

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 22, 1996**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 22, 1996.

AGENDA

3:00 p.m. Flagstaff field trip

Work Session

5:00 p.m. Council questions and comments
5:15 p.m. Chamber/Bureau update
5:30 p.m. Review of regular meeting
 55-57 King Road
 Other meeting questions/comments

Regular Meeting - To be held in Work Session Room
6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 1, 1996

V PUBLIC HEARING

Ordinance approving an amendment to the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65, located at 55-57 King Road to be known as the 55-57 King Road plat amendment, Park City, Utah

VI CONSENT AGENDA

1. Authorization of \$149,013 for insurance underwriting excess coverage and authorization to change renewal date
2. Ordinance amending Title 11, Chapter 4, Section 4 of the Municipal Code to require temporary toilet facilities at construction sites

VII NEW BUSINESS

Ordinance approving an amendment to the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65, located at 55-57 King Road to be known as the 55-57 King Road plat amendment, Park City, Utah

VIII ADJOURNMENT

Posted: 8/19/96

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 22, 1996

Present: Mayor Brad Olch; Council members Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock

Jodi Hoffman, City Attorney; Pat Putt, Planning and Zoning Administrator

Chamber/Bureau Executive Director Joan Calder; Judy Scipione, Brent Gold, and Paul deGroot, 55 - 57 King Road matter

Absent: City Manager Toby Ross; Council member Chuck Klingenstein

City Council questions/comments. Paul Sincock reported that Officer Gwen Henley will be conducting a crime prevention through environmental design training course on Monday, Tuesday and Wednesday. Mr. Sincock continued that he has received complaints about the difficulty of making left hand turns at Monitor Drive and SR248. Eric DeHaan noted that widening this intersection is scheduled in a future capital improvements budget. He requested that a time line be outlined for the parking TZO. In response to a question from Paul Sincock regarding correspondence with Bedlam over the Historic District amendments made last December, Ms. Hoffman discussed the status of the proposed amendments. Mr. Sincock pointed out the interest in a skating facility prompted by the Summer Tour, and felt that Council should schedule a work session to make a decision about considering a facility. He distributed a preliminary report, which he composed, with renderings and estimates. He added that Ron Ivie informed him that Park City is the among four towns in the county, which has complied with the fire sprinkling ordinance and suggested sending businesses a thank-you. Mr. Harlan stated that he accepted UTA's invitation to look at the Flexliner on display and felt that it may be beneficial to meet with UTA about equipment in the future. Roger Harlan suggested that if the ice skating rink proposal moves forward, that Council be careful to solicit public buy-in early on in the process, as there are other recreational requests. Hugh Daniels recommended that Council consider setting a dollar amount for Consent Agenda items. He thanked staff for following up on sidewalk signage. Mr. Daniels reported that he received a complaint about live music at the Mercato.

Chamber/Bureau update. Joan Calder distributed information regarding gross taxable sales in Summit County and within the City limits. She pointed out that between 1991 and 1995, sales tax totaled \$189 million in Summit County and of that \$189 million, \$100 million was generated in Park City. She added that the number one generator of revenue is recreation and amusement at \$44 million, number two is lodging at \$42 million, and the third is groceries at \$36 million, which ties with dining and bars at \$36 million. She stated that 72% of the sales in Summit County are from Park City. Ms. Calder pointed out that gross sales were down in Summit County and Park City the first quarter of 1996. She stated that this year's summer tourism has been very healthy and there have been increases in overnight lodging. She reported that last week there was a 57% occupancy rate which is very unusual, and discussed the overflow of convention business that Park City has benefitted from Salt Lake. Special events are major contributors to summer tourism.

She discussed an employer survey which the Chamber is conducting to analyze work force difficulties which should be completed by October 1.

Review of regular meeting. Paul Sincock suggested correcting the temporary toilet ordinance to include language to allow for exemptions when there are existing toilets on the premises.

55-57 King Road. Pat Putt announced that Judy Scipione, adjacent property owner, has asked that this matter be continued so that her attorney can be present. Ms. Scipione pointed out that Mr. deGroot has an attorney and she would like the same opportunity. Paul Sincock suggested that no attorneys speak. In response to a question from the Mayor regarding delaying a decision, Brent Gold, Esq. noted that this has been in the process a long time. He was working with Tom Billings, who represented Ms. Scipione earlier. Mr. Gold indicated that Ms. Scipione is reluctant to disclose her new attorney's name and is unaware of pending issues, although he didn't feel that there could be anything new that hasn't been discussed several times before. Mr. Sincock again suggested that just the applicant and adjacent neighbor speak. Hugh Daniels stated that he would rather have both sides on equal footing and would prefer to continue it so that it is not heard twice. Mr. Harlan stated that he would like to take an on-site visit. Ms. Kerr added that this has been scheduled for tonight and the applicant and adjoining property owner are here, and asked how the applicant felt about a postponement. Paul deGroot responded that they have been working on this for 13 months and have worked hard to address Ms. Scipione's concerns. There is a very generous proposal on the table which her previous attorney supported. He continued that the mitigation plan was denied by Ms. Scipione and at this time, they don't know who her attorney is or what the issues are, and it has been delayed on the Council agenda. He would like to hear the issues and have the Council determine if it should go to public hearing. Ms. Kerr felt that it would be appropriate to present the issues, rather than not having them known for two weeks. The Mayor suggested that the Council conduct a public hearing and continue action on the plat amendment ordinance to September 5. Ms. Hoffman suggested that Ms. Scipione make a list of her issues for Mr. deGroot and the City Council and have it available by August 29.

Ms. Scipione insisted that she didn't want to represent herself tonight, and Ms. Kerr assured her that although her attorney may have a better grasp of the legal issues, Ms. Scipione knows her property issues better and she wants to hear that from her. See regular meeting minutes.

The Mayor closed the work session.

Prepared by Janet M. Scott

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 22, 1996**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 22, 1996. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused, and City Manager Toby Ross was absent. Staff present was Pat Putt, Planning and Zoning Administrator; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 1, 1996

Shauna Kerr, "I move approval of the Minutes". Roger Harlan seconded. Paul Sincock disclosed that he was not in attendance. Motion carried.

