PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 1, 2005

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 1, 2005.

Closed Session - Executive Conference Room

4:30 p.m. Personnel and property

Work Session – City Council Chambers
5:30 p.m. Council questions/comments
5:40 p.m. Review of regular meeting
Strategic plan for City-owned properties
Funding for Rail-trail paving project
5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 18, 2005

V OLD BUSINESS

Resolution adopting a strategic plan for city-owned property with development potential

VI NEW BUSINESS

1. Authorization to staff to enter into a cooperative agreement for pre-construction reimbursement with UDOT for improvements to the Historic Union Pacific Rail-Trail and appropriation of $23,606, as Park City Municipal Corporation's match to the project

2. Appeal of a conditional use permit for construction on a steep slope, and a conditional use permit for an accessory apartment for 234 Daly Avenue, approved by the Planning Commission on July 27, 2005 - Appellants Eric Mosher, Julia Pettit and Brooke Hontz

- Staff presentation
- Appellants presentation
- Action

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Posted: 08/29/05
See www.parkcity.org

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

September 2005

5 *Labor Day*
7 *Candidate briefing – 3:30 p.m. to 5 p.m. – Council Chambers*
8 **Marianne gone**
BFI contract and trash containers - work
Regional weed abatement
Election Judge appointments
Sustainability resolution
Sign Code amendments
Ordinance – 819 Empire Avenue – one year extension of plat recordation
Easement agreement with Paladin
9 *Management Team meeting*
14-18 *Summer Tour*
15 **No meeting**
22 RAB visioning - work
Ordinance- approving a plat amendment at 827 Norfolk Avenue (David)
Ordinance- approving a condominium conversion for The Line Condominiums, located at 555 Deer Valley Drive (Ray)
Ordinance- approving a final record of survey plat for the Lookout at Deer Valley, located at 6601 Royal Street West (Ray)
Ordinance- approving a plat amendment for The Public Works Building, located at 1630 Short Line Road (David)
Ordinance – 819 Empire Avenue recordation extension - Ray
Ordinance- amending the Land Management Code, Title 15, Chapter 4, supplemental Regulations regarding overcrowding permits (Ray)
Ordinance – Sign Code
Ordinance approving the Finnegan's Bluff Subdivision, located at 760 Saddle View Way, Park City, Utah
29 **No meeting**

October 2005

4 Primary Municipal Election Day
6 Historic District update - Pat
11 Official Primary Election Canvass - canvass must take place no sooner than 3 days and no later than 7 days after the election 20A-4-301(2)
13
20
27

November 2005

3
8 Municipal Election Day
10

15 Official Election Canvass (*Tentative*)
17
24 Thanksgiving

December 2005
1
8
15
22
29

Pending Items:
KPCW lease
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 18, 2005

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; Aziz Kurdi, IT Director; Stacey Noonan, Quinns Junction Sports Complex Manager; Kent Cashel, Assistant Public Works Director

Sue Follett, Summit County Clerk

Absent: **Council member Kay Calvert**

1. Council questions/comments. Marianne Cone expressed that the Mustang car event was interesting and well attended. The Art Advisory Board is exploring an innovative program where historic or cultural sites are posted with a phone number and when called, patrons hear a story about that location. The Historic Preservation Board authorized a certificate for demolition for The Orr House and the 9 Hillside Avenue project was approved. She also commented on the success of the Arts Festival. Jim Hier spoke about the CTAC meeting where members discussed producing the Citizen Budget Summary again and Gary Hill has ideas for refining it further. He thanked Mr. Hill and his staff for their great work and looks forward to seeing the new document. He attended an IHC/Burbidge Task Force meeting this morning where the focus was pursuing an economic analysis to assist in evaluating data from the applicant, which will provide helpful independent background information. Marianne Cone expressed her support. Mr. Hier commented on his trip to Vail and discussed a variety of improvements and projects underway since the Summer Tour last year. Dana Williams relayed the positive comments he received regarding the Friday evening opening of the Arts Festival. He asked Gary Hill to update Council on the sales tax legislation.

Gary Hill explained that the City participates on a ULCT tax policy team formed about two years ago. It has become apparent to cities that the proposed sales tax hold harmless application is a *hot button* for most legislators. Park City is one of about 15 communities that is held harmless. Based on the distribution formula created in 1983, we receive a little more that other communities with higher populations. Because of the way this is perceived by members of the legislature, it may be prudent to explore a plan which phases out the hold harmless status. He added that a task force of impacted communities has been formed to address a plan and the City Manager hoped that if the hold harmless is phased out, the result would be a fair formula balanced with point of sale and population. In response to comments made, Mr. Hill explained that the state would hold Park City harmless to a dollar amount based upon a certain year. Naturally, through the growth of the economy, it would be eclipsed. He emphasized that a 50/50 distribution would hurt Park City much more than phasing out the hold harmless provision. The Mayor extended his appreciation of staff's professional participation on this issue.

Mayor Williams stated that he attended two meetings with the State Energy Tax Force, which was appointed by the legislature. Membership includes energy producers in Utah environmental organizations, and other interested agencies. Renewable energy has been a major focus. The Mayor commented on the sound garden dedication.

Electronic voting machines. Aziz Kurdi explained that Council directed his department to research electronic voting machines, specifically Diebold, which the state has approved but has not purchased. He understood that the equipment will not be available for the 2005 election and the punch card system will be utilized. In his opinion, if the equipment were available, he would not recommend it because there are glitches, which are typical but take time to solve. The electronic equipment will be used in 2006 and it is possible that the program will be further refined by 2007 for our next municipal election. Mr. Kurdi emphasized that although there may be problems now, he felt they can be easily addressed after the equipment is tested. In response to concerns expressed about fraud, Summit County Clerk Sue Follett added that the electronic voting equipment will not be wireless, be hooked up to the Internet and/or the County network.

ERP software update. Aziz Kurdi explained that there were seven responses to an RFP, and after site visits to selected vendors, staff is recommending ERP who has been extremely thorough in analyzing the City's needs. After optional software features for departments are identified, contract negotiations will begin and the conversion should take about 12 months. In response to a comment about tracking additional staff time required for the conversion, Mr. Aziz explained that the most impacted departments have been advised of the added responsibility and some departments have secured funds for this purpose. He has not analyzed the number of hours associated with each department's migration. Mr. Hier requested that conversion and training hours be quantified.

Zamboni purchase. Stacey Noonan relayed that the Zamboni specs are available in her office for inspection. Staff is recommending the purchase of an electric resurfacing machine made by Frank Zamboni & Company in the amount of $88,410 to build and maintain ice at the Quinns Junction Sports Complex ice arena. This equipment is budgeted at $90,000. There are only three companies who make resurfacers, including Olympia and Ukko. The Zamboni was the lowest priced and by comparison, the Olympia is $47,000 more expensive. It is designed to service two sheets of ice and if the City decides to install another sheet, she suggested purchasing a back-up machine which will probably be used. Ms. Noonan emphasized that she is not recommending considering the Olympia at that price. Zamboni has over 50 years experience in making these machines and has sold over 8,000 resurfacers. She discussed the great service Zamboni provides; the equipment is not very complicated, especially the electric model.

