

**PARK CITY WORK SESSION NOTES  
SUMMIT COUNTY, UTAH  
MARCH 3, 2005**

**Present:** Mayor Dana Williams; Council members, Kay Calvert; Marianne Cone, Candace Erickson; and Joe Kernan

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Chief Lloyd Evans; Breena Hathaway, Public Affairs Assistant, Gary Hill, Budget Manager; Phyllis Robinson, Analyst; Patrick Putt, Planning and Zoning Director

**Absent:** Council member Jim Hier

**1. Council questions/comments.** Kay Calvert disclosed that she received complaints about motorists not stopping for pedestrians at the crosswalk at Albertson's and Chief Lloyd Evans acknowledged these violations. In response to comments made, the City Engineer explained that UDOT only allows pedestrian-operated red lights at signalized intersections. A crosswalk over four lanes of traffic is very challenging and the intersection at Deer Valley Drive is safer to cross. Chief Evans added that people were crossing at this location before the crosswalk was installed and he assured Council that community awareness will be heightened by some enforcement action. Candy Erickson discussed the topics covered in the Recreation Advisory Board meeting, including the sound garden; skate park expansion design, neighborhood parks, temporary dirt bike jumps, and the results of the Racquet Club open house. There was also a recommendation made by a RAB member about naming neighborhood parks and getting the public involved. Dana Williams expressed that the City was well-represented at the White Pine Touring meeting last night which was well-attended and productive.

**2. Legislative update.** Breena Hathaway reported that the \$10 million tourism bill passed. Annual funding will decrease by \$1 million each year in the hopes that there will be continued growth in tourism dollars. Gary Hill added that the streamline sales tax bill will be studied in the interim as well as redevelopment legislation, which is anticipated to prohibit extensions or expansions of project areas. The amendment to the formation of special service districts, more specifically with regard to undergrounding utilities, failed to pass even though there was no expressed opposition and support from utility companies. He hoped this will be considered as a committee bill next session.

**3. Mountainlands Community Housing Trust contract.** Phyllis Robinson explained that the City received a request from MCHT to amend its contract by removing the outreach program valued at \$6,000. While this will create a short-term service gap, staff is recommending the amendment, including reassigning the \$6,000 to the special services subcommittee for further action. In response to a question from Joe Kernan, Ms. Robinson believes the refund adequately represents the value of the

services withheld. Tom Bakaly added that if the funds are unspent, they revert to the General Fund unless earmarked for tenant outreach or other similar services.

**4. Public Use Transition District.** Patrick Putt explained that a hearing and action are scheduled this evening on this new district for the downtown area, specifically relating to the plaza and parking structure projects. It is meant to address land use for all City-owned properties in the downtown core. These properties include the Marsac Building, China Bridge, Swede Alley parking lots, and Transit Center, which are located in different zoning districts, HR-1 and HCB. The primary concern is that these zoning districts don't address the types of uses and/or provide adequate public processes for proposed downtown projects. Mr. Putt pointed out that this zone is more restrictive because most uses require conditional use approvals, accompanied with public hearings. As a transition district, it considers residential and commercial interests and allowed uses are public in nature. He reiterated the addition of involving the public through the CUP process; the Planning Commission and staff have forwarded a positive recommendation. Mr. Putt discussed passenger tramways, ski towers, and ski lift facilities in the conditional use section and the purpose section introducing the zone.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY, UTAH  
MARCH 3, 2005**

**I ROLL CALL**

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 3, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, and Joe Kernan. Jim Hier was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning and Zoning Director; Amy Campbell, Planning Intern; Brooks Robinson, Planner; Jonathan Weidenhamer, Planner; Ray Milliner, Planner; and Jan Scott, City Recorder.

**II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

Joe Kernan disclosed that he has a contract with Mountainlands Community Housing Trust, but will be voting on the amendment scheduled on the agenda.

**III PUBLIC INPUT (any matter of City business not scheduled on agenda)**

**1. Removal of soils from Empire Canyon:**

- Bill Hummer, 32 Prospect Avenue, thanked the Chief for increased traffic enforcement on Marsac Avenue. He also thanked Council for calling-up the CUP on the removal of soils and urged people to take their emotions out of the issue. Soils have been described as hazardous and toxic and must be managed but there are discrepancies about how much soil needs to be moved and he has heard numbers ranging from 300 to 3,500 loads. He stated that he met with representatives of UDOT about safe truck routing and learned that site of vision and escape routes are critical, which eliminates Royal Street as an option. Keeping the vehicles clean is another concern so contaminants are contained as well as diesel and noise pollution. Mr. Hummer asked if there are any other solutions that have not been examined like moving the earth to a project like the new Sultan Lift or Bonanza Flats for the golf course. Communication with residents should have occurred earlier.
- Keith Droste, referred to his extensive mining background, and expressed that in his opinion, the soils do not need to be moved. Additionally, the EPA is ambivalent about it and he then relayed technical information on geo-chemical anomalies for lead, zinc and other minerals. Mr. Droste spoke about the expanse of this material in the Empire Pass and Treasure Mountain areas. If Park City believes that the standard of 400 ppm of lead is hazardous, he asked if Empire Pass is appropriate for development with twice the lead concentrations. Mr. Droste emphasized, however, that none of the natural occurring metallic minerals, including galena, are a risk for human intake into the blood stream. He

felt that the soils do not need to be moved, and staff may be recommending it because Talisker is willing to pay for the work. He lent technical information to Council members.

Mark Harrington stressed that tonight's meeting is not a public hearing on the call-up and any comments rendered can not be considered as part of the record for the call-up, unless it is resubmitted at the time of the public hearing. All parties need to hear the same testimony at the same time.

2. HMBA – Kate Dordan, member, emphasized the importance of snow removal services downtown and was pleased to have the new trolley on line. Speaking on behalf of Puggy Holmgren who could not be in attendance this evening, she suggested enacting a law prohibiting people from driving and talking on cell phones at the same time.

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

#### **IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF FEBRUARY 10 AND FEBRUARY 17, 2005**

Kay Calvert, "I move to approve the work session notes and minutes of the meetings of the 10<sup>th</sup> and 17<sup>th</sup> of February". Candace Erickson seconded. Motion carried.

|                  |        |
|------------------|--------|
| Kay Calvert      | Aye    |
| Marianne Cone    | Aye    |
| Candace Erickson | Aye    |
| Jim Hier         | Absent |
| Joe Kernan       | Aye    |

#### **V CONSENT AGENDA PUBLIC HEARINGS**

1. Ordinance approving a plat amendment and vacation of right-of-way located at 713 Norfolk Avenue, Park City, Utah (motion to continue to March 24, 2005) – Marianne Cone, "I move that we continue this matter to March 24". Kay Calvert seconded. Motion carried.

|                  |        |
|------------------|--------|
| Kay Calvert      | Aye    |
| Marianne Cone    | Aye    |
| Candace Erickson | Aye    |
| Jim Hier         | Absent |
| Joe Kernan       | Aye    |

2. Ordinance approving an amendment to the record of survey plat for The Lodge, located at 2900 Deer Valley Drive, Park City, Utah (motion to continue to April 7, 2005) – Marianne Cone, "I move that we continue this item to April 7<sup>th</sup>". Candace Erickson seconded. Motion carried.

|                  |        |
|------------------|--------|
| Kay Calvert      | Aye    |
| Marianne Cone    | Aye    |
| Candace Erickson | Aye    |
| Jim Hier         | Absent |
| Joe Kernan       | Aye    |

3. Use of sales tax revenue to finance a portion of the costs of construction and related infrastructure of the Quinns Junction Recreation Complex as a part of the issuance of bonds, Series 2005 – The City Manager explained that in addition to sales tax revenues, the bonds will be secured with RDA tax increment. The sales tax component triggers a public hearing before the final issuance can be approved. Hearing no comments from the audience, the public hearing was closed.

4. Ordinance amending Title 15 of the Park City Municipal Code, Chapter 15, Land Management Code, establishing Section 15-2-22, Public Use Transition District – Patrick Putt referred to his work session presentation and explained that the City owns property in the downtown core including the China Bridge parking structure, Marsac Building, Transit Center, and Swede Alley parking lots. The City is proceeding with capital projects, including the expansion of China Bridge, a seismic upgrade of City Hall and the creation of a civic plaza. The Planning Commission recommends establishing a land use district for civic uses to transition with HR-1 and the HCB zones. Land uses will be limited and a conditional use process is recommended to include the public. He stated that there was no public comment rendered at the Commission meeting on March 8, 2005 and a positive recommendation has been forwarded. The Land Management Code amendment is on the agenda for action. Candace Erickson pointed out the confusion with some wording in a section, but no amendment was recommended to the ordinance. In response to a question from Marianne Cone, he explained that first the zone will be created and then the City will apply to rezone specific properties in the district. Mark Harrington interjected that the rezoning actions will amend the zoning map. The Mayor opened the public hearing and hearing no comments, closed the hearing.

5. Ordinance approving a plat amendment for the property known as 239 Woodside Avenue, located at Lots 8 and 9 of Block 31 of the Park City survey, Park City, Utah – Amy Campbell, Planning Intern, stated that the Planning Commission forwarded a positive recommendation according to the findings of fact, conclusions of law, and conditions of approval. She assured Council member Cone that there are no

encroachments on the property. The Mayor opened the public hearing and hearing no input, closed the hearing.

6. Ordinance approving the Ontario Canyon Subdivision Plat, located at 44 Chambers Street, Park City, Utah – Planner Brooks Robinson explained that the property is located on the Mine Road and creates two lots on two parcels of record. One lot is 4,380 square feet and has an existing house and the other lot is 4,292 square feet and is vacant. Both meet the minimum lot size requirements for a duplex in the HR-1 zone. The Planning Commission forwarded a positive recommendation on February 9, 2005 and staff recommends that the ordinance be approved, as written. There was discussion about deck encroachments. The Mayor opened the public hearing and the Council decided to strike some language from Condition No. 3, "*considerable expense to the owner*". With no further comments, the public hearing was closed.

7. Ordinance approving the street name change from Ashley Avenue to Ashley Court, Park City, Utah – Brooks Robinson explained that the name change was petitioned by the home owners who are willing to install a new sign and notify all the public utility owners and operators. Staff finds that the application complies with state law and recommends approval of the name change.

8. Ordinance approving the Nolan Replat which will combine Lots 7 – 8 in Block 4 of the Park City Survey into one lot of record, 437 Park Avenue, Park City, Utah – Planner Jonathan Weidenhamer explained that the lot combination will accommodate an addition to the historic home. The Planning Commission forwarded a positive recommendation on February 23, 2005, no input was received, and staff recommends approval according to the ordinance, as written. The public hearing was opened and closed with no comment.

9. Ordinance approving the Park City Recreation Complex Subdivision which will create a three lot subdivision out of a 70.5 acre metes and bounds parcel – Planner Weidenhamer clarified that approval creates two lots of record to locate the recreation complex. On October 21, 2004, the City Council annexed the property; on January 26, 2005, the Planning Commission approved the MPD and CUP for the design and site planning. The staff report contains information with regard to utilities and access with regard to the subdivision plat. On February 23, 2005, the Planning Commission approved the subdivision. The Mayor opened the public hearing. The City Attorney suggested a correction to Condition No. 3, "the fire management plan. . .*must* be approved. . .". Hearing no further comments, the public hearing was closed.

10. Ordinance approving a record of survey plat for the North Silver Lake Lodge, located at 7101 North Silver Lake Drive, Park City, Utah – Planner Ray Miller stated that

staff is recommending approval according to the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance. The record of survey plat will accommodate six condominium lots. The Mayor opened the public hearing; hearing no comments, the hearing was closed.

## VI CONSENT AGENDA

City Recorder Jan Scott pointed out that the motion should include amendments to Condition No. 3 under Item 3 and Condition No. 3 under Item 6. Kay Calvert, "I move to approve Consent Agenda Items 1 through 9 with the changes reflected by Jan". Joe Kernan seconded. Motion carried.

|                  |        |
|------------------|--------|
| Kay Calvert      | Aye    |
| Marianne Cone    | Aye    |
| Candace Erickson | Aye    |
| Jim Hier         | Absent |
| Joe Kernan       | Aye    |

1. Ordinance amending Title 15 of the Park City Municipal Code, Chapter 15, Land Management Code, establishing Section 15-2-22, Public Use Transition District – See staff report, work session notes, and public hearing comments.

2. Ordinance approving a plat amendment for the property known as 239 Woodside Avenue, located at Lots 8 and 9 of Block 31 of the Park City survey, Park City, Utah – See staff report and public hearing.

3. Ordinance approving the Ontario Canyon Subdivision Plat, located at 44 Chambers Street, Park City, Utah - See staff report and public hearing.

4. Ordinance approving the street name change from Ashley Avenue to Ashley Court, Park City, Utah - See staff report and public hearing.

5. Ordinance approving the Nolan Replat which will combine Lots 7 – 8 in Block 4 of the Park City Survey into one lot of record, 437 Park Avenue, Park City, Utah See staff report and public hearing

6. Ordinance approving the Park City Recreation Complex Subdivision which will create a three lot subdivision out of a 70.5 acre metes and bounds parcel - See staff report and public hearing.

7. Ordinance approving a record of survey plat for the North Silver Lake Lodge, located at 7101 North Silver Lake Drive, Park City, Utah - See staff report and public hearing.

8. Amendment to Mountainlands Community Housing Trust Special Service Agreement - See staff report and public hearing.

9. Authorization of payment to Siegfried & Jenson for the settlement of the Jorge Pineda Claim in the amount of \$48,000 - Staff recommends approval.

## VII ADJOURNMENT

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

## MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, and Joe Kernan. Jim Hier was excused. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Kay Calvert, "I move to close the meeting to discuss property, personnel and litigation". Joe Kernan seconded. Motion carried.

|                  |        |
|------------------|--------|
| Kay Calvert      | Aye    |
| Marianne Cone    | Aye    |
| Candace Erickson | Aye    |
| Jim Hier         | Absent |
| Joe Kernan       | Aye    |

The meeting opened at approximately 4:45 p.m.