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

V PUBLIC HEARING

Ordinance approving an amendment to the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65, located at 55-57 King Road to be known as the 55-57 King Road plat amendment, Park City, Utah - Pat Putt explained that the applicants are Paul deGroot and Mike Watts who would like to amend a plat containing 9.5 lots or portions of lots to two lots in the Millsite Reservation. Mr. Putt explained the location of Messrs. deGroot's and Watts' lots and Ms. Scipione's property. He explained that there is about a 3,000 square foot metes and bounds access parcel. He pointed out Ms. Scipione's house with the root cellar, her garage and small shed, which are located in the HR-1 Zone. In response to a question from Mr. Harlan, Mr. Putt explained that the metes and bounds access easement belongs to Mr. deGroot, but is not part of a formal subdivision. The 9.5 lots comprise an overall area of a little over 15,000 square feet; Lot 1 is proposed to be 5,750 square feet, and Lot 2 would be 9,511 square feet. Access would be provided off of King Road by way of the 16 foot wide driveway right-of-way. He explained that in 1985 there was an agreement relating to fire code provisions and access on the 16 foot wide right-of-way for

two building sites on the 9.5 lots. Mr. Putt showed a video of the property and related structures at issue. He pointed out the location of the root cellar which encroaches under the access road. In response to a question from Shauna Kerr, Ms. Scipione explained that she has title to the house and outbuildings although there may be some civil action regarding the root cellar. Mr. Putt relayed that it is the Chief Building Official's and City Engineer's opinion that based on the 1985 agreement, that the access is marginally acceptable at 16 feet for two homes. He again discussed the size of the lots and added that a typical lot in Old Town is 1,875 square feet and these building lots are three to five times the normal lot size and applying the floor area ratio would permit 2,836 square feet plus a 400 square foot garage allowance and under the current FARs for Lot 2 would permit 3,964 square feet not including the 400 square foot garage allowance. Mr. Putt pointed out the variation of house sizes in the neighborhood and in order to achieve compatibility and allowable square footage, staff is recommending that some of the square footage be underground. On Lot 1, the above-ground house would be 2,400 square feet, not including the garage allowance and on Lot 2, it would be 3,400 square feet above ground, not including the garage. Mr. Putt discussed the strategy in arriving at this approach which was supported by the Planning Commission.

He continued that with regard to the root cellar, the general concern is that it is connected to the rest of the house and the foundation. The Planning Commission is recommending a condition that prior to the commencement of construction of the project, including the installation of infrastructure and utilities, that the applicant provide a plan to insure that the techniques and the construction will be mitigated. The details have not been determined, but the house will probably have to be shored and if the root cellar has to be collapsed, that the rest of the foundation and the house isn't damaged. This may require a construction bond or insurance. Staff believes that Ms. Scipione's house can be protected with a plan and the negotiated house sizes will fit well in the neighborhood. The Council can approve the plat, deny the plat amendment, or remand it back to staff or the Planning Commission. In response to a question from Mr. Sincock, Mr. Putt responded that the root cellar is located within Mr. deGroot's right-of-way and is about 18" underground from its surface. Access off of platted Ridge was discussed but because of its steepness is not an option.

Paul deGroot explained that he was against the amendments passed last December regarding heights, setbacks, etc. in Old Town. The house sizes for this project are a lot smaller than what is currently allowed under the FARs and the heights are at 27 feet, but he feels that it works for these homes. On Lot 2, the footprint of the house would allow it to be 4,400 square feet. He discussed the 1985 agreement for the right-of-way with the specific purpose of accessing these lots and stressed that this is a good plan. Mr. deGroot emphasized that his specialty is working on historic homes and he felt confident that bonding could easily be arranged. Mr. deGroot noted that the proposal is to provide two parking spaces for Ms. Scipione as the current 1985 agreement does not provide for parking at her house. This has been reviewed by Rick Lewis, Pat Putt, Ron Ivie and everyone is unanimously supportive. Mr. deGroot explained that he is the Manager of Anchor Development and pointed out the location of his lot and Mr. Watts' property. The Chief Building Official requires that the homes be sprinkled and that the road be paved as the homes are developed. In response to a question from Roger Harlan regarding the signatories of the 1985 agreement, Mr. deGroot indicated that Mr. Oberhansley, Mr. Peterson and Ron Ivie executed the document. He felt that the agreement is something that everyone would have been aware of through title reports. Paul Sincock asked what construction mitigation techniques would be used, and Mr. deGroot responded that he has retained Duane Green, a structural engineer. In Mr. deGroot's opinion, before any of the

services are installed, he would excavate around the root cellar and as soon as the right-of-way comes into property under his control, would swing it away from the Scipione house.

Judy Scipione encouraged Council to look at the property and see how close the buildings are to the right-of-way. She expressed her concern about snow shedding on her roof. Ms. Scipione showed Council photographs of her property and relayed that she also showed these to the Planning Commissioners at the first meeting where there were no lawyers. Three days later, Ms. Scipione stated that Mr. deGroot installed cement pillars to block her access to her house and she has now determined that she needs a lawyer so that she is not harassed by the developers. She continued that according to Chief Building Official Ivie, the Code limits three homes to be accessed off of a 16 foot driveway. She explained that currently she and Lou Nelson are accessing it, and there will be two other homes. Shauna Kerr pointed out that she is accessing her house on property that is not hers, but Ms. Scipione countered that she has a legal access. She added that the first time she met Paul deGroot, he indicated that the wall was going to collapse, but he would rebuild it and that the side of the house is going to be damaged and the shed will come down. She stressed that she doesn't like being bullied and didn't feel that citizens should have to deal with this type of situation. Ms. Scipione noted that there are two 100 year old trees; one is attached to the shed and one is partially located in the access. She reiterated that she would prefer to be legally represented. Ms. Scipione stated that she owns four lots and wants to subdivide and develop her property some day, and because of the limited number of homes that can be accessed from the right-of-way, her property value is decreasing while this project's value is increasing. She has a legal right to develop her property.

The Mayor asked if the cement pillars and red fencing was still up; Ms. Scipione indicated that they were taken down. Mr. deGroot explained that the Planning Commission asked him to protect the historic house, and this was his first move. He was in the process of obtaining a grading permit and wanted to know more about the root cellar. For the benefit of Paul Sincock, Ms. Scipione again explained her concerns including limiting her ability to develop her property in the future, structural damage to her properties, and snow shedding. She indicated to Roger Harlan that she still uses the root cellar and if Mr. deGroot provided her another structure with adequate storage, that would be satisfactory to her. She explained that the property he wants to swing the right-of-way would take away her potential for a garage.

Michael Watts stated that when all three parties purchased the properties, the 1985 agreement was in place. They aren't asking for anything that wasn't there. He clarified that when Ms. Scipione purchased her property, she acquired access to her house not title to the access property. It is acceptable to them to mitigate construction impacts before permits are issued. Paul Sincock asked both parties to think about accommodating access for each other before the next meeting. Shauna Kerr felt that the purview of the Council is to combine lots and accomplish a subdivision and the right-of-way issue is something that is not the Council's issue. The Mayor agreed, and encouraged both parties' legal counsel to met to solve some of these issues before the September 5 meeting.

Mr. Putt explained that if this plat amendment were not approved, the applicants could pull building permits and commence construction using the same access approved in 1985. The only difference would be that there would be two houses on two 25 x 75 foot lots. Jodi Hoffman again requested that Ms. Scipione provide a written list of issues for the Council and the applicants.

Shauna Kerr, "I move that we continue this public hearing to September 5". Paul Sincock seconded. Motion carried.

