PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 17, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 17, 1997.

AGENDA

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

3:00 p.m. Council questions and comments
3:30 p.m. Flagstaff annexation
5:30 p.m. Review of regular meeting

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

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MARCH 27, 1997 AND APRIL 3, 1997

V PUBLIC HEARING

1. Ordinance approving a plat amendment that combines two parcels of land into one located within Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah (2900 Deer Valley Drive East)

2. Ordinance approving an amendment to Lot 2 of the Treasure Hill Subdivision plat known as 220 King Road, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a plat amendment that combines two parcels of land into one located within Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah (2900 Deer Valley Drive East)

2. Ordinance approving an amendment to Lot 2 of the Treasure Hill Subdivision plat known as 220 King Road, Park City, Utah

3. Ordinance approving a final PUD Subdivision Plat for the Cove at Eagle Mountain Phase 1, located within the south half of Section 33, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah

4. Ordinance approving a final condominium plat for the Black Bear Lodge at Deer Valley, a Utah condominium project located at 7447 Royal Street East, of Lot 22 amended Deer Valley Club Estates Subdivision, Park City, Utah

5. Resolution authorizing Park City Municipal Corporation to enter into a cooperative agreement with Park City Fire Service District and Summit County to participate in the cost of retrofitting a mobile vehicle to provide emergency services

VII RESIGNATIONS AND APPOINTMENTS

Acceptance of resignation of Tom Calder when a final recommendation is rendered from the Planning Commission on the Park City Ski Area Expansion Project and appointment to the Planning Commission from that date for a term expiring February 2001 (Old Business)

VIII NEW BUSINESS

Acceptance of 1997-98 pavement management bids and authorization to staff to enter into agreements for asphalt overlays, utility adjustments and engineering quality control and

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 17, 1997

Present: Mayor Pro Tem Shauna Kerr; Council members Hugh Daniels, Roger Harlan, Chuck Klingenstein, and Paul Sincock

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Eric DeHaan, City Engineer; Jerry Gibbs, Public Works Director; Nora Seltenrich, Special Projects Manager; Hope Bleecker, Transportation Director; Meg Ryan, Planner

Hank Rothwell, United Park City Mines (UPCM); Elizabeth Josephson, planner for UPCM; Bob Wells, Deer Valley Resort/Royal Street Land Company; Terry Rookard, Frederic Harris, Inc.; Fred Jones, Chairman of Planning Commission

Absent: Mayor Brad Olch

1. **Council questions and comments.** Paul Sincock discussed a letter from the Arts Council regarding additional funding. Last year $8,500 was released to the International Music Festival and the Arts Council felt that this amount should have come from the contingency fund as opposed to its allocation as an umbrella organization for the arts. Mr. Klingenstein indicated that he faxed Dell Fuller, Chairman, a copy of the Arts Council letter written a year ago regarding this issue and never heard back from him. Paul Sincock stated that he relayed to the Executive Director that he believed that funds in the contingency account were for requests other than arts or youth requests. Ms. Kerr believed that last year's letter from the Arts Council it is clear that they understood that the $8,500 is from its allocation as the balance is discussed; Council agreed.

Mr. Sincock distributed a flow chart he designed regarding the processes for various situations regarding unbuilt platted streets. Eric DeHaan explained that this doesn't create a policy or change the current process. Paul Sincock referred to a letter from Mark Oliver and Matthew Linden regarding a map request. Mr. Gibbs explained that he did not have the map in his possession as indicated, but a map will be available on Monday. He added that the individuals were provided a Judge Tunnel Water Supply and Drinking Water Source Protection Plan. Mr. Sincock added that he discussed the traffic calming island with the Fire Protection Service District who expressed concerns about emergency response and not being able to use the left hand lane. Options, such as using electronic equipment to control traffic signals or lowering the island so that a fire truck could travel on it in an emergency situation were discussed. Mr. Sincock congratulated the Board of Realtors on taking on the bumper sticker traffic calming project. Chuck Klingenstein suggested that the City and KPCW participate in funding a sound system for the Flagstaff public hearing next Thursday so that it could be broadcasted. Council supported the request. Mr. Klingenstein reported that he met with staff and representatives from 7-11 and the Texaco station on Park Avenue who have concerns about traffic calming because it's working and it appears that there is a 15% reduction in traffic. Mr. Klingenstein stated that he relayed that this is an experiment; these business owners

will follow the process and requested signage to let people know that the library and City Park are ahead. Toby Ross added that in advance of doing anything permanently there, the business owners would be involved. The Sandridge parking lot was discussed and the City Manager explained that the City is looking at a pedestrian connection which will be expensive and there will be alternatives with regard to the design of this project. Chuck Klingenstein commented that Phase 1 of the General Plan has been adopted and asked how the Land Management Code rewrite and Phase 2 were coming along. Jodi Hoffman responded that the legal staff is ready to start in concept but now there is staff time devoted to the HB363 deadline. Mr. Ross indicated that he understood that Council felt that implementation of Phase 1 was a higher priority than Phase 2 of the General Plan and the transportation and recreation components will be part of the respective studies being conducted and integrated into Phase 2. In response to a question from Hugh Daniels, Mr. DeHaan discussed the dismantling of the crane as part of the Town Lift Project. Myles Rademan added that Fred Moore has contacted the City regarding the relocation of the Olympic Torch which is currently located in a plaza on Main Street which will be developed. Mr. Moore has suggested that the Torch be moved to the plaza in the Town Lift Project adjacent to the USOC store. Mr. Rademan supported the suggestion as did Council. Ms. Kerr discussed a meeting with Burnis Watts on Tuesday, April 22. She attended the interlocal agency meeting held yesterday where formulating a special event calendar to better coordinate events in the County and the City was discussed. Another topic was the possibility of the School District and City jointly employing drivers so there are more full-time bus personnel, and training efforts could also be coordinated. Mr. Ross added that there may be some rerouting so the City can provide some service to the schools in conjunction with our normal operation. The City Manager referred to another item involving submitting a joint Restaurant Tax grant application for purchasing bleachers which could be shared by the City, Chamber/Bureau, and ski areas. Ms. Kerr stated that the interlocal agency meetings are extremely helpful.

2. **Flagstaff annexation.** Liz Josephson, agent for UPCM, emphasized that in working on this project over the past three years, she recognized that the goals were the same in many respects as those of the City. Examples include to provide for the highest quality experience and product available and improving on the Deer Valley reputation. Another goal is to meet the City's annexation policy by providing a resort tourist bed base, tax base and expanded recreational opportunities such as skiing, hiking and biking. The third is the project must be economically feasible and market driven. She continued that the last goal is that it be environmentally sound. There has been tremendous public and private/consultant input to date and they looked to the existing adopted plans, ordinances and direction in the form of the Deer Valley Master Plan, the 1985 Park City Comprehensive Plan, the formulation of the new Comprehensive Plan, Annexation Declaration Policy, Affordable Housing Committee recommendations, the Sensitive Lands Ordinance, and the community's concerns regarding traffic, open space, trails, etc. These guidelines together with a resource based analysis formed the framework on which they based their planning decisions. The process has been driven by recognized planning standards and procedures which call for community involvement, environmental stewardship, and economic feasibility. Ms. Josephson continued that after assembling the team of biologists, wetland specialists, etc. the features and uses

of the area were inventoried, analyzed and mapped. The overall ski area design to the rest of the project is important. Deer Valley then hired its ski consultants to make sure that the product would meet its standards. There was a great deal of energy exploring alternative alignments for the Guardsman Road. In its current form, it exceeds slope, width and safety requirements and bisects numerous ski trails and cuts off ski-to access to potential bed base areas. The resource based analyses and community issues have provided for numerous changes in the plan for the past three years and provided the basis for the plan today.

Ms. Josephson continued that they looked for logical methods for removal of day skier parking and reduction of traffic on Marsac; protection of the environmental entities including habitat, corridors, steep slopes, ridge lines, etc.; buffer of significant open space; provision of access of miles of trails; limitation of utilities and roads to the top of the mountain; and provision for construction staging on-site and mass transportation. She explained that the proposal consists of 100 single family lots in expanded Area D; 30 single family lots in A and B not below the 7,800 contour; 620 multi-family unit equivalents in A and B; and a day lodge with 75,000 square feet of support commercial. Ms. Josephson referred to the 1985 Comprehensive Plan and Pod A, consisting of 96 acres and designating three to five units per acre, would produce a range of 288 to 480 units. Pod B, consisting of 55 acres, would produce a range of 165 to 275 units. According to the 1985 Comp Plan, the remaining property at forest estate, consisting of 1,400 acres at one unit per 40 acres, would result in 35 units for a total range of 488 to 790 units. She added that the Comp Plan additionally expected 500 day skiers' cars up and down Marsac Avenue. The Comp Plan never addressed Bonanza Flats, although it was adopted years after Brighton Estates, consisting for 440 platted lots, was recorded. With the elimination of any potential density in over 1,500 acres of Bonanza Flats, and UPCM's commitment to its perpetual open space status, they felt that a density calculation of 750 units is appropriate for Flagstaff Mountain. Bonanza Flats is currently zoned RF-1 in Wasatch County, the same zoning as Deer Crest. Wasatch County would yield approximately 180 units for Bonanza Flats. Ms. Josephson felt the project fits within all criteria set forth by the City's plans, ordinance and guidelines.

Bob Wells of Deer Valley Resort, commented on the ski area expansion into Empire Canyon. The present operation consists of 70 runs and bowl skiing areas covering about 450 acres out of 1,500 gross acres. The components of skiing in-fill in Flagstaff includes three lifts and through illustration of maps described the location and the development of six runs. This would add capacity of about 600 skiers. Mr. Wells explained that Empire Canyon proposes five lifts, 34 ski runs, and will add capacity of about 1,700 skiers and referred to the locations on the map and the ratio of the skiing areas to the gross acreage. The total additional capacity combining the Flagstaff in-fill and the expansion of Empire Canyon is about 2,300 skiers and it includes about 177 developed acres of skiing out of about 600 acres or about a 30% ratio. This will allow Deer Valley Resort to maintain about the same ratio of expert and intermediate skiing throughout the area and increases the beginner terrain. The day lodge is proposed in the Daly Lift area and would be a 750 seat capacity mountain restaurant compared to 1,000 at the Snow Park Lodge and 900 at Silver Lake.

The original skier plan envisioned a major day lodge and skier arrival plan at Northside, and it was subsequently eliminated after recognizing the ski-in real estate potential.

Hank Rothwell, representing UPCM, commented that he also represents five other property owners in Flagstaff. He emphasized that this is an opportunity for the City to control the destiny of over 3,000 acres owned by six different land owners which is rare. The Planning Commission has reviewed the application for over three years and in the past year, they have met with the Commission, staff and the public on many occasions. Almost all dialog focused on the growth-inducing nature of Flagstaff affecting Bonanza Flats and Brighton Estates and the impacts of year-round access of Guardsman Pass. Mr. Rothwell stated that he doesn't feel as if Bonanza Flats is a new component of Flagstaff and it has been there as part of the discussion all along. For the past year, they have been steadfast in opposing the inclusion of Bonanza in the Flagstaff negotiations. Their recent offer to consider Bonanza Flats as open space is in direct response to being asked and told to leave Bonanza Flats open. He clarified that their application to Wasatch County does not anticipate Bonanza Flats as forever open space. Annexations are negotiations by definition. He continued that they have had numerous conversations with City representatives and were told that the City wanted to protect the southern plane from Wasatch County development and its inherent impacts. Without UPCM's pursuing Bonanza's development removes a significant driving force from the inflation and postpones other Wasatch County development indefinitely. He assumed that a Bonanza restriction was consistent with City direction expressed by open space acquisitions and exactions in recent years. Mr. Rothwell stated that he convinced his Board of Directors that this was a requirement to a Flagstaff resolution and this was not an easy "sell". Bonanza has long been viewed as one of UPCM's crowned jewels. He added that he is an officer of a public company with 3,000 shareholders and the Board of Directors ultimately makes the decisions. The controlled group of shareholders bought their interest in UPCM in 1985 and Bonanza was a significant part of their decision. He explained that his letter of April 2, 1997 was not a demand or an ultimatum, but simply the company's response to the City's request for Bonanza as open space. Mr. Rothwell added that the letter is quite specific regarding the conditions placed on Flagstaff in exchange for Bonanza open space and the terms of the letter were negotiated by Mike Warden and the other five property owners involved with Flagstaff. He commented that if Council wants to discuss traffic and construction mitigation, siting, housing or other related issues they would welcome the opportunity, but if Council wants to change numbers, locations, land use mix, he didn't believe there will be successful resolution to this application. He explained that this is the constraint he is working under as a salaried employee of UPCM. The traffic impacts to Park City have always been an important part of these Flagstaff discussions and the proposal continues to include significant off site mitigation efforts including improvements to the road to the Ontario Mine, a signal at Marsac and Deer Valley Drive, improvements to lower Marsac, creation of a run-away truck lane, and over 3/4 of a mile of uphill passing lane. The traffic has been significantly reduced by the current proposal and the traffic studies that were required by the Planning Commission included consideration of significant development of Bonanza Flats. The logical solution to mass transit seems to be a rubber tired van and bus option. One of the things that makes Deer Valley a unique

experience is the level of service and it is their intention on expanding on the services through a master home owners association, concierge level of property management, including van service and airport pick-up. Before the inclusion of Bonanza Flats, this project was over 80% open space and designed at one-half of the densities of existing Deer Valley. One of the goals is a less dense experience and the proposal is meeting that goal. A restriction of Bonanza doubles that amount of open space, while removing a path of traffic that has been studied previously. Mr. Rothwell expressed that in previous annexations and large projects, the City Council and Planning Commission held joint work sessions early in the process, but regrettably there was no opportunity for this project and as a result they spent three years working with staff and the Planning Commission negotiating the details of this application. Now, there is little left to negotiate with the City Council and it is faced with this important decision with little opportunity to be involved on a first hand basis. Mr. Sincock asked what he meant by that statement. Mr. Rothwell responded that they are open to talk about traffic mitigation, construction mitigation, siting of essential housing, and other related issues, but if the numbers are to be changed, locations, land use mix, then he didn't believe there will be a successful resolution. Ms. Kerr asked if the traffic or construction mitigation discussions can involve changing numbers or locations. Mr. Rothwell answered that if mitigation changes the ultimate size of the project and numbers, he hasn't been given the flexibility for negotiation with the City Council. He added that he regrets that it has come to this point, but the process if flawed. In response to a question from Roger Harlan regarding tangible benefits, Mr. Rothwell pointed out the benefit of negotiating 3,000 acres in one application and this is a situation Council would love to have in Quinn's Junction today. Also, there is 80% open space which is 20% larger than that required of other projects and over 300 acres are in an undisturbed category in Flagstaff which doesn't include Bonanza Flats. He continued that there is a significant bed base and tax base. Paul Sincock pointed out that density is based on return on investment. Mr. Rothwell responded that this is not altogether true and there are other considerations.

Eric DeHaan distributed a comprehensive traffic study, which attempts to identify the impacts to Park City as a whole and three intersections were studied. These include Marsac Avenue and Deer Valley Drive, Deer Valley Drive and Bonanza, and Deer Valley Drive, Park Avenue and Empire Avenue. The background traffic is important as Flagstaff can not be studied in a vacuum. Projects in Prospector and Park Meadows have a remote effect on the Mine Road but feed into the other intersections, while Deer Valley projects feed directly onto Deer Valley Drive and Marsac Avenue. He agreed with Mr. Rothwell that all of the traffic studies included a Bonanza Flats component in an effort to give some credence to the fact that SR224 is currently a state highway and could potentially provide year-round access. The figures also include the Mine Adventure traffic. When all of the background projects are built out, there will be a need for the signal discussed at Marsac and Deer Valley Drive, regardless of Flagstaff. He emphasized that the signal has not been warranted by UDOT and UDOT has identified that SR224 above Deer Valley Drive as a state highways that it would like to give to Park City, Summit County or a County special maintenance district, should one be formed. Mr. DeHaan pointed out that the bids will be opened for the signalization at Bonanza Drive and Deer Valley Drive and the widening of the intersection at Kearns

Blvd. and Bonanza to better align that intersection. In May, UDOT will be awarding bids for the intersection of Park Avenue and Deer Valley Drive. Mr. DeHaan added that the widening of Hillside Avenue will appear on the capital improvements list this year and there will be a truck escape lane on Marsac Avenue. The uphill passing lane will be 3/4 of a mile through the canyon section of the Mine Road and there will be drainage improvements. The Planning Commission recommended a one-way uphill on the Guardsman connection road, linking the Mine Adventure area with the Stein's area, although the City Engineer warned there isn't an actual loop typical of one-ways, and the affected neighborhoods should ultimately be involved. Mr. Sincock suggested that the connection road be gated and limited to snow plowing and emergency vehicles. Mr. DeHaan responded that that hasn't been studied or discussed with the neighborhoods. He explained using excavated soil for the ski runs to mitigate truck traffic. He felt that the housing mix will be important with regard to generated car trips whether it is developed in Park City or Summit and Wasatch Counties. Roger Harlan asked if there are numbers on the reduction of cars because of van services in Deer Valley and Mr. DeHaan stated that there are no hard figures. Liz Josephson added their traffic counts don't include Bonanza or any mass transit method and are very conservative. Back-up traffic during peak seasons were discussed as well as the effects of traffic signals.

Hope Bleecker, Transportation Director, indicated that two Council members recently requested an evaluation of alternative transportation technologies on a quantitative basis, and there wasn't much time to produce this presentation. She introduced Terry Rookard of Frederic Harris, Inc., the consultant on the transportation study. Mr. Rookard explained that the memo distributed was prepared in short order and some of the numbers need to be amended. The analysis is whether an intermodal transportation system, at a minimum, should connect Old Town to Flagstaff. The funicular information from Von Roll was not questioned; it is compared to the costs of a gondola, people mover, and smart bus system. He explained that a funicular system is cable driven and can be either high or low capacity. These systems can travel up steep grades, but it is relatively slow, really expensive, and not very attractive. In the United States, there are ADA regulations that may challenge the design of the funicular station. Mr. Rookard discussed the gondola system which is popular and may fit the character of Park City. He questioned if people-movers could work here because they don't handle grades well and in cold climates, the rails need to be heated. There is a lot of structure and gear, which applies better to an urban situation. He felt that if transportation goals and objectives were better identified, they could formulate better alternatives. Through illustration of a table, Mr. Rookard compared systems by criteria including capacity, capital cost, and annual operating cost. He discussed the limitation of the length of a gondola which would only get people to Pod A and not Flagstaff and there would have to be a transfer to anther gondola. Running a funicular for a year costs $2.4 million, gondola about $4 million, people-mover approximately $2 million, and the rubber tire is about $1 million. With regard to ridership, it costs about $540 an hour to run a funicular, about $850 per hour to run a gondola, $480 per hour to operate a people-mover, and about $200 an hour to run a bus system. With regard to the projected ridership, it is about $5.60 per passenger for the funicular, $5 for the gondola, $6.70 per passenger on a people-mover, and $1.23 per passenger on a bus system. Mr. Rookard pointed out that with the more advanced systems,

a bus system is still required to transport people in more remote locations to use them. Potential revenue widely varies and some costs could be hidden in lift tickets. Subsidies range from $700,000 on the rubber tire system to about $2.2 million on the gondola. All the modes require a transfer one way or another in terms of passenger convenience, except the bus system. The portion of project served is roughly 75% on the funicular and the people mover, the gondola only 41%, and rubber tire is 100% of the market. In terms of travel time from Old Town to Pod B, the gondola and bus are relatively fast and the funicular and people-mover would be relatively slow. It is believed that the gondola and bus system would get more cars off of the road. With regard to aesthetic considerations, more structure is required with more advanced systems. In terms of noise, the automated systems are quiet and the buses are loud and in terms of wildlife, funicular and people-movers would have a higher impact. In terms of air quality, any mass transportation will be an improvement because it reduces trips on the street. Mr. Rookard admitted that this is not a very scientific analysis or definitive and it would be helpful to establish goals and objectives and then formulate a system that meets transportation needs. This may mean a more intermodal approach. Paul Sincock expressed his appreciation of Mr. Rookard and Ms. Bleecker studying this matter. He discussed the success of the gondola system in Telluride which was installed and primarily paid for by the Mountain Village Resort developer. Recognizing that a bus system would likely be part of the solution, he suggested that the Telluride system be further explored.

Nora Seltenrich stated that UPCM controls about 1,500 acres in the area and the Bonanza Flats proposal was generated by the staff and the Planning Commission, although it was always a topic of concern in discussions. She explained that it really wasn't an idea thrown on the table at the last minute. Bonanza Flats is in Wasatch County and there is an application on file for about 250 units. There is a real concern about the extension of infrastructure, including water, sewer, and utilities into the Bonanza Flats area as it facilitates other property owners to access these facilities. There is also concern about improvements to SR224 and having control over Bonanza at this time affords the City more control over the ultimate status of SR224. Ms. Seltenrich also discussed the benefits of controlling increased recreational access to public lands. The Planning Commission strongly felt that if Bonanza were to be part of the annexation, that the City needs to formulate an open space management plan and determine appropriate uses. Ms. Seltenrich reiterated her points for consideration of Bonanza Flats as part of the annexation negotiations. From a planning standpoint, she felt that this is a unique opportunity to better control Park City's future. In response to a question from Paul Sincock regarding ownership and property taxes, Ms. Seltenrich explained that the property could be held by a conservation easement or some other mechanism. Mr. Ross clarified that property tax loss may be a concern of Wasatch County and there could be some kind of mitigation effort. Hank Rothwell felt the property would be deed restricted; UPCM would retain ownership of the property and would pay property taxes to Wasatch County.

Fred Jones, Chairman of the Planning Commission, agreed Bonanza Flats became a topic of discussion throughout the review of Flagstaff. The Planning Commission was very concerned about the reliance on Park City services even through Bonanza is located in Wasatch

County. It is difficult to limit access on SR224 and it is unlikely that UPCM would agree to limiting its ability to access SR224 at some future date. Wasatch County indicated that 250 units in Bonanza Flats is in a possible realm and there is a possibility of year-round access. He discussed the staff report of February 21, 1997 and the Planning Commission's recommendation of 310 units. The Commission's concern was not that Wasatch County would do a bad job with the application, but that all its impacts would accrue to the City. It became apparent that the City needed to control Bonanza and try to limit the potential of any year-round connection through Flagstaff into Wasatch County. In response to a question from Roger Harlan, Mr. Jones stated that there is a segment of the public opposed to this trade-off as they felt that the open space in Flagstaff and Empire Canyon was more important than the open space in Bonanza. The Planning Commission's perspective was that the other impacts beyond Bonanza were significant enough to warrant supporting the trade-off, but there is not universal support in the community.

The Council tentatively set Friday, April 25 and Monday, April 28 as special work sessions on this project. Paul Sincock asked Hank Rothwell the value of the property in Bonanza per acre. Mr. Rothwell volunteered to produce a per forma.

Review of regular meeting. This discussion occurred earlier, but appears here for ease of reference. Chief Bell indicated that he needed to leave the meeting and asked if there were any questions on the interlocal agreement for funding an emergency mobile unit. Ms. Kerr brought up the difficulties with insurance coverage and three entities.

Planner Meg Ryan discussed the plat amendment for 220 King Road and explained that there were three public hearings and it has taken a year for staff to work through the design issues. She emphasized that Council is only dealing with the plat. Eric DeHaan stated that with regard to the plat for the Cove at Eagle Mountain, there is a note that the City will provide snow plowing on its private road. Toby Ross urged Council to approve the plat, with the condition that the note be removed or if justified in the settlement agreement that it be enforced through the settlement agreement and not appear on the plat. Mr. DeHaan also discussed removing another note from the plat regarding an access easement to the West Family Property. Hugh Daniels made a correction to the resolution regarding the City's participation in the funding of an emergency mobile unit. John Lind discussed the two-year pavement management plan. Mr. Lind explained that staff took a five year program and condensed it to four so there would be a "dead" year in 2001.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 17, 1997

I ROLL CALL

Mayor Pro Tem Shauna Kerr called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 17, 1997. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Meg Ryan, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not on the agenda.

