PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 19, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah, for the purposes and at the times as described below on Thursday, October 19, 2000.

Work Session

3:30 p.m.	Council questions and comments
4:00 p.m.	Program and resource analysis
4:45 p.m.	Park Meadows neighborhood shuttle service
5:15 p.m.	Review of regular meeting
	The Cove plat extension
	Budget amendments
	Other meetings questions and comments
5:50 p.m.	Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Volunteers for the 2002 Winter Games - Rich Cannaday, SLOC

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF SEPTEMBER 28, 2000

V CONSENT AGENDA PUBLIC HEARING

Ordinance zoning property located at 1615 Park Avenue, Park City, Utah from Recreation Open Space (ROS) to General Commercial (GC)

VI CONSENT AGENDA

1. Ordinance zoning property located at 1615 Park Avenue, Park City, Utah from Recreation Open Space (ROS) to General Commercial (GC)

2. Resolution supporting the Cultural, Arts and Recreation Tax proposition for Summit County on the November 7, 2000 General Election ballot

VII PUBLIC HEARINGS

1. Resolution amending the Fiscal Year 2000-2001 budget for Park City Municipal Corporation and its related agencies

2. Ordinance approving an extension of plat approval for The Cove at Eagle Mountain Phase 2, Park City, Utah

VI NEW BUSINESS

1. Resolution amending the Fiscal Year 2000-2001 budget for Park City Municipal Corporation and its related agencies

2. Ordinance approving an extension of plat approval for The Cove at Eagle Mountain Phase 2, Park City, Utah

VII ADJOURNMENT

Posted: 10/16/00
See: parkcity2002.org

PARK CITY
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PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 19, 2000

Present: **Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Shauna Kerr**

Toby Ross, City Manager; Mark Harrington, City Attorney; Kevin LoPiccolo, Planner; Jerry Gibbs, Public Works Director; Kent Cashel, Transportation Director; Brooks Robinson, Planner; Tom Bakaly, Director of Capital Projects and Budget; Mark Christensen, Budget Analyst; and Jon Weidenhamer, Planner

Henry Sigg, developer of Town Pointe

1. **Council questions and comments.** Roger Harlan reported on the Parks and Recreation Board discussion on the 1/10 of a percent sales tax for recreation and arts. Although there was general support, board members were concerned about the distribution formula . An advisory board is contemplated, but distribution is solely at the discretion of the County Commission. He added that one committee member made the comment that *it is like a bag of money looking for a project*. There was discussion that definite guidelines have not been formulated at this point, and Ms. Bodell added that if a project provides a benefit to many, there could be an increase in funding in one area; this provides the committee with leeway to address needs. Mr. Harlan explained that he was uncomfortable with the allocation proposal because it seems to be a *moving target*. Ms. Erickson reported that she has been attending meetings with the group working on keeping the outdoor Racquet Club pool open during the winter months. The group is coming up with ideas and ways to raise funds to cut down expenses and are working hard at arriving at solutions. Mr. Harlan added that initiating these efforts also impressed the Parks and Recreation Board. Peg Bodell interjected that she hopes *environmental* issues are considered (heating an outdoor pool) as this concern has been brought to her attention by citizens and Ms. Erickson stated that this has not been brought up at the meetings.

There was discussion about appointments to NLC committees, and more specifically identifying issues relating to community development programs. Mr. Harlan felt that before making a commitment, there should be a determination if participation will be relevant to a community of 6,500 with a resort based economy. The City Manager explained that the benefit may be the exposure to other people and the learning environment. Park City will not be very influential in federal legislation and the focus is developing a lobbying presence on the federal level from representation from across the nation from cities to arrive at policy direction. He felt that this is more of a learning experience than an opportunity for a specific role. The Mayor discussed his experience on the small cities committee where the next smallest city was 80,000. Unfortunately, the issues were not relevant and he ultimately resigned. Ms. Bodell suggested that this be discussed again at the next meeting. She discussed a request from the Senior Citizens Center for a trip to Salt Lake City. There was discussion about the Council being contacted by fax by members of the Fawngrove Home Owners Association regarding a telecommunication application. Ms. Bodell suggested that the HOA be advised by staff where the application is in the process.

Fred Jones asked if there are assurances with the phasing of the Town Pointe Project, so that construction ceases during the Olympics. Pat Putt explained that the project was approved by the Planning Commission on October 11 with a finding specifying a requirement for an Olympic mitigation plan. This addresses the timing for construction of the infrastructure, buildings, bridge onto Deer Valley Drive and the relocation of the bike path. The bridge and bike path relocation would have to be completed prior to issuance of building permits; this is anticipated to occur the end of November 2001. The two buildings by the Park Station (Buildings 2 and 3) will be constructed by December 2001 before Building 1, adjacent to City Park. If the latter is not framed by November 1, construction will not proceed; if the framing is completed by November 1, the exterior will be completed by the end of December 2001. The Commission focused on the timing of the bridge and the bike path. He continued that the subdivision plat will be before Council on November 9 when additional conditions can be added regarding the phasing of the project. Fred Jones expressed his concern that there is adequate language to enforce the timing of the project. Ms. Kerr asked if there was discussion about not starting Building 1. Kevin LoPiccolo explained that if the framing commenced by November 1, the building could also be roofed and sided and there was discussion about this plan being too optimistic. Mr. Jones clarified that his comments relate to providing staff adequate tools to control phasing and although the developer and contractor have good reputations, he pointed out that the project could be sold. Roger Harlan agreed with Mr. Jones' comments and urged staff to be cautious.

Henry Sigg, developer of Town Pointe, stated that he understands the City's concern about the physical appearance of the building from the outside, and they have agreed to cease construction during the Olympics. There will be 25 workers on a framing crew and it is estimated to take four weeks to frame a building. The siding can be installed in a sequence in a critical path at the same time that the building is being framed vertically. Construction is also based on a pre-sale requirement tied to financing. There is no way the building could be occupied, but he feels confident that it can be enclosed, sided and roofed. The buildings can be used to store materials off the site so it is clean before the Games. He stated that they have specific agreements with their contractors with penalty clauses that relate to time lines. The Mayor asked if the November 1 date can be moved back to September 1. Mr. Sigg explained that this would have to be discussed with the investors and partners and added that by April 15, 2001, he will have more information. In the event the pre-sales don't materialize by that date, he can't meet the bank's pre-sale requirement and the building can't proceed. However, he feels confident that it will be met by April 15, 2001. Ms. Bodell felt that most of the people walking on the bike path won't even notice that it's under construction and it may be premature to restrict the development group at this point. Mr. Sigg stated that he did not feel that the request is unreasonable, but it is not totally his decision. Mark Harrington suggested that staff meet with the applicant after he has met with his group, to fashion a condition with the plat; he does not see the necessity of a call-up to address this issue. Delaying the MPD, delays the permitting process and day-to-day work, and the City Attorney believes he has enough direction from the Council to formulate a condition.

Fred Jones suggested that Council be updated by the Olympic celebration committee at some point as ideas involve closing Main Street. Ms. Kerr suggested that the green waste program be extended another week as many of the trees in the community have not dropped their leaves. Mr. Gibbs believed if there is a cost differential, it would be minimal.

2. **Program and resource analysis.** Jerry Gibbs explained that during the budget process last summer, staff identified a trend where revenues were leveling off and expenditures were continuing to increase. Expenditure cuts of about $600,000 were made to offset those concerns and it is fortunate that revenues came in slightly higher than anticipated this year. Council directed staff to look at revenues, expenditures, services and programs and the employee steering committee (ESL) was formed. Mr. Gibbs introduced members of the committee, representing different departments. The purpose of the program and resource analysis is to provide the City Manager with strategies to assist in addressing these long-term trends. Goals include reviewing costs and supporting revenues for programs and services; involving employees and citizens to develop a strategic plan that would meld revenues, services, and community needs for the next five to ten years. Six areas were identified including resort economy, general plan element, program service levels and expenditures, revenues and assets, capital improvement programs, intergovernmental programs, and non-department inter-funds. Mr. Gibbs continued that approximately 40 employees volunteered to serve and input from other jurisdictions has been solicited. He referred to the scheduled work session presentations in the staff report and a recommendation for City Council representation on the steering committee. Fred Jones and Peg Bodell volunteered as Council liaisons. Mr. Jones complimented staff on the work plan and suggested that if there have been Council policies over the years affecting program service levels and expenditures it would be helpful to identify them. Peg Bodell pointed out the importance to balance citizen and employee participation. Mark Christensen noted that all employees who volunteered were included on subcommittees so there would be a variety of representation. Jerry Gibbs explained that the steering committee with Council representation will formulate a plan to integrate public input.

3. **Park Meadows neighborhood shuttle service.** Kent Cashel stated that the survey resulted in a 14% response and of that, 42% indicated that they would use the service. He explained that the service contemplated a small bus operating in Park Meadows on a fixed route where larger buses could not navigate. This service was a component of the transit development plan adopted in March. The route was developed to serve areas that do not have convenient access to current bus service and provide a link to the rest of the transit system. Once that was designed, staff conducted a public information campaign and mailed out informational flyers with a survey to 680 households

and all of the licensed property management companies in Park City. An open house was held on September 27 in the Park Meadows neighborhood; no one attended. He noted that it is somewhat problematic to estimate demand on such a low response but providing service at that demand level would result in a cost of $11.25 per passenger. This is about eight times the average cost for passengers on other routes. Based on this information, Mr. Cashel recommended that implementation be delayed until November 2001 when there is more information and at a time when it coincides with operation of neighborhood shuttles for the Olympics. In response to a question from Fred Jones, Mr. Cashel indicated that a bus was purchased for this service, but the vehicle can be used for other needs including special trips and back-up. There was discussion about neighborhood shuttles during the Games and Mr. Cashel indicated that next year he will probably send out a mailer before a pilot program is initiated. Council supported staff's recommendation of not moving ahead with a neighborhood shuttle program this year.

4. Review of regular meeting:

The Cove plat extension. Brooks Robinson, Planner, explained that staff met with the developers and agents of Eagle Mountain. He referred to a letter from a Cove Phase 1 resident, Dick Welch, which raised concerns that were directed more at the contractor than the development. The request from the applicant is for extension of the plat for Phase 2. There was a staff recommendation to create a second HOA in Phase 2, in response to Mr. Welch's letter, but both plats contain language referring to one HOA. He stated that extensions have been granted in the past which eliminates the need to go through the Planning Commission process again. If the Council chooses to approve the extension, there is a condition to cease the operation of the quarry, rough grade and topsoil next year, and seed next fall. With regard to separating the HOAs, there are tennis courts, swimming pool and a clubhouse in Phase 1 that were to be maintained throughout the entire project. Both phases have under-drain systems which would have to be maintained as well.

Budget amendments. Tom Bakaly explained that the budget will be reopened to make technical corrections by holding a public hearing and approving a resolution adopting a revised budget. When the budget is adopted in June, revenues and expenditures are estimated. It is recommended to adjust the ending balance and the beginning balance for 2001 to the actual number of $2.4 million, which is within the allowed 18% maximum amount. It is also recommended to allocate the $360,000 in excess of 18%, to the five year capital improvement account, which is consistent with the budget policy. The assessed value data is not available from Summit County when the tax rate is set in June, and property tax revenues came in higher than anticipated. It is recommended to allocate this $300,000 to the operating contingency which was not funded at its normal level this year. Mr. Bakaly pointed out that Council may prefer funding a project rather than placing it in a contingency fund. Ms. Bodell expressed that this seems like a large amount to be placed in the operating contingency and a project may be more appropriate. Mr. Bakaly explained that in the spring, inter-fund transfers are analyzed and if the money is placed in the CIP Fund, there is less flexibility in the General Fund. It is recommended that $360,000 be transferred to the CIP budget. The City Manager added that there aren't any projects currently underway that are under-funded. In June, the Council may transfer funds from the operating contingency to a capital project. This money is not intended to be spent in the near future, but rather in the upcoming budget. Mr. Christensen explained that this option is recommended to provide Council with the most flexibility.

Zoning - 1615 Park Avenue. There were no questions or comments from the Council. Jon Weidenhamer added that there was no opposition from property owners, only calls for information.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 19, 2000

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 19, 2000. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Shauna Kerr. Ms. Kerr was excused from the last portion of the meeting. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Director of Capital Projects and Budget; Kirsten Whetstone, Planner; Derek Satchell, Preservation Planner; and Pat Putt, Planning and Zoning Administrator

II PUBLIC INPUT

Volunteers for the 2002 Winter Games - Hillary Burns, SLOC - Ms. Burns stated that it is important that community leaders understand and support the volunteer program. SLOC is recruiting 20,000 volunteers for the Winter Games and 6,000 for the Para-Olympic Games in March. Volunteers are being asked to work all 17 days and 10 days, respectively, and many organizations are freeing up employees for the Games. Volunteers must be at least 18 years old and pass a security check to protect other volunteers working during the Games. She continued that they are seeking people who speak other languages, but need all types of people who are enthusiastic about being a part of the Games. It is important that volunteers work well under pressure. The recruitment effort began last March and interviews are held in Park City on Wednesday evenings from 7 p.m. to 9 p.m. About 4,500 volunteers have been placed in positions; 26,000 are needed. In February 2001, the orientation program will begin and general training will occur February to October. Ms. Burns explained the merits of being a volunteer as it will be a once in a lifetime experience and provided brochures with applications. About 75% of the need in Park City is filled; there was discussion about the status of the Mayor's application.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Ms. Bodell stated that she is pleased with the level of participation of employees on the program and resource analysis committee and appreciates staff *driven from the inside*.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF SEPTEMBER 28, 2000

Ms. Bodell corrected a spelling of a name. The Mayor requested a motion. Roger Harlan, "I move approval, as corrected". Shauna Kerr seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

Ordinance zoning property located at 1615 Park Avenue, Park City, Utah from Recreation Open Space (ROS) to General Commercial (GC) - See staff report. The Mayor referred to the work session comments. Hearing no questions or comments from the City Council or the public, the public hearing was closed. Ms. Erickson disclosed that she will refrain from voting on Item 1 as she is employed by Cole Sport. Fred Jones stated that he would like Item 2 removed from the Consent Agenda and moved to New Business for discussion, "I so move". Shauna Kerr seconded. Motion unanimously carried. The Mayor requested a motion to approve Item 1 on the Consent Agenda. Shauna Kerr, "I so move". Fred Jones seconded. Motion carried.

VI CONSENT AGENDA

1. Ordinance zoning property located at 1615 Park Avenue, Park City, Utah from Recreation Open Space (ROS) to General Commercial (GC) - See staff report, work session, and public hearing.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Abstention
Fred Jones	Aye
Shauna Kerr	Aye

2. Resolution of support for a Summit County 1/10% sales tax for recreation and arts - See New Business.

VII PUBLIC HEARINGS

1. Resolution amending the Fiscal Year 2000-2001 budget for Park City Municipal Corporation and its related agencies - See staff report and work session comments. Tom Bakaly noted that a resolution appears later on the agenda to adopt a revised budget reflecting an increase in property tax revenues and an adjustment to the General Fund's beginning balance. Hearing no input from the City Council or the audience, the public hearing was closed.

2. Ordinance approving an extension of plat approval for The Cove at Eagle Mountain Phase 2, Park City, Utah - Planner Kirsten Whetstone explained that this application is for an extension of the plat approval for Phase 2, located on the east side of Meadows Drive. There have been no building permits issued, although there have been retaining walls, roads, and utilities installed for this portion. The City Council approved the subdivision plat on September 2, 1999 with a condition of approval that the plat would be recorded within a year. In August, staff received a

request to extend the plat approval for six months and staff recommended additional conditions. The change in timing of grading and seeding was a practical consideration. She continued that the recommendation by staff that there be a separate home owners association for Phase 2 appears to be problematic as there are amenities intended for both phases, and it is not the City's normal practice to dictate how these home owner associations are established and operated. This condition was suggested as a response to concerns from home owners prior to receiving information from the developer. The Mayor invited the public to comment.

Marilyn Henderson, Phase 1 home owner, explained that a home owners association has not yet been officially formed, and Phase 1 residents would like their own association. There is a liability question with regard to Phase 2. She relayed that the City Engineer agreed with her. She pointed out that many home owners are out-of-town and urged Council to defer a decision until more people could be in attendance.

Frank Tracyzk, Phase 1 home owner, proposed two separate associations with shared amenities. Phase 1 property owners are concerned about maintaining the under-drain system for the project and assuming liability because of unstable soils in Phase 2. He suggested that perhaps the City could indemnify the developer or accept the liability because it's not fair to place responsibility on the home owners association. Mark Harrington explained that this was discussed at length during original approvals for the master planned development and there are extensive conditions so that the City would not be liable. He emphasized that the City is not interested in indemnifying anyone. Mr. Tracyzk reiterated that Phase 1 does not want to take on a $40 to $50 million liability.

Ms. Whetstone introduced Bill Gordon, technical engineer, and clarified that an under-drain system exists in Phase 1. Mr. Tracyzk noted that Phase 1 is built on flat ground and Phase 2 is on a hillside. Ms. Erickson questioned if the City has a legal right to get involved and Mark Harrington explained that the CC&R component is not a specified matter that the City reviews under its subdivision ordinance; these are private contractual matters. The reason the City didn't accept the drain system is because it is not a public improvement but rather an improvement for the development. Mr. Harrington added that the CC&Rs exist today and the plat was approved which incorporates references of the phases. Ms. Kerr believed that buyers purchased with the conditions on the plat and accepted the CC&Rs which indicated that there would be one home owners association maintaining the drain systems. Mr. Tracyzk stated that people knew about the one association but weren't aware of the under-drain system and reiterated that Phase 1 doesn't want the liability; he would like some time to discuss this with the developer. In response to a question from Roger Harlan, Mr. Tracyzk expressed that the real concern is the soil stability and a potential landslide. Mr. Harrington stated that he doesn't know how liability would play out between the builder, engineers, architects, and home owners association. The condition of approval specifically addresses the drainage system itself. Just because the owners association is responsible for the drainage system does not mean that it was improperly constructed or engineered.

Ralph Gates, Gallivan Loop resident, urged Council to consider a second home owners group to take over the liability for Phase 2.

