

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 16, 1995**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 16, 1995.

A G E N D A

Work Session

3:15 p.m.	Council questions and comments
3:35 p.m.	Main Street Enhancement District
3:50 p.m.	Grant assistance criteria
	Review of regular meeting
4:00 p.m.	Meeting comments/questions
4:10 p.m.	Burnis Watts appeal
4:30 p.m.	Affordable housing

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF MARCH 2, 1995

IV PUBLIC HEARING

1. Ordinance amending the Park City Survey Plat for 202 Norfolk Avenue
2. Ordinance amending the Snyders Addition Plat for 945 Norfolk Avenue
3. Ordinance amending the Park City Survey Plat for 245 Norfolk Avenue
4. Ordinance establishing a procedure of review and guidelines for actions that may involve a constitutional taking; and establishing an appeal procedure for constitutional takings

V CONSENT AGENDA

1. Ordinance amending the Park City Survey Plat for 202 Norfolk Avenue
2. Ordinance amending the Snyders Addition Plat for 945 Norfolk Avenue
3. Ordinance amending the Park City Survey Plat for 245 Norfolk Avenue

VI NEW BUSINESS

1. Resolution repealing Resolution 8-93 and adopting affordable housing guidelines and standards for Park City, Utah
2. Resolution directing staff to implement a housing action plan for Park City, Utah
3. Appeal of Historic District Commission denial on February 13, 1995 of Application for Certificate of Appropriateness for Demolition of buildings located at 664 Woodside Avenue and 703 Park Avenue - Burnish Watts

VII REPORTS FROM COMMISSIONS AND BOARDS

VIII COMMUNICATIONS FROM COUNCIL AND STAFF

IX ADJOURNMENT

3/14/95 noon

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 16, 1995**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 16, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; Rick Lewis, Community Development Director; Mark Harrington, Assistant City Attorney; Myles Rademan, Public Affairs Director; Janice Lew, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF MARCH 2, 1995

Leslie Miller pointed out that the vote on Page 2 of the Minutes regarding the banner needs to be corrected to show her negative vote and Ms. Kerr's positive vote. Ruth Gezelius, "I move approval of the Minutes with the correction so noted reversing the names Leslie Miller and Shauna Kerr on the vote". Shauna Kerr seconded. Motion carried unanimously.

IV PUBLIC HEARING

1. Ordinance amending the Park City Survey Plat for 202 Norfolk Avenue - See attached staff report. Rick Lewis explained that the owner desires to combine three historic lots into one parcel in order to build a home of 3,300 square feet, including the garage. The plans for the home have been approved by the Historic District Commission. There has been a call of opposition from Linda Morris. Mr. Lewis emphasized that these are buildable parcels and this action would reduce density. The Mayor invited questions and comments from the Council and the public.

Donald Holbrook, owner of property on Norfolk, noted that he has built a rock wall in the City's right-of-way, and requested that the wall not be disturbed for access to the new residence. Rick Lewis clarified that this issue relates to 245 Norfolk not 202 Norfolk. In any event, it is not intended that the rock wall will be disturbed. With no further comments or questions, the public hearing was closed.

2. Ordinance amending the Snyders Addition Plat for 945 Norfolk Avenue - See attached staff report. Rick Lewis explained that this is a three lot area which the applicants would like to combine into one parcel. There is an existing residence, and it is the intent to build an addition. The Historic District Commission has approved the plans for the remodel. There has been no opposition expressed. With no further comments or questions from the Council or the public, the hearing was closed.

3. Ordinance amending the Park City Survey Plat for 245 Norfolk Avenue - See attached staff report. The Community Development Director explained that the request is to combine two lots into one. Mr. Lewis noted that there were three callers concerned about the retaining wall, mentioned by Mr. Holbrook. There were also concerns about snow storage, maintenance of a shared driveway, and additional traffic and circulation. For the benefit of Leslie Miller, Mr. Lewis explained that in order to build on substandard lots, an applicant would have to go to the Board of Adjustment and prove hardship to receive approval to build two homes on the two lots.

Mr. Lewis assured Mr. Holbrook that the plans do not show disturbance of the retaining wall, and staff could include another condition specifying protection of the rock wall in the ordinance.

With no questions or comments, the public hearing was closed.

4. Ordinance establishing a procedure of review and guidelines for actions that may involve a constitutional taking; and establishing an appeal procedure for constitutional takings - Mark Harrington stated that this ordinance is mandated by the Private Property Protection Act the state legislature adopted. Therefore, the Council has no discretion not to take action. The Ordinance establishes review guidelines of constitutional takings under the 5th and 14th Amendment to the U.S. Constitution and Article 1, Section 22 of the Utah Constitution. It establishes a review procedure and codifies the existing procedure the Legal Department uses to review all City actions for constitutional takings. The Ordinance creates an additional appeals process and an appeal may be filed within 30 days of the final action by the City body; a decision must be made within 14 days. The Takings Appeal Board will be composed of the Board of Adjustment membership, pursuant to Council's suggestion in work session. If a quorum cannot convene or there is a conflict, the City Manager will serve and select two other members.

With no further comments or questions, the public hearing was closed.

V CONSENT AGENDA

Ruth Gezelius, "I move approval of Consent Agenda Items 1, 2 and 3 with the additional language added to Items 1 and 3 regarding that a condition be placed that the referenced rock wall located at Norfolk not be disturbed". Roger Harlan seconded. Motion unanimously carried. (Note: 202 Norfolk is not in the vicinity of the rock wall.)

1. Ordinance amending the Park City Survey Plat for 202 Norfolk Avenue - See public hearing.

2. Ordinance amending the Snyders Addition Plat for 945 Norfolk Avenue - See public hearing.

3. Ordinance amending the Park City Survey Plat for 245 Norfolk Avenue - See public hearing.

VI NEW BUSINESS

1. Resolution repealing Resolution 8-93 and adopting affordable housing guidelines and standards for Park City, Utah - and

2. Resolution directing staff to implement a housing action plan for Park City, Utah - See attached staff report. Myles Rademan noted that the Council reviewed the Action Plan during work session. There is a current implementation plan and definition outlined in the resolution. The Housing Plan sets the intent of the Council, recognizing that most of these elements will be coming back to Council for further discussion. Housing opportunities are not planned and staff would like to maintain the flexibility to implement Council's direction on this issue. Mr. Rademan discussed the Action Plan items individually and emphasized that the direction of the resolution is to spread the responsibility of providing affordable housing community-wide, and the City Attorney will be providing an opinion on inclusionary housing standards for MPDs, annexations, and subdivisions. Mr. Rademan pointed out that the City is already allocating about \$500,000 a year for housing in consideration of fee waivers and staff time. He emphasized the importance of engaging the public if considerable public funds are proposed for affordable housing efforts. The Mayor invited the public to comment.

Greg Nealer, resident, voiced his concern about the Olympics inflating the market and affecting rental units. He hoped that there would be some sort of solution so that people that work here don't have to live out-of-town. Mr. Nealer emphasized the

importance of implementing a plan now and discussed the percentage of the population requiring affordable housing. He felt it is more than 10% to 15%.

Tommy Youngblood, resident, read a letter written by Rich Wyman into the record. Mr. Wyman indicated the importance of diversity in the community and alleged that the draft resolutions before Council this evening have been "watered down". The wording "research" and/or "explore" have been added to several key items but he urged Council to pass the resolutions. Mr. Wyman implored Council to let the people know that this is a serious problem and that it is committed to preserving diversity.

Warren Schaller, Executive Director of ICTHOS, noted that affordable housing has to be less expensive to build and the need for flexibility in the Land Management Code is critical. He would not want to see an inadequate development, but there may be some creative possibilities for accommodating affordable housing. He added that the discussions on the 10% or 15% is academic because annexations have to be negotiated on a one-on-one basis.

The Council then individually prioritized items in the Housing Action Plan; a resolution adopting these priorities will be presented for ratification at the meeting of March 30. Leslie Miller pointed out that all of the items are important but some are more critical. The Mayor pointed out the staff time involved in accomplishing these goals and the approximate \$500,000 spent on this issue yearly. He also pointed out the \$100,000 Historic Grant Program designed to preserve housing. The Mayor reported that the City will have to look into hiring one or one and a half new staff people to handle this, which could amount to \$50,000 to \$70,000. He stated that expansion of the staff is something he takes seriously and something that Council should also consider.

Discussion ensued regarding the many language changes made in work session and a proper motion to adopt the revised draft.

Ruth Gezelius, "I move that we pass the resolution to repeal Resolution 8-93 and adopt an affordable housing guidelines and standards for Park City, Utah as outlined in the staff packet, subject to the revised conditions outlined in the work session to be ratified at the next City Council meeting." Shauna Kerr seconded. Motion carried unanimously.

Ruth Gezelius, "I further then move that the Council approve the resolution directing staff to implement a housing action plan for Park City, Utah, subject to again the staff conditions and the language revisions in the work session and"

ratification of the City Council at our next meeting. Shauna Kerr seconded. Motion unanimously carried.

The Mayor thanked the public for attending.

3. Appeal of Historic District Commission denial on February 13, 1995 of Application for Certificate of Appropriateness for Demolition of buildings located at 664 Woodside Avenue and 703 Park Avenue - Burnish Watts - Mark Harrington, Assistant City Attorney, stressed that this is a quasi-judicial process; the Council should refrain from receiving public input outside of the hearing process. The standard of review for Council is to determine if the Historic District Commission (HDC) properly applied the legal standards of the Land Management Code (LMC) to the facts of this case. The discussion should not digress into a policy debate over Park Avenue and should be based on the issues on the record. The burden of proof was on Mr. Watts to determine if he would suffer a substantial hardship as a result of the denial of the CAD application. Mr. Harrington stated that historic significance is not an issue at this time.

Planner Janice Lew explained that on February 13, the HDC denied the Watts' request for Certificate of Appropriateness (CAD) for demolition of historic structures on Park Avenue and Woodside Avenue. The HDC determined that Mr. Watts had not met his burden of providing sufficient economic hardship to justify the demolition of these structures. The decision was based on the following findings and conclusions. For 703 Park Avenue, the HDC found that the house is architecturally significant and is listed on Park City's Thematic Nomination on the National Register. The structure is well maintained and is in excellent condition and located on an 8,171 square foot lot and zoned HRC. The historic structure adds to the overall value of the property; the appraiser concluded the highest and best use is to maintain the structure. Ms. Lew continued that no information had been submitted indicating that the structure could not be moved or relocated. The building is currently occupied as a residential building and the applicant participated in the 1989 Historic District Grant Program and received funds for improvements.

Ms. Lew added that the garage is an outbuilding for 703 Park Avenue and is listed in Park City's Thematic Nomination on the National Register. The building is a good example of a commercial vernacular and maintains much of its original character; grant funds were allocated to this property in 1987 for renovation work. Again, there is no information provided that this structure can not be moved, although the highest and best use may be to demolish the structure because of the underlying commercial zoning. It currently functions as an accessory building and provides off-street parking for the residential dwelling. Based on those

findings, the HDC concluded that the 703 Park Avenue building and garage have beneficial use as a residential dwelling or for an institutional use in its present condition, or if rehabilitated. Denial of the application would not deny the owner of all reasonable use of the property. Ms. Lew continued that there is no evidence in the record to demonstrate that the structures cannot be feasibly moved or relocated.

The HDC found that the property on Woodside is listed as contributory in Park City's Historic Survey because of its vernacular style. It is located on a 2,622 square foot lot and zoned HR-1; it is in fair condition and was awarded a 1988 Historic District Grant for improvements. The structure has been used as a residential property since 1977 and the applicant has shown income from his property on his tax returns. Ms. Lew commented that the historic structure adds to the overall value of the property and the appraiser concluded that the highest and best use is for a continuation of use of the existing house. Again, no information had been submitted to demonstrate that the structure can not be feasibly moved or relocated. Based on those findings, the HDC concluded that the building can be used or rented at a reasonable rate of return in its present condition or if rehabilitated. Denial of the CAD would not deprive the owner of all reasonable use of the property and there is no evidence in the record that the structure could not be feasibly moved or relocated. The HDC also recommended that the Council use any and all means available to explore possibilities in keeping with the current zoning which would culminate in the continued use or adaptive reuse of the historic structures.

Ms. Lew stated that there has been public input from Ron Butkovich and Marianne Cone. Ms. Lew read a letter from Marianne Cone into the record urging Council to uphold the denial the CAD.

Burnis Watts, 703 Park Avenue, stated that he disagrees with a number of issues brought up by Ms. Lew. The request for demolition is based on a number of premises.

Section 4.14 of the Land Management Code states, "It is recognized that structural deterioration, economic hardship and other factors not entirely within the control of a property may result in the necessary demolition or removal of a historic building, structure or site".

That the property owner has established rights of determination as to use, value and disposition of his property.

That the influences of development impacts and use trends of the area strongly dictate appropriate uses and decisions of owners' vested rights as related to code guidelines.

That the City has an obligation to fairly assess all aspects of the issues that affect the parties, ensuring that decisions are of equal fairness.

Mr. Watts continued that these premises were not discussed or accepted at any time during the meetings he was a part of and requested on several occasions that 4.14 be applied in full. The HDC chose not to include this request and the premises were not acknowledged or used. Site verification was not accorded even though requested.

Mr. Watts noted that the trend in the HRC zone has a number of established uses, most notably the uses within the established extended Main Street section. These uses are clearly HCB in nature but within the HRC zone. It appears that this will continue. These uses go far beyond the intent of the HRC definition of a transition zone. The uses established by the Planning Commission and City Council along the east and west side of Park Avenue also reflect the same intense commercial use and projected trend. The agreements entered into with the development parties, i.e., Summit Watch, Sweeney properties, etc. are of a "grandfathered" or of a vested nature within the HRC zone. However, they are not regulated by the zone code requirements, also allowing intense commercial uses and much higher densities. Mr. Watts stated that this creates hardships and uneven treatment of properties within this contiguous area.

He continued that property owners within the zone are also vested with the established code provisions. The land values have been established by the ordinance because of the nature of the zone. Owners of property have the right of self-determination of their property within the framework of the Code.

Mr. Watts indicated that only a portion of Section 4.14 of the LMC was not used which he read earlier. Many additional impacts and hardships are alluded to although not discussed in the Code. Some are much more meaningful to the health, safety, and welfare of people than economic hardship which the Code emphasizes at length. The determination of issues related to the outcome of this hearing are far more broad-based than policy guidelines. Impacts beyond the control of the property greatly affect this application. Mr. Watts stated that site inspection and research into the development trends would have clarified this issue easily, i.e., size and scope of the development that surrounds his property are significant and overwhelming. The decision is already made by the Planning Commission and City Council of taking the option of a

residentially viable neighborhood away. The trend and the direction of land uses has been defined; action to deny his opportunity for what economic gain there might be would be punitive.

Mr. Watts continued that Mr. Pia, an appraiser, states that an economically feasible structure could easily be constructed on the subject site if it were vacant. It would probably be a retail building with residential units on the second and third levels. It would probably have underground parking; one would expect that this sort of use would result in a higher land value for the properties fronting Park Avenue. This, in and of itself, relates to economic hardship. Mr. Watts noted that Mr. Pia further states that if the site were vacant the front would be developed into an HRC high density and residential project. The rear two lots and a fraction fronting Woodside Avenue would remain in the HR-1 zone and would probably qualify for a single family dwelling lot or it may be used to accommodate off-street parking required if the HRC land use is maximized. The analysis suggests that it is questionable that the garage can be used for a commercial building. It has been demonstrated that renovations can cost three times the price of new construction. Under these conditions, the garage is of questionable value. The difficult value to determine is the value contribution of the garage building if used as a commercial property. A residual valuation was used, which places the value of the building at less than value contribution of the land as if vacant. The problem in this valuation is properly estimating the cost to renovate the garage into an acceptable, functional, commercial building. The City could impose so many constraints that the actual cost to rehabilitate the garage causes it to be worth less than nothing, and in fact to become a liability. This represents a significant estimated dollar loss resulting in economic hardship. It is apparent that gains are greater with the option of land and maximized uses for the subject properties within the applied zones.

Mr. Watts noted other hardships including business traffic; parking is not regulated or enforced; hours of operation; other conditions do not conform to approvals granted; and impacts of construction. He added that the realities are evident and pointed to the need to allow compatible activities and zone-approved development to occur. His properties are totally surrounded by intense uses and this fact is real. The future will only increase the intensity of uses and associated activities.

Mr. Watts addressed the findings of denial. The rationale to prove lack of economic hardship in the notice for denial does not reflect a basis of fact but rather opinions to reach conclusions about the properties at 664 Woodside and 703 Park Avenue.

With regard to the findings and conclusions referred to by staff, Mr. Watts discussed 664 Woodside. Item 3: "The structure is located on a 2,622 square foot lot fronting on Woodside Avenue". This is information only, not a fact related to "finding for denial". Item 4: "The property is zoned HR-1". This is information only and not a fact related to "finding for denial". Item 5: "The property is in fair condition and was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure". This is information only. Review of the agreement language with the City does not encumber the property or imply future or present commitment to the City.

Mayor Olch noted that the Council has read Mr. Watts' analysis and suggested that he summarize his report. Mr. Watts responded that his testimony relates to his welfare and well being, and respectfully requested that he be heard as that was one of the problems with the other hearing. With regard to Item 6, income as reflected in 1993 was approximately \$5,700; in 1994 it was \$6,225 for the Woodside residence, as shown in the tax returns. Based on the value of the property, this amount clearly cannot be construed as a reasonable return. If all costs of labor, on-going maintenance costs, costs due to normal "wear and tear", plus costs to replace structures were accounted for, it can be demonstrated as a non-profit situation of economic hardship. Remodeling costs to bring the house into a condition suitable to rent at today's market prices constitute a large economic hardship. The house is not suitable for that kind of change.

Mr. Watts continued that Item 9 indicates that no information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated. The house was built with no foundation except for two rooms and was built in three sections. It is poorly constructed and would be difficult and questionable to move. The value of the structure would bring into question economic rationale and it is unlikely to be relocated; a site inspection would support this.

With regard to 703 Park Avenue, Mr. Watts quoted Item 1: "The house is architecturally significant. . . listed in Park City's Thematic Nomination on the National Register". The nomination does not in and of itself transfer the rights of the property to the City or take away the property owner's rights. Item 2: "The structure is well maintained and is in excellent condition". Mr. Watts countered that it is well maintained but a misnomer that it is in excellent condition. The square footage of the building is information only, not grounds for denial. Item 4: "The property is zoned HRC"; he stated that this does not lend itself for denial information. To continue use of the house as a residential dwelling would be an economic hardship. Mr. Watts noted that again the Historic District Grant funds were allocated, but this does not

encumber the structure. The appraiser concluded the highest and best use is to maintain the structure, however, under the highest permitted densities. The house is used as a single family dwelling and does not relate to a profitable situation. Land values and HRC uses available under the current ordinance allow a greater return, which becomes an economic hardship. The house could be moved on the property, but it is also a deterrent in its present position because it does not allow for a best use of the property resulting in an economic hardship.

With regard to the 703 Park Avenue garage, Mr. Watts quoted Item 4: "No information has been submitted to demonstrate the structure cannot be feasibly moved or relocated". The structure here again is turn-of-the-century; there is no internal timbering to allow movement of the building and would not be economically feasibly to move. Had the building been inspected, it would have been abundantly clear and obvious. Item 5: "Although the highest and best use may be to demolish the structure because of the underlying commercial zoning, the structure currently functions as an accessory building and provides off-street parking for the residential dwelling". He countered that the structure's current use cannot be justified as a reasonable use. The appraiser estimates the amount of liability because of its condition at \$40,000. This certainly is an economic hardship.

In addressing the conclusions of law for all structures, Item 1: ". . . Denial of the application would not deprive the owner of all reasonable use of the property. Mr. Watts argued that this again has no written criteria and it is an opinion. In its present condition, the structure cannot be rented for enough to make a reasonable return. If the structure were to be rehabilitated, the cost to meet Code would be prohibitive. Item 2: "For 703 Park Avenue, including the garage, the building, structure, or site has beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated. . .". Mr. Watts stated that the house can be lived in, yet if the house were to be rented or rehabilitated, the cost to meet Code would be great. These uses would not generate income that could be justified in light of the HRC land values. The garage structure is and would remain an unsafe building with limited use and cannot be moved or brought into Code. It occupies an HRC land parcel valued at far too much to continue to be a liability to the adjoining lots and property. With regard to Item 3, Mr. Watts believes the analysis of the appraiser has indicated the structure cannot be feasibly moved.

Mr. Watts continued that inaction to face zone issues has resulted in a "hurry up and prevent stop gap approach". The City's reaffirmation for historical preservation has placed his HRC zoned property in an untenable situation. Using anticipated zone and

policy changes only impact further the vested rights, he believes he has as a property owner in the presently constituted HRC zone. Already stated, decisions of the governing body of the City have defined the trends, uses and direction of the zone and its development with vested agreements and approvals which have dictated the now existing zone format. This area of property is now forever changed. Mr. Watts believes it is incumbent of the City Council to step on his property and note the impacts that exist. It is not enough to surmise what it is or what it might be. Vested agreements should not be used as a process as contract zone approvals weaken decisions for viable planning. Mr. Watts stated that it is easy to hide behind the Code and use the singleness of the written word of the Code to close out negotiations of broader issues. There is a need to define directions and policy to reach needed support and law related to rationale to manage the affairs of the community. There is also a need and room for interpretation and practical application of policy and issues. Mr. Watts believes that this was not done for his request. The trust and focus of the hearings and the actions of the HDC was intended only to deny the CAD request. Solutions to resolve issues were not a part of the focus of the hearing. Negotiations were not used to understand and clarify positions and he believes that decisions were made without due notice of the date presented and the full interpretation of the Code. Mr. Watts respectfully requested action to overturn the denial. Major hardships other than economic hardships are numerous and compelling. The ordinance addresses these issues clearly. The HDC, in its hearings, did not consider his request to do so, but rather concentrated on economic hardship issues only. He should not be penalized for displaying civic pride in the maintenance of the houses and grounds. Satisfaction and personal pride are goals and motivation, and he believes that he contributed to the community in so doing. Lastly, the greatest hardship is the logistics of having to relocate. It is most difficult to leave a life style that was comfortable and with the feeling of belonging. Costs involved are important, however, no amount of monetary gain or loss can replace a home with a house. The trauma of giving up what has amounted to 30 years of living in a neighborhood and working in a community is extremely difficult to ponder.

The Mayor invited the public to comment.

Jim Steinmetz, Old Town resident, stated that years ago investors maximized investments in Old Town and residents had the same expectation. He pointed out all of the threatened building signs in the area and stated that people want out. The City has encroached on Burnis' way of life and he is the first. He complained about the many restrictions placed on historic structures and felt that the floor area ratios are too high. He felt it unfair to ask Burnis to keep his house there in consideration of the surrounding uses.

Denny Birch, business owner, noted that the angles of the garage are tremendous and if A-1 occupancy is necessary, Mr. Watts would have to gut the building and put a foundation and a new infrastructure between the walls. This is an extreme hardship for the return on the building. Moving the building would be a logistic nightmare as Mr. Birch was involved in a similar project. He stated the unlikelihood of Mr. Watts recovering his investment if he did not want to stay in Park City.

Ron Butkovich, resident, stated that Mr. Watts has known for a long time what was happening in his area. He understood that there are interested buyers who would purchase the property as is that have been disregarded. He felt that the structures should be maintained and there are other options that Mr. Watts should consider.

Mark Harrington, Assistant City Attorney, pointed out that Section 4.14 of the LMC is a policy statement and not a standard of review for economic hardship but rather an introductory section of this portion of the Code. Therefore, this was not misapplied because it was not meant to be applied at all. Each Historic District Commissioner made a site visit individually, except for Bruce Erickson. The determination was not based on the condition of the structures because they are occupied, but rather the economic analysis. A lot of the comments made by Mr. Watts were policy oriented and are very correct, unfortunately that doesn't relate to economic hardship criteria and highest and best use is not a standard for review.

The Mayor suggested that this be continued to March 30. Roger Harlan asked Mr. Watts that if Council were to overturn the HDC's denial, would he in fact tear 703 Park Avenue and the garage down. Mr. Watts responded that that depends on options forthcoming; it may be more feasible to leave a portion or demolish the total structures so that a site plan can be utilized. Shauna Kerr asked what type of Code improvements are envisioned for the house to be occupied. Mr. Watts explained that it can be used as a house today but it doesn't connote economic return. Ms. Kerr pointed out that if someone bought the house, it could be used as a residence and there would be a return.

Leslie Miller, "I move to continue this to March 30". Ruth Gezelius seconded and asked that an appropriate format for making a determination by Council be discussed at that meeting. Shauna Kerr requested that the Council visit the site prior to making a decision. Michael Watts suggested that Ron Ivie accompany the Council. Motion unanimously carried.

VII REPORTS FROM COMMISSIONS AND BOARDS

Rick Lewis reported on the Planning Commission meeting of March 15; minutes of which are available in the Planning Department.

VIII COMMUNICATIONS FROM COUNCIL AND STAFF

1. School Bond legislation - Shauna Kerr suggested Council support of assisting the School District with threatening legislation with regard to its bond issue. She hoped Governor Leavitt would not sign the bill but rather request interim committee review. Mayor Olch stated that he would follow-up through the Utah League of Cities and Towns.

2. Protected memo criteria - Leslie Miller asked the rationale for placing the Olympic referendum petition in a protected memo format, as she was faxed a similar document and assumed it is public information. Ms. Hoffman stated that she communicates with Council through protected memos which gives Council the ability to vote to disclose. The initiative language was for information purposes and the legal advice with regard to the initiative is intended to be attorney-client information. She discussed the status of the initiative language and her involvement. Ms. Miller cautioned including legal components to issues that would require them to be closed from the public when it is not essential. She appreciated some of Ms. Hoffman's legal concerns, but Ms. Miller felt that if legal attributes are attached to all issues, it qualifies them for protection which is not appropriate. Ms. Hoffman reiterated that Council may make this information public if there is a consensus, but she does not want to make that decision for Council. Ms. Hoffman clarified that a statutory reason is provided Council when a closed session is recommended. Ms. Miller felt that this should be a work session item.

IX ADJOURNMENT

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

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

Prepared by CORPORATE M. Scott



Janet M. Scott
Janet M. Scott, Deputy City Recorder

**PARK CITY COUNCIL WORK SESSION
SUMMIT COUNTY, UTAH
MARCH 16, 1995**

Present: Brad Olch, Roger Harlan, Lou Hudson, Shauna Kerr, Leslie Miller, Ruth Gezelius, Toby Ross, Jodi Hoffman, Myles Rademan, Mark Harrington

1. Council questions and comments. Lou Hudson reported that he attended the Summit County Commission meeting; centennial arrangements were the focus of the session. He felt that the County Commission is aware of the affordable housing problems.

Leslie Miller suggested that since Council is having meetings only every two weeks, and several Council members have careers, that packet material be delivered the Friday before a meeting. This would provide more time for Council members to review materials. This packet was lengthy and technical, and getting information earlier would result in more of an opportunity to be prepared in communicating with the public. Shauna Kerr suggested getting back on a weekly schedule. Ruth Gezelius pointed out that this is an unusually large packet, but much of the material was already included in information distributed to Council like the minutes from other agencies. She felt it important to schedule time to review packets and if there is some information that could be delivered earlier, that could be a compromise. Ms. Miller stated that she wants a procedure that is manageable for everyone and felt it beneficial if constituents could discuss items on the agenda other than during the work week. Assistant City Attorney Harrington pointed out that action on the appeal is recommended for the next Council meeting and Burnis Watts did not submit his analysis until Monday. He felt that Council wouldn't want this information any sooner because this is an appeal and the Council would be acting as an appellate body. It is improper to discuss the material outside the venue of the meetings. Mr. Harrington added that the volume is warranted because Council needs to be provided everything on the record, and it was hoped that two weeks would be adequate time to review.

Leslie Miller asked if there was Council representation at the National League of Cities conference in Washington, D. C., if that was paid for by the education budget, and what meeting this was discussed at. Mayor Olch responded that he went to the conference and referred to a meeting where Council discussed the education budget and policy. Ms. Miller felt that this is an appropriate expenditure of funds but that there should be full discussion of the representation and that everyone be included. The Mayor responded that this conference was never discussed but the NLC gave every Council member the same notice and if anyone wanted to go they could and he would encourage Council to attend conferences. Ms. Miller noted that she doesn't know the budget for travel and if enough was left to send her on a conference if she so desired.

Ms. Miller suggested that there be continued discussion on the banner location. She referred to a suggestion from the HDC that relocation of the banner would be more appropriate as Park Avenue is becoming more residential and with the recently approved banner ordinance, the banners are more commercially, governmental, and resort oriented. Toby Ross responded that the amendment preserved the intent of the banner and only added additional criteria, but alternative

locations could be explored. Ms. Miller reminded staff to consider increasing meeting stipends for boards and commissions and to prepare information for providing an insurance package for discussion during the budget review.

Ruth Gezelius reminded Council to attend Don Putnam's retirement party. She relayed the parking problems with St. Mary's services and access for emergency vehicles. Shauna Kerr discussed the new blue information signs and welcomed the new Jewish Center Organization. Clean-up Day in Park City was discussed.