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

VI CONSENT AGENDA

Shauna Kerr, "I move approval of Items 1 and 2". The Mayor reminded the Council that an amendment to Item 2 was discussed in work session. Paul Sincock, "I move to amend Item 2 of the Consent Agenda to insert the following words, under Paragraph (b) of Ordinance 96-, it will read all construction sites which do not have adequate permanent toilet facilities shall have an approved temporary toilet". Shauna Kerr felt that the word "adequate" was not necessary. Roger Harlan seconded. Motion carried.

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

1. Authorization of \$149,013 for insurance underwriting excess coverage and authorization to change renewal date - See staff report.

2. Ordinance amending Title 11, Chapter 4, Section 4 of the Municipal Code to require temporary toilet facilities at construction sites - See work session notes and staff report.

VII NEW BUSINESS

Ordinance approving an amendment to the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65, located at 55-57 King Road to be known as the 55-57 King Road plat amendment, Park City, Utah - Hugh Daniels, "I move that we continue to New Business". Shauna Kerr seconded. Motion carried.

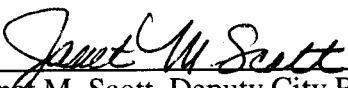
Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincock	Aye

VIII ADJOURNMENT

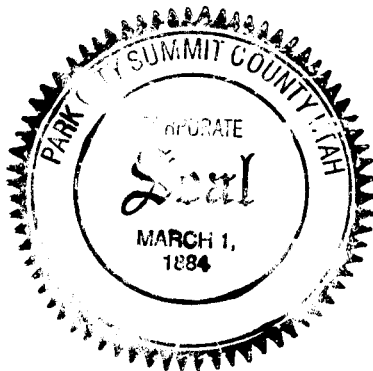
With no further business, the meeting of the City Council was adjourned.

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

Prepared by Janet M. Scott



Janet M. Scott, Deputy City Recorder





CITY COUNCIL REPORT

DATE: August 16, 1996
(August 22, 1996 Meeting)

DEPARTMENT: Planning Department

AUTHOR: Patrick Putt *P.P.*

SUBJECT: A replat of the Millsite Reservation Subdivision No. 1,
Block 75, Lots 43-47 and Lots 60-65; 55 and 57 King
Road.

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve an amendment
to the plat of the Millsite Reservation Subdivision No.1, Block 75,
Lots 43-47 and Lots 60-65 with the attached Findings, Conclusions
of Law and Conditions of Approval.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Anchor Development LLC (Paul Degroot) and Michael Watts
Location:	55 and 57 King Road (South of King Road/Sampson Avenue/Norfolk Avenue Intersection)
Zoning:	HR-1
Adjacent Land Uses:	Residential
Application Completed:	July 14, 1995
Project Planner:	Patrick Putt

B. Background.

The applicants have submitted an application to combine 9 ½ platted lots (15,261 sq. ft.) in the Millsite Reservation and a 2729 sq. ft. metes and bounds parcel into two single-family lots (5750 sq. ft. and 9511 sq. ft. in size not including R-O-W area). Access to the lots is proposed via a 16 foot wide paved driveway out to King Road. The vacant property is located directly south of the King Road/Upper Norfolk Avenue/Sampson Avenue intersection (see attached vicinity map). The property is located in the HR-1 District. The proposed lots have uphill slopes and are vegetated primarily with scrub oak. Historic structures are located directly to the east and west (*Judy Scipione residence and shed*) of the applicants' site. The properties to the south are vacant. Development to the north across King Road is primarily a mix of historic and recent residential construction.

C. Analysis:

1. 1985 Agreement To Provide Emergency Access Agreement: In 1985, the owner's of the property signed an agreement regarding primarily to fire-code related provisions for the development of two houses on the subject property. The agreement imposed special access, driveway, fire mitigation and water line improvements as conditions precedent to the issuance of any building permits. Ron Ivie has concluded that the conditions imposed by the agreement meet the current Fire Code, provided no further subdivision nor access is allowed. The Planning Department has drafted conditions of approval memorializing these requirements for the Commission's consideration. In addition, Staff has also prepared a condition of approval that a note be added to the plat which specifies that further subdivision and/or the development off of additional units beyond the two units prescribed by the 1985 agreement shall be prohibited. The requirement of the note is a condition precedent to the recording of the plat.

2. Access: Access to the proposed two lots will be by way of a 16 foot wide paved drive to King Road. The City Engineer and Chief Building Official have reviewed the applicants' access proposal and have determined it to be marginally adequate for the proposed two units. City approval of a detailed driveway design is condition precedent to the issuance of any building permits. No additional units will be permitted off of the proposed driveway. Approval of the proposed plat amendment will not result in any adjacent properties being landlocked. All immediately adjacent properties have access to existing improved streets and/or to platted unimproved rights-of-way.

3. Maximum Building Size: At 5750 square feet and 9511 square feet, the proposed lots are three to five times larger than standard 25' x 75' Old Town lot (1875 square feet). Under the current HR-1 floor area ratio, the maximum house size permitted on a 25' x 75' Old Town lot is 1687 square feet, plus an additional 400 square feet for a garage. Given the HR-1 floor area ratio and the proposed lot sizes, houses constructed on the applicant's two lots could be substantially larger than buildings permitted on typical HR-1 lots. The HR-1 floor area ratios and proposed lot sizes yield a maximum permitted house size on Lot 1 of 2836 square feet

(plus 400 sq. ft. for garage) and 3964 square feet (plus 400 sq. ft. for garage) for Lot 2.

The context of the immediate area is one of mixed building scale. House sizes range from the Scipione historic residence at approximately 1000 square feet to larger contemporary single-family and multi-family structures over 4000 square feet. In considering this application, the Planning Commission reviewed the potential house sizes to determine whether or not they would be compatible with the scale of historic structures within the neighborhood and consistent with the inherent constraints of the property's hillside topography and driveway access.

The Planning Commission forwarded a recommendation that the plat amendment be approved with a condition that a note be added to the plat which establishes limitations on the future above-ground building square footages. Based upon building sizes within the immediate neighborhood, the Commission recommends that the maximum above-ground square footages not exceed 2400 square on Lot 1 (*2836 sq. ft. total above and below-ground under the F.A.R.*) and 3400 square feet on Lot 2 (*3964 sq. ft. total above and below-ground under the F.A.R.*). In recognition of sloping lots, above-ground square footages are considered to be the floor area of the building that is 80% or more above finished grade. Above-ground square footage does not include the floor area associated with a garage door, man door, or window well that is not visible from an adjacent public right-of-way. (*This definition is consistent with the description of a basement as defined in the LMC, Section 2.1: Definitions -- Floor Area.*)

The Commission acknowledged that new HR-1 amendments (*27 ft. height limitation/total 30 ft. front and rear yard setbacks*), reduced above-ground building square footages, and larger lot configuration will promote house sizes that are more compatible with the neighborhood's historic scale. The proposed above-ground square footage limitations would also result in buildings which would appear to be smaller than would be allowed under the current floor area ratio, and substantially smaller than nearby large non-conforming structures. The proposed plat note is a condition precedent to the recording of the plat.

