director
TITLE: Resolution of Intent to Adopt Main Street Enhancement District
ACTION: Legislative

SUMMARY RECOMMENDATION: Adopt a resolution instructing the staff to prepare the necessary documents and plan for the formation of the Enhancement District, and provide potential names to the Council for appointment to the Main Street Enhancement Task Force.

DESCRIPTION:

- A. Topic:** Main Street Enhancement Task Force and business license district.
- B. Background:** Previous memoranda to the Council explain the Main Street Enhancement concept in some detail. A public hearing was conducted at the Council meeting on April 27.
- C. Analysis:** This present action is asking the Council whether they wish to support the Main Street Enhancement concept as presented at this time. Without Council approval of the concept it would be unproductive to prepare the necessary legal documents or proceed with additional planning.
- D. Department Review:** Administrative, Legal, Public Affairs

ALTERNATIVES:

- A. Approve the Request:** Staff will prepare the necessary documents for the Council's approval at a subsequent meeting. Names of potential members for the Main Street Enhancement Task Force will be solicited and submitted to the Council for appointment. Business licenses will be increased in the Main Street area beginning in 1996. A small demonstration enhancement project will be undertaken this summer, in anticipation of more extensive enhancements in the summer of 1996 resulting from the Main Street Enhancement Task Force's directions.

B. Deny the Request: Main Street Enhancement concept will be dropped.

C. Modify: Main Street Enhancement concept will be modified as specified by the City Council.

RECOMMENDATION. Adopt the resolution and initiate the enhancement process.

**RESOLUTION OF INTENT TO FORM A
MAIN STREET BUSINESS LICENSE DISTRICT IN PARK CITY, UTAH
AND APPOINT A MAIN STREET ENHANCEMENT TASK FORCE**

WHEREAS, Park City desires to aesthetically enhance the Main Street business area, because it is the flagship of our City; and

WHEREAS, the City has determined, after considerable public input and comment, that business licensees in the Main Street business area demand a higher level of government service than other business locales in Park City; and

WHEREAS, because of this higher service demand, it is appropriate for business licensees to pay a higher business license fee than is charged to businesses in other areas; and

WHEREAS, the City wishes to engage in an equitable public-private partnership with the business licensees in the Main Street area by equally matching with general fund revenues those additional fees raised from Main Street merchants to accomplish this end; and

WHEREAS, the Main Street area business license fee will not be levied until the 1996 business license renewal cycle; and

WHEREAS, the City wishes to engage those most affected by this Resolution in a continuing enhancement planning process and will appoint a Main Street Enhancement Task Force which fairly represents business licensees from Main Street; and

WHEREAS, the City will conduct a demonstration enhancement project at public expense during the summer of 1995 to test the impact and viability of certain enhancement concepts; and

WHEREAS, the City clearly recognizes that parking and other transportation issues are priorities in the Main Street area, and that these issues will be addressed through additional studies and consultant contracts as requested by the City Council and which are now underway;

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

SECTION 1. MAIN STREET BUSINESS LICENSE DISTRICT. The staff will be instructed to prepare the necessary legal documents for the delineation of a Main Street Business License District and once drafted, will be submitted to the City Council for action; and

SECTION 2. MAIN STREET ENHANCEMENT TASK FORCE. Potential candidates for the Main Street Enhancement Task Force will be forwarded to the City Council for appointment.

SECTION 3. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 11th day of May, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Jodi Hoffman, City Attorney

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 attend. Attendance at the meeting was sparse. Staff was well represented, however the general public and the trucking companies

COUNCIL AGENDA REPORT CONTINUED

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 align 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. Department review:

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

D. Implementation strategy:

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. Enforcement strategy:

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.

ALTERNATIVES:

- 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.

COUNCIL AGENDA REPORT CONTINUED

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

Attestation by:

Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney

COUNCIL AGENDA REPORT

DATE: May 11, 1995
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: Water Connection/Development Fees
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The recommendation is to adopt the Water Capital Facilities Plan and the proposed water connection and development fees as proposed to conform to the impact fee bill adopted by the State legislature.

