



**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
September 4, 2014**

Closed Session

To discuss Property, Personnel and Litigation

Work Session

Council Questions and Comments and Manager's Report

Council member Beerman attended a Council meeting in Moab while on vacation stating that they were done in 45 minutes including work session and regular session. Discussed C-Pace feeling is a long term project to keep on the radar. He has heard a lot of negative comments regarding BOPA and feels that the goal has been lost from the beginning vision vs. code.

Kayla Sintz, Planning Manager, stated that when BOPA was put on hold due to the General Plan the connectivity was lost. Staff is going to canvas the neighborhood and step up the communication.

Council member Henney spoke to the BOPA issue stating that he feels that the key is direct contact with the property owners and not just mailings. He also stated that he attended COSAC and the Recreation Advisory Board. Thanked Kyle McArthur for the water conservation reports. Had a great time at the Employee Summer picnic and thanked staff for the Miner's Day parade.

Council member Simpson stated that she has spoken to property owners and tenants in the BOPA area and despite her best effort they are still spreading incorrect information. She thanked staff for stepping up the communication and feels it is very important to reach out to both property owners and tenants. Attended the Fire Board meeting and they have increased the chipping numbers.

Mayor Thomas stated that he attended the parade and the function at Rotary Park. Attended a lecture by Eva Schlosser, Anne Frank's step-sister which he found very moving and uplifting. She has been through hell and found the positive.

Discussion of 2014 Water Impact Fee Update and Draft amendment of Title 11;Chapter 13-Impact Fees

Clint McAfee, Water and Streets Manager; Keith Larson, Bowen Collins; Matt Millis, Zion's Bank; stated that they are looking at amending the impact fee facilities plan. Larson stated that they have been working with staff to create a capital facilities plan with a niche for impact fees. Impact fees can only include projects that are providing a benefit for the future as well as be completed in the next 10 years. There are 5 steps per UT code: 1-identify existing level of service, proposed Level of Service demands, make sure there is no waste and performance. The performance standards for level of service are measured using historic water patterns as well as gallons per day on peak day demand. Spoke to the projected growth process stating that

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they have looked at the most up to date planning numbers accounting for density and known development changes. They have also considered the effects of conservation as well as future secondary water. They also looked at the existing capacity available for future growth. Outlined the future projects and how they would affect future growth.

Mayor Thomas inquired about where they get the projection for the 10 year window. As an architect he knows that most people do not plan out 10 years in advance. Keith stated that they are a ball park number based on the most current statics.

Millis spoke to the impact fee analysis stating that they are using the 10 year window and have used the future growth and capacity of the current system as the foundation. Identified what an impact fee can recover. It is on new development and sometimes redevelopment properties that can cover the cities costs occurred. Spoke to the existing water system assets as well as the future capital projects. Stated that in the impact fee analysis they came up with the \$16,579 gallon per minute and stated that that would be calculated into a fair fee for both residential and commercial projects.

McAfee spoke to the outdoor and indoor use stating that based on the outdoor irrigation assets came out with 4.2 gallons per minute demand per irrigable acre.

Council member Beerman inquired if there was a way to account for conservation efforts per development. McAfee stated that the tricky part is the efficient fixtures can always be changed. The ordinance speaks to the outdoor conservation in xeriscaping but not indoors but staff could consider fee waivers. Larson stated that if the developer can show that there is less demand on the system then there will be less cost upfront.

Council member Peek inquired in about the demand on the system vs the trends. Larson stated that they have tried to account for the trends. Also inquired about the Western Summit County agreement in relation to the costs and the 10-year projection. McAfee stated that it has not been included in this study but as the development occurs and staff gets a good look at the costs staff can then attribute a portion of those fees to impact fees. Staff would like to bring this analysis back every 5 years to monitor the trends, costs and overall usage.

McAfee stated that this analysis will be open for public review and comment for the next 10 days and will come back to Council on September 25th for public hearing and action.

Mountain Accord Update

Ann Ober spoke to the updates of the Mountain Accord system groups stating that staff will be coming back to Council in September as well as presenting to the Joint Councils of Park City, Wasatch and Summit Counties. The goal of this phase is to get the comments of the Council and the public to make sure the goals align. Stated that the City may come up with other ideas and could implement them even if Mountain Accord does not move forward. The final stage will be to vet the maps that come out of the system group and move forward.

Heinrich spoke to the recreation system group map stating that the Wasatch back is a different topography and more tourism driven. Simpson inquired about the growth of use if it is expected or hoped for. Deters stated that is the fundamental question and if that is answered then this process with work really well. Beerman stated that he has had some conversations regarding the Wasatch Front relying on the Back for all their recreation use.

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Ober spoke to the environmental map stating that they are looking at wildlife corridors as well as open space.

Cashel spoke to the transportation system maps and stated that these maps are a continuum of the fixed guide way and bus systems. Stated that there are many versions of this map floating around

Weidenhamer stated that he found this exercise extremely fun. He got to look at where people make money and how they get there as well as look at the overall experience as well as keeping the residents in the forefront.