2. Main Street Enhancement District. Myles Rademan informed Council that a survey was performed for Main Street businesses and through a slide show, illustrated the results of that survey and other information, included in the meeting packets. Mr. Rademan asked Council for direction on this project. Roger Harlan stated that he has received calls in support of the Enhancement District and would like the project to move ahead. Lou Hudson suggested that the City do a demonstration project. He didn't feel that the City should provide the plants and maintain them. Myles Rademan explained that the improvements would only be on public property and it was never anticipated that the business owners would maintain the plants. It is hoped, however, that private businesses would do more on their own.

Leslie Miller requested a scope on the project. She felt it important that this is a shared responsibility with the merchants. If this project would get residents back on Main Street, she could support it. She asked that the Parks and Recreation Board be involved and staff responded that the proposal was presented. Ms. Miller referred to the agreement with the Arts Council for the purchase of film equipment and felt that there should be a similar arrangement with the merchants. Ruth Gezelius indicated that she is in favor of this project as it is the community's commercial core. She stated that the City currently is not doing as good a job as it could in maintaining Main Street and would like the City to make a commitment as well. She preferred to do more than a demonstration project. Shauna Kerr stated that she received several calls from merchants indicating their commitment. She supports the public/private partnership concept and the tax on the business license fees; discussion ensued about collecting fees for 1995. The City Manager explained that there could be sample plantings and locations, but the total affect could not be achieved. Ruth Gezelius suggested that there be discussion about the appropriateness of pets on Main Street. Myles Rademan noted that a public hearing could be held about all of these issues. Ms. Gezelius suggested setting a time that would be accommodating for business owners.

Kathy Sturgis, White Pine Touring, felt that the business license surcharge is a good way to collect. She didn't feel a demonstration project would be effective. Bruce Margolius stated that this should not take precedence over the parking problems on Main Street.

3. Grant application criteria. Roger Harlan suggested that if there was an application outside of the budget cycle, that the applicant provide an explanation for the urgency for funding.

Leslie Miller pointed out that loans are different than grants. Realistically, Ms. Kerr noted that loans to non-profits are like grants because the City has no recourse in the event of default. Discussion ensued regarding this issue; the Mayor suggested that there be a loan section on the application. Ms. Miller felt that salary assistance grants should not be a lower priority than funding programs. Discussion ensued regarding this and it was decided to strike that language.

3. Review of regular meeting. See regular meeting minutes.

Prepared by Janet M. Scott

MEETING RECOMMENDATIONS



COUNCIL AGENDA REPORT

DATE: March 13, 1995
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Plat Amendment to Lots 30, 31, and 32, Block 31 - Millsite
Reservation to Park City Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the ordinance amending the plat at 202 Norfolk Avenue, Lots 30, 31 and 32, Block 31, Park City Survey in order to re-subdivide the property to accommodate a new building pad configuration.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Robert L. Shuman
Proposal:	Plat amendment at Lots 30, 31, and 32
Zoning:	Historic Residential 1 - HR1
Adjacent Land Uses:	Residential
Date of Application:	February 10, 1995
Project Planner:	Megan B. Ryan
Staff Recommendation:	Approve with condition

B. Background.

The applicant Robert Shuman owns three vacant 25 x 75 foot lots on Norfolk Avenue in Old Town. Mr Shuman is requesting a plat amendment that would incorporate the three lots into one parcel. Please See Exhibit A and B.

A historic single family structure existed on the site and was demolished in 1994. The Shumans will construct a new Single Family home on the site as approved by the Historic District Commission on February 13, 1995.

Property owners within 300' and within the affected plat, Millsite Reservation to Park City Survey, were noticed on this project. Several calls of inquiry have been recieved with only one formal letter of opposition noted. Please see Exhibit C - memo re phone call from Linda Morse. Staff spoke with Ms. Morse and explained that one single family structure would create less parking and density impacts than three separate structures. Ms. Morse disagrees with Staff's position and opposes the lot line adjustment.

C. Analysis

The Shumans currently would be allowed to construct three separate structures on Lots 30, 31 and 32. With the proposed lot line adjustment the Shuman's will create one large parcel. The Shumans have proposed to construct a single family structure on the newly configured lot. The Historic District Commission reviewed and approved the design for the residence of approximately 3,300 square feet (including garage) at their meeting of February 13, 1995.

Findings:

Staff supports the construct of one single family residence on the site and supports the lot line adjustment. If a single family structure is constructed on the site, the density will be significantly less than three separate structures. Parking impacts and infrastructure impacts would also be significantly less from one single family home than three dwelling units.

It should be noted however that although the Shumans are proposing a single family structure the lot combination would create a large enough parcel to allow for the development of a duplex and even a triplex at some future time. The impacts of a duplex on the site would not neccesarly be compatible with the adjacent residential structures.

Conclusions of Law:

1. There is good cause for the amendment as the reconfiguration will allow for the development of one structure instead of three and;
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review.

The Community Development Department and City Attorney's Office has reviewed this project.

ALTERNATIVES

- A. Deny the amendment to the Park City Survey plat thereby retaining the present three lot building pad configuration.
- B. Approve the amendment to the Park City Survey plat thereby allowing for the reconfiguration of Lots 30, 31 and 32.
- C. Continue the item and request further evaluation and recommendations from Staff.

SIGNIFICANT IMPACTS:

The proposed reconfiguration of will result in an alternative building configuration on Lot 30, 31 and 32. Three separate building pads will be configured into one pad that will allow the applicant to construct a single family house or a duplex on the site. This reconfiguration into a larger lot provides the opportunity for the construction of larger houses, duplexes and triplexes.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendment as proposed the applicant will retain the right to construct three smaller separate buildings on the originally approved and platted lots.

RECOMMENDATION:

The staff recommends that the Council select Alternative B, and approve the proposed plat amendment subject to the following condition:

1. **Prior to plat recordation, the City Attorney, and City Engineer shall have reviewed and approved the final plat.**

EXHIBITS

EXHIBIT A - LOCATION MAP

EXHIBIT B - PROPOSED PLAT AMENDMENT

EXHIBIT C- LETTER OF OPPOSITION 3/8/95

**AN ORDINANCE APPROVING THE AMENDMENT TO THE SNYDERS ADDITION
TO PARK CITY REGARDING 945 NORFOLK AVENUE
PARK CITY, UTAH**

WHEREAS, the owners of property indicated above, Bryan and Katherine Gardener, petitioned the City Council for approval of the amendment to Snyders Addition to Park City; and

WHEREAS, proper notice was sent and the City Council conducted a public hearing on March 16, 1995 to receive testimony on the proposed plat amendment; and

WHEREAS, the plat is consistent with the Land Management Code and subdivision ordinance; and

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

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

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

SECTION 2. PLAT APPROVAL. The amendment of the Snyders Addition to Park City of 945 Norfolk Avenue is approved as shown on the attached Exhibit A with the following conditions:

1. All Standard Project Conditions shall apply.
2. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective immediately.

PASSED AND ADOPTED this 16th day of March, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

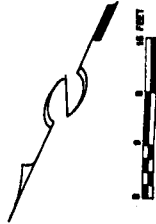
Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

43



1. The street address of the business building is 222 North 2nd Avenue.
2. © - Section 111, 2nd and 3rd stories otherwise listed.

I, John Dehewitz, certify that I am a Registered Land Surveyor and that I have certified my claims, as prescribed by the laws of the State of Utah. I further certify that by industry of the owner I have made a survey of said tract or claim on this date and described same and have re-platted said tract or land to the heretofore known as the WILSON PASTURE, and that same has been correctly surveyed and added to the ground so shown on this plat.

ALL of LOTS 22, 23, & 24 BEING IN SELLING MEMBERSHIP TO FARM CTR., MEMBERSHIP IN THE OFFICIAL PLAN CARRIED ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER. SELLER ADVISES THAT:

them all can be done against the 1955-56 season, the correspondence of the survey near the front of land to be taken in 1956 at the 1955-56 season, namely that I have accepted this survey to be the one and this record of survey can be prepared. 1955-56 season largely accounts to the preparation of this record of survey map.

Date of _____ : m.
County of _____
In this _____ day of _____,
_____ Investigator Henry Pabst is
personally known, acquainted by sight
and name, and has signed him as
being regularly.

Henry Pabst

A LOT LINE RE-PLATTING
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

ALLIANCE ENGINEERING INC. P.O. BOX 1064 PALM CITY, FLORIDA 32909 (407) 848-1447		ENGINEERS CERTIFICATE I have this PLAN to be an ACCOMPANION to the FILE on MY OFFICE MAPS DATED OF 1995 A.D. BY PALM CITY ATTORNEY		APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF 1995 A.D. BY PALM CITY ATTORNEY		CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PALM CITY COUNCIL THIS 1995 A.D. OF		COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PALM CITY COUNCIL THIS 1995 A.D. BY MAYOR		RECORDED STATE OF FLORIDA COUNTY OF SUMMIT AND FIELD AT THE REQUEST OF DATE THIS TIME BOOK PAGE RECORDER		PAGE	
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PARK CITY ZONING MAP

EXHIBIT B - LOCATION MAP

ROS

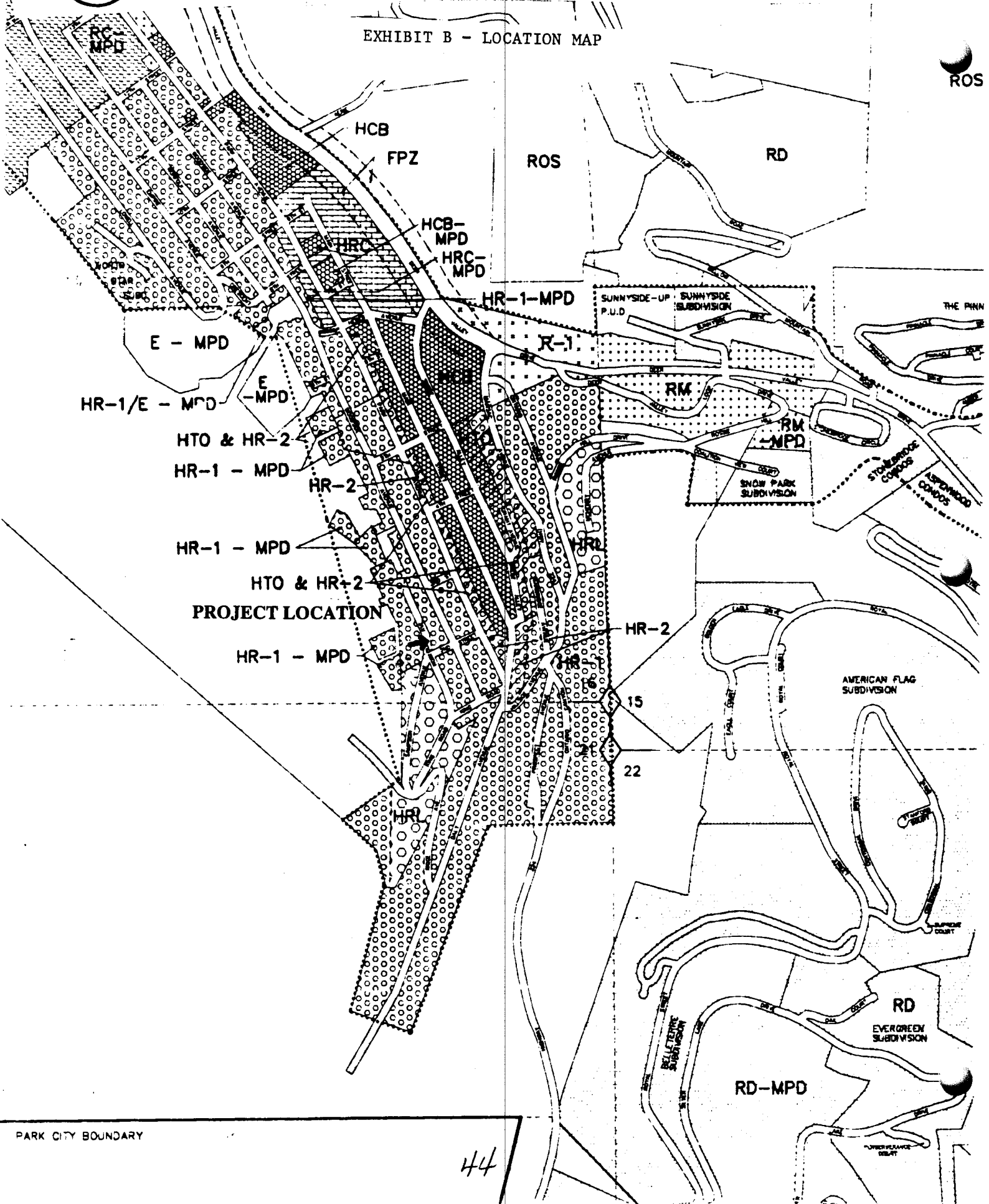


EXHIBIT C- LETTER OF OPPOSITION 3/8/95

MEMORANDUM

To: Steve Call
Megan Ryan

From: Sharon Bauman

Date: March 8, 1995

Re: 202 and 245 Norfolk - Notice to Adjoining Property Owners

Linda Morse, 149 Woodside, received the above referenced notice letters. She called to express her **opposition** to two or more lots being joined into one lot. In that neighborhood several structures have been built as rentals and because access to Norfolk is difficult it has created parking impacts on Woodside. The rents are very high, therefore several individuals (each with their own car) end up sharing the house. Too many people want to change the rules and she does not believe they should be allowed to combine lots.

She would like to receive a phone call from each of you and would also like to meet with you. Her telephone number is **649-7865**.



CITY COUNCIL REPORT

DATE: March 16, 1995
DEPARTMENT: Community Development Department
AUTHOR: Janice Lew
TITLE: Plat Amendment to Snyders Addition to Park City -
945 Norfolk Avenue
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt the ordinance approving the plat amendment for 945 Norfolk Avenue, for a lot line adjustment.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Bryan and Katherine Gardner
Location:	945 Norfolk Avenue
Proposal:	Plat Amendment
Zoning:	HR-1
Adjacent Land Uses:	Residential
Date of Application:	February 9, 1995
Project Planner:	Janice Lew

B. Background.

The owners of the historic structure at 945 Norfolk Avenue own three contiguous lots upon which the building is located. The parcel is 75 feet wide by 75 feet deep, for a total square footage of 5625 square feet. The applicants would like to rearrange the lot lines to create one parcel so the remaining property can be developed. The applicants are proposing to build a garage addition with a small apartment, which effectively makes the structure a duplex.

The Land Management Code requires a minimum lot area of 3750 square feet for a duplex.

The property owners received a grant last year to make improvements to the historic structure. The scope of work includes upgrading the heating system, sealing the foundation, improvements to the existing front stairs, repainting, and roof and plumbing repairs. On August 1, 1994 the Historic District Commission reviewed and approved the design of the addition. Four parking spaces will be provided as part of the improvements. The Floor Area Ratio requirement does not apply to renovations and additions to historic structures.

C. Analysis.

The staff has reviewed the proposed plat and finds it to be consistent with the Land Management Code requirements for the zone and the subdivision ordinance.

PUBLIC INPUT: Public noticing for the City Council hearing occurred on February 28, 1995 and no public comment has been received.

D. Department Review.

This request has been reviewed by the Community Development Department and City Attorney's Office.

ALTERNATIVES:

- A. Approve the proposed amendment thereby allowing the lot line adjustment.
- B. Deny the proposed amendment and retain the current lot configuration.
- C. Continue the item for further information and discussion.

SIGNIFICANT IMPACTS:

Approval of this request will allow the property owners to further develop their property without construction occurring across platted lot lines.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the proposed lot line adjustment, the applicants retain the right to develop the property on the originally approved and platted lots.

RECOMMENDATION:

The staff recommends the City Council approve the request for a lot line adjustment for the property at 945 Norfolk Avenue based upon the following :

FINDINGS

1. The lot line adjustment would not result in any additional parcels being created.
2. The newly created parcel meets the standard for buildable lots in the HR-1 district.
3. The proposed addition provides adequate parking for the entire structure.

CONCLUSIONS OF LAW

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

CONDITIONS

1. Standard Project Conditions shall apply.
2. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.

Ordinance No. 95-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE SNYDERS ADDITION
TO PARK CITY REGARDING 945 NORFOLK AVENUE
PARK CITY, UTAH**

WHEREAS, the owners of the property indicated above, Bryan and Katherine Gardner, petitioned the City Council for approval of the amendment to the Snyders Addition to Park City; and

WHEREAS, proper notice was sent and the City Council conducted a public hearing on March 16, 1995 to receive testimony on the proposed plat amendment; and

WHEREAS, the plat is consistent with the Land Management Code and subdivision ordinance; and

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

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

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

SECTION 2. PLAT APPROVAL The amendment of the Snyders Addition to Park City of 945 Norfolk Avenue is approved as shown on the attached Exhibit A with the following conditions:

1. All Standard Project Conditions shall apply.
2. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.

SECTION 3. EFFECTIVE DATE This ordinance shall become effective immediately.

PASSED AND ADOPTED this 16th day of March, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

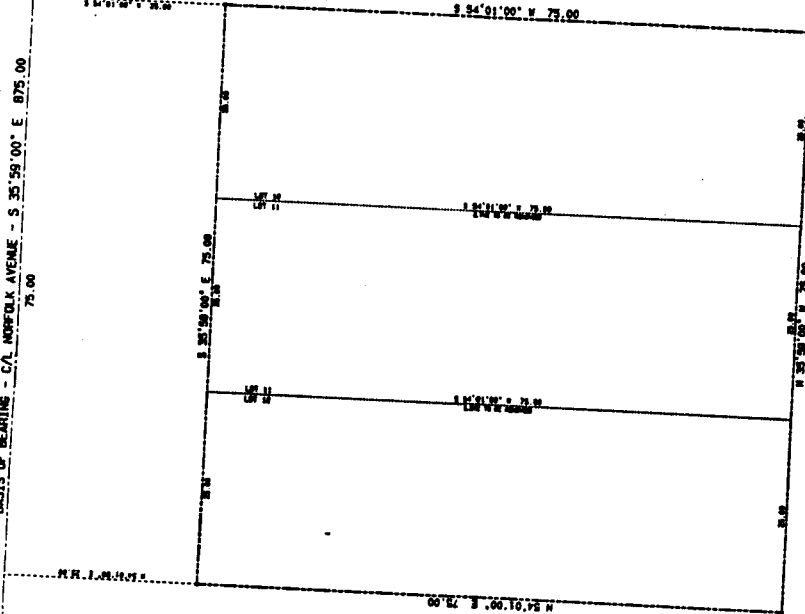
Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

500.00
BASIS OF BEARING - C/A NORFOLK AVENUE - S 35°59'00" E 875.00
75.00
240.00



NOTES

1. S.E. 1/4 of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah, is hereby surveyed and divided into three equal parts, each part being one-third of the whole. The survey was made by the Park City Surveyor, and the results are as follows: The area of the whole section is 150.00' x 875.00' = 131,250.00 square feet. The area of each part is 1/3 of the whole, or 43,750.00 square feet. The bearings and distances of the lines are as follows: North 0°00'00" East 875.00', West 270°00'00" 240.00', South 90°00'00" East 875.00', and East 0°00'00" 240.00'.

SURVEYORS CERTIFICATE

I, JOHN B. BARNETT, Surveyor, do hereby certify that I am a Registered Land Surveyor and that I have surveyed the above described land and that the same is correctly surveyed and divided into three equal parts, each part being one-third of the whole. The survey was made by the Park City Surveyor, and the results are as follows: The area of the whole section is 150.00' x 875.00' = 131,250.00 square feet. The area of each part is 1/3 of the whole, or 43,750.00 square feet. The bearings and distances of the lines are as follows: North 0°00'00" East 875.00', West 270°00'00" 240.00', South 90°00'00" East 875.00', and East 0°00'00" 240.00'.

LEGAL DESCRIPTION

All of Lot 16, S.E. 1/4 of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah, is hereby surveyed and divided into three equal parts, each part being one-third of the whole. The survey was made by the Park City Surveyor, and the results are as follows: The area of the whole section is 150.00' x 875.00' = 131,250.00 square feet. The area of each part is 1/3 of the whole, or 43,750.00 square feet. The bearings and distances of the lines are as follows: North 0°00'00" East 875.00', West 270°00'00" 240.00', South 90°00'00" East 875.00', and East 0°00'00" 240.00'.

OWNER APPLICATION AND CONSENT TO RECORD

I, JOHN B. BARNETT, Surveyor, do hereby certify that I am a Registered Land Surveyor and that I have surveyed the above described land and that the same is correctly surveyed and divided into three equal parts, each part being one-third of the whole. The survey was made by the Park City Surveyor, and the results are as follows: The area of the whole section is 150.00' x 875.00' = 131,250.00 square feet. The area of each part is 1/3 of the whole, or 43,750.00 square feet. The bearings and distances of the lines are as follows: North 0°00'00" East 875.00', West 270°00'00" 240.00', South 90°00'00" East 875.00', and East 0°00'00" 240.00'.

ACKNOWLEDGEMENT

State of _____
County of _____
I, _____, do hereby certify that I am a Registered Land Surveyor and that I have surveyed the above described land and that the same is correctly surveyed and divided into three equal parts, each part being one-third of the whole. The survey was made by the Park City Surveyor, and the results are as follows: The area of the whole section is 150.00' x 875.00' = 131,250.00 square feet. The area of each part is 1/3 of the whole, or 43,750.00 square feet. The bearings and distances of the lines are as follows: North 0°00'00" East 875.00', West 270°00'00" 240.00', South 90°00'00" East 875.00', and East 0°00'00" 240.00'.

THE GARDNER PARCEL
A LOT LINE RE-PLATTING
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 978-2467 12-1-95		ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1994 A.D. BY _____ PARK CITY ENGINEER		APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 1994 A.D. BY _____ PARK CITY ATTORNEY		CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 1994 A.D. BY _____ MAYOR		COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 1994 A.D.		RECORDED STATE OF UTAH COUNTY OF SUMMIT MAR 1 1995 PLANNING DEPT	
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COUNCIL AGENDA REPORT

DATE: March 16, 1995
DEPARTMENT: Planning Department
AUTHOR: Stephen R. Call
TITLE: Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Staff recommends approval of the plat amendment removing the common lot line between adjacent lots 28 and 29 of Block 78, Park City Survey - 245 Norfolk Ave.

DESCRIPTION:

A. Topic.

Plat amendment proposing removal of a common lot line between two existing lots - 28 and 29 of Block 78, Park City Survey - 245 Norfolk Avenue. See EXHIBIT A - LOCATION MAP and EXHIBIT B - SITE PLAN.

B. Background.

Application for this plat amendment was submitted by Jonathan DeGray, Architect, on behalf of the property owner, Philip Curry. Mr. Curry has also submitted plans to build a single family residence on the proposed combined lots and must have the plat amended to remove the common lot line before building permits can be issued (subject, of course, to review by City staff and the Historic District Commission).

C. Analysis

Each lot is less than the 1875 SF minimum required for a single family residence in the HR-1 Zone (lot #28 is approx. 1758 SF and lot #29 is approx 1493 SF). The owner wishes to combine the lots to build one single family residence, since he cannot use either lot for a separate structure unless a variance is granted. Because state subdivision law

currently prohibits building over a property line, the owner must first have the plat amended prior to issuance of any building permits.

Because both lots were platted prior to the adoption of the Land Management Code and are non-conforming, it is reasonable to consider the possibility of variances from the minimum lot size requirement being granted to each lot. If a variances were granted, two homes could be constructed where one is presently proposed. The single house proposed is therefore a reduction of possible density.

Findings:

Staff supports the lot line adjustment and construction of one single family residence on the site. The relative density of one structure will be significantly less than two separate structures. The parking and infrastructure impacts related to one structure should also be significantly less than for two structures.

Even when combined, the total area of these lots will only allow one single family structure to be constructed.

Conclusions of Law:

1. There is good cause for the amendment because the lot combination will allow for the development of one structure instead of two and;
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review.

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

ALTERNATIVES

- A. Approve the plat amendment removing the common lot line between the two lots.
- B. Deny the plat amendment request.
- C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:

Alternative A: This alternative would effectively combine both lots, creating one lot of approximately 3,251 square feet in size, large enough for a single family residence (1875 sq. ft. min.) yet too small for a duplex (3750 sq. ft. min. required).

Alternative B: This alternative would require the owner to apply for a variance from the minimum lot size requirement for the Zone and redesign a structure to fit within one or the other of the two substandard lots as presently platted. Potentially, both lots could be developed in this manner, dependent upon variances granted by the Board of Adjustments.

Alternative C: Defers action to a later date.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The owner would be required to redesign his home and obtain a variance from minimum lot size requirements to develop either or both lots.

PUBLIC COMMENTS:

As of March 14, 1995, we have received phone calls from property owners with the following concerns:

Ed Desisto - 244 Norfolk: Concerned about the possibility of losing the stone-faced retaining wall and an increase in parking problems. He is not concerned as long as access to the site is from the existing common driveway above the retaining wall.

Response: Proposed building plans show access off of existing driveway above retaining wall. This access is also recommended by city staff.

Raymond Johnson - 233 Norfolk (adjacent to subject property): Concerned about the impact of another home on maintenance and snow removal for their common access drive (within the city street right-of-way but not maintained by the city).

Response: There will still be room for snow storage within the right-of-way. However, driveway maintenance and snow removal are the responsibility of the homeowners.

Mitchi Klaypach - nearby homeowner: Continues to be opposed to combination due to circulation /parking problems in the area.

Response: The proposed plat amendment is a reduction in potential density and though any development will have some impact, this proposal should have less impact than two single family structures on the same site.

RECOMMENDATION:

Approve the request for a plat amendment removing the common lot line between lots 28 and 29 of Block 78, Park City Survey, addressed as 245 Norfolk subject to the following condition:

1. Prior to plat recordation, the City Attorney, and City Engineer shall have reviewed and approved the final plat.

EXHIBITS:

EXHIBIT A - Location Map

EXHIBIT B - Site Plan

EXHIBIT C - Amended Plat

ATTACHMENTS:

ORDINANCE

**AN ORDINANCE APPROVING THE AMENDMENT TO THE
PARK CITY SURVEY
LOTS 28 AND 29, BLOCK 78, LOCATED AT 245 NORFOLK AVENUE,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 28 and 29, Block 78 have petitioned the City Council for approval of the amendment to final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on March 16, 1995; and

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

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

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

SECTION 2. PLAT APPROVAL. The amendment of the final plat of the Park City Survey, Lots 28 and 29, Block 78, is approved as shown on the attached Exhibit A with the following condition:

Prior to plat recordation, the City Attorney and City Engineer shall have reviewed and approved the final plat.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 16th day of March, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

245 Norfolk Ave.



SUNNYSIDE-UP
P.U.D.