Nancy Rossman, principal of The Cove at Eagle Mountain LC and unit home owner, stated that she received a copy of Mr. Welsh's letter from her engineer as she was not copied and referenced her response to Council regarding his concerns. Included in that correspondence is a letter from Bill Gordon stating that soils tested better than anticipated and the under-drain system for Phase 2 is the same system in Phase 1 and would not require any additional maintenance costs to one or the other phase. With regard to Mr. Welsh's comments about dues, Greater Park City Properties felt that dues would likely decrease when Phase 2 is on board and Phase 1 would not absorb additional costs. She emphasized that she did not feel that the home owners association is an appropriate matter for consideration of the City. Every home owner received a copy of the CC&Rs which contemplated a two phased development. She conducted a poll herself and noted that 12 owners indicated that they don't want two home owners associations. Property owners purchased units with the CC&Rs recorded and took title. The under-drain system and retaining walls in Phase 2 is every bit as sound as construction in Phase 1. Ms. Rossman stressed that a land slide has not occurred for over 5,000 years, but Phase 2 is designed in the event that could happen.

Bill Gordon, EMEC, explained that he has been conducting geo-technical studies here since 1970 and has been involved in about 50% of the major projects in Park City. Studies include the historical record and available mapping from the geological survey. Ancient landslides were discovered on the mapping which were in excess of 5,000 years old. Trenching and boring and stability analyses were undertaken and the results were that there was no indication that anything has moved in 5,000 years. With regard to instability, Mr. Gordon explained that the Wasatch fault is active but the faults under Park City are not. The studies indicated that the environment under which the slide occurred is not present. Every precaution was taken in the design of the project and that site is no more susceptible to a landslide than any other major development in this city. Mr. Gordon emphasized that it is an inactive landslide and there are no indications of movement. Almost every project he has worked on in Park City in the last 15 years has a sub-drain system. The systems are identical in Phase 1 and 2 and the maintenance should essentially be non-existent if they are properly placed and constructed. There are additional drains behind the retaining walls as another precaution. There is nothing in this sub-drain system that is extraordinary to other projects that have been built. During the earth work, about 15 site visits were made and documented and the conditions observed were equal to or better than what was anticipated in the original report. There was no water or unstable soils and the grading did not remove soil out from the bottom of the hillside which can induce soil movements. The site plan called for the bottom to be built up and wherever there was a cut, a retaining wall was installed. In response to a question from Peg Bodell, Mr. Gordon explained the geologic history of the landslide 5,000 years ago. In response to a comment made by Ms. Erickson about accepting liability, Mr. Gordon stated that if something goes wrong and it is proven that his company is responsible, they would be liable.

Tim Smith, property owner in Phase 1, felt that a slope may look fine and it may have surveys, but everything changes when development occurs. The home owners in Phase 1 are appalled at the thought of being tethered to this development for an indeterminate period in the future. The CC&Rs did not point out the major liability potential. If there is certainty that there will not be problems, Mr. Smith asked why the liability can't be taken off their shoulders.

With regard to Mr. Smith's comment about the loss of stability when development occurs, Bill Gordon explained that the grading plan at the lower portion of the hillside buttresses the hill up above more than it was before the project. A landslide is caused by cutting out by the toe, thus reducing the buttressing of the hillside or the top side of the hillside is loaded, causing the hill to slide down. The grading plan resulted in having the bottom flatter and higher and the buttressing support has been improved.

Nancy Rossman stated that the applicant is requesting that separation of the home owners association not be a condition and that the City not be involved in association issues. On behalf of the developer, they will provide every single home owner with the report Council received from Bill Gordon. She emphasized that it is not her intent to minimize the concerns of the four home owners who spoke, but their fears may be from not understanding the technical information and understood Mr. Gordon to say that his firm does have liability in the event recommendations or findings are in error. Ms. Rossman stated that she will meet with home owners and address concerns and provide information so that the situation can be understood. Mr. Harlan asked the implications of a plat note about the home owners association mandated by the City. The City Attorney pointed out two problems. The current MPD and plat approvals contemplate one home owners association and the City would be changing that *after the fact*. Secondly, CC&Rs are private contracts which the City is not a party to, except in the instance of affordable housing project. This contract has already been created and it is unclear what mechanism the City would have to modify it. The Council would need a reason, based in the Code, to deny the extension of the Phase 2 plat. He continued that the one year expiration was added to the LMC about two years ago as a condition of a plat approval to prevent unrecorded approved plats from being recorded ten years later when the neighborhood has changed. The City Council approves plats on the standard that there is good cause and no one will be materially harmed, which is defined in greater detail by the subdivision ordinance providing criteria by which to approve or deny an application. He stated that he is struggling to find any criteria in the Code that relates to the liability concerns expressed by property owners in that contractual relationship. Fred Jones read language from a an original condition of approval, *Phase 2 will be incorporated into Phase 1 home owners association with amended CC&Rs.* The City indicated a preference for one controlling authority to avoid conflicts in the future. Kirsten Whetstone reiterated that the incorporation of Phase 1 and 2 into one home owners association was a condition of approval of the original plat, which may have been referenced in the master plan.

VIII NEW BUSINESS

1. Resolution amending the Fiscal Year 2000-2001 budget for Park City Municipal Corporation and its related agencies - See staff report, work session notes, and public hearing. With no further comments, the Mayor requested a motion to approve. Shauna Kerr, "I so move". Fred Jones seconded. Motion unanimously carried.

2. Ordinance approving an extension of plat approval for The Cove at Eagle Mountain Phase 2, Park City, Utah - See public hearing. Candace Erickson stated that she is having a difficult time with this as the Council does not have the authority to legally dictate a separation of the home owners association. The City Attorney explained that with a new subdivision, the developer retains voting control of that association until a majority of the lots are sold or five years, whichever occurs first. There is a consumer protection section in the subdivision ordinance and if a material misrepresentation was made, then the City can intervene and halt the process. Ms. Kerr suggested that a continuance might assist the parties in reaching an agreement, and then the City could deal with the plat extension. Fred Jones felt that is a fair question to the developer. Ms. Rossman expressed that she has a problem with a continuance and explained that she has never been contacted about these concerns. She flew to Utah to be at this meeting and to delay this matter is not fair. She is happy to meet with home owners in person or by phone and present all of the information. Ms. Kerr asked why she is opposed to two home owner associations. Ms. Rossman indicated that she has 12 letters from owners who don't want that and if she is forced to change it, she then opens herself up to liability from them because they took title with CC&Rs, referencing one home owners association, that she signed.

Tim Smith, Phase 1 property owner, stated that he received a call informing him that his home owner fees would increase if there were two separate associations, which he considered a scare tactic. If there is no possibility of additional liability with the Phase 2 development, why is the developer so vehemently opposed to separating Phase 1. He felt that they need time to talk this through and if the developer is prepared to reasonably talk with Phase 1 home owners, there would be a better environment at The Cove.

Shauna Kerr, "I move to continue". Roger Harlan seconded stating that there is a lot of merit with the home owners in Phase 1 communicating with the developer by letter or meeting to reach an understanding. The Mayor stated that although he sympathizes with the home owners, it is not the government's role to solve this problem. Ms. Kerr felt that these are private matters which are complicating the review of the plat extension. Peg Bodell noted that the issue is not confusing to her, which is simply the extension of the plat approval. The home owners need to solve their own conflicts and what is before Council is very simple. Fred Jones noted that it is not that easy for him and supports a continuation. He requested feedback from staff on the original condition of approval that there be one home owner association and if that should be removed from the conditions. Mark Harrington indicated that staff will provide that information and requested that the motion be amended to reflect a date certain. Council agreed on a continuance of no longer than 30 days. There was again discussion about Council directing staff to research the original condition and the City's legal right to become involved in home owner associations; and encouraging the developer and the residents to work together. The Mayor requested a vote.

Peg Bodell	Nay
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Aye

At this point in the meeting, Council member Shauna Kerr was excused from the meeting.

3. Resolution of support for a Summit County 1/10% sales tax for recreation and arts - Summit County Commissioner Eric Schifferli explained that the distribution of tax revenues would be determined by a committee, representing different interests. The attempt is to distribute allocations fairly, basing allocation on population: 25:50:25, the City, Snyderville Basin, and the east side of the County. Having a standard for the committee seemed appropriate and it also made sense to have a standard for voters to evaluate. The resolution is a mechanism to inform all of the cities of the proposed process. Roger Harlan referred to the discussion at the Parks and Recreation Board meeting and his concern that there is no specificity. Commissioner Schifferli emphasized that state law dictates that future commissioners can not be bound and there is some flexibility for variable demands. The possibility of bonding for recreation facilities was discussed. With no further discussion, the Mayor requested a motion to approve. Peg Bodell, "I so move". Fred Jones seconded. Roger Harlan felt that this tax may be a fiscal benefit to municipalities and is willing to endorse it on that basis. Candace Erickson stated that she is not inclined to support any sort of tax, but will approve it in recognition of the growing demands for recreation and arts in the county. Roger Harlan pointed out that this funding source may assist with requests made to the City for grants. Fred Jones noted that he shares everyone's concerns about the distribution, but will support the resolution. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Absent

IX OLD BUSINESS

Appeal of Planning Commission approval of a conditional use permit for building on a steep slope 327 Woodside Avenue - Kevin King - Derek Satchell, Preservation Planner, explained that the applicants are Dick and Jill Lesh, represented by architect Jonathan DeGray and the appellant is Kevin King, adjoining property owner. The property is Lot 7, Block 30 along the uphill side of Woodside Avenue between 2nd and 3rd Streets in the HR-1 zone. The original application proposed construction of a 1,796 square foot single family house on the 25 x 75 foot lot. This application was presented to the Planning Commission on February 23, 2000 and received approval based on the findings of fact, conclusions of law, and conditions of approval. Mr. King objects to the approval based on the understanding that the provisions of the Land Management Code have been violated, specifically Section 15-1-10(d) and Section 15-1-10(e). Staff believes there is no error on its or Planning Commission's part and no condition which mislead the Planning Commission resulting in approval. Mr. Satchell referred to the LMC section on criteria for steep slope review and noted that staff stands by its findings as demonstrated in the staff report, dated February 23,2000. Mr. King's assertion regarding misinformation regarding slope, a specific condition of approval was that this item be deferred to the Historic District Commission. The HDC has yet had the opportunity to review that particular aspect of the project until there is an outcome from this hearing. Staff confirms that the proposed project complies with the 27 foot height limit and requests that the City Council review the project within the context of the appeal and deny the appeal based on the findings of fact and conclusions of law outlined in the staff report. Mark Harrington explained that review of the appeal is a modified error of law standard, and Council will be asked to review the record created at the Planning Commission to see if it erred as a matter of law in its application of the requirements of the LMC on this particular application. Council could review the matter de novo and rehear the application in its entirety, which would require an affirmative vote to do so by Council.. Otherwise, the appeal is limited to the record as to issues raised by the appellant; Council agreed that the review would be error of law.

Joe Tesch, attorney for appellant Kevin King, stated that in the HR-1 zone there are conditions for development to protect vegetation which applies to steep slopes. In Section 15-2.2-10, *the property owner must protect significant vegetation during any development activity. Significant* is described as trees 6" in diameter or greater, or groves of smaller trees, or clumps of oak and maple covering an area of 50 square feet. Section 15-2.2-10 is an extremely well thought out provision and if applied, protects vegetation; he pointed out that *the property owner must demonstrate the health and viability of all significant vegetation through a certified arborist.* Mr. Tesch noted that this did not happen during the Planning Commission review. The provision continues that *the Community Development Director must determine the limits of disturbance of the development activity and may require mitigation for loss of significant vegetation,* not the HDC. This is important as after the limits of disturbance have been delineated, the area for development can be determined. This ordinance is very clear and it doesn't infer that a home can be designed first and significant vegetation removed. In this application, the practical effect of the location of the home is that all of the vegetation is removed and the retaining walls require removing the grove of trees. The HDC is not empowered to change the location of the house, but only to formulate a landscape plan. Mark Harrington asked Mr. Tesch if he felt the lot should be rendered undevelopable because significant vegetation can not be preserved. Mr. Tesch responded that he believes that if the procedure is followed, that the Community Development Director could determine something reasonable so there is not a taking, or the Director could determine that nothing could be built there and recommend that the application is reviewed by the Board of Adjustment for a variance.

Mr. Tesch again quoted Section 15-2.2-10, *the mitigation plan for the loss of significant vegetation shall be submitted by the applicant to be submitted by the staff and forwarded with comments to the HDC for approval.* Once the house is approved, all of the significant vegetation is gone and the limits of disturbance have to be set first. In Section 15-2.2-6, *the applicant must provide the Planning Department with a visual analysis of the project from key vantage points.* He argued that removal and replacement of vegetation was discussed but nothing was presented to the Planning Commission for protection of vegetation, because nothing is protected if the house is allowed to go forward. This Planning Commission missed this, and for both of the above reasons, the plan should be remanded. Good faith efforts have been made by the appellant and the applicant to resolve this, but they never reached conclusion. Council should decide whether the significant vegetation ordinance applies everywhere because staff has taken a position that it doesn't.

Mr. Satchell noted that Mr. Tesch's comments are valid, but in staff's view somewhat premature. He added that Mr. King's letter was included in the Planning Commission's packet and identified by staff during the February meeting and there was no specific direction given in regard to stabilizing or maintaining any trees at that point. At the second meeting, when action was taken, the Commission was aware of Mr. King's concerns and stipulated a condition of approval that the HDC review the retaining wall as well as the amount of on-site landscaping necessary to mitigate any loss of vegetation. Given that the HDC has not had the opportunity to do so, staff feels that this particular concern may be premature. Mr. Satchell continued that although the LMC identifies significant vegetation and the trees in the rear of the lot may be described as being significant, there is no provision in that section which states that the property owner must demonstrate the health and viability of significant vegetation during any particular part of the review process. The language that the Community Development Director determine the limits of disturbance would seem to suggest that it would need to be done prior to the actual construction of the project, but again the Code does not identify what stage of the process that needs to be done. Mark Harrington stated that this section of the Code has only a six month history, and staff has consistently applied this process to lots. If this does not meet Council's intent, staff needs direction on the timing of when CDD makes a determination; when mitigation is the end result instead of preservation; and how to balance developing a lot versus protecting trees.

Pat Putt felt that Mr. Tesch brings up valid concerns. This is the same language used in all of the zoning districts, but the intent in the Historic District is considering large conifers, spruces, pines, and cottonwoods which is not to diminish the smaller trees and shrubs. Given vegetation restraints and the underlying zoning, this question is can something be built while protecting the vegetation. The steep slope process and the elimination of FARs in the HR-1 were attempts to provide incentives to build on lots wider than 25 feet. It has been the practice, when setting limits of disturbance on 25 foot wide lots, that given the restraints of construction, excavation, stabilization, and material storage, the limits of disturbance have typically been staked lot line to lot line. It is expected that on these small lots, it is difficult or impractical to save any of the vegetation. Replacing vegetation has been the accepted solution for staff, the HDC and the Planning Commission. The vegetation on this lot is stipulated as significant as it meets the 50 square foot criteria, but the historic practice over the last several years for acceptable mitigation has been a landscape plan. Mr. Putt did not agree that there was an oversight by staff or the Planning Commission who was familiar with the characteristics of the site. Given the practice that has occurred over the past several years, the Commission followed *policy* on vegetation on the site. If this is remanded to the Planning Commission because of process, Mr. Putt expressed that he wasn't sure that a different decision will be rendered based on the constraints of the site and based on practice over the past several years. He added that there was a conscious decision made in recent amendments to the LMC to reduce total front and rear yard setbacks from 30 feet to 20 feet to make small lots viable building sites. The review of the landscape plan is consistent with how the Planning Commission handled similar lots in the past. Fred Jones disclosed that he has hired Jonathan DeGray for personal architectural services, but does not view this as a conflict of interest in deliberating on this appeal.

Jonathan DeGray, architect for property owners, explained that the Leshes hired him in the summer of 1999 to design their retirement home, which will be a full-time residence. An application was submitted in November 1999 and the next few months, he worked with staff before going to the Planning Commission in February 2000. At that meeting, the Commission provided clear direction that the project comply with the steep slope guidelines for a conditional use permit before it is placed on the consent agenda at any future meeting. With that direction, the applicant worked with staff for over the next six months and received approval on August 23, 2000. This is an 1,800 square foot three bedroom home with a two car garage. Above-grade construction totals 1,350 square feet and is within the height limit; it is almost a full story lower than an adjacent home. He continued that during the entire public process, the only criticism rendered was in the form of a letter from Mr. King, which was included in the February meeting packet. During the public hearing, no one commented and at the August meeting, there was no written or spoken opposition. This has been a long process and the applicants have not asked for any special treatment and have done everything the staff and the Commission have asked, including reducing building mass and scale and increasing setbacks. The only problem seems to be that Mr. King feels he has some rights to the vegetation that he enjoys from the view from his house. He could have purchased the property, but the Leshes purchased it and have gone through an extensive review process to obtain an approval. The landscape plan, which is part of the Planning Commission approval, will save existing trees and add trees. The Planning Commission has provided the HDC authority to deal with site and appearance issues of the project. On behalf of the Leshes, Mr. DeGray urged Council to uphold the approval to allow them to move forward to solve standing issues regarding the site and landscaping with the HDC.

Joe Tesch stated that he believes Mr. DeGray comments to be true and that he followed staff's direction, but staff did not follow the ordinance. This is his belief because Pat Putt told him that the ordinance is not applied to 25 x 75 foot lots. Mr. Putt countered that the ordinance does not stipulate that in all circumstances the vegetation is to be preserved and in this particular case, the consistent policy is to allow for mitigation which is not in violation of the ordinance. Mr. Tesch insisted that the Community Development Director did not inspect the site and there was an assumption that the entire lot was going to be disturbed, which is not consistent with the ordinance. He added that his client, who is an architect, claims that the same size home can be built, saving existing vegetation, under a different configuration. It appears that the ordinance applies to large trees not vegetation on 25 x 75 foot lots. Staff needs direction from Council on the issue of significant vegetation and the site visit by CDD, as the procedure was not followed. Pat Putt added that Council's direction on this appeal will apply to how other projects are handled and criteria applied in the future. He insisted that the Planning Commission rendered a decision that is consistent with other design review processes.