4. Impacts on Adjacent Structures: The root cellar of an adjacent historic residence and a old shed may potentially be impacted if the proposed plat amendment be approved and development take place. The root cellar of the Judy Scipione residence, located east of the applicants' property, extends under proposed driveway. A condition of approval has been drafted specifying that the City review and approve an plan prepared by the applicant to protect the structural integrity of the Scipione residence during any construction on the applicants' property. This proposed requirement is a condition precedent to the issuance of a building permit.

Construction of the proposed driveway may affect a historic shed located on or directly west of the applicants' proposed driveway. The Department has prepared a condition of approval requiring a Certificate of Appropriateness of Demolition for the shed a condition precedent to any demolition or relocation in conjunction with the construction of the driveway.

5. Fire Protection: The City's Chief Building Official will require that the City's approval of a plan for, and construction of, a 16 foot wide paved driveway constructed to the front property line of the Lot 2 be a condition precedent to the issuance of a building permit. In addition, the Building Official will require that fire sprinklers using the modified 13D standard be installed in any residence constructed on the property prior to any Certificate of Occupancy.

6. Utility Installation: The City Engineer will require the review and approval of a subdivision utility plan as a condition precedent to recording the plat.

7. Public Comment: Judy Scipione, the adjacent property owner and owner of the adjacent residence and shed has expressed concerns that the proposed driveway access will damage her house and shed. Staff believes that these concerns are addressed through the conditions of approval.

D. Department Review.

The Planning, Building, Engineering, and Legal Departments have reviewed this application.

E. Planning Commission Action: The Planning Commission reviewed this application on December 13, 1995, March 27, 1996 and forwarded a positive recommendation to City Council on May 8, 1996. The Commission's Finding of Fact, Conclusions of Law and Conditions of approval are included as part of this report.

ALTERNATIVES

- A. Approve the proposed plat amendment thereby allowing the reconfiguration of the property (*Recommended Alternative*)
- B. Deny the proposed amendment and retain the current lot configuration.
- C. Continue the item and request additional evaluation from the Staff.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Should the Council deny the proposed plat amendment, the applicant may attempt to pursue development of the existing lots as presently platted subject to all City ordinances, codes and guidelines.

RECOMMENDATION:

The Planning Department recommends that the City Council approve the proposed plat amendment subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval for consideration.

Findings of Fact:

1. The AGREEMENT TO PROVIDE EMERGENCY ACCESS AT BLOCK 75, PARK CITY SURVEY, dated April 1985, allows access for the development of two houses on applicants' property subject to certain driveway and fire mitigation improvements.
2. The proposed plat amendment will limit the development of the property to two (2) single-family lots.
3. The proposed lots sizes meet the minimum standards for buildable lots in the HR-1 District.
4. The proposed lots are substantially larger than the standard 25 ft. x 75 ft. platted lots in the HR-1 District. Due to the large lot sizes and existing HR-1 District floor area ratios, the maximum permitted house sizes on the proposed lots would be substantially larger than residences constructed on standard platted HR-1 lots.
5. The Planning Department has evaluated the neighborhood and finds that building sizes in the immediate vicinity of the property ranging from approximately 1000 square feet in the case of historic residences and over 4000 square feet in the case larger, non-conforming structures. To insure development of the property that is compatible with the scale of historic structures within the neighborhood and consistent with the inherent constraints of the property's hillside topography and driveway access, Staff recommends that above-ground square footage limitations be established for the proposed lots.
6. The root cellar of an adjacent historic residence extends under the applicants' proposed driveway. Without proper the consideration of a methodology to mitigate construction impacts, the structural integrity of the historic structure may be jeopardized. It is in the public interest to preserve historic residences in the Historic District.
7. An historic shed is located in close proximity to the applicants' property line which may be impacted as a result of the proposed driveway construction.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment, as conditioned.

Conditions of Approval:

1. The City Engineer and City Attorney's approval of the form and substance of the

amended plat is a condition precedent prior to recording the plat.

2. All Standard Project Conditions shall apply.
3. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two units shall be prohibited is a condition precedent to recording the plat.
4. The addition of a plat note specifying that:

the maximum above-ground square footage for Lot 1 not exceed 2400 square feet (*not including garage*) and 3400 square feet (*not including garage*) for Lot 2 . In recognition of sloping lots, above-ground square footages are considered to be the floor area of the building that is 80% or more above finished grade. Above-ground square footage does not include the floor area associated with a true basement or crawl space.

The addition of the plat note is a condition precedent to the recording of the plat.

5. City approval of an Engineer's plan or similar methodology intended to insure that the structural integrity of the Scipione residence and shed are protected during any construction on the applicants' property or improvements to the driveway is a condition precedent to the issuance of a building permit.
6. Approval of a Certificate of Appropriateness of Demolition for the shed located directly west of the applicants' driveway is a condition precedent to any demolition, damage or relocation of the shed in conjunction with the construction of the driveway.
7. City approval of a plan for, and construction of, a 16 foot wide paved driveway constructed to the front property line of the Lot 2 is a condition precedent to the issuance of any building permit on the property.
8. Installation and City approval of fire sprinklers using the modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
9. The City Engineer's review and approval of a subdivision utility plan is a condition precedent to recording the plat.
10. Submittal of an up-to-date title report for the property is a condition precedent to recording the plat.
11. The plat shall contain a note referencing the 1985 Agreement To Provide Emergency

