

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 19, 2006**

Present: Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Ken Fisher, Recreation Director

Kurt McGrew, Gould-Evans; Rich Miller, RAB member; and Pam Crowe Weisberg, KAC Executive Director

1. **ISBO Council training and tour** – Chief Building Official Ron Ivie conducted the required ISBO training and also organized a field trip for Council members to tour a structure with innovative green building elements.

2. **Council questions and comments** – Candace Erickson stated that she and Joe Kernan attended the Utah Intergovernmental Round Table where the focus was growth in Utah. There was also a heated discussion on private property rights, but most felt that zoning and planning should be handled at the local level, not the state. She reported on ULCT business. Local activities including the solar home tour and skate park dedication were covered. Marianne Cone reported on the tour of solar homes and associated applications. She also relayed that UDOT implemented a safe route to school program providing funds for qualified proposals. Jim Hier spoke about the skate park grand opening. The Mayor noted that he and Gary Hill will be attending a meeting on a proposal to build a tunnel from Brighton Estates to Park City, and encouraged feedback from Council members. He committed to continue to serve on the Mosquito Abatement Committee.

3. **Recreation building update – Gould/Evans** - Ken Fisher explained that the contract specifies that Phase 2 return to Council before proceeding with that segment of the project. He stated that a public open house was held that it was well advertised but poorly attended. The Boys and Girls Club was the only group in attendance and indicated its support of the proposed design. The plan includes two ADA compliant interior restrooms, which was a request from parents. There are still restroom facilities accessible from outside. Architect Kurt McGrew explained his architectural rendering and mentioned associated costs relating to bringing the building up to code. He added that the existing outside patio will be enclosed and explained in detail the layout of the interior. The design provides new storage areas and creates a more efficient and attractive space. Discussion ensued about the size of the storage area, the installation of a commercial grade skylight, and the main users being children. Jim Hier indicated that his initial calculations were about \$128/sq for remodeling the recreation building and asked how a brand new 3,600 square foot facility would compare to the remodel project. He also asked the cost of new construction and Mr. McGrew estimated about

\$165 to \$185/sq. Council member Hier asked if it is wiser to build something new that meets our needs rather than compromising on features because of possible restraints in the existing structure. Ken Fisher expressed that this plan meets the Department's needs, especially for summer camp. An internal task force was formed to examine potential uses and it was decided that a new larger building was unnecessary. Candace Erickson noted that this was discussed extensively among members and Council member Hier asked if \$500,000 could be better spent. RAB member Rich Miller stated that the existing location of the recreation building is ideal because of its proximity to the park and the project fits within the budget of the City Park Fund, leaving monies to complete other projects in the master plan. Marianne Cone noted that the remodeled building may present opportunities for other groups to use at night and/or on a year-round basis. Council members concurred to proceed with Phase 2.

4. **Kimball Art Center update** – Pam Crowe-Weisberg reported that the 2006 Arts Festival was the most successful ever, and she hoped to make the Friday night event part of the Festival program. The Arts Festival is the only fund-raiser for the Center to support art talks/tours, exhibitions, and education packages; there were over 1,000 students this month. She showed a video designed to introduce the capital improvement campaign for 2007. It is the goal of the Board to make the KAC the premiere art center in the West, introducing national and international exhibitions to Utah.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 19, 2006**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 19, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Ray Milliner, Planner; Kirsten Whetstone, Planner; and Brooks Robinson Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that Royal Street, Talisker, East-West and Rail-Central tenants are recycling customers of his. Candace Erickson stated she is married to Stantec consultant Bruce Erickson. Marianne Cone stated that she will be excusing herself from discussion and voting on the Prospect Heights Subdivision, as an adjacent property owner.

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

1. Nomel Event - Emily Elliott, NOMA Alliance, invited the Council and audience to attend the second Nomel event which will be held on Friday, November 24.
2. 2006 Campaign – Mel Brown, candidate for District 53 of the House of Representatives, invited input from the City Council on issues and ways the legislative process may better serve Park City.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF OCTOBER 5, 2006

Jim Hier, "I move approval of the work session notes and minutes of the meeting of October 5, 2006". Roger Harlan abstained as he was not in attendance. Candace Erickson seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Abstention
Jim Hier	Aye
Joe Kernan	Aye

V RESIGNATIONS AND APPOINTMENTS

Appointment of one member to the Board of Adjustment for a term expiring July 2010 – The Mayor recommended the appointment of Bill Thompson. Roger Harlan, “I so move”. Marianne Cone seconded. Motion unanimously carried.

VI CONSENT AGENDA PUBLIC HEARINGS

Ordinance approving the Prospect Heights Subdivision, being a replat of Lot 1 of the Prospect Street Subdivision, located at 101 Prospect Street, Park City, Utah – At this point in the meeting Council member Marianne Cone left the room (see disclosure above). Kirsten Whetstone, Planner, explained that the request is to approve removing existing plat note language and creating two lots from one lot. The original request at the Planning Commission level was for three lots which was not supported because of concerns relating to density. An historic home sits on one lot and the remainder would create a new 20,000+ square foot lot. The original plat note specified that a duplex is allowed on the one-lot subdivision, and the current property owner originally contemplated constructing a duplex. However, through the process, the application was revised proposing two lots with a platted open space area around Lot 1, so that development can not occur in that frontage area in the future. On September 27, 2006, the Planning Commission recommended a plat note limiting lots to single family homes which was well-received by adjacent neighbors. Plat notes will be clarified to include current code provisions and specific conditions of the plat approval. There were no questions or comments from Council members and the Mayor opened the public hearing. Hearing no comments, he closed the hearing.

VII CONSENT AGENDA

Ordinance approving the Prospect Heights Subdivision, being a replat of Lot 1 of the Prospect Street Subdivision, located at 101 Prospect Street, Park City, Utah – Candace Erickson, “I move we approve the Ordinance for the Prospect Heights Subdivision, being a replat of Lot 1 of the Prospect street Subdivision, located at 101 Prospect Street according to the findings of fact, conclusions of law, and conditions of approval as stated in the attached Ordinance”. Jim Hier seconded. Motion carried.

Marianne Cone	Abstention
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

VIII OLD BUSINESS

Ordinance repealing Ordinance No. 06-63 and approving the annexation of the Wilburn West Parcel and approving an amendment to the Park City Zoning Map to zone the Wilburn West property Residential Development (RD) and Recreation Open Space (ROS) – Council member Cone returned to the Chambers. Ray Milliner explained that this annexation was approved in August, but the annexation agreement was not recorded within the 30 day time limit specified by state law. This matter is returning to Council with some modifications including language omitting trail head parking and adding affordable housing requirements, which is 15% of the total residential units constructed. The Mayor opened the public hearing and with no comments, the public hearing was closed.

Joe Kernan, "I move we repeal Ordinance No. 06-63 and approve the annexation of the Wilburn West Parcel, approving an amendment to the Zoning Map to zone the Wilburn West property Residential Development and Recreation Open Space". Roger Harlan seconded. Motion unanimously carried.

IX NEW BUSINESS

1. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments, for the following Chapters: Chapter 2.4 HRM Zoning District, 2.5 HRC Zoning District, 2.6 HCB Zoning District, Chapter 2.8 POS District, Chapter 2.9 E-40 District, Chapter 2.10 E District, Chapter 11- Historic Preservation, and Chapter 14- Zoning Administration and Enforcement – Planner Kirsten Whetstone explained that these amendments relate to the Historic District. Most are minor changes but there are some substantive amendments and she pointed out revisions recommended by the Planning Commission at its meetings on August 23 and September 27, 2006. She noted that the lot size for single family in the HRM zone is 1,875 square feet. Amendments clarify side yard set backs for small lots, and regulations for retaining walls and bay windows extending into the setback. The purpose statements for building height exceptions in zones have been revised to read consistently. The Estate District allows single family and duplexes and the minimum lot size is three acres. She pointed out that there could be 100 acres included in a MPD in an Estate Zone and the formula of 1:3 would be applied. Calculating density becomes less clear with duplexes and the Planning Commission directed staff to place a footnote in the LMC that duplexes require a minimum property area of six acres. *The minimum lot size for all uses is three acres, except that a duplex requires a minimum lot size of six acres. The Planning Commission may reduce the minimum lot size during review of a master planned development or subdivision plat to encourage clustering of density and the maximum density is 1:3 acres.*

In response to a question from Joe Kernan about secondary living quarters, Ms. Whetstone explained that secondary living quarters and/or accessory apartments are considered to be within the existing house. The sizes of dwellings are specifically addressed in the supplemental regulations section; they can't be greater than 1,000 square feet and no more than a third of the primary structure size. Council member Kernan asked about building affordable housing in the Estate Zone and Ms. Whetstone explained that affordable housing can be built in any zone where MPDs can be applied. Council member Kernan suggested that there be incentives for outdoor dining, specifically with regard to the requirement of replacing landscaping and providing additional parking because of increased seating capacity. He believed that in many instances there isn't an increase in the establishment's seating capacity and diners are simply moving outside. Members agreed to address outdoor dining at another meeting. Tom Bakaly pointed out that adoption of the Ordinance will increase the membership of the Historic Preservation Board from five to seven members. Kirsten Whetstone noted that violations of the LMC have been changed from a Class B Misdemeanor to a Class C.

With no further questions from Council members, the Mayor opened the public hearing. There was no public input and the Mayor requested a motion. Jim Hier, "I move we approve the Ordinance amending the Land Management Code as outlined in the staff report". Roger Harlan seconded. Motion unanimously approved.

2. Ordinance amending the Park City General Plan to include a general description of, planning objectives and action items for the Park Bonanza District (properties bounded by Kearns Boulevard, Park Avenue, Deer Valley Drive, and Bonanza Drive including properties fronting the east side of Bonanza Drive) – There was a request from Craig Elliott to make comments now because he could not attend the public hearing and the Mayor invited him to speak. Craig Elliott, architect and resident, pointed out that on many City issues, the family perspective is often missed because parents are busy with their kids and can't attend meetings. This area is Park City's general commercial district; it's not Main Street and would not compete with Main Street. It is a living, daily shopping and service area. There is an opportunity now to change the look of the area, and he pointed out the number of pre-fabricated metal buildings. He supports the residential component which may provide first-time home ownership opportunities for some citizens. With regard to the debate on height limits, he encouraged that General Plan amendments not specify a height limit; height should be broadly described as *four stories* in the General Plan and detailed in the LMC.

Kirsten Whetstone stated that this discussion is a continuation of the October 12 work session. She asked for direction on transportation, maximum MPD height, open space, ratio of national and local business mix, and green building incentives. She recommended remanding the Ordinance to the Planning Commission to finalize the

draft before adoption by the City Council, and Joe Kernan expressed his support. The Mayor opened the public hearing.

Sara Henry, Board member of NOMA and business owner, stated that she is not a property owner but a tenant at Rail-Central and is very excited about revitalizing the area. She believes the District provides vital services and shopping for locals and doesn't detract from Main Street which offers a different experience. They compliment each other and she relayed that she agrees with Mr. Elliott's comments.

Carol Potter, Mountain Trails Foundation, stated that the Foundation never renders a formal position on development, but certainly support trails, pathways, connections, etc. There seems to be a lot in the plan to achieve a walk-able area. She is excited about the variety of ideas generated from the walk-able communities audit and urged exploring more trail connections and open space.

Terry Frank, owner of No Place Like Home and NOMA Board Member, stated that he has been a District tenant for 16 years and would not consider moving his business anywhere else, even Main Street. He looks forward to redevelopment and agreed with Mr. Elliott's comments. The height should be viewed more as four stories until actual building designs are submitted for review and he believed consideration for more density is appropriate if additional amenities, like open space, are offered. In response to a question from Marianne Cone, he relayed that his store is over 6,200 square feet including a basement used for storage. Mayor Williams thanked Mr. Frank for his commitment to the community. Mr. Frank believed that most of his customers are local and second home owners and mentioned that demographics are changing with residents moving to Heber and Midway.

Jenny Smith, NOMA Board Member and employee of Park City Mountain Resort, a property owner, expressed her excitement about redeveloping the area. PCMC is contemplating replacing its metal prefabricated building with employee housing. She's supportive of the focus on walk-ability, and emphasized the importance of providing a safe pedestrian crossing on Bonanza Drive.

Patricia Stokes, Suncreek Condominium resident, asked Council to be mindful of potential impacts to Prospector residents. Traffic will increase with density which will impact existing residents; more density also affects pedestrians. The height requirement should be defined in the General Plan so that citizens can rely on zoning. She felt these changes will diminish property values if views are blocked. Ms. Stokes stated that she purchased her property trusting the existing zoning and platting. Mayor Williams pointed out that the parking lot adjacent to the Suncreek Condominium has the potential of being developed and is not part of this General Plan element area.

Tom Fey, Park Meadows resident, suggested that there be absolute limits on height so that it can be clearly interpreted and applied by the Planning Commission. He warned against granting additional density and height for affordable housing but supports the setback component. Parking and traffic studies should be conducted at peak times. Mr. Fey agreed with encouraging incubator businesses, but indicated the difficulty in differentiating between national names that are locally owned versus national names that are nationally owned. This is a spurious issue and building mass and height are much more important. He felt that it is important to acknowledge the public testimony from people directly involved in the District.

Mary Wintzer, 320 McHenry and part-owner of Wintzer-Wolf Properties (Iron Horse properties), expressed that redevelopment in the District is exciting and the traffic study should be addressed first. She stated that she participated in the walk-ability audit where simple ideas like crosswalks might be an inexpensive experiment and may provide useful information for the traffic study. She noted that the Planning Commission's recommendation was based on a 45 foot height limit and encouraged Council members to look at the area and try to visualize taller structures.

Rhonda Sedaris, Prospector Square business owner, expressed her opposition to consideration of additional height and emphasized the importance of providing adequate parking.

Mark Fisher, Centura Development Company, urged Council members to please keep the dream alive. It is a ten year plan.

Julie Bertagnole, resident, detailed existing traffic challenges on Bonanza Drive which should be solved first before redevelopment occurs; building height should be limited to 45 feet.

Dotty Small, resident, supports the revitalization of NOMA. Main Street offers a unique product geared toward visitors. Residents should have options for day to day shopping needs and vital services.

Rodman Jordan, Centura Development, stated that bringing the neighborhood together has been a great experience. Centura is not looking for more density than the zoning allows and limiting height may compromise good architecture and the provision of open space areas. It has not been a practice to identify heights in the General Plan; heights are described in the LMC.

The Mayor spoke about tenant mix, and felt the Planning Commission should explore the proposed national and local ratio. There needs to be more discussion on a number of issues and suggested that it be remanded to the Planning Commission. Candace

Erickson believes the General Plan should be broad but suggested adding a requirement that applications include a view corridor illustration for review during the MPD process. She suggested that the maximum square footage recommended at 10,000 square feet for a business be re-examined. Roger Harlan expressed that traffic is his main concern, which needs to be adequately addressed. Joe Kernan encouraged focusing on the vision in the General Plan, rather than defining height limits and agreed that it should be remanded to the Planning Commission. Jim Hier agreed with Ms. Erickson's comments regarding protection of view corridors. The Mayor reiterated his position from last week's work session on not requiring a formal LEEDS certified program, which is a very expensive process. As a practical matter, favorable consideration should be given to projects when green building is accomplished.

Joe Kernan, "I move to continue the Ordinance amending the General Plan to a date uncertain". Candy Erickson seconded. Motion unanimously carried.

3. Amendment to the Flagstaff Mountain (Empire Pass) Development Agreement with consideration of annexation of PCMR ski lease lands – The Mayor opened the public hearing.

Bob Wells, Deer Valley Resort, stated that he supports the Planning Commission's recommendation to annex. Having a Montage Hotel adjacent to Deer Valley Resort is a benefit because it supports our tourism base. He pointed out that full service hotels like the Radisson, Yarrow, and Marriott initially failed but the Montage has the distinction of being adequately subsidized and creates a unique opportunity for the community. The development of condominiums is critical to the project and requires a significant commitment from Talisker. He referred to Mr. Kernan's numbers from last week on the gondola component, and believes they multiply into subsidization as well. The recommendation from the Planning Commission is fair.

Bob Weaton, Deer Valley Resort, relayed that he has been involved on this project for three plus years and is thoroughly convinced that Deer Valley needs this project to compete on an international basis. The Montage fills a void for a product guests are requesting. The plan on the table is far superior to what was previously presented which was *condominium sprawl*. He is extremely impressed with Talisker's openness in considering input from and working with Deer Valley Resort. The features of this plan including open space, annexation, reduction of development in key areas, off site event parking, etc. are key benefits to the City and the process has been going on for a long time. He urged Council to favorably consider the proposal and to remand it to the Planning Commission for final review.

With no further comments from the audience, Mayor Williams invited comments from Council members. Candace Erickson acknowledged that the review process has taken

some time, but Talisker has not lived up to the original Development Agreement. More specifically, she explained that her issue is that any additional density would be removed from Bonanza Flats which was the City's position for the first six months of negotiations but not agreed to by Talisker. She referred to the conservation easement, which was not acceptable to PCMC which also resulted in delays. Ms. Erickson asked what this is worth to Talisker, because the bottom line is moving density and associated traffic impacts from Old Town. She noted that staff is still recommending that *any density transfer come from Bonanza Flats*, which she still strongly supports. Joe Kernan relayed that he is not concerned about whether a conservation easement or deed restriction is applied to protect open space properties. PCMC is not a nature preserve but a ski area and the issue is the density transfer. He asked if the density reduction is an adequate benefit when compared to the existing original agreement and the \$2 million for the gondola and/or the transportation plan for Old Town. If there is consensus among other Council members for the park and ride, he could support it.

Jim Hier felt there are opportunities to preserve the open space in perpetuity by incorporating additional language in the deed restriction that a conservation easement be applied on the property at the conclusion of PCMR's lease. A park and ride at the outskirts of town is probably a one-time opportunity and is worth considering for the 14 to 15 units. He personally felt that the City should move forward but would like to see the parking project fully bonded, in the event of non-performance, and phasing for the completion of its construction. He requested rationale supporting the request to increase the size of the Montage restaurant from 7,000 to 10,000 square feet. Discussion ensued regarding the calculation of commercial square footage. Council member Hier requested that a final agreement return to Council for approval. Roger Harlan agreed with Mr. Wells' comments about failed hotels in town. He didn't understand Talisker's unwillingness to transfer density from Bonanza Flats for the additional units. He questioned the potential effectiveness of the proposed park and ride facility and suggested that the parking element be downsized and the remaining funds be placed in trust for future community projects that might arise. He acknowledged that a conservation easement does not appear to be feasible and Mr. Hier's suggestion might work. Jim Hier added that it's likely that the lion's share of our employee base will be generated out of town and it's critical to have a location secured to address the problem.

Marianne Cone believed the original Development Agreement addressed transit with a construction mitigation plan and shuttles and felt that the density should come off Bonanza Flats. She questioned what the conservation easement will preserve that isn't addressed in the 45 year lease, perhaps the Silver King Mine site, and there will probably be development visible from Daly Avenue. Brooks Robinson explained that there aren't any platted lots left on Daly Avenue. Ms. Cone clarified her concern to be property above Daly on the west side of Empire Canyon. Mr. Robinson responded that

there isn't much development contemplated in the area, except a proposal in Woodside Gulch for nine units. There are two other metes and bounds parcels above the water tank which are not owned by the mining company. There was discussion about protecting the Silver Mine site by omitting 60 units. She felt that a deed restriction is not as desirable as a conservation easement, and prefers to look at the protections provided in the lease. No one really knows if the 192 unit Montage will be a success and she supports the original plan; the density should come from Bonanza and Empire Canyon, especially in consideration of potential traffic impacts to Old Town.

Mayor Williams expressed his disappointment in general about developers not meeting their obligations and requesting modifications to development agreements. The conservation easement was always contemplated and the hundreds of acres that are not included in the lease should be placed in a conservation easement. He is disappointed that Talisker is not amenable to moving density from Bonanza or The Colony but felt the Montage Hotel will be a benefit to Park City. He disagreed with Council member Harlan about the park and ride and felt it can be effective. The traffic issues on SR248 stem from the inability of the School District to work cooperatively toward solutions. He can live with a deed restriction if it is converted to a conservation easement at the conclusion of the lease and believes the park and ride, mass transportation and affordable housing units benefit Park City. Jim Hier understood direction to be to redefine the Development Agreement, create the Annexation Agreement, and modify the MPD. Brooks Robinson acknowledged that the general parameters seem agreeable to Council members Hier, Kernan and Harlan. Comments on the lease about the conversion to conservation easements seems unanimously supported.

In response to a question from Ms. Erickson, Jenny Smith of PCMR, relayed that the resort has the first right of refusal on the sale of the property and are optimistic about a lease extension. Ms. Smith stated that PCMR *feels stuck in the middle* and the deed restriction is a fair and reasonable compromise which will still adequately protect the land from development and still allows them to operate their business to the best of their ability. PCMR is comfortable with the City overseeing the deed restriction and changes in the next 45 years are inevitable. The City and the resort are successful partners and in order to sustain the relationship, there needs to be some flexibility. The Montage Hotel may be a need of Deer Valley Resort, but PCMC has needs as well. The increase in costs with annexation relate to franchise and municipal taxes, which have not been addressed in discussions. This equates to about \$25,000 annually and another \$10,000 for business licensing. She added that there are higher permitting fees in the City compared to the County. She asked that PCMR be treated fairly, which has not happened. Candace Erickson raised a scenario where the conservation easement may diminish the perceived value of PCMR in the event of a future sale. David Smith, attorney for Talisker, responded. The draft of the conservation easement was intensely

focused on accommodating PCMR's growth and operations. The conversion to a conservation easement will still maintain those operational accommodations and with PCMR's concurrence a clause has been added to the deed restriction that provides that upon termination of the PCMR lease, the deed restriction transfers from the City to a qualified conservation group. Joe Kernan stated that he doesn't want to require a conservation easement now which may compromise the ability of future councils and PCMR to make the best decision about conservation and resort operations. Mr. Smith felt that flexibility is written in the deed restriction.