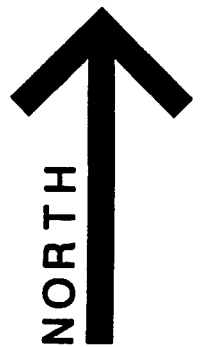
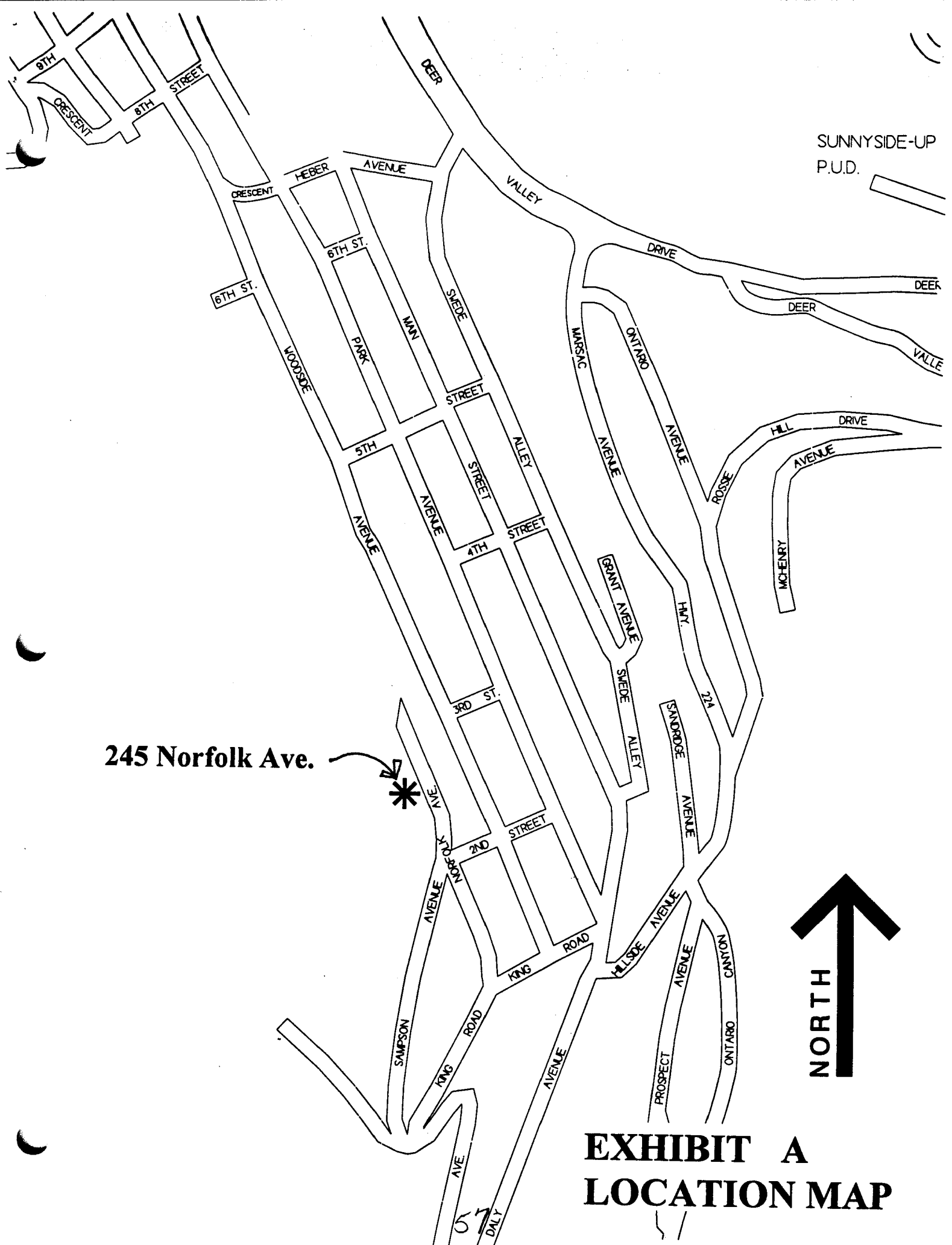


EXHIBIT A LOCATION MAP



NORFOLK AVENUE

Power Pole

Existing Retaining Wall

EXISTING BUILDING
Upper Norfolk Condos

54.20 feet

50 feet

(245 Norfolk Ave)

LOT #29

Property line to be removed
per plat amendment

LOT #28

75 feet

Existing Paving
Access Driveway

EXISTING BUILDING

51.89 feet

NORTH

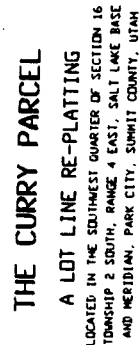
2.53 feet

LOTS 28 AND 29
BLOCK 78 NORFOLK
PLAT 10/11/11
SUBJECT TO RECORDING BY
321 N. 1ST STREET
(803) 544-4447

NOTE: ELEVATION 7274.8

RECEIVED
FEB 15 2006
PLANNING
DIVISION

EXHIBIT B
SITE PLAN



55.2 1
DISTANCE 4.10, 60.82 m
DATE 01/09/2017

EXHIBIT C

AMENDED PLAT



PCO NO. 15-2-95 FILE V.1\PC1\PCSP\GERRY MAP

STUDY OBJECTIVES

1. John Zimmerman, testified that I am a registered land surveyor and that I hold Surveyor's No. 322295, as prescribed by the laws of the State of Ohio. I further testified that by authority of the above I have made a survey of the tract of land shown in this plat and described herein and have replatted said tract of land to heretofore known as the CHERRY PATCH, and that same has been correctly surveyed and platted on the ground as shown on this plat.

SECRET, L.S. 910001

LEGAL DESCRIPTION

ALL of Lots 22 and 23, BLOCK 79, SELLING OF DEVELOPMENT TO PARK CITY, according to the official plat thereof on file and of record in the office of the recorder, Davis County Utah.

STUDIES OF DESIGN AND MOTIVATION SCHEMATA

Enclose all map by these present that Phillip B. Gidley and Elizabeth H. Gidley, joint owners, the undersigned owners of the herein described tract of land to be known as Parcel A of the GIDLEY MAP, certify that as near correct this survey to be made and this Record of Survey map to be prepared FOR P. B. GIDLEY and ELIZABETH H. GIDLEY hereby consent to the re-submission of this Record of Survey map.

APR 19 3 02PM

OLIVER W. G. DAVIS

Activity Engagement

State of _____

Inventory Number _____

ALLIANCE ENGINEERING INC.

P.O. BOX 2884
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 648-9487

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS
DAY OF _____, 1905 A.D.

APPROVAL: 13 TO 100W

APPROVED AS TO FORM THIS _____
DAY OF _____, 1995 A.D.
BY _____

Publications of the
National Bureau of
Economic Research

CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____ 1965 A.D.

10

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
1995 A.D.

100

RECORDED

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

COUNCIL AGENDA REPORT

DATE: 3/16/95
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Private Property Protection Ordinance
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Hold a public hearing on the proposed ordinance which establishes guidelines for review of possible constitutional takings and establishes a Takings Appeal Board and appeal procedure. Schedule the ordinance for action at the next meeting.

DESCRIPTION:

A. Topic.

The ordinance addresses city action which may constitute a constitutional taking.

B. Background.

The state legislature recently adopted the Private Property Protection Act ("Act"), UCA § 63-90-1 et al, which requires local governments to adopt guidelines to help identify possible constitutional takings. The Act mandates the adoption of a review procedure of city action and an appeal procedure for aggrieved property owners.

C. Analysis.

The proposed ordinance meets the criteria established by the Act while imposing the least amount of impacts on staff time. Essentially, the ordinance codifies the existing review procedure of city action by the Legal Department so it does not really create an additional burden on staff.

As required by the Act, the ordinance creates a Takings Appeal Board ("Board") and the right to appeal a city action within thirty days of the decision. The Board is composed of the City

Manager and two persons appointed by the City Manager. This composition is recommended because it is anticipated that these appeals will be filed very infrequently but require rapid action (within 14 days of the appeal). Staff did not think that it made sense to have a standing appellate body, such as the Board of Adjustment, for such intermittent appeals and felt that it would be impossible to always obtain a quorum of a lay body within the statutory appeal period. The process under the proposed ordinance affords the city the necessary flexibility in getting the appeal procedure underway.

The Act requires the appeal to be heard, acted upon and documented within 14 days after the appeal is filed. Because of the serious implications, we would normally hold a hearing within a matter of days to allow the Board the maximum time to research, deliberate and document the decision within the allowed time frame. The flexibility to appoint members for each appeal permits us to avoid conflicts of interest and to include outside professional expertise that may be relevant to a given appeal.

D. Department Review.

The Administrative, Community Development and Legal Departments have reviewed the ordinance.

ALTERNATIVES:

1. Adopt the ordinance as proposed. This is the recommended action.
2. Direct staff to make specific changes to the proposed ordinance. No action is not an alternative because the ordinance is required by state law.

SIGNIFICANT IMPACTS: Since the ordinance essentially codifies the legal Department's current review process, staff impacts are minimal. The ordinance does lengthen an applicant's deadline for filing an appeal from ten to thirty days on matters regarding a constitutional taking.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The Act mandates adoption of an ordinance addressing constitutional takings. The City Council risks violating state law by not taking the recommended action.

RECOMMENDATION: Hold a public hearing on the ordinance and adopt the ordinance as proposed at the next meeting.

AN ORDINANCE ESTABLISHING A PROCEDURE OF REVIEW AND GUIDELINES FOR ACTIONS THAT MAY INVOLVE A CONSTITUTIONAL TAKING; AND ESTABLISHING AN APPEAL PROCEDURE FOR CONSTITUTIONAL TAKINGS, PURSUANT TO MANDATES OF THE PRIVATE PROPERTY PROTECTION ACT

WHEREAS, the City intends to promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation; and

WHEREAS, the City wishes to establish a procedure and guidelines pursuant to UCA § 63-90-1 et al, as amended, to help identify actions that might result in the physical taking or exaction of private property; and

WHEREAS, the City Council has determined that this ordinance is the best interest of the residents of Park City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. AMENDMENT. A new Section 1.23 of the Land Management Code of Park City is hereby created to read as follows:

1.23 **CONSTITUTIONAL TAKINGS REVIEW AND APPEAL**. In order to promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of property:

(a) **Takings Review Procedure**. Prior to any proposed action to exact or seize property by the City Council or any Commission or Board, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (b) herein. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the City Council, Commission or Board of the possible consequences of its action. This opinion shall be advisory only and no liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(b) **Takings Guidelines**. The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private property owner of all reasonable use of the property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(c) Appeal. Any owner of private property who believes that his/her property is proposed to be "taken" by an otherwise final action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (b) herein. The decision of the Takings Appeal Board shall be in writing and a copy shall be given to the appellant and to City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an appeal shall constitute final City action.

(d) Takings Appeal Board. There is hereby created a three member Takings Appeal Board, which shall be composed of the City Manager and two additional members which the City Manager shall appoint.

SECTION II. ANNUAL REVIEW. The City Attorney shall review these guidelines annually and recommend changes as warranted by the current status of the law. Nothing herein shall prevent the City Attorney from considering subsequent legal standards established by the legislature or case law after the adoption of this section.

SECTION III. AMENDMENT. Chapter 2 of the Land Management Code of Park City is hereby amended by adding a new definition to read as follows:

Constitutional Taking. Final action(s) by the City involving the physical taking or exaction of private real property that require compensation to a private real property owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

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

PASSED AND ADOPTED this ____ day of March , 1995.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

Attestation by:

Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney

K:\LEGAL\MH\ORD\TAKINGS.ORD

AFFORDABLE HOUSING

COUNCIL AGENDA REPORT

DATE: March 14, 1995
DEPARTMENT: Community Development Department
AUTHOR: Housing Advisory Task Force and Myles Rademan, Public Affairs and Megan B. Ryan, Community Development
TITLE: Housing Study and Recommendations
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

1. Conduct a public hearing on two resolutions that would implement the Affordable Housing Action Plan for Park City.
 2. Adopt Resolution - Exhibit C, repealing Resolution 8-93 and revising established Affordable Housing Guidelines and Standards for Park City.
 3. Direct staff to proceed with implementation of Action items 1- 10 and 12 -16 by adopting Resolution - Exhibit D.
-

DESCRIPTION:

A. Topic.

Final Housing Study and Recommendations from the Housing Advisory Task Force and City Staff for a Housing Action Plan.

The Goal:

Expand programs and funding but adhere to the same basic philosophy that the city should encourage and facilitate but not build or manage Affordable Housing.

CITY COUNCIL OBJECTIVE:

STRENGTHEN PROGRAMS & FUNDING GUIDELINES, BUT ADHERE TO THE SAME BASIC PHILOSOPHY THAT THE CITY SHOULD ENCOURAGE AND FACILITATE BUT SHOULD NOT BUILD OR MANAGE AFFORDABLE HOUSING

The Method:

Adopt a revised Resolution- Exhibit C, for Affordable Housing Guidelines and Standards based on the Housing Advisory Task Force recommendations (Action Item 11). Direct staff to proceed with implementation of Action Items 1 - 10, and 12-16 by adopting Resolution - Exhibit D.

B. Background.

The Council received a presentation of the Housing Action Plan at their meeting of February 16, 1995 and held a public hearing on this issue on March 2, 1995. A final public hearing and action is now being requested on two Resolutions, Exhibit C and D that would enact that plan. Resolutions C and D reflect the input received during the March 2nd public hearing.

C. Analysis

The final report and recommendations outlines a range of programs and options that if implemented will each generate the production of affordable housing units. The Council is being asked to direct staff to begin implementation on each individual item in order to meet their long range goals and priorities.

The final report is outlined below. Action items 1-10 and 12-16 are included in Resolution D. Action item #11 is included in Resolution C. Staff recommendations and analysis follow the final report. A significant portion of the Work Session will be set aside to discuss each element of the Action Plan prior to the public hearing on March 16th.

The primary goal of the housing action plan is to increase the supply of housing that is affordable to people who live or work in Park City. The Housing Action Plan (HAP) outlines a set of goals and describes programs that are designed to meet those goals.

The HAP sets the direction for future work and exploration in the area of affordable housing and in itself does not have any force of law. Each legislative action item will require City Council review and approval prior to its implementation.

The order of the goals in the HAP is not indicative of their priority or importance. Programs will be explored in a sequence to be determined by staff or the City Council. The programs that have the highest probability of producing the greatest results with minimal impact on staff resources will receive preference in implementation.

I. Current Implementation and Proposed Modifications

- CONTINUE TO OFFER UP TO \$5,000 IN FEE WAIVERS AND GRANTS (City Council Resolution, 37-91 - Please see Exhibit A)
- MAKE A CONTINUED COMMITMENT TO ALLOCATE AN ANNUAL BUDGET FOR HOUSING
- CONTINUE TO WORK WITH PRIVATE DEVELOPERS AND APPLY FOR STATE AND FEDERAL GRANTS
- SUPPORT SUMMIT COUNTY IN ADOPTING A HOUSING ELEMENT THAT INCLUDES A BROAD CROSS SECTION OF PARTICIPATION AND ALLOWS FOR AFFORDABLE HOUSING RESERVE ZONING DISTRICTS.

Council Action Required: (Repeal Ordinance 8-93 and replace with a new Affordable Housing Resolution - See Exhibit C for proposed draft)

- UTILIZE EXISTING HOUSING BUDGETS TO:
 1. ACQUIRE AFFORDABLE UNITS FOR MUNICIPAL EMPLOYEES FOR RENTAL, LEASE TO PURCHASE OR ACQUISITION
 2. PROVIDE MUNICIPAL EMPLOYEES WITH MORTGAGE DOWNPAYMENT ASSISTANCE IN THE FORM OF LOW INTEREST EQUITY LOANS (Resolution 37-91). PROMOTE PROGRAM TO PRIVATE SECTOR AS A EXAMPLE.
 3. DEVELOP CAPACITY OF NON-PROFIT AND LOCAL LOW INCOME HOUSING CONSORTIUMS - Help to create a One-Stop Housing Resource Center with Rental Assistance, Tenants rights and Housing market information for use by the Community. Possible locations at Miner's Hospital or Library and Education Center. Administered by a non - profit with City financial assistance.

II. Additional Implementation for Council Consideration

ACTION ITEMS 1-10 & 12-16 ARE INCLUDED IN RESOLUTION - EXHIBIT D

1. **GOAL:**
RESEARCH , PURSUE, AND SUPPORT NEW DEDICATED FUNDING SOURCES FOR AFFORDABLE HOUSING AT THE LEGISLATIVE LEVEL LIKE A REAL ESTATE TRANSFER TAX AND/OR A RESTAURANT TAX

TO ENCOURAGE THE LEGISLATURE TO DEDICATE PERMANENT FUNDS, NOT SURPLUS, OR DISCRETIONARY ONE TIME FUNDING FOR AFFORDABLE HOUSING PROGRAMS.

Council Action Required: Direct staff to bring specific action items and legislative items as outlined by the Utah Housing Coalition and other statewide Affordable Housing Lobbying groups to Council for review and support. Council direction would be requested for each specific action.

2. **GOAL:**

EDUCATE AND DISSEMINATE INFORMATION TO THE PUBLIC BY CONDUCTING AN ANNUAL HOUSING SYMPOSIUM

Council Action Required: Direct staff to create forums or symposiums in conjunction with local media organizations. Create information brochures on City programs.

3. **GOAL:**

CONTRACT WITH A NON-PROFIT ORGANIZATION LIKE ICTHOS TO PROVIDE HOUSING SERVICES AND WORK WITH OTHER NON-PROFITS TO ENHANCE THEIR CAPACITY IN ACHIEVING AFFORDABLE HOUSING GOALS.

Council Action Required: Hire Icthos or another non-profit housing group to assist the City in an administrative capacity to assist in monitoring expiration dates on subsidized projects. Hire Icthos to update rental and housing market surveys and data on an annual basis. Pursue partnerships in grant writing for specific City and/or City - County projects.

4. **GOAL:**

MORE AGGRESSIVELY INVOLVE THE OTHER ENTITIES SUGGESTED BY THE TASK FORCE IN TAKING RESPONSIBILITY FOR AFFORDABLE HOUSING (COUNTY, RESORTS, ETC.). ASSIST THE RESORTS IN CREATING SEASONAL RENTAL OPPORTUNITIES BY ENCOURAGING OFF SEASON PARTNERSHIPS WITH THE UNIVERSITY, CHAMBER, AND SEASONAL MUNICIPAL EMPLOYEES.

Council Required Action: Direct staff to continue outreach and involvement. Direct staff to proceed with amendments to the Land Management Code as outlined below (Action Items 6, 7, and 12).

5. **GOAL:**

ENCOURAGE SUMMIT COUNTY TO ADOPT A HOUSING ELEMENT. REACTIVATE THE PARK CITY HOUSING AUTHORITY AND MEET QUARTERLY TO REVIEW PROGRESS AND DIRECTION OF PROGRAMS AND POLICIES. RESEARCH THE IDEA OF RESTRUCTURING THE HOUSING AUTHORITY AS AN APPOINTED BOARD INSTEAD OF THE CITY COUNCIL AND INCLUDE SUMMIT COUNTY REPRESENTATION.

Pros: Creates broad regional representation. Involves all of Snyderville Basin. Allows for opportunity for broad financial participation and partnerships.

Cons: Participation all of affected parties may be limited. Financial control and political will may be diluted.

Required Action: Direct staff to research operating rules, objectives and interest in participation. An interlocal agreement would be required with Summit County. Set a schedule and conduct the meetings.

6.

GOAL:

CONSIDER REVISION TO LAND MANAGEMENT CODE CHAPTERS 10 AND 11 TO ALLOW THE PLANNING COMMISSION FLEXIBILITY IN REVIEWING AFFORDABLE HOUSING PROJECTS TO CONSIDER REDUCTIONS IN OPEN SPACE REQUIREMENTS FOR RESORT PROPERTIES, PROJECTS IN CLOSE PROXIMITY TO AN EMPLOYMENT SOURCE OR OTHER SUCH CRITERIA AS SPECIFIED BY THE CITY COUNCIL.

THE PLANNING COMMISSION CURRENTLY HAS THE ABILITY TO CONSIDER SHARED PARKING ALTERNATIVES, BASED ON STRICT CRITERIA, IN CHAPTER 10 AND CHAPTER 11 OF THE LAND MANAGEMENT CODE.

CONSIDER EXTENDING THIS SAME CONSIDERATION TO CONDITIONAL USE PERMITS AND PERMITTED USES.

(Some Council members have expressed concern about lowering standards for affordable housing. This proposal limits the scope of this type of action to projects that could promote a less vehicle-dependent lifestyle or other defined criteria).

Pros: Increases the tools available to the Planning Commission to assist in the production of affordable housing.

Cons: Possible negative impacts on the quality of life in neighborhoods such as parking and density. These issues would be considered in each individual case.

Council Required Action: Direct staff to initiate amendment to Land Management Code with specific criteria that would allow this consideration for each provision. Planning Commission and City Council approval would be required on any such amendment.

7.

GOAL:

ACQUIRE SITES FOR AFFORDABLE HOUSING PROJECTS IN CONJUNCTION WITH PRIVATE DEVELOPERS

Pros: Below market land costs through long term lease would allow developer to produce units that meet lower income residents acquisition needs of purchase prices of approximately \$60 - \$90,000.

Cons: Would need to identify funding source. Site may be needed for other City purposes. Staff time would be required to issue a Request for Proposal.

Council Required Action: Council action would be required to direct staff to pursue acquisition or dedication of sites.

8. **GOAL:**

RESEARCH AND DEVELOP A PROGRAM THAT WOULD COMMIT ADDITIONAL FUNDS TO THE HISTORIC DISTRICT GRANT PROGRAM EARMARKED TO SECURING DEED RESTRICTIONS AND/OR AFFORDABILITY REQUIREMENTS.

EXPAND PARAMETERS OF CURRENT \$5,000 PER UNIT SUBSIDY TO INCLUDE CITY WIDE REHABILITATION PROJECTS.

Pros: May assist in preserving affordable units while preserving historic homes.

Cons: Economic incentive may not satisfy economic return expectations of developers participating in the program.

Council Required Action: Direct staff to develop program criteria and funding level. Review with Historic District Commission. Submit proposal to City Council for consideration and implementation.

9. **GOAL:**

EITHER PURCHASE IN FEE OR PURCHASE AN INTEREST IN OLDER RESTRICTED AFFORDABLE UNITS AND PLACE A DEED RESTRICTION ON. UTILIZE HOUSING INVENTORY MATRIX TO TRACK EXPIRATION DATES ON SUCH PROJECTS.

Pros: Existing affordable housing stock is preserved. Units are not converted to market rates.

Cons: Financial resources may not be available and may be needed for other concerns.

Council Required Action: Direct staff to examine housing inventory for potential projects, explore financial partnership alternatives such as, outstanding developer obligations or grants, and present alternatives to Council on a case by case basis.

10. **GOAL:**

EXPLORE THE BENEFITS AND IMPACTS OF ADOPTING A CONDO CONVERSION ORDINANCE WHICH WOULD DISCOURAGE OR REFUSE CONVERSIONS THAT WOULD ABOLISH EXISTING AFFORDABLE HOUSING UNITS.

Pros: Existing affordable housing stock is preserved. Units are not converted to market rates.

Cons: Legality of this approach needs to be verified.

Council Required Action: Direct staff to research inventory on impacts and gains achieved by implementation of such an ordinance. Analysis would be presented to Council for deliberation and action.

12. **GOAL:**

RESEARCH AND RETURN TO THE COUNCIL WITH A PLAN THAT WOULD ESTABLISH AN AFFORDABLE HOUSING STANDARD IN MASTER PLANNED DEVELOPMENTS, CHAPTER 10 AND CONDITIONAL USE PERMITS (Per City Council Resolution, 37- 91)

Pros: Would produce affordable units in projects such as Park City Ski Resort Base Expansion and other large projects.

Cons: Staff would need to develop a threshold or exemption level so that there is an equitable relationship between development and affordability requirement. Any program developed would need to be evaluated by the legal department. Any type of exaction may entice a negative legislative response.

Council Required Action: Direct staff to initiate amendment to Land Management Code. Planning Commission and City Council approval would be required.

13. **GOAL:**

EXPLORE THE CREATION OF AN AFFORDABLE HOUSING STANDARD FOR COMMERCIAL DEVELOPMENT IN THE CITY AND FOR EXPANSION OF THE SKI RESORTS . (ONE METHOD WOULD BE TO REQUIRE AN EMPLOYEE GENERATION STUDY FOR ALL COMMERCIAL DEVELOPMENTS TO DETERMINE THE NUMBER OF UNITS NEEDED TO MITIGATE THE IMPACT OF EACH PROJECT, ON OR OFF SITE PRODUCTION, AND TO SET TIME LIMITS FOR THE PRODUCTION OF THE UNITS).

Pros: Directly addresses impact generated by each specific development and produces units. Currently used by other ski resorts, Aspen, Telluride.

Cons: Threshold needs to be set as to not preclude commercial development. Complicated evaluation process. Question also as to how many units this type of program may produce. Program must be evaluated by the legal department an, even if legal at this time, may attract negative State legislative response.

Council Required Action: Direct staff to set program parameters, determine impacts and return to Council with proposed program.

14. **GOAL:**

EXPLORE THE CREATION OF AN AFFORDABLE HOUSING STANDARD FOR ALL NEW SUBDIVISIONS WITHIN THE CITY. REQUIREMENT COULD BE MET THROUGH ACCESSORY APARTMENTS, CARETAKERS UNITS, DEED RESTRICTIONS, LAND DONATION OR BY PRODUCING A LIKE PRODUCT ON SITE AT RESTRICTED RENTS.

Pros: Would produce units throughout the City. Would provide for a mix of units throughout community.

Cons: If obligation is allowed to be met off site units may not be produced due to lack of sites. Obligation may also increase the cost of market rate housing. Legal aspects would need to be carefully researched. Negative State legislative reaction may occur.

Council Required Action: Direct staff to amend Land Management Code to accommodate this provision. Planning Commission and City Council approval would be required. Minimum thresholds or exemption standards would be explored.

15. **GOAL:**
CREATE A DEVELOPMENT PRIMER FOR AFFORDABLE HOUSING DEVELOPERS THAT OUTLINES FEES AND PROGRAMS AVAILABLE TO THEM THROUGH THE CITY, STATE AND COUNTY.
Pros: Promotes education and discussion on issue. Assists other communities facing same problem throughout the State. Will help developers to understand process and opportunities that are available to them.
Cons: Staff allocation of resources initially may be time consuming. State and federal programs change frequently. May be hard to provide specifics that address the unique components of each deal.
Council Required Action: Direction staff to pursue this idea.
16. **GOAL:**
RESEARCH HOW TO INCLUDE NEW DEVELOPMENTS THAT ARE NOT IN A SUBDIVISION, ANNEXATION, MASTER PLANNED DEVELOPMENT, OR COMMERCIAL PROJECT INTO AFFORDABLE HOUSING SOLUTIONS. THIS ALTERNATIVE WOULD MORE EQUITABLY SHARE THE COSTS OF PROVIDING HOUSING ACROSS THE ENTIRE COMMUNITY.
Pros: Creates an equitable, shared system for all types of development. Park City would be first municipality to explore this alternative.
Cons: Would require significant resources to determine program parameters, impacts and legality of approach.
Council Required Action: Direct staff to explore and implement this alternative.

<i>ACTION ITEM 11 IS INCLUDED IN EXHIBIT C</i>

11. **GOAL:**
ADOPT HIGHER ANNEXATION DEDICATION REQUIREMENT FROM 10% TO 15%. ESTABLISH TIMELINE FOR PRODUCTION OF UNITS AND EXTEND TIME OF RESTRICTION ON UNITS TO A MINIMUM OF 40 YEARS. INCLUDE A FIRST RIGHT OF REFUSAL OR PURCHASE OPTION ON ALL CITY ASSISTED PROJECTS.
Pros: Results in production of affordable units and will preserve and protect the affordability of housing stock for a longer period of time.
Cons: Unless Master Planned Developments and Subdivisions also are charged with a minimum dedication this requirement will place affordable housing burden solely on Annexations. Goals #12, 13 and 14 would direct staff to explore the best way to achieve this. (Public testimony received from Hank Rothwell and Bob

Wells on March 2, 1995 requested that these changes be made in conjunction with any proposed requirements for other sectors.)

Council Required Action: Repeal Ordinance 8-93 and replace with revised Ordinance that enumerates Standards, Timelines and alternatives that will satisfy the housing requirement.

D. Department Review.

The City Manager's Office, Public Affairs and Community Development Department have reviewed this report.

ALTERNATIVES

- A. Conduct a public hearing on proposed Resolutions Exhibit C and D. Take action.
- B. Conduct a public hearing on proposed Resolutions, Exhibit C and D, modify the resolutions and then take action.
- C. Conduct a public hearing and continue action with direction to staff as to implementation of Housing Action Plan.

SIGNIFICANT IMPACTS:

The impacts and effects of implementation of each scenario have not been fully examined. It is unlikely that the actions specified in the proposed resolutions could be accomplished in the next 24 months without significant additional resources. Staff would propose to work on the most cost effective items first and would evaluate the implications and present them to the Council for consideration. The following analysis is provided as Staff's best calculation at this time:

Affordable units will be produced if the City is approached by the development community. The development community will be encouraged and directed to produce or pay for affordable housing. The cost of development in Park City will increase, perhaps shifting additional pressures to the County. The City will incur significant expenses as it becomes an active partner with a specific agenda for the production of affordable units.

Staff time devoted to the execution of these items will also be significant. If the Council chooses to proceed with implementation it should be acknowledged that additional staff may be required to implement these programs.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to implement any of the recommended scenarios the staff will continue to work under the guidance of Resolution No. 37-91 and continue working with the current Land Management Codes to encourage the development of a range of housing units throughout the community. The timeline for restriction

on units will remain at 15 years and a definitive timeline for the production would be left to negotiation. Affordable units will only be produced through annexations and voluntary participation of private developers.

RECOMMENDATION:

Alternative A.

1. Conduct a public hearing on the two proposed Resolutions, Exhibits C and D and take input from the community on the proposed Housing Action Plan.
2. Direct staff to modify, replace or retain as is, the two proposed resolutions, Exhibit C and Exhibit D.
3. Adopt resulting resolutions.

EXHIBITS

EXHIBIT A - RESOLUTION NO. 37-91

EXHIBIT B - RESOLUTION NO. 8-93

EXHIBIT C - PROPOSED RESOLUTION TO REPLACE NO. 8-93

**EXHIBIT D - PROPOSED RESOLUTION DIRECTING STAFF TO
IMPLEMENT HOUSING ACTION ITEMS 1-10, and 12 -16**

EXHIBIT E - LETTERS

**RESOLUTION ESTABLISHING POLICIES
TO SUPPORT AND ENCOURAGE AFFORDABLE HOUSING
IN PARK CITY, UTAH**

WHEREAS, the Park City Council recognizes that the lack of availability of affordable housing for individuals employed within the City limits is a problem; the resolution of which is important to the future of Park City; and

WHEREAS, the City Council has established affordable housing as one of its priorities; and

WHEREAS, the City Council feels a need to protect and enhance community diversity by encouraging a mix of housing opportunities; and

WHEREAS, the City would like to assist those members of our community that have demonstrated their commitment to Park City by either their residency and/or work history in Park City; and

WHEREAS, the affordable housing problem is national in scope and beyond the capabilities of small communities with limited sources such as ours to solve unilaterally, nevertheless the City will support and encourage initiatives for affordable housing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the following policies can be used by the City to support and encourage affordable housing. Park City will:

1. Consider affordable housing projects that require City participation but will limit public financial participation to no more than \$5,000 per unit in subsidies and/or fee waivers under normal circumstances. As a prerequisite to public participation, resale and occupancy limitations will be imposed with preference given to residents or employees with at least three years residency or employment history.
2. Create a program similar to the Historic District Grant Program to encourage rehabilitation of residential structures for long term rental or primary occupancy by the owner. Resale and occupancy limitations will be imposed in conjunction with this program.
3. Act as a facilitator with employers and other interested parties to explore the possibility of leasing privately built affordable housing units.