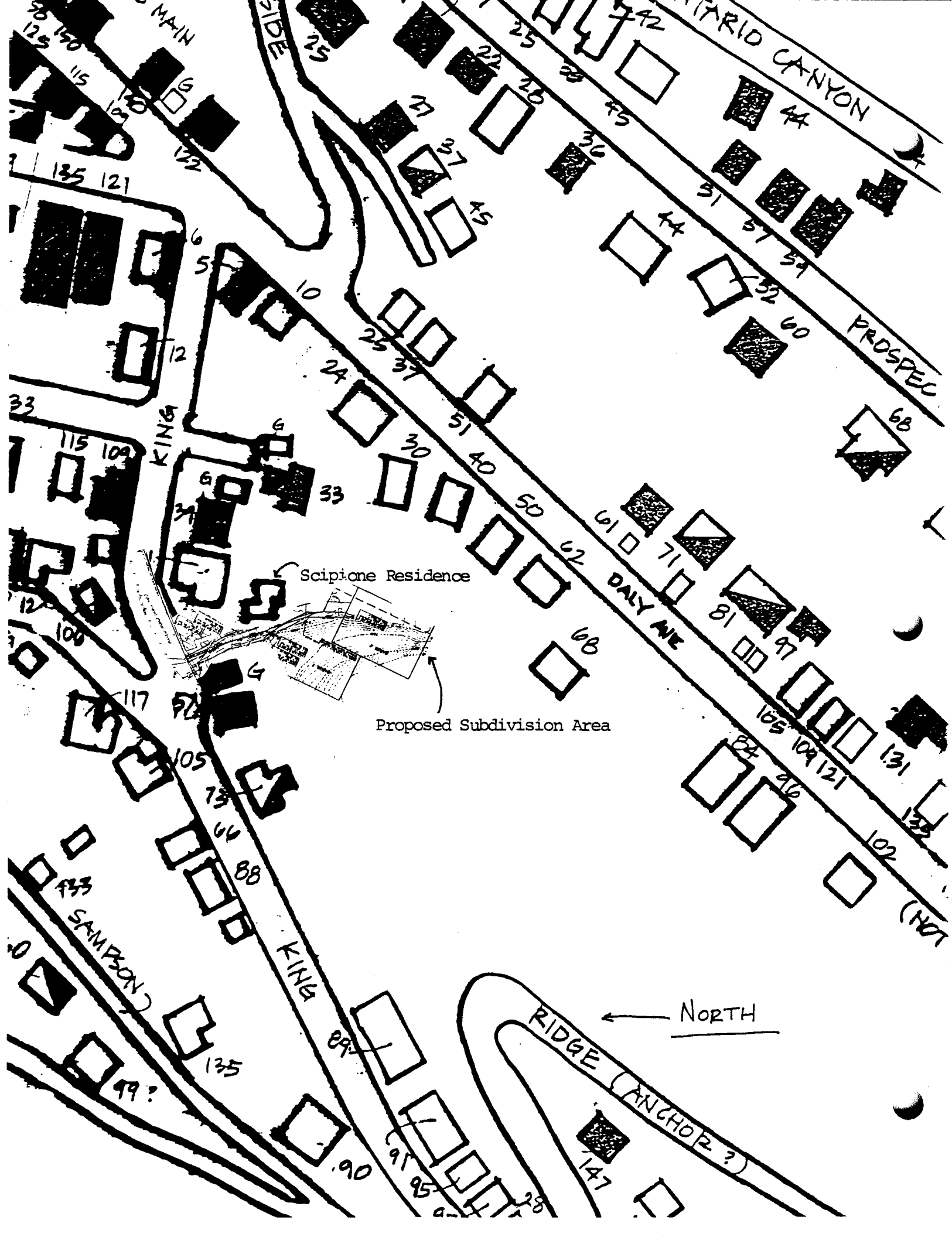
Access.

Exhibits:

Exhibit A- Location/Vicinity Map

Exhibit B- Existing Plat

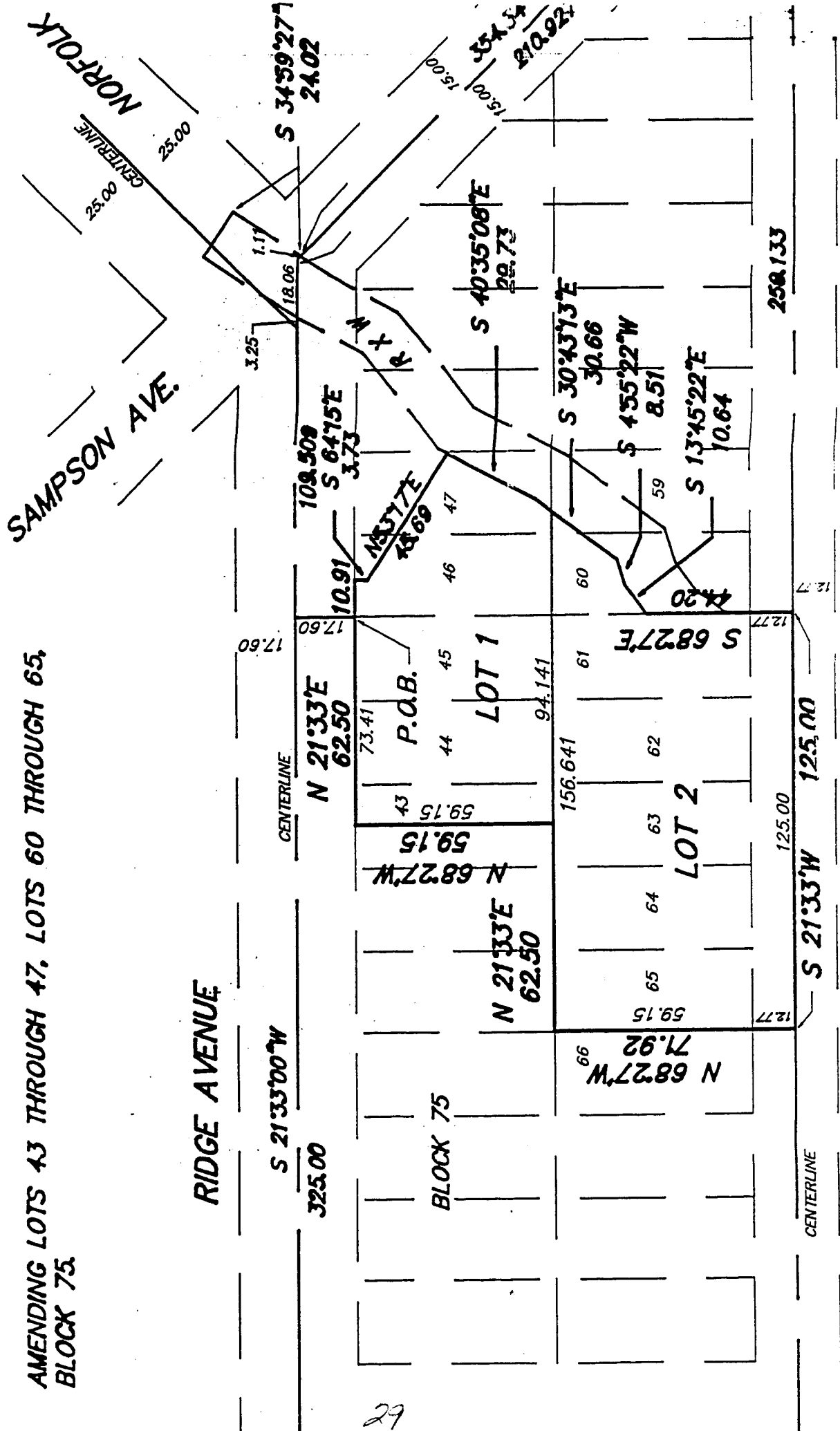
Exhibit C- Amended Plat



AMENDED PLAT

MILLSITE RESERVATION SUBDIVISION NO.1

AMENDING LOTS 43 THROUGH 47, LOTS 60 THROUGH 65,
BLOCK 75.