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

Prepared by Janet M. Scott

  
Janet M. Scott, City Recorder

## City Council Staff Report



**Author:** Gary Hill  
**Subject:** Public Hearing – Series 2005 Sales Tax Revenue Bond  
**Date:** March 3, 2005  
**Type of Item:** Administrative

### BUDGET, DEBT, AND GRANTS

**Summary Recommendations:** The City Council should hold a public hearing to consider citizen input on the issuance of sales tax revenue bonds for the following projects:

- Swede Alley Parking Structure
- Town Plaza
- Prospect Avenue
- Public Safety Building
- Quinn's Recreation Complex
- Refinance of the 1996 and 1999 MBA bonds

### **Description:**

**Topic:** Public Hearing for Sales Tax Bonds

**Background:** On February 10<sup>th</sup>, 2005 City Council approved a Parameters Resolution setting broad parameters for the issuance of sales tax revenue bonds. The bonds are intended to finance the following projects:

- Expansion of the Swede Alley Parking Structure, Town Plaza, and Prospect Avenue (collectively referred to the Downtown Projects);
- A portion of the Quinn's Recreation Complex;
- A portion of a new Public Safety facility; and
- The refinance of the 1996 and 1999 Municipal Building Authority (MBA) debt.

Sales tax revenue bonds provide an opportunity for a better interest rate than bonds backed solely by RDA tax increment, impact fees, or MBA lease revenue. Several of the projects have identified revenue sources (such as the RDA increment for Downtown Projects), which will be used to "pay back" the General Fund for sales tax revenue pledged to the bonds.

Table 1 illustrates the various projects with their respective funding sources:

**Table 1 - Projects and Revenue Sources**

|                 | <b>Project</b>                       | <b>Amount</b>        | <b>Revenue Source</b> | <b>Annual Payment</b> |
|-----------------|--------------------------------------|----------------------|-----------------------|-----------------------|
| <b>Series A</b> | Downtown Projects                    | \$ 9,651,893         | RDA Tax Increment     | \$ 920,000            |
|                 | Police Facility                      | \$ 2,500,000         | Impact Fees*          | \$ 240,000            |
|                 | Quinn's Field Complex                | \$ 1,004,057         | Sales Tax Revenue     | \$ 96,000             |
|                 | <b>Project Subtotal</b>              | <b>\$ 13,155,950</b> |                       | <b>\$ 1,256,000</b>   |
|                 | Cost of Issuance                     | \$ 154,050           |                       |                       |
|                 | <b>Principal - Series A</b>          | <b>\$ 13,310,000</b> |                       |                       |
|                 |                                      |                      |                       |                       |
|                 | <b>Project</b>                       | <b>Amount</b>        | <b>Revenue Source</b> | <b>Annual Payment</b> |
| <b>Series B</b> | MBA Debt Refinance                   | \$ 6,030,000         | Existing Debt Service | \$ 1,500,000 **       |
|                 | <b>Principal - Series B</b>          | <b>\$ 6,030,000</b>  |                       | <b>\$ 1,500,000</b>   |
|                 |                                      |                      |                       |                       |
|                 | <b>Total Estimated Bond Issuance</b> | <b>\$ 19,340,000</b> |                       |                       |

\* Assumes an increase to Public Safety impact fees

\*\* Debt Service to decrease to approx. \$700,000 in FY 2007

**Analysis:** The Utah Municipal Bond and Bond Refunding Acts require that prior to issuing bonds secured by sales tax, an issuing entity must give notice of its intent to issue the bonds and hold a public hearing to receive input from the public with respect to the issuance of the bonds.

In adopting the Parameters Resolution on February 10<sup>th</sup>, the City signaled its intent to hold a public hearing on March 3, 2005. This hearing was advertised in the Park Record on February 12<sup>th</sup> and 19<sup>th</sup>.

The purpose of this public hearing is to inform residents that the City intends to issue sales tax bonds and to solicit public input. Council does not need to take any formal action on March 3<sup>rd</sup>. Staff will return to Council at future meetings for formal action including adoption of the Final Bond Resolution.

In addition, staff will return to City Council on March 10<sup>th</sup> to seek direction regarding the Public Safety building portion of the bonds. As mentioned during Council Meeting on February 10<sup>th</sup>, the issuance of \$2.5 million for the construction of a Public Safety facility currently contemplates an increase to the Public Safety impact fee. The discussion on March 10<sup>th</sup> will provide City Council with impact fee information and options.

Staff intends to return to Council near the end of April to consider adopting the Final Bond Resolution.

**Department Review:** Budget, Debt, and Grants; City Manager; Legal; and Finance.

**Alternatives:**

**A. Approve the Request:** Council should hold a public hearing and consider public input regarding the issuance of the Series 2005 Sales Tax Revenue Bonds.

**B. Continue the Item:** Council could decide to continue the public hearing once it has been opened to solicit additional public input. This is not required, and there will be additional opportunities for public comment at a public hearing when council considers the final bond resolution.

**C. Deny the Request or Do Nothing:** Failure to hold the public hearing would require the City to abandon the sale and prevent the City from issuing this debt series at this time. This would in effect require re-adoption of the Parameters Resolution if Council decided to continue with the bond issuance.

**Significant Impacts:** Holding this public hearing will allow the City to proceed with the issuance of the bonds and begin construction on the projects as currently anticipated. Council will not need to take formal action at this time, and will have additional opportunities to consider the bond sale, including next week when staff will present a discussion on public safety impact fees in relation to construction of the new public safety building.

**Consequences of not taking the recommended action:** Not holding the public hearing will affect the City's ability to fund the Downtown Projects currently anticipated, to begin construction on the Recreation Complex and Police facility, and to refinance the 1996 and 1999 MBA bonds.

**Recommendation:** Pursuant to State law, the City Council should hold a public hearing to consider citizen input on the issuance of sales tax revenue bonds for the following projects:

- Swede Alley Parking Structure
- Town Plaza
- Prospect Avenue
- Public Safety Building
- Quinn's Recreation Complex
- Refinance of the 1996 and 1999 MBA bonds

## City Council Staff Report



**Author:** Patrick J. Putt  
**Subject:** Land Management Code Amendment  
Creation of the Public Use Transition District  
**Date:** March 3, 2005  
**Type of Item:** Legislative  
Planning Department

**Summary Recommendations:** Hold a public hearing regarding the proposed Public Use Transition District, modify the draft amendments as necessary, and approve attached ordinance creating the new zoning district.

**Topic:** Land Management Code Amendment. Creation of new zoning district.

**Discussion and Analysis:** Park City Municipal Corporation's Old Town property which includes Marsac City Hall, the China Bridge parking structure, Swede Alley parking lots, and the Old Town Transit Center are currently located in the Historic Commercial Business (HCB) and Historic Residential (HR-1) zoning districts. Marsac City Hall is a historic structure. It is also a legal non-complying structure in the underlying in the HR-1 zone as a result of its historic building height and setbacks. The City is currently in the process of developing a design plan for the creation of a municipal Swede Alley plaza; expansion of the China Bridge parking structure; and seismic upgrade/remodel of the Marsac City Hall building. The aforementioned municipal uses and structures are all conditional uses in the two current underlying residential and commercial zoning districts. The HCB District permits (or conditionally permits) a range of commercial, office, and lodging uses. The HR-1 District is primarily a residential zone.

The intent of the proposed Public Use Transition district is to create a zone specifically limited to municipal/public related uses. The proposed zone is a primarily a hybrid of the current HCB zone with a substantially reduced number of allowed and conditional uses.

The Planning Commission reviewed these amendments in a work session on November 10, 2004 and a public hearing on December 8, 2004. No public comment was received. At the conclusion of the December 8<sup>th</sup> public hearing, the Planning Commission forwarded a positive recommendation to Council.

**Recommendation:**

Staff recommends that Council hold a public hearing, direct staff to make any final modifications to the amendments, and approve the attached ordinance creating the new zoning district.

Ordinance No.

**AN ORDINANCE AMENDING TITLE 15 OF THE PARK CITY MUNICIPAL CODE, CHAPTER 15, LAND MANAGEMENT CODE, ESTABLISHMENT OF SECTION 15-2-22: PUBLIC USE TRANSITION DISTRICT**

WHEREAS, it is in the public interest to create a zoning district in the Main Street/Town Core area specifically limited to municipal/public related uses and limited commercial uses; and

WHEREAS, the proposed amendments were properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a work session on November 10, 2004 and a public hearing on December 8, 2004 to receive public input on the establishment of the proposed zoning district; and

WHEREAS, the Planning Commission, on December 8, 2004, forwarded a positive recommendation on the proposed zoning district to the City Council; and

WHEREAS, on March 3, 2005 the City Council held public hearings to receive input on the proposed zoning district; and

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

**SECTION 1. LAND MANAGEMENT CODE AMENDMENT.** Title 15 of the Park City Municipal Code, Land Management Code is amended as described in Exhibit A to create Section 15-2-22: Public Use Transition District.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3<sup>rd</sup> day of March 2005.

PARK CITY MUNICIPAL  
CORPORATION

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Dana Williams, MAYOR

ATTEST:

Janet M. Scott, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.22 - PUBLIC USE TRANSITION (PUT) DISTRICT**

*Chapter adopted by Ordinance No. \_\_\_\_*

**15-2.22-1. PURPOSE.**

The purpose of the Public Use Transition (PUT) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for recreational, and institutional purposes with limited support commercial to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City town core,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(H) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(I) To allow for community input on development design within the District through the public conditional use permit review process.

(J) To provide a transition between the HCB and the HR-1 Districts for the purpose of providing Municipal uses and public gathering and activity areas.

**15-2.22-2. USES.**

Uses in the Public Use Transitional District are limited to the following:

(A) **ALLOWED USES.**

- (1) Municipal/Institutional Accessory Building and Use 600 sf or less
- (2) Conservation Activity
- (3) Parking Lot, Public or Private with four (4) or fewer spaces
- (4) Public Utility or Essential Services
- (5) Public Assembly Uses
- (6) Outdoor Events

(B) **CONDITIONAL USES.**

- (1) Public and Quasi-Public Institution, Church, School, Post Office
- (2) Entertainment Facility, Outdoor
- (3) Essential Municipal Public Utility Use, Facility, or Service Structure
- (4) Parking Area or Structure for five (5) or more cars
- (5) Liquor Store
- (6) Commercial Retail and Service, Minor
- (7) Outdoor Recreation Equipment
- (8) Outdoor Grills/Beverage Service Stations
- (9) Restaurant, Outdoor Dining<sup>1</sup>
- (10) Restaurant, Cafe or Deli
- (11) Accessory Building or Use greater than 600 sf
- (12) Telecommunication Antenna<sup>2</sup>
- (13) Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>3</sup>

<sup>1</sup> Required Administrative Conditional Use permit

<sup>2</sup> See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>3</sup> See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving

- (14) Temporary Improvement/Outdoor Use
- (15) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays<sup>4</sup>
- (16) Master Planned Developments
- (17) Passenger Tramways, ski towers, and ski lift facilities.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. No. 02-38; 04-39)*

**15-2.22-3. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum lot size in the PUT District.

**Antennas**

<sup>4</sup> Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

**(B) FRONT, REAR AND SIDE YARDS.**

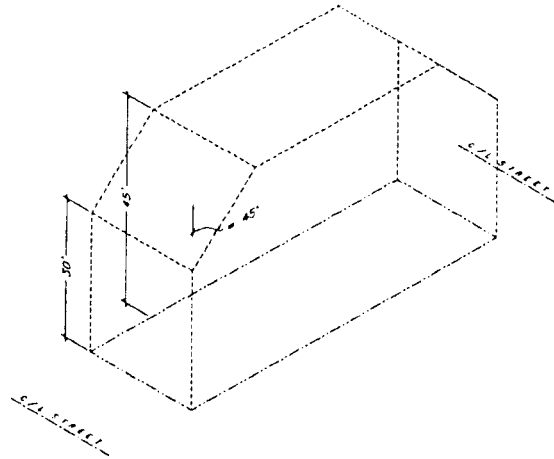
There are no minimum required Front, Rear, or Side Yard dimensions in the PUT District; however, where new construction abuts a residential zone, the new construction shall meet the required minimum setback of the abutting zone.

**(C) CLEAR VIEW OF INTERSECTION.**

No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

**15-2.22-4. MAXIMUM BUILDING HEIGHT.**

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. The maximum building height shall be 45 feet from as measured from Existing Grade.

**(B) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.**

To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural features may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning and Building Departments.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

*(Amended by Ord. No. 03-38)*

#### **15-2.22-5. ARCHITECTURAL REVIEW.**

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-9. Restorations, rehabilitations, adaptive reuses, and additions to Historic Structures within the PUT shall be reviewed by the Planning Department for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Planning Department determines that proposed Development plans comply with all LMC and/or Historic District

Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the LMC and/or Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Planning Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Code provisions violated by the Staff determination.

#### **15-2.22-7. PARKING REGULATIONS.**

Off street parking shall be provided per the LMC Parking Standards set forth in Chapter 15-3. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.

#### **15-2.22-8. MECHANICAL SERVICE.**

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including

those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

**15-2.22-9. ACCESS, SERVICE AND DELIVERY.**

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a public street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

**15-2.22-0. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.**

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display

of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the City upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.**

Outdoor dining is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

**(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with

the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

**(3) OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Use Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

- (h) Impacts on emergency  
Access and circulation.

#### **15-2.22-11. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

#### **15-2.22-15. SIGNS.**

Signs are allowed in the PUT District as provided in the Park City Sign Code, Title 12.

