PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 10, 1998

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 10, 1998.

AGENDA

Closed Session - City Council Work Session Room - Main Level

4:30 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

5:15 p.m. Council questions and comments
5:30 p.m. Review of regular meeting
Park City Farm
Sandridge Parking Lot

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV MINUTES OF WORK SESSION AND MEETING OF AUGUST 20, 1998

V CONSENT AGENDA

1. Resolution adopting a policy statement supporting the Park City Transit Department's goals under the Disadvantaged Business Enterprise Program

2. Resolution proclaiming September 26, 1998 as Kids Day America/International Day in Park City, Utah

3. Resolution proclaiming September 12, 1998 as Arbor Day in Park City, Utah

VI NEW BUSINESS

1. Authorization to staff to enter into a contract with Gardner & Bosell for improvements to the Park City Farm not to exceed $578,000

2. Award of landscaping contract for the Sandridge Parking Lot Project

3. Consideration of bond authorization for parks, recreation and open space

VII OLD BUSINESS

1. Ordinance approving a plat amendment, amending portions of Lots 12 and 13 of Block 22 and Lots 13, 14 and 15 of Block 69 of the Park City Survey at 350 1/2 Main Street, Park City, Utah **(Motion to continue to October 15, 1998)**

2. Resolution to amend development parameters for Flagstaff Mountain

VIII ADJOURNMENT

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 17, 1998

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah **will not** hold its regularly scheduled meeting on Thursday, September 17, 1998.

Posted: 9/8/98

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 10, 1998

Present: Council members Hugh Daniels; Roger Harlan, Shauna Kerr; Chuck Klingenstein; and Paul Sincock

Toby Ross, City Manager; Bob Johnston, Leisure Services Director; Jerry Gibbs, Public Works Director; Jodi Hoffman, City Attorney

Absent: Mayor Brad Olch

1. **Council questions and comments.** Shauna Kerr mentioned that she received some complaints that Main Street sidewalks and curbs were dirty for the parade. She passed on a suggestion that the City hold a fall clean-up day which would be a good time to dispose of yard clippings and construction materials. The City Manager indicated that he will bring back information on staffing and funding this project. There was discussion about a dedication of the street sign for Trapper. Paul Sincock and Roger Harlan volunteered to attend a Deer Crest meeting on Tuesday. Hugh Daniels discussed the Olympic meeting in Salt Lake last Tuesday. He reported that the Swede Alley Task Force will be holding a public input session on September 15 from 6 p.m. to 8 p.m. in the Council Chambers. The draft and drawings will be available to the public. He requested that this information be reviewed by the Planning Commission and Historic District Commission before it goes to the City Council sometime in October. Roger Harlan stated that the book sale sponsored by the Friends of the Library was very successful as it raised in excess of $4,500. Paul Sincock noted that the City received a compliance letter from the State Auditor on the RDA. He continued that he received a complaint from a Woodside Avenue resident about the noise and expense of street sweeping Main Street and Park Avenue. Jerry Gibbs discussed the schedule and the necessity of sweeping early in the morning in this area. Mr. Sincock discussed a meeting on Olympic health issues and relayed the complex surveillance efforts at the venues each day during the Games. He suggested holding another work session on the status of the Olympics and added that at the SLOC meeting he mentioned including counties and cities to assist with the marketing of emblems and marks. In a response to a letter requesting space for non-profit groups, Chuck Klingenstein stated that he is hoping for an Olympic legacy which could house local organizations, however, this would not be a free space.

2. **Review of regular meeting:**

Park City Farm Project. Bob Johnston displayed the developed plan. The initial priority was to install sprinklers in the barn building and the second priority was to clean up the site. The HDC asked that none of the structures be taken down until the Parks and Recreation Board formulated a plan to replace the buildings, including the shed and the farm house. He described the trail into the compound; the original farm house will be replicated and will have rest rooms and a basement. The shed building will be expanded and will also include rest rooms and lockers. It will have large glass sliding doors. There was a public bid process and the firm of Gardner & Bosell is recommended for the award of bid. This project will go before the Historic District Commission on Monday as a formality to determine that the farm house is insignificant and can be torn down. He invited the Council to visit the site on Wednesday at noon for a dismantling celebration. Mr. Johnston pointed out that there is an action before Council tonight to approve a contract not to exceed $578,000 which includes both buildings and the installation of the bridge. This includes the buildings, utilities, and the bridge and no landscaping at this point.

Sandridge Parking Lot Project. Jerry Gibbs, Public Works Director, reported that landscaping bids were opened at 10 a.m. this morning and the two bidders involved were G-Bar and Aspen. The low bid was G-Bar at $29, 953.67 and the construction estimate was about $32,000. Last week, bids came in at $34,000 and it was felt that money would be saved if the project were rebid. In response to a question from Chuck Klingenstein regarding G-Bar's experience, Mr. Gibbs noted although this is a smaller company, he is confident that it is capable and it would be beneficial to have local landscapers bidding on City projects. The project will begin as soon as the contract is signed and insurance is in place. He compared details of the bid.

Disabled Business Enterprise Program Resolution. The City Manager explained that this is not the entire package relating to this program. This resolution has been reviewed and approved by the Federal Transit Administration. Jodi Hoffman added that the FTA requires that the City adopt a policy like this in order to apply for federal funds. However, the Association of General Contractors has sued municipalities that attempt to meet these targets on a reverse discrimination theory. Roger Harlan asked if there would be problems in the long term; Ms. Hoffman responded that the City may run into trouble. UTA has a 23% target and other Wasatch Front jurisdictions have similar targets, however, federal funding will not be available without this program resolution in place.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 10, 1998

I ROLL CALL

Mayor Pro Tem Chuck Klingenstein called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 10, 1998. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Pace Erickson, Parks and Golf Course Superintendent; Eric DeHaan, City Engineer; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director; Nora Shepard, Special Projects Manager; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Tree City USA - Pace Erickson stated that five years ago, the Council wisely made a commitment to a tree program in Park City and presented a five year Tree City USA award from the National Arbor Day Association. See Arbor Day resolution.

2. Woodside Avenue Project - Eric DeHaan announced that there will be a series of public meetings for property owners on this project, beginning on Tuesday, September 15 at the Kimball Art Center.

3. State Engineer's Meeting - Jerry Gibbs reported that at today's meeting, the State Engineer indicated that he will no longer approve one acre foot exchanges for single family homes in the Basin effective as of 3 p.m. The moratorium that has been in effect since 1988 will remain in effect indefinitely. The State Engineer is also concerned about drainage between Silver Creek and East Canyon and that water rights match drainage.

IV MINUTES OF WORK SESSION AND MEETING OF AUGUST 20, 1998

Chuck Klingenstein disclosed that he was not in attendance and will be abstaining from voting. Shauna Kerr, "I move approval". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Abstention
Paul Sincock	Aye

V CONSENT AGENDA

Hugh Daniels, "I move approval of Consent Agenda Items 1 through 3". Paul Sincock seconded. Motion unanimously carried.

1. Resolution adopting a policy statement supporting the Park City Transit Department's goals under the Disadvantaged Business Enterprise Program - See staff report and work session notes.

2. Resolution proclaiming September 26, 1998 as Kids Day America/International Day in Park City, Utah - Staff recommends approval.

3. Resolution proclaiming September 12, 1998 as Arbor Day in Park City, Utah - Staff recommends approval.

VI NEW BUSINESS

1. Authorization to staff to enter into a contract with Gardner & Bosell for improvements to the Park City Farm not to exceed $578,000 - See staff report and work session notes. Bob Johnston stated that this is an on-going Parks and Recreation Board program to improve the area and includes replication of the shed and farm house buildings and the installation of a bridge. Phase 1 involved the installation of a fire sprinkler system, and clean-up occurred in Phase 2. The Historic District Commission advised that before the buildings are taken down, that a replication plan be formulated. Both the shed and the farm house will be useable buildings and construction should begin within two weeks which should be completed by mid-winter. The landscaping will occur next year. Hugh Daniels, "I move authorization to staff to enter into a contract with Gardner and Bosell for improvements to the Park City Farm not to exceed $578,000". Paul Sincock seconded. Motion carried unanimously.

2. Award of landscaping contract for the Sandridge Parking Lot Project - Shauna Kerr, "I move approval of this contract with G-Bar Construction ($29,953.67)". Roger Harlan seconded. Motion carried unanimously.

3. Consideration of bond authorization for parks, recreation and open space - Chris Mann stated that he is the Associate Director of Public Finance for the Trust for Public Lands (TPL).

This is a national land conservation organization specializing in helping communities acquire land for conservation purposes. TPL has assisted communities in passing public finance measures in two dozen states, three or four dozens towns, for a total of $2 billion in the last four years. He was contacted by the City to oversee a public survey about open space. The poll was conducted by American Viewpoint with TPL's assistance in developing the questionnaire. Four hundred registered voters were contacted by phone and screened for likelihood to vote on an open space bond. Through illustration of a slide presentation, Mr. Mann indicated that with regard to the largest problem facing Park City, 42% of the people identified controlling growth and development, 18% preserving open space, 10% traffic and transportation, and 10% improving education. Mr. Mann emphasized it is unusual to see 42% for any particular issue, indicating there is a remarkable concern in Park City about open space. There were four bond issue amounts presented to the voters; 68% supported a $5 million bond, 64% for $10 million, 37% for $20 million and 24% for $30 million. TPL recommends to the Council that it seek a $10 million bond for voter approval. Mr. Mann explained there was concern that a City bond issue may compete with the proposed $30 million school bond measure in February and 42% indicated they would vote for both, 11% would vote for education and not open space, and 27% for open space and not education. He reiterated that the recommendation is to pursue a $10 million bond to be amortized over 15 years for the purpose of acquiring parks and recreation land to be protected forever as open space. He was surprised to find that 73% of people with children support the bond, 59% without children, and feels there is strong broad support and this will not compete with an education bond. Mr. Mann described a survey question asking who an individual voted for in the last mayoral race which may have been inappropriate and apologized. Property owners supported the $10 million measure at 66% and renters at 67% and this result is also very remarkable. Fifty six percent of the voters indicated they would prefer a 15 year amortization. He added there should be a citizen advisory council involved with the selection of the properties to be purchased from the revenue of this bond.

The City Manager indicated that the Council should approve bond language if it desires to place this on the November ballot and read draft language.

Frank Normile, resident, asked why there is no mention of open space. Toby Ross explained that municipalities have the authority to issue recreation and parks bonds but there is no provision for an open space bond and that is why it is referred to as park land. The intent is for land acquisition and minimal improvements like access. The citizen committee would make recommendations on the acquisition of land.

Sally Elliott, resident, asked Mr. Mann what he would suggest for protecting the lands. Mr. Mann stated that his organization doesn't render this type of advice but pointed out that the ballot language stipulates that it be protected forever if purchased with bond proceeds. There are a number of legal mechanisms that can be used. Chuck Klingenstein added that the citizens advisory committee would also make recommendations to the Council. The distinction here is that the bond pledges the taxpayers where in the past, open space was pledged against revenue, water, or lease bonds. He continued that third party restrictive easements could very well be a recommendation of the committee. Hugh Daniels expressed his interest in considering Utah Open Lands and/or some other entities to hold third party easements. Sally Elliott voiced her support of the proposal and urged Council to look at all City open space lands and consider how best to preserve those.

Dana Williams, CARG member, stated that he would like to have Utah Open Lands specifically mentioned. The citizen committee could be expanded beyond bond business, and become a permanent board with regard to acquisition of land so that property purchases would become more of a public process. He recommended that there be an accounting of how TPL is proportionately compensated for its work.

Roger Harlan, "I move that we accept the language as it has been written with the addition that the City Manager has made under the title of Park Land Preservation Bond". Paul Sincock seconded. Shauna Kerr added "that it be put on the ballot in November". The amendment to the motion was accepted. Hugh Daniels pointed out that $17.5 million has been spent on acquiring various properties in and about Park City over the past five years, which is a wonderful asset for the community. Another $10 million will help, but certainly won't buy everything desired, but this is a good step in the right direction and citizens may support a future bond. He is very much in favor of establishing an independent citizens advisory committee and agreed with Mr. Williams that perhaps its purview be expanded beyond bond business. Chuck Klingenstein explained that Council has acquired some property under the concept of growth management land banking, with the expectation that they will be sold for preservation or downsizing density reasons. Paul Sincock added that the advisory committee could be involved with land banking decisions. He pointed out that the price of real estate is escalating, and the City is running out of options to finance acquisitions, which is one of our primary land management tools. Roger Harlan stated that we are the benefactors of the good decisions of previous councils and discussed the efforts in preserving both entry corridors. Motion unanimously carried.

For the record, the finalized language is as follows:

Park Land Preservation Bond

Shall the Park City Municipal Corporation ("Park City") be authorized to issue general obligation bonds to acquire and forever preserve undeveloped park and recreational land and amenities in an amount not to exceed ten million dollars ($10,000,000) payable and due in no more than 15 years from the date of said bonds? A Park City resident would pay about $18 per $100,000 of house value. An independent citizen advisory committee shall recommend land to be acquired. An annual public audit of the expenditure of the bond proceeds shall be conducted.

