

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 21, 1996**

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, March 21, 1996.

A G E N D A

Closed Session

3:45 p.m. Property acquisition

Work Session

4:00 p.m. Council questions/comments

4:20 p.m. Amplified music in City Park

5:05 p.m. Review of regular meeting

Plats

Signalization - Bonanza Drive

Deed/easement

Change application protest

Appointments- Summit County Olympic Planning Committee

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Refund of school impact fees - Edward F. Brophy

III COMMUNICATIONS FROM COUNCIL AND STAFF

**IV MINUTES AND WORK SESSION NOTES OF THE MEETING OF MARCH 7, 1996
AND MINUTES OF MEETING OF MARCH 14, 1996**

V PUBLIC HEARING

1. Ordinance approving the resubdivision of Lots 7 and 8, Block 30 of the Park City Survey - 327 Woodside, Park City, Utah
2. Ordinance approving the MSLD resubdivision amending the Park City Survey for Lots 20, 21, 22, 26, 27 and a portion of Lots 19 and 28, Block 9 located at 577 Main Street, 578 and 584 Park Avenue, Park City, Utah

3. Ordinance approving the amended Record of Survey Plat of Stein Ericksen Lodge, located at 7700 Stein Way, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the resubdivision of Lots 7 and 8, Block 30 of the Park City Survey - 327 Woodside, Park City, Utah
2. Ordinance approving the MSLD resubdivision amending the Park City Survey for Lots 20, 21, 22, 26, 27 and a portion of Lots 19 and 28, Block 9 located at 577 Main Street, 578 and 584 Park Avenue, Park City, Utah
3. Ordinance approving the amended Record of Survey Plat of Stein Ericksen Lodge, located at 7700 Stein Way, Park City, Utah
4. Authorization for Mayor to execute quit claim deed in a form approved by the City Attorney to Gail Walton
5. Authorization for Mayor to execute a cooperative agreement, in a form approved by the City Attorney, with UDOT for traffic signalization at Bonanza Drive and Deer Valley Drive and authorization of the transfer of up to \$105,000 from the Capital Improvement Program, Old Town Streets and Utilities Master Plan Implementation Project to pay for the City's share of the cost
6. Authorization to Mayor to execute drainage easement to McGinnis in conjunction with RDA deed
7. Authorization to appeal State Engineer's denial of Park City's Change Application Protest

VII NEW BUSINESS

Authorization to appeal State Engineer's denial of Park City's Change Application Protest

VIII RESIGNATIONS AND APPOINTMENTS

Appointment of two City Council members to the Summit County Olympic Planning Task Force

IX ADJOURNMENT

Posted: 3/18/96

Note: It should be noted that the entry under Public Input occurred at the meeting and was not posted. It appears here on the agenda for reference purposes.

**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 21, 1996**

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Frank Bell, Chief of Police; Janice Lew, Planner; Eric DeHaan, City Engineer

Joan Calder and Beth Hofmeister, Chamber/Bureau; Jeff Appel, counsel for Snyderville Basin Sewer Improvement District; Jon Brinton, Chairman Citizen Olympic Committee

Absent: Hugh Daniels and Roger Harlan

1. Council questions/comments. Paul Sincock reminded Council of ReNae Rezac's fund-raiser on March 29. Toby Ross advised Council that their pictures will be taken at the retreat next week for the orientation packet.

2. Amplified music in City Park. Frank Bell explained that the prior Council discussed the issue of disturbing the neighborhood with amplified music three years ago. Amplified music is allowed through a special event license, but other locations are preferred for those types of performances. He continued that that was the issue with the Teen Center's request for the battle of the bands last summer. The only exception for amplified music in the park is the Chamber/Bureau's Wednesday night series, and given the uses in the park and neighborhood compatibility, the staff is not recommending loosening the restrictions. Chief Bell noted that there has not been a request for a battle of the bands this year. Paul Sincock pointed out that the kids at the high school are still upset about the inequity of denying their request and allowing the Chamber/Bureau to have amplified performances. Chief Bell pointed out that the fear is that allowing this event would prompt other applications. He added that the series has been a positive experience and there have been no neighborhood complaints about noise. There are 11 performances scheduled from June through August.

Chuck Klingenstein reported that he received a call from a resident supporting the series and that he is in favor of keeping the event for the locals, although parking seems to be a problem. Frank Bell discussed the success of the series and that it has grown. He added that it is not the intention to add police resources there to manage traffic and parking and emphasized the importance of keeping the event free. Joan Calder advised that the funding for the series comes from the Chamber/Bureau and First Security Bank. The Mayor suggested that if the event grows that it could be held at Deer Valley where the symphonies are held. Ms. Calder noted that it would be expensive to lease space at Deer Valley and the Chamber/Bureau would prefer to work on

controlling the size of the event so that it could continue at the park. Shauna Kerr discussed keeping it a local event and not to market it in Salt Lake. Beth Hoffmeister discussed their local marketing strategy. Chuck Klingenstein pointed out the importance of community balance and hoped that this would not get out of control like Park City's fourth of July celebration which attracts Salt Lake visitors. Ms. Calder pointed out that they really don't have a parking management plan. There was one concert that prompted illegal parking but there wasn't a problem with the other performances. Chief Bell suggested that parking could be monitored by a volunteer group like the Ambassadors. Beth Hoffmeister noted that flyers encourage people to car pool or ride their bikes. Discussion ensued regarding auxiliary parking like the First Security parking lot, Park City Ski Area, and Education Center.

Ms. Kerr discussed the request from the teens for the battle of the bands which was an equity issue for her. She recommended that the Chamber/Bureau series be limited to 12 performances a year and if there is a request from the high school, the Chamber could give up one of its concert dates. Chief Bell pointed out that if noise is the issue, then the battle of the bands is not an appropriate use in the park. The Chamber is diligent about having acoustically oriented concerts that are amplified by microphone rather than by amplifiers. Shauna Kerr explained that her suggestion relates to intensity and that the neighborhood would be aware of the number of scheduled. Paul Sincock expressed his concern about the battle of the bands attracting thousands of Salt Lake kids and noted that if it is a fund-raiser, it would be impossible to collect money at the park. Ms. Kerr noted that this was discussed last summer. In response to a question from Chuck Klingenstein, the City Manager stated that the request last summer was on short notice, and Mr. Klingenstein felt that the kids need to submit a proposal that addresses the crowd issue.

There was a consensus to keep the music series in the park this summer. Chuck Klingenstein added that the parking needs to be monitored. With regard to the battle of the bands, the Mayor suggested that the Council wait until a request is initiated and pointed out that this is a separate issue.

3. Review of regular meeting.

Authorization to appeal State Engineer's denial of Park City's Change Application Protest. See attached staff report. Jodi Hoffman explained that this is a request to authorize service of an appeal of the State Engineer's decision to approve Summit Water Distribution Company's exchange application to divert and treat East Canyon Creek water. The appeal has been drafted at the request of Snyderville Basin Sewer Improvement District. Jeff Appel, counsel for SBSID, explained the nutrification of the East Canyon reservoir and creek and its negative effect on habitat and recreational uses; both the reservoir and stream are in violation of water quality standards. Mr. Appel described the nutrient problems and the millions of dollars involved in treating the water. He explained that the benefit of Park City filing a protest on its own and read the State Engineer's inadequate explanation of his decision which did not address the

questions raised like water quality and the impacts of the diversions on the reservoir and the stream. As a result, Mr. Appel felt that we have a good case as the State Engineer has not properly discharged his duties.

Ms. Hoffman noted that although this appeal is based on the same facts, the outcome of Park City's efforts may be upheld. She stressed that there is a larger public interest involved as there is a potential \$10 million liability if the State Engineer's decision is upheld. In response to a question from Paul Sincock, Mr. Appel stressed the merit in having another governmental entity challenge the State Engineer's decision.

Paul Sincock pointed out that if Park City participates in a lawsuit, we will not be a neutral third party and cannot act as a mediator. Mr. Sincock stated that he is only hearing one side of the case and has investigated the matter. He continued that the SBSID treats water and doesn't have water rights and asked if there was a standard flow required for treatment. Mr. Appel answered that some of the standards are tied to a minimum stream flow of 3.5 cfs; the phosphates are not but SBSID is charged with treating phosphates. Mr. Sincock understood that Summit Water agreed to always allow 3.5 cfs in the stream and has agreed never to take any water out of the stream during the winter when SBSID has the highest flows of sewage and the lowest demand for regular water and didn't understand the problem. Mr. Appel responded that he is unaware of any agreement concerning the winter months; the 3.5 cfs number is something that Wildlife Resources was forced to accept and SBSID is currently in court to overturn that application because the 3.5 cfs doesn't meet criteria to protect the reservoir and stream. Mr. Appel stated that he has seen projections of 38 cfs for the reservoir and 11 cfs for the stream. Mr. Appel explained that diversions of water result in pollution because of concentrations and diversions become critically important under water quality standards. Mr. Sincock referred to a letter, dated April 13, 1995, from Diane Nielson from the Department of Environmental Quality which indicates that the Department has not taken the position that it should control water quality in order to maintain minimum water flows in the stream flows as affected by diversions under valid state water rights or under the primary purview of the State Engineer. The letter stated that the Board has never seen fit to regulate stream flows or interfere or abrogate valid state issued water rights and their rules relate primarily to the regulation of pollutant discharges. Mr. Appel responded that the letter prompted the SBSID to sue the Department and this issue is before the Board of Water Quality at this time; this is the Elkhorn Case. Paul Sincock stated that he is reluctant to join a lawsuit without being convinced of the benefits to Park City. He added that he called the State Engineer's office about the change applications; one is for the LDS Church for a well and one from Summit Water for a well not for a stream and stated that the cases cited in the appeal are not the ones in question and there are technical problems that need to be remedied. Ms. Hoffman assured Mr. Sincock that the appeal was researched and drafted by Nielsen & Senior who are experts in water issues. Mr. Appel added that wells are an important consideration because it affects the flows in the aquifers and phosphate levels. He continued that there has been a moratorium since the early 1980s on large exchange applications and the State Engineer has to review all impacts. Ms. Hoffman explained that one thing that Park City would bring to the table

is the fact that we are a large water right holder and Park City would bring a different perspective. Shauna Kerr explained to Mr. Sincock that if SBSID fails to prevail on this, it could cause a substantial cost to treat water and subsequently, these costs would be passed to Council's constituency. This assessment could be as much as \$10 million, and if the City can assist in this effort to prevent this expenditure, participating in the appeal seems to be a compelling benefit. Mr. Sincock pointed out that every upstream user takes water out of the stream, but Ms. Kerr answered that what he is failing to consider is that Summit Water has created the issue by filing the change application and started the process in motion. She continued that the State Engineer failed to conduct a proper review to evaluate the change application and what we are trying to accomplish is having the State Engineer apply the law appropriately. Ms. Kerr felt that as a substantial water right holder, Park City has a better stake in raising the issue of consideration of impacts. The Mayor stated that even with a moratorium, the State Engineer has been approving change applications and it is a concern of the District. Ms. Kerr noted that even if the same decision is rendered, but a better review process is implemented in the future, the City is better off. Paul Sincock expressed his confusion about the point of the appeal, and the City Manager responded that the 3.5 cfs is standard but not adequate and Mr. Appel added that this will continue the degradation of East Canyon reservoir and stream.

Toby Ross asked Mr. Appel to characterize Summit Water's position. Mr. Appel stated that when SBSID informed Summit Water that diverting the water would increase treatment costs, Summit Water didn't feel it was its problem. Mr. Appel described the water situation as overburdened which affects water quality. It is Summit Water's position that it has the water right to take the water. Mr. Appel felt that if the State Engineer was doing his job, the water right would have been rejected or severely limited. Although the State Engineer is going to look at this again, the City will have no standing unless it perfects its appeal. Ms. Hoffman felt that the most cost effective means to intervene in a meaningful manner is to have a perfected appeal, and if the appeal lapses the City doesn't have as good of a position. Ms. Hoffman discussed the amicus curiae brief approach which can be filed with the court, with or without standing, but this is not typical at the district court level. Amicus curiae briefs are allowed only at the discretion of the court, and it is only supplemental information. She pointed out that an amicus curiae brief would be more costly to the City because it is not written and there would have to be a petition to the court to accept it, creating levels of work which have not yet been performed, while the appeal has already been drafted. Mr. Appel concluded that if these change applications stand, there are potentially 2,452 additional new connections unprotected by water quality conditions. Ms. Hoffman described the downside of participation as cost and strained relationships with the State Engineer and Summit Water, although this probably has already occurred. Chuck Klingenstein described the bigger issue of the diligence of the State Engineer, and the City Manager noted that the state seems to be extremely rigorous with Park City's applications, but lenient with others. Park City has had change applications in the process for eight years, and Summit Water's took two years.

Plats. Janice Lew discussed plat amendments for 327 Woodside, 577 Main Street

and Stein Erickson Lodge. See back-up and regular meeting minutes.

Signalization - Bonanza Drive. See attached staff report. Eric DeHaan explained that he has been working with UDOT on this intersection which has the highest accident rate in the City. This request is only for the signal; the existing alignment, curb and gutter on Bonanza Drive will be used although there will be some patching and curb work in the area. The poles will be galvanized. Mr. DeHaan described that UDOT will provide the hardware and the City's contractor will install the equipment and perform the pavement work. UDOT will contribute \$30,000 once the contractor has completed the work and Council is being asked to front \$105,000 in a transfer from the Old Town streets and utilities master plan capital improvement budget. Mr. DeHaan described how the intersection will be improved to a more traditional t-intersection. It is hoped that this will be installed by Christmas. A pedestrian crossing and driveways too close to the intersection were discussed. Frank Bell reported that over the past 18 months there have been 20 accidents at the intersection, resulting in six injuries, approximately \$65,000 in property damage and 14 of the 20 accidents were caused by people turning left from Bonanza Drive to Deer Valley Drive southbound.