Mayor Williams addressed the proposed administrative approval process for PCMR for projects up to 5,000 square feet and Brooks Robinson noted that there will be a public hearing but not the full CUP process. The Mayor emphasized that elected officials are accountable to citizens. Jim Hier advised that these lands are addressed in the Development Agreement, but not within the City limits. If the annexation is approved, it seems logical to pursue an MPD. Tom Bakaly explained that there may be an opportunity to amend the Development Agreement with PCMR where the review process can be revised. The Planning Commission's recommendation on the administrative CUP would include a public hearing and the only difference is that the Planning Commission would not take action. Currently, CUPs are not reviewed by Council and the City Council will continue to maintain the ability to call-up an administrative CUP. This is in response to PCMR's concerns about creating more process.

Marianne Cone asked if a conservation easement can be drafted that won't interfere the resort's operations. Jenny Smith referred to concerns about third-party oversight and Dana Williams felt that the City could be the assigned party holding the conservation easement. Ms. Smith recalled that this was proposed but the City objected and insisted on a third-party holding the easement. Discussion ensued regarding an easement on the Silver King property and David Smith indicated that Talisker is willing to look at this new idea. Joe Kernan stated that he is not inclined to reimburse PCMC for any additional costs and it's only fair that as an annexed property it pays its fair share. Discussion ensued about Talisker covering increased costs which was not on the table. Mayor Williams felt that comparatively speaking, this modification has been reviewed for about a year while Flagstaff took about ten years. Let's not make a decision because the process has taken a long time.

Mandy Scully summarized Talisker's position. She stated that everyone has worked hard toward agreement and felt the deed restriction is a good solution. Residential development will be eliminated on over 2,028 acres, including the Silver King area and King Road and Talisker will take a look at other suggestions raised tonight. The deed restriction was a result of working with and accommodating PCMR. After the City holds the deed restriction, the property is subject to a conservation easement held by a third

party. A lost point is the request by the City that PCMR's property be annexed into the City, which has been agreed to by PCMR. The annexation seemed very important from the City's perspective. The 30 deeded acres at Richardsons Flats for ball fields and parking provides public benefit with regard to traffic mitigation and special events. An additional 28 affordable units and the Montage Hotel with conference facilities are part of the negotiation; the economic benefit of the hotel is conservatively estimated by the City at \$1.3 to \$1.9 million annually.

City Manager Tom Bakaly summarized that a majority of the Council is supportive of the Planning Commission moving ahead with amendments to the Development Agreement which will return to Council for final approval. The majority of members are generally supportive of the deal points recommended by the Planning Commission with further refinements. The parking lot construction should be bonded for and the timing of construction and phasing should be identified beginning with 200 spaces of the total 750 spaces. The difference will be escrowed so that those funds are available in the event of non-performance. There will be consideration of placing a conservation easement on Silver King and clarification that the deed restriction will be replaced with a conservation easement at the end of the lease term. PCMR and Talisker continue to resolve the issue of increased costs as it relates to PCMR's annexation and that there be further review of the administrative approval process and whether it is a part of Talisker's or PCMR's Development Agreement. Jim Hier felt this is an accurate summation and believed it will be helpful to have a better comprehensive understanding of the agreement. Brooks Robinson discussed the third bullet point under the deed restriction extending up Pine Cone Ridge. Mr. Hier suggested that as a part of the agreement, upon completing the planning process with Summit County that areas deemed to be open space should be placed in a deed restriction or conservation easement. David Smith interjected that currently Talisker has no intention or ability to develop there but is willing to follow-up on Mr. Hier's suggestion.

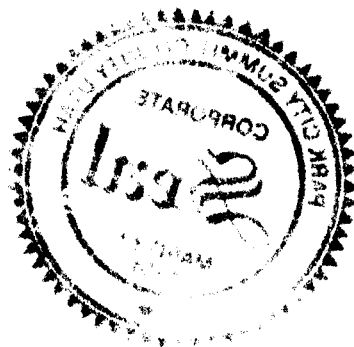
X ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the City Clerk 10 days prior to the meeting.

Prepared by Janet M. Scott



Margaret M. Scott, City Recorder





CITY COUNCIL Staff Report

Author: Ron Ivie
Department: Building
Subject: Fire Sprinkler Proposal
Date: October 19, 2006
Type of Item: Work Session Discussion

The following staff report is written as if the ordinance is scheduled on this week's agenda, but in fact will return to Council sometime in January. Ron will cover this topic during your training session this Thursday.

Summary: Staff requests that the City Council consider adopting Appendix P of the International Residential Code requiring all new residential occupancies to be fire sprinkler protected.

TOPIC

Appendix P of the International Residential Code (attached).

ANALYSIS

The purpose of this section of the code is to provide current fire protection technology to residential construction. This system is designed for life safety.

This proposal has been submitted to the Uniform Code Commission and has moved forward for final hearing on November 15, 2006.

SIGNIFICANT IMPACTS/BENEFITS

Currently most of our new construction is sprinkled as a result of conditions on subdivisions, landuse or as a result of poor access. Most all non-residential construction is sprinkled due to current ordinance regulations and interface code needs, therefore, this change although important will not have a heavy impact.

In the aggregate, staff believes these costs will be made up by reductions in loss of property and insurance savings.

This system provides improvement in life and fire safety.

One negative impact would be that it will add cost to construction on structures which are not currently regulated. Costs can vary greatly depending on configurations of the building.

ALTERNATIVES

Adopt the appendix

Not adopt the appendix

DEPARTMENT REVIEW

The Planning, Building, Engineering and Legal Department have reviewed the Staff Report.

RECOMMENDATION

The staff recommends to the Council that we proceed to adopt Appendix P of the International Residential Building Code.

EXHIBITS

Report from Azarang (Ozzie) Mirkhah
Appendix P

Unnecessary Destruction

An Editorial Opinion

By: Azarang (Ozzie) Mirkhah, P.E., EFO, CBO
Las Vegas Fire & Rescue

"The serious losses in life and property resulting annually from fires cause me deep concern. I am sure that such unnecessary waste can be reduced. The substantial progress made in the science of fire prevention and fire protection in this country during the past forty years convinces me that the means are available for limiting this unnecessary destruction." While this statement appears to be an accurate depiction of our country's current fire problem, interestingly enough, this statement was a part of President Harry S. Truman's address to the 1947 President's Conference on Fire Prevention.

Even though it was called "The President's Conference on Fire Prevention," the 1947 conference was not about fire prevention in specific, but about ways to reduce the total national fire loss. President Truman challenged the conference to take action and outlined his vision that *"It is the clear responsibility of every State and local official, and every citizen, to aggressively support this national war against the growing menace of fire."*

The National Fire Protection Association's (NFPA) 2005 report, *"The Total Cost of Fire in the United States"*, indicates that in 2004, there were 3,925 fire fatalities, and the total property fire loss was \$14.5 billion. This total property loss, was just a small portion of the overall \$226 billion to \$272 billion total cost of fire in America, which was roughly about 2 to 2.5 percent of the U.S. gross domestic product (gdp). The rate of this hemorrhage that is draining our national economy annually is relatively small in comparison to the strength of our national industrial output. But, a quarter of a trillion dollars annual cost is a very significant volume, and demands serious attention.

To put the magnitude of these statistics in perspective, comparison with some current significant national issues might be of value. Most don't know, but the total cost of fire in our country in 2004, was a little more than the gdp of the largest oil producing country in the world, Saudi Arabia. According to the World

Bank's 2004 statistics, Saudi Arabia's total gdp in 2004 was about \$251 billion. Think about this next time around you are paying about three dollars a gallon, filling your gas tank!

Also, from an unbiased, non-partisan view, compare our total fire cost statistics to our loss statistics in the Iraq war. During the past three years since the start of the war, America has spent \$350 billion, and as of today (September 22, 2006) we have lost 2,695 of our bravest in Iraq. During the same time period, at an annual average rate of \$250 billion, and 4,000 fire fatalities, we have spent \$750 billion on total fire cost and have lost 12,000 people. Next time you watch the national evening news and hear about our losses in Iraq, remember that we are spending more than twice as much on the total fire cost, and our fire fatalities are as much as four times higher here at home in America! Do most Americans realize this? I truly believe that if our representatives on Capitol Hill were aware of the real magnitude of our country's fire cost year after year, they would pay a lot closer attention to address the fire problem in our country. As Americans, I believe it is our national obligation to focus on ways to significantly reduce this unnecessary destruction. In the competitive world of global economics, we must be concerned about such wastes. We need the foresight to look ahead 30-40 years and recognize that to be competitive in the global economy, we should focus on ways to decrease our total national fire cost.

Back in 1947, President Truman recognized that preventing fires in the first place was the best way to reduce the total fire loss in our country. And to this date that fact has remained unchanged. October is the national fire prevention month. But, preventing fires and reducing our country's total fire cost must be on our minds all year long. We need to focus more on fire prevention and utilizing all available technologies to address the fire problem in our country. Surprisingly, such simple affordable technologies have been available for decades. According to the NFPA about 80% of our fire fatalities occur at homes. And Home Fire Sprinkler Coalition (HFSC) claims that installation of smoke detectors and fire sprinkler systems together reduce fire death rates and property damage by 82%. Yet, nationally less than 2% of our homes are protected by fire sprinklers!

Since 1947, we have made great strides toward protecting our citizens from the wrath of fire. Yet, the perfect applicability of President Truman's statement to our current conditions clearly reveals the fact that we are still struggling with similar problems and trying to overcome the same obstacles. This fire prevention month in October, we should recognize that as a nation, we need to refocus our attention on prevention as the best way to reduce our country's total national fire cost.

As a proud member of our country's fire service, I recognize the importance of our mission to reduce the fire fatalities and the life-scarring fire injuries in our communities. I also believe that it is our professional obligation and patriotic duty to acknowledge our responsibility in decreasing our country's total fire cost.

APPENDIX P SPRINKLING

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

AP101 Fire sprinklers. An approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings and townhouses in accordance with Section 903.3.1 of the *International Building Code*.

City Council Staff Report



Author: Ken Fisher, Recreation Manager
Matt Twombly, Parks Planner
Subject: Recreation Building Remodel
Date: October 14, 2006
Type of Item: Work Session

Summary Recommendation:

Direct staff and Gould Evans to begin Phase II of the City Park Recreation Building remodel located at 1400 Sullivan Road. Phase II includes completion of 90 & 100% construction & bid documents.

Description:

A. Topic: Phase II – Recreation Building Remodel

B. Background:

This past August City Council approved a Professional Services Contract with Gould Evans for the remodel of the Recreation Building in City Park. The contract was broken down into two phases with Phase I being Schematic and Design Development and Phase II being completion of 90 and 100% construction and bid documents. Staff is presenting the conceptual design and construction cost estimates to Council prior to beginning Phase II work.

C. Analysis:

The project impacts approximately 3,600 square feet of space and includes enclosing the pavilion on the south west corner of the building, the remodel of the restrooms accessed from the exterior of the building, and creates interior restrooms. The demolition and remodeled floor plan are attached to the end of the staff report. All items are based on the recommendations made by the internal staff task force and the Recreation Advisory Board. The total estimated project budget is \$500,000 with \$450,000 earmarked for construction. Gould Evans estimates the remodel construction at a cost of \$457,756.03. This represents a cost of \$127 per square foot.

Detailed Cost Estimate for City Park Recreation Building

Covered Patio Infill				
ITEM	UNIT	QNTY	UNIT COST	EXTENSION
Demo and renovate patio area - exterior walls, windows, doors	SF	900	\$ 102.00	\$ 91,800.00

ceiling, lighting, level floor, finishes,
millwork etc.

Remove exterior stairs, infill, landscape,
etc.

Relocate electrical service, exterior
lighting

Mechanical and plumbing

Allow	1	\$	2,700.00	\$	2,700.00
Allow	1	\$	10,000.00	\$	10,000.00
SF	900	\$	12.00	\$	10,800.00

Subtotal: \$ 115,300.00

General

Conditions 10%: \$ 11,530.00

OH&P 10%: \$ 11,530.00

Contingency 10%: \$ 11,530.00

Covered Patio Infill

Total: \$ 149,890.00

Interior Restrooms/Vending Area

ITEM	UNIT	QNTY	UNIT COST	EXTENSION
Demo at existing restroom interior entrys, building entry	SF	168	\$ 10.00	\$ 1,680.00
Single use ADA compliant restrooms	SF	168	\$ 140.00	\$ 23,520.00

Subtotal: \$ 25,200.00

General

Conditions 10%: \$ 2,520.00

OH&P 10%: \$ 2,520.00

Contingency 10%: \$ 2,520.00

Interior

Restrooms/Vending

Total: \$ 32,760.00

Exterior Restrooms

ITEM	UNIT	QNTY	UNIT COST	EXTENSION
Demo existing partitions and vanity	SF	432	\$ 5.00	\$ 2,160.00
Replace partitions, vanity, sinks	SF	432	\$ 55.00	\$ 23,760.00

Subtotal: \$ 25,920.00

General

Conditions 10%: \$ 2,592.00

OH&P 10%: \$ 2,592.00

Contingency 10%: \$ 2,592.00

Exterior

Restrooms Total: \$ 33,696.00

Basement/Storage Room

ITEM	UNIT	QNTY	UNIT COST	EXTENSION
Demo star and wall structure	SF	60	\$ 10.00	\$ 600.00
Install firewall separation construction at east wall	SF	184	\$ 5.95	\$ 1,094.80
Install two hour fire separation at ceiling structure	SF	590	\$ 12.95	\$ 7,640.50
Paint walls and ceiling	SF	774	\$ 1.28	\$ 990.72
Electrical and lighting (relocate at new walls, ceiling)	Allow	1	\$ 500.00	\$ 500.00
Mechanical/plumbing (relocate as needed at new walls, ceiling)	Allow	1	\$ 250.00	\$ 250.00

Subtotal: \$ 11,076.02
General
Conditions 10%: \$ 1,107.60
OH&P 10%: \$ 1,107.60
Contingency 10%: \$ 1,107.60
Basement/Storage
Option 1 Total: \$ 14,398.83

Art, Multipurpose, Office				
ITEM	UNIT	QNTY	UNIT COST	EXTENSION
Demo existing space	SF	1920	\$ 0.95	\$ 1,824.00
Renovate space per drawings	SF	1920	\$ 90.00	\$ 172,800.00

Subtotal: \$ 174,624.00
General
Conditions 10%: \$ 17,462.40
OH&P 10%: \$ 17,462.40
Contingency 10%: \$ 17,462.40
Art, Multipurpose,
Office Total: \$ 227,011.20

Total Construction
Project Cost
Opinion: \$ 457,756.03

On October 4, 2006 staff & Gould Evans hosted an open house from 5 to 7 p.m. at the Recreation Building for the public to comment on the proposed remodel. The meeting was noticed in the Park Record along with an article, all day camp parents were notified and staff was interviewed on KPCW with regard to the open house. Despite the effort to get the word out, the only public comment received was from Shauna Nielsen, the Park City Site Coordinator for the Boys & Girls Club. She enthusiastically endorsed the plans presented.

During Council's initial discussion of the remodel, Council directed staff to explore using green building and energy saving measures where possible for the remodel. Per Council's direction, Staff worked with the architect during the design phase. The remodel design currently shows the use of the following Green Building Initiatives:

- Improved day lighting by installing six sky lights into the roof of the building.
- New energy efficient lighting & ballasts
- Hot water on demand
- Replace exterior windows (low E glass & operable)
- Low VOC sealants, adhesives, carpet and paint
- Occupancy sensors
- High efficiency furnace (existing)

D. Department Review:

This report was reviewed by Public Works, Recreation & Library, Economic Development & Capital Projects, and City Manager's Office.

Alternatives:

- A. Approve the Request:** Direct staff and Gould Evans to begin Phase II of the City Park Recreation Building remodel located at 1400 Sullivan Road. Phase II includes 90 & 100% construction & bid documents.
- B. Deny the Request:** This will mean that the Recreation Building will not be remodeled over the winter and the building will remain as is.
- C. Continue the Item:** Ask for information from staff before making a decision on the request.
- D. Do Nothing:** This will have the same impact as denying the request

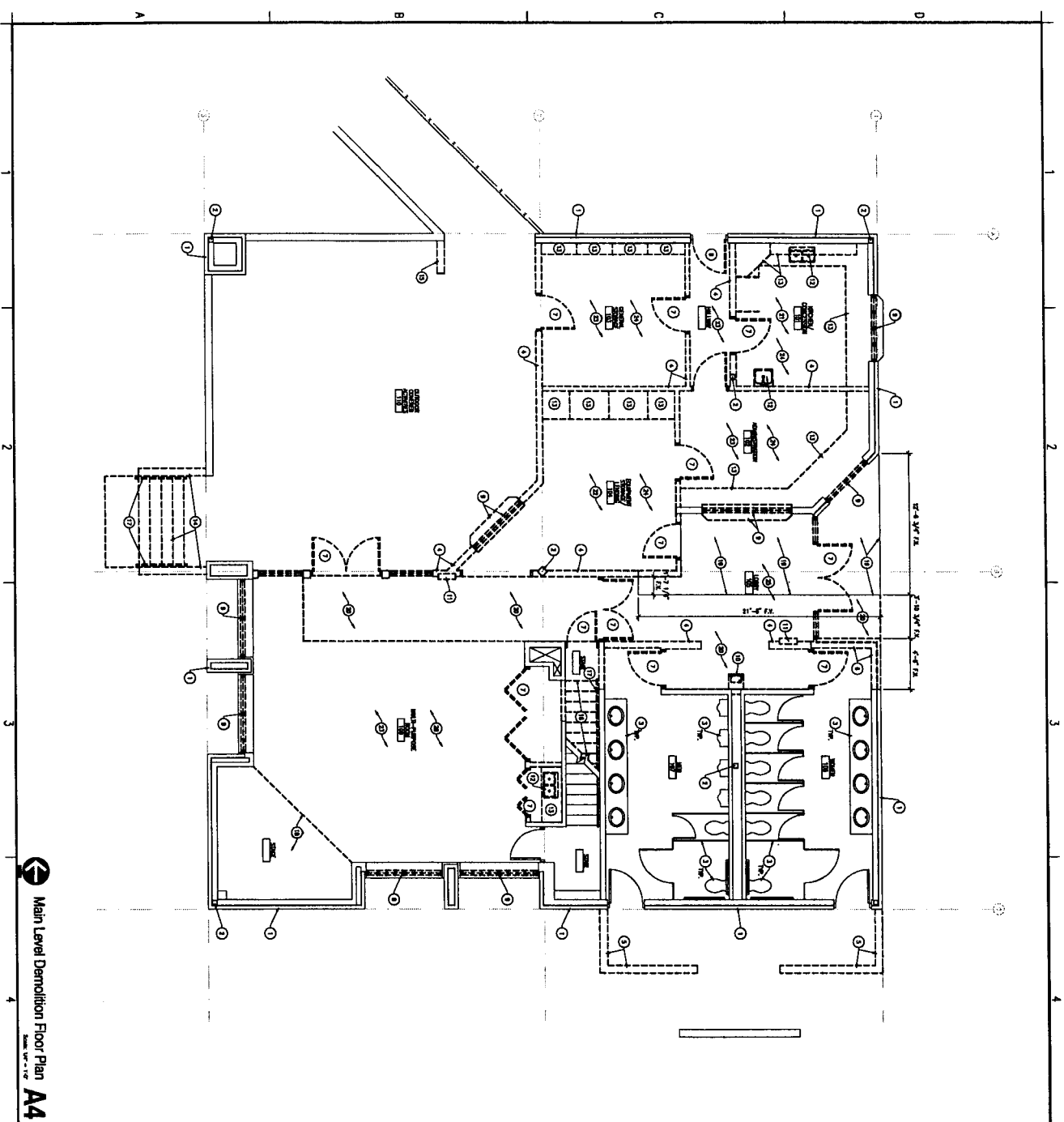
Significant Impacts / Consequences of not taking the recommended action:

A delayed approval to move to Phase II in the design of the Recreation Building remodel would impact completing the project by the spring of 2007. The City Park CIP Fund #cp0005 has a balance of \$649,227 and will be used to fund the remodel of the Recreation Building.

In the Recreation Advisory Board's annual visioning with City Council last fall the board put the renovation of the Recreation Building as the highest priority. They recommended making sure current facilities are meeting the need of the community. This remodel project will ensure that the Recreation Building meets this goal of the RAB.

Recommendation:

Direct staff and Gould Evans to begin Phase II of the City Park Recreation Building remodel located at 1400 Sullivan Road. Phase II includes completion of 90 & 100% construction & bid documents.



➔ Main Level Demolition Floor Plan A4
Scale: 1/8" = 1'-0"

General Notes:
 1. DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ORDINANCES, SPECIFICALLY, THE DEMOLITION ACT (S.L.A. 2000-001) AND THE SALT LAKE COUNTY DEMOLITION ACT (S.L.C.A. 2000-001).
 2. DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ORDINANCES, SPECIFICALLY, THE DEMOLITION ACT (S.L.A. 2000-001) AND THE SALT LAKE COUNTY DEMOLITION ACT (S.L.C.A. 2000-001).
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Keyed Notes:
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CouldEvans

600020 David Evans Architects, LLC
 1000 East 1000 South, Suite 100
 Salt Lake City, Utah 84103
 Phone: 801.322.4100
 Fax: 801.322.4102
 www.could-evans.com

Utah State Office: 1000 East 1000 South, Suite 100
 Salt Lake City, Utah 84103
 Phone: 801.322.4100
 Fax: 801.322.4102
 www.could-evans.com

**Park City
 Recreation Building
 Addition / Remodel**

1400 Sullivan Road
 Park City, UT

Revised: 01 September 2008
 Date: 01 September 2008
 Sheet: A
AD101
 Main Level
 Demolition
 Floor Plan
 Design Development



Design Development

City Council Staff Report



Author: Alison Butz
Subject: Kimball Art Center Update
Date: October 19, 2006
Type of Item: Work Session - Update

Summary Recommendations:

This item is for information purposes, no direction is requested.

Description:

Topic:

Park City Public Art Advisory Board – Future Projects

Background:

For 30 years the Kimball Art Center has provided Park City with a gallery and community school featuring works by Utah artists along with traveling exhibitions. The Kimball's most notable event in the community is their fundraiser, the Park City Kimball Art Festival, which is held each August.