For the issuance of bonds ☐

Against the issuance of bonds ☐

VII OLD BUSINESS

1. Ordinance approving a plat amendment, amending portions of Lots 12 and 13 of Block 22 and Lots 13, 14 and 15 of Block 69 of the Park City Survey at 350 1/2 Main Street, Park City, Utah **(Motion to continue to October 15, 1998)** - Shauna Kerr, "I move to continue". Paul Sincock seconded. Motion carried unanimously.

2. Resolution to amend development parameters for Flagstaff Mountain - Nora Shepard pointed out there are two drafts outlining development parameters; there have been clarifications made since last week. For the most part, these are not substantive and over the past couple of weeks there have been meetings with Wasatch County officials and staff who have requested some changes. Many of those changes have been incorporated, but some were not as staff felt the intent of the requests were already being met in the existing language and the original language is recommended by staff. She reminded Council that this is the first step in the process and this action does not annex the property, but provides direction to prepare an annexation resolution, plat, and development agreement. In response to a question from Paul Sincock regarding timing, Ms. Shepard indicated that staff will work as diligently as possible after Council's decision tonight. See staff report.

The Mayor Pro Tem opened discussion on Part I, Flagstaff Area, development configuration, limitations and maximum density. It was pointed out that Exhibit A accurately depicts the 115 acre parcel and there were minor language changes in a few subsections. In response to a question from Roger Harlan regarding 1(b), pedestrian village, Ms. Shepard explained that this document communicates intent which would become more specific through the development agreement process and more so through the Planning Commission process. It is important for the Planning Commission to have some flexibility in its review. Paul Sincock added that he had suggested that it read 80% of the residential properties be clustered within 800 feet of a transportation hub, and explained his standard of rule. An 800 foot radius encompasses an area of 47.25 acres and this may be too dense to accommodate 80% of the density; a 1,000 foot radius translates to 73 acres. Mr. Sincock emphasized that Council has been referring to the Mountain Village as Pods A and B and two years ago Pods A and B weren't three areas as shown on the exhibit, but two areas. The third is the Daly West site which was originally approved by the Council because all of the density was only in the lower village and as a compromise the development area was increased down below. This proposal is different as it has a mountain village which is primarily pedestrian and an upper mountain which is residential. He stated that he does not support three areas of development and does not support 115 acres of overall size. Ninety acres is the most he will support; Pod A at 80 acres and Pod B at nine acres. He believes villages are about 65 acres and the definition of pedestrian village needs to be defined. Eighty percent of the properties should be within a five minute walking distance of a transportation hub and the Daly West site is too far away to meet that standard.

Ms. Kerr agreed that she didn't have a vision of three pods and thought the upper pod was the day lodge. The language describes two development zones, the Mountain Village, and the Neighborhood and she would like development tightened it so that United Park City Mines (UPCM) obtains the density it needs, and that it function as a pedestrian village. The Planning Commission may determine that the Daly site is more appropriate for the lodging as opposed to one of the lower areas, and there should be language that enables the developer to build a village that works but not in three zones. She indicated that if there is anything in the upper zone, it should be just the day lodge with drop off and delivery and no parking. Hugh Daniels believed there is flexibility now for the Planning Commission. Ms. Kerr countered that the document outlines three pods and Council has expressed it wants one village and this may not be giving the developer and the Planning Commission enough direction; she is not comfortable with the exhibit. City Attorney Jodi Hoffman interjected that often an exhibit has more weight because it is more clear than text. Roger Harlan believed there needs to be clarification and Ms. Hoffman agreed that there is contradiction between the two. Hugh Daniels pointed out that with regard to planning the location and screening units, there needs to be a fair amount of latitude to the Planning Commission. Nora Shepard pointed out options including changing the exhibit or adding language that the Planning Commission could consider development in two out of the three pods. Her only concern and caution is that defining a radius really ties the hands of the Planning Commission in consideration of the vegetation and topography. The City Manager suggested there doesn't need to be a conflict with the exhibit and the language and there could be clarification that there be a single area that would accommodate most of the development and there would be potential areas for future evaluation during the MPD process with a five minute walking limitation. There was discussion of what "most" would mean. There were percentage suggestions, and Hugh Daniels noted that it would be a guess for him and he would have to rely on the Planning Commission's expertise and would not want to limit its discretion. Hank Rothwell interjected that he is very concerned about the Planning Commission and the developer being flexible enough to arrive at the best planning possible. UPCM could live with a number of at least 65% within the main village pod and that the balance of the density could occur in only one of the other two development areas shown on Exhibit A. Council concurred that was a good solution. Roger Harlan asked if the Planning Commission could petition the Council to change the number. Jodi Hoffman responded that the Commission could ask the Council to change its direction but experience indicates that it takes Council's direction seriously and remains in the confines of those directives. She cautioned that the greater specificity in this document, the less discretion is afforded to the Planning Commission and the Council. There was discussion that since one of the pods would be eliminated, the 115 acre area would be decreased. Planning Commissioner Jim Hier stated that the more guidance the Planning Commission receives, the better the Planning Commission will be able to deal with each development phase. Toby Ross clarified that there will be an MPD and Mr. Hier appreciated that information.

With regard to Prospect Ridge, Hugh Daniels expressed that it is his preference to move some of the density above, but will accept it as written. Paul Sincock stated that it is his preference that development be PUD units and planned as one project. Also, there are no size restrictions on the houses. House size can be reduced to an 8,000 or 6,000 square foot maximum or move them up to the upper part of the mountain. Roger Harlan stated that he believes that Prospect is better left open and that units should be transferred to the other areas. He disclosed that he discussed this with Hank Rothwell and has been contacted by a number of citizens regarding this issue. Shauna Kerr stated that Prospect Ridge has not been a real concern of hers, but has also received numerous calls. She emphasized that a transfer to Pod D which has been rejected, was always off-limits to her. She understands that this is an important site to the public and hoped there may be a conservation buyer for Prospect Ridge, but is comfortable with approving 16 units and continuing efforts to save it. Mr. Rothwell explained that of the 44 acres on Prospect Ridge about half could be used for lots because of the topography. UPCM would be willing to work with the Council to define the net valuation of the site and is willing to work with potential conservation buyers. Chuck Klingenstein added that slope stability and drainage would be addressed at the small scale MPD process and Ms. Shepard emphasized that this is criteria in the Land Management Code and part of the Planning Commission review. Chuck Klingenstein supported 16 units and felt they could be integrated into the site.

Paul Sincock pointed out that the term "planned unit development (PUD)" is not in the LMC. He read a definition he drafted, "A PUD is a planned unit development comprised of multiple detached single or duplex residential units averaging no greater than 3,900 square feet per dwelling unit, clustered as much as possible, with common open space in which the overall design size, mass, scale, setback, materials, colors and visual character are integrated one with another. PUDs shall be subject to the unit equivalent formula as defined by the LMC". Ms. Shepard indicated that the development agreement will have a definition section and it may be more appropriate there. There is also a revision to the LMC and there will be a definition of PUD there; having definitions that are in conflict may create some difficulties. Paul Sincock accepted her explanation that this will be addressed in the development agreement and/or LMC. He added that Paragraph 1(c) should be referenced with Paragraph (b).

With regard to the Northside Neighborhood, Hugh Daniels suggested that Pod C not be referenced. Ms. Kerr reiterated her position with regard to no development in Pod D. Paul Sincock discussed the Planning Commission using its discretion with regard to house size, and Chuck Klingenstein understood that from the knoll behind the Northside Lift, houses will be screened with vegetation. Shauna Kerr suggested identifying this viewpoint for application of the Sensitive Lands Ordinance. Hank Rothwell agreed. Ms. Kerr recommended another vantage point could be one of the ski runs as the winter vegetation is much different. In response to a question from Roger Harlan, Mr. Rothwell understood the chapel would be open to the public. On No. 5, Roger Harlan asked that the language "It is the intent. . ." be stricken. With regard to No. 6, Hugh Daniels referred to language that any expansion or modification of the Ontario Mine Site would require approval by the City and felt that would be the case in any event. Nora Shepard explained that through the development and annexation agreements, this property will be zoned and probably zoned the existing use-MPD. According to the current LMC, changes to those uses or expansions would require review by the City under whatever process is called for in the LMC. Hank Rothwell described his concern. There is a mill site next to the Silver Mine Adventure and it is not UPCM's intention to remove the building, but the interior equipment may be sold and the interior of the building converted for tourist-based purposes. Nora Shepard explained it wouldn't have to go through this process again but comply with the LMC process and this could be clarified. In response to a question from Paul Sincock regarding No. 7, building heights, Nora Shepard explained that when a height variation is requested there is specific criteria in the LMC that has to be met. Jodi Hoffman added that in order to cluster the density, there will likely be tall buildings. Mr. Sincock stated that his concern is single family as opposed to buildings in the village. Ms. Shepard noted that during the single family subdivision process, the Planning Commission will likely place similar restrictions on building heights. Ms. Kerr pointed out that the height variation consideration is only in the mountain village and that should be noted.

Under B(3), Ms. Kerr suggested language to read, "The utilities will be sized to serve the Flagstaff and other UPCM property and will not have excess capacity. . .".

The Mayor Pro Tem continued to Section 3 addressing transit, traffic and parking. Under No. 2 regarding intersection improvements, Hugh Daniels asked when the widening and the truck escape lane for SR224 would occur. Nora Shepard explained that the Planning Commission would have to approve a construction phasing plan which would include the infrastructure. Ms. Shepard believed the Chief Building Inspector has some opinion about timing which would be in an early stage. Mr. Daniels asked if participation would be a fixed amount or a proportional amount. Eric DeHaan indicated that the current design for the round-about is approximately $850,000, but this is also tied into the City's federal grant application. He preferred that the language be left open to proportional shares rather than a hard dollar figure because there is no final construction plan. Hank Rothwell explained that he was alarmed when a few weeks ago the cost of a round-about was identified at $3 million. He is amenable to pay the gap between the 80% federally funded round-about and suggested language, "not to exceed $200,000" so that there is some cap. It is unclear if proportional means a percentage of current or future traffic mitigation costs at the intersection. Hank Rothwell stated that UPCM will agree to $200,000 and the development agreement could better define how that is to be allocated. Shauna Kerr asked if this is an adequate amount and Hugh Daniels pointed out that this project involves a whole lot more than Flagstaff, including potential access to a transit center, access to a parking structure, and improved general circulation to lower Deer Valley. There was mention that the federal funding may not materialize. Toby Ross felt that there can be language in the development agreement that deals with proportional costs so that UPCM would not be responsible for the access to a parking structure or a transit center and public funding can also be addressed. He felt he won't have to pay as much as $200,000. Hugh Daniels suggested, "UPCM will be responsible for paying its proportional share as defined in the development agreement". Roger Harlan felt it may not be prudent to define a number when the engineering work has not been performed and would prefer a proportional number. Mr. Rothwell indicated he feels comfortable moving on.

With regard to paid parking, Mr. Rothwell understood it addressed only commercial buildings. With regard to trails, Chuck Klingenstein, emphasized the value the community places on the use of trails, understanding the property is private. Paul Sincock added that trails should be kept open during construction to the maximum extent practicable. Mr. Rothwell agreed. With regard to No. 5, gondola expansion, Mr. Harlan asked for clarification on the financial impacts. Hank Rothwell understood that the City wanted to reserve the right to extend service. With regard to No. 7, traffic mitigation if the gondola is not feasible, Mr. Daniels felt $1 million is too low and would prefer $2 million. Mr. Sincock suggested $1 million and a $1 million buy-down in density. Ms. Kerr disagreed and felt it should be a fixed number; the developer could offer a buy-down if desired. Hugh Daniels believed the funding should be allocated toward traffic mitigation. Roger Harlan supported $2 million. Hank Rothwell stated that those dollars should be earmarked specifically to the project or UPCM can apply for the use of those funds in mass transit alternatives that will help mitigate traffic. "In cash" was deleted from the paragraph as "in kind" may be more beneficial. Mr. Rothwell suggested that the second million be more closely tied to Flagstaff. Paul Sincock felt there should be an additional paragraph under the gondola section which commits the City to some time frame to make a decision on the gondola after an application from UPCM is presented. Chuck Klingenstein pointed out the duration of time on this project concept and the likelihood that the process for a gondola may be very lengthy. Hank Rothwell pointed out that the level of density for a Euro-mass transit village is very different than the level of density the market would support for a bus turn-around concept. He is very concerned that the gondola process not be prolonged. The City's transit center is also identified as part of the gondola project and for a lot of reasons, this needs to be resolved. Roger Harlan agreed that the City should work expeditiously. Ms. Kerr interjected that residents from the Historic District have voiced that the gondola concept is foreign to them and if it is to be a part of the community, it needs to be incorporated in a public process. Once that process begins, an arbitrary date or outcome can't be determined. A date would place a "noose around the City's neck" because the gondola issue will be driven by the community not the Council. Hugh Daniels stated that he wants to work within the guidelines of the LMC. There was agreement to include language that it is the intent to work expeditiously.