Appointments - Summit County Olympic Citizen Committee. The Mayor reported that the County has agreed to allow two elected officials from Park City on this voting board. Paul Sincock, and Chuck Klingenstein felt that the Mayor and Hugh Daniels would be good candidates. Shauna Kerr expressed her concern that the board is composed of advocates of the Olympics and not balanced or representative although she didn't know everyone on the board. Jon Brinton, Chairman, explained that the membership represents a broad range of the County's constituency who are interested in the planning process. The Mayor added that the appointed delegates would represent the Council, get direction from the Council, and would report back on a regular basis.

Prepared by Janet M. Scott

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 21, 1996**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 21, 1995. Members in attendance were Brad Olch, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels and Roger Harlan were excused. Staff present were Toby Ross, City Manager; Janice Lew, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

Refund of school impact fees - Ed Brophy - Mr. Brophy stated that he built a duplex about a year ago and paid school impact fees for both units. At the time he applied, he was assured by the City Attorney's Office that his money would be refunded in the event that the impact fees were invalidated. The City Manager explained that representatives of the City, County and School District discussed this issue. When the interlocal agreement was developed, it was never contemplated that invalidation would occur by inaction of the legislature, but rather lawsuits. Since this was never addressed, the issue of refunds has to be worked out with the parties. Dates will be set the end of April and beginning of May to take public input, which will be advertised.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

**IV MINUTES AND WORK SESSION NOTES OF THE MEETING OF MARCH 7, 1996
AND MINUTES OF MEETING OF MARCH 14, 1996**

Shauna Kerr, "I move approval". Paul Sincock seconded. Motion carried.

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

V PUBLIC HEARING

1. Ordinance approving the resubdivision of Lots 7 and 8, Block 30 of the Park City Survey - 327 Woodside, Park City, Utah - Planner Janice Lew explained that this is a request to formally combine two Old Town lots. The applicant intends to build a single family structure and is therefore requesting to remove the common lot line. The staff is recommending approval with the findings, conclusions of law, and conditions as outlined in the staff report (attached). Tom Carlson, a resident across the street, stated that there should be adequate street parking. Ms. Lew responded

that the applicant is required to provide two parking space. With no further questions from the Council or the audience, the public hearing was closed.

2. Ordinance approving the MSLD resubdivision amending the Park City Survey for Lots 20, 21, 22, 26, 27 and a portion of Lots 19 and 28, Block 9 located at 577 Main Street, 578 and 584 Park Avenue, Park City, Utah - Janice Lew explained that this property is located between the Claimjumper and The Family Jewels on Main Street. The property runs through to Park Avenue so there is frontage on both streets. On the portion of the property fronting on Main Street, the applicant would like to combine his four parcels to construct a commercial building. There are three lots on the Park Avenue section and the applicant would like to construct two single family structures and is therefore proposing a two lot configuration. With regard to the temporary zoning ordinance, Ms. Lew clarified that this application was only for a plat amendment which was received in November. An application for the design of the building would be subject to the TRO and design guidelines producing a compatible building. The staff is recommending approval and the Planning Commission has forwarded a positive recommendation with the findings, conclusions of law, and conditions of approval outlined in the staff report (attached). The Mayor invited public input.

Tom Carlson suggested that if there is a restaurant use there that the exhaust fan be buffered with some sort of noise fencing because the fans can be annoying. With no further questions from the Council or the public, the public hearing was closed.

3. Ordinance approving the amended Record of Survey Plat of Stein Ericksen Lodge, located at 7700 Stein Way, Park City, Utah - Ms. Lew explained that the owners would to convert approximately 12,000 square feet of existing commercial convertible space to common ownership. The space includes the restaurant and the lobby area and the staff is recommending approval with the findings, conclusions of law and conditions of approval. See staff report. With no questions or comments, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested that Item 7 be moved to New Business. Paul Sincock, "I so move". Chuck Klingenstein seconded. Motion carried. Shauna Kerr, "I move approval of Consent Agenda Items 1 - 6". Motion carried.

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

1. Ordinance approving the resubdivision of Lots 7 and 8, Block 30 of the Park City Survey - 327 Woodside, Park City, Utah - See public hearing comments and staff report.

2. Ordinance approving the MSLD resubdivision amending the Park City Survey for Lots 20, 21, 22, 26, 27 and a portion of Lots 19 and 28, Block 9 located at 577 Main Street, 578 and 584 Park Avenue, Park City, Utah - See public hearing comments and staff report.

3. Ordinance approving the amended Record of Survey Plat of Stein Ericksen Lodge, located at 7700 Stein Way, Park City, Utah - See public hearing comments and staff report.

4. Authorization for Mayor to execute quit claim deed in a form approved by the City Attorney to Gail Walton Roesinger (subject to the conditions and restrictions specified in the staff report) - See staff report.

5. Authorization for Mayor to execute a cooperative agreement, in a form approved by the City Attorney, with UDOT for traffic signalization at Bonanza Drive and Deer Valley Drive and authorization of the transfer of up to \$105,000 from the Capital Improvement Program, Old Town Streets and Utilities Master Plan Implementation Project to pay for the City's share of the cost - See work session notes and staff report.

6. Authorization to Mayor to execute drainage easement to McGinnis in conjunction with RDA deed in exchange for a six foot trail easement - See staff report.

7. Authorization to appeal State Engineer's denial of Park City's Change Application Protest - See work session notes, staff report, and New Business.

VII NEW BUSINESS

Authorization to appeal State Engineer's denial of Park City's Change Application Protest - The Mayor requested a motion to continue this to next Thursday's meeting. Paul Sincock, "I so move". Chuck Klingenstein seconded. Motion carried.

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

VIII RESIGNATIONS AND APPOINTMENTS

Appointment of two City Council members to the Summit County Olympic Planning Task Force - Shauna Kerr, "I move to appoint Brad Olch and Hugh Daniels to the Summit County Olympic Planning Task Force (Citizen Committee)". Chuck Klingenstein seconded. Motion carried.

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

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 3:45 p.m. Members in attendance were Mayor Brad Olch, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels and Roger Harlan were excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Shauna Kerr, "I move to close the meeting to discuss property acquisition". Chuck Klingenstein seconded. Motion carried.

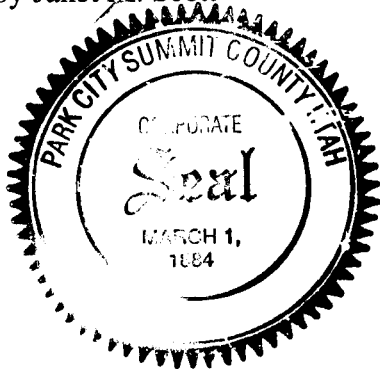
Hugh Daniels	Absent
Roger Harlan	Absent
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

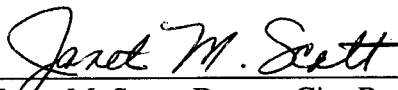
The meeting opened at approximately 4 p.m.

* * * * *

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

Prepared by Janet M. Scott




Janet M. Scott, Deputy City Recorder

18 March 1996

MEMORANDUM

TO: Toby Ross
City Manager

FROM: F.M. Bell
Chief of Police

SUBJECT: Amplified Music

It is my understanding that the City Council will be revisiting the issue of amplified music in their upcoming meeting. I am not sure of the specific question, but here are some thoughts as back up.

At present, amplified music is prohibited around town except under authorization of a Master Festival (Event) License and the Chamber Summer Concert Series in City Park which was received a special exemption from the prior council. The ordinance is generally used to deal with live performances. Loudspeaker nuisances from recorded music may occasionally fit the ordinance, but are generally dealt with by other noise limiting ordinances.

A Master Festival License is required when an event is deemed to create a significant public impact, requires the use of city services or public resources, or requires special permitting to circumvent existing city ordinances which would otherwise prevent the event from occurring (mostly outdoor sales, noise, signs, and beer licensing).

I assume the issue is once again City Park, where conflict arises between groups wanting live musical performances and the nearby residents who often complain of park noise and disruption to their lives by large gatherings. Further, under certain atmospheric conditions, amplified music from the park can be heard all over town, and thus can become a widespread community problem.

Given the large number of groups who book the park for picnics, reunions, weddings and the like, I do not think we ought to open the park up to random musical performances. We generally do not license groups using the park except for the reservation permit, nor do I want to be in the business of licensing such gatherings when they wish to have music.

Other events around town requesting music such as block parties or fundraisers are generally handled through the festival license process since often a street closure or other public impact is involved. We handle those on a case by case basis, and the problems and complaints resulting from such events have been minor.

Regarding the Wednesday night Chamber of Commerce concert series, while noise is an issue, I am not sure it is the premier issue. The concerts are increasingly popular, and thus have developed parking and crowd problems which strain already overused park facilities. While the claim is made that it is a "locals" event, it has unquestionably become a part of summer in Park City for locals, as well as visitors and daytrippers from Salt Lake.

I think the Chamber has done a reasonably good job of trying to mitigate the impacts of the concerts series, but some of the acts are loud enough to be heard in other areas of town (sound easily carries to Prospector Square and to the area of the resort). Since softball and other activities coexist with the concert series, parking is frequently a problem as is emergency access when cars block park roads and private driveways. To this point Chamber volunteers have tried to mitigate parking problems. We have not routinely provided public resources or police assistance to the concert series.

If the Council wishes to ban all live performances from the park, then I suggest that the Chamber might want to move the concert series. The lower hillside areas of the Park City Resort come to mind where speakers could be directed against the mountain, and where parking and public facilities are in place.

If the council wishes to continue the Wednesday series and thus exempt the concerts from the amplified music restrictions, then we will continue to work with the Chamber to mitigate noise impacts as well as parking problems. If controlling the impacts means assigning people or other resources to the park, then we may have to consider some cost recovery as well.



COUNCIL AGENDA REPORT

DATE: March 21, 1996
DEPARTMENT: Planning Department
AUTHOR: Stephen R. Call
TITLE: MORRISON RE-SUBDIVISION - A Plat
Amendment combining lots 7 and 8 of Block
30, Park City Survey, 327 Woodside Avenue
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Staff recommends the Council consider approval of the proposed amendment to the Park City Survey Subdivision Plat combining lots 7 and 8 of Block 30, Park City Survey into one lot at 327 Woodside Avenue as conditioned by Staff.

DESCRIPTION:

A. Topic.

Plat amendment proposing the combining of two lots into one lot (lots 7 and 8 of Block 30, Park City Survey - to be referred to as 327 Woodside Avenue). See EXHIBIT A - Proposed Plat and EXHIBIT B - Location Map.

B. Background.

Application for this plat amendment was submitted by Paul de Groot on behalf of the owner, David Morrison.

The owner wishes to build a single family residence on the proposed combined lots. State subdivision law currently prohibits building over a property line. Therefore, the owner must first have the plat amended to combine the two lots into one lot before building permits can be issued (subject, of course, to review by City staff and the Historic District Commission as required).

C. Analysis

Context:

The subject property, 327 Woodside Ave., is located on the uphill side of Woodside Avenue between two existing homes (321 and 335 Woodside Ave) The home to the north (335 Woodside) is a one and one-half story frame residence typical of older historic homes in the area and is qualified as contributory to the district. The home to the south is a three story structure built in 1983. Immediately across Woodside to the East, there are two homes addressed as 330 and 332 Woodside Avenue. The home at 330 Woodside Ave. was built in 1992 and the structure at 332 Woodside Ave. is an older one story frame home qualified as contributory to the district with a garage addition added in 1992.

The land is vacant directly behind the subject lot. However, a three-story multi-family structure is located behind the home to the south at 321 Woodside.

Existing options:

Each existing lot is the standard 1875 SF minimum required for a single family residence in the HR-1 Zone. As the lots are presently platted, the owner could build two homes (one each on lot 7 and lot 8). And as platted in the HR-1 zone, allowable floor area for this scenario is 1,687 square feet per house (plus an additional 400 square feet for each garage) with the standard three foot minimum sideyard setback for each house.

Total allowable living area for both lots would be 3,374 square feet (plus an additional 800 SF for garages).

Proposed:

If combined, the single lot created by the proposed plat amendment would allow a total floor area of 2,250 SF plus an additional 400 square feet for a garage (800 additional square feet if a duplex is built) as calculated using the Floor Area Ratio for the HR-1 Zone. The wider lot would also require an increase in sideyard setbacks from six feet total to a ten foot combined setback.

Total allowable living area for the combined lots would be:

2,250 SF (plus 400 SF garage) if a single family home is built or
(plus 800 SF for garages if a duplex is built)

In comparison, the proposed plat amendment would provide a net decrease in density of at least 1,124 square feet of living area and an additional 400 square feet in garage area if a single family home is built instead of a duplex.

The maximum height allowed (27 feet) remains the same for all cases and will help to create new building masses that are more compatible with historic homes. Building design will be subject to review and approval by city staff and the Historic District Commission.

Findings:

Staff supports the re-subdivision of these lots because:

1. The lot combination results in a net decrease in density.
2. The resulting increase in the sideyard setbacks will also provide better separation for snow shedding and fire protection.

Conclusions of Law:

1. There is good cause for the amendment because the lot combination will result in a net decrease in density.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review.

