PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 6, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 6, 1997.

AGENDA

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

4:30 p.m. Property acquisition

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

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

Regular Meeting - To be held in Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 23, 1997 AND MEETING OF JANUARY 16, 1997

V PUBLIC HEARING

Ordinance approving a plat amendment for Lot 1 in Alta Vista located 7905 Woodland View Drive, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a plat amendment for Lot 1 in Alta Vista located 7905 Woodland View Drive, Park City, Utah

2. Ordinance approving a condominium plat for the Settler's Ridge Condominium located at 564, 566 and 568 Deer Valley Drive, Park City, Utah

3. Ordinance approving a condominium plat for the Potter's Corner Condominiums at 220 and 222 Daly Avenue, being Lot 1 of the Potter's Corner Subdivision, located in the northwest quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian

4. Approval of corrected deeds for Meadows Drive at the Park Meadows Golf Course

5. Resolution declaring February 12, 1997 as Marianne Cone Day in Park City, Utah and acknowledging her many contributions to the community

VII NEW BUSINESS

Appeal of denial of sketch plat amendment and .83 acre subdivision known as the Sand Ridge Heights Subdivision, by the Planning Commission on November 20, 1996

VIII ADJOURNMENT

Posted: 2/3/97

PARK CITY COUNCIL
SUMMIT COUNTY, UTAH
FEBRUARY 11, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the Park City Council has been invited to a Main Street Merchants Association Meeting at 8 a.m. on Tuesday, February 11, 1997 at the Kimball Art Center. There is a possibility that a quorum of Council members will be present, however, no formal action will be taken.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 6, 1997

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Hope Bleecker, Transportation Director; Mark Harrington, Assistant City Attorney; Jerry Gibbs, Public Works Director; Rick Lewis, Community Development Department; Bob Johnston, Leisure Services Director; Tom Bakaly, Finance Manager

Phyllis Robinson, Director of Mountainlands Housing Trust

1. **Council questions/comments.** There was discussion about the Land Use Conference to be held in March. Ms. Kerr referred to a "No Car Day" suggested by Kelly Sabey and a "Bus Rodeo" from another resident which could tie into a "No Car Day". She recommended awarding prizes and conducting a parade for non-motorized entries. Ms. Bleecker explained that staff is working on organizing a bus rodeo this year and have arranged the use of the Deer Valley parking lot; this event could include the public. Ms. Kerr commented on her concerns about the Canyon Creek Apartments at Kimball Junction advertising on KPCW that it is in Park City. She followed up with KPCW and the Canyon Creek Apartments and felt that as the Olympics approach that this will become a problem. She asked if staff could research what enforcement powers the City has with regard to using its name. Mark Harrington interjected that Canyon Creek contacted him after speaking with Council member Kerr, and there could be some action with regard to false advertising, but the larger problem is that the Kimball Junction's Post Office mailing address is Park City. He explained that this is the origin of the misinformation and believed that Canyon Creek used Park City in its advertising because of its mailing address. Mr. Harrington suggested that the post office be contacted. Mr. Harlan supported taking appropriate measures. Ms. Hoffman stated that she prepared a memo a few years ago about the use of the logo and name, and will redistribute that information. She warned that it may be a big effort changing the post office name. Toby Ross added that the Factory Outlet Stores ***at*** Park City changed its name at the City's request.

Mr. Gibbs discussed that there is no snow removal on Crescent Tram Road and it is used for snow storage; there was confusion when a resident drove down the street when the snow was cleared at the entrance of Woodside making Crescent Tram appear as if it was open, but trapping him at the bottom of Crescent Tram and Park Avenue where there was a mound of snow. Mr. Gibbs added that staff will be reviewing the snow removal ordinance and currently it is illegal to store snow on the City's right-of-way and other private property. Staff will be looking at fines, contractors will be put on notice this summer, and hopefully there will be a dialog on solutions. Ms. Kerr noted that her subdivision distributed a letter explaining that snow has to be retained on owners' properties and suggested that other subdivisions send a letter. Mr. Gibbs agreed that it is a good idea and will make that suggestion to home owners associations about contacting members.

Chuck Klingenstein stated that he just learned of the Women's Antheneum which has been in existence in Park City for 100 years as of February 22, 1997 and felt it appropriate to recognize this group. He pointed out that motorists are not stopping for pedestrians at crossings. He added that after reading an article about the shortfalls in Nagano, he is grateful that this Council is comprehensively planning for the Olympics. Paul Sincock reported that he, and fellow Council members Kerr and Harlan attended an open space acquisition conference last week in Salt Lake and collected some helpful resource materials. In response to a question from Paul Sincock regarding the collapsed grandstand at Deer Valley a few months ago, Rick Lewis explained that the City felt it had to cite Deer Valley because it did not obtain a permit. The Mayor further explained that Deer Valley wasn't aware that it needed permits for temporary structures for special events; he believed that this will not happen again.

With regard to the open space conference, Mr. Harlan felt that much of what was presented by way of strategy and direction, Park City is there and committed to open space acquisition. He added that there was wide attendance from the western states. Mr. Harlan reported that he and Hope Bleecker attended a meeting with Mark Cohen and Dean Berrett regarding Prospector Square Property Owners Association parking survey, and supported it to be included in the budget. Rick Lewis explained that the parking agreement has been restructured and a three story building will contribute money into the parking fund; Mr. Berrett has requested that this be allocated toward a parking study. Mr. DeHaan added there is confusion about who should conduct the study but his preference is to not conduct a study which will recommend expensive structures that the Association or the City is not likely to fund. Mr. Harlan stated that he would like to bring closure to this issue so that it doesn't continue to come up every six months. Mr. Ross stated that the study will come up as a budget option. Hope Bleecker reported that she met subsequently with Mr. Berrett and in terms of the request to the City to inventory the private lots in Prospector, the City declined, but some traffic analysis could be examined within the scope of our traffic study. She felt that there was some consensus and intends to follow-up with a letter.

Bob Johnston commented on the request for proposals for the recreation facilities study. He has been negotiating with the selected consultant to define the scope of work and a price. The proposed range of costs of $50,000 to $70,000 was vague and the consultant suggested that the study be broken down into two processes. The first would be a two and a half day workshop with staff and site investigation at a cost of $7,500 which will be funded from the Venture Fund, and after that the City's needs would be discussed. He added that staff would come back to Council after the workshop is held. If Council so desires, it can also attend the focus session. Mr. Sincock commented that he felt $7,500 was a little high. He added that the ice rink study was estimated at $25,000 and because of the inclusion of other amenities, it was bumped to the $50,000 to $70,000 range. Bob Johnston assured Council that staff's goal is to negotiate a price at $50,000 to $55,000. Mr. Sincock felt that the City may have helpful information that the consultant won't have to research. The Leisure Services Director agreed and reported that staff is putting materials together.

Tom Bakaly, as a board member of Mountainlands Community Housing Trust, introduced Phyllis Robinson who is the new Director and reported that Mountainlands is entering into a contract with the City. Ms. Robinson stated that her office is on Main Street and Mountainlands is charged to facilitate the production of affordable housing by working with developers as a non-profit partner, and felt that there will be housing opportunities in the Snyderville Basin. Mr. Bakaly reported that the County doubled its contribution from $5,000 to $10,000 and Mountainlands has received a contract from the state for services. Mr. Harlan referred to a letter from Mr. Rees, developer of the North Horse project, and suggested that it be shared with Ms. Robinson. The Mayor felt that Council should discuss its policy before involving Mountainlands. Chuck Klingenstein indicated that there was a good applicant pool, but Phyllis Robinson stood out and in a short time has Mountainlands up and running. Ms. Robinson explained that she is from the Washington, D. C. area.

Mark Harrington reported that Utah Valley State College accepted the four year term lease as proposed and this will appear on the Consent Agenda next week. The Mayor requested that he discuss the lease with staff before it is scheduled.

2. **Review of regular meeting.** Eric DeHaan, through illustration of a map, explained the corrected deeds for Meadows Drive at the Park Meadows Golf Course. Mark Harrington discussed an additional condition from those outlined in the staff report. There is confusion as to whether the access to Glen Eagle is public or private and the City may not be legally empowered to require it to clear its gate to allow emergency access. In the meantime, it has agreed to dedicate to the City emergency access and utility access without a written easement. Mr. Sincock asked if the Glen Eagle Homeowners Association installed the chain across the road. Mark Harrington explained that the home owners aren't officially organized as an association and it is difficult to determine exactly who installed it.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 6, 1997

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 6, 1997. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Brooks Robinson, Planner; Pat Putt, Planning and Zoning Administrator; Eric DeHaan, City Engineer; Ron Ivie, Chief Building Official; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Quarterly customer service award - Janero Armendariz - Hugh Daniels stated that he and Council member Kerr, acting as the City Council's representatives, have reviewed the fourth quarter nominations and have selected Janero Armendariz. He continued that there are two letters concerning his work. One is from Dick and Debbie Walter who live on Woodside who had a terrible dust problem last summer. The approached Janero who was street sweeping Main Street and drove the street cleaner on Woodsisde making several passes on the street. They indicated that he wouldn't accept cash, made their weekend bearable, and felt that he is an outstanding employee. John Lind, Water and Streets Superintendent, submitted a letter describing Mr. Armendariz as "Park City aware" by looking at situations like a visitor, and he takes care of problems without being asked to do so. Mr. Lind's letter went on to indicate that his curb and gutter replacement dressing was well received by property owners. Mr. Armendariz was presented with a plaque and cash award.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 23, 1997 AND MEETING OF JANUARY 16, 1997

Hearing no corrections, additions or omissions, the Mayor requested a motion to approve. Roger Harlan, "I so move". Hugh Daniels seconded. Motion unanimously carried.

V PUBLIC HEARING

Ordinance approving a plat amendment for Lot 1 in Alta Vista located 7905 Woodland View Drive, Park City, Utah - See staff report. Planner Brooks Robinson explained that the applicant is requesting the relocation of the building pad on the site, keeping the same dimensions and square footage of the building pad. It is oriented to save evergreen and aspen trees

while placing the building lot in an open area. Staff has visited the site and recommends approval of the plat. In response to a question from Paul Sincock, Mr. Robinson explained that there is a utility easement that runs on the south property line and the property line is in the middle of the easement. With no further questions or comments, the public hearing was closed.

VI CONSENT AGENDA

The Mayor reminded Council that there is an additional condition to be added to Item 4 and requested a motion to approve with the addition of the condition. (For the purpose of public record, the condition states that the Golf Course shall grant the City, or its designee, an emergency access and utility easement, in a form approved by the Fire Marshal and City Attorney, over Sunny Slopes Drive from Meadows Drive to the Glen Eagle Subdivision. The easement may be executed and recorded after the exchange of the deeds provided the City has adequate security, as determined by the City Attorney's Office). Shauna Kerr, "I so move". Roger Harlan seconded. Motion carried unanimously.

1. Ordinance approving a plat amendment for Lot 1 in Alta Vista located 7905 Woodland View Drive, Park City, Utah - See public hearing and staff report.

2. Ordinance approving a condominium plat for the Settler's Ridge Condominium located at 564, 566 and 568 Deer Valley Drive, Park City, Utah - See staff report.

3. Ordinance approving a condominium plat for the Potter's Corner Condominiums at 220 and 222 Daly Avenue, being Lot 1 of the Potter's Corner Subdivision, located in the northwest quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian - See staff report.

4. Approval of corrected deeds for Meadows Drive at the Park Meadows Golf Course - See work session notes and staff report.

5. Resolution declaring February 12, 1997 as Marianne Cone Day in Park City, Utah and acknowledging her many contributions to the community - See Manager's Report.

VII NEW BUSINESS

Appeal of denial of sketch plat amendment and .83 acre subdivision known as the Sand Ridge Heights Subdivision, by the Planning Commission on November 20, 1996 - The Mayor invited the staff to speak first, then the appellants and/or appellants' representative, then the City's legal counsel for additional comments, followed by discussion and decision by the City Council.

Planner Pat Putt explained that this is an appeal of the November 20, 1996 Planning Commission denial of a subdivision sketch plan. The subdivision process requires three separate steps: sketch plan, preliminary plat, and final plat. He continued that the sketch plat is designed to look at broad, global issues with regard to density, bulk, sensitive land overlays, circulation, and how they relate to the broader neighborhood without going into a lot of engineering detail. The engineering detail carries forward review of those issues at the preliminary plat stage and the final plat stage including addressing the issues with a final record of survey, and all of the certifications necessary to actually subdivide interest in that piece of property. Mr. Putt explained that the Land Management Code allows applicants to combine those steps, for instance, a preliminary plat and sketch plan can be submitted together to get detailed information up-front or preliminary and final plat can be combined to expedite the process. Typically in Park City, there are not many sketch plans, due to the fact that subdivisions usually have complex issues, there are difficult problems to solve, and additional detail is required as such is the case in this particular project. The Sand Ridge Heights application involves platted lots, unplatted properties, potential right-of-way vacations, RDA property, conveyances, access issues, new right-of-way issues, slope issues, and compatibility with adjacent neighboring developments. He explained that this is a complicated project to analyze and staff and the Planning Commission asked for additional information to help analyze the project. The information requested was provided by the applicants and it was the level of detail normally submitted with a preliminary plat or combined preliminary plat/sketch plan. Mr. Putt emphasized that it needs to be clear from the outset here and as was clarified by the applicants at the September 25, 1996 meeting that this appeal is only for a sketch plan approval and not preliminary plat. He continued that this matter involves a request from a coalition of property owners in the Rossi Hill area to replat approximately three acres of the Old Park City Survey. It comprises 29.5 full or partially platted lots and .83 acres of unplatted Park City Mines' land. The proposal also includes a request that the City vacate approximately 31,000 square feet, roughly .75 of an acre of City right-of-way, and convey to the applicants a 3,500 square foot Redevelopment Agency parcel. Through illustration of a map, prepared by the applicants, Mr. Putt oriented Council to the various areas. He pointed out the platted and undeveloped rights-of-way and discussed existing Ontario Avenue and explained that the plat was drawn in the 1880s in the east and the topography of Park City was not taken into consideration. He illustrated platted Marsac and Ontario Avenues and the actual location of Marsac and Ontario Avenues. As a result, roads were not built according to the plat because it wasn't practical and Mr. Putt explained that the request is that the City vacate the undeveloped rights-of-way.