The Council agreed with Mr. Rothwell's language suggestion in Section 4. Hugh Daniels recommended that soil stabilization and water run-off in Section B be referred also in Section A. Ms. Shepard added that the Planning Commission reviews construction mitigation plans in detail during the MPD.

Under Section 6, employee housing, Roger Harlan requested a language addition, "The employee housing requirement **and subsequent construction** will be phased. . .". Ms. Shepard felt this is a good clarification. Council agreed to take the word "amount" out of the paragraph as 10% is specific. Ms. Kerr pointed out that employees on the mountain may create traffic trips to town, although she understood the benefits of a mixed community. Chuck Klingenstein believes there is merit to having employees on site, and felt this should be left up to the Planning Commission. Hugh Daniels supported 25% on site as there should be a mix and Roger

Harlan felt if there is on-site employee housing, traffic generation is guaranteed. Paul Sincock shared the same concerns as Ms. Kerr and believed that removing the requirement does not prohibit employee housing there but allows the marketplace and/or the MPD process to further define it. He wasn't sure it should be specified at this time. Chuck Klingenstein felt this decision should be negotiated by the Planning Commission and 25% may be an arbitrary number. Hank Rothwell clarified that UPCM agreed up to a 25% cap and is concerned about the obligation without it being specific. Planning Commissioner Jim Hier emphasized that the employee traffic impacts will be in the morning and the evening when people are going to and from work. That traffic needs to be mitigated and if 50% of the housing is located on-site, this eliminates that portion of the traffic during the peak hours. There may be more trips to the grocery store, but those trips are not at the peak times. It is his feeling that 50% is a better number than 25%; the more that can be done to mitigate construction and employee traffic, the better. Jodi Hoffman interjected that "at least 25%" provides the Planning Commission enough discretion to require 50%. Hank Rothwell pointed out that the Council is discussing shrinking development sites while adding more employee housing.

Under the section, ski expansion and open space, Roger Harlan asked if the zoning for open space guarantees a conservation easement. Nora Shepard responded that it doesn't accomplish that but it is the only appropriate zoning category. Jodi Hoffman explained that the ski runs will be owned fee simple by Deer Valley Resort/Royal Street and the development agreement will specify conservation easements.

With regard to Section 9, additional public benefits/mitigation, Hugh Daniels asked what if UPCM cannot reach agreement with the EPA on Richardson Flats. Ms. Hoffman responded that this is just a small portion of the site; 160 acres out of 600 acres. Hugh Daniels noted that this would limit the possibility of two golf courses on the site. Ms. Shepard stated that recreation uses will be addressed more specifically in the development agreement which will come back to the Council. She explained, for Roger Harlan's benefit, that there are two options because of the status of the EPA site and the City's pending acquisition of an adjacent property which relates to Option 2 to accommodate two golf courses. Roger Harlan stated that he cannot support Option 2 under any circumstance and prefers the variety that Option 1 provides. He requested language that allows the public to use a private course. The City Manager explained that the City owns property close to this site, and would not have an opportunity for another municipal course without this proposal combining contiguous properties. Many other recreational amenities could also be offered with Option 2, but probably not an equestrian center. Hugh Daniels requested input from the Parks and Recreation Board on the options.

Under D, Sandridge property, Mr. Rothwell explained that UPCM is willing to restrict a portion of the property for an employee housing site as it is walking distance to Old Town and would like to explore this option. The City Manager further clarified that this site could be open space, parking, or employee housing. The discussion of Part I concluded.

The Mayor Pro Tem continued to solicit comments on Phase II, Bonanza Flats area. With regard to the referral of "260 units or 280 unit equivalents", Mr. Sincock stated that he didn't recall 280 in prior discussions, and will support 260 unit equivalents, but no more. Hank Rothwell explained that 260 is a Wasatch County number and with this application, it was determined to use a unit equivalent that is consistent with the LMC or 2,000 square feet. The reason that it changed from 260 to 280 is that uses include single family, hotel and multi-family and the verbiage should read "Park City unit equivalents", because Wasatch County doesn't have unit equivalents. Chuck Klingenstein emphasized that the City is not contemplating annexing Bonanza Flats, but is asking for the restriction of the number of units there and UPCM is still required to go through a planning process in Wasatch County. There was discussion about 50,000 square feet of commercial outlined in Section 1 or 75,000 square feet which some members of Council believed Wasatch County agreed upon. Paul Sincock relayed that he had conversations with Wasatch County who indicated that 50,000 square feet is acceptable. Hank Rothwell added that Bob Mathis recanted this in a subsequent discussion with him. Shauna Kerr stated that she is more comfortable with 75,000 square feet as long as it is under Wasatch's review. Hugh Daniels felt that Wasatch County also needs to compromise and would prefer 50,000 square feet. Paul Sincock agreed. Roger Harlan supported keeping it at 75,000 square feet in a good faith effort. Hank Rothwell indicated that the current Wasatch County application is for 75,000 square feet. Chuck Klingenstein supported up to 75,000 square feet, as it was the original figure and the market may not dictate an entire build-out.

Nora Shepard pointed out that Nos. 4, 5, and 6 have alternate language proposed by Wasatch County. The City Council supported the language drafted by staff on behalf of the City. The Mayor Pro Tem invited the public to comment.

Coleen Bailey, Park City School Board member, stated that quality schools are a vital component of a good community. She appreciated Ms. Shephard's helpful presentation to the Board on this project. She posed five points for the Flagstaff project and other future projects. Will you as a Planning Commission/Council support the District's experience that second homes invariably have a way of becoming primary residences with children? Commercial property employees almost generate a larger impact than do the single family units. Will you, as a matter of course, set clear boundaries which would be provided to developers, purchasers and promoters of the development to specify where students must live to be eligible in the Park City School District? Are the roads designed for appropriate gradients, turning radius, and loading spaces to accommodate school buses? If roads are steeper than 10%, transportation of children to schools is the responsibility of residents. Developers should provide pedestrian access to schools or bus stops, wherever possible. She suggested that the City impose voluntary impact fees as the City is able to collect such fees. Chuck Klingenstein encouraged Ms. Bailey to meet with staff to amend the General Plan to include schools. Ms. Bailey indicated that the School Board supports the City's open space bond and hoped that the Council will support theirs.

George Hanson, Midway resident, stated that there may be conservation buyers, but densities should be identified in any event. With regard to B(3), utilities, Mr. Hanson suggested placing an easement around the utilities to ensure that they are not extendable beyond UPCM's properties. With regard to open space, the words "third party" or "perpetuity" should be referenced. Also, under Part II, Bonanza Flats (2), there should also be a "third party" reference. He suggested that there be an additional No. 10, "UPCM will develop a construction mitigation construction traffic plan with Wasatch County". Ms. Kerr did not feel comfortable with the additional language.

With no further public input, the Mayor Pro Tem invited Council comments. Paul Sincock, "I move approval of a resolution to amend the development parameters for Flagstaff Mountain, as presented and amended by comments tonight by the Council". Hugh Daniels seconded.

Shauna Kerr felt this has been the hardest decision she has had to make in a public capacity. It is truly a major professional poker game because we don't know exactly how much the developer will do and how much is too much. She felt that the Council pushed UPCM too far and they left, and what we have all learned over the past year is that this development truly belongs within the City. She has gained a lot of respect for UPCM -- they have worked with the City and there has been a lot of compromise and this process has been substantially more civilized and will result in a good product. With regard to criticism of lack of public input, it is her perception that a fourth of the people truly don't care and aren't involved; another quarter of taxpayers generally support the project because it makes fiscal sense; a quarter oppose the project thinking it will just go away, or some on certain merits; and lastly a quarter of the community support this project. There is no right answer and she will be voting in favor of this with the caveat that she is not voting for any houses in Pod D. She stated that she is trying to make the best decision for Park City and believes that we can continue to work with UPCM, and that the Planning Commission will make a good decision with regard to the limitation of the amount of land disturbed, height variations, and clustering. This will be a project that will add to our community. She is confident that the City will be able to work with Wasatch County to arrive at a resolution with regard to Bonanza.

Hugh Daniels stated, like the rest of the town in a perfect world, would like Flagstaff and Bonanza to remain undeveloped. With all due respect to Summit County planners and Commissioners, this parcel should be developed, controlled, planned, and contribute to Park City and not be a County island. He believes the County would approve a smaller but significant project that would greatly impact Park City without any of the mitigation or revenues. Despite what entity controls the development areas, the impacts will be in Park City, hence we must receive the financial and mitigation benefits. Park City continues to have a resort economy base and this development is clearly aimed at that economy and is most appropriately located within the City limits. He stated that his responsibility to the community is to listen, review, weigh the options, and ultimately arrive at a reasonable project for all parties, including the applicant, which benefits the community as a whole. Not everyone will be happy, but unfortunately that is a given. He has had daily input for the past three months on this project from those who support it, don't support it, want it changed a little or a lot. Mr. Daniels emphasized that he has taken all of that information into account in trying to make a decision. Negotiations are difficult in business, let alone adding an extensive public process. This is a legislative matter and all parties have every right to lobby for their position as he has the right and responsibility to ask questions, propose changes, and lobby fellow Council members. All of the information he has received has been made public in his discussions on the record, and Mr. Daniels stated that he believes he has represented and will continue to represent the community in a responsible manner. He will not always agree but will always weigh all of the information he has received from all parties. In reviewing his material on this project, he has found that over the last three years, there have been at least 34 public meetings on this project, including a myriad of required studies and three transportation studies. While the Council has been accused of a hurried process, he doesn't consider five years and that many noticed meetings as hurried. The density of the project is reasonable, not the best or worst, but is the result of compromise. Mr. Daniels stated that he has always supported some component of single family in the upper reaches of the project and continues to do so. This project is less dense than Silver Lake, Deer Crest and The Canyons individually. The amount of pristine and recreational open space is significant, not to mention the agreed to public access on private land. Additional density is mitigated and the community receives the additional benefit of the Sandridge property, Iron Mountain property, reduced density in Wasatch County to the south, Richardson Flats improved property, the ability of additional recreational facilities including a golf course, improvements to SR224, improvements to the Marsac/SR224 intersection, improvements to the transportation system, a gondola or in lieu cash, enhanced trail systems, additional open space, additional employee housing including on-site housing, cooperation on water rights, and a real estate transfer fee. All of these considerations are significant. Mr. Daniels pledged to both Wasatch and Summit Counties to work diligently to address any concerns either have with these developments. No one wishes to have all of the impacts of another entity's development or problems forced upon them. We have negotiated in good faith with Wasatch County and have been very generous in incorporating its preferred language, however, like the rest of us, Wasatch must compromise. He appreciated all the time and effort put forth by the applicant, the City staff, the Planning Commissioners, City Council members, County Commissioners and general public who care so much about the community. Mr. Daniels added there is much work to be done and will support the motion.

Roger Harlan stated the Flagstaff issue is the most significant vote he will make in his six years as a Council member. It is more significant to the town than the Deer Valley project of many years ago. In January 1998, this Council agreed on what kind of community Park City is both present and in the future. The Council agreed that Park City is a resort community, which is the filter that has helped him understand this very complex and divisive application. There are many components that strengthen the resort base of this community. One is transportation and the potential of an gondola. There are recreation possibilities including trails, open space, and Richardson Flats. The voluntary transfer tax is a source of unknown revenue in perpetuity shared between residents and the City. There was a comment that Council was driven by revenue and he couldn't disagree more. The public doesn't have access to the information Council has or the subtle demands made throughout the community and the Council has been able to accomplish some marvelous things for a community under 7,000 and this is possible because of a revenue base. However, the revenue base is changing and the volunteer transfer tax is a powerful thing. He continued that there is a possibility of an alpine village, unmatched by anything in Utah that adds to the bed base for tourists. Mr. Harlan emphasized that he is deeply concerned about the safety and traffic impacts this project will create and everything will be done to mitigate these concerns. The story that could be written ten years from now could be that the mountain village created by UPCM is truly a jewel and a nationwide model. This town's future rests on how UPCM capitalizes on this once in a lifetime opportunity and wished them well.

Paul Sincock noted that this has been a process that has gone on for five years for UPCM and for three years for him personally. Even though there was a "road block" a year and a half ago, this is still part of an on-going process and tonight is just one of those milestones. The development agreement and annexation are pending and it's not over until it is developed. He urged the public to remain diligent. The public has been an immense reservoir of strength and wisdom to the Council and UPCM, which has helped mold the process. This has been essential and is the beauty of this country, and this community exemplified more involvement than he has ever seen. Mr. Sincock relayed that he has a lot of trust in the collective wisdom of residents in this community and the collective experience of developers in this community and in order for UPCM's development to succeed, it has to be excellent to compete locally and nationally. He urged the developer to make it the best development possible and stated that he will support the motion.