#### **15-2.22-16. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.

- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

# City Council Staff Report



## PLANNING DEPARTMENT

**Planner:** Amy Campbell  
**Subject:** 239 WOODSIDE AVENUE PLAT AMENDMENT  
**Date:** March 3, 2005  
**Type of Item:** Administrative  
**Applicant:** James Totoro, owner  
**Zone:** Historic Residential (HR-1)

**RECOMMENDATION:** Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

### BACKGROUND

The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held. The applicant is requesting to remove the lot line between Lots 8 and 9 located at 239 Woodside Avenue in Block 31 of the amended plat of the Park City Survey (Exhibit A). The plat amendment will create one lot combining the North half of Lot 8 and South half of Lot 9 lying within Block 31 of the amended plat of the Park City Survey. There is an existing historic house located to the North on lots 10 and the North half of Lot 9. The South Half of Lot 9 and North half of Lot 8 are vacant.

On Wednesday, January 26, 2005 the plat amendment was discussed at the Planning Commission work session. The Planning Commission agreed to waive the inclusion of all contiguous holdings of the owner, LMC SECTION 15-7.1-5(B) (2), providing direction to prepare findings of fact to approve the application without requiring submission of surrounding existing conditions.

### ANALYSIS

The property is located in the HR-1 zone. Construction of a single family dwelling on the proposed lot 1 will be an allowed use in the zone, provided it meets the criteria in LMC SECTION 15-2.2 and the Historic District Design Guidelines. The proposed lot complies with all required LMC lot size, lot arrangement, lot dimension and access requirements. The minimum lot area is 1,875 square feet for a single family dwelling. The maximum allowed footprint for a lot of this size is 844 square feet. The lot has frontage on Woodside Avenue, a public street on the Streets Master Plan.

### NOTICE

Notice of this hearing was sent to property owners within 300' on February 9, 2005. Staff has received no comments from the public at the time of this writing.

**DEPARTMENT REVIEW**

The Planning Department has reviewed this request. The request was discussed at a Staff Review Meeting on December 14 and January 4, where representatives from local utilities and City Staff were in attendance.

**RECOMMENDATION**

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

**EXHIBITS**

Exhibit A – Proposed Ordinance

Exhibit B - Plat amendment

**Ordinance No. 05-**

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY KNOWN AS 239 WOODSIDE AVENUE, LOCATED AT LOTS 8 AND 9 OF BLOCK 31 OF THE PARKCITY SURVEY, PARK CITY, UTAH

**WHEREAS**, the owner of the property known as 239 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on February 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine two lots of record into one lot of record; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held.
1. This plat was reviewed at the January 26, 2005 Planning Commission work session.
2. The Planning Commission provided direction to waive the requirement, from the LMC SECTION 15-7.1-5(B) (2), to submit all contiguous holdings of the owner.
3. The property is located in the Historic Residential (HR-1) zone.
4. The South half of lot 8 is owned by Paul E. Susan. The North half of lot 9 is owned by James M. Totor.
5. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
6. The amendment will combine the North half of Lot 8 and South half of Lot 9 lying within Block 31 of the amended plat of the Park City Survey.
7. The proposed lot size is 1,875 square feet with a maximum footprint of 844 square feet.
8. The lot has 25 feet of frontage on Woodside Avenue.

No remnant lots will be created as a result of this application.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March 2005.



## City Council Staff Report

**PARK CITY**

1884

**Author:** Brooks T. Robinson  
**Subject:** Ontario Canyon Subdivision Plat  
**Date:** March 3, 2005  
**Type of Item:** Administrative

### **Summary Recommendations:**

The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the Ontario Canyon two-lot Subdivision Plat.

|                           |                                                                                 |
|---------------------------|---------------------------------------------------------------------------------|
| <b>Applicant</b>          | Joan Baron and Kenneth Fell                                                     |
| <b>Location</b>           | 44 Ontario Canyon Road (Chambers Street)                                        |
| <b>Zoning</b>             | HR-1                                                                            |
| <b>Adjacent Land Uses</b> | Residential, State Route 224                                                    |
| <b>Reason for Review</b>  | Subdivision Plats require Planning Commission review and City Council approval. |

### **Background**

The property is two metes and bounds parcels located at 44 Ontario Canyon Road (Chambers Street). A house sits on the northern end of parcel 1. On July 7, 2000, the City received an application for subdivision of these parcels into two lots of record.

At the request of the applicant, no action has been taken on this application until the City approved the Marsac Avenue and Chambers Street plat. The reason is that additional road right of way would be required to be dedicated on the parcels unless and until United Park City Mines dedicated land to the east. The Council approved the Marsac/Chambers plat on August 12, 2004. The plat has not yet been recorded as UPCM is still working out some details with UDOT.

The proposed subdivision will create two lots of record. Lot 1, to the north, is improved with a house and will be 4,389 square feet in size. Lot 2 is vacant and is proposed to be 4,292 square feet in size.

The Planning Commission held a public hearing on February 9, 2005, and forwards a positive recommendation to the City Council.

### **Analysis**

The proposed plat creates two lots of 4,389 square feet and 4,292 square feet. The minimum lot size for a single-family house in the HR-1 zoning district is 1,875 square feet. For a duplex, the minimum lot size is 3,750 square feet. A duplex is a Conditional Use.

Setbacks for lots of this size (roughly 78 feet deep by 60 feet wide for Lot 1 and 88 feet

by 35 feet for Lot 2) are:

- Front and Rear – 12 feet minimum, 25 feet total (both Lots)
- Sides – 5 feet minimum, 14 feet total (Lot 1); 3 feet minimum and 6 feet total (Lot 2)

The existing house is ten feet from the side property line to the north and has an existing deck encroaching into the setback. The proposed lot line is 17 feet from the southern corner of the building meeting the 14-foot total setback requirement. The front and rear setbacks for the existing house are consistent with the zone requirements.

The subdivision is consistent with the requirements of chapter 15-7 of the Park City Municipal Code.

### **Department Review**

This project has gone through an interdepartmental review. No additional issues have been raised.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

### **Alternatives**

- A. The City Council may approve the subdivision with the conditions stated, or modify the conditions, or
- B. The City Council may deny the subdivision plat and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion to a later date.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this Subdivision Plat.

### **Consequences Of Not Taking The Recommended Action**

The property would remain as two metes and bounds parcels.

### **Recommendation**

The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the Ontario Canyon Subdivision Plat based on the following findings of fact, conclusions of law and conditions of approval found in the Ordinance.

**Ordinance No. 05-**

**AN ORDINANCE APPROVING THE ONTARIO CANYON SUBDIVISION PLAT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 44 Ontario Canyon Road (Chambers Street) have petitioned the City Council for approval of the Ontario Canyon subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2005, to receive input on the Ontario Canyon subdivision plat;

WHEREAS, the Planning Commission, on February 9, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 3, 2005 the City Council approved the Ontario Canyon subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Canyon subdivision plat

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

**SECTION 1. APPROVAL.** The Ontario Canyon subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 44 Ontario Canyon Road, to be addressed as Chambers Street.
2. The zoning is HR-1.
3. The property is two metes and bounds parcels with an existing house on the northern parcel 1.
4. The subdivision will create two lots of record, 4,389 square feet and 4,292 square feet in size.
5. State Highway 224 is a very busy road.
6. Water and sewer service is desirable for newly subdivided lots.
7. The property currently fronts State Highway 224/Marsac Avenue.
8. The approved State Route 224/ Marsac Avenue reconstruction plans will leave this lot with access to the south end of new Chambers Street.

Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A note shall be added to the plat stating, "At considerable expense the owner of Lot 1 will need to extend utility services to the new lot at the time of building permit."

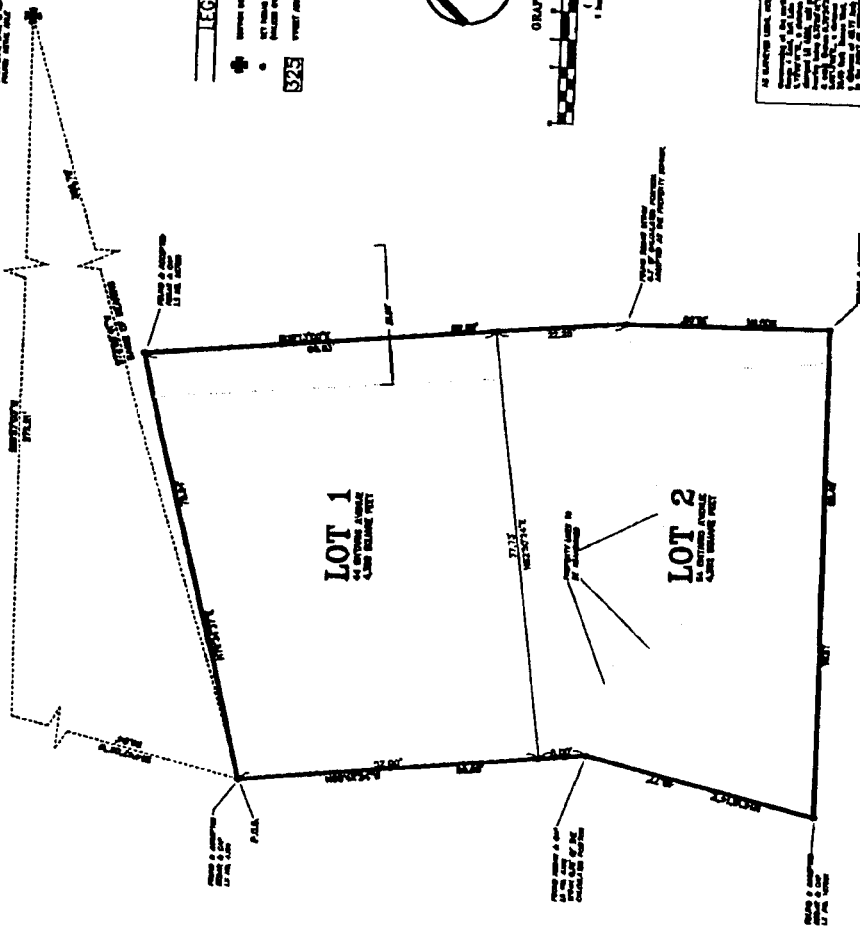
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of March , 2005.

# ONTARIO CANYON SUBDIVISION

LYING WITHIN SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN  
SUMMIT COUNTY, UTAH

SEE PLAT 1, PAGE 1 OF 2



**LEGEND**  
 + SURVEY STATION  
 - 1/4 SECTION 21, T2S, R4E, S21  
 - 1/4 SECTION 21, T2S, R4E, S21  
 - 1/4 SECTION 21, T2S, R4E, S21



**GRAPHIC SCALE**  
 1 inch = 100 feet



ALL LOTS ARE TO BE CONVEYED TO THE CITY OF PARK CITY, UTAH, FOR THE PURPOSE OF BEING USED AS A PUBLIC PARK. THE CITY OF PARK CITY, UTAH, IS THE GRANTEE OF THIS SUBDIVISION. THE CITY OF PARK CITY, UTAH, IS THE GRANTEE OF THIS SUBDIVISION. THE CITY OF PARK CITY, UTAH, IS THE GRANTEE OF THIS SUBDIVISION.

THE CITY OF PARK CITY, UTAH, IS THE GRANTEE OF THIS SUBDIVISION. THE CITY OF PARK CITY, UTAH, IS THE GRANTEE OF THIS SUBDIVISION. THE CITY OF PARK CITY, UTAH, IS THE GRANTEE OF THIS SUBDIVISION.

|                                                                                                                         |  |                                                                                                                                                                                                             |  |                                                                                                                                                                                                                             |  |                                                                                                                                                                                                     |  |                                                                                                                                                                                                    |  |                                                                                                                                              |  |                                                                                                                        |  |
|-------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------|--|
| <b>PARK CITY PLANNING COMMISSION</b><br>CITY ENGINEER AND PLANNING COMMISSIONER<br>DATE OF APPROVAL: _____<br>BY: _____ |  | <b>CERTIFICATE OF ATTORNEY</b><br>I, _____, ATTORNEY AT LAW,<br>DO HEREBY CERTIFY THAT THE ABOVE<br>DESCRIBED SUBDIVISION IS THE<br>PROPERTY OF THE CITY OF PARK CITY,<br>UTAH.<br>DATE: _____<br>BY: _____ |  | <b>UTAH STATE WATER RECLAMATION DISTRICT</b><br>I, _____, DISTRICT ENGINEER,<br>DO HEREBY CERTIFY THAT THE ABOVE<br>DESCRIBED SUBDIVISION IS THE<br>PROPERTY OF THE CITY OF PARK CITY,<br>UTAH.<br>DATE: _____<br>BY: _____ |  | <b>ENGINEER'S CERTIFICATE</b><br>I, _____, ENGINEER,<br>DO HEREBY CERTIFY THAT THE ABOVE<br>DESCRIBED SUBDIVISION IS THE<br>PROPERTY OF THE CITY OF PARK CITY,<br>UTAH.<br>DATE: _____<br>BY: _____ |  | <b>APPROVAL AS TO FORM</b><br>I, _____, CITY CLERK,<br>DO HEREBY CERTIFY THAT THE ABOVE<br>DESCRIBED SUBDIVISION IS THE<br>PROPERTY OF THE CITY OF PARK CITY,<br>UTAH.<br>DATE: _____<br>BY: _____ |  | <b>COUNCIL APPROVAL AND ACCEPTANCE</b><br>APPROVED AND ACCEPTED BY THE PARK CITY<br>COUNCIL, THIS _____ DAY OF _____, 2004 A.D.<br>BY: _____ |  | <b>RECORDED</b><br>DEPT. OF UTAH COUNTY OF SALT LAKE<br>AT THE OFFICE OF _____<br>DATE: _____ TIME: _____<br>BY: _____ |  |
|-------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------|--|

# **CITY COUNCIL Staff Report**



**Planner:** Ray Milliner  
**Subject:** 2414 IRON CANYON DRIVE  
**Date:** March 3, 2005  
**Type of Item:** Administrative; Plat Amendment

**PLANNING DEPARTMENT**

**RECOMMENDATION:** Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

## **DESCRIPTION**

**Project Name:** 2414 Iron Canyon Drive  
**Project Planner:** Ray Milliner  
**Applicant:** Keith and Connie Barnhart  
**Location:** 2414 Iron Canyon Drive  
**Zone:** Residential Density (RD)

## **BACKGROUND**

The applicants are the owners of lot 5 of the Iron Canyon Subdivision located at 2414 Iron Canyon Drive. The applicant is requesting a plat amendment to the existing subdivision to move the existing building pad to a new location on the lot. The Planning Commission reviewed the application and forwarded a positive recommendation to the City Council on February 23, 2005.