Kevin King, 314 Norfolk Avenue, stated that the process was flawed and the Planning Commission made a decision based on the staff reports, without the benefit of having all of the information. There are omissions in the drawings submitted with regard to the retaining structures which were not discussed. Design opportunities were not exhausted to save the trees. There was never any discussion about maximizing opportunities for contiguous open areas and preserving vegetation in locating the house. He is asking that these things be discussed by the Planning Commission and is not opposed to the house being built. In his drawings, the square footage is the same, as are the bedroom configurations, and he added one more bathroom. His issue is preservation before mitigation. Moving the house forward decreases the retaining wall height, and there is a design solution. Mr. Harrington asked if his floor plan saves the vegetation in front of the lot. Mr. King responded that no design will save the large middle tree. Mr. Harrington pointed out that if Mr. King is arguing for the strict application of the ordinance, it would require the Community Development Department to tag the front tree as well as the ones in the rear and asked how his design solution meets the interpretation of this section of the LMC. Mr. King noted that an applicant can go to the Board of Adjustment and he felt there is a middle ground with regard to the vegetation. In response to a question from Roger Harlan about testifying at meetings, Mr. King relayed that he was living in Texas in February and in August his notice was sent to Texas and he received the notice too late to attend the meeting. All design solutions should be exhausted before the trees are removed. Derek Satchell explained that the Planning Commission relies on staff reports, but pointed out there was specific discussion relating to retaining walls, landscaping, and existing vegetation. It was clear that the Planning Commission's direction was that these issues would be deferred to the HDC for review. The HDC needs the opportunity to review the project and render a decision.

Mark Harrington pointed out the language *must protect* and *the Community Development Director shall describe the mitigation* must be read together to mean that when vegetation can not be saved because of the defined building pad, that the Community Development

Department will establish the mitigation and therefore, the landscaping requirements to mitigate the loss of vegetation. The appellant is arguing that the determination must occur before the plan is considered at the Planning Commission level and if the significant vegetation results in an unbuildable pad, the only option is to undergo an Board of Adjustment hearing for a variance or a special exception before the process goes through the Planning Commission and the HDC. He emphasized that this process is applicable in all zones, not just for small lots. Council should make a determination of the intent and application of the section and then determine if that section and other requirements of the steep slope ordinance were followed appropriately. The appellant alleges that the Planning Commission did not adequately consider the proper criteria and improperly delegated authority to the HDC. Council should determine if the ordinance was correctly followed by staff and if the allegations made by the appellant are correct. Continuing the appeal would result in delaying the construction of the home, but Council retains the right to request additional information from staff or the appellant. The City Council can also deliberate in closed session. If the matter is continued, it should be set to a date certain and if it is remanded to the Planning Commission, additional review of the ordinance should be specific.

The City Attorney read the section, *the property owner must protect significant vegetation during any development activity. Significant vegetation includes large trees six inches in diameter, or greater, measured four and a half feet above the ground. It also includes groves of smaller trees or clumps of oak and maple covering an area of 50 square feet or more, measured at the drip line. Development plans must show all such trees within 20 feet of a proposed development. The property owner must demonstrate the health and viability of all significant vegetation through a certified arborist. The Community Development Director shall determine the limits of disturbance of any development activity and may require mitigation for the loss of significant vegetation consistent with landscape criteria in Chapter 9.* Mark Harrington understood that the appellant believes that all of the significant vegetation is primarily in the 50 square feet of scrub oak and maple. There is no argument that there is significant vegetation on this lot, but that would also include vegetation on the front of the lot not just the rear. The disagreement is that the appellant believes that all significant vegetation must be protected and therefore must be identified prior to the approval process by the Planning Commission in reviewing the steep slope CUP criteria. Before this section existed, staff negotiated with applicants and there was no Code basis. The section was instituted to codify several years of practice to mitigate the loss of vegetation and to save large trees. The appellant believes that a determination needs to be made by the Department up-front and then the application should be reviewed by the Planning Commission for compliance with steep slope criteria. The staff believes that process can occur at any time in the review process and there isn't a specific trigger but anytime before building permit issuance. The appellant has expressed that that is too late.

Jonathan DeGray added that the property has been surveyed and the significant group of trees at the rear property line can be saved with the present design, and as long as the volumetrics are the same, the building can be moved slightly within the setbacks. Mark Harrington suggested that rather than a remand to the Planning Commission, that the HDC review include exploring moving the building to the front of the lot to save as much of the existing vegetation in the rear as possible. Pat Putt added that all of these things are considered in tandem during the steep slope review. Roger Harlan continued that by virtue of this being a steep lot, requiring retaining walls, will result in removing the vegetation as a practical matter and root systems would probably be severely damaged. The problem is that the ordinance does not say that. Mr. Putt believes the ordinance works on steep slopes as it allows for mitigation. Mr. Harlan emphasized that provisions are in conflict with the terms *must protect* and *mitigation*. Fred Jones felt there are larger lots with the same issues; Mark Harrington pointed out that steep slopes are distinct. Fred Jones stated that he does not find that the Planning Commission deliberated incorrectly. The Mayor noted that if he were voting, he is inclined to remand it to the Planning Commission. Candace Erickson recognized that the ordinance does not specify order, but in her mind, significant vegetation should be determined first and then the building location. If that is impossible, then a mitigation plan would be explored and she believes that the ordinance, as written, needs to be clarified.

Roger Harlan, "I move that we postpone this for one week". Fred Jones seconded. The Mayor invited discussion. Peg Bodell did not believe that the public was harmed by the process and there is an option to continue the process by having this reviewed by the HDC in a public forum; she is not inclined to remand it to the Planning Commission. Ms. Erickson did not believe that the HDC has the tools to deal with the outstanding issues. Fred Jones felt that the question is whether the process was followed, not the result. As a practical matter, he believes the process was followed. Roger Harlan reiterated that the ordinance as written, is contradictory. Mr. Jones again stated that the planning staff took a practical approach to the steep lot. The City has spent many years trying to tighten up the regulations in Old Town to the point where owners are irritated and this decision was not made in a vacuum. He emphasized that the ordinance does not stipulate a certain order and the ordinance could be amended to be clearer. There is a recognition on everyone's part that vegetation was considered and there is a mitigation provision in the Code section. Roger Harlan believed that on steep 25 x 75 foot lots, that vegetation can not be preserved. The Mayor reminded Council that there is a motion on the floor to continue. Ms. Bodell made a substitute motion, "I move that we deny the appeal and let this application continue through the process to the HDC with direction to the HDC to address these specific issues". The City Attorney clarified that *specific issues* relate to the preservation of vegetation at the rear of the lot to the reasonable maximum extent possible, not the front of the lot. Fred Jones seconded. Mr. Jones pointed out that the decision of the HDC is appealable. Mark Harrington clarified that the motion would prompt findings that the staff properly applied this section to this project. There could be another condition of approval that addresses saving the rear vegetation. The motion could be also be amended to include direction to staff to prepare an amendment to clarify the process as a separate measure. Candace Erickson emphasized that she believes staff interpreted the section in good faith, but she interprets it as did the appellant, however, she doesn't believe that staff did anything wrong and that the ordinance needs to be clarified. There was discussion about the motion moving the project through the process as opposed to continuing it with the same result. With no further comments, the Mayor requested a vote on the substitute motion.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Absent

Candace Erickson, "I move that staff review and consider the verbiage of Section 15-2.2-10 on significant vegetation and (clarify) the order in which things must happen". Fred Jones seconded. Motion carried

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Absent

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 news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott

Janet M. Scott, City Recorder

DATE: October 19, 2000
DEPARTMENT: City Manager, Office of Capital Management and Budget
AUTHOR: Toby Ross, Tom Bakaly, Mark Christensen
TITLE: Program and Resource Analysis 2000
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Review and comment on this informational report on *Program and Resource Analysis 2000* and appoint a City Council Liaison Committee.

DESCRIPTION:

A. Topic: Informational update on a strategic study called the *Program and Resource Analysis 2000.*

B. Background: Since 1998, the City Council has had financial planning as a Top Council Priority. This goal included "identifying and resolving financial problems before, rather then after, they occur." During the 2001 budget process, staff identified long-term fiscal trends that if not changed would lead to a widening gap of expenses over revenues in the General Fund. Staff also offered a range of actions to address the gap in the short run. After briefly entertaining the possibility of tax increases (property and transient room), the Council approved more than $650,000 in budget reductions. Additionally, the Council asked staff to begin a review of expenditures, revenues, programs and services. Staff has begun working on the strategic study, now called the *Program and Resource Analysis 2000.* While revenues came in higher than projected in FY2000, the longer term financial issues discussed in June still persist. The basic purpose of the study is to:

1. Examine and document Park City Municipal's (PCMC) circumstances, finances and programs;
2. Inform citizens and members of the PCMC organization about PCMC's programs and finances;
3. Involve citizens and members of the PCMC organization in creating solutions to our issues;
4. Strategically position the PCMC's services and finances to address the community needs and priorities for the coming decade.

The purpose of this report is to briefly update Council on the general direction staff is taking and to receive input.

C. __Analysis__:

Given the potential scale of *Program and Resource Analysis 2000,* staff has divided it into six sub topics:

1. **Resort Economy and General Plan Element** - Examine the local economy and how it affects municipal finances. The product will be a technical report and presentation on the local economy and a General Plan element. These products will be used extensively in public information efforts. Some consultant assistance will be necessary.

2. **Program Service Levels and Expenditures** - Examine services, programs, and departments for service delivery. What services do we provide as a city? How much do they cost? What alternative do we have in delivering the service? Some consultant assistance likely will be necessary.

3. **Revenues and Assets** - Examine our current and potential revenue sources. Review long range revenue forecasts and policies. Consider how the city could use its assets to maximum advantage.

4. **Capital Improvement Program (CIP)** - Review the city's list of capital projects and available funding.

5. **Intergovernmental Programs** - Examine our current and potential interactions with other governmental agencies. How well do these interlocal agreements work? Can we develop guidelines for such agreements? Should we combine services and functions with other agencies?

6. **Non-Departmental/Interfund** - Review interaction between different City funds Examine enterprise and internal service funds and review employee compensation (wages, benefits and system) and make recommendations on the pay plan.

Some of the above items need immediate attention for the FY 2001-02 budget process in the Spring of 2001, and others are longer term financial planning issues.

At the staff level, a basic framework for addressing the study has been established including an Employee Steering Committee (Steering Committee) and six Employee Task Forces (Task Forces) which correspond to the six sub-topics. The Steering Committee and Task Forces have identified deliverables, timetables and measures of success for each of the six areas (see Task Outline, attached).

To facilitate communication between the City Council, staff and other interested groups, the Steering Committee recommends that two council members be appointed to a City Council Liaison Committee. The Council should consider appointing the members at the October 19, 2000 meeting.

The Council may also wish to establish a three-member Citizens Technical Advisory Committee (CTAC) to serve as liaisons to the public, city and council. If the Council desires such a committee, the Council could invite the participants in November.

Staff has asked professionals from other jurisdictions to review and comment on the program. These professionals have experience in public administration and will prepare brief reports for the Steering Committee around mid November.

Consulting services have been minimized and at present staff feels that costs associated with this study can be absorbed in existing Consulting/Professional Services budgets.

Staff intends to begin reporting preliminary findings by early November with additional information on the program. The information will likely address recommended areas of attention for the FY2001-02 budget which will include the CIP and the City's normal review of its pay plan. Areas of study relating to the future financial health of the City will also be introduced at that time.

The following is a tentative schedule for presenting issues and information from this study to the Council as part of the study and FY2001-2002 Budget process.

November 9, 2000
- Resort Economy Presentation;
- Capital project list for 2001;
- CIP prioritization

December 14, 2000
- Recreation Fund Analysis;
- Intergovernmental Programs;
- Citywide Service Level and Program Inventory;
- Revenue and Asset Overview

January 25, 2001
- Program and Resource Analysis Report and Conclusions

May 3, 2001
- Tentative Budget Presented to Council with Pay Plan Recommendations

June 7, 2001
- Tentative Budget Adoption

June 21, 2001
- Final Budget Adoption "No Property Tax Increase"

August 30. 2001

- Final Budget Adoption " With Property Tax Increase" (If necessary)

D. Department Review: The staff report has been reviewed by the Steering Committee and Committee Chairs which includes representatives from all departments.

ALTERNATIVES:

A. Provide input on the Staff Report: City Council may want to provide input concerning the general direction that staff is proceeding with this study.

B. Modify the Program: Council could modify the general direction, structure, or timetable of the study.

C. Continue the Item: Council could continue discussion for additional information.

D. Abandon the Project: Council could choose to abandon the long term planning component of the project and focus on the CIP and the upcoming 2001-02 two-year budget.

SIGNIFICANT IMPACTS: Significant staff time and limited resources for consulting services will be expended on this analysis. If Council decided to expand the scope of the study, costs could increase and completion of the study could extended beyond January.

RECOMMENDATION:

Review and comment on this informational report on *Program and Resource Analysis 2000* and appoint a City Council Liaison Committee.

Attachment

A. Program and Resource Analysis Employee Task Force Task Outline, September 11, 2000

Program and Resource Analysis
Employee Task Force
Task Outline
September 11, 2000

Background

The six employee task forces (Task Forces) spent several weeks exploring the broad scope of their area of responsibility with the goal of defining a work program that could be accomplished in the time available. The Employee Steering Committee (ESC) then reviewed the proposed work programs and suggested some modifications and additions. The Task Forces met again to prepare a more detailed work program from the outline including assignments and schedules. Each Task Force has an ESC member who serves on the committee to facilitate communication and answer questions. Generally, the Task Forces restricted themselves to three or four major topics or tasks. A few of the tasks are shared between committees. The Task Forces have determined not to explore some interesting issues at this time because they lacked the time and resources to usefully explore them before the next budget review. Those topics are listed below the program outlines for each Task Force. The Task Forces intend to complete most of the programs outlined below between now and the end of December. The first reports to the council should be presented in November.

Resort Economy

1. Resort Economy Report and Presentation. (The Committee will present an overview of preliminary conclusions to the Task Forces in October to give them some background)
2. Policies for protecting and enhancing the local economy.
3. Coordinate with the *Revenue and Assets* committee on the Economic Impact of Special Events.
4. Action Plans to implement the policies.

Intergovernmental Programs

1. Analysis of the Recreation Fund, including some commentary on Sales Tax for *Arts and Recreation*
2. Regional Transit.
3. Communications/ Security (If the County goes forward with the feasibility study, the committee could assess the product with little difficulty).
4. State and Federal Grants

Items that should be addressed at a different time.

A) Water
B) Sewer
C) Schools
D) Internet Sales Tax
E) Service Agreements
F) Environmental Issues
G) Fire
H) Jurisdictional Transfer of Highway 224. (This issue is not principally economic and the political issues are quite complicated).
I) Joint Planning

Revenues and Assets

1. Assessment of Current and Possible Tax Revenues (This study would focus on property and sales tax. A consultant will assist with revenue trends and illustrations of what kind of revenue could be generated by various taxes and levels).
2. Assessment of Economic Impacts from Special Events. This task will be coordinated with the Resort Economy Task Force. (This review would likely require consultants and would necessarily be limited to illustrations of the impact of major events rather than a comprehensive analysis).
3. Study of General Fund Service Fees (This review could rely on existing studies and in-house analysis. Again, this will be illustrative rather than comprehensive)
4. Study of PCMC Land and Building Inventory (This will update and expand existing inventories)

Items that should be addressed at a different time

A) Water Fees including conservation rates (by spring 2001)
B) Offsetting Revenues when RDA goes away
C) Storm Sewer Fund
D) Exterior Advertising on Municipal Buses
E) Economic Impact of non-retail uses (real estate) in prime retail areas (Main Street)
F) Additional Grants

CIP

1. Re-prioritization of the CIP with regard to new capital projects.
2. The Review of project management, tracking, peer review and value engineering
3. The review of financial policies and funding strategies with regard to capital projects.

Service Levels Analysis Committee

1. Current City Services (Prepare a complete list of services organized by department. Draft will be prepared in house to be reviewed and refined by departments)
2. 1991 City Services (Prepare a complete list of services organized by department. Draft will be prepared in house to be reviewed and refined by departments. Comparison between 1991 and 2000 used to characterize services as: new; enhanced; same level; or reduced)
3. Other Resort Cities (This would probably be focused on a few key services).
4. Expenditure History (Graphically represent where the City spent the money over the last decade. May need to list key services and facilities added since 1991).
5. Future Services Impacts (This will be an expenditure and revenue model. Technical work would be done in house)

Items that should be addressed shortly after January

A) Future Service Provision Alternatives
B) Olympic Service Provision and Olympic Budget Revisions
C) Using volunteers for city services and the Olympics

Non-Departmental Interfund Transfer

1. Employee Compensation Fund (Pay Plan Analysis)
2. Recreation Fund Analysis. Create an inter-task force group of two members each from each of three committees to address issue. A smaller technical group made up of will help prepare the basic study for inter-task force group to review.
3. Risk Management/Self Insurance Fund (Workers compensation information available for discussion and recommendation)

Items that should be addressed at a different time

A) Water Franchise Tax
B) Equipment Replacement Fund
C) Transportation Fund and its use of Resort City Sales Tax revenue.

PARK CITY 1884

DATE: October 19, 2000
DEPARTMENT: Transportation
AUTHOR: Kent Cashel, Transportation Director
TITLE: Park Meadows Neighborhood Shuttle
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS The City should consider delaying implementation of the Park Meadows Neighborhood Shuttle until November 2001.

A. Topic: Park Meadows Neighborhood Shuttle.

B. Background:
City Council adopted the Park City Transit Development Plan (TDP) on March 30th, 2000. The TDP included the implementation of a pilot "Neighborhood Shuttle" for the Park Meadows\Thaynes neighborhood. This neighborhood shuttle is a small bus that would travel along a fixed route through Park Meadows. In addition to the fixed route service, riders could request a pick-up or drop-off at any location within a defined area surrounding the fixed route. More detail concerning this proposed service is contained in the attached copy of the brochure. Brochures are also enclosed in the City Council's mail.