DESCRIPTION:

A. Topic. The State Legislature has adopted a new development impact fee bill which limits impact fees to construction created by new growth. The current fee structure conforms only in part to the new legislation.

B. Background. In the early 1980's, Park City adopted a water connection fee and a year later a water development fee. A connection fee is identified as the cost of lines and tanks. The development fee is identified as the cost of water rights and the physical infrastructure to deliver the water source. These were flat fees without relation to actual water use or capacities. Commercial impacts were subsidizing single family impacts.

In 1990, the fees were adjusted to require higher water use to pay a higher impact fee. A component was added to include outside irrigation. This allowed a fairer distribution of fees based on potential use. The method used to determine the fee took into consideration system value, the number of units and approximate cost of improvements for both growth and existing users.

The new development impact fee bill adopted by the State Legislature limits impact fees to construction created by new growth. In addition, the value of surplus capacity may also be included. A capital facilities plan is required outlining construction project costs that can be attributed to new growth. It also requires several new administrative processes. Water impact fees in effect before July 1995 are exempt from the new process and certain other requirements until July 1, 1997. The intent of the proposed changes is to bring our fee structure in-line with new legislation and to add the necessary

administrative requirements over the next two years.

Attached is the "Water Capital Facilities Plan." It includes projects from 1990 to 2005. Projects constructed prior to 1995, may have a portion of the cost financed over a given period of years. The annual bond payments will be identified until retirement. Other project costs are shown in the year they were completed. The "Plan" is a list of anticipated projects for the next ten years relating to growth, system replacement and developer contribution. Projects listed in the Water Capital Facilities Plan are included in the six-year Capital Improvement Plan.

C. Analysis

Connection Fees

Eckhoff, Watson, and Preator (EWP) completed an analysis of our water system called the "1994 Water Supply vs Demand Study." The study identified 4,807 single family equivalent residential units (eru's) existing. At build out, 8,258 eru's are anticipated. The difference is 3,451 eru's.

The "Water Capital Facilities Plan" shows \$11,896,431 in improvements are necessary to meet our growth demands. By dividing \$11,896,431 by 3,451 eru's, provides a cost of \$3,447.24 per eru. The cost per eru is rounded to \$3,450.

The house and yard size differ depending on where the construction is occurring. Applying our original premise of fairness based on anticipated use, the cost per unit is modified to reflect indoor and outdoor use. The EWP report identifies that outside irrigation represents 83% of the average usage and 52% of the peak day usage. By averaging these numbers, 68% of the fee is allocated to outdoor watering and 32% to indoor use or \$2,346 and \$1,104 respectively.

For the purpose of calculating, a typical home is defined as 4,000 sq. ft., 4 bdrm., 5,000 sq. ft. of irrigated area and annual water use of 259,000 gallons. Based on this assumption the indoor use would be charged \$1,104.00. The outdoor irrigation is charged at \$0.47 per sq. ft. or \$2,350.

The irrigation portion of the proposed connection fee is significantly higher than the existing connection fee. This is in part due to capital source cost now being included in the connection fee calculation, project costs spread over a smaller number of units, and allocating the cost between indoor and outdoor use.

The EWP report estimated the 83% of the average summer water use is for outside irrigation. It further stated, if the demand for outside irrigation on all new growth were reduced by 50%, the demand would reduce source capacity by 1,000 to 1,500 gpm. This would result in a potential reduction in the "Water Capital Facilities Plan" overall cost.

Staff believes that the largest portion of the demand is for irrigation of sod or turf. In a recent meeting with landscape maintenance and design professionals, we learned that many homes utilize sod because of the lower cost, simpler sprinkler system design, and to achieve a quick, finished look for City release of their landscape letter of credit.

A surcharge is proposed to discourage excessive use of sod or turf on all landscaping exceeding 5,000 sq. ft. The proposed surcharge amount is double the regular fee. An example is a yard with 7,000 sq. ft. of landscaping all in sod or turf. At the proposed rate, the base fee is \$3,290 and the surcharge is \$3,290 bringing the total irrigated charge to \$6,580. If the sod area is reduced to 5,000 sq. ft or less the total fee is \$3,290.