He further explained that the majority of the property is in HR-1 requiring a minimum lot size of 1,875 square feet, 25 foot by 75 foot wide lots and allows for single family, duplexes, and triplexes under certain situations. A small sliver of the property is HRL requiring single family homes to be built on two lots, or 3,750 square feet. The proposal includes 25 lots, 22 of which are single family, three of which are for duplexes, for total of 28 units. The single family lots range in square footage from 2,350 square feet to approximately 4,200 square feet. The duplex lots range in size from about 5,800 square feet to 15,000 square feet. The project would have a new road and

right-of-way dedicated. The majority of existing Ontario Avenue would be eliminated and in its place would be a new right-of-way and street. The right-of-way would be 30 feet in width and the street section 20 feet in width and would run in general from Jack's Shack across the hillside down from Hillside Avenue near Prospect Avenue and the Mine Road intersection. There would also be improvements in lighting and paving of Marsac Avenue at the intersection. Mr. Putt stated that three of the lots would be accessed off of the lower portion of existing Ontario, including the Pechnik House, Lot 21, and Lot 23. The Pechnik House sits on the RDA property and approval of the plan would put the house on its own lot. In response to a question from Paul Sincock, Eric DeHaan explained that the RDA parcel is a remnant but was not a separate RDA.

Mr. Putt emphasized that the project dates as far back as 1993 or 1994. The most recent application went to the Planning Commission as a work session item in 1995 and the lot configurations, lot sizes, the proposal of the new road and alignment were discussed and staff was directed to work with the applicant to arrive at a visual analysis to help illustrate its juxtaposition with the rest of the Rossi Hill area. He explained that visual analyses are usually depicted from different points of perspective, but staff didn't feel this was necessary in this particular case. Staff met with the applicants' agent, Steve Deckert, and the perspective was taken from across the valley up from the top of King Road. The photograph was illustrated with buildings that could be built under the LMC requirements, and this was submitted by staff last year. The staff reviewed the rendering and arrived at recommended modifications to the plan that were thought to better integrate into the existing neighborhood. These recommendations were forwarded to the applicant who elected not to make any of those changes and a public hearing was scheduled in July 1996. At that hearing, the Commission reviewed the visual analysis, the public made comment, and the rest of the plan was reviewed. Following the meeting, the applicants elected not to carry forward any of the suggested modifications or direction from the Planning Commission, and as a result, the Planning Department scheduled this matter for final action at the September 25, 1996 Planning Commission meeting. He stated that at that Planning Commission meeting, a report was submitted to the Planning Commission from the Bedlam Design Group and prior to that meeting, staff had not had an opportunity to review the document nor had the Planning Commission. The Planning Commission accepted the document, moved forward with the motion to deny the project, but continued the motion in order for staff to review the Bedlam document, respond to it, and have the applicants respond to the staff's response. This went back to the Commission on November 20, 1996 with the responses, and at that point in time, it moved forward with the motion for denial, which has been appealed. He explained that information distributed to the Council contains recommendations from staff for plan modifications, public comment in the form of minutes, first recommended draft of the findings of fact and conclusions of law for denial, and final revised findings of fact and conclusions of law resulting from the review of the Bedlam report.

Mr. Putt stated that he was aware at the beginning that this was going to be a difficult project because of the variety of issues. Through the review and the public hearing process, a lot of things have been said which is unfortunate because if there is a time to solve problems, that time is

now. He emphasized that everyone needs to work together in a positive manner and he believes that staff has attempted to be professional and tactful. He chose to run the project through its course by taking it through all of the necessary hearings before the Planning Commission and the public and this is the last step of the process.

Tom Billings, attorney with VanCott, Bagley, Cornwall, and McCarthy, stated that he represents the applicants and added that he is a resident of Park City. He relayed that he has had a couple of accidents on Ontario Avenue and is familiar with the area. He agreed with Mr. Putt that this is an interesting development. It is the oldest platted subdivision in the state of Utah which was drawn in the east only to find out that it doesn't work here. He distributed a map of the proposed subdivision and indicated that the applicants propose a rationale development of an essentially irrational subdivision. They tried to mitigate the density issues, traffic concerns, retain the Old Town character, make a safer road, take care of the RDA property, resolve the Pechnik title problem, and have an orderly and rational development of an area that is now being developed rapidly and somewhat inconsistently. He continued that as Mr. Putt indicated this has been a long and torturous process on the applicants' part. Other than vacating of the streets, everything the applicants have proposed on the 28 unit parcel is consistent and in accordance with the LMC, and as such, is completely legal and appropriate. However, the Planning Commission and staff have attempted to impose more restrictive standards on these applicants. If the City desires these more restrictive standards and these requirements, there is a process by which that can be accomplished, called due process. Due process means if the City wants to make things more restrictive than what people have a legal right to do on their property, that it has to hold public hearings and amend the LMC through the legislative process not through arbitrary and capricious actions by staff or Planning Commission. He contended that the applicants' due process and property rights have been diminished in two different ways. One is by delay, and there are a number of court cases that have held that delay in the planning process can constitute a takings. Mr. Billings noted that he is not saying that this does, but it can. Secondly, the denial is not based on the statutory requirements and as a consequence, it constitutes a taking. He explained that the Supreme Court stated in 1992, a property owner has the right to the economical viable use of his land, and the City has diminished that as they need to develop 28 units in order to pay for a new road and dedicate it to the City. Staff has suggested perhaps 22 units; the difference there is roughly is $110,000 to $150,000 and that is the economic damage and what the City owes them. Mr. Billings suggested that there are ways that can be made up by approving the plan or reaching some other sort of compromise. The City Council is now seated in an appellant capacity, but it is also a legislative body and only the City Council can make the final determination as to a plat amendment and a subdivision. He pointed out that in addition, the Council is the ultimate policy maker as the property owners and voters are the ultimate property owners, because if they don't like the policy, they get to vote Council members out of office. Constituents need Council to make policy and input as to whether the City is interested in making a rational development happen by vacating rights-of-way to obtain a fully completed, improved road that solves a variety of problems.

Mr. Billings asked for an opportunity to review the findings, because it is their position that the Planning Commission did not exercise its legal authority properly. The applicants filed for a plat amendment and only a single property owner needs to file for a plat amendment and not everyone is required to sign off on it, only notice is required. If the statute were written any other way, the last person decides how the subdivision will be amended and the state legislature was smart enough to figure out that anyone who owns property can file for a plat amendment, as long as the governing body determines that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment and that there is good cause for the action. He submitted that the only people that have been materially injured by the actions taken by the Planning Commission are the property owners who have proposed this project.

Mr. Billings continued that the first finding of fact approved by the Planning Commission indicates that there are existing platted lots and rights-of-way that are located on environmentally sensitive hillsides and steep terrain. Staff contends that this fact is supported by just looking at it, which may or may not be true, but this location is not an environmentally sensitive portion of land subject to the Sensitive Lands Ordinance. The applicants can build something tomorrow and illustrated a proposal including the existing 15 lots and the United Park City Mines' parcel which can subsequently be subdivided. Ms. Kerr questioned if all of the lots could be accommodated from a private driveway easement as she recalled that the Uniform Fire Code allows only two lots to be served. Mr. Billings countered that it can be done, and for purposes of this discussion, he urged Council to assume that it can be done. Steve Deckert of Alliance Engineering, explained that only two homes can be served from a private driveway unless provision has been made to adequately accommodate a fire truck, and the turn-around shown on the plan meets the Fire District's criteria. Ms. Kerr asked Mr. Ivie if that is correct. Chief Building Official Ivie responded that he has not adequately reviewed the proposal.

Mr. Billings added that he has prepared a brief in this action that summarizes the objections to some of the findings. In Finding No. 5, the staff recommends a 14 foot to 15 foot building separation to handle the snow sloughing but that is not in the Code and can be resolved on a case-by-case basis through design, not in the sketch plan. Finding No. 6 states that engineering standards require a 50 foot right-of-way. Mr. Billings argued that there are none in the area and staff has agreed to a 40 foot right-of-way. The appellants have agreed to a 25 foot right-of-way, and further down in the findings, there is comment about bringing the road into a smaller 12 foot to 15 foot road, making Finding No. 7 inconsistent with Finding No. 6. Finding No. 8 notes that the proposed density will increase traffic through the existing neighborhoods developed along substandard streets. He emphasized that people are going to develop there and there is mitigation by completely changing the roadway and making it a safe intersection along with other improvements. Increased traffic is going to occur anyway. Mr. Billings referred to Finding No. 10 that the intersection would remain substandard due to the existing Sand Ridge and Prospect Streets which intersect at the same point. He emphasized that it is not their property and out of their control, although the applicants would be improving it and making it safer. He didn't feel this should be a

finding against them. Finding No. 11 provides that the project would result in the appearance of a new suburban development, incompatible with the Historic District. Mr. Billings stressed that there is no evidence in the record to support that finding and doesn't know what a "suburban development" means. This is not the stage to worry about that as it is sketch plan review. He quoted Finding No. 12 which states that the Thrill Hill section of existing Ontario Avenue, due to its narrow width and steepness acts to slow traffic through the existing subdivision. He argued that nothing proposed makes it more dangerous and makes it less dangerous. Mr. Billings didn't understand Finding No. 13 with regard to the RDA parcel. Finding No. 14 reflects public input and is not a statement of fact which is the realignment of the right-of-way not being a benefit as it will result in increased traffic and speed and only benefits the applicants' properties. People did say that, but there is no empirical knowledge that it is true. He continued that staff did comment that the proposal improves the access and eliminates Thrill Hill as a through street and provides coordinated utility placement and installation, improved fire protection and emergency service access, which should be one of the prime concerns of the City Council.

Mr. Billings argued that the "harms" are there whether or not the project is approved, but urged Council to consider the benefits. The proposed application does not comply with Park City engineering standards even though staff and the Planning Commission bought off on a modification of existing engineering standards. He contended that no one wants a 50 foot right-of-way and 25 feet really fits in the area and increases the lot sizes. If the City wants 30 feet, that could be worked out and it is an engineering detail for the next step. He referred to the statement that there does not appear to be good cause for the amendment in that the benefit to the proposal does not outweigh the negative impacts of the project. He felt that he has provided sufficient evidence that there is nothing in the proposal that would not otherwise happen like increased density, reduction in open space, and increased traffic. Mr. Billings argued that the City can not make that conclusion as it is not based on facts and is contrary to the facts. The final conclusion is that the public and the residents in the Rossi Hill neighborhood will be materially harmed by the loss of open space, adverse traffic impacts, imposition of suburban development within the Historic District and growth inducting impacts from the plat amendment. This is a restatement of Finding No. 2. He reiterated that all of those things are going to happen anyway; the applicants have proposed all of the things staff thought was a good idea. Residents on Rossi Hill are going to lose the open space and it should be done in a rational way. He stated that the City has no constitutional right to open space to reduce density, or to reduce traffic flow. However, the applicants have constitutional rights to develop their property if it is consistent and in accordance with the statutes and the proposal conforms. Mr. Billings quoted Justice Rehquist from a Supreme Court decision of 1994, Dolan v. City of Tigard, "Cities have long engaged in the commendable past of land use planning made necessary by increasing urbanization, particularly in metropolitan areas such as Portland. The cities' goals of reducing flooding hazards and traffic congestion, and providing for public green ways are laudable, but there are outer limits to how this may be done. A strong public desire to improve the public condition will not warrant achieving the desire by a shorter cut than the constitutional way of paying for the change". Mr. Billings stated that the Council can approve this plan; it doesn't require

modification of the LMC. If Council decides to deny the plan, it needs to compensate the applicants because they are not obtaining the benefits of the use of their land. Since the appeal was filed to this hearing date, there were discussions with the City about resolving the issues and one of the ideas was to make the modifications staff suggested and reduce the density to 22 units. The applicants indicated it will cost $125,000 more and it is not economically viable, but if the City will compensate them, the proposal can be developed jointly. An alternative proposal suggested by City Attorney Hoffman was that funds could be set aside in the Capital Improvements Budget for the road. By doing so, the City would not pay for the road directly, but there would be a reduction in impact fees by having the applicants build the road and the reduction would probably net out to be the same amount. He added that even though this is a narrow appeal, the City Council has the power to approve this today if it so desires which would resolve a host of problems, including orderly development of the area and avoiding reviewing somewhere between 15 and 18 individual applications. Mr. Billings relayed that this proposal was turned down by someone at the City and he was told that it was unacceptable to place construction of the road in the Capital Improvements Budget. He suggested that there is a solution here and that can be a solution. The alternative solution is to approve the plan because the law provides that Council can do so.