Ms. Noonan recommended the electric machine which promotes sustainability and is environmentally friendly. More importantly it is safer than propane which can leak and explode and the tanks are heavy to lift. The upfront cost is a little more, but she felt fuel savings will make up the cost difference. The order has to be made as soon as possible so that the Zamboni is ordered and delivered by December. Jim Hier asked for information about the cost savings between electric and fuel powered machines and Ms. Noonan indicated that she will follow-up. The Mayor added that selling advertising on the Zamboni is a potential revenue source.

Strategic plan for City-owned property. Kent Cashel explained that a draft was presented to Council in late March and an open house was held on the proposal in May. Public input focused almost solely on the Old Sewer Plant site and comments were supportive that the property be used for a fire station, a public facility for water infrastructure, or a park. It is important to note that adoption of the strategic plan will not limit uses, but will identify intended uses. Marianne Cone asked if a conservation easement will be placed on Prospect Ridge and Kent Cashel explained that it would take a separate action. He corrected the future use information in his staff report to add interpretive park green space for the Colman property and improved parking on the Hillside/Main property. Mark Harrington reminded Council that part of the strategy in the acquisition of the Colman parcel was to facilitate some boundary dispute situations and about six have been addressed and solved.

Mr. Cashel stated that on March 24, Council determined that the Shortline parcel does not meet the long time needs for Public Works and should be sold or traded, and the affordable housing component for the north lot at the Library be stricken. The Osguthorpe easement on the North 40 was discussed. See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 18, 2005

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 18, 2005. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Kay Calvert was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Lloyd Evans, Chief of Police, Kirsten Whetstone, Planner, Ray Milliner, Planner, Patrick Putt, Planning and Zoning Administrator, and Max Paap, Special Events and Facilities Coordinator.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Recognition of Officer Bob Lucking – Chief Lloyd Evans explained that every year, the Park City Elks Lodge pays tribute to a public safety employee. This year, Police Officer Bob Lucking has been selected as the honoree for his work in developing the traffic program, assistance in obtaining equipment, and coordinating the neighborhood speed program.

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

The Mayor invited the audience to comment on any matter of City business not scheduled on the agenda. Hearing no comments, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF AUGUST 4, 2005

Marianne Cone made a minor correction to the work session notes, "I move to accept the minutes for August 4, 2005 (as corrected). Joe Kernan seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the Finnegan's Bluff Subdivision, located at 760 Saddle View Way, Park City, Utah **(motion to continue to September 22, 2005)** – The Mayor requested a motion to continue. Candace Erickson, "I so move". Marianne Cone seconded. Motion carried.

Kay Calvert	Absent

Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. <u>Ordinance approving the Fourth Amended Record of Survey Plat for The Knoll at Silver lake Phase I Condominiums, Park City, Utah</u> – Kirsten Whetstone explained that this application requests an amendment to add some private area from the common area to Units 1 and 2; there have been prior amendments for Units 3 and 4. If approved, this action will add a total of 362 square feet of living space to Unit 1 and 155 square feet of living space to Unit 2. The Planning Commission forwarded a positive recommendation on July 27, 2005 and there was no public input at that meeting. The Mayor expressed concern that the project initially provided more open space than required which subsequently has been *whittled away* with amendments to the record of survey. Kirsten Whetstone believed that the loss of open space will not be visually perceived, but there are other projects where this is not the case. Jim Hier felt that if there were entitlements or special considerations for a project because of providing more open space, this information should be included in the findings of fact. Every similar application should be reviewed for trade-offs that may have occurred. Ms. Whetstone advised that there were no concessions associated with approvals for The Knoll but will keep Mr. Hier's comments in mind. The Mayor opened the public hearing and with no input, closed the hearing.

3. <u>Ordinance approving a plat amendment for 330 and 336 Daly Avenue, Park City, Utah</u> – Ray Milliner explained that the request is to reduce the size of a snow shed easement, located between 330 and 336 Daly Avenue. The Planning Commission concluded that since the applicant is proposing single family homes rather than duplexes on the two lots, it is appropriate to reduce the size of the easement. The original condition was placed to provide adequate distance between duplexes, but the applicant has agreed not to construct duplexes or accessory apartments, which is included in the findings. Candace Erickson pointed out that the height could be the same for a single family dwelling and a duplex. Mr. Milliner agreed, and explained that the conclusion that duplex structures would create more mass is documented in the original findings, which was the basis for this application. The Mayor invited the audience to comment and hearing no input, closed the public hearing.

4. <u>Ordinance approving the 257 McHenry Avenue plat amendment, a lot combination of Lots 17 and 18, and a portion of Lot 16, Block 60 of the Park City Survey</u> – Patrick Putt explained that the owner is requesting combining two lots into one lot of record consisting of 4,784 square feet and meeting requirements of the HR-1 District. There is an historic building on the property and a small addition encroaches onto the City-owned Virginia mining claim. The purpose of the proposed plat amendment is to create a lot of record to accommodate a relocation of the historic house onto the property in a compliant manner. Garage and living area additions are contemplated. The Planning Commission forwarded a positive recommendation with the findings, conclusions and conditions outlined in the ordinance. In response to a question from

Marianne Cone, Mr. Putt stated that the owner has not yet submitted an application to rehabilitate the house, but it is his intent. The Mayor invited the audience to comment and hearing no input, closed the public hearing.

5. Master Festival License for the Literary Festival to be held September 9 – 11, 2005 – Max Paap explained that the use of Miners Park and other venues on upper Main Street are contemplated and the applicant requests a fee waiver in the amount of $570, which is supported by staff. The Mayor disclosed that the Motherlode Band will be performing at the event. Candace Erickson expressed that she is pleased to see the Literary Festival come to fruition after years of planning and the proposal seems like a good event. In response to a question from Council member Kernan about fee waivers, Mr. Paap explained that Section 4-8-9 of the Municipal Code provides for fee waivers and criteria to qualify, and Council makes the final determination. Fee waivers are not advertised and not everyone applies. Mark Harrington interjected that the criteria considers first time events, economic return by way of sales tax, and other offsets for providing municipal services. The Mayor opened the public hearing.

Peg Bodell, resident and one of the organizers, stated that the group has a phenomenal product for the first year. The opening celebration will be at the Egyptian Theater on September 10 and a briefing will be held after the event. The Mayor felt it appropriate for the City to acknowledge 9-11 some way. With no further comments, the Mayor closed the public hearing.

VI CONSENT AGENDA

Candace Erickson, "I move to approve Consent Agenda items 1 through 5, including the fee waiver for the Master Festival License". Jim Hier seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

1. Ordinance approving the Fourth Amended Record of Survey Plat for The Knoll at Silver lake Phase I Condominiums, Park City, Utah – See staff report and public hearing.

2. Ordinance approving a plat amendment for 330 and 336 Daly Avenue, Park City, Utah – See staff report and public hearing.

3. Ordinance approving the 257 McHenry Avenue plat amendment, a lot combination of Lots 17 and 18, and a portion of Lot 16, Block 60 of the Park City Survey – See staff report and public hearing.