Flagstaff annexation - Rich Wyman, resident, stated that he is has been involved for two years and is one of the initial organizers of the Citizens Allied for Responsible Growth (CARG). He will not be in Park City next week for the public hearing, which is disappointing for him. He invited questions from Council regarding opinions of citizens and he is meeting with the City Manager tomorrow. He emphasized that there will be many people out-of-town next week which is unfortunate. Mr. Wyman requested 15 minutes at the beginning of the meeting next week to give a presentation and then they will not speak as a group throughout the rest of the meeting. He stated that the group has been speaking extensively with Summit County and they have been told that the County will not be giving UPCM anything more than Park City would, and maybe even less, based on its General Plan. Mr. Wyman added that they are confident in the County supporting the City. He urged the Council to review the Planning Commission minutes reflecting that the community does not want this annexation and this is not where the community wants to see growth. The petition is even larger in numbers. He explained that the pods should be concentric circles and people don't want to see development on Prospect Ridge. The public wants to know that City Hall listens and that public hearings are not a waste of everyone's time. In response to a question from Paul Sincock about the ski runs, Mr. Wyman felt the public is supportive of the skiing but not the development. He added that Park City would still benefit from sales tax of visitors. Mr. Harlan asked how people feel about Bonanza Flats. Mr. Wyman responded that he personally feels, as many do, that getting control of Bonanza is good, but it does not take away all of the negatives of Flagstaff. Bonanza may not be worth the trade-offs of the Flagstaff impacts. Chuck Klingenstein pointed out that the General Plan has not been adopted by the County Commissioners. The public hearing was held on Monday in the Marsac Building and no one in attendance supported it; it "was ripped to shreds" by developers and property owners. Mr. Klingenstein commented that the County will take a look at the fact that the 1985 Comprehensive Plan anticipated development there and he will use the Comp Plan. He added that pods do not always look like concentric circles, given geographic limitations. Rich Wyman again urged the Council to listen to the public.

Dana Williams, resident, stated that he will also not be in town for the public hearing. He referred to CARG's presentation to the Planning Commission where the net tangible benefits of the annexation were argued, which is on the record. At the last Prospector Square Board of Director's meeting, the tailings issue was brought up and the strict City requirements for landscaping in the neighborhood and yet in two years, there has not been a soil test made public. He urged Council to consider the same criteria for Flagstaff outlined in the Prospector Soil Maintenance Ordinance. Mr. Williams supported the Bonanza Flats proposal, and members of CARG felt differently about this, but he would love to see this area protected. He believed that the letter that Council received from UPCM would not protect it. The developers are not offering it to the City and there is reference to a golf course which would require utilities. He urged Council that the property be held in a conservation easement by Utah Open Lands or a similar entity. Mr. Williams believed the majority of the community is against the annexation.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Eric DeHaan reported on the SBSID project proceeding in front of Albertson's which will be moving south toward City Park. He discussed the work in the Town Lift area between Main Street and Park Avenue which will provide a downloading area for skiers. Although it will eliminate eight on-street parking spaces, there will be summertime landscaping in the area. There will be a sidewalk installed at the Caledonian Project.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MARCH 27, 1997 AND APRIL 3, 1997

Roger Harlan corrected language on Page 4 of the minutes of April 3,1997. Mr. Daniels requested that language on Page 2 of the work session notes of March 27, 1997 be stricken. Hugh Daniels, "I move to approve the work session notes and minutes of the meetings of March 27, 1997 and April 3, 1997, as corrected". Roger Harlan seconded. Motion carried unanimously.

V PUBLIC HEARING

1. Ordinance approving a plat amendment that combines two parcels of land into one located within Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah (2900 Deer Valley Drive East) - See staff report. Planner Meg Ryan explained that this is a request to combine two parcels; there will also be a condominium plat. With no questions or comments from the Council or the public, the public hearing was closed.

2. Ordinance approving an amendment to Lot 2 of the Treasure Hill Subdivision plat known as 220 King Road, Park City, Utah - See staff report. Planner Meg Ryan explained that this

is a request to shift the platted building pad. The Planning Commission has forwarded a positive recommendation to the Council. Ms. Ryan noted that there was public interest at the Planning Commission stage, but there has not been subsequent public comment. With no questions or comments from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Hugh Daniels, "I move that we remove Item 3 and move it to No. 2 under New Business". Paul Sincock seconded. Motion unanimously carried. Chuck Klingenstein, "I move approval of the Consent Agenda, noting that Item No. 3 has been pulled and correcting the resolution under Item 5". Paul Sincock seconded. Motion carried unanimously.

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5. Resolution authorizing Park City Municipal Corporation to enter into a cooperative agreement with Park City Fire Service District and Summit County to participate in the cost of retrofitting a mobile vehicle to provide emergency services - See staff report.

VII RESIGNATIONS AND APPOINTMENTS

Acceptance of resignation of Tom Calder when a final recommendation is rendered from the Planning Commission on the Park City Ski Area Expansion Project and appointment to the Planning Commission from that date for a term expiring February 2001 (Old Business) - Ms. Kerr felt that the term will probably begin in a June-July time frame and the appointed person will attend meetings and participate in the discussions in the interim. Hugh Daniels, "I move that we accept the resignation of Tom Calder when a final recommendation is rendered from the Planning Commission on the Park City Ski Area Expansion Project and send him our thanks for his service". Shauna Kerr seconded. Motion carried unanimously. Hugh Daniels noted that all of the candidates interviewed

were exceptional and it was difficult for the Council to make a decision on the appointment. He encouraged those not appointed to continue their interest in future openings on boards. Hugh Daniels, "I move that we appoint Jim Hier as a Planning Commissioner to a date expiring February 2001, taking the seat when Tom Calder's resignation is effective". Chuck Klingenstein seconded and added that he applied three times before being appointed to the Planning Commission and encouraged the applicants to reapply. Shauna Kerr added that all of the candidates were capable. Paul Sincock indicated that he was not in attendance when the interviews were conducted but will support the Council's judgment. Motion carried unanimously.

VIII NEW BUSINESS

1. Acceptance of 1997-98 pavement management bids and authorization to staff to enter into agreements for asphalt overlays, utility adjustments and engineering quality control and testing - See staff report. Roger Harlan, "I move that we accept the 1997-98 pavement management bids that were presented to us both in our packet and verbally by John Lind, and authorize the staff to enter into the appropriate agreements". Paul Sincock seconded. Motion carried unanimously.

2. Ordinance approving a final PUD Subdivision Plat for the Cove at Eagle Mountain Phase 1, located within the south half of Section 33, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - See staff report and work session notes. Meg Ryan indicated that the current conditions in the ordinance are recommended by staff and any notes on the plat in conflict with the conditions will be removed from the plat. Staff will also review the Kearns-Tribune settlement agreement. Jeff Graham, agent for the applicant, stated that the settlement agreement included a condition that the City would plow private roads in this case, but he wasn't clear about the notation regarding the access easement. He encouraged Council to approve the ordinance tonight. There was again discussion about conflicting conditions on the plat that may be inconsistent with prior approvals. If appropriate, they will be removed from the plat prior to signature and approval of the Engineer and City Attorney. Mark Harrington explained that the snow removal condition was part of the preliminary plat approval and was subsequently dropped; if the snow removal condition is in the settlement agreement it is a binding requirement. In response to a question from Roger Harlan regarding the City plowing a private road, Mr. DeHaan stated that he can not think of another situation where the City agreed to plow a private road, but recalled some discussion of this in the review of the Kearns-Tribune MPD, and was surprised to see it appear on the plat. Shauna Kerr, "I move approval of the Ordinance approving the final PUD Subdivision Plat for the Cove at Eagle Mountain with the conditions as drafted in the Council packet today, subject to a review of the plat and the conditions with the City Attorney and the City Engineer prior to plat recordation to verify the issue with regard to snow removal and the access easement to the West (Family) Parcel". Paul Sincock seconded. Motion carried unanimously.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Chuck Klingenstein, "I move to close the meeting to discuss a personnel matter". Hugh Daniels seconded. Motion carried unanimously.

The meeting opened at approximately 3:20 p.m.

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

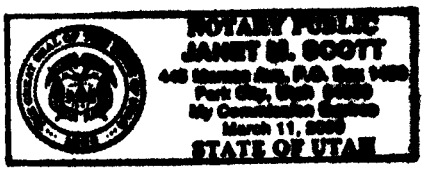
CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on April 17, 1997, was held pursuant Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 6 day of May, 1997.

Mayor Pro Tem Shauna Kerr

Subscribed and sworn before me this 6 day of May, 1997.



Janet M. Scott, Notary Public

* * * * * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY
1884

CITY COUNCIL
STAFF REPORT

DATE: **April 17, 1997 Meeting**
DEPARTMENT: **Planning Department**
AUTHOR: **Ted Knowlton**
TITLE: **The Lodge at Deer Valley - Lot Combination**
TYPE OF ITEM: **Public hearing and possible action**

SUMMARY RECOMMENDATIONS:
Consider staff's and Planning Commission's recommendation to adopt an ordinance that creates one development lot from two parcels at 2900 Deer Valley Drive East.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Project:	The Lodge at Deer Valley
Applicant:	March Development Corporation
Location:	2900 Deer Valley Drive East
Proposal:	Lot Combination to create one parcel from two.
Zoning:	Residential Development with an Approved Master Plan (RD-MPD)
Adjacent Uses:	Multi-Family
Date of Application:	December 11, 1996

B. Background.
The Lodge at Deer Valley is a 125 unit multi-family residential development located between the Wildflower Condos and the Courchevel Condos on Deer Valley Drive East. The current application is to combine two parcels under the same ownership into one development lot. The March Development Corporation is applying for this lot combination to fulfill the following condition of approval from the original Lodge at Deer Valley Conditional Use Permit of April 10, 1996:

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- Condition #1: *Once construction has commenced on one lot, no construction shall commence on the other until the two lots currently used to form the overall development parcel are combined by plat amendment/ lot combination or a condominium plat. Notwithstanding, the lot combination shall occur no later than four months after issuance of the full building permit for the project.*

This condition of approval was attached to the Conditional Use Permit because the development was conceptually designed for a single development parcel. Without a lot combination the completed Lodge at Deer Valley structures would straddle a lot line and would therefore not be in compliance with The Uniform Building Code. A full building permit has not been issued at this time.

C. Analysis

The proposed amendment would create a development parcel of approximately 12.63 acres. The following issues were conditioned to be addressed by the earlier Conditional Use Permit approval:

Condition #2 - Open Space: *All open space areas, identified as above 30% slope on the approved site plans dated April 1, 1996 and all wetlands, after mitigation, shall be identified as Open Space (OS) and shall be recorded as such during the platting stage. The approximately 140' landscape buffer, as depicted on the site plan between the northernmost property line and Building A shall be designated and platted as unbuildable at the time the platting for the project occurs.*
Compliance: The applicant has addressed this condition and all open space areas are reflected on the lot combination plat.

Condition #7 - Trails: *The developer shall dedicate a 10-foot easement and construct an eight-foot concrete trail with a minimum 10' separation from the street, constructed along Deer Valley Drive from the south property line to the applicant's property line along Queen Esther Drive, with the first phase of the project. A four-foot back country trail easement will be designed and negotiated at the time of platting for this project.*
Compliance: The applicant and Staff are currently negotiating the final locations of the trails and easements. The preliminary locations of the trail easements are delineated on the plat (Exhibit A). Only minor changes will occur to the layout of the trails. A condition of approval shall be attached that requires all trail issues to be finalized prior to plat recordation. A financial security in the amount and form satisfactory to the City Engineer and City Attorney is also attached as a condition.

D. Department Review.

The Community Development Department, City Engineer and City Attorney's Office have reviewed this application. Their concerns have been addressed by the applicant. The City Engineer and City Attorney will review and approve the content and form of the final plat prior to plat recordation.

E. Planning Commission Action.

On March 26, 1997 the Planning Commission held a public hearing on this application. The Planning Commission voted unanimously to forward a positive recommendation to the City Council with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in this staff report.

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PUBLIC INPUT:
The property was posted and all property owners within 300 feet of the parcels in question were noticed on March 4, 1997. The Queen Esther Homeowners Association was concerned that all requirements of and conditions of The Lodge at Deer Valley CUP, April 10, 1996, were being met. Their concerns have been addressed.

RECOMMENDATION:
Staff recommends approval of the proposed lot combination to combine two (2) lots into one (1) at 2900 Deer Valley Drive East. The Planning Commission should consider public input prior to approving, approving with modifications, or denying the proposal. Both the staff's recommendation and the Planning Commission recommendation are based on the following findings and conditions:

Findings of Fact:
1. The proposal will combine two parcels into one parcel of 12.63 acres.

2. The Lodge at Deer Valley Conditional Use Permit for a 125 unit multi-family was approved by the Planning Commission April 10, 1996.

3. The proposal complies with conditions of approval from the Lodge at Deer Valley Conditional Use Permit application, specifically conditions 1,2 and 7.

4. Any impacts resulting from this amendment will be mitigated through final building permit review process.

5. On March 26, 1997, the Planning Commission voted to forward a positive recommendation to City Council to approve the Cove at Eagle Mountain Phase I Final Plat with the conditions stated in this staff report.

Conclusions of Law:
1. There is good cause for the plat amendment as it complies with State law by enabling a single unified development to be built on a single unified parcel.

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

Conditions of Approval:
1. City Attorney and City Engineer review and approval of the plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.

2. All open space areas, identified as above 30% slope on the approved site plans dated April 1, 1996 and all wetlands, after mitigation, shall be identified as Open Space (OS) and shall be recorded as such on the plat. The approximately 140' landscape buffer, between the northernmost property line and Building A, shall also

be designated on the plat as open space and non-buildable.

3. A ten-foot public trail easement shall be delineated on the plat prior to plat recordation. The easement shall have a minimum 10' separation from the street and shall be constructed by the applicant along Deer Valley Drive from the south property line to the applicant's property line along Queen Esther Drive. A four-foot public back country trail easement will be delineated on the plat prior to recordation.

4. A financial security in the amount and form satisfactory to the City Engineer and City Attorney is a condition precedent to plat recordation.

5. All conditions of approval of the Lodge at Deer Valley CUP of April 10, 1996 shall remain in full force and effect.

6. The applicant will record the final plat with the County within one year from the date of City Council approval. If recordation has not occurred within this one year time frame, this approval and the plat will be void.

Exhibits
Vicinity Map
Exhibit A - Proposed plat

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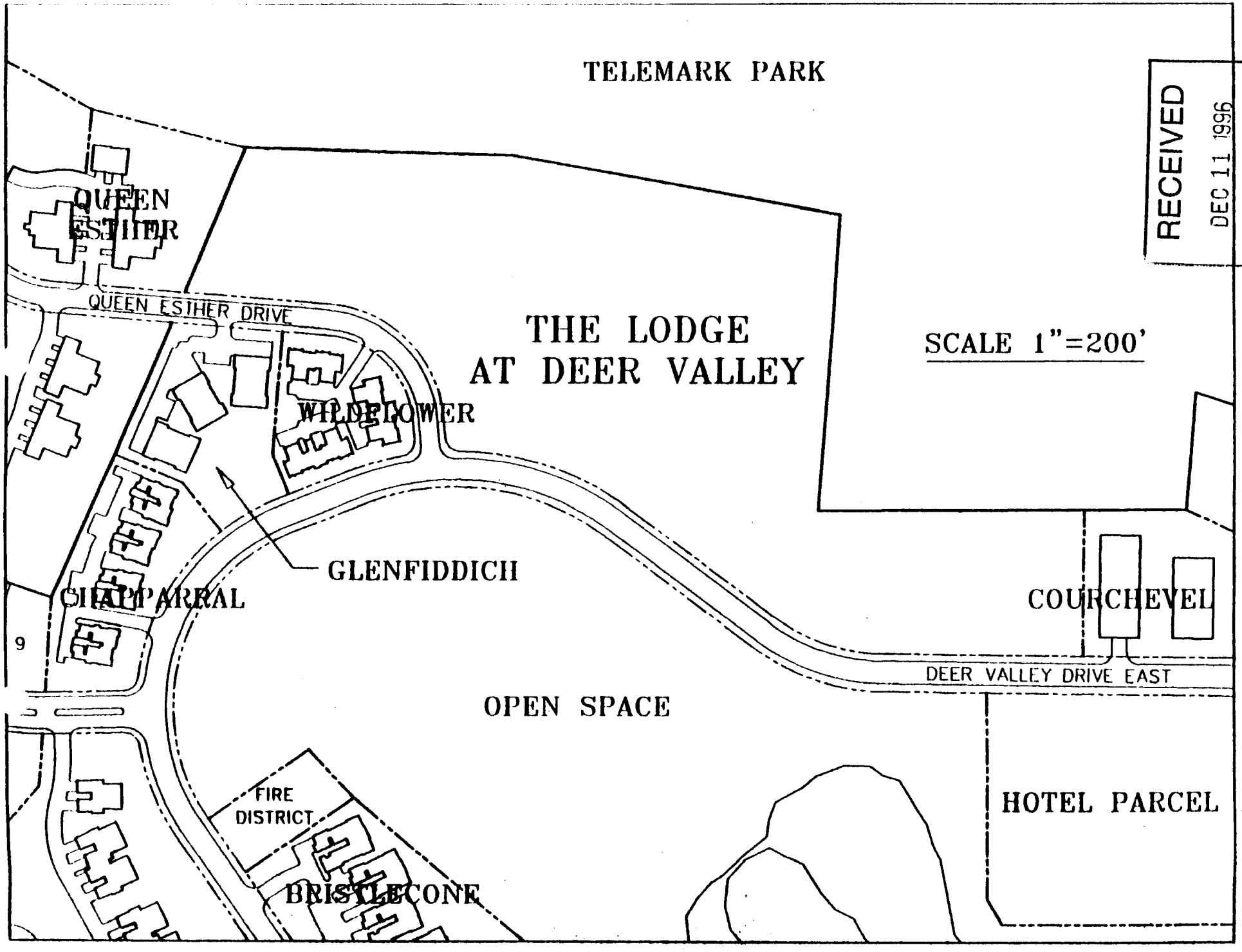

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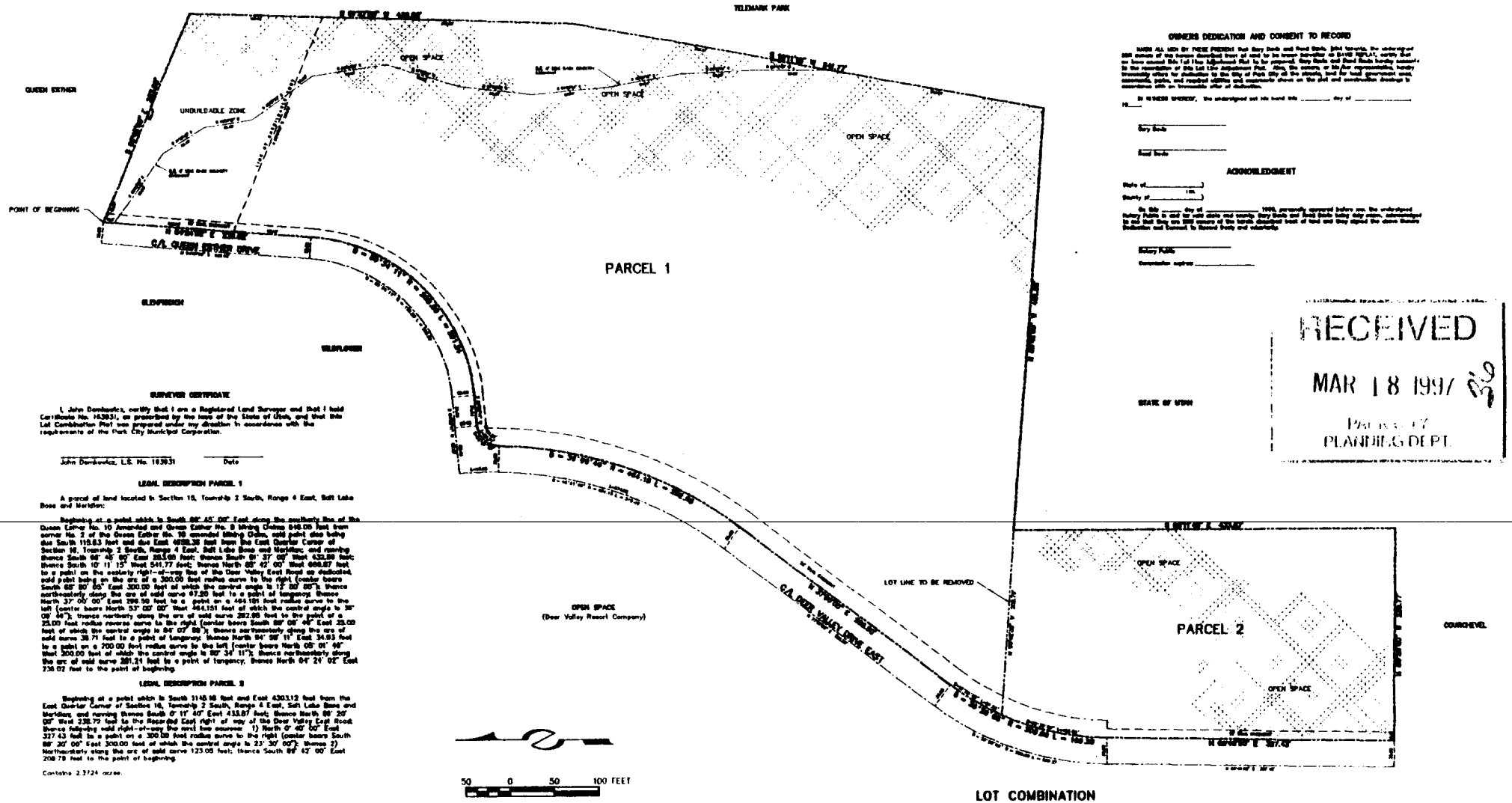
DEC 11 1996
PARK CITY PLANNING DEPT.

VICINITY MAP

EXHIBIT "A"



OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT that Gary Davis and Fred Davis, John Iannotta, the undersigned owners of the herein described tract of land to be known hereafter as SAME REPLAT, hereby cause the land shown and described hereon to be subdivided, they do hereby consent to the recordation of this Lot Line Adjustment Plat. Also, the undersigned, or his/her representative, hereby dedicates for perpetual use of the public all parts of this plat as shown, and for which guarantees are warranted, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____ 19____

Gary Davis

Fred Davis

ACKNOWLEDGMENT

State of _____)
County of _____)

On this _____ day of _____ 19____, personally appeared before me the undersigned Notary Public in and for said state and county Gary Davis and Fred Davis being duly sworn, acknowledged to me that they have signed the owners dedication and consent to record freely and voluntarily.

Notary Public

Commission expires _____

SURVEYOR CERTIFICATE

I, John Dembowitz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Combination Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Dembowitz, L.S. No. 163931 — Date

LEGAL DESCRIPTION PARCEL 1

A parcel of land located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian:

Beginning at a point which is South 88° 45' 00" East along the southerly line of the Queen Esther No. 10 Amended and Queen Esther No. 8 Mining Claims 848.06 feet from corner No. 2 of the Queen Esther No. 10 amended Mining Claim, said point also being due South 115.83 feet and due East 4898.36 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 88° 45' 00" East 283.00 feet; thence South 01° 37' 00" West 432.00 feet; thence South 10° 11' 15" West 541.77 feet; thence North 88° 42' 00" West 668.87 feet to a point on the easterly right-of-way line of the Deer Valley East Road as dedicated, said point being on the arc of a 300.00 foot radius curve to the right (center bears South 88° 30' 00" East 300.00 feet of which the central angle is 12° 30' 00"); thence northeasterly along the arc of said curve 67.20 feet to a point of tangency; thence North 37° 00' 00" East 196.50 feet to a point on a 464.151 foot radius curve to the left (center bears North 53° 00' 00" West 464.151 feet of which the central angle is 36° 09' 46"); thence northerly along the arc of said curve 292.90 feet to the point of a 25.00 foot radius reverse curve to the right (center bears South 89° 09' 46" East 25.00 feet of which the central angle is 84° 07' 59"); thence northeasterly along the arc of said curve 36.71 feet to a point of tangency; thence North 84° 58' 11" East 34.93 feet to a point on a 700.00 foot radius curve to the left (center bears North 05° 01' 49" West 700.00 feet of which the central angle is 80° 34' 11"); thence northeasterly along the arc of said curve 491.21 feet to a point of tangency; thence North 04° 24' 02" East 736.02 feet to the point of beginning.

LEGAL DESCRIPTION PARCEL 2

Beginning at a point which is South 3148.18 feet and East 4303.12 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 0° 11' 40" East 433.87 feet; thence North 88° 30' 00" West 238.79 feet to the Recorded East right of way of the Deer Valley East Road; thence following said right-of-way the next two courses: 1) North 0° 40' 00" East 327.43 feet to a point on a 300.00 foot radius curve to the right (center bears South 88° 30' 00" East 300.00 feet of which the central angle is 23° 30' 00"); thence 2) Northeasterly along the arc of said curve 123.05 feet; thence South 88° 42' 00" East 208.78 feet to the point of beginning.