4. Work cooperatively with lenders, financial institutions and others to establish a private mortgage pool to assist first time buyers.

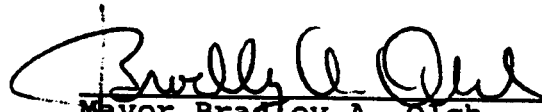
5. Consider the need for requiring affordable housing sites as part of all annexation agreements.

6. As a part of master planned developments, consider requiring caretaker or managers units with restrictions to insure their affordability.

7. Assist employees of the Park City Municipal Corporation by: (a) continuing the housing allowance program and adjusting it as necessary to reflect actual housing costs; (b) developing special programs to assist employees that perform critical or emergency functions as specified by the City Manager; and (c) examining the feasibility of using the monthly housing subsidy program to aid with down payments and mortgage subsidies.

PASSED AND ADOPTED this 12th day of December, 1991.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

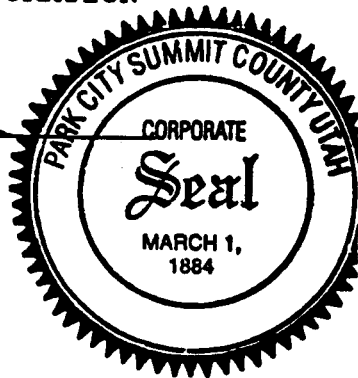


EXHIBIT B

Resolution No. 8-93

A RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council has identified affordable housing as a high priority in its work program for 1993 through 1995; and

WHEREAS, the City Council has adopted Resolution No. 37-91 on December 5, 1991 which established policies to support and increase affordable housing in Park City; and

WHEREAS, it is deemed in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, and other planning actions where affordable housing is an issue; and

WHEREAS, it is appropriate to base the following figures on standards in other resort communities, two Park City studies, HUD standards, and input from the Planning Commission Subcommittee on Affordable Housing;

NOW, THEREFORE BE IT RESOLVED that the City Council adopt the following:

SECTION 1. AFFORDABLE HOUSING STANDARDS AND GUIDELINES ADOPTED.

MINIMUM UNIT SIZE--STANDARD

studio	400 square feet
1 br	550 square feet
2 br	750 square feet
3 br	950 square feet
4 br	1,100 square feet

MAXIMUM RENT--GUIDELINE

studio	\$400
1 br	500
2 br	650
3 br	800
4 br	950

It is assumed that the affordable units will be in multifamily configuration. Modifications to the maximum rent guidelines may be made based upon such factors as housing configuration (detached), provision of a public benefit, or project amenities. These numbers will be adjusted annually in consideration of the CPI and rental

rates. The City Council will reevaluate the rent maximums every three years.

MAXIMUM CITY ASSISTANCE--STANDARD

\$5,000 regardless of unit size or configuration.

LIMITATION PERIOD--GUIDELINE

15 years regardless of unit size.

The limitation period may be varied based upon provision of a public benefit or other factors as negotiated by the City Council or Housing Authority.

ANNEXATION REQUIREMENTS--STANDARDS

10% minimum percent affordable housing.

2 bedroom standard unit size.

UNIT EQUIVALENTS FOR AFFORDABLE HOUSING--STANDARDS

studio	.50
1 br	.75
2 br	1.00
3 br	1.25
4 br	1.50

IN LIEU PAYMENTS FOR ANNEXATION AFFORDABLE HOUSING REQUIREMENT

studio	\$30,000
1 br	45,000
2 br	60,000
3 br	75,000
4 br	90,000

The in lieu payment figures were derived from a recent estimate of the cost of providing one unit of affordable housing. The estimate of \$60,000 includes financing and title costs, construction costs, and contingency costs for a two bedroom unit. All other in lieu payments (for other sizes of units) are based upon the unit equivalents. These numbers will be adjusted annually in consideration of the CPI and estimates of affordable housing development costs. The City Council will reevaluate the in lieu amounts every three years.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION

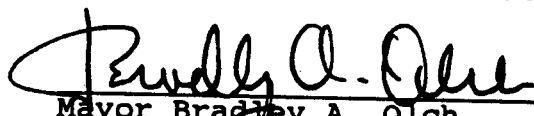

Mayor Bradley A. Olch

Exhibit C



RESOLUTION NO. 95-___

**A RESOLUTION REPEALING RESOLUTION 8-93 AND
ADOPTING AFFORDABLE HOUSING GUIDELINES AND
STANDARDS FOR PARK CITY, UTAH**

WHEREAS, the City Council has identified affordable housing as an action target in its work program for 1995 through 1996; and

WHEREAS, the City Council adopted Resolution No. 37- 91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, it is the determination of this Council that it is in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions and other development actions where affordable housing is an issue; and

WHEREAS, the Council has considered standards in other resort communities, housing studies conducted for Park City, Housing and Urban Development Standards, and input from the Affordable Housing Task Force;

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

SECTION 1. Adopted Housing Standards and Guidelines

These standards shall apply to all new and outstanding housing obligations as notified per Resolution 6-94. Prior agreements on density or configuration shall take precedence over these standards but all rental rate guidelines and time limitations as described below shall apply.

Minimum Unit Size Standards -

Studio	400 square feet
1 bedroom	550 square feet
2 bedroom	700 square feet
3 bedroom	850 square feet
4 bedroom	1,000 square feet

2. Maximum Rent Guidelines

Studio	\$425
1 bedroom	\$525
2 bedroom	\$675
3 bedroom	\$825
4 bedroom	\$975

Modifications to the maximum rent guidelines and minimum unit standards may be made based upon such factors as housing configuration (detached), provisions of public benefits, such as shared common living areas, or additional project amenities.

The maximum rent guidelines will be adjusted annually in consideration of the Consumer Price Index (CPI) and Park City Rental Surveys.

3. Maximum City Assistance Standard

\$5,000 regardless of unit size or configuration

4. Limitation Period

40 years minimum regardless of unit size.

First Right of Refusal and/or Option to Purchase shall be granted to PCMC. PCMC shall have 90 days to respond or assign the above described rights.

This limitation period may be reduced based upon the provision of additional public benefits such as preservation of historic structures as negotiated by the City Council.

5. Requirements for Annexations

Fifteen percent (15%) the total project unit equivalent shall be provided as a minimum affordable housing contribution. A two bedroom unit size shall be the minimum standard that will satisfy this requirement. Land donation, or acquisition of off-site, deed-restricted units that meet the minimum standard unit size, shall also satisfy this requirement. The developer may request satisfaction of this obligation through a housing payment that is equivalent to the market cost of construction a unit .

The strategy for meeting the housing obligation must be specified prior to issuance of Final Plat approval. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project. The intent of this Resolution is to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots within the project.

Unit Equivalents for Affordable Housing Obligations (Land Management Code
Section 10)

Studio	.50
1 bedroom	.75
2 bedroom	1.00
3 bedroom	1.25
4 bedroom	1.50

Guidelines for Affordable Housing Obligations

Studio	\$44,000
1 bedroom	\$55,000
2 bedroom	\$71,500
3 bedroom	\$88,000
4 bedroom	\$104,500

These figures were derived from a recent estimate of the cost of providing a two bedroom unit of affordable housing. These estimates include financing and title costs, land costs, construction costs, and contingency costs.

The City Council will reevaluate these figures as market changes occur.

SECTION 2. EFFECTIVE DATE This Resolution shall become effective immediately.

PASSED AND ADOPTED this 16th day of March, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

ATTEST:

ANITA L. SHELDON, CITY RECORDER

APPROVED AS TO FORM:

JODI F. HOFFMAN, CITY ATTORNEY

Exhibit D



RESOLUTION NO. 95 - ____

**A RESOLUTION DIRECTING STAFF TO IMPLEMENT A
HOUSING ACTION PLAN FOR PARK CITY , UTAH**

WHEREAS, the City Council has determined that affordable housing is an important objective of the community, and;

WHEREAS, the City Council has determined to strengthen existing affordable housing programs and funding guidelines to provide and encourage the construction of a diverse range of housing units throughout the community, and;

WHEREAS, the City Council acknowledges the year long work and dedication of the Housing Advisory Task Force and has incorporated its recommendations on housing strategies for Park City, and;

WHEREAS, the City Council will encourage and facilitate the production of affordable housing units throughout the community but will not directly build affordable housing, and;

WHEREAS, the City Council acknowledges that various aspects of the Housing Action Plan may be modified due to fiscal or legal constraints,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City that the following Housing Action Plan be adopted as follows:

SECTION 1 - CURRENT IMPLEMENTATION

- CONTINUE TO OFFER UP TO \$5,000 IN FEE WAIVERS AND GRANTS
- MAKE A CONTINUED COMMITMENT TO ALLOCATE AN ANNUAL BUDGET FOR HOUSING
- CONTINUE TO WORK WITH PRIVATE DEVELOPERS AND APPLY FOR STATE AND FEDERAL GRANTS
- SUPPORT SUMMIT COUNTY IN ADOPTING A HOUSING ELEMENT THAT INCLUDES A BROAD CROSS SECTION OF PARTICIPATION AND ALLOWS FOR AFFORDABLE HOUSING RESERVE ZONING DISTRICTS.

- UTILIZE EXISTING HOUSING BUDGETS TO:
 1. ACQUIRE AFFORDABLE UNITS FOR MUNICIPAL EMPLOYEES FOR RENTAL, LEASE TO PURCHASE OR ACQUISITION.
 2. PROVIDE MUNICIPAL EMPLOYEES WITH MORTGAGE DOWNPAYMENT ASSISTANCE IN THE FORM OF LOW INTEREST EQUITY LOANS. PROMOTE PROGRAM TO PRIVATE EMPLOYERS AS AN EXAMPLE.
 3. DEVELOP CAPACITY OF NON-PROFIT AND LOCAL LOW INCOME HOUSING CONSORTIUMS - HELP TO CREATE A ONE-STOP HOUSING RESOURCE CENTER WITH RENTAL ASSISTANCE, TENANTS RIGHTS AND HOUSING MARKET INFORMATION FOR USE BY THE COMMUNITY. POSSIBLE LOCATIONS AT MINER'S HOSPITAL OR LIBRARY AND EDUCATION CENTER.

SECTION 2 - DEFINITION

THE PRIMARY GOAL OF THE HOUSING ACTION PLAN IS TO INCREASE THE SUPPLY OF HOUSING THAT IS AFFORDABLE TO PEOPLE WHO LIVE OR WORK IN PARK CITY. THE HOUSING ACTION PLAN (HAP) OUTLINES A SET OF GOALS AND DESCRIBES PROGRAMS THAT ARE DESIGNED TO MEET THOSE GOALS.

THE HAP SETS THE DIRECTION FOR FUTURE WORK AND EXPLORATION IN THE AREA OF AFFORDABLE HOUSING AND IN ITSELF DOES NOT HAVE ANY FORCE OF LAW. EACH LEGISLATIVE ACTION ITEM WILL REQUIRE CITY COUNCIL REVIEW AND APPROVAL PRIOR TO ITS IMPLEMENTATION.

THE ORDER OF THE GOALS IN THE HAP IS NOT INDICATIVE OF THEIR PRIORITY OR IMPORTANCE. PROGRAMS WILL BE EXPLORED IN A SEQUENCE TO BE DETERMINED BY STAFF OR THE CITY COUNCIL. THE PROGRAMS THAT HAVE THE HIGHEST PROBABILITY OF PRODUCING THE GREATEST RESULTS WITH MINIMAL IMPACT ON STAFF RESOURCES WILL RECEIVE PREFERENCE IN IMPLEMENTATION.

SECTION 3 - HOUSING ACTION PLAN

1. **GOAL:**
RESEARCH, PURSUE, AND SUPPORT NEW DEDICATED FUNDING SOURCES FOR HOUSING AT THE LEGISLATIVE LEVEL LIKE:
THE REAL ESTATE TRANSFER TAX AND THE RESTAURANT TAX.
ENCOURAGE THE LEGISLATURE TO DEDICATE PERMANENT FUNDS, NOT SURPLUS, OR DISCRETIONARY ONE TIME FUNDING FOR AFFORDABLE HOUSING PROGRAMS.

2. **GOAL:**
EDUCATE AND DISSEMINATE INFORMATION TO THE PUBLIC BY CONDUCTING AN ANNUAL HOUSING SYMPOSIUM.
3. **GOAL:**
CONTRACT WITH A NON-PROFIT ORGANIZATION LIKE ICHTHOS TO PROVIDE HOUSING SERVICES AND WORK WITH OTHER NON-PROFITS TO ENHANCE THEIR CAPACITY IN ACHIEVING AFFORDABLE HOUSING GOALS.
4. **GOAL:**
MORE AGGRESSIVELY INVOLVE THE OTHER ENTITIES SUGGESTED BY THE TASK FORCE IN TAKING RESPONSIBILITY FOR AFFORDABLE HOUSING (COUNTY, RESORTS, ETC.) ASSIST THE RESORTS IN CREATING SEASONAL RENTAL OPPORTUNITIES BY ENCOURAGING OFF SEASON PARTNERSHIPS WITH THE UNIVERSITY, CHAMBER AND SEASONAL MUNICIPAL EMPLOYEES.
5. **GOAL:**
REACTIVATE THE HOUSING AUTHORITY AND MEET QUARTERLY TO REVIEW PROGRESS AND DIRECTION OF PROGRAMS AND POLICIES. RESTRUCTURE THE HOUSING AUTHORITY AS AN APPOINTED BOARD INSTEAD OF THE CITY COUNCIL AND INCLUDE SUMMIT COUNTY REPRESENTATION. ENCOURAGE SUMMIT COUNTY TO ADOPT A HOUSING ELEMENT.
6. **GOAL:**
CONSIDER REVISION TO LAND MANAGEMENT CODE CHAPTERS 10 AND 11 TO ALLOW THE PLANNING COMMISSION FLEXIBILITY IN REVIEWING AFFORDABLE HOUSING PROJECTS TO CONSIDER REDUCTIONS IN OPEN SPACE REQUIREMENTS FOR RESORT PROPERTIES, PROJECTS IN CLOSE PROXIMITY TO AN EMPLOYMENT SOURCE OR OTHER SUCH CRITERIA AS SPECIFIED BY THE CITY COUNCIL.
7. **GOAL:**
ACQUIRE OR DEDICATE SITES FOR AFFORDABLE HOUSING PROJECTS IN CONJUNCTION WITH PRIVATE DEVELOPERS.
8. **GOAL:**
RESEARCH AND DEVELOP A PROGRAM THAT WOULD COMMIT ADDITIONAL FUNDS TO THE HISTORIC DISTRICT GRANT PROGRAM EARMARKED TO SECURING DEED RESTRICTIONS AND/OR AFFORDABILITY REQUIREMENTS ON CITY ASSISTED REHABILITATED UNITS. EXPAND PARAMETERS OF CURRENT \$5,000

PER UNIT SUBSIDY TO INCLUDE CITY WIDE REHABILITATION PROJECTS.

9. **GOAL:**
EITHER PURCHASE IN FEE OR PURCHASE AN INTEREST IN OLDER RESTRICTED AFFORDABLE UNITS AND PLACE A DEED RESTRICTION ON UTILIZE HOUSING INVENTORY MATRIX TO TRACK EXPIRATION DATES ON SUCH PROJECTS.
- 10 **GOAL:**
EXPLORE THE BENEFITS AND IMPACTS OF ADOPTING A CONDO CONVERSION ORDINANCE THAT WOULD DISCOURAGE OR REFUSE CONVERSIONS THAT WOULD ABOLISH EXISTING ASSISTED AFFORDABLE HOUSING.
11. **GOAL:**
RESEARCH AND RETURN TO THE COUNCIL WITH A PLAN THAT WOULD CREATE AN AFFORDABLE HOUSING STANDARD FOR MASTER PLANNED DEVELOPMENTS, CHAPTER 10 AND CONDITIONAL USE PERMITS (PER CITY COUNCIL RESOLUTION, 37- 91).
12. **GOAL:**
EXPLORE THE CREATION OF AN AFFORDABLE HOUSING STANDARD FOR NEW COMMERCIAL DEVELOPMENT IN THE CITY AND ON THE SKI RESORTS. (ONE METHOD WOULD BE TO REQUIRE AN EMPLOYEE GENERATION STUDY ON ALL COMMERCIAL DEVELOPMENTS. THIS PROCESS WOULD DETERMINE THE NUMBER OF UNITS NEEDED FOR EACH PROJECT, ON OR OFF SITE PRODUCTION AND SET DEFINITE TIME LIMITS FOR THE PRODUCTION OF THE UNITS).
13. **GOAL:**
EXPLORE THE CREATION OF AN AFFORDABLE HOUSING STANDARD FOR ALL NEW SUBDIVISIONS WITHIN THE CITY. THIS STANDARD COULD BE A ENCOURAGEMENT OF ACCESSORY APARTMENTS, CARETAKERS UNITS, DEED RESTRICTIONS, LAND DONATION OR BY PRODUCING A LIKE PRODUCT ON SITE.
14. **GOAL:**
CREATE A DEVELOPMENT PRIMER FOR AFFORDABLE HOUSING DEVELOPERS THAT OUTLINES FEES AND PROGRAMS AVAILABLE TO THEM THROUGH THE CITY, STATE AND COUNTY.
15. **GOAL:**
BOND FOR THE ACQUISITION OF LAND FOR AFFORDABLE HOUSING SITES.

16. **GOAL:**
RESEARCH HOW TO INCLUDE NEW DEVELOPMENTS THAT ARE NOT
IN A SUBDIVISION, ANNEXATION, MASTER PLANNED
DEVELOPMENT, OR COMMERCIAL PROJECT INTO AFFORDABLE
HOUSING SOLUTIONS. THIS ALTERNATIVE WOULD MORE
EQUITABLY SHARE THE COSTS OF PROVIDING HOUSING ACROSS
THE ENTIRE COMMUNITY.

SECTION 3 - EFFECTIVE DATE THIS RESOLUTION SHALL BECOME EFFECTIVE
IMMEDIATELY.

PASSED AND ADOPTED THIS 16TH DAY OF MARCH, 1995.

PARK CITY MUNICIPAL CORPORATION

BRADLEY A. OLCH, MAYOR

ATTEST:

ANITA SHELDON, CITY RECORDER

APPROVED AS TO FORM:

JODI F. HOFFMAN, CITY ATTORNEY

C.O.R.R.

COALITION OF RESIDENTIAL RENTERS

March 14, 1995

Mayor Brad Olch and City Council
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

Re: Affordable Housing Action Plan

Dear Mr. Mayor and City Council,

As you know CORR has been, and will continue to be, very active to ensure that affordable housing remains an important part of Park City's future. The Task Force Recommendations you are going to vote on are key at getting the ball rolling as well as raising public awareness about this important issue.

It is essential that you vote in favor of these resolutions and move Park City in the right direction. Please vote yes to ensure Park City's citizens that our diverse community is being prepared for the future.

Some key points are:

- 1) Open space and parking are very important to CORR. The planning department must have flexibility so affordable housing can be built without jeopardizing open space and parking.
- 2) 15% minimum requirement for annexation should be for commercial and residential with appropriate adjustments for large commercial growth.
- 3) The general fund is everybody's money therefore helping to meet the requirement of spreading the affordable housing solution across the community.
- 4) CORR realizes there are other ideas for City Owned Sites and believe one or two sites should be committed to affordable housing or affordable housing in conjunction with any other development.

C.O.R.R.

COALITION OF RESIDENTIAL RENTERS

CORR will be at the City Council work session and public meeting on Thursday March 16th. We hope to see a vote in favor of the resolutions so desperately needed for our diverse community.

Very truly yours
CORR

Paul Wynn

*Amelia Croftfield
Cory Beck
Patrick Le Ross*

*Liz Honey
Toby Gold
Katie Hedberg*

C.O.R.R.

COALITION OF RESIDENTIAL RENTERS

March 2, 1995

Mayor Brad Olch and Park City Council
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Re: Affordable Housing Action Plan

Dear Mr. Mayor and City Council Members,

Myself and several other members of C.O.R.R. were fortunate enough to have been present at many if not all of the Task Force meetings. I personally rallied to request more time to discuss the problems at hand. The facts and figures on the lack of affordable housing have been coming out for years. The problem is very real and is only getting worse. The market is not working as is.

The Housing Advisory Task Force was made up of a good cross section of this community and a vast array of ideas were brought up for discussion. It was a Think Tank. Some of us wanted more sweeping action, some wanted less. This report in front of you represents a good compromise on the issues.

C.O.R.R. is asking the city council to vote in favor of this report tonight. For the most part, this plan allows six to twelve months for the planning department to take council direction, jumble all the numbers together, and come back for another vote later. As far as the annexation element of this report, this resolution is already on the books and the new numbers are more realistic and will be more effective. Some of the Task Force members wanted 20% and 30% and more but we all compromised for 15%. That is still a very small number.

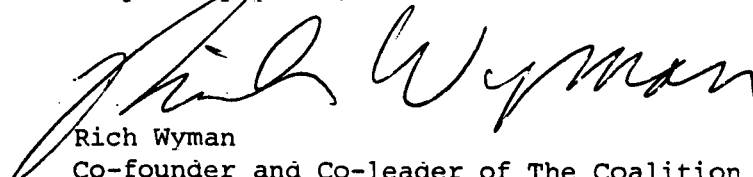
Thanks to Leadership 2000 and KPCW I had a chance to listen to Michael Kinsley of Aspen, Colorado. He was a planning commissioner for ten years and is now the director of The Rocky Mountain Institute. He said, "Park City is going to be in big trouble if (we) don't start" dealing with these issues now. He sees where we are now and where we are heading. He's been there. Some of what Aspen has done to build more affordable housing is:

- * 60% of the total number of residential units built each year must be affordable housing.
- * Commercial and Lodge development must supply 60% of their employees with housing
- * 50% of all demolished units must be replaced with affordable housing

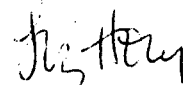
This innovative program is recognized nationally as bringing the entire community together to solve this problem while maintaining diversity. And even with all this and more they still have a lack of affordable housing problem.

The task Force report you are going to vote on is minor in comparison to what is now being done in other similar communities. I and the other members of C.O.R.R. urge you to take action and vote to pass the Affordable Housing Action Plan for Park City. This community needs this action now, desperately.

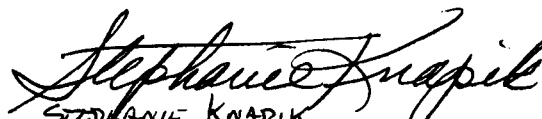
Very truly yours,


 Rich Wyman
 Co-founder and Co-leader of The Coalition
 of Residential Renters (C.O.R.R.)


 ANNE CATCHFIELD
 STEERING COMMITTEE MEMBER


 LIZ HOLEY, CORR steering committee


 TOMMY GOUNSBLOOD
 STEERING COMMITTEE


 STEPHANIE KNAPIAK
 STEERING COMMITTEE

PC C.O.R.R. TELEPHONED ALL THREE COUNTY COMMISSIONERS TO
 INVITE THEM TO TONIGHTS MEETING BECAUSE WE FEEL THIS
 IS A COUNTY WIDE ISSUE

March 2, 1995

To: The Members of the City Council and the Staff of the Park City Municipal Corporation

From: The President of Ichthos, Inc., The Rev. Robert North, and the Executive Director of Ichthos, Inc.
Warren Schaller

Subject: The City Council's Consideration of the Affordable Housing Task Force Report

We would like to make these comments for your consideration regarding the Affordable Housing Task Force Report.

A. REGARDING SHORT TERM GOALS:

Administrative

1. Ichthos can assist in pursuing new dedicated funding sources by supplementing the City's information about such sources, on the basis of our own research and meeting with groups doing research on these sources. We would also regularly monitor publications on affordable housing finances.
2. We would be happy to participate in an Annual Housing Symposium by providing information and expertise to such a meeting. We have first-hand working relationships with foundations, and state and federal agencies, which we feel would be helpful. For example, we are in a unique conversation with the affordable Housing Council of the 12th District Federal Home Loan Bank about financing of seasonal employee housing in Park City.
3. As we have in the past, Ichthos is ready to work with the City staff in an administrative capacity by monitoring expiration dates on subsidized projects and updating rental and housing market data on an annual basis. Ichthos is also able to do other things such as positioning itself to purchase the Holiday Village complex, if that should be in the best interests of everyone involved. We would certainly want to enter into partnership with the City in applying for something like the Community Block Development Grants, when to so would strengthen the application.
4. Ichthos will of course continue to assist in the process of involving other entities in a comprehensive approach to the affordable housing needs of our city and county. We already work closely with the ski resorts. We are broadening our work by seeking to take in local merchant groups, Realtors, banks, and other interested parties. We are seeking to help the residents of Holiday Village to protect their future in Park City. We are reaching out to Chrysalis, the elderly, and other groups whose well being depends on the availability of affordable housing.

We have begun conversations with the leaders of local arts and performance festivals, such as Ballet West, and the Park City International Music Festival. It may be that their use of shared facilities during the summer might make it possible for us to develop housing for seasonal employees.

And we are working to develop a relationship with the County Commissioners and staff similar to the one we share with the Municipal Corporation.

- 5, We look forward to working with a reactivated Housing Authority in any that is appropriate. We would like to be considered for a position on that body, if it seems appropriate.



HANK ROTHWELL
PRESIDENT

March 1, 1995

Mayor Brad Olch &
Park City City Council
Park City Municipal Corporation
Park City, UT 84060

Dear Mayor Olch and Council Members,

I have been an active member of the Citizens Task Force on affordable Housing Issues. In that role I have been involved in most of the many meetings and discussion groups.

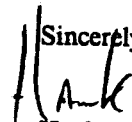
From the outset the Citizens Task Force agreed on one main point, and that was the concept that affordable housing was a city wide issue and not just the responsibility of any one group or segment.

The Task Force met for months and debated most of the short and long term goals that have been outlined by the staff in the Affordable Housing Report. I believe that this process should be continued and that a comprehensive affordable Housing Resolution should be drafted that includes all of the recommendations rather than the piecemeal solution that is being suggested, how else can the City Council determine the overall community impact.

The resolution you presently have in front of you would raise the in-lieu fee by 20% (this was never discussed in the Task Force), and raise the annexation requirement by 50%. By adopting this resolution as drafted the Council would continue to expand the affordable housing burden on the only activity that is currently generating affordable housing ! Why not review this dramatic increase in the context of all the other staff recommendations? This was the first agreement among Task Force members -- spread the burden of affordable housing across the entire community, not just focus on one element or group.

Thank you for your review and consideration.

Sincerely,


Hank Rothwell

HR:wbj



DEER VALLEY

Executive Offices

February 26, 1995

Mayor Brad Olch and Park City Council
c/o Mr. Toby Ross
City Manager
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

Re: Affordable Housing Action Plan

Dear Toby:

I was an active member of the Affordable Housing Task Force, one of the few that participated to the end, and support most of the goals set forth in the action plan that has been presented to the Park City Council, provided that implementation is inclusive and uniform. A point of discussion at most meetings of the Task Force was the desire for fair, equitable and uniformly applied measures that were dedicated to maintenance of existing affordable housing and creation of new affordable housing. There was objection to mitigation requirements applied on a spot basis. The Task Force recognized that every business, resident and visitor to Park City is a contributor to the need for affordable housing and a beneficiary of its availability. The Task Force also recognized that the affordable housing problem is not unique to Park City and not even unique to resorts and that the problem is not as critical in our area as it is in most winter resort areas because of our proximity to the Wasatch Front and surrounding communities in Summit and Wasatch County. A number of members felt strongly that the predominant goal could and would be satisfied by market.

Solutions that were suggested as uniform and fair included general fund taxation, dedication of a portion of existing impact fees, and imposition of a specific affordable housing impact fee and/or mitigation requirement on all development. The measures discussed by the Task Force are all contained within the goals expressed in the proposed action plan presently before the Council. However, they are presented as "separate" goals, perhaps to pick and choose from. The goal of fairness and uniformity in application is missing from the Action Plan. The only measure proposed for immediate implementation is to increase the affordable housing requirement on annexations from 10% to 15%. By itself this is violative of the majority opinion if not the consensus of the Task Force in that it is arbitrary and not uniform with respect to the entire community and therefore cannot be construed as "fair". 15% might be as fair as 10% if it is coupled with a corresponding financial imposition on all development, but without that is grossly unfair. It is also too easy to look at a proposed increase from 10% to 15% as being a 5% increase in a tax as opposed to an actual 50% increase in that tax.

