PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 30, 2003

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier; and Fred Jones

Tom Bakaly, City Manager; Colin Hilton, Project Manager; Eric DeHaan, City Engineer; and Jerry Gibbs, Public Works Director;

Jason Burningham, Lewis, Young, Robertson & Burningham; and Burke Cartwright, EDA Architects

1. **Council questions/comments.** Peg Bodell thanked Council member Calvert for organizing the Pipe Dreams reception last week and encouraged the public to relay community successes and achievements to Council. She stated that the City needs to be diligent about setting and maintaining good standards for our affordable housing stock. She discussed an open house for the proposed project at 801 Park Avenue hosted by owner David Belz on February 5. Candace Erickson discussed Board of Health business, including renewal of the VMH contract and getting a bio-terrorism staff on board. She commented on the success of the Downtown Economic Summit held on Monday. Fred Jones stated that he received a complaint about traffic on SR224 and felt it appropriate to add this topic to the retreat agenda. There was discussion about lighting the Olympic tower for the Freestyle event this weekend.

Kay Calvert reported that this week she received many calls about traffic prompted by recent accidents, those including a critical injury on Bonanza and a fatality on Kearns Blvd. Colin Hilton reported on the neighborhoods participating in the traffic calming program and Peg Bodell felt some streets are not addressed because they're not in a neighborhood. Eric DeHaan explained that he funnels all state road requests to UDOT and Ms. Bodell felt that Park City should advocate more traffic calming methods to the state. He reminded Council that the design of SR248 is an excellent example of traffic calming but it frequently engenders complaints because of backed-up traffic from the school zone. In response to a question from Peg Bodell, Mr. DeHaan indicated that Deer Valley Drive residents have not approached the City, and Mr. Bodell emphasized that an outreach program needs to be in place. Mr. Hilton explained that interest has been expressed by residents on lower Park Avenue, Woodside Avenue, but no one on Deer Valley Drive has make a request. She felt that outreach and enforcement are critical to the program and Fred Jones explained that is why he feels this would be a good topic for the visioning session. He agreed with Ms. Bodell's comments about an outreach program focused on changing attitudes among residents. Mr. Hilton pointed out that the program takes quite a bit of his time now on a reactionary basis and bringing it to a higher level will require additional resources. The City Manager indicated that parameters for the program will be formulated for the visioning session.

In response to a question from Kay Calvert about noticing Main Street businesses about street closures for events, Tom Bakaly explained that event information is typically shared in advance with the HMBA. She explained that she received a call from the Lakota about the difficulties with deliveries; they had no idea about the Freestyle Event street closure. There was discussion about the PETA demonstration planned at 6 p.m. at the intersection of Main Street and Heber Avenue tonight. Mayor Williams reported that the McPolin Farm has been nominated by the State Historical Society for a national heritage award. He stated that he met with Wasatch Commissioner Annie McMullen during the week on issues of mutual interest. Peg Bodell explained that while attending the NLC conference, she recorded a public service announcement about homeland security made possible through AT&T Broadband. The video was shown and Council felt it appropriate to air the piece on the local television station.

2. **Water impact fees.** Jerry Gibbs explained that Lewis, Young, Robertson & Burningham was hired to assist in developing Park City's water impact fees and to modify them based on water related purchases and lease agreements with JSSD. The impact fees in 1995 were required to be modified because of state law. The current rate is $9,760 per equivalent residential unit which is based on one gallon per minute, or 1,600 gallons per day, or one acre foot, whichever is greater. Indoor use is calculated separately and represents about 31% of peak day capacity; outdoor use represents 69%. Indoor use is calculated based on house size and number of bedrooms. The proposal is to increase the ERU to $15,425 which is a 58% increase, due to the JSSD water lease valued at $12 million in our capital facilities plan relating to growth. On the other hand, the Spiro Tunnel is not growth related and is maintained through user fees. There was discussion about the current charges in the packet being incorrect, and Mr. Gibbs referred to a newly distributed staff report. In response to questions from Fred Jones, Mr. Gibbs explained that the increase in August 2001 was due to the Rockport Project valued at $10 million. Flagstaff has some water and paid for capital costs, specifically the cost of the divide well. It will have to pay for water rights and some of the capital costs for improvements to the Boothill Tank. Peg Bodell asked if other sources will be used for this fund and Jerry Gibbs stated that impact fees can only be used for growth related projects. If the fully allocated cost is not used, any shortfall has to be made up through user fees or other funding sources. Since water is an enterprise fund, user fees are the only factor. Jason Burningham added that if the City receives a federal grant for a water project, money collected allocated for the specific project would have to be remitted. Impact fees can not be charged for credits, but he has never heard of that occurring. The Public Works Director continued that if Rockport were included in this assessment, the impact fee would have increased about $1,000. However, it was too difficult in precisely determining the appropriate amount for Rockport, resulting in the decision to omit it. Ms. Bodell agreed with the approach and felt it is more responsible.

Mr. Gibbs explained that impact fees will be scheduled for a public hearing on the public facility plan and the increase on February 20. Peg Bodell suggested inserting a notice in water bills and Mr. Gibbs explained that contractors will be more affected not water users and there will be a notice at the Building Department counter and legal notices. There was discussion about providing information on the website. He added that the City's water impact fee is still lower than the cost in the Basin. Mr. Burningham explained that a copy of the ordinance, capital facilities plan and impact fee study must be available for review by the public at the City Recorder's Office and the library at least ten days before the public hearing. In response to a question from Jim Hier, Jerry Gibbs explained that ERUs are based on a quantity of water, i.e., one gallon per minute, 1,600 per day or one acre foot of water. Commercial calculations are based on occupancy, and residential is based on water usage; our numbers are close to state averages. It was emphasized that this is a water equivalent not a planning unit. Mr. Hier continued that conservation requirements should be consistent with the Building Department process and LMC and Jerry Gibbs explained that limits of disturbance determines the area of landscaping. Mr. Hier clarified his concern about property owners replacing conservation landscaping with sod after a couple of years. Mr. Burningham explained that if any land use changes, impact fees can be collected. Jim Hier felt that our objectives should be to promote xeriscaping while acknowledging run-off problems if someone doesn't landscape. In response to a comment made by Dana Williams, Mr. Gibbs described that the City is gaining more acreage irrigated with our system, but it is still pretty inefficient. Candace Erickson acknowledged her surprise that a water impact fee assessment beyond 6,000 square feet is not proposed. The Public Works Director explained that the indoor water usage doesn't necessarily increase in a large home and most are second homes. Ms. Erickson pointed out the high number of second homes that become primary residences. Fred Jones stated that usage is one component but the system has to be built for peak capacity in the event all bedrooms are occupied. Mr. Gibbs explained that because second homes represent 55% of housing stock, the usage is not across-the-board compared to Salt Lake, for instance.

2. **Prioritizing and funding capital and OTIS projects.** Colin Hilton referred to his staff report, specifically inviting comments on his criteria to establish priorities for capital projects. The supplemental packet identifies City-wide capital projects which relate to OTIS, and old and new projects. These total over $43 million in requests while the City has committed $31 million for projects. He pointed out that his numbers are forecasted for a five year plan. Peg Bodell supported the revised prioritization process. Mr. Hilton explained that a project meeting a Council goal holds more weight than a project with funding. Fred Jones felt it important to identify projects with *dedicated* funding which can't be reallocated; and other projects with *committed* funding which is quite different. He felt these should be subject to the same rating criteria and Jim Hier suggested that there be a separate category for projects that have been previously funded. Mr. Jones continued that *time line* translates to urgency, and Colin Hilton indicated that is his intent. Kay Calvert pointed out the omission of health and safety standards and Mr. Hilton felt this will naturally be considered with other criteria.

Colin Hilton continued that the largest expenditure is for street reconstruction projects, which total $20.2 million over the next 15 years. Relocating utilities would add $7.6 million for a total of $27.8 million or an additional $500,000 annual expenditure for the next 20 years. Transit and parking improvements are estimated between $5 and $10 million. City Park, ice rink, Racquet Club, library enhancements and future recreation facilities amount to $5 to $8 million. Pedestrian improvements and traffic calming represents roughly $4.5 million in requests. He pointed out that the state will be reducing funding for Class C roads which will affect our street projects; the City has been receiving about $250,000 a year. Use of existing resources and re-prioritization of currently funded projects may render about $1.2. Use of the five-year CIP, RDA money and existing fund balances to varying degrees is another option, but it can be very risky. Another suggestion is to look at extending the life of the RDA districts and Tom Bakaly added that it is feasible with the consent of the School District. The Main Street RDA could be extended for 20 years without providing a finding of blight, however, approval from the oversight board consisting of all of the taxing entities would be required. It appears that the City could extend the Main Street RDA for two years as long as the current mitigation agreement with the School District is extended. He emphasized that the Main Street RDA tax increment is capped at $1.3 million and after the mitigation payment and other debt service, the City only receives about a fourth.

Mr. Hilton indicated that the City generates about $90,000 a year from paid parking revenues which could help fund a parking structure. Impact fees could be used for a facility on the parking structure which would house both police and fire. A City-wide source could be a bond paid with dedicated funding streams from existing sales tax revenues or a Municipal Building Authority refinance. Mark Christensen discussed the City's bond status and felt that there is bonding capacity in the future. If the RDA retires, that revenue is lost. The MBA debt will retire in 2007 and staff is working with a consultant on refinancing the expiring series and at the same time, issue new money. It may be better to reissue with sales tax revenue bonds rather than using the MBA. He pointed out that the City will need to issue water bonds associated with water projects. A property tax increase is another option and Mr. Christensen discussed extending the RDA for another 20 years, but keeping the same rate. Tom Bakaly explained the purpose of the MBA and stated that each year there are surpluses in the General Fund over the past five years of about $2 million which is moved in the five-year CIP. A portion of the surplus, like $500,000, could be leveraged by bonding. Essentially, the Council could bond for another $5 million to add to the $6 million. A sales tax bond may be a better way to obtain the best interest rate. Jim Hier felt that with low interest rates, the City should be considering bonding a dedicated portion of the surplus.

Colin Hilton continued that staff is exploring the concept of special improvement districts for street and infrastructure improvements, and/or a parking structure. He briefly reviewed the noticing and protest processes for a SID which also has a board of equalization. Staff is still collecting valuation information in Old Town to project fixed rates for property or assessed valued per property. There are just over 1,100 single owner residential properties and 1,452 multi-owner properties. Condominium owners who are charged at the same rate may object because there may only be one connection required to relocate utilities. There was discussion about including commercial properties and Tom Bakaly pointed out that if all of Old Town is assessed for a parking structure, the Marriott Summit may object to the assessment as it has provided its own parking garage. Fred Jones expressed his surprise that the SID is suggested to finance a parking garage in addition to relocating utilities and Colin Hilton stated that the SID could be used to finance both projects. Jim Hier believed that under-grounding utilities would benefit adjacent Main Street as much as the neighborhood and commercial should be included. Peg Bodell felt it cleaner to develop overlapping SIDs; one for parking and the other for street improvements and utilities, rather than combining the projects into one SID. Kay Calvert believed that a parking structure would benefit the entire town. Tom Bakaly cautioned against establishing and managing a number of SIDs. Mayor Williams agreed that a parking garage is a community-wide benefit. Fred Jones encouraged resolution of aspects of the street and utilities SID. He pointed out that upper Park Avenue is unique because of the transmission lines which may have to be addressed separately but the SID should include all properties benefitting from under-grounding. It would include Main Street but not the Marriott. He added that under-grounding utilities will add value to properties which needs to be taken into consideration. Mr. Hilton believed the ultimate solution will be a *blend* of funds and excluding some projects. Staff will need direction on whether the goal is a parking structure and public safety facility, and/or street projects with relocated utilities.