Chuck Klingenstein stated that this has been the most lengthy process, studied development, and contentious project that he has been involved with since his first appointment on the Planning Commission in March 1991. The Planning Commission first saw this annexation request in the spring in 1995 and rendered a positive recommendation to the Council in March 1997. The Council worked on Flagstaff and held a very well attended public hearing in April 1997 where there was a vocal crescendo that built up, the majority of which were saying no. He truly believes that the Planning Commission did a superb job and forwarded the best planning solution for Bonanza and Flagstaff at that time. Unfortunately, the community was not prepared to say yes to this particular proposal. The Council, however, recognized the right of the mining company to some form of development and the result was a resolution which allowed for annexation but the terms were not acceptable to UPCM who pursued separate applications with Summit and Wasatch Counties. That is the reason UPCM requested reconsideration and he welcomed that opportunity, and over the past two months everyone has worked hard to hammer out compromise. UPCM has been firm in its unit count, and had steadfastly refused to lower those unit counts, but it has shown a willingness to reconfigure development areas in Flagstaff, have included and accommodated the City's request for open space, recreation areas, construction mitigation, alternative transportation system, access restrictions, utility limitations, trails, preservation, environmental restrictions, and many other things mentioned. Mr. Klingenstein explained that tonight the Council is finalizing development parameters to establish a foundation for an eventual development agreement. The first part of the parameters will deal with the development on the Park City/Summit County side of Guardsman Pass. He feels that good planning principles have been applied to the Flagstaff development; development is constrained to essentially 115 acres in the Mountain Village area and roughly 100 in the Northside Neighborhood, which is 215 developable acres of 1,900 acres on our side of the mountain. As for Bonanza Flats, the City has requested that private property owner UPCM reduce the size of the proposed development currently before Wasatch County. This request does not include annexation and yet many people believe this is an annexation. If an annexation is to occur it would done in concert between property owners, Wasatch County and Park City. Since this area is out of his political jurisdiction, Mr. Klingenstein stated that he will not determine planning principles for Wasatch County. Finally, he hopes that this project and overly long process will become a lesson for all of us as it is far easier to build opposition through fear than it is to build support. This has been an over lengthy process and the Planning Commission is to be commended but the community was not ready last year. He hoped that we can use this public process and learn how to find things we can support. Let's get involved and learn early on, let's learn to move forward, let's learn to preserve our past and respect our heritage. He thanked all of the citizens of Park City for their involvement. He thanked UPCM, including Hank, Rory, and Liz for working with the City and members of CARG. He thanked Toby, Nora, Jodi, Jan, and the City Council and believed that the City will end up with a good project. that good principles have been applied, and requested a vote of the Council. Shauna Kerr interjected her appreciation of the efforts of Nora Shepard and Liz Josephson. Motion unanimously carried.

VIII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:30 p.m. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Linda Cook, Project Manager, Jodi Hoffman, City Attorney; and Chris Mann, Trust for Public Lands. Paul Sincock,"I move to close the meeting to discuss property acquisition ". Hugh Daniels seconded. Motion carried unanimously.

The meeting opened at approximately 5:15 p.m.

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The meeting for which these minutes were prepared was noticed by posting 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:	September 10, 1998
DEPARTMENT:	Public Works
AUTHOR:	Hope Bleecker, Transportation Director
TITLE:	Disadvantaged Business Enterprise (DBE) Policy Resolution and 1999 Annual DBE Goal for Federal Transit Administration Funds
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATION: Approve the resolution adopting a DBE policy statement and establish 1999 annual DBE Goal of 10% for Federal Transit Administration Program Funds.

DESCRIPTION:

A. Topic. DBE Policy Resolution and 1999 Annual DBE Goal Submittal

B. Background. The Federal Transit Administration requires all recipients of federal funding to establish a policy for award of contracts to disadvantaged business enterprises (DBEs). This policy has been adopted by the federal government in order to prevent discrimination against small and minority-owned businesses and to ensure that they have full opportunity to participate in federally funded contracts. The City has filed an application for Federal Transit Administration Grants or Cooperative Agreements authorized by United States Code Title 49, Section 5309 of the Federal Transit Act which specifies approximately 12.5 million dollars for planning, vehicle purchase, and design, engineering and construction of transit centers. Therefore, it is necessary to adopt an FTA-approved DBE program.

C. Analysis.

Resolution

The proposed resolution sets forth the policy statement that the goal of the Transportation Department is to purchase the highest quality goods and services while ensuring that procurement for all goods and services is done without discrimination on the basis of color, sex, religion, or national origin. Additionally, the policy specifies that the City will appoint a liaison officer who will handle questions and comments regarding the policy, and carry out appropriate policy-related procedures as needed.

The City is currently working with the FTA to draft a program which includes specific DBE policy regarding definitions, responsibilities of the City and individual bidders, a directory of eligible contractors, procedures to determine the eligibility of DBEs, Joint Ventures involving DBEs, challenges and decertifications, and percentage goals for the dollar value of federally funded work awarded to DBEs.

1999 DBE Goal

It is anticipated that the City may be awarded funding from the FTA during the first quarter of the federal fiscal year 1999. The funding will amount to at least 1.7 million in the first year. Subsequent awards may be made as monies become available through the Congressional appropriations process. Each fiscal year the City will be required to establish annual goals for awarding percentages of contracts associated with the grant funds to certified DBEs.

In the event that a recipient fails to meet an established goal, the FTA does not penalize the recipient. Typically some FTA recipients exceed or fall short of their established goals. If a property exceeds an annual goal, FTA encourages elevation of the goal in the subsequent year. If a property fails to achieve an established goal, FTA will review the records to ensure a property has made best efforts to ensure that area DBE contractors have been notified of competitive opportunities.

FTA encourages recipients to set a minimum goal of ten percent award to DBEs for federal funds associated with contracting opportunities. Out of the $1.7M that Park City is scheduled to receive this coming fiscal year, approximately $882,448 will be eligible contracting opportunities for professional services and construction. The City's intent is to establish realistic eligible contract opportunities within each individual contract with the intent of awarding $88,244 overall to DBE prime or subcontractors for the period October 1, 1998-September 30, 1999.

D. Department Review. The DBE policy and 1998 DBE goal for award of FTA funded contracts have been reviewed by the Finance Department, the Legal Department, and the City Manager.

ALTERNATIVES:

A. Adopt the Resolution adopting a Policy Statement supporting the Transportation Department's Goals Under the Disadvantaged Business Enterprise Program and approve establishment of a 10% goal of award to DBEs during FY 99.

B. Disapprove the Resolution and the Goal.

C. Continue the Item.

SIGNIFICANT IMPACTS: Staff will continue to devote time to establishing the DBE policies and ensuring that all aspects of it are implemented properly. If the City exceeds the 10% goal, FTA could encourage the setting of higher goal next year. Conversely, if the City fails to achieve the 10%, FTA will conduct a review before allowing the City to lower the goal.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Not taking the recommended action results in forfeiture of federal funding for vehicles, planning, design and construction of passenger amenities.

RECOMMENDATION: Approve the Resolution adopting a policy statement supporting the Transportation Department's goals under the Disadvantaged Business Enterprise Program and approve establishment of a 10% contract award goal for FTA funded contracts to DBEs during FY 99.

PARK CITY
1884

Resolution No. _____-98

RESOLUTION ADOPTING A POLICY STATEMENT SUPPORTING THE PARK CITY TRANSIT DEPARTMENT'S GOALS UNDER THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

WHEREAS, the Park City Transportation Department has filed an application for Federal Transit Administration Grants or Cooperative Agreements authorized by Unites States Code Title 49, Section 5309, *et seq* (the "Act") for the purpose of obtaining federal funds for certain eligible projects; and

WHEREAS, the("Act") provides that the recipient of such funds agrees to take certain measures to facilitate participation by disadvantaged business enterprises (DBEs) as those measures are set out in the corresponding United States Department of Transportation regulations and any requirements or guidance the Federal Transit Authority may issue; and

WHEREAS, the Act and its corresponding regulations require the Park City Transportation Department to formulate and implement a Program which will ensure that eligible DBEs have the maximum feasible opportunity to participate in third party contracts financed with Federal assistance; and

WHEREAS, the Act also requires that the Park City Transportation Department and the City Council adopt a Policy Statement which includes an overall Goal for the percentage of contracts awarded to DBEs for projects receiving Federal assistance; and

WHEREAS, to fulfill the letter and intent of the Act and to assure the consistent and reasonable implementation of the Program, the Transportation Department and City Council wish to provide their constituents with some general guidance as to the goal the City has set; and

WHEREAS, the Policy Statement and Goal is not an evaluation of any particular bid or proposal, but a general position regarding the terms and conditions by which the Transportation Department may typically evaluate a contractor or bidder's proposal; and

WHEREAS, nothing herein shall be construed to preempt the decision of the Park City Transportation Department or the responsibility of the Transportation Department to administer the Program on a case-by-case basis ; and

WHEREAS, this Policy Statement and Goal shall not be construed as creating a vested right nor entitlement of any nature with regard to a contractor or bidder's proposal, but shall only be advisory for the Transportation Department to utilize when exercising their discretion in evaluating the merits of a bid or proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Park City, Utah hereby adopt the following guidelines:

SECTION 1. POLICY STATEMENT. The City hereby adopts the following Policy Statement and Goal as a commitment to the purpose and intent of the Disadvantaged Business Enterprises Program:

Disadvantaged Business Enterprises Policy Statement

It is the policy of Park City Municipal Corporation, herein referred to as Park City, to purchase the highest quality of goods and services at the best possible price while ensuring that any and all procurements made by the Park City will be done so without discrimination on the basis of race, color, sex, religion or national origin.

Park City is committed to ensuring that all Disadvantaged Business Enterprises (DBEs), as defined in the Act and its corresponding regulations, who may wish to conduct business with Park City, are provided an equal opportunity to compete for such business. Park City further extends to DBEs the maximum opportunity to participate in contracts funded in whole, or in part, with United States Department of Transportation funds.

To support this commitment, Park City will implement a DBE Program which conforms to the intent of the Act and its corresponding regulations. The Program will set a Goal whereby Park City will aspire to award 10 % (ten percent) of all contracts awarded as part of certain eligible projects to qualified DBEs.

To ensure adherence to Park City's DBE Program, the City Manager will designate a liaison officer, as well as such staff as may be necessary, to administer the Park City's DBE Program. The liaison officer will be responsible for developing, implementing, and administering Park City's DBE Program.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 10th day of September, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Thomas A. Daley, Assistant City Attorney

KIDS DAY INTERNATIONAL™

Dedicated to Children's Health, Safety & Environmental Awareness

Dear Distinguished Mayor,

We are excited to announce to you that on September 26th doctors offices around the world will be hosting the fifth annual "Kids Day America/International" event. This is an International Health, Safety and Environmental Awareness Day in which we are able to educate communities about these important issues.

As to date over 300,000 children and their families have been able to enjoy this day throughout the world. With the help and support of local police departments, county sheriffs offices, dentists and photographersvolunteering their time, we were able to complete Child Safety ID cards for all of these children. Lynn Nagel from the Police Department will be doing the fingerprinting, Shawn Winder will supply fire prevention information, a fire truck and Sparky the Dog. Dr. Sumsion will do the tooth identification and Mike Cobble, M.D. along with myself and Dr.Lundstrom will educate on health realted items as well as scoliosis screenings.

Mayors, Governors and Senators across the nation have signed the Kids Day America/International proclamation making their district an official participant. Parents are thrilled to have a place thay can cometo learn about health awareness, fire safety, bike safety, recycling, drug awareness and many more important topics to keep our children safe and make the world a healthier and happier place.

While learning about these important issues, children can have fun and receive valuable information to take home from this FREE event. Kids Day America/International also benefits local charities across trhe entire country. We will be donating all proceeds to Young Life.

Enclosed are a few copies of signed proclamations and media coverage which was generated as a result of the event. In addition, the event has been covered in the past by radio stations and network affiliates nationwide including NBC.

We look forward to your city participating in this extraordinary international event!

Sincerely,

Chad A. Lundstrom D.C.

Dr. Donald A. Cofer

Donald A. Cofer D.C., F.A.C.O
Chad A. Lundstrom D.C.

PARK CITY
1884

Resolution No.

RESOLUTION PROCLAIMING SEPTEMBER 26, 1998 AS KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, the health and well-being of children is our responsibility; and

WHEREAS, the safety of our children is a significant concern for parents, community leaders and health care givers; and

WHEREAS, environmental welfare is of universal concern and deserves the utmost attention; and

WHEREAS, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Park City, Utah that September 26, 1998 is hereby proclaimed Kids Day America/International in Park City, Utah and urge that this day be dedicated to the efforts of Doctors of Chiropractic in helping educate all citizens on the importance of health, safety and environmental issues affecting our community.