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

ALTERNATIVES

- A. Approve the plat amendment combining two lots into one lot.
- B. Deny the plat amendment request.
- C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:

Alternative A: This alternative would combine two standard 25' x 75' lots into one lot. The allowable floor area for this lot would be 2,250 SF compared to 3,374 square feet if the lots are developed independently. Minimum sideyard setbacks would also increase from six feet total per lot to ten feet combined per lot. Net density would be decreased by at least 1,124 square feet.

Alternative B: This alternative would still allow the owner to build a single family home on each of lots 7 and 8 resulting in a higher density than that proposed in alternative A.

Alternative C: Defers action to a later date.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The owner would still be able to build a single family home on each lot.

PUBLIC COMMENTS:

This item was noticed on March 7, 1996.

As of March 14, 199, no public comments have been received.

RECOMMENDATION:

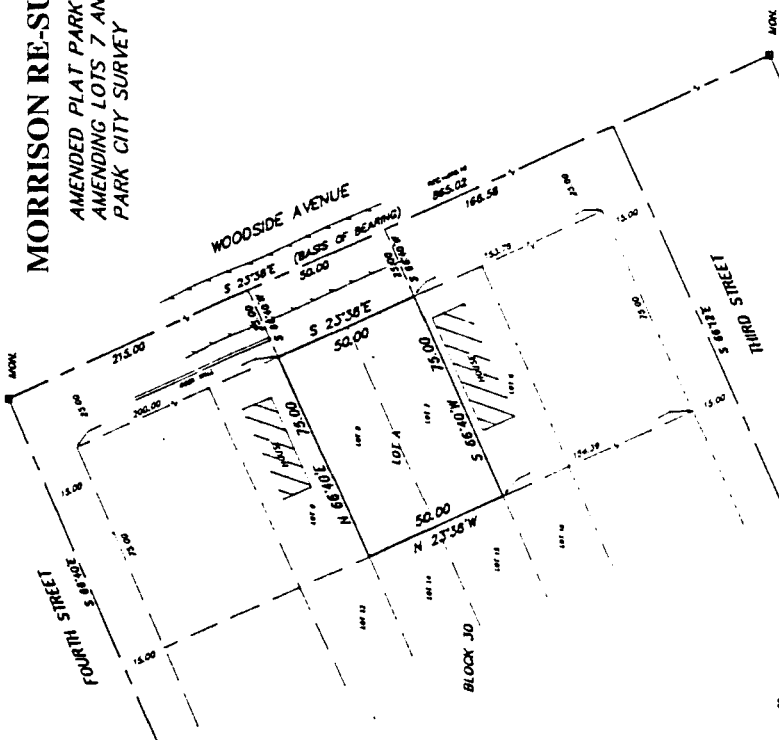
Approve the request for a plat amendment to the Park City Survey Subdivision Plat combining lots 7 and 8 of Block 30, Park City Survey into one lot subject to the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat in accordance with these conditions of approval and the Land Management Code.
2. The plat must be recorded prior to issuance of any building permits.

EXHIBITS / ATTACHMENTS:

EXHIBIT A - Proposed plat
EXHIBIT B - Location Map
EXHIBIT C - Ordinance

MORRISON RE-SUBDIVISION **AMENDED PLAT PARK CITY SURVEY** **AMENDING LOTS 7 AND 8, BLOCK 30,** **PARK CITY SURVEY**



SURVEYOR'S CERTIFICATE
 I, ARTHUR G. LAY, do hereby certify that I am a registered Land Surveyor, and that I hold the certificate for the State of Utah, No. 1000, and that I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots and streets, hereafter to be known as **AMENDED PLAT PARK CITY SURVEY**, and that same has been correctly surveyed and staked on the ground as shown on this plat.

RECORDING INFORMATION
 ALL OF LOTS 7 AND 8, BLOCK 30, IN PARK CITY SURVEY, PARCELS 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



OWNER'S DEDICATION

I, the undersigned owner () of the above described tract of land, being caused same to be subdivided into lots and streets to be hereinafter known as **AMENDED PLAT PARK CITY SURVEY**, do hereby dedicate for perpetual use of the public all parcels of land shown in this plat as intended for public use. In witness whereof, I have hereunto set my hand and seal this 10 day of APRIL, A.D. 1918.

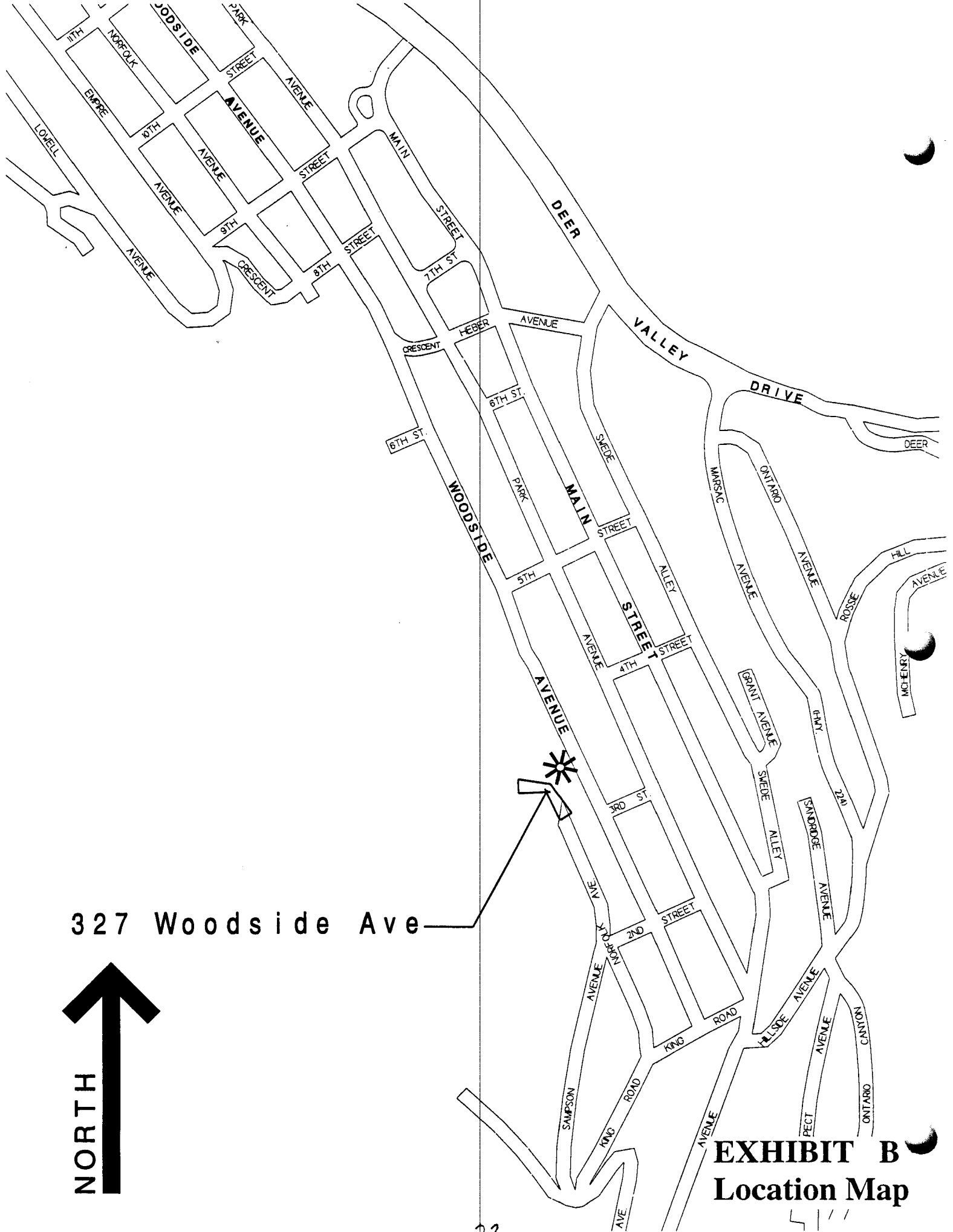
ACKNOWLEDGMENT

STATE OF UTAH }
 County of SALT LAKE }
 On the 10 day of APRIL, A.D. 1918, personally appeared before me, the undersigned Notary Public, in and for the County of SALT LAKE, State of UTAH, the above named owner of the above described tract of land, who acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES 10 DAY OF APRIL, A.D. 1918.
 NOTARY PUBLIC
AMENDED PLAT PARK CITY SURVEY
AMENDING LOTS 7 AND 8, BLOCK 30,
PARK CITY SURVEY

RECORDED
 BOOK 100 PAGE 100
 FILE 1
 BY RECORDS & COMM. DIV.

CITY ENGINEER I hereby certify that this plat was prepared in accordance with the provisions of the Utah Plat Act, and that the same has been approved by the City Engineer.	CITY ATTORNEY I hereby certify that this plat was prepared in accordance with the provisions of the Utah Plat Act, and that the same has been approved by the City Attorney.
CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF THE PARK CITY PLANNING COMMISSION A.D. 19 <u>18</u> AT THAT TIME THE RECORD OF SAID CITY WAS APPROVED DATE <u>10</u> DAY OF <u>APRIL</u> , A.D. 19 <u>18</u>	CITY ENGINEER I hereby certify that this plat was prepared in accordance with the provisions of the Utah Plat Act, and that the same has been approved by the City Engineer.
SEWER DISTRICT APPROVAL PRESENTED TO THE BOARD OF THE PARK CITY PLANNING COMMISSION A.D. 19 <u>18</u> AT THAT TIME THE RECORD OF SAID CITY WAS APPROVED DATE <u>10</u> DAY OF <u>APRIL</u> , A.D. 19 <u>18</u>	CITY ENGINEER I hereby certify that this plat was prepared in accordance with the provisions of the Utah Plat Act, and that the same has been approved by the City Engineer.



327 Woodside Ave



EXHIBIT B
Location Map

Ordinance No. 96-3

AN ORDINANCE APPROVING THE RE-SUBDIVISION OF LOTS #7 AND #8, BLOCK 30 OF THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owners of the property known as Lots #7 and #8, Block 30, Park City Survey have petitioned the City Council for approval of the amendment to final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on March 21, 1996; and

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

SECTION 1. Conclusions of Law.

1. It is in the best interest of Park City to approve the amended plat.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 1. Approval. The amendment of the final plat of The Park City Survey, Lots 7 and 8, Block 30, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat in accordance with the Final Conditions of Approval and the Land Management Code.
2. The plat must be recorded prior to issuance of any building permits.

PASSED AND ADOPTED this 21st day of March, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

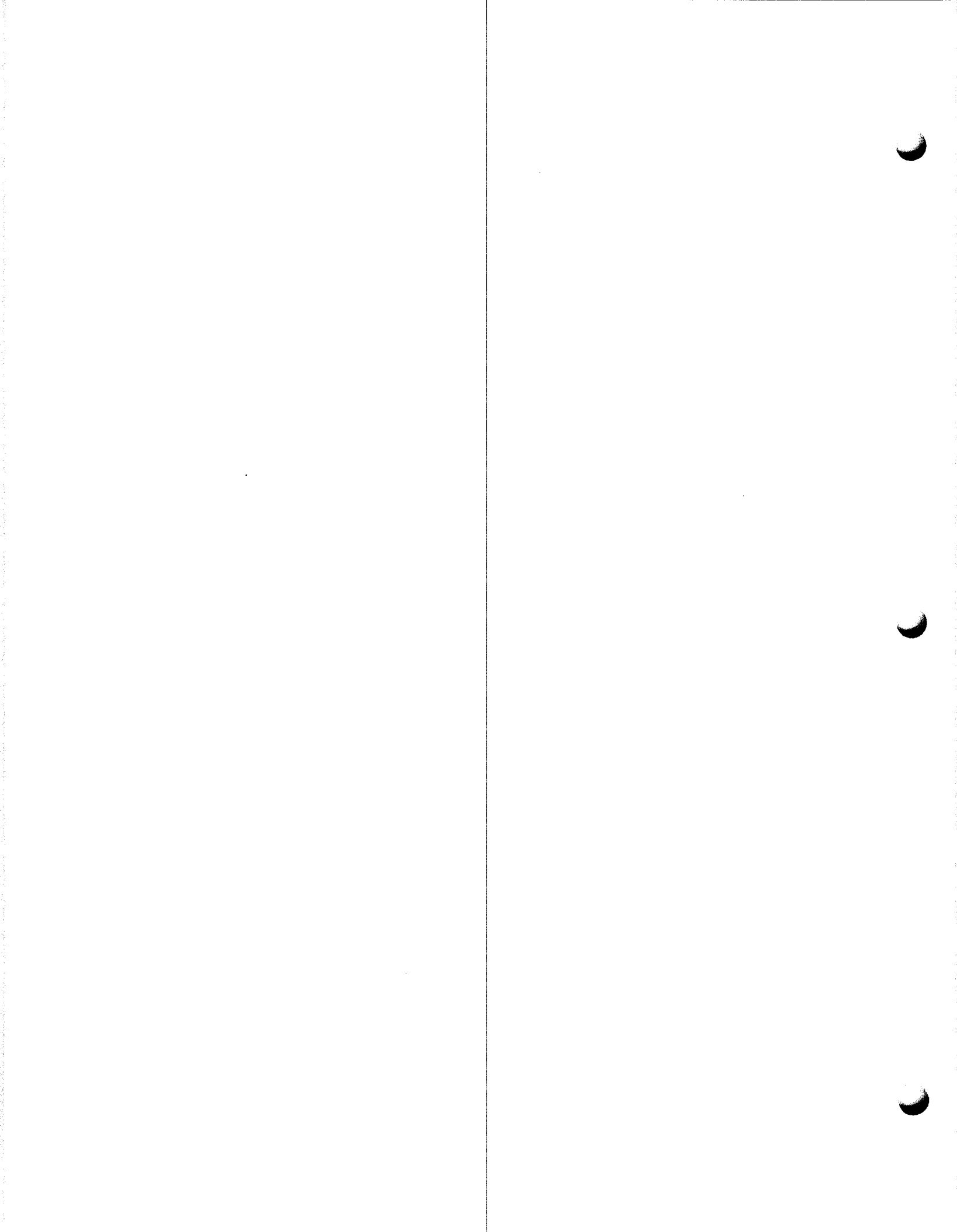
Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

EXHIBIT C
Ordinance





COUNCIL AGENDA REPORT

DATE: March 21, 1996
DEPARTMENT: Planning Department
AUTHOR: Janice Lew
TITLE: 577 Main Street - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the ordinance approving the plat amendment to the Park City Survey for 577 Main Street and 578 and 584 Park Avenue.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Application: Jack Jackson Company for Jim Gaddis
Location: 577 Main, 578 and 584 Park Avenue
Zoning: HCB and HR-1
Adjacent Land Uses: Commercial, Residential
Date of Application: November 22, 1995
Project Planner: Janice Lew

B. Background.

The applicant submitted a request to amend a portion of the Park City Survey which includes their property on Main Street between the Claimjumper and Family Jewels. The property consists of several lots with frontage on both Main Street and Park Avenue.