4. Master Festival License for the Literary Festival to be held September 9 – 11, 2005 – See staff report and public hearing.

5. Authorization to staff to enter into service provider contracts for bus shelter art projects in a form approved by the Legal Department with John Helton in an amount not to exceed $8,000 and William R. Littig in an amount not to exceed $16,000 – See staff report.

VII RESIGNATIONS AND APPOINTMENTS

Reappointment of Mary Wintzer to the Board of Adjustment for a term expiring May 31, 2009 – Marianne Cone, "I move we reappoint Mary Wintzer to the Board of Adjustment for a term expiring May 31, 2009". Jim Hier seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

VIII NEW BUSINESS

1. Resolution adopting a strategic plan for city-owned property with development potential – See staff report and work session discussion. The City Manager suggested that this item be continued to September 1 so that all changes are clearly reflected in the document. Jim Hier, "I move we continue Item 1 regarding the strategic plan for city-owned property to September 1". Candace Erickson seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. Authorization to staff to enter into an agreement with Frank J. Zamboni & Co., Inc. to purchase an electric powered resurfacing machine in an amount not to exceed $88,410 – See staff report and work session notes. Joe Kernan, "I move we authorize staff to purchase the $88,410 Zamboni machine". Marianne Cone. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Kay Calvert was excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Marianne Cone, "I move to close the meeting to discuss property and personnel". Jim Hier seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

The meeting opened at approximately 5 p.m.

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

Prepared by Janet M. Scott

City Council
Staff Report

Author: Kent Cashel, Deputy PW Dir.
Subject: STRATEGIC PLAN FOR CITY-OWNED PROPERTIES
Date: September 1st, 2005
Type of Item: Legislative

Public Works

Summary Recommendations:
Staff requests that City Council pass the attached resolution adopting a strategic plan for City-owned properties with development potential.

Description:
Background:

The City owns hundreds of parcels of land. The size of these properties range from easements consisting of a few hundred square feet to 30- 40 acre parcels with development potential. This not including thousands of acres of protected open space.

As land with development potential within the area becomes increasingly scarce both the market and strategic value of these parcels rise. Looking forward the City's need for additional administrative offices, operations facilities, and recreation and affordable housing facilities will grow and require real estate to develop these facilities on. The City Manager directed Staff to form a cross functional team in December of 2004 to complete the following five tasks:

- Compile an inventory of City owned parcels with development potential.
- Compile a list of City needs or projects that are currently being considered.
- Develop a draft strategic plan for the use of City owned parcels with development potential.
- Present this draft strategic plan to Council for input and direction.
- Integrate Council and community input into a final strategic plan and present to Council for final adoption.

The City Property Team was formed with the following members:

Patrick Putt	Planning
Rick Ryan	Public Safety
Colin Hilton	Capital Projects & Economic Development
Alison Butz	Special Events
Gary Hill	Budget, Grants & Debt
Ken Fisher	Recreation
Eric Dehaan	Engineering
Kent Cashel	Public Works

On May 4th, 2005 Staff held an open house at the Miner's Hospital to present the draft plan to the public and take comment on the plans recommendations.

Staff presented the final draft plan to Council on August 18th, 2005. Technical difficulties encountered while preparing the Council packet for that resulted in the report being contained in two different sections of the packet. This created some confusion regarding the specific contents of the final strategic plan. Staff requested that Council reschedule adoption of the strategic plan for the September 1st meeting to reassemble the report and ensure all details of the plan have been clearly communicated.

Staff has incorporated Council direction and public comment into the final strategic plan and requests that Council pass a resolution to adopt that plan.

Analysis:

The "Strategic Plan for City Owned Parcels with Development Potential." (Found in Exhibit A of the attached resolution) consists of the following two elements:

1. **Summary Strategic Plan-** This table identifies the intended use(s) for each parcel contained in the plan.
2. **Strategic Plan Technical Tables –** These tables contain technical details specific to each individual parcel

Department Review:
This report has been reviewed by the following departments: City Manager's Office, City Attorney's Office, Facilities and Special Events, Budget Office and Public Works.

Alternatives:

Approve the Request:
Council could pass the resolution adopting a strategic plan for City-owned properties with development potential. This is staff's recommendation.

Amend the Request:
Council could amend the final plan and pass the resolution adopting a strategic plan for City- owned properties with development potential.

Deny the Request:
Council could deny Staff's request.

Continue the Item:
Council could defer decision on this item to a later date.

Do Nothing:
Council could choose to do nothing on this item.

Significant Impacts:
It is important to note that the attached strategic plan will not bind the City to any particular use for a given parcel but will provide more clarity and direction to City Council, Staff and third parties on the intended use of City-owned parcels with development potential.

Recommendation:
Staff requests that City Council pass the attached resolution adopting a strategic plan for City- owned properties with development potential. The resulting strategic plan will not bind the City to any particular use for a given parcel but will provide more clarity and direction to City Council, Staff and third parties on the intended use of City-owned parcels with development potential.

Attached: 1. Resolution with Exhibit A

RESOLUTION ADOPTING A STRATEGIC PLAN FOR CITY OWNED PARCELS WITH DEVELOPMENT POTENTIAL

WHEREAS, the City owns numerous properties with possible municipal uses or development potential;

WHEREAS, potential uses for City-owned parcels with development potential are many and varied;

WHEREAS, the City Council has determined that it is in the public's best interest to have a strategic plan to communicate the intended use for each City-owned parcel with development potential; and

WHEREAS, the City Council has determined it is in the public's best interest to have a strategic plan to guide decision making regarding City-owned parcels with development potential.

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

SECTION 1. STRATEGIC PLAN. Park City adopts the "Strategic Plan for City-Owned Parcels with Development Potential" as attached hereto as Exbibit A.

This Resolution hereby constitutes public notice that the properties listed herein are intended for sale if so noted, and the City Council may meet in closed session as allowed by state law to discuss the best possible terms of a potential sale. Any final approval of a sale by the City Council must be done at a regular, open meeting.

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

EXHIBIT A
SUMMARY STRATEGIC PLAN

Parcel	Intended Use
Baingo\Wortley #1	Recreational Use, Trade/Sell
Baingo\Wortley #2	Public Works Snow Storage
Baingo\Wortley #3	Hold/Trade/Sell
North Forty Parking Area	Recreation Parking ,Trade/Sell
Old Sewer Plant	Park/Water Infrastructure/Fire Station, Trade/Sell
Snow Creek #1	Public Safety, Trade/Sell
Snow Creek #2	Potential Affordable Housing Project, Trade/Sell
Shortline	Trade/Sell
North Library	Current Recreation Use
Wisnewski	Trade/Sell
Colman	Interpretive Park/Green Space, Trade/Sell
Colman (Prospect Ridge)	Open Space/Trail
Pechnick	Trade/Sell
Pace #1-3	Hold/Trade/Sell
Pace #4 (Tailings Parcel)	Hold/Trade/Sell
Braser-Nanaloa	Hold/Trade/Sell

Baingo\Wortley # 1 Parcel

Location	Eastern edge of City on north side of SR248.
Description	Approx 8 Acres.
Ownership	City
Parcel Market Value	No current appraisal available.
Zoning	RD, ECPZ
Current Use	None
Identified Potential Use	Recreation Use (Identified as potential BMX track). Affordable Housing. Public Works Expansion. Park and Ride.
Environmental Issues	None
Miscellaneous Issues	Utilities (water and sewer) are distant from site
Easements	None
Intended Use	**Recreation Use, Trade/Sell:** Given the ECPZ zoning and utility access issues this site presents many development challenges. The City intends a recreational use for this parcel. The parcel has been identified as the potential site by the Recreation Advisory Board for a future BMX track. The BMX track planned to be temporarily at the Old Sewer Treatment parcel is currently developed as a concept only. Funding for this project exists in CIP funds. The City may choose to sell or trade this parcel in the future.