DEER VALLEY

Certain other goals expressed in the plan would produce similar inequitable results if implemented on a stand alone basis as opposed to an across the board approach. These include the adoption of inclusionary standards or requirements for new subdivisions and commercial developments and the "flat fee" tax suggested as applicable to new developments that are not a subdivision, annexation, master planned development or commercial development.

Miles Rademan and Meg Ryan spent a substantial amount of time and effort in research, instruction, and materials production in running the Task Force. They are to be applauded and this letter is not intended to be critical of their efforts. As stated above, the goals set forth in the Housing Element are consistent with the work of the Task Force. But care needs to be taken that impositions associated with the goals are fair and uniform.

I urge the Council not to adopt ordinances or impose fees that are related to a single development or just to annexations for the reasons stated above.

Very truly yours,

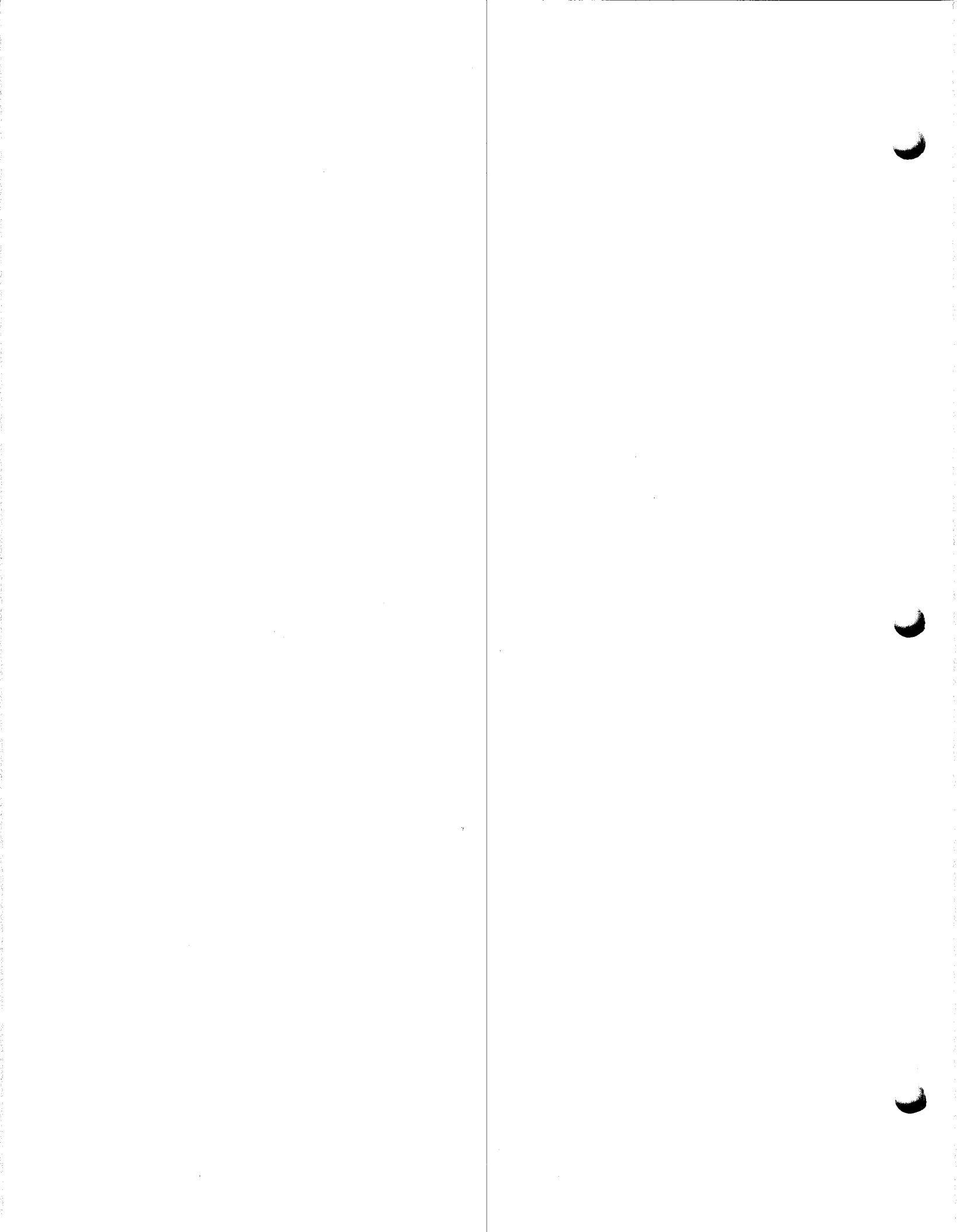
DEER VALLEY RESORT COMPANY

By


Robert W. Wells

P.S. I realize that the current legislature's work is in conflict with certain recommendations of the Task Force.

cc: Miles Rademan
Meg Ryan



HISTORIC DISTRICT COMMISSION APPEAL

664 WOODSIDE AVENUE AND

703 PARK AVENUE



CITY COUNCIL REPORT

DATE: March 16, 1995
DEPARTMENT: Community Development Department
AUTHOR: Janice Lew
TITLE: 703 Park Avenue and 664 Woodside Avenue CAD Appeal
TYPE OF ITEM: Adjudicative

SUMMARY RECOMMENDATIONS: Hear Burnis and Betty Watts' appeal to reverse the Historic District Commission's decision to deny a Certificate of Appropriateness for Demolition (CAD) for 703 Park Avenue and 664 Woodside Avenue and continue the item to March 30, 1995 for action.

DESCRIPTION: Attached as Exhibit A is a Notice of Appeal regarding the Historic District Commission's decision to deny a Certificate of Appropriateness for Demolition.

A. Topic.

PROJECT STATISTICS

Applicant: Burnis and Betty Watts
Location: 703 Park Avenue and 664 Woodside Avenue
Proposal: Denial of CAD Appeal
Zoning: HR-1 and HRC
Adjacent Land Uses: Residential and Commercial
Date of Appeal: February 20, 1995
Project Planner: Janice Lew

B. Background.

The Planning Department received a CAD application on July 19, 1994 for the historic homes and garage located at 703 Park Avenue and 664 Woodside Avenue. On August 4, 1994 the staff wrote Mr. Watts describing the CAD process and informing him that the buildings were historically significant (Exhibit B). Pursuant to Sections 4.13 and 4.15(a) of the LMC, the applicant could have appealed the staff's determination of historical

significance within 10 days of notice. Mr. Watts was notified of his right to appeal the staff's determination of significance, but failed to appeal that issue. The significance of the structure is not an issue of this appeal. The staff's determination was not refuted before the HDC nor is it disputed at this time.

The HDC was informed of the Watts CAD application on August 15, 1994 (Exhibit C). The applicant's property was posted with threatened building signs on August 5, 1994 as required by Section 4.16 of the Land Management Code (LMC) and the pre-hearing period expired September 2, 1994.

Mr. Watts requested a hearing before the HDC in a letter submitted November 29, 1994 and filed the required economic hardship analysis in support of his CAD application (Exhibit D). On December 27, 1994 the staff wrote Mr. Watts informing him that he needed to provide specific additional information to complete his application (Exhibit E).

Once Mr. Watts submitted a complete application, the HDC reviewed the request in a public hearing on January 17, 1995 and scheduled action on the CAD for February 13, 1995 (Exhibit F). On February 13, 1995, the Historic District Commission heard public testimony and evidence and arguments of all parties (Exhibit G), and adopted Findings and Conclusions denying the CAD (Exhibit H). They determined that Mr. Watts had not met his burden of proving sufficient economic hardship to justify demolition of such significant historic structures. It is those findings which are the focus of this appeal.

C. Analysis.

Mr. Watts Contends that the Denial is Based Upon Inaccurate and Inappropriate Conclusions and Findings.

Mr. Watts argues that he should be entitled to the "highest and best use" of his property. This is not an entitlement under the law nor the standard for determining an unreasonable hardship. The Land Management Code outlines the findings which must be made to make such a determination (Exhibit I). They are as follows (Section 4.17(c)):

(c) Written Findings. The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property; or

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; and

2. The building, structure or site cannot be feasibly moved or relocated.

The burden of demonstrating an economic hardship lies with the applicant. In judging an application, the HDC reviews many items, (Exhibit J) including:

1. purchase date, price and financing;
2. current market value;
3. type of occupancy;
4. cost estimates of demolition and post-demolition plans;
5. maintenance and operating cost;
6. costs and engineering feasibility of rehabilitation;
7. rental rates and gross income from the property.

Upon review of the record, there are sufficient facts to support the Historic District Commission's determination that the owner has failed to present "substantial evidence"¹ which demonstrates an unreasonable economic hardship will result from denial of the demolition. The Commission specifically found that:

1. For 664 Woodside Avenue - Because the structure is in fair condition and has been used as a rental property since 1977, denial of the CAD would not deprive the owner of all reasonable use of the property.
2. For 703 Park Avenue including the garage - Because the home is in excellent condition and the structures currently function as a residential dwelling, denial of the CAD would not deprive the owner of all reasonable use of the property.
3. No information was submitted to demonstrate that the structures could not be feasibly moved or relocated.

As stated in the February 13th staff report (attached hereto as Exhibit G), Mr. Watts purchased the Woodside property in 1977 for \$29,000 and the Park Avenue property including the garage for \$15,000 in 1970 for a total of \$44,000. LeRoy J. Pia, MAI has appraised the current value of the Park Avenue property at approximately \$370,000 and the Woodside property at \$125,000.

Mr. Watts disagrees with the Historic District Commission's Application of Section 4.14 of the LMC.

¹Substantial evidence is more than a "scintilla", but less than the weight of the evidence when viewed in light of the whole record. See *Grace Drilling v. Board of Review*, 776 P.2d 63, 67 (Utah App.1989). In essence, if minds could differ on the evidence, there is *substantial evidence* to sustain the decision. *Id.*; 9 *Wigmore*, 3d Ed. Sect. 2494. Further, "substantial evidence" is not undisputed evidence. It is for the fact finder, in this case the Historic District Commission, to choose between conflicting facts. In fact, the Utah Supreme Court has stated that as an appellate body, "It is beyond our prerogative to determine that the [fact finder's] reliance on [certain] testimony was inappropriate." *North Foods Ltd. v. Bd. of Review*, 731 P.2d 470 (Utah 1986); See also *Xanthos v. Bd. of Adjustment*, 685 P.2d 1032 (1984).

Section 4.14 of the LMC states that, "It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building, structures, or sites. Mr. Watts insists this portion of the code was not applied in judging his application.

Mr. Watts understands the basis for issuance of a CAD is showing an unreasonable economic hardship, but believes there are extenuating circumstances which merit the demolition of his property. Specifically, he claims that the rapidly changing neighborhood and permitted uses of surrounding properties have dictated immense change and hardship on *his* immediate use and enjoyment of the property as *his* primary residence.

The HDC has adopted specific standards and criteria necessary to determine whether economic hardship will result from a CAD denial. Mr. Watts' disagreement is with the changing character of his neighborhood not with the standards of economic hardship which the HDC applied. This disagreement does not render the Commission's decision invalid.

Mr. Watts Argues for the HRC Code Provisions as if He has been Denied Equal Treatment.

Specifically, he claims that he is being denied the same opportunities that others are afforded in the zone. It is difficult to make comparisons between what is permitted on some properties and not on others because of various prior vested rights and agreements. Similarly situated properties, however, are treated equally under the Code. The subject property could be used as a commercial parcel considering the current requirements of the Code. The Fletcher/Kimball buildings, Coffee Cottage, and Belz property (811 and 817 Park Avenue) are examples of successful adaptive reuses. A commercial proposal for the adaptive reuse of the Watts' Park Avenue property would receive similar consideration as these previous requests.

Violations of the Conditions of Approval of the Broken Thumb.

Although completely unrelated to the merits of this appeal, Mr. Watts complains that conditions of approval of adaptive reuse in his neighborhood have not been adequately enforced. Tommy Youngblood, Community Enforcement Officer was asked to monitor the Broken Thumb Restaurant for violations of its Conditions of Approval in response to complaints submitted by Mr. Watts. It is possible that some delivery vehicles may have violated the Conditions of Approval which pertain to parking and deliveries. The Community Development Department will now be notified of any violations sighted.

Relocation of the Structures.

During the HDC review process, the applicant had not submitted information to demonstrate that the structures cannot be feasibly moved or relocated. Mr. Watts has now submitted additional information to the City Council about the condition or lack of a foundation for two of the structures which may inhibit their relocation. Mr. Watts contends that if the buildings had been inspected, the improbability of moving them would have been obvious. During the February 13th HDC meeting, the Commission indicated that they were sufficiently acquainted with the buildings to make a decision.

The lack of a foundation is not an unusual condition in Old Town. The City has funded several requests for foundation improvements through the matching grant program over the past few year.

ALTERNATIVES:

- A. Hear the appeal and schedule the appeal for action at the next meeting. The Council may enter closed session to deliberate after receiving testimony at tonight's meeting or at the beginning of the next meeting.
- B. If the City Council believes the HDC has unfairly applied the law to the facts, the Council should reverse the HDC's decision to deny the CAD and direct the staff to prepare findings and conclusions to reflect its decision.
- C. The City Council may continue the hearing for more information and discussion or to take additional testimony at the following meeting and reschedule the item for action at that meeting.

SIGNIFICANT IMPACTS:

If the City Council sustains the CAD denial, the owner may not legally demolish the structures. The owner may not re-apply for demolition for a period of three years from the date of the HDC's final decision, unless the building, structure or site is structurally unsound or substantial changes in circumstances have occurred other than those caused by the negligence or intentional act of the owner, in which case the owner may apply as conditions warrant.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

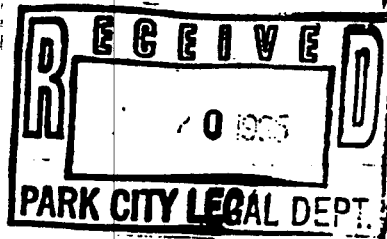
If the City Council overturns the HDC's decision and approves the CAD, the owner may proceed to demolish the structures after obtaining a demolition permit from the Building Department. As a condition of demolition approval, the Council should require the owner to provide documentation of the site according to the standards of the American Building Survey (HABS). Approval of a CAD would be valid for one year.

RECOMMENDATION:

The Council should hear testimony from the applicant and staff and then from any other interested person at the hearing and continue the item to March 30, 1995 for action. The Historic District Commission recommends the City Council use any and all means available to explore all avenues and possibilities in keeping with the current zoning which would culminate in the continued use or adaptive reuse of the structures.

EXHIBITS:

- Exhibit A - Notice of Appeal
- Exhibit B - August 4, 1994 Staff Letter
- Exhibit C - August 15, 1994 Staff Report and Minutes
- Exhibit D - Request for Hearing
- Exhibit E - December 27, 1994 Staff Letter
- Exhibit F - January 17, 1995 Staff Report and Minutes
- Exhibit G - February 13, 1995 Staff Report
- Exhibit H - Findings and Conclusions
- Exhibit I - Section 14 of the LMC
- Exhibit J - Economic Hardship Standards and Criteria



2-2

City Council
City Recorder

Please accept this letter for a request of an appeal hearing of the 2-13-95 Historic District Commission action related to the "Application for Certification of appropriateness for demolition" for the buildings on sites at 264 Woodside and 703 Park Ave.

Commission's denial of the request is based on inaccurate and inappropriate conclusions and findings. Denial of the application is based on opinion on a large part rather than facts.

Section 4.14 of the code was not fully utilized or applied resulting in less than accurate interpretations of factors and findings that effected the decision of denial.

Requests for a complete assessment of findings and facts and application of the code was not acted upon during the H.D.C. public hearings.

Your consideration in this matter is greatly appreciated.

Sincerely,
Bernie Shatto

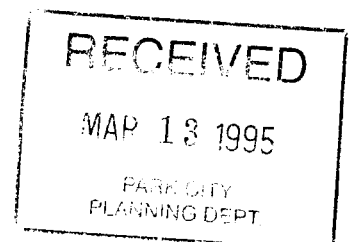
Filed 2-20-95

**For
City Council
and
City Staff**

Submitted by:

Burnis Watts

3-16-95



Introduction

The request for demolition is based on a number of premises:

1. Code 4.14 states "It is recognized that structural deterioration, economic hardship and other factors not entirely within the control of a property may result in the necessary demolition or removal of a historic building, structure or site."
2. That the property owner has established rights of determination as to use, value and disposition of his property.
3. That the influences of development impacts and use trends of the area strongly dictate appropriate uses and decisions of owners' vested rights as related to code guidelines.
4. That the "city" has an obligation to fairly assess all aspects of the issues that affect the parties, ensuring that decisions are of equal fairness.
5. That all property owners are accorded the same rights under the zone code.

Trends Within the Zone (HRC)

The zone (HRC) has a number of established uses, most notably the uses within the established extended main street section. These uses are clearly **HCB** uses in nature, but within the HRC zone. It appears that this will continue. These uses go far beyond the intent of the HRC definition of a transition zone. The uses established by the Planning Commission and City Council along the east and west side of Park Avenue also reflect the same intense commercial use and impact trend.

The agreements entered into with the development parties, i.e. Summit Watch, Sweeney Properties, etc. are of a "grandfathered" or vested nature within the HRC zone. However, they are not regulated by the zone code requirements, also allowing intense commercial uses and much higher densities.

Property Owners Rights

Property Owners within the zone (HRC) are also vested with the established code provisions. The land value has been established because of the ordinance definitions. Selected owners within the zone should not be singled out and denied equal rights and opportunities afforded by the legally

established commitment by the City's HRC ordinance of 1982. To deny equal treatment would be punitive and create undo hardships.

Owners of property have the right of self determination of their property within the framework of the code.

Land Management Code 4.14:

Demolition and Removal of Historic Buildings and Sites

"It is the intent of this and succeeding sections to preserve the historic and architectural resources of Park City, through limitations on demolition and removal of historic buildings and sites to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings and sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. *It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building or site.*"

Many additional impacts and hardships are alluded to although not discussed in the code. Some are much more meaningful to health, safety and welfare of people than economic hardship the code emphasizes at length. The determination of issues related to the outcome of this hearing are far more broad-based than policy guidelines. Impacts beyond the control of the property greatly affect this application.

Decisions already made by the Planning Commission and City Council have taken the option of a residentially viable neighborhood away. The trend and direction of land uses has been defined. It would be punitive if action to deny my opportunity for what economic gain there may be and to a lifestyle that all should be able to enjoy.

Economic Hardship

Analysis has been generalized to address issues of and comparisons of the properties listed in the CAD request. This analysis was prepared by LeRoy J. Pia, M.A. of Appraisal Group, Inc. Mr. Pia is a recognized expert in this field. It

Burnls Watts Report

should be noted that the analysis is limited in scope and represents the opinions of the author. It is a basis to establish property values and rationale about the subject properties related to economic factors.

Mr. Pia states, "An economically feasible structure could easily be constructed on the subject site if it were vacant. It would probably be a retail building with residential units on the second and third levels. It would probably have underground parking. One would expect that this sort of use would result in a higher land value for the property fronting Park Avenue."

He further states (Highest Present Land Value), "If the site were vacant, the front would be developed with an HRC high density commercial and residential project. The rear, the two lots and a fraction fronting Woodside Avenue would remain in HR1 zone and probably qualify as a single building lot, or they may be used to accommodate off street parking required if the HRC land use is maximized."

The analysis suggests that it is questionable that the garage could be used for a commercial building. "Jeffrey Kuhn ran into a cost of three times new construction costs had he started over rather than reconstructing the duplexes across the street. If costs were in the range of \$100 per square foot, then costs to refurbish could be \$300 per SF. Michael Watts seems not to shy away from this cost. It seems excessive. But most would agree that cost to renovate exceeds new construction costs, and on this basis, it would be appropriate to anticipate a cost in excess of \$100 per SF."

Under these conditions, the garage has questionable value. "The difficult value to determine is the value contribution of the garage building if used as a commercial property. A residual valuation was used, which places the value of the building at less than value contribution of the land as if vacant. The problem in this valuation is properly estimating the cost to renovate the garage into an acceptable, functional, commercial building. The City could impose so many constraints that the actual cost to rehabilitate the garage causes it to be worth less than nothing, and in fact to become a liability."

Burns Watts Report

Land-only value is estimated at \$275,000 if viewed as HR1. Land-only value is estimated at \$350,000 if viewed as HRC & HR1.

This represents a significant estimated dollar loss resulting in economic hardship. It is apparent that gains are greater with the option of land and maximized uses for the subject properties within the applied zones.

Other Hardships

Traffic has increased greatly. Park Avenue now is the parking for business employees, customers, workers. The unloading of freight causes impact, increasing the already impacted street.

Parking is not regulated or enforced.

Hours of operation do not conform to the approvals granted; the conditions of approval are not followed. It appears that no plan to monitor or enforce conditions exists as it relates to present businesses on Park Avenue.

The construction time to develop will extend into years and be very impacting. This in and of itself renders the neighborhood unsuitable for residential living.

The realities are evident and point to the need to allow compatible activities and zone-approved development to occur. My properties are totally surrounded by intense uses and this fact is real. The future will only increase the intensity of uses and associated activities.

Findings of Denial Notice

Rationale to prove *lack* of economic hardship in the notice for denial does not reflect a basis of fact but rather opinions to reach conclusions about the properties of 664 Woodside Avenue and 703 Park Avenue.

664 Woodside Avenue Property

Item #3: "The structure is located on a 2,622 square foot lot fronting Woodside Avenue."

This is information only, not a fact related to "finding for denial".

Burnis Watts Report

Item #4: "The property is zoned HR-1"

This is information only and not a fact related to "finding for denial".

Item #5: "The property is in fair condition and was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure."

This is information only. Review of the agreement language with the HDC and myself does not encumber the property or imply future or present commitment to the "City". (See attachment)

Item #6: "The property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years."

Income as reflected in 1993 was approximately \$5700.00; in 1994 it was \$6225.00 as shown in tax documents. Based on the value of the property, this amount clearly cannot be construed as a reasonable return. If all costs of labor, ongoing maintenance costs, costs due to normal "wear and tear", plus costs to replace structures were accounted for, it can be demonstrated as a non-profit situation of economic hardship. Remodeling costs to bring the house into a condition suitable to rent at today's market prices constitute an economic hardship. The house is not suitable to that kind of change.

Item #9: "No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated."

The house was built with no foundation except for two rooms. This foundation is rock. The house has been built in three sections at different times. It is very poorly constructed and it would be questionable and difficult to move. The value of the structure would bring into question economic rationale and costs to relocate. Site inspection would clarify this conclusion totally.

703 Park Avenue: House

Item #1: "The house is architecturally significant as one of four extant two story box houses in Park City and is individually listed in Park City's Thematic Nomination on the National Register."

This nomination does not in and of itself transfer the rights of the property to the "City" or take away the property owner's rights.

Item #2: "The structure is well maintained and is in excellent condition."

The house is very old, built under a different code. To say it is in excellent condition is inaccurate. The house is maintained as appropriately as possible related to age and structural conditions.

Item #3: "The structure is located on a 8171 square foot lot fronting on Park Avenue."

This is information only, not grounds for denial.

Item #4: "The property is zoned HRC."

To continue use of the house as a residential dwelling would be an economic hardship. The item is information only, not a reason to deny a permit.

Item #5: "Historic District Grant funds were allocated to this property in 1987 for renovation work. "

This is information only, not grounds for denial. Review of the agreement language does not encumber the property or imply future or present commitment to the "City". (See attachment)

Item #6: "The appraiser concluded the highest and best use is to maintain the structure, however under the highest density permitted within the HRC district."

The house is used as a single family dwelling. This use does not relate a profitable situation. Land values and HRC uses that are available render the

Burnis Watts Report

current use as an obvious economic hardship. The house is approximately 90 years old, and to retrofit it to the highest and best use in today's market becomes a large economic burden. The location of the house on the property is also not conducive to the most use that could be obtained resulting in hardship. (See enclosure: Site Plan.)

Item #8: "The building is currently occupied as a residential dwelling."

This is information only. This item does not relate to finding of fact or draw a conclusion for grounds for denial.

Item #9: "The applicant participated in the 1989 Historic District Grant Program and received funds to replace the roof."

The is information only. Review of the agreement language does not encumber the property or imply future or present commitment to the "City". (See attachment)

703 Park Avenue: Garage

Item #4: "No information has been submitted to demonstrate the structure cannot be feasibly moved or relocated."

The structure is nearing the century mark in age. It was built under a code that did not relate to the code of today. The structure has no foundation,; there is no internal timbering to allow movement of the building. It would in no way be possible to economically justify a move. Winter elements put the structure at high risk now and every year. Had the building been inspected it would have been abundantly clear and obvious.

Item #5: "...Although, the highest and best use may be to demolish the structure because of the underlying commercial zoning. The structure currently functions as an accessory building and provides off-street parking for the residential dwelling."

The structure's current use cannot be justified as a reasonable use. The building as it is now is a large dollar liability. The estimate of the appraiser fixes

Burnis Watts Report

the amount around \$40,000. The building cannot feasibly be remodeled to meet city code. The conditions of the building and what uses could be placed on the land if vacant demonstrates a large burden of hardship.

Conclusions of Law for All Structures

Item #1: "For 664 Woodside, the building, structure or site can be feasible used or rented at rate of return in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property."

In the present condition, the structure cannot be rented for enough to make a reasonable return. If the structure were to be rehabilitated, the cost to meet code would be prohibitive.

Item #2: "For 703 Park Avenue, including the garage, the building, structure or site has beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property. "

The house can be lived in. If the house were to be rented or rehabilitated, the cost to meet code would be great. These uses would not generate income that could be justified in light of HRC land values and uses.

The garage structure is and would remain an unsafe building with limited use. It cannot be moved or brought into code. It occupies an HRC land parcel valued at far too much to continue to be a liability to the HRC and HR-1 property that I own. It has historic appeal, but that is not enough reason to retain the building.

Item #3: "There is no evidence in the record to demonstrate that the structure cannot be feasibly moved or relocated."

The analysis of the appraiser has indicated otherwise. The house could be moved; the other structures are most questionable. Anything is possible, but is it feasible? To my knowledge, the properties were not evaluate or inspected by the HRC or Staff. I requested that this be done, but it was not acted upon.

Summary (Other hardship, current and future)

Major hardships other than economic hardships are numerous and compelling. The ordinance addresses these issues clearly. The HDC, in its hearings, did not consider my request to do so, but rather concentrated on economic hardship issues (The minutes of HDC reflect this).

The subject property and myself should not be penalized for displaying civic pride in the maintenance of the houses and grounds. Satisfaction and personal pride were our goals and motivation. We believe that we contributed to the community in so doing.

Lastly, the greatest hardship is the logistics of having to relocate. It is most difficult to leave a lifestyle that was comfortable, with a feeling of belonging in the *real* Park City. Costs involved are important, however, no amount of monetary gain or loss can replace a home with a house. The trauma of giving up what has amounted to 30 years of living in a neighborhood and working in a community is extremely difficult to ponder.

Attachments:

1. Site Plan
2. Historic Grant Application

Burnis Watts
Page three
February 14, 1995

Date of Expiration: February 13, 1996

Burnis, you may appeal to the City Council any action pertaining to the denial. The petition must be filed in writing with the City Recorder within ten (10) calendar days of the Historic District Commission decision.

Janice A. Lew
Janice A. Lew
Planner I

Feb. 14, 1995
Date

703 Park Avenue House

1. The house is architecturally significant as one of four extant two story box houses in Park City and is individually listed in Park City's Thematic Nomination on the National Register.
2. The structure is well maintained and in excellent condition.
3. The structure is located on a 8,171 square foot lot fronting on Park Avenue.
4. The property is zoned HRC.
5. The historic structure adds to the overall value of the property.
6. The appraiser concluded the highest and best use is to maintain the structure, however, under the highest density permitted within the HRC district.
7. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.
8. The building is currently occupied as a residential dwelling.
9. The applicant participated in the 1989 Historic District Grant Program and received funds to replace the roof.

703 Park Avenue Garage

1. The garage is included as an outbuilding for 703 Park Avenue's listing in Park City's Thematic Nomination on the National Register.
2. The building is a good example of a commercial vernacular building and maintains much of its original character.
3. Historic District Grant funds were allocated to this property in 1987 for renovation work.
4. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.
5. Although, the highest and best use may be to demolish the structure because of the underlying commercial zoning. The structure currently functions as an accessory building and provides off-street parking for the residential dwelling.

Conclusions of Law for All Structures

1. For 664 Woodside Avenue, the building, structure or site can be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.
2. For 703 Park Avenue including the garage, the building, structure or site has beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.
3. There is no evidence in the record to demonstrate that the structures cannot be feasibly moved or relocated.