C. Analysis.

The applicant would like to construction approximately 16,000 square feet of commercial space including a full basement and two levels above grade on Main Street. Because the Main Street property consists of three standard Old Town lots and a small portion of a fourth lot, the plat amendment would remove the common lot lines and create one parcel. Current development of this portion of the property would be regulated by the recently adopted Temporary Zoning Ordinance. Therefore, the building height would be limited to 27 feet and the maximum allowable area for any one tenant or use on the ground floor is limited to 2800 square feet. The design is also subject to review and approval by the Historic District Commission for compliance with the Historic District Design Guidelines.

Two single family structures are proposed for the three lots along Park Avenue. The proposed plat amendment would reconfigure these lots to create two individual parcels. The size of any new development is limited by the setback, floor area ratio and height requirements of the Land Management Code for the HR-1 district. The design also is regulated by the Historic District Design Guidelines.

The applicant is proposing a court yard between the two uses which would provide pedestrian access from the commercial development to Park Avenue. The applicant has agreed to provide an access easement for this use as well as a snow storage easement along Park Avenue.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this application. The request was reviewed by the Planning Commission on March 13, 1996. A recommendation of conditional approval was forwarded to the City Council after a public hearing.

ALTERNATIVES:

- A. Approve the proposed amendment thereby allowing the reconfiguration of the property.
- B. Deny the proposed amendment and retain the current lot configuration.
- C. Continue the item and request additional evaluation from the staff.

SIGNIFICANT IMPACTS:

The proposed plat amendment will result in lots which are larger than the standard "Old Town" lots measuring 25' X 75'. Historic District plat amendments which create larger lots promote the construction of larger structures.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council decides to deny the request, the applicant will retain the right to develop the property as currently platted subject to all City ordinances, codes and guidelines.

PUBLIC INPUT: The property was posted and legal notice sent to all property owners within the affected subdivision plat. As of March 14, 1996, no public input has been received in opposition of the proposal.

RECOMMENDATION:

The staff recommends the City Council approve the ordinance amending the plat for 577 Main Street and 578 and 584 Park Avenue based upon the following:

Findings of Fact:

1. The proposal is consistent with both the Park City Land Management Code and Comprehensive Plan in that the HR-1 district allows single family homes.
2. The staff has reviewed the neighborhood and finds that other larger structures are located on the east side of Park Avenue. Therefore the impacts to the City and surrounding area are not significant.
3. The applicant has agreed to dedicate a ten foot snow storage easement along Park Avenue.
4. The applicant has agreed to dedicate an access easement on the rear portion of the residential lots.
5. The Temporary Zone Regulations will apply to any new development on the Main Street portion of the property and assure compatibility in context with historic structures of new construction.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

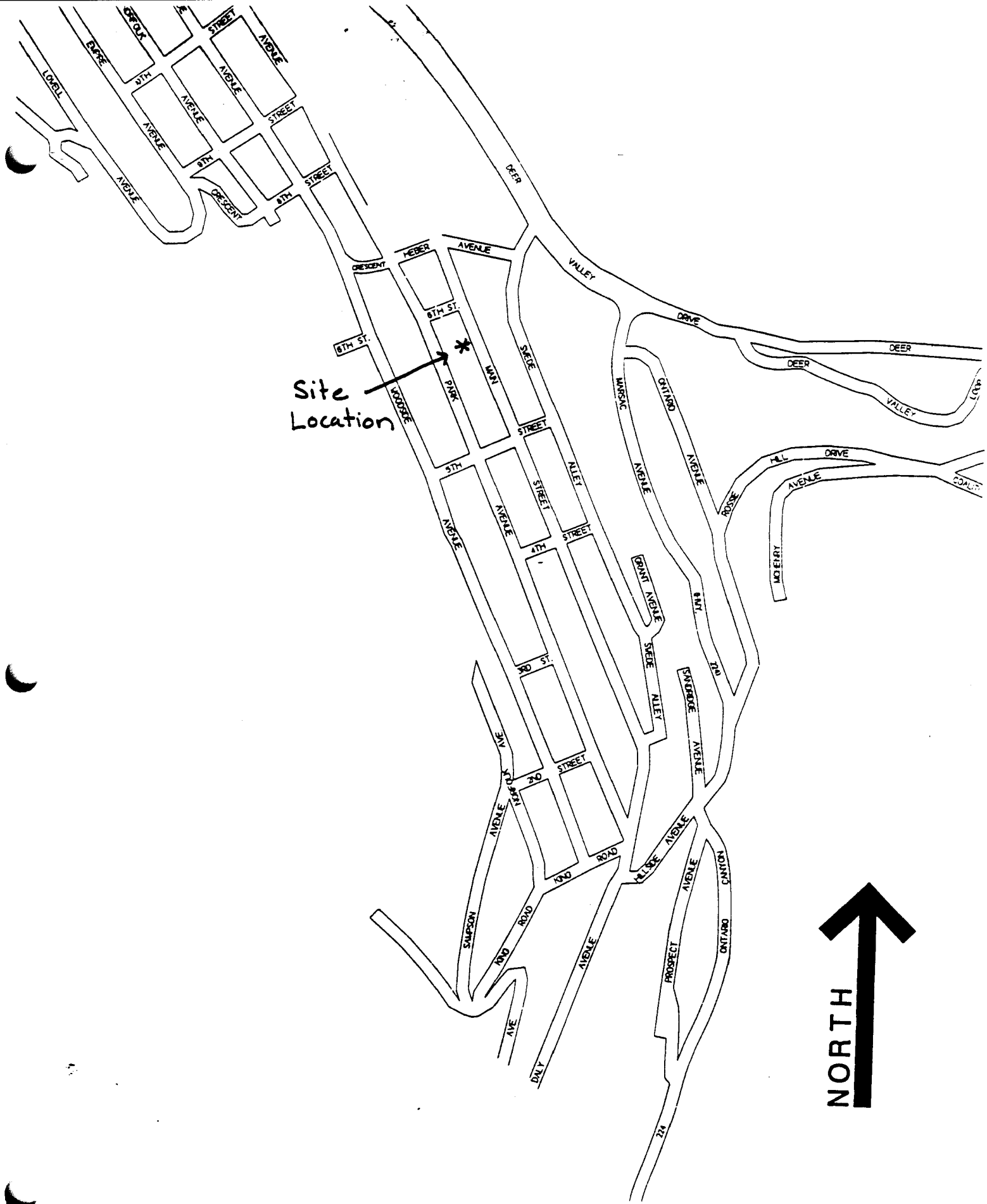
Conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the final plat in accordance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.
3. A ten foot public snow storage easement shall be provided along Park Avenue.
4. The applicant shall execute the required easement agreements to provide public access from Park Avenue to the rear of the commercial structure prior to final plat recordation.

Exhibits:

Exhibit A - Location Map

Exhibit B - Ordinance and Amended Plat



Ordinance No. 96-

**AN ORDINANCE APPROVING THE MSLD RESUBDIVISION AMENDING THE
PARK CITY SURVEY FOR LOTS 20, 21, 22, 26, 27, AND A PORTION OF LOTS 19
AND 28, BLOCK 9 LOCATED AT 577 MAIN, 578 AND 584 PARK AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Jim Gaddis , petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on March 13, 1996 and the City Council conducted a public hearing on March 21, 1996 to receive testimony on the proposed plat amendment; and

WHEREAS, on March 13, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council, with conditions regarding easements; and

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

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment to the Park City Survey for Lots 20, 21, 22, 26, 27 and a portion of Lots 19 and 28, Block 9, is approved as shown on Attachment A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.
3. A ten foot public snow storage easement shall be provided along Park Avenue.
4. The applicant shall execute the required easement agreements to provide public

access from Park Avenue to the rear of the commercial structure prior to final plat recordation.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 21th day of March, 1996

PARK CITY MUNICIPAL CORPORATION

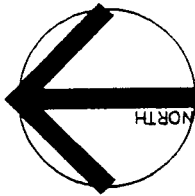
Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



SCALE: 1" = 20'

LEGAL DESCRIPTION

THE NORTHERLY 6.00 FEET OF LC
AND ALL OF LOT 28 EXCEPT THE
20.00 FEET THEREOF, BLOCK 9, F
OFFICIAL PLAT THEREOF, ON FILE
RECORDER'S OFFICE, SUMMIT COU

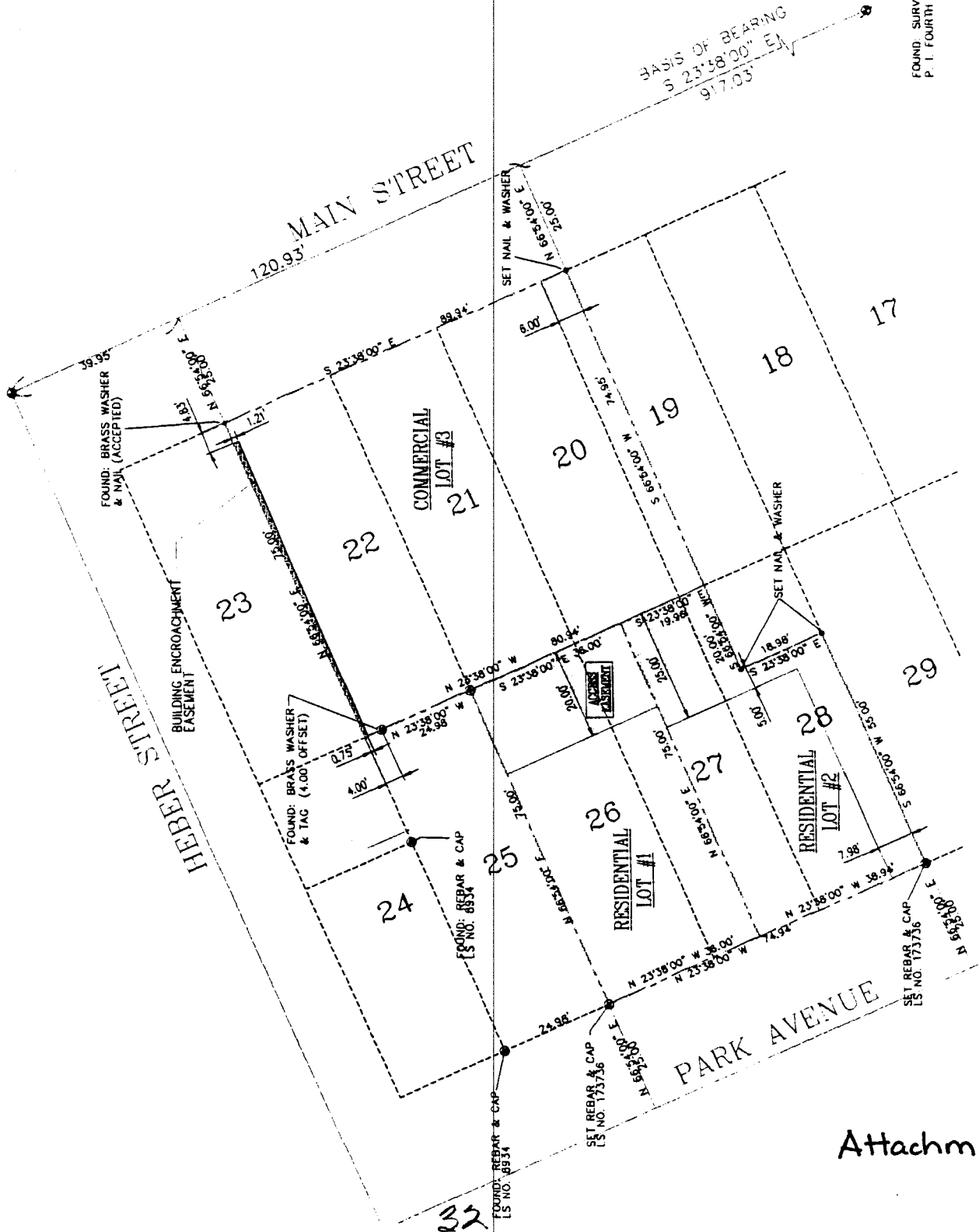
RECEIVED

MAY 7 1998

PLANNING DEPT

FOUND: SURVEY MONUMENT
P 1 FOURTH & MAIN STREET

FOUND: SURVEY MONUMENT



Attachment A



COUNCIL AGENDA REPORT

DATE: March 14, 1996
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Amendment to Record of Survey Plat - 7700 Royal Street
East, Stein Ericksen Lodge
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider staff's recommendation and take action on the proposed amendment to convert existing convertible commercial space to common ownership on the Record of Survey Plat at 7700 Royal Street East, Stein Ericksen Lodge.