Development Fees

The development fee pays for the water rights necessary to serve new construction. Our assumption on the typical home identified the usage at 259,000 gallons or 0.795 ac-ft. An ac-ft of water is estimated to cost \$2,250. This translates into \$1,789 for a typical home. The same rational used to allocate the connection fee between indoor and outdoor impact may be applied to development fees.

Applying this standard, the fee between allocated to outside (\$1,220) and inside (\$575) uses. Based on an irrigated area of 5,000 sq. ft., the cost per sq. ft. is \$0.24. The inside portion of the cost for a typical home is \$575. An appropriate charge for homes 1,500 sq. ft. or less could be \$400. The same surcharge penalty of double the fee is recommended for installing sod or turf excess of 5,000 sq. ft.

The existing fees for connection and development fees are:

	<u>Connection</u>	<u>Development</u>
Houses - 4 bdrm. 1,500 sq. ft. or less	\$ 400	\$1,500
Houses - in excess of 1,500 sq. ft.	\$ 600	\$2,000
Each additional bdrm. (over four)	\$ 140	\$ 260
Irrigated charge per sq. ft.	\$0.10	\$ 0.20

The following is a comparison of costs for a typical, family home based on existing and proposed fees.

Proposed and Existing Development/Connection Fees

	<u>Connection Fees</u> <u>Proposed*</u>	<u>Development</u> <u>Fees</u> <u>Proposed*</u>	<u>Total</u> <u>Proposed Fees</u>	<u>Connection Fees</u> <u>Existing*</u>	<u>Development Fees</u> <u>Existing*</u>	<u>Total</u> <u>Existing Fee</u>
<u>Inside</u>	<u>\$1,104.00</u>	<u>\$575.00</u>	<u>\$1,679.00</u>	<u>\$600.00</u>	<u>\$2,000.00</u>	<u>\$2,600.00</u>
<u>Outside</u>	<u>\$2,346.00</u>	<u>\$1,220.00</u>	<u>\$3,566.00</u>	<u>\$500.00</u>	<u>\$1,000.00</u>	<u>\$1,500.00</u>
<u>Total</u>	<u>\$3,450.00</u>	<u>\$1,795.00</u>	<u>\$5,245.00</u>	<u>\$1,100.00</u>	<u>\$3,000.00</u>	<u>\$4,100.00</u>

*Based on 4 bdrm., 4,000 sq. ft., 5,000 sq. ft. irrigated area, 5,000 sq. ft. of sod

D. Department Review. Public Works, Community Development, City Attorney and general Administration have each had an opportunity to review the proposed changes to the impact fees. No adverse comments were received with respect to the methodology to compute the fees. The Building Department does not currently review landscaping plans. Under the proposed change, a landscaping plan would be required to compute the fees based on the landscaped area and sod area. The compromise reached is fees

will be based on the limits of disturbance which is currently computed by the building department. Where the limits of disturbance exceeds 5,000 sq. ft., a landscaping plan will be required that will be reviewed by the Water Department for conformance. The landscaped plan would be certified by a registered landscape architect, landscape contractor or the owner of record. It would be the responsibility of the Water Department to verify field quantities with respect to plan quantities.

ALTERNATIVES:

A. Approve the request. This alternative would change the current method of calculating fees to conform to the impact fee bill adopted by the State Legislature.

B. Approve a modified request. The Water Capital Facilities Plan could be reduced in scope. Overall fees would vary higher or lower depending on the modifications chosen. Additional modifications could include assumptions based on less than 100 % buildout, yard size and projected capital facilities cost.

C. Do not approve the request. The new development impact fee bill would not require Park City to comply until July 1997.

SIGNIFICANT IMPACTS:

A. Approve the request. The commercial component of both fees is not recommended for change at this time. They should be reviewed over the next two years. By adopting the recommended changes it will provide an opportunity to review the effectiveness of the proposed changes. Specifically, if water demands on new development decrease because of the new rate structure. The net accumulative effect will be a reduction in source requirements in later years and a reduction in fees.