In response to a question from Kay Calvert about using federal grants, Mr. Hilton stated that he has not researched outside funding. Another question is the level of funding reflected in the assessment; does it represent 50%, 25%, etc. Jim Hier believed the benefactors of a street/under-grounding project to be very different than the parking structure. He didn't necessarily find a nexus between the parking structure and a city-wide benefit as it benefits commercial properties. The Mayor pointed out that other neighborhoods receive street improvements from General Fund monies where Old Town has not to the same extent for a variety of reasons. Fred Jones understood the SID would be used for under-grounding utilities not the street work. He emphasized that some property owners will be paying into an SID but won't have an opportunity to enjoy the improvement for many years. This could perhaps be addressed by phasing SIDs.

With regard to the combined parking structure/public safety facility, Mr. Hilton advised that it would result in 250 public parking spaces with some being lost in the design and others dedicated to personnel. The public safety facility is approximately 17,000 square feet, including police and the administrative staff of the Fire Service District. Accessibility to Marsac Avenue and the China Bridge is greatly enhanced and there is an intangible value in having the Fire District and Police Department housed in one building. By way of displaying renderings, architect Burke Cartwright reviewed concepts. It is estimated that a parking-only structure would cost $5.3 million and a stand-alone public safety facility at $3.5 million, including $1 million budgeted for land. A joint public safety/parking facility is estimated at $6.9 million but there is a soil mitigation challenge. Mr. Hilton reviewed other line items, including allocating $2.1 million for public safety and leaving $4.8 million for the parking. The cost per space is about $16,300 for the combined facility and the parking-only structure is $17,900. There was discussion about the Fire District's commitment to cover its costs. Mr. Cartwright explained improved access to the new structure and its location.

Mayor Williams stated his support of the combined structure and Jim Hier requested information on the Fire District's contribution; he needs to be convinced about the need of a parking structure. Peg Bodell stated that she has a hard time agreeing to build on open space and replacing it. Colin Hilton reminded Council that there are soils and environmental questions that need to be answered through a geo-technical and environmental analysis and solutions may be very expensive. The fundamental question of whether to build a parking structure needs to be determined. He relayed on behalf of UPAPA that the group is obtaining commitments and so far, there are 25:0 in favor of paying 25% of the utilities today.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 30, 2003

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 30, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Derek Satchell, Preservation Planner

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 9, 2003

Peg Bodell referred to her minor modifications to the work session notes, "I move approval of the Minutes of January 9, 2003 (as corrected)". Jim Hier seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARINGS

Ordinance approving 561 Woodside Avenue Plat Amendment to combine all of Lots15, 17, and 18 in Block 28 of the Amended Park City Survey, into one lot of record located at 561 Woodside Avenue, Park City, Utah - In response to a question from the Mayor, Derek Satchell explained the process to be placed on the National Register of Historic Places, specifically for the McPolin Farm nomination. Peg Bodell suggested celebrating the award in a couple of months with other activities at the Farm.

Planner Derek Satchell explained that the combination of lots into one lot would result in 5,625 square feet. The Planning Commission forwarded a positive recommendation on January 8, 2003 conditioned on set-back requirements, given the unusual size and configuration of the lot. Those set-back requirements are stipulated in a specific condition of approval which will be recorded with the plat. The conditional use permit is still in the Planning Commission process; this action only addresses the plat amendment. With no further questions or comments, the public hearing was closed.

VI CONSENT AGENDA

Fred Jones, "I move to approve Consent Agenda Items 1 through 3". Kay Calvert seconded. Motion carried unanimously.

1. Ordinance approving 561 Woodside Avenue Plat Amendment to combine all of Lots15, 17, and 18 in Block 28 of the Amended Park City Survey, into one lot of record located at 561 Woodside Avenue, Park City, Utah - See staff report and public hearing.

2. Resolution extending the Mayor's and City Council's appreciation of the patriotic commitment of Park City Police Officers Military Reservists honored to serve our Country - See attached.

3. Acceptance of disclosure statements of the Mayor and City Council members in the Official Minutes - Elected officials are required to file disclosure statements with the City Recorder which are attached to the Minutes and made a part of the official record.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Peg Bodell, "I move to close the meeting to discuss property and personnel". Candace Erickson seconded. Motion carried unanimously.

The meeting opened at approximately 3:50 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE MARCH 1, 1884

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Peg Bodell, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 817 Woodside Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Bodell Design & Fine Art

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:
817 Woodside Avenue
Park City, Utah

1438 Sullivan Road #2
Park City, Utah

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 30th day of January, 2003.

Peg Bodell

Peg Bodell

Subscribed and sworn before me this 30th day of January, 2003.

Janet M Scott

Notary Public

NOTARY PUBLIC
JANET M. SCOTT
445 MARSAC AVE. P.O. BOX 1480
PARK CITY, UT 84060
MY COMMISSION EXPIRES
MARCH 11TH, 2004
STATE OF UTAH

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Kay Calvert, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 920 Norfolk Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

K Calvert Consulting

4. That I have the following investments and/or personal interest which could have the appearance of a conflict of interest:

Vice Chair - Utah State Building Board

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 30th day of January, 2003.

Kay Calvert

Kay Calvert

Subscribed and sworn before me this 30th day of January, 2003.

Janet M. Scott

Notary Public

NOTARY PUBLIC
JANET M SCOTT
445 MARSAC AVE. P.O. BOX 1480
PARK CITY, UT 84060
MY COMMISSION EXPIRES
MARCH 11TH, 2004
STATE OF UTAH

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Candace Erickson, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

2614 Little Kate Road
Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Park City Mountain Resort
Ski Utah
Cole Sport
IC Group

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own home at 2614 Little Kate Road.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 30th day of January, 2003.

Candace Erickson

Candace Erickson

Subscribed and sworn before me this 30th day of January, 2003.

Janet M. Scott

Notary Public

NOTARY PUBLIC
JANET M SCOTT
445 MARSAC AVE. P.O. BOX 1480
PARK CITY, UT 84060
MY COMMISSION EXPIRES
MARCH 11TH 2004
STATE OF UTAH

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now James T. Hier and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council.

2. That I reside at:

2599 Morning Sky Court
Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse or minor children are owners of substantial interest in any entity which is subject to regulation by Park City Municipal Corporation (or does, or intends to do business with Park City Municipal Corporation:

Controller for East West Resorts of Utah, LLC., P. O. Box 680128, Park City, UT 84068

4. That I have the following investments and personal interest which could cause a conflict of interest:

N/A

5. That I intend to represent or assist the following persons and business entities in a transaction which involves Park City Municipal Corporation. I will receive compensation for this representation or assistance:

N/A

6. That I acknowledge and understand that if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I must file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this 30th day of January, 2003.

Jim Hier
Jim Hier

Subscribed and sworn before me this 30th day of January, 2003.

Janet M. Scott
Notary Public

NOTARY PUBLIC
JANET M. SCOTT
445 MARSAC AVE. P.O. BOX 1480
PARK CITY, UT 84060
MY COMMISSION EXPIRES
MARCH 11TH, 2004
STATE OF UTAH

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Fred Jones, and having been first duly sworn, deposes and says as follows:

1. That I am currently an appointed officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

#3 Kings Court
Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse or minor children are owners of substantial interest in any entity which is subject to regulation by Park City Municipal Corporation (or does, or intends to do business with Park City Municipal Corporation:

Dorton Jones Nicolatus & Stuart, Inc., President
Summit Consulting Group, Inc., President (dba Houlihan Valuations Advisers, Ski Country Advisors)

4. That I have the following investments and personal interest which could cause a conflict of interest:

Residence at #3 Kings Court

5. That I intend to represent or assist the following persons and business entities in a transaction which involves Park City Municipal Corporation. I will receive compensation for this representation or assistance:

N/A

6. That I acknowledge and understand that if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I must file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this 30th day of January, 2003.

Frederic Jones

Frederic L. Jones

Subscribed and sworn before me this 30th day of January, 2003.

Janet M. Scott

Notary Public

NOTARY PUBLIC
JANET M. SCOTT
445 MARSAC AVE. P.O. BOX 1480
PARK CITY, UT 84060
MY COMMISSION EXPIRES
MARCH 11TH, 2004
STATE OF UTAH

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Dana Williams, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2384 Doc Holiday Drive

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Associate broker with Coldwell Banker Residential Realty

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

As of this date, I have the Silver Junction Mercantile listed for sale on Main Street:

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 30th day of January, 2003.

Dana L. Williams

Dana Williams, Mayor of Park City

Subscribed and sworn before me this 30th day of January, 2003.

Notary Public

Janet M. Scott

Janet M. Scott

NOTARY PUBLIC
JANET M. SCOTT
445 MARSAC AVE P.O. BOX 1480
PARK CITY, UT 84060
MY COMMISSION EXPIRES
MARCH 11TH, 2004
STATE OF UTAH

DATE: January 30, 2003
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: Water Impact Fees
TYPE OF ITEM: Discussion

SUMMARY RECOMMENDATIONS: Review, discuss and give staff direction on the proposed Capital Facilities Plan and water impact fee.

DESCRIPTION:

A. Topic. Water impact fees.

B. Background. The Park City water system provides water to approximately 4500 meter connection with an annual usage of over 5000 acre feet. A comprehensive review of existing development and allowable development on zoned vacant land was completed in 2000. Montgomery Watson used this information to completed a supply and demand study which compared water usage by meter user type (residential, condo, commercial, restaurant, etc) and area. Montgomery Watson matched existing water demand to the existing development and projected water demand based on allowable zoning and calculated there could be 3,800 additional ERU's built. Since the adoption of our current impact fee in August 2001 approximately 144 ERU's have been added to our system.

A water Capital Facilities Plan (CFP) has been developed based on the anticipated water projects and long term water leases.

Table 1
Five Year Capital Facilities Plan Summary by Year ($17,580,000)

	Last 5 years	0-3	4-6	7+
Estimated Annual Project Cost	$2,598,000	$11,285,000	$3,697,000	$8,400,000

Park City retained the services of Lewis Young Robertson and Burningham to assist in reviewing and developing a water impact structure for growth related expenses in 2001 and will be assisting in updating the impact fee study to incorporate the water leases and updated project costs.

The objectives of an impact fee study are:

- Provide adequate revenues to provide a stable and predictable source
- Discourage wasteful use
- Promote fairness and equity
- Maintain simplicity, convenience, certainty, feasibility and freedom from controversy
- Comply with Utah law

A chronology of impact fees to date.

pre-1983	City charged a connection fee to buy into the existing infrastructure at a flat rate ($600)
mid 80's	A water right component was added at a flat rate (connection $600, water right $2000)
1990	An irrigation component was added and a sliding scale was developed depending on house size
June 95	Utah legislature adopts an impact fee bill
July 95	City adopts a new rate structure in conformance to Utah law ($3700)
August 2001	Increased the water impact fee and adjusted the commercial formula ($9760)

C. Analysis- Capital projects required to serve growth have been planned for water storage, distribution and water source development. For each of the three segmented areas of capital infrastructure, a portion of the total cost is allocated to each Equivalent Residential Unit (ERU) by dividing the total project cost by the total number of ERUs served.

Table 2
Summary of Methodology

Water Projects	Estimated Project Cost	Growth Related ERUs Served	Cost per ERU
Storage, Distribution & Capital Fee	**$346,300**	**3656**	**$95**
Source Fee & Water Rights	**$26,940,600**	**1934**	**$13,930**
Buy-in-Fee	**$11,487,700**	**1934/3656**	**$3,920**
Miscellaneous	**($4,874,100)**	**1934**	**($2,520)**
Total System Fee	**$33,900,500**	**3656**	**$15,425**

A new water user must also pay to utilize the excess unused capacity in the existing water system or buy in cost. The cost of water rights must also be considered to ensure sufficient water is available to the City.