Staff conducted a public information campaign to inform the Park Meadows\Thaynes neighborhoods about the proposed neighborhood shuttle. Public input was gathered through the use of a survey and a neighborhood open house. The responses gathered from these efforts did not indicate sufficient demand to justify operating this service at this time. Staff recommends delaying implementation of the Park Meadows Neighborhood Shuttle until November 2001.

C. Analysis:

Demand Estimation
Informational brochures containing details about the proposed neighborhood shuttle were mailed to six hundred and eighty (680) households in the Park Meadows\Thaynes Canyon neighborhoods. Included with these brochures was a postage paid survey card with six questions designed to assess demand for the Park Meadows service. Ninety two (14%) of the survey cards were returned, less than half of these (42%) indicated respondents would use the neighborhood shuttle.

Staff utilized data captured in the survey responses to estimate demand using a technique known as the non-commitment response method. This estimation technique indicates that the Park Meadows Neighborhood Shuttle will carry 1.5 to 2 riders per hour. This estimated demand is significantly below the level required to justify this service and would cost approximately $11.25 per passenger. It is important to note that demand estimation based upon a 14% response rate is a less than perfect science. However, this is the best estimation tool available to Staff at this time.

Staff held a neighborhood open house on Wednesday, September 27th from 6 to 8 p.m. at the Broken Thumb Restaurant in Park Meadows. This informal meeting was intended to provide residents the chance to learn more about, and provide comment on, the proposed service. This open house was advertised through direct mail, flyers on buses and through radio PSA's. Not a single resident attended the open house.

Only one Park Meadows resident phoned Public Works to indicate he would use the proposed service.

Staff, based upon its demand estimation and lack of feedback from Park Meadows\Thaynes Canyon residents, is not confident that there is sufficient demand to justify implementation of the neighborhood shuttle pilot program at this time.

Cost to Implement the Pilot Program
Staff designed the neighborhood shuttle pilot program to operate on thirty minute frequencies from 7:00 a.m. to 11:00 p..m. every day of the week. These days of operation, hours of service and frequency are similar to schedules maintained elsewhere in the transit system. Based upon this design the pilot program would require one (1) 20' bus and two (2) full time drivers to operate. Approximate cost to operate this pilot program for five months is $54,000.

Delay of Implementation of Pilot Program
Staff believes that this service will be a necessary component of the City's Olympic Transportation system. Staff recommends the City delay implementation of this pilot program until November of 2001. This approach would allow us to test demand for the shuttle service at a time when the system will need to be operated in preparation for the Olympics anyway.

If Council accepts Staff's recommendation, and delays implementation of the neighborhood shuttle, the equipment purchased to operate this service will be fully utilized as a backup for the Main Street Trolley, to service Silver Lake when roads are snow packed and icy and to service other routes during non-peak periods.

D). ALTERNATIVES:

A. Delay Implementation of the Park Meadows Neighborhood Shuttle Pilot Program:
Council could direct Staff to delay implementation of the Park Meadows Neighborhood Shuttle pilot program until November 2001. This approach would allow the City to test rider demand for the shuttle service at a time when the system will need to be operated in preparation for the Olympics anyway. This is Staff's recommendation.

B. Implement the Park Meadows Neighborhood Shuttle Pilot Program: Council could direct Staff to implement the pilot program as designed. The equipment necessary to operate the program has been acquired and the funds to operate the system were included in the FY 2001 budget.

C. Implement the Park Meadows Neighborhood Shuttle Pilot Program With Reduced Hours, Frequency or Days of Service: Council could direct Staff to implement the pilot program at a reduced level of service. Reducing the level of service would also reduce costs (e.g. Fri-Sun operation would cost approximately $31,680 for a five month pilot program). Staff believes that reduced levels of service will also reduce whatever rider ship may exist. This belief is supported by the City's previous experience operating neighborhood service with reduced level of service (i.e., the 1996 Thaynes Canyon Friday-Sunday service that was unsuccessful and terminated after 4 months).

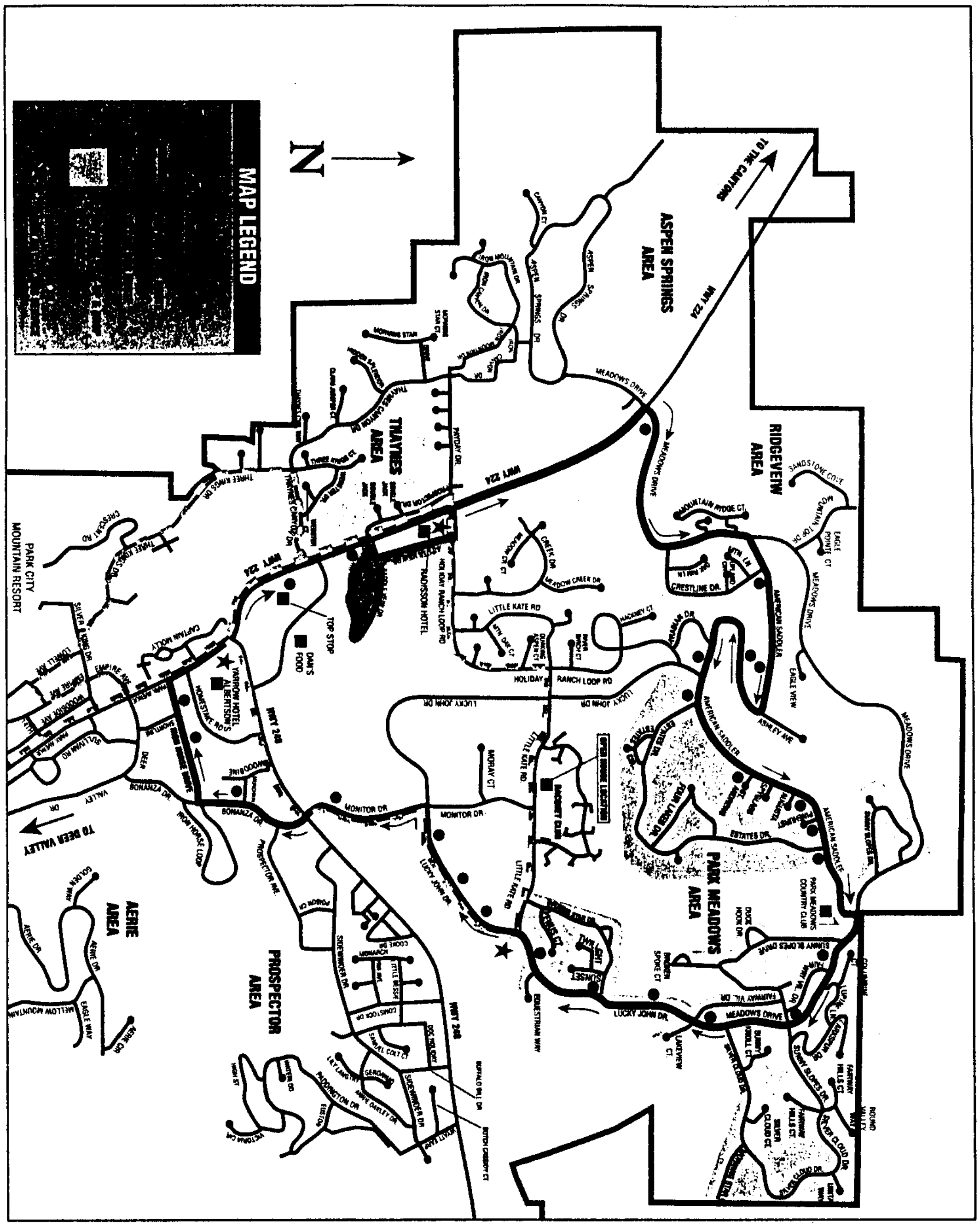
D. Request Staff to Redesign the Neighborhood Shuttle to Serve Other Areas of Park Meadows or Another Neighborhood: Council could request that Staff redesign the neighborhood shuttle to serve another area. There are few options for changes to the Park Meadows route, and these options would result in duplication of service already offered. The time required to design and promote a route to serve a neighborhood other than Park Meadows would delay implementation of a pilot program until the Spring of 2001.

E. Continue the Item: Council could defer this decision to a later date. However, continuing the item beyond November 2nd will not allow Staff time to include the service in the 2001 Transit Guide.

SIGNIFICANT IMPACTS:
Six hundred and eighty (680) households have been notified of the proposed Park Meadows Neighborhood Shuttle. If Council accepts Staff's recommendation it is possible some, or many, of these households will be upset that the service is not implemented. If future feedback from residents proves sufficient to justify implementation of the pilot program Staff could have service in place within 30 days.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Staff believes that there is not evidence, at this time, of sufficient demand to justify the expenditure of the $30,000 to $54,000 necessary to operate this pilot program.

RECOMMENDATION: Direct Staff to delay implementation of the Park Meadows Neighborhood Shuttle pilot program until November 2001. This approach would allow the City to test demand for the shuttle service at a time when the system will need to be operated in preparation for the Olympics anyway.



TEAR AT PERFORATION

PLEASE TAKE A MOMENT TO LET US KNOW HOW WE CAN SERVE YOU BETTER. JUST FILL OUT THIS CARD AND DROP IT IN THE MAIL. YOUR COMMENTS AND SUGGESTIONS ARE APPRECIATED.

1) Do you think this service will benefit your neighborhood? ❑ Yes ❑ No ❑ Unsure

2) Will you or members of your household use this service? ❑ Yes ❑ No ❑ Unsure

3) How many times per week do you think you or members of your household will utilize the Neighborhood Shuttle? None 1-2 3-4 5-6 7-8 9+

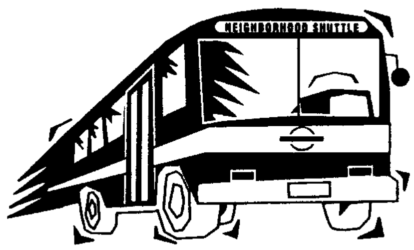
4) What hours of the day would you use this service?_________a.m. to________p.m.

5) What destination would you visit using this service? (Check all that apply)

❑ Work	❑ Library	❑ Library	❑ Skiing
❑ School	❑ Restaurant	❑ City Park	❑ Other
❑ Groceries	❑ Main St.	❑ Movies	

6) Would you recommend any changes to this proposed service?________________________________

____



EXPANDED TRANSIT SERVICE TO PARK MEADOWS

Park City Transit is proposing a new "Neighborhood Shuttle Service" in the Park Meadows area. Please help us to better serve your transportation needs by taking a moment to read this brochure and respond to us on the attached survey card.

WHAT IS THE NEIGHBORHOOD SHUTTLE?

The "Neighborhood Shuttle" is a small bus that will travel along a fixed route. This shuttle will provide public transportation to areas that are not accessible to larger buses. In addition to the fixed route service, riders can request a pick-up or drop-off at any location within a defined area (shaded area on map).

WHAT ROUTE WILL THE NEIGHBORHOOD SHUTTLE TRAVEL?

See the map contained in this brochure.

HOW DOES THIS SERVICE WORK?

Riders can request a pick-up or drop-off anywhere within the shaded area on the map contained in this brochure. At least one end of each rider's trip must be at a regularly scheduled stop. This pick-up and drop-off service will be provided when scheduling permits. During peak travel times deviation from the fixed route may not be possible.

WHEN WILL THIS SERVICE BE AVAILABLE?

This service is scheduled to begin on November 15, 2000. The "Neighborhood Shuttle Service" will run on a trial basis to determine if ridership is sufficient to continue the service.

WHAT DAYS AND HOURS WILL THIS SERVICE BE AVAILABLE?

A "Neighborhood Shuttle" will be available every 30 minutes. The service will operate from 7:00 a.m. to 11:00 p.m. every day of the week.

WILL THIS SERVICE BE FREE?

Riders will not be charged a fare to board or disembark at any regularly scheduled stop. Pick-ups or drop-offs at locations away from the fixed route (allowed only within the shaded areas on the map) will be charged a $1.00 fare.

WHERE CAN I GET MORE INFORMATION OR COMMENT ABOUT THIS SERVICE?

Call the transit hotline at 615-5350 and/or plan to attend our Park Meadows Neighborhood Shuttle Open House to be held at the Broken Thumb Restaurant, 1200 Little Kate Rd. (inside Park City Racquet Club), Wednesday, September 27th from 6:00 to 8:00 p.m. This informal meeting will allow you to learn more about the "Neighborhood Shuttle" and to make suggestions on how this service could better serve your needs.

PARK CITY 1884

Park City Transit
P.O. Box 1480
Park City, Utah 84060
Information 615-5350

PARK CITY 1884

Park City Transit
P.O. Box 1480
Park City, Utah 84060

PARK CITY 1884

Park City Transit
P.O. Box 1480
Park City, Utah 84060

Presorted Standard
U.S. POSTAGE
PAID
PARK CITY, UT
PERMIT # 180

PARK CITY POSTAL PATRON

NEW BUS SERVICE TO PARK MEADOWS

MEETING RECOMMENDATIONS

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: **October 19, 2000**
DEPARTMENT: **Planning**
AUTHOR: **Jonathan Weidenhamer**
TITLE: **Ordinance zoning property located at 1615 Park Avenue, Park City, Utah from Recreation Open Space (ROS) to General Commercial (GC).**
TYPE OF ITEM: **Request for a Zone Change**

SUMMARY RECOMMENDATIONS: Staff recommends the City Council conduct a public hearing, consider any public input, and approve the zone change request as conditioned or amended.

DESCRIPTION

A. Topic

Owner	Gary Cole
Location	1615 Park Avenue
Zoning	Recreation Open Space (ROS)
Adjacent Land Uses	All Seasons Condos (RD-MPD), Park Avenue Condos (RD-MPD), and Jans (GC)
Reason for Review	Zone change requests require City Council approval.

B. Background

On October 11, 2000, the Planning Commission approved a CUP for construction in the FPZ, and forwarded a positive recommendation to the City Council for the proposed zone change from ROS to GC. The addition of approximately 40 square feet to Cole Sport is located at the juncture of the deck and vestibule near the front entrance, at the northeastern corner of the building. It will be constructed in order to accommodate the use of retail coffee sales. The purpose of the rezone from ROS to GC is to make the building's current use conform with an appropriate zoning district and historic use of the property, and to allow the proposed commercial use.

Cole Sport is located on a one acre, metes and bounds parcel on the corner of Park and Empire Avenues. It is in the Frontage Protection Zone. In 1986, this RD (Residential Development) zoned parcel was split into two pieces and rezoned. The front portion, where Cole Sport exists, was rezoned to Recreation Open Space (ROS). The rear portion, where All Seasons Condominiums exists, was rezoned to RD-MPD (Residential Development with a Master Planned Development)(Exhibit B). Density was removed from the Cole Sport site and from the golf course hotel site as part of the purchase of the golf course and subsequently reallocated to the All Seasons Condominium parcel.

The intent of the original rezone of the Cole Sport parcel to ROS was to ensure that the retail use and existing structure would become non-conforming, preventing a more intensive use or development from being placed at this corner. This was done to protect the corner from future development and preserve the City's entry corridor. The previous zone of RD would have allowed the existing building to be replaced with condominiums which could have extended further into the Park Avenue and Empire setbacks.

In 1993, the Planning Commission approved a CUP for Gary Cole to allow construction of a building addition in the FPZ at this location. He enlarged his leasable space from 4,344 to 8,462 square feet, the actual gross square footage was increased from 8,567 to 15,608 square feet. In doing so, he added an addition to the rear (west) of the building, and filled in the "corners" or the existing roof overhangs on the main and upper levels of the building.

C. <u>Analysis</u>

On October 11, 2000, the Planning Commission approved a CUP for construction in the FPZ, and forwarded a positive recommendation to the City Council for the proposed zone change.

In the pending Land Management Code, the Purpose of the of the GC zoning district is to:

- allow a wide range of commercial and retail trades and uses, as well as offices, Business and personal services, and limited residential uses in an area that is convenient to transit, employment centers, resort centers, and permanent residential areas,
- allow commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- protect views along the City's entry Corridors,
- encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access,
- allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting areas, play areas, and public art

The GC zone promotes a completely different pattern of development than the ROS Zone. The proposed structure and use would meet all general purposes and regulations as outlined in the LMC for the proposed zone(GC). The GC Zone is the zone of two of the four corners of the intersection the applicant's property occupies. The intent of the original rezone of this property from RD to ROS was to prevent future development and other substantial expansion at the site in order to protect the FPZ and City entry corridor. This original rezone created a non-complying structure and non-conforming use.

The original rezone referenced the possibility of something unforeseen happening to the building and provided that a replica could be erected in its place in accordance with City ordinances regarding non-conforming structures. If the zone for this parcel were to be changed to GC, similar conditions of approval shall apply. The original rezone also allowed for the existing building to remain and commercial uses to continue to occur as a non-conforming uses. Minor alterations were allowed for, providing the building would not be substantially modified, and any modification to the outside of the building would be subject to requisite codes. The ordinance that enacted the original rezone of the property, allowed for "The existing building... shall be allowed to remain and retail sales and other commercial uses shall be allowed to continue as non-conforming uses." (Exhibit C).

The overriding concern is development potential of the parcel if it were to be rezoned GC. By rezoning this property to GC, the building would be consistent with the zone on the other side of Park Avenue. It would also remedy the building's non-complying structure and non-conforming use status. Although it defeats the intent of the original rezone, with out changing the zone to GC, no additional commercial uses would be allowed at this location

Dlvpt. parameter/Zone	GC	Existing
height	40" = 35' (+ 5' exception)	42'
setbacks		
Park Avenue	20' (30' FPZ)	47'
Empire Avenue	20'	40'
Rear(west)	10'	78'
Side(north)	10'	84'

Department Review

The request has been discussed at a Staff Review Meeting, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware.

Notice

The property was posted and legal notice was also put in the Park Record. Staff has received eight phone calls, however, none expressed sentiments against the proposal. No written public input regarding the CUP or zone change has been received by the time of this report.

ALTERNATIVES

1. The Planning Commission may forward a positive recommendation to the City Council on the zone change request, or
2. The Planning Commission may forward a negative recommendation to the City Council on the zone change request, or
3. The Planning Commission can continue the discussion on the zone change request.

