

**PARK CITY COUNCIL SPECIAL MEETING  
SUMMIT COUNTY, UTAH  
APRIL 29, 1997**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City Council of Park City, Utah has scheduled **a special work session on the Flagstaff annexation proposal**. There is a scheduled on **Tuesday, April 29, 1997 at 2 p.m.** in the Marsac Municipal Building, 445 Marsac Avenue. **No formal action will be taken.**

Posted: 4/28/97



**PARK CITY SPECIAL WORK SESSION NOTES**  
**SUMMIT COUNTY, UTAH**  
**APRIL 29, 1997**

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Nora Seltenrich, Special Projects Manager

Hank Rothwell, United Park City Mines (UPCM); Liz Josephson, planner for UPCM

**Flagstaff Annexation.** The Mayor requested an update from yesterday's meeting. The City Manager reported he met with the property owners and representatives of the applicant in two separate meetings yesterday and this morning met with Wasatch County representatives. With respect to discussing the details of property acquisition, he suggested Council convene in closed session. Mr. Ross explained that Hank Rothwell, Jodi Hoffman and he met with Wasatch County Attorney Dan Matthews who indicated that as long as there is an understanding with respect to services, they didn't really have any problems with a conservation easement on the Bonanza property. With regard to limitations on access that could affect the development potential if there isn't a conservation easement, County Attorney Matthews indicated there would be fewer problems with this proposal but would confirm this with the County Commission. Mr. Ross explained that the easement itself would basically remove development potential altogether, and remove any jurisdictional control Wasatch County would have, and their only interest in that instance would be to make sure that there is an adequate sharing of revenues or compensation for service costs. The nature of their demands seem to be well within the scope of what the City can resolve. If it were simply a cap on potential development or a limitation on access, that would place it in the hands of Wasatch County. The City identified a range of specifics to make sure that there was comprehension of what was discussed and there were no objections. Mr. Ross added that Mr. Matthews' only request is that the City would continue to keep him informed and if the annexation proceeds that there be a condition for an interlocal agreement. Hank Rothwell continued that Wasatch County has legitimate concerns, but it seemed that a project within their County where they have the review process and approval subject to a ceiling being negotiated by the applicants and Park City is a process they didn't seem to be offended by. Open space in perpetuity wasn't discussed, and Mr. Rothwell explained to the Mayor that development and private access into UPCM property in Bonanza Flats were topics of discussion. It was made clear that this was not a Guardsmans Pass road development project, but an alternative private road with limited access. Mr. Ross clarified that open space wasn't discussed because Mr. Matthews stated that their only concern with open space was service issues.

With regard to the meeting with the property owners of Pod D, Mr. Ross explained that it was brief and the outcome was to discuss general directions to explore with the other property owners and those results are not yet available. With respect to discussion with Hank Rothwell, Mr. Ross indicated that it seems improbable to achieve agreement. Mr. Rothwell believes there is a financial solution with respect to Pod D which will not be reached. That is why he pushed for a meeting with Wasatch County to obtain input on Bonanza Flats as a development concept with some negotiated cap. He believes that by going that direction we can find a negotiation to bring this to closure. Mr. Ross pointed out that there are two remaining issues. He asked if there is any interest on the part of the Council of providing access to Bonanza Flats under certain circumstances and if so, he advised to move on to discussing the density in Pods A and B.

The Mayor requested a motion to close. Paul Sincock, "I so move". Shauna Kerr seconded and stated that the closed session is to discuss property acquisition. Motion carried unanimously. Staff attending the closed session included Toby Ross, City Manager; Jodi Hoffman, City Attorney; and Nora Seltenrich, Special Projects Manager. The meeting opened in approximately 30 minutes.

The City Manager explained that on Monday, Ms. Seltenrich described a number of acceptable proposals to the application, which was a deviation from the direction of the Planning Commission. They basically involved acknowledgment of the Council's preference for all of the development to occur on the lower mountain but not full recognition of the open space of Bonanza Flats. While certainly there is no way Park City could or would commit to development in an adjacent jurisdiction, what Mr. Rothwell was seeking was some quantification for his ability to apply in Wasatch County in exchange for acceptance of an annexation for Flagstaff. Mr. Ross discussed the private road access concept outlined at the last meeting.