DESCRIPTION:

A. Topic.

The Stein Ericksen Lodge Owner's Association is requesting City Council approval to convert approximately 13,000 square feet of existing commercial convertible space to common ownership. As per Utah State Code, this request requires City Council authorization in order to amend the Record of Survey plat for this condominium project.

B. Background.

This condominium project was approved in 1982 and constructed in 1983 under a Conditional Use Permit process. The square footage of this project and corresponding parking requirements were considered under this process. The existing restaurant and lobby area were platted as convertible space. The Lodge Owner's Association, Inc. was the record owner of the space. The Association is now requesting that the space be converted to common area. This change would affect the form of ownership only. The Lodge Owner's Association voted unanimously at their meeting of December 3, 1995 to approve this change.

C. Analysis

The Planning Staff does not have any planning or design concerns with the proposed change. The proposed change affects only the title ownership of the existing space.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this request.

ALTERNATIVES

- A. Approve the request to convert the commercial area to common area ownership.
- B. Deny the request to convert the commercial area to common area ownership.
- C. Postpone action for further discussion or clarification.

SIGNIFICANT IMPACTS:

Approval of the requested change does not impact the site in any physical way. It is simply a change in ownership form which would not directly affect the city.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council decides to not approve the proposed request the area would remain in common ownership.

RECOMMENDATION:

Staff recommends that the Council conduct a public hearing and consider staff's recommendation to approve the amendment to the Record of Survey plat of approximately 13,000 square feet of commercial space to common area at 7700 Stein's Way based on the following Findings and Conclusion, and Conditions of Approval:

Findings:

1. The proposal is consistent with the Conditional Use Permit Approved for the project in 1982 and the Land Management Code.
2. All owners are in unanimous support of the conversion of the commercial area to common ownership.
3. Property Owners within 300' were notified of this action and no comments have been received by staff.

Conclusions:

1. There is good cause for the amendment.

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

Conditions of Approval:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the amended Record of Survey plat for compliance with the Land Management Code and any applicable Utah State Codes.

EXHIBITS

Exhibit A - Amended Record of Survey

Exhibit B - Location map

ORDINANCE NO. 96-__

**AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY PLAT
OF STEIN ERICKSEN LODGE LOCATED AT 7700 STEIN WAY, PARK CITY,
UTAH**

WHEREAS, the owners of the property known as Stein Ericksen Lodge petitioned the City Council for approval of an amendment to the Record of Survey plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed conversion on March 21, 1996; and

WHEREAS, on March 25, 1996, the City Council approved the amended Record of Survey plat attached hereto as Exhibit A; and

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

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

SECTION 1. Conclusions: The City Council hereby finds:

1. there is good cause for the revision as no physical changes are proposed, and;
2. neither the public nor any person will be materially injured by the proposed plat revision.

SECTION 2. The Stein Ericksen Lodge Record of Survey plat is approved as shown on the attached Exhibit A with the following condition:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the amended Record of Survey plat for compliance with the Land Management Code and any applicable Utah State Codes.

SECTION 2. This ordinance shall take effect immediately.

DATED this 21st day of March, 1996.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

ATTEST:

Anita Sheldon, City Recorder

APPROVED AS TO FORM:

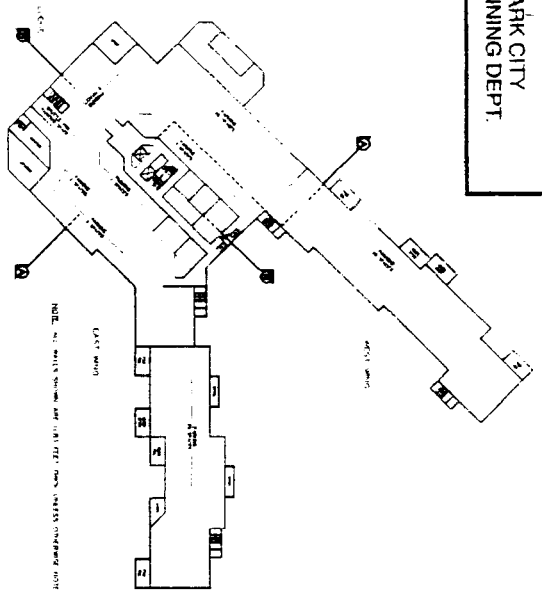
Mark Harrington, Asst. City Attorney

RECEIVED

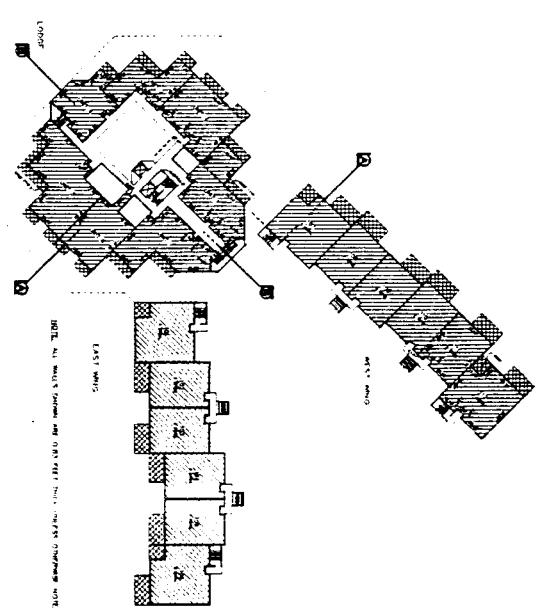
JAN 30 1991

PARK CITY
PLANNING DEPT.

Exhibit A - Amended Record of Survey - 7700 Royal St. East



LOWER FLOOR

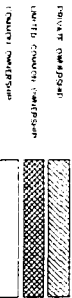


UPPER FLOOR

LOWER MEZZANINE

MAIN FLOOR

OWNERSHIP DESIGNATION



PRIVATE OWNERSHIP

UNIT NUMBER	OWNER NAME	DATE OF ACQUISITION
1	STEIN, ERIKSEN LODGE, INC.	1985
2	STEIN, ERIKSEN LODGE, INC.	1985
3	STEIN, ERIKSEN LODGE, INC.	1985
4	STEIN, ERIKSEN LODGE, INC.	1985
5	STEIN, ERIKSEN LODGE, INC.	1985
6	STEIN, ERIKSEN LODGE, INC.	1985
7	STEIN, ERIKSEN LODGE, INC.	1985
8	STEIN, ERIKSEN LODGE, INC.	1985
9	STEIN, ERIKSEN LODGE, INC.	1985
10	STEIN, ERIKSEN LODGE, INC.	1985

NOTE: The above information is for informational purposes only and does not constitute a warranty of any kind. The information is based on the records of the County of Summit, Utah, and the records of the State of Utah.

SURVEYOR'S CERTIFICATION

I, JAMES JOHNSON, do hereby certify that the foregoing plat represents the true and correct plat of the above described property, and that the same has been prepared by me or under my direct supervision and in accordance with the provisions of the Utah Condominium Ownership Act and the rules and regulations of the State of Utah. I am a duly licensed Surveyor in the State of Utah, and my commission expires on January 1, 1992.

JAMES JOHNSON, Surveyor No. 22-153789-2001

OWNERS CERTIFICATION AND CONSENT TO RECORD

On this day of January, 1985, Stein Eriksen Lodge, Inc., a corporation organized under the laws of the State of Utah, and the owners of the fee simple title to the Condominium Unit, which is a portion of the property described in the plat of the Condominium Unit, do hereby certify that the above described property is a portion of the property described in the plat of the Condominium Unit, and that the same has been prepared by me or under my direct supervision and in accordance with the provisions of the Utah Condominium Ownership Act and the rules and regulations of the State of Utah. I am a duly licensed Surveyor in the State of Utah, and my commission expires on January 1, 1992.

Stein Eriksen Lodge, Inc.

by Louis Eriksen, President

ACKNOWLEDGEMENT

State of Utah }
County of Summit }
On this day of January, 1985, personally appeared before me, Louis Eriksen, who being by me duly sworn, did say that he is the President of Stein Eriksen Lodge, Inc., and that the above described property is a portion of the property described in the plat of the Condominium Unit, and that the same has been prepared by me or under my direct supervision and in accordance with the provisions of the Utah Condominium Ownership Act and the rules and regulations of the State of Utah. I am a duly licensed Surveyor in the State of Utah, and my commission expires on January 1, 1992.

Notary Public _____

Commission Expires _____

2nd AMENDED
STEIN ERIKSEN LODGE
SHEET 2 OF 3

THIS SECOND AMENDED SHEET 2 OF 3 OF THE RECORD OF SURVEY FOR THE STEIN ERIKSEN LODGE, A UTAH CONDOMINIUM PROJECT, PLAT OF THE STEIN ERIKSEN LODGE, A UTAH CONDOMINIUM PROJECT, WAS RECORDED ON JANUARY 5, 1985, AS (BOOK) 20013.

COUNCIL APPROVAL

CITY ENGINEER

CITY PLANNING COMMISSION

SEWER DISTRICT APPROVAL

APPROVAL AS TO FORM

RECORDED

THE JACK JOHNSON COMPANY

DATE: _____
BY: _____

DATE: _____
BY: _____

DATE: _____
BY: _____

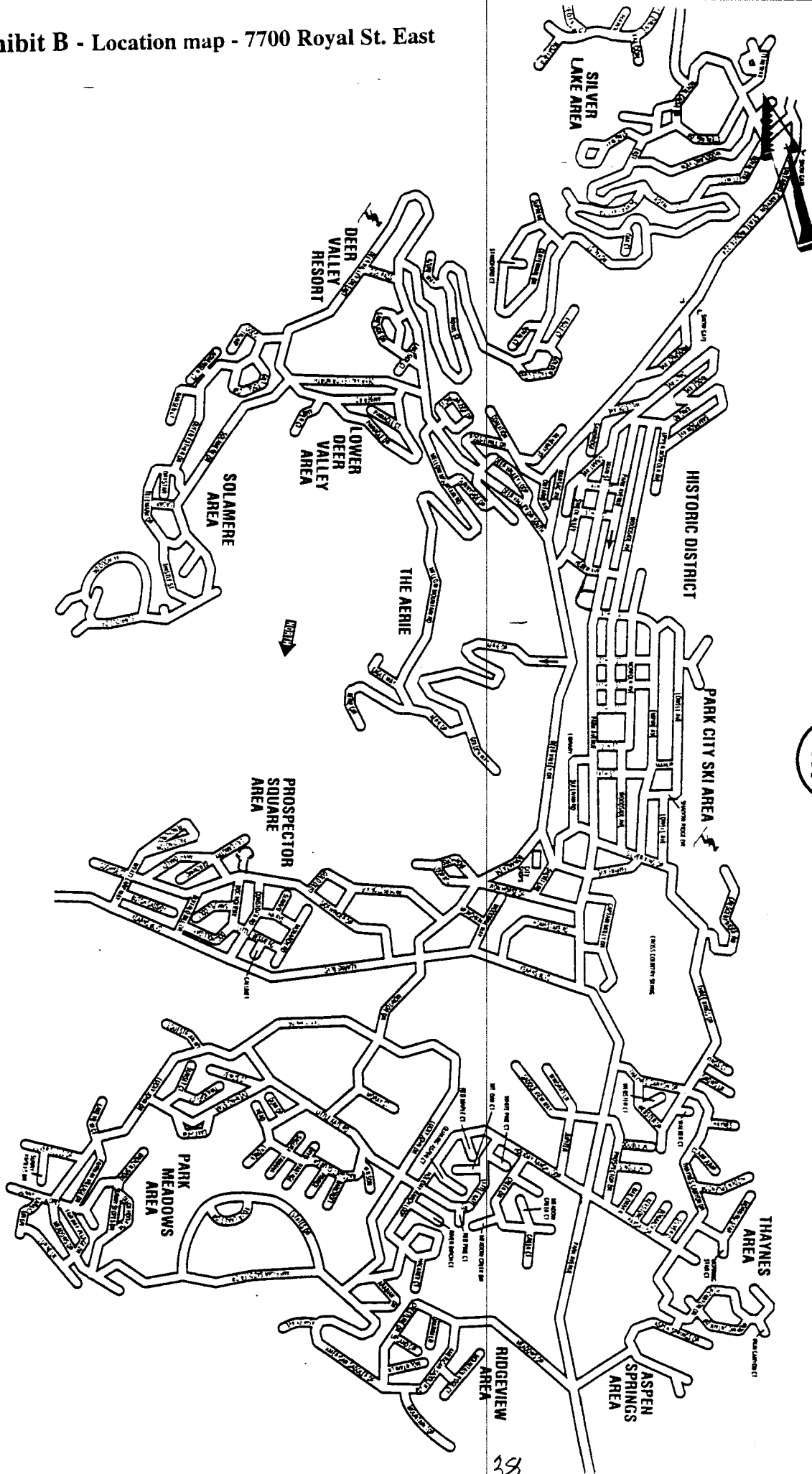
DATE: _____
BY: _____

DATE: _____
BY: _____

DATE: _____
BY: _____

DATE: _____
BY: _____

PROJECT LOCATION





DATE: 3/18/96
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Authorization of QCD to Gail Marie Roesinger
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Authorize the Mayor to execute a Quit Claim Deed ("QCD") in a form approved by the City Attorney to Gail Marie Roesinger (a.k.a. Walton) for the property described in Exhibits A, B and C in exchange for \$2100.