## **ANALYSIS**

The property is located in the RD zone. The applicant is seeking to modify the location and configuration of the existing building pad in order to preserve a number of mature trees on the property, (to take advantage of the screening that they would provide a future home from adjacent lots) and to accommodate their preferred home design. The applicant is proposing that the overall square footage of the building pad increase from the existing 4,000 square feet to 4,150 square feet. No other changes are proposed to the subdivision plat. Staff finds that the preservation of the existing stand of trees warrants the increase in the overall square footage of the building pad.

## **NOTICE**

Notice of this hearing was sent to property owners within 300' on January 12, 2005. Staff has received no comments from the public at the time of this writing.

## **DEPARTMENT REVIEW**

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on December 14, 2004, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

**RECOMMENDATION**

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

**EXHIBITS**

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Amendment

Exhibit C - Letter from the Applicant

Exhibit D – Letter from the Iron Canyon HOA

**AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY KNOWN AS LOT 5 IRON CANYON SUBDIVISION, LOCATED AT 2414 IRON CANYON DRIVE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as 2414 Iron Canyon Drive, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on February 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to modify the existing building pad; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

2. The property is located in Residential Density (RD) zone.
3. The RD zone is a residential zone characterized by a mix of contemporary residences, and condominiums.
4. The applicant is requesting a modification to the location and configuration of the platted building pad for lot 5 Iron Canyon Subdivision, addressed as 2414 Iron Canyon Drive.
5. The existing platted building pad for lot 5 is 4,000 square feet in size.
6. The applicant is requesting a modified building pad of 4,150 square feet.
7. There is an existing stand of trees in the current location of the building pad.
8. If the building pad is relocated, the existing stand of trees will be preserved.
9. The proposed amendment will not result in any further changes to the Iron Canyon Subdivision plat.
10. The property has frontage on Iron Canyon Drive.
11. No remnant lots will be created as a result of this application

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amendment.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed

amendment.

4. As conditioned the amendment is consistent with the Park City General Plan.

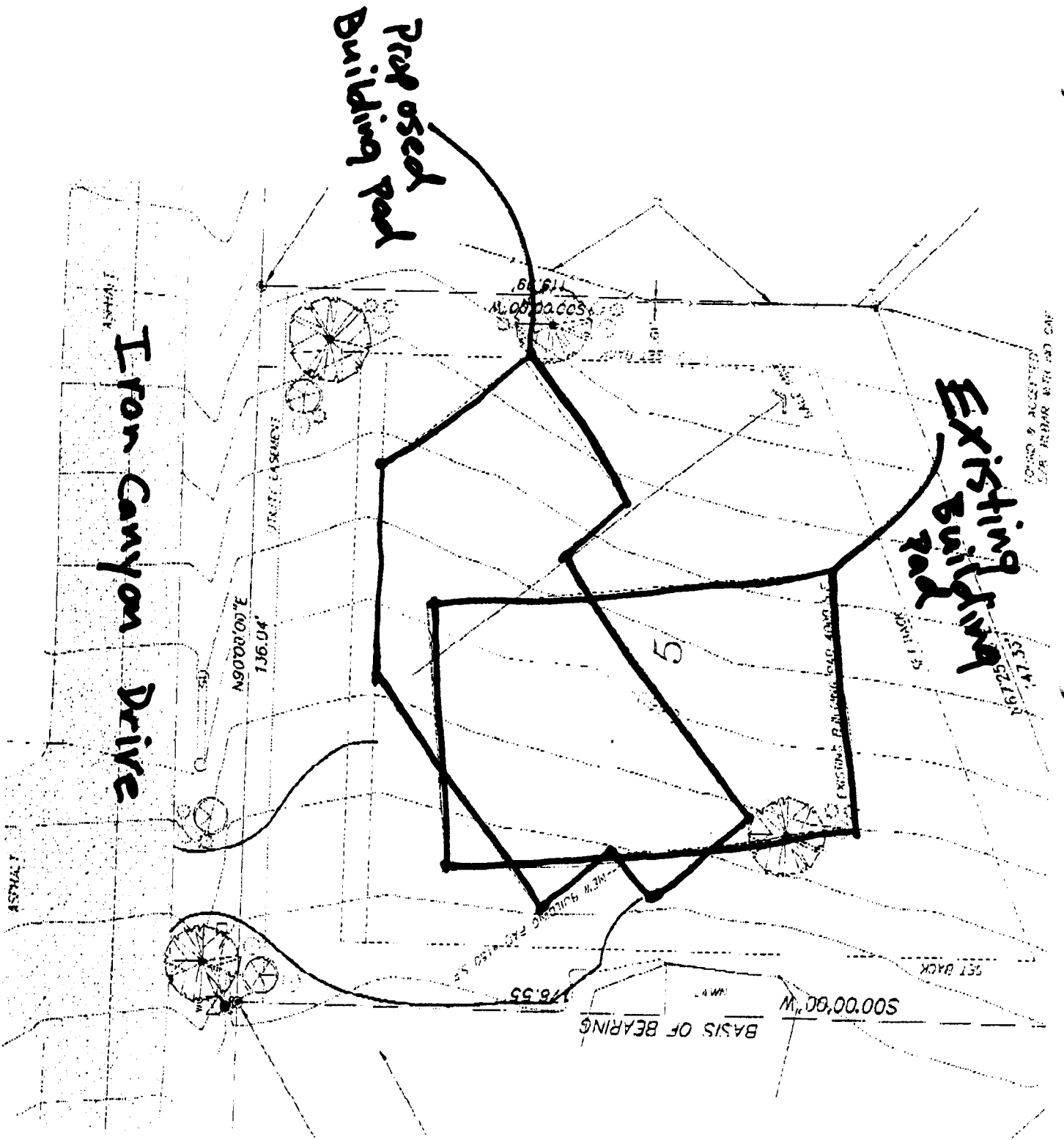
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. All other conditions of approval an platted requirements for the Iron Canyon Subdivision will continue to apply.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March 2005.

NEARBY ROAD  
Lot 5



**M I C H A E L D. U P W A L L P.C.**  
1025 EAST HOLLYWOOD AVENUE SALT LAKE CITY, UTAH 84105 801-485-0705 FAX 801-485-6992

January 14, 2005

Park City Building Department  
445 Marsac Avenue  
Park City, Utah 84060-1480  
(435) 615-5060  
(435) 615-5067

Ray,

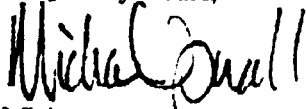
Enclosed please find a letter of support from the Architectural Review Committee of Iron Canyon in regard to our request to reshape the building pad of Lot No. 5, Iron Canyon.

Again, our request for the plat amendment stems mainly from the desire to maintain the large stand of trees currently located in the pre-described building pad. We propose to protect these trees by re-locating and reshaping the required building pad to a position that differs from that shown on the plat. If we were to establish our building on that pre-described pad, the construction of the residence would most likely eliminate this large stand of mature trees, which currently provide a great sense of privacy to the existing homes that currently border the property of Lot No. 5 on three sides. My client wishes to maintain this sense of privacy, which is one of the original elements that attracted them to this lot.

Therefore we are proposing to locate our residence away from this existing stand of trees and re-shaping the pre-determined "rectangle" shape of the pad, to a shape that works with our design with the intent of maintaining as many existing mature trees as possible. We are planning to provide substantial landscaping and planting as required to buffer our new structure from the road, in order to maintain a sense of privacy for my client, as well as to "give back" to the neighborhood a pleasing, and well integrated "total" design presentation.

Ray, thank you for your consideration to our request for a plat amendment for Lot No. 5, Iron Canyon. We as well as the Architectural Review Committee of Iron Canyon, feel strongly that this proposed relocation will be an asset to the adjacent properties and the entire neighborhood.

Very Truly Yours,

  
Michael D. Upwall

January 13, 2005

To Whom It May Concern:

The Architectural Review Committee of Iron Canyon has reviewed the plans for a home to be built on lot 5 in Iron Canyon and approves the proposed change of building as detailed on plans submitted in December 2004. Any changes to these plans will need to be reviewed by the A.R.C. for approval prior to any construction.



David Wiener  
Chairman

beyond ideas

## City Council Staff Report



**Author:** Brooks T. Robinson  
**Subject:** Street Name Change; Ashley Avenue  
**Date:** March 3, 2005  
**Type of Item:** Legislative

### **Summary Recommendations:**

The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the proposed ordinance renaming Ashley Avenue to Ashley Court.

|                           |                                                                       |
|---------------------------|-----------------------------------------------------------------------|
| <b>Applicant</b>          | Residents of Ashley Avenue                                            |
| <b>Location</b>           | Ashley Avenue, Risner Ridge II subdivision                            |
| <b>Zoning</b>             | Residential Development (RD)                                          |
| <b>Adjacent Land Uses</b> | Residential, Park Meadows Country Club                                |
| <b>Reason for Review</b>  | Request to change street name pursuant to Utah Code Section 10-8-8.1. |

### **Background**

The Risner Ridge II subdivision was approved by the City Council on March 16, 1989. The subdivision encompasses sixteen lots on Ashley Avenue and two lots addressed on American Saddler Drive.

On December 30, 2004, the Planning Department received an application to amend the Risner Ridge II plat in order to change the name of the street from Ashley Avenue to Ashley Court. Each homeowner along Ashley Avenue has submitted a signed statement agreeing to the name change. The street numbers will remain the same and the two lots along American Saddler are not affected.

### **Analysis**

The proposed name change is being requested to clarify to drivers unfamiliar with the area that the street in question is a cul de sac and not a through street. "Avenue" could conceivably suggest a connecting street, while "Court" may have a clearer meaning.

The residents have prepared a draft notification letter to the utility companies, city and county agencies, and the US Postal Service. The Park City Public Works Street Department has agreed to replace the one street sign from Ashley Avenue to Ashley Court.

Pursuant to Utah Code Section 10-8-8.1, the City must notify in writing and consult with the owners and operators of all underground utilities within the street, hold a public hearing before the City Council, and determine that there is good cause for the rename and that the rename will not be detrimental to the public interest.

### **Department Review**

This project has gone through an interdepartmental review. No additional issues have been raised.

**Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. A phone call was received requesting information on this application.

**Alternatives**

- A. The City Council may approve the street name change with the conditions stated, or modify the conditions, or
- B. The City Council may deny the street name change and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion to a later date.

**Significant Impacts**

There are no significant fiscal or environmental impacts from this street name change.

**Consequences Of Not Taking The Recommended Action**

The street name would remain Ashley Avenue.

**Recommendation**

The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the street name change based on the findings of fact, conclusions of law and condition of approval found in the ordinance.

**Ordinance No. 05-**

**AN ORDINANCE APPROVING THE STREET NAME CHANGE FROM ASHLEY AVENUE TO ASHLEY COURT, PARK CITY, UTAH.**

WHEREAS, the sixteen owners of property addressed on Ashley Avenue have petitioned the City Council for approval of the street name change to Ashley Court; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, Utah Code Section 10-8-8.1 the City must notify the owners and operators of all underground utilities within the street, hold a public hearing, and determine that there is good cause for the rename and that the rename will not be detrimental to the public interest; and

WHEREAS, on March 3, 2005 the City Council approved the street name change from Ashley Avenue to Ashley Court; and

WHEREAS, it is in the best interest of Park City, Utah to rename Ashley Avenue to Ashley Court.

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

**SECTION 1. APPROVAL.** The street name change from Ashley Avenue to Ashley Court is approved subject to the following Findings of Facts, Conclusions of Law, and Condition of Approval:

**Findings of Fact:**

9. The application is for a street name change within the Risner Ridge II subdivision.
10. The current name of the street is Ashley Avenue.
11. The zoning is Residential Development (RD).
12. The subdivision was approved by the City Council on March 16, 1989.
13. The application requests that Ashley Avenue be renamed to Ashley Court.
14. All 16 property owners along Ashley Avenue have agreed to the proposed name change.
15. The two lots addressed on American Saddler are unaffected.
16. The property owners have submitted a notification letter for all effected entities for compliance with Utah Code 10-8-8.1(2)(a).

Conclusions of Law:

5. There is good cause for this street name change.
6. The street name change will not be detrimental to the public interest.
7. This application complies with the requirements of Utah Code 10-8-8.1.

Condition of Approval:

4. If any of the effected governmental entities or public utilities object to this name change, this approval is void.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of March , 2005.

## City Council Staff Report



**Planner:** Jonathan Weidenhamer  
**Subject:** 437 PARK AVENUE – NOLAN REPLAT  
**Date:** March 3, 2005  
**Type of Item:** Administrative  
**Applicant:** Bill and Elaine Nolan – Jonathan DeGray, Representative  
**Zone:** Historic Residential – (HR-1)

PLANNING DEPARTMENT

**RECOMMENDATION:** Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

### BACKGROUND

The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

The applicant proposes to combine lots 7 and 8 of Block 4 of the Park City Survey into one lot of approximately 3,750 square feet (Exhibit A). The property has an existing, two-story historic structure which straddles the lot line between lots 7 and 8. The applicant intends to renovate the existing home, and put an addition onto the rear of the structure. The current home is approximately 1,200s.f. The proposed addition will add approximately 1600 s.f. to the structure and will result in a 2,800 s.f. home. The maximum allowed footprint for the combined lots is 1,519. The proposed footprint including the proposed addition is approximately 1277.