The sum of the costs per ERU for the three types of capital projects, the Buy-In Cost and the cost of water rights equals the Gross Impact Fee per ERU. A water ERU is defined as a demand equal to the higher of 1 g.p.m., 1660 gallons per day, or 1 acre foot of water annually. Residential, commercial and industrial uses are converted to ERU's based on projected water demand.

The proposed format is the same for residential, outdoor and commercial fee calculations.

Table 2
Proposed Residential Indoor Water Impact Fees

Size (sf)	**≤ 1000**	**1001-1500**	**1501-3000**	**3001-4500**	**4501-6000**	**6000<**
# Bdrm	**2**	**3**	**4**	**5**	**6**	**7+**
Existing Fee	$1,513	$2,269	$3,026	$3,782	$4,539	$5,295
Proposed Fee	**$2,391**	**$3,586**	**$4,782**	**$5,977**	**$7,174**	**$8,368**

Currently there is no additional water impact fees for single-family with more than seven bedrooms.

Table 3
Proposed Outdoor (Landscaping) Water Impact Fee

Irrigated Area (sf)	**0-2000**	**2001-4000**	**4001-6000**	**6001-8000**	**8001-10,000**	**10,000<**
Existing Fee	$2,694	$4,041	$6,735	$9,429	$12,122	$14,816
Propose d Fee	**$4,258**	**$6,386**	**$10,644**	**$14,901**	**$19,158**	**$23,416**

Each additional or part of 1000 sq. ft. over 10,000 sq. ft. would be $2342.

Table 4
Commercial Water Impact Fees
($15,425 x ERU calculations)

EXISTING INDOOR NON-RESIDENTIAL MULTIPLIERS
Based on IBC Table 1003.2.2.2

OCCUPANCY	FLOOR AREA IN SQ. FT. PER OCCUPANT	EQUIVALENT ERU'S PER OCCUPANT
Assembly		
Bars	15	0.012
Restaurants	15	0.021
Theaters, Auditoriums, Churches ,etc.	15 or # of fixed seats	0.003
Others not listed	per IBC Table 1003.2.2.2	**TBD**
Business/Office areas	100	0.009

Educational Classroom area Shops/Vocational areas	 20 50	0.015
Exercise rooms	50	0.015
Hotels and Motels	200	0.030
Industrial areas	100	0.021
Institutional areas Inpatient treatment areas Outpatient areas Sleeping areas	 240 100 120	0.151
Mercantile	per IBC Table 1003.2.2.2	0.007
Skating rinks, swimming pools Rink and pool Decks	 50 15	0.006
Warehouses	500	0.021
Parking garages, Carwash, Governmental uses	200	**TBD**
Library Reading rooms Stack areas	 50 100	**TBD**
Uses not shown will be determined by the Public Works Director based on SBSID estimated flows or other appropriate information..		

Utah law requires a public hearing be noticed, the CFP and the proposed fee amendments be available to the general public at least 14 days prior to the public hearing. The tentative hearing date has been set for February 20. Copies of the CFP and impact fee analysis will be made available at the Library and the Marsac Building in compliance with the law. The city council will need to formally adopt the CFP and a revised water impact fee.

<u>**SIGNIFICANT IMPACTS**</u>: The next five to seven years will require a large investment in water infrastructure. A fully allocated impact fee allows the city to plan and fund water infrastructure improvements. If council chooses not to fully allocate the cost of growth to impact fees, user fees will need to be raised or projects deferred until surplus revenues or funding sources are identified. Deferring projects could directly affect our ability to provide adequate water to meet peak day demands and fire flows.

PARKCITY MUNICIPAL CORPORATION
WATER SYSTEM CAPITAL FACILITIES PLAN
LIST OF WATER SYSTEM IMPROVEMENTS

		PROJECT DESCRIPTION	PROJECT COST WITH CONTINGENCY AND ENGINEERING	CLASSIFICATION: DEVELOPER	GROWTH: STORAGE	GROWTH: SOURCE	GROWTH: DISTRIBUTION	GROWTH: BUY-IN	GROWTH: WATER RIGHTS	REGULATORY
PREVIOUS PROJECTS		SPIRO WATER TREATMENT PLANT	$1,666,000					100.0%		
		DIVIDE WELL	$692,647			100.0%				
		JSSD PIPELINE	$239,079			100.0%				
		TOTAL								

		PROJECT DESCRIPTION	PROJECT COST WITH CONTINGENCY AND ENGINEERING	CLASSIFICATION: DEVELOPER	GROWTH: STORAGE	GROWTH: SOURCE	GROWTH: DISTRIBUTION	GROWTH: BUY-IN	GROWTH: WATER RIGHTS	REGULATORY
PRIORITY 1 0-3 YEARS	1.	SPIRO WTP UPGRADE: ENHANCED ARSENIC REMOVAL SYSTEM; EXPANDED WET WELL; REPLACE GAS CHLORINATION WITH SODIUM HYPOCHLORITE.	$2,500,000							100.0%
	2.	JUDGE TUNNEL WATER TREATMENT PLANT	$2,750,000							100.0%
	3. A.	BOOTHILL 2 MG RESERVOIR	$2,100,000		100.0%					0.0%
	B.	BOOTHILL 20-IN TRANSMISSION LINE TO HOLIDAY RANCH LOOP ROAD, 16-IN SUPPLY LINE MONITOR-BONANZA-WOODSIDE CONNECTION	$850,000				50.0%			50.0%
	C.	LAND ACQUISITION: 30 FOOT EASEMENT FOR TRANSMISSION LINE TO HOLIDAY RANCH LOOP ROAD	$600,000				40.0%			60.0%
	4.	JSSD LONG TERM LEASE	$12,000,000			25.0%			75.0%	
	5.	UPPER PARK AVE PIPELINE REPLACEMENT, FROM HEBER AVENUE TO KING ROAD	$272,100				71.2%			28.8%
	6.	DALEY TO ROSSI HILL DRIVE	$259,200							100.0%
	7.	DEER VALLEY LOOP DRIVE	$154,000							100.0%

PARKCITY MUNICIPAL CORPORATION
WATER SYSTEM CAPITAL FACILITIES PLAN
LIST OF WATER SYSTEM IMPROVEMENTS

		TOTAL	$21,485,300							

		PROJECT DESCRIPTION	PROJECT COST WITH CONTINGENCY AND ENGINEERING	CLASSIFICATION DEVELOPER	GROWTH STORAGE	GROWTH SOURCE	GROWTH DISTRIBUTION	GROWTH BUY-IN	GROWTH WATER RIGHTS	REGULATORY
Priority 2 4-6 years	1.	NEW BOOTHILL 2,200 GPM PUMP STATION	$1,200,000	13.0%	54.0%					33.0%
	2.	UPSIZE BALD EAGLE PUMP STATION FROM 180 GPM TO 520 GPM	$169,800	100.0%						
	3.	UPSIZE THE OAKS/SOLAMERE PUMP STATION FROM 145 GPM TO 500 GPM	$169,800		100.0%					
	4.	LOWER NORFOLK PIPELINE REPLACEMENT, FROM 8TH ST. TO 13TH ST.	$247,000							100.0%
	5.	HILLSIDE PIPELINE REPLACEMENT	48,000							100.0%
	6.	SANDRIDGE PIPELINE REPLACEMENT	62,800							100.0%
	7.	ROCKPORT IMPORTATION	N/A							
		TOTAL	$1,897,400							

PARKCITY MUNICIPAL CORPORATION
WATER SYSTEM CAPITAL FACILITIES PLAN
LIST OF WATER SYSTEM IMPROVEMENTS

		PROJECT DESCRIPTION	PROJECT COST WITH CONTINGENCY AND ENGINEERING	CLASSIFICATION: DEVELOPER	GROWTH: STORAGE	GROWTH: SOURCE	GROWTH: DISTRIBUTION	GROWTH: BUY-IN	GROWTH: WATER RIGHTS	REGULATORY
PRIORITY 3 7-15 YEARS	1. A.	0.5 MG LOWER DEER VALLEY/SOLAMERE TANK TO SUPPLEMENT NECK; 12-INCH TRANSMISSION LINE	$701,800	100.0%						50.0%
	B.	LAND ACQUISITION: LOWER DEER VALLEY TANK SITE AND 30 FOOT EASEMENT FOR 1,000 LF OF 12-INCH SUPPLY LINE	$1,344,400	100.0%			50.0%			50.0%
	2.	Line Replacement 16" Spiro WTP to PCMR	$250,400				71.2%			28.8%
	3.	REPLACE ALL 4-INCH, 6-INCH, PERMASTRAND, AND ASBESTOS CEMENT WATER LINES AS OPPORTUNITIES ARISE.	$300,000							100.0%
	4.	WOODSIDE PUMP STATION, REPLACE PERMASTRAND SUPPLY LINE, INSTALL 8-INCH PRV AND INSTALL NEW 12-INCH DIP CONNECTION TO 12-INCH SUPPLY LINE ON	$2,387,100				80.0%			20.0%
	5.	SILVER KING PIPELINE REPLACEMENT	$155,000							100.0%
	6.	MCHENRY DRIVE PIPELINE REPLACEMENT	$85,000							100.0%
	7.	EMPIRE AND UPPER LOWELL AVE PIPELINE REPLACEMENT, FROM 9TH TO 13TH	$610,000							100.0%
	8.	PROSPECT AVENUE PIPELINE REPLACEMENT, KING ROAD TO HEBER AVENUE	$90,000							100.0%
	9.	WOODSIDE PIPELINE REPLACEMENT, NORTH OF 13TH STREET	$145,000							100.0%
	10.	11TH, 12TH STREET PIPELINE REPLACEMENT	$60,000							100.0%
	11.	13TH, 14TH, 15TH STREET PIPELINE REPLACEMENT	$122,000							100.0%
		TOTAL	$6,250,700							

DATE: January 30, 2003
AUTHOR: Colin Hilton
TITLE: Capital Projects – Prioritization, Funding, and Next Steps
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION:

Staff is requesting City Council review and input on the following topics:

1. OTIS / City-Wide CIP Prioritization
2. Long Term Funding Strategy for all CIP projects
3. Update on the concept of a combined parking structure & public safety facility
4. Update on Street Reconstruction Projects – current timing issues

It is recommended that based on the input received, Staff will return on February 27th with several alternatives outlining the City's long term approach to tackling both Old Town and City-wide infrastructure needs.

DESCRIPTION:

A. Topic: Capital Projects – Prioritization, Funding, and Next Steps
B. Background:

City Council met with Staff several times in late 2002 to review proposed Old Town improvements. Based on suggestions from Staff at a special City Council Work session (held 12-10-02), Council directed staff to do the following:

1. Parking & Transportation Enhancements -
   a.) Move ahead with plans to add 20-25 spaces in justifiable areas around the Main Street corridor (as identified in the OTIS study - Limited Capital Investment) with Kent Cashel & the Parking staff.
   b.) Work with an architect to further explore the notion of adding an approximate 10,000+ sq' space (either for public safety use or a potential DABC store) in a way that optimally reduces the cost of the parking structure. In any further conceptual scheme, provide a design that targets a net gain of 250 car spaces.
   c.) Provide a series of cost & funding scenarios to review at some point in mid January. d.) Instruct the Transit team to begin devising strategies to further promote mass transit, rider-ship, and less car volumes.