February 14, 1995

Burnis Watts
P O Box 705
Park City, UT 84060

NOTICE OF HISTORIC DISTRICT COMMISSION ACTION

Project Name: 703 Park Avenue and 664 Woodside Avenue

Project Description: Application for Certificate of Appropriateness for Demolition

Date of Meeting: February 13, 1995

Action Taken By Historic District Commission: Denial

Denial Based on the Following Findings and Conclusions:

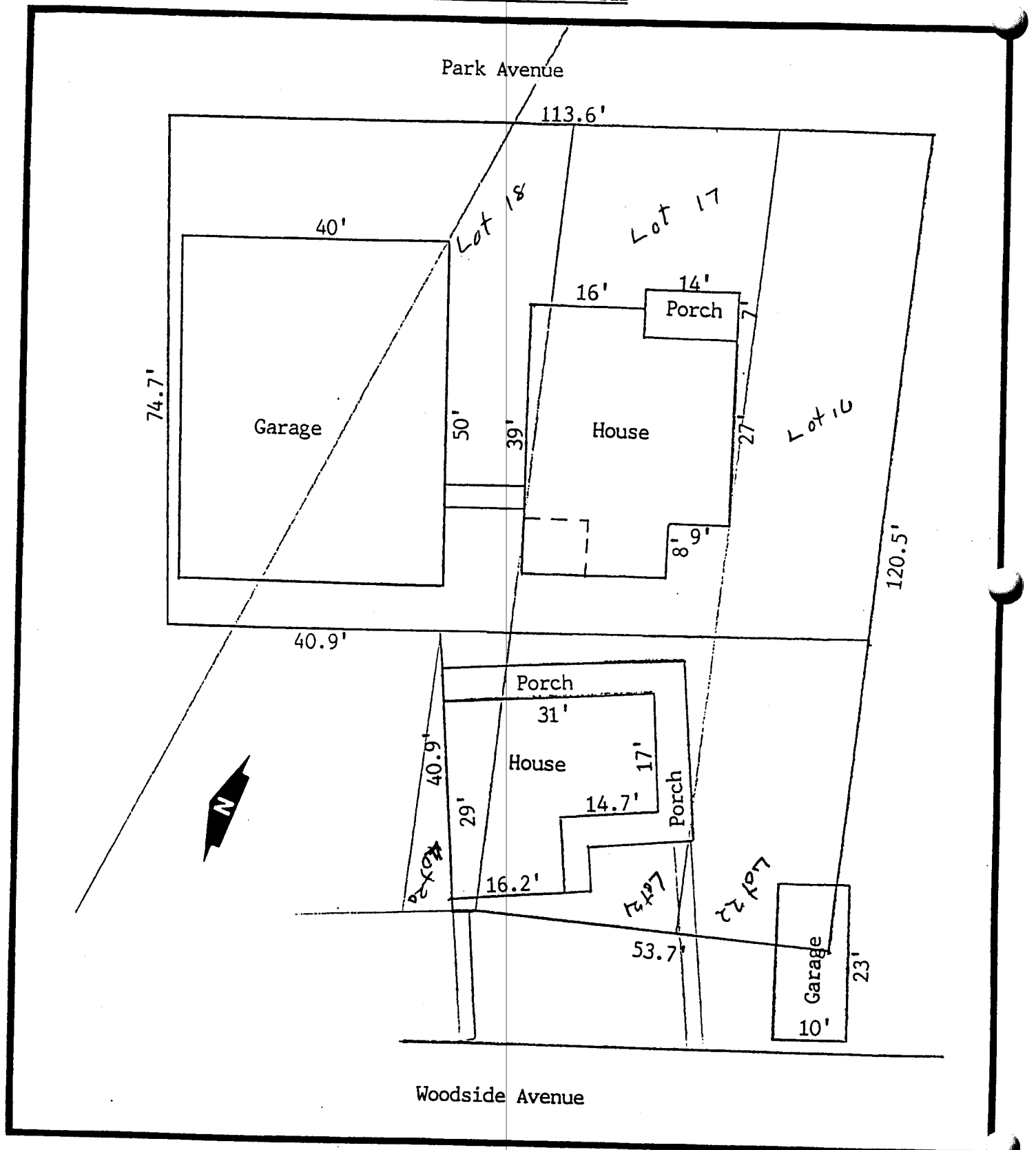
Findings

664 Woodside Avenue

1. The structure is listed as "contributory" in Park City's Historic Survey.
2. The structure contributes to the district because of its vernacular style.
3. The structure is located on a 2,622 square foot lot fronting on Woodside Avenue.
4. The property is zoned HR-1.
5. The property is in fair condition and was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure.
6. The property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years.
7. The historic structure adds to the overall value of the property.
8. The appraiser concluded the highest and best use is for a continuation of use of the existing house.
9. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.

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SITE PLAN SKETCH



HISTORIC DISTRICT COMMISSION
1989 GRANT PROGRAM AGREEMENT

This Agreement is made by and between the REDEVELOPMENT AGENCY OF PARK CITY, ("RDA") and Burnis Watts, ("Grantee").

RDA has made funds available for the renovation of residences and businesses in Park City which are of historic significance. Funds are being made available on a matching basis, to the owners of such structures to further the purposes of historic preservation in Park City. The program is being administered by the Historic District Commission.

Grantee has been selected as a recipient of a grant from RDA in the maximum amount of \$ 3,173.00 dollars, which grant proceeds will be paid over to Grantee upon completion of the approved renovation work.

In consideration of the mutual promises and agreements contained herein, RDA and Grantee agree as follows:

1. Grantee will submit to the Park City Planning Department plans and specifications describing the proposed renovation work, which plans and specifications will be subject to approval by the Planning Department.
2. Grantee will undertake the approved renovation work within sixty (60) days of execution of this agreement and will complete said renovation work on or before January 31, 1990.
3. On or before January 31, 1990, Grantee will submit all receipts for the work done on the approved plans and specifications to the Park City Planning Department.
4. RDA will reimburse Grantee, within thirty (30) days of Park City's receipt of all receipts of the work completed, for one half the total cost of the approved renovation work, based upon the receipts submitted, up to a maximum of \$ 3,173.00 dollars.
5. Grantee agrees to allow RDA to place a sign on Grantee's premises during construction work, which sign shall state that the renovation work is being supported by a grant from the Park City Redevelopment Agency and that the RDA Grant Program is being administered by the Park City Historic District Commission.

DATED this 6th day of June, 1989.

REDEVELOPMENT AGENCY OF PARK CITY

By _____
Hal W. Taylor, Chairman

GRANTEE

Burnis Watts

Historic Property Address:

703 Park

23
* must get building permit

PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

August 4, 1994

Burnis Watts
PO Box 705
Park City UT 84060

Dear Mr. Watts:

We have received your application for a Certificate of Appropriateness for Demolition(CAD) for the homes and garages located at 703 Park Avenue and 664 Woodside Avenue. I wanted to take the opportunity to let you know about our process for reviewing an application for demolition. Please find enclosed a copy of the Land Management Code CAD amendments. Section 1.21 of the Land Management Code states that:

Applicants shall not be entitled to review and approval of applications pursuant to the terms of the LMC in effect at the time of application when revisions to the LMC are pending at the time of application which would prohibit or further the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

What this means is that the proposed changes to the Preservation Ordinance will apply to your application.

The City first determines the historical significance of the structures. Based upon the structural condition of the building and a recommendation by Chief Building Official, the city can issue a CAD with minimal review by the Historic District Commission. However, if the city staff determines that the structures are historically significant, the subject property is taken through the CAD process.

The Community Development Staff has determined that your buildings are significant and should proceed through the process. The structures are located within an historic district, listed in the Park City Historic Survey, and are over fifty years old. The 703 Park Avenue property also is listed on the National Register. The LMC provides a process by which you may appeal the determination of significance by submitting a written request for a hearing within 10 days of receipt of this notice.

The process requires the property be posted with an informational sign on the requested

Exhibit B - August 4, 1994 Staff Letter

demolition and the owner entertain discussions with the city and interested parties on acquisition of the property. After 45 days, the property owner may request review by the Historic District Commission provided all Code requirements have been met and all economic hardship information required by the HDC has been submitted. Within an additional 45 days of receiving the completed application, a hearing will be scheduled before the HDC. The Land Management Code outlines the criteria and findings the HDC considers to evaluate the CAD application.

The Commission will receive a background report on your demolition request at their August 15, 1994 meeting. You are welcome to attend the meeting, but it is not a requirement. I could forward any comments or requests for additional information to you. Please be advised that the pre-hearing period for your request will expire September 2, 1994. Following that date, we will schedule the HDC hearing within 45 days of receipt of a written hearing request and complete application.

I would like to stress that it is our intent to preserve the historic and architectural resources of Park City. Because the removal of historic structures diminishes the character of the District, the HDC strongly discourages demolition. Rather, the HDC and staff exhaust all possibilities before allowing demolition.

If you have any questions, please feel free to call me. I would be happy to meet with you and go over the process.

Sincerely,



Janice Lew
Planner I

**PARK CITY PLANNING DEPARTMENT
STAFF REPORT**

TO: HISTORIC DISTRICT COMMISSION
FROM: PLANNING STAFF JL
DATE: AUGUST 9, 1994
RE: 703 PARK AVENUE AND 664 WOODSIDE CAD APPLICATION

I. PROJECT STATISTICS

Applicant:	Burnis and Betty Watts
Location:	703 Park Avenue and 664 Woodside Avenue
Proposal:	Certificate for Appropriateness for Demolition
Zoning:	HR-1
Adjacent Land Uses:	Residential and Commercial
Date of Application:	July 19, 1994
Project Planner:	Janice Lew
<u>Staff Recommendation:</u>	BACKGROUND INFORMATION ONLY

II. BACKGROUND INFORMATION

The Planning Department received a CAD application in July for the historic homes and garages located at 703 Park Avenue and 664 Woodside Avenue. Section 1.21 of the Land Management Code states that:

Applicants shall not be entitled to review and approval of applications pursuant to the terms of the LMC in effect at the time of application when revisions to the LMC are pending at the time of application which would prohibit or further the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

Because changes to the Preservation Ordinance are pending, this application will be required to comply with the proposed amendments.

Based upon the criteria set forth in Section 4.13, the Community Development Department has determined that the structures are significant and should proceed through the process. The structures are located within the Historic District, listed in the Park City Historic Survey and are over fifty year old. The Park Avenue home also is individually listed in Park City's Thematic Nomination on the National Register. The LMC provides a process by which the applicant may appeal this determination of significance to the Historic District Commission. The applicant was notified of said determination in a letter dated August 4,

1994 and may request a hearing within ten days of notification.

The applicant's property was posted with threatened building signs on August 5, 1994 as required by Section 4.16 of the LMC and the pre-hearing period expires September 2. At the end of the pre-hearing period, the applicant may request a hearing before the HDC. Review by the Commission will be scheduled within 45 days of receipt of a complete application including all economic hardship information.

At this time, the staff wants to make the HDC aware of the application. The staff is requesting comments from the Commission concerning any additional information needed from the applicant which would assist the HDC in their review of the application.

III. EXHIBITS

- Exhibit A (703 Park Avenue historic survey)
- Exhibit B (703 Park Avenue Thematic Nomination)
- Exhibit C (Park Avenue garage historic survey)
- Exhibit D (664 Woodside Avenue historic survey)

Name of site _____

Subdivision _____

Address 703 ParkBlock 6 Lot(s) 16, 17, 18Owner Burnis and Betty Watts

Present Zoning _____

Owner Address P.O. Box 705 Park City, Utah 84060

PRIMARY STRUCTURE

View _____

Date of photo _____
Negative File _____

Physical description: Two-story wood residence; modified L-shape; hip roof
with intersecting gable; center chimney; fish-scale shingles and small
window in gable; 1/1 windows; molded architraves; small pediment on porch
roof emphasizes entrance; turned porch supports; leaded glass transoms on large
windows.
Features of interest: _____

Building materials: woodBuilding type/style vernacularModifications: None to minor x

Moderate _____

Major _____

Explain: _____

Condition: Excellent _____

Good x

Fair _____

Deteriorated _____

Comment: _____

Present use: residentialOriginal use: residential

SIGNIFICANCE OF PRIMARY STRUCTURE

Individual landmark _____ Typical example x Contributes to district xComment: Good, intact example of building type.

Utah State Historical Society
Historic Preservation Research Office

Site No. _____

Property Type: _____

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 703 Park
 Park City, Summit County, Utah
 Name of Structure: Ellsworth J. Beggs House
 Present Owner: Burnis Watts
 Owner Address: P.O. Box 705, Park City, Utah 84060

UTM: 12 457910 4499430
 T. R. S.

Tax#: PC 103

Year Built (Tax Record):
 Legal Description

Effective Age:
 Kind of Building:

Beginning on West line Park Avenue at Northernmost corner Lot 1 Block 1 Snyder's Addition
 West to Park City, run thence South 28 degrees 50 minutes East along said West line
 113.60 feet to Southeast corner Lot 16, Block 6, Park City, thence South 66 degrees
 54 minutes West along South line said Lot 6, 75.0 feet; thence North 28 degrees 50 minu
 West 105.32 feet to Northwesternly line Lot 1, Block 18, Snyder's Addition; thence North
 (See continuation sheet)

STATUS/USE 2

Original Owner: Ellsworth J. Beggs

Construction Date: c. 1907

Demolition Date:

Original Use: Residence

Present Use:

Building Condition:

Integrity:

Preliminary Evaluation:

Final Register Status:

☒ Excellent
☐ Good
☐ Deteriorated

☐ Site
☐ Ruins

☒ Unaltered
☐ Minor Alterations
☐ Major Alterations

☒ Significant
☐ Contributory
☐ Not Contributory

☐ Not of the
 Historic Period

☐ National Landmark
☐ National Register
☐ State Register
☐ District
☐ Multi-Record
☐ Thematic

DOCUMENTATION 3

Photography:

Date of Slides: 1983

Slide No.:

Date of Photographs: 1983

Photo No.:

Views: ☐ Front ☐ Side ☐ Rear ☐ Other

Views: ☐ Front ☐ Side ☐ Rear ☐ Other

Research Sources:

☒ Abstract of Title
☒ Plat Records/Map
☒ Tax Card & Photo
☐ Building Permit
☐ Sewer Permit

☒ Sanborn Maps
☐ City Directories
☐ Biographical Encyclopedias
☒ Obituary Index
☒ County & City Histories

☒ Newspapers
☐ Utah State Historical Society
☐ Personal Interviews
☐ LDS Church Archives
☐ LDS Genealogical Society

☐ U of U Library
☐ BYU Library
☐ USU Library
☐ SLC Library
☒ Other Census Records

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

1900 Census Records. Summit County, Park City Precinct, p. 164-B.
 1910 Census Records. Summit County, Park City Precinct, p. 12-B.
 Park Record. November 3, 1933, p. 1. Eva Jane Beggs obituary.
 Salt Lake Tribune. November 4, 1933, p. 28. Eva Jane Beggs obituary.

Exhibit B 29

Date: 4

Architect/Builder: Ellsworth Beggs

Building Materials: Wood

Building Type/Style: Two Story Box (variant of Pyramid House)

Description of physical appearance & significant architectural features:
(Include additions, alterations, ancillary structures, and landscaping if applicable)

This house is a two story frame box with a projecting cross-wing on the facade. It is a variant of the pyramid house. It has a pyramid roof over the box section, and a gable roof over the cross-wing. A small porch fills the space beside the crosswing. The porch piers are lathe turned, and a decorative pediment projects from the porch roof over the entrance area. The diamond cut shingles of the porch pediment match those of the cross-wing gable. Both first floor windows on the facade are broad single pane and transom windows. The transom windows are filled with leaded glass. One window flanks the door, and the other is set into the gable end. Most of the windows on the rest of the house are the one over one double hung sash type. There is a one story rear extension which is probably original. A small frame shed was built between this house and the garage to the north. It touches the house, but does not penetrate the wall. The shed therefore does not affect the original character of the house. This building is in excellent condition, and is essentially unaltered on the exterior. It maintains its original integrity.

A one story frame garage adjacent to 703 Park is included as an outbuilding in the nomination of 703 Park. It has a gable roof and a false front. The
(See continuation sheet)

Statement of Historical Significance:

Construction Date: c. 1907

Built c. 1907, the Ellsworth J. Beggs House at 703 Park is architecturally significant as one of about four extant two story box houses in Park City, three of which are well preserved and included in this nomination. The two story box is closely tied with the pyramid house, one of three major house types in Park City. Like the pyramid house, it has a square or nearly square form, a pyramid or truncated hip roof, and a porch spanning the facade. It varies in size from the pyramid house, being a full two stories, as compared with the one or one and one half stories of the pyramid house. The two story box was not common in Park city, but judging from the range of extant buildings in Park City, it seems to have been the preferred design choice for a sizeable Park City house. All of the extant examples of this house are located on prominent sites along Park Avenue, the most prestigious street in Park City, further documenting the significance of this house type as one chosen by those who were seeking more than a utilitarian dwelling.

Ellsworth J. Beggs bought this property in 1904, but, according to the Sanborn Insurance Maps, he did not build this house until after 1907. Located on the property at the time of Begg's purchase were a livery stable, a small one-story house on the rear of the lot, and a one-story house of similar configuration as the current two-story house located there. The livery stable was either greatly expanded or replaced c. 1906 by the larger livery stable/garage that is currently on the property. A \$500 mortgage that year by Beggs indicates that the construction of that building took place that year. The new livery stable, which, at the time of its construction, shared its south wall with the north wall of the one story house, later served as an automobile garage.

The existing two-story house was either built or moved onto the site after 1907, replacing the one story house, but located several feet south of where
(See continuation sheet)

703 Park
Description continued:

painting on the false front reflects some of its many uses. It originally was a livery stable, but was later converted into a garage. It is no longer used for commercial purposes. A pair of garage doors is centered on the facade. There is a large almost square window on the south side, and a narrow rectangular window on the north side of the garage doors. There are three small square windows on the north wall which look original, as well as a large rectangular window which may be an addition. Several of the openings in the south wall have been boarded over, and a window was added. The building is connected to the house at 703 Park by a small addition. The changes made to the exterior, however, are minor, and the building retains its original character.

History continued:

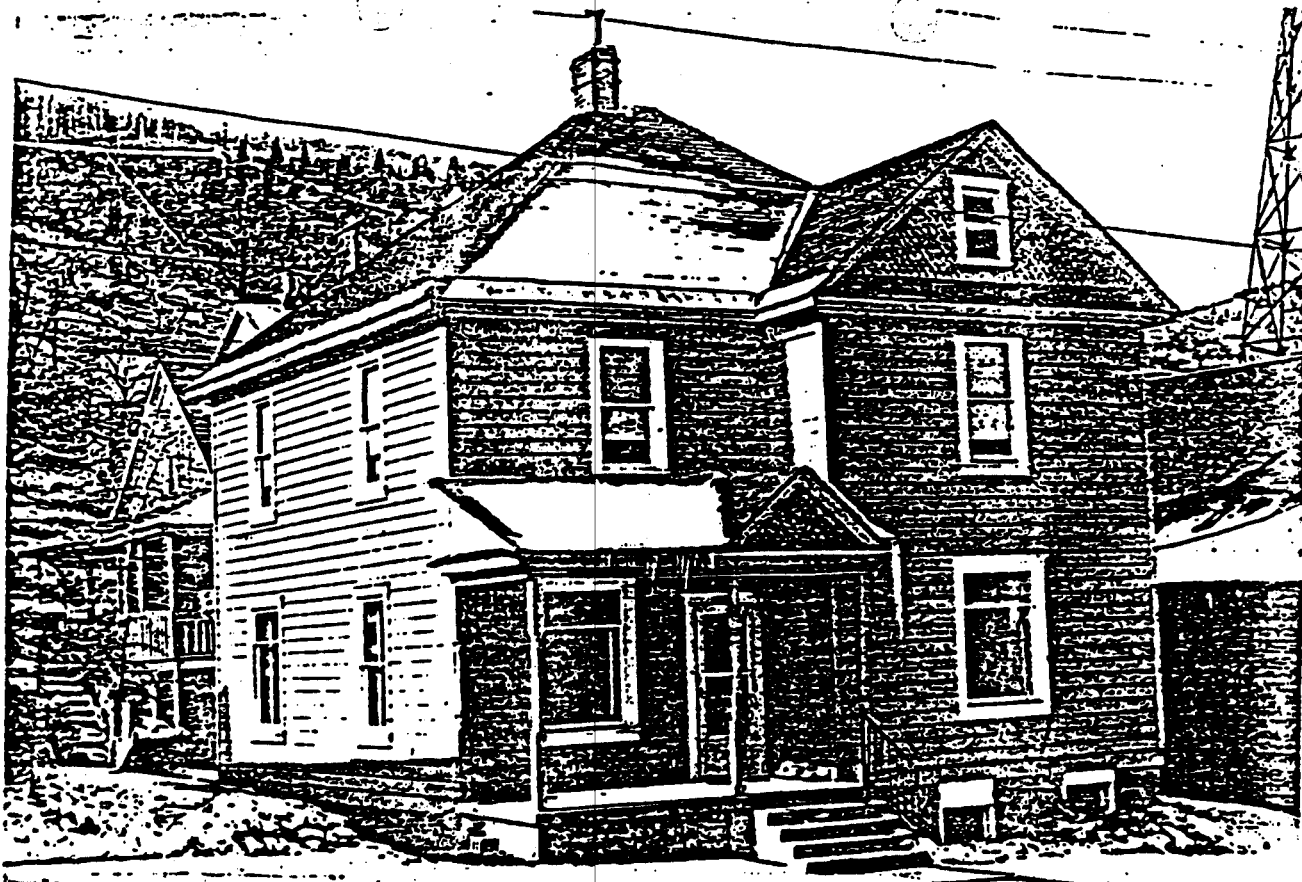
it had stood. Speculation that this house was moved here at a later date from another location is based on the fact that the Victorian inspired styling of this house was usually not used on buildings as late as 1907 and was usually not contemporary with the use of concrete foundations, such as the one upon which this house sits. Evidence to support the assumption that this house was built on the site is that Beggs was a local carpenter who was known to have built at least one other house in town of similar scale and styling, 421 Park. The relatively late construction date, c. 1907, can be attributed only to Begg's preference for that house type. The concrete foundation, though probably not part of the original construction of the house, was possibly constructed a number of years after the house was built. The process, which was not uncommon in Park City, involved raising up the house, pouring a concrete foundation underneath it, then lowering the house back down on the new foundation.

Ellsworth J. Beggs was born in Pennsylvania in 1861, and came to Park City by at least 1889, the year that he married Eva Jane Lockhart. She was the daughter of one of Park City's well-known and long-time citizens, Oliver Lockhart. Prior to moving into this house, Ellsworth and Eva Jane lived with her brother, Scott Lockhart, an attorney, in his house on Park Avenue. In addition to working as a carpenter, Ellsworth also served as a city councilman in Park City. The Beggs owned this house until 1946, when it was sold to Byron F. Wilde, a banker. The current owners, Burnis and Betty Watts, bought the house in 1974.

Legal Description continued:

60 degrees 30 minutes East 74.67 feet to beginning. Being part of Lot 1 Block 1, Park City Survey, and Lots 16, 17, 18, Block 6, Park City.

.18 acre.



Ellsworth Beggs House
703 Park
Park City, Summit County, Utah

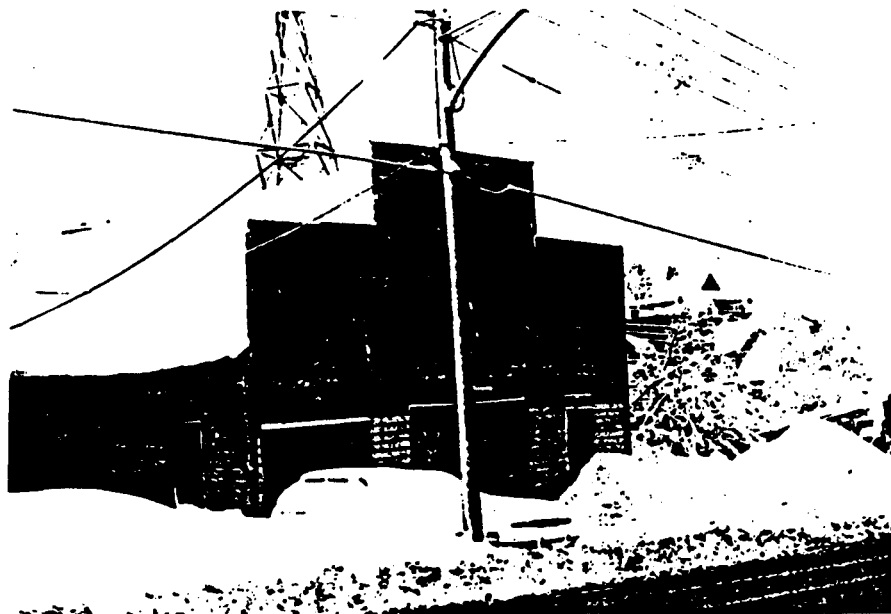
View from Southeast corner

Photo by Roger Roper, October 1983
Negative: Utah State Historical Society

Name of site _____ Subdivision _____
Address North of 703 Park _____ Block 1 Lot(s) _____
Owner Burnis Watts _____ Present Zoning _____
Owner Address P.O. Box 705 Park City, Utah 84060 _____

PRIMARY STRUCTURE

View _____

Date of photo _____
Negative File _____

Physical description: One-story wood commercial building with false front; rectangular shape with gable roof; 2 large garage openings and single door on front facade; signage painted on front.

Features of interest: Signage of interest

Building materials: wood Building type/style false front

Modifications: None to minor X Moderate Major

Explain: _____

Condition: Excellent Good X to Fair X Deteriorated

Comment: _____

Present use: garage Original use: garage

SIGNIFICANCE OF PRIMARY STRUCTURE

Individual landmark _____ Typical example _____ Contributes to district _____

Comment: good example of commercial vernacular building.

Physical description:

View _____

Date of photo _____
Negative file _____

Modifications: None to minor_____Moderate_____Major_____

Condition: Good_____Fair_____Deteriorated_____

Present use:_____Original use:_____

COMMENT:_____

Date of construction/primary structure: c. 1900 Alterations: _____
Sources for documentation: Based on building type.

Original owner: _____
Additional information of interest (attach lengthy histories): _____

Significant Contributory Non-contributory Intrusion

Secondary structure

Primary structure, post-1930

Comment: Building is unaltered example of type

Form completed by: Ellen Beasley Date: _____

Beasley/February 1982

Researcher: Philip F. Notarianni
Date: September 1978

Site No. SU-10-59
59

Utah State Historical Society
Historic Preservation Research Office
Structure/Site Information Form

IDENTIFICATION	Street Address:	ca. 732 Park Avenue, Park City	PlatSA Bl. 1 Lot
	Name of Structure:		T. R. S.
	Present Owner:	Kathryn E. Hansen	UTM:
	Owner Address:	P.O. Box, Park City, Utah 84060	Tax #: SA-1
AGE/CONDITION/USE	Original Owner:	possibly John M. Baker	Construction Date: ca. 1926 Demolition Date:
	Original Use:	garages	[or 1928]
	Present Use:		Occupants:
	☐ Single-Family ☐ Multi-Family ☐ Public ☐ Commercial	☐ Park ☐ Industrial ☐ Agricultural	☐ Vacant ☐ Religious ☒ Other garages
STATUS	Building Condition:		Integrity:
	☐ Excellent ☒ Good ☐ Deteriorated	☐ Site ☐ Ruins	☐ Unaltered ☐ Minor Alterations ☐ Major Alterations
	Preliminary Evaluation:		Final Register Status:
	☐ Significant ☒ Contributory 594 ☒ Not Contributory 594-A ☐ Intrusion		☐ National Landmark ☐ National Register ☐ State Register ☐ District ☐ Multi-Resource ☐ Thematic
DOCUMENTATION	4 Photography:		
	Date of Slides:		Date of Photographs:
	Views: Front ☐ Side ☐ Rear ☐ Other ☐		Views: Front ☐ Side ☐ Rear ☐ Other ☐
	Research Sources:		
☐ Abstract of Title ☒ Plat Records ☒ Plat Map ☒ Tax Card & Photo ☐ Building Permit ☐ Sewer Permit ☒ Sanborn Maps	☐ City Directories ☐ Biographical Encyclopedias ☐ Obituary Index ☐ County & City Histories ☐ Personal Interviews ☐ Newspapers ☐ Utah State Historical Society Library	☐ LDS Church Archives ☐ LDS Genealogical Society ☒ U of U Library ☐ BYU Library ☐ USU Library ☐ SLC Library ☐ Other	

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Summit County records.

Sanborn map, Park City, Utah, 1907.

Architect/Builder:

Building Materials:

Building Type/Style:

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

A one-story frame commercial structure with a false front, used as an automotive garage.

Building Su-10-594A is one structure divided into about five garage units; and was apparently old (ca. 1930s) cannot be documented and appears to have no specific connection except for a possible connection with SU-10-594.

The lot appeared on a 1907 Sanborn Map as having a livery stable; thus, its use as an automotive garage carried on its use as a transportation related site.

Statement of Historical Significance:

- ☐ Aboriginal Americans
- ☐ Agriculture
- ☐ Architecture
- ☐ The Arts
- ☒ Commerce

- ☐ Communication
- ☐ Conservation
- ☐ Education
- ☐ Exploration/Settlement
- ☐ Industry

- ☐ Military
- ☒ Mining
- ☐ Minority Groups
- ☐ Political
- ☐ Recreation

- ☐ Religion
- ☐ Science
- ☐ Socio-Humanitarian
- ☒ Transportation

Contributory to the district as a later built commercial structure, functioning as an automotive garage; symbolizing the continued growth and dependency upon motorized vehicles.