Baingo\Wortley # 2 Parcel

Location	Eastern edge of City on south side of SR248.
Description	Approx 14 Acres.
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS, ECPZ
Current Use	Public Works Snow\Materials Storage.
Identified Potential Use	Public Works Snow\Materials Storage.
Environmental Issues	Most likely soil contamination.
Miscellaneous Issues	Wetlands protection will be necessary if City chooses to continue snow\materials storage at this site.
Easements	None.
Intended Use	**Snow Storage:** Proximity to City makes this site invaluable to snow removal efforts as is evident by volume of snow stored there this year.

Baingo\Wortley # 3 Parcel

Location	Eastern edge of city on south side of SR248 (South side of Rail Trail).
Description	Approx 14 Acres.
Ownership	City
Parcel Market Value	No current appraisal available.
Zoning	ROS, ECPZ
Current Use	None
Identified Potential Use	No projects identified by Staff
Environmental Issues	None
Miscellaneous Issues	Access to site is somewhat limited.
Easements	None
Intended Use	**Hold/Trade/Sell:** No current projects. The City will continue to explore potential uses for this parcel. The City may choose to sell or trade this parcel in the future.

North Forty Parking Area Parcel

Location	West side of PC hill between SR248 and Meadows Drive.
Description	73.5 acres.
Ownership	Municipal Building Authority (MBA)
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Parking for recreation fields.
Identified Potential Use	Parking for recreation fields, Recreation storage, Right of way for eastern access road into Park Meadows from SR 248, Trade\Sell.
Environmental Issues	Wetlands along west side of parcel.
Miscellaneous Issues	Historic structure on site. Much of site is very steep hillside.
Easements	Osguthorpe Single family easement on north end of parcel.
Intended Use	**Current Recreation Field Parking, Trade/Sell.** Current use for parking fills need generated by recreation fields. Parcel has the potential to serve as right of way for an eastern access route into Park Meadows\Fairway Hills area if this route was deemed appropriate at some point in the future. The City may choose to sell or trade this parcel in the future.

Old Sewer Plant

Location	East of SR 224 on south side of Holiday Ranch Loop Road between Holiday Ranch Loop Road and Saddle View Way.
Description	Approx 8.45 acres
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Trail along the west side of parcel, Parks and Golf materials storage and staging, Water well and pump house on NE corner.
Identified Potential Use	Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, Public works expansion, trade-sell.
Environmental Issues	Wetlands dissect property in several places.
Miscellaneous Issues	Situated in the flood plain. Old foundations are buried and would likely need removal to prep building site (park site could bury in place).
Easements	Trail
Intended Use	**Park/Fire Station/Water Treatment Plant, Trade\Sell** The water treatment plant is a required use along the east side of property (next to the Divide and New Park Meadows wellheads). The Recreation Advisory Board has identified this as a potential site for a neighborhood park and a temporary BMX track. The site's geographic location makes it ideal for the placement of a fire station to provide fire suppression and medical response services to adjacent neighborhoods. The packaging of essential water infrastructure, a neighborhood park and a fire station is the optimal identified use of this site. The fire station will provide an on-site security presence for the park and critical water infrastructure. The park provides a softening element for the water infrastructure and fire station.

	Funding for water projects has been identified and concept design and environmental work are underway. City could negotiate sale\trade\donation of site for fire station. Design and funding of the fire station would be provided by the PC Fire District. Funding for the park exists in the CIP.

Snow Creek # 1 Parcel

Location	East Side of SR224 between Post Office and Snow Creek Drive.
Description	Approx 2.5 acre.
Parcel Market Value	No current appraisal available
Ownership	Lower Park Avenue RDA
Zoning	RDM, FPZ, SLO
Current Use	None
Identified Potential Use	Public Safety Complex, Sell or Trade, Visitor Center
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	Trail, Doherty Ditch
Intended Use	**Public Safety Complex, Trade/Sell** Council has directed staff to move forward with design of Public Safety Complex on this site. The City may choose to sell or trade this parcel in the future.

Snow Creek # 2 Parcel

Location	West Side of SR224 directly east of post office west of Dan's shopping center and north of Snow Creek Drive.
Description	Approx 4.0 acres.
Parcel Market Value	No current appraisal available
Ownership	Lower Park Avenue RDA
Zoning	RDM, SLO
Current Use	None
Identified Potential Use	Affordable Housing.
Environmental Issues	Wetlands along west side of parcel.
Miscellaneous Issues	Providing access to site may be challenging.
Easements	Sewer and road, trail and Doherty ditch easements.
Intended Use	**Affordable Housing, Trade/Sell** Given the lack of identified projects for this site, the RDM zoning, parcel proximity to transit and other amenities make an affordable housing project a viable use for this parcel. No specific design or funding for this project has been identified. The City may choose to sell or trade this parcel in the future.

Shortline Parcel

Location	Northeast corner parcel at Deer Valley Drive and Shortline Road (south of Public Works directly west of Frontier Bank).
Description	Approx. 1 acre.
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	General Commercial FPZ
Current Use	Vacant dirt lot
Identified Potential Use	Public works expansion, trade-sell.
Environmental Issues	Lies within Soil Protection ordinance boundaries (capping mandatory).
Miscellaneous Issues	None identified
Easements	Parking easement for eight spaces granted to Copperbottom Inn along west frontage with Shortline Road. Any project constructed on this site will have to accommodate these spaces.
Intended Use	**Trade or Sell** This location adjacent to the Public Works facility make a portion of the parcel viable for Public Works expansion. Its immediate location would help control operating costs that would increase with a more distant location. The portion of the property fronting on Deer Valley Drive make this parcel attractive to a third party seeking a site for office\commercial use. Transit in particular has immediate (0-2 years), intermediate, (3-7 years) and long term (7-20 year) needs for expanded equipment storage and maintenance bays. While the Shortline parcel will accommodate immediate and intermediate needs it is not clear that space is adequate to fill long term needs. It has been determined that a more viable long term strategy for Transit is to seek a new site perhaps in the Quinn's junction area. The City may sell or trade this parcel to fund that alternate site.

North Library Parcel

Location	Recreation field located north of City library
Description	Approximately 1 acre
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Recreation field and unregulated parking
Identified Potential Use	Recreation field, small affordable housing project at north end of field.
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	None identified
Intended Use	**Current Recreational Use** This parcel will continue in current use serving the communities un-programmed recreational needs.