Contains 2.3724 acres.

RECEIVED
MAR 18 1997
PARK CITY
PLANNING DEPT.

LOT COMBINATION
THE LODGE AT DEER VALLEY

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO 1-10-95 \IDV\P:P-LLADJ

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COMMUNITY DEVELOPMENT DIRECTOR	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649 9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _____, 1997 A.D. BY _____ S.B.S.I.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1997 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 1997 A.D. BY _____ PARK CITY ATTORNEY	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1997 A.D. BY _____ DEVELOPMENT DIRECTOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____

Ordinance No. 97-

AN ORDINANCE APPROVING A PLAT AMENDMENT THAT COMBINES TWO PARCELS OF LAND INTO ONE LOCATED WITHIN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owner of the property located within Section 15, Township 2 South, Range 4 East, Park City, Utah and known as the Lodge at Deer Valley, has petitioned the City Council for approval of Plat Amendment; and

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

WHEREAS, on March 26, 1997, the Planning Commission held a public hearing to receive public input on the proposed plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 17, 1997 the City Council reviewed the proposed plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The plat will combine two parcels into one parcel of 12.63 acres.

2. The Lodge at Deer Valley Conditional Use Permit for a 125 unit multi-family was approved by the Planning Commission April 10, 1996.

3. The proposal complies with conditions of approval from the Lodge at Deer Valley Conditional Use Permit application, specifically conditions 1,2 and 7.

4. Any impacts resulting from this amendment will be mitigated through final building permit review process.

5. On March 26, 1997, the Planning Commission voted to forward a positive recommendation to City Council to approve the Cove at Eagle Mountain Phase I Final Plat with the conditions stated in this staff report.

SECTION 2. CONCLUSIONS OF LAW.

1. There is good cause for the plat amendment as it complies with State law by enabling a single unified development to be built on a single unified parcel.

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

SECTION 3. PLAT APPROVAL. The subdivision plat is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.

2. All open space areas, identified as above 30% slope on the approved site plans dated April 1, 1996 and all wetlands, after mitigation, shall be identified as Open Space (OS) and shall be recorded as such on the plat. The approximately 140' landscape buffer, between the northernmost property line and Building A, shall also be designated on the plat as open space and non-buildable.

3. A ten-foot public trail easement shall be delineated on the plat prior to plat recordation. The easement shall have a minimum 10' separation from the street and shall be constructed by the applicant along Deer Valley Drive from the south property line to the applicant's property line along Queen Esther Drive. A four-foot public back country trail easement will be delineated on the plat prior to recordation.

4. A financial security in the amount and form satisfactory to the City Engineer and City Attorney is a condition precedent to plat recordation.

5. All conditions of approval of the Lodge at Deer Valley CUP of April 10, 1996 shall remain in full force and effect.

6. The applicant will record the final plat with the County within one year from the date of City Council approval. If recordation has not occurred within this one year time frame, this approval and the plat will be void.

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

PASSED AND ADOPTED this 17th day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

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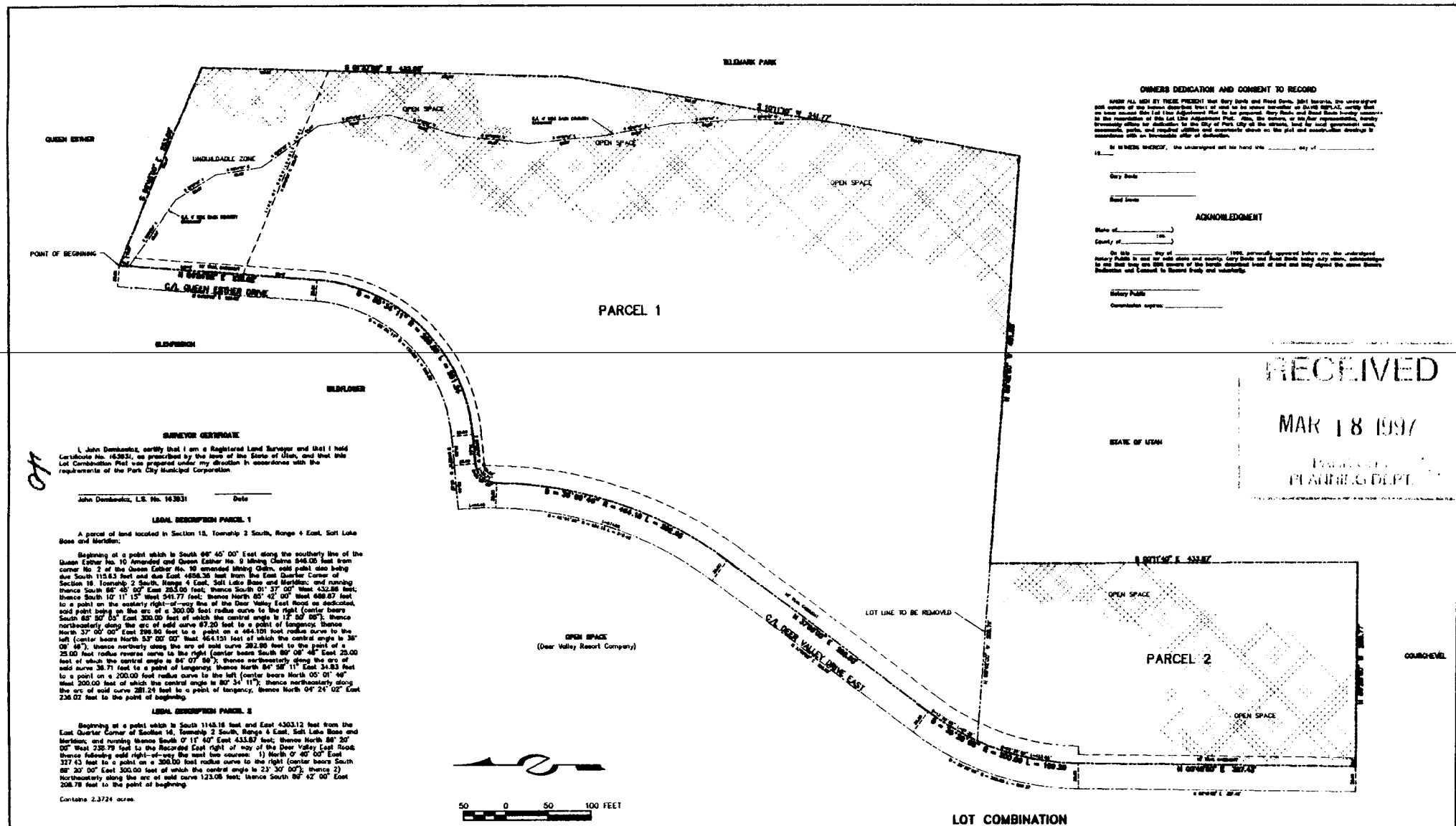
EXHIBIT "A"



OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT that Gary Davis and Reed Davis, joint tenants, the undersigned fee owners of the hereon described tract of land to be hereby formalized as DAVIS REPLAT, certify that we have caused this Lot Line Adjustment Plat to be prepared. Gary Davis and Reed Davis hereby consent to the recordation of this Lot Line Adjustment Plat. Also, the undersigned, or his duly representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____ 19____

_____
Gary Davis

_____
Reed Davis

ACKNOWLEDGMENT

State of _____)
County of _____)

On this _____ day of _____ 1996, personally appeared before me, the undersigned Notary Public in and for said state and county Gary Davis and Reed Davis being duly sworn, acknowledges to me that they are the owners of the herein described tract of land and they signed the above Owners Dedication and Consent to Record freely and voluntarily.

_____
Notary Public

Commission expires _____

RECEIVED
MAR 18 1997
PARK CITY
PLANNING DEPT.

SURVEYOR CERTIFICATE

I, John Dombowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163831, as prescribed by the laws of the State of Utah, and that this Lot Combination Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

_____ _____
John Dombowicz, L.S. No. 163831 Date

LEGAL DESCRIPTION PARCEL 1

A parcel of land located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian:

Beginning at a point which is South 66° 45' 00" East along the southerly line of the Queen Esther No. 10 Amended and Queen Esther No. 9 Mining Claims 946.00 feet from corner No. 2 of the Queen Esther No. 10 amended Mining Claim, said point also being due South 115.63 feet and due East 4656.36 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 66° 45' 00" East 253.06 feet; thence South 01° 37' 00" West 432.86 feet; thence South 10° 11' 15" West 541.77 feet; thence North 85° 42' 00" West 408.87 feet to a point on the easterly right-of-way line of the Deer Valley East Road as dedicated, said point being on the arc of a 300.00 foot radius curve to the right (center bears South 85° 50' 05" East 300.00 feet of which the central angle is 12° 50' 05"); thence northeasterly along the arc of said curve 67.20 feet to a point of tangency; thence North 37° 00' 00" East 596.50 feet to a point on a 464.101 foot radius curve to the left (center bears North 53° 00' 00" West 464.101 feet of which the central angle is 36° 09' 46"); thence northerly along the arc of said curve 292.90 feet to the point of a 25.00 foot radius reverse curve to the right (center bears South 89° 09' 46" East 25.00 feet of which the central angle is 84° 07' 56"); thence northeasterly along the arc of said curve 36.71 feet to a point of tangency; thence North 84° 58' 11" East 34.93 feet to a point on a 200.00 foot radius curve to the left (center bears North 05° 01' 49" West 200.00 feet of which the central angle is 80° 34' 11"); thence northeasterly along the arc of said curve 281.24 feet to a point of tangency, thence North 04° 24' 02" East 236.02 feet to the point of beginning.

LEGAL DESCRIPTION PARCEL 2

Beginning at a point which is South 1145.16 feet and East 4303.12 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 0° 11' 40" East 433.87 feet; thence North 88° 20' 00" West 238.79 feet to the Recorded East right of way of the Deer Valley East Road; thence following said right-of-way the next two courses: 1) North 0° 40' 00" East 327.43 feet to a point on a 300.00 foot radius curve to the right (center bears South 88° 20' 00" East 300.00 feet of which the central angle is 23° 30' 00"); thence 2) Northeasterly along the arc of said curve 123.08 feet; thence South 89° 42' 00" East 208.78 feet to the point of beginning.

Contains 2.3724 acres.

LOT COMBINATION

THE LODGE AT DEER VALLEY

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 O

Alliance

JOB NO 1-10-95 \LDV\P\P-LLADJ

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COMMUNITY DEVELOPMENT DIRECTOR	RECORDED
P.O. BOX 2864 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-8467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _____, 1997 A.D. BY _____ S.B.S.I.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1997 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 1997 A.D. BY _____ PARK CITY ATTORNEY	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1997 A.D. BY _____ DEVELOPMENT DIRECTOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE RECORDER

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**April 10, 1997**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Megan B. Ryan**
TITLE:	**220 King Road - Lot 2, Treasure Hill Subdivision, Request for a plat amendment**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:
Consider recommendations to approve an amendment to the platted building pad of Lot 2 of the Treasure Hill Subdivision Plat.

DESCRIPTION:

A. Topic.

Applicant: Bill Mammen for Robert Sfire
Location: 220 King Road - Lot 2, Treasure Hill Subdivision
Zoning: Historic Residential, (HR-1)
Adjacent Land Uses: Residential, Open Space
Date of Application: May 21, 1996

B. BACKGROUND/PROJECT INFORMATION

The Planning Commission reviewed this project at three public hearings over the course of the last year. The Planning Commission was asked to look at three separate requests:
1. a Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat;
2. a Conditional Use Permit for an Accessory Apartment; and
3. an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat

m:cdd/cdd/mr/pc97/220krd97

The Planning Commission approved the first two requests at their meeting of March 12,1997. The Commission forwarded a positive recommendation to the City Council on item #3. The project has also been to the Historic District Commission for review and approvals on March 17, 1997.

The request before the Council is an amendment to the building pad for Lot 2. The owner is requesting to shift the platted pad by approximately 5 feet to the west and 8 feet to the east in order to place the house in an L shaped configuration off the driveway. Such a request requires that the pad described on the recorded plat to be changed. Please see Exhibit E for plat.

C. ANALYSIS

Staff has examined the topographical survey provided and believes that the request for a shift in the platted pad does not disturb areas that are significantly worse then the originally platted area. The lot is steep, precarious to build on and will be visually significant with or without the plat amendment. The building design that results from this shift provides a building that minimizes the need for multiple retaining walls as the structure itself will act as retention.

The driveway length will not be affected by this pad change. The driveway is platted and designed to share access between Lot 1 and Lot 2. The cut will be significant and visible. A financial security will be provided to ensure the revegatation of the site. Any cuts that need to occur for utility connections will be specifically identified by the City's Landscape architect prior to building permit issuance and guaranteed for revegatation with a financial security.

D. DEPARTMENT REVIEW

The Community Development Department and City Attorney's office have reviewed this request for compliance with the Land Management Code, Uniform Building Code and State law.

SIGNIFICANT IMPACTS:

Under any use scenario, the project will result in a structure that significantly impacts the terrain.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the Council cannot find in favor of the requested building pad shift then the applicant will be permitted to construct one single family house with a footprint of no more than 3,500 square feet within the confines of the existing building pad.

E. PUBLIC INPUT:

This project was noticed to property owners within 300' of the property and within the affected subdivision plat on July 31, 1996, November 19, 1996 and on February 25, 1997. Substantial input has been received at all the prior hearings. Most of the issues focused on the proposed design, compliance with the Platted conditions of approval, the use, and the

impacts of construction. The Planning Commission concluded at their last meeting that the project as conditioned could be approved and that the majority of the community's concerns had been adequately addressed.

F. ALTERNATIVES:

A. Consider adopting the staff's findings, conclusions and conditions and ordinance to amend the platted Lot 2 of the Sweeney Treasure Hill Subdivision plat.

B. Deny the requested applications and direct the staff to prepare appropriate findings.

G. RECOMMENDATION:

The following Findings, Conclusions and Conditions and Ordinance (attached) are provided below if a positive recommendation is supported.

Findings:

Plat Amendment:

1. The proposed amendment will shift the building pad by approximately 5' to the west.
2. The proposed amendment will not significantly increase the visual location of the single family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

1. There is good cause for the amendment because no increase in visual impacts will occur through the building pad shift.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval: Plat Amendment:

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.
3. The plat shall note that all conditions of approval, notes and restrictions of the Treasure Hill Subdivision are in full force and effect.

EXHIBITS

Ordinance

Location Map

Exhibit A- Existing and Proposed Plat

Exhibit B - Final staff report from 3/13/97 Planning Commission meeting

Exhibit C - Site plan and Elevations

Exhibit D - Minutes from Planning Commission meetings

m:cdd/cdd/mr/pc97/220krd97

ORDINANCE NO. 97-___

AN ORDINANCE APPROVING AN AMENDMENT TO LOT 2 OF THE TREASURE HILL SUBDIVISION PLAT KNOWN AS 220 KING ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property known as 220 King Road petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed amendment on March 12, 1997 ; and

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

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; 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 the City of Park City, Utah, as follows:

SECTION 1. The amendment to the Treasure Hill Subdivision plat, Lot 2 is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:
Plat Amendment:

1. The proposed amendment will shift the building pad by approximately 5' to the west.
2. The proposed amendment will not significantly increase the visual location of the single family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

1. There is good cause for the amendment because no increase in visual impacts will occur through the building pad shift.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval: Plat Amendment:

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.

The plat shall note that all conditions of approval, notes and restrictions of the Treasure Hill Subdivision are in full force and effect.

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SECTION 2. This ordinance shall take effect upon publication.

DATED this the 17 day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

_____

Bradley A. Olch, Mayor

ATTEST:

_____

Jan Scott, City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, Assistant City Attorney

m:cdd/cdd/mr/pc97/220krd97

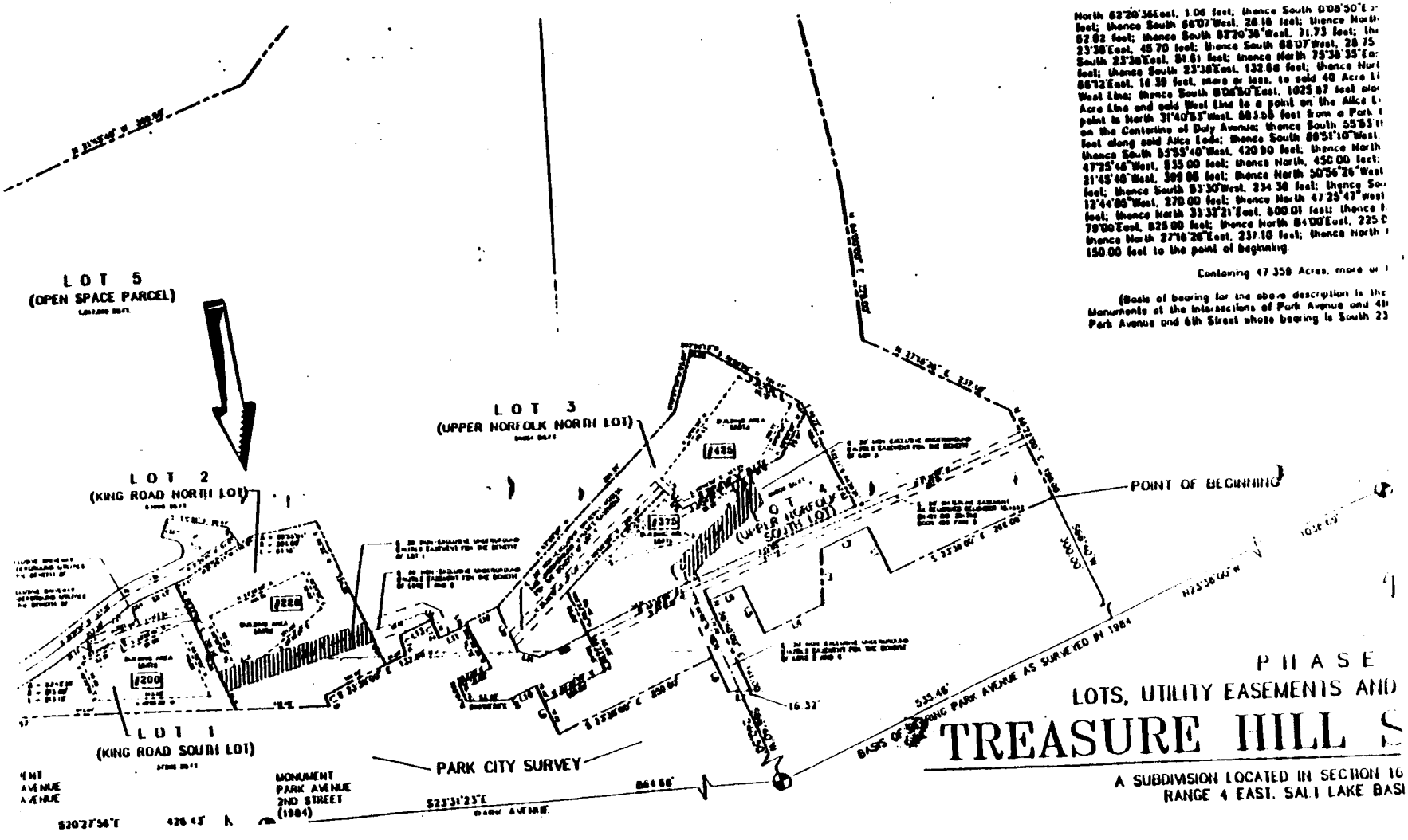
220 King Rd. Lot 2

N

PARK CITY
1884

Vicinity Map

Exhibit A - Existing and Proposed Plat



ORIGINAL SEAL AND AREA LIMITS
35' NON-EXCLUSIVE
UNDERGROUND UTILITY
EASEMENT FOR THE
BENEFIT OF LOT 1
BUILDING AREA
REVISED EASEMENT AREA
ORIGINAL BUILDING AREA= 11,078 SF
REVISED BUILDING AREA= 10,022 SF
LOT 2
(KING ROAD NORTH)
#220 KING ROAD
DATUM ELEVATION
NORTH
SCALE 1" = 20'-0"

Exhibit B - Final staff report from 3/13/97 Planning Commission meeting

PARK CITY 1884

REVISED PER 3/12/97 PLANNING COMMISSION MTG. ACTION

PLANNING COMMISSION STAFF REPORT

DATE: March 13, 1997
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: 220 King Road - Lot 2, Treasure Hill Subdivision
TYPE OF ITEM:
Request for:
1. A Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat
2. A Conditional Use Permit for an Accessory Apartment and;
3. An amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat

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SUMMARY RECOMMENDATIONS:

Conduct a public hearing and consider recommendations to approve or forward a positive recommendation the City Council on the following items:
1. A Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat
2. A Conditional Use Permit for an Accessory Apartment and;
3. A positive recommendation to the City Council for an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat.

DESCRIPTION:

A. Topic.

Applicant: Bill Mammen for Robert Sfire
Location: 220 King Road - Lot 2, Treasure Hill Subdivision
Zoning: Historic Residential, (HR-1)
Adjacent Land Uses: Residential, Open Space

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Date of Application: May 21, 1996

B. BACKGROUND/PROJECT INFORMATION

The Planning Commission is being asked to consider the following three requests for this property:

1. approval for a Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat;
2. a Conditional Use Permit for an Accessory Apartment; and
3. an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat

The Planning Commission has held public hearing on this project on August 14,1996 and December 4, 1996. Minutes are attached as Exhibit B. The applicant has redesigned the project in order to address public and Commission comments, see Exhibit C. The project has also been to the Historic District Commission for a work session discussion on January 27, 1997.

The Historic Commission conducted an initial review and supported the proposed changes. The project will return to the Historic District Commission on March 17 for final design approvals after Planning Commission review.

The Commissioners may take action on any one of the items requested, a combination of any of the items or none. The process is as follows 1) Planning Commission MPD, Plat Amendment and Accessory Apartment direction and approval on site parameters and then 2) HDC final design approval for new construction and; 3) Building plan submittal.

The first request is for approval of a Small Scale Master Planned Development. Each lot under the Treasure Hill Subdivision plat is required to return to the Planning Commission for review and must meet the ten approval criteria that were recorded for each of the four lots of this subdivision. These criteria are outlined in the analysis section below.

The second request is for a Conditional Use Permit for an Accessory Apartment on Lot 2. The 600 square foot apartment would be located in the basement area with a separate entry. Accessory Apartment regulations are outlined in Chapter 8.19 of the Park City Land Management Code and nine criteria, must be satisfied to grant a Conditional Use Permit for this use in the HR-1 District. Compliance, with these criteria, is outlined in the Analysis Section below.

The third request is an amendment to the building pad for Lot 2. The owner is requesting to shift the platted pad by approximately 5 feet to the west and 8 feet to the east in order to place the house in an L shaped configuration off the driveway. Such a request requires that the pad described on the recorded plat to be changed. Please see Exhibit E for plat.

C. ANALYSIS

I. Treasure Hill Small Scale Master Planned Development (MPD)

The following criteria, as outlined in Section 6.6, King Road Single Family Lots, of the Sweeney Properties Master Plan Approval Summary, dated June 1, 1990, and the recorded Treasure Hill Subdivision plat, must be addressed through the Small Scale MPD review and approval process. Please see Exhibit G for exact plat notes and Sweeney Master Plan approval for King Road properties.

1. Footprint - The maximum footprint shall not exceed 3,500 square feet, including garages. **Compliance:** The proposed footprint, including the Accessory Apartment and garage is at 1,976 square feet and is in compliance with this requirement.

2. Building Area Limits - All building and subsequent landscape disturbance must occur within the pad as described on the plat.
Compliance: The request for a shift in the platted pad does not disturb areas that are significantly worse then the originally platted area. The lot is steep, precarious to build on and will be visually significant with or without the plat amendment. The building area limits will apply to the final configuration decided upon and will be set at time of building permit issuance. The area on the hillside that will need to be disturbed for utility connections will be specifically identified and inspected prior to building permit issuance by the City's Landscape Architect.

3. Construction Disturbance: No construction disturbance shall occur beyond a twenty foot line from the building pad.
Compliance: This requirement will be enforced at time of building permit issuance by fencing of the limits area. A Construction Mitigation and Staging plan will also be required due to the precarious and steep nature of the site.

4. Height: The maximum height shall be 25' for flat roofs and 30' for pitched roofs. A three foot exception will be granted for the express purpose of allowing elevators and access stairwells.
Compliance: Height verification is of particular importance on this steep site and on the other parcels within this subdivision. Staff has received extrapolations of an original survey and will continue to request that a certified survey be submitted for the site. Height compliance is not resolved at this time with certain roof planes and the chimney and will need to be resolved with the applicant prior to the next Historic District Commission review. Final approvals from the Planning and Historic District Commission will ensure enforcement and compliance with this condition.