B. Modify the requests. The benefits will remain the same with respect to compliance to the impact fee bill. The amount of the fee will vary depending on the type of modification pursued. Reducing the capital facilities plan will lower the connection fee. If buildout is assumed to be somewhat less than 100% a higher fee will result based on the current water capital facilities plan.

C. Deny the request. No significant impacts would be anticipated for two years. This would allow a window of approximately two years to develop a new water impact fee strategy.

CONSEQUENCE OF NOT TAKING THE RECOMMENDED ACTION:

The existing fee structure would remain in place. The current fee structure would need to be changed in two years or face potential challenge for non-conformance.

RECOMMENDATIONS:

Under the new, recommended rate structure:

The connection fees would be:

Houses - 4 bdrm. 1,500 sq. ft. or less	\$ 750
Houses - in excess of 1,500 sq. ft.	\$1,100
Each additional bdrm. (over four)	\$ 140
Irrigated charge per sq. ft.	\$ 0.47
Sod or turf greater than 5,000 sq. ft. surcharge on all landscaped areas	\$ 0.47

The development fees would be:

Houses - 4 bdrm. 1,500 sq. ft. or less	\$ 400
Houses - in excess of 1,500 sq. ft.	\$ 575
Each additional bdrm. (over four)	\$ 260
Irrigated charge per sq. ft.	\$0.24
Sod or turf greater than 5,000 sq. ft. surcharge on all landscaped areas	\$0.24

In addition, a landscape plan must be submitted certifying the quantities and types of landscaping by registered landscape architect, landscape contractor or the current owner of record. Where the limits of disturbance exceed 5,000 sq. ft., the irrigated charge will be based on the maximum amount including surcharge. Upon submittal of the landscape plan and verification in the field of the quantities installed, an owner will be eligible for a rebate when conforming to 5,000 sq. ft. of sod or less. The exception to this will be in the Prospector area, no surcharge penalty will be included. These fees should be reviewed at least once every two years.

The Water Capital Facilities Plan is recommended for approval. This should also be reviewed at least once every two years and modified as necessary.

WATER CAPITAL FACILITIES PLAN MAY 1995

Assumptions:
Facilities Plan will include projects completed within the last five years and proposed projects for the next ten years.
 C=Construction E=Engineering A=Architecture

Date	Project	Cost \$	Facility Plan		Water Rates		Others	
			%	\$	%	\$	%	\$
1992	Water Resources - D.V. Drive Waterline (C) \$210,503*	62,131			100%	62,131		
1992	Water Resources - D.V. Drive Waterline (E) \$41,914*	12,371			100%	12,371		
1992	Water Resources - P.M. Tank #15 (E) \$54,992*	16,231	100%	16,231				
1992	Water Resources - P.M. Tank #15 (C) \$490,453*	144,659	100%	144,659				
1992	Water Resources - Spiro W.F.P. (C) \$2,458,600*	725,671	100%	725,671				
1992	Water Resources - Spiro W.F.P. (E & A) \$297,518*	87,811	100%	87,811				
1993	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	179,250	92.9%	166,523	7.1%	12,727		
1994	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	179,550	92.9%	166,802	7.1%	12,748		
1995	Automatic Meter Reads	80,000			100%	80,000		
1995	Chatham Pump Station (C)	818,317	30%	245,495	25%	204,579	45%	368,243
1995	Chatham Pump Station (E)	163,968	30%	49,190	25%	40,992	45%	73,786
1995	Equipment Replacement	27,000			100%	27,000		
1995	Keetley Well Test	60,000	100%	60,000				
1995	Keetley Well Test (E)	5,000	100%	5,000				
1995	King Rd. Waterline	50,000			100%	50,000		
1995	Ontario Waterline	40,000			100%	40,000		
1995	Regulator Change Out - 8th & Empire 3"	2,000			100%	2,000		
1995	Tunnel Repairs	125,000			100%	125,000		