PASSED AND ADOPTED this 10th day of September, 1998.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Park City Municipal Corporation
P O Box 1480
Park City, UT 84060

Press Release
For Immediate Release

Date: **September 1, 1998**
Contact: **Denise Payne, Leisure Services**
Phone: **435-615-5419**

Park City will hold it's annual Arbor Day Celebration, Saturday, September 12, 1998, 9:00 a.m. - 11:00 a.m., 445 Marsac, the City Hall Building. This event is sponsored by Park City Municipal Corporation, Park City Parks Department and the Parks, Recreation, Beautification Advisory Board. The community is welcome to attend the event and help plant quaking aspen at City Hall. The Parks Department crew will be planting approximately 20 trees. If you would like to volunteer, please contact Denise Payne, 615-5419. Be sure to bring your own gloves.

PARK CITY
1884

RESOLUTION PROCLAIMING SEPTEMBER 12, 1998
AS ARBOR DAY IN PARK CITY UTAH

WHEREAS, Park City is vitally interested in maintaining its natural tree resources and other significant flora; and

WHEREAS, Park City is further interested in planting trees and other significant flora so that the present generation can leave an even more lush and healthy environment to future generations than presently exists and

WHEREAS, Park City recognizes the importance of educating and involving our citizens in the care, planting and nurturing of our arbor resources; and

WHEREAS, Park City desires to be known as a 'Tree City USA' and so join the ranks of those other cities demonstrating their commitment to the arbor resources;

NOW THEREFORE BE IT RESOLVED that in honor of these desires and to further the aims enumerated above, Park City proclaims September 12, 1998, as the official Park City Arbor Day, and will proclaim subsequent Arbor Days in each successive year.

PASSED AND ADOPTED this 10th day of September, 1998.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

CITY COUNCIL AGENDA REPORT

DATE: September 3, 1998
DEPARTMENT: Leisure Services
AUTHOR: Bob Johnston
TITLE: Farm Project
TYPE OF ITEM: Action

Summary Recommendation: Authorize staff to enter into a contract with Gardner & Boswell Construction Inc., contingent upon HDC's approval of the Determination of Insignificance for the McPolin farmhouse, for an amount of money not to exceed five hundred seventy eight thousand dollars, ($578,000).

DESCRIPTION:

A. Topic: Continue implementation of farm compound master plan. Scope of work to include replication of McPolin residence and implement shed. Underground utility work and bridge fabrication.

B. Background: Staff has continued to move forward on the implementation of the farm compound master plan developed by the Parks, Recreation, Beautification Advisory Board (PRBB). Early last fall a concept plan and a priority work schedule was developed and actual implementation began with the installation of a fire suppression system. The next step was to be the demolition of both the McPolin farmhouse and the implement shed in an effort to make the area safe and secure. After Historic District Commission (HDC) review, it was determined that the buildings should not be taken down until the City was in a position to replicate and reconstruct the buildings immediately. Form 15 Architects (Hank Louis and Derek Payne) was commissioned to conduct an appraisal of the existing structures and develop concepts for the new replicated buildings. Those concepts were discussed with the PRBB, HDC and Planning staff. Suggestions were implemented and work began on the development of construction drawings. Also design work has been completed on the utility installation and a new bridge will be delivered to the site within the next two weeks.

On July 20, a request for proposals was sent to a number of local contractors and three responses were received. We felt the contractors who responded were very qualified, and on August 31, Gardner & Boswell was selected as the project contractor.

C. Analysis: Given the lateness of the season and the community interest in getting this project started, we would like to proceed with Gardner & Boswell on contract negotiations. Construction drawings have been submitted and are still in the review process. We expect some changes that may affect the contract amount. However, we hope to have a contract in place by Friday, September 18. Our budget amount is $617,768. The authorization amount of $578,000 contemplates $500,000 for construction of the farmhouse and shed, $50,000 for utility installation and a 5% contingency amount of $27,500, with a balance in the current budget of $39,768.

Staff, a PRBB representative and Form 15 Architects will be prepared on Thursday with a full presentation of the project, complete with pretty pictures and maybe a video.

D. Department Review: The Community Development Department has reviewed this project and has been exceedingly helpful and cooperative. City Manager has reviewed it and Legal and Finance each have minimal knowledge at this time. It has been endorsed by the PRBB. Final approval by the HDC, will take place at their meeting on September 14, with the approval of the Determination of Insignificance for the McPolin farmhouse

ALTERNATIVES:

1. **Approve Request** - Enter into an agreement with Gardner Boswell Construction Inc., for an amount of money not to exceed $578,000 to include replication of McPolin residence and implement shed.

2. **Deny Request** - Do not enter into a contract with Gardner Boswell Construction.

3. **Continue Action-** Council could continue action if additional research or information is required.

CONSEQUENCES OF NOT TAKING ACTION: If Council chooses not to take action or to deny the request completely, the farm compound will continue as is and no community use will be available until further notice.

RECOMMENDATION: Enter into an agreement with Gardner Boswell Construction Inc., for an amount of money not to exceed $578,000 to include replication of McPolin residence and implement shed.

interoffice
MEMORANDUM

to: HONORABLE MAYOR/MEMBERS OF CITY COUNCIL
from: Janet M. Scott
subject: SANDRIDGE PARKING LOT PROJECT
date: September 4, 1998

As Jerry discussed last week, the bid opening on landscaping will be held on Thursday morning at 10 a.m. Jerry will be prepared to share this information during work session. Authorization to proceed with a contract appears on the agenda in the event Council determines it appropriate to take action on Thursday.

PARK CITY
1884

DATE: September 8, 1998
DEPARTMENT: Executive
AUTHOR: Linda Cook LC
TITLE: Bonding for Parks, Recreation and Open Space
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff requests that Council consider the opportunity to place a bond measure on the general election ballot for November 1998 to allow Park City to acquire parkland and other open space and provide recreation improvements such as trails consistent with the community's interest.

DESCRIPTION:
Park City Municipal Corporation has contracted with the Trust for Public Land to perform an open space and recreational lands assessment including: the availability of additional recreational and open space lands, public opinion concerning such lands, and public funding options to acquire such lands. The community has placed a high priority on preserving open space and dramatically increasing the availability of open space and recreational opportunities such as trail access, biking, hiking and cross-country skiing.

Staff and Council have spoken with other communities in the west concerning public financing of open space and recreation lands through a general bond. Bonding appears to be an option well suited to various expectations to acquire and preserve areas that the public favors for aesthetic and recreational purposes.

A. Analysis:
The Park City community continues to show very strong support for enhanced recreational and open space areas, both of which figure heavily in the collective concern for controlling growth and development. Staff is impressed with the success of public financing through bonding for open space in other communities. With a very high wave of public sentiment, we have identified a great opportunity to bring these issues to the public as soon as the November 1998 general election. If we act quickly, the language for the November ballot can be submitted to the county indicating our intent to ask the voters to support a bonding measure. Our next opportunity would occur in February of 1999, followed by May and November of 1999.

B. Department Review: Executive
Public Affairs
Finance
Legal
Community Development

ALTERNATIVES:

Option 1: Authorize staff to pursue having a bond measure placed on the November 1998 general election ballot. The ballot would seek voter approval for a bond amount and term no less than $10 million over 15 years for the preservation and acquisition of parks and recreational open space. Council should consider that the ballot measure could be staged in various increments such as $10 million, $12 Million, $20 million (the higher the amount the lower the likelihood of voter approval).

Option 2: Council may wish to consider a bonding measure at a later date or none at all. Staff will continue to assess public financing options and the availability of additional open space.

SIGNIFICANT IMPACTS:

A bond in the amount of $10 million represents our best estimate of the funds reasonably necessary to begin acquiring open space consistent with community sentiment. Amortization of a bond in this amount, over a 15 year period, represents a tax increase of approximately $25 to $30 per $100,000 of assessed value.

CONSEQUENCES:

The immediate consequence of Council's authorization allows staff to provide the documentation necessary to have the bond measure placed on the November 1998 ballot. September 10, 1998 is the deadline for submission of ballot language to the county.

Should Council decide to delay a bond measure until a future election or explore alternative public financing measures, the consequences may include some lost opportunities to acquire open space now available, and/or a delay in the City's ability to respond to public sentiment that we need to act now to preserve and protect parks and recreational lands.

RECOMMENDATION: The Trust for Public Land has assisted staff in the assessment of various public financing options for open space acquisition. The Council's first opportunity to ask for voter approval for a bond measure is at the November general election. Current indications of voter sentiment are that a bond of about $10 million would be successful. This amount will allow the community to make a significant impact on the preservation of open space currently available. The Council could further explore public desires with respect to parks and open space, perhaps through an advisory committee.

MEMO

To: Honorable Mayor Olch and City Council
From: Nora L. Shepard
Subject: Flagstaff Development Parameters
Date: September 8, 1998

Attached is the latest draft of the development parameters for Flagstaff. The modifications are fairly minor. There is some additional clarifying language on some points. The major change is that all the language relating to Bonanza Flats and Wasatch County have been consolidated in Part II. The language in the body of the document is as drafted by the Staff, with input from City Council members Kerr and Sincock, the applicant and Wasatch County. Attached to the document is modified language for some of the items drafted by Wasatch County which the staff is not supporting at this time.

Please take the time to review the document and be prepared to discuss specific language modifications on Thursday.

Resolution __-98

RESOLUTION TO AMEND DEVELOPMENT PARAMETERS FOR FLAGSTAFF MOUNTAIN

WHEREAS, on May 17, 1994 United Park City Mines Corp. (UPCM) filed an application for annexation to Park City of certain UPCM holdings within the Ontario and Daly Canyons, along with property held by several other mining companies and/or families;

WHEREAS, the Planning Commission reviewed the proposal several times throughout 1994 and 1995, provided feedback, and based on Planning Commission feedback, the applicant submitted a revised annexation plan on June 14, 1995;

WHEREAS, the Planning Commission and a special Flagstaff Task Force held several meetings on the revised plan throughout the remainder of 1995 and the balance of 1996 and held public hearings on the revised plan on October 25, 1995 and November 13, 1996;

WHEREAS, on March 26, 1997, the Planning Commission recommended annexation of the Flagstaff area, with certain development parameters;

WHEREAS, the Council began its consideration of the Planning Commission recommendation on April 17, 1997 and continued to take staff, applicant, and public input on April 24, 25, 28 and 29 and May 1, 6, and 8, 1997;

WHEREAS, on April 24, 1997 the Council opened a public hearing for over 350 attendees, and took testimony from 46 participants. The public sentiment revealed support for annexation, but concerns regarding the development parameters;

WHEREAS, the City mailed and published notice of the proposed annexation and annexation policy declaration to all affected entities and received no protest to the annexation;

WHEREAS, on May 10, 1997, the Council concluded in Resolution 10-97, that annexation was appropriate and that many, but not all, of the proposed development parameters could be accommodated in the Flagstaff area;

WHEREAS, without withdrawing its annexation petition, the applicant rejected the Council's 1997 Development Parameters, and began to pursue development entitlements in unincorporated Summit and Wasatch Counties;

WHEREAS, on July 8, 1998 the applicant approached the Council with a renewed desire to annex and with additional offers of on and off-site transportation facilities, utilities enhancements, and recreation amenities;

WHEREAS, Council convened several work sessions, an additional public meeting, and facilitated interest group meetings to consider new development parameters;

WHEREAS, on August 27, 1998, approximately 100 people attended, and over twenty individuals commented on new draft development parameters;

WHEREAS, based on public input, Council further negotiated improved development parameters;

WHEREAS, based on all of the staff, applicant and public input, the Council hereby reconfirms that the Flagstaff area should develop within the City;

WHEREAS, in consideration of the foregoing, the Council finds that it is in the best interests of the citizens of Park City to adopt the attached development parameters and to direct staff to prepare a development agreement and an annexation ordinance for Council to consider in its next step to finalize annexation of the Flagstaff area:

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

1. The development parameters adopted for the Flagstaff annexation area in Resolution 10-97 are hereby rescinded.

2. The attached development parameters for the Flagstaff area attached hereto are hereby adopted. (Attachment A);

3. Staff shall prepare a development agreement for Council review and consideration prior to annexation;

4. Staff shall prepare an annexation ordinance for Council review and consideration.

Resolved this 10th day of September, 1998

FLAGSTAFF DEVELOPMENT PARAMETERS
September 8, 1998 DRAFT

PART I. FLAGSTAFF AREA

SECTION 1. Development Configuration, Limitations and Maximum Density

A. Flagstaff Area: (see Exhibit A). The Flagstaff Area is composed of two primary development zones: the lower "Mountain Village" area and the "Northside Neighborhood" area".