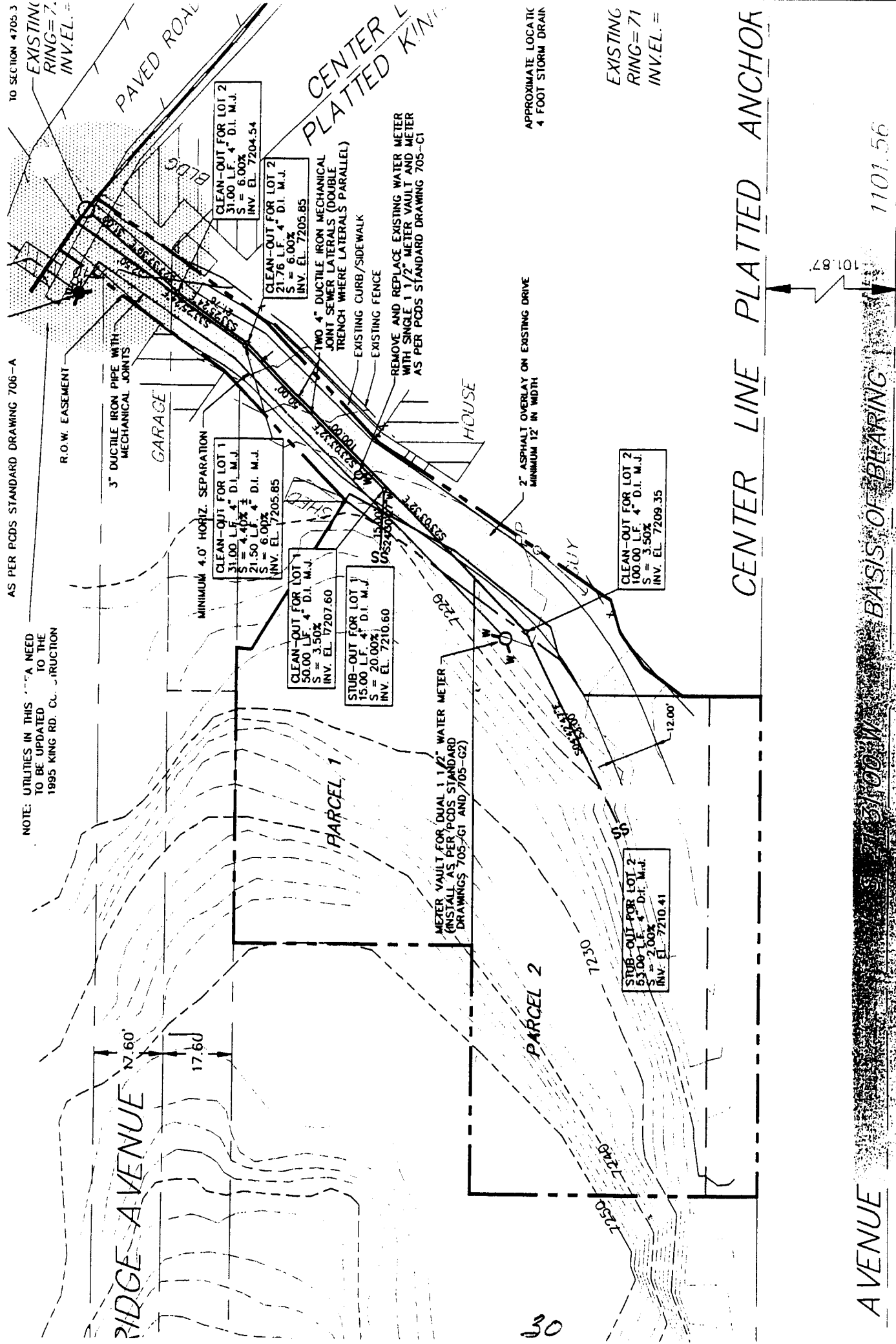


AMENDING LOTS 43 THROUGH 47, LOTS 60 THROUGH 65,
BLOCK 75.

ANCHOR AVENUE

AMENDING LOTS 43 THROUGH 47, LOTS 60 THROUGH 65,
BLOCK 75.

NOTE: UTILITIES IN THIS AREA NEED TO BE UPDATED TO THE 1995 KING RD. C.C. INSTRUCTION



AVENUE

BASIS OF BEARING

1101.56

101.87

CENTER LINE PLATTED ANCHOR

EXISTING
RING=71
INV.EL.=

Ordinance No. 96-

**AN ORDINANCE APPROVING AN AMENDMENT TO THE MILLSITE
RESERVATION SUBDIVISION NO.1, BLOCK 75, LOTS 43-47 AND LOTS 60-65,
LOCATED AT 55-57 KING ROAD TO BE KNOWN AS THE 55-57 KING ROAD PLAT
AMENDMENT, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 have petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, the City Council held a public hearing on August 22, 1996 to receive input on the proposed amendment; and

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

WHEREAS, the AGREEMENT TO PROVIDE EMERGENCY ACCESS AT BLOCK 75, PARK CITY SURVEY, dated April 1985, allows access for the development of two houses on applicants' property subject to certain driveway and fire mitigation improvements;

WHEREAS, The proposed plat amendment will limit the development of the property to two (2) single-family lots;

WHEREAS, the proposed lots sizes meet the minimum standards for buildable lots in the HR-1 District;

WHEREAS, the proposed lots are substantially larger than the standard 25 ft. x 75 ft. platted lots in the HR-1 District. Due to the large lot sizes and existing HR-1 District floor area ratios, the maximum permitted house sizes on the proposed lots would be substantially larger than residences constructed on standard platted HR-1 lots;

WHEREAS, the Planning Department has evaluated the neighborhood and finds that building sizes in the immediate vicinity of the property ranging from approximately 1000 square feet in the case of historic residences and over 4000 square feet in the case larger, non-conforming structures. To insure development of the property that is compatible with the scale of historic structures within the neighborhood and consistent with the inherent constraints of the property's hillside topography and driveway access, Staff recommends that above-ground square

footage limitations be established for the proposed lots;

WHEREAS, the root cellar of an adjacent historic residence extends under the applicants' proposed driveway. Without proper the consideration of a methodology to mitigate construction impacts, the structural integrity of the historic structure may be jeopardized. It is in the public interest to preserve historic residences in the Historic District; and

WHEREAS, an historic shed is located in close proximity to the applicants' property line which may be impacted as a result of the proposed driveway construction.

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

SECTION 1. FINDING. The above recitals are hereby incorporated as Finding of Fact.

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

SECTION 3. PLAT APPROVAL. The amendment of the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 is approved as shown on the attached Exhibit A with the following conditions:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.
2. All Standard Project Conditions shall apply.
3. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two units shall be prohibited is a condition precedent to recording the plat.
4. The addition of a plat note specifying that:

the maximum above-ground square footage for Lot 1 not exceed 2400 square feet (*not including garage*) and 3400 square feet (not including garage) for Lot 2 . In recognition of sloping lots, above-ground square footages are considered to be the floor area of the building that is 80% or more above finished grade. Above-ground square footage does not include the floor area associated with a true basement or crawl space.