2. Overhead Utility Relocation -
   a.) Provide Council with a comprehensive financial spreadsheet that identifies the costs and financing scenarios of street reconstruction projects over the next 15 years. Incorporated into the spreadsheet would be costs associated with traditional street reconstructions, water line replacements, and costs associated with relocating the overhead utilities. Financing scenarios would offer alternatives

showing varying degrees of City-wide investments, a possible Old Town special improvement district investment, and additional funding sources (like Qwest / AT&T commitments). With this, review with Council the existing & proposed bonding measures to help Council formulate an opinion as to what level of City investment is appropriate.

b.) City Staff to begin looking into the notion of setting up an Old Town SID and all the items that come with this. Further research ways to find equitable rate structures for households within an Old Town SID. Steer away from a process that would require street by street evaluation process

c.) Further discuss strategies for approaching the utility "partners."

3. Prioritization Process -

    a.) Continue use of the existing CH2MHILL process - using a project rating and bundled alternative methodology.

    b.) Return to Council in January to review suggested criteria, weights, and possibly - a prioritized list of the "non-parking/utility" projects. (It is recommended that this be done as a part of a City-wide review of proposed projects).

4. Funding Mechanisms -

    a.) Have staff review and explore ways to utilize existing funding sources - to include a possible re-prioritization of some projects.

    b.) Return in January to review more aggressive strategies to pay for "bundled project alternates" where additional funding sources are required.

5. Cost-Benefit Analysis on the "Big" Projects

    a.) Provide in a table format, both empirical and subjective analysis on project costs and benefits.

6. Continued communication & solicitation of constituent sentiments -

    a.) Promote continued review of the OTIS study and discussions amongst residents, business operators and all interested individuals.

Based on that directive and additional conversations on the above topics, Staff has assembled the following information for review. Again, it is recommended that we take a 2-step process over the course of this Council meeting and one at the end of February to properly formulate and implement a long-term strategy of needed capital projects.

C. Analysis:

It was viewed by Staff that the best way to progress with prioritization of the proposed OTIS projects was to wrap their review into an overall city-wide prioritization process.

City Staff reviewed the current CH2MHILL project prioritization criteria and are now suggesting several modifications to the criteria and weights.

I. CIP - Prioritization System
Past System:

Criteria	Weight
Policy – City Council or advocacy group support?	0.80
Time line – Is the project time sensitive?	1.00
Funding – Is the project currently funded with reasonable assumptions?	1.00
Dependence – Does the project need to be completed prior to others?	0.50
Complexity – Are there historical, environmental, and compatibility issues?	0.50
Investment – How far along is the project?	0.50

A 1-5 rating per criteria category was used. Varying weights given to each category. A 6-member CIP Committee rated and then placed into multiple alternatives.

Proposed & Revised Prioritization System:

Each criteria category will get a rating on a 1-5 scale with "5" being the most supportive/effective/true project rating.

Criteria	Weight
Support - Meets the vision of a current City Council Goal / Listed Priority	1.50
Rating 5 – Project has a positive and swift impact on a top priority City Goal	
Rating 4 – Project positively impacts a top priority City Goal	
Rating 3 – Project positively impacts a high priority or "other" priority City Goal	
Rating 2 – Project has a partial impact on a City Goal	
Rating 1 – Project has no impact on a listed City Goal	
Funding - Source Availability	1.25
Rating 5 – Funds currently exist for this project	
Rating 4 – n/a	
Rating 3 – Funds could be obtained through a re-prioritization or thru a new funding source	
Rating 2 – n/a	
Rating 1 – Funds do not exist and are not projected to come within the next two years	
Impact - Project is a "need to have" verses a "nice to have"	1.00
Rating 5 – "Need to Have" - Absolutely required to provide a core City service	
Rating 4 – n/a	
Rating 3 – Project has a positive impact towards a City service or interest – with some limited frills	
Rating 2 – n/a	
Rating 1 – "Nice to Have" - Not required to keep the City running … however has enhancement value	
Time line - Project targeted within the next 5 years?	1.10
Rating 5 – Project targeted within 1 year	
Rating 4 – Project targeted within 2 years	
Rating 3 – Project targeted within 3 years	
Rating 2 – Project targeted within 4 years	
Rating 1 – Project targeted within 5 years	
Investment - Project has a positive history to it suggesting additional support	0.75
Rating 5 – Prior funds were expended with the intent for future funding	
Rating 4 – n/a	
Rating 3 – Project has some aspects that have a history of City support	
Rating 2 – n/a	
Rating 1 – Project has no prior history or interest shown	

Maximum project rating - 28 points.

A 5-member CIP Committee made up of Jerry Gibbs, Eric DeHaan, Mark Christensen, Lori Collett, and Colin Hilton will rate each of the proposed projects and meet to review tallies and place in 5 alternatives.

City Council input on the proposed system will then allow the CIP review committee to meet in the first half of February. The Committee will return at the Feb 27th meeting with the outcomes of their prioritizations.

For the high-dollar proposed projects of a parking structure / public safety facility and whether to relocate overhead utilities as a part of standard street reconstruction projects, Council input will steer the direction taken.

II. Long Term Funding Strategy for all CIP projects

During the December 2002 special work session, City Staff reviewed with Council a summary of the existing budget situation. For today's discussion, we would like to review possible re-allocations to existing funds and additional funding source options for Council consideration. It is viewed by City Staff that existing resources will not be able to accomplish the number of proposed capital projects currently under consideration.

Facts to be considered:

- The biggest envisioned expenditures are for street reconstruction projects
    - Old Town alone: $21.1 million over the next 15 years; $28.7 with relocated utilities.
    - The current budget resources would have a tough time covering the costs of just of the core street work let alone the added costs of relocated utilities.
    - The added costs for the relocated utilities: $500,000 per year for the next 20 years.
- Transit System and Parking improvements: $5-10 million in suggested enhancements
- City Park, Ice Rink, Racquet Club, Library, and future Recreation facility needs: $5-8 million.
- Pedestrian Improvements/Traffic Calming: Proposed projects could to $4.5 million.
- State Funds for Class "C" roads are going to be potentially reduced over the next several years.

Scenario illustrating the need for necessary deletions in proposed projects or new funding:

- For discussion purposes: we looked at a "most aggressive" mix of CIP projects that included a new parking structure, streets with relocated utilities, and most forecasted CIP needs City-wide and came up with the following needs:
    - A re-prioritization of existing funds (to the tune of $1.2 million) can accommodate some new projects
    - Use of $6.1 million out of the existing 5-yr CIP leaves a $4 million dollar balance

- Use of impact fees to cover $2.1 million in new projects
- Leaves a void of approximately $6-8 million over the next 5 years.
- $17 million in street projects from Year 6-20 will then also seek a combination of available and new funds.

In order to efficiently prepare a number of long term CIP alternatives to choose from, Staff suggests Council review, discuss, and advise on whether any of the following additional funding streams should be incorporated into the final set alternatives to choose from.

Possible actions to free up or add to available CIP funds:

1. Use of existing resources with some re-prioritization of currently funded projects
2. Additional use of 5-year CIP, RDA, and existing fund balances in varying degrees
3. Use of revenue bonds for a proposed parking structure
4. Use of impact fees for a public safety facility
5. Use of a new City-wide funding source
    a. A dedicated funding stream from existing tax revenues – MBA bond refinance / new money
    b. General increase in the property tax rate
6. Use of a new Old Town Special Improvement District (SID)
7. A reallocation or rate change to the resort city tax or transient room tax
8. Dedication of excess annual paid parking revenues towards to the cost of a new parking structure

We will provide a supplemental packet with data showing several examples of use of an Old Town SID, possible parking structure / public safety facility funding sources, and other scenarios of possible interest.

The discussion had at the Council Meeting will help shape how Staff returns to Council at the end of February with a variety of CIP alternatives.

III. Update on the concept of a combined parking structure & public safety facility

Revisions to the conceptual design of a 250-car parking structure to incorporate a needed public safety facility are now complete.

Burke Cartwright from EDA architects will walk us through the revised costs of the new conceptual design at the Council meeting. The preliminary analysis projects a considerable savings to doing the two projects together.

Broken out below are cost savings in doing the project together as opposed to stand-alone projects.

Shared General Conditions	$115,524
Shared Common Walls	$ 85,000
Shared Site Work	$ 75,000
Shared Utilities	$ 30,000
Total Savings	**$305,524**

- Construction Costs associated with "General Conditions, Common Walls, Shared Site Work," and "Shared Utilities," will result in a lower cost in both the cost per parking space as well as the square footage cost of the public safety facility.
- The costs associated with the public safety facility essentially pay for the aesthetic features of the parking structure.
- The fact that an additional parcel of land to house a public safety facility would not be needed, would save an unknown amount.

We will review the revised drawings and cost figures during the Jan 30th Council meeting. Staff has worked diligently with the architect to conceptually design the facility to meet all the demands of the users, yet keep the costs associated with added parking at a minimum.

IV. Update on Street Reconstruction Projects – current timing issues

- Total Costs associated with the identified Old Town Streets = $21.1 million
- Adding relocated utilities as a part of the project = $28.7 million
- The utility cost variance equates to approx. $500,000/yr over the next 20 years in added budget needs to accomplish streets with relocated utilities.
- Timing: In order to move ahead in 2003 with work on two priority street repair needs (Upper Park Avenue and Prospect Avenue) – decisions will need to come by February 28th in order to accomplish design, bid, and possible work in 2003.
- The UPAPA homeowners association has asked that the City Council consider looking at Upper Park Avenue as a "pilot project" for the concept of burying overhead utilities.
- Discussion is requested on this as the street representatives would like to see if work is possible to start in 2003. UPAPA is currently talking with their neighborhood about a cost figure of $1,800-$2,300 per property owner commitment to doing their estimated share (25 percent) of the cost of the relocated utilities.
- It is Staff's opinion that consideration be given to their request – however, it is hoped that it would be done in the context of evaluating the area as a whole. For discussions with the affected utility "partners," Staff views that our positioning with the utilities is better if we approach the concept as whole and not street by street.

D. <u>Department Review:</u>

The City Manager and OCMB department staff have reviewed this report.

ALTERNATIVES:

None at this time.

RECOMMENDATION:

City Council is requested to give Staff input and direction on the enclosed topics so as to return on February 27th to take action on a long term CIP strategy.

CITY COUNCIL REPORT

DATE: January 30, 2003
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: 561 Woodside Avenue - Plat Amendment
TYPE OF ITEM: Consent Agenda

SUMMARY RECOMMENDATIONS: Staff requests that the City Council conduct a public hearing, and consider public input, and approve the plat to combine all of Lots 15, 17, and 18 in Block 28 of the Park City Survey, into one lot of record, as conditioned herein.

A. PROJECT STATISTICS

Applicant:	Dan A. Smith
Location:	561 Woodside Avenue
Proposal:	Plat Amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Historic and Contemporary Residential Buildings
Date of Application:	August 29, 2001

B. BACKGROUND

On August 29, 2001, the Planning Department received a Plat Amendment application by the applicant (Dan Smith), to combine all of Lots 15, 17 and 18 in Block 28 of the Park City Survey, into a single lot. The purpose of the plat amendment at that time was to accommodate the construction of two separate single-family dwellings and one common space parking structure, to be converted into a condominium complex at a later date. On September 26, 2001, this application (along with a Conditional Use Permit for Development on Steep Slope (CUP) application for the same property) was presented to the Planning Commission for their review. Because of substantial concerns voiced at the meeting by several neighbors, the Commission continued the item to the next available meeting date in order to allow the applicant to address the numerous design and land-related issues raised. The applicant returned to the Planning Commission on November 14, 2001, with both applications (Plat and CUP) for further review, but requested that no action be taken on the plat application until specific direction was given in regard to the CUP application.