The Mayor invited any of the appellants to comment. Hearing none, he invited Assistant City Attorney Harrington to address Mr. Billings' statements. Mr. Harrington stated that he will not comment on the findings of fact as his brief adequately addresses those issues. He believed that the applicants made four basic mistakes that were unfortunate. First, they did not seek Council input as staff originally recommended twice prior to the public hearing. That would have provided the necessary direction on net benefits versus negative aspects of the plan and would have set the tone for this sort of discussion at a different and more proper time than at this late date in the appeal process. Secondly, the applicants then and now, fail to grasp the true nature of this application. He explained that they applied for a subdivision and a step to that is a sketch plan and there is no petition for a plat amendment as required under the Utah Code that triggers the sections that Mr. Billings has required and this is important for Council to understand. He reiterated that there is no petition for a plat amendment, but an application for a subdivision and each application is mutually exclusive. Ms. Kerr understood that the process to vacate the street could be brought by one person, but a subdivision needs to have all of the appropriate property owners and that is the distinction. Mr. Harrington agreed. Thirdly, Mr. Harrington continued that the applicants have elected to proceed with a sketch plan approval. He explained that the July 10, 1996 and September 25, 1996 staff reports indicate that the recommendations would be forwarded to Council, which would have occurred with the preliminary plat process because of the right-of-way and ownership issues and Mr. Putt assumed that is what the applicants wanted and this was never raised as an issue until the public hearing and the subsequent discussion on September 25. Essentially the Planning Commission gave the applicants what they wanted, and denied the sketch plan and that is why it is before Council on appeal as opposed to by recommendation. He clarified that this was only after the applicants' repeated demand that this is a sketch plat which limited their options and was a mistake, because it didn't get them anything. In response to a question from Paul Sincock, Mr. Harrington

explained that the difference between sketch plat and preliminary plat is primarily procedural. Sketch plat generally addresses density, road alignment, etc. and is almost administrative. The Planning Commission provides direction, and approval is valid for one year or until there is a preliminary plat. Mr. Harrington stated that there are few sketch plats and there have probably been only five in 15 years. Part of the problem with this sketch plat is that the density could not be reviewed without looking at the specifics because it is too complicated, and in his opinion it was a mistake for the applicants to demand a sketch plat process, because procedurally, they must present a preliminary plat. Fourthly, staff has been consistent with its recommendations throughout the process, and rather than address the proposed modifications in a constructive manner, the applicants felt entitled to what they applied for. He emphasized that they have no constitutional right to a facilitated growth plan, and referred to the 15 lot proposal. Mr. Harrington admitted that some harms would occur regardless, but it is a proportional analysis and it is a matter of magnitudes. The Planning Commission made a determination, based on its discretion and recognizing the right-of-way, City owned property, and plat amendments, to make a legislative decision whether there was good cause. He reiterated that it based on magnitude, not just is there harm or is there not. There was no discussion on any solutions, just a demand to take action on the application and the hands of the Planning Commission and staff were tied.

Mr. Harrington continued that there are two procedural issues which insulate Council legally and present problems for the constitutional argument made by Mr. Billings. Because this is a subdivision application, the consent of all of the property owners is required and that is why staff suggested obtaining direction from Council on the onset. Secondly, the Richardson property has since withdrawn from the application, which creates a procedural problem. Council can not approve what the applicants are asking for, because an amendment is now required for the application. This is different from what is here on appeal, and on that basis, the appeal could be denied. With regard to the argument of delay, the Code provides that within 90 days, some action will be taken on a proposal and that did not occur in this case, however, it was very complex. The process was drawn out and there was a request for additional information. He continued that when there is a necessitated longer period, the staff notifies the applicant as to the projected time frame. Mr. Harrington stated that Mr. Putt kept the applicants completely informed of the time frame and there were no objections raised during the process and it is not proper to now raise those issue. Staff complied with this provision and therefore the delay action, which has been raised for the first time here and did not appear in the brief, is a non-issue.

Paul Sincock pointed out that the existing Ontario Avenue goes through the current City right-of-way and several lots, and asked if there is a right-of-way that parallels that street. Mark Harrington stated that there is and this would also have to be vacated, because there is dedication by public use, and should be added into the square footage calculation for vacations. He believed there is a proposal for a stairway close to the area, and it may not have to be vacated if it is exactly center lined. He added that there is potential that the property owners have a private easement for use over the years. Tom Billings pointed out that is a little bit confusing because there is a plat amendment

and there is a subdivision application regarding United Park City Mines property. He continued that the staff report of September 20, 1996 states that the applicant has submitted sketch plat amendment application materials for a replat and subdivision of 2.97 acres, and the standard he raised earlier about the criteria still applies to the replats. The noticing requirements are the same and any person can do it, taking care of Mr. Richardson and United Park City Mines is the sole owner of the subdivided property and it has consented. Mr. Billings pointed out that in May 1993, a letter from City Manager Toby Ross to his clients indicated that he recommended that rather than an amended subdivision plat which would require excessive noticing to each Park City survey owner, staff feels that a resubdivision of the only affected property would be appropriate, which would trigger the usual 300 foot noticing.

Council member Kerr asked if all of the property owners were required to sign the application. Mr. Billings indicated yes, and Ms. Kerr interjected that now there is less than that number so it is defective. She emphasized that a replat or subdivision application can be argued, but if in fact, the original application had everyone on board and now one owner is missing, the application is not the same and the subdivision as drawn will be different from what has been submitted. Applicant Leslie Miller reported that the Richardson property has changed hands. She relayed that she had a personal phone call from the new owner who is on board. Ms. Kerr didn't feel that that would satisfy legal requirements, and as an attorney, she would not accept a personal phone call. Mr. Billings indicated that if the Richardson property is the sole issue, the Council can make its determination one way or the another. If the new owner is willing to be part of this plan, the evidence will be provided to the Council. Based on that statement, Ms. Kerr, "I move that we continue this until we have his entry into the proceedings in writing". Motion died for lack of second. Ms. Kerr felt that knowing the status of the property owner on the application is relevant to whether Council has standing to hear the appeal of this subdivision. Paul Sincock felt it is irrelevant in the sense that the matter before the Planning Commission was when all of the property owners were on board as well as the appeal. The Council is hearing an appeal of that decision and what the owners do subsequently is entirely their matter.

Ms. Hoffman explained that the relevance has to do with the remedy Council will fashion. If the appeal is granted, which requires some clarification, it is not possible to subdivide someone's land who hasn't agreed to have it subdivided. This is a parcel that is proposed to be subdivided and it is simply not true that an adjacent property owner or the government can subdivide someone else's property. This does limit the remedy Council can grant. The appeal standard that the Council has adopted is to determine if the Planning Commission has acted properly, and in this situation, it is probably relevant for the Council to review two allegations. She explained that one was there wasn't evidence in the record to support the findings and the other was that the findings don't support the conclusions of law. Ms. Hoffman stated that she has heard whether or not the quality of the evidence was in the record, but hasn't heard any allegation that there was no evidence in the record to support each of the findings. The basic issue is whether or not the Planning Commission acted properly, not whether there is a planning solution out there for this property, or

not whether you can approve or disapprove a sketch plat, final plat, or a preliminary plat that would be of the Council's liking. She explained that the City Code describes a process for preliminary and final plats that hasn't been complied with yet and the only thing on the table is whether the sketch plat can be approved. Ms. Hoffman felt that the Council has engaged in several processes over the year that have yielded a consensus that it is not going act as a "super-Planning Commission" at this level. Rather, it is going to take what the Planning Commission had before it at the time, and decide, given the information that the Planning Commission had, whether or not it made the correct decision, not whether a different decision could be made.

Chuck Klingenstein disagreed with Mr. Sincock's comment, and believed that people have the right to pull out of an appeal. Ms. Kerr added that Richardson did not only pull out of the appeal, but also from the submittal. Mr. Klingenstein read Mr. Richardson's letter stating that he would like his name removed from the application and believed that Ms. Kerr made the appropriate motion. Ms. Kerr, "I move that we continue this item to get further verification in writing if the subsequent purchaser of the Richardson parcel is in on this application and supportive of the Sand Ridge Heights Subdivision, and if in fact this property is again part of this submittal, or not". Chuck Kligenstein seconded. Roger Harlan asked if the Council would be delaying the action and whether a different property owner would change Council's thinking on the appeal as it has been presented. Out of fairness to the applicants, and unless the applicant has new information to sway the Council in a particular direction, Mr. Harlan felt it important to bring closure to this matter this evening. The Mayor allowed Mr. Billings to speak. Tom Billings stated that he was told that the new property owner will join in the application, but if this is continued, he is not interested. Ms. Kerr felt that this it nonsense and unfair to place ultimatums on this Council. Hugh Daniels concurred with Roger Harlan as continuing would delay an ultimate decision Council will have to make and has no real bearing on what that decision will be. He agreed that it is a technicality, and Council has the ability to continue, but in the long run, it is a waste of time. Chuck Klingenstein added that given the information that was just rendered, he would be willing to withdraw his second. Ms. Kerr withdrew her motion. Motion withdrawn.

Hugh Daniels stated that appeals continue to be difficult for him even though there have been several. In reviewing the material, he believes that the Planning Commission did act correctly, however, the owners have the right to build there and people will build there. He believed that there is a plan that will work for everyone and is not convinced that all of the options have been looked at that will yield a good project. He added that the 15 lot plan, is not exactly a "pretty picture" with a wide driveway and a hammerhead at the end, however, it is a project with only 15 units compared to 28 units and that does have an impact. On that same exhibit some of the parcels included in the 15 lot plan would require plat amendments as well so it may come back to Council in a number of forms. Mr. Daniels stated that it would be extremely helpful to the applicants, regardless of this decision, to have discussions on policy of rights-of-way and it is planned in the next few weeks for all property owners in Old Town. He felt that this will assist the appellants to

arrive at good ideas, but also assist the staff and others to come up with good plans. At this point, he supported denying the appeal.

Chuck Klingenstein agreed with Mr. Daniels. He agreed with Mr. Billings on the Conclusions of Law Condition No. 3, with regard to the word open space. Mr. Klingenstein stated that he believes in balancing private property rights and community rights and interests, but when it comes to platted lots, it is not fair to call it open space as it is private property. He felt it important to be careful on the blanket use of open space on properly platted, recorded lots.

Shauna Kerr stated that she believes the Planning Commission acted correctly and stated for the record that she doesn't believe the Council has the authority to hear the appeal tonight, as it is outside its realm based on prior practices and policies. If something is subsequently changed, the practice has been in the past as recently done with Snow Creek, to remand it back to the Planning Commission. Ms. Kerr felt that it should be remanded to review the design without the Richardson property, because this is a substantial change from what was reviewed by the Planning Commission and Council does not have standing to hear it. If Council does vote on this matter, she will uphold the Planning Commission's decision.

Mr. Harlan felt the comment about the 15 lot configuration would render no benefits to the City was interesting. He interprets "none of the benefits" differently and it is a matter of scale in his mind. There would be less density, far less scarring and loss of vegetation, and not as much potential traffic because of the reduction by 13 units. On this basis, he will not be upholding the appeal.

Paul Sincock noted that this project dates back to January 25, 1993. There was an original application in June 1993 and a subsequent sketch plat application in August 1995. He personally felt that the realignment of the road is a benefit, and is an improvement to the street, utilities and safety concerns. Mr. Sincock pointed out that staff reports are favorable all the way up to the July meeting when the public hearing was closed. He read a specific recommendation, "There is good cause for the amendment, and neither the public nor any person will be materially injured by the proposed plat amendment". If there was a change among the planning staff, Planning Commission and legal staff, it was missing in the final report, and he doesn't understand what happened in the increment and what broke down. As to the findings of fact and conclusions of law upon which the Planning Commission based its judgment, Mr. Sincock agreed with the appellants' attorney. Under Finding No. 1, regarding rights-of-way being located on environmentally sensitive lands, Mr. Sincock felt that is true but every single platted lot over 1,875 square feet will probably be developed in Old Town over the next ten years. He discussed Finding No. 3 regarding the Community Development Department's analysis and units, and did not feel this is germane as there are so many platted lots there and owners are legally entitled to build on those lots. If the owners want to reconfigure the lots or the rights-of-way so that they are of a public benefit, it is good and should be worked out so that the underlying interests of all parties can be met. With regard to the

snow shedding, Mr. Sincock felt that the Chief Building Official can not overturn the LMC which states that 25 foot lot are allowed a three foot side yard. It would be nice to have greater setbacks, but it is not practical and this finding is largely irrelevant. He supported the width of the new proposed right-of-way of 40 feet and added that this is a wider road funneling into a narrower road which would restrict traffic, but traveling the other way would better facilitate traffic and that finding is a matter of point of reference. The issue of open space is largely academic because it is a public right-of-way intended to give access to platted lots which property owners have been paying taxes on. Realigning the right-of-way and providing improved public safety and traffic flow is a benefit to the community and he couldn't understand sticking with a right-of-way that makes no topographical sense. As to the neighbors' testimonies, he is sympathetic but it does not negate the property rights of property owners and if the lots are developed there will be traffic there regardless. Mr. Sincock referred to Conclusion of Law No. 1 regarding the project not meeting engineering standards and didn't understand if it falls under street standards, or LMC requirements. The discussion of the Planning Commission in the minutia of the mass, scale and setbacks of the buildings was premature given that this application is a sketch plat which prompts discussion like the realignment of the road so that the development is more understandable. With regard to the second conclusion of law regarding good cause for the amendment and the benefits of the proposal do not outweigh the negative impacts, Mr. Sincock reiterated that the staff report throughout every single meeting until September 25, 1996, stated that there was good cause and there no one would be materially injured. He asked how could that be true for three years in the process and then change in one month. The comments with regard to the Conclusion of Law No. 3 are largely the same as he doesn't see any material harm in realigning the road, there is a public benefit, or a loss of open space because it was intended to be a street anyway. Streets are a type of open space and open space has not yet been defined. Mr. Sincock believed that this project is not suburban and is better described as urban development as it is in the middle of the City, but didn't feel there is relevance with the statement in any event. He emphasized that he finds fault with the conclusions of law and findings of fact and will vote to overturn the denial of the Planning Commission.