DESCRIPTION:

A. Topic:

A property claim on the Colman open space parcel.

B. Background:

The City has developed a settlement strategy to help facilitate resolution of long standing property claims by owners adjacent to the Colman parcels purchased by the City in 1994. This is the second of several such anticipated claims. Ms. Gail Marie Roesinger is the owner of lot 10 and a portion of lot 11 of Block 19 of the Park City Survey (45 Hillside Ave.). Ms. Roesinger has submitted a request that the City quit claim its interest in the area directly to the north of the lots as described in the legal descriptions attached as Exhibits A, B and C and as shown on the site map attached as Exhibit D. Ms. Roesinger has a deed to Parcel A and a portion of her home sites on the parcel. She has landscaping improvements on Parcel B, but no other physical improvements. Parcel C is enclosed by a fence and a hot tub, deck and landscaping improvements sit on the area.

C. Analysis:

Staff recommends that the City quit claim Parcel A to Ms. Roesinger for the standard administrative fee of \$500, subject to a tree preservation easement for the cottonwood tree as depicted on Exhibit D, and Ms. Roesinger's agreement to participate in a lot combination for the resulting lot.

Based upon negotiations with Ms. Roesinger, the Staff recommends that the City quit claim Parcel B to Ms. Roesinger for \$600, (or \$3 per square foot) subject to an open space and utility

easement over the parcel, a covenant that none of the area of the parcel shall be used for floor area ratio calculation, and Ms. Roesinger's agreement to participate in a lot combination for the resulting lot.

Based upon negotiations with Ms. Roesinger, the Staff recommends that the City quit claim Parcel C to Ms. Roesinger for \$1000, subject to a covenant that none of the area of the parcel shall be used for floor area ratio calculation, and Ms. Roesinger's agreement to participate in a lot combination for the resulting lot.

D. Department Review:

The Legal Department and City Engineer reviewed this claim.

ALTERNATIVES:

A. Approve the Request:

This is the recommended action.

B. Deny the Request:

See below for consequences.

C. Continue the Item:

If the Council wants more information, it should remove the item from the consent agenda and continue to a work session meeting or closed session.

SIGNIFICANT IMPACTS:

Most of the area in question is already encumbered by a building, deck and fence improvements. The staff has negotiated tree, open space, and utility easements for the relevant parts of the area.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Ms. Roesinger may likely attempt to take formal legal action. Until the matter is resolved, her title to the property would remain unclear.

RECOMMENDATION:

- ◆ Authorize the Mayor to execute a QCD in a form approved by the City Attorney to Ms. Gail Marie Roesinger for the property described in Exhibit A, B and C in exchange for \$2,100.

PARCEL A

LEGAL DESCRIPTION

FEBRUARY 29, 1996

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey and running thence southerly (S 21°33'00" W) 25.00 feet parallel with the easterly side line of Block 73; thence easterly (N 89°57'00" E) 81.25 feet on a line parallel with the section line between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, to the westerly side line of Block 18; thence northerly (N 13°59'00" E) 23.96 feet along said Block 18 to the said section line; thence westerly along the section line (S 89°57'00" W) 77.86 feet to the place of beginning.

CONTAINS 1849 SQ. FT.

Y:\HLS\GWQCA.wpd

PARCEL B

LEGAL DESCRIPTION

FEBRUARY 29, 1996

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey, thence S 21°33'00" W 25.00 feet to the true point of beginning; and running thence N 89°57'00"E 19.41 feet to a point on an existing fence line; thence along said fence line through the following 3 courses (1) S 45°33'24" W 4.51 feet; thence (2) S 09°27'44" W 15.37 feet; thence (3) S 10°38'33" E 8.58 feet; thence N 29°41'53" W 30.78 feet to the point of beginning.

CONTAINS 200 SQ. FT.

Y:\HLS\GWQCB.wpd

PARCEL C

LEGAL DESCRIPTION

FEBRUARY 29, 1996

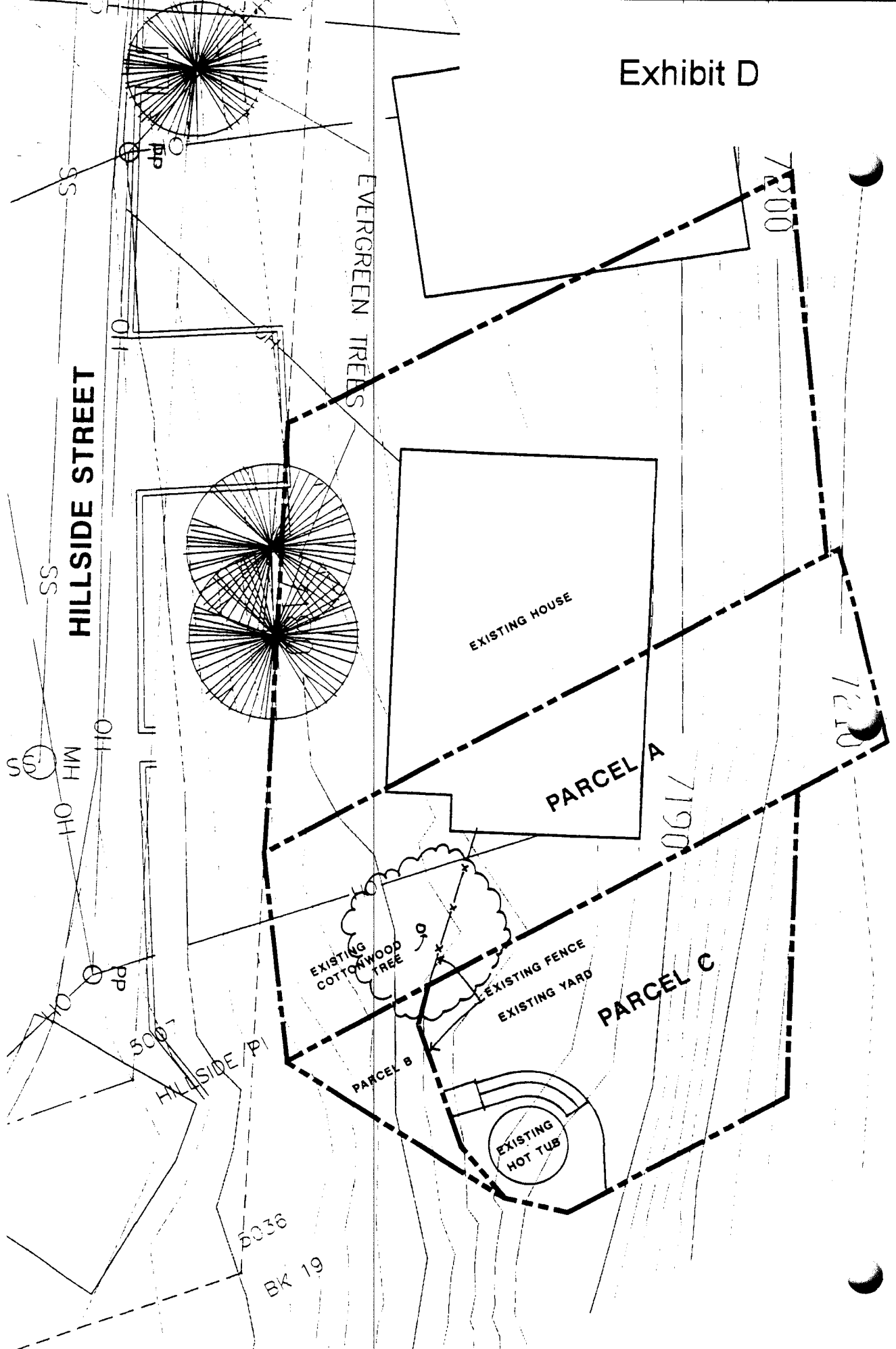
A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey, thence S 21°33'00" W 25.00 feet and N 89°57'00" E 19.41 feet to the true point of beginning; and running thence N 89°57'00"E 48.72 feet; thence S 29°00'00" W 36.32 feet; thence S 89°57'00" W 29.70 feet to a point on an existing fence line; thence along said fence line through the following 4 courses: (1) N 48°02'55" W 7.48 feet; thence (2) N 10°38'33" W 8.58 feet; thence (3) N 09°27'44" E 15.37 feet; thence (4) N 45°33'24" E 4.51 feet to the point of beginning.

CONTAINS 1389 SQ. FT.

Y:\HLS\GWQCC.wpd

Exhibit D





CITY COUNCIL REPORT

DATE: March 5, 1996
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, City Engineer
TITLE: Bonanza Drive/Deer Valley Drive - Installation of Traffic Signal
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Authorize a Cooperative Agreement to be developed with UDOT whereby the City would take the lead for design, bidding, and payment of the construction of a traffic signal at the intersection of Bonanza Drive and Deer Valley Drive; and authorize the transfer of up to \$105,000 from the Capital Improvement Program, Old Town Streets and Utilities Master Plan Implementation project to pay for the City's share of the cost.

DESCRIPTION:

A. Topic: Installation and partial payment of a traffic signal at the intersection of Bonanza Drive and Deer Valley Drive.

B. Background: The traffic design firm of MK Centennial has been studying feasibility of the installation of a traffic signal at the intersection of Bonanza Drive and Deer Valley Drive. They have prepared a conceptual plan for the intersection which has been coordinated with various UDOT departments which would be involved. A copy of the conceptual plan is attached as is the letter from UDOT approving it. Our Police Department supports the reconstructed intersection as shown.

The remaining issue is how to pay for the construction. It may take several years for this project to rise to the top of UDOT's priority list. However, UDOT would enter into a Cooperative Agreement whereby Park City Municipal Corporation would take the lead on designing, bidding and paying for the construction. UDOT would supply some of the materials and would reimburse us for some of the cost.

C. Analysis: It is estimated that it will cost Park City Municipal Corporation approximately \$105,000 for the project, of which UDOT would reimburse us about \$30,000, resulting in a net cost to Park City Municipal Corporation of about \$75,000. Over time, Park City Municipal Corporation may be able to have some of this cost offset with development impact fees.

If the City Council wishes to contribute to the construction of the traffic signals in order to move this project ahead on the priority list, funds from the Old Town Streets and Utilities Master Plan Improvements Program, which is part of the Capital Improvement Program, could be transferred to this project. There are approximately \$700,000 in this program at the present time.

D. Department Review: The Community Development Department, the Police Department, and the City Engineer have reviewed this proposal

ALTERNATIVES:

A. Approve the Request: This is the recommended action.

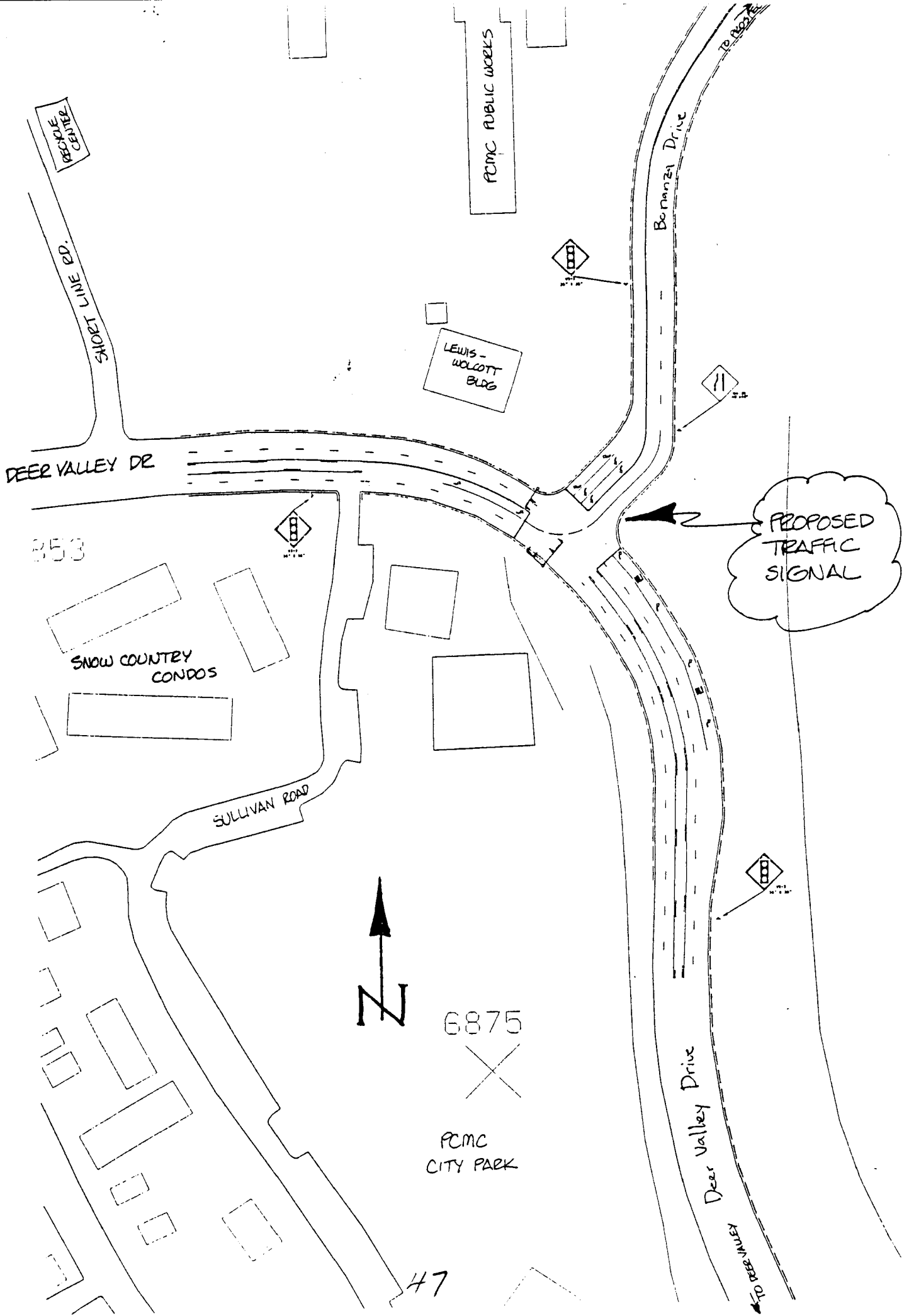
B. Deny the Request: See below for consequences.