5. Facade Height, Easterly facing: The maximum facade height (without a five foot stepback) shall be 25'.
Compliance: As currently presented the roof of the balcony area on the easterly facade appears to comply with the 25' height limit. Staff's concern is that balconies are not considered to be part of the building footprint per Condition #1 of the plat. Therefore the exterior building wall on the easterly facade should be in compliance with the 25' requirement. As presented this exterior wall does not meet this requirement. Staff will resolve this issue with the applicant before the next Historic District review. Final

approvals from the Historic District Commission will ensure enforcement and compliance with this condition.

6. Massing: No one building mass shall have a footprint that exceeds 1,500 square feet.
Compliance: Final approvals from the Historic District Commission will ensure enforcement and compliance with this condition. As presented the house footprint is 1,320 s.f. and the garage footprint is 656 s.f.. Staff believes that the redesign complies with intent of this guideline which was to ensure smaller building masses on lots in this plat.

7. Sewer Laterals: Maintenance and replacement is the sole responsibility of the property owner and not that of Snyderville Basin Sewer Improvement District.
Compliance: Each owner is on notice of this responsibility at time of purchase through a plat note.

8. Fire Sprinkling: Wood roofing is prohibited. Interior and Exterior modified 13-D sprinklers are required.
Compliance: Building permits shall not be issued that do not comply with this requirement.

II. Accessory Apartment Use Criteria
The following criteria are reviewed under the Conditional Use Permit process for Accessory
Apartments:
1. Size - 800 s.f. max.- no more than 2 bedrooms, no more than one-fourth of dwelling size.
Compliance: The proposed apartment is 587 square feet and is less than one fourth of the dwelling unit (which is about 2,775 square feet).
2. Parking - one space per bedroom, on site
Compliance: Two bedrooms are proposed. Two spaces are being provided. A total of four parking spaces will be provided on site.
3. Apartments per Lot - no more than one per lot
Complies
4. Density - no more than three within 300' of the property.
Complies - A survey was conducted by the Building Inspection Department to determine compliance with this requirement. The survey revealed several illegal duplexes on Norfolk Avenue but no more than three accessory apartments were found within 300' of the King Road site.
5 . Ownership - one unit to be owner occupied
Compliance: The main unit will be occupied as a second residence.
6. Deed Restriction - restriction to be filed with County
Compliance: Will comply if approved.
7. Nightly rental - not allowed, identified on deed restriction
Compliance: Will comply if approved.
8. Homeowner's Association Notification - must notify any Homeowner's Association
Compliance: None on record - all owners within plat notified on July 31,1996.

9. One year review.
Compliance: subject to administrative staff review for compliance.

III. Plat Amendment request
Staff has examined the topographical survey provided and believes that the request for a shift in the platted pad does not disturb areas that are significantly worse then the originally platted area. The lot is steep, precarious to build on and will be visually significant with or without the plat amendment.

The driveway length will not be affected by this pad change. The driveway is platted and designed to share access between Lot 1 and Lot 2. The cut will be significant and visible. A financial security will be provided to ensure the revegatation of the site. As mentioned above any cuts that need to occur for utility connections will be specifically identified by the City's Landscape architect prior to building permit issuance and guaranteed for revegatation with a financial security. The applicant can make his case for the change before the Commission at the public hearing.

D. DEPARTMENT REVIEW
The Community Development Department and City Attorney's office have reviewed this request.

SIGNIFICANT IMPACTS:
Under any use scenario, the project will result in a structure that significantly impacts the terrain. The addition of an accessory apartment will not increase the footprint of the building. Parking on site can be provided for both the house and the apartment uses. The Conditional Use Permit alternative provides an opportunity for parking mitigation in the sense that four spaces can be obtained whereas the single family structure itself would only provided two spaces regardless of the number of bedrooms it had.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the Commissioners cannot find in favor of the requested permits then the applicant will be permitted to construct one single family house with a footprint of no more than 3,500 square feet without an accessory apartment in the footprint.

E. PUBLIC INPUT:
This project was noticed to property owners within 300' of the property and within the affected subdivision plat on July 31, 1996, November 19, 1996 and on February 25, 1997. Substantial input has been received at the two prior hearings and staff hopes that the redesign address to the best extent possible most of the public's concerns. No input from the last notice has been received at the time of this staff report.

At the public hearing in July, Kevin King, John Vrable, and Steve Elrich all raised concerns over the proposed project at 220 King Road. King's and Vrable's letter attached as Exhibit H. Elrich's comments were phoned in. At the November hearing the Commission

directed the applicant to respond to the design and plat issues. See Exhibit B, 12/04/97 minutes.

Many of the comments in Kevin's letter focused on design issues and the project has been redesigned in order to address some of Mr. King's and the Commissioners concerns. The revised project has received an initial review by the Historic District Commission and is scheduled for final action on the 17th of March. Staff understands that the applicant's architect has met with Kevin to review the latest site plans.

Mr. King's past comments have focused on the height of the structure, the accessory apartment, and the necessity for the plat amendment. At the last public hearing staff indicated that a certified survey would be required prior to any building permit issuance, that a survey had been done of the area and that no more than three accessory apartments within 300' were on file with this Department. The plat amendment has been reconfigured and staff is not aware of any remaining concerns that Kevin may have on this issue.

In regards to Mr. Vrables concerns the City is unfortunately dealing with a recorded plat that allow for very large home sizes in one of the most visible areas in town. The applicant is at this time proposing to construct a structure that is smaller, even with the proposed Accessory Apartment, than the maximun allowed under the platted parameters. Again, any structure will create an extremely visible impact and there are limited opportunities for the Planning Commission to negotiate on the house size issue. The building pad location however is negotiable. The visual impact is minimized to the best extent possible through the staff and HDC design input.

Mr. Elrich was concerned with dust during construction on the unpaved road. The current obligation under City codes requires paving prior to issuance of a Certificate of Occupancy. The Planning Commission may discuss this issue and timing of the paving with the applicant or direct the Chief Building Official and City Engineer to address it in the Construction Management Plan.

F. ALTERNATIVES:

A. Conduct a public hearing on the proposed MPD, Conditional Use Permit and Plat Amendment and consider adopting the staff's findings, conclusions and conditions that reflect the Commissioners decisions.

B. Deny any of the requested applications and direct the staff to prepare appropriate findings.

G. RECOMMENDATION:

Staff recommends that the Planning Commission take public input and discuss the approval or denial of the following: 1) a Small Scale Master Planned Development; 2) a Conditional Use Permit for an Accessory Apartment; and 3) A recommendation to the City Council for an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat. The following Findings, Conclusions and Conditions for each action are provided below if a positive recommendation is supported.

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Findings:
Small Scale MPD:

1. The project is for one single family structure of approximately 1, 976 square foot footprint which includes a garage and an approximately 587 square foot Accessory Apartment.

2. The project will provide four parking spaces on site.

3. The project is in the HR-1 Zoning District and is subject to final design review from the Historic District Commission.

4. The project is subject to all conditions as recorded on the final subdivision plat for the Treasure Hill Subdivision plat. HDC final design review will ensure compliance with the recorded plat notes.

5. The project is located on a steep and difficult terrain requiring careful construction planning and mitigation.

6. Considerable excavation and dirt handling may be required with this project, and any off-site dirt storage creates the possibility of erosion and wind borne fugitive dust. Any filling or excavation requires authorization from the property owner and the City and restoration security from the contractor or owner.

7. The Land Management Code and Park City Design Guidelines both address the importance of on-site project lighting, and indicate that all landscape lighting and building lighting shall be off a cut-off type, in order to be shielded from surrounding areas. As such, building and parking lighting specifications and fixture type and style will be reviewed and approved by the Community Development Department.

8. The applicants have stipulated to the Conditions of Approval.

9. **The road accessing this project is currently not paved and is in close proximity to several residential homes. The road is also used by several other property owners.**

Accessory Apartment:

1. The intent and purpose of the Accessory Apartment Ordinance is to encourage and promote affordable housing opportunities while protecting the existing quality of life found in single family zones throughout the community.

2. The owner is a Park City resident and will reside seasonally at 220 King Road in Park City.

3. Two parking spaces are provided on site for the two bedrooms in the Accessory unit

4. The proposed apartment is approximately 600 square feet and has two bedrooms.

5. Notice was given to everyone within 300' of the property.

6. There are not more than three accessory units within 300' of this project.

7. The Land Management Code, Section 8. 19, requires a deed restriction to be filed with Summit County, a one year review and prohibits nightly rentals.

Plat Amendment:

1. The proposed amendment will shift the building pad by approximately 5' to the west.

2. The proposed amendment will not significantly increase the visual location of the single family structure.

3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

Small Scale MPD:

1. The proposal for Lot 2 is in compliance with the criteria as outlined in Section 6.6, King Road Single Family Lots, of the Sweeney Properties Master Plan Approval Summary, dated June 1, 1990, and the recorded Treasure Hill Subdivision plat and Chapters 10 and 13 of the Land Management Code.

2. The Small Scale MPD at 220 King Road is consistent with the general plan and will not be contrary to public interest.

3. The building achieved through this Small Scale MPD will be compatible with surrounding structures in use, scale, mass and circulation.

4. Any differences in use or scale have been mitigated through design solutions, planning and conditions of approval.

Accessory Apartment:

1. The application for an approximately 600 square foot Accessory Apartment at 220 King Road is in compliance with Accessory Apartment regulations are outlined in Chapter 8.19 of the Park City Land Management Code and the nine criteria that must be satisfied to grant a Conditional Use Permit for this use in the HR- 1 District, and;

2. A Conditional Use Permit for an Accessory Apartment at 220 King Road is consistent with the general plan and will not be contrary to public interest.

3. The Accessory apartment will be compatible with surrounding structures in use, scale, mass and circulation.

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4. The effects of any differences in use or scale have been mitigated through design solutions, planning and conditions of approval.

Plat Amendment:

1. There is good cause for the amendment because no increase in visual impacts will occur through the amendment.

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

Conditions of Approval:

Small Scale MPD:

1. Final design review of 220 King Road is subject to Historic District Commission review and approval.

2. All Standard Project Conditions of Approval shall apply.

3. Lighting plans must be reviewed and approved by the Community Development Department with respect to location, light type, and fixtures under the Historic District Design Guidelines and the Land Management Code.

4. The Developer shall provide a detailed Construction Management Plan (CMP) prior to the issuance of any building permits that address at a minimum:

a.) A construction staging, storage, circulation and parking plan shall be submitted prior to issuance of any building permit.

b) If the project is phased, each phase of the project shall be designed in order to construct those portions of the on-site circulation system necessary to provide adequate automobile and emergency equipment circulation, to the extent required by the Community Development Department.

c.) The developer shall instruct the respective contractors that there is to be no wash out of concrete trucks on on-site landscape areas. Further, the developer shall identify any off-site dirt storage site with the respective phase, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the storage site.

d.) Landscaping shall be addressed prior any construction activity on site.

e.) Any temporary parking signs, subject to the Public Works Director and City Engineer approval, shall be addressed in the CMP.

f.) The site plans and elevations are subject to final review and approval by the Historic District Commission.

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g.) An existing conditions survey that identifies and determines the existing natural grade shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This existing conditions survey shall become part of the final site plans for this project and shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code. A surveyor's certificate of finished floor, tied to USGS elevations, will be submitted to the Building Department prior to rough framing approval for the purposes of determining height.

h.) The Construction Management Plan shall be reviewed in accordance with these Conditions of Approval and all applicable city codes and approved by the Chief Building Official and City Engineer prior to any building permit issuance

5. **The portion of King Rd. used to access this project shall be paved or surfaced with another method of control that shall be reviewed and approved by the Community Development Department prior to issuance of a footing and foundation permit in order to limit dust and disturbance on nearby residences. Joint dust control agreements on the roads adjacent to this property shall also be reviewed and approved by the Community Development Department.**

Conditions of Approval: Accessory Apartment:
1. Prior to issuance of the building permit for 220 King Road, the applicant shall execute and record a deed restriction in a form approved by the City Attorney.
2. No nightly rentals are allowed.
3. An annual administrative review of the project shall occur one year after this approval.

Conditions of Approval: Plat Amendment:
1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.

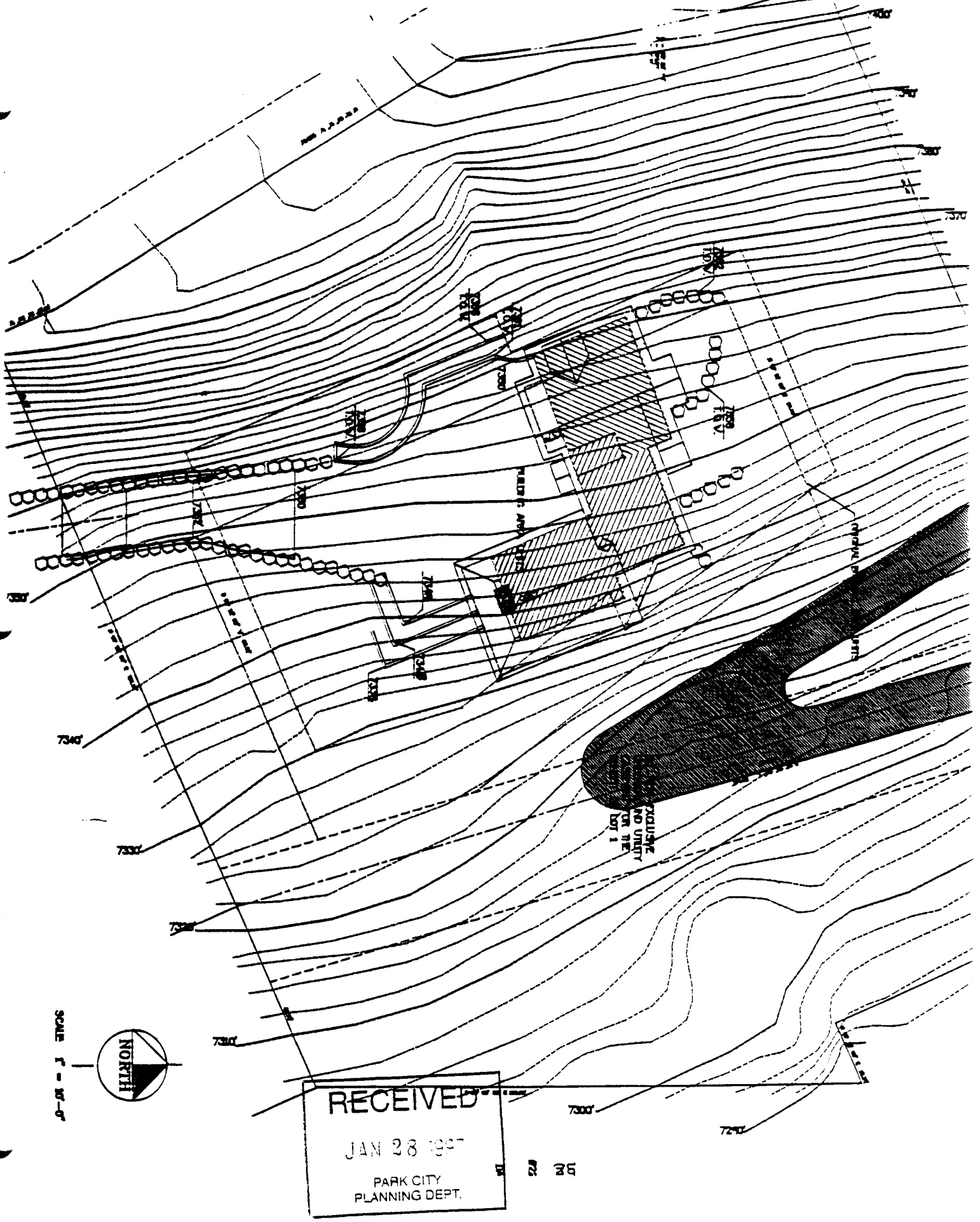
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.

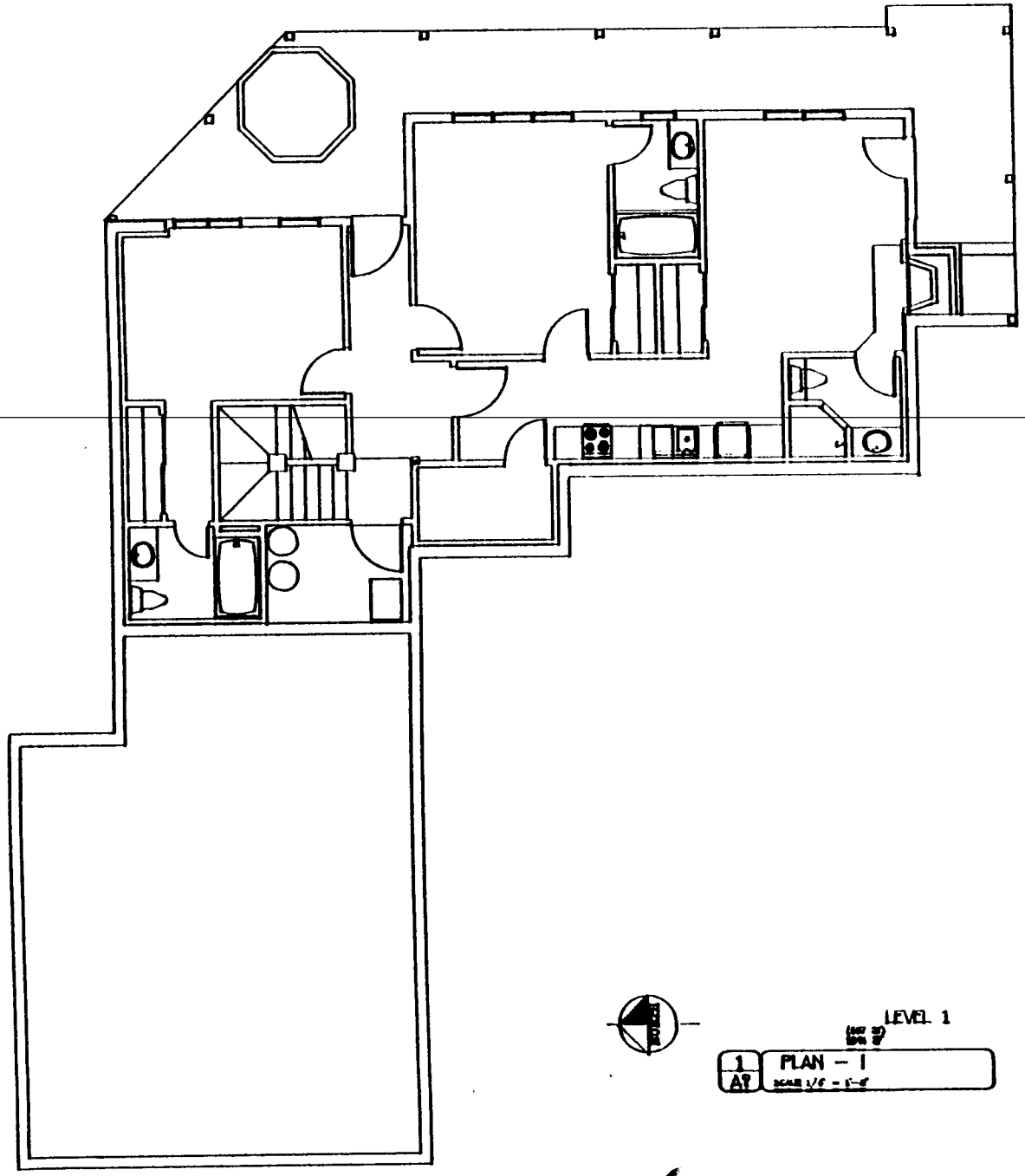
3. The plat shall note that all conditions of approval, notes and restrictions the Treasure Hill Subdivision are in full force and effect.

<u>EXHIBITS</u>
Exhibit A - Location Map
Exhibit B - Minutes from Planning Commission meetings
Exhibit C - Site plan and Elevations
Exhibit D - Historic District Commission Staff Report 01/27/96
Exhibit E - Existing and Proposed Plat
Exhibit F - Plat notes and Sweeney approvals 6/90
Exhibit G -Public Input from August 12, 1996 meeting
Exhibit H -Standard Project Conditions

m:cdd/cdd/mr/pc97/220krd97

Exhibit C - Site plan and Elevations



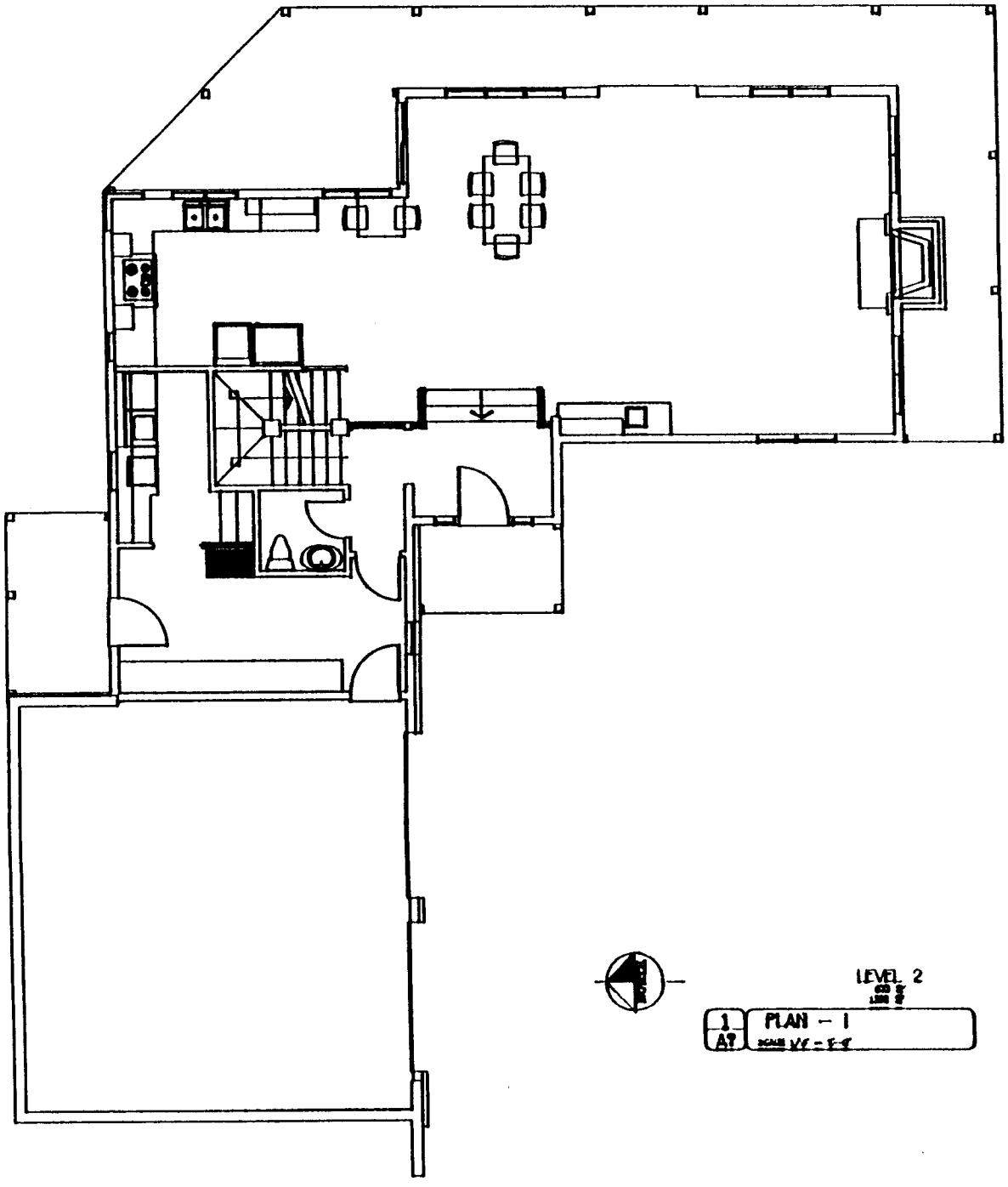


LEVEL 1

1
A1

PLAN - 1

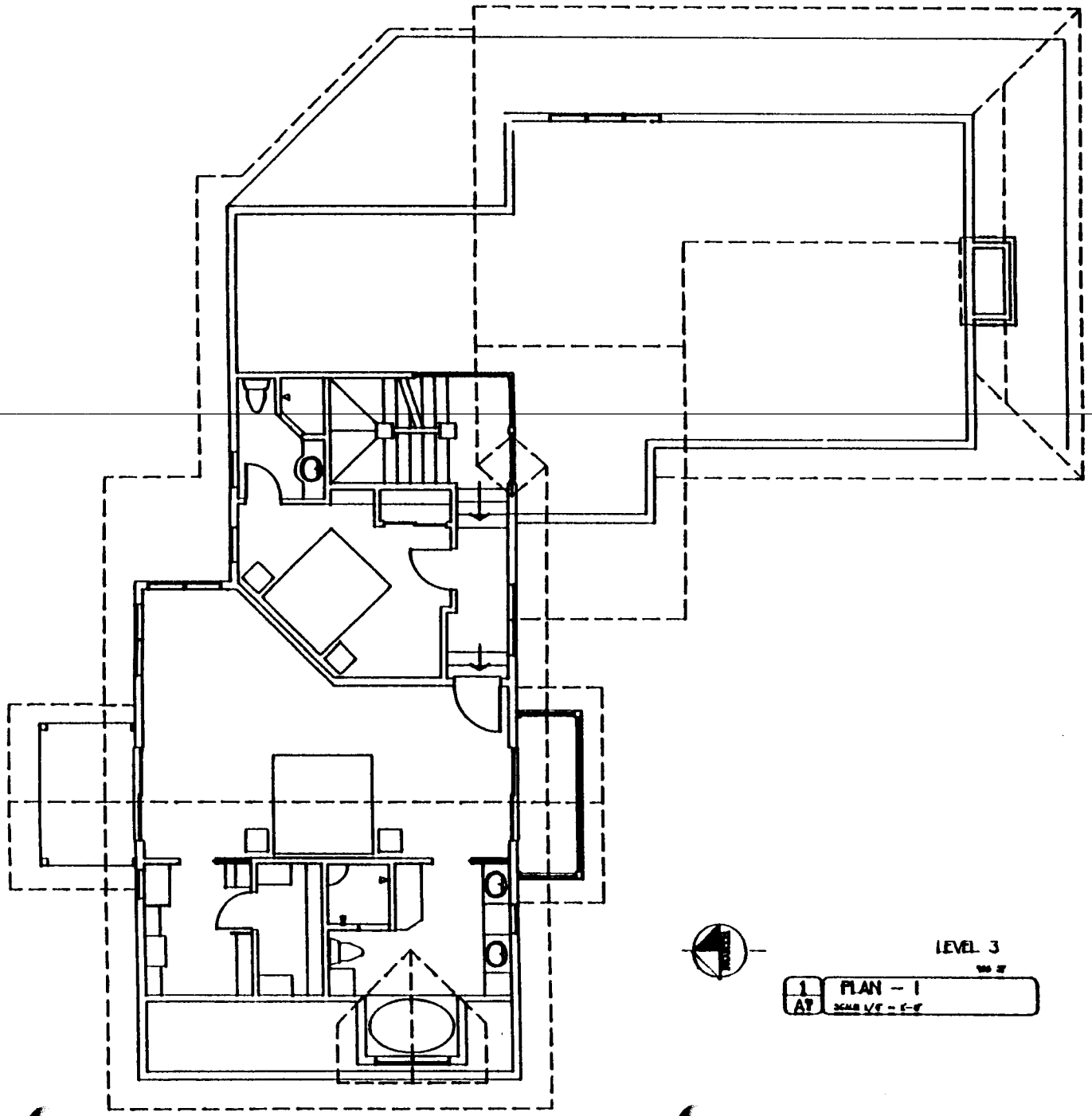
SCALE 1/8" = 1'-0"