Hugh Daniels stated that he feels there is merit to the project, but didn't feel that it got to the point with the Planning Commission where it met the criteria it was seeking, and he believes something will happen there and the best solution should be sought. In consideration of Ms. Kerr's comments, he believed that perhaps it should be remanded to the Planning Commission. Ms. Kerr asked if the 22 unit proposal was submitted after the Planning Commission's denial and after the appeal was filed. Tom Billings explained that the appeal was filed before Thanksgiving and there was a meeting in early January in get input from staff as to what could be done and at that time the Capital Improvements funding for the road was discussed. Ms. Kerr interjected that she was more interested in the planning issues and the budget is before Council at another time and place. She continued that if there has been a change in the project that the Planning Commission has not had an opportunity to see, the appropriate response is to remand it back to the Commission to review it. Tom Billings reiterated that the 22 units happened after the filing of the appeal, and the meeting was held to discuss modifications and pointed out that there is an economic difference of about

$125,000. He continued that the value is now diminished by $125,000 and there are three ways of solving that by paying them, funding the road through the Capital Improvements Fund, or approving the 28 units. Paul Sincock felt that since the RDA parcel is publicly owned and only 3,500 square feet that it is appropriate that the City maintain a neutral position on that parcel, neither agreeing to be included the replat, or being excluded until a decision on the larger matter is made. It should not be unreasonably excluded if the plan makes sense.

Hugh Daniels, "I move that we deny the appeal and direct staff to put together findings and conclusions for our ratification". Shauna Kerr seconded. Motion not voted on and later restated. Ms. Hoffman hoped to get these next week and asked if the motion includes a remand to the Planning Commission. Ms. Kerr requested an amendment to remand it. The Mayor added that before it goes back to the Commission that Council make a determination as to the direction of the vacation of the easements through the properties. If it goes back and there is no policy determination, it will be a waste of time. Ms. Hoffman suggested drafting findings and conclusions for denial. There is a scheduled discussion of the larger implications of vacating rights-of-way in Old Town scheduled for February 27, and a remand or a new application before the Planning Commission would not occur before this policy discussion. Chuck Klingenstein pointed out that procedurally, a remand would put them where they are in the process and a new application would start at the bottom of scheduling projects. Mr. Putt felt it only fair to the applicants and staff to have discussion of Council's expectation. It would be more productive to discuss the project now rather than later. Hugh Daniels felt that it should be scheduled as soon as the policy discussion takes place as they have been in the process for a long time. Paul Sincock asked why the discussion could not take place this evening. Shauna Kerr responded it is not part of Council's review, Chuck Klingenstein felt that Council needs to understand the "big picture" and Hugh Daniels agreed that Council needs to have a policy discussion on Old Town as a whole. The Mayor asked Mr. Daniels to restate his motion. Hugh Daniels, "I move that we deny the appeal and direct staff to prepare findings of fact and conclusions of law outlining the discussions, including the point about open space and urban versus suburban, and return them to Council for ratification, and that we remand this (project) back to the Planning Commission to fit back into its schedule within two months, after the policy discussion on Council direction (right-of-ways)". Shauna Kerr felt that Council should not unduly tie staff's hands in the event it is a resubmittal, or if the applicants don't provide the necessary material in a reasonable amount of time. Mr. Putt felt that scheduling Sand Ridge Heights in May would probably work, and it is not his intention to delay it to late summer or fall. He added that bringing closure on the project in eight weeks might be difficult. The Mayor suggested finding a time slot, as soon as the schedule permits. Chuck Klingenstein seconded. Paul Sincock stated that he is prepared to initiate a policy discussion about the realignment of the road for direction to the Planning Commission and the applicant, but will not press the issue. Chuck Klingenstein asked if there should be some direction given to the Planning Commission; Shauna Kerr added that there are findings that can be better stated so that they are more meaningful. Mr. Sincock commented that this is a 2.92 acre development and by any measure of the LMC for HR-1 or HRL, the number of units proposed is well within Code requirements. He emphasized that this is not a suburban, but rather

an urban development, in the center of the City and therefore has high density. He commented that the number of units requested is not that different than the platted number of lots. Mr. Sincock felt that the citizen comments that this is too dense are mute because this is what the Code allows them to do and unless the LMC is amended, Council can not arbitrarily reducing densities below what the applicants are entitled to. Motion carried.

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

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:30 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Paul Sincock, "I move to close the meeting to discuss property acquisition". Chuck Klingenstein seconded. Motion carried unanimously.

The meeting opened at approximately 5 p.m.

* * * * * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY
1884

CITY COUNCIL REPORT

DATE: February 3, 1997 (February 6, 1997 meeting)
DEPARTMENT: Planning Department
AUTHOR: Brooks T. Robinson
TITLE: 7905 Woodland View Drive, Lot 1 Alta Vista Subdivision Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve with conditions

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant:	William and Joanne Shiebler
Location:	7905 Woodland View Drive, Alta Vista sub.
Zoning:	RD-MPD, Residential
Adjacent Land Uses:	Residential
Date of Application:	December 4, 1996
Project Planner:	Brooks T. Robinson
Staff Recommendation:	Approve with conditions

B. Background

The property is legally described as lot 1 of the Alta Vista subdivision. This subdivision is located within the southwest 1/4 of section 22 , T2S R4E, Salt Lake Base and Meridian. On April 29, 1989, the Planning Commission approved a plat for the seven lot project known as Alta Vista (AKA McReady Subdivision). On May 4, 1989, the City Council approved the plat. (Exhibits A and B).

This request is for approval of a plat amendment for lot 1 of the Alta Vista subdivision. Each lot has a platted building pad within which all construction must take place. Building within the platted pad

will necessitate the removal of several large evergreen trees and a number of aspens. The applicant wishes to shift the pad within the lot in order to preserve the trees. An open area is located to the north of the platted pad. It is into this area that the pad will shift. Although a cluster of evergreens are still within the proposed building pad, staff is working with the applicant and architect to preserve this cluster, as well.

C. Analysis

Staff has visited the site with the applicant and agrees that a shift in the building pad location to a less sensitive portion of the lot is appropriate. The pad size will remains the same (6300 square feet) and all setbacks will apply. Any change in the record plat requires the approval of the City Council.

The proposed plat amendment is consistent with the Land Management Code and the approved Alta Vista subdivision. All conditions of approval of the Alta Vista subdivision apply. Notice has been sent to the surrounding neighbors. No objections have been raised.

D. Department Review

The City Engineer and the City Attorney's office will review and approve the plat for final form and compliance with the Land Management Code and State Law prior to recordation.

RECOMMENDATION:

The staff recommends approval of the plat amendment for lot 1, Alta Vista subdivision based on the following:

Findings of Fact

1. Lot 1 of the Alta Vista subdivision is located at 7905 Woodland View Drive. The property is zoned RD-MPD, Residential Development.
2. The proposed plat shifts the building pad to the north and west. The pad size remains 6300 square feet.
3. The Conditions of Approval for the Alta Vista subdivision remain in effect.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The plat is consistent with the Planning Commission and City Council approval of the Alta Vista subdivision.

4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the 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 plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All conditions of approval for the Alta Vista subdivision will apply.
3. The applicant will record the final record plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

EXHIBITS:

Exhibit A- Planning Commission Approval, 1989
Exhibit B- City Council Approval, 1989
Exhibit C- Location Map
Exhibit D- Proposed Plat Amendment for lot 1

Ordinance No. 97-

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR LOT 1 OF THE ALTA VISTA SUBDIVISION LOCATED AT 7905 WOODLAND VIEW DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property located 7905 Woodland View Drive have petitioned the City Council for approval of a subdivision plat amendment; and

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

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the RD-MPD District and Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the amendment shifts the building pad to the north and west and remains 6300 square feet;

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision plat amendment, known as lot 1 of Alta Vista;

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

SECTION 1. FINDINGS OF FACT. The above recitals are incorporated herein as Findings of Facts.

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

SECTION 3. PLAT APPROVAL. The condominium plat, known as Settlers Ridge, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and the City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code and conditions of approval.

2. All conditions of approval for the Alta Vista subdivision apply.

2. All Standard Project Conditions shall apply.

3. The owners will record the final plat at the County within one year from the date of City Council approval. If recordation has not occurred within the 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 6th day of February, 1997

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

M:\CDD\CDD\BTR\CC97\7905WOOD.ORD

4. Plat Approval for the McCready Property, a seven parcel single family subdivision located on Woodland View Drive, Deer Valley (formerly the Fathering Lodge Parcel).

Nora Seltenrich explained that the proposed seven parcel subdivision is located on two parcels which were originally designated in the Deer Valley SEP as multifamily units. When the property was sold to Mr. McCready, Deer Valley sold him a total of 15 units of density rather than the 35 originally designated to the

parcels. Deer Valley is "banking" 20 of the 35 units originally assigned to the parcel.

The proposal is for a seven parcel single family subdivision. The average lot size would be 37,462 square feet, the minimum size would be 26,160 square feet. The parcels would be accessed from a private driveway which would generally parallel Woodland View Drive. The lower portion of most of the property is heavily wooded and building envelopes have been identified on preliminary sketch plat to minimize disturbance and maximize views.

Nora explained that Woodland View Drive is a private road and access from Woodland View Drive must be approved by Deer Valley. Although a private driveway is proposed a fire turnaround area will be required to be provided. Final design of a turnaround may result in retaining structures which will require approval by the City Engineer. Since this area is wooded, it is anticipated that the homes will be required to be fire sprinkled.

Nora stated that prior to final plat approval, CC&R's will be required to be reviewed and approved which will have to include architectural guidelines consistent with both Park City and Deer Valley Design Guidelines and will be required to include minimum and maximum building sizes.

Nora stated that Staff recommends APPROVAL of the sketch plat for this seven parcel subdivision, subject to the following conditions:

1. Prior to plat recordation the Planning Commission, City Council, City Engineer, and City Attorney shall review and approve the final plat.

2. Prior to final plat approval, the City Engineer, Fire District and Fire Marshal shall review and approve the road design to accommodate the required turnaround.

3. Prior to final plat approval, CC&R's shall be submitted and approved which shall include architectural guidelines consistent with Deer Valley and Park City Design Guidelines. Minimum and maximum building sizes shall be approved by the Planning Commission.

4. Homes shall be required to be fire sprinkled. A note to this effect shall be required to be placed on the plat.

5. Deer Valley shall approve the proposed access off of Woodland View Drive. The plat shall indicate that both Woodland View Drive and the driveway to the proposed units are private roadways which are privately maintained.

6. A Limits of Disturbance and Revegetation Plan will be required to be provided and it shall include areas disturbed for sewer laterals.

7. Prior to final plat approval a circulation plan shall be formulated which will address pedestrian and skier access to the ski easement.

8. The transition between Woodland View Drive and the Ski Easement will be required to be improved as a part of the subdivision improvements.

MOTION: Dick Lueck moved to APPROVE the Sketch Plat for the McCready Subdivision subject to Staff Conditions. Ruth Gezelius seconded the motion. Motion was unanimously approved.

5. Approval of a slightly modified plat for The Yarrow Condominiums, 1800 Park Avenue.

Nora Seltenrich explained that the Yarrow Hotel had received approval to condominiumize this project in order to enable them to sell "fractional ownerships". The plat was recorded following Planning Commission review and approval in August of 1988. The Yarrow has requested a minor revision to the plat in order to show each room as a separate convertible area. Currently, the convertible areas are shown as large blocks of rooms and all of the rooms in a block must be sold prior to conversion of any of the rooms.

Staff also intends to work with the Yarrow on their marketing program to avoid future violations of the Off Premise Sales provisions of the Land Management Code.

Staff recommends **APPROVAL** of the revised plat subject to the following conditions:

1. The City Attorney, City Engineer and City Council shall review and approve the Plat and the Declarations prior to recordation.

2. The maximum fraction available for sale shall be eighth shares.

Ruth Gezelius asked how successful the Yarrow had been in marketing the units during the past year and how many units had been sold. Bruce Warren, Yarrow representative, reported that of 192 total units, 32 had been completely reconstructed and 10 more were due to be completed within a week. He indicated that they had had $6,000,000 in sales with $2,000,000 in rescissions due to construction delays.

Kristen Rogers, "I move approval". Brad Olch seconded. Motion carried.

Ann MacQuoid	Aye
Kristen Rogers	Aye
Brad Olch	Aye
Jim Santy	Absent
Ray Johnson	Aye

V CONSENT AGENDA

Brad Olch, "I move approval of the Consent Agenda, Items 1 through 3". Ray Johnson seconded. Motion carried.

Ann MacQuoid	Aye
Kristen Rogers	Aye
Brad Olch	Aye
Jim Santy	Absent
Ray Johnson	Aye

1. Approval of revised Carnahan land trade/sale and facade easement transaction - On May 27, 1988, Park City approved a Grant of Preservation Easement wherein Park City received a facade easement for the Irish Camel in exchange for giving Bob Carnahan, the owner, a 16 foot by 20 foot parcel of essentially unneeded Swede Alley property behind the Irish Camel. During the summer of 1988, Mr. Carnahan built an addition to the Swede Alley site of the Irish Camel. The building's addition covered the 16 foot by 20 foot parcel mentioned above; in addition to the building, there was a deck constructed closer to Swede Alley, thereby covering an additional 25.5 feet by 16 feet of City property. The Irish Camel now has placed tables and chairs on the entire deck, including the City property, and desires to conduct outdoor dining. Mr. Carnahan feels that Park City should quit-claim the additional 25.5 feet to him for no additional cost. His reason is that since Park City traded essentially all the appropriate Swede Alley ground to Jeff Mann, Alex's Restaurant, and Texas Red's in exchange for facade easements, we should treat him the same. Staff agrees, and recommends approval of the enclosed quit-claim deed with easement restrictions.