C. Continue the Item: If the Council wants more information, this item could be continued while Staff prepares additional requested information.

SIGNIFICANT IMPACTS: The Bonanza Drive and Deer Valley Drive intersection has a high accident history and a traffic signal is warranted due to these accidents.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the City Council wishes to not participate in the funding of the installation of a traffic signal at this time, accidents will continue to occur at this intersection and may possibly increase due to the additional traffic anticipated. It may be several years before the project would be funded through the use of UDOT funding.

RECOMMENDATION: Authorize the City to enter into a Cooperative Agreement with UDOT whereby the City would take the lead on designing, bidding, and paying for the construction with UDOT supplying some of the materials and reimbursing the City for some of the cost of approximately \$30,000; and authorize approximately \$105,000 of Capital Improvement Program Funds from the Old Town Streets and Utilities Master Plan Improvements Program to be transferred for the purpose of installing the traffic signal.





Michael O. Leavitt
Governor

Thomas R. Warne
Executive Director

Clint Topham
Deputy Director

State of Utah
DEPARTMENT OF TRANSPORTATION

4501 South 2700 West
Salt Lake City, Utah 84119-5998
(801) 965-4000
Fax: (801) 965-4338

Commission
Glen E. Brown
Chairman
Todd G. Weston
James G. Larkin
Ted D. Lewis
Hal M. Clyde

February 6, 1996

Jay L. Nelson, P.E.
Project Manager
MK Centennial Engineering
310 East 4500 South, Suite 200
Salt Lake City, Utah 84107

RE: Signalized Intersection Design - Deer Valley Drive and Bonanza Drive

Dear Jay:

UDOT Traffic and Safety Design has reviewed the 2nd concept plan for the intersection design that was submitted recently. UDOT approves of the general concept, and we look forward to working with Park City Municipal Corporation and your organization to bring the design and construction of the intersection to an acceptable conclusion.

Sincerely,

C. Joe Reaveley, P.E.
Traffic and Safety Design Engineer

CJR/cdf

cc: Clint Topham
Sterling Davis
Byron Parker, R-2
Basharat Siddiqi, R-2



**ENGINEER'S ESTIMATE
UTAH DEPARTMENT OF TRANSPORTATION**

PROJECT NUMBER: 1579
NAME OF PROJECT: DEER VALLEY DRIVE & BONANZA DRIVE

SUMMIT COUNTY PRELIMINARY COST ESTIMATE BASED ON CONCEPT PLAN
TYPE: SIGNAL, ROADWAY GEOMETRICS

MADE BY: LRC
CHECKED BY: _____

NO.	ITEM NO.	DESCRIPTION	QTY	UNIT	PRICE	AMOUNT
ROADWAY						
1	151000010	MOBILIZATION	1	LUMP	20000.00	20000.00
2	202000070	REMOVE CONCRETE CURB AND GUTTER	80	LIN M	9.00	720.00
3	202000220	REMOVE SIGN	3	EACH	150.00	450.00
4	202000225	REMOVE DELINEATOR	8	EACH	150.00	1200.00
5	210000010	ROADWAY EXCAVATION	35	CU M	9.80	343.00
6	220000040	GRANULAR BORROW	20	TON	10.00	200.00
7	24000001U	TEMPORARY EROSION CONTROL (CONTINGENT SUM)	1	LUMP	500.00	500.00
8	301000040	UNTREATED BASE COURSE 19mm OR 25mm MAX	30	M^3	8.70	261.00
9	402000021	ASPHALT CONCRETE MIX 19mm MAX	25	CU M	66.00	1650.00
10	403000010	LIQUID ASPHALT MC-70 OR MC-250	0.1	M TON	375.00	18.75
11	411000010	ASPHALT CONCRETE PAVEMENT SAWING	90	MM-M	0.04	3.60
12	41100010S	CONCRETE PAVEMENT SAWING	6	LIN M	0.16	0.96
13	60200031D	CONCRETE CURB AND GUTTER TYPE B1	80	LIN M	35.00	2800.00
14	82000010S	TRAFFIC STRIPING PAINT	20	L	6.00	120.00
15	82300010S	PAVEMENT MESSAGE PAINT	29	EACH	25.00	725.00
16	826000010	REMOVAL OF PAVEMENT MARKINGS	100	LIN M	1.50	150.00
17	826000020	REMOVAL OF PAVEMENT MESSAGE	2	EACH	150.00	300.00
18	830000170	REMOVAL, RELOCATION, AND SALVAGING OF EXISTING EQUIPMENT	1	LUMP	150.00	150.00
19	850000010	TRAFFIC CONTROL SUPERVISOR	11	CAL DAY	225.00	2475.00
20	851000010	CONSTRUCTION SIGN	150	M^2 DAY	1.70	255.00
21	851000080	CHANNELIZING DEVICE	4,500	DEV DAY	0.45	2025.00
22	852000010	FLAGGING	80	HOUR	12.00	960.00
23	853000020	TYPE B - STATIONARY, ADVANCE WARNING ARROW PANEL	80	HOUR	6.50	520.00
24	89900010S	LAW ENFORCEMENT OFFICER	6	HOUR	50.00	300.00
ROADWAY			SUBTOTAL		36127.31	
SIGNALS						
25	201000000	CLEAR AND GRUB	1	LUMP	10.00	10.00
26	830000012	SINGLE CONDUCTOR NO. 6 CABLE	115	LIN M	1.50	172.50
27	830000014	SINGLE CONDUCTOR NO. 14 STRANDED CABLE	1,500	LIN M	1.50	2250.00
28	830000015	TWO CONDUCTOR NO. 14 SHIELDED STRANDED CABLE	400	LIN M	2.00	800.00
29	830000019	SIX PAIR NO. 19 SHIELDED STRANDED CABLE	145	LIN M	5.00	725.00
30	830000030	19mm PVC CONDUIT	300	LIN M	9.00	2700.00
31	830000031	38mm PVC CONDUIT	215	LIN M	5.00	1075.00
32	830000033	50mm PVC CONDUIT	200	LIN M	6.00	1200.00
33	830000035	63mm PVC CONDUIT	20	LIN M	7.30	146.00
34	830000040	GROUND WIRE NO. 6	80	LIN M	1.25	100.00
35	830000050	GROUND ROD 16mm X 2439mm	4	EACH	45.00	180.00
36	830000051	GROUND ROD 19mm X 3048mm	1	EACH	70.00	70.00
37	830000071	TYPE I SIGNAL HEAD	3	EACH	360.00	1080.00
38	830000072	TYPE I SIGNAL HEAD WITH LEFT TURN ARROW	2	EACH	400.00	800.00
39	830000078	TYPE II SIGNAL HEAD WITH RIGHT TURN ARROW	1	EACH	400.00	400.00
40	830000090	LOUVERED BACK PLATE, THREE SECTION HEAD	6	EACH	65.00	390.00
41	830000110	MAST ARM SIGNAL POLE FOUNDATION	2	EACH	1900.00	3800.00
42	830000112	TYPE P-1 CABINET FOUNDATION	1	EACH	635.00	635.00
43	830000120	PLASTIC TYPE I DOUBLE JUNCTION BOX	14	EACH	110.00	1540.00
44	830000122	PLASTIC TYPE II DOUBLE JUNCTION BOX	3	EACH	250.00	750.00
45	830000140	TYPE III LUMINAIRE, 400 WATT, 120/240 VOLT	2	EACH	400.00	800.00
46	830000150	SIGNAL POWER SOURCE	1	EACH	400.00	400.00
47	830000151	STREET LIGHTING POWER SOURCE	1	EACH	280.00	280.00

49

NO.	ITEM NO.	DESCRIPTION	QTY	UNIT	PRICE	AMOUNT
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48	830000160	INSTALLATION OF STATE FURNISHED MATERIAL	1	LUMP	30000.00	30000.00
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SIGNALS	SUBTOTAL	50303.50
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TOTAL	86,430.81
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20% ENG AND CONT	17,286.16
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SUBTOTAL INCL ENG & CONT	103,716.97
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STATE FURNISHED

49	830000700	MAST ARM SIGNAL POLE (7.6m TO 13.7m)	3	EACH	1400.00	4200.00
50	830000704	7.6 m MAST ARM	2	EACH	500.00	1000.00
51	830000706	10.7 m MAST ARM	1	EACH	575.00	575.00
52	830000804	12.2 m LIGHT POLE EXTENSION WITH 3 m ARM	2	EACH	511.00	1022.00
53	830000805	MAST ARM MOUNTED SIGN WITH MOUNTING BRACKETS	3	EACH	250.00	750.00
54	830000903	EIGHT PHASE CONTROLLER WITH P-1 CABINET	1	EACH	6500.00	6500.00

STATE FURNISHED	SUBTOTAL	14,047.00
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TOTAL	14,047.00
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SUBTOTAL INCL ENG & CONT	103,716.97
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GRAND TOTAL	117,763.97
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DATE: 3/18/96
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Drainage Easement to Simone and Kevin McInnis
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Authorize the Mayor to execute a drainage easement substantially as shown on Exhibit A in a form approved by the City Attorney in conjunction with the deed to Simone and Kevin McInnis for the RDA parcel located north of Heber Avenue.

DESCRIPTION:

A. Topic:

RDA parcel located north of Heber Avenue.

B. Background:

The City Council authorized the sale of the RDA parcel for \$80,000 to Simone and Kevin McInnis in September of 1995. The parties have not yet closed on the sale. The McInnises now request a drainage easement over the City's property to the northeast of the RDA parcel in conjunction with the closing on the RDA parcel. (See map and legal description attached as Exhibit A).

C. Analysis:

Staff is still discussing the possibility of an easement trade with McInnis', in lieu of an compensation for the drainage easement. Jennifer Harrington, Landscape Architect, has requested a six feet bike path easement on the same border of the property. Staff will discuss this matter in greater detail during closed session at Thursday's meeting.

City Engineer Eric DeHaan supports granting the drainage easement subject to the following conditions:

- 1) All drainage lines shall be underground; and
- 2) No trees shall be removed nor damaged without prior City authorization; and
- 3) Pedestrian access along the trail shall be maintained during construction; and
- 4) Grantee shall restore all disturbed area resulting from installation of drainage facilities.

D. Department Review:

The Legal Department, Public Affairs and City Engineer reviewed this claim.

ALTERNATIVES:

A. Approve the Request:

This is the recommended action. Staff will prepare a formal recommendation regarding type of consideration for the easement for Thursday's meeting.

B. Deny the Request:

See below for consequences.

C. Continue the Item:

If the Council wants more information, it should remove the item from the consent agenda and continue to a work session meeting or closed session.

SIGNIFICANT IMPACTS:

As conditioned, the easement shall have minimum impacts on the City property. The easement will facilitate development on the new McInnis parcel(s).

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Staff will discuss this matter briefly during closed session.

RECOMMENDATION:

- ◆ Authorize the Mayor to execute a drainage easement substantially as shown on Exhibit A in a form approved by the City Attorney in conjunction with the deed to Simone and Kevin McInnis for the RDA parcel located north of Heber Avenue, subject to the following conditions:
 - 1) All drainage lines shall be underground; and
 - 2) No trees shall be removed nor damaged without prior City authorization; and
 - 3) Pedestrian access along the trail shall be maintained during construction; and
 - 4) Grantee shall restore all disturbed area resulting from installation of drainage facilities.

EXHIBIT 'A'

LEGAL DESCRIPTION
NON-EXCLUSIVE UTILITY EASEMENT

Beginning at a point which is North 156.48 feet and East 85.28 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 16, Range 4 East, Township 2 South, Salt Lake Base and Meridian, Park City, Summit County, Utah, hence North $83^{\circ} 13' 00''$ East 67.44 feet; thence South $37^{\circ} 08' 11''$ East 174.11 feet; thence South $53^{\circ} 05' 10''$ West 45.40 feet; thence North $45^{\circ} 51' 45''$ West 83.17 feet to a point on a 85.95 foot radius curve to the left, whose radius point bears South $42^{\circ} 08' 15''$ West; thence along the arc of said curve 41.05 feet thru a central angle of $27^{\circ} 21' 53''$; thence North $75^{\circ} 13' 39''$ West 10.25 feet to a point on a 87.07 foot radius curve to the right, whose radius point bears North $14^{\circ} 46' 21''$ East; thence along the arc of said curve 30.99 feet thru a central angle of $20^{\circ} 23' 37''$; thence North $06^{\circ} 47' 00''$ West 53.57 feet to the point of beginning.