Wisnewski Parcel

Location	148 Main Street
Description	Approx. ¼ acre.
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	HR-2
Current Use	Vacant dirt lot
Identified Potential Use	Trade\Sell (with relocated historic structure currently located on Colman parcel).
Environmental Issues	None identified.
Miscellaneous Issues	Flood Plain.
Easements	Critical water flow course.
Intended Use	**Trade/Sell** (with relocated historic structure located on Colman parcel) Given location in historic district relocating structure from Colman parcel will make structure more attractive and improve likelihood outside party would purchase and restore.

Colman Parcel

Location	Located between Hillside Avenue and Swede Alley
Description	Approx. 1 acre
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	HR-1, HR-2
Current Use	Vacant Dirt lot.
Identified Potential Use	Interpretive Neighborhood Park, Green Space
Environmental Issues	Within Soils Ordinance Boundaries (capping mandatory).
Miscellaneous Issues	Flood Plain, Historic Structure on Site, Limited access to site.
Easements	Critical Water Flow Course
Intended Use	**Interpretive Neighborhood Park/Green Space, Trade/Sell** Given location in historic district, flood plain and limited access to the site make an interpretive neighborhood park\green space a viable and beneficial use. Historic structure on site could be relocated to Wisnewski parcel (just west of Coleman parcel). Funding for the interpretive parks project exists in the neighborhood parks CIP. The City may choose to trade or sell this parcel.

Colman (Prospect Ridge) Parcel

Location	NE corner of Hillside and Main.
Description	Approximately 8.29 acres.
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Open Space with trail and small parking area on Prospect drive.
Identified Potential Use	Open Space\Trail.
Environmental Issues	Within Soils Ordinance Boundary.
Miscellaneous Issues	Very steep slope.
Easements	None identified
Intended Use	**Open Space/Trail.** The City believes that current use of this parcel as open space\trail is its best and highest use. This conclusion is based upon the slope of the parcel, its natural and visual qualities, and the lack of any other identified projects for the parcel.

Pechnik Parcel

Location	154 Marsac Avenue
Description	Approximately 1500 sq'
Ownership	Main Street RDA
Parcel Market Value	No current appraisal available
Zoning	HR-2
Current Use	None
Identified Potential Use	Sell or trade for use in affordable housing project.
Environmental Issues	Within Soils Ordinance Boundary
Miscellaneous Issues	Very steep slope
Easements	
Intended Use	**Sell/Trade (for use in affordable housing project).** The City believes the size of this parcel limits its use in most projects. However its proximity to other privately held parcels makes it a strong sell\trade candidate to be used as part of an affordable housing project.

Pace Parcel #1-3

Location	Summit County south of I-80 east of Rails to Trails. In vicinity where east I-80 enters Silver Creek Canyon.
Description	169.38 Acres
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	Trade\Sell (Golf Course) Open Space
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	None identified
Intended Use	**Hold/Sell/Trade** Staff recommends the City continue to explore potential uses for this parcel. The city has recently been approached by a developer concerning the construction and donation of a golf course on this parcel. These discussions are currently in a concept stage only. Prior discussions with the private sector have involved a potential equestrian facility.

Pace Parcel #4 – Tailings Parcel

Location	South side of I-80 at mouth of Silver Creek Canyon.
Description	49.13 Acres
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	None identified
Environmental Issues	Soils issues
Miscellaneous Issues	Any construction on this site prior to July 28th, 2036 requires prior written authorization of Standley, Arvill and Pearl Pace as per sales agreement.
Easements	None identified
Intended Use	**Hold/Sell/Trade** Given environmental issues and sales agreement limitation on development the sale or development of this parcel will be challenging No City projects have been identified for this parcel. The City will continue to explore potential uses for this parcel.

Braser - Naniloa Parcel

Location	North side of I-80 at mouth of Silver Creek Canyon.
Description	9.51 Acres
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	None identified
Environmental Issues	Soils issues
Miscellaneous Issues	None identified
Easements	None identified
Intended Use	**Hold/Sell/Trade** The City will continue to explore potential uses for this parcel.

City Council
Staff Report

Author:	**Matthew A. Twombly**
Subject:	**Historic Union Pacific Rail Trail: Cooperative Agreement for Preconstruction and Construction Reimbursement**
Date:	**September 1, 2005**
Type of Item:	**Administrative**

Summary Recommendation:
Authorize the City Manager to enter into a cooperative agreement with the Utah Department of Transportation (UDOT) in the estimated amount of $23,606.19 as the City's match for the Preconstruction/Construction of the Historic Union Pacific Rail Trail project.

Description:
Topic: Historic Union Pacific Rail Trail: Cooperative Agreement for Preconstruction and Construction Reimbursement.

Background:
The Transportation Enhancement Committee for fiscal year 2001, authorized the project through the Statewide Transportation Improvement Program (STIP) in the amount of $158,750. The approved funding by the FHWA is $127,000 or 80% of the project total. The City Council, at the time of the application, approved the remaining 20% or $31,750 of the project total.

Because of the Olympics, other project priorities and the planning of the Rail Central project, the City did not undertake the project at that time. Due to this lapse in starting the project, the project was no longer considered a priority for UDOT and the project was put on hold. At this time the City sought Restaurant Tax Grant funding for the project where the funding would be far more flexible, especially in coordinating with the Rail Central project. The project was awarded $10,500 for the paving portion only. The Restaurant Tax funding was to expire in 2004, but the County graciously gave the City a one year extension.

Although the project was put on hold, the Mountainland Association of Governments' (MAG), UDOT and the City worked to reinstate the project's status as part of the STIP, where Rails to Trails conversions are a priority of the Enhancement Program. In 2004, the City and UDOT began the preliminary scoping on the project. The project was divided into two parts: The Design and Engineering, and the Pre-construction and Construction of the project.

Analysis:
The Federal Enhancement (Federal-aid) Program projects are managed by UDOT where the Design and Engineering must meet all Federal regulations, such as the Endangered Species Act, where clearances must be obtained prior to the development of plans for the project. The Federal-aid for Transportation Enhancement projects are not a grant, but a reimbursement of funds through UDOT. The funds for the project from the FHWA and from the City are pooled together and reimbursements are made to the consultants, contractors and UDOT by UDOT for work on the project. UDOT provides project management, review and approvals on the project.

In February of this year, the City entered into a Cooperative Agreement for the Design Engineering Reimbursement with UDOT for the project. In conformance with the Local Government Consultant Selection Process outlined in the UDOT Consultant Selection Process, the City selected Project Engineering Consultants, Ltd. (PEC), to perform the design engineering. Since the execution of the agreement, all of the environmental, cultural, paleontological and other Federal requirements have been met and the plans are developed enough to schedule bidding through UDOT. Prior to bidding the project, the City must enter into a Cooperative Agreement for Pre-construction and Construction Reimbursement with UDOT (see attached agreement).

UDOT is working on expediting the bid process, so that construction may begin and possibly be completed by the end of this year. The necessary agreement is attached. The engineer's project estimate is less than the Transportation Commission approved amount.