LEVEL 2

1 / A9 PLAN - 1

SCALE 1/4" = 1'-0"

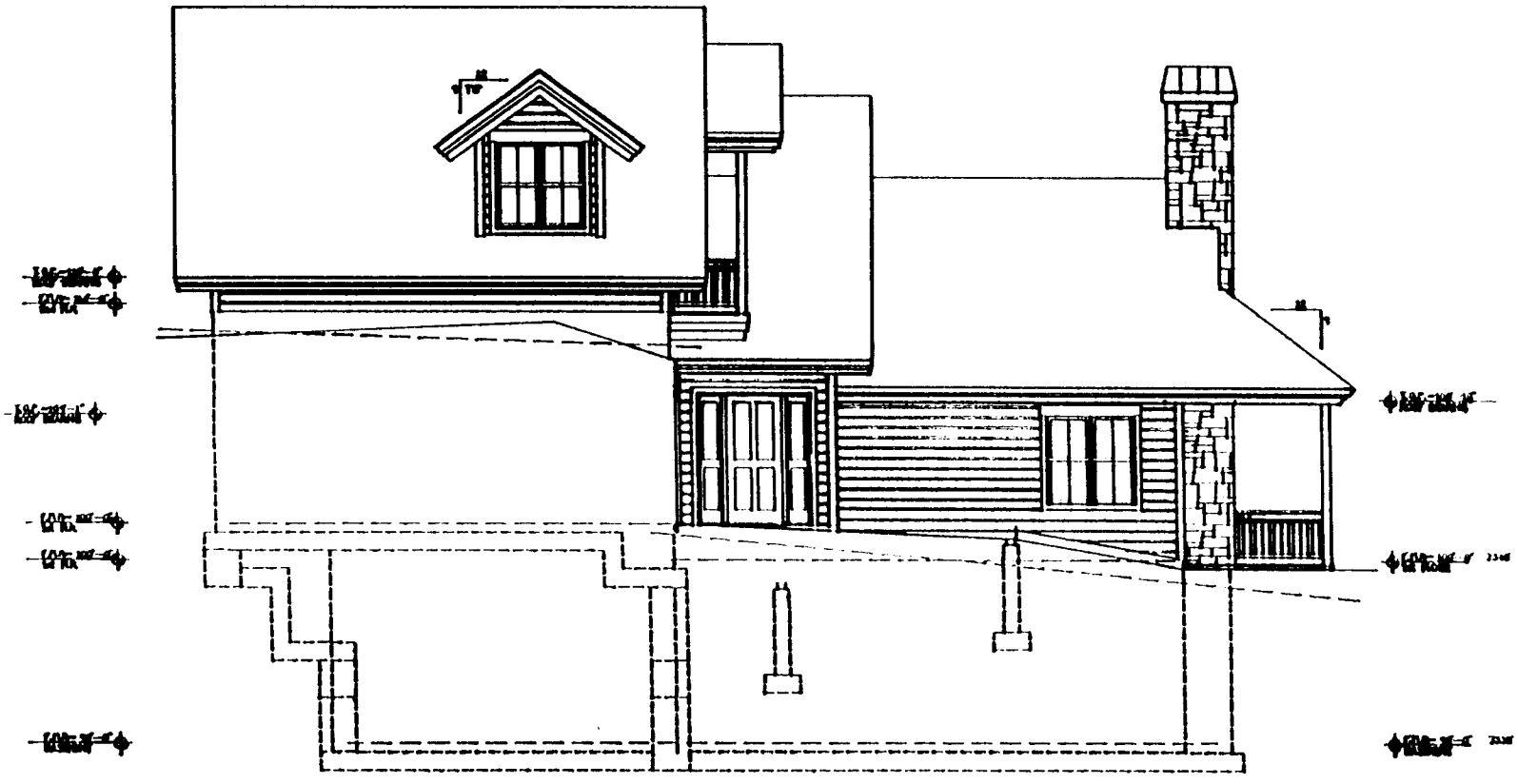


LEVEL 3

1
A7

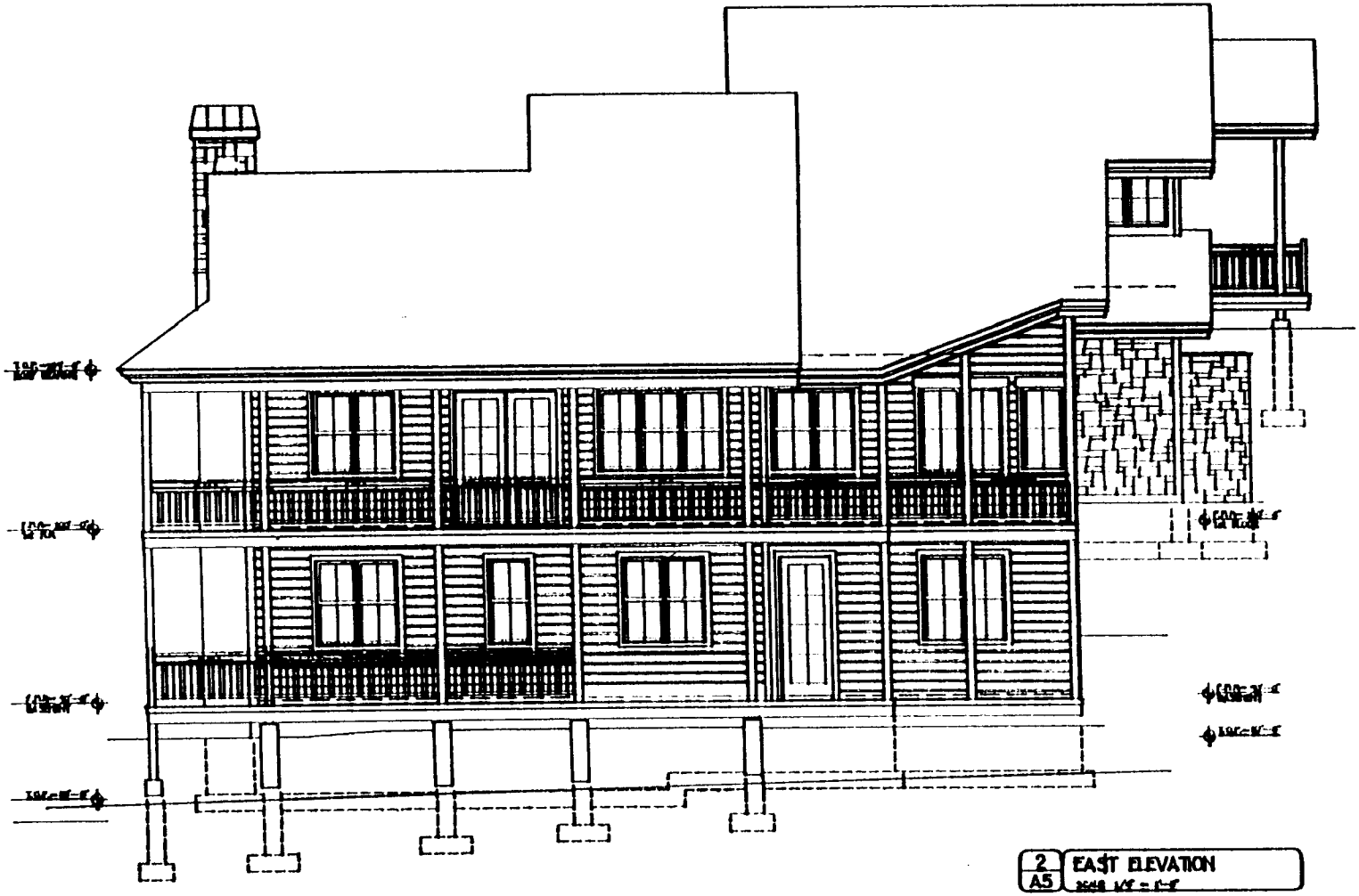
PLAN - 1

SCALE 1/8" = 1'-0"

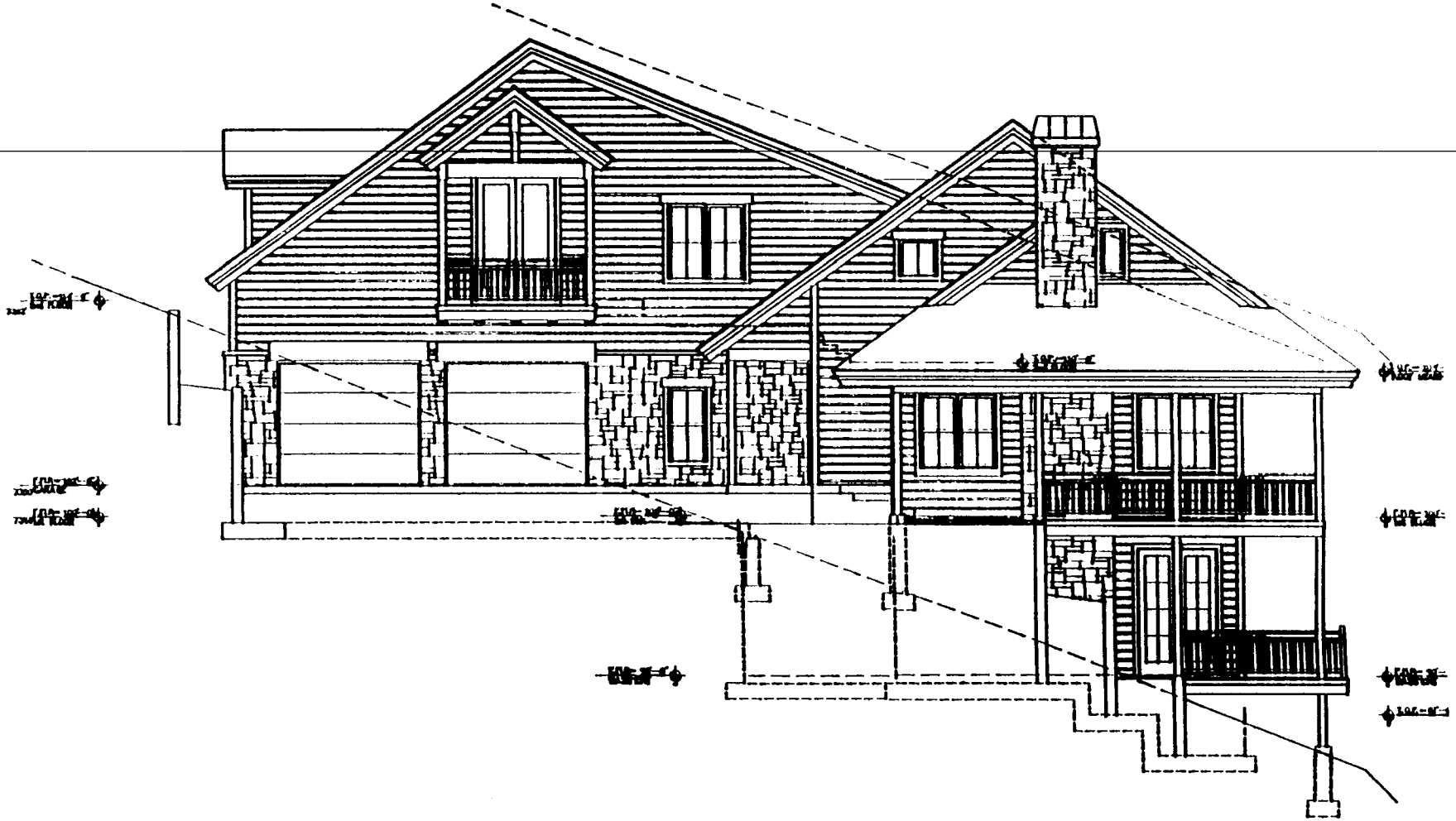


1 A4 WEST ELEVATION

2
A4
NORTH ELEVATION



2 A5 EAST ELEVATION



2
A4
SOUTH ELEVATION

issuance of any building permits. The plan shall address staging, material storage, construction timelines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

6. The exposed interior facades of the garage entryway on Heber Avenue shall use patterned materials and subdued lighting. The final materials and fixtures shall be submitted with the building plans and reviewed and approved by the Planning Staff under the building permit review process.

7. An approximately 220-foot section of the bike path adjacent to the property shall be realigned and widened to a 10' paved standard. The realignment plan shall be submitted to the trails coordinator for review and approval prior to final building permit issuance.

8. Snow shed and roof line forms shall be reviewed and approved for safety compliance by the Chief Building Official prior to building permit issuance.

4. **220 King Road - Lot 2, Treasure Hill Subdivision, Conditional Use Permit for accessory apartment/small scale MPD/plat amendment**

Planner Ryan reported that this matter is scheduled for public hearing this evening and is the third public hearing for this project. The request is for three separate actions:

1. A plat amendment to shift the pad originally approved under the Sweeney Treasure Hill subdivision.

2. A request for a small scale master planned development approval which was a condition of the subdivision plat.

3. A request for an accessory apartment within this proposal.

Planner Ryan noted that much of the public comment expressed concern over the extent of the shift of the plat, the size of the accessory apartment, and the compatibility of the use in the area. Other concerns included height and removal of vegetation in the area. She reported that the Staff has worked diligently with the applicant to address some of the concerns, and the plan being presented this evening is a redesign that is meant to address those concerns. The plat shift has changed based on direction from the Planning Commission to minimize any shift in the plat. The Staff believed the redesign would accommodate a structure that will fit

in the neighborhood and minimize impacts in the area. However, the impacts will be great simply due to the location of the structure. Planner Ryan reported that the revisions were reviewed by the Historic District Commission, and their final action is scheduled for March 17.

Planner Ryan reported on public comments received after the Staff report was prepared. Comments from Carol Sletta echoed Mr. Erlich's comments as identified in the staff report. Both are concerned about construction dust. King Road is not paved, and the concern relates to the significant amount of disturbance that will be created when grading and footings and foundations begin. They felt this would affect them adversely, and they have asked the Planning Commission to look at other types of paving mitigation. Planner Ryan explained that the City usually requires that a road be paved prior to issuance of a certificate of occupancy. These two citizens are requesting that it happen earlier in the process. She noted that Bill Mammen, the architect, brought to her attention that one condition of the Sweeney Master plan calls for a dust free surface. Planner Ryan requested that the Planning Commission discuss the issue in the hope of finding a resolution.

Bill Mammen explained that the revisions to the proposal are large changes, but they might not be immediately visible. The retaining wall is the same in terms of the amount of retaining wall, but it has been shifted so the majority occurs on the west side of the residence. The residence is L-shaped, which puts it in front of the high retaining wall. The north side of the property is almost natural grade, with a minimal amount of retaining for leveling. This is a steep slope which has been leveled off at the entry points only. Maximum grading will be done in areas hidden from everyone except the residents of the house. The shift in the building pad has been refined, and the home is now designed so it should be suitable for everyone. The shift was eight feet into the hillside for the purpose of stairstepping the retaining wall on that side of the house. Without the building pad shift, a 16-foot-high wall would be necessary instead of the proposed eight-foot-high wall stepped by five feet before putting another eight-foot-high wall.

Commissioner Erickson recalled that at a previous meeting the Planning Commission had questioned whether the grading would stay within the limits of disturbance in the building pad area. He felt it would from looking at the new drawings. Mr. Mammen replied that he was correct.

Chair Jones opened the public hearing.

Carol Sletta, a resident at 135 Sampson, was concerned with the massive truck driving up and down one leg of the switchback that currently exists. She was hoping the applicant would be required to pave the road. She referred to comments made by Mr. Mammen and Planner Ryan about making the road dust free and wanted to know how they intend to do that. Ms. Sletta asked how Mr. Sweeney will access his property for construction. Planner Ryan offered to have Planner Whetstone research a response. Ms. Sletta stated that she did not understand why more accessory apartments are necessary in the area. She referred to language in the Staff report and asked what difference it makes if a resident is seasonal or not. Planner Ryan explained that it is neither a positive nor a negative. It is a requirement of the accessory apartment that the landlord be present on the property so the whole unit is not rented out.

Bob Sfire, the property owner, explained that the design was completely different at the last meeting, and because they were turned down twice, they met the following day with Planner Ryan and Planner von Puttkammer to determine exactly what was wanted. The new plan is a result of that meeting and incorporates the requirements of the Planning Commission, the Staff, and the public. He felt it was important for the Planning Commission to understand that the site plan was redesigned and the house was shifted to act as a retaining wall for a visual benefit from town. He noted that this is his third time before the Planning Commission, and he was interested in getting the matter resolved.

Judy Scipioni asked if it would be difficult to require the applicant to pave the road before starting construction or if that is an out-of-the-ordinary request. Chair Jones felt the dust issue could be addressed through a condition of approval since there are several ways of mitigating dust. The disadvantage of paving the road first is that it gets chewed up in the construction process. Ms. Scipioni asked for an explanation of how dust can be controlled. Commissioner Erickson explained that tackifiers and materials that bind the soil together are available. He felt that imposing the burden of paving the road upon one house was an inequitable solution. If the Planning Commission elects to approve the matter, he stated that he would add a condition requiring the applicant to either pave the road or surface it with a material approved by the Community Development Department.

Bill Mammen questioned paragraph 4(f) of the Conditions of Approval for the small scale MPD. Commissioner O'Hara informed him that the Planning Commission will request that 4(f) be deleted because the requirement only applies to parcels 5 acres or larger.

Planner Whetstone responded to the question raised by Ms. Sletta regarding construction access for the Sweeney home by explaining

that there is not a definite construction plan at this time. The Staff is still working with City Engineer Eric DeHaan and Chief Building Official Ron Ivie on the matter. The intention is to have a majority of the larger construction traffic come off the switchback at Empire and Lowell.

Chair Jones closed the public hearing.

Chair Jones noted that this matter has three recommended actions that need to be taken separately.

Plat Amendment

MOTION: Commissioner Erickson moved to APPROVE the amendment to the plat in accordance with the findings of fact, conclusions of law, and conditions of approval relative to the plat outlined in the staff report. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Plat Amendment

1. The proposed amendment will shift the building pad by approximately 5' to the northwest.

2. The proposed amendment will not significantly increase the visual location of the single-family structure.

3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law - Plat Amendment

1. There is good cause for the amendment because no increase in visual impacts will occur through the amendment.

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

Conditions of Approval - Plat Amendment

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code, and these conditions of approval is a condition precedent to plat recordation.

2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval, or this approval is considered null and void.

3. The plat shall note that all conditions of approval, notes, and restrictions of the Treasure Hill Subdivision are in full force and effect.

Small Scale MPD in accordance with the Treasure Hill Subdivision

Commissioner Erickson suggested a revision in the language of the small scale MPD conditions of approval by deleting Condition 4(f) relative to compliance with the Utah Water and Air Quality Standards for this project because they do not apply. He also added Finding #9 to state, "The road accessing this project is not currently paved and is in close proximity to several residential homes, and the road is also used by several other property owners." He felt that would support proposed Condition #5 that reads, "The portion of King Road used to access this project shall be paved or surfaced to control dust in a manner approved by the Community Development Department prior to the issuance of a footings and foundation permit in order to limit dust and disturbance on nearby residents. Further, the Community Development Department shall work to facilitate joint control of dust along this segment of the road with adjacent property owners."

Commissioner Erickson did not wish to make the motion as he was uncomfortable with the entire Sweeney Treasure Hills subdivision. He could vote in favor of the action, but he was not willing to recommend a motion for approval.

MOTION: Commissioner Calder moved to forward a POSITIVE recommendation to approve the small scale MPD in accordance with the Treasure Hills Subdivision Plat with the findings of fact, conclusions of law, and conditions of approval incorporating the additions as stated by Commissioner Erickson regarding paving or other surface to control dust and the elimination of Condition 4(f). Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Small Scale MPD

1. The project is for one single-family structure of approximately 1,976 square foot footprint which includes a garage and an approximately 587-square-foot Accessory Apartment.

2. The project will provide four parking spaces on site.

3. The project is in the HR-1 Zoning District and is subject to final design review from the Historic District Commission.

4. The project is subject to all conditions as recorded on the final subdivision plat for the Treasure Hill Subdivision plat. HDC final design review will ensure compliance with the recorded plat notes.

5. The project is located on a steep and difficult terrain requiring careful construction planning and mitigation.

6. Considerable excavation and dirt handling may be required with this project, and any off-site dirt storage creates the possibility of erosion and wind-borne fugitive dust. Any filling or excavation requires authorization from the property owner and the City and restoration security from the contractor or owner.

7. The Land Management Code and Park City Design Guidelines both address the importance of on-site project lighting and indicate that all landscape lighting and building lighting shall be of a cut-off type in order to be shielded from surrounding areas. As such, building and parking lighting specifications and fixture type and style will be reviewed and approved by the Community Development Department.

8. The applicants have stipulated to the Conditions of Approval.

9. The road accessing this project is not currently paved and is in close proximity to several residential homes. The road is also used by several other property owners.

Conclusions of Law - Small Scale MPD

1. The proposal for Lot 2 is in compliance with the criteria as outlined in Section 6.6 King Road Single Family Lots, of the Sweeney Properties Master Plan Approval Summary, dated June 1, 1990, and the recorded Treasure Hill Subdivision plat and Chapters 10 and 13 of the Land Management Code.

2. The Small Scale MPD at 220 King Road is consistent with the General Plan and will not be contrary to public interest.

3. The building achieved through this Small Scale MPD will be compatible with surrounding structures in use, scale, mass and circulation.