Hank Rothwell assumed that no development on Pod D is still the Council's direction. Council concurred. Mr. Rothwell believed that the Planning Commission and staff recommended development in Pod D because of an open space commitment in Bonanza. If Pod D is to be the "moat" or open space buffer, then they would be willing to discuss a limited development scenario in Bonanza Flats with a private road access extending from a public road from Pods A and B. UPCM has approximately 1,500 acres in Bonanza Flats and it is anticipated that 80% will be left in perpetual open space. He explained that the 80% contains recreation open space and is not totally undisturbed. The proposed development area would be 300 acres and there was confusion about the location of a potential golf course. Mr. Rothwell emphasized that the ski pod is being described as open space. There was discussion about gating the private road, and Mr. Rothwell pointed out the problem with four-wheel drive vehicles equipped with wenchers and the current maintenance problems with trespassers. However, he felt that there are ways to protect the access. In response to a question from Paul Sincock, Mr. Rothwell indicated that the cap in Bonanza would be 250 units; the mix would be 80% multi-family equivalents based on the current Land Management Code definition of density. Ms. Kerr pointed out the difference in density calculation in Wasatch, and it

was felt that calculations could be converted. Chuck Klingenstein noted that Council is not rendering a "blessing" to anything, it's basically if UPCM can get approval from Wasatch County, not to exceed a certain number, meeting all of environmental criteria, etc. Hank Rothwell perceived there is some "blessing", as without it Park City would not be actively involved. He recognized UPCM is at risk in that entitlement process and Park City can not indemnify them against that risk. Paul Sincock stated that his preference is to deal with UPCM as though he represented all of the people in Pod D, rather than try to individually deal with all of the property owners because it's all part of one application. Mr. Sincock asked if any kind of business arrangement he reached with Wasatch involving Bonanza Flats or the rest of the development would be a problem. Hank Rothwell stated that it is a problem. He speaks for the group of applicants as per the April 2, 1997 letter, but if there is a question as to whether he has the authority to negotiate all of the features of the annexation for all six applicants, he doesn't. Mr. Rothwell clarified that he is not in a position to negotiate Bonanza on behalf of the other property owners at this time. The Mayor pointed out that a package deal includes a cap of up to 250 units in Bonanza and yet Mr. Rothwell can only negotiate for his one-third of Pod D; Council's goal is to take development out of Pod D and negotiations should be all encompassing. Hugh Daniels added, or there has to be an option for the property owners to pull out and have something less dense. Mr. Rothwell stated that he and the City Manager have had discussions about a sliding scale for development scenarios.

In terms of Pod D, Chuck Klingenstein noted that the new General Plan speaks to the density in the pods and the Summit County General Plan recognizes 1:40 and he wants to be careful about using the term "entitlement". Ms. Kerr felt that this point was not clear yesterday and it seemed as if 100 units were being moved out of Pod D and that is erroneous, and is unrealistic of what the land could accommodate. The premise should be that any density entitlement is the 1:40. Hugh Daniels didn't disagree, but stated that the whole application has to be added into the equation as there is other value to the community by allowing whatever density is decided, if any. Roger Harlan asked if the 250 number in Bonanza was based on only UPCM's property in Pod D; Mr. Rothwell stated that it was based on all properties of Pod D being included. If not all of Pod D was included, Mr. Harlan asked if there would be a proportional reduction of units in Bonanza. Mr. Rothwell stated that he and the City Manager discussed that type of a condition on Bonanza Flats as a motivation for UPCM to bring along the third party property owners. There was discussion about the order of determining density in Pods A and B or Bonanza. Ms. Kerr pointed out that the application was processed for the Flagstaff area, or Pods A and B, but now there are issues on Pod D and the introduction of Bonanza. She emphasized that there is now a new focus of something that wasn't a part of the original proposal and felt it important to get back to the original proposal. Mr. Harlan believed that Bonanza is just a reconfiguration of Flagstaff; Ms. Kerr countered that would be true if one could assume the premise that there was density there to begin with.

Mr. Harlan stated that the limited private road access into Bonanza is attractive to him. He understood that there are issues, but conceptually it is acceptable to him and he is ready to talk about Pods A and B; Council felt it appropriate to address Pods A and B. The Mayor asked for

clarification of the densities in Pods A and B when the project was presented to Council. Hank Rothwell noted that there were 620 multi-family unit equivalents, 15 single family lots on Prospect Ridge above an elevation of 7,800 or 7,900, and 15 single family sites in a cottage type configuration (Land Management Code definition). This does not include commercial. The Mayor asked if the density was evenly distributed; Mr. Rothwell thought it was about 5% higher in Pod A. Hugh Daniels again expressed that the single family formula needs to be changed. Mr. Rothwell calculated the 620 unit equivalents with the new proposed formula which would change the 620 unit equivalent Planning Commission approval to 720 unit equivalents. He spoke of house limitations from 6,000 to 8,000 sf. and if there is a cut off at 7,800 feet, which is the lower level of the Silver Mine Adventure parking lot, the 15 units are above that elevation. Through illustration of a map, Liz Josephson discussed the road systems and noted that skiing took precedence in the design of the plan. She added that skiing consumes a tremendous amount of the developable area and the pods were carefully considered. Mr. Sincock stated that he would not mind expanding the pods if it resulted in condensing the units.