While the Kimball is most known for the Arts Festival, they provide many services and amenities to the community. The Kimball Art Center requested time to present their long range plan to the City Council to outline their current and future efforts.

The City will begin discussions with the Kimball Art Center for a long-term agreement for the Park City Arts Festival later this month. Staff will work with Council liaisons as this process proceeds.

City Council Staff Report



**PLANNING
DEPARTMENT**

Author: Kirsten Whetstone
Subject: Prospect Heights Subdivision
Date: October 19, 2006
Type of Item: Plat Amendment

Summary Recommendations

Staff recommends the City Council conduct a public hearing, consider any input, and approve the Prospect Heights Subdivision, being a replat of the Prospect Street Subdivision, according to the findings of fact, conclusions of law, and conditions of approval as stated in the attached Ordinance.

Topic

Applicant: Doug Cotter
Location: 101 Prospect Street
Zoning: HR-1- Historic Residential
Adjacent Land Uses: Single family residences, open space
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On May 11, 2006, the City received a complete application for the Prospect Heights Subdivision (Exhibit A), being a plat amendment to re-plat the Prospect Street Subdivision (Exhibit B), located at 101 Prospect Street in the Historic Residential (HR-1) zoning district. The Prospect Street Subdivision is a one lot subdivision, recorded in December of 1993. The lot was created from a metes and bounds United Park City Mines parcel to provide a lot of record for an existing historic house (101 Prospect). The proposed re-plat creates one 19,156.29 sf lot (Lot 1) (of which, 10,280 sf is proposed as platted reserved open space (ROS)), for the existing house, and one 6,587.46 sf lot (Lot 2) for a new single family house.

On July 12, 2006, the Planning Commission conducted a public hearing and discussed the original request to re-plat the 25,744 sf Lot One of the Prospect Street Subdivision into three (3) lots. The Commission continued the public hearing and discussion and requested staff provide additional information regarding the original approval.

On August 9, 2006, the applicant submitted a revised application requesting a total of two lots instead of three. The plat amendment includes a request to replace the existing plat notes with notes that are clear and consistent with the current Land Management Code. A request to rename the subdivision the Prospect Heights Subdivision is included. (Exhibit D- location map and photos).

On September 27, 2006, the Planning Commission conducted a public hearing and

forwarded to Council a positive recommendation on the plat amendment (see minutes-Exhibit C).

Analysis

Plat Amendment

The applicant is requesting a plat amendment to revise the existing plat and plat notes to create a total of two lots from the 25,744 sf (0.59 acre) Lot One of the Prospect Street Subdivision in order to 1) preserve the integrity of the existing historic home at 101 Prospect Avenue by maintaining it as a single family dwelling, 2) allow a second unit to be constructed on a separate lot at the northern end of the property, and 3) replace the vague, outdated and inconsistent plat notes with notes that are clear and consistent with the current code.

Existing Lot One is equivalent to 13.7 old town lots. The proposed re-plat creates one 19,156.29 sf lot (Lot 1) for an existing historic single family house and one 6,587.46 sf lot (Lot 2) for a new single family house.

Existing Plat Notes

The existing plat (1993) contains the following notes:

- 1) No further subdivision of the parcel shall be allowed.
- 2) The maximum house size shall be 4,000 sf. Any additions to the existing house, up to 4,000 sf shall be allowed only upon approval by the Historic District Commission. The burden of proof shall be upon the owner to show that the addition complies with the historic district design guidelines and the further restrictions outlined herein.
- 3) The bulk of any new addition shall step down the hill so that the impact on the streetscape is minimized.
- 4) The height of any new construction on the lot shall be no greater than twenty feet on the Prospect Avenue façade. The structure may not rise significantly higher than that elevation at any point on the lot and must meet the overall 33 foot maximum height from natural grade.
- 5) The width at Prospect Avenue of any addition to the historic structure shall be limited so that the streetscape is not profoundly altered. The Historic District Commission shall review the design for compliance with the intent of this condition.
- 6) Only one structure with one or two units shall be allowed on the lot. A detached garage may be considered by the Historic District Commission.
- 7) Any major addition shall trigger the standard requirement for two off-street parking spaces per unit. The Community Development Director shall determine

whether an addition or renovation is minor enough that this requirement will not be activated.

Some of these notes are vague, outdated, and not consistent with the current HR-1 District requirements. The current height in the HR-1 zone is 27', not 33'. House size or floor area calculations have been replaced in the LMC (LMC revisions in 2000) by a maximum allowable footprint in this district. The Historic District Commission has been replaced by a Historic Preservation Board, with design review approved by the Planning Staff. Given that the existing home is one story with a basement and has an existing footprint of about 1,025 sf., additions of up to 4,000 sf and garage space for 4 cars could compromise the integrity of the historic home. The existing home is in a prominent location at the top of the hill. Three sides of this home are visible from the street.

Staff finds that the current proposal to construct a second dwelling as a detached structure located downhill and approximately 100' away from the historic house, is reasonable, logical, and would preserve the integrity of the existing house.

Many of the existing plat notes relative to building massing are currently addressed by the steep slope CUP process and the Historic District Design Guidelines. A new house located on Lot 2 would be consistent with the pattern of development on Prospect Avenue.

For the above stated reasons, staff recommends that these plat notes be replaced with notes that address specific conditions of the property that are not already addressed by the Land Management Code or Historic District Design Guidelines or that mitigate any unusual or specific conditions this plat amendment presents. Recommended plat notes and conditions are outlined in the attached Ordinance.

Density

This plat amendment would not increase the allowed density on the original Lot One. A duplex was specifically allowed per the Prospect Street Subdivision. The 1993 approval stated that "no more than two units in a duplex configuration shall be allowed". At the time of approval of the Prospect Street Subdivision, duplexes were an allowed use in the HR-1 District.

Because the existing house is an historic structure and has been renovated with grant money from the City, Staff finds the proposal to locate a second dwelling separated from the historic house facilitates preservation in a more compatible manner than attaching a duplex would. Sanborn maps from the early 1900's indicate that there were two small structures in the location of Lot 2, which may explain why this area appears to have been previously graded and leveled.

Duplexes are currently a conditional use and require a minimum of 3,750 sf of lot area. The applicant is requesting the plat amendment to allow the historic house to remain on Lot 1 as a detached single family residence with the second unit as a detached single family residence, not as an addition to the historic house.

The applicant has submitted the revised plat with plat notes restricting each lot to one single family dwelling. Given the steepness and narrowness of Prospect Street, staff finds that these notes mitigate the unusual conditions and are consistent with the density allowed by the original subdivision. If the plat restricts the lots to one single family dwelling per lot, then application for a conditional use permit for a duplex could not be submitted.

Lot and Site Requirements

Lot 2 would have approximately 75' of frontage on Prospect Street, with sufficient property to construct 2 off-street parking spaces, in addition to two spaces within a garage. Minimum lot size in the HR-1 zoning district is 1,875 sf, with minimum frontage of 25'. Based on the proposed lot area of 6,587 sf and lot dimensions the Land Management Code (Section 15-2.2-3) indicates a maximum building footprint on Lot 2 of approximately 2,275 sf (including the garage) with required minimum side setbacks of 5' (with a total of 18', i.e. 9' and 9', 5' and 13', etc) and minimum front and rear setbacks of 12' (with a total of 25', i.e. 12' and 13').

Based on a proposed lot area of 8,900 sf (excluding the area of platted ROS) and lot dimensions, the maximum footprint allowed by the current LMC for Lot 1 would be approximately 2,706 sf (including the garage). The existing footprint is approximately 1,400 sf (including the old, detached garage). Minimum side yard setbacks would be 10' (total of 30') and minimum front and rear setbacks are 12' (with a total of 25'). The historic house has an existing non-complying front setback of approximately 7'.

Duplex and other Uses

In the HR-1 zoning district a duplex, on lots of at least 3,750 sf, is a CUP (conditional use) with specific approval by the Planning Commission. The Planning Commission would review any such CUP request for compliance with Section 15-1-10 of the LMC.

The Commission could make findings to restrict the lots to single family dwellings at the time of this replat, as the applicant has requested, or the Commission could base its decision, regarding the appropriateness of duplexes, on the CUP criteria of Section 15-1-10, in the future, if a Conditional Use Permit application for a duplex is submitted. This would be consistent with other similar properties in the HR-1 district. If the plat restricts the lots to one single family dwelling per lot, then application for a conditional use permit for a duplex could not be submitted. Restricting the overall density to 2 units is consistent with the existing approved subdivision

Staff does not generally recommend using plat notes to restrict secondary uses, such as accessory apartments, lock-outs, nightly rental, etc., that can be applied for under the criteria outlined in the Land Management Code, unless there are conditions specific and unique to the property that warrant such restrictions. Such conditions might be substandard emergency access, substandard streets, extremely steep slopes, etc. Accessory apartments are a conditional use in the HR-1 District, with review and approval by the Planning Commission for compliance with the Land Management Code

review criteria for Accessory Apartments (15-4-7) and Conditional Use Permits (15-1-10). Staff recommends that these uses be regulated per the LMC for the new lots.

Reserved Open Space area on Lot 1

The applicant proposes to plat approximately 10,280 sf of new Lot 1 as an undisturbed, no-build area, to be shown on the subdivision plat as a platted ROS (reserved open space) area. This area would not be included in the calculations for maximum building footprint. If preferred by the City, this area could be dedicated as an open space parcel, which would require setbacks to be measured from the newly created lot lines. This ROS area wraps around the historic house and fronts onto Prospect Street, and limits the lot frontage on Prospect Street.

Historic house/grants

The applicant intends to make further improvements to the historic home and in the future add an addition and new two car garage. No plans have been submitted. The existing historic home has been renovated. Historic grants for approved renovation work were received from the City in 1995 and 1996. All additions to historic houses are reviewed according to the Historic District Design Guidelines, in addition to requirements of the HR-1 District (such as lot area, lot depth, lot width, floor area, setbacks, height, etc). Additions are generally allowed if they are located towards the rear and don't dominate the historic structure in mass, scale, or overall height. In addition, all new construction in the Historic District is reviewed for compliance with the Historic District Design Guidelines, and includes notification to the adjacent neighbors.

Snow Storage easements for Prospect Street

Additional right of way for Prospect Street (20' to 30' in width for the entire frontage) was dedicated during the original Prospect Street Subdivision. The property is located at the top of a narrow, steep street and the applicant has agreed to dedicate additional 10' snow storage easements along the entire 319 linear feet of Prospect Street frontage.

Snow shed easements

Snow shedding easements between lots are also proposed to be dedicated on each lot for the benefit of adjacent property owners.

Department Review

This proposal has been reviewed by the interdepartmental Staff Review at meetings on March 7th, May 30th, and August 22, 2006. Issues raised at these meetings, included utility service, dedication of the conservation easement, snow storage and snow shed easements, fire protection issues and 13-D residential fire sprinkler requirements, landscaping, re-subdividing given the existing plat notes, and plat boundary clarifications. Some staff believe that the re-subdivision of Lot 1 is not appropriate given the existing plat notes. Some staff believe that the re-subdivision of Lot 1 is beneficial because it preserves the integrity of the existing historic structure as a single family house and does not increase the density of the property. These issues have been discussed and addressed above and in the proposed findings of fact and conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. Staff re-noticed the affected property owners on September 12, 2006.

Public Input

Public input was received at the September 27th Planning Commission meeting (see minutes). Concerns expressed at the July meeting, when the applicant was proposing 3 lots, were regarding impacts on the neighborhood during construction of a home on Lot 2, lack of off-street parking in the neighborhood, and difficulties with emergency vehicle access, particularly if construction staging occurs in the middle of the street. There was some neighborhood support for one additional house.

Alternatives

- Council may approve the Prospect Heights Subdivision, being a replat of the Prospect Street Subdivision, located at 101 Prospect Street, as conditioned or amended; or
- Council may deny the replat and direct staff to make findings for this decision; or
- Council may continue discussion on the replat.

Significant Impacts

Potential negative impacts include impacts on the Prospect Avenue neighborhood during construction of the new house. The existing plat allows for a duplex on existing Lot One. Construction of which, would also have impacts during construction. A construction mitigation plan is a standard building permit submittal requirement. The plan should specify construction methods that would minimize construction disturbances on the neighborhood, including parking, staging, materials delivery, on-site construction noise, dust, lighting, hours of construction, notice of responsible party, etc.

The proposed plat amendment would allow the historic house to remain as a separate single family residence, with an additional house constructed on new Lot 2, separated from the historic house by about 135'. The additional house would not constitute an increase in the density allowed (2 units) and would be consistent with the pattern of development on Prospect Avenue.

Potential positive impacts are: preserving the integrity of a prominent historic home; additional snow storage easements along a narrow, steep historic street; off-street parking; additional fire protection requirements on future construction; platting of a 10,280 sf reserved open space area on new Lot One; and reducing the maximum building footprint for Lot 1 due to the platted ROS area.

Consequences of not taking the Suggested Recommendation

The applicant would not have an additional lot to build one single family home on, but would be allowed to construct an additional unit attached to the existing historic house, subject to compliance with the existing plat notes. Existing plat notes allow a 33' building height. Current code, which would apply if the amendment is approved, would limit building height to 27', or as otherwise permitted in the LMC.

Recommendation

Staff recommends the Council conduct a public hearing on the Prospect Heights Subdivision, consider input, and approve the subdivision, being a replat of the Prospect Street Subdivision; based on the findings of fact, conclusions of law, and conditions of approval as outlined in the attached Ordinance.

Exhibits

Exhibit A- Proposed Prospect Heights Subdivision plat

Exhibit B- Existing One Prospect Street Subdivision plat

Exhibit C- Minutes of the July 12th and September 27th Planning Commission meetings

Exhibit D- Location map, photos of 101 Prospect Street

Ordinance No. 06-

AN ORDINANCE APPROVING THE PROSPECT HEIGHTS SUBDIVISION, BEING A REPLAT THE PROSPECT STREET SUBDIVISION, LOCATED AT 101 PROSPECT STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 101 Prospect Street have petitioned the City Council for approval of an amendment to the Prospect Street Subdivision to replat Lot One into two lots and revise the plat notes; and

WHEREAS, the new subdivision would be titled "The Prospect Heights Subdivision" being a replat of Lot One of the Prospect Street Subdivision; and

WHEREAS, Lot 1 consists of 19,156 sf with a 10,281 sf platted reserved open space area (ROS- no build area) to preserve the existing vegetation to the east of the existing single family historic house at 101 Prospect and reduce the maximum building footprint for Lot 1; and

WHEREAS, Lot 2 consists of 6,587.46 sf and is restricted to one single family house as the primary use; and

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

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

WHEREAS, the Planning Commission held public hearings on July 12th and September 27, 2006, to receive input on the proposed Prospect Street Subdivision replat;

WHEREAS, the Planning Commission, on September 27, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 19, 2006, the City Council approved the plat amendment to replat Prospect Street Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the replat of Lot One Prospect Street Subdivision to provide a separate lot for a future single family residence with sufficient lot width and depth to provide a minimum of 2 off-street parking spaces; to maintain the allowed density of the property at two units; to provide a separate lot for the existing historic home at 101 Prospect in order to preserve the historic integrity of this home; to provide a reserved open space buffer around this home and reduce the allowable building footprint; to gain necessary easements for snow storage along 319' feet of Prospect Street which is a narrow and steep historic street; and to gain additional fire protection assurances at the subject property.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Prospect Heights Subdivision plat, being a replat of One Prospect Street Subdivision, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 101 Prospect Avenue within the Historic Residential (HR-1) zoning district.
2. The proposed re-plat creates two lots from a 0.59 acres (25,744 sf) platted lot, known as Lot One of the Prospect Street Subdivision, recorded November 3, 1993. The property area is equivalent to 13.7 standard old town lots.
3. Lot 1 is proposed to be 19,156 sf and Lot 2 is proposed to be 6,587 sf in area.
4. The applicant proposes to create a 10,281 sf "no- build", reserve open space area on Lot 1 to be designated on the plat as a platted ROS area.
5. The existing, recorded Prospect Street Subdivision includes plat notes that restrict further subdivision of Lot One, allow up to two units as a duplex to be constructed on the lot, and describe allowable building size, height, and volumetrics.
6. At the time of approval of the Prospect Street Subdivision, duplexes were an allowed use in the HR-1 District.
7. The applicant has petitioned for removal of the plat notes restricting further subdivision, restricting the two units to a duplex configuration, and describing building height and massing. Additional plat notes are identified in the conditions of approval that address specific conditions of the lots that are not already addressed by the Land Management Code or Historic District Design Guidelines or that would mitigate any unusual or specific conditions this plat amendment presents.
8. The applicant proposes to limit development on each lot to one unit; for a total density of 2 units on the 0.59 acres. The existing historic house will remain on Lot 1 and a new single family house is proposed on Lot 2.
9. Historic district grants were provided to the applicant by the City in 1995 and 1996, as reimbursement for approved renovations to 101 Prospect Avenue.
10. Based on the proposed lot area and lot dimensions, and Land Management Code Section 15-2.2-3, the maximum building footprint on Lot 2 is approximately 2,276 sf with required minimum side setbacks of 5' (with a total of 18') and minimum front and rear setbacks of 12' (with a total of 25').
11. Based on the proposed lot area and lot dimensions, and Land Management Code Section 15-2.2-3, the maximum footprint allowed on Lot 1 (excluding the area of reserved open space) is approximately 2,706 sf. Minimum side yard setbacks are 10' (total of 30') and minimum front and rear setbacks are 12' (with a total of 25').
12. The existing house at 101 Prospect Street is a non-complying structure due to an existing front setback of approximately 7'.
13. All new construction, including any additions to the historic house, as well as the design of the future house on Lot 2, will be reviewed according to the Historic District

Design Guidelines, LMC Section 15-4- Historic Preservation, and the requirements of the HR-1 District- LMC Section 15-2.2, as amended.

14. The applicant stipulates to the conditions of approval.
15. The property is located on a hillside with a mixture of native shrubs, grasses, and wildflowers. The eastern portion of the property contains the largest expanse of undisturbed vegetation.
16. The plat amendment preserves a large, contiguous area of vegetation within a platted reserved open space (ROS) area. This ROS area also limits the amount of frontage on Prospect Street.
17. The plat amendment provides necessary 10' wide snow storage easements along the 319' frontage with Prospect Street.
18. Prospect Street is a narrow, steep historic street. Several historic residential houses do not have existing off-street parking spaces.
19. The plat amendment provides snow shedding easements between lots.
20. The plat amendment provides additional fire protection requirements, including requirements for residential fire sprinkler systems and a fire protection plan for all new construction, including any additions or renovations to the historic house.

Conclusions of Law:

1. There is good cause for this plat amendment in that it preserves the integrity of a prominent historic single family house, maintains the originally approved density of up to 2 units, dedicates 10,000 sf of Lot 1 as an undisturbed reserved open space, reduces the maximum allowed building footprint on Lot 1, dedicates a 10' easement along 319' of Prospect Street for snow storage, dedicates snow shed easements between lots, provides for off-street parking in new structures, and provides additional fire protection requirements.
2. The re-plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment, including the platted ROS area, for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A note shall be included on the plat stating that modified 13-D residential fire sprinkler systems are required on all new construction, at the discretion of the Chief Building Official.

4. A note shall be included on the plat stating that a fire protection plan shall be submitted for review and approval by the Building Department prior to issuance of any building permits on all lots.
5. A note shall be added to the plat stating that a landscape plan shall be required with all building permit submittals and shall be approved prior to issuance of a full permit. The landscape plan shall include an irrigation plan.
6. The ROS boundary delineates the area of Lot One that is to remain undisturbed. Only upon specific approval by the City may the ROS area may be used for necessary underground utilities and screened above-ground transformers or junction boxes, or other similar uses generally limited to 3' in height. Additional landscaping may be proposed within the ROS boundary, but shall be specifically approved as part of the landscape plan approval. The ROS area shall not have a permanent irrigation system. The form of the ROS area on the plat shall be dedicated or platted in a form to be determined by the City Attorney.
7. The ROS area shall not be included in the maximum foot print calculations for Lot 1.
8. Five foot snow shedding easements shall be dedicated on the plat, along the side lot lines of all lots for the benefit of adjacent lots and 10' snow storage easements shall be dedicated for snow storage, on the plat along the entire Prospect Street frontage.
9. The applicant's request for a plat note restricting each lot to one single family dwelling only shall remain as noted on the plat submitted by the applicant.

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

PASSED AND ADOPTED this 19th day of October, 2006.

EXHIBIT A

PROSPECT HEIGHTS SUBDIVISION

A REPLAT OF LOT ONE PROSPECT STREET SUBDIVISION
A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER
OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT
LAKE BASE AND MERIDIAN.

GENERAL NOTES:

1. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.
2. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.
3. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.
4. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.
5. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

ADDITIONAL NOTES:

1. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

2. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

3. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

4. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

5. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

ADDITIONAL NOTES:

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3. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

4. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

5. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE.

5/10/77
GENERAL NOTES:

1. MODIFIED 13-D RESIDENTIAL FIRE SPRINKLER SYSTEMS WILL BE REQUIRED ON ANY NEW CONSTRUCTION ON ALL LOTS.
2. A FIRE PROTECTION PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE BUILDING DEPARTMENT PRIOR TO ISSUANCE OF ANY BUILDING PERMITS ON ALL LOTS.
3. 5 FOOT SNOW SHEDDING EASEMENTS DEDICATED ON ALL LOTS AS SHOWN FOR THE BENEFIT OF ADJACENT LOTS.
4. ALL LOTS LIMITED TO ^{one} SINGLE FAMILY HOME ONLY.
5. ANY ADDITIONS TO THE EXISTING HOUSE ON LOT 1 SHALL NOT ENCRDACH INTO THE R. O. S. AREA AS SHOWN.

PROSPECT STREET SUBDIVISION

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, RANGE 4 EAST,
TOWNSHIP 2 SOUTH, SALT LAKE BASE AND MERIDIAN.