Estimated Funding Breakdown:	
Design Engineering	Estimated
UDOT	$ 5,000.00
Consultant	33,219.06
Design Administrative Cost	2,500.00
	$40,719.06
Pre-Construction/Construction	
UDOT	$ 1,000.00
Consultant	12,664.00
Construction Contract	96,513.00
	$110,177.00
Estimate Total:	$150,896.06
Commission approved amount:	
Federal Funds	$127,000.00
Local Match	31,750.00
Total Project	**$158,750.00**

Total Match ($31,750.00) less deposit ($8,143.81) equals $23,606.19 in new match deposit.

Department Review:
City Manager, Economic Development and Capital Projects, City Attorney.

Alternatives:

A. Approve the Request:
Authorize the City Manager to enter into the Cooperative Agreement for Pre-construction and Construction Reimbursement with UDOT for the Historic Union Pacific Rail Trail project.

B. Deny the Request:
The project would not receive Federal-aid, and the project site would remain in its current condition.

C. Do Nothing:
Delaying a decision would jeopardize the schedule, where construction would be unlikely this year. The City would need to request an additional extension for the Restaurant Tax Grant funding if the project is delayed.

Significant Impacts:
There is currently a total of approximately $41,229 in the Trails Master Plan CIP (Fund 31) account leaving a balance of $17,622.81 for other trail projects for FY 2006.

Consequences of not taking the recommended action:
If delayed, it would be very unlikely to begin the project this year. Not starting the project could jeopardize the Restaurant Tax grant funding for the project.

Recommendation:
Authorize the City Manager to enter into a cooperative agreement with the Utah Department of Transportation (UDOT) in the estimated amount of $23,606.19 as the City's match for the Preconstruction/Construction of the Historic Union Pacific Rail Trail project.

COOPERATIVE AGREEMENT
PRECONSTRUCTION & CONSTRUCTION REIMBURSEMENT
Program
(FEDERAL PARTICIPATION)

THIS Cooperative Agreement No. , made and entered into this _____ day of ________, 20__, by and between the Utah Department of Transportation hereinafter referred to as "UDOT", and Park City Corp., State of Utah, acting through its, hereinafter referred to as "LOCAL AUTHORITY", witnesseth that:

WHEREAS, the parties to this agreement desire to provide for the project, Historic Union Pacific Rail Trail, financed in part from Federal-aid highway funds, said project located in Summit County, Utah and identified as project number STP-LC43(18); and

WHEREAS, the LOCAL AUTHORITY agrees to pay all costs of the project, less the eligible amount reimbursed to UDOT by the Federal Government, and that through their consultant selection process has selected, Project Engineering Consultants, Ltd. hereinafter referred to as "CONSULTANT", as their Consultant Project Engineer to perform Construction Engineering; and

WHEREAS, the LOCAL AUTHORITY agrees to comply with the applicable UDOT and Federal Highway Administration (FHWA) Federal-aid Program Procedures and Standards for the project; and

WHEREAS, UDOT's Policy for Construction Engineering on Local Government Projects provides that UDOT <u>not</u> perform construction engineering for local government projects, unless a hardship exists and substantial savings can be realized by using UDOT construction engineering, and UDOT construction resources are available; and

WHEREAS, by law, UDOT may not expend State Funds on any local government project:

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. **<u>Description of Work Involved:</u>** The work covered by this agreement shall commence upon advertisement of the project, and shall consist of the following:

a. UDOT shall:
   (1) Award the project, with concurrence from the LOCAL AUTHORITY, using UDOT procedures.
   (2) Provide a Project Manager for the project.
   (3) Provide Technical Assistance and Engineering Services to the CONSULTANT <u>only if such Technical Assistance and Engineering Services are requested in writing from the CONSULTANT and are not available from other private consultants.</u>

(4) Charge appropriate costs for all Technical Assistance and Engineering Services to the CONSULTANT.

(5) Charge appropriate costs for all project management to the project.

2. **Liability**: LOCAL AUTHORITY agrees to hold harmless and indemnify UDOT, its officers, employees and agents (Indemnities) from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of the LOCAL AUTHORITY'S negligent acts, errors or omissions in the performance of this project, and from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of Indemnities' failure to inspect, discover, correct, or otherwise address any defect, dangerous condition or other condition created by or resulting from LOCAL AUTHORITY's negligent acts, errors or omissions in the performance of this project.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the LOCAL AUTHORITY of its duty in the performance of this project or to ensure compliance with acceptable standards.

3. **Financing of Project:** The costs shown below are only ESTIMATES. Actual costs exceeding any funds outside the Commission approved STIP amount will be paid by the local authority. The funding percentages match applies to the Commission approved STIP amount only. **Any request for additional funding outside of that amount will required the local authority to make an official request to their MPO or the Joint Highway Committee and the Transportation Commission.** An amendment may be required to the STIP with advertisement to the public **if** approved by the Transportation Commission.

	FEDERAL PARTICIPATING	FEDERAL NON-PARTICIPATING
Preliminary Engineering:		
UDOT Reviews, Services, and Project Management.	$5,000.00	$
Consultant Design Costs	$33,468.00	$
Right-of-way:		
UDOT Review, Services, and Technical Assist.	$0.00	$
Acquisitions and Appraisals	$0.00	$
Utilities	$0.00	$
Construction Contract	$96,513.00	$
Construction Engineering:		
UDOT Construction Monitoring	$1,000.00	$
Consultant Construction Engineering	$12,664.00	$
ESTIMATED TOTAL PARTICIPATING AND NON-PARTICIPATING COSTS	**$148,645.00**	**$0.00**
GRAND TOTAL (Participating + Non-participating)	**$148,645.00**	
Federal Funds — **80% of Commission Approved Amount ($158,750)**	**$127,000.00**	
Local Match — **20% of Commission Approved Amount ($158,750)**	**$31,750.00**	
Local Authority Non-participating Costs	**$0.00**	
Local Authority Match and Non-participating Costs	**$31,750.00**	
Less Local Match Already on Deposit for Preconstruction Phase	**$8,143.81**	
Additional Local Authority Match Required	**$23,606.19**	

NOTE: The Utah State Transportation Commission has approved $158,750 in total funds for this project. Any additional participating project costs above this amount shall be paid by the Local Authority.

a. **Payment of LOCAL AUTHORITY Match For Construction:** Upon signing this agreement, the LOCAL AUTHORITY will pay their matching share for construction phase estimated at ($23,606.19). The LOCAL AUTHORITY shall make a check payable to the Utah Department of Transportation referencing the project number . Payment should be mailed to the UDOT Comptroller=s Office, 4501 South 2700 West, Salt Lake City, Utah 84119-5998.

b. **UDOT Technical Assistance and Engineering Services:** The CONSULTANT shall pay all costs (both direct and indirect) for any Technical Assistance or Engineering Service performed by UDOT relative to this project.

c. **Construction:** The LOCAL AUTHORITY shall pay all costs of construction and construction engineering, less the eligible amount reimbursed to UDOT by the Federal Government. The Joint Highway Committee limits federal participation in construction engineering costs to 20 percent of the construction contract costs for local government projects, provided that the average statewide cost for construction engineering does not exceed the 15 percent limit required by the Federal Government. Construction engineering includes UDOT Project Management and Consultant Construction Engineering.