### ANALYSIS

The property is zoned HR-1, Historic Residential. The proposed plat creates a 3,750 square foot lot. All development standards of the Land Management Code including: height, setbacks, parking, architectural design, building footprint, neighborhood and Historic Design Guideline compatibility, will be verified for compliance during design review. Because the existing home at 437 Park Avenue is historic, the LMC Section 15-2.2-4 exempts the addition from off-street parking requirements provided the addition does not create Lockout Unit or Accessory Apartment.

### NOTICE

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

### DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior

to recording. The request was discussed at a Staff Review Meeting on January 4, 2005, where representatives from local utilities and City Staff were in attendance.

### **RECOMMENDATION**

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

### **EXHIBITS**

Exhibit A – Ordinance

Exhibit B –Subdivision Plat

Exhibit C – Site Survey

Exhibit D - Site Photo

**Ordinance No. 05-**

**AN ORDINANCE APPROVING THE NOLAN REPLAT WHICH WILL COMBINE LOTS 7-8 IN BLOCK 4 OF THE PARK CITY SURVEY INTO ONE LOT OF RECORD.**

**WHEREAS**, the owners of Lots 7 and 8 of Block 4 of the Park City Survey, known as 437 Park Avenue, have petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on February 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1).
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. There is an existing historic single family home on the property.
4. The existing historic single family home straddles lots 7 and 8 of block 4 the Park City Survey
5. The amendment will combine lots 7 and 8 of Block 4 of the Park City Survey into one (1) platted lot.
6. The proposed lot will combine two standard 25' x 75' old town lots. The resulting lot size will be 3,750 square feet (50' x 75')
7. The required front yard setback in the HR-1 zone for a 75' deep lot is ten feet (10').
8. The required side yard setback in the HR-1 zone for a 25' lot is three feet (3'). The required side yard setback for a 50' wide lot is five feet (5').
9. The applicant intends to renovate the existing home, and put an addition onto the rear of the structure.
10. An existing railroad tie retaining wall exists in the existing south side yard (3') and runs along the southern lot line of Lot 6 of the Park City Survey. The portion of the wall that exists along the lot line is approximately 7' in length. As proposed in the submitted design review application, this retaining wall will be removed during the construction of the proposed addition.
11. The current home is approximately 1,200s.f. The proposed addition will add approximately 1600 s.f. to the structure and will result in a 2,800 s.f. home.
12. The maximum allowed footprint for the combined lots is 1,519. The proposed footprint including the addition is approximately 1277.
13. The project will be reviewed for compliance with the Historic District Design

Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.

14. The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.

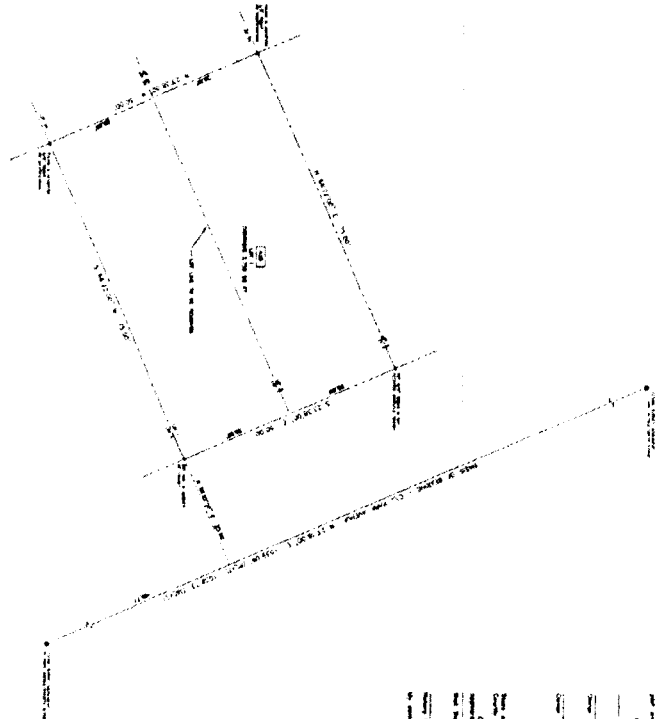
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of March, 2005.

SECTION 1: CERTIFICATE  
 I, the undersigned, being a duly qualified and licensed Surveyor of the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears from the records of the Surveyor General of the State of Illinois.

WITNESSED my hand and the seal of the Surveyor General of the State of Illinois at Springfield, Illinois, this 1st day of January, 1904.

Surveyor General of the State of Illinois



A. H. B. L. CO. SUBDIVISION PLAT  
 A RECONSTRUCTION OF 1875-76-77 BLOCK A, PARK CITY & HANCOCK  
 NOIAN REPLAT

SECTION 2: CERTIFICATE  
 I, the undersigned, being a duly qualified and licensed Surveyor of the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears from the records of the Surveyor General of the State of Illinois.

WITNESSED my hand and the seal of the Surveyor General of the State of Illinois at Springfield, Illinois, this 1st day of January, 1904.

Surveyor General of the State of Illinois

SECTION 3: CERTIFICATE  
 I, the undersigned, being a duly qualified and licensed Surveyor of the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears from the records of the Surveyor General of the State of Illinois.

WITNESSED my hand and the seal of the Surveyor General of the State of Illinois at Springfield, Illinois, this 1st day of January, 1904.

Surveyor General of the State of Illinois

|                                                     |                                                                                         |                                                                                 |                                                                         |                                                                                  |                                                                                                           |                                                           |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| SURVEYOR'S SIGNATURE<br>[Signature]<br>Date: 1/1/04 | PLANNING COMMISSION<br>Approved by the Planning Commission on 1/1/04<br>By: [Signature] | ENGINEER'S CERTIFICATE<br>Approved by the Engineer on 1/1/04<br>By: [Signature] | APPROVAL AS TO ROAD<br>Approved as to road on 1/1/04<br>By: [Signature] | CERTIFICATE OF ATTORNEY<br>Approved by the Attorney on 1/1/04<br>By: [Signature] | COUNCIL APPROVAL AND ACCEPTANCE<br>Approved and accepted by the City Council on 1/1/04<br>By: [Signature] | RECORDED<br>Filed for record on 1/1/04<br>By: [Signature] |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|

## Exhibit B – Plat

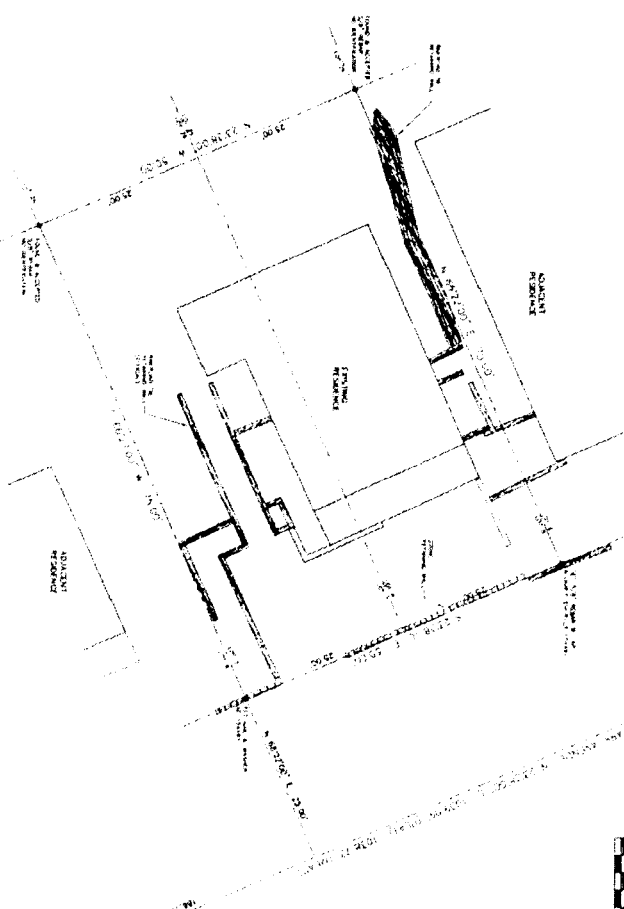
I, MARIA A. WATSON, certify that I am a Registered Land Surveyor in the State of Illinois and that I am of sound mind and memory and that I have personally surveyed the foregoing described property and performed under my direction.

North Arrow Direction Date

# LEGAL DESCRIPTION

LOTS 7 AND 8, BLOCK 4, PARK CITY SUBDIVISION, according to the official plat thereof on file and of record in the Surveyor's Office.

- NOTES:
1. Boundaries of survey shown by monumentation as shown.
  2. Property shown as not of record as shown.
  3. Date of survey: November 2, 2004.
  4. Property location: Section 18, T2N, R4E, S20W.
  5. Purpose of survey: Building extension.
  6. Improvements on the property are as shown.
  7. Some improvements of the owner of the property was not shown on the survey.
  8. Some improvements of the owner of the property were not shown on the survey.



|                      |  |                                                           |  |                                                          |  |
|----------------------|--|-----------------------------------------------------------|--|----------------------------------------------------------|--|
|                      |  | <p>STAFF: J. JOHNSON<br/>D. JOHNSON<br/>MARSHALL, JR.</p> |  | <p>SHEET 1 OF 1</p>                                      |  |
| <p>DATE: 12/3/04</p> |  | <p>FOR: BILL NOLAN</p>                                    |  | <p>FILE: X:\Projects\Survey\2004\12\3\104\003104.dwg</p> |  |

## Exhibit C – Site Survey



BLUE CHAIRS

937 PARK AVE



Exhibit D – Site Photo

## City Council Staff Report

**Author:** Jonathan Weidenhamer  
**Subject:** Final Subdivision Plat -  
Municipal Recreation Complex  
**Date:** March 3, 2005  
**Type of Item:** Administrative



### **Recommendation:**

Staff recommends that the City Council review the proposed subdivision, conduct a public hearing and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

### **Topic**

|                    |                                                                                                                  |
|--------------------|------------------------------------------------------------------------------------------------------------------|
| Applicant          | Park City Municipal Corporation                                                                                  |
| Location           | NW Quadrant of Quinn's Junction, adjacent to the National Ability Center                                         |
| Zoning             | Recreation Open Space with underlying Master Planned Development (ROS-MPD)                                       |
| Adjacent Land Uses | Fairway Hills Estates, National Ability Center, City-purchased open space, undeveloped privately-owned property. |

### **Background**

*The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.*

On October 21, 2004, the City Council adopted an ordinance approving annexation of the 136 acre National Ability Center and Municipal Recreation Complex Annexation. (Exhibit A - Location Map). At this time the City intends to begin development of the recreation complex. An MPD and CUP application for the design of this complex was approved on January 26, 2005. Prior to development, a lot of record must be created. This subdivision application does not consider all 3 metes and bounds parcels included in the City's recent annexation application, only the 70.5 acre Gillmor Parcel, donated to the City, and deed restricted for recreation purposes.

### **Analysis**

The subdivision of the parcel will create three lots oriented around the proposed roadway system (Exhibit B). Lot 1 is 35.3 acres and will hold the ice sheet and concessions building. It is located toward the eastern portion of the lot, along SR 248. Lot 2 is 16.3 acres and is located in the south west corner of the parcel, directly in front of the NAC. This lot will hold the recreation complex's maintenance building. Lot 3 will be the remaining land north and west of the ice sheet, and is 8.6 acres. All lots meet minimum standards of the ROS District (Exhibit C - MPD site plan). The lot arrangement, building site, square footage, lot dimension, and access, and road design are consistent

with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.

#### Utilities

Utilities necessary for the recreation complex are available either on site or within close proximity. Utility easements are dedicated on the plat. Each of the utility companies have expressed availability to connect existing infrastructure located in Fairway Hills or via SR 248, or both. The NAC is currently served with all necessary utilities.

**Sewer-** The NAC currently pumps sewer back into Fairway Hills. The City and SBWRD have agreed on a line extension agreement designed to extend service to the recreation complex from existing infrastructure near the Rail Trail. Execution of this agreement will be a condition of approval prior to issuance of building permits. The proposed sewer line will connect at SR248 adjacent to the vehicular entrance, and then split south and east to collect the NAC's system, and north and west to serve the ice facility. It will gravity feed.

**Water -** Water will be provided to the location using the existing water tank in Fairway Hills. This 8" line that currently extends down to serve the NAC will be upgraded to a 12" line and be extended to the recreation parcel and ice sheet. This will be adequate for all culinary water and fire protection requirements for the recreation complex and for the NAC's current configuration.

**Power & all other utilities -** The NAC also currently has power coming down from Fairway Hills. Utah Power has indicated a desire to connect their power loop between Park Meadows and the SR 248 and will allow extension of service to the recreation parcel. Staff and Utah Power have agreed on a plan to complete this service.

**Natural Gas -** The City will not pursue providing natural gas to the site at this time. The building will be heated with propane with the ability to convert to natural gas if that option becomes available in the future.

#### Access

Public rights-of-way are dedicated on the plat. The City Engineer finds the existing/proposed roadway systems are adequate to support a recreation complex in this area. The City Engineer raises the question of impacts on this roadway system stemming from potential development on adjacent privately-owned lands, but recognizes that impacts on existing roadway systems from this project will be minimal. The City Engineer also recognizes that some vehicle trips will likely be mitigated by existing pedestrian and trail connections. Vehicular access from Fairway Hills is not contemplated as part of this project. This will be found as a condition of approval.