2. Approval of Alta Vista Subdivision plat - The Alta Vista Subdivision (formerly known as the McCready Subdivision) is located in upper Deer Valley between Woodland View Drive and Royal Street West, southwest of the Woods Condos. The applicant is Jack Johnson Company for James R. McCready. The project is a seven parcel single family subdivision on 6.02 acres; the zoning is residential development - master planned development. Planning Commission approved this plat at their meeting of April 12, 1989.

The proposed subdivision is located on two parcels which were originally designated in the Deer Valley SEP as multi-family units. The parcels include:

The Lodge Parcel	4.04 acres	25 units
Cottages Multi-family	1.98 acres	10 units

When the property was sold to Mr. McCready, Deer Valley sold him a total of 15 units of density rather than the 35 originally designated to the parcels.

The proposal is for a 7 parcel single-family subdivision. The average lot size proposed is 37,451 square feet with the minimum size being 26,160 square feet. The parcels would be accessed from a private driveway which

would generally parallel Woodland View Drive. The lower portion of most of the property is fairly heavily wooded, so building envelopes have been identified to minimize disturbance and maximize views. The minimum building size is 3,500 square feet and the maximum will be 11,000 square feet. Staff recommends approval.

3. Resolution declaring May 7 - May 11, 1989 as Mrs. Utah International Week - This competition will take place at the Prospector Square theater on Saturday, May 13, 1989. The Mayor will be in attendance to welcome the contestants, and to present the winner with a gift from the City. Hal has also arranged for a complimentary lunch, and the transportation department will make the trolley available for a photo shoot. No other City services are being requested. Staff recommends approval.

VI RESIGNATIONS AND APPOINTMENTS

1. Appointment of Jerry Gibbs as Acting City Manager - Kristen Rogers, "I move approval with a note of thanks". Ray Johnson seconded. Motion carried.

Ann MacQuoid	Aye
Kristen Rogers	Aye
Brad Olch	Aye
Jim Santy	Absent
Ray Johnson	Aye

2. Designation of Jennifer Harrington as the Environmental Certifying Officer for the Community Development Block Grant for Old Town Stairs - Brad Olch, "I move approval". Ray Johnson seconded. Motion carried.

Ann MacQuoid	Aye
Kristen Rogers	Aye
Brad Olch	Aye
Jim Santy	Absent
Ray Johnson	Aye

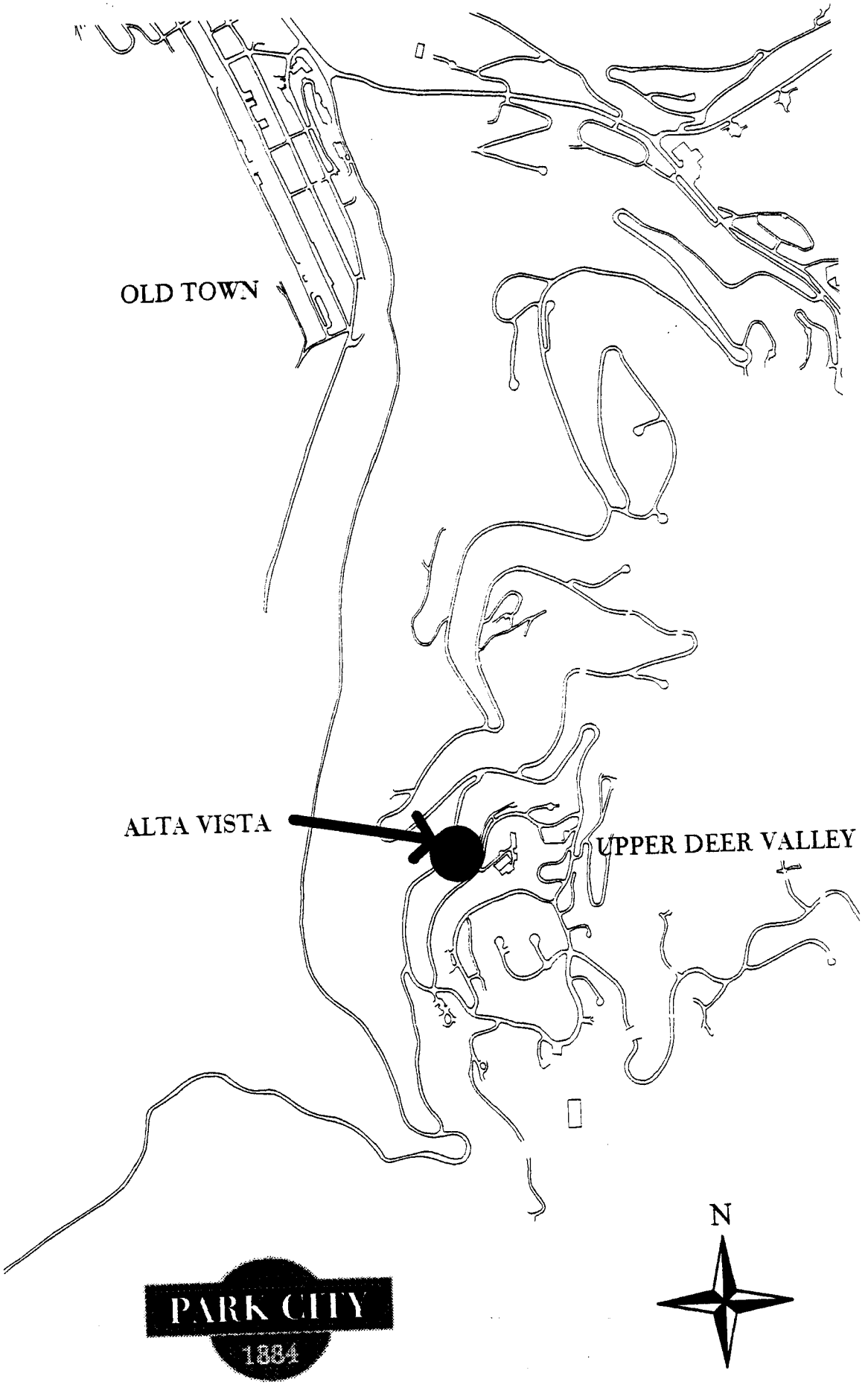
VII COMMUNICATIONS AND REPORTS FROM COUNCIL AND STAFF

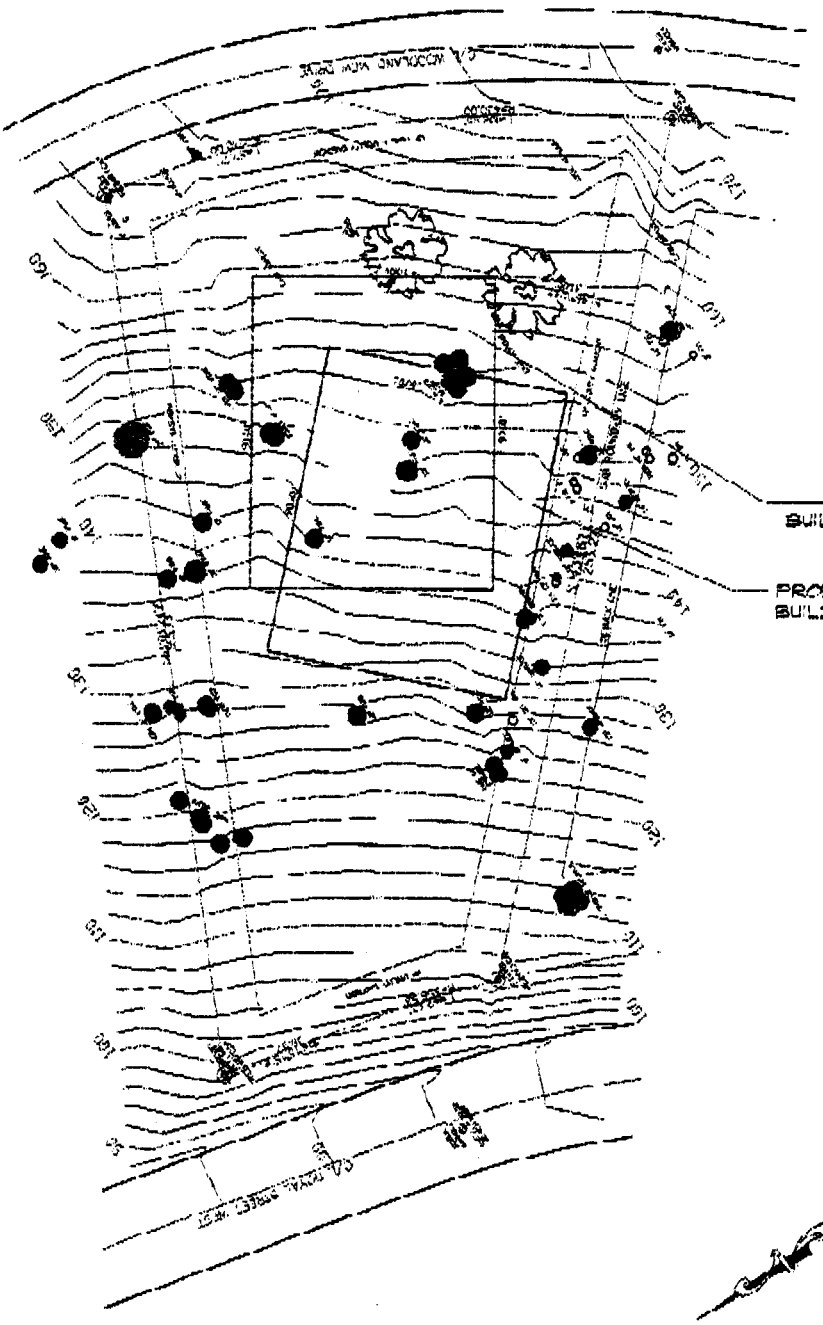
School District Meeting - Kristen Rogers reported that Ann MacQuoid, the Mayor, and she met with some members of the School Board this week to discuss some pending issues. It was decided to direct the City staff to establish a reduced water rate for the school, but charges the District for overages in an attempt to encourage the importance of water conservation.

VIII REPORTS FROM COMMISSIONS AND BOARDS

1. Historic District Commission Meeting of May 1 - Nora Seltenrich reported the HDC met to discuss the first request for the HR-2 overlay zone at 222 Grant Avenue. The HDC forwarded a positive recommendation and the Planning Commission will hear this matter next week. A work shop was also held for those interested in the grant program. The department has received Certified Local Government Grants which is administered through the Division of State History. The City will receive $5,000 which must be matched with services and professional time or with dollars.

2. Planning Commission Meeting of May 3 - The Planning Commission reported that this special meeting was held to review the Bald Eagle Community. After several months of negotiation with the applicant, solutions were discussed regarding emergency access problems. The Commission conceptually approved this large scale master planned development, but it should be emphasized that there


OLD TOWN
ALTA VISTA
UPPER DEER VALLEY
N
PARK CITY
1884



BABCOCK
DESIGN
GROUP

ARCHITECTURE
PLANNING
INTERIORS

SHEBLER
RESIDENCE

ALTA VISTA
SUBDIVISION

PROJECT NUMBER: 93035

SHEET TITLE:

SITE PLAN

SCALE: 1/8"

SHEET NUMBER: A1.1

DATE: JANUARY 27, 1997

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **February 3, 1997 (February 6, 1997 meeting)**
DEPARTMENT: **Planning Department**
AUTHOR: **Brooks T. Robinson**
TITLE: **564, 566, 568 Deer Valley Drive (Settlers Ridge) Condominium Conversion & Final Plat**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Approve with conditions

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant:	Nakeesa Partners L.L.C.
Location:	564, 566, 568 Deer Valley Drive
Zoning:	RM Residential Medium Density
Adjacent Land Uses:	Residential
Date of Application:	November 7, 1996
Project Planner:	Brooks T. Robinson
Staff Recommendation:	Approve with conditions

B. Background

The property is legally described by metes and bounds within the NW 1/4 of the SW 1/4 of Section 15, T2S R4E. On July 26, 1995, the Planning Commission approved a Conditional Use Permit for the ten unit project known as Settlers Ridge. The property is located at 564, 566, and 568 Deer Valley Drive and is currently under construction (Exhibits A and B). A copy of the conditions of CUP approval is attached (Exhibit C).

This request is for approval of a condominium conversion plat for the Settlers Ridge project. The

applicant must record a condominium conversion plat with the County to sell ownership interests to other parties.

C. Analysis

The condominium project consists of ten units in a configuration of two four-plex buildings and one duplex on the 0.46 acre site. The plat changes the type of ownership of this parcel to condominium ownership for the individual units and open space.

Access to the underground parking structure is from Deer Valley Drive. Access to the six Visitor parking spaces is from Deer Valley Loop Road.

The proposed condominium plat is consistent with the Land Management Code and the approved Settlers Ridge CUP. All conditions of approval of the Settlers Ridge CUP apply.

D. Department Review

The City Engineer has reviewed the plat and has recommended some minor technical changes prior to plat recordation. The City Attorney's office will review and approve the plat and CC&R's for final form and compliance with the Land Management Code and State Law prior to recordation.