ALLIANCE ENGINEERING INC. 12000 24th St. 12400 24th St. 12400 24th St. 12400 24th St.	PLANNING COMMISSION APPROVED BY THE BOARD PLANNING COMMISSION AND CITY OF BIRMINGHAM <i>B. M. McCall</i> Chairman	ENGINEERS CERTIFICATE DESIGNED AND CONSTRUCTED BY <i>W. H. H. H. H.</i> 12400 24th St. 12400 24th St.	APPROVAL AS TO FORM APPROVED AS TO FORM BY <i>W. H. H. H.</i> 12400 24th St. 12400 24th St.	CERTIFICATE OF ATTEST LOCAL GOVERNMENT BY <i>W. H. H. H.</i> 12400 24th St. 12400 24th St.	COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY <i>W. H. H. H.</i> 12400 24th St. 12400 24th St.	# 31997 DATE OF ISSUE DATE OF ISSUE DATE OF ISSUE	RECORDED DATE OF RECORDING DATE OF RECORDING DATE OF RECORDING
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Exhibit C

Planning Commission minutes
July 12, 2006

10. 101 Prospect Street - Plat Amendment

Planner Whetstone reviewed the request for a plat amendment to the Lot 1 Prospect Street subdivision, which was a one lot subdivision. The applicant is request a plat amendment to divide this one lot subdivision into three lots. Lot one is for the existing single family home, which would remain on a 19,156 square foot lot. Lots 2 and 3 are proposed for two future single family homes and each lot is approximately 3,000 square feet.

Planner Whetstone stated that there are two parts to this plat amendment. The original subdivision plat was approved in 1993 and included a plat note saying that no further subdivision of this property was permitted. This applicant is requesting that the plat note be removed and that he be allowed to divide this .59 acre lot into 3 lots. Planner Whetstone noted that language in the Staff report regarding restoration of the historic structure was erroneous. The applicant had done extensive restoration on the existing structure from 1993 to 1995, however it is standard language to require that an historic structure be taken care of prior to commencing new construction.

Planner Whetstone remarked that the applicant has agreed to deed restrict the lots to single family homes only and he is proposing a conservation easement around Lot 1 to be dedicated ROS. The main issue raised during Staff review was that the sewer service for two lots would need to come from the property below. The applicant was unable to move forward because the Sewer District no longer allows extending a sewer through another property. With the improvements to Prospect Street, they will be able to stub off that sewer line.

The Staff recommended that the Planning Commission conduct a public hearing and provide input and direction.

Doug Cotter, the applicant, stated that he has lived in Park City for 20 years in one of the more significant homes in Old Town. He has done a lot to fix up his home and he is dedicated to keeping it in its current shape. Mr. Cotter noted that at one time there were two homes on that lot and he would like to step it down the hill and keep the new homes compatible with the scale of the street.

Chair Barth opened the public hearing.

Ruth Gezelius, a resident on Prospect Street, stated that she has spoken with the applicant at length about his ideas and she believes they are very sound. She is pleased that he is proposing 37-1/2 feet wide lots on a very steep portion of the street.

Ms. Gezelius believed that the applicant has the opportunity to provide adequate parking on this lot and hoped that the Planning Department would require off-street parking because the street is so narrow. She noted that the last time a house was built on Prospect Street the neighbors often called the City about fire protection because construction was staged in the middle of the street and not from the top. It created dangerous conditions and she looked for better assistance from the City on this project. Ms. Gezelius understood that the purchase price of this home on this very large piece of land was reflected in the plat note and she had mixed feelings about changing it. She is empathetic to the applicant's idea and understands his reasoning, but she also thinks that the public should have some guarantee that once things are put in place they remain. In talking about removing the plat note and placing deed restrictions, she felt the neighbors are entitled to know that the deed restrictions will be enforced and that there would only be single family homes and not a duplex or one unit with accessory units. She felt it was important for the applicant and for the adjacent property owners to have this spelled out and she is relying on the Planning Department to do so. Ms. Gezelius remarked that it was a challenge for the Planning Commission to decide whether to allow further subdivision of this larger lot, and the concept of having ROS space is an excellent way to protect an historic home and to minimize the amount of development on the street.

Pamela Pyke, a Prospect Street resident, felt that Ms. Gezelius had raised valid issues for the Planning Commission to consider. She also hoped that the applicant would consider the challenges on the street. In reading through the proposal, Ms. Pyke noticed that conditions have been laid out for snow storage easements and she believes that it an important aspect. Because the applicant has experienced all the challenges of living on that road, she was certain that he would take parking and other issues into consideration in his architectural plans. Ms. Pyke supported this plat amendment and what the applicant plans to do with the subdivision of his property.

Alan Schuler, a resident at 9 Prospect Street, remarked that it would not be good for any neighbor to speak out against the applicant and all the issues of building a house on these lots. He felt a better approach would be to first know if this plat amendment will be allowed and then the neighbors can give their opinions on specific issues.

Chair Barth closed the public hearing.

Commissioner Wintzer stated that he spent ten years on Prospect and he is aware of the problems. It is a unique street and additional traffic is just another problem. However, if this large lot is not subdivided, it could be the next 10,000 square foot house on top of the hill. He also assumed that surrounding neighbors may have purchased their property with the knowledge that this property would not be subdivided and there would only be one house. Commissioner Wintzer remarked that the street is tough and adding four more cars to the street is a hardship. At the same time, a mega home with eight more cars would be worse. He was still in the middle and was happy the Planning Commission was not being asked to take action this evening.

Chair Barth agreed with the comments stated by Commissioner Wintzer, however he has always kept with precedent. He stands behind the plat note and for that reason could not support this plat amendment request.

Commissioner Thomas recognized that the applicant has been in the community for a long time and understood his desire to move forward with his plans, however he agreed with Chair Barth about holding to the existing plat note.

Commissioner Sletten felt it was hard to second guess what the previous Planning Commission and City Council did with respect to that plat note. He was still undecided at this point but he would not vote "no" solely on that plat note.

Commissioner O'Hara stated that he would not anchor his decision on the plat note because the Planning Commission has considered changing plat notes in the past given reasonable cause. He could not see any reasonable cause this evening, however he was willing to keep an open mind. Commissioner O'Hara stated that he has a difficult time increasing density in Old Town and he preferred one large house rather than three or more smaller homes. Planner Whetstone offered to provide information on the plat note. She remarked that the City no longer does plat notes like that for the reason of due process. There are other ways to do things and this application came in several years ago when they were waiting on the sewer issue prior to moving forward. Planner Whetstone stated that she would bring back a legal opinion. Commissioner O'Hara also requested an historic opinion on how these plat notes were negotiated in the past. Director Putt stated that the Staff will research the minutes and come back with more history and explanation surrounding the plat note. He recommended that this item be continued to the July 26 work session.

MOTION: Commissioner O'Hara moved to CONTINUE this item to July 26, 2006. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 27, 2006

4. 101 Prospect Street - Plat Amendment

Planner Kirsten Whetstone reviewed the request to replat a one lot subdivision into two lots. One lot would be for an existing historic home and the second lot would be for a future home. The existing lot is 25,700 square feet, which is large by HR-1 standards. The plat amendment would create one lot at 6,580 square feet and one lot at 19,156 square feet. The applicant is proposing 10,280 square feet of platted ROS on the larger lot, which limits the actual buildable area. The applicant has agreed to limit what area of the lot would be used in calculation of the maximum building footprint as allowed in the HR-1 zone. It also limits the amount of frontage on Prospect Avenue which would limit the ability to subdivide and have adequate frontage for any future lots.

Planner Whetstone noted that on July 12th the Planning Commission held a public hearing and discussed the original request for a replat for three lots. The applicant submitted a revised application on August 9th for two lots instead of three. The two lot application is before the Planning Commission this evening. Planner Whetstone reviewed the plat notes on the original plat as outlined in the Staff report.

The Staff had reviewed this subdivision plat and found good cause to approve the application. It would provide a separate lot for a future single family home as opposed to having a second unit attached to the historic home. It would provide a residence with sufficient lot width and depth to provide a minimum of two off-street parking spaces that would preserve the historic integrity of the home, provide an open space buffer around the home, and reduce the allowable building footprint. It would also gain 10 foot snow storage easements along Prospect Street. Fire protection insurances are also included on this plat.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval outlined in the draft ordinance.

Commissioner Barth asked about the size of the current historic home. Planner Whetstone replied that the house is on a 1,025 square foot footprint, which includes the garage.

Chair O'Hara opened the public hearing.

Ruth Gezelius, a resident at 51 Prospect, stated that she sat on the City Council when the original plat was approved. After the last meeting, she was confused about the City's ability to revise or amend a plat note and what procedure would be followed. Ms.

Gezelius was pleased that the Staff has followed the general intent of the plat note by not allowing more than 25 foot lots on this parcel. Having lived on Prospect for 25 years, she knows that duplexes create far greater problems than single family homes. Ms. Gezelius remarked that the historic home is one of Park City's treasures in a very visible location. She felt this application as proposed is a good compromise for the neighbors and the applicant and she encouraged Planning Commission approval.

Chair O'Hara closed the public hearing.

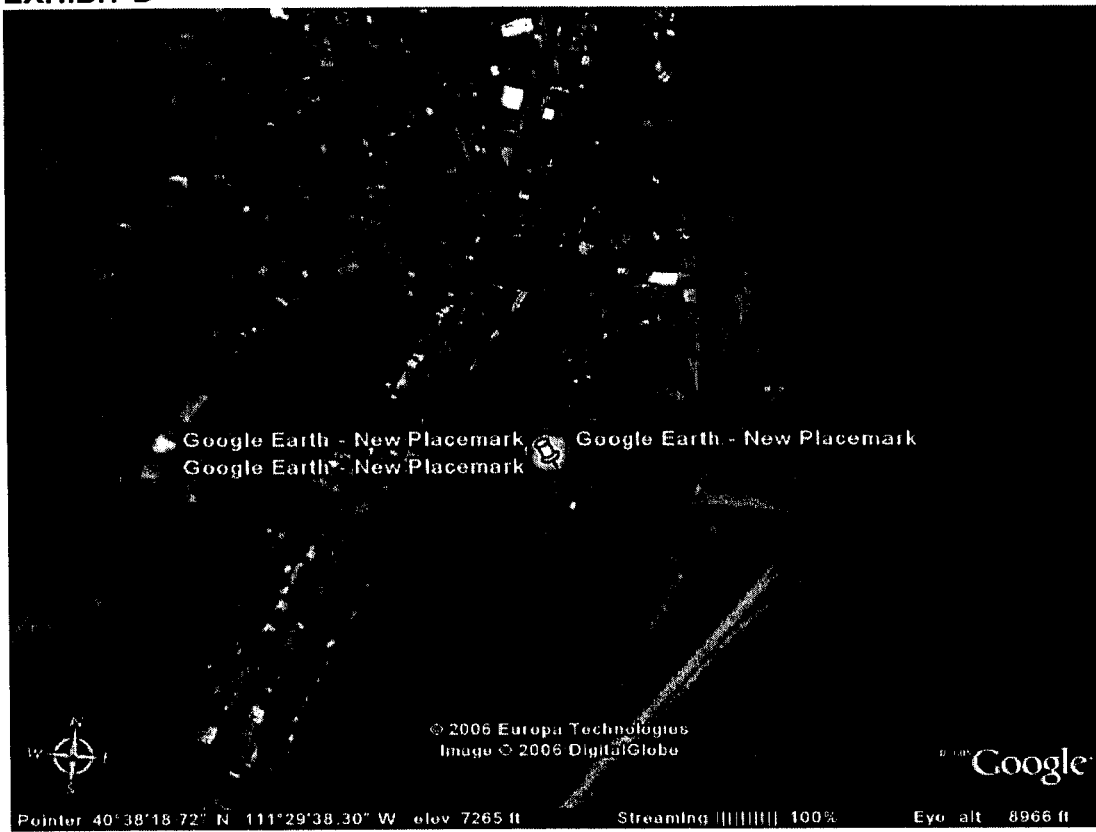
Commissioner Barth recalled his concerns at the last public hearing about overturning precedence, which is why he requested background information. Based on the existing Land Management Code, he concluded that this was a very good idea.

Commissioner Pettit believed that the combined factors of preserving the historic nature of the home, creating the open space buffer to limit the maximum footprint for each of the lots, the off street parking, and neighborhood support makes it all work. Commissioner Wintzer agreed.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the Staff report. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

EXHIBIT D





City Council Staff Report



Author: Ray Milliner
Subject: WILBURN WEST ANNEXATION
Date: October 19, 2006
Type of Item: Legislative – Annexation and Amendment to Zoning Map

PLANNING DEPARTMENT

Summary Recommendations: Staff requests that the City Council conduct a public hearing, review the requested annexation and preliminary subdivision plat, and amendment to the PC zoning map and approve it according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name: Wilburn West Annexation
Project Planner: Ray Milliner
Applicant: The Cove at Eagle Mountain LC
Representative: Michael Watts
Location: East of Eagle Cove Drive
Zone: Proposed RD and ROS

BACKGROUND

On January 5, 2005 the applicant filed a petition for annexation with the City Recorder for annexation of a metes and bounds parcel of 40.73 acres currently within the unincorporated jurisdiction of Summit County. The parcel is located between the Cove Phase II condominiums (Last Sun) and the City owned open space in Round Valley. Access to the property is proposed from existing Eagle Cove Drive. No other applications have been filed as part of this application; however the applicant is requesting that the property be zoned ROS and RD which would permit 2 duplexes for a total of 4 units. The property is currently undeveloped.

On January 27, 2005, the Park City Council accepted the petition for annexation. The City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code of the Utah Code, Annotated, 1953, as amended, and made findings that the petition complies with all applicable requirements of the Utah Code. On February 22, 2005, letters were sent to the "affected entities" giving notice that the petition had been certified and the 30-day protest period had begun. March 24, 2005 was the deadline for "affected entities" to file a protest with the Summit County Boundary Commission. No protests were filed.

This application was reviewed by the Planning Commission on June 8, 2005, and again on July 12, 2006. At the June 8, 2005 meeting, the Commission directed the applicant to conduct a geotechnical study of the proposed building pads on the property, as this area is known for the instability of the soil. The applicant conducted the survey that concluded the site design was located within an unstable area (the geo-tech report is attached as Exhibit C). Subsequently, the applicant redesigned the site plan, moving the proposed development outside of the unstable area and reduced the number of units proposed from 6 to 4 (2 duplex structures) (this work

accounts for the 13 month lapse of time between reviews by the Planning Commission). At the July 12, 2006 meeting the applicant presented the modified site plan and geo-technical report to the Commission who stated that it was sufficient and indicated that a public hearing would be appropriate.

Procedurally, the Planning Commission forwards a recommendation on annexation petitions to the City Council for final action. On October 11, 2006 the Planning Commission conducted a public hearing and forwarded a positive recommendation to the Both the Planning Commission and the City Council will conduct public hearings on the annexation and preliminary subdivision plat.

This annexation was reviewed and approved by the City Council on August 24, 2006. State law requires that annexations be recorded within 30 days of Council action or the approval is void. The annexation was not recorded within the allotted time, and therefore, the application is back in front of the Council for review.

ANALYSIS

The property consists of a 40.73 acre parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The applicant proposes to subdivide the property into one lot of record, and then create a condominium plat for 4 units (2 duplexes). Access to the development lot is proposed from Eagle Cove Drive, a private street located within the Cove at Eagle Mountain Phase II (within the Park City Municipal boundary). To facilitate the platting of the property, the applicant proposes to incorporate the property into the Cove at Eagle Mountain Phase II plat, and has submitted a plat showing this configuration.

The Annexation Policy Plan requires an annexation evaluation and staff report to be presented that contains certain items (see Section 15-8-5 (B)). The staff analysis is as follows:

1. General Requirements of Section 15-8-2

The annexation meets the general annexation requirements as stated in Section 15-8-2. See Section E of this staff report for a detailed analysis of the annexation as it relates to Section 15-8-2.

2. Map and natural features

The property consists of a 40.73 acre parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. There is a significant slide area on the site that has been outlined by a certified geotechnical study. The original development plan for the property has been modified to avoid any construction on

that area. The area is shown on the proposed plat. To facilitate the platting of the property, the applicant proposes to incorporate the property into the Cove at Eagle Mountain Phase II plat, and has submitted a plat showing this configuration.

3. Residential Density

The applicant proposes to subdivide the property into one lot of record, and then create a condominium plat for 4 units (2 duplexes). Access to the development lot is proposed from Eagle Cove Drive, a private street located within the Cove at Eagle Mountain Phase II (within the Park City Municipal boundary).

4. Land Uses-existing and proposed

Staff recommends that the property proposed for development be zoned RD, and that the remainder of the property be zoned ROS. The applicant is proposing a 5 acre building area with a 35.73 acre ROS section. The proposed duplex buildings in the RD section would be contiguous to the existing Cove at Eagle Mountain Phase II condominiums and be compatible in both size and scale, which are approximately 5,000 square feet in size. The ROS section would remain as open space and is contiguous with the existing City owned open space in the Round Valley area. The proposed RD and ROS zoning is consistent with the adjacent zoning for the Cove and Round Valley area.

Wildlife Study - The applicant conducted a wildlife study of the project area to measure potential effects on wildlife resources of the proposed annexation and development, potential effects on wildlife resources on lands adjacent to the proposed development were also evaluated. The proposed development area was determined to contain wildlife species and wildlife habitat typical for the vegetative types and elevation zone. Of significance, one Utah sensitive species, the greater sage grouse, was found on the development and on adjacent areas. Seven prioritized recommendations were made to minimize and compensate for potential impacts of the proposed development. The intent of these recommendations is to increase the probability of the perpetual continuance of wildlife and wildlife resources currently available in the area (Exhibit E). The study does not preclude development on the parcel and recognizes the adjacent 1400 acres of city-owned open space as a major mitigation area.

Environmental Issues – City staff has documented related environmental issues for the proposed annexation (Exhibit F). The annexation is outside the City's Soils Ordinance District. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. It should be noted that the site is situated within the Silver Creek Watershed drainage. Due to this classification, any work resulting

in a land disturbance equal to or >1 acre will need to strictly adhere to Park City's Storm Water Management Plan and implement storm water Best Management Practices.

Utility & Access – At this time the applicant has developed preliminary utility and access plans to serve the property. To properly gain access to the property, the applicant has integrated the annexation parcel into the Cove at Eagle Mountain Phase II plat. This enables the access driveway off of Eagle Mountain Drive, to cross the bottom corner of the existing Cove at Eagle Mountain property.

5. Character and Development of adjacent property

Surrounding land uses include a single family subdivision to the east (West Ridge), a multi-unit development to the west (Cove at Eagle Mountain Phase II) and City owned open space to the north. The PMCC clubhouse is across Meadows Drive to the south. These City-owned open space areas are currently used for passive open space uses such as hiking, biking, and wildlife observation. Much of these lands are designated as Sensitive Lands by both City and Summit County Zoning standards (view shed hillsides, steep slopes, and sensitive ridgeline areas). There is very limited development potential on these lands (trailheads, or similar development intended to preserve conservation value) because of deed restrictions placed on them at the time of purchase.

6. Zoning- existing and proposed

The parcel is currently zoned SL (Sensitive lands) and DL (Development lands) in Summit County, subject to the Snyderville Basin General Plan. The requested zoning is RD and ROS. The ROS zone allows: Trails and Trailhead Improvement and Outdoor Recreation Equipment as Administrative Conditional Uses; and Recreational Outdoor and Trail Lighting and Recreation Facility, Public as Conditional Uses. The RD district allows single and multi-family residential development and some limited commercial use subject to a conditional use permit. The proposed zoning of ROS and RD is consistent with Park City's General Plan, with the surrounding zoning, land uses.

7. Goals and Policies of the Park City General Plan

This annexation is consistent with the goals and policies of the Park City General plan in that the annexation provides the ability to propose a development that 1) provides both community-based and tourism-based recreational opportunities 2) preserves and promotes existing trails and trail connections, 3) is sensitive to wildlife resource impacts, and 4) promotes and protects open space. It is logical, reasonable, and consistent with the General Plan to provide municipal level services to this property and to combine it with surrounding vacant property already within the

City limits.

8. Assessed valuation

Annexation of the proposed area will not have a negative impact on the property's assessed valuation.

9. Demand for municipal services

All essential services will be provided by existing entities. Park City Fire District, Snyderville Basin Water Reclamation District (SBWRD - sewer), Park City School District, Questar gas, PacifiCorp - power, Comcast - cable, Qwest - gas, and BFI trash removal.

10. Effect on City boundaries

As development pressure in this area has increased, it has become a priority to bring City-owned open space and recreation areas into City limits. This annexation is the first step toward expanding City limits to include all of the City's almost 1,400 acres of open space these areas could not be annexed into the City, because the Wilburn West would be an island of county land that would be contrary to state law.

11. Timetable for extending services

Utilities for the proposed duplexes will come from Eagle Cove Drive. A line extension agreement with SBWRD down to Eagle Cove Drive will be necessary prior to final recordation of the plat. In 1980, the applicant and the City signed an agreement to exchange water development impact and water connection fee waivers for water rights to develop the Park Meadows water system. The agreement stipulated that the waivers would expire on July 20, 2005. On May 19, 2005 the City Council entered into an extension to the agreement and created additional waivers for approved density within the Wilburn West Parcel in a number equal to the actual number of units approved by Park City Municipal Corporation through the annexation process. The waivers expire on July 20, 2010.

12. Revenue versus costs

The project will be constructed by the applicant and then each of the units will be sold separately. The driveway access from Eagle Cove Drive will be maintained and operated by the applicant. It will not become a public drive maintained by the City.

13. Tax consequences

The property will be entirely privately owned. Taxes will be generated through property taxation for the 4 residential units. Discussions with the County auditor indicate that the base rate charged for the property tax will be determined by the

selling price of the units.

14. Impact on Summit County

Because there are only 4 units proposed, a minimal amount of property tax is being generated, and no sales tax is expected to be generated, impacts on Summit County will be minimal. Staff finds that the open space preservation which is consistent with the City's General Plan and the 4 units that are similar in size and scale with surrounding development are appropriate for the area.

15. Historic and cultural resources

There are no identified historic or cultural resources in the annexation area. This project will not provide significant public benefit in the area of historic or cultural resources, nor will it diminish any existing historic or cultural resources.