4. Any differences in use or scale have been mitigated through design solutions, planning and conditions of approval.

Conditions of Approval - Small Scale MPD

1. Final design review of 220 King Road is subject to Historic District Commission review and approval.

2. All Standard Project Conditions of Approval shall apply.

3. Lighting plans must be reviewed and approved by the Community Development Department with respect to location, light type, and fixtures under the Historic District Design Guidelines and the Land Management Code.

4. The Developer shall provide a detailed Construction Management Plan (CMP) prior to the issuance of any building permits that address at a minimum:
   a) A construction staging, storage, circulation and parking plan shall be submitted prior to issuance of any building permit.
   b) If the project is phased, each phase of the project shall be designed in order to construct those portions of the on-site circulation system necessary to provide adequate automobile and emergency equipment circulation to the extent required by the Community Development Department.
   c) The developer shall instruct the respective contractors that there is to be no wash-out of concrete trucks on on-site landscape areas. Further, the developer shall identify any off-site dirt storage site with the respective phase, obtain written permission by the owner, and post a financial surety, to the satisfaction of the City that will provide for the rehabilitation of the storage site.
   d) Landscaping shall be addressed prior to any construction activity on site.
   e) Any temporary parking signs, subject to the Public Works Director and City Engineer approval, shall be addressed in the CMP.
   f) The site plans and elevations are subject to final review and approval by the Historic District Commission.
   g) An existing conditions survey that identifies and determines the existing natural grade shall be conducted by the applicant and submitted prior to issuance of a footings and foundation permit. This existing conditions survey shall become part of the final site plans for this project and shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code. A surveyor's certificate of finished floor, tied to USGS elevations, will be submitted to the Building

Department prior to rough framing approval for the purposes of determining height.

g) The Construction Management Plan shall be reviewed in accordance with these Conditions of Approval and all applicable City codes and approved by the Chief Building Official and City Engineer prior to any building permit issuance.

5. The portion of King Road used to access this project shall be paved or surfaced to control dust in a manner approved by the Community Development Department prior to the issuance of a footings and foundation permit in order to limit dust and disturbance on nearby residents. Further, the Community Development Department shall work to facilitate joint control of dust along this segment of the road with adjacent property owners.

Accessory Apartment - Conditional Use Permit

MOTION: Commissioner Calder moved to APPROVE the Conditional Use Permit for an Accessory Apartment, giving consideration to the findings of fact, conclusions of law, and conditions of approval. Commissioner Zimney seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Accessory Apartment

1. The intent and purpose of the Accessory Apartment Ordinance is to encourage and promote affordable housing opportunities while protecting the existing quality of life found in single-family zones throughout the community.

2. The owner is a Park City resident and will reside seasonally at 220 King Road in Park City.

3. Two parking spaces are provided on site for the two bedrooms in the Accessory unit.

4. The proposed apartment is approximately 600 square feet and has two bedrooms.

5. Notice was given to everyone within 300' of the property.

6. There are not more than three accessory units within 300' of this project.

7. The Land Management Code, Section 8.19, requires a deed restriction to be filed with Summit County, a one-year review, and prohibits nightly rentals.

Conclusions of Law - Accessory Apartment

1. The application for an approximately 600-square-foot Accessory Apartment at 220 King Road is in compliance with Accessory Apartment regulations as outlined in Chapter 8.19 of the Park City Land Management Code and the nine criteria that must be satisfied to grant a Conditional Use Permit for this use in the HR-1 District, and;

2. A Conditional Use Permit for an Accessory Apartment at 220 King Road is consistent with the General Plan and will not be contrary to public interest.

3. The Accessory Apartment will be compatible with surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through design solutions, planning, and conditions of approval.

Conditions of Approval - Accessory Apartment

1. Prior to issuance of the building permit for 220 King Road, the applicant shall execute and record a deed restriction in a form approved by the City Attorney.

2. No nightly rentals are allowed.

3. An annual administrative review of the project shall occur one year after this approval.

5. 615 Woodside Avenue - Old Miners' Lodge Subdivision

MOTION: Commissioner Erickson moved to CONTINUE this matter until March 26, 1997. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:50 p.m.

Approved by Planning Commission_____

Commissioner O'Hara reported on a phone call he received from Ann Wilson expressing concern about traffic issues. Ms. Wilson felt the City needs to address the current traffic problems before addressing the future of Flagstaff. She was mostly concerned with traffic problems in the area of Bonanza and Shortline and the lack of safety considerations.

Commissioner Karri Hays-Walzer reported on a phone call she received from Kevin King outlining the same issues contained in the letter the Commissioners received this evening.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 220 King Road, CUP/Small Scale MPD/Plat Amendment

Planner Megan Ryan reviewed an aerial map depicting Lot 2 of the Treasure Hill Subdivision plat that was platted and recorded in approximately 1990. Four single family homes were platted under this subdivision which has prior agreements from the Sweeney master plan of various dates.

The Planning Commission is asked to look at compliance with the nine criteria recorded on the Sweeney/King Road/Treasure Hill subdivision plat. The nine criteria address footprint, building area limits, construction disturbance, height, facade height, massing, sewer, fire and concurrence with prior approvals.

Planner Ryan noted that a second request is for the inclusion of an accessory apartment which is a conditional use in the Historic Residential Zone. The ordinance allows a maximum of 800 square feet and requires one parking space per bedroom. The applicant proposes to include the accessory apartment within the footprint allowed under the plat. The maximum footprint recorded on the plat is no more than 3500 square feet including garages. The accessory apartment plus the single family residence is proposed at 2,028 square feet, of which 600 square feet would be added as the apartment and garage. Four parking spaces are proposed on site. Two spaces are required to be enclosed per the Sweeney/Treasure Hill subdivision plat and a garage is proposed on site.

Planner Ryan clarified that at this time final design is not being approved. A condition of approval states that the final design of this project requires Historic District Commission review. The plans presented are schematic elevations and in no way constitute final design approval.

Planner Ryan reported on a third request to shift the building pad. When the lots were recorded a specific building pad was set with a note indicating that construction disturbance should only be

allowed for a 20-foot parameter around the building area pad. The applicant is requesting to shift the pad approximately fifteen feet to the northwest.

In addition to the letter from Kevin King, Planner Ryan reported that she had received a letter from John Vrabel and a phone call from Steve Elrick expressing various concerns.

Commissioner Michael O'Hara asked for clarification on the dwelling square footage less the accessory apartment. Planner Ryan explained that the proposed footprint is approximately 2,028 square feet which translates into a house that is approximately 3,077 square feet including garage and accessory apartment. The condition for a maximum footprint rather than a house size was put on the plat. The architect, Bill Mammen clarified that 3,077 square feet does not include the garage. Planner Ryan added an additional 600 square feet for the garage making the square footage approximately 3500.

The owner, Bill Sfire, remarked that he and his family wish to build a home in Park City. After doing a lot of research they chose Bill Mammen as the architect based on his reputation and his credentials. Mr. Sfire lives in Michigan and has served on the Historic Preservation Committee in his community. He is trying to work within the bounds allowed on his lot. He and Mr. Mammen have tried to address all the issues and have tried to comply with everything the City wants for the lot. Instead of building one large massive house they chose to break it down by keeping the garage unattached and using other design factors that make the home look like several smaller homes from a distance. Mr. Sfire explained that the building pad shift is requested because the driveway enters the site at a very northerly section and makes a difficult access into the pad allowance at a grade greater than 12%. Mr. Sfire remarked that the lot is off the beaten path of Old Town and is over an acre in size. He looks forward to living in Park City and noted that he and his family did a lot of research in the Rockies before choosing Park City.

The architect, Bill Mammen, presented a drawing to the Planning Commission showing the fine line of the platted limits of disturbance. Mr. Mammen explained that leaving the plat where it currently exists will allow the Sfire's to build their home but the garage would be on the downhill side of the driveway and the driveway would cross a portion of the lot not included in the limits of disturbance. Shifting the pad puts the limits of disturbance within the area that has to be disturbed and opens up the opportunity to put the garage on the uphill side of the driveway. Shifting the pad puts the garage structure into the hillside and away from the town for less visibility and the height

would be sheltered from property owners down below looking up. It also puts the garage in a location that maximizes view potential for the owner from inside the house. Mr. Mammen feels the project meets the nine criteria of the MPD approval and he intends to meet the design criteria governed by the Historic District Guidelines. Mr. Mammen clarified that the requested shift would be to the west and not the north as reported by Planner Ryan. The purpose of the requested shift is for a functional access given the tight constraints of the driveway. There is no other intent or purpose.

Vice-Chair Erickson opened the public hearing.

Kevin King remarked that the matter involves a host of issues. He stated that the request for a small scale master plan is a moot point in light of the fact that the application is not complete. He was unable to find scalable drawings and other information that was not available. He noted that the small scale master plan development review process is identical to the conditional use permit process as per Chapter 1.4-A of the Land Management Code. He read portions of the chapter to make his point. Mr. Hill remarked that the architectural plans were drawn at a scale that left him unable to tell the exact footprint size of the building. In discussions with Planner Ryan he was informed that the drawings were not submitted for site design approval. Mr. King read a paragraph from the Staff report stating that "There is not a great deal of discretion, beyond design, that the Commissioners have in the review of this platted subdivision". Mr. King interpreted that to mean that design is the issue. Mr. King further read, "no conditional use permit shall be issued unless the Department finds that the application complies with all the requirements of the code." He read the requirements from Chapter 1-13-J and remarked that the Chapter presumes that the project does work within all the requirements. He was prepared to show that the project as proposed does not comply with all requirements. In his opinion, Mr. King felt the project was poorly designed. He appreciated wanting to achieve southern light and southern views and felt they would all be blocked if the structure is built as proposed. Mr. King had a problem with the inconsistencies that make it impossible for the Planning Commission to grant anything relative to the application. The site plan does not show the requested building pad shift and he believes the building will not fit even with a shift. Mr. King remarked that the building elevations falsely shows the relative grade with relation to the building shown on the contour plan and offered to prove it. With regards to the plat amendment, Mr. King noted that in architecture school if you have to change the building pad you failed because you failed to learn the lesson imparted on you. Mr. King was unsure why the Planning Commission would consider the matter because the application is incomplete, the project is poorly designed, and there is no logical basis for

requesting the shift. He did not feel the architect even tried to design the structure on the platted site. Mr. King stated that he could not believe that Alliance Engineering or the Sweeney's would sell a site that did not have several potential solutions for the building pad as platted. Mr. King remarked that building the garage on the downhill side was possible and suggested putting the accessory apartment underneath it to create less of an impact on the entire hillside. Mr. King requested denial of the accessory apartment based on the fact that five units already exist on Upper Norfolk within 300 feet of the proposed project. He feels that one year is not enough for a single annual approval of an accessory apartment. The intent is not to have nightly rentals but there is nothing that legally prohibits an owner from renting on a nightly basis after one year of good service. Mr. King could find no mention of where the off street parking space would be located. If they are located where he presumes they will be the cars will not be able to pull out of the garage. Mr. King requested shelving the accessory apartment portion of the application until the legal department can clear up the issues. Mr. King remarked that the Staff maintains that the plans are only conceptual but he spoke with the owner who said this is exactly what he intends to build. Mr. King summarized his requests to deny the accessory apartment, deny the shift in the lot, request that the architect re-design to the existing lot footpad, and require full design plans for the Historic District Commission before returning to the Planning Commission for master plan approval.

Assistant City Attorney, Mark Harrington responded to Mr. King and recommended modifying the condition of approval to require an annual review of the accessory apartment to be one year from certificate of occupancy of the structure. The code specifically says within one year and the City does not have the discretion to go beyond that recommendation. He has spoken with Mr. King about the possibility of proposing amendments to the code which may make sense in the long term for accessory apartment approvals. The City has only dealt with two accessory apartment requests and Mr. Harrington noted that it is an ongoing learning experience. Mr. Harrington referred to the five other units Mr. Kings alleges are within 300 feet and stated that the Planning Commission has the option to table the matter until Mr. King provides addresses to be verified by the City. He believes Mr. King may be confused about the number and noted that there must be three accessory apartments within 300-feet in order to violate the code. Mr. Harrington remarked on the affordability issue and noted that affordability is a policy statement but it was never intended to incorporate affordable regulations.

Pat Sweeney, Lot owner north of Lot 2 represented himself and his brother Mike who owns the lot South of Lot 2. Mr. Sweeney also

spoke from the perspective of being the person who worked with Mark Harrington and the Planning Staff to compile the rules. He noted the number of controls associated with the property. As members of the four lot subdivision, Mr. Sweeney and his brother have the right to veto Mr. Sfire's effort to move the building area limits. Mr. Sweeney remarked that he intends to move up there and cares a lot about the neighbors. He does feel they did a perfect job of designing the lot and after reviewing what Mr. Sfire wants to do and assuring himself that it conforms with the rules, Mr. Sweeney and his brother support the amendment on the building area limits. Mr. Sweeney noted that moving the house up the hill preserves more vegetation and he believes that the building design tends to bury the buildings into the hillside providing a visual benefit. Mr. Sweeney has reviewed the plans and feels that Mr. Mammen has made an honest effort to be accurate. In summary, Mr. Sweeney and his brother Mike support Mr. Sfire in his application and feel that he has faithfully adhered to all the rules of the master plan with the exception of this request to move the limits. Regarding the accessory apartment, Mr. Sweeney pointed out that according to the CC&R's his brother has the right to object and Mike Sweeney wanted everyone to know that he has no objection.

Mary Ana Cirino, a resident on Upper Norfolk, urged the Planning Commission to look at the plans and exhibits prepared by Kevin King. She asked that they not be discounted because they raise issues of grave concern. Ms. Cirino lives on that side of the hill and is worried about land slides and retaining walls that may be found during excavation. Ms. Cirino questioned the survey done by Alliance Engineering because they incorrectly surveyed the lot next door to her requiring it to be resurveyed. She wondered how the parking would be laid out and asked if it was tandem or four across. Ms. Cirino hopes that the Planning Commission looks at the application carefully with an enormous amount of thought. She wants something that fits in rather than something that is repulsive to look at and chews up the land. Ms. Cirino noted that the Staff report quotes the applicant as not wanting to complete designs if he is not permitted the accessory apartment and building pad shift. This leads her to believe that the designs are not complete and if they are not complete she wants to know what everyone is looking at. If she is looking at one thing and six months later it changes to something else she will be angry for being grossly misled. Ms. Cirino requested an explanation by either the architect or the owner as soon as possible.

Mark Huber, a resident in the area, understood the concerns over parking and traffic on Norfolk but was unsure if the house would even be seen when walking down Norfolk. Mr. Huber was positive that no one will be parking on Norfolk and walking through yards to get to King Road. It is already a gated road and if a parking

problem occurs the resort will probably be more concerned than the community. Mr. Huber remarked that the public is used to small lots and small houses and they are thinking on the wrong scale. The lot is over a full acre with a setback in excess of 50 feet. Mr. Huber felt the community was unclear on how far away the house will be in relation to the size of the lot. He pointed out that Mr. Sfire plans to build the same size house on an acre lot that is commonly built on two Old Town lots. Mr. Huber commented on the number of good people like Mr. Sfire who continue to buy property in Park City only to meet opposition from people who do not want anymore people to build in their community. If that is the feeling of the majority, perhaps Park City should post a sign asking people to buy elsewhere because they are not wanted in Park City. Mr. Huber felt the Planning Commission should allow Mr. Sfire to build his home within the constraints of good design and in compliance with the rules and regulations that apply.

John Vrabel, a resident on 143 Norfolk Avenue did not object to Mr. Sfire building a nice house as long as it is done by keeping to the rules. If an accessory apartment does not qualify because of the other apartments in the neighborhood, Mr. Vrabel requested that the matter be given serious consideration before making a decision. Mr. Vrabel did not feel it was necessary for Mr. Sfire to increase the size of his lot and making the structure larger was not in keeping with the scale and framework of the neighborhood.

Mel Uhl, a resident on Sampson Avenue, felt the house size was acceptable but he was concerned about traffic access if the City sets a precedent with this particular structure. Other lots still to be built will be accessed from King Road or Sampson Avenue and will be eligible for the same thing.

Kevin King submitted the same plat presented by Mr. Mammen drawn to a 1/20 scale. The triplex directly below the property has three units and not shown across the street is Mr. Holbrook's property that houses an additional two units. These units have been in existence since the late 1970's. Mr. King submitted the north and south elevations and remarked that the contours have been falsely represented. He used a site plan to demonstrate his reasons for thinking they are false and inaccurate. Mr. King pointed out that the site plan shows the original line of the limits of disturbance from the platted building pad area. The 15 foot shift is indicated higher but it is not shown on the bottom. Mr. King argued that the structure will not fit within the footprint as designed. Mr. King pointed out other reasons why he felt the design was not a workable site solution.

Bob Sfire clarified that in his earlier discussion with Mr. King he never said the plans were exactly complete because they are not.

He thought the City would prefer a home using a 2,000 square foot footprint broken up into two different segments rather than one large 3500 square foot footprint which he would be allowed to do under the current rules of his property. His intent is to have an attractive home that adds to Park City and looks better in Old Town. Mr. Sfire noted that he spoke with six different architects in Park City before choosing Bill Mammen. Mr. Mammen's integrity and background were partly why he was chosen. Mr. Sfire asked Mr. King if he is an architect and Mr. King replied that he is an architectural intern one exam away from being fully registered. Mr. Sfire asked the Planning Commission to consider the whole picture.

Bill Mammen remarked that his blood pressure rises when he hears words like falsely represented. He stated that the topo is accurate and noted that there are some variations from the plans to where the house is drawn. He presented the plans to the Planning Commission showing the proposed revision in comparison to where the house will sit without the requested shift. Mr. Mammen pointed out that the applicant is not asking for anymore building area. They don't need it nor want it. They merely want to shift the building pad to allow building on the lesser slope. He clarified that the Staff report contains the original site plan that was submitted prior to requesting the actual plat change. Mr. Mammen remarked that holding up a legal application for an accessory apartment because someone claims five illegal accessory apartments exist in the neighborhood is the same as giving a ticket to someone on a the highway going 55 miles in a 55 mile zone because they are holding up traffic. Mr. Sfire is following the rules and hopes the Planning Commission will do the same.

Vice-Chair Erickson closed the public hearing.

Planner Ryan reported that the Staff chose to approach the project by looking at the actual compliance with the MPD and to hear feedback on the accessory apartment and plat shift from the Planning Commission. At the same time, they intend to start with the Historic District Commission design review process. Planner Ryan clarified that the application is complete because Section K of the same section Mr. King referred to remands all conditional use permits within the Historic District to the Historic District Commission for final design review and approval. For further clarification, Planner Ryan noted that a certified topo is part of the final condition for the project in addition to the Historic Design review. The Planning Commission has alternatives and the alternative proposed by the Staff is not the one they need to choose. As indicated in the Staff report, the Planning Commission has the option to remand the project back to the Historic District Commission for further design review, or give an indication on the

accessory apartment and plat that is needed prior to going into the HDC design process.

Planner Ryan referred to accessory apartments and a provision that requires them to be recorded with the County and states that they are not transferrable to another owner. Specific language in Section 8 also indicates that no nightly rentals are allowed. She agreed that monitoring is an issue but nightly rentals are prohibited and the City has the right to enforce it. If the Planning Commission requests, Planner Ryan offered to search out the illegal apartments in the area and make them comply with the ordinance.

Commissioner Calder wanted to know what will happen to existing illegal apartments. Planner Ryan explained that the owners will have to submit an application and the apartment will go through the accessory apartment process and requirements. If it cannot conform with the regulations under the code the apartment will be deemed illegal and the use would be prohibited. Planner Ryan clarified that the code allows for no more than three accessory apartments within 300 feet.

Commissioner O'Hara referred to Condition of Approval 4.f. addressing Air Quality and Water Quality Standards and clarified that those standards only apply to five acre areas or larger. He suggested that they be deleted from the conditions of approval for small areas.

Commissioner O'Hara remarked that he generally favors building the home but he had concerns with the Land Management Code provisions, specifically the size of the apartment. He stressed the importance of making sure the accessory apartment is no greater than one-fourth of the total square footage and he asked for verification. Commissioner O'Hara requested a review of the tandem parking issue and compliance with accessory apartments within 300 feet.

MOTION: Commissioner O'Hara moved to table the matter until the requested information can be provided. Commissioner Hays-Walzer seconded the motion.

Vice-Chair Erickson asked for clarification on the length of the driveway. If the Planning Commission elected to take action, Vice-Chair Erickson requested that the conditions of approval state the final size of the buildings and the final limits of disturbance. He felt they should be provided with a set of drawings that represents the location of the building as proposed. It was unclear from the drawings in the Staff report where the limits of disturbance was moving. He requested that the architect provide accurate drawings showing the revised limits of disturbance.

Mr. Mammen stated that it is impossible to finalize the design without knowing if the Planning Commission will grant them the criteria they can live with. It was established with the Staff and now the Planning Commission is going totally against the Staff recommendation.

Vice-Chair Erickson requested action on the motion to continue and he requested that the conditions of approval find some means of tying the approval to what was applied for.

VOTE: The motion passed unanimously.

2. <u>13 Hidden Splendor - CUP for Garage</u>

Planner Kirsten Whetstone reviewed the request for a conditional use permit to construct a garage at the rear of an existing single family house located at 13 Hidden Splendor Court at the Park City Golf Course. A conditional use permit is required due to a 1977 agreement that gave parts of remnant land from the golf course to these lots. The agreement states that the only uses allowed are for private recreation uses. Garages and other similar uses require a conditional use permit. The Staff reviewed the request under Section 1.13-J, the Standards for Review for Conditional Use Permits that include compatibility in use, mass, scale, circulation, and mitigation of use. The Staff found that the conditional use request met those criteria and recommended approval with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Vice-Chair Erickson opened the public hearing.

There was no input.

Vice-Chair Erickson closed the public hearing.

MOTION: Commissioner Hays-Walzer moved to APPROVE the conditional use permit for the garage at 13 Hidden Splendor with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Calder seconded the motion.

VOTE: The motion passed unanimously.

<u>Conditions of Approval - 13 Hidden Splendor</u>

1. Al Standard Project Conditions shall apply.

2. The front of the property, from the front porch to the front property line, shall be designated by this Conditional Use Permit as a permanent no build area (See Site Plan, Exhibit

PARK CITY
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CITY COUNCIL STAFF REPORT

DATE: **4/17/1997 Meeting**
DEPARTMENT: **Community Development Department**
AUTHOR: **Ted Knowlton**
TITLE: **The Cove at Eagle Mountain Phase I - Final Plat**
TYPE OF ITEM: **Possible Action**

SUMMARY RECOMMENDATIONS: Approve the Final Plat, with conditions outlined in this staff report, for Phase I of the Cove at Eagle Mountain.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS:

Project Name:	The Cove at Eagle Mountain Phase I
Applicant:	Jack Johnson Company - Jeff Graham
Location:	North of #10 Hole at Park Meadows Golf Course
Proposal:	Final Plat
Zoning:	RD-MPD
Adjacent Land Uses:	Single Family Residential, Vacant, Golf-Course
Project Planner:	Ted Knowlton
Staff Recommendation:	Approve with conditions

B. Background

Formerly known as East Cove, The Cove at Eagle Mountain Phase I is part of the Quarry Mountain MPD which was approved April 28, 1994. The Quarry Mountain MPD was divided into the East Cove, the North Slope and the South Slope. Phase I of the East Cove (the Cove at Eagle Mountain) is located North of the Fairway Meadows Subdivision and West of the Westridge Subdivision. On November 8, 1995, the East Cove preliminary plat was approved by the Planning Commission. 118 multi-family

units were approved in the preliminary plat process. Phase I represents 76 of these units and is approximately 36 acres. Construction is currently underway.

C. Analysis

The following issues were not finalized at the time of preliminary plat approval:

Soil Stability
The Phase II portion of the Cove at Eagle Mountain, not part of this current application, is in an area which has been identified as having soil stability problems. The applicant has been working with the Chief Building Official to demonstrate that an adequate geo-technical response to the soil problems can be provided. Due to the importance of this issue on the long-term viability of the project as a whole, a condition of approval will be included which requires approval of the geo-technical plan prior to plat recordation for Phase I.

Trails and Amenities
The preliminary plat conditioned the trails and project amenities to be "completed prior to, or concurrent with the first phase of the project." The developer has agreed to complete all public and private amenities by September 1, 1998, concurrent with Phase I construction. A condition of approval will codify this agreement. The Amenities plan (Exhibit C) identifies the location of the trails and amenities. An eight-foot wide concrete public sidewalk will run along the western portion of Meadows Drive from American Saddler Drive to the northern road entrance of this phase. A four-foot wide asphalt private path will connect this sidewalk to the clubhouse. Private amenities in addition to the clubhouse include a swimming pool and tennis courts.