1. Mountain Village: (formerly Pods A and B) The Mountain Village is intended to be a mixed use residential and commercial resort support area which is configured as a *pedestrian village*. Site specific configuration will be done as a part of the Small Scale Master Plan process. In reviewing the configuration, the Planning Commission will consider the following parameters:

    a. The development shall be constrained to up to 115 acres in overall size.

    b. Pedestrian village means that most of the residential properties are clustered within walking distance (5 minute walk) of a transportation hub of the village, which can be directly accessed by pathways or sidewalks. The transportation hub is defined as the terminus of a public and/or private transportation system and public plaza located as centrally as possible within the village.

    c. A maximum of sixteen (16) single-family homes on Prospect Ridge shall be considered, above the 7800 foot elevation. The applicant shall limit the height and size and siting of the single-family development on Prospect Ridge north of the proposed road to reduce the visibility with the precise limitations to be established by the Planning Commission at the MPD stage based on a visual analysis.

    d. A maximum of four hundred seventy (470) residential units (705 Unit Equivalents) of density will be considered within the Mountain Village. Such density shall be configured as multi-family, hotel or PUD units, provided the PUD units do not exceed 60 within the village. Clustering of residential units within the village and around common open spaces is a specific design criteria. The specific siting and configuration of such units shall be determined through the small scale MPD process by the Planning Commission.

    e. A maximum of 75,000 sq. ft. of resort related commercial uses which shall include neighborhood commercial uses for residents and visitors, such as groceries and sundries.

2. <u>Northside Neighborhood</u> (formerly Pods C and D) is intended as a single- family residential area within the annexation boundaries and shall consist of :

   a. A maximum of 100 acres in development area.

   b. A maximum of 38 single family homes, the size and location of which shall be determined by the Planning Commission at the Small Scale MPD/Subdivision stage according to the following principles:
      - Homes shall be placed out of the meadow areas
      - limits of disturbance shall be at least 50 feet from any ski runs
      - structures and roads shall be configured to minimize road and utility impacts
      - minimize visual intrusion from road and ski run viewpoints
      - provide trail easements to connect to the area trail system
      - the limits of disturbance of building sites shall avoid restricting ski access through the area generally referred to as the "enchanted forest".

   c. A Chapel will be allowed under the following conditions:
      - No utility extension will be allowed (power may be allowed if it is readily accessible).
      - The Chapel will not be accessed by an improved road.
      - The siting and construction will comply with the provisions of the Sensitive Lands Ordinance.

3. UPCMC has agreed to preserve the head frame at the Daly West site. Other significant structures and equipment related to prior mining operations shall be preserved for their historic value to the extent feasible based upon the required inventory of historic features and historic preservation plan.

4. UPCMC agrees to limit wood-burning to one fireplace or wood-burning device per single family unit. The multifamily units will be allowed to have only one common wood-burning fireplace per project.

5. The applicant shall formulate and incorporate detailed design guidelines for the Flagstaff development. It is the intent that development have a strong common architectural theme through the use of materials, roof pitch, architectural detailing, landscape, color, mass, scale, building heights and pedestrian linkages. These guidelines shall be approved by the Planning Commission prior to any building permit issuance in the Flagstaff area.

6. Existing improvements to the Ontario Mine Site (Silver Mine Adventure) shall be permitted to continue to operate as the current use within the annexation boundary and will be allowed to be improved or replaced within it's historical context. Any expansion or

modification would require approval by the City.

7. Building heights shall be those allowed in the RD zone, Projects in Flagstaff would be subject to the height provisions of the Land Management Code, which includes a process for consideration of height variation.

8. It is anticipated that interval ownership will be considered in Flagstaff. The Planning Commission and City Council will review requests for interval ownership and would prefer interval ownership programs with longer intervals to increase the use of the units as nightly rental.

SECTION 2. Access and Utilities

A. UPCMC agrees to the following restrictions on access:

1. Some realignment to existing SR224 may be necessary from the Ontario Mine site to the Summit County line. The road will be to a similar standard as the historical SR224. . Access over SR224 would remain seasonal (see attached Exhibit C).

2. UPCMC agrees not to renew any leases for recreational snowmobiling.

3. A private road would serve the Flagstaff project. Access would be limited to project use at two intersections with SR224, not at the County line (see attached Exhibit C). Operational procedures to control access would be refined prior to any small scale Master Plan approval.

4. The project would require seasonal emergency, secondary access through Deer Valley (Exhibit D).

5. A comprehensive emergency response plan will be required. The proposal includes a public safety facility site. The final public safety and emergency access plan would be determined prior to any permit issuance, and after coordination with affected entities, such as the Park City Fire District

6. UPCMC agrees to provide, and improve where appropriate, recreational access to trails and other amenities with the annexation area.

B. Utilities and Public Facilities

1. Flagstaff would be served by and subject to approval of, the Snyderville Basin Sewer Improvement District (SBSID).

2. UPCMC agrees that water for the Flagstaff Annexation Area would be a part of the Park City water system. UPCMC would be responsible for developing the distribution system and UPCMC and the City for developing the source. UPCMC agrees to cooperate with the

City in developing sources including, but not limited to, making well sites, water rights and easements available to the City.

3. The utilities will be sized to serve the Flagstaff (and Bonanza?)project and will not have excess capacity to serve other adjacent developments.

SECTION 3. Transit, Traffic and Parking.

A. Transportation and Traffic Mitigation. The developer has agreed to provide the following to reduce the traffic generated by the project:

1. Provide a base level of van and shuttle service including, but not limited to, circulator service within the Mountain Village and a designated City transit connection. Provide guest shuttles to key destinations such as Main Street, Silver Lake and recreational trail heads. Specific van and shuttle routes will be established to minimize impacts on existing neighborhoods.

2. Construct road and intersection improvements of SR224 and the intersection of Marsac and Deer Valley Drive to remedy existing deficiencies including:

- Financial participation by UPCMC on the reconstruction of the intersection of Marsac Avenue and Deer Valley Drive. UPCMC will be responsible for paying its proportional share of the cost of such reconstruction.

- Dedication of land and construction of a run-away truck lane along SR224.

- Widening and passing lane on SR224 between Deer Valley Drive and the Ontario Mine site.

- Drainage Improvements

- Landscape improvements uphill from the intersection with Hillside to act as a project entry

B. Parking.

1. Reduce the parking requirements in the Mountain Village by at least 25% of those required by the Land Management Code so as to substantially reduce private vehicle trips to the Mountain Village. Provide offsetting mitigation, such as parking management programs, paid parking, shuttles, airport pick-up and return, and other programs to reduce the demand for private vehicles and parking.

2. Provide shared parking in all commercial, short-term residential and mixed use buildings (assigned or reserved spaces prohibited).

3. The majority of required parking will be fully enclosed and/or underground. This specific requirement will be determined at the small scale MPD stage for each development area.

C. Trails. As a part of the Empire Canyon Annexation application, the applicant agrees to:

1. Construct and maintain, through the Master Property Owner's Association, a year round (hard surfaced) trail system interconnecting developments within Mountain Village and connecting those areas to Old Town provided that the City provides a suitable alignment on the lower portions of Prospect Ridge (the property owned by UPCMC).

2. Construct and maintain summer trails throughout the property for public biking and hiking.

D. Gondola

CTEC (a ski lift / gondola manufacturer) has determined that an 8-person gondola from the base of Swede Alley to the Mountain Village via an angle station near "the bulkhead property" is feasible and can be built for about $4.5 to $5.0 million. UPCMC is willing to install the gondola if the City determines, through an appropriate public process, it is in the City's best interest.

1. Operation and maintenance costs would be borne by a variety of beneficiaries to be negotiated prior to approval of the Gondola.

2. Total length - about 9,000 feet
Trip time - 10 minutes
Capacity - 1200 people per hour

3. A base facility should be located in close proximity to Historic Main Street. An angle station would have to be built on the hillside to the east of the intersection of State Highway 224 and Hillside Ave.

4. Public transit connections to and from the top of the Gondola to other areas of Deer Valley is required.

5. Park City reserves the right to explore extending the Gondola from the Mountain Village to Silver Lake Village in order to provide a large enough service area to make the project feasible.

6. If the Gondola becomes a part of this project, the City and Deer Valley will evaluate the Deer Valley Master Plan for skiing to determine if modifications

are necessary to integrate the gondola into it.

7. If the City Council determines that a gondola is not feasible or in the public interest, UPCMC agrees to contribute $1.0 million to the City, to be used specifically for other traffic mitigation projects in the City related to the project.

8. UPCMC is obligated to secure agreement from Deer Valley to operate the Gondola.

SECTION 4. Phasing. The developer is required to submit a phasing plan for review and approval by the City. The phasing plan will provide that:

- Infrastructure improvements (roads, sewer, water, private utilities) commence with the Mountain Village and progress in sequence to the Northside Neighborhood

- That one section of infrastructure be completed before moving to the next section.

- That the golf course(s) in Richardson Flats be commenced with the first phase following EPA authorization and City or County approvals.

- The Iron Mountain parcel and conservation lease dedication with the approval of the Development Agreement.

SECTION 5. Construction Mitigation. The developer will provide measures to mitigate the impact to the environment by phasing, to the greatest extent practical, the various stages of the utility, road, and building construction so as to minimize the extent, at any given time, of disturbed areas. These measures will be reflected in CC&R's of each development parcel. The conditional use review for each development parcel will specify site and development specific mitigation measures.

A. The applicant agrees to:
- Limits of Disturbance and Vegetation Protection for the construction of public improvements
- Provision of a construction staging and stockpile area at the Daly West site
- A construction traffic routing plan
- Dust and soil monitoring and controls
- Stockpiling of all earthen material on the site
- Provide on-site batch plants, material staging and construction material recycling
- Mitigation of mining and soils hazards

B. Developers of individual sites will be required to:
- Provide secure storage for tools and equipment on-site
- Provide Limits of Disturbance and Vegetation Protection, including soil stabilization adequate to control erosion and water run-off.
- Provide a traffic routing plan

SECTION 5. Employee Housing

A. The applicant agrees to provide 10% employee/affordable housing units as defined by Resolution 7-95 in connection with development in Flagstaff. The 10% shall be based on both residential and commercial unit equivalents. UPCMC has agreed to place at least 25% of these units within the development. Mountainlands Housing Trust will be consulted to determine the type, amount, and location of housing which would be most effective in offsetting the demand generated from this project. The employee housing requirement will be phased with the project. At the City's discretion, the balance of the obligation would be provided as follows:

1. Developed on the 20 acre "corner parcel" (Exhibit F) by the developer; or
2. By donating the corner parcel to the City and constructing the units on an alternate parcel provided by the City (which may include property donated to the City by UPCMC in the Sandridge area); or
3. If mutually acceptable to UPCMC and the City, by paying a fee in lieu of housing, if it results in the construction or dedication of actual units for affordable/employee housing.

SECTION 6. Ski Expansion and Open Space. Deer Valley will be allowed to expand skiing consistent with the approved Flagstaff Annexation Plan , subject to administrative review procedures.

A. Skiing

1. Pod Z shall be allowed to contain only 2 graded runs. Limited vegetation removal may be considered in the balance of the pod.

2. A skier day lodge will be allowed of up to 35,000 square feet at the Daly West area, provided no public parking is included and the lodge is accessed only by a service road.

3. A private club cabin for the benefit of property owners within the Flagstaff area, provided no public access road or public parking is included.

B. Open Space

1. Zone all areas within the annexation area which are not developed, as Recreation Open Space.

2. Prohibit development in significant wetland and wildlife areas such as, but not limited to, the Lady Morgan Springs area.

3. Dedicate an open space easement for land not designated for commercial and

residential development to assure that the land is permanently open. Different sections of this land may have different provisions in the open space easement (i.e. ski terrain, wildlife habitat, sensitive lands).

4. Dedicate the area below (north of) Prospect Ridge to the City as an addition to and providing a continuous link with the City's open space on Prospect Ridge.

SECTION 7. MPD Requirements

A. The annexation agreement and development agreement constitute Large Scale MPD approval.

B. Prior to any construction occurring on the site and prior to or concurrent with the first small scale MPD approval, the following must be reviewed and approved:

- Design Guidelines
- Detailed Construction Mitigation Plan
- Mine/Soil Hazard Mitigation Plan
- Construction and Housing Phasing Plans, which calls for the efficient extension of services, concentrating initial infrastructure development in Mountain Village and secondarily in the Northside Neighborhood.
- Specific transit plan
- Specific design of roads and public improvements
- Parking Management Plan
- Access limitation procedures
- Trail locations, specifications and phasing
- Detailed Open Space Management Plan
- Historic Preservation Plan
- Emergency Response Plan
- A Utilities Master Plan including the timing, alignment, and service strategy for water and sewer service.
- Wildlife management plan

C. Each development parcel will be required to be reviewed and approved as a Small Scale MPD.

SECTION 8. Additional Public Benefits/Mitigation

A. Iron Mountain Property
UPCMC agrees to deed restrict or transfer to the City 106 acres on Iron Mountain (at the City's discretion) with skiing rights reserved. The City reserves the right to review any future proposed skiing (Exhibit G).

B. Richardson Flats (Exhibit H)

As a part of an Empire Canyon project with the City, or the County, UPCMC is considering the following two options in the Richardson Flats area (total area of about 600 acres), subject to UPCMC entering into a satisfactory agreement with EPA regarding reclamation and reuse of the Richardson Flats tailings impoundment area. Recreation impact fees for Empire Canyon would be earmarked toward development of this site. The project would pay a negotiated park development impact fee similar to the rate charged by the Snyderville Basin Recreation District's impact fee.