Annexation Policy Plan

Purpose (Section 15-8-1)

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.

Staff finds that the proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing open space and recreation for both community-based and tourism-based recreational development, 2) preserves and promotes existing trails and trail connections, 3) developing consensus with Summit County on appropriate development patterns in a joint-planned area.

In addition the Annexation Policy Plan states:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and

- other services, along the boundaries of school districts whose boundaries follow City boundaries... and along the boundaries of other taxing entities;
- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;
 - (C) To facilitate the consolidation of overlapping functions of local government;
 - (D) To promote the efficient delivery of services; and
 - (E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.

Staff has reviewed this annexation proposal against these stated purposes and finds that the proposal is consistent with and furthers the interest of the Park City Annexation Policy Plan in that the proposed annexation area is within the boundaries of existing special districts for fire, sewer and school districts. Annexation of this parcel will eliminate a potential island, and allow the annexation of the city owned open space parcels. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services such as police and water that are more easily accessible from the City than the County. The proposal also sets an appropriate land use precedent for the area which is consistent with the City's General Plan.

General Requirements (Section 15-8-2)

Staff has reviewed the proposed annexation and preliminary plat against the following general requirements (findings in ***italics***). The following specific requirements are hereby established for annexation to Park City:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

Complies. The property is contiguous to the Park City Municipal boundary at the Cove at Eagle Mountain and the West Ridge Estates Subdivision. The proposed units are consistent with the approved Cove at Eagle Mountain MPD and will be the last units developed in this area.

- (B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

Complies. This annexation proposal has been submitted and processed

consistent with the intent and purposes of the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J) and including all submittal requirements as stated on the application form. The property has been posted and affected property owners have been notified of the public hearing. Legal advertisement has been posted in the Park Record. The property falls within the Park City Annexation Expansion Area boundaries.

- (C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

Complies. Property is defined in the Land Management Code as Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of the same Person or Persons. All other contiguous properties to this parcel that are not within the City boundary are owned by the City.

- (D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

Complies. The annexation area constitutes the largest area possible owned by the applicant.

- (E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

Complies. This annexation does not create an island, or an irregular boundary.

- (F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annex Areas: ***Complies as outlined below.***

1. ***Police protection - City Police protection currently provided by special agreement with the County Sheriff for routine calls. Criminal investigation currently responsibility of the County Sheriff and would transfer to the City.***
2. ***Snow removal on Public Streets The proposed driveway leading to the***

property will remain a private drive. All snow removal will be the responsibility of the owner of the property.

3. ***Street maintenance The City will not be financially responsible for providing maintenance of private property.***
4. ***Planning, zoning, and Code enforcement Currently Summit County Planning and Building Department and would transfer to the City departments of planning and building.***
5. ***Availability of municipal sponsored parks and recreational activities and cultural events and facilities Parks are public and open to County and City residents. This annexation will provide an additional link between the City and the City owned open space and recreation parcels.***
6. ***Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. In 1980, the applicant and the City signed an agreement to exchange water development impact and water connection fee waivers for water rights to develop the Park Meadows water system. The agreement stipulated that the waivers would expire on July 20, 2005. On May 19, 2005 the City Council entered into an extension to the agreement and created additional waivers for approved density within the Wilburn West Parcel in a number equal to the actual number of units approved by Park City Municipal Corporation through the annexation process. The waivers expire on July 20, 2010.***

- (G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area.

Complies. Water is available (see above). Sewer service is available in the area, but will need to be extended. The applicant is working with the SBWRD on a line extension agreement that would be necessary prior to development. Extension of the sewer and water mains would be the responsibility of the applicant.

- (H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered.

Complies. These impacts of annexation have been reviewed and analyzed (see Fiscal Analysis). There is a net benefit to the City as a result of this annexation, due to the community benefits of passive open space and recreational amenities. The applicant will be financially responsible to provide all basic infrastructure and utilities including water, sewer, power, gas, cable. The City will provide basic public services including police, planning and building services, etc.

- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state.

Complies. A primary goal of this annexation is to begin to bring into City jurisdiction the open space parcels purchased by the City. Annexation of this property will allow the city to establish a needed community open space/recreation area by master planning the site to address entry corridors, viewshed, and wildlife considerations. The existing slide area is prevented from development.

- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area as defined by Exhibit A.

Complies. This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.

- (K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of

unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

Complies. The purpose of this annexation is not to acquire municipal revenues or to retard the capacity of another municipality to annex this property. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.

- (L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and/or community facilities are preferred.

Complies. This annexation is beneficial in that the proposed development will provide second homes or residential rental properties, and provides open space and preserves existing trails. It is logical and reasonable to provide municipal level services to this property and to combine it with surrounding vacant property, under common ownership, as part of a Master Planned Development.

Staff finds that the proposed annexation, as outlined in the draft annexation agreement, complies with the requirements and criteria of the Park City Annexation Policy Plan, as outlined above.

Annexation Agreement

The Annexation Policy Plan establishes a requirement for an Annexation Agreement to be approved by the City Council to address standard conditions that must be met prior to completion of the annexation. This agreement is intended to regulate development of density.

DEPARTMENT REVIEW

The request was discussed at a Staff Review Meeting on June 27, 2006 where representatives from local utilities and City Staff were in attendance.

PUBLIC INPUT

Property owners within 300 feet of the project were notified on July 25, 2006. The property was properly posted and legally noticed.

RECOMMENDATION

Staff requests that the City Council conduct a public hearing, review the requested annexation and preliminary subdivision plat, and amendment to the PC zoning map

and approve it according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

EXHIBITS

- A. Proposed Ordinance
- B. Proposed Annexation Agreement
- C. Location Map
- D. Proposed Annexation Plat
- E. Proposed Amendment to the Cove at Eagle Mountain Record of Survey
- F. Site Plan

Ordinance No. 06-

AN ORDINANCE APPROVING THE ANNEXATION OF THE WILBURN WEST PARCEL AND APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP TO ZONE THE WILBURN WEST PROPERTY RD AND ROS.

WHEREAS, the owner of the property known as the Wilburn West Property have petitioned the City Council for approval of an annexation and zoning; and

WHEREAS, the Wilburn West Property parcel will be zoned RD (Residential Density and ROS (Recreation Open Space); and

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

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

WHEREAS, the Planning Commission held a public hearing on August 9, 2006, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 11, 2006, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on October 19, 2006, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. ANNEXATION APPROVAL. The annexation of the Wilburn West parcel is hereby approved as shown on Exhibit A. The analysis section of the August 9, 2006 Planning Commission Staff Report is incorporated herein.

SECTION 2. ZONING MAP. The Wilburn West Property amendment to the official Park City Zoning Map is hereby approved as shown in Exhibit B subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Wilburn West Property is currently located in unincorporated Summit County and may be annexed to Park City.
2. As part of the annexation petition the petitioner has requested Recreation Open space (ROS) for 35.73 acres of the property and Residential Density (RD) for 5 acres.
3. The proposed ROS, and RD zoning and existing/proposed land uses are consistent with the Purpose statements of the respective underlying zoning districts.
4. The Property Owner submitted with the annexation and zoning petition an amendment to the Cove At Eagle Mountain Record of Survey Plat that is consistent with the proposed RD zone, in terms of uses.
5. In 1980, the applicant and the City signed an agreement to exchange water development impact and water connection fee waivers for water rights to develop the Park Meadows water system. The waivers expire on July 20, 2010.
6. The proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing open space and recreation for both community-based and tourism-based recreational development.
7. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services such as police and water that are more easily accessible from the City than the County.
8. Annexation of this parcel will eliminate a potential island, and allow the annexation of the city owned open space parcels.
9. There is a net benefit to the City as a result of this annexation, due to the community benefits of passive open space and recreational amenities.
10. This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
11. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
12. The proposed development will provide second homes or residential rental properties, and provides open space and preserves existing trails.
13. Annexation of this property will allow the city to establish a needed community open space/recreation area by master planning the site to address entry corridors, view-shed, and wildlife considerations.

Conclusions of Law:

1. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.
2. Approval of the Zoning Map amendment does not adversely affect

the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The annexation plat map shall delineate the unstable soil area.

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

PASSED AND ADOPTED this 19th day of October 2006.



Image © 2006 DigitalGlobe

Google

Pointer 40°41'05.03" N 111°29'43.52" W elev 6919 ft

Streaming ||||| 100%

Eye alt 10317 ft

Being the Southeast Quarter of Section 33, Township 1 South, Range 4
and also being and Meridian.

APPENDIX

The survey was prepared for Nancy Nammen, as trustee of the Marilyn Rasmussen Removable Trust, Inc., Westchester.

The deed instructions for this survey were provided by the client in a Title Commitment by First American Company of Utah, Order No. 04-036774, dated December 4, 2004. Partial assignments for the interest are noted on the survey.

NOTE:

The parcel boundary shown on this map was calculated from a Record of Boundary Survey prepared by Jack Johnson Company in December 2004.

THE UNIVERSITY OF CHICAGO PRESS

On June 2, 1981, I, a duly sworn, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 177281 as recorded under the laws of the State of Utah. I further certify on behalf of the landowners that a survey has been made of the land shown on the attached plat and described herein, and that a correct representation of the land surveyed and has been prepared in conformity with the rules and regulations of the State of Utah.

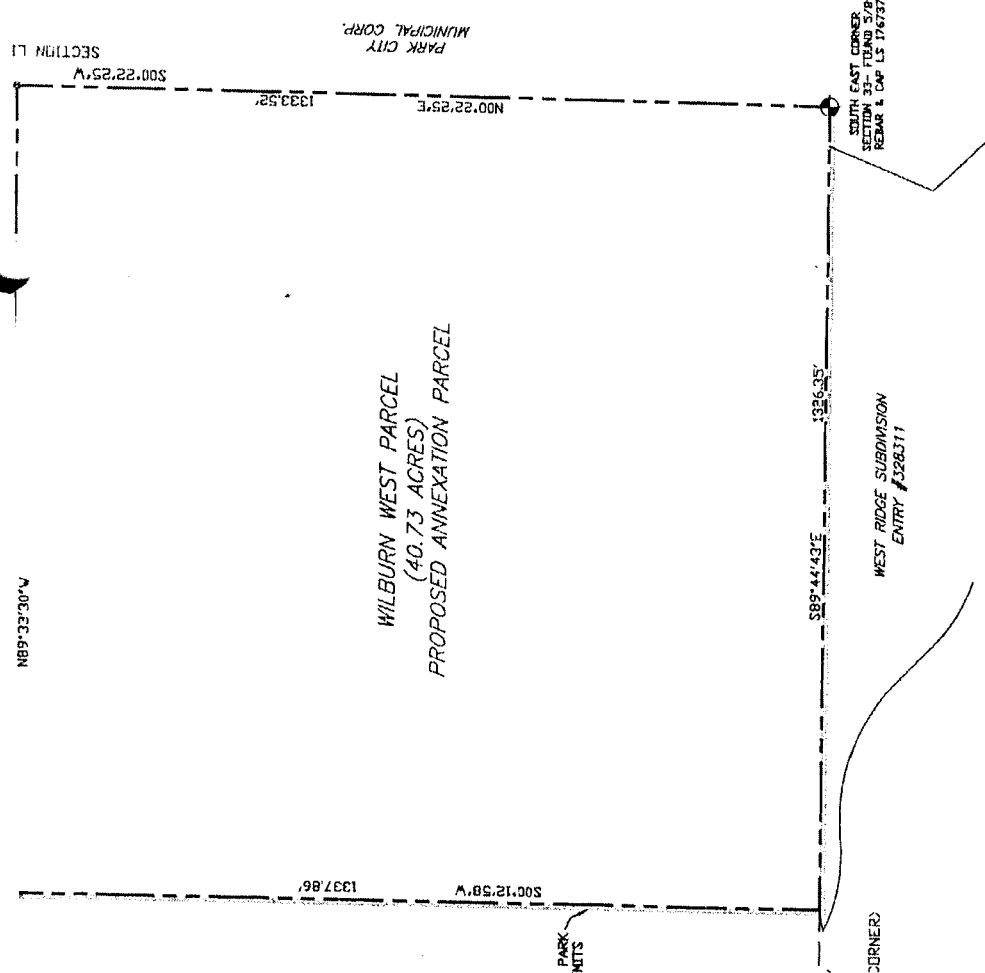
Source: *Journal of the American Statistical Association*, 1997, Vol. 92, No. 439, pp. 1033-1044.

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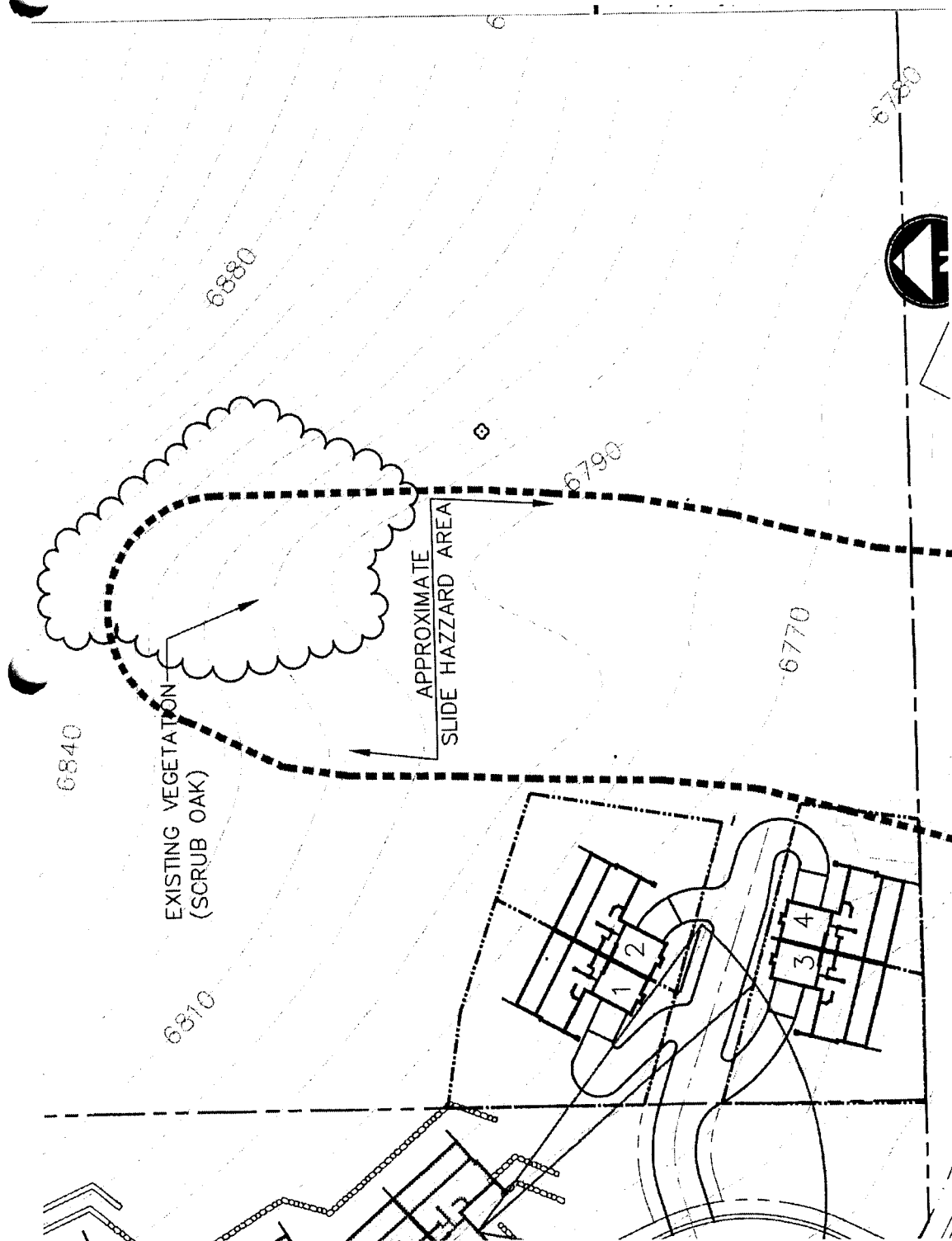
_____ PROPERTY BOUNDARY
 _____ PARK CITY BOUNDARY
 _____ ADJACENT BOUNDARY
 - - - - - SECTION LINE
 ◆ SECTION CORNER
 ● BOUNDARY CAP

RECEIVED
DEC 22 2000
PARK CITY
PLANNING DEPT

ANNEXATION PLAT
FOR
WILBURN WEST PROPERTY
LOCATED IN SECTION 33,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY, UTAH



CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED
APPROVED AND ACCEPTED BY THE PLANNING COMMISSION, THIS _____ DAY OF _____, 2004.	I HEREBY CERTIFY THAT I HAVE READ THE PLAT SUBMITTED BY THE APPLICANT AND IT IS CORRECT AND ACCURATE. I HAVE NO OBJECTION TO THE PLAT BEING RECORDED.	REFERRED TO THE PLANNING COMMISSION, THIS _____ DAY OF _____, 2004. AT _____ THE PLAT WAS APPROVED.	APPROVED AS TO FORM ON _____ DAY OF _____, 2004.	SHIRT NO. _____, BACK _____, PAGE _____ COLOR OF _____, LINE _____, COUNTY OF _____ DATE _____, TIME _____ RECORDED AND FILED AT THE REGISTRY OF _____



October 11, 2006

When recorded, please return to:

PARK CITY MUNICIPAL CORPORATION

City Recorder

P O Box 1480

Park City UT 84060

ANNEXATION AGREEMENT FOR THE WILBURN WEST PROPERTY

This Annexation Agreement is made by and between Park City Municipal Corporation ("Park City") and The Cove at Eagle Mountain L.C. (hereafter collectively referred to as "Petitioner") to set forth the terms and conditions under which Park City will annex land owned by Petitioner into the corporate limits of Park City and extend municipal services to that property. This Agreement is made under authority of Section 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. **Property.** The property to be annexed is approximately 40.73 acres in size as depicted on the annexation plat, attached as Exhibit A and as more fully described in the legal description, attached as Exhibit B, and incorporated herein by reference (hereafter referred to as the "Property").

2. **Zoning.** Upon annexation, the Property will be zoned RD (Residential Development) and ROS (Recreation Open Space) as shown on Exhibit A. The maximum density allowed by the RD and ROS zoning districts for the parcel is 4 units.

3. **Master Plan, Subdivision plat, and Project Phasing.** Due to the size and intent of future development on the Property of two duplex buildings, a Master Planned Development is not required. The Planning Commission has reviewed a preliminary subdivision plat along with the annexation petition as shown in Exhibit C. A final subdivision plat, utility plan, and construction phasing and mitigation plan shall be reviewed and approved by the City, and the final subdivision plat shall be recorded at the Summit County recorder's office as a condition precedent to issuance of a building permit for the development.

4. **Trails.** Petitioner agrees as a condition precedent to final subdivision plat approval for the Property to dedicate public non-vehicular trail easements.

5. **Open Space.** The Wilburn West property shall feature 35.73 acres of open space as shown on exhibit B. The petitioner and the City shall discuss the possibility of creating a conservation easement for the property.

6. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner agrees to implement a fire protection and emergency access plan, to be submitted prior to issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

7. **Roads and Road Design.** All streets and roads within the Property shall be designed according to the City's road design standards and shall be private. Maintenance of all roads, parking, sidewalks, and pedestrian circulation shall be by the entity holding fee title to the property, or the Homeowner's Association.

8. **Affordable Housing.** Section 4 of Housing Resolution 17-99 in effect at the time of application requires an affordable housing contribution equal to "15 percent of the total residential units constructed" for annexations. Based upon the proposed density of four single family units, the Applicant is responsible for providing six-tenths of an affordable unit equivalent. One affordable unit equivalent is 800 square feet. The Applicant can fulfill this obligation by the construction of a deed-restricted affordable unit of 480 square feet. The Applicant may also request to make a payment in lieu of housing contribution of \$35,897. This amount is 60 percent of the total in lieu contribution per affordable unit equivalent. The housing mitigation proposed by the Applicant must be approved by the Park City Housing Authority.

9. **Sanitary Sewer.** Alignment of the sanitary sewer shall be determined as a part of the final subdivision plat for the Property. The preferred alignment shall be determined, which results in the least visual impact and site disturbance while meeting site design and construction requirements of the Snyderville Basin Water Reclamation District.

10. **Water Rights and Water Impact Fees.** The Petitioner shall not be required to dedicate water rights as a condition of this annexation. Pursuant to that certain agreement entitled **FIRST AMENDMENT TO NOVEMBER 27, 1996 AGREEMENT BETWEEN EAGLE MOUNTAIN PARTNERS, LLC; KEARNS-TRIBUNE CORPORATION; AND PARK CITY MUNICIPAL CORPORATION**, City will apply a credit against water development and water connection impact fees for each of the four units to be developed within the Property. Said credits are not to exceed \$15,000, and will expire if unused on July 20, 2010. Petitioner acknowledges and agrees that water impact fees in excess of \$15,000 will be charged to development within the Property.

11. **Water Infrastructure and Other Water System Costs.** Except as set forth above, as a condition of this Agreement, the Petitioner shall construct and dedicate all necessary water facilities and easements as determined by the City during the final subdivision and utility plan review process. A financial guarantee for the completion of such facilities shall be a condition precedent to recordation of the final subdivision plat. All such facilities shall be constructed to specifications approved by the City Engineer. Upon completion of such facilities, easements and appurtenances, all to the satisfaction of the City Engineer, the Petitioner shall dedicate the easements and water facilities to the City. The Parties agree that the City will not use Eminent Domain to acquire any necessary easements.

12. **Planning Review Fees.** Petitioner is responsible for all planning, building, subdivision and construction inspection fees required by the City at the time of application.

13. **Impact and Building Fees.** Petitioner shall pay all generally-applicable fees, such as development impact, park and recreation land acquisition, building permit, and plan check fees due for construction on the Property at the time of application for building permits.

14. **Acceptance of Public Improvements.** Petitioner shall offer to Park City title to those water facilities, easements and appurtenances, upon Petitioner's fulfillment of all Code requirements and Park City's final approval of the infrastructure construction.