Ober spoke to the possibility of an economic study that would answer the questions of how the connectivity would affect the community. It would be a high level look gut check that would tell us specific to economics if it would be a positive or negative.

Council member Beerman stated that this is a high level check and will not look at the effects on the community.

Foster stated that as said before that the City wants to get a leg up in the game and not let things happen to the City and to be very well informed to make those decisions.

Mayor Thomas stated that he is excited to be involved in Mountain Accord and feels that the relationships are very important. Is very nervous over the connection over Guardsman pass and the safety issues of Little Cottonwood canyon. Does not see the linking as the most important aspect. Feels the bigger connection should be through Summit County and improving the current connection.

Council member Simpson stated that she and Cashel have been very clear during the transportation system group meetings that they are very much against the connection over the mountain.

Mayor Thomas thanked staff for all their hard work.

Regular Meeting

I. ROLL CALL-all present

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures for Council or Staff.

III. PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

Kate Boyd & Michelle McDonald, Park Silly Sunday Market, wanted to touch base with only 3 Sundays left and have had a record breaking attendance of over 136,000 to date. The working group is going very well and they have a meeting on Sunday at 11 beginning at the Farmer's Market. Council member Henney stated that he rides the bus in and there were a lot of people getting off the bus at the market.

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Courtland Redding- Woods Cross resident and Park City business license holder sent out an email regarding the Travel Network Companies and feels that there is a negative aspect with the proposed ordinance that Salt Lake City is reviewing. He feels that there will be challenges with taxi cab companies with the ordinance allowing an exclusivity for the airport travel to these Travel Network and wanted to make the Park City aware of this impact.

IV. APPOINTMENTS AND RESIGNATIONS

1. Re-appointment of two Hearing Officers, J. Richard Catten and Kenneth R. Wallentine, pursuant to Title 2, Chapter 6, Section 2 of the Municipal Code of Park City with terms expiring in September, 2015.
2. Consideration of Melissa Band and Douglas Thimm to the office of Planning Commission with terms expiring July, 2018
3. Consideration of the re-appointment of Ruth Gezelius to the office of Board of Adjustments with a term ending July, 2019
4. Consideration of Don Horwitz, Mike Kaeske and Tore Steen to Police Complaint Review Committee with terms expiring July, 2017
5. Consideration of Puggy Holgren, Cheryl Hewett and Lola Beattlebrox to Historic Preservation Board with terms expiring July, 2017

**Council member Simpson moved to approve the appointments
as listed on the agenda**

**Council member Beerman seconded
Approved unanimously**

Mayor Thomas thanked the pervious members for their service.

V. NEW BUSINESS

1. Consideration of a Resolution adopting 2014 Property Disposition List Amendment

Heinrich Deters, Trails and Open Space, stated that the resolution has been updated and provides a centralized location for the public, staff and Council to see how the property may or may not be utilized.

Council member Beerman inquired why the Brew Pub lot was not itemized as a gathering place. Detetrs stated that staff has been intentionally broad on the list so to not tie the hands of the City on any specific property. It offers more flexibility.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Henney moved to approve the resolution as amended with a public
gathering space added to the Brew Pub Lot line item
Council member Beerman seconded
Approved unanimously**

VI. OLD BUSINESS

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1. Consideration of Silver Bird Condominium at Deer Valley First Amendment located at 7379 Silver Bird Drive pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Alexander stated that this amendment will amend the existing Silver Bird Condos. The applicant is requesting to make existing common area to private space and staff has no issues with the amendment.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Matsumoto moved to approve an Ordinance amending the Silver Bird Condominiums at Deer Valley located at 7379 Silver Bird Drive pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney
Council member Simpson seconded
Approved unanimously**

2. Consideration of 692 Main Street Condominium Plat pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Alexander stated that this is a request to renovate the non-historic building and add the parking garage as well as turn some units into condominiums. The Planning Commission has forwarded a favorable recommendation.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Beerman moved to approve an Ordinance for the 692 Main Street Condominium Plat pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney
Council member Peek seconded
Approved unanimously**

3. Consideration of an denying Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Astorga stated that staff is recommending denying the plat amendment for the Dority Springs subdivision. The applicant had applied to subdivide the lot into two lots. Astorga outlined the neighborhood as how they fit in the area. It was also important to point out that the area was exempt from the CC&Rs. The planning commission voted 5-1 to forward a negative recommendation stated that Little Kate splits two neighborhoods regarding compatibility in lot size and depth with the existing two neighborhoods. Staff identified the issues of lot depth and lot size as being incompatible.