Chuck Klingenstein asked if there was an opportunity to relieve the lower Prospect Ridge area by expanding Pods A and B. Nora Seltenrich believed they have done a good job of analyzing the site. She commented that performance criteria would be helpful if Council is moving in the direction of expanding the pods. Mr. Sincock felt that development would be visible from the Marsac Building and it won't be screened. Mr. Harlan believed there are different levels of visual obtrusion and it was pointed out that the aspens in the area are mature. Nora Seltenrich explained that one of the primary purposes of the location of this development and its elevation limitation from the Planning Commission's perspective was the separation from Old Town, and it was recognized that it would be visible. Mr. Rothwell pointed out the location of the Colman purchase and its relationship to this property.

Paul Sincock stated that the base density is 1:40 or 1:20 and somewhere between 400 and 750 units that would be allowed in the County. If they come into the City, they have agreed to improve the Marsac Road, public road system into Pod B, add employee affordable housing, and provide a significant amount of open space. Based on this, he would recommend 200 to 300 units as a base range and would add bonus densities for different things like a real estate transfer fee which would add 50 to 150 units. He suggested that rather than a 50%/50% allocation, to break it down in thirds. One-third could be for the property owners association for improvements and operation of an on-demand private transportation system; one-third for open space management; and one-third for a public interest trust to provide benefits to the community. He believed Bonanza could have 200 to 300 units, given the open space in the project. He believed there should be an incentive for the applicant to form a special improvement district for road maintenance, an alternate mass transit such as a gondola system, and funding for a bus system. He suggested 590 to 950 units and emphasized that these are calculated on a new formula. Mr. Sincock would like to attach units to performance criteria which would be defined up-front. Ms. Kerr felt that these obligations need to be strapped to the developer and not subsequent purchasers. Mr. Sincock added that the range he suggested

provides 30% and 57% less construction square footage than in the original proposal and is considerably less dense in terms of impacts.

Ms. Kerr reiterated that the numbers for Pods A and B should be based on the planning information in February before Bonanza was included in the proposal. She believed staff recommended a range of 310 to 400 units and the numbers need to stand on their own. Ms. Kerr stated that these numbers take into consideration the impacts of the Mine Road and construction impacts in the community. If Pod D is dealt with in a comprehensive way with Bonanza, addressing additional impacts, there may be a solution. She is also of the opinion that single family does not belong anywhere because of the impacts of single family.

Hugh Daniels felt that Ms. Kerr's numbers are low. He acknowledged that the Planning Commission did not spend a lot of time discussing this recommendation because of other considerations. It is reasonable as a starting point, other things are occurring that may be good for the community and need to be taken into the equation. He agreed that if Pod D can be dealt with as a part of Bonanza, it probably doesn't have an influence on Pods A and B. If it does have an influence on Pods A and B, at some point, there won't be adequate space to plan for the density unless there are two giant hotels there which isn't the goal. Ms. Seltenrich explained that she arrived at the 310 number with a 1:5 formula and General Plan criteria. Roger Harlan believed there is value to mitigate as much transportation as possible and is willing to award a density bonus for a good system; another bonus is appropriate if there is no development in Pod D. Ms. Kerr asked if the density bonus would be withheld until a transportation system is proven to be effective and measured to a standard. Mr. Harlan felt it would be an unfair burden to the developer not to determine density up-front. Ms. Kerr wasn't certain that the community is ready to make that leap of faith. Mr. Sincok felt it could be tied to specifics like a real estate transfer fee to provide the property owners association funding for a transportation system commitment. Another component of the transfer fee is the management of the expansive open space which should be considered as a bonus. Ms. Kerr warned that there be strict criteria established when the base density is increased by density bonuses. The City Manager suggested that at some stage if they are not achieving the performance level, then the transit system has to be modified to accomplish that, resulting in additional financial participation. He suggested that performance standards be established in the MPD with regard to levels of service and transit capture. Mr. Ross felt it can be achieved by making it very difficult to park and very easy to go anywhere by bus or van.

Chuck Klingenstein stated that the starting point begins with the 310 number because it was never reviewed by the Planning Commission or ever challenged by the applicant. Hank Rothwell countered that when he learned of that recommendation he was inclined to withdraw his application that day. Mr. Klingenstein added that it was based on the City's planning information. The 1985 Comprehensive Plan specifies three to five units, and although it does produce a range of 450 to 750 units, that is based on performance criteria, which has never been reviewed. Mr. Klingenstein continued that Mr. Sincok's numbers are too high for him. Transit oriented

development is important to him and he is willing to award incentives for this. He is not interested in going down Prospect Ridge and felt the road system should be the end of the development for this pod, resulting in an open ridge all the way down to Prospect. He again suggested starting at 310 and adding from there, recognizing the 1985 Comprehensive Plan anticipated more development under current standards for review. Useable open space has a huge value to the community as does year-round trail systems. Mr. Klingenstein stated that the high end is 750 units, approximately 100 units per acre.

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needs to be determined. The work session schedule for Thursday's meeting was extended revised to begin at 2 p.m.

Prepared by Janet M. Scott