At this time, access will not be relocated from the existing access location which is via an existing curb cut from SR 248 to the frontage road located approximately 0.1 miles south of the US40 exit ramp. It is anticipated that to meet UDOT requirements, it may, in the future, because of anticipated development on adjacent private property, be necessary to create an additional access point further away from the US40 off ramp, somewhere near the south east corner of the recreation parcel (approx 0.3 miles from the US40 off ramp). Secondary/ emergency access to SR 248 is also planned at this

location and is called out as "possible future access". The project team has designed a roadway system that allows for future reconfiguration of the frontage road to meet the needs of future development by adjacent private property owners.

The City Fire Marshall and Building Official has met with the project team and is amenable to the current design and proposed emergency and secondary access plans. The roads at the ice sheet have also been designed to contemplate the possible future expansion of the City's recreation complex to the north of the proposed ice sheet. The road and utility plans proposed have been reviewed by the City Engineer. Any substantive changes to these plans will remand the project to the Planning Commission for review.

#### Department Review

This project has gone through an interdepartmental review. No additional issues have been raised.

#### Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

#### Recommendation

Staff recommends that the City Council review the proposed subdivision, conduct a public hearing and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance

#### Exhibits

- A Ordinance
- B Vicinity Map
- C Proposed Subdivision Plat
- D Recreation complex site plan

**Ordinance No. 05-**

**AN ORDINANCE APPROVING THE PARK CITY RECREATION COMPLEX SUBDIVISION WHICH WILL CREATE A THREE LOT SUBDIVISION OUT OF A 70.5 ACRE METES AND BOUNDS PARCEL.**

**WHEREAS**, Park City Municipal Corporation, owners of the 70.5 acre parcel deeded to the city from Florence J Gillmor, have petitioned the City Council for approval of a subdivision; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on February 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed subdivision allows the property owner to create a 3 lot subdivision on which a recreation complex will be built; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. On October 21, 2004, the City Council adopted an ordinance approving annexation of the 136 acre National Ability Center and Municipal Recreation Complex Annexation. This annexation brought 3 metes and bounds parcels into City limits: A City-owned open space parcel (approx. 39.5 acres of a 119 acre parcel), the NAC parcel (approx 26.2 acres), and an approximately 70.4 acre City-owned parcel deeded to PCMC by Florence Gillmor for recreational uses.
2. The zoning adopted for the parcel through the annexation is Recreation Open Space with underlying Master Planned Development.
3. The City intends to develop a recreation complex on the Gillmor Parcel.
4. An MPD and CUP application for the design of this complex was approved on January 26, 2005.
5. The subdivision of the parcel will create 3 lots oriented around the proposed roadway system (Exhibit B). Lot 1 is 35.3 acres and will hold the ice sheet and concessions building. It is located toward the eastern portion of the lot, along SR 248. Lot 2 is 16.3 acres and is located in the south west corner of the parcel, directly in front of the NAC. This lot will hold the recreation complex's maintenance building. Lot 3 will be the remaining land north and west of the ice sheet, and is 8.6 acres.
6. All lots meet minimum standards of the ROS District (Exhibit C – MPD site plan). The lot arrangement, building site, square footage, lot dimension, and access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.
7. Utilities necessary for the recreation complex are available either on site or within close proximity. Utility easements are dedicated on the plat.
8. Each of the utility companies has expressed an ability to connect existing infrastructure located in Fairway Hills or SR 248 or both.

9. The NAC is currently served with all necessary utilities.
10. Public rights-of-way and easements are dedicated on the plat
11. The City Engineer finds the existing and proposed roadway systems are adequate to support a recreation complex in this area.
12. The project team has designed a roadway system that allows for future reconfiguration of the frontage road to meet the needs of future development by adjacent private property owners.
13. The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

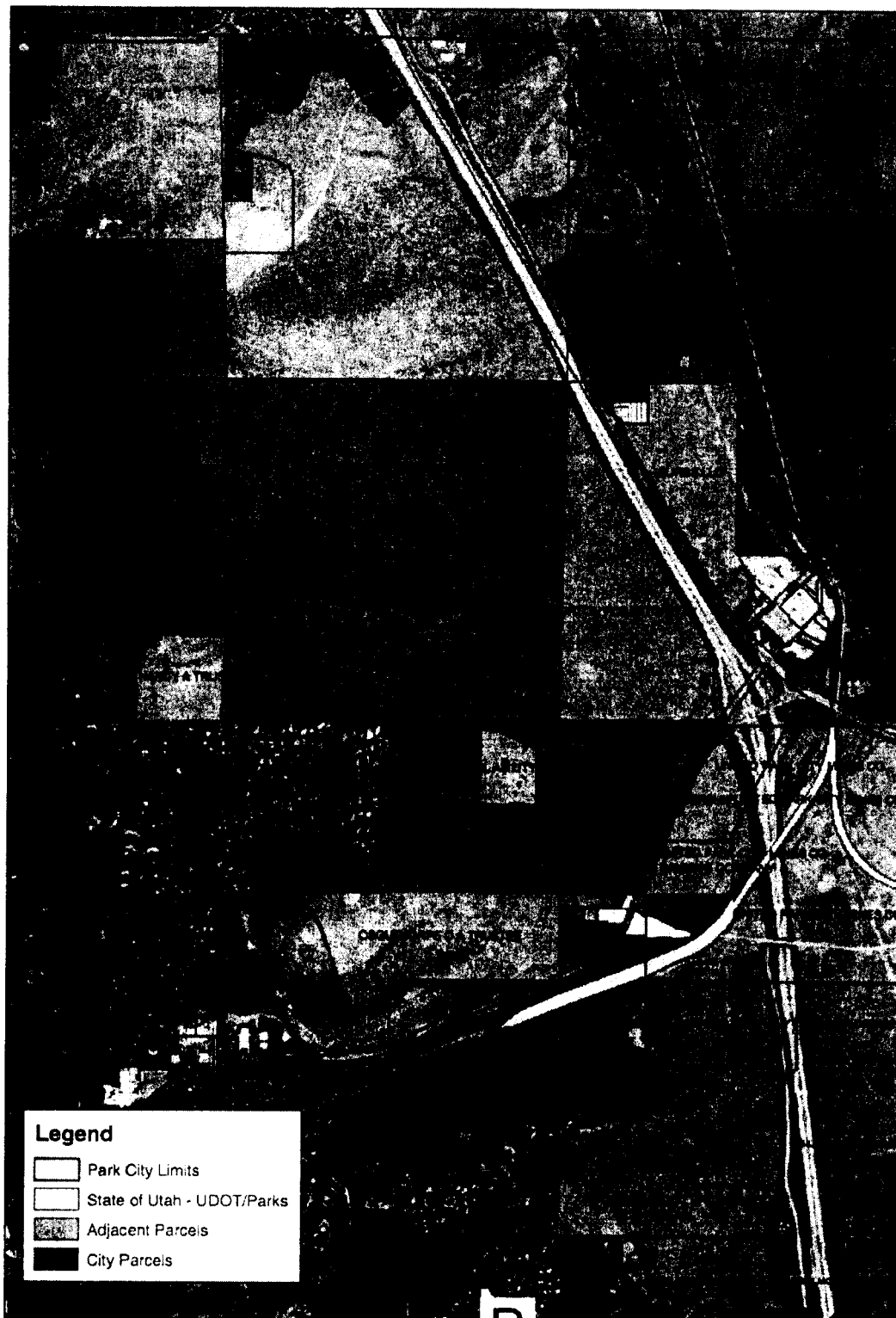
5. There is good cause for this plat amendment.
6. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
7. Neither the public nor any person will be materially injured by the proposed plat amendment.
8. As conditioned the plat amendment is consistent with the Park City General Plan.

**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

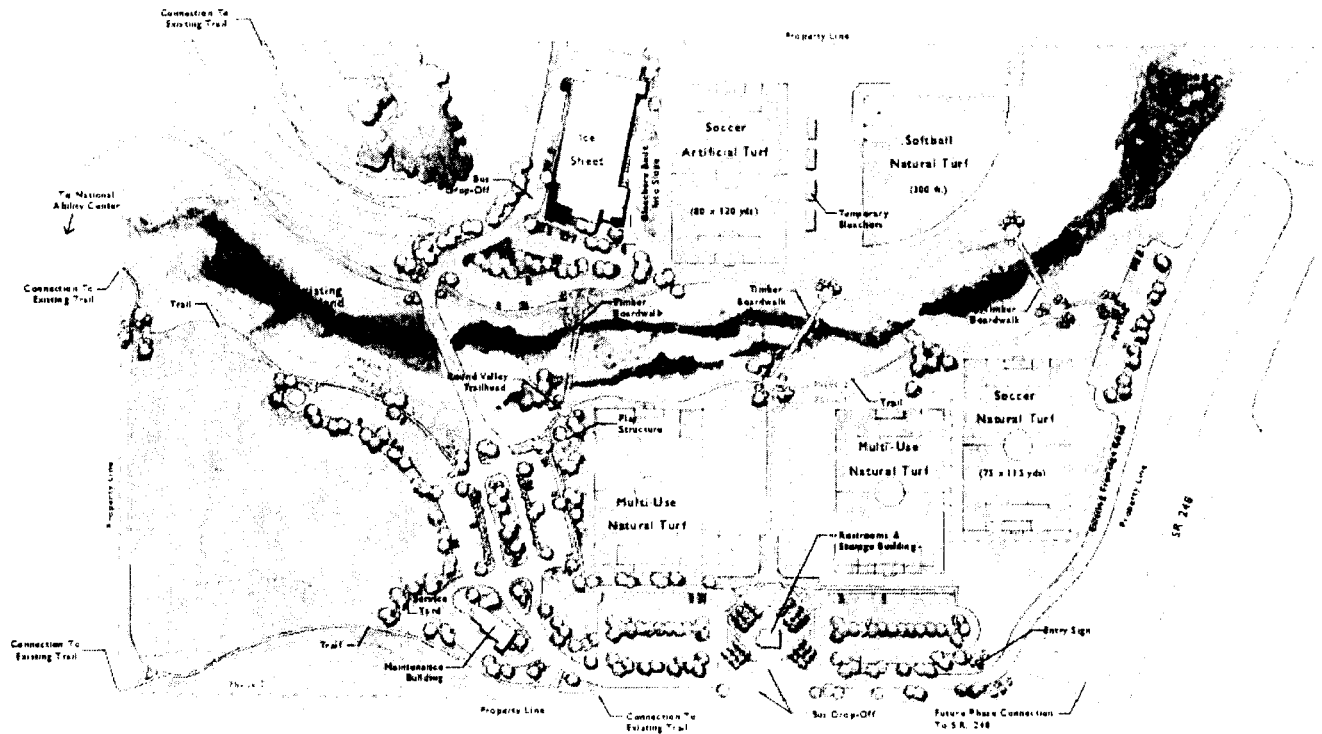
1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. Execution of a line extension agreement with SBWRD to extended service to the recreation complex must be completed prior to issuance of occupancy permits.
3. A fire management plan has been submitted and will be approved prior to issuance of occupancy certificates.
4. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. No vehicular access will be allowed from Fairway Hills.

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

PASSED AND ADOPTED this 3rd day of March, 2005.



### Exhibit C – Subdivision Plat



**Exhibit D - Site Plan**

# **CITY COUNCIL Staff Report**



**Planner:** Ray Milliner  
**Subject:** 7101 NORTH SILVER LAKE DRIVE  
**Date:** March 3, 2005  
**Type of Item:** Administrative; Condominium Record of Survey Plat

**PLANNING DEPARTMENT**

**RECOMMENDATION:** Staff recommends that the City Council review the proposed record of survey plat, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

## **TOPIC**

**Applicant:** North Silver Lake Lodge LLC  
**Location:** 7101 North Silver Lake Drive  
**Proposal:** Total of 53 units including 6 detached units  
**Zoning:** RD-MPD - Residential Development  
**Adjacent Land uses:** Single-Family/Multi-Family; Deer Valley Ski Area  
**Project Planner:** Ray Milliner  
**Date of Application:** November 8, 2004

## **BACKGROUND**

Under the 1993 7<sup>th</sup> amended Deer Valley Large Scale Master Planned Development Permit, Lot 2B of the North Silver Lake Development area has an approved density of 54 units. On December 12, 2001, the Planning Commission reviewed and approved a CUP application to create a development of fifty-three (53) units including six (6) detached units situated on 5.96 acres with vehicular access from the upper portion of Silver Lake Drive. The proposal included underground parking for 206 parking spaces, pool and spa, and 14,535 square feet of commercial. Subsequently, the Planning Commission granted one year extensions to the project on December 11, 2002, January 14, 2003 and again on February 9, 2005.

The applicant is now seeking approval for an expandable and convertible condominium record of survey plat from the Planning Commission for the six detached units. The Planning Commission reviewed the application and forwarded a positive recommendation to the City Council on February 23.

## **ANALYSIS**

The proposed site plan shows the six cottage sites along the perimeter of the property. The project has access from Silver Lake Drive. The applicant is proposing that the Commission consider allowing them to move the driveway farther to the west side of the property from its original configuration coursing beneath the proposed multi-unit building (see exhibits A and B). Additionally, the applicant is requesting consideration of a "hammerhead" turnaround area for fire protection needs at the end of the proposed cul-de-sac. Although the turnaround will result in the loss of more trees (approximately 20 large trees), staff is recommending its approval to ensure fire safety on the site.

Throughout its review of the project, the Planning Commission has been consistently concerned over the protection of existing vegetation on the site, especially in the area of the six detached units, where there are a significant number of mature evergreen and deciduous trees. To enable the preservation of these trees, the Commission required that the buildings be sited in order to preserve the greatest amount of vegetation possible. Consistent with condition number 12 of the original CUP approval, staff recommends that the applicant have a tree mitigation plan prepared by a certified arborist. This plan will be reviewed by the City prior to the issue of any building permit. Staff is proposing that all pertinent conditions of approval from the December 12, 2001 CUP approval remain in effect for the condominium plat.

#### **NOTICE**

Notice of this hearing was sent to property owners within 300' on January 12, 2005. Since that time, staff has received written comments from the public (attached as Exhibit C) as well as a number of telephone calls inquiring as to the status of the project.

#### **DEPARTMENT REVIEW**

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on February 15, 2005, where representatives from local utilities and City Staff were in attendance. There was some discussion as to whether the proposed changes were substantive enough to trigger an amendment to the CUP. The Planning Director determined that a CUP amendment is not necessary due to the fact that the building footprints do not change and original condition number 9 allows Planning Department sign off on final automobile and emergency circulation. The City Engineer also noted that a utility plan has not yet been approved.

#### **RECOMMENDATION**

Staff recommends that the City Council review the proposed record of survey plat, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

#### **EXHIBITS**

- A – Proposed Ordinance
- B - Proposed Amendment
- C – December 12, 2001 Site Plan
- D – Letter From Public
- E – Conditions of Approval December 12, 2001

**AN ORDINANCE APPROVING AN RECORD OF SURVEY PLAT FOR THE NORTH SILVER LAKE LODGE, LOCATED AT 7101 NORTH SILVER LAKE DRIVE PARK CITY, UTAH**

**WHEREAS**, the owner of the property known as North Silver Lake Lodge , has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on February 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed record of survey plat allows the property owner to create six lots of record; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is zoned RD-MPD, Residential Development Master Planned Development.
2. There is no approved utility, grading, or drainage plan for the project.
3. At their December 12, 2001 meeting, the Planning Commission approved a CUP at 7101 Silver Lake Drive consisting of a main building of 47 units, 6 detached cottages along the perimeter of the property, and 14,535 square feet of commercial area.
4. On December 11, 2002, January 14, 2004 and again on February 9, 2005 the Planning Commission granted the applicant a one year extension to the approval.
5. There is a significant amount of existing vegetation on the site.
6. The proposed plan is consistent with the approved CUP for the North Silver Lake Lodge.
7. The applicant is proposing a hammerhead turnaround at the end of the driveway for the six cottage units.
8. The hammerhead turnaround is necessary to provide adequate fire protection.
9. No changes in density are requested under this application.
10. The applicant stipulates to all conditions of approval.
11. Notice of this public hearing was sent to all property owners within 300 feet of the project on January 12, 2005.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

- 1 There is good cause for this amendment.
- 2 The amendment is consistent with the Park City Land Management Code and applicable State law.
- 3 Neither the public nor any person will be materially injured by the proposed amendment.
- 4 As conditioned the amendment is consistent with the Park City General Plan.

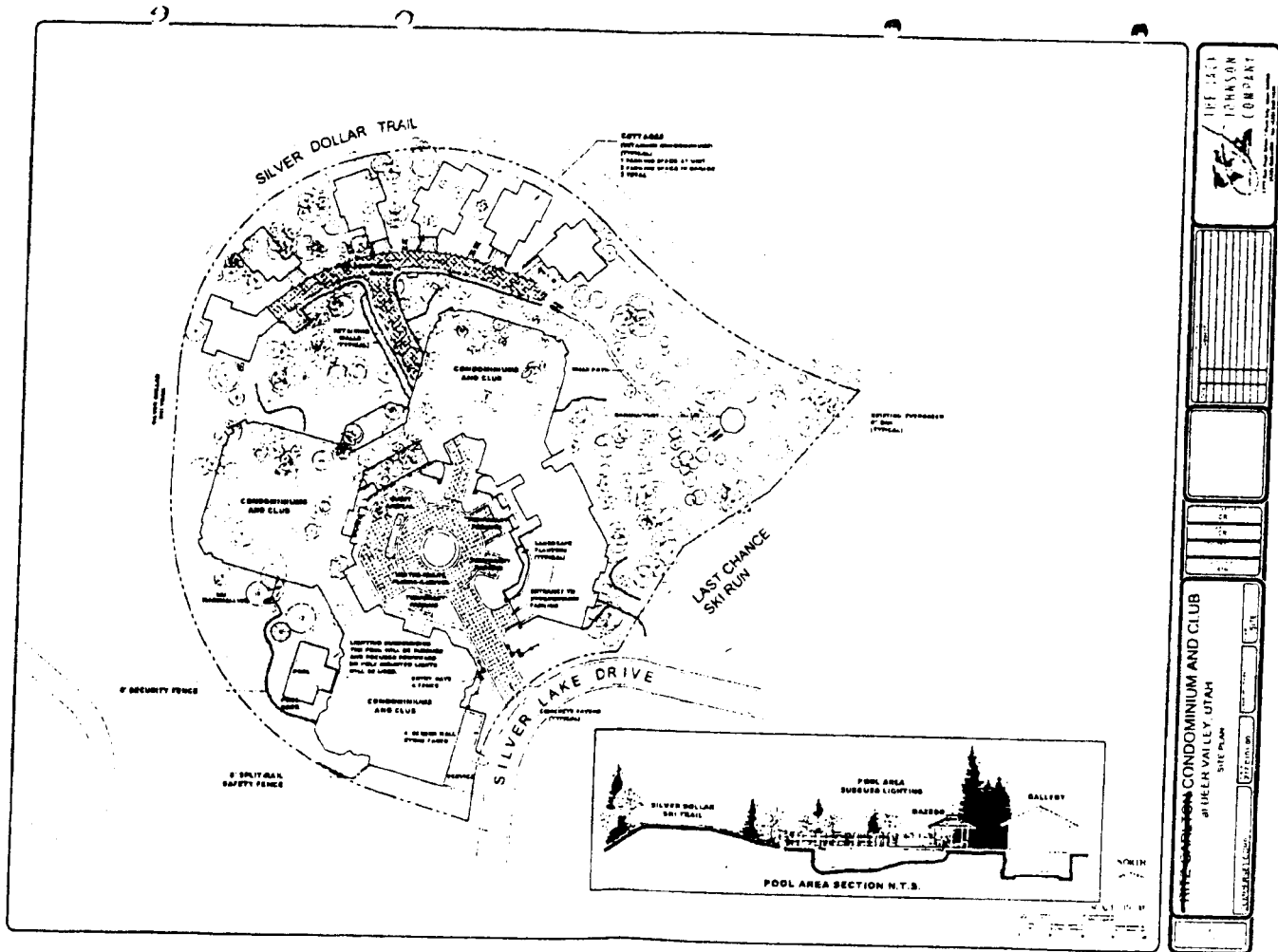
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. All Conditions of approval from the December 12, 2001 CUP for the North Silver Lake project approval shall apply to the units created by this plat.
3. A utility, grading and drainage plan shall be submitted to the City Engineer for review and approval prior to the issue of a building permit.
4. A note shall be added to the plat indicating that all units shall have a modified 13-D sprinkler fire protection system installed prior to the issue of a certificate of occupancy by the Building Department.
5. The applicant shall submit a tree preservation plan, identifying all of the trees that are to be saved as shown on the Revegetation Plan. The tree preservation plan shall include the method of preservation, such as fencing, pruning, spading of the site specific trees in relationship to utilities, roads grading, storage, staging and siting of the residential units.
6. This approval will expire one year from the date of approval if no building permit has been issued.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March 2005.





January 21, 2005

To: Park City Planning Commission  
C/O J. Ray Milliner

From: Evergreen Owners; Joe Booker, Tom & Mary Frances Bailey, Jim Berkus, Bill Witz, John & Linda DesBarres, Wayne & Barbara Baumgardner, Tom & Dana Evan, Gary Goldberg, Greg Reyes.

C/O Milestone Management, PO Box 683359, Park City, UT 84068

RE: North Silver Lake Lodge at 7101 Silverlake Drive

It is our understanding that the Park City Planning Commission will be reviewing a request for a one year extension of the conditional use permit and request to approve the Record of Survey plat for 6 cottage units for the property located at 7101 Silver Lake Drive.

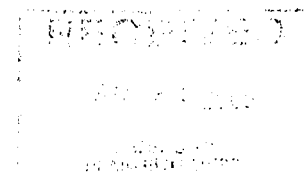
As adjoining property owners, we are unhappy with the unsightly and dangerous condition that this property has been left in. This condition has existed for several years, and while we have been patient with the developer, the apparent lack of concern that the developer has shown for the neighbors has worn thin. We are also surprised that the City has allowed this ugly hole in the mountain to remain in this state for such a long period of time. We have suffered through the noisy and dusty excavation of this property only to be forced to endure continued dust clouds on windy summer days. And if the project is allowed to go forward, we of course, will have to endure the noise and traffic of construction.

As property owners, we are strongly opposed to continued attempts to a development that cannot get off the ground. We ask that the Planning Commission deny an extension of the conditional use permit and require the owners to immediately restore this property to its natural state. In addition, we also oppose any request to expand or change the density of this development. The traffic condition on Silverlake Drive is already very difficult and as we have just recently experienced with the heavy snow amounts, this street quickly becomes a single lane and at times not even that.

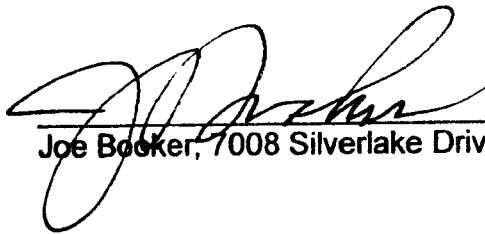
In the regrettable event that the Planning Commission does grant an extension to the conditional use permit, we implore you to require that the subject property owners be required to take immediate action to restore the natural vegetation in order that their neighbors do not have to continue to endure this dusty eyesore.

We appreciate your consideration of our point of view and hope you will act in a positive manner regarding our requests.

**TEN (10) SIGNATURE PAGES FOLLOW:**



Signed:



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Joe Booker, 7008 Silverlake Drive

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Tom Bailey, 7013 Silverlake Drive

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Jim Berkus, 6977 Silverlake Drive

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Bill Witz, 6715 Silverlake Drive

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John DesBarres, 6640 Silverlake Drive

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Linda DesBarres, 6640 Silverlake Drive

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Wayne Baumgardner, 6635 Silverlake Drive

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Tom Evan, 6601 Silverlake Drive

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Gary Goldberg, 4 Oak Court

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Greg Reyes, 6120 Silverlake Drive

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Tom Bailey, 7013 Silverlake Drive

*Mary Francis Bailey*  
*MARY FRANCIS BAILEY*  
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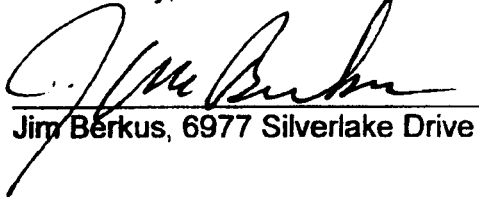
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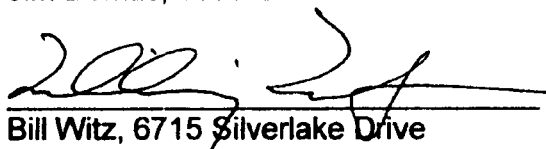
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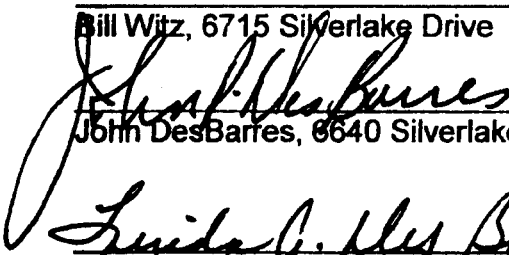
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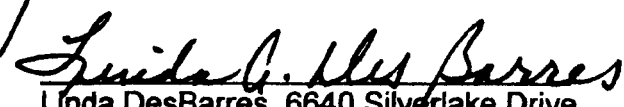
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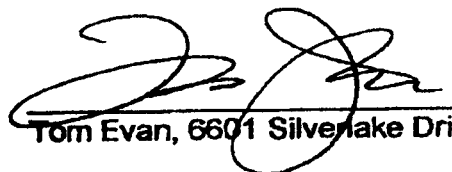
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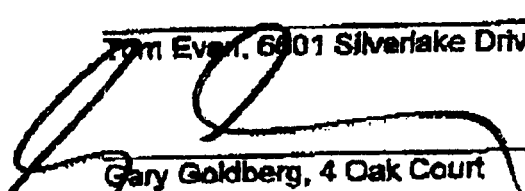
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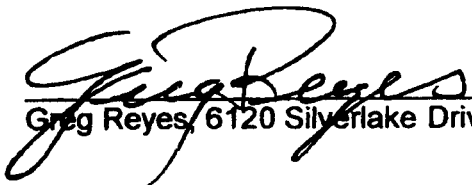
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## **DECEMBER 12, 2001 North Silver Lake Conditions of Approval**

### **Conditions of Approval:**

1. All Standard Projects Conditions of Approval shall apply to this project (Attached as Exhibit E).
2. The final building plans shall reflect substantial compliance with the elevations submitted and reviewed by the Planning Department on December 3, 2001.
3. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
4. All modifications to plans as specified by conditions, and all final design aspects, such as architectural detailing, building materials and colors, shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits.
5. Final grading, drainage, utility, storm runoff detention, and erosion control plans shall be reviewed and approved by the City Engineer prior to commencement of construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
6. The landscape plans shall include plans for revegetation of all areas disturbed during construction including areas for offsite utility installation.
7. All proposed public improvements including the utility plan requires a certain portion of the waterline infrastructure to be complete prior to issuance of full building permits.
8. All proposed public improvements, including the waterline loop with appropriate pressure reducing valving are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawing. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy, specifically the 10-inch ductile iron pipe waterline loop and PRV must be tested and complete prior to any framing at North Silver Lake Condominiums.

9. The applicant shall obtain approval from the Community Development Department of a final site plan detailing adequate automobile and emergency circulation.