SIGNIFICANT IMPACTS

There are no significant environmental or fiscal impacts with the CUP or the re-zone. The property and sales tax revenue would be advantageous to the City with the possible commercial or residential expansion at this location. By changing the underlying zoning to GC, it could possibly allow significant further development at this location which could compromise the intent of the FPZ and damage a main entry corridor into the City.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

A stipulation of the parcel's original rezone to ROS allowed for the continuation of the existing retail sales and other commercial uses. This may allow for the addition of a separate use without a Rezone.

RECOMMENDATION FOR ZONE CHANGE APPLICATION

Staff recommends that the Planning Commission open the public hearing, consider any public input and consider Staff's recommendation to approve the zone change from ROS to GC based on the following:

Findings of Fact:

1. The discussion in the Analysis section is incorporated herein.
2. The metes and bounds parcel where Cole Sport is located is zoned ROS (Recreation Open Space).
3. Cole Sport is a Non-Complying Structure and Non-Conforming Use.
4. The owner has stipulated that the existing building setbacks will not change from the current configuration.
5. The existing front setback at Park Avenue is 47'. The minimum setback allowed by the GC Zone is 20'.
6. The existing front setback at Empire Avenue is 40'. The minimum setback allowed by the GC Zone is 20'.
7. The existing rear (west) setback is 78'. The minimum setback allowed by the GC Zone is 10'.
8. The existing side (north) setback is 84'. The minimum setback allowed by the GC Zone is 10'.
9. The existing GC Zone is separated only by Park Avenue and two of four properties of this properties intersection are zoned GC.

Conclusions of Law:

1. There is good cause for this zone change.
2. The zone change is consistent with the Park City Land Management Code and General Plan.
3. The existing building and use, and proposed use meet the Purpose statement of the GC (General Commercial) zone.
4. Approval of the zone change, subject to the conditions stated below, promotes the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The setbacks of the property shall remain as follows: Park Avenue 47'; Empire Avenue 40'; Rear (west) 78'; side (north) 84'. No further expansion is allowed beyond the existing building edges.
2. Any future expansion in height shall meet the height requirements of the underlying zone.
3. In the event of damage or destruction of the existing building, any new structure would by required to meet the setbacks of the existing building as depicted on the site plan dated October 11, 2000 (ExhibitD).

EXHIBITS

Exhibit A - Location Map
Exhibit B - Current Zoning Map
Exhibit C - Original Rezone Ordinance - 8/13/87
Exhibit D - Site Plan
Exhibit E - Legal description of the property from Title Report - 9/12/00

M:\CDD\Jon\CityCouncil\Rezone\colerezone.wpd

1615 Park Ave

PARK CITY
1884

Exhibit A
Vicinity Map

N

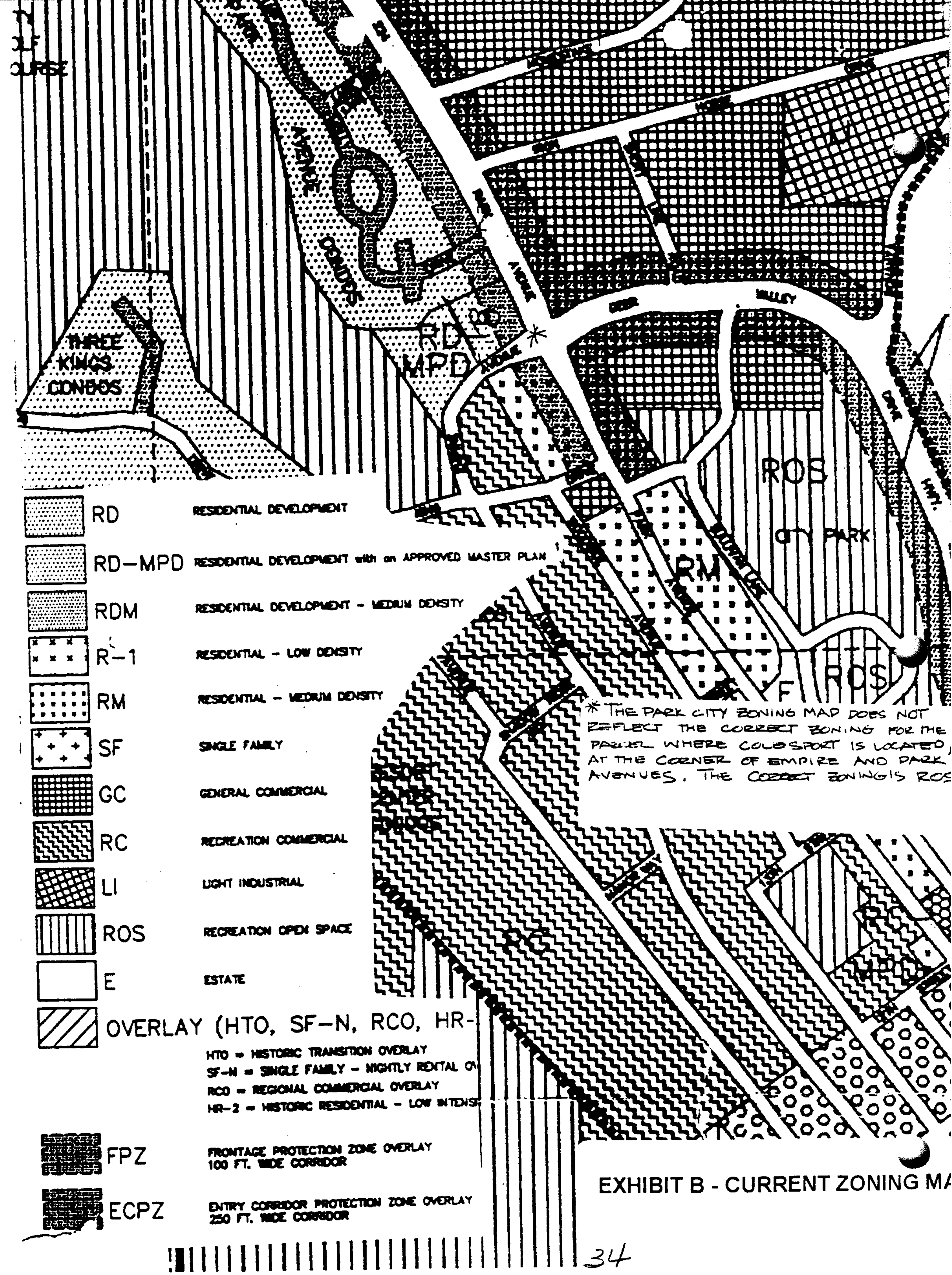


EXHIBIT B - CURRENT ZONING MA

ORDINANCE

Ordinance No. 97-12

AN ORDINANCE REZONING PROPERTY LOCATED
AT THE INTERSECTION OF PARK AVENUE AND EMPIRE AVENUE
FROM RESIDENTIAL DEVELOPMENT TO RESIDENTIAL
DEVELOPMENT-MASTER PLANNED DEVELOPMENT
AND RECREATION OPEN SPACE, AND
AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH

WHEREAS, the City has received a petition from the owner of the land subject to this zone change to change the zoning on a portion of the land from the present Residential Development (RD) to Recreation Open Space (ROS) and Residential Development-Master Planned Development (RD-MPD); and,

WHEREAS, the owner has requested and the City has agreed to an increase in the density of development permissible on the portion of the land which will be rezoned Residential Development-Master Planned Development; and,

WHEREAS, proper notice was given to adjoining land owners and hearings held before the City Council and the Planning Commission on this issue; and,

WHEREAS, the Planning Commission has recommended in favor of the zone changes and requested increased development density; and,

WHEREAS, the change is consistent with the adopted Park City Master Plan which calls for high density residential uses at that location; and,

NOW, THEREFORE be it ordained by the City Council of Park City, Utah as follows:

EXHIBIT C - ORIGINAL REZONE ORDINANCE, 8/13/97

Section 1. The following designated land should be and is hereby rezoned from its present designation of Residential Development (RD) to Recreation Open Space (ROS):

Parcel "A" as shown on the attached Exhibit 1

* Section 2. The existing building, known as the Registration Building, and the existing signage located on Parcel "A" shall be allowed to remain and retail sales and other commercial uses shall be allowed to continue as non-conforming uses. Changes to the structure or signs, improvements, repairs and replacement shall be governed by the terms of the present Park City Land Management Code except that the criteria for approval of such changes and improvements contained in paragraphs 12.4(a)1 and 4 and other provisions of the Code designed to bring the property into conformity with the zone, are inapplicable to the circumstances of this rezoning.

(COLE STREET)

Section 3. The following designated land shall be rezoned from its present designation of Residential Development (RD) to Residential Development-Master Planned Development (RD:MPD):

(ALL SEASONS) Parcel "B" is shown on the attached Exhibit 1.

Section 4.. The permissible development density on Parcel "B" shall be 30 unit equivalents. Actual development of Parcel B shall not occur until a Master Planned Development is approved.

Section 5. The official zoning map of Park City should be and is hereby modified to reflect these changes in zone boundaries and designations.

Section 6. Effective Date. This ordinance shall take effect immediately upon its publication.

Passed and adopted this 14 day of August, 1987

PARK CITY MUNICIPAL CORPORATION

By Hal W. Taylor

Hal W. Taylor, Mayor

Attest:

Sandra C. King

City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Park/Empire2-Ord7

EXHIBIT 1
Parcel "A"

Beginning at a point which is South 1473.36 feet and East 1127.53 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning also being on the westerly right-of-way line of State Highway U-224 and the southeasterly corner of the Park Avenue Condominium, as recorded, and running thence South 24°00'00" East along said westerly right-of-way line 148.00 feet to a point on a 45.00 foot radius curve to the right (center bears South 66°00'00" West of which the central angle is 90°00'00"); thence southwesterly along the arc of said curve 70.69 feet to the northerly right-of-way line of Empire Avenue; thence South 66°00'00" West along said northerly right-of-way line 111.85 feet to a point on a 285.00 foot radius curve to the left (center bears South 24°00'00" East 285.00 feet of which the central angle is 13°50'08"); thence southwesterly along the arc of said curve and northerly right-of-way line 68.82 feet; thence North 24°00'00" West 201.28 feet to the southerly boundary line of the before mentioned Park Avenue Condominiums; thence North 66°00'00" East along said southerly boundary line 225.00 feet to the point of beginning. Contains 0.991 acres.

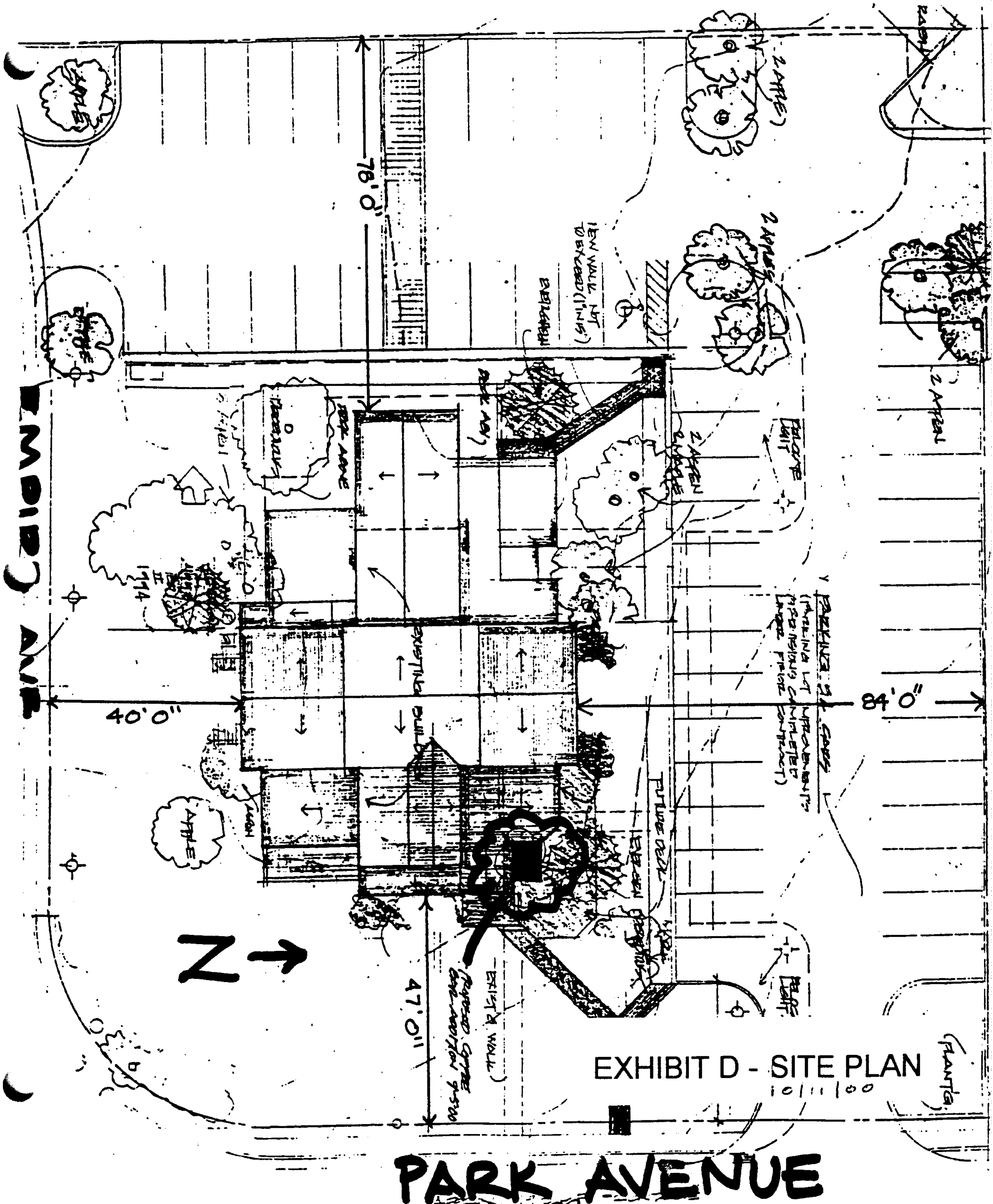


EXHIBIT D - SITE PLAN
10/11/00

SCHEDULE A

09/07/00 mm

Order No.: S-19839

1. **Effective date:** 08/23/00 at 8:00 a.m.

2. **Policy or Policies to be issued:**

		Amount of Insurance
(a) A.L.T.A. Owner's		$
	Premium	$

Proposed Insured:

		Amount of Insurance
(b) A.L.T.A. Mortgagee's		$
	Premium	$

Proposed Insured:

Preliminary Report	$
(c) Leasehold	
Proposed Insured:	$

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:** The surface rights and surface estate only

4. **Title to the said estate or interest in said land is at the effective date hereof vested in:**
Gary E. Cole, Inc., a Utah corporation

5. **The land referred to in this Commitment is described as follows:** Summit County, Utah

BEGINNING at a point which is South 1473.36 feet and East 1127.53 feet from the West quarter corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said point of beginning also being on the Westerly right-of-way line of State Highway U-224 and the Southeasterly corner of the Park Avenue Condominiums, as recorded, and running thence South 24°00'00" East along said Westerly right-of-way line 148.00 feet to a point on a 45.00 foot radius curve to the right (center bears South 66°00'00" West of which the central angle is 90°00'00"); thence Southwesterly along the arc of said curve 70.69 feet to the Northerly right-of-way line of Empire Avenue; thence South 66°00'00" West along said Northerly right-of-way line 111.85 feet to a point on a 285.00 foot radius curve to the left (center bears South 24°00'00" East 285.00 feet of which the central angle is 13°50'08"); thence Southwesterly along the arc of said curve and Northerly right-of-way line 68.82 feet to the Easterly boundary line of All Seasons Condominiums; thence North 24°00'00" West along said Easterly boundary line 201.28 feet to the Southerly boundary line of the before mentioned Park Avenue Condominiums; thence North 66°00'00" East along said Southerly boundary line 225.00 feet to the point of BEGINNING

EXHIBIT E

Ordinance No. 20-

AN ORDINANCE APPROVING ZONING PROPERTY LOCATED AT 1615 PARK AVENUE, PARK CITY, UTAH FROM RECREATION OPEN SPACE (ROS) TO GENERAL COMMERCIAL (GC). AND AMENDING THE ZONING MAP OF PARK CITY, UTAH.

WHEREAS, the owner of Cole Sport, a metes and bounds parcel (Schedule A-5), located at 1615 Park Avenue has petitioned the City Council for approval of a zone change of the parcel from Recreation Open Space (ROS), to General Commercial (GC).

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 October 11, 2000, to receive input on the proposed zone changes;

WHEREAS, the Planning Commission, on October 11, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 19, 2000, the City Council held a public hearing to receive input on the proposed zone changes; and

WHEREAS, it is in the best interest of Park City, Utah to approve the zone changes.

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

SECTION 1. APPROVAL. The Cole Sport zone changes are hereby approved as shown in Exhibit D subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The discussion in the Analysis section is incorporated herein.
2. The metes and bounds parcel where Cole Sport is located is zoned ROS (Recreation Open Space).
3. Cole Sport is a Non-Complying Structure and Non-Conforming Use.
4. The owner has stipulated that the existing building setbacks will not change from the current configuration.
5. The existing front setback at Park Avenue is 47'. The minimum setback allowed by the GC Zone is 20'.
6. The existing front setback at Empire Avenue is 40'. The minimum setback allowed by the GC Zone is 20'.
7. The existing rear (west) setback is 78'. The minimum setback allowed by the GC Zone is 10'.

8. The existing side (north) setback is 84'. The minimum setback allowed by the GC Zone is 10'.
9. The existing GC Zone is separated only by Park Avenue and two of four properties of this properties intersection are zoned GC.

Conclusions of Law:

1. There is good cause for this zone change.
2. The zone change is consistent with the Park City Land Management Code and General Plan.
3. The existing building and use, and proposed use meet the Purpose statement of the GC (General Commercial) zone.
4. Approval of the zone change, subject to the conditions stated below, promotes the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The setbacks of the property shall remain as follows: Park Avenue 47'; Empire Avenue 40'; Rear (west) 78'; side (north) 84'. No further expansion is allowed beyond the existing building edges.
2. Any future expansion in height shall meet the height requirements of the underlying zone.
3. In the event of damage or destruction of the existing building, any new structure would by required to meet the setbacks of the existing building as depicted on the site plan dated October 11, 2000.