Access to Adjacent Property
The East Cove preliminary plat showed a road stubbing out to the Forsey parcel (see Exhibit B), which otherwise would have been landlocked. Because the only available point of access for this parcel is through the Cove, an easement is delineated on the Cove at Eagle Mountain Phase I final plat. A condition of approval is attached in regard to this access issue.

D. Department Review

The Community Development Department, City Engineer, Chief Building Official, and City Attorney's Office have reviewed this application. Their concerns have been addressed by the applicant. The City Engineer and City Attorney will review and approve the content and form of the final plat and CC&Rs prior to plat recordation. A financial security for completion of the trails and amenities, in the amount and form satisfactory to the City Engineer and City Attorney, will be a condition precedent to plat recordation. This financial security has already been submitted by the applicant.

E. Planning Commission Action

On March 26, 1997 the Planning Commission held a public hearing on this plat. The Planning Commission voted unanimously to forward a positive recommendation to the City Council with the Findings of Fact, Conclusion of Law, and the Conditions of Approval outlined in this staff report. This includes Condition of Approval #6 added at the request of the Planning Commission.

PUBLIC INPUT:

The property was posted and legal notice sent to all property owners within 300 feet on March 10, 1997. As of April 10, 1997 no public input has been received on this proposal; this includes the March 26th Planning Commission meeting.

RECOMMENDATION:

The staff recommends the City Council approve the Final Plat, with conditions outlined in this staff report, for Phase I of the Cove at Eagle Mountain. Both staff's recommendation and the Planning Commission recommendation are based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The project is part of the Master Planned Development approved as Quarry Mountain, approved by the Planning Commission April 28, 1994.

2. The Cove at Eagle Mountain is in an area which has been identified as having soil stability problems.

3. The property was posted and legal notice published according to requirements of the Land Management Code. Proper notice was sent to all property owners within 300 feet of the property in question.

4. The Forsey parcel has no platted access.

5. On March 26, 1997, the Planning Commission voted to forward a positive recommendation to City Council to approve the Cove at Eagle Mountain Phase I Final Plat with the conditions stated in this staff report.

Conclusions of Law:

1. The final plat for the Cove at Eagle Mountain Phase I is consistent with the Quarry Mountain MPD, April 28, 1994.

2. The proposal, as conditioned, will be consistent with the Park City Comprehensive Plan and the Land Management Code, including Chapter 15.

3. Given the orderly relationship between the Forsey parcel and the street layout of the Cove, it is appropriate for the Cove at Eagle Mountain to provide access to the Forsey Parcel.

4. There is good cause for the proposed plat.

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

Conditions of Approval:

1. All Standard Project Conditions shall apply.

2. The Cove at Eagle Mountain Phase I amenities, including the public sidewalk and all private recreation facilities, will be completed by September 1, 1998 or shall be completed through a financially secured construction contract.

3. The Cove at Eagle Mountain Phase I Final Plat shall meet all applicable conditions of approval from the Quarry Mountain MPD approval of April 28, 1994 and the East Cove Preliminary Plat approval of November 8, 1995.

4. A 40-foot wide access easement adjacent to the Forsey Parcel shall be delineated on the Cove at Eagle Mountain final plat.

5. A financial security for completion of the trails and amenities, in the amount and form satisfactory to the City Engineer and City Attorney, is a condition precedent to plat recordation.

6. The applicant shall comply with applicable Utah Air Quality standards regarding dust mitigation and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.

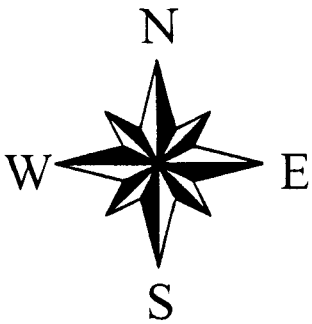
7. The applicant will record the final plat with the County within one year from the date of City Council approval. If recordation has not occurred within this one year time frame, this approval and the plat will be void.

8. City Engineer and City Attorney review and approval of the plat for compliance with the Land Management Code, Utah State Code and these conditions of approval is a condition precedent to plat recordation.

EXHIBITS:

Exhibit A: Location Map
Exhibit B: Final Plat
Exhibit C: Amenities Plan
Exhibit D: Standard Project Conditions

The Cove at Eagle Mountain, Phase I



PARK CITY
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EXHIBIT A: VICINITY MAP

EXHIBIT "B"

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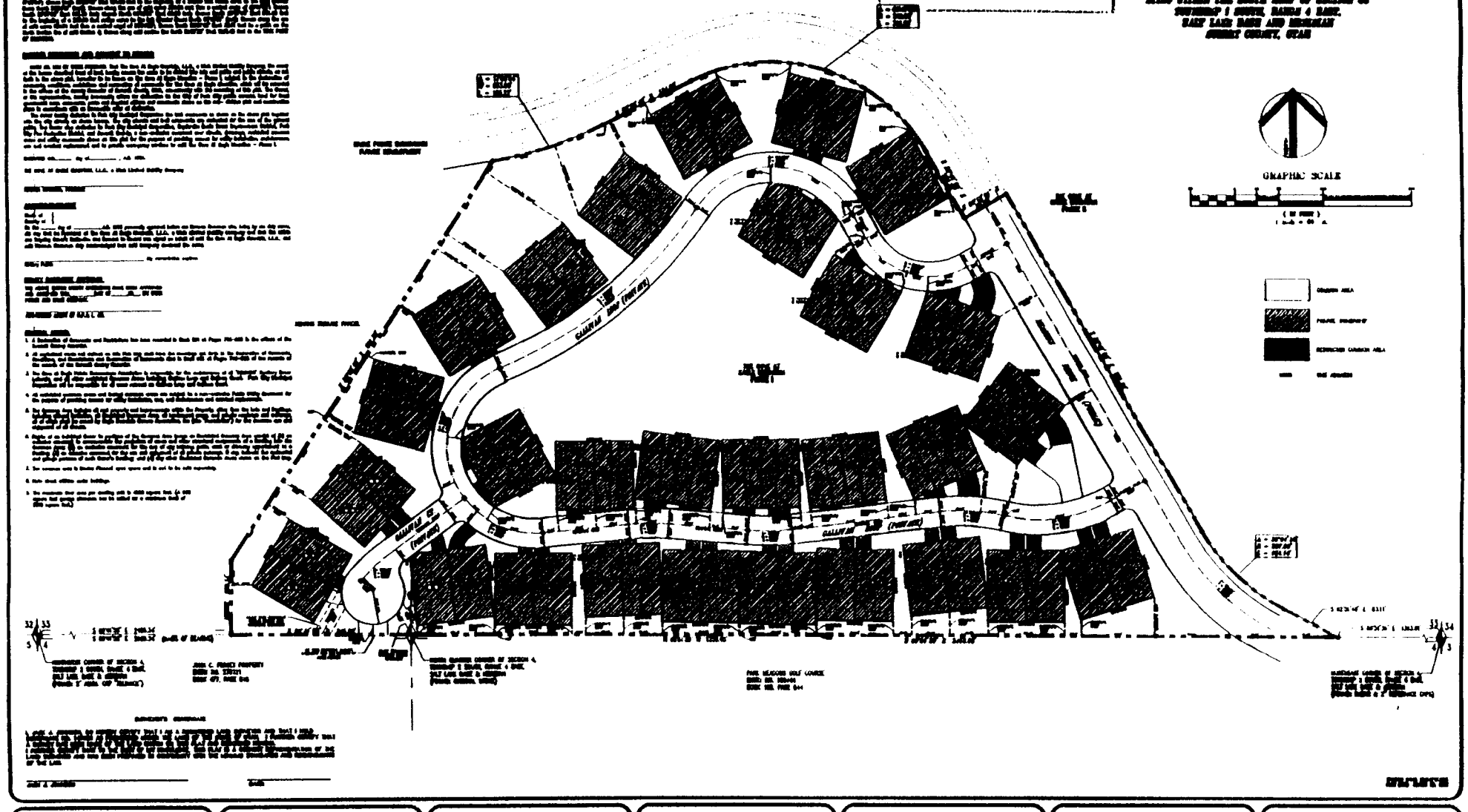
MAR 19 1997
PARK CITY
PLANNING DEPT.

THE COVE AT EAGLE MOUNTAIN
PHASE I
A PLANNED UNIT DEVELOPMENT
LYING WITHIN THE SOUTH HALF OF SECTION 36
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT APPROVAL	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS _____ DAY OF _____ A.D. 19__ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AND ACCEPTED BY THE _____ CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 19__	APPROVED AND ACCEPTED BY THE _____ CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 19__	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS _____ DAY OF _____ A.D. _____	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19__	No. _____ STATE OF _____ COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF: _____
MAYOR _____ CITY RECORDER _____	CITY ENGINEER _____	CHAIRMAN _____	S.B.S.I.D. _____	CITY ATTORNEY _____	COUNTY RECORDER _____

THE JACK JOHNSON COMPANY
1910 Prospector Avenue • Park City, Utah 84060
(801) 649-8090 • fax (801) 649-9266

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EXHIBIT "C"

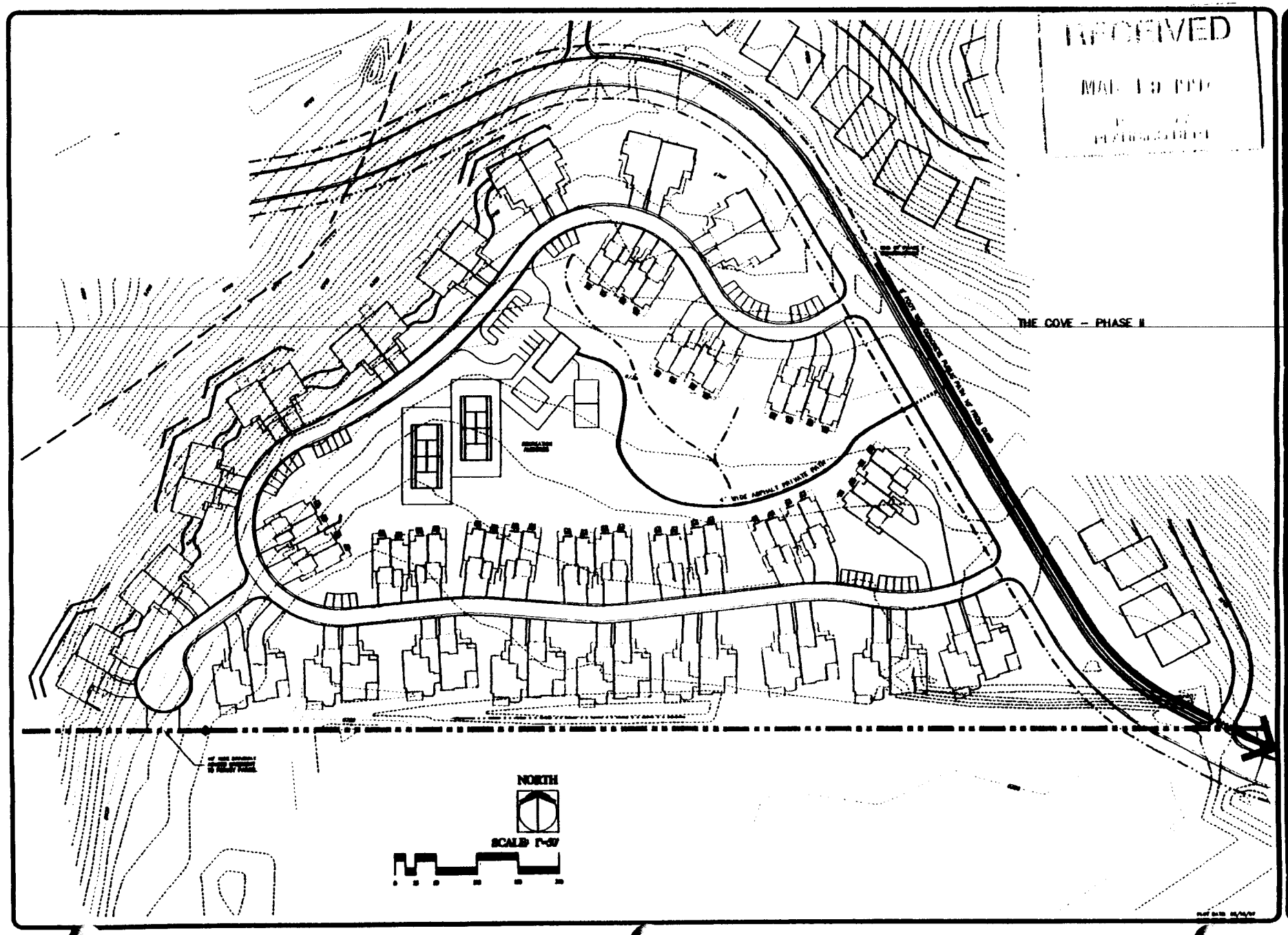

RECEIVED
THE COVE - PHASE II
NORTH
SCALE 1"=50'
THE JACK JOHNSON COMPANY
THE COVE AT EAGLE MOUNTAIN
PHASE I
AMENITIES PLAN

EXHIBIT "D"

1997

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.

3. The applicant is responsible for compliance with all conditions of project approval.

4. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

5. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof.

6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.

7. Final grading, drainage, utility, erosion control and revegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

8. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.

9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.

10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.

11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.

12. Access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.

14. Lockout units are not permitted unless specifically approved.

15. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.

Ordinance No. 97-

AN ORDINANCE APPROVING A FINAL PUD SUBDIVISION PLAT FOR THE COVE AT EAGLE MOUNTAIN PHASE 1, LOCATED WITHIN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owner of the property located within the South half of Section 33, Township 1 South, Range 4 East, Park City, Utah and known as the Cove at Eagle Mountain Phase I, have petitioned the City Council for approval of a final PUD subdivision plat; and

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

WHEREAS, on March 26, 1997, the Planning Commission held a public hearing to receive public input on the proposed plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 17, 1997 the City Council reviewed the proposed plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The project is part of the Master Planned Development approved as Quarry Mountain, approved by the Planning Commission April 28, 1994.

2. The Cove at Eagle Mountain is in an area which has been identified as having soil stability problems.

3. The property was posted and legal notice published according to requirements of the Land Management Code. Proper notice was sent to all property owners within 300 feet of the

property in question.

4. The Forsey parcel has no platted access.

5. On March 26, 1997, the Planning Commission voted to forward a positive recommendation to City Council to approve the Cove at Eagle Mountain Phase I Final Plat with attached conditions of approval.

SECTION 2. CONCLUSIONS OF LAW.

1. The final plat for the Cove at Eagle Mountain Phase I is consistent with the Quarry Mountain MPD, April 28, 1994.

2. The proposal, as conditioned, will be consistent with the Park City Comprehensive Plan and the Land Management Code, including Chapter 15.

3. Given the orderly relationship between the Forsey parcel and the street layout of the Cove, it is appropriate for the Cove at Eagle Mountain to provide access to the Forsey Parcel.

4. There is good cause for the proposed plat.

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

SECTION 3. PLAT APPROVAL. The subdivision plat, known as the Cove at Eagle Mountain Phase 1 Subdivision PUD plat is hereby approved as shown on Exhibit A, with the following conditions:

1. All Standard Project Conditions shall apply.

2. The Cove at Eagle Mountain Phase I amenities, including the public sidewalk and all private recreation facilities, will be completed by September 1, 1998 or shall be completed through a financially secured construction contract.

3. The Cove at Eagle Mountain Phase I Final Plat shall meet all applicable conditions of approval from the Quarry Mountain MPD approval of April 28, 1994 and the East Cove Preliminary Plat approval of November 8, 1995.

4. A 40-foot wide access easement adjacent to the Forsey Parcel shall be delineated on the Cove at Eagle Mountain final plat.

5. A financial security for completion of the trails and amenities, in the amount and form

satisfactory to the City Engineer and City Attorney, is a condition precedent to plat recordation.

6. The applicant shall comply with applicable Utah Air Quality standards regarding dust mitigation and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.

7. The applicant will record the final plat with the County within one year from the date of City Council approval. If recordation has not occurred within this one year time frame, this approval and the plat will be void.

8. City Engineer and City Attorney review and approval of the plat for compliance with the Land Management Code, Utah State Code and these conditions of approval is a condition precedent to plat recordation.

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

PASSED AND ADOPTED this 17th day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

M:\CDD\TMK\1997\CC\COVE1.ORD

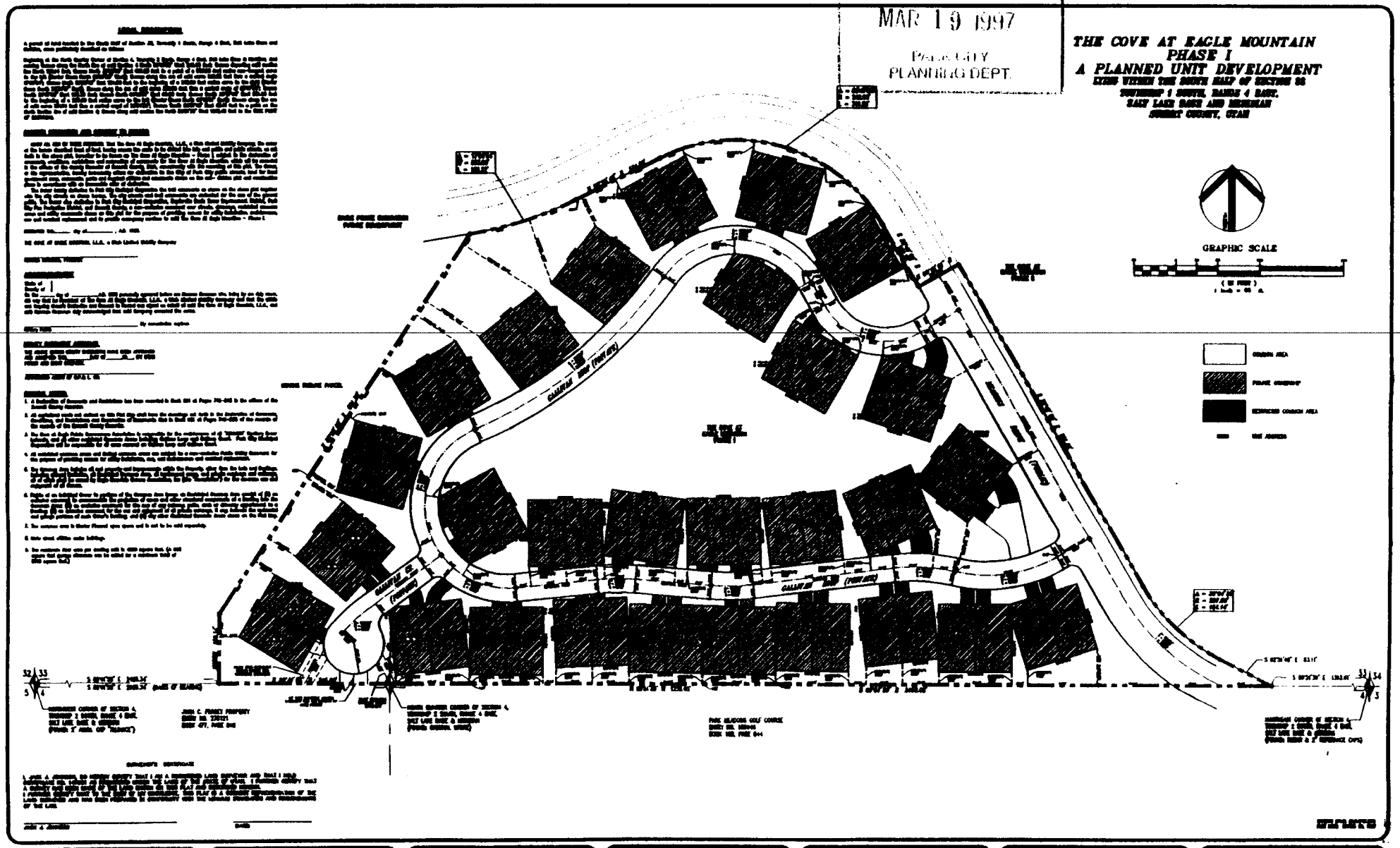
EXHIBIT "A"

RECEIVED

MAR 19 1997

PARK CITY
PLANNING DEPT.

THE COVE AT EAGLE MOUNTAIN
PHASE I
A PLANNED UNIT DEVELOPMENT
LYING WITHIN THE SOUTH HALF OF SECTION 36
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT APPROVAL	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS _____ DAY OF _____ A.D. 19__ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AND ACCEPTED BY THE _____ CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 19__	APPROVED AND ACCEPTED BY THE _____ CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 19__	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS _____ DAY OF _____ A.D. _____	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19__	Nº _____. STATE OF _____. COUNTY OF _____. RECORDED AND FILED AT THE REQUEST OF:
MAYOR	CITY ENGINEER	CHAIRMAN	S.B.S.I.D.	CITY ATTORNEY	COUNTY RECORDER
RECORDER					

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PARK CITY
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CITY COUNCIL STAFF REPORT

Date: April 17, 1997
Department: Community Development Department
Author: Kevin LoPiccolo
Title: 7447 Royal Street East, Black Bear Lodge Final Condominium Plat
Type of Item: Legislative

Summary Recommendations: Approve the final condominium plat for the Black Bear Lodge at Deer Valley with the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in this staff report.

Description

A. Topic

Project Information:

Applicant:	Don Sargent, Jack Johnson Company
Location:	7447 Royal Street East, Lot 22 Deer Valley Club Estates Subdivision
Proposal:	Final condominium plat for 53 units for Black Bear Lodge
Zoning:	RD-MPD (Residential Development District - Master Planned Development)
Adjacent Land uses:	Condominiums, single - family, fire station
Date of Application:	December 12, 1996
Staff Recommendation:	Forward a positive recommendation to the City Council with conditions

B. Background Information

On May 10, 1995 the Planning Commission approved a Master Planned Development for the 53 unit Black Bear Lodge at Deer Valley condominium project. The density and heights are consistent with the Deer Valley Resort Seventh Amended MPD and the Black Bear

Lodge MPD. This project provides pedestrian connections to the adjacent properties by trails and walkways. Each unit ranges in size from 1,500 to 2,500 square feet.

This request is for approval of the final condominium plat for Black Bear Lodge Condominium project. A final plat must be recorded with the County in order for the current owner to sell ownership interest to other parties. The Black Bear Lodge Condominiums are currently under construction according to the approved building plans on file at the City's building department. The 53 unit project is being constructed in one phase (Exhibit A).

On March 26, 1997 the Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council to approve the final plat for Black Bear Lodge at Deer Valley.

C. Analysis

This condominium project is currently under construction. The project consist of 53 units with an underground parking structure with access to Royal Street East. The proposed condominium plat is consistent with the Land Management Code, approved Black Bear Lodge MPD plans, and the approved building plans. The plat changes the type of ownership of this parcel to condominium ownership.

D. Department Review

The City's Staff Review Team has reviewed this application and found it to be in conformance with all requisite city development codes. The City Attorney's office will review and approve the plat and CC&R's prior to recordation.

E. Public Input

Property owners within 300 feet of the project were notified on March 11, 1997. The property was properly posted and legally noticed. As of this date of this report, staff has received a comment on the approved height limit of the Lodge. Staff has verified the height limit with the approved building plans and found them to be in compliance with the approved height limit of 40 feet.

Recommendation

Staff recommends approval of the final condominium plat for 7447 Royal Street East, Black Bear Lodge, based upon the following:

Findings of Fact

1. The proposal involves a development currently under construction pursuant to the Black Bear Lodge MPD, approved on May 10, 1995

2. The plat is consistent with the Planning Commission approval of May 10, 1995 for the Black Bear Lodge MPD and the Deer Valley 7th Amended MPD.

3. The proposed plat changes the type of ownership of this property to condominium ownership.

4. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

5. On March 26, 1997 the Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the final plat for Black Bear Lodge at Deer Valley.

6. The loft space created by the vaulted ceiling above the central core of Units 306, 402, 403, 404, 407, 408, 430, 431, 450, 451, is not habitable space, and may not be occupied or further improved. This language shall be placed on the plat as a note prior to recordation.

Conclusions of Law

1. There is good cause for this condominium plat.

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

3. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

4. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominium plats.

Conditions of Approval

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's) for compliance with State Law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including conditions of approval for the Black Bear Lodge MPD shall apply.