*29.5% City Contributions; 70.5% Financed through Water Resources Loan

Date	Project	Cost \$	Facility Plan		Water Rates		Others	
			%	\$	%	\$	%	\$
1995	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	179,700	92.9%	166,941	7.1%	12,759		
1996	Automatic Meter Reads	80,000			100%	80,000		
1996	Equipment Replacement	27,000			100%	27,000		
1996	Keetley Well (C) Pump Station & Trans Waterline	551,000	100%	551,000				
1996	Keetley Well (E)	187,000	100%	187,000				
1996	PRV Station - 713 Woodside	10,000			100%	10,000		
1996	Regulator Change Out - Daley 4"	2,000			100%	2,000		
1996	Regulator Change Out - Surprise	2,000			100%	2,000		
1996	Tunnel repairs	125,000			100%	125,000		
1996	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	179,700	92.9%	166,941	7.1%	12,759		
1997	Aerie B.P. Sta. Improvement	15,000	100%	15,000				
1997	Aerie B.P. Sta. Improvement (E)	4,000	100%	4,000				
1997	Equipment Replacement	49,000			100%	49,000		
1997	Flagstaff & Upper D.V.P. Sta. (E)	96,000	5%	4,800			95%	91,200
1997	Flagstaff & Upper D.V.P. Sta. (C)	330,000	5%	16,500			95%	313,500
1997	L.D.V. Tank (C)	400,000					100%	400,000
1997	L.D.V. Tank (E)	126,000					100%	126,000
1997	L.D.V. Transm. Line (C)	48,000					100%	48,000
1997	L.D.V. Transm. Line (E)	17,000					100%	17,000
1997	Last Chance Pump Sta. (C)	320,000	15%	48,000	15%	48,000	70%	224,000
1997	Last Chance Pump Sta. (E)	55,000	15%	8,250	15%	8,250	70%	38,500

Date	Project	Cost \$	Facility Plan		Water Rates		Others	
			%	\$	%	\$	%	\$
1997	Oaks Area PRV (E)	5,000	100%	5,000				
1997	Oaks PRV (C)	17,000	100%	17,000				
1997	Ontario Source	444,000					100%	444,000
1997	Ontario Source (E)	134,000					100%	134,000
1997	PRV Stations - Heber & Park Ave.	10,000			100%	10,000		
1997	Regulator Change Out - Evergreen	2,000			100%	2,000		
1997	Ridgeview Pump Sta. (E)	4,000	100%	4,000				
1997	Ridgeview Pump Sta. Upgrade	18,000	100%	18,000				
1997	Solanere Booster Pump (C)	27,000	50%	13,500	25%	6,750	25%	6,750
1997	Source Protection Plan/All Sources	30,000			100%	30,000		
1997	Spiro WFP Filter	170,000			100%	170,000		
1997	Spiro WFP Filter (E)	20,000			100%	20,000		
1997	Tunnel Repairs	125,000			100%	125,000		
1997	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	179,550	92.9%	166,802	7.1%	12,748		
1998	13th St. 1500 gpm Pump Sta. (E)	109,000	100%	109,000				
1998	13th St. 1500 gpm Pump Sta. (C)	353,000	100%	353,000				
1998	Equipment Replacement	20,000			100%	20,000		
1998	Land Acq. of Spring	140,000	100%	140,000				
1998	PRV Station - Royal Street East	2,500			100%	2,500		
1998	PRV Station - Royal Street West	2,500			100%	2,500		
1998	Regulator Change Out - Pinnacle	2,000			100%	2,000		
1998	Spring Development (C)	200,000	100%	200,000				