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

PASSED AND ADOPTED this 19th day of October, 2000 .

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

SCHEDULE A

09/07/00 mm

Order No.: S-19839

1. **Effective date:** 08/23/00 at 8:00 a.m.

2. **Policy or Policies to be issued:**
   (a) A.L.T.A. Owner's — Amount of Insurance $ — Premium $

Proposed Insured:

   (b) A.L.T.A. Mortgagee's — Amount of Insurance $ — Premium $

Proposed Insured:

Preliminary Report $
(c) Leasehold
Proposed Insured: $

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:** The surface rights and surface estate only

4. **Title to the said estate or interest in said land is at the effective date hereof vested in:**
   Gary E. Cole, Inc., a Utah corporation

5. **The land referred to in this Commitment is described as follows:** Summit County, Utah

BEGINNING at a point which is South 1473.36 feet and East 1127.53 feet from the West quarter corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said point of beginning also being on the Westerly right-of-way line of State Highway U-224 and the Southeasterly corner of the Park Avenue Condominiums, as recorded, and running thence South 24°00'00" East along said Westerly right-of-way line 148.00 feet to a point on a 45.00 foot radius curve to the right (center bears South 66°00'00" West of which the central angle is 90°00'00"); thence Southwesterly along the arc of said curve 70.69 feet to the Northerly right-of-way line of Empire Avenue; thence South 66°00'00" West along said Northerly right-of-way line 111.85 feet to a point on a 285.00 foot radius curve to the left (center bears South 24°00'00" East 285.00 feet of which the central angle is 13°50'08"); thence Southwesterly along the arc of said curve and Northerly right-of-way line 68.82 feet to the Easterly boundary line of All Seasons Condominiums; thence North 24°00'00" West along said Easterly boundary line 201.28 feet to the Southerly boundary line of the before mentioned Park Avenue Condominiums; thence North 66°00'00" East along said Southerly boundary line 225.00 feet to the point of BEGINNING

INTER OFFICE MEMO

To: Toby Ross for the City Council
From: Tom Bakaly, Director of Capital Programs & Budget TBB
Subject: Proposed Recreation and Culture Tax Resolution
Date: October 16, 2000

The City Council has been asked to adopt a resolution that pledges Park City's support toward the institution of a recreation and arts tax and to urge citizens to vote in favor of the tax. I wanted to provide information to the Council in light of this request.

- The proposed tax would generate roughly $700,000 per year
- Roughly $420,000 of the revenue (60%) would be generated in Park City
- Park City programs (City and non-profit organizations) would receive roughly $175,000 from the Summit County Commission per year based upon the proposed distribution method
- The $175,000 would be split with roughly $96,000 (55%) going to arts/culture and roughly $79,000 (45%) going to recreation
- Park City awards roughly $25,000 per year in arts/culture public service contracts and roughly $32,000 per year in youth recreation public service contracts
- If the proposed Recreation and Arts Tax passes, the City Council may want to consider no longer providing public service contracts in those areas, thus saving the General Fund roughly $57,000 per year
- A 1/10 of 1% Park City Municipal Corporation Transient Room Tax (TRT) just on lodging would generate roughly $100,000 for Park City Municipal Corporation and its programs
- The City Council recently chose not to enact a TRT increase due to the impact to tourism
- Voter tolerance for tax increase measures may be waning, thus limiting their future availability
- Park City has $1.5 million in unfunded recreation facility improvements identified in its adopted Capital Improvement Program (CIP)
- The Parks Recreation & Beautification Board (PRBB) is scheduled to review this on 10/18/00
- If the tax passes, Park City may want to consider amending its MOU with the Snyderville Basin Recreation District to include collaborative recreation capital projects. Bonds in the amount of roughly $2 million could be issued by using the new recreation revenue stream from the two "west county" entities using the proposed population distribution formula
- Council may want to work with the County to clearly define how the funds will be distributed

PARK CITY
1884

Resolution No.

RESOLUTION OF SUPPORT FOR A SUMMIT COUNTY 0.10% SALES TAX FOR RECREATION AND ARTS

WHEREAS, Summit County citizens have a rich history, strong family associations, and close-knit communities, and have long enjoyed and wish to continue their unique and great quality of life, and have long supported the needs of their children, citizens, and seniors, and

WHEREAS, the Utah State Legislature enabled UCA 59-12-701 which created the local option sales tax for arts and recreation facilities for the good of the people, and

WHEREAS, the unmet recreational, cultural and arts needs of Summit County and its municipalities have been well documented by numerous professional surveys and needs assessments; and

WHEREAS, in order to fund these necessary recreational facilities, music, culture, historic, and art programs and the like, in our communities and schools, we must institute a mechanism to pay for them; and

WHEREAS, the current restaurant sales tax and transient room tax boost tourism facilities and programs, not the local needs of our citizens; and

WHEREAS, the Summit County Board of County Commissioners has placed language on the November 7, 2000 General Election ballot which reads:

> *Should the Board of Commissioners impose a local sales and use tax of 1/10th of 1% for the purpose of funding recreational facilities and cultural organizations in Summit County for a period of ten (10) years?*

and;

WHEREAS, the Board of County Commissioners has committed to allocate funds fairly, county-wide, utilizing two volunteer advisory committees for recreation and culture/arts and the Board of County Commissioners will base fund allocation on population and net point of sale, and have committed to the allocation of 55% of the fund to go towards arts/culture, and 45% to recreation.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of Park City, Utah pledge support toward the institution of the recreation and arts tax and urge our citizens to vote in support of this initiative during the General Election on November 7, 2000 for the good of the citizens of Summit County.

PASSED AND ADOPTED this 19th day of October, 2000.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY
1884

DATE: October 19, 2000
DEPARTMENT: Capital Management and Budget
AUTHOR: Tom Bakaly and Mark Christensen
TITLE: FY2001 Budget Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Hold and close the Public Hearing on the amendment of the FY2001 Budget

Adopt a resolution (Attached) amending the FY2001 Budget.

DESCRIPTION:

A. Topic: FY2001 Budget Amendment

B. Background: On June 15, 2000, the City Council adopted the adjusted FY2000 and FY2001 budgets. At that time, final FY2000 revenue and expenditure figures had not been received. Staff was anticipating an increase in the General Fund Reserves from 12 percent to 18 percent. However, revenue receipts exceeded projections, thus increasing fund balance above the 18 percent limit.

Additionally, early indicators pointed toward less new growth and a slower rate of increase in assessed valuation. When the FY2001 property tax rate was calculated new growth and increased assessed values left budgeted property tax projections too low. This budget amount should be adjusted to match the Certified Property Tax Rate submitted by the City.

C. Analysis: City policy states that revenues in excess of the 18 percent limit be transferred to the 5 year CIP account, to be designated for future projects included in the City's five-year CIP. On June 30, 2000, General Fund reserves were above the State limit by approximately $360,000. The FY2001 Budget should be amended to be in compliance with State Law. Attachment A amends this by transferring $360,000 from the General Fund to the CIP Fund, consistent with the adopted City policy.

Property Tax Revenue Projections should be adjusted to reflect the Certified Property Tax Rate submitted to the County. This amendment increases budgeted Property Tax Revenues to $4,950,000 to more accurately reflect the increase in revenues related to the new growth and increased assessed valuation. Staff proposes to use these Budgeted Revenues associated with the Certified Property Tax rate to increase the Contingency Operating account to $575,000. In June, 2000 City Council funded the Contingency Operating Account at $275,000. By allocating the increase in property tax to this account, Council will have increased its operating contingency to past levels and provided flexibility for city services.

This Budget Amendment also increases the FY2001 Beginning Balance to reflect the FY2000 actual Ending Balance. Historically, budgeted Beginning and Ending Balance numbers do not match the end of year amounts shown in the Comprehensive Annual Financial Report (CAFR) because of timing issues. This technical adjustment aligns fund balance amounts in the Budget and CAFR allowing for more accurate General Fund accounting.

On November 9, 2000, Council will be given an update on the CIP. At that time staff will present all of the new projects that are to be included in the this years CIP program. Attachment A will allow Council the greatest flexibility in the future.

D. Department Review: Capital Management and Budget, Finance, City Manager, Legal

ALTERNATIVES:

A. Adopt the FY2001 Budget Amendments: This is staff recommendation.

B. Change the Budget Presented and Adopt the Budget Amendments : Council could amend the existing budget policies and provide direction to direct staff about how they would like the fund balance to be spent. Additionally, Council could direct staff to fund other programs in the General Fund instead of the Contingency Fund.

C. Continue the Item: Council can direct staff to continue the item until a later time. Substantial delays will trigger negative comments from our auditors. Without a budget amendment reserves in the General Fund will exceed the 18 percent limit.

D. Do Nothing:

SIGNIFICANT IMPACTS: This budget amendment authorizes staff to transfer money in excess of 18 percent to the CIP in accordance with the City's Budget policies. It also authorizes staff to increases the Contingency Fund to $575,000, to offset the increase in property tax revenue projections. Council can choose any of the options above by giving greater clarification or direction.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the budget is not amended the City will be out of compliance with State Law. The State Auditors Office will require the City to amend the FY2001 Budget increasing property tax revenues and reducing the General Fund balance to the 18 percent limit.

<u>RECOMMENDATION</u>: Staff recommends that Council hold and close the Public Hearing on the amendment of the FY2001 Budget and adopt a resolution (Attached) amending the FY2001 Budget.

Attachment A
Resolution Adopting Amended Budget

Park City Municipal Budget for FY2000 2001

		-----------FY 01 Budget-----------			
		Plan	**Adjusted**	**Change**	
Total all funds Combined	$	**73,899,657 $**	**76,413,802 $**	**2,514,145**	3.4%
LESS:					
Interfund		-13,282,285	-13,642,285	-360,000	
Ending Balance		-19,668,795	-19,668,795	0	
	$	**40,948,577 $**	**43,102,722 $**	2,154,145	5.3%
Less: Adjustment Due to Carry-over of Prior Year Appropriations for Capital Improvements					
	New Appropriations			**2,154,145**	5.3%
Capital Improvement Budget (New appropriations)				360,000	
Operating Budget:					
Adjustments & Options					
Public Works				0	
Leisure				0	
Police				0	
Community Development				0	
Administrative Services				0	
General Government				0	
Non-Departmental				0	
Grants				0	
Debt Service				0	
Contingency				300,000	
				660,000	

Park City Municipal Budget for FY2000 2001

	FY 01 Budget		
	Adopted	Adjusted	Change
RESOURCES:			
Sales Tax	$ 7,050,000	$ 7,050,000	$ 0
Building/Planning	2,957,509	2,957,509	0
Charges for Services	4,808,575	4,808,575	0
Intergovernmental	2,794,585	2,794,585	0
Franchise Tax	1,200,000	1,200,000	0
Other	8,520,130	8,520,130	0
Interfund Transactions	13,282,285	13,642,285	360,000
Property Tax	8,901,909	9,201,909	300,000
Beginning Balance	24,384,664	26,238,809	1,854,145
	$ 73,899,657	**$ 76,413,802**	**$ 2,514,145**
REQUIREMENTS:			
Community Development	$ 2,237,802	$ 2,237,802	$ 0
Public Works	5,634,337	5,634,337	0
Public Safety	2,260,542	2,260,542	0
CIP Budget	16,337,962	16,697,962	360,000
Leisure Services	4,719,163	4,719,163	0
Administrative Services	1,886,367	1,886,367	0
General Government	1,753,643	1,753,643	0
Non-Departmental	1,579,390	1,579,390	0
Grants	266,853	266,853	0
Debt Service	3,997,518	3,997,518	0
Contingency	275,000	575,000	300,000
Interfund Transfers	13,282,285	13,642,285	360,000
Ending Balance	19,668,795	21,162,940	1,494,145
	$ 73,899,657	**$ 76,413,802**	**$ 2,514,145**
REQUIREMENTS:			
Personnel	$ 11,890,838	$ 11,890,838	$ 0
Materials, Supplies & Services	7,824,500	7,824,500	0
Capital Outlay	16,960,721	17,320,721	360,000
Debt Service	3,997,518	3,997,518	0
Interfund Transactions	13,282,285	13,642,285	360,000
Contingencies	275,000	575,000	300,000
Ending Balance	19,668,795	21,162,940	1,494,145
	$ 73,899,657	**$ 76,413,802**	**$ 2,514,145**

ATTACHMENT A

Park City Municipal Budget for FY2000 2001

		FY2001 Budget		FY2001 Budget Amended
Park City Municipal Corporation:				
General Fund	$	15,664,101		17,818,246
Recreation Fund		1,696,619		1,696,619
Golf Course Fund		1,742,847		1,742,847
Water Fund		5,009,594		5,009,594
Transportation Fund		6,197,730		6,197,730
Debt Service Fund		2,112,207		2,112,207
SID - Debt Service Fund		0		0
SID - Guarantee Fund		0		0
Central Garage Fund (Fleet)		992,956		992,956
Circuit Court		220,232		220,232
Equipment Replacement Fund		927,593		927,593
Self Insurance Fund		2,718,377		2,718,377
Police Special Revenue Fund		7,767		7,767
Capital Improvements Fund		14,043,795		14,403,795
		51,333,818		**53,847,963**
Park City Redevelopment Agency:				
Main Street Debt Service		1,534,656		1,534,656
Main Street RDA		2,110,048		2,110,048
Lower Park Avenue Debt Service		4,738,691		4,738,691
Lower Park Avenue RDA		4,765,419		4,765,419
		13,148,814		**13,148,814**
Park City Municipal Building Authority:				
Debt Service Fund		7,713,476		7,713,476
Building Authority		1,653,344		1,653,344
		9,366,820		**9,366,820**
Park City Housing Authority:				
Park City Housing Authority		50,205		50,205
		50,205		**50,205**
Park City Housing Authority:		0		0
Grand Total (All Units)		**73,899,657**		**76,413,802**
LESS: Interfund Transfers		-13,282,285		-13,642,285
Ending Balance		-19,668,795		-19,668,795
	$	**40,948,577**	$	**43,102,722**

ATTACHMENT A

Fund Expenditure by Major Object
FY2001

	Operating Budget	Capital Outlay	Debt Service	Contingencies	Interfund Transfers	Ending Balance	FY2001 Budget
Park City Municipal Corporation:							
11 General Fund	11,821,386	359,575		575,000	2,693,870	2,368,415 $	17,818,246
54 Recreation Fund	1,415,269	31,100			59,518	190,732	1,696,619
55 Golf Course Fund	803,286	79,984			201,077	658,500	1,742,847
51 Water Fund	1,565,569	983,100	911,475		1,072,458	476,992	5,009,594
57 Transportation Fund	1,741,423	2,429,121			1,396,898	630,288	6,197,730
71 Debt Service Fund			662,935		630,465	818,807	2,112,207
62 Central Garage Fund (Fleet)	859,498	5,000				128,458	992,956
67 Circuit Court	119,517				51,045	49,670	220,232
63 Equipment Replacement Fund		705,081				222,512	927,593
64 Self Insurance Fund	674,390					2,043,987	2,718,377
21 Police Special Revenue Fund						7,767	7,767
31 Capital Improvements Fund		7,826,987			886,010	5,690,798	14,403,795
	19,000,338	12,419,948	1,574,410		6,991,341	13,286,926	53,847,963
Park City Redevelopment Agency:							
72 Main Street Debt Service			762,486		295000	477,170	1,534,656
34 Main Street RDA	360,000	379,307			983,000	387,741	2,110,048
76 Lower Park Avenue Debt Service			682,685		3,237,944	818,062	4,738,691
33 Lower Park Avenue RDA	355,000	3,074,466			720,000	615,953	4,765,419
	715,000	3,453,773	1,445,171		5,235,944	2,298,926	13,148,814
Park City Municipal Building Authority:							
73 Debt Service Fund			977,937		1,415,000	5,320,539	7,713,476
35 Building Authority		1,447,000				206,344	1,653,344
	0	1,447,000	977,937		1,415,000	5,526,883	9,366,820
Park City Housing Authority:							
36 Park City Housing Authority						50,205	50,205
	0	0	0		0	50,205	50,205
						Total Budget	76,413,802
LESS: Interfund Transfers							-13,642,285
Ending Balance							-19,668,795
	19,715,338	**17,320,721**	**3,997,518**		**13,642,285**	**21,162,940**	43,102,722

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Capital Improvement Adjustments

Project #	Project Title	FY2001 Adjusted
648	5 Year CIP Project Funding	360,000
		$360,000

PARK CITY
1884

Resolution No. -00

A RESOLUTION ADOPTING A REVISED BUDGET FOR FY 2000-2001, FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES.

WHEREAS, the Utah State law requires that city budgets be adopted by resolution: and;

WHEREAS, a final budget was adopted on June 15, 2000 and is subject to amendment under State law; and;

WHEREAS, a public hearing was held on October 19,2000, at the City Council's regularly scheduled meeting complying with State law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that:

SECTION 1. AMENDED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended Budget Amendment presented on October 19, 2000 as summarized in the Attachments to this resolution is hereby adopted as the Revised 2000-2001 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect October 19, 2000 for the FY 2000-2001 Amended budget.

PASSED AND ADOPTED this 19th day of October, 2000.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: **October 19, 2000**
DEPARTMENT: **Planning**
AUTHOR: **Brooks T. Robinson**
TITLE: **Cove at Eagle Mountain Phase II**
TYPE OF ITEM: **Subdivision, Extension of Plat Approval**

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider any public input, and provide direction to the staff and applicant.

DESCRIPTION

Agent/Owners	Jack Johnson Co., for the owners
Location	East side of Meadows Drive across from Gallivan Loop
Zoning	RD-MPD
Adjacent Land Uses	Residential, Golf Course, Open Space
Reason for Review	Subdivisions require Planning Commission Review and City Council approval

B. Background

The project is described as Phase II of the Cove at Eagle Mountain, formerly known as East Cove of Quarry Mountain. It is located on the east side of Meadows Drive across from The Cove Phase I. Retaining walls, utilities and roads have been installed for Phase II, but no building permits for condos have been applied for.