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Applicant, Mike Baker, stated that this has been a very long and expensive project and feels that this is a very important step in the process. He stated that in 2006 they had approached the Planning Staff regarding subdividing the property. They were able to show staff that their property was exempt from the Holiday Ranchettes CC&R's. At that time City Attorney Harrington stated that due to the exemption they could submit an application for a subdivision. Due to the costs of the application and the process they decided to hold off at that time. In 2012 the Baker's came back to the Planning Department and submitted a new application. Baker stated that from the first meeting with the Planning Staff in November 2012 to the Planning Commission's denial staff has always been very supportive of this subdivision. Stated that in the Spring of 2013 after the application had been reviewed by several City departments, the planning staff informed Mr. Baker that the City Engineer recommended a wet lands study due to the pond that had existed on the property. Discussed the wetlands study and the process that they went through. Following the Wetlands Analysis 8 months later the Army Corps of Engineers agreed with the findings that there were no wetlands present on the property. The application was then accepted and was placed on the Planning Commission Work Session agenda for May 14, 2014, during that meeting the Commissioners found this application unique and asked staff to continue the item in order to gather more information regarding compatibility in the neighborhood. Stated that the Baker outlined all the areas in the neighborhood where the lots would be compatible. He discussed exhibit K4 to further illustrate the lack of consistency throughout the neighborhood showing homes that are located less than 300 feet from his home with lots sizes ranging from 0.24 to 2.5 acres with setback and home sizes varying as well. Stated that they would be amenable to a deed restriction on the size of the home allowed on the lot. Also requested that if the Council was not familiar with the lot he would ask that the Council continue the item in order to become more familiar.

Mayor Thomas opened the public hearing.

Hap Seliga, 1781 Little Kate Road, spoke against the subdivision of the lot feeling that it is an encroachment upon his lot stating he appreciates the private setting of the lot and in speaking with a number of real estate professionals stated that a home below him would devalue his property.

Council member Henney stated that there seems to be already existing noise element and how would one more house over through the noise element.

Brady Rasmussen, Holiday Ranchettes HOA, spoke against the subdivision discussing the compatibility of the neighborhoods. Stated that this lot is excluded from the CC&R's and the HOA cannot do anything to stop this lot and feels that with the Dority Springs located on the lot the HOA did not have the forefront to think that the lot would ever be developed in the first place and certainly not subdivided. Spoke to the area being diverse yet with a clear outline of neighborhoods.

Roy Crandall, 1655 Little Kate Road, supports the Baker's application to subdivide. He feels that there is a very diverse spattering of uses in the neighborhood to include a golf course, a large barn and high-density condos which are all compatible in the neighborhood.

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Carol Santy, 1990 Little Kate Road, lived in the neighborhood for 30 years and spoke in favor of the application stating she feels that her 1600 sq. foot house and the neighboring 8000 sq. foot home on the same street and are deemed compatible why shouldn't this lot with a small single family home be compatible.

Mayor Thomas closed the public hearing.

Council member Henney inquired if the Springs were present on the property today would the additional home interfere in the wetlands. Astorga stated that the application would not delineate the wetlands.

Council member Matsumoto spoke to her common sense for this irregular lot shape as well as spoke to the good cause clause to benefit the community. Spoke to the multiple comments made during the General Plan public input sessions that the community does not favor any further density. She also apologized for the long process that they have endured.

Harrington stated that the lack of historical record makes this situation difficult and feels that there should be a way to clarify the historical record of the lot.

Council member Simpson stated that she is struggling with this decision. She feels that if they, the HOA, were trying to protect Dority Springs they could have shaped the lot differently. She also does not agree with the Planning Commission and is not comfortable taking action without further information.

Council member Peek spoke to neighborhood compatibility of the different neighborhoods and stated how he feels that the main roads divide the neighborhoods that are being discussed in the findings of fact 38. He stated he is inclined to agree with Staff.

Council member Beerman stated that he also finds this challenging and echoes Council member Matsumoto's comments regarding the long process. However, he also agrees with Council member Peek struggling with keeping the open space feel of the surrounding houses.

Mayor Thomas stated that when he looks at the aerial image outlining the lots he is not bothered by the additional home but is bothered by the lack of historical information. He too, is sorry to see that the applicant has had such a long difficult time with this process. Feels that some determine compatibility by visual perception and feels that this would be visually appealing. Does see the questions and would like to gather more information.

Harrington clarified that this application was brought in under the old general plan and the Planning Commission took into the record the comments regarding density in that neighborhood from the new general plan discussions for the finding of good cause as it related to density.

Council member Matsumoto moved to approve the denial Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

**Council member Peek seconded
Approved unanimously**

VII. ADJOURNMENT INTO RDA MEETING

**Council member Matsumoto moved to adjourn in the RDA meeting
Council member Beerman Seconded
Approved unanimously**

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 3:30 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Tom Daley, Deputy City Attorney; Heinrich Deters, Trails and Open Space. **Council member Simpson moved to close the meeting to discuss Personnel. Council member Henney seconded. Motion carried.**

Council member Peek moved to open the closed session. Council member Beerman seconded. Motion carried.

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 Marci S. Heil, City Recorder.



Marci S. Heil, City Recorder