15. **Snow Removal and Storage.** Park City is not obligated to remove snow from private streets within the Property.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by Jack Johnson Company, Inc, dated December 6, 2003, and submitted with the Wilburn West Annexation petition, including revenue and cost assumptions related to the annexation and development of this Property, is hereby accepted and approved by the City.

17. **Effective Date.** This Agreement is effective as of the date of the Resolution authorizing its execution.

18. **Governing Law.** The laws of the State of Utah shall govern this Agreement. Jurisdiction and venue are proper in Summit County.

19. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property.

20. **Assignment.** This Agreement is also a personal obligation of the Petitioner. Petitioner may assign its obligations under this Agreement, only upon prior written consent of the City, upon demonstration that the City's rights are adequately secured by the assignment. Consent to assignment shall rest in the sole discretion of the City.

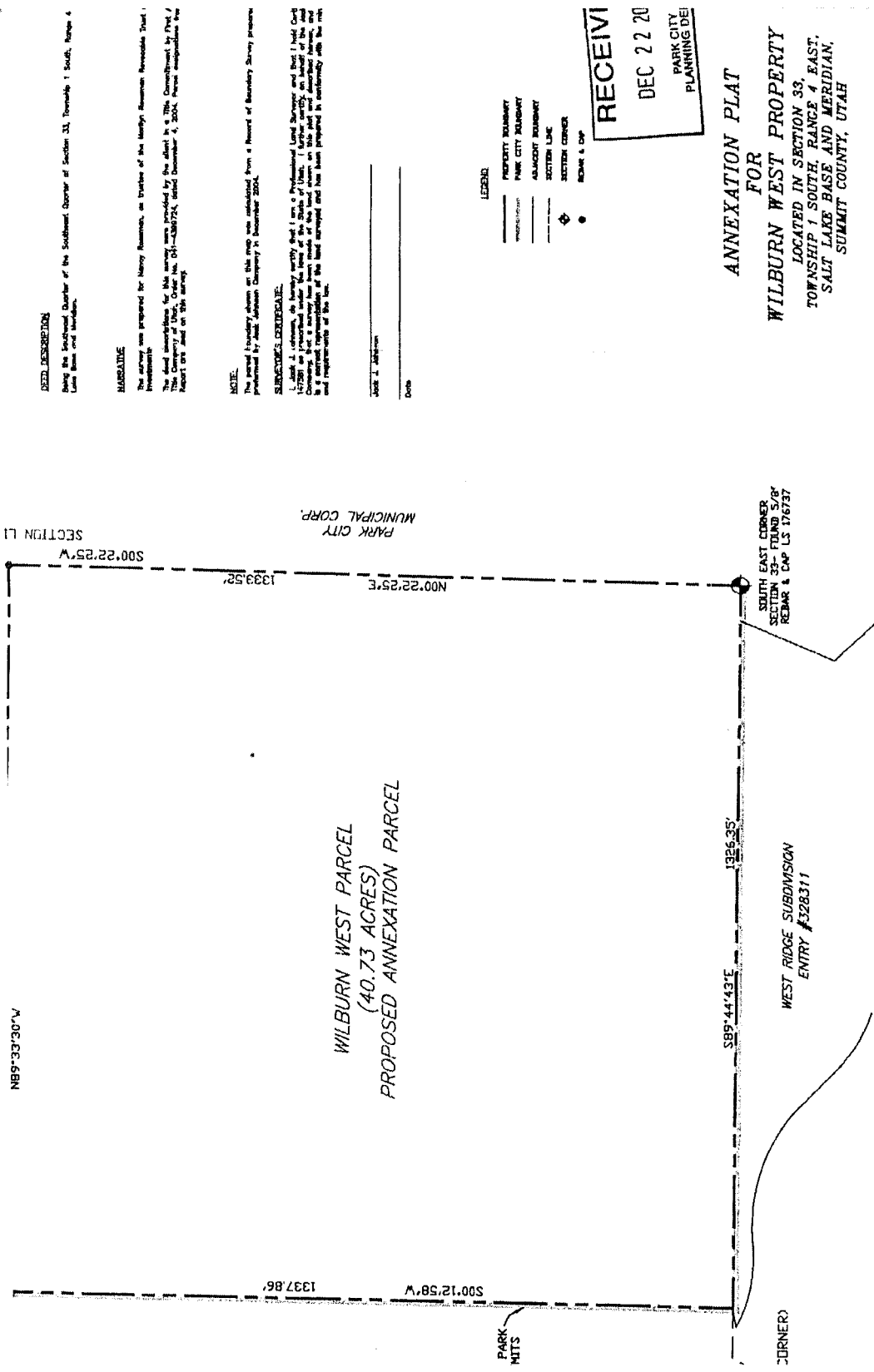
21. **Compliance with City Code.** Notwithstanding paragraph 17 herein, from the time of City Council approval of this agreement, Petitioner and his agents shall comply with all City Codes and Regulations pertaining to the subject Property.

22. **Full Agreement.** This Agreement contains the full and complete agreement of the parties regarding the Annexation and there are no other agreements in regard to the annexation of the Property. Only a written instrument signed by all parties hereto may amend this Agreement.

DATED this ____ day of _____, 2006.

Exhibits: A) Annexation and Zoning Plat
 B) Legal Description

IN WITNESS WHEREOF, this Annexation Agreement has been executed by Nancy Rossman, as Manager of the Cove at Eagle Mountain L.C. or by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the ____ day of _____, 2006.



DEED DESCRIPTION

Being the Southeast Quarter of the Southwest Quarter of Section 33, Township 1 South, Range 4 East, Salt Lake and Meridian.

NARRATIVE

The survey was prepared for Nancy Hunsman, as trustee of the Wilburn Hunsman Revocable Trust, for the purpose of recording the same. The survey was prepared by the undersigned, a duly licensed and qualified Surveyor of the State of Utah, and is subject to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code.

NOTE

The parcel boundary shown on this map was established from a Record of Boundary Survey prepared by the undersigned, a duly licensed and qualified Surveyor of the State of Utah, and is subject to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code.

SURVEYOR'S CERTIFICATE

I, John J. Johnson, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 147280, as provided under the laws of the State of Utah. I further certify, on behalf of the undersigned, that the survey was prepared by me or under my direct supervision, and that the same is a true and correct representation of the land surveyed and the same is subject to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code.

JOHN J. JOHNSON

Date

LEGEND

- PROPERTY BOUNDARY
- PARK CITY BOUNDARY
- ADJACENT BOUNDARY
- SECTION LINE
- SECTION CORNER
- REMARK & CAP

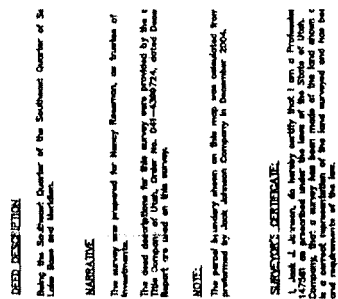
RECEIVED
DEC 22 20
PARK CITY
PLANNING DEPT

ANNEXATION PLAT

FOR

WILBURN WEST PROPERTY
LOCATED IN SECTION 33,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY, UTAH

CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION, THIS _____ DAY OF _____, 2004.	I, _____, hereby certify that I have read and find this plat to be correct and true, and that the same is in accordance with the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code, and to the provisions of the Utah Surveyors Act, Chapter 2, Title 20, of the Utah Code.	APPROVED AS TO FORM BY THE CITY COUNCIL, THIS _____ DAY OF _____, 2004.	APPROVED AS TO FORM BY THE CITY COUNCIL, THIS _____ DAY OF _____, 2004.	RECORDED AND FILED AT THE REQUEST OF _____, THIS _____ DAY OF _____, 2004.



Legal Description for the Wilburn West Annexation

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33,
TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



City Council Staff Report

Author: Kirsten Whetstone **Planning Department**
Subject: Land Management Code Amendments –
Chapter 2 (HRM, HRC, HCB, POS, E-40, and E) Zoning
Districts, Chapter 11- Historic Preservation, and Chapter 14
Zoning Administration and Enforcement
Date: October 19, 2006
Type of Item: LMC Amendments

Summary Recommendations

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and approve Land Management Code amendments to Chapter 2.4 (HRM District), 2.5 (HRC District), 2.6 (HCB District), 2.8 (POS District), 2.9 (E-40 District), 2.10 (E District), Chapter 11- Historic Preservation, and Chapter 14- Zoning Administration and Enforcement.

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code- Chapters 2, 11 and 14

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. Reorganization of the Community Development Department required language in the Land Management Code to be revised to reflect the new organization. Additional revisions are proposed to address specific LMC issues and substantive revisions that have been identified since the 2000 LMC updates. Legal staff has recommended additional amendments to comport with the revisions to the Utah Code. Staff is currently redlining the entire LMC to resolve this situation.

Included in this packet are portions of Chapter Two- Zoning Districts (see Exhibits A – F), Chapter Eleven- Historic Preservation (Exhibit G), and Chapter Fourteen- Zoning Administration and Enforcement (Exhibit H). The remaining sections of Chapter 2 (ROS, R-1, RD, RDM, RM, RC, RCO, GC, LI, SLO, and FPZ) will be submitted for review in November. A copy of the current zoning map has been attached as Exhibit I to indicate the location of the various zoning districts that are under review.

On September 27, 2006, the Planning Commission conducted a public hearing and forwarded to Council these Land Management Code amendments. There was no public input presented at this meeting.

Analysis

Revisions due to CDD reorganization

Reorganization of the City Departments and the elimination of a Community Development Director (CDD) necessitates revisions to the Land Management Code to replace references to the Community Development Director or CDD and replace them with either the Planning Department; Planning Director; Planning, Engineering and Building Departments; City Engineer; and/or Chief Building Official. In general, when a decision is strictly a planning matter, "Planning Director" will replace the "CDD Director". When the decision requires a coordinated effort of Building, Planning, and Engineering then "CDD" will be replaced with "Planning, Building and Engineering Departments".

Revisions due to creation of an Historic Preservation Board

Revisions are also made to replace the terms "Historic District Commission" or "HDC" with either, "Historic Preservation Board", "HPB", "Planning Director", "Planning Department", etc. based on the language approved by the 2003 amendments to Chapter 11- Historic Preservation.

Revisions due to adoption of the International Building Code in place of the UBC

Revisions have also been made to replace the language referring to the Uniform Building Code (UBC) with the International Building Code (IBC).

Summary of additional technical and substantive amendments and revisions made to comport with the revised State Code

Chapter 2.4- Historic Residential Medium Density (HRM)

- There are existing platted lots in the HRM district that do not meet the minimum lot size of 2,812 sf for a single family dwelling because they were created during the original town platting and previously were zoned HR-1, where the minimum lots size is 1,875 sf. When the HRM District was created it was intended to primarily replace the RM District on Park Avenue, but during the rezoning process some HR-1 zoned lots were rezoned to HRM, creating non-conforming lots. Staff is proposing the HRM zone be revised to change the minimum lot size for single family dwellings from 2,812 sf to 1,875 sf. The minimum lots size for a duplex would remain unchanged at 3,750.
- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.

Chapter 2.5- Historic Recreation Commercial (HRC)

- Added language consistent with the other Historic zoning districts to allow the Planning Commission to grant exceptions to Building setbacks and driveway location standards for additions to Historic Buildings that are valid Non-complying. This language is currently included in the HR-1, HRL, HR-2, and HRM zoning districts.

Chapter 2.6- Historic Commercial Business (HCB)

- No substantive changes
- Added Outdoor Events and Music (Section 15-2.7-10) language consistent with other zoning districts that allow Outdoor Events as an Administrative Conditional Use Permit. The language is not new to the LMC, but it had not previously been included as a separate section in the ROS District.

Chapter 2.8- Protected Open Space (POS)

- No substantive changes

Chapter 2.9- Rural Estate (E-40)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.
- Added a maximum density of one (1) unit per forty (40) acres. This density was implied by the minimum lot size of 40 acres, but not specifically stated in terms of a maximum density.

Chapter 2.10- Estate (E)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.
- Added a maximum density of one (1) unit per three (3) acres. This density was implied by the minimum lot size of 3 acres, but not specifically stated in terms of a maximum density. Added a footnote to indicate that a duplex would require a minimum of 6 acres. Added language similar to the RD District that states "the Planning Commission may vary Lot Size and Front, Rear, and Side Yards in Subdivisions and Master Planned Developments to encourage clustering of development on smaller lots, leaving the remainder of the property as open space, and to provide flexibility in site design and architectural character.

Chapter 11- Historic Preservation

- Section 15-11-1- Establishment of Board- revised to expand the number of Historic Preservation Board members from five (5) to seven (7).

Chapter 14- Zoning Administration and Enforcement

- Section 15-14-6- Violations- revised to state that violations of the LMC (Title 15 of the Park City Municipal Code) are Class C (not Class B) misdemeanors.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department. A draft is available at the Planning Department for review.

Notice

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record. The item was re-noticed on September 13, 2006 for the September 27th Planning Commission hearing and for the October 19th City Council hearing.

Public Input

A public hearing is required to be conducted by the Planning Commission and City Council prior to adoption of these amendments. The public hearing was properly and legally noticed as required by the Land Management Code. At the public hearing on

August 23rd there was public input regarding the side yard exceptions for bay windows and window sills, minimum setbacks for single family homes versus minimum setbacks for lots of certain sizes, and minimum lot size in the HRM district. There were also comments regarding the specificity of the code. Staff also received input at the planning counter regarding setback and lot size in the HRM. Staff has revised the amendments to address concerns with the HRM District language as well as the side yard setback exceptions which were not clear. There was no public input presented at the September 27th meeting.

Alternatives

- Conduct a public hearing and approve the LMC revisions to Chapters 2, 11, and 14 as presented, or as amended, at the meeting.
- Conduct a public hearing and deny the revisions.
- Continue this item to a date uncertain.

Recommendation

Staff recommends the Council conduct a public hearing, consider any input, and approve the recommended Land Management Code amendments to Chapter 2, Sections 2.4, 2.5, 2.6, 2.8, 2.9, and 2.10 ; Chapter 11- Historic Preservation; and Chapter 14- Zoning Administration and Enforcement, as presented according to the findings of fact and conclusions of law as outlined in the Ordinance.

Exhibits (under separate cover)

- Exhibit A- Chapter Two- Section 2.4 (HRM District)
- Exhibit B- Chapter Two- Section 2.5 (HRC District)
- Exhibit C- Chapter Two- Section 2.6 (HCB District)
- Exhibit D- Chapter Two- Section 2.8 (POS District)
- Exhibit E- Chapter Two- Section 2.9 (E-40 District)
- Exhibit F- Chapter Two- Section 2.10 (E District)
- Exhibit G- Chapter Eleven- Section 15-11-1 (Historic Preservation Board)
- Exhibit H- Chapter Fourteen- Section 15-14-6 (Violations to Title 15)
- Exhibit I- Park City Zoning Map

Draft Ordinance

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS SUBTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.4 HRM ZONING DISTRICT, 2.5 HRC ZONING DISTRICT, 2.6 HCB ZONING
DISTRICT, CHAPTER 2.8 POS DISTRICT, CHAPTER 2.9 E-40 DISTRICT, CHAPTER 2.10 E
DISTRICT, CHAPTER 11- HISTORIC PRESERVATION BOARD, AND CHAPTER 14-
ZONING ADMINISTRATION AND ENFORCEMENT**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code regarding density requirements in the Estate (E) and Rural Estate (E-40), Planning Director determination of lot width measurements for unusual lot configurations, minimum lot size for single family dwellings in the HRM District, side yard setback exceptions, exceptions to Building setbacks and driveway location standards for additions to Non-complying Historic Buildings in the HRC District, expanding the Historic Preservation Board from 5 to 7 members, and revising LMC violations to a Class C misdemeanor;

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on September 27, 2006 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 19, 2006; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2.4, 2.5, 2.6, 2.8, 2.9, and 2.10, is hereby amended as attached hereto as Exhibits A-F. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11, Section 15-11-1 Establishment of Board, is hereby amended as attached hereto as Exhibit G. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14, Section 15-14-6 Violations, is hereby amended as attached hereto as Exhibits H. Any conflicts or cross-references from other provisions of the LMC to Chapter 14 shall be resolved by the Planning Director.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of October, 2006

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

City Council Staff Report



Subject: GENERAL PLAN AMENDMENTS- PARK BONANZA PLANNING AREA-
Date: October 19, 2006
Type of Item: General Plan Amendments- public hearing
Author: Kirsten Whetstone, Senior Planner

Summary Recommendation. Staff recommends the City Council discuss General Plan amendments proposed for the Park Bonanza Planning area, conduct a public hearing and provide any additional direction to staff. Staff recommends the Council continue the public hearing to October 26th, as property owner letters were sent notifying of a public hearing on the 26th. The draft General Plan amendment document has not yet been revised, due to the short turn around from the October 12th work session. Staff and the consultant will revise begin to revise the document for the October 26th public hearing, if specific direction is provided on the 19th.

Topic

Applicant: City Planning Department
Location: Park Bonanza Planning Area
Zoning: General Commercial (GC) and Light Industrial (LI)
Adjacent Land Uses: cemetery, condominiums, City Park, retail and offices, Prospector Square retail and office uses, Olympic welcome plaza
Reasons for Review: Amendments to the General Plan require Planning Commission review and City Council adoption

Background At the meeting on September 27, 2006, the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council on proposed General Plan amendments (Exhibit A) for the Park Bonanza District. Kearns Blvd, Park Avenue, Deer Valley Drive, and Bonanza Drive bound the district. Zoning in the district is GC- General Commercial and LI- Light Industrial. The Planning Commission recommended several revisions and requested an opportunity to review the document one final time prior to Council's final action. At the City Council work session on October 12, City Council listened to a presentation by staff and the project consultant and held a preliminary discussion on the overall draft. Items of discussion included 1) need for a transportation study, 2) maximum MPD building height, 3) importance of obtaining functional open space areas within projects and within the District, 4) ratio of various tenant sizes versus ratio of national to local retailers, and 5) green building programs, not just Leeds.

On March 16th and March 30th, the Planning Commission and City Council met in joint work sessions. At the March 30th meeting, public input was provided from property and business owners within the planning area. The Planning Commission conducted public hearings on August 23rd and September 27th. Planning staff conducted open houses on July 14th and August 23rd to receive input and discuss the plan with the public and business owners.

Walkable Communities Audit

On September 19th there was a Walkable Communities conference in Park City and one of the agenda items was a field trip and walkability audit of the Park Bonanza- NOMA Area. A summary of the results of the audit is attached as Exhibit B. Staff recommends that these ideas be studied and prioritized for inclusion in the General Plan as specific Action Items. Actions included programs, projects, and policies. As an example, program- walk-to-school or walk-to-the-bus programs; projects- additional bus shelters, bus pullout lanes, and more at grade striped cross-walks; and policies- allocate more transportation funds to pedestrian amenities in the area, provide more mixed use development with residential above retail and office, and provide incentives for employee housing in the area. The Planning Commission is scheduled to commence its annual review of the General Plan on November 15th and will be considering some of these items.

Discussion points (as presented at the October 12th work session)

Staff has included a copy of the current proposed General Plan document (Exhibit A) revised from the initial recommendation. Areas of the document that differ from the initial recommendation are identified in parentheses below.

1. Transportation issues (Transportation amendments have not changed significantly.)

- Traffic- not to result in an increase in traffic on Bonanza Drive, such that the street requires widening. Traffic is the primary limiting factor to redeveloping this area.
- Reduce curb-cuts/friction and allow through traffic to flow more efficiently.
- Transportation corridor study- important to have a better idea what the development and redevelopment potential is in this District prior to study.
- Parking- allow shared parking within the District- best management options.
- Need for many pedestrian amenities, crossings, bus shelters, wider sidewalks, connections to trails and neighborhoods, connections within the District, etc.
- Redevelopment as change is ok, redevelopment as increased intensity/growth is not supported by these amendments, primarily due to traffic concerns.

2. Land Uses

- National and Local retailers- 60/40 ratio of local to national tenants. Don't specifically encourage national retailers. **(Initial recommendation was to encourage specific types of National retailers, and to set a 60/40 ratio of local to national tenants.)**
- 10,000 sf maximum tenant size with exceptions for grocery store, theaters, etc. **(Initial recommendation was 20,000 sf.)**

- Encourage a mix of tenant sizes (1,000 sf to 10,000 sf) with many smaller tenant spaces and fewer larger tenant spaces in each project or MPD. **(Didn't address a mix of sizes.)**
 - Mixed use, discourage office on main floor of multi-story buildings, encourage residential on second and third floors, retail on first story.
 - Encourage public open space and plaza areas, allow as "open space" in MPD calculations.
 - Opportunities to provide employee housing are limited, redevelopment could provide additional opportunities.
3. Building Height
- 45' maximum height for projects reviewed as a Master Planned Development with no increase in density. Is this adequate flexibility to attain amenities and public benefits, ie employee housing in a mixed use area, larger public plazas and open space areas, exceptional architecture, pedestrian enhancements, etc. **(Initial recommendation was to encourage a variation in building height with a cap at 50 feet.)**
 - Zone height will remain at 35' with allowances for an additional 5' for pitched roofs. The 45' maximum, for Master Planned Developments only, is a cap on height that does not currently exist. **(Initial recommendation was 50')**
4. Entry corridor and view corridor protection **(initial recommendation did not include these specifics)**
- Entry corridor protection- no height exceptions permitted within 100' of perimeter Highway right-of-way
 - Added view corridor protection along Bonanza and Homestake – No height exceptions permitted within 30' of property boundary.
5. A summary of the General Plan amendments that could result in Land Management Code amendments is presented in Exhibit C.

Planning Commission Recommendation

On September 27th the Planning Commission voted to forward a positive recommendation to the City Council. The Commission requested the following revisions to the document:

1. Revise land use section to discourage rather encourage national retail.
2. Eliminate the 60/40 ratio of national to local retail and encourage smaller spaces on the order of 500 to 1,000 sf.
3. Clarify what the 10,000 sf maximum tenant size means and how it can be accomplished and what mechanism will limit the total number of such tenants.
4. Include a definition of the "perimeter of the project" with respect to the maximum height for view corridor protection, including along Bonanza Drive and Homestake.
5. Make a recommendation for a transportation study to include this District.
6. Add language where bus stops shall be located and include recommendations from the walkable audit regarding pedestrian amenities and improvements.
7. Revise the definition of open space to allow certain plazas and hard-scape areas to qualify for open space, only if the space is a public space, ie. not for private outdoor dining areas or private plaza areas.