The property had belonged to Ellsworth J. Beggs, Park City contractor; but in 1928 a Warranty Deed given to George Stonebreaker (it was filed in 1928) where it passed to John M. Baker in 1928. In 1928 a mortgage taken out by Baker, and another in 1929 by E. J. Beggs. By 1930 the property appeared for tax sale, redeemed in 1933 by Beggs however, in 1930 Baker had leased to Continental Oil Co. a "frame building (40' x 40') (P.C. Abstracts, Book II, p. 70), which was leased to Beggs in 1933. Throughout the 1930s, the property owned by the Beggs family, and in the 1960s to United Park Miners.

Name of site _____ Subdivision _____
 Address _____ 664 Woodside _____ Block _____ Lot(s) _____
 Owner _____ Present Zoning _____ HR-1
 Owner Address _____

PRIMARY STRUCTURE

View west facade

Date of photo 11/81
 Negative File 14/19

Physical description: One-story frame residence; ell-shape with gable roof; interior chimneys, attached porch with plain supports; various window treatments.

Features of interest: _____

Building materials: wood frame Building type/style ell-shape

Modifications: None to minor Moderate _____ Major X

Explain: Asbestos siding; openings altered

Condition: Excellent Good ✓ Fair ✓ Deteriorated _____

Comment: _____

Present use: residence Original use: residence

SIGNIFICANCE OF PRIMARY STRUCTURE

Individual landmark _____ Typical example X Contributes to district Qualified

Comment: _____

SECONDARY STRUCTURE(S)

Physical description:

View _____

Date of photo _____
Negative file _____

Modifications: None to minor _____ Moderate _____ Major _____

Condition: Good _____ Fair _____ Deteriorated _____

Present use: _____ Original use: _____

COMMENT: _____

HISTORICAL DATA

Date of construction/primary structure: 1890's Alterations: _____

Sources for documentation: Saunders map

Original owner: _____

Additional information of interest (attach lengthy histories): _____

SIGNIFICANCE OF SITE TO DISTRICT

	Significant	Contributory	Non-contributory	Intrusion
Primary structure, pre-1930				X
Secondary structure				
Primary structure, post-1930				
Comment: <u>Qualified contributes due to alterations</u>				

Form completed by: Ellen Beasley Date: April, 1982

Beasley/February 1982

Attorney Harrington answered there could be a "Projects Approved" section in the HDC packet and the Commission could have a recall authority over those items. Chairman Erickson stated he would like to see something similar to the Planning Commission's Consent Agenda incorporated into the procedure. Commissioner Erickson asked how long it would take to get the specific standards executed for the siding materials, exposed metal chimneys and windows. Chairman Larson affirmed a discussion regarding approved materials is scheduled for the next HDC meeting on September 19 and he believes a materials list could be finalized at that time.

The finalized building materials list will be forwarded to City Council. Upon their approval, the list will be incorporated into the Historic District Design Standards.

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chairman Chris Larson called the meeting to order at 6:00 p.m. and reported that all Commissioners were present except David White, who was excused.

II. PUBLIC INPUT

There was none.

III. ANNOUNCEMENTS

Chairman Larson mentioned the City Council would be voting on the Historic District Standards and CAD policies at their meeting on Thursday, August 25th and asked if any of the other Commissioners could attend in his absence. Commissioner Martz agreed to attend.

Planner Lew reiterated a CAD application had been received for the historic structures located at 703 Park Avenue and 664 Woodside. The 45-day pre-hearing period will expire September 2nd. After that time, the applicant can request a hearing before the HDC following receipt of the complete application, including economic hardship criteria. Chairman Larson asked Mr. Watts if he had used any HDC grant money in restoring either structure. Mr. Watts responded, yes, that he had received a grant for each property. Chairman Larson expressed his dismay that the situation had escalated to this level. Commissioner Martz disclosed his preference that whenever a letter is received relating to Mr. Watts' circumstance, it should be forwarded to him.

Ms. Lew announced the Planning Commission Agenda for the August 31st meeting as follows and invited the Historic District Commissioners to attend.

- ▶ A brief informational overview by the City Attorney on the Dolan v. Tigard, OR decision and its effects on development processing; and
- ▶ An open discussion of the Comprehensive Plan.

JANICE LEW

PLEASE schedule a Hearing to
discuss This MATTER with the H.D.C

Thank you
Burnis Watts

PLEASE Keep This ANALYSIS
CONFIDENTIAL. STAFF INFORMATION
USE ONLY.

PARK CITY

1884

Department of Community Development
Engineering • Building Inspection • Planning

December 27, 1994

Burnis Watts
PO Box 705
Park City UT 84060

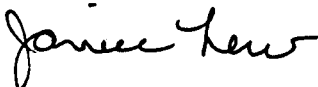
Dear Mr. Watts:

I reviewed your economic hardship information for a Certificate of Appropriateness for Demolition(CAD) for the homes and garages located at 703 Park Avenue and 664 Woodside Avenue. At this point, I need to receive some additional information from you. Please reference the Economic Hardship Standards and Criteria I included in my August 4 letter. Please provide us with:

- the purchase price of the property,
- the assessed value of the land and improvements (please review the amounts submitted),
- cost estimates of demolition and post-demolitions plans, as well as proof of financial ability to complete the replacement project,
- the costs and engineering feasibility of rehabilitation, and
- all of the information listed in subsection (b) for the Woodside Avenue property.

I will schedule the HDC hearing within 45 days of receipt of this information. In addition, the City will hire a consultant to evaluate your submittal and report to the Historic District Commission. Please let me know if you have questions or if I can be of assistance.

Sincerely,



Janice Lew
Planner I

Exhibit E - December 27, 1994 Staff Letter

41

**PARK CITY PLANNING DEPARTMENT
STAFF REPORT**

TO: HISTORIC DISTRICT COMMISSION
FROM: PLANNING STAFF JV
DATE: JANUARY 17, 1995
RE: 703 PARK AVENUE AND 664 WOODSIDE AVENUE CAD APPLICATION

I. PROJECT STATISTICS

Applicant:	Burnis and Betty Watts
Location:	703 Park Avenue and 664 Woodside Avenue
Proposal:	Certificate for Appropriateness for Demolition
Zoning:	HR-1
Adjacent Land Uses:	Residential and Commercial
Date of Application:	July 19, 1994
Date of Staff Report:	January 11, 1995
Project Planner:	Janice Lew
<u>Staff Recommendation:</u>	Hearing

II. BACKGROUND INFORMATION

The Commission was introduced to the Watts demolition application in August of 1994. The applicant's property was posted with threatened building signs on August 5, 1994 as required by Section 4.16 of the LMC and the pre-hearing period expired September 2. The owner requested a hearing before the HDC in a letter submitted November 29, 1994.

III. PROJECT DESCRIPTION

The parcel consists of several lots irregular in shape with 113 feet of frontage on Park Avenue and 58 feet of frontage on Woodside. The lots fronting Park Avenue total 8,171 square feet and the lots fronting Woodside total 2,622 square feet for a total of 10,793 square feet. The property along Park Avenue is zoned HRC, and the property fronting Woodside is zoned HR-1. The applicant purchased the property a number of years ago for approximately \$44,000.

703 Park Avenue. Located within Park City's Historic District, this structure was built around 1907 by Ellsworth J. Beggs. The house is architecturally significant as one of about four extant two story box houses in Park City and is listed in Park City's Thematic Nomination on the National Register (Exhibit A). The frame house with a projecting cross-wing on the facade has a pyramid roof over the box section, and a gable roof over the cross-wing. Although not common in Park City, this house type appears to be the preferred design for larger homes in Park City. Its location on Park

Avenue, one of the most distinguished streets in Park City, further documents this house types significance as one chosen by those who were seeking more than a utilitarian dwelling. The building is well maintained and in excellent condition and essentially unaltered on the exterior thus maintaining its original integrity. The building is currently occupied as a single family residence.

The applicant participated in the 1989 Historic District Grant Program and received funds to replace the roof.

703 Park Avenue Garage. A one story frame garage adjacent to 703 Park Ave, is included as an outbuilding in the nomination of the house (Exhibit A). The structure has a gable roof and a false front. Originally used as a livery stable, it was later converted into a garage. The building is a good example of a commercial vernacular building and maintains much of its original character (Exhibit B).

Historic District Grant funds were allocated to this property in 1987. The renovation work included a new roof, window and wood trim replacement, and repainting the building.

664 Woodside Avenue. This residential structure is listed as "contributory" in Park City's Historic Survey (Exhibit C). The one-story frame structure is ell-shaped with a gable roof and contributes to the district because of its vernacular style. The structure is currently used as an income producing rental property (Exhibit D).

This property was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure.

The staff has received several calls from persons interested in the structures. One caller contacted Mr. Watts who told the caller that he had not considered an asking price for the property. Another caller is interested in moving the garage. The staff informed the person that moving the structure is an option, but the first preference is renovation on the original site.

IV. STAFF ANALYSIS

Section 4.14 of the Land Management Code (Exhibit E) allows the HDC to review demolition of significant structures and to require certain information from the applicant. The burden of demonstrating an economic hardship lies with the applicant. The Land Management Code outlines the findings which must be made to make such a determination. They are as follows (Section 4.17(c)):

(c) Written Findings. The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property; or

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; and

2. The building, structure or site cannot be feasibly moved or relocated.

The Planning Staff reviewed the economic hardship information (Exhibit F) provide by Mr. Watts and was unable to determine that an unreasonable economic hardship exists. Based upon the following analysis, the property should in fact produce a "reasonable rate of return".

An analysis of the highest and best use of the property was provided by the applicant based upon city and neighborhood data, in conjunction with an analysis of the market for the type of property under consideration. The review addresses market values for the property under two basic scenarios: assuming the property falls under the HR-1 zone requirements and if utilized in an HRC capacity. Both land and existing improvements were considered.

The appraiser made a comparison of like or similar properties to arrive at an estimated value. In analyzing the means of comparison, two approaches were used: the sale price per square foot and a method based upon income. In addition, adjustments have been made for accountable differences between the compared properties and the property in question. It is assumed that the research and analysis completed by LeRoy J. Pia, MAI is correct. The data has not been independently verified by the staff nor a third party. It should be noted that the reasonableness of the final estimates as well as the adjustments depend to a great extent on the judgement and expertise of the appraiser to ascertain and correlate facts.

The appraiser reached the following conclusions on market value:

Land Value	
If Valued as 100% HR-1	\$275,000
If Valued as 27% HR-1, 73% HRC	\$350,000
If Valued as 100% Residential	
703 Park Avenue	\$290,000
664 Woodside Avenue	\$125,000
National Garage	<u>\$80,000</u>
Total	\$495,000
If Valued as HRC for 703 Park & Garage and HR-1 for 664 Woodside Avenue	
703 Park Avenue	\$290,000 - \$320,000
National Garage	\$60,000 - \$60,000
664 Woodside (no change)	<u>\$125,000 - \$125,000</u>
Total	\$475,000 - \$505,000

The appraiser concluded the highest and best use is for a continuation of use of the existing houses

under the highest density permitted which would be the HRC zone for 703 Park Avenue and HR-1 for 664 Woodside Avenue. He stated that the highest and best use may be to demolish the National Garage depending on what costs would be incurred in refurbishing the building, costs that would include both construction and city costs for review.

The applicant has not submitted post-demolition plans for the 703 Park Avenue residence nor the 664 Woodside Avenue property.

The applicant bears the burden of showing economic hardship and the information supplied does not appear to justify such a finding. From the analysis, it is apparent that the structures in their current condition add to the overall value of the property. The garage may not depending on its intended use and cost to renovate. The applicant has indicated that according to two sources (Mike Watts and Richard Kennedy), renovation of the garage could be as much as \$300 a square foot. The value estimate at \$60,000 assumes a renovation cost at \$150 per square foot.

Because the applicant has not yet begun work on post-demolition plans, the staff was unable to completely evaluate the request to demolish the garage. Although the highest and best use may be to demolish the structure because of the underlying commercial zoning, the structure could continue to be used as a garage or sold to someone interested in renovating the building. The City also may wish to consider purchasing the property.

The Historic District Commission may decide to approve the CAD if the findings stated below can be made. The staff has prepared the following response to the City's mandated findings and economic hardship information provided by the applicant.

664 Woodside Avenue.

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property;

This property can be used or rented at a reasonable rate of return in its present condition. In fact, the property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years. Additionally, the appraiser concluded the highest and best use is for a continuation of use of the existing house.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

703 Park Avenue.

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property;

This conclusion cannot be made because the building is currently occupied as a residential dwelling. Additionally, the appraiser concluded the highest and best is to maintain the structure. However, under the highest density permitted within the HRC district.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

703 Park Avenue Garage.

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property;

This conclusion cannot be made because the structure currently functions as an accessory building and provides off-street parking for the residential dwelling therefore a denial would not deprive the applicant of all reasonable use of the property.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

VI. ALTERNATIVES

1. The Commission should hear testimony from the applicant and staff and then from any other interested person at the hearing. The HDC may then move to close the hearing and direct the staff to schedule the request for action on the next agenda. If the HDC has additional findings or disagrees with the staff's analysis, they should be prepared to enter findings into the record during the next meeting.
2. The HDC may continue the hearing to request more information from the applicant or to take additional testimony at the following meeting and schedule the item for action at that or the next meeting of the Commission. The HDC also may want to direct the staff to seek the opinion of an impartial third party to evaluate the applicants submittal or any additional information requested by the Commission.

VII. EXHIBITS

Exhibit A - 703 Park Avenue Thematic Nomination and Survey
Exhibit B - Garage Historic Survey

This conclusion cannot be made because the building is currently occupied as a residential dwelling. Additionally, the appraiser concluded the highest and best is to maintain the structure, however, under the highest density permitted within the HRC district.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

703 Park Avenue Garage.

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property;

This conclusion cannot be made because the structure currently functions as an accessory building and provides off-street parking for the residential dwelling therefore a denial would not deprive the applicant of all reasonable use of the property.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

VI. ALTERNATIVES

1. The Commission should hear testimony from the applicant and staff and then from any other interested person at the hearing. The HDC may then move to close the hearing and direct the staff to schedule the request for action on the next agenda. If the HDC has additional findings or disagrees with the staff's analysis, they should be prepared to enter findings into the record during the next meeting.
2. The HDC may continue the hearing to request more information from the applicant or to take additional testimony at the following meeting and schedule the item for action at that or the next meeting of the Commission. The HDC also may want to direct the staff to seek the opinion of an impartial third party to evaluate the applicants submittal or any additional information requested by the Commission.

VII. EXHIBITS

Exhibit A - 703 Park Avenue Thematic Nomination and Survey
Exhibit B - Garage Historic Survey

Exhibit C - 664 Park Avenue Historic Survey
Exhibit D - Tax Return Information for 664 Park Avenue
Exhibit E - Section 4.14 of the LMC
Exhibit F - Economic Hardship Criteria

District is the size of structures allowed by the current FAR's when lots are combined. These buildings are not compatible with existing older historic structures with respect to mass and scale. Also, how the big houses affects those homes around it and the entire street (parking considerations) needs to be considered.

The last announcement regarded revisions to the sign ordinance. Janice asked the Commissioners to inform her if they have any changes for consideration.

**IV. MINUTES OF DECEMBER 5, 1994
MINUTES OF DECEMBER 19, 1994**

**MOTION: Ken Martz moved to approve the Minutes as written; David White seconded.
VOTE: Unanimous.**

V. HEARING ITEM

1. 703 Park Avenue and 664 Woodside CAD application - This demolition application was received in August of 1994. The pre-hearing period has expired and Mr. Watts has requested an HDC hearing in a letter submitted November 29, 1994.

The parcel consists of several lots which are irregular in shape, a portion of which fronts Park Avenue, another portion fronts Woodside (the lots go through the entire block). There is approximately 8,000 square feet on the Park Avenue side and 2,600 square feet on the Woodside Avenue side. The property along Park Avenue is zoned HRC; the property along Woodside is zoned HR-1. Background on the significance of the property is as follows: 703 Park Avenue was built around 1907. The house is historically significant as one of the four existing two-story box houses in Park City and is listed in Park City's Thematic Nomination on the National Register. The building is well-maintained and is essentially unaltered on the exterior thus maintaining its original integrity. The building is currently being used as a single family structure. The garage adjacent to that property is also included as an out-building in the nomination. That building is a good example of the commercial, vernacular buildings and maintains much of its original character. The property at 664 Woodside Avenue is listed as contributory to Park City's historic survey. It also contributes to the district because of its vernacular style. That property is currently being used as an income-producing property and has been rented out for a number of years. All three of these structures have received HDC grant monies. Janice read the economic hardship criteria that must be met from Land Management Code. The staff has been unable to determine that an unreasonable economic hardship exists.

An analysis of the highest and best use of the property was provided by the applicant based upon an independent study done by LeRoy Pia, an appraiser, and concluded the highest and best use is for a continuation of use of the existing houses under the highest density permitted, which would be the HRC zone for 703 Park Avenue and HR-1 for 664 Woodside Avenue. Mr. Pia's position is that the highest and best use may be to demolish the garage depending on

what costs would be incurred in refurbishing the building--costs that would include both construction and city costs for review.

Janice presented responses to the City's mandated findings and economic hardship information provided by the applicant on a property by property basis as follows:

664 Woodside Avenue.

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property;

This property can be used or rented at a reasonable rate of return in its present condition. In fact, the property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years. Additionally, the appraiser concluded the highest and best use is for a continuation of use of the existing house.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

703 Park Avenue.

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property;

This conclusion cannot be made because the building is currently occupied as a residential dwelling. Additionally, the appraiser concluded the highest and best is to maintain the structure, however, under the highest density permitted within the HRC district.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

703 Park Avenue Garage.

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if

rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property;

This conclusion cannot be made because the structure currently functions as an accessory building and provides off-street parking for the residential dwelling therefore a denial would not deprive the applicant of all reasonable use of the property.

2. The building, structure or site cannot be feasibly moved or relocated.

The applicant has submitted no information to this affect and therefore has not met his burden to demonstrate this finding. The staff does not support this conclusion because all possible alternatives for the use of the structure have not been fully explored.

The applicant has not submitted post-demolition plans for the 703 Park Avenue residence nor the 664 Woodside Avenue property making it difficult for the HDC to make an accurate evaluation as to whether or not there is economic hardship.

Mr. Watts had prepared a report representing his position and he read it to the Historic District Commission. The report touched on trends within the HRC zone, property owners' rights as they relate to the disposition of their own property, the obligation of the City to make fair decisions relating to properties and property owners' rights, his interpretations of LeRoy Pia's appraisal, and the hardships he has endured in his 30 years of residency here. A copy of the report is available as public record at the Park City Planning Office. Mr. Watts commented for the past 25 years he has been a champion of trying to maintain historical residential dwellings and the nature of neighborhoods and to maintain the "mystique" of Park City. However, it is his opinion that it is evident and obvious, that "mystique" does not exist on Park Avenue anymore. Mr. Watts continued that the only way he can get a handle on another way of life and relocation is to start with vacant land, develop it within the permitted uses of the zone, and sell it.

Mr. Watts then described the commercial development as he understands it, including a large hotel that is planned to the north of his properties on the Sweeney parcel of land. West of Park Avenue, adjacent to his garage, there is proposed to be a 7th Street extension and a large commercial structure to the north of the street. To the south of the street as it enters onto Woodside Avenue, there is to be a single family (HR-1) dwelling. The underground parking is extended through the HR-1 properties and under the lift, and commercial buildings are planned in the adjacent north lots also encompassing a second structure on the corner of 8th Street and Park Avenue. The impacts, other than what the Code talks about, are far greater than economic impact.

Chris offered compassion for the emotional impact Mr. Watts is enduring. He then called for public input. Marianne Cone offered her opinion that Old Town is what brings tourists here

and brings revenue, too, but it is also what restricts uses. She wondered if the City could offer assistance by way of leniency in permitted renovations. She also questioned if saving the facade of the garage and building something behind it was feasible. Ron Butkovich of the Park City Historical Society was equally frustrated with the situation. He would like to see Mr. Watts get what is fair and due, but is at a loss as to how it can be accomplished. If the structures are demolished, there goes one more piece of historic Park City forever. He felt the City needed to hold on desperately to what's left.

Mr. Watts mentioned the City's propensity is in some cases to purchase property in order to preserve open space. He wondered if the City had any interest in purchasing his two lots. Chairman Larson asked if the City purchased the property how that would be different from selling to an independent buyer. Mr. Watts said then the City could control any proposed development for the site.

Commissioner Dorka doesn't want to see any more of Old Town lost at all. If that means rezoning to save historic structures, so be it. He mused if moving historic structures to a more suitable location is an option. There will be problems in keeping small residential buildings next to big commercial developments. It is unlikely that a single family would move into such a dwelling. Unfortunately we cannot turn back the hands of time to change the way the East side of Park Avenue has been developed. There is no miracle answer. He has no solutions.

Commissioner Martz's viewpoint is that the City is trying to take some positive steps through the public hearing process. It is no secret there are many proposals for development surrounding Mr. Watts' property that will impact him, as well as others in the area. Traffic on Park Avenue needs to be reduced. His personal commitment is not to allow historic properties to be destroyed. Demolition of properties will not help the situation. Other alternatives must be explored.

Commissioner White asserted that as members of the HDC, the commissioners are bound to save all the historic structures that exist. He doesn't think the Commission can come up with a solution to Mr. Watts' problem.

Chairman Larson said the Commission is stuck between a rock and a hard place here and that whatever serves the needs of the people of the community best needs to be done. In that case, saving these buildings is the best solution. What the properties are used for is open to interpretation. 703 Park Avenue is zoned HRC so something there could be a commercial use or a conditional use. Permitted uses are also allowed there. These would have to be decided upon by the Planning Commission. 664 Woodside Avenue could be renovated. The garage is a tougher situation. With respect to the CAD application, by law you are not guaranteed the highest and best use of land; you are only guaranteed a reasonable rate of return. As your independent appraiser states, there is a reasonable rate of return here. Chairman Larson doesn't think an economic hardship exists. His recommendations are as follows: separate 703 Park Avenue and the garage, close the public hearing on the residential structures at 703

Park Avenue and 664 Woodside, make a decision at the next meeting on the two residential structures and continue the hearing on the garage on Park Avenue to try to find some alternatives. 703 Park Avenue and 664 Woodside Avenue, in and of themselves, provide a reasonable rate of return. That is, by law, all the Historic District Commission can decide upon.

Mr. Watts commented that what is reasonable to one person may not be reasonable to another and that a person should have some disgression with his own properties. No Board or Commission related to our community has the right to dictate the terms in totality. Another questions is how long could this go on? The applicant is concerned that this process could drag on. He has stated some rules for negotiation to Mr. Lewis and the Planning Commission, but no action as been taken.

Chairman Larson restated his recommendations. Close the hearing on 703 Park Avenue and 664 Woodside Avenue with a decision to be made at the next HDC meeting to either approve or deny the CAD application; continue the hearing on the garage on Park Avenue and work out some options relating to the garage. The Commission has the information needed to make a decision.

MOTION: Commissioner Martz made a motion to postpone a decision on 664 Woodside Avenue and 703 Park Avenue including the garage and proposed this item be included for discussion at the HDC retreat.

There was discussion on the motion. Both Janice and Chris explained that further discussion of the CAD application must be part of a public forum and "on the record", and no decision or discussion could take place except in a meeting where public input could be taken. Chairman Larson explained the motion could continue the hearing until the next meeting for more discussion; or, close the hearing. Ken withdrew the first motion and replaced it with the following motion:

MOTION: Close the hearing for the residences located at 703 Park Avenue and 664 Woodside, continue the hearing on the garage, and schedule all three items for action at the February 13 HDC meeting; Frank Dorka seconded.

VOTE: Unanimous.

VI. ACTION ITEMS

1) **1037 Lowell Avenue, design review of single family residence** - The Historic District Commission reviewed these plans preliminarily at the last meeting. At that time the Commission indicated they were comfortable with the proposed prairie design of the home with some minor modifications. Use of stucco in this location (at the fringe of the Historic District and in a contemporary neighborhood) is appropriate, as well as a more shallow roof pitch. The HDC requested the applicant to provide additional information on the materials to be used and a preliminary landscape plan to address the location of the existing hiking trail.

**PARK CITY PLANNING DEPARTMENT
STAFF REPORT**

TO: HISTORIC DISTRICT COMMISSION
FROM: PLANNING STAFF JL
DATE: FEBRUARY 13, 1995
RE: 703 PARK AVENUE AND 664 WOODSIDE AVENUE CAD APPLICATION

I. PROJECT STATISTICS

Applicant:	Burnis and Betty Watts
Location:	703 Park Avenue and 664 Woodside Avenue
Proposal:	Certificate for Appropriateness for Demolition
Zoning:	HR-1
Adjacent Land Uses:	Residential and Commercial
Date of Application:	July 19, 1994
Date of Staff Report:	February 8, 1995
Project Planner:	Janice Lew
<u>Staff Recommendation:</u>	DENY

II. BACKGROUND INFORMATION

The Commission was introduced to the Watts demolition application in August of 1994. The applicant's property was posted with threatened building signs on August 5, 1994 as required by Section 4.16 of the LMC and the pre-hearing period expired September 2. The owner requested a hearing before the HDC in a letter submitted November 29, 1994. The HDC heard public testimony and evidence and arguments of all parties on January 17, 1995 and scheduled action on the request for February 8, 1995. The hearing for the garage was continued to this meeting to further discuss preservation options. The Commission did not request any additional information from the applicant during the hearing.

III. PROJECT DESCRIPTION

The following information is from the last staff report.

The parcel consists of several lots irregular in shape with 113 feet of frontage on Park Avenue and 58 feet of frontage on Woodside. The lots fronting Park Avenue total 8,171 square feet and the lots fronting Woodside total 2,622 square feet for a total of 10,793 square feet. The property along Park Avenue is zoned HRC, and the property fronting Woodside is zoned HR-1. The applicant purchased the property a number of years ago for approximately \$44,000.

703 Park Avenue. Located within Park City's Historic District, this structure was built around 1907

by Ellsworth J. Beggs. The house is architecturally significant as one of about four extant two story box houses in Park City and is listed in Park City's Thematic Nomination on the National Register (Exhibit A). The frame house with a projecting cross-wing on the facade has a pyramid roof over the box section, and a gable roof over the cross-wing. Although not common in Park City, this house type appears to be the preferred design for larger homes in Park City. Its location on Park Avenue, one of the most distinguished streets in Park City, further documents this house types significance as one chosen by those who were seeking more than a utilitarian dwelling. The building is well maintained and in excellent condition and essentially unaltered on the exterior thus maintaining its original integrity. The building is currently occupied as a single family residence.

The applicant participated in the 1989 Historic District Grant Program and received funds to replace the roof.

703 Park Avenue Garage. A one story frame garage adjacent to 703 Park Ave, is included as an outbuilding in the nomination of the house (Exhibit A). The structure has a gable roof and a false front. Originally used as a livery stable, it was later converted into a garage. The building is a good example of a commercial vernacular building and maintains much of its original character (Exhibit B).

Historic District Grant funds were allocated to this property in 1987. The renovation work included a new roof, window and wood trim replacement, and repainting the building.

664 Woodside Avenue. This residential structure is listed as "contributory" in Park City's Historic Survey (Exhibit C). The one-story frame structure is ell-shaped with a gable roof and contributes to the district because of its vernacular style. The structure is currently used as an income producing rental property (Exhibit D).

This property was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure.

The staff has received several calls from persons interested in the structures. One caller contacted Mr. Watts who told the caller that he had not considered an asking price for the property. Another caller is interested in moving the garage. The staff informed the person that moving the structure is an option, but the first preference is renovation on the original site.

IV. STAFF ANALYSIS

Section 4.14 of the Land Management Code (Exhibit E) allows the HDC to review demolition of significant structures and to require certain information from the applicant. The burden of demonstrating an economic hardship lies with the applicant. The Land Management Code outlines the findings which must be made to make such a determination. They are as follows (Section 4.17(c)):

(c) Written Findings. The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property; or

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; and

2. The building, structure or site cannot be feasibly moved or relocated.

The Planning Staff reviewed the economic hardship information (Exhibit F) provide by Mr. Watts and was unable to determine that an unreasonable economic hardship exists. Based upon the following analysis, the property should in fact produce a "reasonable rate of return".

An analysis of the highest and best use of the property was provided by the applicant based upon city and neighborhood data, in conjunction with an analysis of the market for the type of property under consideration. The review addresses market values for the property under two basic scenarios: assuming the property falls under the HR-1 zone requirements and if utilized in an HRC capacity. Both land and existing improvements were considered.

The appraiser made a comparison of like or similar properties to arrive at an estimated value. In analyzing the means of comparison, two approaches were used: the sale price per square foot and a method based upon income. In addition, adjustments have been made for accountable differences between the compared properties and the property in question. It is assumed that the research and analysis completed by LeRoy J. Pia, MAI is correct. The data has not been independently verified by the staff nor a third party. It should be noted that the reasonableness of the final estimates as well as the adjustments depend to a great extent on the judgement and expertise of the appraiser to ascertain and correlate facts.