E. Planning Commission Action

On January 22, 1997, the Planning Commission held a public hearing on this item. There was no public comment at this hearing. The Planning Commission voted to forward a positive recommendation to the City Council with findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

The property was properly posted and proper legal notice was published. Notice was mailed to all property owners within 300 feet.

RECOMMENDATION:

The Planning Commission and staff recommends approval of the condominium conversion plat for 564, 566, 568 Deer Valley Drive (Settlers Ridge) based upon the following:

Findings of Fact

1. The Settlers Ridge project is located at 564, 566, and 568 Deer Valley Drive and the property is zoned RM- Residential Medium Density.
2. The proposed plat changes the type of ownership of this property to condominium ownership.
3. The Conditions of Approval for the Settlers Ridge CUP remain in effect.
4. A financial guarantee is in place to ensure the completion of all public improvements and to

protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

5. On January 22, 1997, the Planning Commission voted to forward a positive recommendation to the City Council to approve the plat with conditions as stated in the staff report.

Conclusions of Law

1. There is good cause for this condominium plat.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The plat is consistent with the Planning Commission approval of the Settlers Ridge Conditional Use Permit.
4. Neither the public nor any person will be materially injured by the proposed condominium plat.
5. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All conditions of approval for the Settlers Ridge CUP will apply.
3. All standard project conditions will apply.
4. The applicant will record the final condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

EXHIBITS:

Exhibit A- Proposed condominium plat
Exhibit B- Location map
Exhibit C- Conditions of CUP approval

M:\CDD\CDD\BTR\CC97\564DVD.REP

Ordinance No. 97-

AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR THE SETTLERS RIDGE CONDOMINIUM LOCATED AT 564, 566, AND 568 DEER VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property located 564/566/568 Deer Valley Drive have petitioned the City Council for approval of a condominium plat for a condominium conversion of a ten unit project to be known as the Settlers Ridge; and

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

WHEREAS, the proposed condominium plat will allow the applicant to separately sell the individual units in the project located at 564/566/568 Deer Valley Drive;

WHEREAS, the proposal is consistent with both the Park City Land Management Code requirements for the RM District and Comprehensive Plan;

WHEREAS, the property was posted and legal notice published according to the requirements of the Land Management Code and proper notice was sent to all property owners within 300 feet of the property in question;

WHEREAS, the Planning Commission held a public hearing on January 22, 1997 to receive input on the proposed condominium plat; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are incorporated herein as Findings of Facts.

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

SECTION 3. PLAT APPROVAL. The condominium plat, known as Settlers Ridge, Park City, Utah, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and the City Engineer will review and approve the final form and content of the plat and CC&R's for compliance with State law, the Land Management Code and conditions of approval.

2. All conditions of approval for the Settlers Ridge C.U.P. apply.

2. All Standard Project Conditions shall apply.

3. The owners will record the final condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within the 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 6th day of February, 1997

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

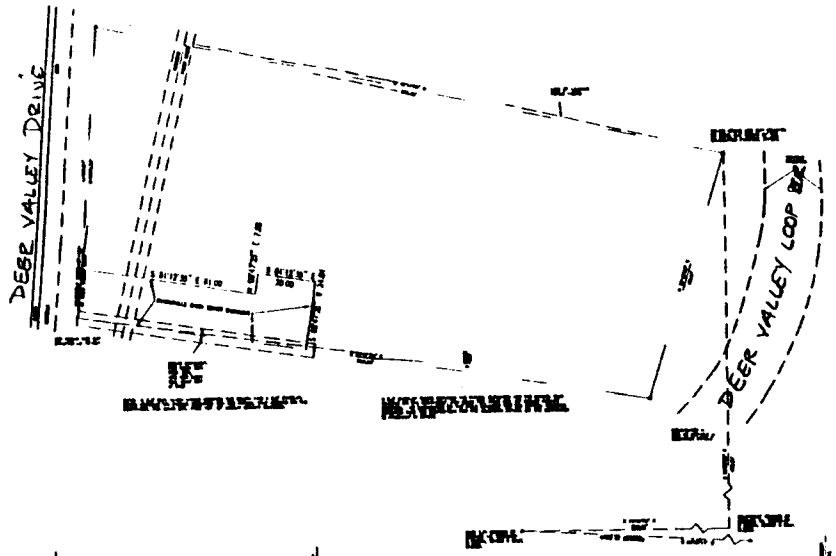
Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

RECEIVED
NOV 08 1996
PLANNING DEPT.

SETTLERS RIDGE CONDOMINIUMS



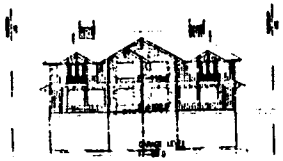
Scale 1" = 20'

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS AS SHOWN.
2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN.
3. THE PURPOSE OF THIS SURVEY IS FOR BOUNDARY LOCATION AND TOPOGRAPHY.
4. THIS SURVEY WAS REQUESTED BY JEFF SMITH AND AMIR KAYVONI.
5. THIS SURVEY WAS PERFORMED ON JANUARY 30, 1996.
6. THE OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THIS PROPERTY SURVEYED EXCEPT AS SHOWN OR NOTED HEREON.
7. CONTOUR INTERVAL = 2 FEET.
8. DUE TO SNOW AND/OR ICE COVERAGE, ACCURATE LOCATION OF SOME FEATURES WAS DIFFICULT. IT IS POSSIBLE THAT SOME FEATURES ON THE PROPERTY WERE UNDISCOVERED DURING THE SURVEY.
9. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT WHERE OTHERWISE SHOWN.

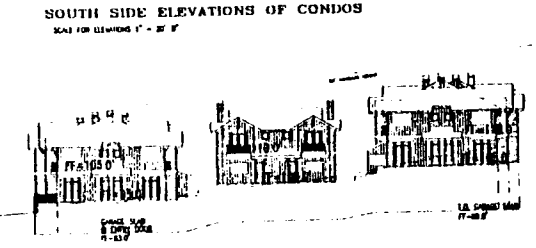
LEGEND

COMMON OPEN AREA — PRIVATE AREA — LIMITED COMMON AREA

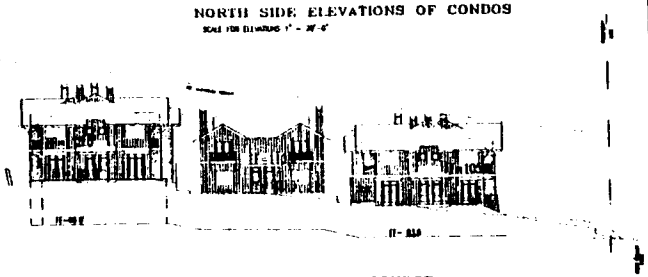


SOUTH SIDE ELEVATIONS OF CONDOS

NORTH SIDE ELEVATIONS OF CONDOS



WEST SIDE ELEVATIONS OF CONDOS



EAST SIDE ELEVATIONS OF CONDOS

SURVEYOR'S CERTIFICATE

I, JOE DHAENENS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 181831 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

Signature _____ Date _____
JOE DHAENENS

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS 730.81 FEET SOUTH AND 452.24 FEET EAST OF THE EAST ONE-QUARTER CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH; THENCE N 73°50'00" W 88.41 FEET; THENCE N 04°17'23" E 100.28 FEET TO A POINT ON A 741.20 FOOT RADIUS CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY OF DEER VALLEY DRIVE; THENCE ALONG SAID RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE 101.81 FEET, THE CHORD OF SAID CURVE BEING S 86°36'21" E 101.81 FEET; THENCE S 12°14'40" W 232.20 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.48 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED _____, A UTAH LIMITED LIABILITY COMPANY, IS THE FEE SIMPLE OWNER OF THE NORTH RESIDENCE TRACT OF LAND AND COMMON AREA OF THE HEREIN DESCRIBED TRACT OF LAND AND DESIGNED TO THE RECOGNITION OF THIS CONDOMINIUM PLAT IN ACCORDANCE WITH UTAH CODE ANNOTATED 57-8-13, DESIGNATED THE LAND AND CONDOMINIUM DEVELOPMENT AND CREATING UNITS, COMMON AREA AND LIMITED COMMON AREAS, AS AS BE FORTH HEREIN, TO BE KNOWN AS SETTLERS RIDGE CONDOMINIUMS. ALSO THE UNDERSIGNED HEREBY TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, AND SUMMIT COUNTY, ALL NON-EXCLUSIVE UTILITY EASEMENTS SHOWN ON THIS CONDOMINIUM PLAT FOR THE PURPOSE OF PROVIDING UTILITY SERVICE TO THE PROPERTY AND THE INSTALLATION, USE, MAINTENANCE, AND EVENTUAL REPLACEMENT OF UTILITIES.

EXECUTED THIS ____ DAY ____ OF _____, 1996
_____, A UTAH LIMITED COMPANY

ACKNOWLEDGMENT

STATE OF UTAH)
) S.S.
County of Salt Lake)

On the ____ day of _____ A.D., 19____, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, the signer( ) of the above Owner's dedication, _____ in number, who duly acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

My commission expires _____ NOTARY PUBLIC _____
RESIDING IN SALT LAKE COUNTY

PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 1996 BY THE PARK CITY PLANNING COMMISSION

By: _____
CHAIRMAN, PLANNING COMM.

CERTIFICATE OF ATTEST

APPROVAL AND ACCEPTED BY THE PARK CITY COUNCIL
THIS ____ DAY OF _____, 1996

By: _____
PARK CITY RECORDER

ENGINEERS CERTIFICATE

I CERTIFY THIS THIS CONDOMINIUM PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 1996

By: _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 1996

By: _____
PARK CITY ATTORNEY

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

SNYDERVILLE BASIN SID

APPROVED THIS _____ DAY OF _____, 1996 BY THE SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

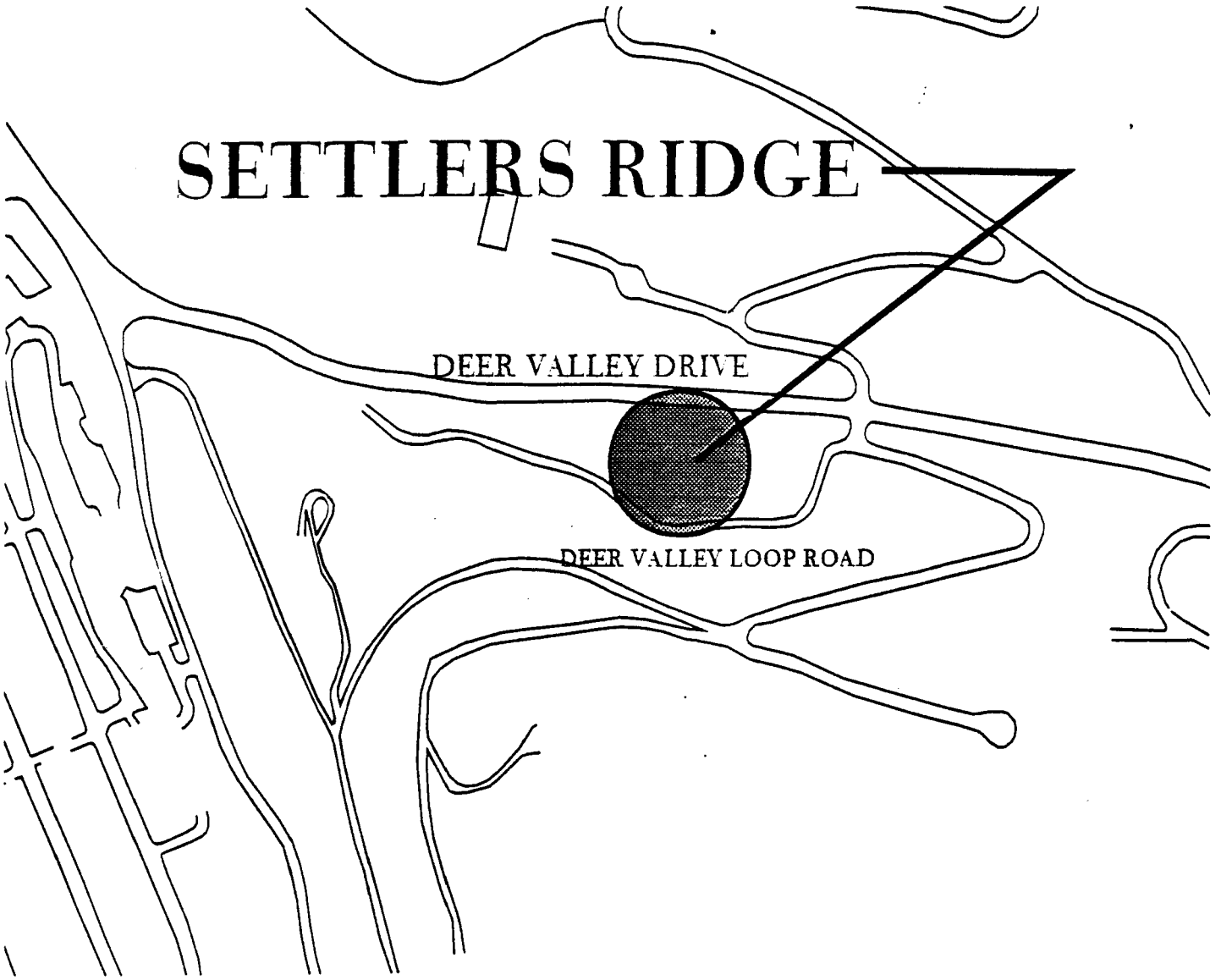
By: _____
CHAIRMAN

SETTLERS RIDGE CONDOMINIUMS

PARK CITY, SUMMIT COUNTY, STATE OF UTAH

SHT 1 OF 2

38


SETTLERS RIDGE
DEER VALLEY DRIVE
DEER VALLEY LOOP ROAD
N

PARK CITY
1884

August 23, 1995

Raymond O. Klein
72 East Starview Drive
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Settler's Ridge

Project Description: Conditional Use Permit for 10 residential units

Date of Meeting: July 26, 1995

Action Taken By Planning Commission: Approved, with the following conditions of approval

Conditions of Approval:

1. All Park City Municipal Corporation Standard Project Review Requirements shall apply.
2. All fireplaces within this project shall be of a gas-burning rather than wood-burning type.
3. The garage doors shall be of a color that will blend with the stone, and the color will be reviewed and approved by the Community Development Department. The garage doors shall be equipped and maintained to have automatic open/close capability, and it is recommended that exterior stairways to the garage should be accessible by lock and key only by the owners/tenants.
4. Any and all phases of the project shall be reviewed and approved by the City Engineer for satisfactory utility design, and by the Community Development Department for landscaping and architectural features.
5. All lighting and signage shall be reviewed and approved by the Community Development Department prior to installation.
6. Prior to recordation or approval for construction, the Condominium Conditions, Covenants, and Restrictions shall be submitted to the City Attorney's Office for review and approval.