The City Council approved the subdivision plat on September 2, 1999. A Condition of Approval was that the plat must be recorded with Summit County within one year or the plat and approval are void. On August 29, 2000 staff received a request from the applicant (Exhibit D) for a six month extension on the approval.

C. Analysis

There are no provisions or criteria within the Land Management Code for extensions of approved subdivisions. Technically, the Council is being asked to amend the prior ordinance and its conditions of approval. Typically, the City has granted extensions if they are due to technical difficulties such as corrections to the plat, signatures, or getting financing in place and these issues were close to being resolved. The City has not granted extensions, six months or otherwise, based on whether the real estate market warrants a certain product. In order to grant the extension, the Council should find "good cause" for the extension and that no person nor the public will be materially injured.

Subsequent to the noticing of this request, the Cove I homeowners have expressed concerns about various aspects of their subdivision (Exhibit E). Other concerns (Exhibit F) have been raised by neighbors to the Quarry Mountain Master Planned Development (of which the Cove is a part).

Staff has reviewed the extension request and the concerns of the Cove I homeowners and would support the request provided the following conditions are added to the approval:

1. There shall be a separate homeowners association for Phase II.
2. All grading and retopsoiling in Eagle Pointe outside of approved lots shall cease by November 15, 2000, with seeding to be completed by June 15, 2001.
3. Extension of approved plan is granted with no changes. Any proposed changes will require that the applicant re-file with the Planning Commission and receive the appropriate approvals.

D. <u>Recommendation</u>

Staff is requesting that the Council hold a public hearing, consider any input and provide direction to staff and the applicant on this matter.

<u>EXHIBITS</u>

Exhibit A - Location Map
Exhibit B - Proposed Subdivision Plat
Exhibit C - Cove Phase II Conditions of Approval
Exhibit D - Request for Extension
Exhibit E - October 2, 2000 Letter from Dick Welsh
Exhibit F - October 2, 2000 Letter from Joyce Smith
Exhibit G - Redlined Ordinance

M:\CDD\Brooks\COUNCIL\CC99\CoveTwo Extension.wpd

East Cove Phase II

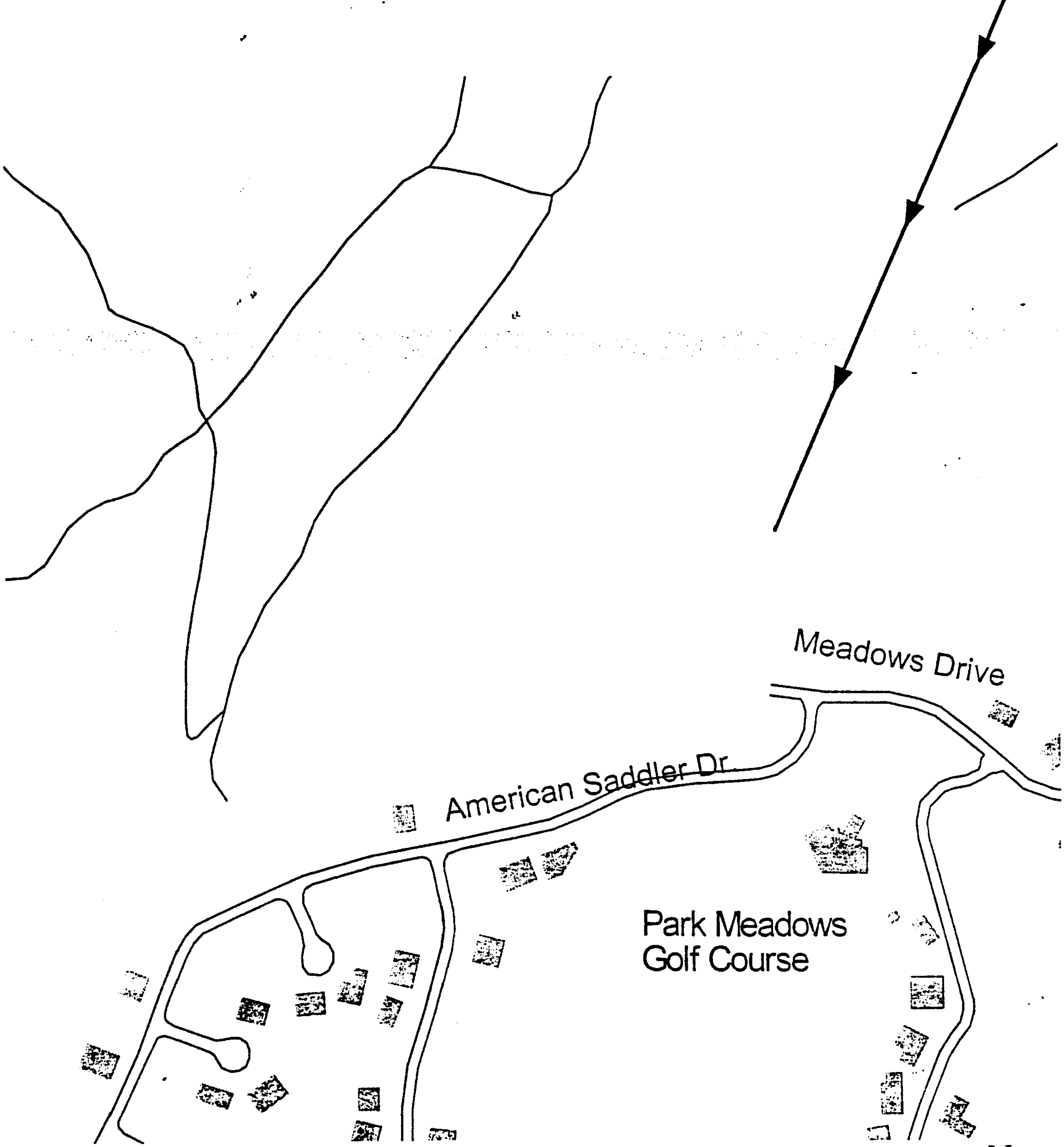

Exhibit A
Vicinity Map

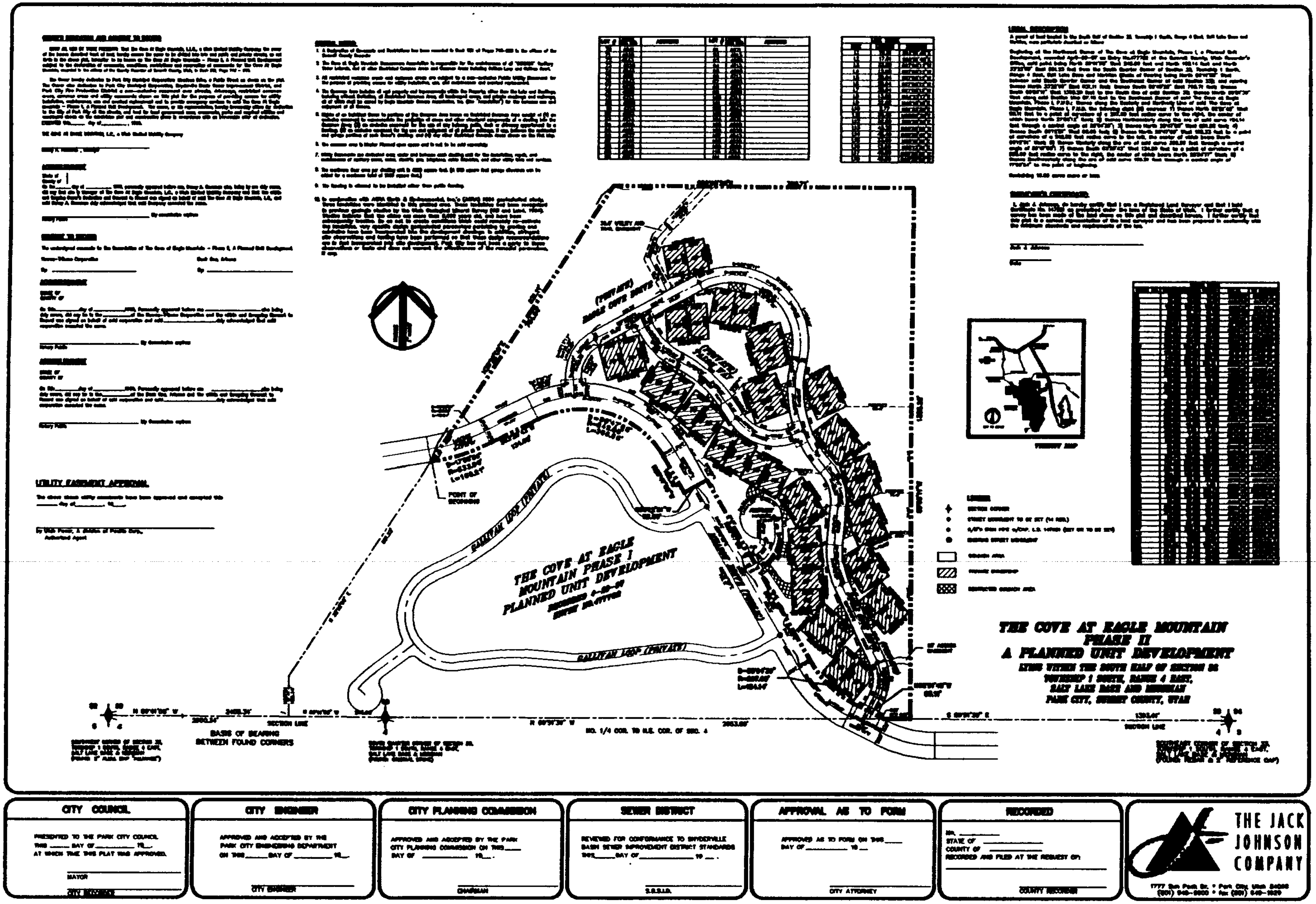
THE COVE AT EAGLE MOUNTAIN PHASE II
A PLANNED UNIT DEVELOPMENT
THE COVE AT EAGLE MOUNTAIN PHASE I PLANNED UNIT DEVELOPMENT
UTILITY EASEMENT APPROVAL
BASIS OF BEARING BETWEEN FOUND CORNERS
SECTION LINE
POINT OF BEGINNING
VICINITY MAP
LEGEND
CITY COUNCIL
PRESENTED TO THE PARK CITY COUNCIL THIS ____ DAY OF ________ 19__, AT WHICH TIME THIS PLAT WAS APPROVED.
MAYOR
CITY ENGINEER
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ________ 19__.
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ________ 19__.
CHAIRMAN
SEWER DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ____ DAY OF ________ 19__.
S.B.S.I.D.
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS ____ DAY OF ________ 19__.
CITY ATTORNEY
RECORDED
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER
THE JACK JOHNSON COMPANY

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EXHIBIT B

Taken from the September 2, 2000 Ordinance approving the Cove II subdivision:

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

Findings of Fact:

1. The subdivision project known as the Cove at Eagle Mountain Phase II is located on the east side of Meadows Drive across from Gallivan Loop and is zoned RD-MPD.
2. The proposed subdivision consists of 42 units in a twin home arrangement and is consistent with the Quarry Mountain MPD.
3. New development creates a need for water and other utilities, and trail connections.
4. The units will be served by private streets.
5. The maximum floor area per dwelling unit is 4500 square feet plus 600 square feet for a garage.
6. The MPD approval included a requirement for a trails Master Plan.
7. The Planning Commission forwarded a positive recommendation on July 28, 1999.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Trail easements dedicated to the City must be approved by staff and shown on the plat prior to recordation.
3. A water line easement (30 feet permanent, 50 feet for temporary construction) must be approved by staff and shown on the plat prior to recordation.
4. A professional engineer must certify the as-built adequacy of construction upon completion.
5. A landscape irrigation and under drain system must be approved prior to construction.
6. A note must be added to the plat, subject to review by the City Attorney, City Engineer and Community Development Department and agreeable to the applicant, stating that hazards exist due to soil instability. The City Attorney will create a letter stating that this is sufficient notice of hazards.
7. Phase II will be incorporated into the Phase I HOA with amended CC&R's.
8. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this

Exhibit C

approval and the plat will be void.

9. All other conditions of approval of the Quarry Mountain MPD are in full force and effect.
10. The trail from the open space near Round Valley to Meadows Drive remain open during construction.
11. Meadows Drive will be completed as per the approval of Phase III, known as Eagle Pointe.
12. Rock sorting operations within Gallivan Loop will be discontinued.

Exhibit C

The Cove at Eagle Mountain, L.C.

6355 MetroWest Blvd, Suite 330
Orlando, Florida 32835
{407} 523-2323 •Fax {407} 578-8323

August 29, 2000

Brooks Robinson
Park City Development

Re: The Cove at Eagle Mountain – Phase II
Subdivision/ P.U.D. Plat Recordation

Dear Brooks:

This letter is written to request a 6-month extension on the recording of The Cove at Eagle Mountain – Phase II Subdivision Plat. We are aware the project was approved by Park City Council for its Final Plat on September 5, 1999 and that the 1-year approval is about to lapse.

The reason for the delay is based upon the fact that over the last few months we have been researching the condominium/real estate market in Park City to determine if a new product is warranted in this phase of The Cove. With the magnificent views from this parcel, the current footprint and architectural design may want to be shifted or slightly modified from the previous approval to blend within today's market.

Can you please schedule a meeting with the City Council to extend the recording of the plat by 6-months? We understand that if significant changes occur with the design of the project we will be required to go back before the Planning Commission for their review and approval.

Very truly yours,

Nancy A. Rossman

NAR/kmg

EXHIBIT D

October 2, 2000

To: Mayor Brad Olch and Members of the City Council
Park City Municipal Corporation
445 Marsac Avenue - PO Box 1480
Park City, UT 84060-1480

From: The Cove Ad Hoc Homeowners Committee

Subject: Request For Denial and /or Delay of Applicant Request To Extend Time To Record The Cove - Phase II

This letter is written regarding a request by The Jaffa Group and Olympus Construction (submitted by Jack Johnson and Company) to be considered by the City Council at their meeting on Thursday, October 12. To provide you with some background, City Council formerly approved Phase II of The Cove on September 2, 1999. According to Condition #8 of the July 28, 1999 Planning Committee meeting, the applicant had one year from the date of the City Council approval (i.e. September 2, 2000) to record the property with Park City and Summit County or "the original approval would be voided". The applicant failed to secure such recording. Now they have come back to the City to request a six-month extension beyond the allowed one-year in order to complete the mandated recording procedure.

Based on conversations with City officials, Eric DeHaan and members of the Planning Department staff, the normal procedure under these circumstances is for the original approval to be voided and for the applicant to be requested to go back through the standard Planning Committee and City Council review and approval process - essentially starting over. In our opinion, one year is more than enough time for the recording process to have been completed. We urge you to deny applicant's request for an extension and instead require them to recycle back through the review and public input process.

The reason for this request is that the homeowners most directly affected by the Phase II parcel (i.e. the homeowners of Phase I) were denied the opportunity to provide public input during the original review process in 1999, since we were never informed of its scheduling. As a consequence, there was no public input. Mr. Mayor, you may recall that I wrote to you about this subject a week or two ago requesting that existing Cove Phase I homeowners henceforth be informed of all future Planning Committee and/or City Council consideration of Phase II, the Forsey Parcel and other nearby projects. (See Attachment A.)

As you may be aware, the current homeowners in the Cove have had a series of ongoing disagreements with the builder/developer (Rossmans and Jaffas). We have had a number of meetings with Richard and Scott Jaffa to address our concerns, all essentially to no avail. In the interest of full disclosure, there have been some modest cosmetic

EXHIBIT

improvements that have been made but the most serious problems remain. The homeowner's sense of frustration with the builder/developer in ever addressing our concerns finally led to a program of "civil disobedience" that culminated in the display of 3' by 8' banners on our homes over the July 4th holiday weekend (essentially suggesting "buyer beware"). This effort on the part of many of the Phase I homeowners generated a surprising amount of public comment and publicity. We undertook it understanding full well the potential for undermining the value of our own homes. Essentially, we felt we were left with no other choice.

We have been unable to convince the Olympus Construction, specifically Richard and Scott Jaffa, to undertake a concerted action program to correct many of the deficiencies in the project. The feelings of frustration and anger run strong and deep within this subdivision of some 65 dwellings. Had we been given the opportunity during the original City Council and Planning Commission public input sessions regarding Phase II, a substantial number of homeowners would have come before you to present our complaints and concerns and to ask for your help.

Of great concern with respect to Phase II, are the facts surrounding soil instability which were repeatedly referred to as a "hazard" in the work-in-progress reports of the Planning Department file by Mr. DeHaan and other City officials. There were numerous comments in the file that this plot of land is located on the site of ancient landslides. It was also stated that normal landscape irrigation of Phase II would most likely increase the chances of soil instability as well as the suggestion of possible landslide risk. As a result, the landscape plans and available options for Phases I and II are quite incompatible with one another because of the inherent geo-technical differences caused by water, soil instability, etc. Because of this landscape incompatibility, the Phases will never really look alike (nor will they require the same level and type of maintenance).

A study of the Planning Department files uncovered the fact that the builder/developer was directed to undertake an extensive program to "dewater the hillside". In addition, the City Engineer also voiced his concern regarding "the long term liability for the City caused by the unusual underdrain system". Concern was raised that this unusual underdrain system could even cause damage to Meadows Drive. As a consequence, the City stipulated that "The underdrain system will be the sole responsibility of The Cove Homeowners Association" for Phases I and II. To be frank, the existing Cove homeowners are completely in the dark as to the potential fiscal impact and other potential liability which all of this may impose.

Since the builder/developer administratively tied The Cove Phase I and Phase II Homeowner Associations together as a single legal entity, many Phase I homeowners are extremely concerned about the future risks and extraordinary costs we may be forced to underwrite to maintain Phase II. None of the existing Cove homeowners I have spoken with were ever informed of the risks of tying of Phases I and II into a single legal entity or of the soil stability problems, irrigation concerns and the need to build and maintain an underdrain system that Phase II would precipitate.