The addition of the plat note is a condition precedent to the recording of

the plat.

5. City approval of an Engineer's plan or similar methodology intended to insure that the structural integrity of the Scipione residence and shed are protected during any construction on the applicants' property or improvements to the driveway is a condition precedent to the issuance of a building permit.
6. Approval of a Certificate of Appropriateness of Demolition for the shed located directly west of the applicants' driveway is a condition precedent to any demolition, damage or relocation of the shed in conjunction with the construction of the driveway.
7. City approval of a plan for, and construction of, a 16 foot wide paved driveway constructed to the front property line of the Lot 2 is a condition precedent to the issuance of any building permit on the property.
8. Installation and City approval of fire sprinklers using the modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
9. The City Engineer's review and approval of a subdivision utility plan is a condition precedent to recording the plat.
10. Submittal of an up-to-date title report for the property is a condition precedent to recording the plat.
11. The plat shall contain a note referencing the 1985 Agreement To Provide Emergency Access.

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

PASSED AND ADOPTED this 22nd day of August, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



DATE: August 16, 1996
DEPARTMENT: Legal
AUTHOR: Anita Sheldon and Kim Leier
TITLE: Insurance Underwriting Selection
TYPE OF ITEM:

SUMMARY RECOMMENDATIONS: Authorization for expenditure of \$149,013 for insurance underwriting for excess coverage for liability, property, public officials errors and omissions, auto liability, law enforcement liability, auto physical damage, public employee dishonesty, boiler and machinery, various bonds and two-year coverage of workers' compensation; authorize change of renewal date for future insurance to September 1.

DESCRIPTION:

A. Topic: Insurance Renewal

B. Background: For the past several years, the insurance rates for the City's excess coverage have steadily decreased. A summary is attached for your review which outlines the coverages and premiums for the past three years.

C. Analysis: While it appears that the commercial general liability premium has increased, it has not. Starting last year, law enforcement professional liability and auto liability were included in that premium when previously they were billed separately. Our commercial general liability insurer has offered a two-year rate guarantee if our losses are 65% of the premium amount or less. We do not have to pay the second year premium now. The public employee dishonesty and crime coverage which nearly doubled due to our loss three years ago, is now starting to go back down. The commercial auto physical damage coverage, which covers only our buses and is required due to federal funding, has risen due to purchase of new buses and the new trolley.

This year the property insurer has added earthquake coverage up to \$5,000,000. The deductible is higher than the rest of our property coverage at 2% of the value or \$100,000 whichever is higher. While that may seem high, if we have a \$5,000,000 loss due to an earthquake, it's still a small price to pay for the coverage.

Our workers' compensation claims are still being kept at a very low rate. This has effected a decrease in our rates for excess workers' compensation coverage and the insurer has offered to allow us to purchase our excess insurance for two years instead of one at a further decreased rate. Staff would recommend that the two year coverage premium be taken advantage of if the budget

will allow. It would have to be paid with this year's premium.

Our insurance renewal date is August 1 of each year. We have extended it to September 1 this year because of some difficulties in getting the quotes. Our broker, Johnson & Higgins, has requested that the Council approve permanently extended the renewal to September 1 of each year. Evidently July and August are extremely busy months in the insurance industry and J & H felt that they could service our needs better if our renewal date was later.

D. Department Review: Legal and Personnel Departments

ALTERNATIVES:

A. Approve the Request: This is the recommended action.

B. Deny the Request:

C. Continue the Item: Council may choose to continue the item to their next meeting if you need more information. The renewal date is September 1 and a decision should be made before then.

D. Do Nothing: Not an option.

SIGNIFICANT IMPACTS:

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Excess insurance coverage for the City's assets will expire September 1, 1996.

RECOMMENDATION: Approve expenditure of \$149,013 to bind excess coverage for commercial general liability, property, public officials liability, auto liability, law enforcement liability, auto physical damage, employee dishonesty, boiler and machinery and various bonds and two-year coverage for our workers' compensation excess coverage, with authorization to extend our yearly renewal date to September 1.

PARK CITY MUNICIPAL CORPORATION

PROPERTY & CASUALTY INSURANCE PROPOSAL

Effective August 1, 1996, to August 1, 1997

PRESENTED BY:

*JOHNSON & HIGGINS OF UTAH, INC.
60 East South Temple, Ste. 1600
Salt Lake City, Utah 84111
801/539-7400*

J. JAY HILL, CPCU ARM CIC
CLIENT MANAGER

KERRY L. BELT
BROKER

August 14, 1996

PARK CITY MUNICIPAL CORPORATION

		1994-95 Affiliated FM	1995-96 Affiliated FM	1996-97 Affiliated FM
PROPERTY				
LIMITS				
Blanket Building & Contents		\$26,803,025	\$26,588,025	\$27,868,025
EXTENSIONS				
Building Ordinance Earthquake		\$500,000 Not Covered	\$500,000 \$5,000,000	\$500,000 \$5,000,000
COVERAGE				
		Special Form, Replacement Cost, Agreed Amount	Special Form, Replacement Cost, Agreed Amount	Special Form, Replacement Cost, Agreed Amount
DEDUCTIBLE				
All Risk Perils - Per Occurrence, except Earthquake		\$25,000 N/A	\$25,000 2% w/\$100,000 minimum	\$25,000 2% w/\$100,000 minimum
INLAND MARINE				
LIMITS				
Contractor's Equipment		\$1,331,700	\$1,331,700	\$1,331,700
Golf Carts		\$199,800	\$202,500	\$202,500
Fine Arts		\$145,000	\$145,000	\$145,000
Radios		\$39,630	\$39,680	\$39,680
Property of Others		\$18,000	\$18,000	\$18,000
COVERAGE				
		Special Form, Actual Cash Value	Special Form, Actual Cash Value	Special Form, Actual Cash Value
DEDUCTIBLE - per occurrence				
		\$1,000	\$1,000	\$1,000
GROSS PREMIUM				
OPTIONS		\$22,322 Included	\$19,197 Included	\$22,532 Included
NET PREMIUM		\$19,108	\$17,386	\$19,227
CONDITIONS				
				Signed Statement of Values

PARK CITY MUNICIPAL CORPORATION

	1994-95	1995-96 Genesis Ins. Co.	1996-97 Genesis Ins. Co.
COMMERCIAL GENERAL LIABILITY			
LIMITS			
- General Aggregate	\$3,000,000	\$3,000,000	\$3,000,000
- Each Occurrence	\$2,000,000	\$2,000,000	\$2,000,000
SELF INSURED RETENTION	\$50,000	\$50,000	\$50,000
PREMIUM BASE - Gross Operating Exp		\$20,558,000	\$20,558,000
RATE / 1,000		\$3.64	\$3.64