d. **Consultant Construction Engineering:** The LOCAL AUTHORITY shall submit four copies of billings with attached supporting data for costs incurred to the UDOT Project Manager. The LOCAL AUTHORITY and the UDOT Project Manager shall certify and approve the billings and forward to the UDOT Consultant Services Accountant within the Comptroller's Office. UDOT shall pay the Consultant for the LOCAL AUTHORITY, by a separate Engineering Services contract for work covered by the billing.

e. **Underruns:** If the deposited amount stated above exceeds the LOCAL AUTHORITY's total share of project costs, UDOT will return the amount of overpayment to the LOCAL AUTHORITY.

f. **Overruns:** If project costs exceed the estimated amount, the LOCAL AUTHORITY shall pay its matching share for the overruns. Should the LOCAL AUTHORITY fail to reimburse UDOT for costs that exceed the federal reimbursement, federal funding for other LOCAL AUTHORITY projects or B&C road funds may be withheld until payment is made.

g. **Final Inspection and Acceptance:** The UDOT Comptroller shall provide the LOCAL AUTHORITY with a final invoice after final inspection and acceptance of the project by the FHWA. If the deposited amount stated above exceeds the LOCAL AUTHORITY's share of the project, UDOT shall return the amount of overpayment to the LOCAL AUTHORITY. If the project overruns in costs, the LOCAL AUTHORITY shall pay its share of the additional amount required for completion of the work within 90 days after receiving the final invoice. Federal funds for future projects may be withheld until payment is made.

UDOT shall furnish a quarterly statement to the LOCAL AUTHORITY and UDOT Project Manager showing costs charged to the project.

4. **Construction Change Orders:** An authorized LOCAL AUTHORITY official shall approve all construction change orders.

5. **Certification of Consultant Selection Process:** The LOCAL AUTHORITY certifies that the consultant selection process used for obtaining the CONSULTANT for this project is in conformance with UDOT and FHWA requirements. Failure to conform to these requirements may result in loss of Federal funds for the project.

6. **Maintenance:** The LOCAL AUTHORITY shall properly maintain and restore each type of roadway, structure and facility as nearly as possible in its original condition as constructed or improved in accordance with State and Federal requirements. Future utility installations will be made according to UDOT's "Regulations for the Accommodation of Utilities on Federal-aid and Non Federal-aid Highway Right-of-Way."

7. **Parking Regulation and Traffic Control:** After the effective date of this agreement, no changes in parking regulations and traffic control will be made on this project without prior approval of the Federal Highway Administration unless the LOCAL AUTHORITY has a functioning traffic engineering unit with the demonstrated ability, as determined by the UDOT, to apply and maintain sound traffic operations and control. Any requests for revisions should be submitted through UDOT's Region Director.

8. **Inter-local Co-operation Act Requirements**:

This agreement shall be authorized by resolution of the governing body of each party to Section 11-13-17 of the Inter-local Co-operation Act, Utah Code Title 11, Chapter 13, as amended (the AAct@);

This agreement shall be approved as to form and legality by a duly authorized attorney on behalf of each party, pursuant to Section 11-13-9 of the Act;

A duly executed original counterpart of this agreement shall be filed with keeper of records of each party, pursuant to Section 11-13-10 of the Act;

Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action done pursuant to this agreement, and for any financing of such costs; and

No separate legal entity is created by the term of this agreement. To the extent that this agreement requires administration other than as set forth herein, it shall be administered by the mayor of the LOCAL AUTHORITY and the Region Director of UDOT, acting as a joint board. No real or personal property shall be acquired jointly by the parties as a result of this agreement. To the extent that a party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this agreement, such party shall do so in the same manner that it deals with other property of such party.

9. Representation Regarding Ethical Standards for Local Authority Officers and Employees and Former Local Authority Officers and Employees:

UDOT represents that it has not: (1) provided an illegal gift or payoff to a LOCAL AUTHORITY officer or employee of former LOCAL AUTHORITY officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the LOCAL AUTHORITY=s conflict of interest ordinance, Title 3, Park City Municipal Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a LOCAL AUTHORITY officer or employee of former LOCAL AUTHORITY officer or employee to breach any of the ethical standards set forth in the LOCAL AUTHORITY=s conflict of interest ordinance, Title 3, Park City Municipal Code.

IN WITNESS THEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day, month, and year first above written.

City Council
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author: Brooks T. Robinson
Subject: 234 Daly Avenue Appeal of Planning Commission Approval of Two Conditional Use Permits
Date: September 1, 2005
Type of Item: Quasi-Judicial

Summary Recommendations:
Staff recommends that the City Council deny the appeals and uphold the Planning Commission approval of the proposed Conditional Use Permit (CUP) for the construction of a single family home on a slope greater than 30% and the Conditional Use Permit for an Accessory Apartment according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

Description
Project Name: 234 Daly Avenue
Applicant/Owner: Don and Kathleen Simon
Zone: Historic Residential (HR-1)

Background:
The applicants own platted lot 33, Block 74 of the Park City Survey located at the corner of Daly Avenue and Ridge Avenue. The lot is 7,840 square feet; however Ridge Avenue bisects the property reducing the total square footage of the property by 1,258 square feet to 6,582. The Applicant intends to construct on the upper (west) side of Ridge Avenue.

Applications for two Conditional Use Permits (CUPs) were submitted to the Planning Department on March 11, 2005. The applications contemplate the construction of a single-family residence with an Accessory Apartment of approximately 2,669 square feet total, plus 516 square feet of garage.

Because the proposed dwelling is located within the HR-1 zone, has a proposed square footage is greater than 1000 square feet, and will be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review and approval by the Planning Commission, pursuant to the Land Management Code section 15-2.2-6(B). An Accessory Apartment is also a Conditional Use in the HR-1 zone.

Steep Slope CUPs are reviewed by the Planning Commission as Consent Calendar items unless the Commission removes the item from the Consent Calendar and sets the matter for a Public Hearing. The Planning Commission removed this item from the Consent Agenda on June 8, June 22, and July 13, held public hearings each time and continued the item. The Planning Commission also heard the Steep Slope CUP in a public hearing on July 27 and approved the CUP. In addition, the Accessory Apartment application was continued on June 8 and 22 and July 13 and was approved on July 27. (Staff Reports, Minutes and Action Letters are attached as Exhibits).

The City received two letters of appeal within the ten day appeal period. Brooke Hontz of 209 Daly sent an email on Friday August 5 and Julia Pettit and Eric Mosher of 239 Daly sent an appeal on August 8, the last day of the appeal period. (Both letters are attached as Exhibits).