Department Review

Several internal stakeholder meetings with representatives from Planning, Building, Engineering, Transportation, Public Works, Public Affairs, and Economic Development, have occurred over the last six months to discuss the proposed General Plan amendments. Input from these City departments has been incorporated in the document.

Public Input

The Planning Commission and City Council conducted two joint meetings early in the planning process. Planning Staff conducted two public open houses to discuss the amendments, gather public input, and answer questions from the business and property owners and the general public. Planning Commission conducted two public hearings. Public input on the proposed amendments has been received input regarding the following:

- 1) purpose of the general plan and specific reasoning for these amendments,
- 2) building heights,
- 3) national versus local retailers,
- 4) proposed maximum size of tenant spaces and buildings,
- 5) traffic concerns,
- 6) pedestrian circulation and access issues- not only within the district, but to the district from surrounding neighborhoods and businesses,
- 7) consolidated and shared parking in the district,
- 8) desire for more open space and public gathering areas and plazas in the district,
- 9) suggestions on land uses and heights that would allow higher quality buildings to be constructed,
- 10) concerns about intensifying commercial activity in the area, and
- 11) view corridor protection.

Alternatives

No action is requested.

Recommendation

Staff recommends Council discuss the proposed General Plan amendments and provide input and direction on the above outlined discussion points. Staff will incorporate revisions following the public hearing on October 19th and bring this item back for additional discussion, public hearing, and possible action on October 26th. City Council may, at the request of the Planning Commission, make recommendations to staff to revise the document and remand it to the Planning Commission for final review prior to taking final action.

Exhibits

Exhibit A- proposed Park Bonanza District General Plan amendments

Exhibit B- summary of walkable community audit

Exhibit C- summary of general plan amendments and recommended LMC changes

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Background

The Park City General Plan is a policy document that forms the basis of the zoning and development regulations within the Park City limits and provides land use planning direction for those areas within the Park City Annexation Declaration area. The current General Plan has been under on-going updates on most of the elements of the plan since the 1997 General Plan was adopted.

The area encompassed by the designation of the Park Bonanza district has been cursorily considered in the General Plan within descriptions of other planning areas and in the separate Transportation element of the General Plan. Very little specific direction exists for the Park Bonanza District Planning Area.

The purpose of this document, Park Bonanza District General Plan amendment, is to provide more detailed policy direction for the protection and development of properties within the district consistent with the overall General Plan, Land Management Codes, and policies and direction of the Park City Council. In the case of the Park Bonanza District Planning Area, The General Plan would be amended to include specifically identify the district as outlined below and to include the district in all the appropriate General Plan Elements. Until the overall General Plan is edited or revised, this document will append to the General Plan.

EXHIBIT A

General District Description

The Park Bonanza District is the oldest commercial district outside of the historic Main Street area. As a planning area, the boundaries of the district are Bonanza Drive to the East, Park Avenue to the west and Kearns Boulevard to the north and Deer Valley Drive to the south. The district includes those properties along both sides of Bonanza from Iron Horse Drive to Kearns.

The area is currently a broad mix of land uses from resort commissary and parking, to shops and restaurants, banking, public works buildings and the former lumber yard. Other uses include storage area, small art and consignment shops, banks and real estate offices. The one, in town, movie theater is within the area as well as one of the two main grocery stores. The area is currently zoned General Commercial (GC) and Light Industrial (LI).

The area includes housing along Kearns Boulevard and within the Rail Central project. Portions of the area are referred to the North of Main Area (NoMa) by a large percentage of the business and property owners in the area. NoMa functions as a joint marketing vehicle and forum for NoMa members to discuss business development.

District Issues

Because the Park Bonanza District includes such a broad array of uses and provides services to the community at large, the District is an important part of the commercial life of Park City. The District is under pressure from competing commercial projects outside of the city, exemplified by the closure of the lumber yard last year. Movie theaters and restaurants in themed mall atmospheres have developed near the junction of the interstate and the state highways that form the entry corridor to Park City.

Local restaurants and shopping continues to be an active part of the district, despite commercial competition from the junction areas. The cost of rental space in the district is less than the Main Street area, and parking is generally available.

The District is central to the daily flow of traffic to the resort areas and to the Main Street area. Four of the City's six stop lights are located on the District Boundaries. Many intersections and driveways affect the flow of traffic in the District and to the resort areas and Main Street.

Several of the buildings and developments have undergone redevelopment in the past 5 years, including the Rail Central Project, the theater complex, and the Centura Emporium project. These projects represent significant efforts by the private sector to provide community level services in this area.

District Objectives

The overall objective for the Park Bonanza District is shown below:

The District will primarily continue to serve the needs of the residents and visitors to Park City, consistent with changing consumer demands for services, restaurants, shopping and housing. Local businesses will be strongly encouraged, with national brands providing visibility and stability in the product mix. The District is intended to act synergistically with Main Street, by providing a different lifestyle and commercial environment. Differences will be evident in architecture, urban design, and mix of commercial and residential uses in the District. The more detailed objectives for the area are found in the individual Plan Elements that follow.

Development or re-development is not required by this General Plan amendment in this District. The intent of the plan is to establish the framework that accomplished the overall objectives of the City and guides land use decisions that affect private property proposals.

Because of the nature of the district as a combination of land uses, changes to the district are nearly inevitable. Changes can either occur by individual parcel, collections of properties or from outside forces, such as increased development elsewhere requiring roads to be widened in the district. The intent of the planning for the district is to identify those elements that should be incorporated in development plans to guide change in a positive direction. For Park Bonanza District a positive direction is defined as increased pedestrianization and urban open spaces, maintenance of the attractiveness of local and small business and restaurants, protection of existing housing areas, improved opportunities for a range of new housing, and coordinated direction for re-development proposals.

Facilitation of the overall success for the District is achieved by coordination of land use and transportation plans, definition and incorporation of uses that contribute to the overall success of the District. Facilitation includes consideration for modification of the current City zoning regulations, consistent with the intent of this section and the overall Park City General Plan. Facilitation also includes identifying the opportunities to contribute to the overall quality of life for all of Park City. Housing, shops and services that can be served by the existing transit system, parking areas that can serve the demands of the district plus provide supplemental parking for the resorts and Main Street are examples of the current range of opportunities presented within the district. Facilitation includes the possible identification of projects where City resources can be contributed to assist with overall benefits to the Park City community.

Amendments and Revisions to General Plan Elements

The Park City General Plan is comprised of elements related to the management of land uses, future development and growth management. The Park Bonanza District

Planning Area amendment to the General Plan is intended to be appended to the overall General Plan and modify the General Plan as outlined in the following section.

Note: The following section of this report is formatted in bullet format to introduce the planning concepts for each of the General Plan elements relating to the Park Bonanza Planning Area. Each of the items in this section of the report will be expanded to incorporate public comment, and Planning Commission and City Council direction, researched as necessary and finally edited for adoption and amendment of the General Plan.

General Plan Element I. Introduction

No changes required

General Plan Element II. Park City Direction

No changes required. The planning direction for the Park Bonanza District is consistent with the stated goals.

General Plan Element III. Community Character

Amend the Community Character Element as follows:

- Include the Park Bonanza District within the Developing Area Policies section of this Element. The current planning direction for the District is consistent with the current Developing Area Policies.

General Plan Element IV. Open Space

Open space in this area is established through the provisions in the Land Management Code for the General Commercial (GC) and Light Industrial (LI) zones. Under basic zoning, the open space on a parcel is determined by the setbacks from the property line. Properties along Park Avenue, Kearns Boulevard and Deer Valley Drive are subject to the provisions of the Frontage Protection Zone, which requires additional Front Yard setbacks and a Conditional Use Permit approval for development within 100 feet of the Right of Way along these streets. Bonanza Drive is not currently subject to the Frontage Protection Zone requirements. In addition to the aesthetic importance of Open Space in this area, Open Space along roads provides a critical function for snow storage for snow storage and for adequate room for sidewalks, bus zones and walkways.

Additional Open Space is required for larger project that are approved under the Master Development Plan (MPD) section of the Land Management Code.

To meet the objectives for the Park Bonanza District, the **Open Space Element** would be amended as follows:

- Open Space requirements would remain as in the current code to maintain equity between all GC and LI zoned properties whether in the District or in other Planning Areas. A further definition of Open Space (conceptually identified as "Urban Open Space") would be created to allow "hardscapes" plazas, walkways, seating areas, fountain areas, etc, to be included in the Open Space calculations.
- The Frontage Protection requirements of a 30-foot setback from Park Avenue, Kearns Boulevard and Deer Valley Drive would be maintained. A Frontage Protection setback is proposed along Bonanza Drive to allow for improved sidewalks and snow storage areas.
- The separate Conditional Use process for development within 100 feet of the Right of Way along these roads would be modified such that a separate Conditional Use Permit would not be required for projects proposed as an MPD and the Open Space requirements are met. Parking that was completely below grade, except for Open Space plaza spaces on the exposed level, could be considered between the 100 foot and 30 foot setback area in an MPD and without entrances and exits on Park Avenue, Kearns or Deer Valley Drive.
- Within an MPD, setbacks between buildings can be reduced to the minimum Fire Code requirements and Open Space combined in the most appropriate area. Snow storage must be considered in determining the appropriate amount and location of Open Space.
- A suitable open space requirement for redevelopment of housing would need to be determined.

General Plan Element V. Land Use

The current array of land uses within the GC and LI districts continue to be appropriate uses within the Park Bonanza District. In order to facilitate the desired mix of housing, shops, restaurants and commercial uses, modifications to the Land Management Code would be necessary.

The amount of parking in the district, as required under the existing Land Management Code, appears to be appropriate – that is, there are only a few situations where too much parking (Payless Drugs and Park City Plaza) is found, and some areas where parking and circulation is less than adequate (Iron Horse Drive, Rail Central).

The mix of commercial uses, tenants, retailers and restaurants is critical to meeting the goals and objectives for the district. The mix of uses may change over the course of a project and over the course of time as development proceeds. For this reason, the mix of potential uses and tenants within a proposed project is to be reviewed on a project by

project basis by the Planning Commission. The criteria for review is established by the goals and objective of this planning area, combined with the overall General Plan, and policies and goals of the City Council. As currently envisioned, retail project mixes would start at an approximately 60% local and 40% larger retailers. Some project may shift over time to overweight national retail operations but the district mix as a whole should remain at approximately the 60% local ratio.

Accurate definitions of "local", "national" and other characterization of retail and restaurants are very complex. The Planning Commission should make determinations under the General plan based upon the uniqueness of a retail operation, the number of retail outlets of a company or franchise and the presence of the retail outlet in traditional shopping center settings. The objective is to create an atmosphere different from traditional shopping centers, with a mix of local and other shops attractive to residents and visitors to Park City.

Commercial buildings would be limited to a maximum of 10,000 square feet per tenant to allow for some national retail uses. These larger retailers can provide economic support for the district through name recognition, marketing strength and merchandising efforts. Local retailers, shops, galleries and restaurants can benefit from the draw of the larger merchant, while the local shops provide the needed local identity to the district. Grocery stores and theatres would be allowed to exceed the 10,000 foot per tenant subject to the other provisions of the General Plan. Single tenant office uses, could be considered by the Planning Commission to exceed the 10,000 square foot restriction.

The mix of local versus regional / national commerce (retail, restaurant, commercial, etc) would vary according to the particular type of use. For example, national scale retail that directly competed with existing local business would be discouraged. Brand shops, particularly those that appeal to an active outdoor lifestyle would be allowed and encouraged if they provided community scale benefits such as exceptional architecture, imbedded employee housing etc. Outdoor lifestyle brand stores (The North Face, Patagonia, etc) should not be encouraged if they compete directly with local retailers that carry the line. National and regional restaurant brands are allowed and encouraged under the same community benefit terms as national brand shops.

National brands that bring office, distribution and retail consistent with the active Park City lifestyle should also be encouraged to participate in the District, when bringing community benefits similar to brand shops and restaurants.

Existing and proposed housing areas should be protected from intrusions of commercial development, through increased commercial setbacks, significant landscaping and routing of traffic and deliveries away from these areas. Reviews of development and redevelopment proposals shall minimize shadow incursions into residential areas. Lighting should also not intrude into residential areas.

The design of proposed projects should carefully consider the location, geometry and access of loading and unloading areas. Loading and unloading of delivery vehicles should not restrict travel lane or pedestrian routes.

Some variation of building heights is allowed under the Master Development Plan (MPD) provisions of the Land Management Code. The Land Management Code does not specify the heights of buildings that could be conceptually approved under an MPD. Buildings at or below height allowed by the General Commercial and Light Industrial zones (currently up to 35 feet with an additional 5 feet for pitched roofs) are most consistent with building heights throughout Park City, with the exception of Main Street and some resort areas adjacent to mountain sides. Small increases in height from the zone height (less than 5 feet) can be considered if the height increase is not applied over the entire building and other considerations of this plan and the Land Management Code are applied. Large increases in building height (over 5 feet) can be considered in compliance with General Plan, if the height increases result in additional open space areas, protection of sun exposures and minimization of shade on public open space and walkway areas. Additional height is generally more appropriate on the eastern, internal, areas of the planning district. Large height increases are not appropriate along the perimeter of the district, especially along the northern perimeter and adjacent to residential areas. Height increases must result in variations of height within a project and within the planning district. The maximum height in the planning area should not exceed 45 feet including architectural features and mechanical elements.

The potential for rezoning the existing residential areas from General Commercial to one of the Land Management Code Residential zones would provide additional control over the preservation of housing uses, but could limit potential re-development opportunities for the properties in the future. Property owners and Homeowner associations should take the lead regarding rezoning proposals. Acceptance of the rezone proposals would be weighed by the Planning Commission and City Council using the direction of the Park Bonanza District plan, the overall General Plan and City policies.

The **Land Use Element** would be amended as follows:

- Building heights could be allowed up to 45 feet on the interior areas of the Planning District to achieve the goals of coordinated, usable open space, additional sun exposure for streets and public areas, and mountain view protection. The increase in height should not be continuous over the bulk of the building perimeter, nor should the height block sun on plazas and open spaces. The additional height would only be granted buildings that emphasize distinct build form and details that is in keeping with Park City design guidelines. Height increases are not appropriate adjacent to existing housing areas, nor lined along the perimeter streets.
- Setbacks could be modified as discussed in the Open Space Elements

- Parking would remain as specified in the Land Management Code for land uses. Some consideration for pass-by and multiple use parking would be allowed for projects that blend commercial uses to reduce individual trips.
- A mix of local and national shops and restaurants would be encouraged. Large tenants would be limited to 10,000 square feet. Larger spaces for service commercial – e.g. grocery stores and theaters, could be considered and approved by the Planning Commission. General and specialty retail, auto sales, clothing etc, would be limited to the 10,000 square feet restriction.
- A range of housing would be allowed within the district. Housing would be reviewed under the Housing element of the General Plan.

General Plan Element VI.

Growth Management

The Growth Management Element describes the planned capacity of Park City for developments and provides planning direction for the potential annexation areas as well as neighborhoods within the City limits. The Park Bonanza District plays a key role in the long-term growth management strategy. First, redevelopment of the district will allow for current and future needs of Park City residents and tourists to be served within the current developed areas, moving some of the potential demand from undeveloped areas, such as Quinn's Junction. Second, by facilitating re-development the City can allow for some additional uses in the area without significant increases in traffic demands. Third, by encouraging a range of housing opportunities in the district, a reduction in demand for this use outside the City is possible. This focus of housing in the City limits reduces the need to extend City Services, such as transit, to outlying areas in order to minimize traffic demands.

It should be recognized that the district cannot be the target of all required employee housing projects that will come forward in the future. However, encouraging employee, affordable and attainable housing in this area allows for a population located patronizing the local shops of the area. Other housing types and prices are needed to encourage the young professional, local empty-nesters and artists to the area.

Such housing, shops, and development mixes are flexible experiments. Projects should be allowed to proceed if they can show compliance with all the district objectives and criteria.

Certain areas of the Planning areas are underutilized in terms of types of use and the size of the uses within each parcel. Examples include the former Anderson Lumber site, and the Munchkin parking and commissary site for Park City Mountain Resort. Other areas are overused from their original intent due to lack of parking, inadequate circulation and land uses that are no longer adequately sized for the use. Examples of this situation occur along Woodside Road and Munchkin Road.

It is the intent of this plan for the Park Bonanza District that redevelopment embrace change and a reorganization and distribution of land uses to meet the other goals of the plan. Maximizing the development potential of each parcel, without direct consideration on the effect on transportation, adjacent land uses and the overall intent to exchange the viability of the entire City is not the intent of this plan.

Growth of some land uses in this district can be very important in limiting sprawl of outlying areas by encouraging infill in the Park Bonanza District. Each proposal to develop in the district must be evaluated against all the elements in the Plan including this portion of the Growth Management Element.

The Growth Management Element should be modified as follows:

- Incorporation of existing and projected amounts of commercial and housing in the district to allow for calculation of potential impacts of re-development on this and other elements of the General Plan.
- Incorporation of the preceding description for the Growth Management element
- Recognition that development in the Quinn's Junction area has a direct and possibly negative effect on this district, especially for transportation and open space elements.

General Plan Element VII Transportation

The Park Bonanza District forms the hub of the major transportation corridors within Park City. It is the only Planning Area surrounded by existing transit routes on all sides. It is also one of the few areas with major frontage on the 2 main routes in and out of town – Highway U-224 (Park Avenue) and Highway U-248 (Kearns Boulevard). With this situation, a careful balance of change, growth and design are required to meet the transportation requirements for the future and reduce the current set of conflicts in the area.

Changes in the area land use will change traffic patterns and timing. Re-development and intensification of uses has the high potential to create additional traffic. It is the intent of this element of the plan to accommodate change and some growth but not at the expense of increased traffic.

Changes in land uses outside of the district will have more of an effect on this district than the changes inside the district. Traffic impacts from land use decisions at Quinn's Junction may force Bonanza Drive toward expansion to 4 lanes. Shifting land uses to Quinn's Junction, south or eastward will increase congestion on U248 in and out of town and could reduce the positive effect of redevelopment in the Park Bonanza district. For this reason, planning along Bonanza Drive should consider the undesirable effect of a forced widening of Bonanza due to eastward sprawl, but the acquisition of any potential right of way needs not promoted.

The location of the district, central to resort and Main Street transportation flows, creates a strong opportunity to locate a more inter-modal transportation center and parking area. With frontage on both U 248 and Bonanza Drive, direct transit access is possible to the resorts and Main Street. An intermodal facility accessed from Park Avenue or Deer Valley Drive is discouraged due to current traffic and turning movements. An intermodal facility in this district allows for shared parking uses, possible remote parking support for the resorts and Main Street. For this reason, City participation is encouraged to facilitate the facility planning, construction and operations. Careful coordination is necessary between street design, transit and intersections and signalization.

Every effort should be made to reduce intersections with the road surrounding the project area. Minor roads should be combined and directed to acceptable intersection locations. Individual drive and parking accesses should be discouraged and considered for elimination during re-development planning. The desired objective is to smooth the traffic flow along Bonanza and reducing the need for expansion of Bonanza due to developments within the Park Bonanza District.

Development within Park Bonanza should be planned so as not to cause Bonanza Drive to be widened. Traffic signals along Bonanza are strongly discouraged.

It is possible that that an additional signal may be warranted in the future between Park Avenue and Bonanza on Kearns Boulevard. This signal must be electronically coordinated and synchronized with the existing signal system. To the degree possible, north exiting traffic should be routed through this intersection.

Roundabouts have been considered over the past 10 years as a solution to intersection difficulties along Bonanza Drive. Redevelopment planning can allow for the roundabouts to be considered seriously. The roundabouts have the potential to reduce intersection conflicts and eliminate the need for additional signalization and driving /turn lanes. They will have the result of slowing circulation on Bonanza Drive. The use of roundabouts should not promote the widening of Bonanza except at the round-about. Adequate geometry is essential to accomplishing successful roundabouts in the planning area and will require close cooperation with adjacent property owners and the City.

School bus and transit routes along Kearns Boulevard and Bonanza Drive affect traffic flow due to the lack of turnouts and loading areas. Bus turnouts and protected loading areas should be coordinated with the school district and Park City Transit and incorporated into land plans along these roads.

Inadequate space for bicycles exists along Bonanza Drive. Adequate space should be provided or a separate bicycle route planned on internal connector streets in the District.

Pedestrian circulation and walkability within the District are key elements to accomplish the overall goals for the district. Sidewalks are required along the entire perimeter of

the district. Sign plans, walking routes, snow removal and parking must take in to consideration and illustrate how pedestrian and bicycles are promoted and accommodated in designs.

Bonanza Drive presents a significant obstacle to the termination of the Rail Trail and the connection of the Rail Trail to the remainder of the Park City trail system. The City and adjacent property owners need to cooperate to resolve this conflict. Tunnels under Kearns should be considered if roadway and utility conflicts can be resolved.

The potential for aerial lift transportation between parking areas and the resorts has been presented as part of private party land use planning in the district. This type of transportation system can be considered for future implementation. Considerations of building clearances and alignment will require careful coordination between landowners and the City.

The **Transportation Element** should be modified as follows:

- Incorporation of the most recent traffic and intersection studies for the area.
- Change the Transportation Element to avoid a reduction from current daily and hourly Levels of Service (LOS). Do not allow intersection Levels of Service to reduce below current levels.
- Incorporation of the preceding description for the Transportation element.

General Plan Element VIII

Environmental

Redevelopment of the District as planned has the potential to reduce land use sprawl, reduce the potential for remote junction commercial development and over-extension of transit services to remote locations.

- No changes required. The planning direction for the Park Bonanza District is consistent with the stated goals.

General Plan Element IX

Housing

The redevelopment of the Park Bonanza District presents some positive opportunities to meet housing demand in an in-fill process and reduce (however slight) the demand to develop outlying properties.