During the November 14th meeting, the Planning Commission recommended that the applicant consider modifying the proposal to consist of one (1) large single-family dwelling, rather than multiple dwellings. In addition to establishing setback requirements for the proposed irregular shaped lot, discussing height and massing impacts, and discouraging maximizing development on the property, the Commission also suggested that the applicant work with neighbors in order to address the design concerns they may have with the project. Both applications were then continued again to a date uncertain. On December 9, 2002, the applicant submitted revised drawings for the CUP application, and requested that the review of both applications resume. On January 8, 2003, the Planning Commission held a public hearing on the plat amendment application and forwarded a positive recommendation to the City Council.

C. ANALYSIS

The applicant is proposing to combine the three (3) vacant lots to create one 5,625 square foot lot. The three lots consist of a 25'x75' platted lot fronting Woodside Avenue (Lot 15); a 25'x75' platted lot directly behind Lot 15 fronting the unbuilt and arguably unplatted Norfolk Avenue right-of-way (Lot 18); and the 25'x75' platted lot to the north of Lot 17, adjacent to the unbuilt platted Sixth Street right-of-way (Lot 17).

There are no remnant lots created by this proposal. The proposed plat amendment complies with the HR-1 District regulations. This proposal does not increase the density on the lot. The proposed 50' wide rear portion of the newly created lot (fronting unbuilt Norfolk Avenue) is consistent with other lot sizes in the immediate area. After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment. However, Staff recommends that a specific condition of approval be added to the plat regarding setbacks due to the irregular shape of the lot. The required setbacks for this property consists of the following (See Exhibit D):

- 10' front yard setback (Lot 15) fronting Woodside Avenue;
- 3' side yard setback (north side of Lot 15);
- 5' side yard setback (east side of Lot 17);
- 5' front yard setback (north side of Lot 17) fronting the unbuilt Sixth Street right-of-way;

  ***the LMC allows for a reduction of the required 10' front yard setback to 5' for corner lots*
- 10' rear yard setback (west side of Lots 17 and 18) fronting unbuilt Norfolk Avenue; and
- 3' side yard setback (south side of Lots 18 and 15).

D. NOTICE

Notice of this hearing was initially sent to property owners within 300' on September 10, 2001, as part of the original Plat Amendment procedure. Numerous neighbors and adjoining property owners have telephoned Staff in objection to the proposed CUP application regarding on-parking, access, density and volumetrics. Staff relayed these comments to the applicant. The applicant states that he has had several meetings with neighbors to address their concerns. On December 19, 2002, property owners within 300 feet of the project were notified in writing again as a courtesy given the amount of time lapsed since the last public meeting on this item. The property was also properly posted and legally noticed at that time.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Engineer and City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on September 19, 2001, November 5, 2001, and again on December 17, 2002, where representatives from local utility companies and City Staff were in attendance and found the plat amendment to be in conformance with all requisite City development codes of which we are currently aware. It is anticipated that one condition of the CUP review will relate to augmented fire protection requirements due to topography.

ALTERNATIVES

A. Approval of the proposed plat amendment to combine all of Lots 15, 17 and 18 in Block 28 of the Park City Survey, into a single lot, as conditioned.

B. Deny the plat amendment and retain the original Record of Survey which would prohibit the applicant from constructing the proposed structures.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the HR-1 District. The plat amendment will not increase the density of the lot.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the three Old Town platted lots shall remain and the issue regarding lack of access to Lots 17 and 18 (if sold and developed under separate ownership) will remain.

F. RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and approve the combination of all of Lots 15, 17, and 18 in Block 28 of the Park City Survey, into a single lot based on the following:

Findings of Fact:

1. The property is located in the Historic Residential District (HR-1).

2. Each lot is an existing 25'x75' Old Town platted lot that is currently vacant.

3. Lots 17 and 18 will be physically inaccessible due to topographical & utility conditions if Lot 15 is sold and developed under separate ownership, as currently platted.

4. The amendment will combine all of Lots 15, 17, and 18 into a single lot to allow for future development to the property. No remnant lots are created.

5. The plat amendment will not increase density on the lot.

6. The proposed lot will consist of approximately 5,625 square feet.

7. The maximum building footprint permitted for the proposed lot is 2,053 square feet.

8. Each of the existing lots contain a slope of 30% or greater.

9. The neighborhood is characterized by a mix of historic and non-historic dwellings.

10. Several neighbors and adjoining property owners have contacted Staff via telephone to express their opposition of the development density proposed for the newly created lot.

11. Woodside Avenue is a congested and heavily used street. Parking, snow storage, and construction staging is problematic in this neighborhood.

12. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on January 8, 2003.

Conclusions of Law:

1. There is good cause for the amendment.

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

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. Design of the proposed single-family dwelling (as submitted concurrently under the CUP/Development on a Steep Slope application for this property by the applicant), requires approval by the Planning Commission prior to the issuance of any building permits.

3. Design of the proposed single-family dwelling (as submitted concurrently under the CUP/Development on a Steep Slope application for this property by the applicant), requires approval by the Historic District Commission for compliance with the Historic District Design Guidelines prior to the issuance of any building permits.

4. A note shall be added to the plat stating all setback requirements for the newly created lot as stipulated by the LMC, as well as any modifications to those stipulations as determined by the Planning Commission.

5. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of the single-family dwellings or the detached parking/common

area structure.

6. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the Sixth Street right-of-way without prior approval of the City Engineer.

7. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).

8. This approval shall expire one year from the date of approval, unless this Plat Amendment is recorded prior to that date.

Exhibits
Exhibit A - Location Map
Exhibit B - Existing Plat
Exhibit C - Proposed Plat Amendment
Exhibit D - Standard Conditions of Approval
Exhibit E - Planning Commission Meeting Minutes (dated 11/14/01)
Exhibit F - Proposed Setbacks Illustration

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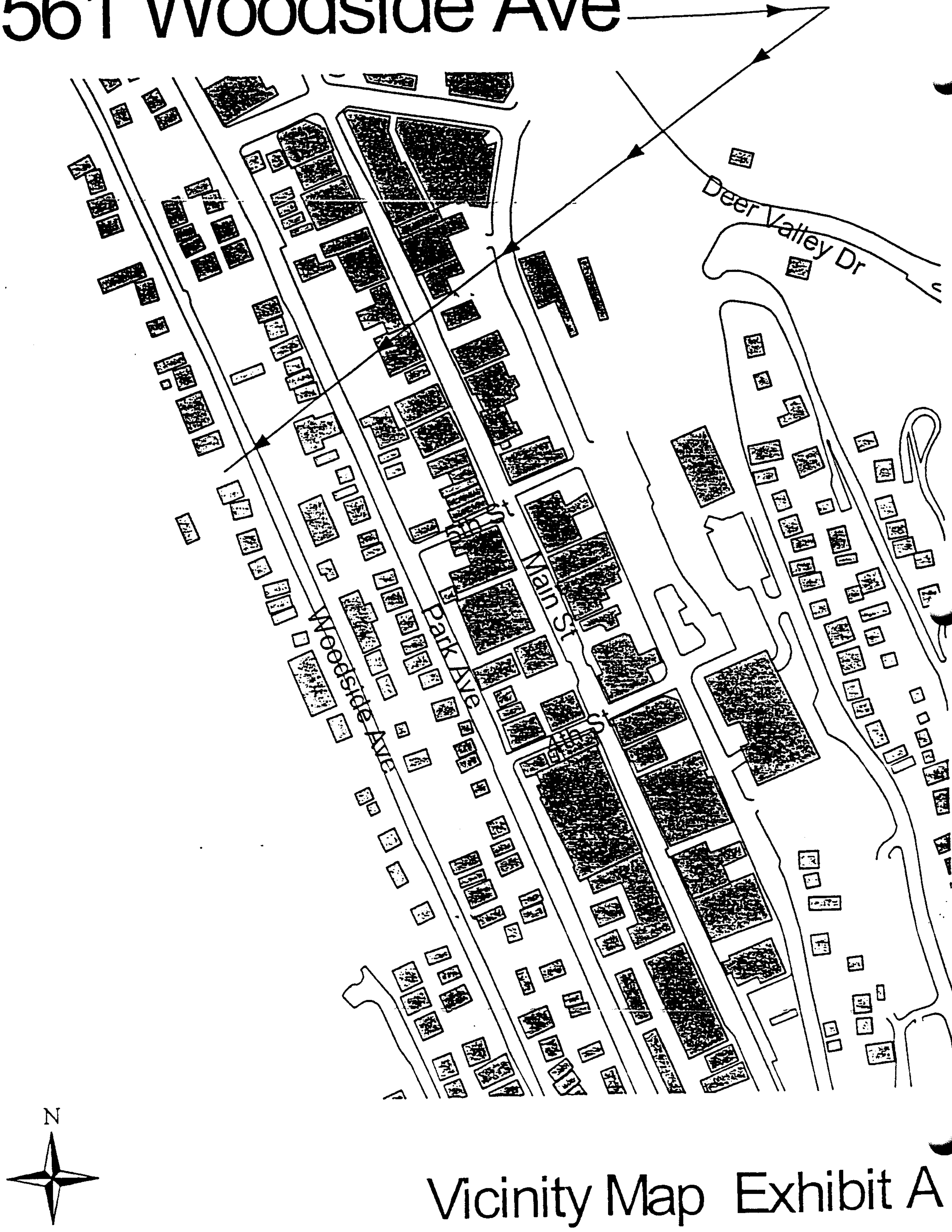
561 Woodside Ave