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Date	Project	Cost \$	Facility Plan		Water Rates		Others	
			%	\$	%	\$	%	\$
1998	Spring Development (E)	61,000	100%	61,000				
1998	Tunnel Repairs	125,000			100%	125,000		
1998	Upgrade S.W.F.P. (C)	35,000	100%	35,000				
1998	Upgrade S.W.F.P. (E)	13,000	100%	13,000				
1998	Upsize Bald Eagle B. Pump (E)	23,000					100%	23,000
1998	Upsize Bald Eagle B. Pump (C)	80,000					100%	80,000
1998	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	180,250	92.9%	167,452	7.1%	12,798		
1998	Woodside Backup Booster (C)	330,000	100%	330,000				
1998	Woodside Backup Booster (E)	139,000	100%	139,000				
1999	16" Waterline Thaynes to Resort (C)	106,000					100%	106,000
1999	16" Waterline Thaynes to Resort (E)	39,000					100%	39,000
1999	Equipment Replacement	20,000			100%	20,000		
1999	New Boothill Pump Sta. (E)	130,000	30%	39,000	35%	45,500	35%	45,500
1999	New Boothill Pump Sta. (C)	400,000	30%	120,000	35%	140,000	35%	140,000
1999	PRV Station - 6th & Woodside	2,500			100%	2,500		
1999	PRV Station - Ontario	2,500			100%	2,500		
1999	PRV Station - Prospect	1,500			100%	1,500		
1999	Tunnel Repairs	125,000			100%	125,000		
1999	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,750	92.9%	200,432	7.1%	15,318		
2000	Add Filters to S.W.F.P.	195,000	100%	195,000				
2000	Equipment Replacement	20,000			100%	20,000		
2000	Tunnel Repairs	125,000			100%	125,000		

Date	Project	Cost \$	Facility Plan		Water Rates		Others	
			%	\$	%	\$	%	\$
2000	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,300	92.9%	200,014	7.1%	15,286		
2001	Equipment Replacement	20,000			100%	20,000		
2001	N. Park Mead. Tank (E)	90,000	100%	90,000				
2001	N. Park Mead. Tank (C)	350,000	100%	350,000				
2001	N. Park Mead. Transm. Line (C)	70,000	100%	70,000				
2001	N. Park Mead. Trasm. Line (E)	23,000	100%	23,000				
2001	Tunnel Repairs	125,000			100%	125,000		
2001	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,600	92.9%	200,292	7.1%	15,308		
2002	Equipment Replacement	20,000			100%	20,000		
2002	Tunnel Repairs	125,000			100%	125,000		
2002	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,600	92.9%	200,292	7.1%	15,308		
2003	Equipment Replacement	20,000			100%	20,000		
2003	Tunnel Repairs	125,000			100%	125,000		
2003	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,300	92.9%	200,014	7.1%	15,286		
2004	Equipment Replacement	20,000			100%	20,000		
2004	Tunnel Repairs	125,000			100%	125,000		
2004	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,700	92.9%	200,385	7.1%	15,315		
2005	Equipment Replacement	20,000			100%	20,000		
2005	New Smith Morehouse Source (E), Transm. Line, Pump Sta., Treatment & Storage (1/3 cost/\$15m)	5,000,000	100%	5,000,000				
2005	Tunnel Repairs	125,000			100%	125,000		

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5/8/95 WATERFAC.SR2

Date	Project	Cost \$	Facility Plan		Water Rates		Others	
			%	\$	%	\$	%	\$
2005	Water Resources - Bond Payment for Spiro/D.V. Dr./P.M. #15	215,750	92.9%	200,432	7.1%	15,318		
	TOTALS	17,516,659		11,896,431		2,901,750		2,718,478

Water Development Fee:

The estimated average use per residential connection is 259,000 gallons. This is equivalent to 0.795 acre-feet of water. Water rights purchases in the last year have been estimated to cost \$2250 per acre-foot. This equates to \$1789 per residential connection. This also assumes 100% of the water right can be converted to wet water use.

*29.5% City Contributions; 70.5% Financed through Water Resources Loan

5/8/95 WATERFAC.SR2

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 4, 1995**

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. at the Marsac Municipal Building on Thursday, May 4,, 1995. Members in attendance were Mayor Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; and Bob Stephens, Personnel Director. Shauna Kerr, , "I move to close to discuss a personnel matter". Ruth Gezelius seconded. Motion unanimously carried.

The closed session adjourned at approximately 6:15 p.m.

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