This is especially true for meeting employee housing demands and the desire for resort-urban lifestyles for young professionals and empty-nesters.

Care must be taken to balance the housing types, prices and locations of these types of housing to avoid prejudicing an area with a certain type of housing.

Additional housing in the area should not be encourages to the extent that the other elements in the General Plan are negatively affected, particularly the Transportation Element.

The **Housing Element** of the General Plan would be modified as follows:

- Coordination with the Growth Management Element for the assessment of existing and projected amounts of housing in the district.
- Incorporation of the preceding description for the Housing element

EXHIBIT B**Walkable Community Audit****September 19, 2006**

Projects 1. Tunnel/Ramp up to intersection 2. Concentrate curb cuts to restrict thru traffic 3. Stairs from Iron Horse Condos 4. Bike Lane through major corridor east of Rite Aid road cut or trail 5. Cross Walks on Median – Kearns or Deer Valley Public Restrooms in Redevelopment area Signage for existing restroom	Programs - study goat trails - awareness program - walking school bus - plastic cases with maps of walkable /wheelable area - walkable audit by community members	Policies - -need zebra crossings - maintain 2 floor mixed use in redevelopment area. - Parking below ground
- Bus Stop Safety (Iron Horse Loop) - Traffic Islands - Signage - Creek Bridge on Rail Trail - Cross Walk(s) at goat trails - Bike lanes- signage - Painting bus lanes - Donating bricks to sidewalks with names to reflect "walkers and bikers" - Signage to reflect distances - Zip Line from	- Walking School Bus - Chambers incentives for alt trans commuters - Marketing to promote opportunities - Sales people, publicists, perception change to reflect "cool" - Crossing guard programs (senior volunteers) - "Ride with a rider" - Bike Mentor program - Kids ride with adults	- No parking on the road - Enhanced snow removal - Pedestrian right of way - Transportation \$\$ allocated to pedestrian effort enhancements - Higher density urban development (flexibility on heights) - Mixed use with retail and affordable housing.

	NOMA to Main Street - Pedestrian viaduct over or under Kearns - Traffic calming to support the bus stop safety			
	- Combining through cuts with redevelopment - Tunnel to Rail Trail - Improve Rite Aid parking lot - Off set parking/ crossing signal/ small islands - Diagonal circle/ high traffic/goat trails - Visual look through for work force housing - Underground Parking - Lumberyard/ New stores - Walk to School bus program expand sidewalk/play area/ build bus shelter (Iron Horse area)	- Parking Fees for students - Bus year round to DV - More Bus Stops - More attention to kids walking	- Frontage space - Kearns Sidewalk - Disability audit - Code for Street Crossing - Sidewalks set back/repair Kearns	
	1. Bonanza/ Deer Valley Intersection connectivity to affordable housing 2. Goat trail	- Walking School Bus/ Safe Reroutes to school - Concerts/Lectures at the Wellness Celebration Center	- Objectionable Land Uses - Additional Streets/ shorter block lengths - Buildings closer to the	

access to bank/community use 3. Clear defined N/S –E/W linkage through the area Rail Trail regional 4. Bus Shelter at Iron Horse Loop 5. Safety Enhancement to Iron Horse/Bonanza 6. Wellness Celebration Center 7. Underground public works with amphitheater	- Wellness Kick Off	streets	
- Iron Horse businesses (Windy Ridge etc) could be more pedestrian friendly walkways, more inviting - Move Transformer - Encourage affordable housing in PCMR maintenance lot - Reconfigure	- Neighborhood Park or transit spoke (farmers market, street carnivals) - Safe routes to school-walking school bus - NOMA Mile (walk from NOMA to top of Main mile markers with elevation	- Separated six foot sidewalks - Proximity of new businesses to sidewalks, roads, minimum setbacks - Multi use buildings (business below housing above - City/State Collaboration on engineering and design - Parking enforcement	

	crosswalks on Bonanza - Coin operated bike racks			
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Summary: By Mark

Programs: Support more walking to the school bus at least, and for older kids to the Middle and High school, with comprehensive Safe Routes to School approaches, including encouraging healthy behavior, educating on bike/pedestrian safety, and enforcing safe driving in the area. NOTE: Don't need to wait for big project dollars; this can start tomorrow (and will!!)

Projects: Pedestrian crossings on Bonanza and connectivity of Rail trail into other trail system and through Iron Horse area to Rite Aid/Albertsons. All wanted an underpass if possible, but agreed in the end that some safe at-grade crossings would be needed too.

Policy: Encourage (by code?) mixed use redevelopment, with housing above (maybe just 2-3 stories?) retail/commercial. Look for creative parking policies, including perhaps decreasing surface auto parking requirement for development if bike and transit support provided (e.g., build bus shelters, great covered bike parking, etc.)

EXHIBIT C

General Plan Element	Proposed Action	Reason for Action	Changes in Zoning Required	Relative Regulatory Impact	
				Less Restrictive	More restrictive
Plan Element I - Introduction	No changes		No	None	
Plan Element II – Community Character	No changes		No	None	
Plan Element III Open Space	Consider public plazas and walkways as a type of Open Space	Clarifies open space definition in developed areas, Clarify that public plazas can be used to meet Open Space requirements	Yes – add public plaza and walkway areas as a type of Open Space for Planning Commission review	Less	
Open Space	Add a Frontage Protection requirement for sidewalks and snow removal along Bonanza Drive	Mechanism to promote walkways and adequate space for snow removal	Yes – Zoning Map revision setbacks established – these could vary from current Frontage Protection Requirements		More
Open Space	A separate CUP action would not be required for projected proposed in Frontage Protection areas if part of an MPD	Simplifies project approvals	Yes	Less	
Open Space	Open Space	Allows for	Yes	Less	

General Plan Element	Proposed Action	Reason for Action	Changes in Zoning Required	Relative Regulatory Impact	
				Less Restrictive	More restrictive
	requirements for projects may be combined in the most appropriate areas for public use. This could be within the planning area but off-site of a specific project	public plaza and urban open space in the most appropriate and coordinated locations subject to Planning Commission approval and Development Agreement			
Open Space	Changing Open Space requirements from 60% for re-developed housing are suggested.	Potential to allow higher density redevelopment to accomplish City housing goals	Yes	Less	
Plan Element V. Land Use	Building Heights up to 5 Stories, with restrictions and Planning Commission Approval	No current guidance for height in General Plan. Establishes limits and locations for additional height, not in current Code	No		More
Land Use	Allow for parking to be combined and located off-site	Parking could be located in common garages or combined off site – Subject to Development Agreement and Planning	Yes	Less	

General Plan Element	Proposed Action	Reason for Action	Changes in Zoning Required	Relative Regulatory Impact	
				Less Restrictive	More restrictive
		Commission approval – no reduction in parking space requirements proposed			
Land Use	Single Tenant square footage limitations – exceptions for grocery, theatres –refer to text for ranges	No current guidance in General Plan. Promotes balance between local and larger retailers	No		More
Land Use	Limit office uses on first floor	Technique to promote shopping atmosphere General Plan guidance for Planning Commission review at project level.	No		More
Land Use	Encourage a range of housing types in area	Consistent with City policy	No		
Plan Element VI. Growth Management	Incorporate Park Bonanza text into General Plan	Clarification to General Plan guidance	No	None	
Plan Element VII. Transportation	Allow for parking structure and inter-modal center	Allows for combined parking areas	No (see Land Use)	Less	

General Plan Element	Proposed Action	Reason for Action	Changes in Zoning Required	Relative Regulatory Impact	
				Less Restrictive	More restrictive
Transportation	Add requirement for 10 wide sidewalks along Bonanza and Kearns; allow adequate space for snow removal	Added detail to General Plan for Area	No		More
Transportation	Do not allow a new major north-south collector road	Added detail to General Plan for Area	No		More
Transportation	Reduce existing intersections on Kearns and Bonanza to minimum	Added detail to General Plan for Area	No		More
Transportation	Acknowledge the possibility of future traffic signal along Kearns.	Added detail to General Plan for Area	No	None	
Transportation	Allow, with requirements, roundabouts on Bonanza	Added detail to General Plan for Area	No	Less	
Transportation	Acknowledge the potential, but emphasize the undesirability of widening Bonanza	Added detail to General Plan for Area	No	None	
Transportation	Require Bus turnouts out of traffic lanes	Added detail to General Plan for Area	No		More
Transportation	Require adequate space for	Added detail to General Plan for Area	No		More

General Plan Element	Proposed Action	Reason for Action	Changes in Zoning Required	Relative Regulatory Impact	
				Less Restrictive	More restrictive
	bicycle routes on area internal streets				
Transportation	Encourage and do not preclude a tunnel or bridge to connect the Rail trail segments	Added detail to General Plan for Area	No	None	
Transportation	Plan for new sidewalk along east side of Bonanza – south of Iron Horse	Added detail to General Plan for Area	No		More
Transportation	Allow for potential of aerial lift system	Added detail to General Plan for Area	No	None	
Transportation	Prepare updated transportation plan for entire length of Kearns and Bonanza	Coordinate transportation with other Planning Areas and Growth Management Element	No		More
General Plan Element VIII Environmental	Incorporate consideration of sustainable designs for neighborhoods and buildings including LEED for New Construction and Neighborhood Design	Additional guidance for Planning Commission in review of projects	No		More

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306 of 470) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

In addition, a number of public benefits and developer mitigation measures were itemized and agreed to by all parties.

July 14, 2005: The City Council and Planning Commission held a joint work session discussion regarding a proposal to amend the Flagstaff Development Agreement (DA). The applicant requested that the DA be amended to increase the allowable Unit Equivalents (UEs) by 80 and add 192 Hotel rooms (included in the additional UEs). In exchange for the increased UEs, the applicant was going to provide a conservation easement for the Park City Mountain Resort (PCMR) ski lease area. The development sites at the Silver King mine site up King Road and at the upper end of the Colony were not part of the conservation easement and the number of UEs available off the rest of the ski lease was unknown. The general direction of the Council at that time was that any increases in UEs would need to be wholly or partially offset by decreases in UEs elsewhere.

November 17, 2005: The applicant came back to another joint session of the City Council and Planning Commission with a revised application and proposed annexation of the Park City Mountain Resort (PCMR) ski lease area. This annexation proposal could justify some or all of their requested UE increase for the Montage Hotel and additional condominium units at pod B-2.

January 6, 2006: The City received a completed annexation petition. The City Council accepted the petition for review and adopted a resolution forming a Task Force on January 12, 2006. The UPCM/PCMR Annexation Task Force was charged with conducting a review and providing a recommendation on the annexation petition, as well as designation of underlying zoning and appropriate transfer of density. The review and recommendation were to occur prior to the Planning Commission forwarding a

recommendation on the annexation petition to the City Council.

Task Force Meetings: January 31, February 7 and 28, and March 7 and 21, April 11 and 25 (not a quorum), and May 2, 2006. The primary topics were density, the conservation easement, traffic and transit, parking, affordable housing and economic benefits relating to the proposed Montage hotel.

The outcome of the Task Force meetings were recommendations on the conservation easement on the proposed annexation areas, density, affordable housing, transit, traffic and parking, additional mitigation measures and public benefits.

Task Force Discussion Items	Task Force Recommendation
Density: Applicant is requesting additional 80 UEs, including 192 hotel rooms. Approximately 64 Units from base City/County zoning available (includes Deer Valley Shadow Lake parcel).	Finding of additional community benefits of open space, affordable housing, and transportation improvements mitigate the 16 UE deficit. (<i>Staff recommended that the density come from Bonanza Flats as contemplated by the Annexation Agreement</i>)
Zoning	Recreation Open Space (ROS-MPD) for entire annexation area and City Estate lands.
Conservation Easement	Over entire annexation area, including the Silver King site and the Deer Valley Shadow Lake parcel.
Traffic and Transit	UPCM to donate 30-40 acres in Quinn's Junction area. Relative contributions from City and applicant to construct a 750 space Park and Ride lot are unresolved. Task Force agrees in concept to Transit Plan.
Gondola (section 2.9.3 of DA)	Gondola is not feasible as traffic mitigation or in the public interest. UPCM to pay contributions as required.
Red Cloud Road	Road to be built to public standards and may become public at a future time.
Parking	Not to exceed 75% of Code. Include 75 spaces for Empire Day Lodge which is less than 75% requirement for building of this size. Amend DA to assign 1 space per condo unit.
Affordable Housing	Additional 5.7 Affordable UEs required per current DA standard. Current Housing Resolution would require 22.68 AUEs. Applicant to build additional 20 (25.7 total) as Community Benefit.

Economic Development	Net revenue of \$1.3-\$1.9 million/year
Recreation	Richardson Flats (Section 3.1 of DA) already restricted to recreation. 30-40 acre dedication to City for Park and Ride and recreation as determined by City.

May 10 and 24: The Task force recommendations were discussed by two joint meetings of the full City Council and Planning Commission. The minutes from the May 10 and 24 meetings are attached.

Planning Commission Recommendation

The Planning Commission opened the public hearing on the proposal on June 14, 2006, and also discussed aspects of the application on July 26, August 9 and 23, and September 23. In addition to the above items, the Commission discussed three other points that were part of the proposal; namely, a larger on-mountain restaurant (Beano's style), allowing the Montage to have 3 fireplaces instead of one, and some flexibility in the ski run setback at Red Cloud based on current locations of the runs relative to lot lines.

The Planning Commission discussed the compiled recommendations on September 27, 2006. The following is the recommendation for each of the points of discussion. *(Please note that several of these recommendations are not consistent with the attached draft amended Development Agreement proposed by the applicant--Draft DA attached):*

Density: Applicant is requesting additional 80 UEs, including 192 hotel rooms and 77.5 additional condominium units. Approximately 64 Units from base City/County zoning is available, including the Deer Valley Shadow Lake parcel. If applicant agrees to all mitigation and community benefits as set forth in this report, the City agrees to additional density. *(Staff still recommends that any density transfer come from Bonanza Flats as anticipated in the existing Development Agreement).*

Zoning: Recreation Open Space zoning on all the annexation area and the existing Estate lands currently within the City limits.

Conservation Easement: The direction from the Task Force was to execute a conservation easement to be held by a mutually agreed upon third party prior to annexation. The Task Force also wanted Park City Mountain Resort to be amenable with the language of the conservation easement. The City did not receive a document that was acceptable to PCMR.

As an alternative, the staff suggested a deed restriction. There were two principle reasons for proposing a deed restriction. The first was the direction from the Task Force that a goal of the City is to have PCMR within the City limits and to restrict residential development on those areas. Pragmatically, this will be difficult to achieve by conservation easement given the reserved uses that PCMR will require to allow it to pursue upgrades to the Mountain Upgrade Plan. The problem is that these uses and

their locations remain undefined. PCMR has clearly stated that they are unwilling to restrict future ski area plans to certain development pods (as was done with Deer Valley) or otherwise reduce their existing rights as defined by their lease.

A third option would be to limit development by plat note. This was done with the Enchanted Forest in the Red Cloud subdivision. Section 2.4.1.5 of the Flagstaff Development Agreement states: "**Enchanted Forest.** No development shall occur in the "Enchanted Forest" area generally designated on Exhibit A and further defined in the Small Scale MPD process." No conservation easement was required by the DA and what is there now by plat note is probably more than required. That is not to say that additional measures (3rd party holder, for instance) couldn't be taken. A public ski easement was also described within the Enchanted Forest.

The second reason was a function of timing. While the Montage project is ready to proceed through the MPD, CUP and building permit stage, Montage has no control over if or when PCMR may agree to language. Staff notes on bullet point two, below, that a deed restriction may be converted to a conservation easement in limited period of time giving all parties a longer time frame to work out the details. Although the Planning Commission preference was for a conservation easement (without it, two Commissioners did not favorably vote for the recommendations), the proposed deed restriction was acceptable to the Commission, PCMR, and UPCM. PCMR qualified their support stating they still did not have a response from UPCM on other financial issues.

The following criteria were recommended as part of the deed restriction:

- A deed restriction with the City as beneficiary of the restriction be placed on the entire annexation area, including the Shadow Lake parcel. Such deed restriction would prohibit all residential and lodging uses in annexation area.
- Specific public interest protections be built into the deed restriction so that the deed restriction could only be extinguished by a super-majority vote of the City Council and vote of people. UPCM suggested language that the deed restriction could only be extinguished if a court determines that the purposes of the deed restriction have become impossible. The City legal department did not have an opportunity to research and analyze the distinction. *(Staff also suggests investigating the possibility of substituting the deed restriction for a permanent conservation easement after some determined specific period of time, i.e. 3, 5, 10 years.)*
- The deed restriction must extend from the bottom of Thaynes Canyon to the top of Pinecone Ridge even though some of this area is not within annexation area and will be used as acreage for proposed Colony phase 5 lots. *(As discussed with the Planning Commission, Summit County may not grant the density in the Colony phase 5 under this scenario. Therefore, an alternative was suggested that UPCM create required Colony open space over Pine Cone Ridge down to the proposed City limits.)*
- The deed restriction allows the implementation of the PCMR Mountain Upgrade Plan as currently approved or amended in the future.
- PCMR and the City amend the PCMR Development Agreement as necessary to

remove review and approval of the mountain improvements from Summit County to the City. PCMR will be allowed to construct on mountain improvements as allowed uses or administrative conditional uses according to the Land Management Code in place at time of application, and public pre-application meetings for improvements greater than 5,000 square feet in size such as restaurants, on-mountain lodge, or improvements to the King Road shop.

- A Forest Management Plan will be prepared by PCMR and reviewed by the City prior to any glading.

The Summit Land Conservancy (SLC) distributed additional information (Exhibit D) to the Planning Commission regarding the differences between a conservation easement and a deed restriction. SLC has also provided a summary for the Council packet (Exhibit E). City Attorney Mark Harrington explained to the Commission the fundamental difference is that a conservation easement protects the conservation values of the property first, with limited reserved uses not inconsistent with that goal. A deed restriction operates in a negative manner by prohibiting certain expressed uses and allowing all others. Therefore, if the goal is to transfer residential/condo density and to allow all other uses that PCMR may apply for under the MPD and applicable zoning, a deed restriction seems more appropriate. If the goal is to restrict PCMR to future expansion only consistent with the stated conservation goals for the land, as monitored by an independent third party, then the conservation easement is more appropriate.

Gondola (section 2.9.3 of DA): Recommendation is that the No-Gondola option be exercised with payments to be made as follows:

- Developer's \$1 million be used for construction of Park and Ride facility at Richardson Flats.
- Developer to contribute \$1million to the City for transportation related to Empire Pass. The recommendation is for this million to go towards new buses to service Empire Pass and the operations of same and not towards construction of Park and Ride.
- Developer agrees to share in the cost of a feasibility study for a skier amenity gondola connecting Old Town to Empire Pass with other specific stakeholders. Staff recommends this study be completed within one year of the date of the annexation approval.

Richardson Flats:

The recommendation is:

- Developer to dedicate to the City an acceptable 30 acre parcel at Richardson Flats and construct a 750 space park and ride lot and the access road to SR 248 suitable for City buses.
- The parking lot may be phased with initial construction of 200 spaces and the access road.
- A late-comers agreement may be utilized to share the cost with future developments.
- Developer maintains all environmental liability at Richardson Flats, including 30 acres dedicated to the City.

- Developer agrees to extend the use and time of the Richardson soil cell to accept regulated materials related to the City's mining history as acceptable to UDEQ and USEPA as outlined in the existing agreement.
- City to construct recreation facilities as deemed appropriate.
- Richardson Flats to be deed restricted for open space, recreation, and the City Park and Ride.
- City to maintain Park and Ride lot once constructed and accepted.
- The Park and Ride lot is both traffic mitigation and a community benefit.

Red Cloud (Twisted Branch) Road

Road to be built to public standards and may become public at a future time.

Parking

Not to exceed 75% of Code. Include 75 spaces for Empire Day Lodge which is less than 75% requirement for building of this size. Amend DA to assign 1 space per condo unit at pod B2.

Affordable Housing

Developer to construct additional 25.7 Affordable Unit Equivalents. On-mountain requirement of 25% of AUEs may be constructed off-mountain at the developer's option, within current City limits, and at a ratio of 1.5 AUEs for each on-mountain AUE. City may not donate land (*Note: the provision that the City not donate land is not contemplated in the applicant's attached draft development agreement.*)

Economic Development

The City projects a net revenue of \$1.3-\$1.9 million/year from the development. Shortfall of this conservative projection will not be burdened to developer.

Recreation

Richardson Flats (Section 3.1 of DA) already restricted to recreation. Recommend Richardson Flats to be deed restricted for open space, recreation, and the City Park and Ride. 30 acres dedication to City for Park and Ride and recreation as determined by City.

Fireplace Restriction (2.9.5 Enhanced Environmental Protection)

Recommend that Montage be allowed three wood burning fireplaces to be located in common areas.

Ski Run Separation (2.4.1.2)

Recommend language for case by case conditional review of 50 foot ski run separation based on existing conflicts of ski runs and platted lots or ski easements.

Beano's Style Private Club (2.6)

Recommend language for limited vehicular access and size and location to be determined by the Planning Commission at CUP review. Size may be between 7,000

and 10,000 square feet.

Emergency Response Plan

The Emergency Response Plan shall be amended as necessary based on the size and construction in pod B2. This may include the requirement for developer to construct and fund a fire station and/or additional fire fighting apparatus.

Water

The original Development Agreement created the basis for subsequent water agreements regarding the project. There are currently two other water agreements that have implemented those water sections. A third agreement is in a draft form and still has unresolved issues.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Recommendation

Staff recommends the City Council hold a work session discussion for the Flagstaff Mountain Resort (Empire Pass) amendment to the Development Agreement and the listed recommendations forwarded to the City Council by the Planning Commission. Analysis and a recommendation on the annexation will be presented by staff if the Council accepts the changes to the Development Agreement.

Exhibits

- Exhibit A – Joint Hearing minutes of May 10 and 24
- Exhibit B – Planning Commission minutes of September 27
- Exhibit C - Proposed Development Agreement
- Exhibit D – Summit Land Conservancy handout, September 27
- Exhibit E – Summit Land Conservancy handout, October 12