Vicinity Map Exhibit A

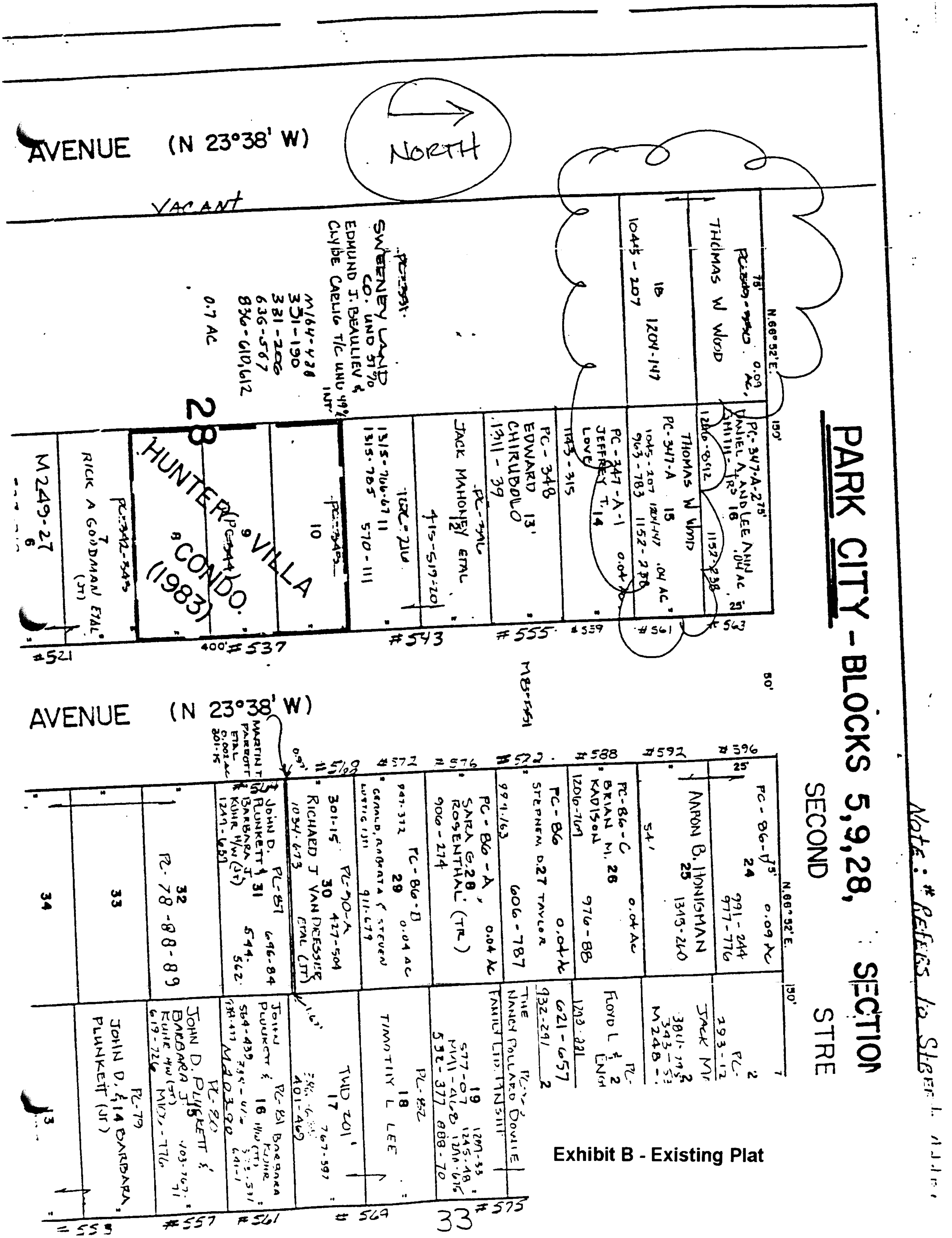


Exhibit B - Existing Plat

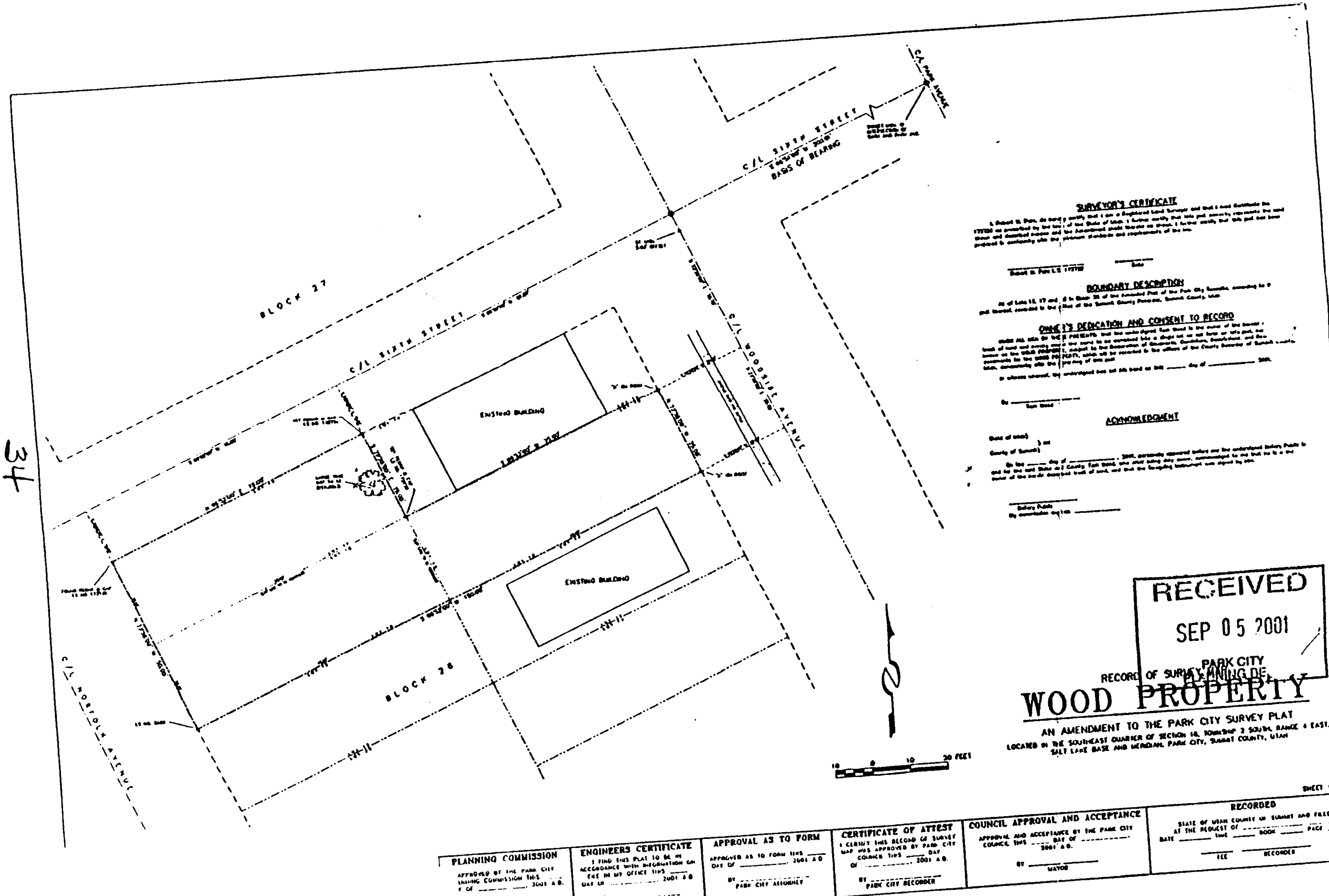


Exhibit C - Proposed Plat Amendment

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

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

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

3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.

5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.

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

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the <u>Land Management Code</u>, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

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

13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

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

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

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the <u>Land Management Code</u>, or upon termination of the permit.

17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

V. CONSENT AGENDA

1. 561 Woodside Avenue - Steep Slope Conditional Use Permit

Chair Hier requested that this item be removed from the Consent Agenda and included under New Business to be discussed in conjunction with the Plat Amendment for 561 Woodside Avenue.

MOTION: Commissioner Volkman moved to REMOVE this item from the Consent Agenda. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

VI. OLD BUSINESS

1. 7101 Silver Lake Drive. North Silver Lake Subdivision Lot 2B

The Planning Commission discussed this item during work session.

Planner LoPiccolo reviewed the request to construct 54 residential units as well as 14,535 square feet of commercial space located at 7701 Silver Lake Drive on Lot 2B. The project is located within the North Silver Lake subdivision and is the last lot to be developed within the North Silver Lake area.

Planner LoPiccolo noted that the Planning Commission reviewed this application on September 12 and October 10. Concerns at that time were setbacks, fire mitigation, site location on steep slopes, parking, and total unit counts. As of October 10 the applicants made revisions to bring all buildings into compliance with the setbacks. eliminated tandem parking, received an approval from the fire department on the site plan, submitted a revised utility plan removing all water lines from the ski run and relocated the sewer line to the edge of the run. Following the October 10 meeting, the applicants transferred detached unit #9 to the main lodge, extended the existing driveway past detached unit #5, shifted detached unit #6 closer to unit #5, and eliminated a portion of the funicular track. They have reduced unit sizes from 4500 square feet to approximately 3500 square feet, reduced the overall square footage of the lodge to approximately 80,000 square feet, and reduced the pool and spa size.

Planner LoPiccolo stated that the site design shows the condominiums sharing the same building footprint consisting of 46 units. The perimeter of the site includes eight detached units. The project is accessed from Silver Lake Drive utilizing an underground parking system for the condominiums and a private driveway for the remaining cottages.

The Staff report includes criteria for an MPD. In this case they are paralleling the MPD with the Sensitive Lands Ordinance. Staff requests that the Planning Commission determine whether the

Exhibit E - Planning Commission Meeting Minutes (dated 11/14/01)

being used for. Vern Greco, representing Park City Mountain Resort replied that it is currently skier parking that is totally underutilized. Depending on what alternative they pursue for employee housing may mean a slightly different solution for some of the employee parking. Commissioner Larson stated that most of his comments on the parking and traffic management plan are made in an effort to raise awareness of issues that will be addressed at a later time.

Commissioner Larson commented on the construction mitigation plan and referred to page 5 of the Jacobsen Report. A comment on the water line upgrade on Three Kings Drive says that "driveways are to be kept functional during off shift hours". He believes a shift is 7:00 a.m. to 9:00 p.m. which is not a lot of operational use. Commissioner Larson commented on the utility shut downs as Lowell Avenue is vacated or constructed and felt they should make a concerted effort to work with the City and the neighbors to make sure everyone is noticed. Commissioner Larson referred to page 6 of the report, control of dust and mud, and felt that a wash station to clean off wheels of vehicles should be required. He referred to page 7, grading and excavation, and suggested that this be conditioned so all excavation will be reused on site. Commissioner Larson felt the temporary lighting plan should be approved by the Community Development Department and should be a condition of approval.

Referring to the conditions of approval, Commissioner Larson felt that Condition #5 is the most important condition in this process because it addresses what they will do if the parking garage in the first phase is not completed in time for the 2003 ski season. He requested that the language be beefed up to clearly address the skier parking in the winter time. Commenting on condition #22, Commissioner Larson suggested adding language that the applicant and the legacy portion of PCMR could agree to that might name some of the players in the Master Owner's Association. This would give the surrounding neighbors a higher level of comfort that they will be included in this process.

Commissioner Powers asked about the total radius of the roundabout. He was told that the diameter as shown is 144'. There is an 80' diameter island in the middle and a 5' driveable curb that trucks could possibly use and a 27' roadway. Commissioner Powers stated that he has been told by truck manufacturers that 105' feet is a necessary turning radius. He is comfortable that 144' is adequate.

Commissioner Larson requested that this item be continued to allow time for the Staff to revise the conditions of approval and incorporate their comments. He preferred to review the revisions in written form before taking action.

4. 561 Woodside Avenue - Plan Amendment and Steep Slope Conditional Use Permit

Planner Derek Satchell stated that this item involves two applications. The first is a conditional use permit for development on a steep slope at 561 Woodside Avenue. This was scheduled as a Consent Agenda item this evening and the Staff and applicant requested that it be moved to the regular agenda for discussion and design direction. In addition to this conditional use permit, there is also a plat amendment application for review this evening.

Planner Satchell remarked that the plat amendment is for the combination of Lots 15, 17, and 18 in Block 28 of the Park City Survey, currently known as 561 Woodside Avenue. All three Old Town platted lots, which are 25' x 75', are vacant and because of the existing slope any development would trigger the steep slope conditional use permit application. The Staff has reviewed the plat amendment application and finds that the request complies with the provisions of the Land Management Code. The Staff has drafted findings of fact, conclusions of law, and conditions of approval for the lot combination. However, the applicant has requested that no action be taken on the plat amendment this evening until specific direction is given regarding the conditional use permit application.

Planner Satchell noted that the current conditional use permit application calls for the construction of two single family residences and one common space/parking structure on the combined three platted Old Town lots having a slope of 30% or greater. The Staff has reviewed the application and finds that the project currently does not satisfy or comply with the maximum building footprint required by code. The applicant is aware of this and has met with the Staff on numerous occasions. The applicant still wishes to proceed and would like the application presented this evening for design direction regarding the overall concept.

Planner Satchell remarked that the applicant has met on numerous occasion with neighbors regarding the project. Letters from adjoining property owners are contained in the Staff report. These include letters from Jeff Love, Richard and Jill Scheinberg, and John Stafsholt. Planner Satchell noted that all of the issues of concern identified in Jeff Love's letter as well as most of the items listed in John Stafsholt's letter are addressed in the Staff report. The Staff is aware of these issues and have spoken with several of these neighbors via telephone to explain how this project does and does not comply with the Land Management Code. Planner Satchell reiterated that the applicant is seeking only design direction at this time.