The appraiser reached the following conclusions on market value:

Land Value	
If Valued as 100% HR-1	\$275,000
If Valued as 27% HR-1, 73% HRC	\$350,000
If Valued as 100% Residential	
703 Park Avenue	\$290,000
664 Woodside Avenue	\$125,000
National Garage	<u>\$80,000</u>
Total	\$495,000

If Valued as HRC for 703 Park & Garage and HR-1 for 664 Woodside Avenue	
703 Park Avenue	\$290,000 - \$320,000
National Garage	\$60,000 - \$60,000
664 Woodside (no change)	<u>\$125,000 - \$125,000</u>
Total	\$475,000 - \$505,000

The appraiser concluded the highest and best use is for a continuation of use of the existing houses under the highest density permitted which would be the HRC zone for 703 Park Avenue and HR-1 for 664 Woodside Avenue. He stated that the highest and best use may be to demolish the National Garage depending on what costs would be incurred in refurbishing the building, costs that would include both construction and city costs for review.

The applicant has not submitted post-demolition plans for the 703 Park Avenue residence nor the 664 Woodside Avenue property.

The applicant bears the burden of showing economic hardship and the information supplied does not appear to justify such a finding. From the analysis, it is apparent that the structures in their current condition add to the overall value of the property. The garage may not depending on its intended use and cost to renovate. The applicant has indicated that according to two sources (Mike Watts and Richard Kennedy), renovation of the garage could be as much as \$300 a square foot. The value estimate at \$60,000 assumes a renovation cost at \$150 per square foot.

Because the applicant has not yet begun work on post-demolition plans, the staff was unable to completely evaluate the request to demolition the garage. Although the highest and best use may be to demolish the structure because of the underlying commercial zoning, the structure could continue to be used as a garage or sold to someone interested in renovating the building. The City also may wish to consider purchasing the property.

FINDINGS

664 Woodside Avenue.

1. The structure is listed as "contributory" in Park City's Historic Survey.
2. The structure contributes to the district because of its vernacular style.
3. The structure is located on a 2,622 square foot lot fronting on Woodside Avenue.
4. The property is zoned HR-1.
5. The property is in fair condition and was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure.

6. The property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years.
7. The historic structure adds to the overall value of the property.
8. The appraiser concluded the highest and best use is for a continuation of use of the existing house.
9. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.

703 Park Avenue House.

1. The house is architecturally significant as one of four extant two story box houses in Park City and is individually listed in Park City's Thematic Nomination on the National Register.
2. The structure is well maintained and in excellent condition.
3. The structure is located on a 8,171 square foot lot fronting on Park Avenue.
4. The property is zoned HRC.
5. The historic structure adds to the overall value of the property.
6. The appraiser concluded the highest and best use is to maintain the structure, however, under the highest density permitted within the HRC district.
7. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.
8. The building is currently occupied as a residential dwelling.
9. The applicant participated in the 1989 Historic District Grant Program and received funds to replace the roof.

703 Park Avenue Garage.

1. The garage is included as an outbuilding for 703 Park Avenue's listing in Park City's Thematic Nomination on the National Register.
2. The building is a good example of a commercial vernacular building and maintains much of its original character.
3. Historic District Grant funds were allocated to this property in 1987 for renovation work.

4. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.
5. Although, the highest and best use may be to demolish the structure because of the underlying commercial zoning. The structure currently functions as an accessory building and provides off-street parking for the residential dwelling.

CONCLUSIONS OF LAW FOR ALL STRUCTURES

1. For 664 Woodside Avenue, the building, structure or site can be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.
2. For 703 Park Avenue including the garage, the building, structure or site has beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.
3. There is no evidence in the record to demonstrate that the structures cannot be feasibly moved or relocated.

VI. STAFF RECOMMENDATION

Based upon the above facts, the staff recommends DENIAL of the CAD requests for 703 Park Avenue and 664 Woodside Avenue.

VII. ALTERNATIVES

1. The Commission should hear testimony from the applicant and staff and then from any other interested person at the hearing. If the HDC disagrees with the staff's analysis and decides to grant the CAD, they should be prepared to enter findings into the record during the meeting. The owner may proceed to demolish the structures after obtaining a demolition permit from the Building Department and in compliance with other regulations as they may apply. Under the Code the HDC may, as a conditions of approval, require the owner to provide the HDC with documentation of the site according to the standards of the Historic American Building Survey (HABS). Approval of a CAD shall be valid for one year.
2. The Commission should hear testimony from the applicant and staff and then from any other interested person at the hearing. If the HDC decides to deny the application for demolition, it should adopt the findings and conclusions of law herein, with any changes or additions that it may have. The HDC should recommend to the City Council whether or not the buildings should be purchased, leased or otherwise acquired by the City. Said recommendation shall be forwarded to the City Council at its next regular meeting for discussion. The City may provide the owner with information regarding financial assistance

for the necessary rehab or repair work, as it becomes available. The owner may not re-apply for demolition for a period of three years from the date of the HDC's final decision, unless the building, structure or site is structurally unsound or substantial changes in circumstances have occurred other than those caused by the negligence or intentional act of the owner, in which case the owner may apply as conditions warrant. All final decisions of the HDC may be appealed to the City Council within 10 days.

3. The HDC may continue the hearing to request more information from the applicant or to take additional testimony at the following meeting and schedule the item for action at that or the next meeting of the Commission. The HDC also may want to direct the staff to seek the opinion of an impartial third party to evaluate the applicants submittal or any additional information requested by the Commission.

VII. EXHIBITS

- Exhibit A - 703 Park Avenue Thematic Nomination and Survey
- Exhibit B - Garage Historic Survey
- Exhibit C - 664 Park Avenue Historic Survey
- Exhibit D - Tax Return Information for 664 Park Avenue
- Exhibit E - Section 4.14 of the LMC
- Exhibit F - Economic Hardship Criteria

**HISTORIC DISTRICT COMMISSION MINUTES
MARSAC MUNICIPAL BUILDING
FEBRUARY 13, 1995**

V. ACTION ITEM

703 Park Avenue and 664 Woodside Avenue CAD Application - The HDC held a hearing on this request on January 17th. Testimony was received from the public, the staff, and the applicant. The hearing for the garage was continued at that time and it was anticipated that action on the request would be taken at this meeting. In addition, the Commission did not request any additional information from the applicant.

Section 4.14 of the Land Management Code allows the HDC to review demolition of significant structures and to require certain information from the applicant. The burden of demonstrating an economic hardship lies with the applicant.

The Planning Staff reviewed the economic hardship information provided by Mr. Watts and was unable to determine that an unreasonable economic hardship exists. Based upon the following analysis, the property should in fact produce a "reasonable rate of return".

The applicant has not submitted post-demolition plans for the 703 Park Avenue residence nor the 664 Woodside Avenue property. Because the applicant has not yet begun work on post-demolition plans, the staff was unable to completely evaluate the request to demolish the garage. Although the highest and best use may be to demolish the structure because of the underlying commercial zoning, the structure could continue to be used as a garage or sold to someone interested in renovating the building. The City also may wish to consider purchasing the property.

Based upon the facts, the staff recommended denial of the CAD requests for 703 Park Avenue and 664 Woodside Avenue.

The Historic District Commission's decision may be appealed to the City Council within 10 days of the denial.

The applicant, Burnis Watts, was then given the opportunity to address the HDC. The structures in question are nearing 100 years old. He invited the members of the HDC to visit the site personally to get first-hand information on the condition of the buildings and what it would require to maintain them. The income produced by the structures based on today's market is not substantial.

Mr. Watts reiterated that the basis of the CAD ordinance or policy is hardship, but it is also a determination that the site can be modified when there are additional circumstances that prevail. The circumstances within the neighborhood and surrounding properties have dictated an immense hardship and change. The Sweeney project will engulf and overwhelm the property, as the Summit Watch project already has. The neighborhood has become commercial. To believe there is a possibility of residential cohabitation among all the commercial is not realistic. Mr. Watts stressed

he is not asking through his CAD application to destroy the HR-1 zone, but merely that his properties be allowed to be part of the commercial development surrounding them in order to realize their highest and best use.

Because of the irregular shape of the lots, splitting them to deal with each one separately is not an option. It would lessen the property value and limit the development potential. He then read the following excerpt from Section 4.14 of the Land Management Code: "It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the property owner may result in a necessary demolition or removal of a historic building, structure or site". Mr. Watts said all he wants is to be treated fairly.

Chairman Larson outlined the process at hand for the HDC. Decisions on each of the three structures will be made independently. The public hearing on 703 Park Avenue and 664 Woodside Avenue has been closed. The public hearing for the garage was continued from the last meeting. The buildings have been found to be historically significant. The applicant bears the burden of showing economic hardship and the information supplied does not appear to justify such a finding. The applicant is also not guaranteed the highest and best use of the property--just a reasonable rate of return. The commercial use of 703 Park Avenue is an issue to be considered separately.

MOTION: Commissioner Erickson moved to close the public hearing on the garage at 703 Park Avenue; David White seconded.

VOTE: Unanimous

Chairman Larson called for discussion on the house at 703 Park Avenue. Commissioner Dorka commented it would be a great loss if the house were demolished and thinks it should be saved by whatever means are available to the HDC. Mr. Watts asked why each of the properties were being reviewed individually. Commissioner Erickson responded that the findings drive three separate decisions. Commissioner White asked if the HDC, in addition to deciding if the buildings stay or go, were going to explore avenues that would help the applicant. Chairman Larson said first the decision should be made relating to the buildings' status. Once that is decided, recommendations to mitigate the situation may be forwarded to the City Council. Assistant City Attorney, Mark Harrington, pointed out the applicant has invited the HDC twice to visit the property and suggested that before a motion is made, each Commission member address that issue and state for the record that each feels sufficiently acquainted with the buildings to make a decision. Chairman Larson stated he had spent enough time around the properties and felt comfortable evaluating them without a site visit. Commissioner White said he has done the same thing. Commissioner Dorka sees the Park Avenue properties from his office window and has paid a lot of attention to them. The garage structure looks to have been built without a foundation and is showing the wear of time. A site visit is not necessary from his standpoint. Commissioner Martz has seen the buildings from the outside, drives by them every day, and lives in a similar structure, so he feels he is quite familiar without doing a site visit. Commissioner Erickson has not inspected 664 Woodside Avenue and has no personal knowledge of the condition of the structure other than what has been provided in the staff reports. However, all the other Commissioners have seen the structures, so he

is not prepared to argue singularly for additional field inspections on 703 Park Avenue and the garage.

MOTION: Commissioner Martz moved denial of the CAD application for 703 Park Avenue, including the garage, based on the findings and conclusions of law as follows:

FINDINGS

703 Park Avenue House.

1. The house is architecturally significant as one of four extant two story box houses in Park City and is individually listed in Park City's Thematic Nomination on the National Register.
2. The structure is well maintained and in excellent condition.
3. The structure is located on a 8,171 square foot lot fronting on Park Avenue.
4. The property is zoned HRC.
5. The historic structure adds to the overall value of the property.
6. The appraiser concluded the highest and best use is to maintain the structure, however, under the highest density permitted within the HRC district.
7. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.
8. The building is currently occupied as a residential dwelling.
9. The applicant participated in the 1989 Historic District Grant Program and received funds to replace the roof.

703 Park Avenue Garage.

1. The garage is included as an outbuilding for 703 Park Avenue's listing in Park City's Thematic Nomination on the National Register.
2. The building is a good example of a commercial vernacular building and maintains much of its original character.
3. Historic District Grant funds were allocated to this property in 1987 for renovation work.
4. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.
5. Although, the highest and best use may be to demolish the structure because of the underlying commercial zoning. The structure currently functions as an accessory building and provides off-street parking for the residential dwelling.

CONCLUSIONS OF LAW

1. For 703 Park Avenue including the garage, the building, structure or site has beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated . Denial of the application would not deprive the owner of all reasonable use of the property.
2. There is no evidence in the record to demonstrate that the structures cannot be feasibly moved or relocated.

The Commissioners were polled individually at the suggestion of Assistant City Attorney, Mark Harrington. Frank Dorka agreed, David White agreed, Chris Larson agreed, Bruce Erickson disagreed on the basis he did not want to include the garage in the motion. David White seconded.

VOTE: Motion carried; 4 to 1.

Chairman Larson called for discussion on 664 Woodside Avenue. Commissioner Erickson asked if the CAD request was for the garage at that address as well. The application does include the garage. He continued that if the property was sold, and the person buying the property was to use it as a rental property, that person could never pay the principal and interest based on rental income between \$5,200-5,700 per year. The only reason this property makes *any* money for the applicant is because the mortgage is paid in full. Commissioner Larson commented the property's value is in its use as a primary residence. Commissioner Erickson said his point is there is not cause to show that Mr. Watts is making money on the property so we shouldn't tear it down. Chairman Larson said the HDC needs to make a determination as to whether there is a reasonable rate of return based on the value of the property. The independent appraisal on the property concluded there is an economic return to be realized from sale of the property. Council member Gezelius commented that normally when you talk about rate of return on investment for comparison purposes, you either use a T-bill rate or a Certificate of Deposit rate for a certain time period and you compare total interest returned to the total amount of investment. This comparison does not include money spent on maintenance and repair and taxes, etc.

MOTION: Commissioner Martz moved denial of the CAD application for the house at 664 Woodside Avenue, excluding the garage, based on the findings and conclusions of law as follows:

FINDINGS

664 Woodside Avenue.

1. The structure is listed as "contributory" in Park City's Historic Survey.
2. The structure contributes to the district because of its vernacular style.
3. The structure is located on a 2,622 square foot lot fronting on Woodside Avenue.
4. The property is zoned HR-1.
5. The property is in fair condition and was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure.
6. The property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years.
7. The historic structure adds to the overall value of the property.
8. The appraiser concluded the highest and best use is for a continuation of use of the existing house.
9. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.

CONCLUSIONS OF LAW

1. For 664 Woodside Avenue, the building, structure or site can be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.
2. There is no evidence in the record to demonstrate that the structures cannot be feasibly moved or relocated.

Once again, the Commissioners were polled individually. Frank Dorka agreed, David White agreed, Chris Larson agreed, Bruce Erickson agreed. Frank Dorka seconded.

VOTE: Unanimous

It was outlined in the staff report that the HDC should make recommendations to the City Council regarding what can be done to help the applicant. Chairman Larson's suggestion was that the City Council work with the applicant to decide what to do regarding the garage first since it is an amenity to the Community. He asked other members of the Commission for their thoughts.

Commissioner Martz reiterated the suggestion that the City consider purchasing the property and suggested the City Council and Mr. Watts meet to explore available options.

Commissioner Erickson asserted all means should be explored to help Mr. Watts since there are intense commercial uses going in around him. Further, he asked Planner Lew to research whether or not the businesses across from the Watts' residence are meeting the terms of their agreement with respect to hours of operation and loading and unloading locations and to report back to the Planning Commission.

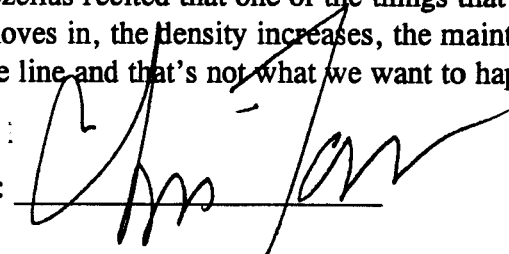
MOTION: Commissioner Dorka moved the Historic District Commission make a recommendation to the City Council to use any and all means available and explore all avenues and possibilities in keeping with the current zoning to culminate in the adaptive reuse of the building; David White seconded.

VOTE: Unanimous

Mr. Watts asked Chairman Larson to give him direction on the appeal process. City Attorney Harrington responded he should file the appeal within 10 days with the Anita Sheldon, the City Recorder, if that was the route he wants to pursue.

Discussion followed with the consensus being that the City needs to help Mr. Watts. Commissioner Martz remarked an additional impact fee charged to developers would help mitigate the effects of the big developments. Council member Gezelius recited that one of the things that happens after the owner moves out is that a renter then moves in, the density increases, the maintenance drops off and then we look at demolition down the line and that's not what we want to happen.

Approved by Historic District Commission:



or ordinance by the City Council, be the design standards applied by the City (and HDC on review) in reviewing specific building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing structures, additions to existing structures, and the construction of new structures. From time to time, the HDC may recommend changes in the design guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The design guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the use of the word "Historic" in the zone district name, or the letter "H" in the abbreviation of that name.

4.11. PRESERVATION OF HISTORIC BUILDINGS, STRUCTURES AND SITES. It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of buildings, structures and sites of historic significance in Park City. These buildings, structures and sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, demolition, expansion or change within the City, the preservation of the remaining buildings, structures and sites of historic or community significance should be encouraged. This section is intended to provide an incentive for identification and preservation of historic buildings, structures or sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

4.12. REVIEW OF HISTORIC BUILDINGS, STRUCTURES, SITES AND PRESERVATION POLICY. The HDC is the official body to review matters concerning designation and preservation of historic buildings, structures and sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve historic buildings, structures and sites. The Historic District Commission is authorized to function as a committee on historic buildings, structures and sites and to designate significant historic building, structures and sites within the City which it considers to be of historic significance and to make this information available to all interested citizens.

4.13. SIGNIFICANT HISTORIC BUILDINGS, STRUCTURES AND SITES. It is hereby declared that all buildings, structures and sites within Park City that are either located within the Historic District, listed in the most recent Park City Historic Survey, or are over fifty (50) years old are presumed historically "significant" for the purposes of this Chapter. The HDC may maintain a list of such significant properties. Any owner of a presumed historically significant building, structure or site may apply for a hearing before the HDC to rebut the presumption of significance created herein. The application shall be on forms as

prescribed by the HDC and shall be filed with the Community Development Department (CDD). Upon receiving an application for a determination of significance, the CDD staff shall schedule a hearing on the HDC agenda within thirty (30) days. Notice of the hearing shall be posted on the property and published at least once prior to the hearing. At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical insignificance of the building, structure or site.

(a) Standards of Review. In determining the historic significance of the property at the hearing, the HDC shall evaluate whether the building, structure or site demonstrates a quality of significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

1. The building, structure or site is associated with events or lives of persons significant to our past; and/or
2. The building, structure or site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or
3. The architectural or historical value or significance of the building, structure or site contributes to the historic value of the property and surrounding area; and/or
4. The building, structure or site is at least fifty (50) years old, or has achieved significance within the past fifty (50) years if the property is of exceptional importance to the community; and/or
5. The relation of historic or architectural features found on the building, structure or site to other such features within the surrounding area; and/or
6. Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the building, structure or site.

(b) Decision. The HDC shall determine that the property is historically insignificant only if it finds that the building, structure or site is of no or minimal historic significance because of its location, age, condition, modifications, relation to other structures or sites in the area, or other factors demonstrate that the property is inconsequential to the historic value of the area and to Park City as a whole. If the HDC finds that the building, structure or site is insignificant it shall immediately be removed from the list,

if any, of significant properties. The HDC shall forward a copy of its written findings to the owner and the Community Development Department. The Community Development Department shall maintain a list of properties that the HDC has determined are historically insignificant.

- (c) Appeal. The applicant or any party participating in the hearing may appeal the HDC decision to the City Council within ten (10) days of the decision.

4.14. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES. It is the intent of this and succeeding sections to preserve the historic and architectural resources of Park City, through limitations on demolition and removal of historic buildings, structures and sites to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings, structures and sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building, structure or site.

4.15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION. With the exception of any building or structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation\reconstruction in compliance with this Chapter, no building, other structure or site deemed to be historically significant by the provisions of §4.13 may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Community Development Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Community Development Department.

- (a) Determination of Significance. If, upon review of the application, the Community Development Department concludes that the building, structure or site sought to be demolished is significant according to the standards set forth in §4.13(a) herein, the application shall be processed under §4.16 and 4.17 as appropriate. Upon making said determination of significance, the Community Development Department shall provide a written explanation of its findings to the applicant. Any applicant disagreeing with such determination of significance may request a hearing pursuant to §4.13 within ten (10) days of being given notice of said determination. After the hearing, if the HDC concurs with the staff determination, the application shall be processed according to §4.16 and 4.17 as appropriate. If the HDC determines that the building, structure or site is insignificant, the Community

Development Director may issue the CAD after a waiting period as determined by subsection (b)(1) below.

- (b) Determination of Insignificance. If, upon review of the application, the Community Development Department concludes that the building, structure or site sought to be demolished or removed is not significant according to the standards set forth in §4.13(a) herein, the Department may determine that issuance of a CAD is appropriate. If such a determination is made, the staff shall schedule the CAD as an informational item on the next available Historic District Commission agenda. The staff shall provide the application, background information, and the findings supporting the staff determination.
1. If the Historic District Commission concurs with the staff determination, the Community Development Director shall issue a CAD.
 2. If the Historic District Commission determines that the building is significant, the applicant shall be required to process the CAD application through the processes outlined under §4.16 and 4.17 as appropriate, unless the applicant requests a hearing to contest the determination of significance pursuant to §4.13, in which case that section shall apply.
- (c) Removal of Hazardous Buildings. If, upon review, the Chief Building Official determines the subject building, structure or site to be structurally unsound, and a hazardous or dangerous building, the Chief Building Official may issue a CAD.
- (d) Requirement for Stay of Demolition. In the absence of a finding either of insignificance or of public hazard, the application for demolition or removal shall be stayed for 180 days.

4.16. PRE-HEARING APPLICATION REQUIREMENTS. Upon refusal of the Community Development Department to issue a CAD, a pre-hearing period of (45) days shall commence, during which time the owner shall allow the City to post and sustain a visible sign stating that the property is "threatened." Said sign shall be at least 3'x 2', readable from a point of public access and state that more information may be obtained from the Community Development Department for the duration of the stay. In addition, the owner shall conduct negotiations with the City for the sale or lease of the property or some interest in the property such as a facade easement, or take action to facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially possible.

At the end of the (45) days, the owner may request a hearing before the HDC upon showing that the above requirements have been met and all economic hardship information required by the HDC has been submitted. The applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within (14) days, notify the owner if any additional information is needed to complete the application. If the Department staff does not notify the owner, the application will be deemed complete. Within (45) days of receiving the completed application, the Department staff shall schedule a hearing regarding the application on the agenda of the HDC.

4.17. CAD HEARING FOR A SIGNIFICANT BUILDING, STRUCTURE OR SITE. At the hearing, the HDC will only approve demolition or removal of an historically significant building, structure or site if the owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the demolition or removal application.

(a) Economic Hardship Criteria. In order to sustain a claim of unreasonable economic hardship, the HDC may require the owner to provide information pertaining to whether the property is capable of producing a reasonable rate of return for the owner or incapable of beneficial use. The HDC shall adopt by resolution separate standards for investment or income producing and non-income producing properties. Non-income properties shall consist of owner occupied single-family dwellings and non-income producing institutional properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; type of occupancy; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the property.

(b) Conduct of Owner Excluded. Demonstration of economic hardship by the owner shall not be based on conditions resulting from:

1. Willful or negligent acts by the owner; or
2. Purchasing the property for substantially more than market value at the time of purchase; or
3. Failure to perform normal maintenance and repairs; or
4. Failure to diligently solicit and retain tenants; or
5. Failure to provide normal tenant improvements.

(c) Written Findings. The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property; or

For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; and

2. The building, structure or site cannot be feasibly moved or relocated .

(d) Final Decision.

1. Approval. If the HDC approves the application and issues the CAD, the owner may apply for a demolition permit with the Building Department and proceed to demolish the building, structure or site in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the property owner to provide the HDC with documentation of the building, structure or site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information specified by the HDC. The HDC may also require the owner to incorporate an appropriate memorialization of the building, structure or site, such as a photo display or plaque, into the proposed replacement project of the property. Approval of a CAD shall be valid for one year.

2. Denial. If the HDC denies the application for demolition, the owner shall not demolish the building, structure or site and the City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The owner may not re-apply for demolition for a period of three years from the date of the HDC's final decision, unless the building, structure or site is structurally unsound or substantial changes in circumstances have occurred other than those caused by the negligence or

intentional acts of the owner, in which case the owner may apply as conditions warrant.

3. Appeal. All final decisions of the HDC may be appealed to the City Council within ten (10) days .

4.18. NEW CONSTRUCTION. New construction and exterior remodeling within the Historic District zones shall conform to architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process.

**A RESOLUTION ADOPTING ECONOMIC HARDSHIP STANDARDS AND
CRITERIA FOR A CERTIFICATE OF APPROPRIATENESS FOR
DEMOLITION PURSUANT TO LAND MANAGEMENT CODE §4.17**

WHEREAS the Land Management Code (LMC) authorizes the HDC to adopt separate economic hardship criteria for income and non-income producing properties; and

WHEREAS it is the intent of the HDC to place the entire burden of making a showing of economic hardship on the applicant; and

WHEREAS the HDC has determined that the information listed below is the minimum information necessary to determine whether economic hardship will result from a CAD denial.

NOW THEREFORE, be it resolved by the Historic District Commission of Park City:

SECTION 1. STANDARD FOR ECONOMIC HARDSHIP. Unreasonable economic hardship exists for an income producing building or structure when the property cannot obtain a reasonable rate of return in its present condition or if rehabilitated. Unreasonable economic hardship exists for a non-income producing building or structure when the property owner demonstrates that the property has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.

SECTION 2. CRITERIA FOR ECONOMIC HARDSHIP. In order to claim economic hardship, the applicant must submit the following information before a hearing will be scheduled before the HDC:

(a) for non-income producing property:

- (1) the purchase price of the property, the date of purchase, and current financing arrangements and form of ownership, or other means of acquiring the property, such as a gift or inheritance;
- (2) the condition of the property at the time of application and when purchased, and whether it was occupied at the time of application and when purchased;
- (3) the assessed value of the land and improvements thereon for the two (2) most recent assessments;

- (4) real estate taxes for the previous four (4) years;
- (5) an itemized statement of the annual maintenance and operating costs for the previous two (2) years;
- (6) all appraisals obtained, if any, within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (7) annual debt service, if any, for the previous two (2) years;
- (8) any listing of the property for sale, or rent, price asked and offers received if any;
- (9) an opinion of an experienced real estate professional, such as an appraiser, architect, engineer or developer, as to whether the property may be beneficially used as a single-family dwelling or institutional use in its current condition or if renovated, if such renovation is economically feasible;
- (10) the fair market value of the property at the time of CAD application;
- (11) cost estimates of demolition and post-demolition plans, as well as proof of financial ability to complete the replacement project;
- (12) a statement of potential return on investment based on existing or new uses, including cost of rehabilitation and supplementary new construction, and using fair market value for the property, a "reasonable" rate of return on investment, and prevailing rehabilitation and rental rates in the area;
- (13) the costs and engineering feasibility of rehabilitation;
- (14) all available reports, if any, on the structural condition of the property; and
- (15) any other reasonable information that the HDC or the applicant feels is relevant to demonstrate economic hardship or lack thereof.

(b) For income producing buildings or structures, the all of the information listed in subsection (a), excluding #9, and the following additional information shall be required:

- (1) annual gross income from the property for the previous two (2) years;
- (2) any income from the property at the time it was purchased or immediately prior to that time;
- (3) depreciation deduction and annual cash flow, if any, for the past two (2) years;
- (4) a statement of potential return on investment based on existing or new uses, including cost of rehabilitation, and supplementary new construction, and using fair market value for the property, a "reasonable" rate of return on investment, and prevailing rehabilitation and rental rates in the area; and
- (5) anticipated income from the property after the demolition of the structure or structures.

Community Development staff reports or any other comments regarding the information submitted by the applicant shall be submitted to the HDC and to the applicant for consideration and review at least seven (7) days prior to the hearing, which shall occur at least one meeting before the matter is scheduled for action on the HDC agenda.

SECTION 3. EFFECTIVE DATE. This resolution shall take effect immediately.

PASSED AND ADOPTED this 27th day of June, 1994.

HISTORIC DISTRICT COMMISSION

Jacqueline Cote

Approved as to form:

Mark D. Harrington

Mark Harrington, Asst. City Attorney

MARIANNE CONE P. O. Box 161 Park City, UT 84060 (801) 649-9613

March 14, 1995

Park City Council
Park City Municipal Corp.
Park City, UT 84060

Re: Demolition request by Burnis Watts

Dear Council Members:

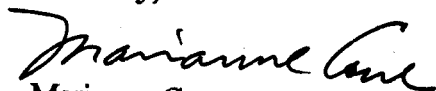
I am writing to ask you to deny Mr. Watts' appeal for demolition of his historic buildings on Park Avenue and Woodside Ave.

His request goes against the intent of the demolition ordinance as it applies to his and neighboring properties. While it is unfortunate he now finds himself in a light commercial area, those buildings around him have been saved by their change of use. Had they been demolished, he might be surrounded by high-rise intensive use commercial structures.

If his intention is to change to commercial use in his buildings, every effort should be made to treat him under the same rules as applied to his neighbors.

While this is not a trend which I would like to see continued, by the nature of this zone there will only be a few more pieces of property that will be affected. I would not recommend that the rest of Park Avenue be allowed to turn commercial because of its effect on adjacent streets and because of the remaining residents' rights to as quiet a neighborhood as possible.

Sincerely,



Marianne Cone
86 Prospect Ave.
Park City, UT