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**January 24, 1997 (February 6, 1997 meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kirsten Whetstone**
TITLE:	**Condominium Conversion at 220 Daly Avenue**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:

Adopt the ordinance approving the condominium plat for the duplex at 220 Daly Avenue.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Project Name:	220-222 Daly Avenue- Potter's Corner Condominiums
Applicant:	Don Armstrong, Mountain Pacific Ventures, Inc.
Location:	220-222 Daly Avenue
Proposal:	Condominium conversion of an existing duplex
Zoning:	HR-1, Historic Residential
Adjacent Land Uses:	Residential
Project Planer:	Kirsten Whetstone
Recommendation:	Approve with conditions

B. Background

The applicant owns the duplex which is currently under construction and located at 220 Daly Avenue. This property is known as the Potter's Corner Subdivision. Potter's Corner Subdivision was approved by City Council on August 3, 1995 to combine Lots 31 and 32, Block 74 of the Millsite Reservation to the Park City Survey plat, into a single lot. The property is located at the northwest corner of Daly and Ridge Avenues.

Duplexes are allowable uses in the HR-1 zoning district provided all site development requirements of the Land Management Code are met. This request is to formally condominiumize the duplex which will enable the property owner to sell the units separately.

C. Analysis

The condominium conversion is straightforward and staff has no outstanding concerns about the request. Staff inspected the site to verify that there are only two units on the present lot and we are satisfied that each side of the duplex under construction will contain one living unit. Staff reviewed the CC&R's and by-laws which are typically recorded with the condominium plat. The applicant is aware that any future external or internal changes which cross common area, will require a plat amendment and support of both owners. All conditions of approval of the Potter's Corner Subdivision continue to apply to these condominium units. No development may occur on the west side of Ridge Avenue, as this area is designated on the Potter's Corner Subdivision plat as open space because of its instability and slope.

D. Department Review

The Community Development Department and City Attorney's Office reviewed this application. This request was discussed at a Staff Review meeting on November 5, 1996 where the City Engineer, Chief Building Official, and representatives from local utilities were in attendance. Their concerns were addressed by the applicant and by conditions of approval.

E. Planning Commission Action

On January 22, 1997 the Planning Commission held a public hearing on this item. There was no public comment at the hearing. The Planning Commission voted to forward a positive recommendation to the City Council with findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

The property was properly posted and proper legal notice was published. Notice was mailed to all property owners within 300' and to all property owners within the original Park City Survey.

ALTERNATIVES:

A. Approve the proposed condominium plat thereby allowing individual ownership of each unit.

B. Deny the condominium plat and retain the current form of ownership.

C. Continue the item and request additional evaluation from the staff.

SIGNIFICANT IMPACTS:

The proposal results in a record of survey plat which allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the neighborhood. No external or internal changes to the structure are proposed.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Commission denies the condominium conversion as proposed, the property will remain under single ownership.

RECOMMENDATION:

The staff recommends approval of the proposed condominium conversion for the Potter's Corner Condominiums at 220 Daly Avenue, based upon the following:

Findings of Fact:

1. The proposed record of survey plat changes the type of ownership to condominium.

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

3. The condominiums are located in the Potter's Corner Subdivision and are subject to all of the prior conditions of approval for that subdivision.

Conclusions of Law:

1. There is good cause for the condominium plat.

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

3. The proposal is consistent with both the Park City Land Management Code and the Comprehensive Plan in that the HR-1 zoning district allows duplex structures when all minimum setbacks, heights, parking, and lot width requirements are met.

4. The record of survey plat is consistent with State condominium law.

Conditions:

1. The City Engineer and City Attorney shall review and approve the final form and content of the condominium plat and CC&R's, for compliance with the Land Management Code, State law, and conditions of approval, prior to recordation of the plat.

2. All Standard Project Conditions shall apply.

3. All conditions of approval of the Potter's Corner Subdivision shall apply.

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

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

EXHIBITS:

Exhibit A - Proposed Condominium Plat
Exhibit B - Location Map

Ordinance No. 97-

AN ORDINANCE APPROVING A CONDOMINIUM PLAT FOR THE POTTER'S CORNER CONDOMINIUMS AT 220 AND 222 DALY AVENUE, BEING LOT 1 OF THE POTTER'S CORNER SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owner, Mountain Pacific Ventures Inc., of the property at 220 and 222 Daly Avenue, located in the Northwest Quarter of Section 21, Township 2 South, Range 4 East, Park City, Utah and known as the Potter's Corner Condominiums, have petitioned the City Council for approval of a condominium plat; and

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

WHEREAS, on January 22, 1997 the Planning Commission held a public hearing to receive public input on the proposed condominium plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on February 6, 1997 the City Council reviewed the proposed condominium plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. On August 3, 1995 the City Council approved a subdivision plat known as the Potter's Corner Subdivision to combine Lots 31 and 32, block 74 of the Millsite Reservation to the Park City Survey Plat, into a single lot for the purposes of construction of a duplex.

2. The condominiums are located in the Potter's Corner subdivision and are subject to all of the prior conditions of approval for that subdivision.

3. The Potter's Corner subdivision is located at 220 Daly Avenue and the property is zoned HR-1, Historic Residential.

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

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

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned condominium plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats. The plat is consistent with the City Council approval of the Potter's Corner Subdivision plat.

SECTION 3. PLAT APPROVAL. The condominium plat, known as the Potter's Corner condominium plat, at 220 and 222 Daly Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

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

2. All conditions of approval of the Potter's Corner Subdivision shall apply.

3. All standard project conditions shall apply.

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

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

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

PASSED AND ADOPTED this 6 th day of February, 1997.

PARK CITY MUNICIPAL CORPORATION

_____
Mayor Bradley A. Olch

Attest:

_____
Janet M. Scott, Deputy City Recorder

Approved as to form:

_____
Mark D. Harrington, Assistant City Attorney

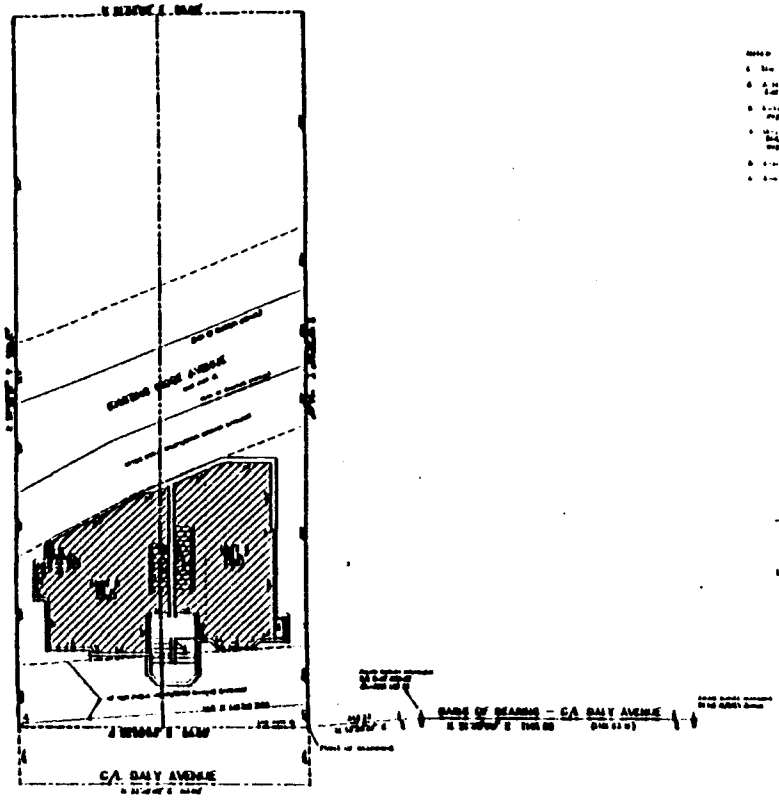
M:\CDD\CDD\KAW\CC97\220DALY.ORD

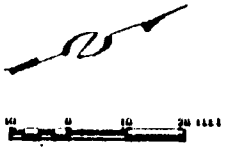
EXHIBIT A

48

RECEIVED

PLANNING DEPT.





RECORD OF SURVEY MAP

POTTER'S CORNER CONDOMINIUM

A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED

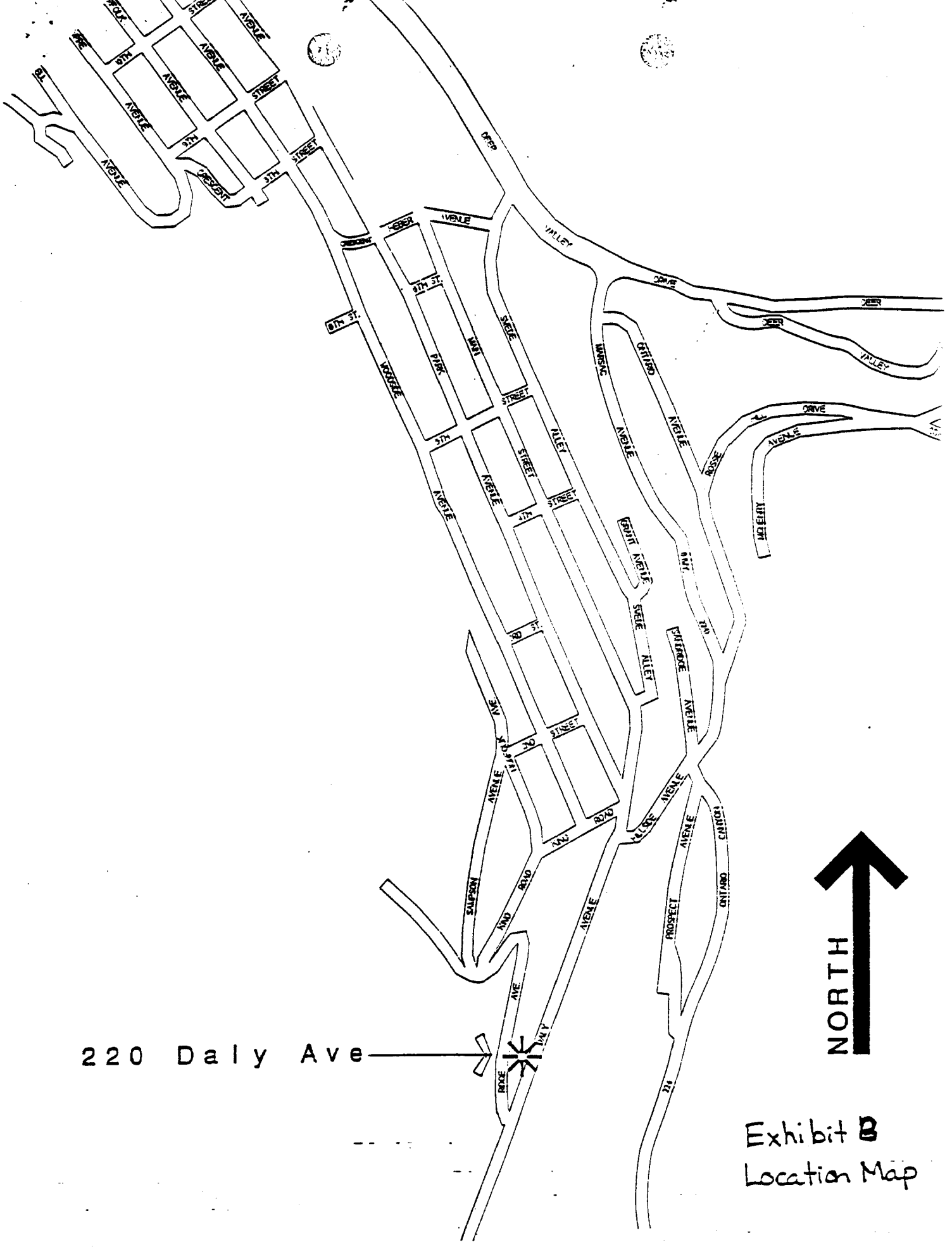


Exhibit B
Location Map

PARK CITY
1884

CITY COUNCIL REPORT

DATE: February 6, 1997
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan
TITLE: Approval of corrected deeds at Park Meadows Golf Course
TYPE OF ITEM: Approval of "land trade"

SUMMARY RECOMMENDATIONS: Approve the acceptance of a deed from the Park Meadows Golf Course to Park City for a portion of existing Meadows Drive in exchange for a quit-claim deed from Park City to the Golf Course resolving a cloud on the title of their parking lot.