Dan Smith, the applicant, provided information on the situation to date. He and his wife fixed up a house on Lot 16 a while ago. The other lots were for sale and they put Lot 17 under contract. They are in discussions with Eric DeHaan about access to that lot because it is on the corner of the Sixth Street right-of-way. Mr. DeHaan preferred not to go that direction if possible and requested that Mr. Smith access the lot through Lot 15. After some time, he decide to move forward with that suggestion. Since the lots are all platted and buildable, they decided to put together a plan for two houses. After further discussion, he was told that because of the parking issue it would be easier to call these houses condos. He would then have a garage out in front for the parking area. Mr. Smith noted that he spoke with Jeff Love and other neighbors before putting together the plans and there were concerns raised about mitigating impacts. Mr. Smith stated that he addressed Mr. Love's concern and had mitigation measures built into the plan. He continues to meet with the Staff and Eric DeHaan and has had CC&R's put together towards this suggested direction. Once the plans were put together the neighbors did not like the plan. Some of the issues were as minor as the footprint which is apparently oversized. On the front lot they have a two car garage coming in with two parking spots outside each one. The area above that was a game room that was put in to make it look more like a normal streetscape. After more discussion with Staff, Mr. Smith believes it would be better to move that garage closer to the house so there are no setback issues, eliminate the top unit altogether, and have access going to the houses another way. Mr. Smith commented on smaller issues that he was confident could be fixed. There are serious concerns and parking is a major issue. They are accessing two unit in back and by having the parking spaces there, doubles the impacts of noise and movement for the neighbors.

Mr. Smith stated that some of his neighbors are concerned that he has rentals. He tries to take good care of his rentals as well as his renters and any parking issues. Mr. Smith believes that having a rental worsens the problem. They have put a lot of money into this plan and they do not want to fight their neighbors. Mr. Smith remarked that he is trying to look at other alternatives to find options that make sense. At this point. one of the alternatives is to go back to the Sixth Street right-of-way, much like what was done at Fifth Street. There are ways to make it so people can ski down close and get off and on to the stairway. Mr. Smith stated that a stairway is planned for the Sweeney master plan that goes against the mountain behind him but he is unsure when that stairway will take place. Pat Sweeney is comfortable with the idea of the Sixth Street right-of-way but he is concerned about the other neighbors who would be involved. Mr. Smith outlined a number of options for making the Sixth Street right-of-way work and requested input from the Planning Commission.

Mr. Smith remarked that he is willing to look at a larger single house on those lots rather than two smaller houses and would like to hear from the Planning Commission on this alternative.

Chair Hier opened the public hearing.

Peter Barnes remarked that he has no personal interest in this matter but he was asked to give an opinion on the Land Management Code interpretation. Mr. Barnes stated that he was at the last meeting when this item was discussed and he believes that the Staff report at that time was much more encouraging to the applicant than the current Staff report. Mr. Barnes noted that the three things to check on an application is whether it is an allowable use, whether it meets the parking requirements, and whether it meets the height limit, the floor area, and the setbacks. He believes it is an allowable use but it does not meet the height limit, the setbacks or the floor area, and the parking doesn't work. Mr. Barnes does not understand why they are wasting everyone's time because this project does not work. In response to the applicant, Mr. Barnes recommends that he double the single building to the back of the lot and access the lot where he proposes to build a double garage. This can be easily done and it will resolve all the issues and at the same time obey all of the Land Management Code.

Jeff Love, a resident at 559 Woodside Avenue agreed with Peter Barnes. He thanked the Commissioners who took the time to visit the property today to better understand what is being proposed. Mr. Love was perplexed as to why this proposal even got as far as the Staff because it exceeds the Land Management Code footprint by 300 feet. That, in itself, should reject the plan and send it back to the architect for a redesign that meets the LMC. Mr. Love had reservations on the setbacks established by the Planning Department. If you look at the Land Management Code, a lot the size of the three lots combined equates to 5625 square feet. The Land Management Code states that, "a building pad authorized for a lot that size is 3135 square feet". If you apply the setbacks that the Planning Department thinks is appropriate for this lot, it comes up to 3865 square feet. The building pad exceeds what is authorized by the Land Management Code by 730 square feet. Mr. Love believes this is another issue that should be addressed. The Land Management Code says that for lots over 100 feet the minimum front setback is fifteen feet with a total of 30 feet total for the front and back setbacks. Mr. Love noted that the Staff report shows ten feet and ten feet which is inaccurate. Another discrepancy in the Staff report addresses the plat amendment. The matrix shows that a side yard setback for Lot 18 is five feet. The next page indicates a 3 foot side yard setback for Lots 15 and 18. Mr. Love believes that the setbacks are way off in this project and the first thing Mr. Smith needs to do is find out what he can build and the size. Mr. Love understood the application for a conditional use permit on a steep slope but the Land Management Code states that permitted uses are single family houses. Conditional uses are duplex dwellings and other multi-family structures. In his opinion, two single family houses on one parcel of land is either a condominium or duplex which is never addressed in the Staff report. Mr. Love again referred to the Land Management Code regarding common parking structures as a conditional use. The Smith's are proposing a common parking structure but it is never addressed in the Staff report as a conditional use. Mr. Love was confused as to why this proposal has reached this point without being rejected. He considers Dan and Leann Smith his friends and it is disappointing that he has to stand up and speak against their project. The Planning Department should have stopped this long ago.

Dick Walter, an adjacent property owner on the north side, stated that he reviewed Mr. Smith's plans as presented and found that there were some problems. He agrees that maybe it should not have gone this far but he heard Mr. Smith say that he is willing to work with everyone to resolve the issues. Mr. Walters wanted the Planning Commission to know that he does have concerns but he believes most of the issues can be resolved.

Aaron Hideman, a property owner directly across the street, agreed with the comments expressed by Jeff Love. Mr. Hideman remarked that the parking situation is already very difficult with the number of nightly rentals. In his opinion, two more structures with four bedrooms each will not be passable on Woodside in the winter time, let alone any other time. The code issue has been addressed but it becomes a mini-hotel. The current structure that Mr. Smith has now is also a nightly rental. Mr. Hideman pointed out that there are at least twelve bedrooms with the option of loading up other living spaces with more, resulting in possibly 30 or 40 people accessing these houses through two entry points. Parking is hard right now with the current nightly rentals and this proposal will take away another parking space. Mr. Hideman believes this is the worst possible use of this property. This is his primary home so he sees what goes on and the impacts should be addressed above and beyond the code issues. Mr. Hideman stated that the Smith's have been very helpful and have involved the neighbors in every step of the way. Like Mr. Walters, he hopes for an opportunity to resolve the situation but the fact remains that they are loading up a lot of people into a small area with a lot of traffic coming and going.

Jill Scheinberg, a resident at 627 Woodside Avenue, stated that she has met with Dan and Leann and believes they are open to suggestions. She agreed with Peter Barnes that the first staff report led the Smiths to believe that what they were doing would be OK. This is unfortunate because the project is not a good fit for where it is. They just came through an election campaign where everyone talked about the jewel called Old Town. Old Town is rejuvenating and that is exciting but projects like this will not help. Mrs. Scheinberg felt they could look at the project as possibly tweakable and if they really work hard they could work it out, but the bottom line is that it is not a good use. She believes they should work together to come up with a good use. She thinks that is what Dan is asking for but the Planning Commission might not be the right body to say it to. It should have happened at Planning.

Richard Scheinberg remarked that from an Old Town perspective, this project opens up a significant issue from a planning perspective which is houses behind houses. While there may be some historical precedence for it, do they really want to move forward and access brand new dwelling homes through dwelling homes without street frontage. This may be something deserving of broader consideration by the planners that happens to come up in the context of this project. Mr. Scheinberg does not believe this project is a good idea. It has people walking through buildings to get to a supposedly resident building and there is a lot of shared parking which leads to a lot of conflict. Mr. Scheinberg echoed previous comments regarding the inadequate parking.

Jim Christensen spoke in favor of the project. As long as it meets the height and setback restrictions he has no problem with the project. He lives across the street from the Smith's. Mr. Smith renovated an historic house which is very difficult and he did a fantastic job. Mr. Christensen knows he will do a fantastic job on this project as well. Mr. Christensen remarked that the parking is no worse than anywhere else in Old Town and he believes that Mr. Smith's preliminary plan has better parking than most of the people who are complaining. Mr. Christensen stated that as long as Mr. Smith meets the requirements of every buildable lot, he should be allowed to go ahead with his project. Mr. Christensen remarked that this project will have less density than any other house on that street. He will have two houses on three lots. Also, everybody would love it if nobody builds on the vacant lot next door or the one across the street. He is a builder and people hate him when he builds in many subdivisions. Once the steam is over and the houses are up, everybody likes them and the person who lives in them is liked by the neighbors. He believes that once Mr. Smith's houses are up, the steam will be over, the parking will be fine, and some of these people will like the project when it is complete.

Mr. Love felt that Mr. Christensen was implying that the people here tonight were the ones who complained about the houses he built and that is not the case. He asked the Planning Commission to consider the fact that Mr. Christensen is a builder and not an invested property owner.

Chair Hier closed the public hearing.

Administrator Putt responded to the comments about the Planning Department and why the project has made it this far. He explained that the Planning Department and individual planners do not have the ability to deny a plat amendment application. Only City Council can do that and before the City Council can either deny or approve, the matter has to go through a public hearing and the Planning Commission makes a recommendation. At that point the City Council considers the recommendation and takes action. Neither he nor Planner Satchell can recommend denial or refuse to take an application to a public hearing. This is something called due process and everyone is protected under the constitution.

Administrator Putt commented on the conditional use permit for construction on steep slopes and noted that the Planning Department can make a recommendation and put something on a Consent Agenda for Planning Commission approval, but the Planning Commission cannot approve it on their own issue of building permit nor can they deny that application. Again, this is a procedural due process requirement. In order to make a finding for approval or denial, the Planning Commission has to get input from the Planning Department and from the affected property owners. Input from the property owners and a final analysis of the Staff all come together to form the basis for their decision. The reason for being here tonight is to insure that the property owners are protected in their due process and that they all have a chance to express their concerns. Once those concerns are on the table and discussed, a decision can be made. Administrator Putt stated that he was not present when the Smith's met with the neighbors but he was present when the Smith's met with the Staff and he is sure they will attest that the Staff has not been easy on them through this process. Administrator Putt stated that he has spoken with many of the people here tonight regarding their concerns and he is confident that they have met the commitment of having those same people express their concerns before the Planning Commission.

Administrator Putt clarified that a decision can only be made once the process is completed. He explained that there are two things going on. One is a steep slope conditional use permit on which they are not making a recommendation this evening. The second is a plat amendment application that has findings of fact, conclusions of law, and conditions of approval for possible action. The Staff's recommendation to the Planning Commission is that it is favorable to take three developable lots and turn them into one developable lot. This is done consistently and is based on trying to get larger lot areas in Old Town that yield more functional building footprints and larger houses. Whether or not to build one structure or two is an issue still being discussed. The Staff is very concerned with the amount of bulk and mass and they have shared this concern with the Smith's. Administrator Putt explained that a plat amendment is simply a subdivision exercise. It does not give any entitlements to any buildings and it does not diminish any requirements for setback or height as required under the Land Management Code. It simply erases those lots and creates one lot.

Based on public input, the Staff recommends that the Planning Commission take action in the form of a recommendation to the City Council. Combining these lots into one does not mean they are approving a number of units or specifying setbacks. Administrator Putt explained that the Planning Commission would have the ability to ~~make determinations~~ on side and rear yards because this is an odd piece of property. He reiterated that no action will be taken on the conditional use permit this evening.

Commissioner Volkman asked if the Land Management Code addresses the proposed parking. Administrator Putt replied that common structures are allowed in the HR1 zone but it does require a conditional use permit.

Chair Hier had a hard time with building two dwellings on a lot combination because he does not believe that follows the code. Administrator Putt replied that the code does not preclude multiple single family structures on a common lot. It only requires enough lot area to accommodate two structures.