DEER VALLEY DRIVE

RDA PARCEL

HATCHED AREA INDICATES
PROPOSED NON-EXCLUSIVE
DRAINAGE EASEMENT

EXISTING BUILDING

AQUACADE

POWELL AQUACADE

CURVE	RADIUS	LENGTH
C1	87.07'	30.99'
C2	85.95'	41.05'

POWELL

30 0 30 60 FEET

SE COR OF SW 1/4
OF SW 1/4 OF
SEC 16, T2S, R4E, SUBM

NORTH
156.48'

POINT OF BEGINNING

EXISTING EASEMENT

PARCEL B
TRADE PARCEL



CITY COUNCIL REPORT

TO: The Honorable Bradley A. Olch
Members of the City Council
FROM: Jodi Hoffman, City Attorney
DATE: March 18, 1996
SUBJECT: SBSID Lawsuit
TYPE OF ACTION: Litigation

SUMMARY RECOMMENDATION: Authorize service of the attached appeal of the State Engineer's decision to approve Summit Water Distribution Company's exchange application to divert and treat East Canyon Creek Water.

INTRODUCTION:

About a month ago, the Snyderville Basin Sewer Improvement District (SBSID) asked the City to appeal the State Engineer's denial of a protest that we had filed a year or more ago to Summit Water's (water rights) exchange application. Last fall, the State Engineer approved the exchange, which will allow Summit Water to construct a water treatment plant immediately upstream from SBSID's East Canyon Creek Waste Water Treatment Plant (WWTP). From SBSID's perspective, the State Engineer allowed Summit Water to divert too much water from East Canyon Creek—so much that the Summit Water diversion would require SBSID immediately to construct another multi-million dollar WWTP to meet its NPDES (federal) permit requirements for effluent from its system. Because City property owners would be required to pay for the new multi-million dollar SBSID WWTP, and because we had only two days under the statute of limitations to file the appeal, we filed, but did not serve the lawsuit, prior to obtaining your authority. (See appeal attached hereto.) We have until March 28, 1996 to serve the lawsuit to preserve our right of appeal.

At the time we filed the appeal, it was something of a "no brainer". Now the council must decide whether to go forward in light of the following:

- Our research indicates that the Summit Water diversion will adversely affect East Canyon Creek Water Quality, a factor that was not considered by the State Engineer, but is required by statute to be considered by the State Engineer.
- Summit Water's exchange application was based on Davis and Weber or Property Reserve Inc. water rights.
- A successful appeal could have an adverse effect on Summit Water.
- SBSID has capable counsel and is arguing similar theories on appeal.
- The State Engineer has granted SBSID a rehearing on *its* appeal. Park City will not receive a rehearing, nor be allowed to meaningfully participate in the SBSID appeal, without first perfecting its appeal.
- If Park City obtains a rehearing, the appeal issues would be stayed, minimizing Park City's costs of appeal.

At your request, SBSID's attorney, Jeff Appel, will be available for Council questions on Thursday.

COUNCIL ALTERNATIVES:

1. Authorize staff to serve the appeal. This is the recommended action.
2. Direct staff to file an *amicus curiae* brief in lieu of perfecting the appeal.
3. Direct staff to allow the appeal period to expire without perfecting the City's rights.

SIGNIFICANT IMPACTS:

1. The recommended action preserves the City's options to aid in the process to achieve a compromise between SBSID's and Summit Water's interests in East Canyon Creek Water. In perfecting the appeal, the City could strive for a mediator's role.
2. The *amicus* option could allow the City to "weigh in" in support of the public interest. However, District Courts are not familiar with *amicus* briefs, and may not allow ours. Further, this option would actually be more work, rather than less for staff, because the appeal is already drafted and can be served and heard as a matter of right.
3. The do nothing approach is an option. We do not have to perfect this appeal. In choosing this option, the Council would conclude that the public interest is best served by SBSID pursuing its own protest, without assistance in the appeal from the City's perspective.

DEPARTMENTAL REVIEW: The City Attorney, City Manager, and the Public Works Director each support the recommended alternative.

c: Toby Ross
Jerry Gibbs

NO.....
FILED

NOV 29 1995

Clerk of Summit County

BY.....
Deputy Clerk

J. Craig Smith (4143)
David B. Hartvigsen (5390)
NIELSEN & SENIOR
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
(801) 532-1900

Attorneys for Park City Municipal Corporation
and Park City Water Service District

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

PARK CITY MUNICIPAL
CORPORATION and PARK CITY
WATER SERVICE DISTRICT,

Plaintiffs,

v.

SUMMIT WATER DISTRIBUTION
COMPANY, DAVIS AND WEBER
COUNTIES CANAL COMPANY, and
ROBERT L. MORGAN, State Engineer of
the State of Utah,

Defendants.

COMPLAINT

Civil No.

9503000155 AA

Hon. _____

PLAINTIFFS Park City Municipal Corporation and Park City Water Service District,
complain and allege against Defendants as follows:

PARTIES

1. Plaintiff Park City Municipal Corporation is a municipality and political subdivision of the State of Utah and was a protestant to Change Application Numbers 35-6986 (a18467) and 35-7452 (a18524) filed before the State Engineer of the State of Utah.

2. Plaintiff Park City Water Service District is a political subdivision of the State of Utah and was a protestant to Change Application Numbers 35-6986 (a18467) and 35-7452 (a18524) filed before the State Engineer of the State of Utah.

3. Defendant Summit Water Distribution Company is ostensibly a non-profit Utah corporation and was a named applicant in Change Application Numbers 35-6986 (a18467) and 35-7452 (a18524) filed before the State Engineer of the State of Utah.

4. Defendant Davis and Weber Counties Canal Company is ostensibly a non-profit Utah corporation and was a named applicant in Change Application Number 35-7452 (a18524) filed before the State Engineer of the State of Utah.

5. Defendant Robert L. Morgan is the State Engineer of the State of Utah.

JURISDICTION

6. This Court has jurisdiction to review the final agency actions of the State Engineer complained of herein pursuant to Utah Code Ann. §§ 63-46b-15(1)(a) and 73-3-14 and Utah Administrative Code § R655-6-18.

7. The water sources for Water Right Numbers 35-6986 and 35-7452 are in Summit County, Utah, placing venue for this action in this Court pursuant to Utah Code Ann. § 73-3-14(1)(b).

PETITION FOR REVIEW OF FINAL AGENCY ACTION

8. On November 16, 1994, Defendant Summit Water Distribution Company filed Change Application Number 35-6986 (a18467) with the State Engineer seeking to change the point of diversion, the place of use, and the nature of use of 400 acre-feet of water.

9. Also on November 16, 1994, Defendant Summit Water Distribution Company and Defendant Davis and Weber Counties Canal Company jointly filed Change Application Number 35-7452 (a18524) with the State Engineer seeking to change the point of diversion, the place of use, and the nature of use of 1244 acre-feet of water.

10. Plaintiffs filed a protest against both Change Applications on several grounds. A copy of this Protest is attached hereto as Exhibit A.

11. Protests against both Change Applications were also filed by the United States Department of the Interior, Weber Basin Water Conservancy District, and Silver Springs Water Company.

12. A hearing on the subject Change Applications was held on March 14, 1995 wherein all of the protestants appeared and presented their respective objections.

13. On October 30, 1995, the State Engineer issued a Memorandum Decision approving Change Application Number 35-6986 (a18467). A copy of this final agency action is attached as Exhibit B.

14. On November 8, 1995, the State Engineer issued a Memorandum Decision approving Change Application Number 35-7452 (a18524). A copy of this final agency action is attached as Exhibit C.

15. Under state statutory and case law, the State Engineer cannot approve a change application if it impairs any vested water rights.

16. Under state statutory and case law, the State Engineer must make all of the same investigations, analyses, and determinations for a change applications as are required for an application to appropriate water, including, *inter alia*, an investigation and analysis of the effect that the application will have on the vested rights of other water users, the natural stream environment, the public welfare, and on public recreation.

17. Plaintiffs have numerous vested water rights, including senior water rights, in the Snyderville Basin which will be adversely affected and impaired by the approval of these Change Applications by, *inter alia*, loss of return flows to East Canyon Creek, increased concentrations of pollutants such as phosphates in East Canyon Creek, and enlargement of Defendants' water rights at the expense of the water rights of Plaintiffs and others in the region.

18. Plaintiffs are also "interested parties" under Utah Code Ann. § 73-3-7 having substantive interests in the natural stream environment, the public welfare, and/or public recreation which would be affected by approval of the subject Change Applications.

19. The State Engineer either did not specifically investigate or inadequately investigated and ultimately did not make any written determinations concerning the impact that approval of the subject Change Applications would have on the stream environment and the substantial efforts and investments which Plaintiffs and others have made in reducing the phosphate levels in East Canyon Creek and in improving the water quality and the natural stream environment. The only references to this issue in the Memorandum Decisions are that it was

raised by Plaintiffs in their protests and a boiler-plate statement that "the State Engineer has considered and addressed all of the above issues or similar ones on a number of occasions."

20. The State Engineer made a finding in each Memorandum Decision that if the enlargement of the underlying water right issue could be resolved, it appeared that other water rights would not be adversely affected by approval of the subject Change Applications. However, the enlargement issue was not adequately resolved.

21. The State Engineer either did not specifically investigate or inadequately investigated and ultimately did not make any written determinations concerning the impact that approval of the subject Change Applications would have on other vested water rights in the East Canyon drainage by the trans-basin transfer of water to the Silver Creek drainage, thereby totally eliminating all of the return flows that presently constitute a part of the hydrology of the East Canyon drainage. The only references to this issue in the Memorandum Decisions are that it was raised by Plaintiffs in their protests and a boiler-plate statement that "the State Engineer has considered and addressed all of the above issues or similar ones on a number of occasions."

22. In approving the subject Change Applications, the State Engineer failed to comply with the requirements of state law for approving change applications, including those set forth in Bonham v. Morgan, 788 P.2d 497 (Utah 1989), that where the State Engineer is made aware of the potential that the approval of a change application will impair other water rights, will unreasonably affect the natural stream environment, or will be detrimental to the public welfare, the State Engineer shall not act on such an application until he has investigated the matter.

23. In approving the subject Change Applications, the State Engineer failed to comply with the State Engineer's own policies concerning large change and exchange applications in the Snyderville Basin. Copies of the State Engineer's January 11, 1988 "Policy on Snyderville Basin" and February 2, 1988 "Interim Policy on Snyderville Basin" are attached as Exhibit D.

24. For each of the foregoing reasons, Plaintiffs are aggrieved by these Memorandum Decisions issued by the State Engineer approving Change Application Numbers 35-6986 (a18467) and 35-7452 (a18524).

25. Plaintiffs, in timely protesting the Change Applications, have exhausted all required administrative remedies prior to seeking judicial review of the Memorandum Decisions.

26. Plaintiffs filed this action within 30 days after the issuance of the Memorandum Decisions approving Change Application Numbers 35-6986 (a18467) and 35-7452 (a18524).

27. As interested and aggrieved parties having timely filed this action, Plaintiffs are entitled to have the Memorandum Decisions of the State Engineer reviewed *de novo* by this Court pursuant to Utah Code Ann. §§ 63-46b-15 and 73-3-14 and Utah Administrative Code § R655-6-18.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the following relief be ordered by this Court:

1. That the Memorandum Decision of the State Engineer dated October 30, 1995 approving Change Application Number 35-6986 (a18467) be declared vacated.

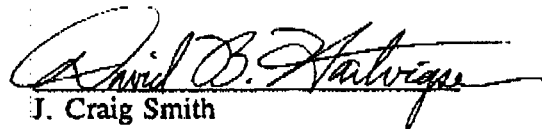
2. That the Memorandum Decision of the State Engineer dated October 30, 1995 approving Change Application Number 35-7452 (a18524) be declared vacated.

3. That Change Application Numbers 35-6986 (a18467) and 35-7452 (a18524) both be rejected or, in the alternative, remanded to the State Engineer for re-determination in accordance with state law governing change applications, specifically requiring the State Engineer to investigate, consider, and properly address in a new memorandum decision each of the issues raised by Plaintiffs and the other protestants.

4. That Plaintiffs be granted any other just and appropriate relief.

Dated this 29th day of November, 1995.

NIELSEN & SENIOR



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Defendant Davis and Weber Counties Canal Company
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Defendant Robert L. Morgan
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DATE: March 21, 1996
DEPARTMENT: Administration
AUTHOR: Jan Scott
TITLE: Appointments to Summit County Olympic Citizen Committee
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Appoint two City Council members to the above-captioned committee.

DESCRIPTION: There are two Summit County Olympic committees; the Citizen Committee which is a voting body and the Olympic Advisory Committee. See attached.

Summit County solicited participation on this committee by advertising in the paper, and attempted to appoint a membership that is representative of different segments of the County. There are currently 14 members; the addition of two Park City elected officials will increase the membership to 16 members. Jon Brinton is the Chairman.

The committee meets every other Thursday morning at 8 a.m. at the Snyderville Basin sewer treatment plant. The next meeting will be April 4.

RECOMMENDATION: Hugh Daniels relayed his experience with the 1984 Olympics and indicated his interest in serving on this board. Council will have an opportunity to discuss this during work session; appointments are scheduled on the regular City Council agenda.

Olympic Citizens Committee

Formed November 13, 1995

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