DESCRIPTION:

A. Topic: The Park Meadows Golf Course was originally built by Park Meadows Development Company (aka Park Meadows Investment Co., aka Plutarch Company, aka Enoch Smith) in the early 1980s, concurrently with many of the related nearby housing developments. Among many other problems, Meadows Drive was designed in several alternative locations at various times during the 1980s. During the construction of Meadows Drive the Park Meadows Development Company and/or its related companies declared bankruptcy, plunging the neighbors and Park City into various title problems.

B. Background: In 1993 the bankruptcy trustee (Wayne Elggren)recorded a Trustee's Deed for a portion of one of the earlier designs for Meadows Drive, in favor of Park City. At that time Meadows Drive had actually been constructed somewhat north of the Trustee's Deed location, leaving the Trustee's Deed description running through what is now the parking lot for the Park Meadows Golf Course Clubhouse. Please refer to attached Exhibit A, the site plan. The Trustee's Deed is attached as Exhibit B.

At this time the Park Meadows Golf Course is being sold. Both the buyer and seller desire to have the Trustee's Deed corrected, by way of quit-claim deeds, removing the cloud on their parking lot.

David Johnson is the local attorney representing the sellers of the golf course.

C. Analysis: Park City undoubtedly already has a claim to existing Meadows Drive since it was originally designed by Park Meadows Development Company and it has been continuously used and maintained by the public for about thirteen years. Nevertheless, it was never the intent of the Park Meadows Master Plan to create two different rights-of-way in this location, and there is no practical need (water lines, other utilities, planned widening projects, etc.) to retain the area covered by the Trustee's Deed.

D. Department Review: This topic has only been reviewed by the City Engineer as of January 28.

ALTERNATIVES:

A. Continue the Request: If the Council would like a site visit, more information on neighborhood road issues, or more opportunity for broader review, the item could be tabled to the February 13 meeting. The Golf Course would like a decision by the February 20 Council meeting.

B. Approve the Request: Approval of the corrected deeds will authorize the Staff and the Mayor to cooperate with the Golf Course in removing the cloud on the title of their parking lot and to obtain a deed to a portion of Meadows Drive which currently isn't deeded to Park City.

SIGNIFICANT IMPACTS: Approving the request will clear up a fairly minor title issue. Continuing the request to February 13 would also have little impact.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Not approving the proposed "land trade" may inconvenience the seller of the Golf Course.

RECOMMENDATION: Approve the acceptance of a deed from the Park Meadows Golf Course to Park City for a portion of existing Meadows Drive in exchange for a quit-claim deed from Park City to the Golf Course resolving a cloud on the title to their parking lot, and authorizing the Staff and the Mayor to prepare and process the deeds.

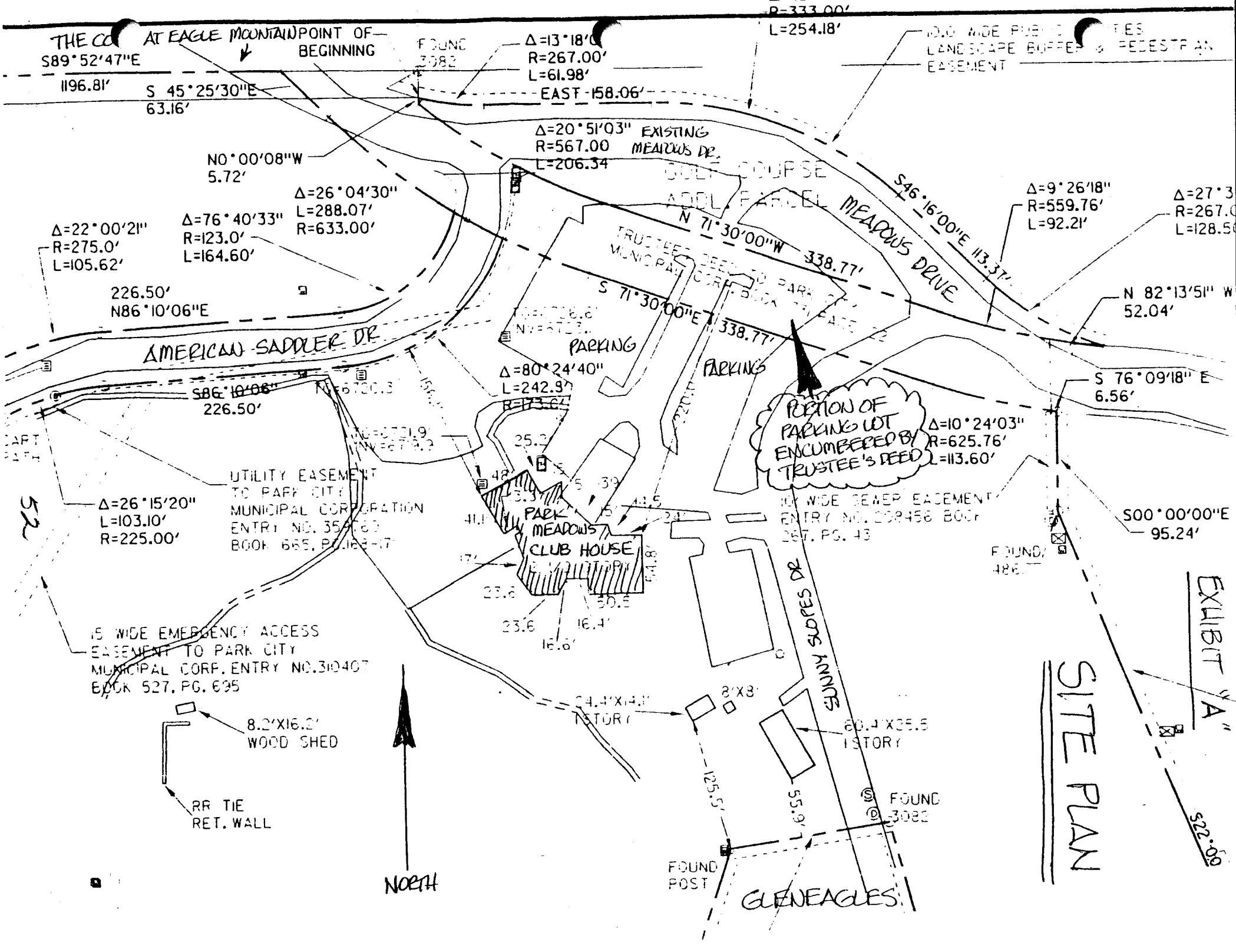

THE CO AT EAGLE MOUNTAIN
POINT OF BEGINNING
S89°52'47"E
1196.81'
S 45°25'30"E
63.16'
FOUND 3082
Δ=13°18'
R=267.00'
L=61.98'
EAST 158.06'
R=333.00'
L=254.18'
EASEMENT
Δ=20°51'03" EXISTING
R=567.00 MEADOWS DR.
L=206.34
N0°00'08"W
5.72'
Δ=26°04'30"
L=288.07'
R=633.00'
Δ=76°40'33"
R=123.0'
L=164.60'
Δ=22°00'21"
R=275.0'
L=105.62'
226.50'
N86°10'06"E
AMERICAN SADDLER DR
GOLF COURSE
ADDL. PARCEL
MEADOWS DRIVE
S46°16'00"E 113.37'
Δ=9°26'18"
R=559.76'
L=92.21'
N 71°30'00"W 338.77'
S 71°30'00"E 338.77'
PARKING
PARKING
Δ=80°24'40"
L=242.9'
S86°10'06"
226.50'
S 76°09'18" E
6.56'
N 82°13'51" W
52.04'
PORTION OF PARKING LOT ENCUMBERED BY TRUSTEE'S DEED
Δ=10°24'03"
R=625.76'
L=113.60'
UTILITY EASEMENT TO PARK CITY MUNICIPAL CORPORATION ENTRY NO. 35
BOOK 665, PG.
Δ=26°15'20"
L=103.10'
R=225.00'
PARK MEADOWS CLUB HOUSE
10' WIDE SEWER EASEMENT ENTRY NO. 338456 BOOK 267, PG. 43
S00°00'00"E
95.24'
FOUND 486
15' WIDE EMERGENCY ACCESS EASEMENT TO PARK CITY MUNICIPAL CORP. ENTRY NO. 310407 BOOK 527, PG. 695
8.2'X16.2'
WOOD SHED
RR TIE
RET. WALL
NORTH
24.3'X14.3'
1STORY
8'X8'
60.4'X25.5'
1STORY
SUNNY SLOPES DR
125.5'
55.9'
FOUND
3082
FOUND
POST
GLENEAGLES
EXHIBIT "A"
SITE PLAN
S22°09

EXHIBIT "B"

00380978 BK0731 PG01

Craig Smith
Legal Department
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060-1480

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1993 JUN 11 10:18 AM FEE $.00 BY
FOR: PARK CITY MUNICIPAL CORP

TRUSTEE'S DEED

FOR AND IN CONSIDERATION of the sum of $1,647.62 and pursuant to (i) the Motion for Order Approving Trustee's Sale of Real Property dated April 5, 1993, and (ii) the Order Approving Sale entered on May 4, 1993 in the Chapter 7 bankruptcy cases of Park Meadows Investment Co. and Plutarch Company (the "Estates"), jointly administered in the United States Bankruptcy Court for the District of Utah, Central Division, Numbers 86C-01060 and 86A-01885;

F. WAYNE ELGGREN, Trustee of the Estates, does hereby grant and convey to Park City Municipal Corporation real property located in Park City, Summit County, Utah, and more particularly described as:

BEG AT A PT WH IS S 89°52'47" E 1326.55 FT FR TH N 1/4 COR OF SEC 4, T2SR4E, SLBM & RUN TH DUE S 31.60 FT TO A PT ON A 567.00 FT RAD CUR TO TH L, CENTER BEARS N 39°21'03" E 567.00 FT OF WHI TH CENTRALANGLE IS 20°51'3" TH SE'LY ALG TH ARC OF SD CUR 206.341 FT TO A PT OF TANGENCY; TH S 71°30'00" E 338.77 FT TO A PT ON A 599.760 FT RAD CUR TO TH L, CENTER BEARS N 18°30'00" E 599.760 FT OF WH TH CENTRAL ANGLE IS 9°26'18"; TH SE'LY ALG TH ARC OF SD CUR 98.798 FT TO A PT OF TANGENCY; TH DUE S 66.75 FT TO A PT ON A 665.760 FT RAD CUR TO TH R, CENTER BEARS N 8°09'25" E 665.760 FT OF WH TH CENTRAL ANGLE IS 10°20'35"; TH NW'LY ALG TH ARC OF SD CUR 120.184 FT TO A PT OF TANGENCY; TH N 71°30'00" W 338.77 FT TO A PT ON A 633.00 FT RAD CUR TO TH R, CENTER BEARS N 18°30'00" E 633.00 FT OF WH TH CENTRAL ANGLE IS 26°4'30"; TH NW'LY ALG TH ARC OF SD CUR 288.075 FT TO A PT OF TANGENCY; TH N 45°25'30" W 63.16 FT; TH S 89°52'45" E 129.74 FT TO TH PT OF BEG. [CONT 1.1509 ACRES M188-543].

Post-it® Fax Note 7671	Date	# of pages ▶ 1
To Dave Johnson	From Jon Beche	
Co./Dept.	Co.	
Phone #	Phone # 486-8787	
Fax # 1-801-649-0933	Fax # 486 8870	

IT IS THE INTENTION of the Trustee to convey by this instrument all of the Estates' interest in said real property which the Trustee has power to convey or dispose of as the Trustee for the Estates, and to convey said real property without warranty

Post-it® Fax Note 7671	Date 1-2-97	# of pages ▶ 1
To Rob Rodman	From DAVE JOHNSON	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 649-4026	Fax #	

PARK CITY
1884

Staff Report

DATE: February 3, 1997
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: **Sandridge Heights Sketch Plat Appeal**
TYPE OF ITEM: Quasi-Adjudicative

SUMMARY RECOMMENDATIONS:

Conduct a hearing for the appeal and direct staff to prepare formal Findings of Fact and Conclusions of Law denying the appeal.

If the Council desires to provide the Petitioners with direction regarding the project, staff requests that the Council dispense with the merits of the appeal first. Pursuant to prior Council direction, the City Engineer is preparing for a work session in the next two to three weeks on right-of-way issues facing Old Town generally. The Council could then schedule a subsequent work session on the specific issues facing the proposed Sand Ridge Subdivision.

DESCRIPTION:

A. Topic:

An appeal from the Planning Commission denial of a sketch plat application.

B. Background:

The Council received the Petitioners' brief and staff's response brief on January 21, 1997. No additional materials have been submitted.

C. Department Review:

This matter has been reviewed by the Community Development Department, the Legal Department and the City Manager.

D. ALTERNATIVES: Hear oral argument from the Appellants and staff and:

1. **Deny the Appeal:** Direct staff to prepare formal Findings of Fact and Conclusions of Law. **This is the recommended action.**

2. **Grant the Appeal:** Direct staff to prepare formal Findings of Fact and Conclusions of Law.

3. **Continue the Item:** Request additional information from the Petitioners and/or staff.

E. RECOMMENDATION:

Conduct a hearing for the appeal and direct staff to prepare formal Findings of Fact and Conclusions of Law. If the Council desires to provide the Petitioners with direction regarding the project, staff requests that the Council dispense with the merits of the appeal first. Pursuant to prior Council direction, the City Engineer is preparing for a work session in the next two to three weeks on right-of-way issues facing Old Town generally. The Council could then schedule a subsequent work session on the specific issues facing the proposed Sand Ridge Subdivision.