3. All standard project conditions shall apply.

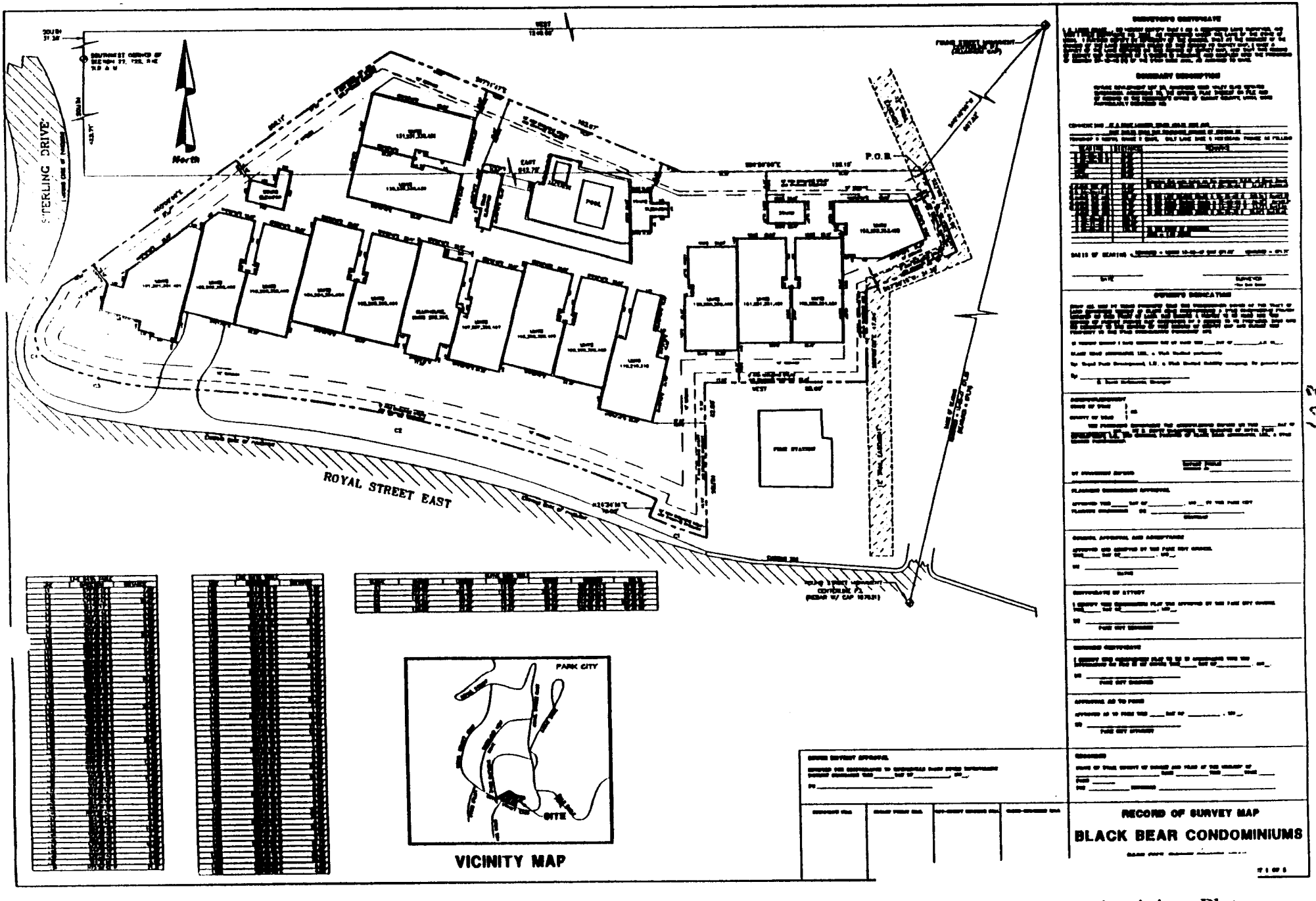
4. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be considered void.

6. The loft space created by the vaulted ceiling above the central core of Units 306, 402, 403, 404, 407, 408, 430, 431, 450, 451, is not habitable space, and may not be occupied or further improved. This language shall be placed on the plat as a note prior to recordation.

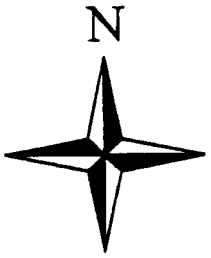
Exhibits

A. Proposed Condominium plat
B. Vicinity Map
C. Proposed Ordinance



A. Proposed Condominium Plat

7447 Royal St.



PARK CITY
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B. Vicinity Map

Ordinance No. 97-

AN ORDINANCE APPROVING A FINAL CONDOMINIUM PLAT FOR THE BLACK BEAR LODGE AT DEER VALLEY, A UTAH CONDOMINIUM PROJECT LOCATED AT 7447 ROYAL STREET EAST, OF LOT 22 AMENDED DEER VALLEY CLUB ESTATES SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners, Black Bear Association, LTD, of the property at 7447 Royal Street East, lot 22, Amended Deer Valley Club Estates Subdivision, Park City, Utah and to be known as the Black Bear Lodge at Deer Valley, have petitioned the City Council for approval of a condominium plat; and

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

WHEREAS, on March 26, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed plat changes the type of ownership of this property to condominium ownership.

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed condominium plat.

SECTION 3. PLAT APPROVAL. The condominium plat, known as the Black Bear Lodge at Deer Valley Condominium plat, at 7447 Royal Street East, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants, and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including conditions of approval for the Black Bear Lodge MPD shall apply.

3. All Standard Project Conditions shall apply.

4. A financial guarantee in an amount acceptable to the City Engineer, for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

6. The loft space created by the vaulted ceiling above the central core of Units 306, 402, 403, 404, 407, 408, 430, 431, 450, 451, is not habitable space, and may not be occupied or further improved. This language shall be placed on the plat as a note prior to recordation.

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

PASSED AND ADOPTED this 17 Th day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

9 April 1997

MEMORANDUM

TO: Jan Scott
City Recorder

FROM: F.M. Bell
Chief of Police

SUBJECT: Interlocal Agreement (Resolution)

The Summit County Sheriff's Office has taken possession of a motor home which has been modified as a mobile command post. This vehicle gives city and county emergency services the capability to establish a mobile headquarters at the scene of any major incident requiring delivery of a variety of emergency services. It is anticipated that police, fire, and medical services will use this vehicle through the attached inter-local agreement. In addition, Park City and the Fire District are making financial contributions in the amount of $10,000 each for manufacture of this vehicle (total price is about $80,000).

We would like to participate in the use of this vehicle through the interlocal agreement. According to the legal department, the agreement needs to proceed through council via a resolution. Could I ask you to draw up an appropriate resolution and schedule it for the consent agenda for April 17th?

Resolution No. -97

RESOLUTION AUTHORIZING PARK CITY MUNICIPAL CORPORATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH PARK CITY FIRE SERVICE DISTRICT AND SUMMIT COUNTY

WHEREAS, Section 11-13-1 et seq. Utah Code Ann. 1953, as amended, commonly known as the Interlocal Cooperation Act, permits local governmental agencies to make the most efficient use of their services and facilities by enabling them to cooperate with other localities on a basis of mutual advantage for the general welfare of their citizens; and

WHEREAS, Summit County has acquired a mobile vehicle with the potential of functioning as a command post and delivering a variety of emergency services in the event of a major incident if properly modified and equipped; and

WHEREAS, Exhibit A, an Interlocal Agreement with Park City Municipal Corporation, Park City Service District and Summit County, attached hereto, will enhance City and County emergency services through the financial participation of all parties in the funding of retrofitting the above-referenced emergency vehicle; and

WHEREAS, the City Council finds it in the best interests to protect the health and safety of its citizens;

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

SECTION 1. AUTHORIZATION TO EXECUTE INTERLOCAL AGREEMENT. The City Council hereby authorizes the Mayor to execute the Interlocal Agreement, attached hereto as Exhibit A, between Park City Fire Service District, Summit County, and Park City Municipal Corporation.

SECTION 2. EFFECTIVE DATE. This Resolution becomes effective upon adoption. The Interlocal Agreement becomes effective upon the execution of all parties.

PASSED AND ADOPTED this 17th day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradlely A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

Exhibit A

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
PARK CITY FIRE SERVICE DISTRICT,
SUMMIT COUNTY, AND
PARK CITY MUNICIPAL CORPORATION

This agreement made and entered into this_____ day of _____ 199___ , (pursuant to the provisions of the Interlocal Cooperation Act (UCA 11-13-1 U.C.A. et. seq., as amended), by and between the PARK CITY FIRE SERVICE DISTRICT, (hereinafter referred to as "District"), and SUMMIT COUNTY, a political subdivision of the State of Utah, (hereinafter referred to as "County"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah (hereinafter referred to as "City").

WITNESSETH

WHEREAS, pursuant to Chapter 13, Title 11 of the Utah Code Annotated 1953, as amended, governmental entities can enter into Interlocal Cooperation Agreements; and

WHEREAS, for the purpose of providing more timely and adequate responses to emergency and catastrophic situations of all kinds, by their respective police, fire, and sheriff's departments, the parties have agreed to enter into a mutually satisfying working relationship concerning a 1992 32-foot Sun Voyager motor home, which is in the process of being converted to a mobile command center by the Sheriff's Department of Summit County; and

WHEREAS, said vehicle is being equipped with dual and separate emergency dispatch stations, three work stations, a television, and video cassette recording hookup and other electronic devices for emergency use; and

WHEREAS, the Sheriff's Department of Summit County purchased said vehicle for the purpose of converting the same to a mobile command center to be utilized in top priority emergency situations; and

WHEREAS, each of the parties hereto desire to provide services to their citizens and agree that the purpose of this agreement is to permit the parties to cooperate together to insure that the mobile command center will be used in the most efficient and effective manner possible; and

WHEREAS, this agreement has been approved by the Board of County Commissioners of Summit County, the Administrative Control Board of the Park City Fire Service District, and the City Council of Park City Municipal Corporation.

NOW, THEREFORE, BE IT RESOLVED that this agreement includes the following premises, terms and conditions:

Section 1. Purpose

The purpose of this agreement is to authorize the utilization of the Mobile Command Center in any top priority emergency and when not utilized for emergency, fire, or police protection services the same may be used in special community events and functions upon request by each party hereto. The primary purpose of this agreement is to provide more adequate, more complete emergency response by the respective police, sheriffs and fire districts involved with the primary view to the utilization of said emergency command center on a cooperative basis.

NOW, THEREFORE, the parties hereto for good and valuable consideration, hereby agree as follows:

1. It is agreed that Summit County, through its Sheriff's Department, has purchased said command center and will provide funds for most of the conversion costs and in consideration thereof, said Sheriff's Department of Summit County shall have priority in the use of said vehicle, all other facts and circumstances being equal. It is further agreed that Park City, through its police department, and Park City Fire Service District shall have each contributed the sum of $10,000.00 to the purchase and installation of necessary emergency dispatch stations and television and other electronic hook ups required to make said mobile command center fully operational.

2. It is further agreed that the parties hereto making a request for the utilization of said command center will provide a qualified driver/operator and be responsible for all upkeep, maintenance, and any damage caused during the operation of said vehicle.

3. Each of the parties hereto agree to assume through their own perspective insurance policies, any damage incurred on the vehicle in the event of an accident involving said vehicle while under their care or use.

4. County agrees to provide for the storage and housing of said vehicle in a Summit County facility under the control of the Sheriff's Department. It is further agreed that all requests for usage will be submitted to the Sheriff's Department of Summit County who will coordinate the usage thereof on a cooperative basis.

5. It is further agreed that the cost of maintenance and routine repairs of said vehicle shall be provided by County, If a party damages said vehicle, that party shall solely bear the costs and expenses of those repairs.

6. This agreement shall remain effective from the date of its execution by the parties hereto for a period of two years unless terminated by any party hereto. If not terminated prior to the end of said two-year period, the agreement shall continue in effect for an additional two-year period. Should this agreement be terminated, the Mobile Command Center will be the property of Summit County.

7. This agreement may be terminated prior to the expiration of the two-year period only by all parties hereto upon 90 days prior written notice.

8. This agreement shall not abe assigned to any other legal entity without the prior written consent of all the parties hereto.

9. This agreement shall not be modified or amended, except in writing, and before any amendment is effective it shall be signed by the duly authorized representative of the member entities.

10. This agreement shall not be effective until approved by a resolution of the governing body of each member entity. Each entity agrees that a signed copy of this agreement will be filed with the keeper of public records of said member and entity. As required by Utah Code Annotated, Section 11-13-9, and as a condition precedent to this agreement's validity, it shall be submitted to an authorized attorney for each entity who shall approve the agreement as being properly formed and compatible with the laws of the State of Utah.

IN WITNESS WHEREOF, the duly authorized officers of each of the parties have executed this agreement as of the date first set forth above.

PARK CITY FIRE SERVICE DISTRICT
ADMINISTRATIVE CONTROL

BY: _____
COMMISSION CHAIR

ATTEST:

_____

SUMMIT COUNTY BOARD OF COMMISSIONERS

BY: Shelton R. Richins
CHAIRMAN

STATE OF UTAH
COUNTY
ATTEST:
CLERK
Laura L. Blonquist
Deputy Clerk
SUMMIT COUNTY

PARK CITY MUNICIPAL CORPORATION

BY: _____
MAYOR

ATTEST:

_____

APPROVED AS TO FORM
BY CITY ATTORNEY'S OFFICE

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: April 17, 1997
DEPARTMENT: Public Works
AUTHOR: John Lind, Assistant Public Works Director
TITLE: 1997/98 Pavement Management Program
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Accept the 1997/98 Pavement Management bids and authorize staff to enter into agreements with Staker Paving for asphalt overlays, in the amounts of $384,432.96 for 1997 and $370,551.98 for 1998, with an aggregate total of $754,984.94; Intermountain Slurry Seal for slurry seals, in the amounts of $62,036.57 for 1997 and $59,084.43 for 1998, with an aggregate total of $121,121.00; Rivas Construction for utility adjustments, in the amounts of $47,896.00 for 1997 and $48,700.00 for 1998, with an aggregate total of $96,596.00; and Agra Earth & Environmental for engineering quality control and testing, in the amounts of $20,000.00 for 1997 and $24,000.00 for 1998, with an aggregate total of $44,000.00.

DESCRIPTION:

A. **Topic**. 1997 and 1998 Pavement Management Program

B. **Background**. Pavement management is a program that maximizes pavement benefits and minimizes pavement costs by identifying the time frame for carrying out appropriate maintenance or rehabilitation. The benefit of this practice is to extend pavement life and reduce the overall life cycle cost. Pavements typically deteriorate in a non-linear fashion. Twenty-five percent of the deterioration occurs during the first seventy-five percent of pavement life. The more cost-effective maintenance should occur when the pavement is still in fair condition. Pavement repairs can be done inexpensively using sealing and overlay techniques. Proper pavement management should minimize the need for costly pavement reconstruction.

In order to compete with I-15 construction and to enable contractors to plan and offer favorable pricing, Park City bid a two-year pavement management program. In addition, five years of projected work is proposed to be consolidated into four years; thus, in the summer of 2001 there will be no scheduled overlays and slurry seals.

In 1993, Park City completed its third pavement management review. The review consisted of visually inspecting the surface of every city street, testing pavement and subgrade deflection,

analyzing the data, and ranking streets and developing implementation plans based on different funding levels. During 1996, pavement management documentation was reviewed; and the consultant was requested to consolidate five years of required work into a four-year period.

In addition to the identified streets for each year, the cemetery, recycling center, and Sullivan Road will receive asphalt overlays; and the bike paths from Heber to Iron Horse and from Stonebridge at Lower Deer Valley Loop and parking lot will receive slurry seals.

Utility adjustments are a necessary part of an overlay project. The adjustments (where grinding occurs) will lower and then raise manhole lids, water valves and survey monuments to surface level. This type of activity has traditionally been included in the overlay contract. However, to minimize general contractor add-on, the City bids this separately, providing a tighter control over the entire project.

C. Analysis. The pavement management program has a carry-forward of $216,000.00, a capital improvement program funding requested at $600,000.00 over the next four years, with the fifth year dropping to zero. This CIP request is based upon the consolidation of the projected five-year planned work into four years, allowing the fifth year (summer of 2001) to have required maintenance patching only.

Moving the planned work schedule ahead by one year will allow Park City personnel to be available to complete final pre-Olympic preparations. The bidding of a two-year package, which was identified to the bidders as a total aggregate bid, yields a saving of $135,000.00 over the two years. In addition, it allows the low-bidding contractors to effectively plan their work, particularly with the I-15 construction that is underway.

The following streets are identified, in accordance with the pavement management program, to receive street overlays or slurry seals:

1997 ASPHALT OVERLAYS

- 12th Street from Norfolk Ave. to Park Ave.
- 5th Street from Park Ave. to Swede Alley
- Cresent Tram from Empire Ave. to Norfolk Ave.
- Daley Ave. from Main St. to south end
- Sampson Ave. from Norfolk Ave. to King Rd.
- Hillside from Main St. to Marsac Ave.
- Bonanza Ct. from Payday Dr. to Norfolk Ave.
- Shadow Ridge from Lowell Ave. to Empire Ave.
- Silver King from Empire Ave. to Park Ave.
- Silver King from Empire Ave. to west end
- Three Kings from Thaynes Canyon to west end cul-de-sac
- Oak Rim Lane from Crestline Dr. to north end cul-de-sac
- Upland Circle from Crestline Dr. to north end cul-de-sac
- Estates Dr. to American Saddler
- Sidewinder from Wyatt Earp to Kearns, from Comstock west to Kearns, and Comstock east to Wyatt Earp
- Mellow Mtn. to Deer Valley Dr.
- Rossie Hill from Deer Valley Dr. to McHenry
- Sunnyside Dr. from Deer Valley Dr. to Mellow Mtn.
- Deer Valley Dr. N/S intersection to Queen Esther
- Cemetery roadway
- Recycling Center
- Sullivan Dr. from Miners Hospital north to Deer Valley Dr.

1998 ASPHALT OVERLAYS

- 10th St. from Empire Ave. to Park Ave.
- 4th St. from Park Ave. to Swede Alley
- Woodside Ave. from 13th St. to Silver King
- Park Ave. from Empire Ave. to Heber Ave.
- Claimjumper Ct. from Thaynes Canyon to end of cul-de-sac
- Double Jack Ct. from Prospector Dr. to west end
- Empire Ave. from Manor Way to Silver King
- Kings Ct. from Three Kings Dr. to west end
- Nail Driver Ct. from Payday Dr. to south end
- Silver Queen Ct. from Payday Dr. to south end
- Webster Dr. from Three Kings Dr. to Thaynes
- Webster Ct. from Webster Dr. to west end
- Creek Ct. from Creek Dr. to north end
- Meadow Creek Ct. from Creek Dr. to south end
- Hackney Ct. from Holiday Ranch Loop Rd. to north end
- Little Kate Rd. from Holiday Ranch Loop Rd. N. to Holiday Ranch Loop Rd. S.
- Red Maple Ct. from Holiday Ranch Loop Rd. to west end
- River Birch Ct. from Holiday Ranch Loop Rd. to west end
- Sunset Ct. from Evening Star to south end
- White Pine Ct. from Little Kate Rd. to west end
- Geronimo Ct. from Annie Oakley to north end
- Samuel Colt Ct. from Doc Holliday to east end
- Deer Valley Dr. from N/S Deer Valley intersection to Royal, from Royal to end of island, from N/S Deer Valley intersection to island
- Mellow Mtn. Rd. 2000' from Deer Valley Dr. N.
- Royal St. 7800' from Deer Valley Dr. W.

1997 TYPE III SLURRY SEALS

- Aerie Circle from Aerie Dr. to north end cul-de-sac
- Eagle Way from Aerie Dr. to east end cul-de-sac
- Golden Way from Aerie Dr. to west end cul-de-sac
- Marsac Parking Lots front and back and back approach
- Meadows Dr. from Hwy. 224 to Ashley Ave.
- Meadow Creek Dr. from Creek Dr. to end of cul-de-sac
- Monitor Dr. from Lucky John to Little Kate Rd.
- Belle Starr Ct. from Sidewinder Dr. to Doc Holliday
- Comstock Dr. from Kearns Blvd. to Sidewinder Dr.
- Mellow Mtn. Rd. 2000' from Deer Valley Dr. to Aerie Dr.
- Eldar Place from Telemark to end of cul-de-sac
- Daystar from Telemark to end of cul-de-sac

1997 TYPE II SLURRY SEALS

- City bike path from Heber Ave. to Iron Horse Dr.
- City bike path from Lower Deer Valley Loop from Stonebridge to Deer Valley lot

1998 TYPE III SLURRY SEALS

- Empire Ave. from Silver King to 8th St.
- Lowell Ave. from Empire Ave. to Manor
- Woodside from King to 8th St.
- Lowell Ave. from Shadow Ridge to Silver King
- Lucky John Dr. from Little Kate to Evening Star
- Crestline Dr. from Meadows to American Saddler
- Prospector Ave. from Bonanza to Sidewinder
- Cochise Ct. from Wyatt Earp to end of cul-de-sac
- Butch Cassidy from Wyatt Earp to end of cul-de-sac
- Prospector Park parking area
- Royal Cache Dr. top section around to E/W intersection (entire top loop)
- Guardsman Connection from Royal St. to Hwy 224 (Mine Rd.)

For 1997, street overlays total 12,371 tons of asphalt; Type III slurry seals total 54,611 square yards; and Type II slurry seals total 8,000 square yards. Bids are firm for 45 days from the bid opening date.

For 1998, street overlays total 11,930 tons of asphalt; Type III slurry seal totals 66,387 square yards; with no Type II slurry seals.

There were six bids received for street overlays, two bids for slurry seals, and quotes for utility adjustments and for engineering quality control:

	1997	1998	TOTAL
Asphalt Paving			
Staker Paving	**$384,432.96**	**$370,551.98**	**$754,984.94**
Morgan Asphalt	$415,840.16	$412,881.41	$828,721.57
Gibbons & Reed	$428,540.70	$414,541.96	$843,082.66
Miller Paving	$466,194.54	$440,051.46	$906,246.00
Geneva Rock	$459,052.85	$467,153.26	$926,206.11
Valley Asphalt	$481,071.25	$491,282.88	$972,354.13
Slurry Seals			
Intermountain Slurry	**$62,036.57**	**$59,084.43**	**$121,121.00**
Morgan Asphalt	$59,698.00	$75,842.61	$135,540.61
Utility Adjustments			
Rivas Construction Co	**$47,896.00**	**$48,700.00**	**$96,596.00**
Quality Control & Testing			
Agra Earth& Environmental	**$20,000.00**	**$24,000.00**	**$44,000.00**

The City's estimated project cost for 1997 is $530,000.00 for grinding, asphalt, crackseal, utilities adjustments, and testing; the estimated project cost for 1998 is $542,000.00.

D. Department Review. Bids were reviewed by the Public Works Department and the Finance Department. The carryover funds are in fund 31-44018, with the additional $600,000.00 included in a CIP fund. CIP funds would be available after July 1.

ALTERNATIVES:

A. Approve awarding of the contract to the lowest bidders. Staker Paving (overlays), Intermountain Slurry (slurry seals), and Rivas Construction (utility adjustments) for 1997 and 1998.

B. Approve awarding of the contract to the combined low aggregate bidder. Staker Paving (asphalt overlays), Intermountain Slurry (slurry seals) and Rivas Construction (utility adjustments) for 1997; bid again in 1998.

C. Reject all bids.

SIGNIFICANT IMPACTS: The pavement management plan is designed to maintain and improve Park City pavement quality. Approval of less than the recommended program will cause a decline of pavement quality. The two-year bid package saves the City a significant amount of money, particularly with the current Salt Lake area construction projects underway.

Each contract can be expanded, with up to a 10% surcharge added to the contract price, if more construction is decided upon.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Failure to maintain an adequate pavement management program will increase maintenance dollars in subsequent years and lower overall pavement quality.

RECOMMENDATION: Alternative A: Accept bids and authorize staff to enter into agreements with:

1. Staker Paving for asphalt overlays, in the amounts of $384,432.96 for 1997 and $370,551.98 for 1998, with an aggregate total of $754,984.94.

2. Intermountain Slurry Seal for slurry seals, in the amounts of $62,036.57 for 1997 and $59,084.43, with an aggregate total of $121,121.00.

3. Rivas Construction for utility adjustments, in the amounts of $47,896.00 for 1997 and $48,700.00 for 1998, with an aggregate total of $96,596.00.

4. Agra Earth & Environmental for engineering quality control and testing, in the amounts of $20,000.00 for 1997 and $24,000.00 for 1998, with an aggregate total of $44,000.00.