Commissioner Larson addressed the neighbors. He felt they raised interesting points but the real politics of the situation is that sometimes this is the best and only forum to get all the issues on the table in a due process environment. The reason for putting steep slope criteria in the Land Management Code was to force these situations to come to the Planning Commission. It makes the process more cumbersome for the applicant and the neighbors but it brings Planning Commission discretion into interpreting the Land Management Code. Commissioner Larson stated that generally the Planning Commission looks in favor on lot combinations because the lots as platted work better when combined. He believes this is true in this case, however, the key issue is what happens to a structure on the upper two lots. For that they have to look to the purpose and the letter of the section in the Land Management Code that addresses development on steep slopes. The two upper lots are in an area that will not have development around them and that puts them into the visually sensitive environment. As stated in the Land Management Code, they need to carefully mitigate the adverse effects on neighboring land improvements, etc. Commissioner Larson stated that he would have a hard time making a determination that two single structures that maximize the volumetrics meets the Land Management Code. As his final word, he read a sentence from the Land Management Code. "Low profile buildings that orient with existing contours are strongly encouraged". Commissioner Larson preferred going in the direction of a single structure, whether duplex or single family, on the upper two lots that orient with the existing contours. The Planning Commission can then work with the visual analysis.

Commissioner O'Hara stated that the lot combinations should be a benefit to the City and to the applicant. The purpose has always been to encourage lot combinations without encouraging the ability to maximize development on the lots. The fact that the configuration is not three lots adjacent to each other makes this problematic. Commissioner O'Hara felt it would be poor judgment on the part of the Planning Commission to grant the maximum footprint of combining three lots because only two lots are buildable. Given the neighborhood and the steep slope criteria, Commissioner O'Hara encouraged decreasing the height for visual sensitivity and increasing the setbacks to make sure they are not maximizing development on the property.

Chair Hier felt it was the consensus of the Planning Commission that a single dwelling with access through the single lot is the best configuration but it must meet all the code requirements.

Mr. Smith asked for direction and input on the Sixth Street right-of-way. Commissioner Larson replied that the Planning Commission can only address active applications and Mr. Smith would have to submit an application for using Sixth Street.

Administrator Putt recommended that the Planning Commission continue both applications to a date uncertain to allow the applicant time to explore his options.

MOTION: Commissioner Larson moved to CONTINUE this item to a date uncertain. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

VII. NEW BUSINESS

1. 1500 Park Avenue, 7-11 - Conditional Use Permit for Telecommunications Antenna

Ray Milliner introduced Manja Jungnickel, a planning intern from Germany.

Planner Jungnickel reviewed the conditional use permit for a temporary telecommunications facility for the Olympics at 1500 Park Avenue, the 7-11 store. The property is located in the HRM zone and complies with the requirements of the Land Management Code. The telecommunications facility will remain no longer than March 31, 2002. However, the owners requests that the six foot wood fence housing the telecommunication equipment remain as storage for the store. The conditions of approval would be modified to address this request.

The Staff recommends that the Planning Commission conduct a public hearing and approve the conditional use permit.

Chair Hier opened the public hearing.

Kevin Dies, a consultant with Voice Stream Wireless, agreed with the conditions as written and have no problem. Mr. Dies remarked that the owner did ask if the fence could be left up. Currently he has a bunch of totes that hold sodas, milk, etc. and they are stored on the south side of the building. This will clean up the south side of the building and make it nicer looking for the Olympics. Mr.

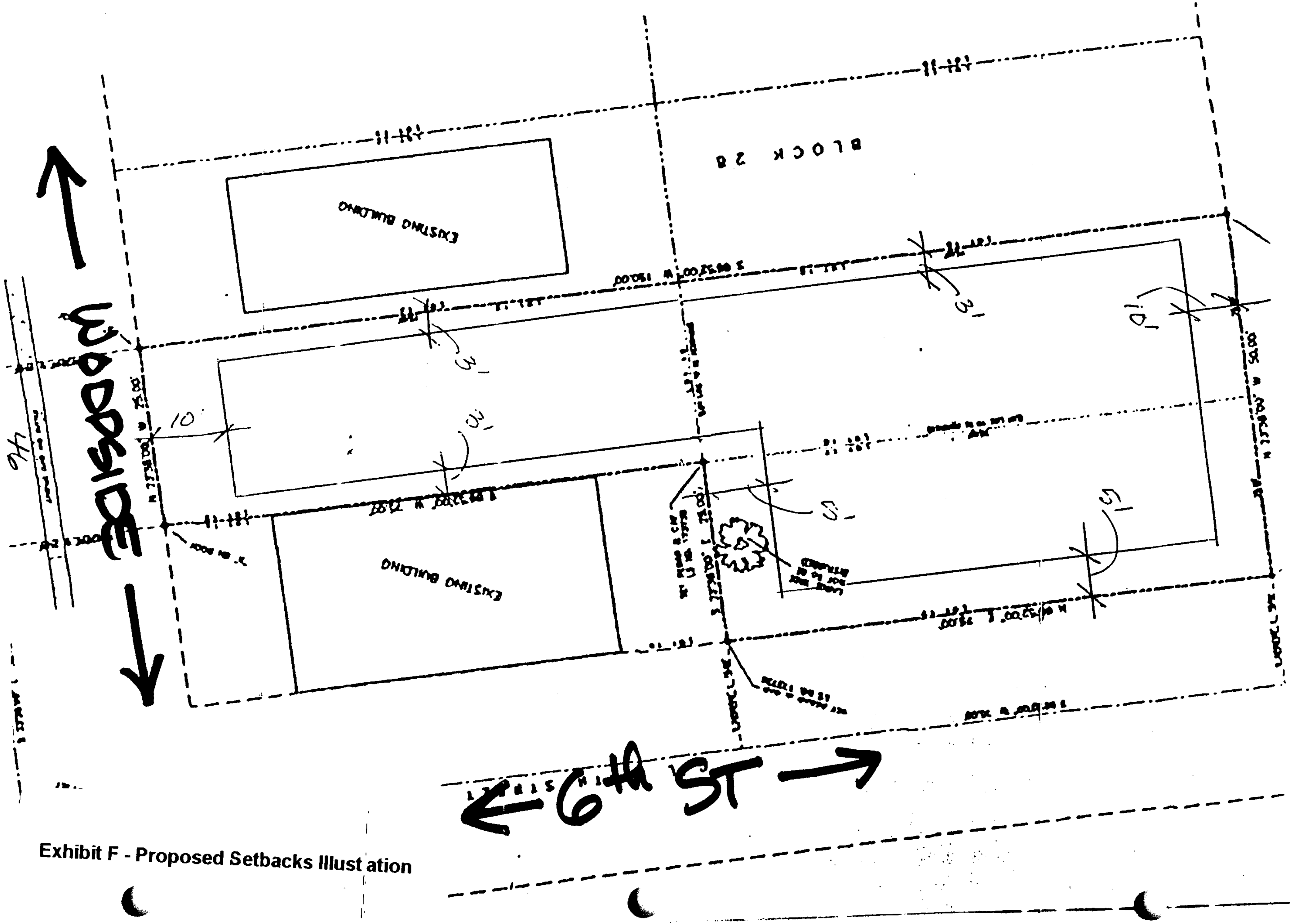


Exhibit F - Proposed Setbacks Illust ation

Ordinance No. 03-

AN ORDINANCE APPROVING 561 WOODSIDE AVENUE PLAT AMENDMENT TO COMBINE ALL OF LOTS OF LOTS 15, 17, AND 18 IN BLOCK 28 OF THE AMENDED PARK CITY SURVEY, INTO ONE LOT OF RECORD LOCATED AT 561 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lots 15, 17, and 18 in Block 28 of the Park City Survey, has petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 8, 2003, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on January 8, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 30, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential District (HR-1).
2. Each lot is an existing 25'x75' Old Town platted lot that is currently vacant.
3. Lots 17 and 18 will be physically inaccessible due to topographical & utility conditions if Lot 15 is sold and developed under separate ownership, as currently platted.
4. The amendment will combine all of Lots 15, 17, and 18 into a single lot to allow for future development to the property. No remnant lots are created.
5. The plat amendment will not increase density on the lot.
6. The proposed lot will consist of approximately 5,625 square feet.

7. The maximum building footprint permitted for the proposed lot is 2,053 square feet.

8. Each of the existing lots contain a slope of 30% or greater.

9. The neighborhood is characterized by a mix of historic and non-historic dwellings.

10. Several neighbors and adjoining property owners have contacted Staff via telephone to express their opposition of the development density proposed for the newly created lot.

11. Woodside Avenue is a congested and heavily used street. Parking, snow storage, and construction staging is problematic in this neighborhood.

12. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on January 8, 2003.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision, that neither the public nor any person will be materially injured by the proposed subdivision and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. SUBDIVISION APPROVAL. The plat amendment to combine all of Lots 15, 17, and 18 in Block 28 of the Park City Survey, known as the 561 Woodside Avenue Plat Amendment, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. Design of the proposed single-family dwelling (as submitted concurrently under the CUP/Development on a Steep Slope application for this property by the applicant), requires approval by the Planning Commission prior to the issuance of any building permits.

3. Design of the proposed single-family dwelling (as submitted concurrently under the CUP/Development on a Steep Slope application for this property by the applicant), requires approval by the Historic District Commission for compliance with the Historic District Design Guidelines prior to the issuance of any building permits.

4. ~~A note shall be added to the plat stating all setback requirements for the newly created~~ lot as stipulated by the LMC, as well as any modifications to those stipulations as determined by the Planning Commission.

5. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of the single-family dwellings or the detached parking/common area structure.

6. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the Sixth Street right-of-way without prior approval of the City Engineer.

7. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).

8. This approval shall expire one year from the date of approval, unless this Plat Amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 30th day of January, 2003.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

January 27, 2003

To: **Honorable Mayor/Members of City Council**

From: **Jan Scott**

Resolution honoring Police Officer/Military Reservists

When Dana learned about police officers enrolled in the Military Reserves, he asked Lloyd and me to draft a resolution of appreciation. Officer Eric Redd was called in October 2001, was released from active duty on January 10, 2003 and is back to work for us. Jeff Mackay was commissioned this month, and Terry Knechtel could be summoned at any time.

The Mayor and staff feel it is appropriate to recognize these individuals and recommends approval of the resolution, which will be sent to the families.

Acceptance of disclosure statements

State law requires elected officials to annually file a disclosure statement with the City Recorder and Park City complies by way of action on the agenda. The affidavits must be kept current, and Council is encouraged to promptly update information when change occurs. Staff recommends acceptance.

Resolution No.

RESOLUTION EXTENDING THE MAYOR'S AND CITY COUNCIL'S APPRECIATION OF THE PATRIOTIC COMMITMENT OF PARK CITY POLICE OFFICERS MILITARY RESERVISTS HONORED TO SERVE OUR COUNTRY

WHEREAS, it is appropriate to acknowledge Park City Officers of the past and present who proudly and willingly volunteer for military reserve service to ensure a sound national defense, to provide a strong deterrent to attacks from hostile sources, and to maintain the security of our country and free people everywhere; and

WHEREAS, we gratefully acknowledge that we live in freedom today because of the many sacrifices that have been made and are being made today, by the valiant servicemen and women in the Armed Forces and their families; and

WHEREAS, we extend continuing support of these Officers and their families in this time of uncertainty and devote our thoughts and best wishes to all military service members and their families; and

WHEREAS, the Park City community extends its hope for a prompt end to the military actions facing our nation, and a safe and speedy return of our Officers serving in the military and all U S Armed Forces members.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council urge citizens to also pay tribute to our military reservists and families, and to extend our heartfelt appreciation for their courageous service in the preservation of the heritage of freedom of our great nation.

PASSED AND ADOPTED this 30th day of January, 2003.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder