PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 24, 2006

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

Tom Bakaly, City Manager; Kent Cashel, Assistant Public Works Director; Myles Rademan, Public Affairs Director; and Ray Milliner, Planner

Absent: **Council member Jim Hier**

1. Council questions/comments. Marianne Cone reported on Ski Utah meeting business. Roger Harlan noted that resident Bob Wilkinson was hired as the University of Utah's hockey coach and suggested that both college and high school games at the rink be well promoted. Candace Erickson commented on a ULCT meeting where transportation was the focus. The Mayor spoke about the passing of Jim Santy, Jr. Dana Williams announced that two horses in Summit County have been diagnosed with the West Nile Virus. He discussed attending the first Governor's panel on climate and its relationship with energy development in Utah. The European Union has made a decision that by 2020, 200 million people will be served with renewable energy; currently the number is 90 million.

2. Review of regular meeting:

Short range transportation plan. Kent Cashel explained that the contract for development of a short range transit development plan in the amount of $63,940 is scheduled for adoption on the agenda tonight. Any recipient of federal funds is required to produce a five-year operations and capital plan to guide decisions over a reasonable timeframe. Staff conducted a procurement process and selected LSC Transportation Consultants Inc. He stated that staff was able to secure a FTA grant for 80% of the cost of the study, making the City share's share only $6,394.

Transportation Summit 2 update. Through a computer-assisted presentation, Myles Rademan explained that the City-hosted Transportation Summit will be used as a model in the future and it is hoped to include the Chamber and business community at a later date. He noted that a Sustainability Summit is also contemplated. There was a review of the City's accomplishments from the last Summit held a year ago. The objective of the session was to gain a regional perspective and a variety of agencies were invited to participate including Wasatch County, Summit County, School District, Chamber/Bureau and UDOT. Another goal was to create an action agenda for one, three and five year durations. There was also a list of "*what we should never do*". He emphasized the distinction between *problems* and *predicaments*. Problems can be

solved and predicaments are situations people have to accept and live with, although impacts can be mitigated somewhat. He spoke about KPCW's traffic reports and the benefit of keeping motorists informed about traffic and congestion. Growth will continue and the Basin population now at about 25,000 is projected to increase to 80,000. The topography of our area is a challenge adding expense to road projects. The purpose of the Summit was to share information and to acknowledge regional problems and solutions. He spoke about major transit-related projects completed by the City, including construction of the transit center and expansion of downtown parking. Wasatch and Summit Counties also updated the group and UDOT provided a lot of information on infrastructure installed throughout the state and associated maintenance and projects specific to our area. Kent Cashel added that UDOT's state-of-the-art coordinated signalization is a great addition to SR224 and is a work in progress. The equipment senses traffic patterns and coordinates signals to move the traffic in a direction that is most needed. Limiting the number of access points along a corridor is key to its success. Mr. Rademan continued that the Chamber is promoting car-free vacations.

The first year action plan focuses on park and ride and bus facility land acquisitions. It also addresses working with the counties on modeling, holding transportation summits, and entering into inter-local agreements. The group will also examine the feasibility of a pedestrian underpass or overpass on SR248, which is only a small part of overall considerations. There was discussion of installing another median on SR224 from Kimball Junction to Canyons Resort Drive in the first phase. Mr. Cashel referred to the staff report, defining projects for each year. He explained that he and Myles Rademan will make this same presentation to each agency and also urge them to commit to these action items. With regard to the "*never to do list*", Myles Rademan stated that no one wants another Kimball Junction. In response to a question from Marianne Cone, Mr. Cashel spoke about the variety of types of park and rides and UDOT will be working with the group with regard to use of the state's right-of-ways for access. The park and rides are mainly contemplated to help alleviate congestion on SR224.

Wilburn West annexation. Mayor Williams referred to a letter to the City Council delivered today from G. Joseph Prendergast opposing approval of the annexation. The Mayor believed that any false representations to Mr. Prendergast about this property remaining as open space were made by realtors not the City. Ray Milliner agreed and added that Mr. Prendergast relayed to him that they were mislead by the developer and/or real estate agent into thinking the Wilburn West parcel is City-owned property and will be perpetually preserved as open space. Mr. Milliner acknowledged that there may have been some confusion about the location of property lines because a significant portion of Round Valley abuts the general area. Candace Erickson pointed out that Wilburn West is now County land, zoned at 1:20 or 1:10 acres, and the property can be developed regardless of the annexation. There was discussion

about the stability of the soils and the geotechnical reports provided by the applicant. The site plan was subsequently revised because of information in the soils study, and the density reduced from six to four. For the benefit of Roger Harlan, Mr. Milliner described staff's review, including application of the sensitive lands ordinance to the application to determine the recommended zoning of the property.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 24, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 24, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, and Joe Kernan. Jim Hier was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Coordinator; Brooks Robinson, Planner; Ray Milliner, Planner; and Patrick Putt, Planning Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he has recycling contracts with various businesses on Main Street.

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

None.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a condominium conversion plat for 2800 Deer Valley Drive East Silver Baron Lodge at Deer Valley **(motion to continue to September 14)** – The Mayor requested a motion to continue. Roger Harlan, "I so move". Marianne Cone seconded. Motion carried.

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

2. Master Festival License for the 9-11 Remembrance Ceremony to be held at City Park and Miner's Hospital on September 11, 2006 – Park City Fire District and Park City Police Department - Max Paap explained that this event is planned from 5 p.m. to 7 p.m. and participants include responding agencies from the area as well as military personnel and vehicles. The Mayor opened the public hearing and with no comments, closed the public hearing.

3. Master Festival License for Miners Day to be held on September 4, 2006 – Park City Rotary Club – Max Paap described the activities planned for this annual community event, beginning at 7 a.m. The change this year from past celebrations is the venue for

mucking and drilling which is relocated because of the skate park expansion project. Ms. Cone asked about the new name, "*Funky Old*" Miners Day and Mr. Paap indicated that this name was used on this and last years' applications. She indicated that she would hate to see the name forever changed. The Mayor opened the public hearing and with no comments or questions from Council or the audience, closed the hearing.

4. Ordinance approving the Silver Strike Lodge Condominium Record of Survey Plat located at 8902 Empire Club Drive, Park City, Utah – Brooks Robinson, Planner, explained that this project is located in Pod A in Empire Pass and contains 34 residential units, an employee housing unit and two ADA accessible units. The Planning Commission forwards a positive recommendation based on the findings of fact, conclusions of law, and conditions of approval outlined in the Ordinance. There was discussion about the rate of development in Pod A and the status of compliance with associated affordable housing requirements. The Mayor opened the public hearing and with no input, closed the hearing.

5. Ordinance approving a part of Block 72 of the Millsite Reservation to the Park City Survey known as the Hughes Subdivision located at 156 Sandridge Avenue, Park City, Utah – Ray Milliner, Planner, explained that the application contemplates combining part of Lot 22 and two parcels into one platted lot in order to accommodate an addition to a single family home. The Planning Commission forwards a recommendation to approve. In response to a question from Marianne Cone, Mr. Milliner stated that the owner is dedicating a portion of Sandridge to the City, so the total square footage will be reduced. The Mayor opened the public hearing and with no comments, closed the hearing.

6. Ordinance approving the Second Amended Record of Survey of The Gables, located at 1335 Lowell Avenue, Park City, Utah – Planner Ray Milliner explained that the applicant is rehabilitating the façade and remodeling the interior to reduce the number of units from 20 to 12 units. Staff recommends approval as outlined in the Ordinance and staff report. The Mayor opened the public hearing and with no comments or questions from Council or the audience, closed the hearing.

7. Ordinance approving the 'Amended Plat of the Lowell Avenue Subdivision' establishing Lot 1 and Lot 2, of the amended plat at 1138 Lowell Avenue, in the Snyder's Addition to the Park City Survey, Park City, Utah – Planner Brooks Robinson pointed out a typographical error and explained that the owner is requesting subdividing a lot which was combined three years ago. There is an existing house on one of the lots which meets current setbacks, etc. and the owner decided to plat the property to its original configuration. The Planning Commission reviewed this proposal and recommends approval based on the Ordinance, as amended. The Mayor opened the

public hearing and with no comments or questions from Council or the audience, closed the hearing.

V CONSENT AGENDA

Candace Erickson, "I move that we approve Consent Agenda Items 1 through 8". Joe Kernan seconded. Motion carried.

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

1. Master Festival License for the 9-11 Remembrance Ceremony to be held at City Park and Miner's Hospital on September 11, 2006 – Park City Fire District and Park City Police Department – See staff report and public hearing.

2. Master Festival License for Miners Day to be held on September 4, 2006 – Park City Rotary Club - See staff report and public hearing.

3. Ordinance approving the Silver Strike Lodge Condominium Record of Survey Plat located at 8902 Empire Club Drive, Park City, Utah - See staff report and public hearing.

4. Ordinance approving a part of Block 72 of the Millsite Reservation to the Park City Survey known as the Hughes Subdivision located at 156 Sandridge Avenue, Park City, Utah - See staff report and public hearing.

5. Ordinance approving the Second Amended Record of Survey of The Gables, located at 1335 Lowell Avenue, Park City, Utah - See staff report and public hearing.

6. Ordinance approving the 'Amended plat of the Lowell Avenue Subdivision' establishing Lot 1 and Lot 2, of the amended plat at 1138 Lowell Avenue in the Snyder's Addition to the Park City Survey, Park City, Utah - See staff report and public hearing.

7. Authorization to the City Manager to execute a professional services contract, in a form approved by the City Attorney, with LSC Transportation Consultants, Inc. in an amount of $63,940 for the preparation of a five year Short Range Transit Development Plan - See staff report and work session discussion.

8. Authorization to staff to apply for an Economic Development Corporation of Utah (EDCU) Grant – See staff report.

VI NEW BUSINESS

1. Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight – Patrick Putt explained that the Municipal Code regulates licensed premises and limits the use of outdoor areas and decks after 10 p.m. In the 1980s, establishments were expanding use of those spaces, which resulted in noise complaints and conflicts with residential neighborhoods and as a result, the Municipal Code was amended with the 10 p.m. cut-off time, which seemed to be the most effective way to mitigate potential conflicts. Mr. Putt stated that the HMBA continually explores ways to bring more vitality on the street, and have petitioned Council to consider an amendment to the Code extending use of outdoor spaces beyond 10 p.m. He pointed out that there is language in the Land Management Code regulating licensed premises from a land use perspective. In response to the request from the HMBA, the Council decided to look at 4-4-16(k) and hold public hearings on the matter.

Mr. Putt noted that the Planning Commission was charged to concurrently review the LMC sections addressing outdoor uses and public hearings are also being conducted. About 17 to18 people provided comments at the Commission meeting held last night and opinions were split. It was pointed out that noise on Main Street is more noticeable at night, in the absence of the variety of daytime ambient noises. He spoke about an email from Barbara Kuhr, Park Avenue resident, who expressed concerns about loosening regulations, but an interest in working with the HMBA on options. The Planning Commission was supportive of the neighborhood and business community collaboratively working together to address solutions.

The Planning Director pointed out that the staff recommendation is to amend the Municipal Code to allow limited use of outdoor decks and patios to 12 a.m., with the original proposal being 1 a.m. There is a three month sunset provision with an automatic renewal for another three months, unless there is a request to revisit the issue. Mr. Putt stated that the Planning Commission expressed concerns about the challenges of enforcement and felt the amendment to the Municipal Code is a good interim test. The Commission recommended that staff begin a broader in-depth examination of the noise and use issues in Old Town. Staff's recommendation is approval of the Ordinance, as described as Option 1 in the staff report.

Mark Harrington pointed out typographical errors in the draft. Roger Harlan asked if there is a method of measuring the effectiveness of the amendment and Pat Putt noted

that the Planning Commission felt that the regulation should be easy to understand and to enforce. Members also believed that a distinction can be made between restaurants and bars. Candace Erickson stated that constant noise is probably easier to sleep through than intermittent disturbances. For instance, opening a door will result in a burst of noise and she asked residents to comment on this. Marianne Cone commented on the reluctance of residents to call police when there is a noise problem. Mayor Williams thanked the audience for its participation and civility. He emphasized that when a petition from the public is made to the City Council, members feel obligated to respond. The Mayor opened the continued public hearing.

Ken Davis, HMBA, stated that the prior public hearing was an *eye-opener* for him, particularly hearing the variety of noise issues relayed by residents. The board met earlier this week and members felt that there may be methods that could be explored to improve the quality of life for the adjoining neighborhood. It's a challenge balancing the interests of businesses and residents. He asked for a short test period of the ordinance to determine its effects.

Mike Wong, member of HMBA and co-owner of Sidecar, thanked Council for considering an amendment to extend hours. He acknowledged Council members' concerns about opening and closing doors at late night hours. The Mayor clarified that the statement was initiated from members of the public not the City Council. He stated that he is willing to install a revolving door in his establishment to take care of that potential problem. It's a travesty not to allow people outside on balconies and this is not an effort to amend the noise ordinance. Owners have no control of patrons once they are on the street. He is in favor of extending outdoor uses until 1 a.m. consistent with closing time.

Carter Watts, co-owner of Sidecar, felt that complaints from residents relate more to noises which are not necessarily coming from decks, but from motorcycles and dumping bottles into dumpsters, for instance. He described a test he conducted at his restaurant and believes that management can control noise levels on decks.

Jessica, musician at Sidecar, stated that performing in a building with the doors closed is hot and uncomfortable. As a resident on Hillside, she relayed that she doesn't hear bar noise, but often motorcycles.

Jean Carlin, manager of the Washington Inn and resident on Park Avenue, relayed that none of her guests have complained to her about not being able to use outdoor decks and patios. She is appreciative that there is an ordinance in place to keep the Old Town area quiet but doesn't view this as an issue for bars owners or residents because of the limited opportunities of using outside decks due to weather. Residents, however, hear

everything at 1:30 a.m. when people are walking back to their places. It will be beneficial for residents and members of the HMBA to collaborate.

Ken Martz, Park Avenue resident, stated that his initial reaction was not to change the ordinance but is now more open to options. He suggested conducting a trial period for a couple of weeks and perhaps next summer and if there is too much noise, to provide recourse for residents.

Jeff Ward, General Manager of 350 Main and The Spur, stated his support of the HMBA letter requesting an extension in hours and facilitating a dialog with City staff. He felt there was an interest expressed to explore an amendment at last night's public hearing before the Planning Commission. Establishments are not asking to open windows and/or doors, and he spoke about the no smoking legislation which will become effective in 2009. He asked that the Council consider use of decks until 1 a.m. consistent with closing, as opposed to 12 a.m. and was a little confused about the timing in seating people for dinner.

Floyd English, Park Avenue resident, felt that the current ordinance encourages a good balance.

Brian Vanhecky, Empire Avenue resident, stated that there is a significant problem with noise as it relates to Old Town, which has nothing to do with outdoor cafes or people sitting outside. He felt that over the last couple of years, decisions have been skewed toward businesses and development, resulting in oversized homes on small lots. He personally enjoys restaurants and bars where he can sit outside and sees no reason to prohibit that after 10 p.m.

Mike Sweeney, board member of HMBA and Chamber/Bureau, stated that the Chamber is supportive of the efforts of the HMBA which was represented last night at the Planning Commission. There was also an opportunity to learn about more issues in the neighborhood. He felt that restaurants should stop seating guests outside at 10 p.m. The HMBA chose the 1 a.m. hour consistent with liquor laws and putting people on the streets at midnight may not provide the right information to analyze. He spoke about the HMBA meeting with neighbors after a test is performed to address any negative impacts.

Eileen Dunn, Park City Restaurant Association, stated that the Association fully supports extending the time for use of outside decks. It's an added benefit to guests and will bring additional revenue to the City. She encouraged the Council to maintain the fun feeling in Park City and to provide an opportunity for patrons to enjoy beautiful evenings on Main Street. Restaurant owners don't want loud rowdy people on their decks either, in consideration of other patrons in their establishments.

Paula DeFoe, Park Avenue resident, asked why the ordinance is being considered to be amended. There is a lot of noise during the day and residents don't know what to expect with extended hours. It is an unknown. A voice or the clatter from a coffee cup on Main Street can be heard on Park Avenue.

Carol Fontana, Old Town resident, expressed her concern about rushing this matter. It seems really fast to consider an ordinance that affects residents' quality of life. Clienteles vary on the street. The proponents of the ordinance will make them more money and businesses have a much stronger interest. She stated that she wants her nine hours of rest. By allowing establishments an additional hour, means later ambient noise like fans, vehicles, and dumping. Ms Fontana believed that people get louder as they drink whether or not they have a drink in hand late on an outside deck. Comments have been made about the negative impacts of people going on to the street, but at least the noise is captured there, unlike Swede Alley. She is tired of sacrificing for the benefit of the Main Street business owners and checked on-line with regulations in other resort communities. Aspen's outdoor time limit is 9 p.m. to 7 a.m. and Breckenridge is 10 p.m. to 7 a.m. and neither allows construction on Sundays. In response to a question from Ms. Fontana, Mayor Williams responded that with regard to the sunset provision, Council members will decide whether or not the trial is a success or a failure. She read an excerpt from a publication citing noise as environmental pollution and emphasizing that the control of noise is important to the health and welfare of the public.

Kyra, Old Town resident, stated that she likes being able to sit on decks and patios at restaurants. She urged Council to consider 1 a.m. when the bars close and pointed out that people on the street would be much noisier than on a deck.

Chris Wickland, Main Street resident, stated that he has lived in Old Town for 23 years. In response to a question from Mr. Wickland, Mr. Harrington advised that the decibel level is fixed and time limits apply to regulating activities of licensed premises. The proposed amendment would allow people to go out on decks two hours later than currently for purposes of anything but consuming food and alcohol. Mr. Wickland believed that this would benefit very few establishments on Main Street. The City is moving very quickly on this and he questioned the sunset provision. The next few months will not be telling and the matter should be tabled until next summer when a valid test can be conducted. Another option is extending the sunset provision for one year and having the ability to rescind it at any time.

Kent Mars, Old Town resident, believed that residents can not use their decks after 10 p.m. but businesses are allowed to operate outside until 1 p.m. There is a difference between constant and intermittent noise. He spoke about his nightly rentals in Old Town where people more interested in skiing than partying. He asked who will be

affected by loosening the ordinance. He felt that business will increase with no smoking bans in establishments which was demonstrated in California.

Jesse Shetler, owner of Butchers and No Name Saloon, indicated that Butcher's has a deck, which he would like to use past 8:30 p.m. He is in support of the HMBA's proposal to amend this while at the same time meet with residents to arrive at some solutions to identified issues. He doesn't feel that a smoking ban will increase his business. Park City is a tourist town and increase in revenue is not his main objective.

Liza Simpson, 510 Main Street, pointed out that amplified music is a nuisance, not people sitting out on a deck. She spoke about major construction projects in the area, over the past eight years, including the transit center, parking garage and in-fill development. Old Town.residents have been subjected to non-stop noise. She doesn't object to the HMBA's request, but felt there is no benefit in amending the ordinance now. A test would be more beneficial in June and in the meantime, the businesses and residents can meet to identify potential problems before the ordinance is modified.

Ron DeFoe, 213 Park Avenue, felt that with adoption of this ordinance that there will be a proliferation of new decks on Main Street and compounded noise with extended hours. He urged Council members to listen to and not penalize residents because of economics. It's unlikely that tourism will increase with this modification.

Reed Carlin, 569 Park Avenue, believed that most residents are worried about loosening the ordinance and then being taken advantage of by economics. He emphasized that he wants Main Street businesses to succeed but there needs to be a balance with the needs of the neighborhood so there are people living in Old Town. The summertime may be a better time to hold a trial rather than the fall.

In response to a comment in the audience, the City Attorney emphasized that this ordinance does not impact outdoor dining whatsoever, which is regulated by the LMC. It applies to licensed establishments that have deck areas and the effective date would be its publication date. There are trigger dates where Council will decide to renew it on November 24 and/or February 24. Restaurants must comply with the 10 p.m. cut-off time for decks by planning for preparation and serving time. With no further comments, Mayor Williams closed the public hearing.

Marianne Cone expressed that a positive result of this discussion is the effort of residents and businesses working together on noise. Her main focus is keeping full-time residents in Old Town which is uncommon in many other resort communities. She is not in favor of change unless the bars consider non-amplified music as a compromise. The downtown canyon is geographically sensitive and there are reasons

why the current ordinance was put in place. She doesn't feel the next three months is a good duration to test outside uses.

Candace Erickson believed there are only about four bars with decks that would be affected and possibly more establishments if the LMC is amended addressing restaurants. She acknowledged that she has changed her mind throughout the discussions and agreed that the testing should occur in the summer with standards so there are parameters that can be effectively measured. Ms. Erickson pointed out that Ms. Fontana is allowed to sit on her deck as late as she wants as long as there isn't a level of amplified music that would annoy her neighbors. By postponing action until spring will provide some time for business owners and residents to meet and will result in a better trial period.

Roger Harlan pointed out the on-going effort of the Council to make Main Street viable and the proposed amendment is very narrow in scope. He preferred holding a trial in the fall, discussed the amphitheater effect of noise in a canyon, and urged affected parties to meet. It is uncertain how effective management will be monitoring patrons on the decks, but he is willing to give it a try to evaluate the modification.

Joe Kernan expressed his appreciation of the high level of public participation throughout the process which has made people more aware of each other's issues. He felt the suggestion of looking into regulations of other resort communities is a good one and is in favor of the business community testing the extension.

Dana Williams relayed that Main Street has always been noisy. With regard to the amendment, he estimated that only about three businesses would be affected and in general, bars have done a good job of policing their establishments. He emphasized that this will not change the noise ordinance which is subject to its own decibel regulations. Given the limited extension in time, he is comfortable with trying it now. In response to a question from the audience, the Mayor described the designated three month reviews.

Roger Harlan, "I move that we approve an Ordinance amending Section 4-4-16(k) of Park City's Municipal Code to allow liquor licensed establishments to allow limited use of their decks and patios after 10 p.m. and to midnight". Joe Kernan seconded. Motion carried.

Marianne Cone	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

Mayor Dana Williams Aye – tie breaking vote

There was an exchange between members of the audience and the Council on points of clarification. In response to a request to have the City facilitate neighborhood meetings, the Mayor pointed out that this was introduced by and should be an initiative of the HMBA. Representatives of the City will be happy to attend meetings and participate. City Attorney Mark Harrington emphasized that the first sunset provision automatically renews unless the City Council takes affirmative action to call it up.

2. Ordinance approving the annexation of the Wilburn West Parcel and approving an amendment to the Park City Zoning Map to zone the Wilburn West property Residential Development (RD) and Recreation Open Space (ROS) – Ray Milliner explained the location of the 40 acre parcel. The Planning Commission reviewed the application and forwards a positive recommendation based on the findings in the ordinance. The proposed zoning is RD for five acres for the purpose of building two duplexes and the remainder of the property would be zoned ROS, which is recommended for a conservation easement for perpetual open space. He referred to correspondence from an adjacent property owner concerned about impacts of the annexation on his property and misrepresentations about preserved open space. Staff is recommending approval after a public hearing is conducted. Mayor Williams commented that properties are continually misrepresented by real estate agents and asked if the City properly noticed the application. Ray Milliner responded that the annexation was noticed according to state law; there was published notice, mailed notice sent to owners within a half mile radius and a sign was posted on the property. The property was also noticed a year ago. The Mayor opened the public hearing and with no input, closed the hearing.

Joe Kernan, "I move to approve the annexation of the Wilburn West Parcel and an amendment to the Park City Zoning Map to zone the Wilburn West Parcel as residential development and recreation open space". Marianne Cone seconded. Motion carried.

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

VII 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, Roger Harlan, and Joe Kernan. Jim Hier was excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Marianne Cone, "I move to close the meeting to discuss personnel and property". Roger Harlan seconded. Motion carried. The meeting opened at approximately p.m. Candace Erickson, "I move to open the meeting". Marianne Cone seconded. Motion unanimously.

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

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

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

City Council
Staff Report

Special Events and
Facilities Department

Author: **Max J. Paap**
Subject: **9/11 Remembrance Ceremony**
Date: **August 24, 2006**
Type of Item: **Administrative – Master Festival License**

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the Master Festival License for the 9/11 Remembrance Ceremony, as conditioned, at City Park on Monday, September 11, 2006.

Description:

Topic:
Review the Master Festival License Application, submitted by the Park City Fire District and the Park City Police Department, for the 9/11 Remembrance Ceremony at City Park on September 11, 2006.

Background:
The Park City Fire District and Park City Police Department submitted an application requesting a Master Festival License to hold a remembrance ceremony for the lives lost during the attack and aftermath that occurred on September 11, 2001. Their request includes activities at City Park. The event would run from 5:00pm-7:00pm on Monday, September 11, 2006. The event is one that will promote community support and memorialize the 5th anniversary of the tragic attack. The applicant would like to call attention to the many responding agencies and others affected in the Park City/ Summit County area.

The 9/11 Remembrance Ceremony is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:
The event organizers have requested to hold their event on September 11, 2006. The event would begin at 5:00 pm at the park with public speeches from PCPD, PCFD, Summit County, Park City Municipal Corporation, and the Mayor of Park City. Other presentations would include the USMC Color Guard, Air National Guard, and other honorary activities. It would conclude sometime around 7:00 pm.

<u>City Park Activities</u>

The event would have its activities in and around the bandshell just south of the Miner's Hospital in City Park. The PCMC Parks Department would allow the Air National Guard to land any helicopter displays on the softball field with prior notice to properly wet the infield to reduce any dust issues. All other vehicles would need to be parked on the paved surfaces within City Park. The activities in City Park will begin at 5:00pm and will conclude by 7:00 pm. No other activities are planned for City Park on September 11, 2006.

Parking
Parking for the anticipated crowd size can be accommodated within City Park and on Park Avenue.

Department Review:
All applicable departments have reviewed the 9/11 Remembrance Ceremony and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing the 9/11 Remembrance Ceremony as described.
Deny the Request:
Deny the Master Festival License, preventing the addition of the 9/11 Remembrance Ceremony to Park City's schedule of events.
Continue the Item:
The City Council may continue the discussion in order to receive additional information

Significant Impacts:
City Park has haled many similar events to the 9/11 Remembrance Ceremony. The activities will be contained within the venue and will conclude by 7:00pm.

Consequences of not taking the recommended action:
The 9/11 Remembrance Ceremony would not take place.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the 9/11 Remembrance Ceremony on September 11, 2006 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:
1. The 9/11 Remembrance Ceremony will be held Monday, September 11, 2006. The event will last from 5:00pm to 7:00pm and will occur in City Park.
2. Parking for the anticipated crowd of 80-100 people can be accommodated with the existing parking in and around City Park. The conduct of the 9/11 Remembrance Ceremony will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

3. The event is oriented towards families and youth. The events associated with the 9/11 Remembrance Ceremony will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held in City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival and Special Event License has been issued for September 11, 2006. The 9/11 Remembrance Ceremony will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted and with the provision of City services in support of other such events or governmental functions.
6. The organizer will provide adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.

The applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Attachments

Exhibit A- Applicant's Summary of Activities

Exhibit A-

PARK CITY MUNICIPAL CORPORATION SPECIAL EVENT AND MASTER FESTIVAL LICENSE EVENT APPLICATION-PART i

A completed electronic copy submitted to the Special Events Department is req

Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM

Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: 9/11 Remembrance Ceremony

EVENT DATE(S): 9/11/06

EVENT TIME(S): 5:00pm-7:00pm

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
City Park South fields and Miner's Hospital

ANTICIPATED ATTENDANCE: 80-100

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
Public speeches by Park City Police Chief, Park City Fire Dist. Chief, Summit County Sheriff, and Park City Mayor. raising of US Flag to half mast by USMC Color Guard, moment of silence, helicopter missing man flyover by Utah Ait National Guard, public display of emergency and military vehicles with time for public to interract with emergency and military personnel.

Agencies to be represented:
Park City Fire District
Park City Police Department
Park City Municipal Corp
Summit County Sheriff Department
United States Army
United States Marine Corps.
Utah Air National Guard
Air Med

Possible other agencies (yet to be confirmed):
United Airlines

APPLICANT: *(name of organization)* Park City Fire District/Park City Police Dept.

CONTACTS

Event Manager: John
Mailing Address: 2970 E. Oakridge Dr.
Phone: 801-231-1579 Fax:
Cell Phone:
E-Mail: johnnyv145@hotmail.com

Assistant Event Manager:
Mailing Address:
Phone: Fax:
Cell Phone:
E-Mail:

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☐ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
☐attraction of large crowds, (Over 500)
☒street closure,
☒use of City park, building or property,
☐use of off-site parking facility,
☐use of amplified music.

☐ **Special Event;**
A private or public event, which creates significant public impacts through:
☐causes significant public impacts via disturbance, crowd, traffic/parking,
☒disruption of the normal routine of the community or affected neighborhood,
☐necessitates temporary business or liquor licensing
☐event signs, visible from public property
☐temporary structures

CITY SERVICES

- request for street closure(s)? ☒yes ☐no
  if yes, then list street(s) and closure time and date: South side of City Park and Miners Hospital parking and entrance
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates: 09-11-06 5:00pm-7:00pm south side of City Park and Miners Hospital
  if yes, complete and attach *Request for Special Use of Public Parking* form.

- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☐yes ☒no
  if yes, have you filed a *Beer and Liquor License Application* with Park City Finance Department? ☐yes ☐no
  if yes, have you filed a* Single Event *or* Temporary Beer Permit *application w/ UDABC?* ☐*yes* ☐*no

APPLICATION FEES

All new applications require a $100 processing fee, all applications for returning events require a $50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

City Council
Staff Report

Special Events and
Facilities Department

Author: **Max J. Paap**
Subject: **Funky Old Miner's Day**
Date: **August 24, 2006**
Type of Item: **Administrative – Master Festival License**

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the Funky Old Miner's Day, as conditioned, on September 4, 2006 to be held at City Park, the north Library field, and on Main Street and Park Avenue.

Description:

Topic:
Review the Master Festival License Application, submitted by the Park City Rotary Club, for the Funky Old Miner's Day at City Park, the north Library field, and on Main Street and Park Avenue on September 4, 2006.

Background:
The Park City Rotary Club submitted an application requesting a Master Festival License to hold the annual Miner's (Labor) Day celebration; a community celebration commemorating Park City's mining heritage. The event would run from 7:00 am-3:00 pm on Monday, September 4, 2006. The event would take place the first Monday in September, on a yearly basis.

The Funky Old Miner's Day is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:
The event organizers have requested to hold their event on September 4, 2006. The event would begin at 7:00 am in City Park, followed by a 5K run that would end on Main Street. The Main Street activities would begin at 10:45 am and conclude at noon. City Park activities would again resume at noon and run until about 3:00 pm. This application is being reviewed as a Master Festival License due to the request for a street closure, use of City property, use of an off-site parking facility, performance of amplified music, and attraction of a crowd over 500 people.

<u>City Park activities</u>
Events in City Park will begin at 7:00 am with the Pancake Breakfast, followed by the Funky 5K which will start at 9:00 am and circle the park twice before its route

continues southbound on Poison Creek Trail. After the parade, the park will entertain kids' games, kite making, and live music along with a BBQ lunch. Parade awards will also be presented, along with announcements to introduce the new Mucking and Drilling venue. The Park City Rotary will secure and maintain the south end of City Park for both parking and all other activities.

Swede Alley and related parade staging
Parade staging will again take place in Swede Alley beginning at 10:00 am, and will manage staging of all entries along the west lanes of Swede. Park City Rotary will have control of all surface parking on Swede Alley and utilize this area to stage entries. PCMC will again 'load' the entire China Bridge structure from Marsac Avenue; using the same signage used for the 4th of July and the Kimball Park City Arts Festival. Parade is set to begin from Swede Alley, at the top of Main at 11:15 am.

Main Street activities
Main Street activities will include the conclusion of the Funky 5K at the Riverhorse at around 9:45 am, the Running of the Balls that will begin at 10:45 am, and the beginning of the parade; scheduled for 11:15 am. The organizers have met with PCMC staff to ensure that all events that occur on Main Street will not adversely affect either public safety or the agenda of the celebration.

North Library Park activities
Due to the fact that the previous venue for the Mucking and Drilling competition is no longer available; City staff, along with the organizers, has determined that a suitable venue would be the north field of the Library and Education Center for the Mucking and Drilling. The applicant has agreed to incur the cost of constructing a suitable temporary competition venue, and return it to its original state, to facilitate the competition and thus preserve this integral part of this community celebration.

Department Review:
All applicable departments have reviewed the Funky Old Miner's Day and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing the Funky Old Miner's Day as described. This is staff's recommendation
Deny the Request:
Deny the Master Festival License, preventing the addition of the Funky Old Miner's Day to Park City's schedule of events.
Continue the Item:
The City Council may continue the discussion in order to receive additional information

Significant Impacts:

Park City has held many similar events to the Funky Old Miner's Day. The activities will be contained within described venues and will conclude by 3:00pm.

Consequences of not taking the recommended action:
The Funky Old Miner's Day would not take place.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Funky Old Miner's Day on September 4, 2006 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Funky Old Miner's Day will be held Monday, September 4, 2006. The event will last from 7:00 am to 3:00 pm and will occur at described locations.
2. Parking for the anticipated crowd of 1000 people can be accommodated with the existing parking in and around the venue. The conduct of the Funky Old Miner's Day will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with the Funky Old Miners Day will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
9. The event will be held at City Park, the north Library field, and on Main Street and Park Avenue. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
10. One other Master Festival and Special Event License has been issued for September 4, 2006. The Big Stars, Bright Nights Concert featuring Willie Nelson will take place at Snow Park Amphitheater. The Funky Old Miners Day Celebration not substantially interfere with the logistics and venue for the Big Stars, Bright Nights concert for which a license has already been granted and with the provision of City services in support of other such events or governmental functions based on the following:

    a) The Funky Old Miner's Day celebration will take place at City Park, the north Library field, and on Main Street and Park Avenue. The Big Stars, Bright Nights concert will be at Snow Park at Deer Valley.
    b) The Funky Old Miner's Day celebration runs from 7:00 am-3:00 pm. The Big Stars, Bright Nights concert runs from 7:30 pm-10:00 pm.
    c) Attendance projections are as follows: Funky Old Miner's Day - 1000; Big Stars, Bright Nights- 5000.
    d) All events have their own venues and all people and all activities associated with each event will be contained to their own area. All public

personnel, equipment, and /or transportation services at the event have been coordinated with adequate time to insure there is no negative impact to those services in town; and

e) Attendee parking for the Funky Old Miner's Day will be accommodated within the China Bridge parking structure, PCMR, and City Park. Big Stars, Bright Nights parking will be in the Lower Deer Valley parking lots.

11. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
12. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.

Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.

Applicant shall notify all adjacent neighbors 48 hours prior to the event.

All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by September 1, 2006.

Applicant shall facilitate a safe crosswalk as the crowds move from City Park to the north Library Field.

Attachments

Exhibit A- Applicant's Summary of Activities

Attachment A-

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i

A completed electronic copy submitted to the Special Events Department is required.

PARK CITY 1881
Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM

Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: Funky Old Miners Day (Previously known as Miners Day)

EVENT DATE(S): September 4, 2006 - Presented by Park City Rotary Club

EVENT TIME(S): Events beginning at 7:00am through 3:00pm (Same times as in past)

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Detail locations: City Park,Around Park,Library Park (new), Main Street back down Park Ave.

ANTICIPATED ATTENDANCE: Estimated at 1,000 or more weather permitting

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
7:00am: Pancake Breakfast St Mary's at City Park, 9:00am: The Funky 5-K Fun Family Run (start at City Park and finish on Main Street), 10:45am: The Running of the Balls on Main Street, 11:15am The Funky Old Miners Day Parade Main Street back to City Park, 12:30pm: Kids Games & Kite Making in the Park along with Parade Awards, Band playing and lunch serverd by Park City Rotary Club, 1:30pm: Mucking & Drilling Demonstrations (new location in Library Park)

APPLICANT: *(name of organization)* Park City Rotary Club

CONTACTS

Event Manager: A. Flint Decker
Mailing Address: PO Box 99, Park City, Utah 84060
Phone: (435) 655-2500 Fax:(435) 655-2501
Cell Phone: (435) 901-2500

E-Mail: flint@pureutah.com

Assistant Event Manager: Jim Lea
Mailing Address: Same contact info as above
Phone: (435) 647-8008 Fax:
Cell Phone:
E-Mail: jlea@pureutah.com

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
☒attraction of large crowds, (Over 500)
☒street closure,
☒use of City park, building or property,
☒use of off-site parking facility,
☒use of amplified music.

☐ **Special Event;**
A private or public event, which creates significant public impacts through:
☐causes significant public impacts via disturbance, crowd, traffic/parking,
☐disruption of the normal routine of the community or affected neighborhood,
☐necessitates temporary business or liquor licensing
☐event signs, visible from public property
☐temporary structures

CITY SERVICES

- request for street closure(s)? ☒yes ☐no
  if yes, then list street(s) and closure time and date: Same as previous years (435) 901-2500 for more detail and Main Street times and Park Ave times please contact Max Paap
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates: please contact Max Paap
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☒yes ☐no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☒yes ☐no
  if yes, have you filed a *Beer and Liquor License Application* with Park City Finance Department? ☒yes ☐no
  if yes, have you filed a* Single Event *or* Temporary Beer Permit *application w/ UDABC?* ☒*yes* ☐*no

APPLICATION FEES

All new applications require a $100 processing fee, all applications for returning events require a $50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final

bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author: Brooks T. Robinson
Subject: Silver Strike Lodge Condominium Conversion
Date: August 24, 2006

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Silver Strike Lodge condominium record of survey plat and approve the record of survey based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Ironwood CPI Empire Pass
Location:	8902 Empire Club Drive, Pod A, Village at Empire Pass
Zoning:	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses:	Other development parcels of the Village at Empire Pass and Open Space.

Background
On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. Silver Strike Lodge is Building 6.

On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The City Council approved the Village West Side plat on May 26, 2005. The Silver Strike project is located on Lot 14.

On January 25, 2006, the Planning Commission approved a Conditional Use Permit for the Silver Strike Lodge. The Conditional Use Permit approved 34 units totaling approximately 71,200 square feet for approximately 35.6 Unit Equivalents. In addition, 2 ADA units, one Employee Housing Unit, and 1,106 square feet of retail commercial space were proposed within the building.

The City received a completed application on June 12, 2006, for a condominium conversion of the Silver Strike Lodge, which is currently under construction. The

application is for 34 residential units ranging in size from 1,647 square feet to 3,386 square feet. The proposed retail space has been eliminated.

The Planning Commission heard this application at its regular meeting of August 9, 2006, and forwards a positive recommendation. There was no public input at the hearing.

Analysis

The project is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet, a front facing garage 25 feet
- Rear: 15 feet
- Side: 12 feet

The Silver Strike Lodge meets the minimum setback requirements. A height exception has been granted for this building for a total height of 92 feet above existing grade. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and the Conditional Use Permit approval for the Silver Strike Lodge.

The total residential square footage is 69,941 square feet or 35 Unit Equivalents. In addition, an Employee Housing Unit (EHU) of 1,364 square feet (Unit #203) and two ADA accessible units (#701 and 702) are provided. The EHU unit is platted as private space. A deed restriction acceptable to the City is a Condition of Approval prior to plat recordation. The ADA units are platted as Common.

Parking is provided at 75% of the Code requirement consistent with the Development Agreement.

Staff finds good cause for this record of survey as this condominium is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

Department Review

This project has gone through an interdepartmental staff review meeting held on July 11, 2006. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report. No public input was received at the Planning Commission hearing.

Alternatives

- The City Council may approve the Silver Strike Lodge condominium record of survey as conditioned or amended, or

- The City Council may deny the Silver Strike Lodge condominium record of survey and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Silver Strike Lodge condominium record of survey.

Significant Impacts
There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation
The units could not be separately sold.

Recommendation
Staff recommends the City Council hold a public hearing for the Silver Strike Lodge condominium record of survey plat and approve the record of survey based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING
THE SILVER STRIKE LODGE CONDOMINIUM RECORD OF SURVEY PLAT
LOCATED AT 8902 EMPIRE CLUB DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Silver Strike Lodge, located at 8902 Empire Club Drive, Lot 14 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the Silver Strike Lodge record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 9, 2006, to receive input on the Silver Strike Lodge record of survey;

WHEREAS, the Planning Commission, on August 9, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 24, 2006, the City Council approved Silver Strike Lodge condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Silver Strike Lodge record of survey.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Silver Strike Lodge record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8902 Empire Club Drive.
2. The Silver Strike Lodge is located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. Silver Strike Lodge is Building 6.
5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The City Council approved the Village West Side plat on May 26, 2005. The Silver Strike project is located on Lot 14.
6. On January 25, 2006, the Planning Commission approved a Conditional Use Permit for the Silver Strike Lodge. The Conditional Use Permit approved 34 units totaling approximately 71,200 square feet for approximately 35.6 Unit Equivalents. In addition, 2 ADA units, one Employee Housing Unit, and 1,106 square feet of retail commercial space were proposed within the building.
7. The record of survey is for 34 residential units ranging in size from 1,647 square feet to 3,386 square feet. The previously proposed retail space has been eliminated.
8. The Silver Strike Lodge meets the minimum setback requirements.
9. A height exception has been granted for this building for a total height of 92 feet above existing grade.
10. The total residential square footage is 69,941 square feet or 35 Unit Equivalents.
11. An Employee Housing Unit (EHU) of 1,364 square feet (Unit #203) and two ADA accessible units (#701 and 702) are provided. The EHU unit is platted as private space, the ADA units as common space.
12. Parking is provided at 75% of the Code requirement consistent with the Development Agreement.
13. The proposed record of survey is consistent with the approved Master Planned Development for the Village at Empire Pass.
14. The Planning Commission heard this application at its regular meeting of August 9, 2006, and forwards a positive recommendation. There was no public input at the hearing.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the Silver

Strike Conditional Use Permit shall continue to apply.

4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction.
5. The plat will note the Employee Housing Unit and the ADA accessible units.

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

PASSED AND ADOPTED this 24th day of August, 2006.

Exhibits

Exhibit A – Record of Survey plat

SURVEYOR'S CERTIFICATE

I, Jack Swainston, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 166498 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owners, the Condominium Plat of SILVER STRIKE LODGE, a Utah Condominium Project, in conformance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

Jack Swainston L.S. #166498 Date _____

BOUNDARY DESCRIPTION

All of Lot 14, The Village at Empire Pass (that Plat, subdivision plat, amending in the official plat of record and on file in the office of the Summit County Recorder, Recorded August 12, 2005, as Entry No. 742764).

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the IRONWOOD CPI EMPIRE PASS LLC, a Delaware limited liability company, the owner of the tract of land described herein as SILVER STRIKE LODGE, a Utah Condominium project located on said tract of land, hereby certify that they have caused this survey to be made and this Record of Survey Map consisting of eleven (11) sheets to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the buildings shown on this plat, but not constructed at the time the plat was recorded, will, when completed, be substantially as shown on this plat.

The owner of his representative dedicates to Park City Municipal Corporation and Snyderville Basin Water Reclamation District all public utility, public access, and snow storage easements shown hereon in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has executed this certificate and dedication this _____ day of _____ 2006.

IRONWOOD CPI EMPIRE PASS, LLC,
a Delaware Limited Liability Company

By Jacob Kasen, Manager

ACKNOWLEDGMENT

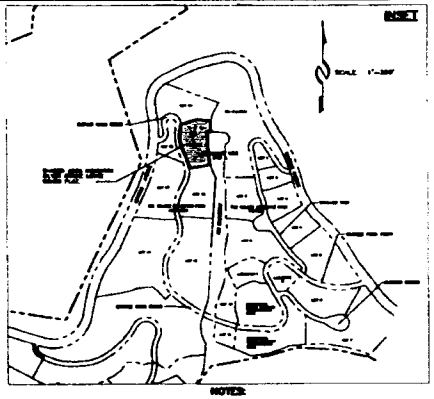
State of _____
ss:
County of _____

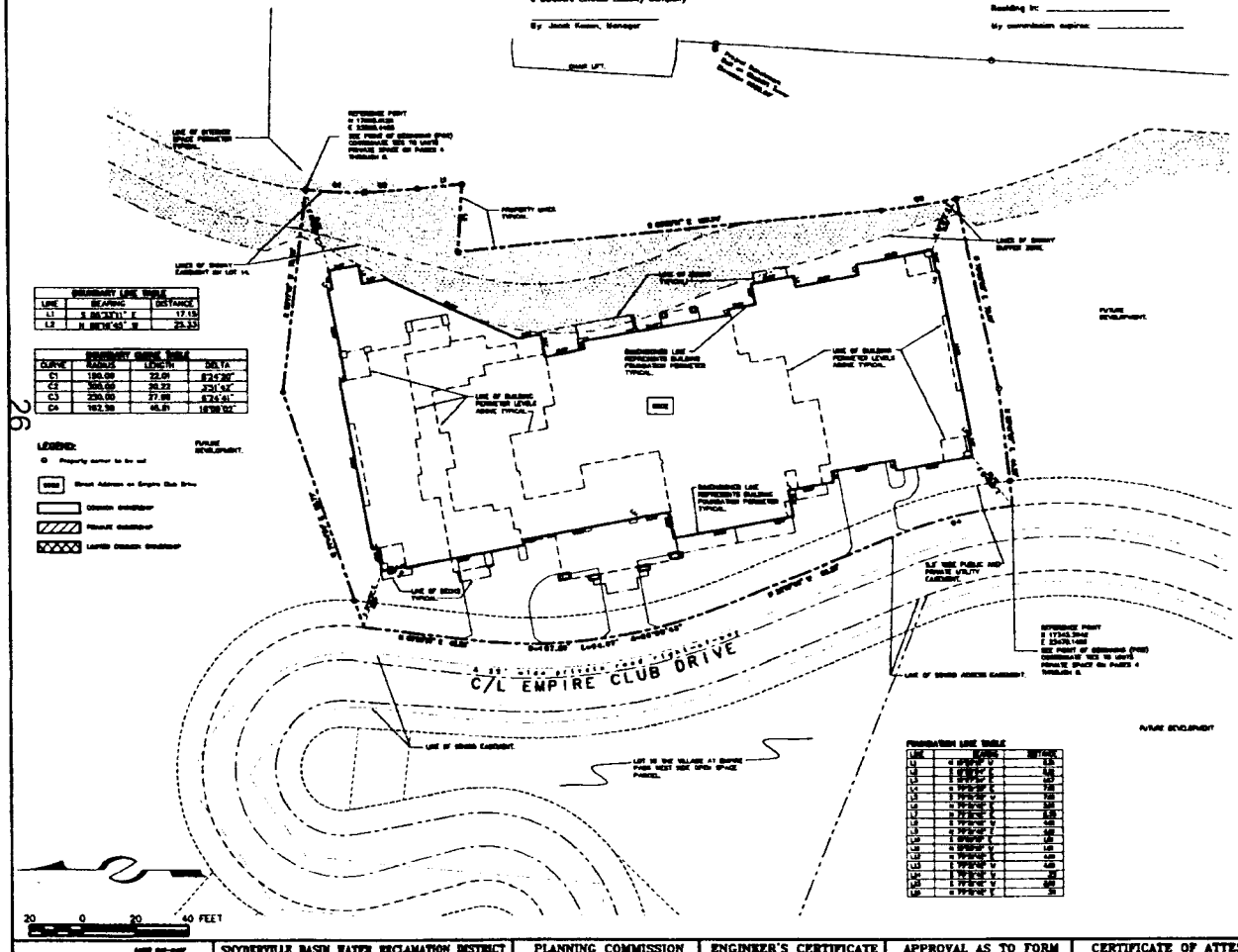
On this _____ day of _____ 2006, personally appeared before me, the undersigned Notary Public, in and for said County and State, Jacob Kasen, being duly sworn, acknowledged to me that he is the Manager Member of IRONWOOD CPI EMPIRE PASS LLC, a Delaware limited liability company, and that the foregoing Owner's Certificate and Dedication was signed on behalf of said company by authority of its operating agreement, and said Jacob Kasen acknowledged to me that he executed the same on behalf of said company or authorizing resolution.

A NOTARY PUBLIC COMMISSIONED IN UTAH

Residing in: _____

My commission expires: _____





BOUNDARY LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 88°31'11" E	17.15
L2	N 88°34'45" W	23.33

BOUNDARY CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	180.00	22.01	8°24'30"
C2	300.00	30.22	2°31'43"
C3	230.00	27.88	6°24'51"
C4	162.38	46.81	16°38'02"

LEGEND:

- Property corner to be set
- Street Address on Empire Club Drive
- Common Ownership
- Private Ownership
- Limited Common Ownership

FOUNDATION LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°50'10" E	3.33
L2	S 89°50'10" E	5.83
L3	S 89°50'10" E	10.17
L4	N 89°50'10" W	7.50
L5	S 89°50'10" W	7.50
L6	N 89°50'10" E	3.67
L7	N 89°50'10" E	5.50
L8	S 89°50'10" W	4.00
L9	S 89°50'10" W	1.00
L10	N 89°50'10" E	1.00
L11	N 89°50'10" W	1.00
L12	N 89°50'10" W	4.00
L13	S 89°50'10" W	4.00
L14	S 89°50'10" W	2.00
L15	S 89°50'10" W	8.00
L16	N 89°50'10" E	2.00

NOTES:

1. The dimensions of the private spaces and exterior footings shown hereon are based on drawings supplied by JDL Architecture. The exterior footings shown on this plat are established in accordance with the Utah Condominium Act and the Declaration of Condominium. Certain dimensions and locations of Silver Strike Lodge's Utah Condominium Project, such information typically differs somewhat from the exterior footings determined by the contractor or others using different methods of determining such data. It is the intent that the private ownership units of the units will be as constructed.
2. All common ownership elements are designated as Common Areas, as described in the Declaration of Condominium.
3. Building ties on this sheet are from the property line to the building foundation as shown.
4. All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Qwest, Park City Fire Service District, Questar, Comcast, for the purpose of providing access for utility and drainage installations, and maintenance, and emergency representation.
5. Access to the units is by private roads and is not maintained by Park City.
6. The units of the Silver Strike Lodge Condominium Development are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Owners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of said Private Lateral Wastewater Line serving the Silver Strike Lodge. The cost of such maintenance and replacement shall be paid by the Silver Strike Lodge Owners as part of the assessments. Disposition.
7. The property corners of Empire Club Drive will be set at the intersection of the 5.5' side public and private utility easement and the lot line or as shown hereon.
8. Unit 206 - Deed Restricted Employee/Affordable Housing Unit.

LENDER CONSENT

The undersigned lender, pursuant to that certain Deed of Trust, Assignment, Security Agreement and Fixture Filing dated _____ 2006, between Ironwood CPI Empire Pass, LLC, as trustor, Coalition Title Agency, as trustee, and Societe Generale, as beneficiary (the "Deed of Trust"), hereby consents to the recording of this plat for the lands described property and the dedications provided herein and hereby subordinates the lien, encumbrances and security interests of such lender under the Deed of Trust to any liens, easements, dedications, covenants, restrictions, encumbrances and other interests created by the recording of this plat.

SOCIETE GENERAL
a French banking corporation

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

State of _____
ss:
County of _____

On _____ 2006, personally appeared before me _____ who being duly sworn, did say to me that he is the _____ of SOCIETE GENERALE, a French banking corporation which executed the above and foregoing instrument and that the instrument was signed on behalf of Societe Generale with full authority, and he acknowledged to me that Societe Generale executed the same.

A NOTARY PUBLIC COMMISSIONED IN UTAH

Residing in: _____

My commission expires: _____

CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 31 AND THE NORTHWEST QUARTER SECTION 36 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

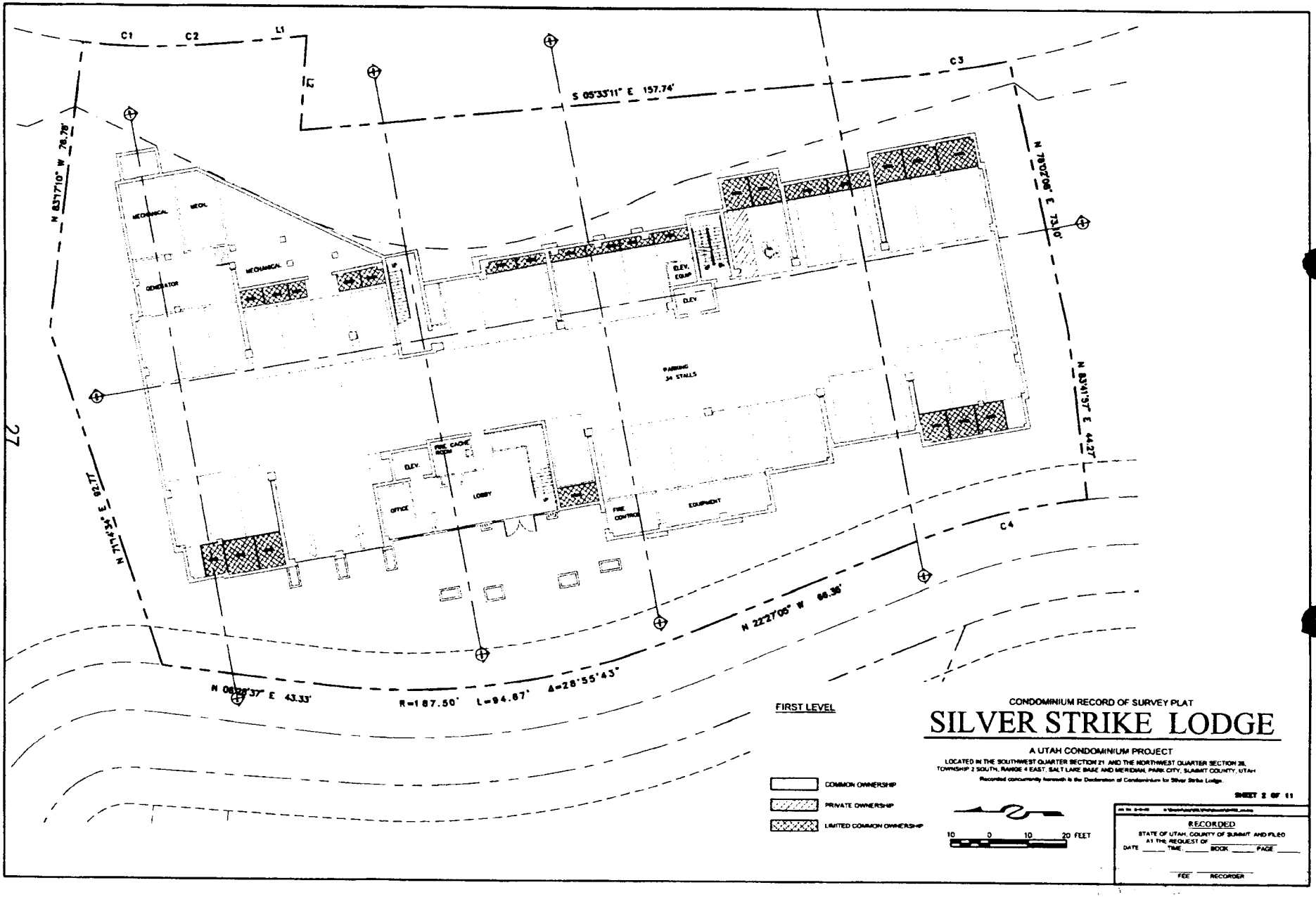
Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge

PAGE 1 OF 11

JOB NO.: 5-09-05 FILE: Silver Strike Lodge\Plat\SILVERSTRIKE_SR.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 2006 A.D. BY _____ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2006 A.D. BY _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2006 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____ 2006 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2006 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2006 A.D. BY _____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____

JUN 12 2006



CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith & the Declaration of Condominium for Silver Strike Lodge.

SHEET 2 OF 11

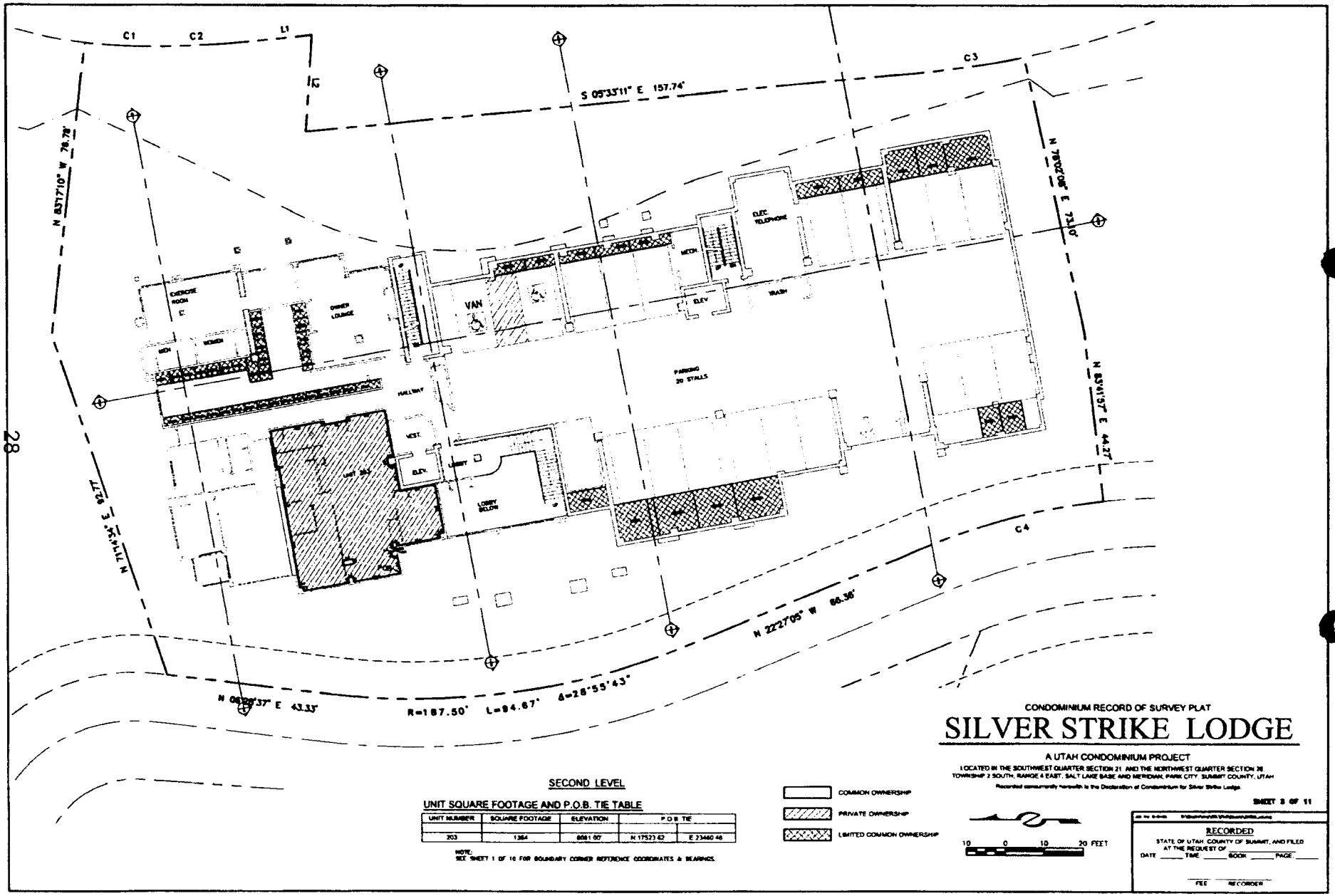
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____

JUN 12 2006

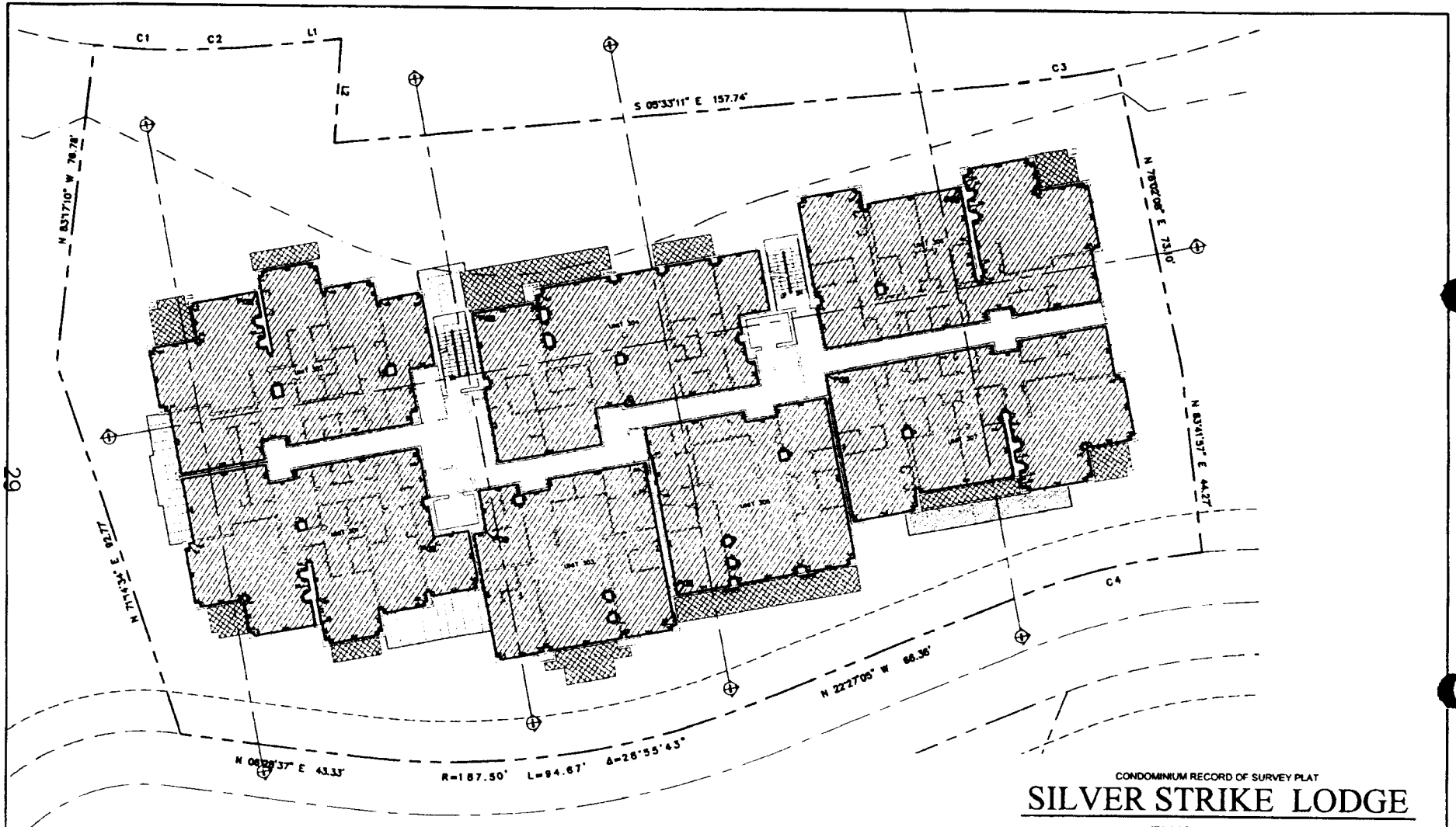


SECOND LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE	
203	1364	8081.00'	N 17523.62	E 23460.46

NOTE:
SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS.



CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge.

SHEET 4 OF 11

THIRD LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE	
301	2257	8093.00'	N 17523.94	E 23481.46
302	2235	8093.00'	N 17586.77	E 23539.85
303	1847	8093.00'	N 17511.26	E 23482.80
304	2137	8093.00'	N 17514.67	E 23536.22
305	1877	8093.00'	N 17466.55	E 23488.19
306	2140	8093.00'	N 17400.46	E 23585.66
307	2190	8093.00'	N 17431.85	E 23521.25

NOTE:
SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF

DATE ____ TIME ____ BOOK ____ PAGE ____

FEE ____ RECORDER ____

JUN 12 2006

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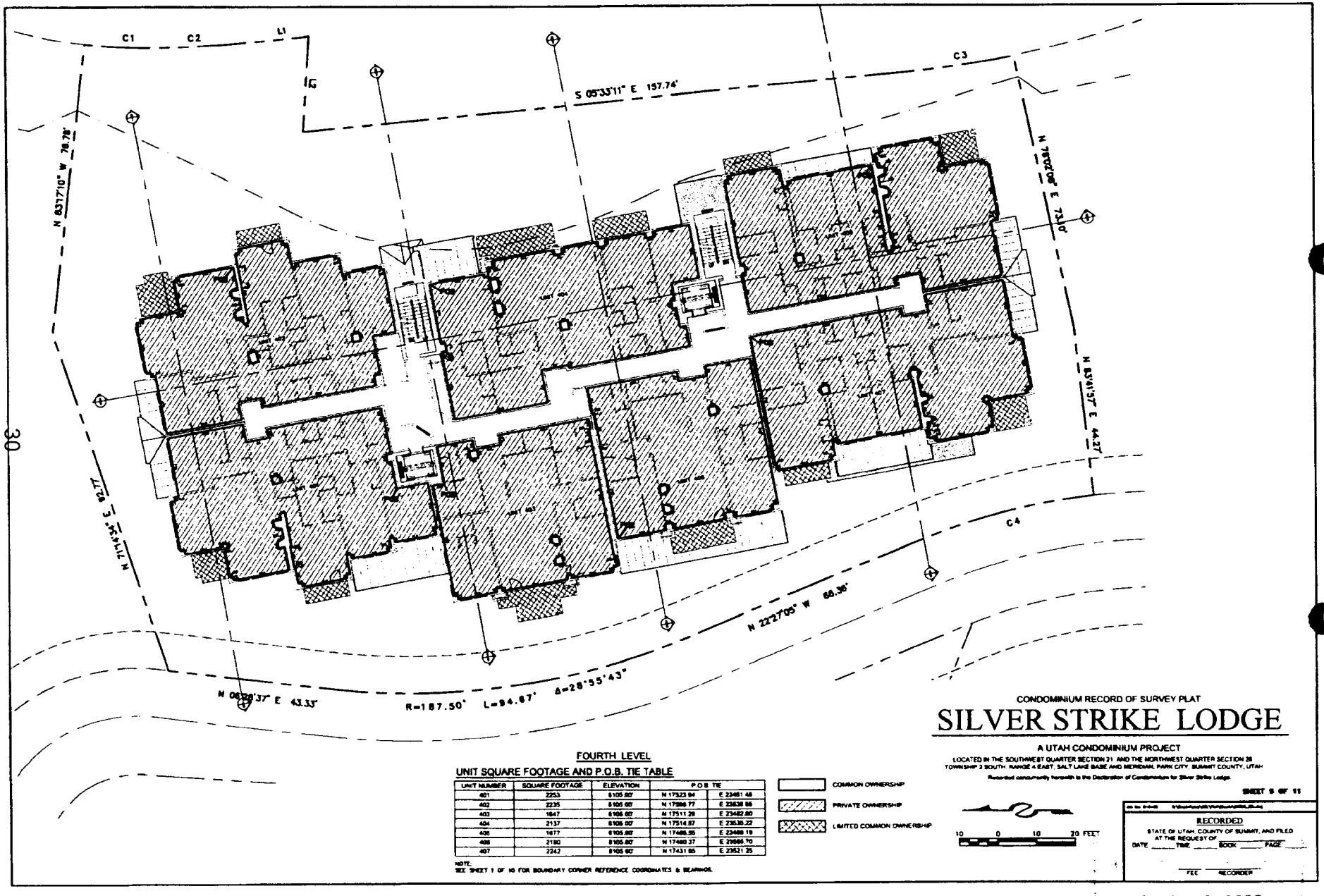

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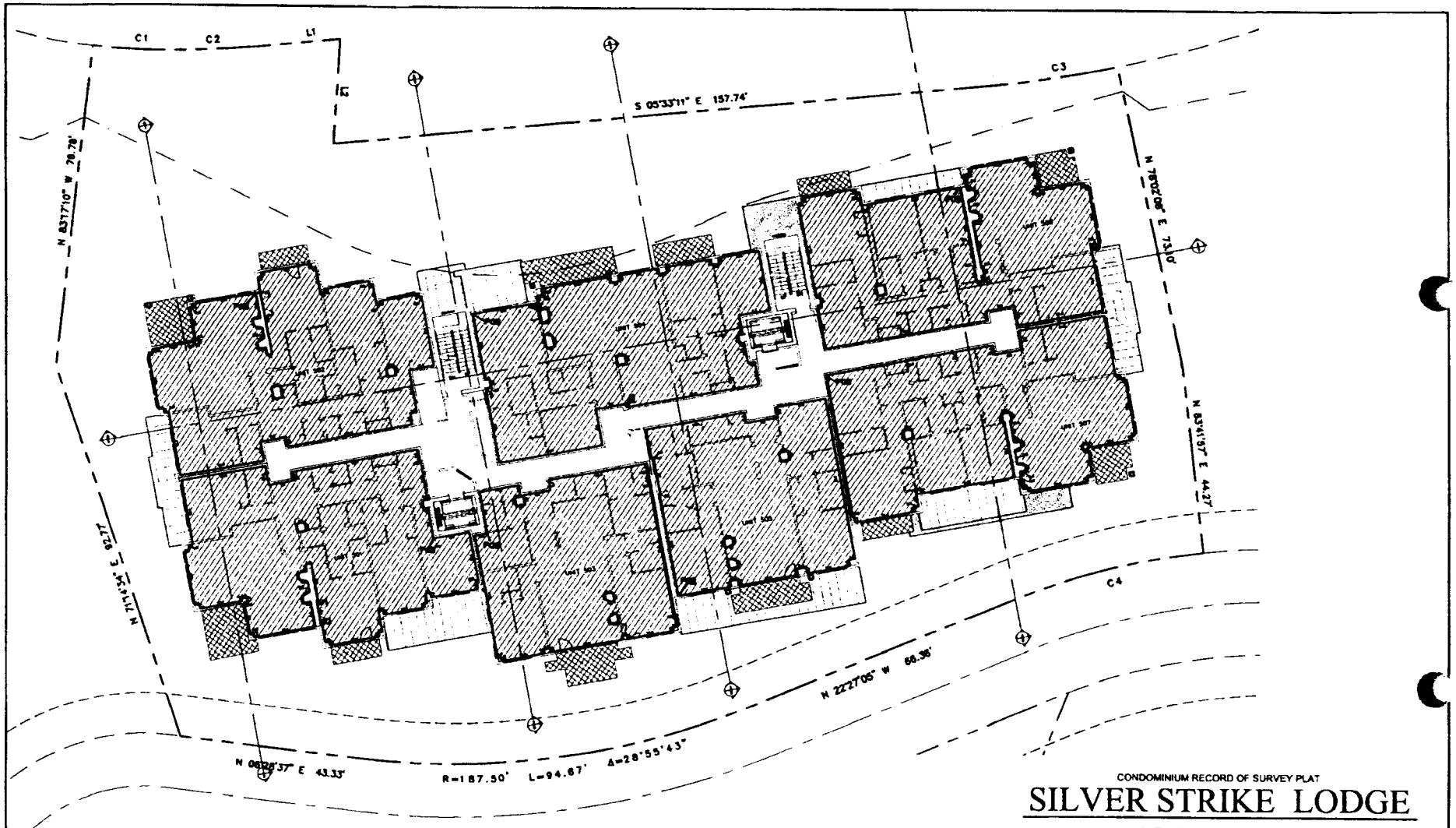


CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge.

SHEET 6 OF 11

FIFTH LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE	
501	2253	8117.00'	N 17523.94	E 23481.48
502	2235	8117.00'	N 17586.77	E 23539.85
503	1647	8117.00'	N 17611.28	E 23482.80
504	2137	8117.00'	N 17514.97	E 23536.22
505	1677	8117.00'	N 17486.56	E 23488.18
506	2180	8117.00'	N 17460.37	E 23495.70
507	2242	8117.00'	N 17431.86	E 23521.35

NOTE:
SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS.

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

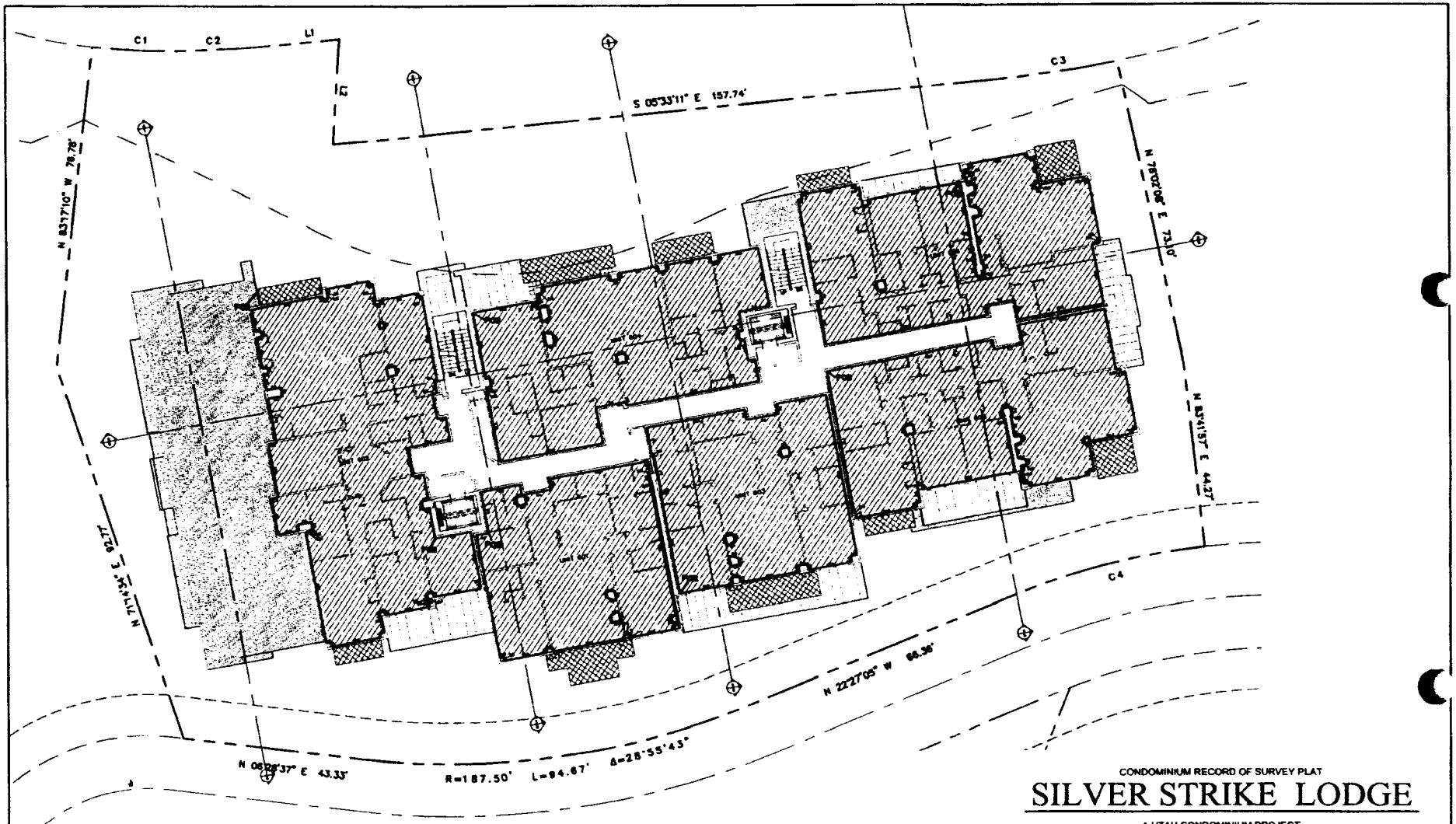
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____

JUN 12 2006



CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge

SHEET 7 OF 11

SIXTH LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE	
601	1647	6129.00'	N 17511.24	E 23462.73
602	2858	6129.00'	N 17523.80	E 23481.41
603	1677	6129.00'	N 17488.51	E 23466.14
604	2137	6129.00'	N 17514.66	E 23535.15
605	2242	6129.00'	N 17400.38	E 23585.68
606	2180	6129.00'	N 17431.83	E 23521.22

NOTE:
SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS.

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER

JUN 12 2006

CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28
TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY UTAH

Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge

SHEET 8 OF 11

SEVENTH LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE	
703	1647	8141.00'	N 17511.24	E 23482.73
704	2452	8141.00'	N 17514.86	E 23535.15
705	3388	8141.00'	N 17488.23	E 23488.19
706	2132	8141.00'	N 17477.70	E 23550.54
707	2240	8141.00'	N 17431.83	E 23521.23
708	2187	8141.00'	N 17400.38	E 23565.88

NOTE:
SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

RECORDED

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AT THE REQUEST OF _____
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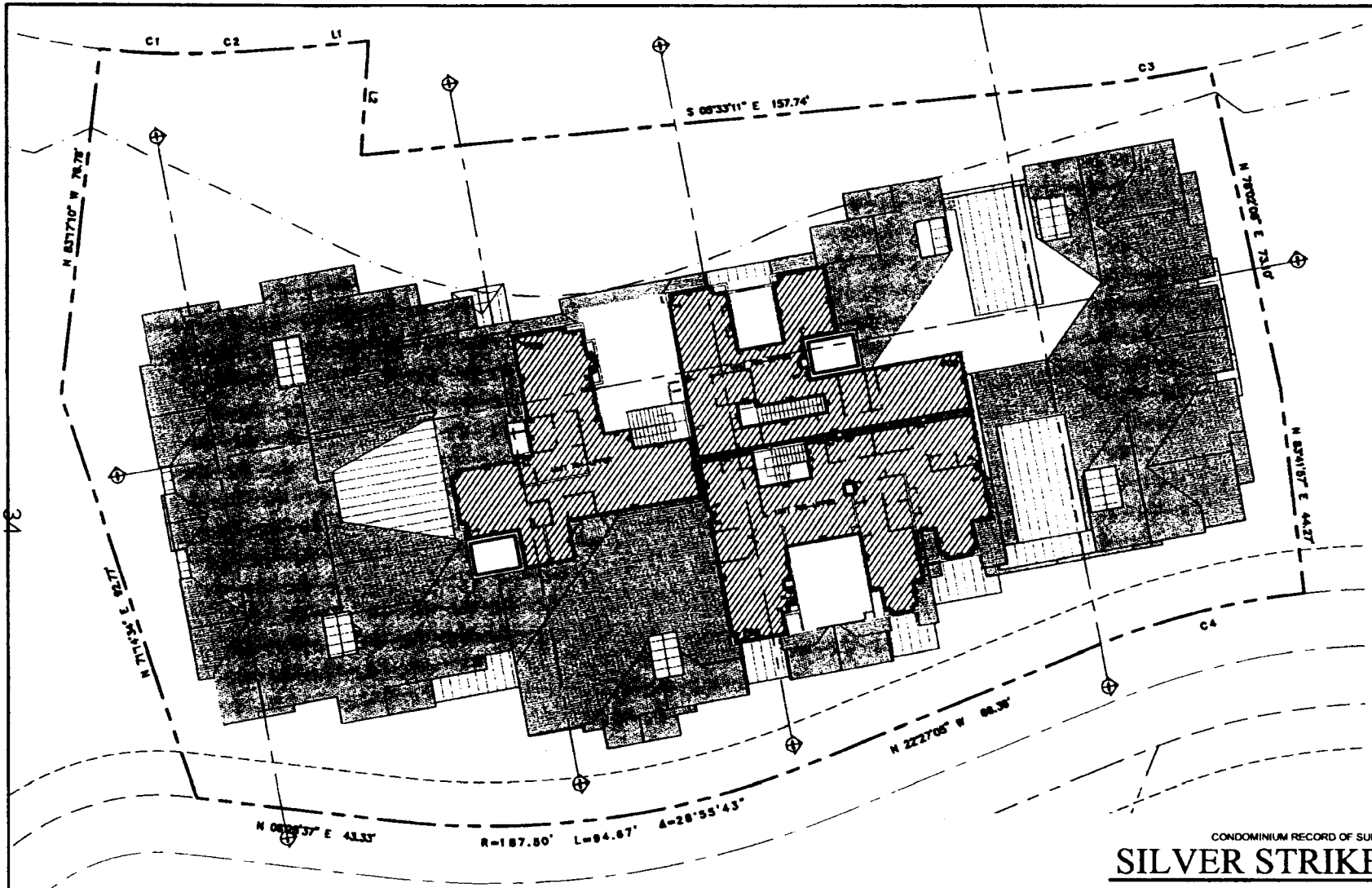
FEE RECORDER

JUN 12 2006



CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

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Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge

SHEET 9 OF 11

EIGTH LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE	
704	SEE SHT. 8	8153.00'	N 17514.66	E 23535.15
705	SEE SHT. 8	8153.00'	N 17417.78	E 23531.81
706	SEE SHT. 8	8153.00'	N 17427.59	E 23534.68

NOTE:
SEE SHEET 1 OF 11 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS.

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE RECORDER

JUN 12 2006

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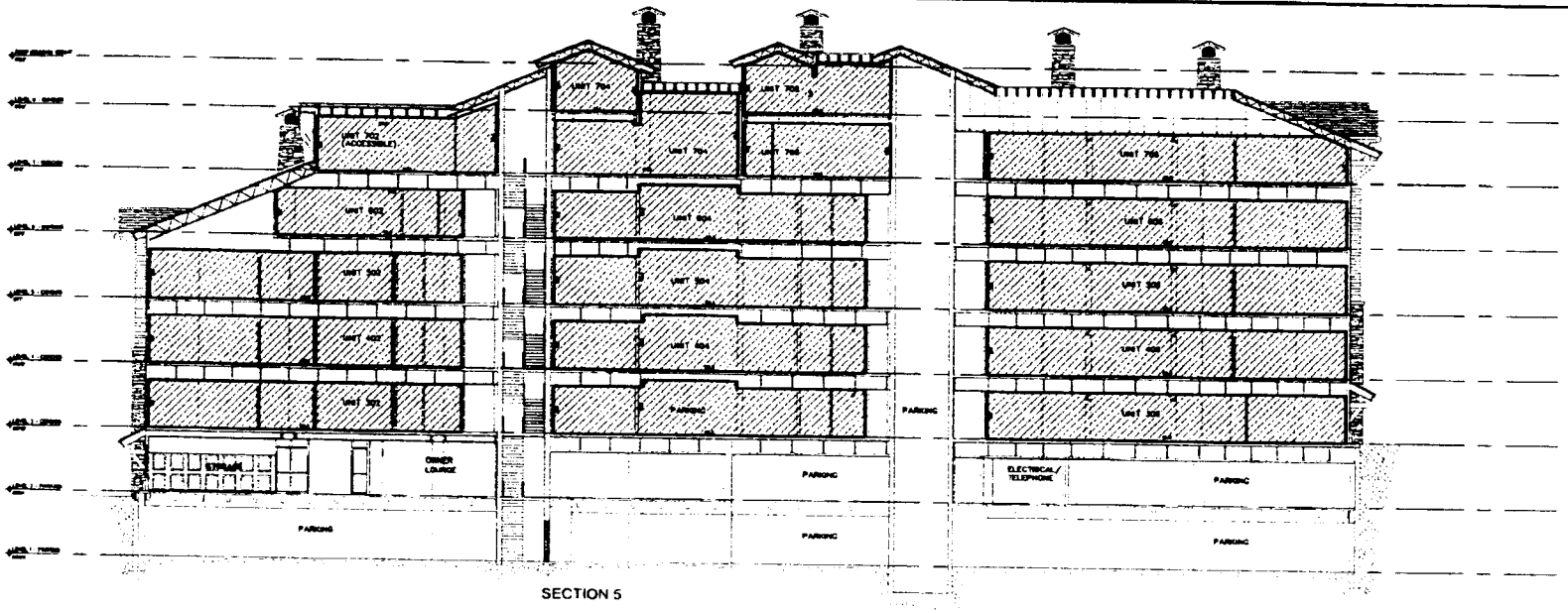
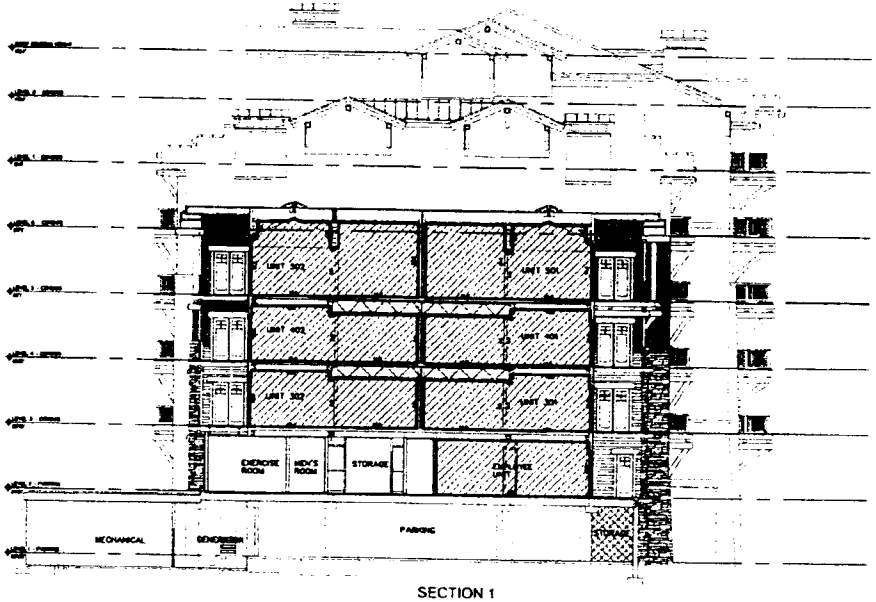


SECTION 5



SECTION 1

CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge

SHEET 10 OF 11

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

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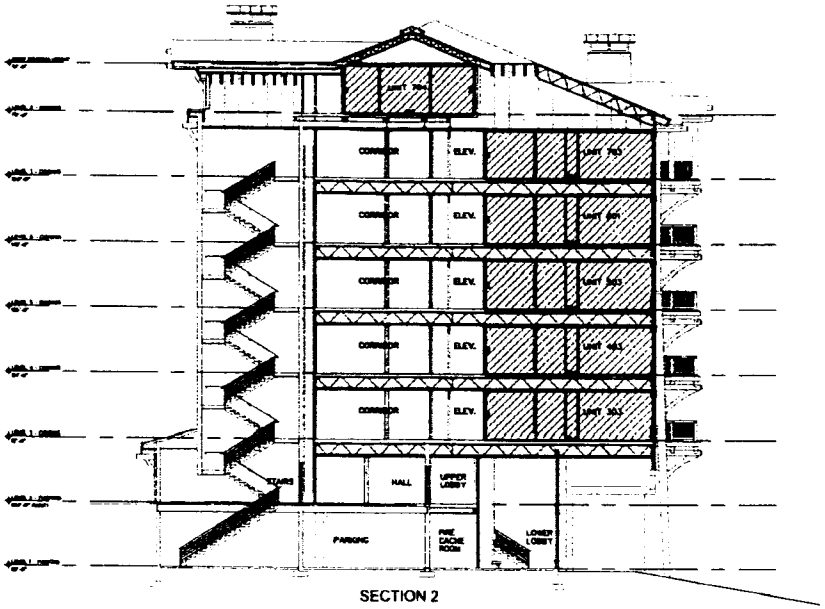

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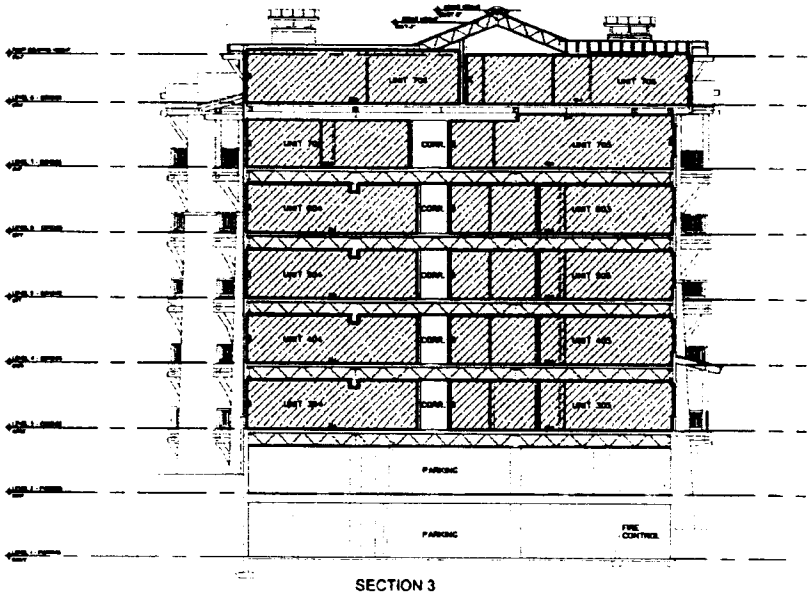
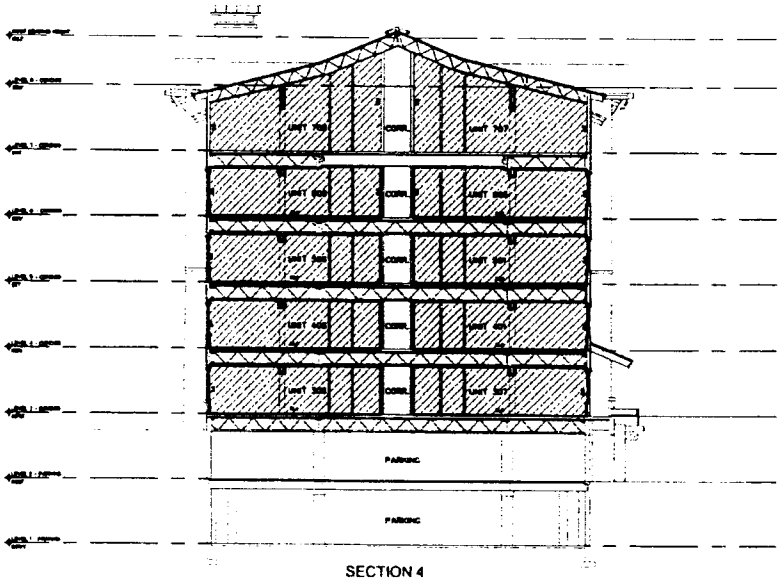


SECTION 3



SECTION 4

CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Silver Strike Lodge.

SHEET 11 OF 11

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

10 0 10 20 FEET

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____

JUN 12 2006

City Council Staff Report

Author: Ray Milliner
Subject: HUGHES SUBDIVISION
Date: August 24, 2006
Type of Item: Subdivision

PARK CITY 1881

PLANNING DEPARTMENT

SUMMARY RECOMMENDATIONS

Staff recommends the City Council hold a public hearing for the Hughes Subdivision and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

TOPIC

Project Name:	Hughes Subdivision
Applicant:	Myke Hughes
Representative:	Peter Pillman
Location:	156 Sandridge
Zone:	Historic Residential (HR-1)

BACKGROUND

On March 24, 2006 the applicant submitted a completed application for a subdivision of the property at 156 Sandridge Avenue. The property is currently platted as a portion of lot 24 and two parcels located in Block 72 of the Millsite Reservation of the Park City Survey. There is a historic single family home on site, and an adjacent historic single family home encroaches onto the property significantly. The Sandridge Avenue prescriptive right-of-way runs along the front of the property.

The applicant is requesting a subdivision to create one lot of record from the existing lot and parcels, in order to accommodate an addition to the historic home. To do this, the applicant is proposing a right-of-way dedication of existing Sandridge Avenue. When recorded, the plat amendment would create one lot of record of approximately 2,991 square feet.

ANALYSIS

The purpose of the application is to combine the properties into one lot of record. There is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed development. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Land Management Code Compliance

	Permitted	Proposed
Height	27' above existing	18 feet. Complies
Front setback	10'	1 foot. Complies per LMC Section 15-2.2-4
Rear setback	10'	8 feet. Complies per LMC Section 15-2.2-4
Side setbacks	5' for a total of 14'	21 feet. Complies
Lot size	1,875 square feet	2,991 square feet. Complies
Footprint	1,264 square feet	902 (including encroachment) Complies
Parking	0	0

Due to the prescriptive right-of-way of Sandridge Avenue, the existing single family home does not meet current LMC setback requirements. Staff finds that although the proposed plat amendment would not create LMC compliant setbacks in the front and rear, the building is a valid complying structure per LMC Section 15-2.2-4 that states, "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures."

The subdivision would create a lot of approximately 2,991 square feet, and a possible building footprint of 1,264 square feet. There is an existing 14' x 21' encroachment onto the property from an adjacent historic single family home. Staff recommends that the applicant provide an encroachment and maintenance easement for the encroachment as part of this plat amendment, and that it be included in the footprint calculations for the lot.

The historic use of the property has been for one single family home. The applicant is dedicating a 531 square foot section of the Sandridge Avenue prescriptive R-O-W to the City as part of the application. Page A-28 of the 1984 Streets Master Plan lists the Sandridge Avenue as "obtain R-O-W" meaning it is of significant value to the City. The Streets Master Plan further lists existing Sandridge as a Standard Residential type street in fair condition. Standard Residential streets serve to collect and distribute traffic within residential neighborhoods. The proposed dedication would measure approximately 9.04 feet in width at its narrowest and 9.17 feet at it's widest with approximately 8 feet of pavement.

DEPARTMENT REVIEW

The request was discussed at a Staff Review Meeting on May 16, 2006 where representatives from local utilities and City Staff were in attendance.

NOTICE

The property was posted and notice was mailed to property owners within 300 feet on July 19, 2006. Legal notice was also put in the Park Record.

PUBLIC INPUT
No public input has been received by the time of this report.

ALTERNATIVES
1. The City Council may approve the Hughes Subdivision as conditioned or amended, or
2. The City Council may deny the Hughes Subdivision and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the Hughes Subdivision.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts from this application.

CONSEQUENCES OF NOT TAKING ACTION
The property will remain as platted and the proposed addition to the historic home cannot be built.

RECOMMENDATION
Staff recommends the City Council hold a public hearing for the Hughes Subdivision and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Location Map
Exhibit B – Proposed Subdivision

Ordinance No. 06-

AN ORDINANCE APPROVING A PART OF BLOCK 72 OF THE MILLSITE RESERVATION TO THE PARK CITY SURVEY KNOWN AS THE HUGES SUBDIVISION LOCATED AT 156 SANDRIDGE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 156 Sandridge Avenue has petitioned the City Council for approval of the Hughes Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 9, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 24, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to subdivide the 156 Sandridge property: and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The property is currently platted as a portion of lot 24 and two parcels located in Block 72 of the Millsite Reservation of the Park City Survey.
4. There is a historic single family home on site.
5. The Sandridge Avenue prescriptive right-of-way runs along the front of the property.
6. The applicant is proposing a right-of-way dedication of existing Sandridge Avenue.
7. The subdivision would create a lot of approximately 2,991 square feet, and a possible building footprint of 1,264 square feet.
8. There is an existing 14' x 21' encroachment onto the property from an adjacent

historic single family home.

9. The applicant is dedicating a 531 square foot section of the Sandridge Avenue prescriptive R-O-W to the City as part of the application.
10. Page A-28 of the 1984 Streets Master Plan lists the Sandridge Avenue as "obtain R-O-W" meaning it is of significant value to the City.
11. The proposed dedication would measure approximately 9.04 feet in width at its narrowest and 9.17 feet at it's widest with approximately 8 feet of pavement.
12. Access to the property is from Sandridge Avenue.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

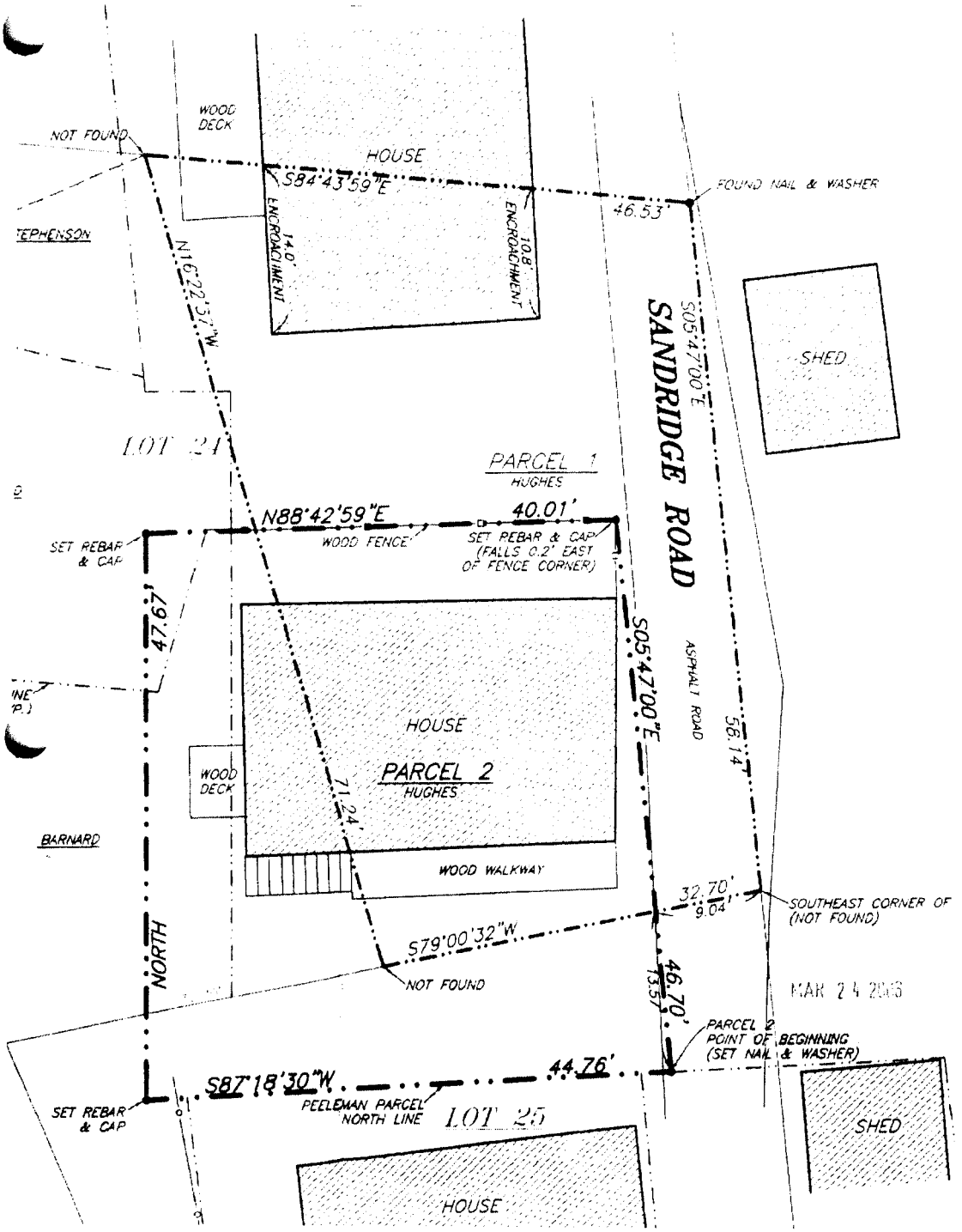
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the record of survey amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amendment.
2. A perpetual encroachment and maintenance easement shall be recorded on the plat for the adjacent historic home that encroaches onto the property. The maintenance easement shall be ten feet in width.
3. The encroachment of the historic home onto the lot shall be included in the footprint calculations of the property.
4. The applicant will record the record of survey amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the amendment will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this --- day of August 2006.

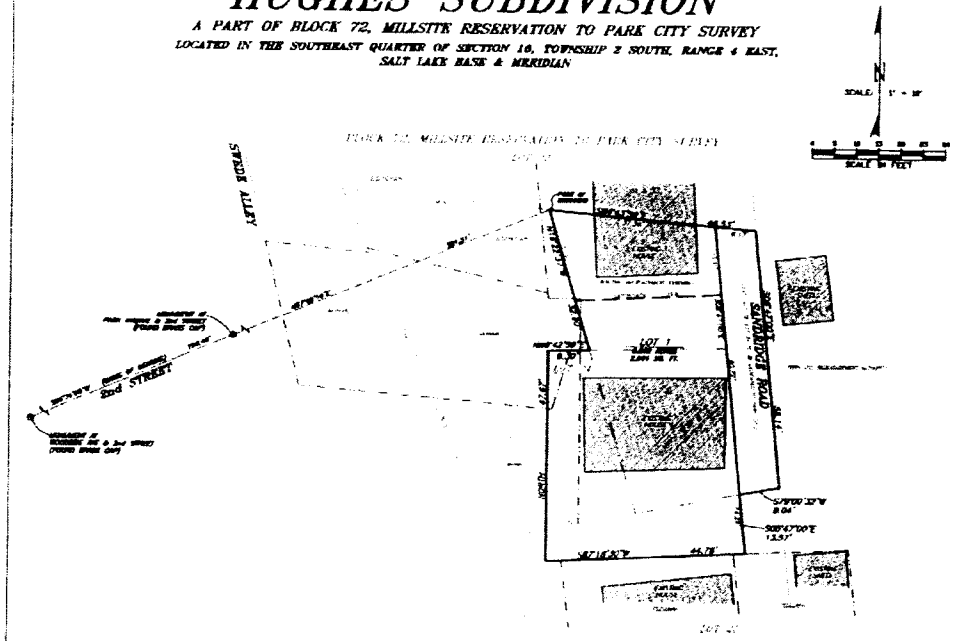

Google
Streaming 100%
Eye alt 7716 ft


WOOD DECK
NOT FOUND
HOUSE
S84°43'59"E
FOUND NAIL & WASHER
46.53'
14.0' ENCROACHMENT
10.8' ENCROACHMENT
TEPHENSON
N16°22'57"W
S05°47'00"E
SANDRIDGE ROAD
SHED
LOT 24
PARCEL 1
HUGHES
N88°42'59"E
40.01'
SET REBAR & CAP
WOOD FENCE
SET REBAR & CAP (FALLS 0.2' EAST OF FENCE CORNER)
47.67'
S05°47'00"E
ASPHALT ROAD
58.14'
HOUSE
PARCEL 2
HUGHES
WOOD DECK
71.24'
BARNARD
WOOD WALKWAY
32.70'
9.04'
SOUTHEAST CORNER OF (NOT FOUND)
S79°00'32"W
NOT FOUND
NORTH
46.70'
13.5'
MAR 24 2006
PARCEL 2 POINT OF BEGINNING (SET NAIL & WASHER)
S87°18'30"W
44.76'
SET REBAR & CAP
PEELEMAN PARCEL NORTH LINE
LOT 25
SHED
HOUSE

HUGHES SUBDIVISION

A PART OF BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN



SURVEYOR'S CERTIFICATE

I, JOHN W. FRANCOM, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 166211, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED THE TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS

HUGHES SUBDIVISION

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE _____ JOHN W. FRANCOM, P.L.S. NO. 166211

BOUNDARY DESCRIPTION

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 24, BLOCK 72, MILLSITE RESERVATION TO PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AND RUNNING THENCE SOUTH 44°14'00" EAST 44.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 24; THENCE SOUTH 00°47'00" EAST 36.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24; THENCE SOUTH 87°00'32" WEST 6.04 FEET ALONG THE SOUTH LINE OF SAID LOT 24; THENCE SOUTH 00°47'00" EAST 13.57 FEET TO THE NORTH LINE OF THE PEDESTRIAN PARCEL; THENCE SOUTH 87°00'32" WEST 44.78 FEET ALONG AND BEYOND SAID NORTH LINE; THENCE NORTH 00.57 FEET; THENCE NORTH 89°57'00" EAST 6.00 FEET TO THE WEST LINE OF THE EAST HALF OF SAID LOT 24; THENCE NORTH 44°14'00" EAST 32.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

CONTAINS: 2,091 SQUARE FEET (.048 ACRES)

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, _____, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HEREBY CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE

HUGHES SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, A.D.

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT } SS

ON THE _____ DAY OF _____, A.D. _____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____ IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

RESIDING IN _____ COUNTY

JOHN W. FRANCOM & ASSOCIATES
LAND SURVEYORS
BOUNDARY AND TOPOGRAPHIC SURVEYS
CONSTRUCTION SURVEYS
[illegible]

HUGHES SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH

PARK CITY PLANNING COMMISSION	CITY ATTORNEY	SANITARY SEWER AND WATER RECLAMATION DISTRICT	CITY ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	PARK CITY APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, A.D.	CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, A.D.	REVIEWED FOR CONFORMANCE TO WASTEWATER AND WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, A.D.	APPROVED AS TO FORM THIS _____ DAY OF _____, A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, A.D.	STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE $ _____
CHAIRMAN	PARK CITY ATTORNEY		PARK CITY ENGINEER	PARK CITY ATTORNEY	MAYOR	SUMMIT COUNTY RECORDER

MAR 24 2006

City Council Staff Report

Author: Ray Milliner
Subject: SECOND AMENDED RECORD OF SURVEY OF THE GABLES
Date: August 24, 2006
Type of Item: Subdivision

PARK CITY 1884

PLANNING DEPARTMENT

SUMMARY RECOMMENDATIONS

Staff recommends the City Council hold a public hearing for the Second Amended Record of Survey of The Gables and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

TOPIC

Project Name:	Second Amended Record of Survey of the Gables
Project Planner:	Ray Milliner
Applicant:	David Zatz
Representative:	Peter Pillman
Location:	1335 Lowell Avenue
Zone:	Recreation Commercial (RC)

BACKGROUND

On March 15, 2006 the applicant submitted a completed application to amend the record of survey plat for the Gables Condominiums. The proposed amendment would allow the applicant to renovate the existing Gables condominium building by updating the exterior architecture and renovating the interior.

The building was originally approved by the Planning Commission as the Vantage Point Condominiums in 1976, and is not a part of any Master Planned Development. Although it was approved and built as a compliant building, subsequent changes to the LMC since 1976 have made the structure a legal non-complying structure, as noted by a Board of Adjustment action on September 26, 1989.

On September 26, 1989, the Board of Adjustment approved an application for the expansion of a non-conforming use enabling the expansion of the decks along the side yard. In March of 1991, the Planning Commission approved a plat amendment to convert a portion of common area to commercial.

On July 12, 2006, this application was reviewed by the Planning Commission as a work session to discuss the proposed changes to the Gables plat, and to ask for direction regarding the proposed enclosure of the upper decks to create additional living space. The proposed enclosure would be in an area that would exceed the maximum allowable height for the structure in the RC zone (35 feet above existing grade plus and additional 5 feet for a pitched roof). Although sympathetic to the request, the Commission found that there are no provisions in the Code where they could provide an exception to the

height requirement, and requested that the applicant return with a plat that meets the base requirements of the RC zone. The applicant has submitted an application for a Special Exception from the Board of Adjustment. To date, no action has been taken on the request. The applicant has requested that the Commission review the current record of survey request regardless of any Board of Adjustment action.

Staff has approved interior and exterior demolition; however no additional floor area can be created until such time as the ROS is amended.

ANALYSIS

Staff finds good cause for this record of survey amendment, as it will update the architecture and interior design of an aging building. The Gables is located in a prominent location (the entrance to Park City Mountain Resort), and staff finds that this amendment will enhance the purpose of the RC zone, which is to "promote the development of buildings with designs that reflect traditional Park City architectural patterns." The proposed changes do not expand the height, or existing footprint of the building.

Land Management Code Compliance

	Permitted	Proposed
Height	35' (+5' for pitched roof)	No changes to existing roofline proposed
Front setback	20'	No changes to existing footprint proposed
Rear setback	10'	No changes to existing footprint proposed
Side setbacks	10' both sides	No changes to existing footprint proposed
Lot size	N/A	13,375 square feet
Parking	24	60

The existing building is a four story structure with three levels of underground parking. The main level is currently used as retail, and the upper levels house 20 units of residential condominiums.

The proposed changes would:

- Convert the condominium units into larger units (reducing the density from 20 units to 12).
- Reduce the amount of retail by half (half of the main floor would become a residential unit)
- Resurface exterior architecture
- Replace existing deck on east side.

Based on the Commission's input at the July 12, 2006 work session, the applicant has modified his proposed application eliminating the enclosures of the upper decks. Although the building is considered a non-complying structure per the Land Management Code (it does not meet required setbacks or the existing height requirements, LMC Chapter 15-9-5(B) states:

> "Exterior or interior remodeling or improvements to a structure containing a non-conforming use shall be allowed provided there is no expansion of the area of the non-conforming use."

Therefore, staff finds that the proposed renovation of the building is allowable, as no expansion of the area of non-conformance is proposed in this application.

DEPARTMENT REVIEW
The request was discussed at a Staff Review Meeting on May 16, 2006 where representatives from local utilities and City Staff were in attendance. The east-side deck replacement is creating utility conflicts that have not been resolved.

NOTICE
The property was posted and notice was mailed to property owners within 300 feet on July 19, 2006. Legal notice was also put in the Park Record.

PUBLIC INPUT
No public input has been received by the time of this report.

ALTERNATIVES

1. The Planning Commission may forward positive recommendation to the City Council for the Second Amended Record of Survey of The Gables as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to the City Council for Second Amended Record of Survey of The Gables and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on Second Amended Record of Survey of The Gables.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts from this application.

CONSEQUENCES OF NOT TAKING ACTION
The applicant would not be able to update the building as proposed.

RECOMMENDATION
Staff recommends the Planning Commission hold a public hearing for the Second Amended Record of Survey of The Gables and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Record of Survey Amendment

Ordinance No. 06-

AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY OF THE GABLES LOCATED AT 1335 LOWELL AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property known as The Gables Condominiums and formerly known as the Vantage Point Condominiums, has petitioned the City Council for approval of the Second Amended Record of Survey of The Gables; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 9, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 24, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to amend the existing The Gables Record of Survey plat: and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Recreation Commercial (RC) zone.
2. The purpose of the RC zone is to promote the development of buildings with designs that reflect traditional Park City architectural patterns.
3. The amendment will amend the existing The Gables record of survey plat.
4. The proposed application will convert the condominium units into larger units (reducing the density from 20 units to 12).
5. Although it was approved and built as a compliant building, subsequent changes to the LMC, limiting allowed height and setbacks, since 1976 have made the structure a legal non-complying structure.
6. On September 26, 1989, the Board of Adjustment approved an application for the expansion of a non-conforming use enabling the expansion of the decks along the side yard.

7. Staff finds good cause for this record of survey amendment, as it will update the architecture and interior design of an aging building.
8. The proposed changes do not expand the height, or existing footprint of the building.
9. Access to the property is from Lowell Avenue.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this record of survey amendment. The record of survey amendment is consistent with the Park City Land Management Code and applicable State law.
2. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
3. As conditioned the record of survey amendment is consistent with the Park City General Plan.

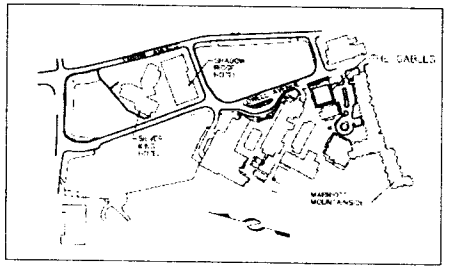
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

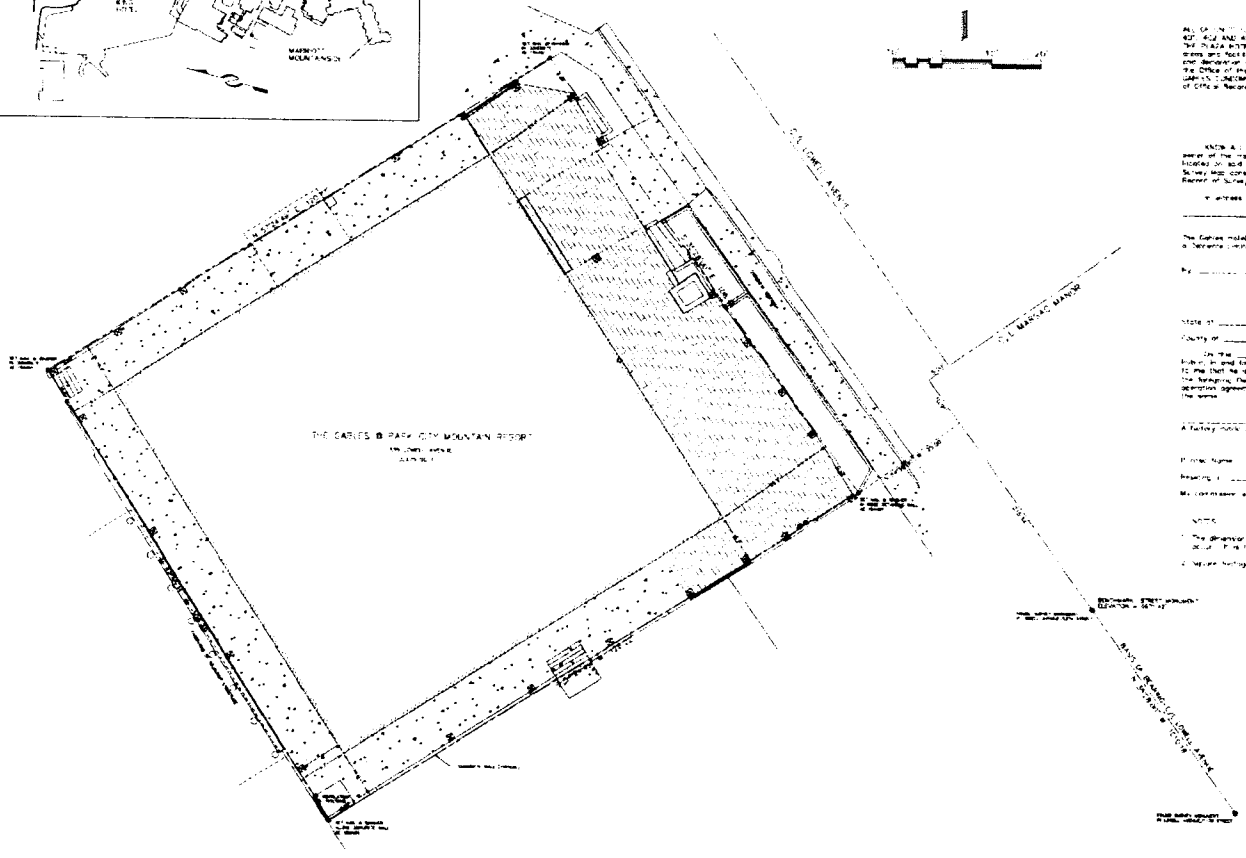
1. The City Attorney and City Engineer review and approval of the final form and content of the record of survey amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amendment.
2. The applicant will record the record of survey amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the amendment will be void.
3. All decks and retaining walls and fences shall be in compliance with LMC criteria prior to plat recordation.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this --- day of August 2006.

VICINITY MAP





SURVEYOR'S CERTIFICATE

LEGAL DESCRIPTION

OWNER'S DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGMENT

NOTES

SECOND AMENDED RECORD OF SURVEY OF

THE GABLES

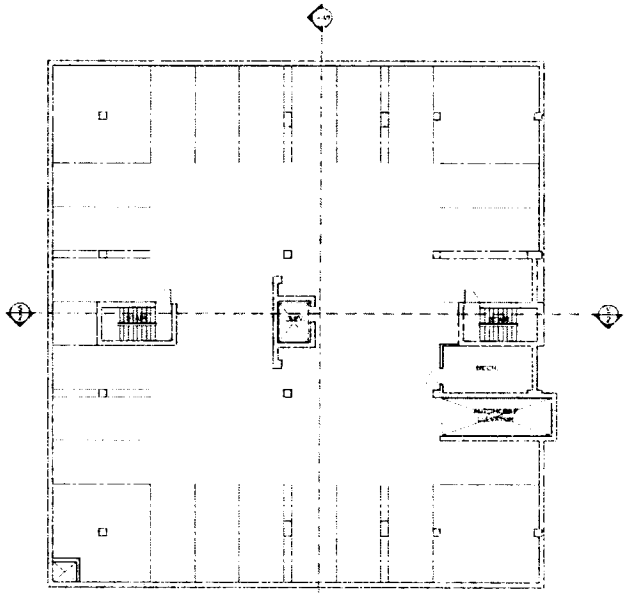
FORMERLY THE PLAZA HOTEL CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

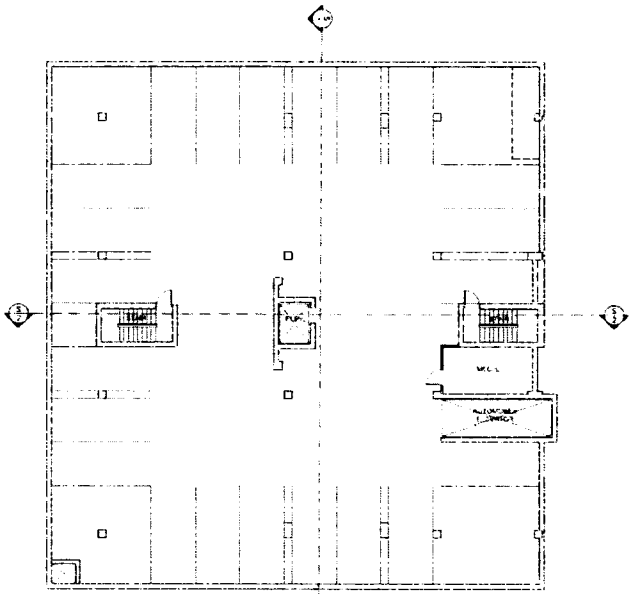
SHEET 1 OF 8

JOB NO. 5 4 06 FILE: R:\ParkCityMtnResort\dwg\TheGables\Condo Plat\sht01.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2006 A.D. BY _____ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2006 A.D. BY _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2006 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 2006 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2006 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2006 A.D. BY _____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER



PARKING LEVEL 3



PARKING LEVEL 2

LEGEND

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF

THE GABLES

FORMERLY THE PLAZA HOTEL CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 6

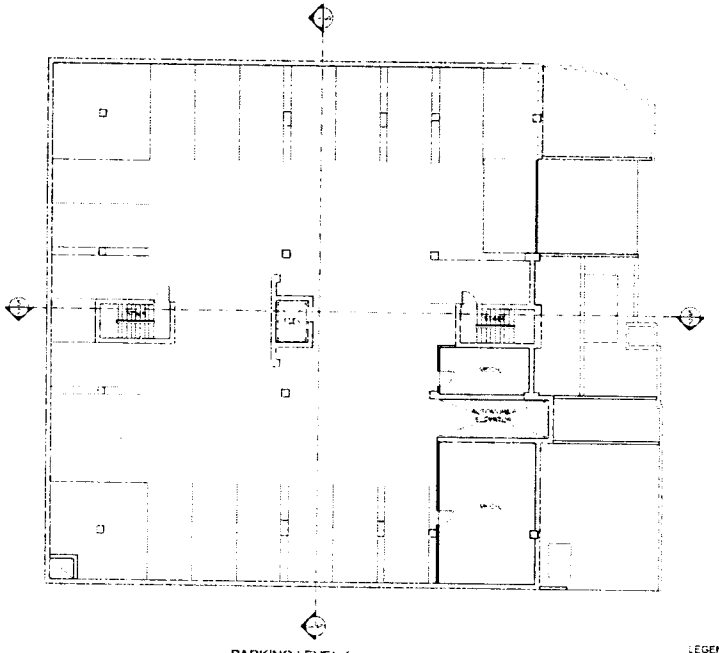
JOB NO. 5 4 06

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____ RECORDER



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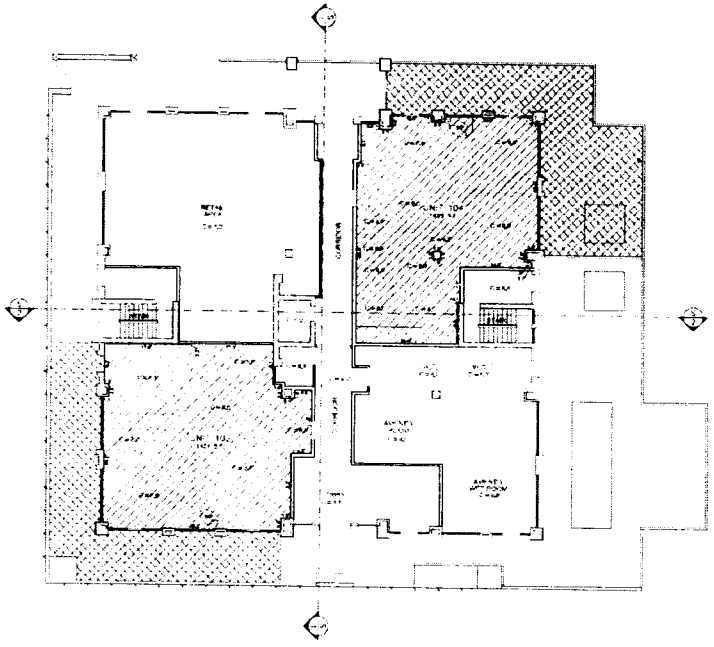


RESIDENTIAL LEVEL 1

LEGEND

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
102	1,[illegible]	[illegible]
104	1,425	[illegible]

SECOND AMENDED RECORD OF SURVEY OF

THE GABLES

FORMERLY THE PLAZA HOTEL CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, UTAH

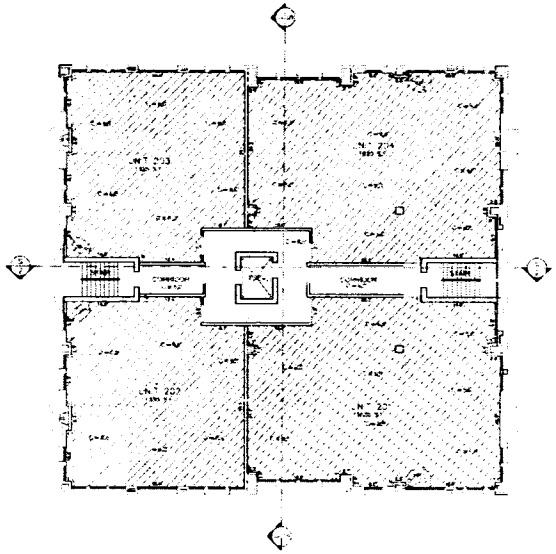
10' 0 10 20 FEET

SHEET 2 OF 6

JOB NO: 5-4-06

RECORDED

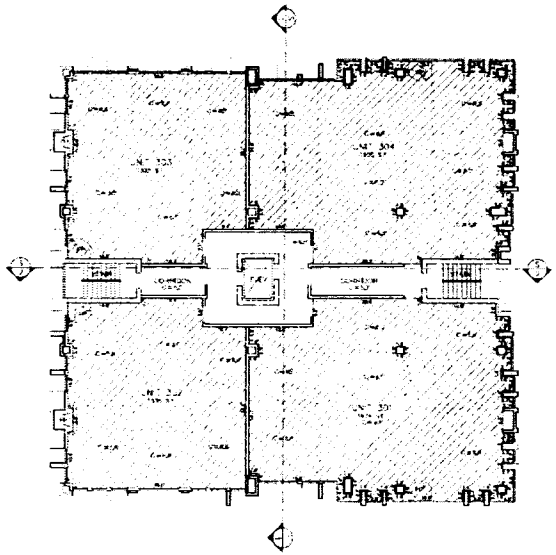
DATE: _____ BOOK _____ PAGE _____



RESIDENTIAL LEVEL 2

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
201	[illegible]	[illegible]
202	[illegible]	[illegible]
203	[illegible]	[illegible]
204	[illegible]	[illegible]



RESIDENTIAL LEVEL 3

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
301	[illegible]	[illegible]
302	[illegible]	[illegible]
303	[illegible]	[illegible]
304	[illegible]	[illegible]

LEGEND

COMMON OWNERSHIP

PRIVATE OWNERSHIP

DEEP COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF

THE GABLES

FORMERLY THE PLAZA HOTEL CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

10' 0 10' 20 FEET

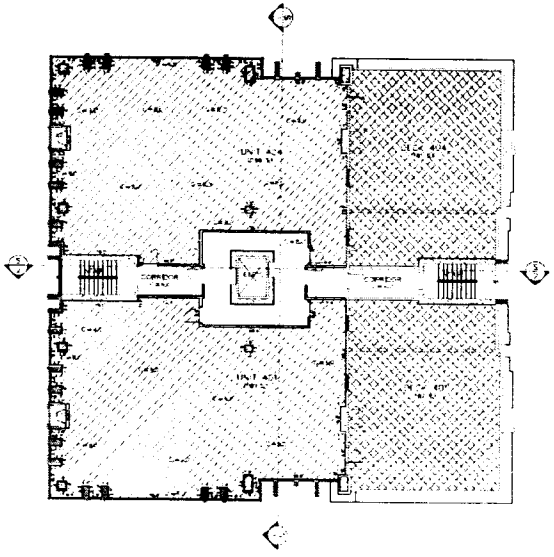
SHEET 4 OF 6

JOB NO: 9-4-06

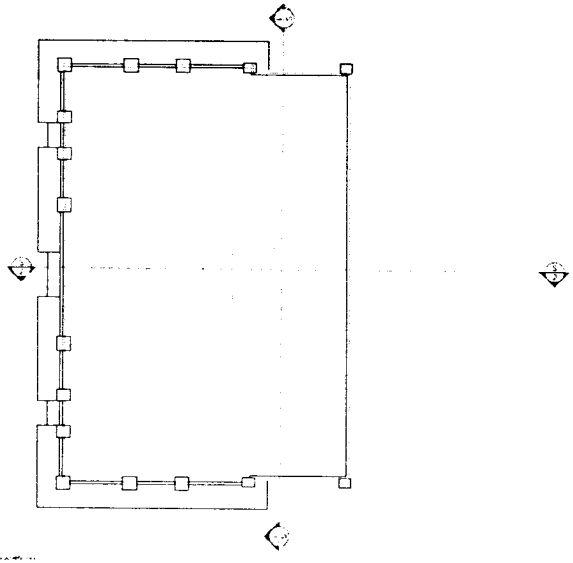
RECORDED

AT THE REQUEST OF

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____



RESIDENTIAL LEVEL 4



ROOF LEVEL 5

LEGEND

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	LOCATION
4-1	2,199	7,480
4-2	2,199	52,612

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF

THE GABLES

FORMERLY THE PLAZA HOTEL CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 5 OF 6

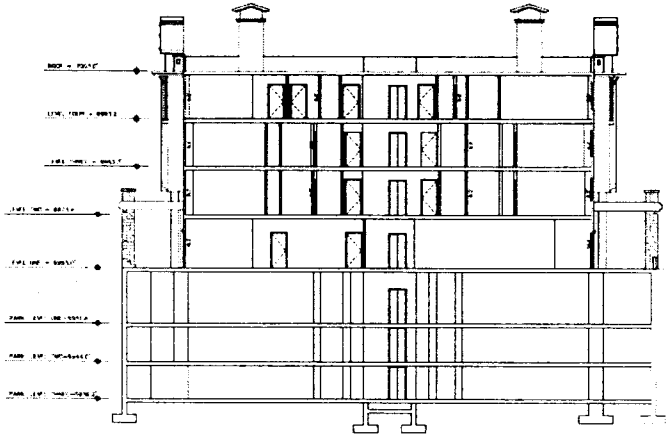
JOB NO: 5 4 06

RECORDED

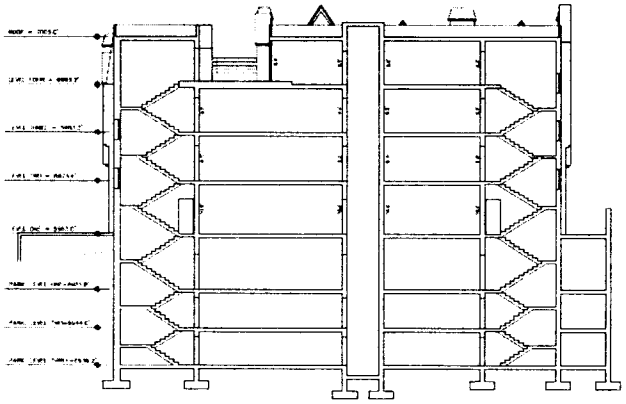
AT THE REQUEST OF

DATE: _____ BY: _____ BOOK: _____ PAGE: _____

_____ RECORDER



BUILDING SECTION 1



BUILDING SECTION 2

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF

THE GABLES

FORMERLY THE PLAZA HOTEL CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 6 OF 6

JOB NO: 5-4-06

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____ RECORDER

10' 0 10' 20 FEET

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author: David Maloney
Address: 1138 Lowell Avenue
Subject: Amended Plat of the Lowell Avenue Subdivision
Date: August 24th, 2006
Type of Item: Plat Amendment

SUMMARY RECOMMENDATION: Staff recommends the City Council review the proposed Plat Amendment, hold a public hearing on the proposed plat amendment and approve the plat according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the attached draft ordinance.

DESCRIPTION

Applicant: Rick Otto for Daniel & Sherie Winarski
Location: 1138 Lowell Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential

BACKGROUND

The applicant submitted a completed plat amendment application on June 7, 2006. The application is to amend the plat of the Lowell Avenue Subdivision, located in Block 27, Snyder's Addition, Park City Survey; and in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah. The Lowell Avenue Subdivision was approved by City Council May 1, 2003 and recorder with Summit County on April 19, 2004. The Lowell Avenue Subdivision combined Lots 25 and 26 of Block 27 of Snyder's Addition to the Park City Survey. The purpose of the plat amendment in 2003 was to allow the property owner expand the existing house, sitting on Lot 26. The expansion of that house did not happen and the owners are now applying to subdivide the property back to its original configuration.

The Planning Commission forwarded a positive recommendation to the City Council on August 9th, 2006.

ANALYSIS

The property is located in the HR-1 zoning district. The property measures 50 feet by 75 feet and consists of two traditional Old Town lots that were combined in 2003. The applicant is proposing to amend the Lowell Avenue Subdivision plat, approved by City Council in 2003 to create two lots. There is a house on proposed Lot 1 and Lot 2 is

currently vacant. The intent is to build a second home on Lot 2. Ownership of the property has not changed since the 2003 Plat Amendment application was submitted.

The minimum lot size in the HR-1 zoning district is 1875 square feet with a minimum of 25 feet of lot frontage (LMC 15-2.2-3). The lots will have 25 feet of frontage along Lowell Avenue and 75 feet of depth.

The minimum front and rear yard setbacks are 10 feet as per LMC 15-2.2a, and the minimum side yard setbacks are 3 feet as per LMC 15-2.2. The existing house on Lot 1 has setbacks of 3 feet on both sides, 17 feet on the front and 13 feet at the rear of the lot. The maximum footprint for a structure on a 25 foot by 75 foot lot in the HR-1 zone is 844 (LMC Table 15-2.2). The footprint of the existing house is 827.5 square feet.

Proposed Lot 1 and proposed Lot 2 are downward sloping lots. The slopes are greater than 30% and therefore any future construction on either is subject to the Conditional Use Permit review process as per LMC 15-2.2-6, 'Development on Steep Slopes'.

There is good cause for this plat amendment is that it returns the lots to their configuration prior to the 2003 Plat Amendment. The proposed lots are consistent with HR-1 lot size standards and will result in houses that have appropriate massing and scale given the context of the neighborhood.

NOTICE
Notice of this hearing was sent to property owners within 300 feet on July 20, 2006. No comments have been received to date regarding this proposed plat amendment.

DEPARTMENT REVIEW
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State law prior to recording. The plat amendment request was discussed at a Staff Review meeting on June 27th, 2006, where representatives from local utilities and City Staff were in attendance.

ALTERNATIVES
- The City Council may approve the proposed plat amendment entitled 'Amended Plat of the Lowell Avenue Subdivision' with the conditions listed below; or
- The City Council may deny the proposed plat amendment entitled 'Amended Plat of the Lowell Avenue Subdivision' and direct Staff to prepare Findings for such a recommendation; or
- The City Council may continue the discussion on the 'Amended Plat of the Lowell Avenue Subdivision'.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION
If the recommended action is not taken, the applicant will not be permitted to apply for a Conditional Use Permit for the purposes of constructing a house on the currently vacant, proposed Lot 2.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts associated with this plat amendment.

RECOMMENDATION

Staff recommends the City Council review the proposed Plat Amendment, hold a public hearing on the proposed plat amendment and approve the plat according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the attached draft ordinance.

EXHIBITS

Exhibit A – Proposed Plat
Exhibit B – Existing Conditions
Exhibit C – Photographs of Site
Exhibit D – 2003 Staff Report and Ordinance

Ordinance No. 06-

AN ORDINANCE APPROVING THE 'AMENDED PLAT OF THE LOWELL AVENUE SUBDIVISION' ESTABLISHING LOT 1 AND LOT 2, OF THE AMENDED PLAT OF THE LOWELL AVENUE SUBDIVISION IN THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 1138 Lowell Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 9th, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 24th, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 2 lots of record; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is addressed as 1138 Lowell Avenue.
2. The 'Amended Plat of the Lowell Avenue Subdivision' will establish Lot 1 and Lot 2, Block 27 of Snyder's Addition to the Park City Survey.
3. The property is located within the HR-1 zoning district.
4. There is an existing house on proposed Lot 1.
5. The existing house on Lot 1 has a complying footprint of approximately 844 square feet.
6. The existing house on Lot 1 has a 17 foot front yard setback, a 13 foot rear yard setback and a 3 foot setback on both sides, which are compliant with LMC Table 2-2.2
7. The proposed lots are 25 feet by 75 feet which is compliant with LMC 15-2.2-3(A), 'Minimum Lot Size Requirements'.
8. The plat amendment will not leave any parcel of land remnant.
9. The proposed Lot 1 and 2 are downward sloping lots with slopes of greater than 30%.

10. Any construction activity on Lot 1 or Lot 2 is subject to Conditional Use Permit review.
11. Proposed Lot 1 and Lot 2 were originally plated as Lot 25 and 26 of the Snyder's Addition to the Park City Survey.
12. Future development on Lot 2 will be consistent with the massing and scale of houses within the neighborhood.
13. The Planning Commission forwarded a positive recommendation to City Council on August 9th, 2006.

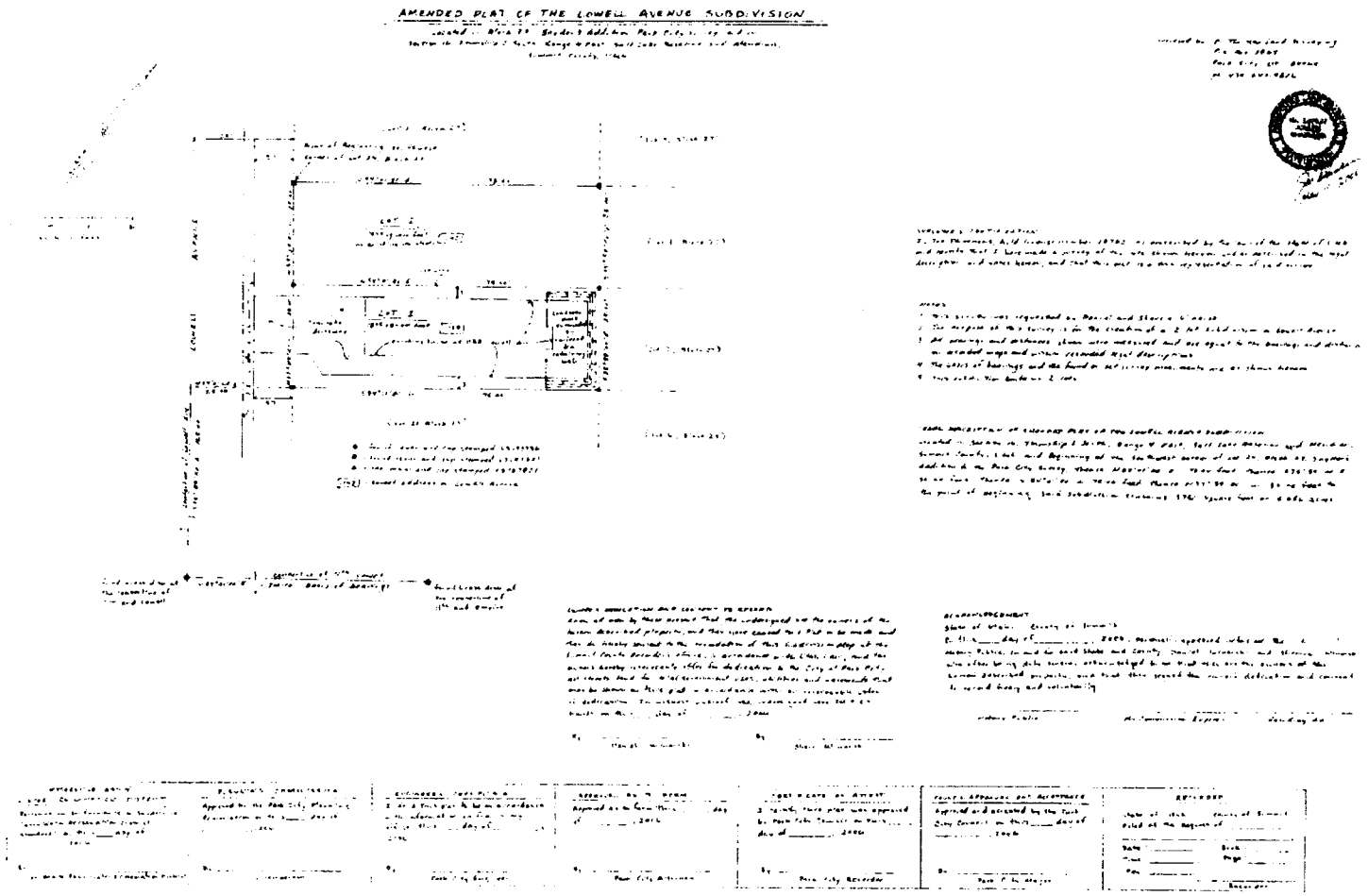
SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

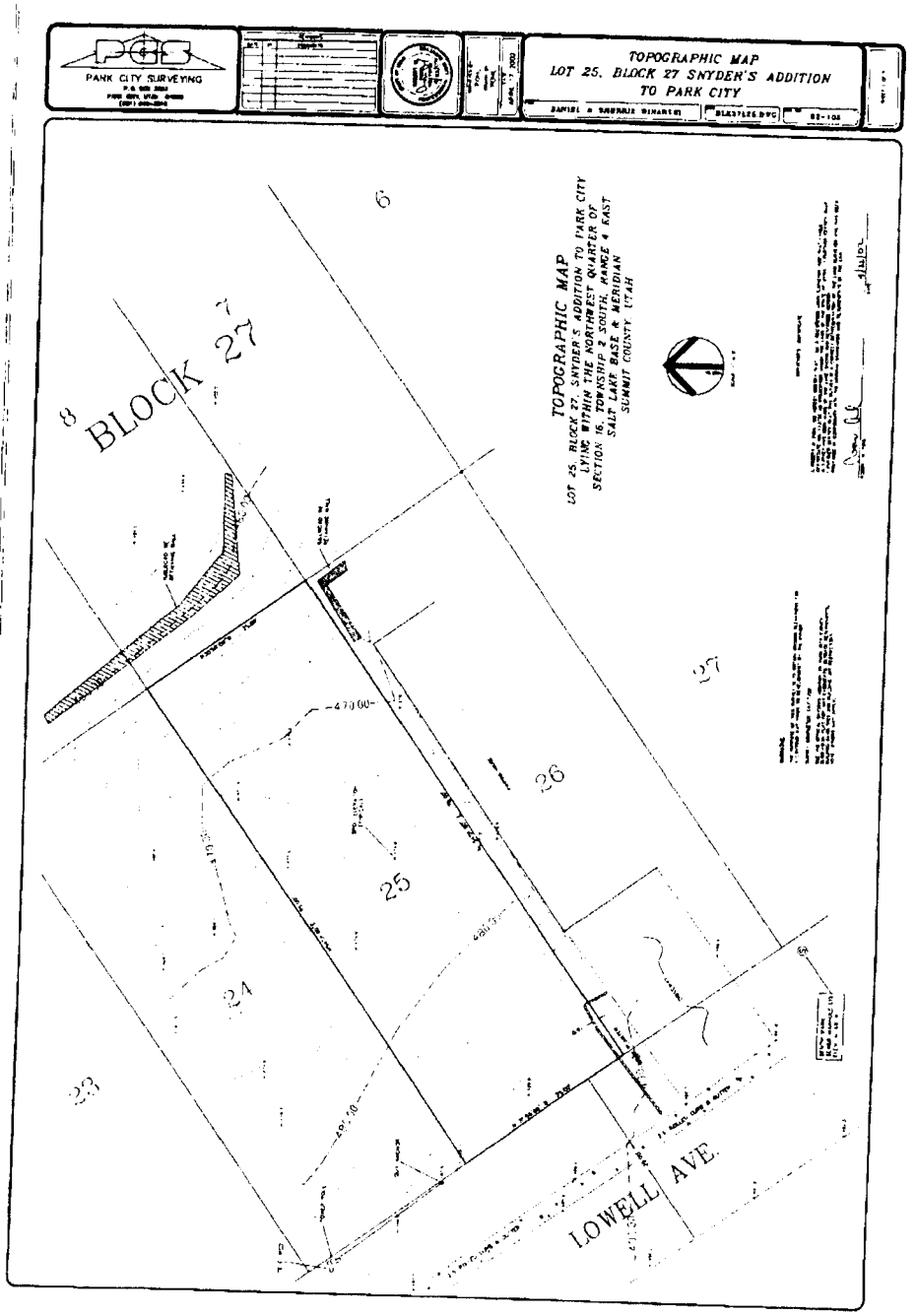
1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A Conditional Use Permit for Construction on a Steep Sleep prior to the issuance of a building permit for both Lot 1 and Lot 2.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.


AMENDED PLAT OF THE LOWELL AVENUE SUBDIVISION


PARK CITY SURVEYING
TOPOGRAPHIC MAP
LOT 25, BLOCK 27 SNYDER'S ADDITION
TO PARK CITY
TOPOGRAPHIC MAP
LOT 25, BLOCK 27, SNYDER'S ADDITION TO PARK CITY
LYING WITHIN THE NORTHWEST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH
BLOCK 27
LOWELL AVE.
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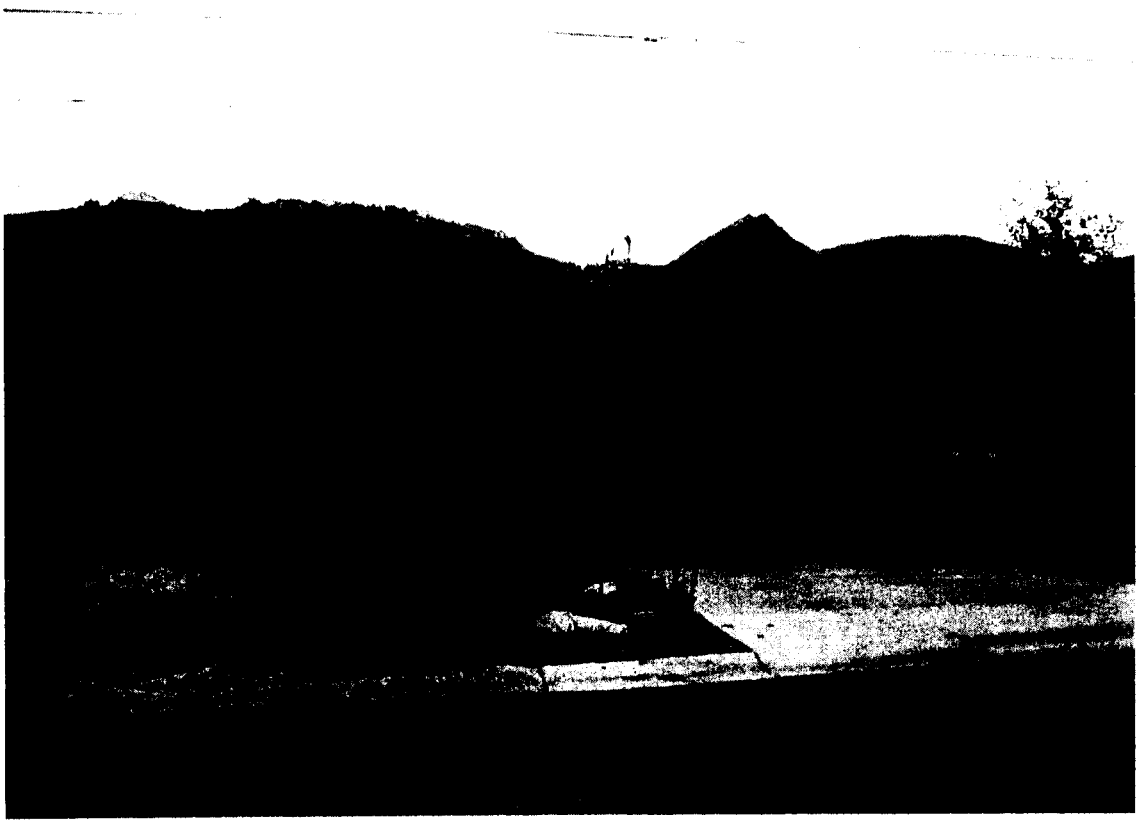
-47.00-



Ordinance No. 03-

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 25 AND LOT 26 OF BLOCK 27, SNYDER'S ADDITION INTO ONE LOT OF RECORD LOCATED AT 1138 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners, Daniel and Sherry Winarski, of the property at 1138 Lowell Avenue Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City Record of Survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on April 23, 2003, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Snyder's Addition and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed amendment to the Snyder's Addition allows the owner to combine all of Lot 25 and Lot 26 of Block 27, Snyder's Addition into one lot of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is located at 1138 Lowell Avenue in the Historic Residential (R-1) District.
2. The proposed plat creates a 3,750 square foot lot.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.
4. The applicant is proposing to construct an addition to the existing single-family dwelling.
5. The existing dwelling is located on lot 26.

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6. The minimum lot size allowed for a single-family dwelling is 1,875 square feet.
7. The applicant's proposed use (single-family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.
8. The proposed plat amendment will combine all of lot 25 and lot 26 of Block 27, Snyder's Addition into one lot of record measuring 3,750 square feet.
9. The plat amendment will not increase density on the lot.
10. No remnant lot is created.
11. The lots exceed 30% slope.
12. The applicant is required to submit a conditional use permit for steep slope review.
13. The applicant is required to submit a Historic Design Review application for the proposed construction of the single-family dwelling.
14. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 1030 Lowell Avenue, Block 28, Snyder's Addition to the Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
3. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
4. The applicant shall submit prior to building plans submittal, a Historic Design Review application and a conditional use permit for steep slope analysis for the addition that will be either approved/denied by the Planning Commission.

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SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of May, 2003

PARK CITY MUNICIPAL CORPORATION

_____
Mayor Dana Williams

Attest:

_____
Janet M. Scott, City Recorder

Approved as to form:

_____
Mark D. Harrington, City Attorney

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City Council
Staff Report

DATE: **August 24th, 2006**
DEPARTMENT: **Public Works**
AUTHOR: **Kent Cashel, Deputy Public Works Director**
TITLE: **Professional Services Contract for Preparation of a Short Range Transit Development.**
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:
Authorize the City Manager to execute a professional services contract, in a form approved by the City Attorney, with LSC Transportation Consultants, Inc. in an amount of $63,940 for the preparation of a 5 year Short Range Transit Development Plan.

DESCRIPTION

Topic Professional Services Contract for preparation of a short range transit development plan.

Background
A short range transit development plan is a five year planning document that the Federal Transit Administration (FTA) requires any entity receiving FTA funds to prepare and maintain. This short range transit development plan gathers data and analyzes the following:

- Description of existing system.
- Current and future transit demand in agencies service area.
- Existing system performance.
- Existing system organizational structures.

Once this analysis is complete information is gathered from the general public, public officials, local business community, and transit staff and the following items are developed for the five year planning time frame:

- Transit goals and objectives.
- Service, capital, marketing, and management alternatives.
- Financial sources and uses statement.
- Alternatives feasibility analysis.
- Service, capital, marketing and management recommendations.

The resulting document is a financial and operational plan that will be formally reviewed and adopted by Council and County Commissioners to guide the development and operation of transit services over the next five years.

The City is in the fourth year of its current short range transit development plan. Cooperative efforts and rapid growth of regional transit have dramatically changed transit's operating environment. It is time to begin the update of the City's short range transit development plan.

Summit County has, once again, agreed to participate in developing a cooperative short range transit development plan that will more clearly reflect the current environment of the joint transit effort. This joint effort will allow the two entities to more effectively pursue federal funding for regional transit projects.

In July Staff hosted Transportation Summit 2. This meeting gathered over fifty state and local elected officials, administrators, planners, engineers, public works managers, law enforcement administrators, school district administrators and business leaders. This group met to discuss and strategize cooperative opportunities for addressing traffic and congestion challenges in our region. The outcome of this meeting was a prioritized list of 1, 3, and 5 year cooperative action items. Many of these action items involve transit and will require further study and analysis. The
Short Range Transit Development Plan update will provide this analysis.

Staff has secured an FTA grant that will provide funding for $51,152 (80%) of project cost. Summit County and Park City will each pay $6,394 to cover the FTA required local match of 20% of project cost. Funds for this project exist in Fund 57 (Transportation Fund). If approved by Council, Staff will formalize a budget request during the spring budget process using Transportation Fund balance.

Kent Cashel will serve as Project Manager for the study. A steering committee (including the Joint Transit Advisory Board,) will guide the project to completion. Staff will continually update the Mayor and Council on project direction and progress so that their input can be incorporated throughout the process.

The study process will take approximately four months to complete. Staff will bring a final draft of the plan before Council in late November 2006. After Council has had the opportunity to review and comment on the plan Staff will return for formal adoption of the plan sometime late in December 2006.

Analysis

Staff has conducted a procurement process for a consultant to assist in the preparation of the short range transit development plan. This process was conducted in compliance with all Federal and local requirements.

Three firms requested proposal packages, two firms submitted proposals. A selection committee consisting of representatives from Summit County Public Works and Park City Public Works reviewed and ranked the proposals.

The submitting firms name and cost of proposal are contained in the table below:

Firm Name	Cost of Proposal
LSC Transportation Consultants, Inc.	$63,940
Wilbur Smith Associates, Inc.	$71,450

Both proposals were reviewed and ranked by the selection committee. The selection committee chose LSC Transportation Consultants, Inc. as the successful proposer. This decision was based upon the firms experience, staff qualifications and the firms study approach and project cost.

Department Review
This report has been reviewed by the City Managers Office, City Attorney's Office.

ALTERNATIVES

A. **Approve The Recommendation.** Authorize Staff to execute a professional services contract, in a form approved by the City Attorney, with LSC Transportation Consultants, Inc. in an amount of $63,940 for the preparation of a 5 year Short Range Transit Development Plan.

B. **Deny The Recommendation**. Council could deny the recommendation. This action would require staff to conduct another expensive and time consuming procurement process. Staff does not recommend this alternative.

C. **Defer the item to a later date.** Council could defer this item to a later date. This action would delay the start and finish of the planning project.

D. **Do Nothing**. Council could choose to do nothing. This action would have a similar impact as alternatives B & C.

SIGNIFICANT IMPACTS
Federal Transit Administration funding for transit projects is dependant on completion of an updated short range transit development plan. Any significant delay to the completion of this plan will put several grant opportunities at risk.

RECOMMENDATION
Authorize the City Manager to execute a professional services contract, in a form approved by the City Attorney, with LSC Transportation Consultants, Inc. in an amount of $63,940 for the preparation of a 5 year Short Range Transit Development Plan.

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____, 2005, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, (City), and LSC Transportation Consultants, Inc, a California corporation (Service Provider).

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. **SCOPE OF SERVICES**.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the Scope of Services attached hereto as Exhibit A and incorporated herein (the Project). The total fee for the Project shall not exceed **Sixty Three Thousand Nine Hundred and Fourty** Dollars.

2. **TERM**.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on June 30th, 2007 or earlier, unless extended by mutual written agreement of the Parties.

3. **COMPENSATION AND METHOD OF PAYMENT**.

A. Payments for services provided hereunder shall be made monthly following the performance of such services.

B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

C. For all extra work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as
Exhibit B, or if none is attached, as subsequently agreed to by both parties in writing.

D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.

E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. <u>REPORTS AND INSPECTIONS</u>.

A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly, to this Agreement.

5. <u>INDEPENDENT CONTRACTOR RELATIONSHIP</u>.

A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider=s defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider=s limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to

property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence and two million dollars ($2,000,000) aggregate for personal injury, bodily injury and property damage.

B. Automobile Liability insurance with limits no less than five hundred thousand dollars ($500,000) combined single limit per accident for bodily injury and property damage.

C. Professional Liability (Errors and Omissions) insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

D. Workers Compensation insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

E. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. <u>TREATMENT OF ASSETS</u>.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an "extra" pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. TERMINATION.

A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.

B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. NOTICE. Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS. If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

A. This Agreement has been and shall be construed as having been made and delivered with the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the

nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

TABLE 1: Study Schedule

2006 Park City / Summit County SRTP Update Study

		Week Number																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Phase 1	Evaluate Current Services, Studies, Agreements																	
Phase 2	Transit Demand Analysis																	
Phase 3	Analyze Existing System Performance																	
Phase 4	Transit Revenue Analysis																	
Phase 5	Develop Goals and Objectives																	
Phase 6	Develop Alternatives																	
Phase 7	Prepare 7-Year Financial Analysis																	
Phase 8	Prepare Draft Short Range Transit Plan																	
Phase 9	Prepare Final Short Range Transit Plan																	
Presentation of Study Products						Tech Memo 1					Tech Memo 2				Draft Plan			Final Plan
Consultant On-Site (Meetings / Presentations)																		

TABLE 2: Cost Analysis

2006 Park City / Summit County SRTP Update Study

	Personnel & Hourly Rates						
	Principal In Charge	Senior Advisor	Project Planner	Graphic Artist	Support Staff	TOTAL HOURS	TOTAL COSTS
	$145.00	$100.00	$80.00	$65.00	$45.00		
Phase 1 Evaluate Current Services, Studies, Agreements	20	0	48	4	4	76	$7,180
Phase 2 Transit Demand Analysis	4	2	48	20	0	74	$5,920
Phase 3 Analyze Existing System Performance	6	0	32	4	8	50	$4,050
Phase 4 Transit Revenue Analysis	8	0	24	0	2	34	$3,170
Phase 5 Develop Goals and Objectives	20	4	24	0	4	52	$5,400
Phase 6 Develop Alternatives	24	16	60	16	4	120	$11,100
Phase 7 Prepare 7-Year Financial Analysis	12	0	24	0	16	52	$4,380
Phase 8 Prepare Draft Short Range Transit Plan	40	4	40	24	16	124	$11,680
Phase 9 Prepare Final Short Range Transit Plan	12	2	24	8	12	58	$4,920
TOTAL HOURS	146	28	324	76	66	640	
TOTAL PERSONNEL COSTS	$21,170	$2,800	$25,920	$4,940	$2,970		$57,800

Additional Expenses	
Car Mileage Costs	$260
Airfare (8 person-trips)	$2,880
Lodging/Meals	$1,500
Rental Car	$450
Printing/Copy Costs	$750
Phone/Postage/Delivery Costs	$300
Subtotal: Other Expenses	$6,140
TOTAL STUDY COST	$63,940

City Council
Staff Report

PARK CITY 1884

City Manager

Author: Jed Briggs/Seth Atkinson
Subject: GRANT APPROVAL
Date: August 24, 2006
Type of Item: Administrative

Summary Recommendations: City Council should authorize staff to apply for an Economic Development Corporation of Utah (EDCU) Grant.

Description:
Topic: Staff recommends applying for a Market Match Grant and a Professional Development Assistance Match Grant from the EDCU and this requires approval from City Council in order to apply.

Background: In 2005, Council adopted the City's economic development strategic plan. In 2006, Council identified a business market study as one of its three top action items for 2006.

Analysis: Each year the EDCU provides grants for economic development to local governments, businesses, and not-for-profit organizations. The stipulations for EDCU grants require City Council approval prior to the application submission.

The Market Match Grant from EDCU can be used for planning/research projects that help Utah communities market themselves as attractive sites for business and economic development. The Market Match Grant will fund one half of the cost of a pre-approved project to a maximum of $5,000. The Professional Development Assistance Grant is used for training individuals in economic development and has a maximum of $800. These grants will help to fund the business market study that the City is in the process of beginning.

The business market study will attempt to identify business categories that exist within the Park City limits as well as those that exist in the Snyderville Basin area. The study will also identify those business categories that are absent within these areas but may exist in a comparable community. Once these business categories are identified, the study will attempt to determine whether the City's businesses are competing or collaborating with economic development that occurs in the Snyderville Basin area. The City can then develop a strategy to promote a healthy business mix for the local economy. Receiving the EDCU grant will help to mitigate some of the costs for the business market study.

Department Review: Budget Department, City Manager

Alternatives:

A. **Approve the Request** – City Council could approve the request and authorize staff to apply for the Market Match and Professional Development Assistance Grants from the EDCU.

B. **Deny the Request:** City Council could deny the request. Staff would not be able to apply for an EDCU grant.

C. **Continue the Item:** The grant application must be received by September 1st, by continuing the item until the next Council meeting on the 7th of September the City will lose the application opportunity for this year.

D. **Do Nothing:** Same as deny the request.

Significant Impacts: No significant impacts.

Consequences of not taking the recommended action: The City would need to fund the business market study with existing resources.

Recommendation: City Council should approve the request to submit a grant application to EDCU for the following grants:

1) Market Match Grant
2) Professional Development Assistance Grant

Attachments:

1) Economic Development Strategic Plan

2006 Council Visioning
Economic Development Plan – Progress Report & Update

Overview

In August of 2003, Staff worked with City Council to set a series of "Goals" for Economic Development Initiatives. This was on the heels of a city sponsored Task Force for Economic Development that involved numerous business and community members.

The outcome of the goal setting exercise was a prioritization of "Goals" that the City Council set for a two year period of time. That in turn helped guide Staff in preparing a prioritized listing of "Strategies" and "Projects / Programs" that supported the "Goals" for Economic Development. An assembled "Economic Development Plan" became the tool to summarize and justify why the City was focusing time and resources towards several City-directed projects and initiatives.

Staff, through this report and the discussion at the January 17th Visioning session, would like to review:

I. Economic Development Plan accomplishments over the past two years
II. Observations regarding the current business climate, community interaction, and new factors to be considered when updating the next 2-year "Goals"
III. Suggested re-prioritized Goals, Strategies, and Projects/Programs to the Economic Development Plan 2006-2008

I. Accomplishments within the Past Two Years:

The Economic Development Plan (ED Plan) over the past two years had the following Vision Statement and prioritized Goals as set forth by the City Council in 2003.

Vision – To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and quality of life desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

Goals (2003-2005)

Top Priority

1. Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season.
2. Improve upon an already busy winter tourism season with efforts to maximize its full potential.
3. Lengthen the tourism season to eight busy months a year.
4. Facilitate the establishment of more "attractions/areas of interest" for both visitors and residents.
5. Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.
6. Maintain and improve upon the Quality of Life

High Priority

7. Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities
8. Foster and support cooperative partnerships & programs between the resorts, business community, Chamber of Commerce and local governments to promote increased business in all periods of the year.
9. Smartly increase the sales tax revenue base.
10. Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them.
11. Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.

A one page Summary of the Economic Development Plan was assembled as follows:

Vision

To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and quality of life desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community

Goals (FY2004-FY2005)

Top Priority

- Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season.
- Improve upon an already busy winter tourism season with efforts to maximize its full potential.
- Lengthen the tourism season to eight busy months a year
- Facilitate the establishment of more "attractions/areas of interest" for both visitors and residents.
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region
- Maintain and improve upon the Quality of Life

High Priority

- Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities
- Foster and support cooperative partnerships & programs between the resorts, business community, Chamber of Commerce and local governments to promote increased business in all periods of the year.
- Smartly increase the sales tax revenue base.
- Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them
- Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.

Strategies

Strategy 1	Work towards a balanced transportation and pedestrian infrastructure plan throughout Park City
Strategy 2	Attract more festivals and events –winter & summer
Strategy 3	Promote ways to sustain existing events
Strategy 4.	Add recreation space and facilities for attracting more tournaments and visitations
Strategy 5	Develop a private foundation (i e , Vail Valley Foundation) for events, festivals and performing arts underwriting
Strategy 6:	Provide greater participatory attractions
Strategy 7:	Provide additional Recreation Opportunities as Attractions
Strategy 8:	Provide more passive cultural tourism attractions
Strategy 9	Promote greater diversity of the commercial mix
Strategy 10:	Strengthen the existing Commercial Mix (City-Wide)
Strategy 11:	Develop additional funding and marketing sources for events
Strategy 12:	Promote Park City as a year round mountain resort conference center destination
Strategy 13	Extend visitor stays / fill beds
Strategy 14:	Improve the ease of permitting events
Strategy 15	Enhance existing attractions
Strategy 16:	Create a cultural alliance
Strategy 17:	Promote Redevelopment within Park City
Strategy 18:	Target more Wasatch front (day visitors)
Strategy 19:	Retention and development of existing businesses
Strategy 20:	Apply the tag line "User Friendly" to projects and marketing programs geared towards showing how easy and fun it is to live and visit Park City.
Strategy 21:	Promote locally owned, independent businesses
Strategy 22.	Take advantage of the recent Olympic attention & pursue projects that keep those visions and connections going.
Strategy 23:	Update the Land Management Code to match priority goals of the economic development plan
Strategy 24.	Promote smart development at the Quinn's Junction area
Strategy 25.	

Projects / Programs

Top Priority Projects

1. "Downtown Plaza" – An activity area
2. Improved and Expanded China Bridge Parking
3. A Downtown Organization to:
   a. Plans & programs downtown events
   b. Further promote & market the downtown area

- Rockport Pipeline
- Spiro & Judge Treatment Plants

High Priority Projects

4. Swede Alley pedestrian improvements
5. Outdoor Municipal Recreation Complex
6. Regional Ice Rink
7. Smart Messaging signs for parking information / events
8. Improved Wayfinding Signage / Info Boards
9. Prospector Area Needs Assessment
10. Assist in finding a tenant for the Main Street Mall
11. Appointment of Special Events Committee
12. Provide a widely distributed monthly calendar of events
13. Streamline the event application process
14. Develop Park-n-Ride lots
15. Widened areas of sidewalk on Main Street
16. Assist PC businesses on retention & dvlpmnt initiatives
17. Do a market analysis of downtown businesses
18.

Others Projects

19. Relocating Overhead Utilities – Upper Park Ave
20. Olympic Legacies
21. Entry Corridor Improvements
22. Construct a 40,000-50,000 sq' convention center
23. Find a way to interconnect the in-town resorts
24. Promote activity displays in Main Street storefronts
25. Build a second golf course
26. Revisit regulations that are restrictive to outdoor dining, merchandising , and music
27. Continue building trail network infrastructure
28

What Has Taken Place?

Over the past several years, the prioritized initiatives have been very useful to Staff in explaining where our City's long-term economic efforts were focused. Those eyeing potential businesses or doing research on what Park City is striving to become have been aided with a tool that highlights some of the City's key initiatives. Additionally, as we have done criteria based RFP's for everything from picking contractors to selling City property, the "Goals" set forth for the ED Plan have been very useful in selecting those who understand what the City wants.

We have seen good progress on the Top Priority Goals, especially in efforts to

- Maximize Winter Tourism Opportunities
- Further Diversify Summer Tourism Initiatives
- Protect, Preserve, and promote the Downtown Area
- Lengthen the "tourist season" to eight busy months
- Establish "Attractions/Areas of Interest" for both visitors and residents
- Develop and market the uniqueness of Park City
- Increase Sales Tax revenue collections

Specific ED Plan Strategies have given emphasis to:

- Attract more festivals and events –winter & summer
- Promote ways to sustain existing events
- Add recreation space and facilities for attracting more tournaments and visitations
- Develop a private foundation (i.e., Vail Valley Foundation) for events, festivals and performing arts underwriting
- Provide additional Recreation Opportunities as Attractions
- Develop additional funding and marketing sources for events
- Improve the ease of permitting events
- Create a cultural alliance
- Apply the tag line "User Friendly" to projects and marketing programs geared towards showing how easy and fun it is to live and visit Park City.
- Update Land Management Code to match priority goals of the economic development plan
- Promote smart development at the Quinn's Junction area

Key Project/Program accomplishments:

1. Advancement of the Downtown Improvements Plan
    a. Public Meetings -Debate/Discussion on the Downtown Task Force Recommendations
    b. Advancement and completion of the Phase 1 - Parking Structure Design
    c. Start of Construction / Pending completion
    d. Advancement of the Town Plaza concept / setting up pending negotiations / design
    e. Relocation of Swede Alley overhead utilities
    f. Early stage discussion on suggested pedestrian improvement to and from Main Street

2. Advancement of the Quinn's Junction Recreation Complex (Now, Park City Sports Complex)
    a. Public Meetings - Debate / Discussion on the Quinn's Task Force Recommendations
    b. Advancement and completion of the Fields and Ice Arena Design
    c. Start of Construction / Pending completion
    d. Hiring of Staff – Preparation of Operating Budgets / Positioning of Facility to fill facility needs for pending sports tournaments

3. Establishment of a Joint Partnership with the Park City Chamber on Event Programming
    a. Monthly advisory committee brought together to assist in facilitating communications between City, Chamber, Resorts, Restaurant Assoc. Lodging Assoc, HMBA, SBSRD, and others.
    b. Full-time position just recently hired to advance the City and Chamber's interest in pro-actively programming the yearly calendar of events; helping to attract new events and sustain existing ones; focus on drawing in more overnight visitors through the promotion of events and use of new and existing facilities.

4. Other Notables:
    a. Sundance Film Festival Contract
    b. Influence on Quinn's Junction Annexation(s)
    c. Loosening of Municipal regulations to promote increased business.
        i. Outdoor Merchandising
        ii. Sign Code changes
    d. Whiskey Distillery / Watts Property
    e. Streamlined Event Application Process
    f. Increased involvement and coordination with the State Economic Development Office
        i. Applied Digital Media Center – "SCADMAS"
    g. Others .....

II. Indicators & Observations on the Current Community & Business Climate

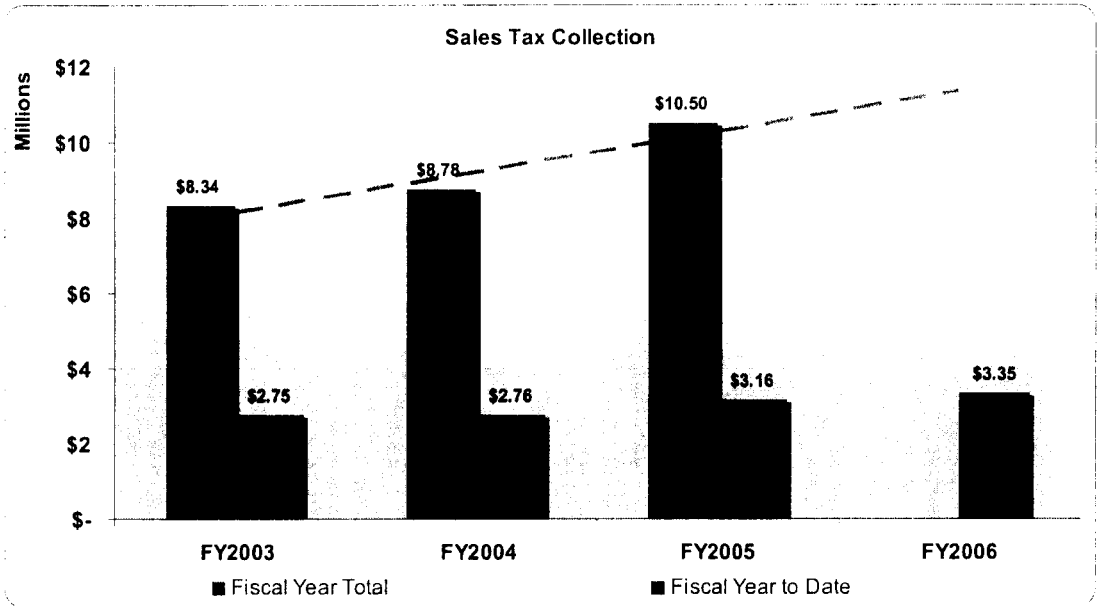
A. **Indicators** - To assist City Council and Staff in looking at potential adjustments to the current ED Plan, listed below are a few indicators of the growth that has occurred in the past several years:

Monthly Sales Tax Collection Sales, Resort, and Transit

Month	FY2003	FY2004	FY2005	FY2006	AAI*
July	$ 310,855.33	$ 275,893.75	$ 415,926.86	$ 401,609.45	12.02%
Aug	$ 552,644.58	$ 492,837.88	$ 531,644.97	$ 683,700.81	8.55%
Sept	$ 455,383.64	$ 478,065.68	$ 642,479.49	$ 481,929.91	4.79%
Oct	$ 404,937.42	$ 543,454.56	$ 435,356.70	$ 582,906.77	16.07%
Nov	$ 621,852.41	$ 555,745.13	$ 684,143.50	$ 734,266.21	6.60%
Dec	$ 408,841.89	$ 416,006.06	$ 453,961.14	$ 461,144.69	4.15%
Jan	$ 424,270.41	$ 455,197.25	$ 451,677.39	$ -	3.26%
Feb	$ 1,251,526.87	$ 1,182,207.19	$ 1,536,811.69	$ -	12.23%
March	$ 1,071,636.38	$ 1,188,595.31	$ 1,304,615.35	$ -	10.34%
April	$ 1,040,017.15	$ 1,197,857.69	$ 1,322,956.29	$ -	12.81%
May	$ 1,450,682.31	$ 1,466,052.88	$ 1,755,673.44	$ -	10.41%
June	$ 351,225.20	$ 526,895.10	$ 961,720.41	$ -	66.27%
Total	$ 8,343,873.59	$ 8,778,808.48	$ 10,496,967.23	$ 3,345,557.84	12.39%

*Average Annual Increase

Remember the 2-month lag time in reporting. IE: December #'s reflect October actuals.



Lodging – Overnight Visitor Numbers

	2004	2003	% Change
January	354,138	365,391	-3%
February	339,057	331,451	2%
March	389,072	376,988	3%
Total 1st Quarter	**1,082,267**	**1,073,830**	**1%**
April	137,665	99,908	38%
May	99,047	87,046	14%
June	170,398	158,258	8%
Total 2nd Quarter	**407,110**	**345,212**	**18%**
July	301,328	295,009	2%
August	293,184	263,457	11%
September	187,529	151,493	24%
Total 3rd Quarter	**782,041**	**709,959**	**10%**
October	148,161	134,000	11%
November	144,977	118,131	23%
December	322,606	277,046	16%
Total 4th Quarter	**615,744**	**529,177**	**16%**
Year Total	**2,887,162**	**2,658,178**	**9%**

	2005	2004	% Change
January	385,291	354,138	9%
February	383,631	339,057	13%
March	463,587	389,072	19%
Total 1st Quarter	**1,232,509**	**1,082,267**	**14%**
April	154,733	137,665	12%
May	124,982	99,047	26%
June	217,684	170,398	28%
Total 2nd Quarter	**497,399**	**407,110**	**22%**
July	336,260	301,328	12%
August	311,928	293,184	6%
September	211,026	187,529	13%
Total 3rd Quarter	**859,214**	**782,041**	**10%**
October	171,409	148,161	16%
November	172,065	144,977	19%
December		322,606	
Total 4th Quarter		**615,744**	
Year to Date Total	**2,932,596**	**2,564,556**	**14%**
Year Total		**2,887,162**	

* December 2005 Lodging numbers not available until mid January

Real Estate Growth:

Park City Board 6 Year Market Report	1999	2000	2001	2002	2003	2004
ALL						
Total Units Sold	1721	1712	1663	1859	2280	2985
Sold Volume	693,450,539	649,691,453	665,823,947	651,522,763	772,332,858	1,218,872,368
Average Price	402,934	379,492	400,375	350,469	338,742	409,154
Median Price	246,000	230,000	260,394	248,405	225,000	275,000
Single Family						
Total Units Sold	667	637	659	743	777	946
Sold Volume	309,697,079	338,655,786	317,340,066	324,441,625	370,039,366	573,679,147
Average Price	464,313	531,641	481,547	436,664	476,241	606,426
Median Price	268,000	320,000	289,900	300,000	320,000	399,900
Condos						
Total Units Sold	495	530	545	602	830	1132
Sold Volume	190,684,232	192,254,118	166,112,583	189,118,669	226,310,891	386,974,914
Average Price	385,220	362,743	304,793	314,150	272,663	341,850
Median Price	281,066	292,500	198,000	220,000	187,250	239,159
Lots						
Total Units Sold	481	406	399	498	599	806
Sold Volume	163,586,391	110,264,989	116,441,993	148,204,850	155,139,168	235,794,633
Average Price	340,096	271,588	291,834	297,600	258,996	292,549
Median Price	110,000	121,500	141,500	175,000	167,000	205,000

The real estate economy grew by over 40% in CY 2005. Although final figures will not be available until mid-January, sold volume for CY 2005 is just over $2 Billion, up from $830 million in CY 2003 and $1.2 billion in 2004. $927 million of sold volume in 2005 occurred within Park City limits.

Observations

1. Post Olympic awareness of Park City coupled with great snow conditions have provided a sizable increase in winter destination visitors and corresponding sales tax collections for the months of December through April , 2003 - 2005. Each of these five winter months has seen an average annual sales tax increase of over 10% each year from FY2003 through FY2006. April has seen the largest increase at an average annual increase of 66%! Lodging numbers show a double-digit surge in last winter's months and is showing well again this year.

2. Efforts to increase summertime tourism has also seen moderate increases in sales tax collections and double digit percentage increases in lodging nights. On the sales tax collections, August and May have seen double digit annual sales tax percentage increases, whereas June, July and September have seen increases in the 3-8% range). Lodging has had steady 10-22% increases in the April through September period.

3. The real estate economy grew by over 40% in CY 2005. Although final figures will not be available until mid-January, sold volume for CY 2005 is just over $2 Billion, up from $830 million in CY 2003 and $1.2 billion in 2004. $927 million of sold volume in 2005 occurred within Park City limits.

4. Growth in western Summit County population (400 new residential building permits issued for the Snyderville Basin area alone in 2005!) has fueled commercial growth at Kimball Junction. Arguably, the commercial growth is filling a demand both in the Basin and demands generated in the City that are going unmet in the City commercial areas.

5. Statewide business indicators show growth occurring at historic levels, with forecasts of continued growth for the foreseeable future. The Governors intent to promote Utah for new business as well as statewide tourism will likely fuel local growth even more.

6. The recent growth is spurring increased challenges for transportation, costs of living for full time residents, and concerns from many regarding the areas ability to keep the close-knit "community" feel.

7. Attention towards Quality of Life factors has seen increased dialogue and actions within the community towards "Sustainable Community" issues. Efforts to define "Sustainability" are ongoing and the desired outcomes are rising in importance. It is Staff's opinion that good "economic development" includes increased attention to issues such as affordable housing for the local work force, environmentally conscience programs that target energy conservation and good green building practices, and long term strategies for use of public transportation and more pedestrian friendly planning. Under the strategy being defined for "Sustainable Community" practices being the banner over <u>all City Goals</u>, Staff considers the "economics" of economic development just one piece of the puzzle. For clarity, Staff recommends that the new prioritized Goals for Economic Development focuses on the "economics" and the listing of City wide goals reflects the larger picture of developing a viable and sustainable community.

8. Defining the "Resort Economy" of Park City should consider these trends:

- Destination visitor numbers have continued to increase and the amount of "in-town" commercial space targeting this audience appears to have remained relatively stable – if not increasing slightly.

- Population growth of full-time residents in the region has fueled "population commercial" growth primarily within the County. "In-town" commercial business that supports the residents and workforce has seen a modest shift out of town and to the Basin's commercial inventory.

- Question: Should the Park City's "Resort Economy" cater to only the "resort commercial" constituents or to the "population commercial" constituents as well. Park City's past showed no other option as both co-existed, however the rise of the Basin commercial offerings begs the question. Staff views a healthy dialogue on this issue would help focus the "economic goals" of the next several years. Current Staff thoughts are that a healthy mix of resort tourist commercial and local's "population commercial" should be encouraged – especially in the off-main areas of the Prospector/Bonanza area.

III. Suggested Re-Prioritization of Vision / Goals / Strategies / Projects-Programs

Staff suggests dialogue and discussion on the following suggested changes to the current ED Plan:

1. Modification of the Vision Statement to include the "sustainability" banner encompassing community, economics, and environmental issues. Also, drop the last sentence to keep the statement to one concise sentence. A new Vision Statement could read:

   To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and sustainable community desires for those that live in and visit the area.

2. Increase in priority these existing Goals:
   - *Facilitate the establishment of more "attractions/areas of interest" for both visitors (tourism economy) and residents (population economy).*

   - *Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.*

3. Add as a top Priority Goal:
   - *Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies.*
   - *Add other Top Priority Goals from discussion with Council members at the Visioning Session*

4. Adjust the priorities of other existing Goals as well as delete Goals that have either been significantly achieved or are no longer applicable.
   - See Draft Summary ED Plan 2006-2008 on next page

Staff has then adjusted the Strategies and Projects / Programs in anticipation of the Goal refinements. For discussion, Staff would then like to highlight the recommendations for the City initiated Projects / Programs for the next two year period. Modifications and adjustments are expected following a review at the Council Visioning session.

Staff Recommendations for Prioritized Projects / Programs:

1. Continued Emphasis on Downtown Improvements Infrastructure
   1. Phase II – Town Plaza , shell space on garage
   2. Phase II – pedestrian pathway improvements

2. Market analysis – Efforts would take an inventory of existing business types in the greater Park City area and compare that against a developed demand model. We would accomplish this primarily through in-house resources.

3. Prospector / Bonanza Redevelopment Area (PBR District)

Discussion Issues during Visioning Session:

1. Comments or Questions regarding Past Goals and listed Accomplishments?

2. Added Observations and Factors that would impact the Re-prioritization of Goals?

3. Refinements to the suggested Goals?

Please see the "Draft" Summary ED Plan on the next page that is revised for the next two year period.

Prioritization Summary of Park City's Economic Development Initiatives

As of: 1/11/2006

Vision

To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and ~~quality of life~~ sustainable community desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

Goals (FY2006-FY2007)

Top Priority

- Facilitate the establishment of more "attractions/areas of interest" for both visitors (tourism economy) and residents (population economy). ↑
- *Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies.**
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region. ↑

High Priority

- Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities
- Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons. ↑
- Improve upon an already busy winter tourism season with efforts to maximize its full potential. ↓
- Lengthen the tourism season to eight busy months a year. (4.5 winter/3.5 summer). ↓
- Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season.

Strategies

Existing City Resources

Strategy 1: Work towards a balanced transportation and pedestrian infrastructure plan throughout Park City
Strategy 4: Add recreation space and facilities for attracting more tournaments and visitations
Strategy 14: Improve the ease of permitting events
Strategy 23: Update the Land Management Code to match priority goals of the economic development plan
Strategy 24: Promote smart development at the Quinn's Junction area

City Has Participatory Role

Strategy 2: Attract more festivals and events - winter & summer
Strategy 3: Promote ways to sustain existing events
Strategy 7: Provide additional Recreation Opportunities as Attractions
Strategy 8: Provide more passive cultural tourism attractions
Strategy 13: Extend visitor stays / fill beds
Strategy 15: Enhance existing attractions
Strategy 16: Create a cultural alliance
Strategy 17: Promote Redevelopment within Park City
Strategy 19: Retention and development of existing businesses
Strategy*: Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them.

No Current City Resources to Accomplish

Strategy 5: Develop a private foundation (i.e., Vail Valley Foundation) for events, festivals and performing arts underwriting
Strategy 18: Target more Wasatch front (day visitors)
Strategy 20: Apply the tag line "User Friendly" to projects and marketing programs geared towards showing how easy and fun it is to live and visit Park City.

City's Role Unclear

Strategy 6: Provide greater participatory attractions ↑
Strategy 9. Promote greater diversity of the commercial mix ↑
Strategy 10: Strengthen the existing Commercial Mix (City-Wide) ↑
Strategy 11: Develop additional funding and marketing sources for events
Strategy 21: Promote locally owned, independent businesses
*Strategy 22: Promote community (social) sustainable community goals such as affordable housing**
*Strategy 23: Promote environmental sustainable community goals such as renewable energy sources**

Projects / Programs

Top Priority Projects

1. Downtown Capital Projects
   a. Downtown Plaza
   b. Pedestrian improvements
2. Market Analysis/Needs Assessment
3. Prospector/Bonanza Redevelopment Plan (PBR)

High Priority Projects

4. *High Altitude Training Center**
5. Interconnect ↑
6. Smart Messaging signs for parking information / events
7. Improved Wayfinding Signage / Info Boards
8. Assist in finding a tenant for the Main Street Mall
9. Continue building trail network infrastructure ↑
10. Develop Park-n-Ride lots
11. Assist PC businesses on retention & dvlpmnt initiatives

Key

— red ↓= drop in status/importance
--- green ↑ = raise in status/importance
* green = newly added item
— blue = current project

City Council
Staff Report

Author: Jonathan Weidenhamer
Subject: Noise Regulations
Date: August 24, 2006
Type of Item: Legislative

Summary Recommendation:
Hold a public hearing and consider approving the attached ordinance to amend Section 4-4-16(k) of the Municipal Code to allow Liquor Licensed establishments to allow limited use of their decks and patios until 12:00 am.

Background
In the late 80's and early 90's use of outdoor decks at private clubs began to conflict with growing residential neighborhoods in old town. To mitigate, noise regulations were put into place to limit outdoor noise after 10:00 pm. Since then additional regulations have been put in place to further limit impacts from commercial districts on residential neighborhoods.

In order to capitalize on the short summer season, the HMBA has asked the City to consider amending existing regulations on noise in order to promote economic vitality on Main Street. In general the HMBA suggests defining acceptable levels of noise (versus excessive), and modifying regulations to not focus on noise source (live bands, amplified music, outdoor dining, speakers, etc.) but instead upon meeting agreed upon decibel standards (Exhibit B – Changes proposed by the HMBA). These changes involve a comprehensive looks at several LMC and Municipal Code provisions. To that end, the Planning Commission is scheduled to hold a public hearing on the broader noise regulations on August 23, 2006 and begin LMC discussions.

The HMBA has also specifically requested an amendment to Section 4-4-16(K) of the Municipal Code, which prohibits outdoor use of decks and patios after 10:00 p.m. for liquor licensed establishments. At its August 17, 2006 meeting, the City Council continued the public hearing to August 24, 2006 and directed staff to return to this meeting with amendments to Section 4-4-16(k).

Purpose statements for the Historic Commercial District (HCB) include:

- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City.

- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods.

The Council held a public hearing on this topic on August 17, 2006. Approximately 18 members of the public provided input. Some comments heard were specific to the proposed changes to 4-4-14(k); other comments were much broader regarding the overall noise regulations. In general, comments were split fairly evenly for those opposed to changes and those supporting changes. Minutes from the meeting will not be available for this meeting. Direction was given by Council to consider regulating noise impacts from restaurants differently than private clubs.

Analysis
At this time different options are available. The options are presented in order of level of support by staff:

1. Consider amending 4-4-16(k) to allow limited use of outdoor decks and patios until12:00 a.m. and provide direction to conduct an in-depth review of the remainder of the noise ordinance (Staff's recommendation) This Code amendment would include a 3 month sunset clause that automatically extends for an additional 3 months unless the City Council calls up the ordinance and modifies it.

2. Consider amending 4-4-16(k) similar to Option 1, but make specific changes to the time cut-off or duration of the sunset provision.

3. Differentiate impacts from Restaurant licensees and Private Club licensees - Consider Amending 4.4-16(K) and other Municipal and Land Management Code limitations on Outdoor Dining to allow both Outdoor Dining as well as Private Club use of patio spaces (without drinking and eating)to occur after 10:00. Changing this section to allow food for example would conflict with existing LMC provisions and existing CUP approvals. Staff finds this discussion should be addressed with the broader issues involving noise related outdoor dining LMC provisions that will begin at a Planning Commission meeting and public hearing on August 23, 2006.