Option 1

- A privately owned, publicly accessible, golf course to be constructed by UPCMC. The golf course would be operated to maximize play.
- A 50 acre site which could be used for activities such as an equestrian facility, rodeo grounds, a special events site, driving range, or other recreational activities.

Option 2

- The Richardson Flats area may accommodate 36 holes of golf of which 18 holes would be required to be public and 18 could be for private use. This alternative would require the acquisition of additional land from an adjacent property owner and the City would consider participating in this acquisition. The public course will require public funds for improvement. If two courses are achievable, UPCMC and the City will work to provide water to both courses and cooperatively develop shared facilities such as a driving range and maintenance shops.

  UPCMC is exploring alternatives for water delivery to Richardson Flats, including using an Ontario Canyon source conveyed to the site via the existing slurry line, or development of UPCMC rights in Jordanelle water.

  UPCMC agrees to facilitate the design and development of Richardson Flats for agreed upon recreational uses in the early phases of the construction of the Flagstaff project and does not oppose annexation of the Richardson Flats area to the City. The timing of such recreational facilities may, however, be subject to yet undetermined resolution and/or mitigation of environmental concerns.

C. Real Estate Transfer Fee

UPCMC has offered a Real Estate Transfer Fee of 1% which is considered an enhancement. The Real Estate Transfer Fee would be contributed in addition to usual impact fees and will be used as follows:

- 50% to the Master Property Owners Association to assist in funding transit and open space maintenance

- 50% to Park City Municipal Corporation to assist in funding transit, recreation improvements and open space acquisition

D. Sandridge Property (Exhibit I) UPCMC agrees to restrict property owned by UPCMC in the Sandridge area (both parking and hillside area) to Park City and requests the option of evaluating the feasibility of providing affordable housing on the hillside site.

PART II. BONANZA FLATS AREA

Context. UPCM owns significant property in the Bonanza Flats area of Wasatch County and wishes to develop such property. UPCMC has conducted traffic studies which indicate that at least 75% of all traffic from the Bonanza property will come to and through Park City. Therefore, in consideration of these traffic impacts, UPCMC agrees to limit it's application to Wasatch County as stated below.

1. UPCMC agrees, to restrict the residential development in the Bonanza Flats area to a maximum of 260 Units or 280 Unit Equivalents, of which no more than 160 would be single family (Exhibit B). The commercial development may be up to 50,000 sq. ft. of resort related support commercial, a privately owned 18 hole golf course, and alpine and Nordic skiing. Units would be sited away from the lakes in Bonanza.

2. UPCMC agrees to amend its development application currently on file with Wasatch County to reflect this agreement. The areas of UPCM property which are not to be developed will be appropriately restricted through conservation easements so that they are reserved for recreational and open space uses in perpetuity.

3. As further consideration, Park City agrees to permit a private access road to be constructed and maintained by UPCM between the Flagstaff and Bonanza Flats development areas, provided such private road is restricted to Flagstaff & Bonanza property owners and guests.

4. Annexation of the Bonanza Flats development is not being considered at this time by Park City or UPCM. Park City and UPCM commit to work cooperatively with Wasatch County as the process for Bonanza Flats proceeds in Wasatch County.

5. UPCMC may request a transfer of approved density units in Bonanza Flats to the Flagstaff Mountain Village to support a more efficient transportation hub. If such density transfer is approved by Park City, it is anticipated that an Interlocal Agreement between Park City and Wasatch County would be created to address the potential fiscal impacts to Wasatch County of the density transfer. The City shall give a higher priority to multifamily or lodging units in considering any transfer and shall consider the following factors:
    - the location and quality of open space within Bonanza Flats
    - the suitability of increased density in the Mountain Village
    - the potential reduction of traffic
    - the positive impacts on the transportation system
    - the visual and other impacts to the Mountain Village
    - the positive and negative impacts the Bonanza Flats

6. It is understood and acknowledged by all parties that water and sewer must be provided to Bonanza from the same basin to avoid any trans-basin transfer issues. Park City is providing water the UPCMC's Flagstaff project and Park City and UPCMC desire to serve Bonanza Flats as well. Wasatch County must approve the water and sewer service for Bonanza at a

later date. However, if Wasatch County approved Park City providing water to Bonanza Flats, UPCMC agrees as follows:

- UPCMC would be responsible for developing the distribution system and UPCMC and the City for developing the source
- UPCMC agrees to cooperate with the City in developing sources including, but not limited to, making well sites, water rights and easements available to the City
- UPCMC agrees to apply to the Snyderville Basin Sewer Improvement District to provide sewerage for the development in Bonanza Flats.

7. In the event that Wasatch County does not require an amount of employee / affordable residential units equal to at least 10% of the total approved residential and commercial unit equivalents in the Bonanza Flats project, UPCMC agrees to provide that number of employee/affordable housing units.

8. To lessen the fire danger in Bonanza Flats and surrounding Flagstaff areas, UPCMC agrees to limit wood-burning to one fireplace or wood-burning device per single family unit. The multifamily units will be allowed to have only one common woodburning fireplace per project

9. UPCM and the City shall pursue an interlocal agreement with Wasatch County to provide utility and fire protection services for Bonanza Flats.

List of Exhibits

Exhibit A - Flagstaff Development Areas
Exhibit B - Bonanza Potential Development Areas
Exhibit C - Road Alignments
Exhibit D - Seasonal Emergency Access
Exhibit F - Corner Parcel
Exhibit G - Iron Mountain Property
Exhibit H - Richardson Flat
Exhibit I - Sandridge Property

ALTERNATIVE LANGUAGE PROPOSED BY WASATCH COUNTY:
see pages 11 and 12 of the Flagstaff Development Parameters

4. UPCMC agrees not to petition for annexation of Bonanza Flats property into Park City without prior written agreement from the Wasatch County Commission.

5. UPCMC may request a transfer of approved density units in Bonanza Flats to the Flagstaff Mountain Village to support a more efficient transportation hub. If such density transfer is approved by Park City, it is required that an Interlocal Agreement between Park City and Wasatch County be created to reimburse Wasatch County for the loss of revenues which may result from the density transfer. The City shall give a higher priority to multifamily or lodging units in considering any transfer and shall consider the following factors:...

6. UPCMC requested that water for Bonanza Flats be part of the Park City water system. Any agreement regarding the service of Bonanza Flats from Park City must be agreed to by Wasatch County as part of an Interlocal Agreement.

6b. UPCMC has requested that the sewer service for Bonanza Flats be through the Snyderville Basin Sewer Improvement District. Any agreement regarding the service of Bonanza Flats from Park City must be agreed to by Wasatch County as part of an interlocal agreement.

FLAGSTAFF DEVELOPMENT PARAMETERS
September 8, 1998 DRAFT

PART I. FLAGSTAFF AREA

SECTION 1. Development Configuration, Limitations and Maximum Density

A. Flagstaff Area: (see Exhibit A). The Flagstaff Area is composed of two primary development zones: the lower "Mountain Village" area and the "Northside Neighborhood" area".

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a. The development shall be constrained to up to 115 acres in overall size.

b. Pedestrian village means that most of the residential properties are clustered within walking distance (5 minute walk) of a transportation hub of the village, which can be directly accessed by pathways or sidewalks. The transportation hub is defined as the terminus of a public and/or private transportation system and public plaza located as centrally as possible within the village.

c. A maximum of sixteen (16) single-family homes on Prospect Ridge shall be considered, above the 7800 foot elevation. The applicant shall limit the height and size and siting of the single-family development on Prospect Ridge north of the proposed road to reduce the visibility with the precise limitations to be established by the Planning Commission at the MPD stage based on a visual analysis.

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e. A maximum of 75,000 sq. ft. of resort related commercial uses which shall include neighborhood commercial uses for residents and visitors, such as groceries and sundries.

2. Northside Neighborhood (formerly Pods C and D) is intended as a single- family residential area within the annexation boundaries and shall consist of :

   a. A maximum of 100 acres in development area.

   b. A maximum of 38 single family homes, the size and location of which shall be determined by the Planning Commission at the Small Scale MPD/Subdivision stage according to the following principles:
      - Homes shall be placed out of the meadow areas
      - limits of disturbance shall be at least 50 feet from any ski runs
      - structures and roads shall be configured to minimize road and utility impacts
      - minimize visual intrusion from road and ski run viewpoints
      - provide trail easements to connect to the area trail system
      - the limits of disturbance of building sites shall avoid restricting ski access through the area generally referred to as the "enchanted forest".

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      - No utility extension will be allowed (power may be allowed if it is readily accessible).
      - The Chapel will not be accessed by an improved road.
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4. UPCMC agrees to limit wood-burning to one fireplace or wood-burning device per single family unit. The multifamily units will be allowed to have only one common wood-burning fireplace per project.

5. The applicant shall formulate and incorporate detailed design guidelines for the Flagstaff development. It is the intent that development have a strong common architectural theme through the use of materials, roof pitch, architectural detailing, landscape, color, mass, scale, building heights and pedestrian linkages. These guidelines shall be approved by the Planning Commission prior to any building permit issuance in the Flagstaff area.

6. Existing improvements to the Ontario Mine Site (Silver Mine Adventure) shall be permitted to continue to operate as the current use within the annexation boundary and will be allowed to be improved or replaced within it's historical context. Any expansion or

modification would require approval by the City.

7. Building heights shall be those allowed in the RD zone, Projects in Flagstaff would be subject to the height provisions of the Land Management Code, which includes a process for consideration of height variation.

8. It is anticipated that interval ownership will be considered in Flagstaff. The Planning Commission and City Council will review requests for interval ownership and would prefer interval ownership programs with longer intervals to increase the use of the units as nightly rental.

SECTION 2. Access and Utilities

A. UPCMC agrees to the following restrictions on access:

1. Some realignment to existing SR224 may be necessary from the Ontario Mine site to the Summit County line. The road will be to a similar standard as the historical SR224. . Access over SR224 would remain seasonal (see attached Exhibit C).

2. UPCMC agrees not to renew any leases for recreational snowmobiling.

3. A private road would serve the Flagstaff project. Access would be limited to project use at two intersections with SR224, not at the County line (see attached Exhibit C). Operational procedures to control access would be refined prior to any small scale Master Plan approval.

4. The project would require seasonal emergency, secondary access through Deer Valley (Exhibit D).

5. A comprehensive emergency response plan will be required. The proposal includes a public safety facility site. The final public safety and emergency access plan would be determined prior to any permit issuance, and after coordination with affected entities, such as the Park City Fire District

6. UPCMC agrees to provide, and improve where appropriate, recreational access to trails and other amenities with the annexation area.

B. Utilities and Public Facilities

1. Flagstaff would be served by and subject to approval of, the Snyderville Basin Sewer Improvement District (SBSID).

2. UPCMC agrees that water for the Flagstaff Annexation Area would be a part of the Park City water system. UPCMC would be responsible for developing the distribution system and UPCMC and the City for developing the source. UPCMC agrees to cooperate with the

City in developing sources including, but not limited to, making well sites, water rights and easements available to the City.

3. The utilities will be sized to serve the Flagstaff (and Bonanza?)project and will not have excess capacity to serve other adjacent developments.

SECTION 3. Transit, Traffic and Parking.

A. Transportation and Traffic Mitigation. The developer has agreed to provide the following to reduce the traffic generated by the project:

1. Provide a base level of van and shuttle service including, but not limited to, circulator service within the Mountain Village and a designated City transit connection. Provide guest shuttles to key destinations such as Main Street, Silver Lake and recreational trail heads. Specific van and shuttle routes will be established to minimize impacts on existing neighborhoods.

2. Construct road and intersection improvements of SR224 and the intersection of Marsac and Deer Valley Drive to remedy existing deficiencies including:

- Financial participation by UPCMC on the reconstruction of the intersection of Marsac Avenue and Deer Valley Drive. UPCMC will be responsible for paying its proportional share of the cost of such reconstruction.
- Dedication of land and construction of a run-away truck lane along SR224.
- Widening and passing lane on SR224 between Deer Valley Drive and the Ontario Mine site.
- Drainage Improvements
- Landscape improvements uphill from the intersection with Hillside to act as a project entry

B. Parking.

1. Reduce the parking requirements in the Mountain Village by at least 25% of those required by the Land Management Code so as to substantially reduce private vehicle trips to the Mountain Village. Provide offsetting mitigation, such as parking management programs, paid parking, shuttles, airport pick-up and return, and other programs to reduce the demand for private vehicles and parking.

2. Provide shared parking in all commercial, short-term residential and mixed use buildings (assigned or reserved spaces prohibited).

3. The majority of required parking will be fully enclosed and/or underground. This specific requirement will be determined at the small scale MPD stage for each development area.

C. Trails. As a part of the Empire Canyon Annexation application, the applicant agrees to:

1. Construct and maintain, through the Master Property Owner's Association, a year round (hard surfaced) trail system interconnecting developments within Mountain Village and connecting those areas to Old Town provided that the City provides a suitable alignment on the lower portions of Prospect Ridge (the property owned by UPCMC).