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

11. This Conditional Use Permit shall expire if building permits are not issued within twelve (12) months from the date of this approval and the applicant must reapply for said use with the Planning Department.

12. The applicant shall submit a tree preservation plan, identifying all of the trees that are to be saved as shown on the Revegetation Plan. The tree preservation plan shall include the method of preservation, such as fencing, pruning, spading of the site specific trees in relationship to utilities, roads, grading, storage, staging and siting of the residential units.

13. The remaining unit that was part of the Deer Valley MPD is eliminated from the MPD and is not transferable.

## City Council Staff Report



**Author:** Phyllis McDonough Robinson  
**Subject:** AMENDMENT TO MOUNTAINLANDS  
COMMUNITY HOUSING TRUST  
SPECIAL SERVICE CONTRACT

Budget, Debt and Grants

**Date:** March 3, 2005  
**Type of Item:** Administrative

**Summary Recommendations:** Approve an amendment to the FY 2004 – 2005 Special Service Agreement for Mountainlands Community Housing Trust.

### Description:

#### Topic:

Amendment to Special Service Contract between Park City Municipal Corporation and Mountainlands Community Housing Trust.

#### Background:

In July 2003, City Council approved a two-year Special Service Contract for \$60,000 to Mountainlands Community Housing Trust to support its Housing Resource Center. Among the contracted services is *"provide a Tenant Outreach Program that provides case work and assistance to low income residents."* Mountainlands further agreed to *"expand the programs and services of its Affordable Housing Resource Center to better meet the needs of the Spanish-speaking community in their search for housing a community services. Service shall include community outreach, social activities and training workshops targeted to apartment complexes with high percentages of non-native speakers."*

On January 28, Scott Loomis, Executive Director of Mountainlands Community Housing Trust requested to be released from these contracted services in order to avoid a duplication of services. (*Attachment A*) In exchange for the contract modification, Mr. Loomis has offered to forgo their final contract payment of \$6,000. This request constitutes an amendment to the Special Service Contract and requires the approval of the City Council. (*Public Service Contract Policy - Attachment B*)

#### Analysis:

Between July 1, 2003 and June 30, 2004 the Tenant Outreach Program provided assistance and casework to 648 individuals and families ranging from assistance in finding housing or resolving tenant/landlord issues, resolving wage claims, assisting in job searches and inter-agency coordination on behalf of an individual or family. The Tenant Outreach Program was presented at the National Association of State Legislatures as well as the Utah Conference on Volunteers and was featured in "How to Survive in the United States," an education video for new immigrants. Services are provided in English and Spanish.

Mountainlands Community Housing Trust bases its request to remove its contractual obligation for tenant outreach services upon the recent departure of Shelley Weiss, who had served for several years as its Community Outreach Coordinator. Ms. Weiss, along with many other community members have been working to create the "Park City Community Outreach Center (PCCOC)." The PCCOC is under formation and without 501(c)(3) IRS determination at this time.

Staff appreciates Mountainlands Community Housing Trust desire to avoid duplication of services. Staff has determined there is no formal duplication of services at this point and that amending Mountainlands contract will create a service gap in our community.

Requiring Mountainlands Community Housing Trust to provide a service that they are unable and/or unwilling to provide, however, does not appear to be the most prudent use of our funds. Staff is recommending that Mountainlands Special Service Contract be amended to remove its requirement to provide tenant outreach services and that the total amount of Mountainlands Community Housing Trust Special Service Contract be reduced to \$54,000.

Compliance with Current Public Service Contract Policy

Should Council accept staff's recommendation to accept Mountainlands Community Housing Trust request to amend its contract, staff will communicate with the Special Services Contract Subcommittee regarding the feasibility of awarding these funds for tenant outreach in the current fiscal year or carrying them forward for tenant outreach activities in July 2005. In accordance with the Public Service Contract policy, a competitive RFP process would be required to disburse the \$6,000 to another entity this fiscal year. Staff anticipates another nonprofit will apply for a Special Service Contract for tenant outreach beginning in July 2005.

**Department Review:**

Budget, Debt and Grants, Legal and the City Manager reviewed this staff report.

**Alternatives:**

**A. Approve the Request:**

Council could approve the request to amend Mountainlands Community Housing Trust as outlined above and direct staff to communicate with the Special Services Contract Subcommittee to address the use of the remaining funds.

**B. Deny the Request:**

Council could deny the request and direct staff to work with Mountainlands Community Housing Trust to develop an alternative approach to delivering these services.

**C. Continue the Item:**

Council could continue the item and direct Staff to return with additional information.

**Significant Impacts:** If the request is approved, a service gap will exist in the community. The Special Services Committee issuing an RFP for services through June 30, 2005 could mitigate this service gap.

**Consequences of not taking the recommended action:** MCHT would be responsible for providing these services. Staff time would be required to negotiate a satisfactory arrangement and to monitor the performance through the term of the contract.

**Recommendation:** Staff recommends that Mountainlands Special Service Contract be amended to remove tenant outreach services, the amount of its Special Service Contract be reduced to \$54,000 and that the use of the remaining funds be evaluated with the Special Services Subcommittee.

Attachments: Communication from Mr. Loomis, Executive Director, MCHT (A)  
Special Service Contract Policy (B)  
Contract Amendment (C)

**ATTACHMENT A**

**From:** Scott Loomis [mailto:scott@housinghelp.org]

**Sent:** Friday, January 28, 2005 9:23 AM

**To:** Tom Bakaly

**Cc:** 'Zane Woolstenhulme'

**Subject:** Shelley Weiss

Tom,

As we have previously discussed, Shelley Weiss will be going out on her own under another entity as of the end of January. Although it is my understanding she will be doing other things in addition to tenant outreach, she will continue doing the tenant outreach that Mountainlands contracted with PCMC to provide until the end of June under its contract. It does not make sense to duplicate this service. The contract provides for a lump sum of \$30,000 annually for several services which include tenant outreach. This service has been provided by MCHT from July 1, 2004 through January 31, 2005. There is an additional payment of \$6000 due MCHT under the contract. I don't know what, if any, arrangements PCMC has made with Shelley to continue the tenant outreach service, but from MCHT's standpoint a fair adjustment of the contract would be for PCMC to adjust the contract by not paying the remaining \$6000 in consideration of MCHT not providing the tenant outreach services through the end of the contract.

Please let me know what we should do to formalize this situation.

Thanks,  
Scott

## **ATTACHMENT B**

### **PUBLIC SERVICE CONTRACTS (amended June 2004)**

As part of the budget process, the City Council appropriates funds to contract with organizations offering services consistent with the needs and goals of the City. Depending upon the type of service category, payment terms of the contracts may take the form of cash payment and/or offset fees or rent relating to City property in exchange for value-in-kind services. The use of the public service contracts will typically be for specific services rendered in an amount consistent with the current fair market value of said services.

**Public Service Fund Distribution Criteria:** Organizations must meet the following criteria in order to be eligible for a public service contract in Fund Categories 1-3 below: (1) Accountability and Sustainability of Organization; (2) Program Need and Specific City Benefit; (3) Fiscal Stability and Other Financial Support; and (4) Fair Market Value of the Service.

**Criterion #1 - Accountability and Sustainability of Organization:** The organization must have the following: (1) Quantifiable goals and objectives; (2) Non-discrimination in providing programs or services; (3) Cooperation with existing related programs and community service; (4) Compliance with the City contract; and (5) Not-for-profit status.

**Criterion #2 - Program Need and Specific City Benefit:** The organization must have the following: (1) A clear demonstration of public benefit and provision of direct services to City residents; and (2) A demonstrated need for the program or activity. Special Service funds may not be used for one-time events or scholarship-type activities.

**Criterion #3 - Fiscal Stability and Other Financial Support:** The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence; and (4) A history of performing in a financially competent manner.

**Criterion #4 - Fair Market Value of the Services:** The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

**Total Public Service Fund Appropriations:** The City may appropriate up to 1% of the City's total budget for public service contracts for the Special Service Contract and Rent Contribution Categories described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to Historic Preservation as described below.

**Fund Categories and Percentage Allocations:** For the purpose of distributing Public Service Funds, public service contracts are placed into the following categories:

(1) Special Service Contracts, including

- Youth Programming
- Victim Advocacy Services
- Arts
- Health
- Affordable Housing
- Recycling
- History/Heritage
- Information and Tourist Services

(2) Rent Contribution; and

(3) Historic Preservation.

A percentage of the total budget (which shall not exceed 1%) is allocated for contracts in the Special Service Contract and Rent Contribution categories by the City Council. A specific dollar amount is allocated to Historic Preservation based on funds available from the various Redevelopment Agencies.

The category percentage allocation does not vary from year-to-year. However, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category may fluctuate proportionally. Unspent fund balances at the end of a year will not be carried forward to future years. It is the intent of the City Council to appropriate funds for specific ongoing community services and not fund one-time projects or programs.

**1) Special Service Contracts:** A portion of the budget will be designated for service contracts relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to the following: youth programming, victim advocacy services, arts, health, affordable housing, recycling, history/heritage, information and tourist services, and minority affairs. To the extent possible, individual special services will be delineated in the budget.

Service providers are eligible to apply for a special service contract every biannual budget process. The City will award special service contracts through a competitive bid process administered by the Service Contract Subcommittee and City Staff. The City reserves the right to accept, reject, or rebid any service contracts that are not deemed to meet the needs of the community or the contractual goals of the service contract.

Each special service provider will have a special service contract with a term of two years. Half of the total contract amount will be available each year. 80% of each annual appropriation will be available at the beginning of the fiscal year, with the remaining 20% to be distributed upon demonstration through quantifiable and qualifiable measures that the program has provided public services meeting its goals as delineated in the public service contract. The disbursement of all appropriations will be contingent upon council approval. Special service providers will be required to submit current budgets and evidence of contract compliance (as determined by the contract) by March 31<sup>st</sup> of the first contract year.

The City reserves the right to appoint a citizen's task force to assist in the competitive selection process. The task force will be selected on an ad hoc basis by the Service Contract Subcommittee.

All special service contract proposals must be consistent with the criteria listed in this policy, in particular criterion 1-4.

**Youth Contracts:** In addition to the above listed criteria, proposals for Youth Programming must meet the following requirements: 1) Provide a service to or enhancement of youth programs in the Park City community; and 2) Constitute a benefit to Park City area youth, community interests, and needs. Youth Programming funds must be used to benefit Park City area youth Citywide; this may be accomplished through one service contract or by dividing the funds between several contracts.

**Deadlines:** Beginning Fiscal Year 2004, all proposals for Special Service Contracts must be received no later than March 31<sup>st</sup>. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements.

Emergency requests received after this deadline must meet all of the following criteria to be considered before the next fiscal year:

(1) The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;

(2) The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and

(3) The applicant must demonstrate that other possible funding sources have been exhausted.

**2) Rent Contribution:** A portion of the Special Service Contract funds will be used as a rent contribution for organizations occupying City-owned property and providing services consistent with criterion 1-4 pursuant to the needs and goals of the City. To the extent possible, individual rent contributions will be delineated in the budget. Rent contributions will usually be memorialized by a lease agreement with a term of five years or less, unless otherwise approved by City Council.

The City is required to make rent contributions to the Park City Building Authority for buildings that it occupies. Qualified Organizations may enter into a lease with the City to occupy City space at a reduced rental rate pursuant to criterion 1-4. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. Rent Contribution lease agreements will not exceed five years in length unless otherwise directed by the City Council. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

**3) Historic Preservation:** Each year, the City Council may appropriate a specific dollar amount relating to historic preservation. The City Council will designate the funding for these expenditures during the annual budget process. The funding source for this

category is the Lower Park Avenue and Main Street RDA. The disbursement of the funds shall be administered pursuant to applications and criteria established by the Planning Department, and awarded by the City Council consistent with UCA § 17A-3-1303, as amended. In instances where another organization is involved, a contract delineating the services will be required.

Rent Contribution and Historic Preservation funds will be appropriated through processes separate from the bi-annual Special Service Contract process and when deemed necessary by City Council or its designee.

The Service Contract Sub-Committee has the discretion as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to public service funding are at the discretion of the City Council.

Nothing in this policy shall create a binding contract or obligation of the City. Individual Service Contracts may vary from contract to contract at the discretion of the City Council. Any award of a service contract is valid only for the term specified therein and shall not constitute a promise of future award. The City Council reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Service Contract Sub-Committee, and any advisory Board, Commission or special committee with the power to make recommendations regarding Public Service Contracts are ineligible to apply for such Public Service Contracts, including historic preservation funds. City Departments are also ineligible to apply for Public Service Contracts. The ineligibility of advisory Board, Commission and special committee members shall only apply to the category of Public Service Contracts that such advisory Board, Commission and special committee provides recommendations to the City Council.

**ATTACHMENT C  
FIRST ADDENDUM TO PARK CITY MUNICIPAL CORPORATION  
SPECIAL SERVICES CONTRACT**

THIS FIRST ADDENDUM is made and entered into in duplicate this \_\_\_\_ day of March, 2005, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and MOUNTAINLANDS COMMUNITY HOUSING TRUST, ("Service Provider") to amend the Special Service Contract signed and executed by the Parties on July 1, 2003.

WITNESSETH:

WHEREAS, the parties entered into a Special Service Contract on July 1, 2003 (hereinafter "Original Agreement"); and

WHEREAS, the parties desire to amend the Original Agreement to revise the required services to be provided by Service Provider.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. **CONTRACT AMOUNT.** The total contract amount provided at Article I of the Original Agreement shall be reduced to Fifty Four Thousand Dollars (\$54,000.00).
2. **SERVICES TO THE COMMUNITY.** Effective upon execution of this First Addendum, Service Provider shall not be required to provide tenant outreach services, commonly referred to as the "Tenant Outreach Program" in the Original Agreement.
3. **ENTIRE AGREEMENT.** This First Addendum is a written instrument pursuant to Article VI of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