You might ask why we didn't simply ask The Cove Homeowners Association to speak to you on our behalf on this matter. That is because the existing Cove Homeowners Association is totally controlled by the builder/developer, until such time as Phase II is built out (per the CC&R's). Essentially, the builder/developer has three (3) votes for each unfinished lot they own (in the combined Phases I and II) for every one (1) vote for each existing homeowner, providing them with mathematical control until such time as Phase II is virtually built out. Thus, the builder/developers control the Board and obviously have very different objectives than those of the homeowners. Since they conduct few Board meetings and the homeowners are generally not informed of their scheduling, that communication channel appears to be closed to us.

I hope you can now appreciate our concerns regarding The Cove, Phases I and II, and our wish to provide City officials with our thoughts on the matter in an open public session. If you conclude that you are unable to simply deny petitioner's application, as the current City process would seem to stipulate, then we ask you to table the matter on October 12. You could then reschedule it for a later time when a number of Cove homeowners will be prepared to come before you to engage in open public dialogue regarding the problems we face with this particular builder/developer. We would also like to ask you to impose several conditions on the builder/developer. Specifically, we would ask you to impose these conditions before approving the commencement of the buildout of Phase II:

- The Homeowner's Association be bifurcated into two legal entities - a separate and standalone Homeowner's Association for Phase I and one for Phase II.
- The builder/developer be directed to build the lake originally promised and shown in the plans and specifications for Phase I. Currently, they have only installed an ugly storm drain detention system instead of the promised landscaped pool. This would help deal with the significant projected drainage runoff from Phase II and make good on their original vision and marketing of The Cove.

We greatly appreciate your consideration of this matter and look forward to your decision. We believe our requests are both fair and reasonable under the circumstances. Thank you for your help.

Respectfully,

The Cove Ad Hoc Homeowners Committee

Dick Welsh

By: Dick Welsh
647-3416
<dcwelsh @ parkcity US.com>

cc: Eric DeHaan
Bruce Robinson

Attachment A

September 5, 2000

Mayor Brad Olch
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Dear Mr. Mayor:

The Homeowners of The Cove, Phase I, a subdivision in Park Meadows, are writing to make the following formal communications request. We ask that you notify each individual homeowner of The Cove, Phase I, in advance of any matter coming before either the City Council or the Planning Commission relating to Phase II of The Cove and/or the Forsey Parcel.

The reason for this request is very simple. None of us received notice of the public comment opportunities for Phase II of The Cove when it went through the original planning and approval process. Now that the owner/developer has failed to record the plot with the City and County by the prescribed one-year period (as reflected in the City Council approval of Phase II of The Cove dated September 2, 2000), we understand it must recycle again through the Planning Committee and City Council review/evaluation process. Because Phase II and the Forsey Parcel have a number of very troubling issues, we want to be sure we have the opportunity to share our views with the members of the City Council and the Planning Commission.

We thank you for your consideration and assistance on this matter.

Respectfully,

The Cove Ad Hoc Homeowners Committee

By: Dick Welsh
2695 Gallivan Loop
Park City, UT 84060
647-3416

RECEIVED
OCT - 2 2000
PARK CITY
PLANNING DEPT.

OCT 2 [illegible]

From: Joyce Smith
PO Box 3329
Park City, UT 84060
649-3325, 901-2771

To: Ron Ivie, Park City Chief Bldg. Inspector
PO Box 1480
Park City, UT 84060

Dear Mr. Ivie,

One year ago, Mr. Richard Joffa and I stood on the property line between our lot (the 5 acre parcel directly east of the Mt. Top Subdivision) and Eagle Point, the project he is overseeing. At the time, I was distressed because he had moved mountains of rock and dirt into the quarry and on to my property. We discussed the property lines, what the City wanted concerning the quarry, and how we could mesh all of these ideas together into a pleasing solution. Mr. Joffa told me that they were preparing to shut down the quarry operation because winter was approaching but as soon as spring arrived and they began again, he would remove the rock from my property and the whole area would be "beautifully" done. I thought we had a "gentleman's agreement."

Spring came, summer came, fall came, and winter is almost upon us once more. The rocks on my property are still piled high. For one year, my "views" have included a back-hoe that only moves when they sell a load of rock and they fill a truck.

I have seen nothing that indicates that Mr. Joffa intends to honor our agreement. I have seen nothing to indicate that Park City cares at all about what happens up here. In fact, I understand that Mr. Joffa's bargain with the City, to fill in the quarry and "Sensitively" contour around existing trees to maintain much of the original, natural grades, is being ignored.

He obliterated most all of the original Mahogany trees and stockpiled rock until he could find another use for it. His intent, I am told, is to move his mountain of 'junk' dirt over the top of the rock and then walk away. Is this truly Park City's idea of "Sensitive" landscaping and maintaining close to original grades? I am sure this is a very wise economic decision for Mr. Joffa and his organization, but it is a blatant lie to the City and to me, the immediate neighbor. The property in front of my house is simply his personal dump used to save him a ton of money.

I have waited patiently for a year, hoping that Richard Joffa would honor his word. I rush over when I see cars and people on he property, hoping to talk to someone in authority. I have often chatted with the back-hoe operators and we all agree, it is possible to make the properties come together nicely. No efforts have been made by Mr. Joffa to work out a satisfactory plan. He has not moved his rocks off my property. I have waited for the city to check and insist upon compliance with the agreed upon requirements. I am tired of waiting.

Please do something. I would be most gratified to meet with you and Mr. Joffa to discuss the future of this area. Thank you.

Joyce Smith

CC Brad Olch
CC Eric DeHaan

EXHIBIT F

Ordinance No. 99-

AN ORDINANCE <u>AMENDING ORDINANCE 99-</u> APPROVING THE SUBDIVISION OF THE COVE AT EAGLE MOUNTAIN PHASE TWO LOCATED AT MEADOWS DRIVE AND GALLIVAN LOOP, PARK CITY, UTAH <u>WITH AN EXTENDED DATE OF EXPIRATION</u>

WHEREAS, the owners of the property known as The Cove at Eagle Mountain II have petitioned the City Council for approval of a subdivision plat <u>extension</u>; 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 July 28, 1999, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on July 28, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 2, 1999, the City Council held a public hearing to receive input on the subdivision plat; and

<u>WHEREAS, the plat approval expired on September 2, 2000.</u>

<u>WHEREAS, the applicant filed for an extension of the Plat Approval on August 29,2000</u>

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

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

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

<u>Findings of Fact:</u>

1. The subdivision project known as the Cove at Eagle Mountain Phase II is located on the east side of Meadows Drive across from Gallivan Loop and is zoned RD-MPD.
2. The proposed subdivision consists of 42 units in a twin home arrangement and is consistent with the Quarry Mountain MPD.
3. New development creates a need for water and other utilities, and trail connections.
4. The units will be served by private streets.
5. The maximum floor area per dwelling unit is 4500 square feet plus 600 square feet for a garage.
6. The MPD approval included a requirement for a trails Master Plan.

7. The Planning Commission forwarded a positive recommendation on July 28, 1999.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Trail easements dedicated to the City must be approved by staff and shown on the plat prior to recordation.
3. A water line easement (30 feet permanent, 50 feet for temporary construction) must be approved by staff and shown on the plat prior to recordation.
4. A professional engineer must certify the as-built adequacy of construction upon completion.
5. A landscape irrigation and under drain system must be approved prior to construction.
6. A note must be added to the plat, subject to review by the City Attorney, City Engineer and Community Development Department and agreeable to the applicant, stating that hazards exist due to soil instability. The City Attorney will create a letter stating that this is sufficient notice of hazards.
7. Phase II will be incorporated into the Phase I HOA with amended CC&R's.
8. The applicant will record the subdivision at the County ~~within one year from the date of City Council approval~~ by March 2, 2001. If recordation has not occurred ~~within one year's time~~ by March 2, 2001, this approval and the plat will be void.
9. All other conditions of approval of the Quarry Mountain MPD are in full force and effect.
10. The trail from the open space near Round Valley to Meadows Drive remain open during construction.
11. Meadows Drive will be completed as per the approval of Phase III, known as Eagle Pointe.
12. Rock sorting operations within Gallivan Loop will be discontinued.
13. There shall be a separate homeowners association for Phase II.
14. All grading and retopsoiling in Eagle Pointe outside of approved lots shall cease by November 15, 2000, with seeding to be completed by June 15, 2001.
15. Extension of approved plan is granted with no changes. Any proposed changes will require that the applicant re-file with the Planning Commission and receive the appropriate approvals.

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

PASSED AND ADOPTED this ~~2nd day of September 1999~~ 19th day of October 2000.

PLEASE REFER TO ATTACHMENTS
DISTRIBUTED LAST WEEK

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **October 19, 2000**
DEPARTMENT: **Planning Department**
AUTHOR: **Derek Satchell**
TITLE: **327 Woodside Avenue - Conditional Use Permit/Development on Steep Slope**
TYPE OF ITEM: **Regular Agenda - Appeal of Planning Commission Decision Regarding CUP Approval**

SUMMARY RECOMMENDATIONS: Staff requests that the City Council review the project within the context of the Appeal and Reconsideration Process and deny the application based on the Findings of Fact and Conclusions of Law.

A. PROJECT

Project Name:	327 Woodside Avenue
Applicant:	Dick & Jill Lesh/Jonathan DeGray (Architect)
Appellant:	Kevin King
Location:	Lot 7, Block 30 along the western uphill side of Woodside Avenue (between 2nd & 3rd Streets)
Zoning:	Historic Residential (HR-1) zone
Adjacent Land Uses:	Residential
Date of Appeal Request:	September 11, 2000

B. Background.

The applicants submitted an application to the Planning Department for a Conditional Use Permit on December 17, 1999. The application is for the construction of a 1,796.75 square foot single-family residence, on a 25' x 75' lot in Old Town. The lot has a slope greater than thirty per cent (30%) and the proposed structure has a total square footage greater than 1000 square feet. Pursuant to the HR-1 zone of the Land Management Code, the applicant is required to file a Conditional Use Application for review and approval of any development on a steep slope within the HR-1 zone by the Planning Commission.

On February 23, 2000, the item was presented to the Planning Commission and discussed during their regular agenda meeting. A letter from Mr. Kevin King was also presented, which stated his request that the Planning Commission "direct the applicant not to remove any of the trees or not to build or excavate for purposes of decking a minimum of fifteen to twenty feet from the rear of the property." The basis of his request was based on the following reason:

- The trees provide a defining and natural line between the streetscape below and privacy screening to the open space and houses above and are part of the Historic Districts existing character.
- The trees are on the portion of the lot that is greater than 30%, which is sensitive lands under County Law.
- The trees provide soil stabilization which if removed, could cause undermining and structural failure to my home.
- It is my belief that the Public Sewer line easement for the buildings above, runs through that portion of the lot.

The letter was attached as an exhibit to the report (See Exhibit A). At that time, the Planning Commission recommended that the applicant consider reducing the above-grade massing of the building. If the matter could not be resolved, the Commission requested Staff to bring the item back for denial (See Exhibit B). The applicant has since worked with Staff to reduce the overall above-grade mass of the house.

The design was modified to reflect the direction of the Commission at the February meeting, and consisted of a 1,796.75 square foot single-family residence. Staff reviewed the modified design and found that it complies with the Development for Steep Slope criteria as specified in the Land Management Code. The application was duly noticed and re-presented to the Planning Commission on August 23, 2000, when it was finally approved (See Exhibit C & D). **It is the responsibility of the Council to review the appeal and affirm, reverse, affirm in part and reverse in part any properly appealed decision of the Planning Commission. The appeal shall be limited to consideration of only those matters raised by the petition, unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.** Following the review of the appeal, the Council is authorized to direct Staff to prepare Findings of Fact and Conclusions of Law to memorialize their decision.

C. ANALYSIS

Mr. Kevin King, a rear adjoining property owner to the subject property, requests to appeal the decision of the Planning Commission that approved the construction of a single-family residence located at 327 Woodside Avenue, on August 23, 2000. As expressed in his formal petition (See Exhibit E), Mr. King objects to the approval based on his understanding that the provisions of the Land Management Code have been violated. The basis for his appeal is as follows (the appellant's comments are *italicized*):

- Section 15-1-10 (D) Standards For Review. "The City shall not issue a Conditional Use Permit unless the Planning Commission concludes that:
  (1) The Application complies with all requirements of this LMC.

This means that all conditions must be met before the permit shall be approved.

- Section 15-1-10 (E) Review (7), (8), (9), (11), (15). "The Community Development Department and/or the Planning Commission must review each of the following items when considering a Conditional Use Permit".
Specifically, (15) within and adjoining the site, impacts on Environmentally Sensitive Lands, Slope Retention, and appropriateness of the proposed structure to the topography of the site.

- Mr. King finds that "*the standards for review have not been met, and could not have been met due to faults by both the Staff and the misleading drawing information supplied by the applicant.*

STAFF'S RESPONSE

- **Section 15-1-10 (D) Standards For Review -**
Finding: *Staff has reviewed the applicant's submittals and does not find any error or condition that materially misrepresented the facts to the Planning Commission regarding this application.*

- **Section 15-1-10 (E) Review (7), (8), (9), (11), (15) -**
Finding: *Mr. King erroneously argues Sec.15-1-10 (E) Review (7), (8), (9), (11), (15) controls this matter. In fact, Section 15-2.2-6 (B) (1 through 10), control this review because it is a more specific review criteria established solely for development on steep slope CUPs. Section 15-1-10 states, "the City must review all proposed Conditional Uses according to the following procedure, **unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control**."*

- **Review of Environmental Impacts and Slope Retention -**
Finding: *Contrary to Mr. King's assertions, these matter's were reviewed under Section 15-2.2-6 (B), including but not limited to subsections (1), (2), (4) and (5). The initial square footage of the house and its roof configuration consisted of approximately 2,131 square feet and had a predominate shed roof sloping towards the front of the lot. The Planning Commission was concerned primarily with the amount of excavation towards the rear of the lot and the perceived height of the building, in relation to the surround structures. The Commission directed the applicant to reduce the above grade massing and mitigate the amount of excavation with the Chief Building Official or the project would be denied. Although Mr. King's letter was pointed out to the Commissioner's during the meeting and attached as an exhibit to the report, no specific direction was given to Staff regarding Mr. King's comments. At that time, the item was continued. The front, rear and side yard setbacks of the design met the minimum provisions of the Code.*

On August 23, 2000, the application was re-presented to the Planning Commission with a request to approve the CUP. Staff had reviewed the modifications made to the design *by the applicant, which included a reduction in overall square footage from 2,131 to 1,796.75 square feet along with greater stepping in building volumetrics and roof form. Although the existing trees may contribute to the retention of slope, natural grade may also be retained in a similar manner using retaining walls. The Planning Commission recognized this as an option for mitigating slope retention and deferred the review of any new retaining walls to the HDC, as part of their review of the project. Upon finding that the modified design adequate addressed the Planning Commission's recommendations, and that the amount of excavation would be mitigated as conditioned in the pending soils report, Staff forwarded the application for approval. The Planning Commission reviewed the modified design and approved on August 23, 2000.*

A specific condition of approval was included that the Historic District Commission shall review and approve any on-site landscaping necessary to mitigate the loss of any significant trees on the lot due to construction. Under Section 15-2.2-10, the property owner must protect Significant Vegetation during any Development Activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an area fifty square feet (50 sq. ft.) or more measured at the drip line. A mitigation plan for the loss of Significant Vegetation shall be submitted by the applicant, to be reviewed by Staff and forwarded with comments to the HDC for approval or denial. The mitigation plan shall encompass all areas to be disturbed by construction, and shall include location , type, and sizes of plant material. All replacement material shall consist of native planting materials and/or those appropriate to the site.

To date, the HDC has yet to review this application or provide input pending the outcome of this hearing.

- **Submission of Misleading Drawings -**
  Finding: *The applicant modified the initial design by reducing the overall above-grade mass per the Planning Commission's initial recommendation from 2,131 square feet to 1,796.75 square feet, which creates a significant positive visual change from the original design. At the time of the initial meeting, Mr. King pointed out several discrepancies on the submitted streetscape design among the proposed dwelling and the existing adjoining house, that would indicate the height of the proposed dwelling is taller than intended. Staff did find those discrepancies on the streetscape elevation. However, Staff confirmed the height of the proposed dwelling per the roof-over-topography drawing and the individual elevations and found that it* ***did*** *comply with the twenty-seven foot height limit of the zone (as required by the Land Management Code). Staff informed Mr. King that although the alignment of facade elements on the proposed dwelling is not entirely accurate with that on the existing adjacent building,,streetscape elevations are* ***not*** *used by the Staff or Commission to determine building height. Staff also informed Mr. King that the proposed dwelling* ***did*** *conform to the height requirement of the zone.*

  To date, the HDC has yet to review this application or provide input pending the *outcome of this hearing.*

D. RECOMMENDATION

Staff requests that the City Council deny the appeal pursuant to the following Findings of Fact and Conclusions of Law.

Findings of Fact

1. The findings discussed in the Analysis Section of this report are incorporated herein.
2. This matter was properly appealed from a Planning Commission decision dated August 23, 2000. The minutes of that meeting and Planning Commission Action Letter dated August 24, 2000 are incorporated herein.
3. A hearing on this matter was held on October 12, 2000. The Planning Commission was represented by the Park City Community Development Department and the applicant by Jonathan DeGray, Architect.

Conclusions of Law

1. The Planning Commission and Staff did not err in adopting the Findings of Fact and Conclusions of Law dated August 23, 2000.
2. The provision of the Land Management Code have not been violated.

Order

1. The appeal is denied

OPTIONS:

1. **Deny the Appeal** - This is the recommended action.
2. **Grant the Appeal** - Direct Staff to prepare Findings of Fact and Conclusions of Law pursuant to the Council's decision.
3. **Remand to Planning Commission** - The Council may remand the matter to Planning Commission for further consideration. The City Council should specify the further review it deems necessary.

EXHIBITS:

Exhibit A - Letter to Planning Commission from Mr. King (dated 2/17/00)
Exhibit B - Staff report to Planning Commission (dated 2/23/00)
Exhibit C - Planning Commission Meeting Minutes (dated 2/23/00)
Exhibit D - Staff report to Planning Commission (dated 8/23/00)
Exhibit E- Planning Commission Meeting Minutes (dated 8/23/00)
Exhibit F - Formal Appeal Petition from Mr. King (dated 9/1/00)

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