Analysis:
Section 15-1-18 of the Land Management Code (LMC) provides the process for any appeal of a Planning Commission action. Staff finds that both appellants have standing to appeal as all have submitted testimony and/or are within 300 feet of the subject property. Both appellants submitted their appeals within the required ten days in the form listed in the LMC. Issues raised by the appellants are outlined below with staff responses in italics:

Pettit/Mosher Appeal

- Question of Quorum and Voting: LMC15-12-13: "A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes." *Four of the seven members of the Commission were in attendance, so a quorum was present.*

  LMC 15-12-14: "Actions by the Commission shall pass by majority vote. A majority is a simple majority of those members entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members." *The action was unanimous, 3-0, with Chairman Barth not voting and Thomas, Powers, and Volkman not present. A majority of those members entitled to vote approved the action.*
- Findings of Fact Erroneous. *Appellant does not point out any errors in fact although they do question lack of discussion of items of interest to them. The ten criteria for Development on Steep Slopes in the HR-1 zoning district are found in section 15-2.2-6 of the LMC. The Record demonstrates that the Planning Commission had a reasonable basis by which to decide the applications complied with the LMC as reflected in the adopted findings, conclusions and conditions of approval.*
- Overall Impact on Historic Properties. *What is pointed out in the Staff Report and presentation of July 27 is extremely varied building mass, scale and design along Daly Avenue with historic buildings mixed in with contemporary buildings. The Commission requested a more definitive comparison of the adjoining contemporary properties found at 210/212, 214, and 220/222 Daly. Although the appellants are adjacent to the property, they are not only across Daly Avenue but*

Ridge Avenue as well. There is no immediately adjacent structure to 234 Daly due to the Ridge Avenue bifurcation and lack of buildable lots adjacent to the proposed structure. The LMC specified Visual Analysis and other impacts were rigorously complied with.

- Question of Finding of Fact 4. *Appellants do not dispute the finding but wish to integrate other criteria not found in the Code. Footprint, which is a part of calculating the maximum Dwelling Volume, is defined merely by a function of Lot size and Setbacks. LMC 15-2.2-6(B)(8).*
- Capacity of streets. *The City Engineer finds that Daly Avenue can adequately handle the volume of traffic. No evidence was offered to the contrary.*
- Parking. *Appellant wishes to add additional criteria. The proposed project has two parking spaces for the Main Dwelling and an additional parking space for the Accessory Apartment as required by the Code. In addition, over 700 square feet of the applicant's property (between Daly and Ridge) is encumbered with a snow storage easement. The applicant provides more snow storage and parking than many properties in this "already overtaxed and difficult area for parking."*
- Historic District Design. *Appellants were notified on July 1, 2005 of the Historic District Design Review. Within the ten day comment period, the appellants did not comment. The Design Review was approved on July 11, 2005.*
- Subjective process. *The criterion for review clearly outlines the Planning Commission's authority in reviewing a particular site. As evidenced by the voluminous record and number of meetings, a site visit, both work session and public hearings, for a Consent Agenda item, the Planning Commission took many factors into consideration including the public statements and correspondence of the appellants. While the criterion allows the Commission flexibility, additional building restrictions must be reasonably tailored to mitigate specifically identified adverse impacts. By analysis and required design changes, the Commission determined that the building form and scale "compatible with the District."*
- Public Policy considerations. *Not germane to the specific criteria for the two CUPs. This is an administrative decision. The applicant is entitled to have the project reviewed by the applicable criteria adopted by City. To do otherwise would be contrary to law.*

<u>Hontz appeal</u>

- Ms. Hontz states she "disagrees with the subjective analysis provided". *Again, as evidenced by the voluminous record and number of meetings, both work session and public hearings, including a site visit and complete visual analysis, the Planning Commission took many factors into consideration including the public statements and correspondence of the appellant. While the appellant may disagree, errors in law were not committed.*
- Criterion 6: " Where Building masses orient against the lots existing contours, the Structure must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District." *The Appellant ignores the first clause of this criterion as the Building mass orients* ***with*** *the existing contours. The Planning Commission weighed the benefits of increasing the*

amount of stepping up the hill with its attendant increased excavation and vegetation removal against a relatively narrow building oriented with the existing contours.

- Criteria 8 and 9: Dwelling Volume and Building Height: *As stated in response to the Pettit/Mosher appeal, Daly Avenue is an eclectic mix of many building ages, sizes, heights, and mass. The Commission asked for a comparison of the proposed structure with the immediately adjacent buildings to the north. The Visual Analysis and the site visit gave Commissioners ample opportunity to further limit the volume and its visual mass if the Commission chose to do so. Additional building restrictions must be reasonably tailored to mitigate specifically identified adverse impacts. By analysis and required design changes, the Commission determined that the building form and scale "compatible with the District."*
- Criterion 10 (c): "The Planning Commission may refer the proposal to the Historic District Commission (now Historic Preservation Board), prior to taking action…" *The Commission found that the stepping both horizontally and vertically complied with this criterion and that further review by the Historic Preservation Board was not warranted.*
- Accessory Apartment as "duplex in disguise": *Saying that the Accessory Apartment is a "duplex in disguise" is just factually wrong. Each has technical definitions in the LMC. An Accessory Apartment must meet the nine Criteria For Use found in Chapter 15-4-7 of the Land Management Code. The applicant has submitted a recorded restriction of the Accessory Apartment (Exhibit I) as required by Criterion 7 and the staff and Planning Commission found the Accessory Apartment complied with the other eight Criteria. The building design application is not a duplex.*

Generally, both Appeals fail to demonstrate errors of law or incorrect findings. They merely reiterate conclusory statements that there are not supported by fact. Even if they had asserted more facts, the Planning Commission had sufficient basis in the record to meet LMC 15-2.2-6. There is no requirement that the Planning Commission adopt findings addressing each and every issue raised at the hearing, particularly to disprove statements. The Commission must find compliance with the criteria and that was done in this case.

Alternatives

- The City Council may affirm the Planning Commission's approval of the Conditional Use Permits for Construction on a Steep Slope and the Accessory Apartment as conditioned. Staff has drafted findings, conclusions and an order which the Council may adopt if a majority of the Council agrees with analysis herein and you determine the attached appropriately reflects the Council's decision; or
- The City Council may grant the appeals, in total or in part, and direct staff to make Findings for this decision.
- The City Council may remand the matter to the Planning Commission for further

review of the application consistent with the LMC and direct staff to make Findings for this decision.

- The City Council may continue the discussion on the matter and direct staff as to any additional information that the Council would like provided for the next meeting.

Recommendation

Staff recommends that the City Council deny the appeals and uphold the Planning Commission approval of the proposed Conditional Use Permit (CUP) for the construction of a single family home on a slope greater than 30% and the Conditional Use Permit for an Accessory Apartment according to the findings of fact, conclusions of law and conditions of approval passed by the Planning Commission.

Appeal packet with attachments available at City Recorder's Office – 435-615-5007.

Exhibits

Exhibit A - Pettit/Mosher Appeal
Exhibit B - Hontz Appeal
Exhibit C – Action Letters for both Conditional Use Permits
Exhibit D – Staff Reports, Handouts and Planning Commission Minutes from July 27
Exhibit E – Staff Reports, Handouts and Planning Commission Minutes from July 13
Exhibit F – Staff Reports and Planning Commission Minutes from June 22
Exhibit G – Staff Reports and Planning Commission Minutes from June 8
Exhibit H – Pettit email of 8/21 regarding Historic Design review
Exhibit I – Accessory Apartment Recorded Deed Restriction+