4. Do Nothing
The Planning, Building, and Police Departments remain acutely aware of the potential negative implication of "loosening" these existing regulations. Existing codes prohibit outdoor noise after 10:00 pm. This is easy to understand, explain, and enforce. It has been a very successful and consistent model for this community. Park City's Historic residential neighborhoods adjacent to Main Street are a vital part of the community and one reason for their success is livability. Expanding noise regulations may negatively impact the City's quality Historic District and resort character by expanded outdoor attention getting techniques rather than focusing on a high standard of urban design and promotion of unique resort commercial opportunities.

Department Review: The City Manager's Office, Public Affairs, Planning, Economic Development, Building, and Legal Departments have reviewed this report.

Recommendation:
Hold a public hearing and consider approving the attached ordinance to amend Section 4-4-16(k) of the Municipal Code to allow Liquor Licensed establishments to allow limited use of their decks and patios after 10:00 pm.

Exhibits
Ordinance
Exhibit A – Existing regulations
Exhibit B – HMBA proposed amendment to Municipal Code Regulation 4-4-16(K)
(amendments highlighted in gray)

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Ordinance No. 06-

AN ORDINANCE AMENDING SECTION 4-4-16(k) OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO ALLOW LIQUOR LICENSED ESTABLISHMENTS TO ALLOW LIMITED USE OF THEIR DECKS AND PATIOS AFTER 10:00 PM.

WHEREAS, the Land Management Code places limitations on outdoor activity, noise after 10:00 p.m., and outdoor dining uses; and other decks and patios associated with liquor licensed establishments; and

WHEREAS, the City Council finds that it is in the public interest to regulate the use of decks and patios of liquor licensed establishments, in certain commercial districts that are adjacent to residential neighborhoods in order to reduce noise impacts; and

WHEREAS, public hearings were duly held before the Planning Commission on August 23, 2006, and before the City Council on August 17 and August 24, 2006; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Municipal Code; and

WHEREAS, the City Council finds and determines that, allowing limited uses of outdoor decks and patios associated with liquor licensed establishments can enhance the pedestrian appeal and vitality of certain commercial areas, while limiting potential noise related impacts; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Chapter 4, Section 4-4-14(k) of the Municipal Code is amended to read as follows:

(K) **EXCESS HOURS OUTSIDE**. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 12 PM *except licensed premises may permit patrons to ingress and egress through a closed door to such an area until 12*

a.m. provided that food and alcohol are neither sold nor allowed to be consumed or carried out to the area.

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon publication; expire on November 24, 2006; automatically renew for an additional 3 months unless called up and repealed by City Council before November 24, 2006; and in any event expire no later than February 24, 2007.

PASSED AND ADOPTED this 24th day of August, 2006

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Dana Williams

Attest:

_____

Janet M. Scott, Deputy City Recorder

Approved as to Form:

_____

Mark D. Harrington, City Attorney

Exhibit A – Existing regulations

Municipal code Excerpts:

Chapter 4 – Liscensing

CHAPTER 4 - BEER AND LIQUOR LICENSING

4- 2-28. OUTDOOR SPEAKERS ON MAIN STREET.
No licensed business shall permit or cause to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as part of a master festival license or community celebration.

4- 4- 1. POLICY.
It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Alcoholic Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

4- 4-16. OFFENSES OF LICENSEE.
It shall be unlawful for the holder of any license issued under this Chapter or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

(I) **FAILURE TO CONTROL NOISE**. To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(J) **OUTDOOR SPEAKERS**. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.

(K) **EXCESS HOURS OUTSIDE**. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 PM.

TITLE 6 HEALTH, NUISANCE ABATEMENT, NOISE

6- 3- 7. GENERAL PROHIBITION OF NOISE.
It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City as defined in this Chapter.

6- 3- 8. SPECIFIC NOISE PROHIBITIONS.
The following acts are declared to be in violation of these rules and regulations.

(B) **RADIOS, TELEVISION SETS, TAPE PLAYERS, COMPACT DISC PLAYERS, MUSICAL INSTRUMENTS, AND SIMILAR DEVICES**. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the

production or reproduction of sound:

(1) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible beyond the property boundary of the source; or

(2) on public property, public rights-of-way, or private property at any time so as to be plainly audible fifty feet (50') (15.25 meters) from the device. Permits to exceed the limits of this section may be issued for special events on public property by the Chief of Police, Building Official or City Manager upon approval from the agency operating the public property.

(C) **PUBLIC LOUDSPEAKERS**. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of § 6-3-9, or cause a noise disturbance, unless a permit is first obtained as provided by § 6-3-11 or approval is granted in a master festival license.

(J) **LIQUOR LICENSED PREMISES**:

(1) **FAILURE TO CONTROL NOISE**. Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(2) **OUTDOOR SPEAKERS**. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(K) **MAIN STREET BUSINESSES - OUTDOOR SPEAKERS**. Permitting or causing to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as a part of a master festival license. As defined in the Land Management Code, conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

6- 3- 9. NOISE LEVELS.
The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

(A) On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') or on private property, as to be plainly audible at the property line.

(B) The noise shall be measured at a distance of at least twenty-five feet (25') from the source of the device upon public property or within the public right-of-way or twenty-five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.

(C) Hours of restriction are as follows:

Residential- 10 pm to 7 am Monday through Saturday

Not before 9 am Sunday

Commercial 10 pm to 6 am- Monday through Saturday

6- 3-14. ENFORCEMENT.
The Police Department and Building Department may, upon discovery or report of a violation or violations of this Chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Prosecutor's Office for review and issuance of an information and summons to court to answer the charges.

6- 3-15. PENALTY.

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to U.C.A. § 26-23-6, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor, pursuant to U.C.A.§ 26-23-6, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

Land Management Code Excerpts (HCB Zone (typical))

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Community Development Department upon the issuance of an Administrative Permit.
(1) **OUTDOOR DINING**. Outdoor dining is subject to the following criteria:

(e) No music or noise is in excess of the City Noise Ordinance, Municipal Code Title 6.
(f) No Use after 10:00 p.m.

Exhibit B – HMBA Proposed Amendments (shaded in gray)

4- 4-16. OFFENSES OF LICENSEE.

(K) **EXCESS HOURS OUTSIDE**. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 PM. Change to 1:00 am.

City Council Staff Report

PARK CITY 1884

Author: Ray Milliner
Subject: WILBURN WEST ANNEXATION — PLANNING DEPARTMENT
Date: August 24, 2006
Type of Item: Legislative – Annexation and Amendment to Zoning Map

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

DESCRIPTION

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

BACKGROUND

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

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

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

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

Procedurally, the Planning Commission forwards a recommendation on annexation petitions to the City Council for final action. On August 9, 2006 the Planning Commission conducted a public hearing and forwarded a positive recommendation to the Both the Planning Commission and the City Council will conduct public hearings on the annexation and preliminary subdivision plat.

ANALYSIS

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

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

1. General Requirements of Section 15-8-2

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

2. Map and natural features

The property consists of a 40.73 acre parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. There is a significant slide area on the site that has been outlined by a certified geotechnical study. The original development plan for the property has been modified to avoid any construction on that area. The area is shown on the proposed plat. To facilitate the platting of the property, the applicant proposes to incorporate the property into the Cove at Eagle Mountain Phase II plat, and has submitted a plat showing this configuration.

3. Residential Density

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

4. Land Uses-existing and proposed

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

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

Environmental Issues – City staff has documented related environmental issues for the proposed annexation (Exhibit F). The annexation is outside the City's Soils Ordinance District. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. It should be noted that the site is situated within the Silver Creek Watershed drainage. Due to this classification, any work resulting in a land disturbance equal to or >1 acre will need to strictly adhere to Park City's Storm Water Management Plan and implement storm water Best Management Practices.

Utility & Access – At this time the applicant has developed preliminary utility and access plans to serve the property. To properly gain access to the property, the

applicant has integrated the annexation parcel into the Cove at Eagle Mountain Phase II plat. This enables the access driveway off of Eagle Mountain Drive, to cross the bottom corner of the existing Cove at Eagle Mountain property.

5. Character and Development of adjacent property

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

6. Zoning- existing and proposed

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

7. Goals and Policies of the Park City General Plan

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

8. Assessed valuation

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

9. Demand for municipal services

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

10. Effect on City boundaries

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

11. Timetable for extending services

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

12. Revenue versus costs

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

13. Tax consequences

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

14. Impact on Summit County

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

15. Historic and cultural resources

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

Annexation Policy Plan

Purpose (Section 15-8-1)

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

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

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

In addition the Annexation Policy Plan states:

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

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

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

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

General Requirements (Section 15-8-2)

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

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

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

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

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

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

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

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

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

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

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

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

1. Police protection - ***City Police protection currently provided by special***

agreement with the County Sheriff for routine calls. Criminal investigation currently responsibility of the County Sheriff and would transfer to the City.

2. Snow removal on Public Streets ***The proposed driveway leading to the property will remain a private drive. All snow removal will be the responsibility of the owner of the property.***

3. Street maintenance ***The City will not be financially responsible for providing maintenance of private property.***

4. Planning, zoning, and Code enforcement ***Currently Summit County Planning and Building Department and would transfer to the City departments of planning and building.***

5. Availability of municipal sponsored parks and recreational activities and cultural events and facilities ***Parks are public and open to County and City residents. This annexation will provide an additional link between the City and the City owned open space and recreation parcels.***

6. Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. ***In 1980, the applicant and the City signed an agreement to exchange water development impact and water connection fee waivers for water rights to develop the Park Meadows water system. The agreement stipulated that the waivers would expire on July 20, 2005. On May 19, 2005 the City Council entered into an extension to the agreement and created additional waivers for approved density within the Wilburn West Parcel in a number equal to the actual number of units approved by Park City Municipal Corporation through the annexation process. The waivers expire on July 20, 2010.***

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

Complies. Water is available (see above). Sewer service is available in the area, but will need to be extended. The applicant is working with the SBWRD

on a line extension agreement that would be necessary prior to development. Extension of the sewer and water mains would be the responsibility of the applicant.

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

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

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

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

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

Complies. ***This property is within the Park City Annexation Expansion Area,***

adopted by the City Council in 2003.

(K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

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

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

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

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

Annexation Agreement

The Annexation Policy Plan establishes a requirement for an Annexation Agreement to be approved by the City Council to address standard conditions that must be met prior to completion of the annexation. This agreement is intended to regulate development of density. Because there is no anticipated density with this annexation, an annexation agreement is not required as part of this application.

DEPARTMENT REVIEW

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

PUBLIC INPUT

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

RECOMMENDATION

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

EXHIBITS

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

Ordinance No. 06-

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

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

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

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

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

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

WHEREAS, the Planning Commission, on August 9, 2006, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on August 24, 2006, the City Council held public hearings to receive input on the proposed annexation and zoning; and

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

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

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

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

Findings of Fact:

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

Conclusions of Law:

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

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

Conditions of Approval:

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

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

PASSED AND ADOPTED this 24th day of August 2006.

PARK CITY MUNICIPAL
CORPORATION

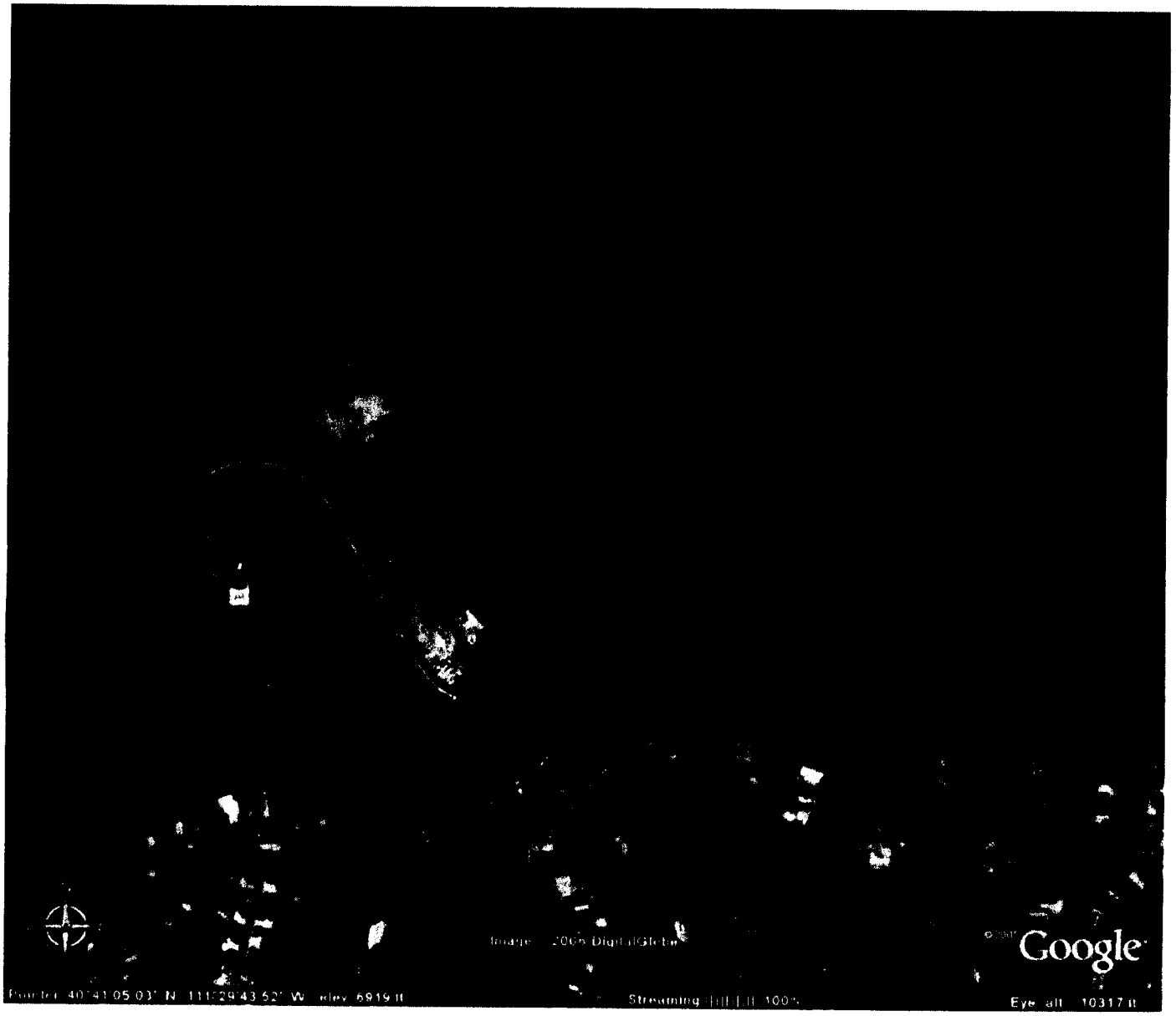
_____
Dana Williams, MAYOR

ATTEST:

_____
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

_____
Mark D. Harrington, City Attorney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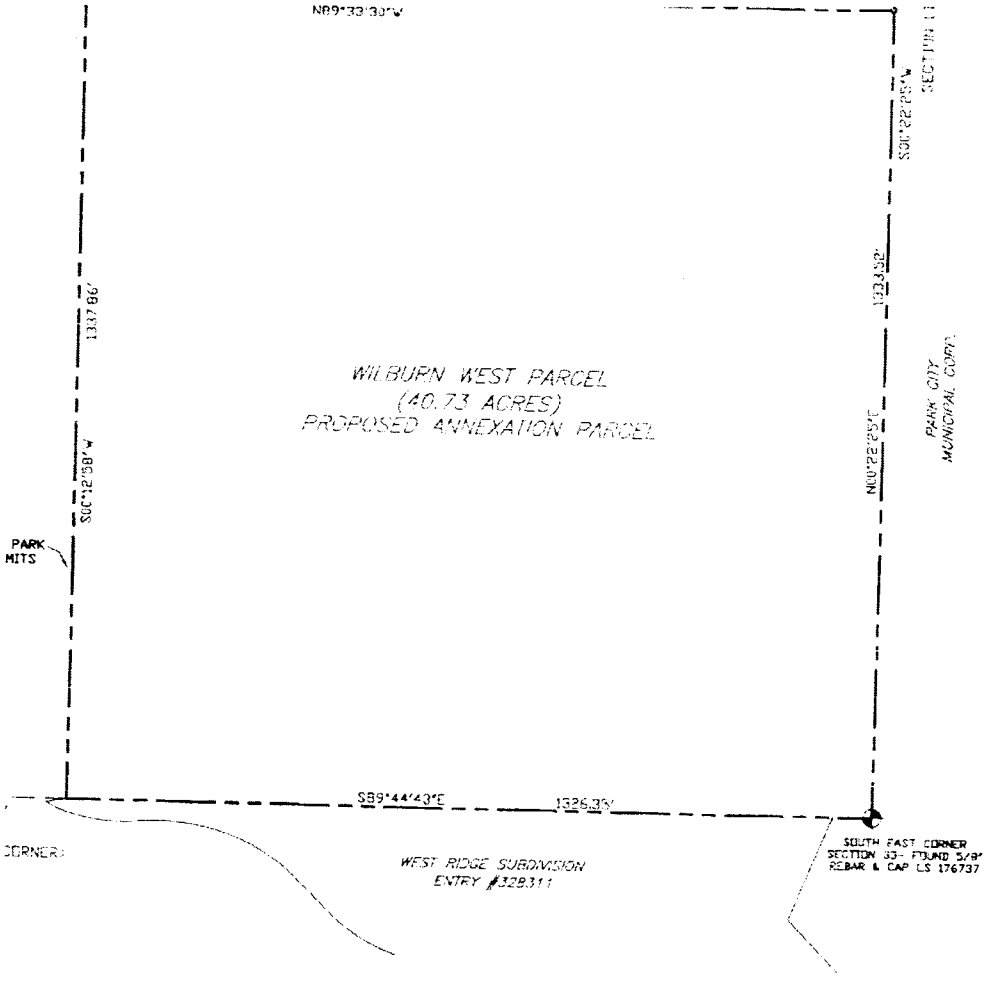


LEGEND

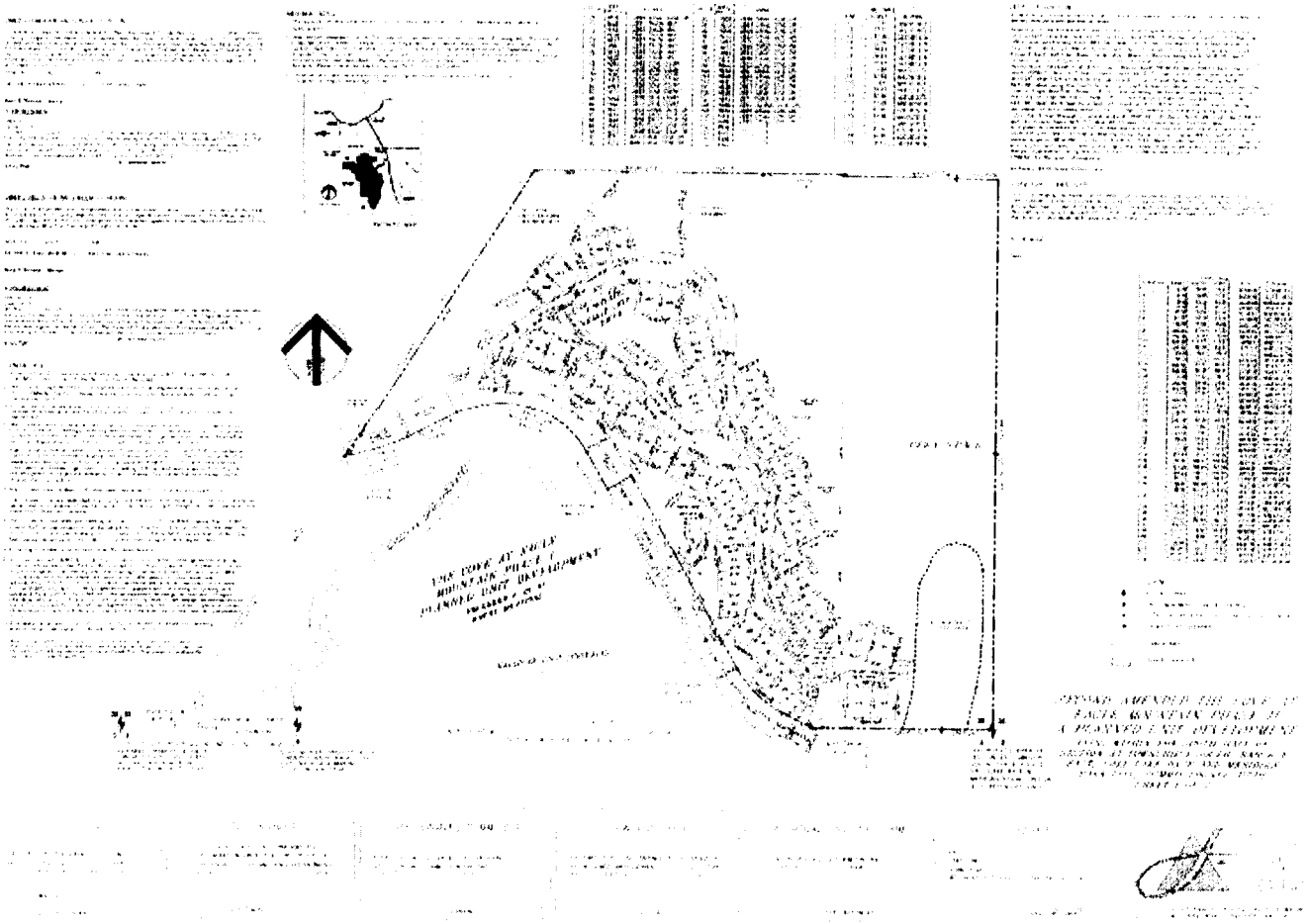
- PROPERTY BOUNDARY
- PARK CITY BOUNDARY
- ADJACENT BOUNDARY
- SECTION LINE
- SECTION CORNER
- REBAR & CAP

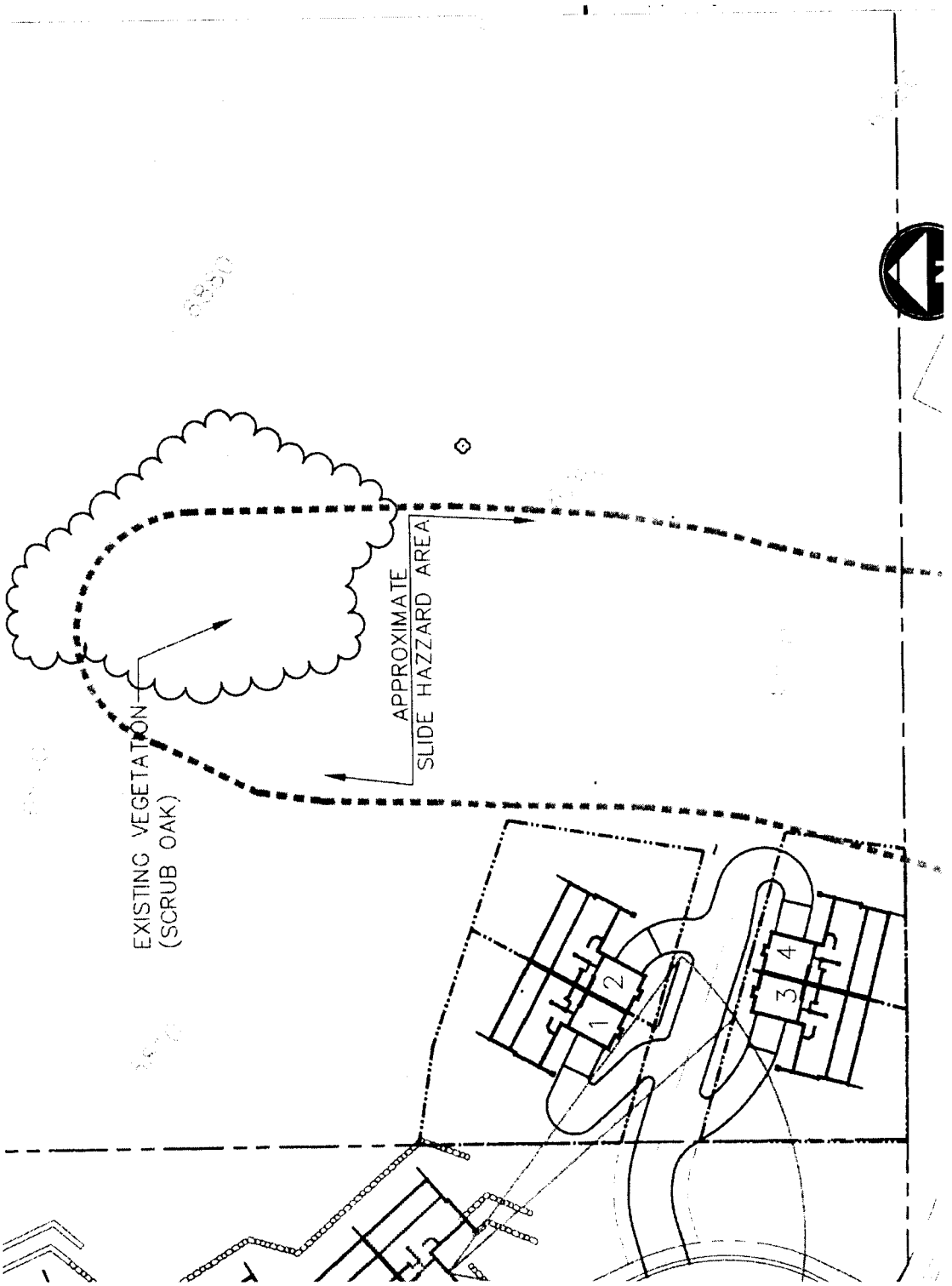
RECEIVI
DEC 22 20
PARK CITY
PLANNING DE

ANNEXATION PLAT FOR WILBURN WEST PROPERTY

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

CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION, THIS _____ DAY OF _____, 2004.	I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE.	PRESENTED TO THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2004, AT WHICH TIME THIS PLAT WAS APPROVED.	APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2004.	ENTRY NO. _____, BOOK _____, PAGE _____ STATE OF UTAH, _____, COUNTY OF SUMMIT DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF:




EXISTING VEGETATION
(SCRUB OAK)
APPROXIMATE
SLIDE HAZZARD AREA
1
2
3
4