2. Construct and maintain summer trails throughout the property for public biking and hiking.

D. Gondola

CTEC (a ski lift / gondola manufacturer) has determined that an 8-person gondola from the base of Swede Alley to the Mountain Village via an angle station near "the bulkhead property" is feasible and can be built for about \$4.5 to \$5.0 million. UPCMC is willing to install the gondola if the City determines, through an appropriate public process, it is in the City's best interest.

1. Operation and maintenance costs would be borne by a variety of beneficiaries to be negotiated prior to approval of the Gondola.

2. Total length - about 9,000 feet
Trip time - 10 minutes
Capacity - 1200 people per hour

3. A base facility should be located in close proximity to Historic Main Street. An angle station would have to be built on the hillside to the east of the intersection of State Highway 224 and Hillside Ave.

4. Public transit connections to and from the top of the Gondola to other areas of Deer Valley is required.

5. Park City reserves the right to explore extending the Gondola from the Mountain Village to Silver Lake Village in order to provide a large enough service area to make the project feasible.

6. If the Gondola becomes a part of this project, the City and Deer Valley will evaluate the Deer Valley Master Plan for skiing to determine if modifications

are necessary to integrate the gondola into it.

7. If the City Council determines that a gondola is not feasible or in the public interest, UPCMC agrees to contribute $1.0 million to the City, to be used specifically for other traffic mitigation projects in the City related to the project.

8. UPCMC is obligated to secure agreement from Deer Valley to operate the Gondola.

SECTION 4. Phasing. The developer is required to submit a phasing plan for review and approval by the City. The phasing plan will provide that:

- Infrastructure improvements (roads, sewer, water, private utilities) commence with the Mountain Village and progress in sequence to the Northside Neighborhood

- That one section of infrastructure be completed before moving to the next section.

- That the golf course(s) in Richardson Flats be commenced with the first phase following EPA authorization and City or County approvals.

- The Iron Mountain parcel and conservation lease dedication with the approval of the Development Agreement.

SECTION 5. Construction Mitigation. The developer will provide measures to mitigate the impact to the environment by phasing, to the greatest extent practical, the various stages of the utility, road, and building construction so as to minimize the extent, at any given time, of disturbed areas. These measures will be reflected in CC&R's of each development parcel. The conditional use review for each development parcel will specify site and development specific mitigation measures.

A. The applicant agrees to:
- Limits of Disturbance and Vegetation Protection for the construction of public improvements
- Provision of a construction staging and stockpile area at the Daly West site
- A construction traffic routing plan
- Dust and soil monitoring and controls
- Stockpiling of all earthen material on the site
- Provide on-site batch plants, material staging and construction material recycling
- Mitigation of mining and soils hazards

B. Developers of individual sites will be required to:
- Provide secure storage for tools and equipment on-site
- Provide Limits of Disturbance and Vegetation Protection, including soil stabilization adequate to control erosion and water run-off.
- Provide a traffic routing plan

SECTION 5. Employee Housing

A. The applicant agrees to provide 10% employee/affordable housing units as defined by Resolution 7-95 in connection with development in Flagstaff. The 10% shall be based on both residential and commercial unit equivalents. UPCMC has agreed to place at least 25% of these units within the development. Mountainlands Housing Trust will be consulted to determine the type, amount, and location of housing which would be most effective in offsetting the demand generated from this project. The employee housing requirement will be phased with the project. At the City's discretion, the balance of the obligation would be provided as follows:

1. Developed on the 20 acre "corner parcel" (Exhibit F) by the developer; or
2. By donating the corner parcel to the City and constructing the units on an alternate parcel provided by the City (which may include property donated to the City by UPCMC in the Sandridge area); or
3. If mutually acceptable to UPCMC and the City, by paying a fee in lieu of housing, if it results in the construction or dedication of actual units for affordable/employee housing.

SECTION 6. Ski Expansion and Open Space. Deer Valley will be allowed to expand skiing consistent with the approved Flagstaff Annexation Plan , subject to administrative review procedures.

A. Skiing

1. Pod Z shall be allowed to contain only 2 graded runs. Limited vegetation removal may be considered in the balance of the pod.

2. A skier day lodge will be allowed of up to 35,000 square feet at the Daly West area, provided no public parking is included and the lodge is accessed only by a service road.

3. A private club cabin for the benefit of property owners within the Flagstaff area, provided no public access road or public parking is included.

B. Open Space

1. Zone all areas within the annexation area which are not developed, as Recreation Open Space.

2. Prohibit development in significant wetland and wildlife areas such as, but not limited to, the Lady Morgan Springs area.

3. Dedicate an open space easement for land not designated for commercial and

residential development to assure that the land is permanently open. Different sections of this land may have different provisions in the open space easement (i.e. ski terrain, wildlife habitat, sensitive lands).

4. Dedicate the area below (north of) Prospect Ridge to the City as an addition to and providing a continuous link with the City's open space on Prospect Ridge.

SECTION 7. MPD Requirements

A. The annexation agreement and development agreement constitute Large Scale MPD approval.

B. Prior to any construction occurring on the site and prior to or concurrent with the first small scale MPD approval, the following must be reviewed and approved:

- Design Guidelines
- Detailed Construction Mitigation Plan
- Mine/Soil Hazard Mitigation Plan
- Construction and Housing Phasing Plans, which calls for the efficient extension of services, concentrating initial infrastructure development in Mountain Village and secondarily in the Northside Neighborhood.
- Specific transit plan
- Specific design of roads and public improvements
- Parking Management Plan
- Access limitation procedures
- Trail locations, specifications and phasing
- Detailed Open Space Management Plan
- Historic Preservation Plan
- Emergency Response Plan
- A Utilities Master Plan including the timing, alignment, and service strategy for water and sewer service.
- Wildlife management plan

C. Each development parcel will be required to be reviewed and approved as a Small Scale MPD.

SECTION 8. Additional Public Benefits/Mitigation

A. Iron Mountain Property
UPCMC agrees to deed restrict or transfer to the City 106 acres on Iron Mountain (at the City's discretion) with skiing rights reserved. The City reserves the right to review any future proposed skiing (Exhibit G).

B. Richardson Flats (Exhibit H)

As a part of an Empire Canyon project with the City, or the County, UPCMC is considering the following two options in the Richardson Flats area (total area of about 600 acres), subject to UPCMC entering into a satisfactory agreement with EPA regarding reclamation and reuse of the Richardson Flats tailings impoundment area. Recreation impact fees for Empire Canyon would be earmarked toward development of this site. The project would pay a negotiated park development impact fee similar to the rate charged by the Snyderville Basin Recreation District's impact fee.

Option 1

- A privately owned, publicly accessible, golf course to be constructed by UPCMC. The golf course would be operated to maximize play.
- A 50 acre site which could be used for activities such as an equestrian facility, rodeo grounds, a special events site, driving range, or other recreational activities.

Option 2

- The Richardson Flats area may accommodate 36 holes of golf of which 18 holes would be required to be public and 18 could be for private use. This alternative would require the acquisition of additional land from an adjacent property owner and the City would consider participating in this acquisition. The public course will require public funds for improvement. If two courses are achievable, UPCMC and the City will work to provide water to both courses and cooperatively develop shared facilities such as a driving range and maintenance shops.

  UPCMC is exploring alternatives for water delivery to Richardson Flats, including using an Ontario Canyon source conveyed to the site via the existing slurry line, or development of UPCMC rights in Jordanelle water.

  UPCMC agrees to facilitate the design and development of Richardson Flats for agreed upon recreational uses in the early phases of the construction of the Flagstaff project and does not oppose annexation of the Richardson Flats area to the City. The timing of such recreational facilities may, however, be subject to yet undetermined resolution and/or mitigation of environmental concerns.

C. Real Estate Transfer Fee

UPCMC has offered a Real Estate Transfer Fee of 1% which is considered an enhancement. The Real Estate Transfer Fee would be contributed in addition to usual impact fees and will be used as follows:

- 50% to the Master Property Owners Association to assist in funding transit and open space maintenance
- 50% to Park City Municipal Corporation to assist in funding transit, recreation improvements and open space acquisition

D. <u>Sandridge Property</u> (Exhibit I) UPCMC agrees to restrict property owned by UPCMC in the Sandridge area (both parking and hillside area) to Park City and requests the option of evaluating the feasibility of providing affordable housing on the hillside site.

PART II. BONANZA FLATS AREA

Context. UPCM owns significant property in the Bonanza Flats area of Wasatch County and wishes to develop such property. UPCMC has conducted traffic studies which indicate that at least 75% of all traffic from the Bonanza property will come to and through Park City. Therefore, in consideration of these traffic impacts, UPCMC agrees to limit it's application to Wasatch County as stated below.

1. UPCMC agrees, to restrict the residential development in the Bonanza Flats area to a maximum of 260 Units or 280 Unit Equivalents, of which no more than 160 would be single family (Exhibit B). The commercial development may be up to 50,000 sq. ft. of resort related support commercial, a privately owned 18 hole golf course, and alpine and Nordic skiing. Units would be sited away from the lakes in Bonanza.

2. UPCMC agrees to amend its development application currently on file with Wasatch County to reflect this agreement. The areas of UPCM property which are not to be developed will be appropriately restricted through conservation easements so that they are reserved for recreational and open space uses in perpetuity.

3. As further consideration, Park City agrees to permit a private access road to be constructed and maintained by UPCM between the Flagstaff and Bonanza Flats development areas, provided such private road is restricted to Flagstaff & Bonanza property owners and guests.

4. Annexation of the Bonanza Flats development is not being considered at this time by Park City or UPCM. Park City and UPCM commit to work cooperatively with Wasatch County as the process for Bonanza Flats proceeds in Wasatch County.

5. UPCMC may request a transfer of approved density units in Bonanza Flats to the Flagstaff Mountain Village to support a more efficient transportation hub. If such density transfer is approved by Park City, it is anticipated that an Interlocal Agreement between Park City and Wasatch County would be created to address the potential fiscal impacts to Wasatch County of the density transfer. The City shall give a higher priority to multifamily or lodging units in considering any transfer and shall consider the following factors:
    - the location and quality of open space within Bonanza Flats
    - the suitability of increased density in the Mountain Village
    - the potential reduction of traffic
    - the positive impacts on the transportation system
    - the visual and other impacts to the Mountain Village
    - the positive and negative impacts the Bonanza Flats

6. It is understood and acknowledged by all parties that water and sewer must be provided to Bonanza from the same basin to avoid any trans-basin transfer issues. Park City is providing water the UPCMC's Flagstaff project and Park City and UPCMC desire to serve Bonanza Flats as well. Wasatch County must approve the water and sewer service for Bonanza at a

later date. However, if Wasatch County approved Park City providing water to Bonanza Flats, UPCMC agrees as follows:

- UPCMC would be responsible for developing the distribution system and UPCMC and the City for developing the source
- UPCMC agrees to cooperate with the City in developing sources including, but not limited to, making well sites, water rights and easements available to the City
- UPCMC agrees to apply to the Snyderville Basin Sewer Improvement District to provide sewerage for the development in Bonanza Flats.

7. In the event that Wasatch County does not require an amount of employee / affordable residential units equal to at least 10% of the total approved residential and commercial unit equivalents in the Bonanza Flats project, UPCMC agrees to provide that number of employee/affordable housing units.

8. To lessen the fire danger in Bonanza Flats and surrounding Flagstaff areas, UPCMC agrees to limit wood-burning to one fireplace or wood-burning device per single family unit. The multifamily units will be allowed to have only one common woodburning fireplace per project

9. UPCM and the City shall pursue an interlocal agreement with Wasatch County to provide utility and fire protection services for Bonanza Flats.

List of Exhibits

Exhibit A - Flagstaff Development Areas
Exhibit B - Bonanza Potential Development Areas
Exhibit C - Road Alignments
Exhibit D - Seasonal Emergency Access
Exhibit F - Corner Parcel
Exhibit G - Iron Mountain Property
Exhibit H - Richardson Flat
Exhibit I - Sandridge Property

ALTERNATIVE LANGUAGE PROPOSED BY WASATCH COUNTY:
see pages 11 and 12 of the Flagstaff Development Parameters

4. UPCMC agrees not to petition for annexation of Bonanza Flats property into Park City without prior written agreement from the Wasatch County Commission.

5. UPCMC may request a transfer of approved density units in Bonanza Flats to the Flagstaff Mountain Village to support a more efficient transportation hub. If such density transfer is approved by Park City, it is required that an Interlocal Agreement between Park City and Wasatch County be created to reimburse Wasatch County for the loss of revenues which may result from the density transfer. The City shall give a higher priority to multifamily or lodging units in considering any transfer and shall consider the following factors:...

6. UPCMC requested that water for Bonanza Flats be part of the Park City water system. Any agreement regarding the service of Bonanza Flats from Park City must be agreed to by Wasatch County as part of an Interlocal Agreement.

6b. UPCMC has requested that the sewer service for Bonanza Flats be through the Snyderville Basin Sewer Improvement District. Any agreement regarding the service of Bonanza Flats from Park City must be agreed to by Wasatch County as part of an interlocal agreement.