GROSS PREMIUM	\$59,505	\$74,720	\$74,720
NET PREMIUM	\$54,983		

PUBLIC OFFICIALS ERRORS & OMISSIONS LIABILITY			
Type of Form			
Retroactive Date			
LIMITS			
Per Occurrence	\$2,000,000	\$2,000,000	\$2,000,000
General Aggregate	\$2,000,000	\$2,000,000	\$2,000,000
SELF INSURED RETENTION	\$50,000	\$50,000	\$50,000
PREMIUM BASE - Gross Operating Exp.		\$20,558,000	\$20,558,000
RATE / 1,000		.35	.35
GROSS PREMIUM:	\$22,970	\$7,280	\$7,280
NET PREMIUM	\$21,477		

PARK CITY MUNICIPAL CORPORATION

	1994-95	1995-96	1996-97
		Genesis Ins. Co.	Genesis Ins. Co.
COMMERCIAL AUTOMOBILE LIABILITY			
LIABILITY LIMITS			
Combined Single Limit of Liability	\$2,000,000	\$2,000,000	\$2,000,000
SELF INSURED RETENTION	\$50,000	\$50,000	\$50,000
GROSS PREMIUM	\$31,535		
NET PREMIUM	\$29,170	Included	Included
LAW ENFORCEMENT PROFESSIONAL LIABILITY			
LIMITS			
Per Occurrence	\$1,000,000	\$2,000,000	\$2,000,000
General Aggregate	\$1,000,000	\$3,000,000	\$3,000,000
SELF INSURED RETENTION	\$50,000	\$50,000	\$50,000
NET PREMIUM:	\$12,484	Included	Included

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PARK CITY MUNICIPAL CORPORATION

	1994-95 St. Paul Surplus Lines	1995-96 St. Paul Surplus Lines	1996-97 St. Paul Surplus Lines
COMMERCIAL AUTOMOBILE PHYSICAL DAMAGE			
LIMIT			
Maximum Amount Per Vehicle Per Occurrence	\$169,100 \$1,676,770	\$169,100 \$1,676,770	\$275,000 \$2,425,770
DEDUCTIBLE	\$10,000	\$10,000	\$10,000
RATE / \$100 of value	\$1.15	\$1.15	\$1.15
NET PREMIUM			
Surplus Lines Broker Fee:	\$19,283.00	\$19,283.00	\$27,896.00
Surplus Lines Taxes:	\$150.00 \$825.90 \$150.00	\$150.00 \$825.90 \$150.00	\$150.00 \$1,191.96 \$70.12
Stamping Fee:	\$20,307.28	\$20,307.28	\$29,308.08
TOTAL:			
CONDITIONS			Signed application

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PARK CITY MUNICIPAL CORPORATION

	1994-95 Kemper	1995-96 Kemper	1996-97 Kemper
PUBLIC EMPLOYEE DISHONESTY & CRIME COVERAGE			
LIMIT			
Employee Dishonesty Including Faithful Performance	\$525,000	\$525,000	\$525,000
Theft, Disappearance & Destruction			
- Inside Premises	\$25,000	\$25,000	\$25,000
- Outside Premises	\$25,000	\$25,000	\$25,000
DEDUCTIBLE	\$0	\$2,500	\$2,500

NET PREMIUM	\$1,999	\$2,725	\$2,567
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TREASURERS BOND (Thomas Bakaly)			
LIMIT			
	\$996,000	\$996,000	\$996,000
NET PREMIUM	\$845	\$845	\$845

TREASURERS BOND (Water Resources)			
LIMIT			
	\$432,000	\$432,000	\$432,000
NET PREMIUM	\$210	\$210	\$210

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PARK CITY MUNICIPAL CORPORATION

	1994-95 Kemper	1995-96 Kemper	1996-97 Kemper
BOILER & MACHINERY COVERAGE			
LIMIT			
Comprehensive Coverage - Including Production Machines Business Interruption	\$1,000,000 \$1,000,000	\$10,000,000 \$1,000,000	\$10,000,000 \$1,000,000
DEDUCTIBLES			
Direct Damage	\$1,000 24 Hours	\$1,000 24 Hours	\$1,000 24 Hours
Indirect Damage			
NET PREMIUM	\$2,053	\$2,000	\$2,080

COVERED LOCATIONS:

Municipal Building 445 Marsac Avenue Park City, Utah	Public Works Center 10 Iron Horse Drive Park City, Utah
Library 1354 Park Avenue Park City, Utah	City Hall 520-528 Main Street Park City, Utah
Senior Citizen Center 1154 Woodside Avenue Park City, Utah	Racquet Club 1200 Little Kate Road Park City, Utah

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PARK CITY MUNICIPAL CORPORATION

	1994-95 National Union (AIG)	1995-96 National Union (AIG)	1996-97 National Union (AIG)	Employers Reinsurance
EXCESS WORKER'S COMPENSATION				
LIMITS				
Worker's Compensation Employers Liability	\$5,000,000 \$1,000,000	Statutory \$1,000,000	Statutory \$1,000,000	Statutory \$1,000,000
SELF INSURED RETENTION	\$250,000	\$250,000	\$250,000	\$250,000
RATE (per \$100)	.2935	.3020	.2635	.2768
RATE BASE (Payroll)	\$5,111,936	\$5,465,006	\$5,692,771	\$5,692,771
GROSS PREMIUM				
Option A) - 1 Year Program	\$15,000	\$16,500	\$15,000	\$15,750
Option B) - 2 Year Program			\$13,500	N/A
NET PREMIUM				
Option A) - 1 Year Program	\$13,500	\$14,025	\$12,750	\$13,388
Option B) - 2 Year Program			\$11,475	N/A
CONDITIONS			Signed Application	Must utilize a service company that provides full range of claims and safety engineering services. Service company must be approved by Employers Re. Subject to no aircraft or watercraft exposure.

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PARK CITY MUNICIPAL CORPORATION

		1994/95	1995-96	1996-97
PREMIUM SUMMARY				
COVERAGE	1996-97 Carrier			
PROPERTY	Affiliated FM	\$19,108	\$17,386	\$19,227
GENERAL LIABILITY	Genesis	\$54,983	\$74,831	\$74,831
PUBLIC OFFICIALS LIAB.	Genesis	\$21,477	\$7,195	\$7,195
AUTO LIABILITY	Genesis	\$29,170	Included	Included
LAW ENFORCEMENT LIAB.	Genesis	\$12,484	Included	Included
AUTO PHYSICAL DAMAGE	St. Paul Surplus	\$20,307	\$20,307	\$29,308
CRIME	Kemper	\$1,999	\$2,725	\$2,567
BOILER & MACHINERY	Kemper	\$2,053	\$2,000	\$2,080
TREASURERS BOND - Thomas Bakaly	Kemper	\$845	\$845	\$845
TREASURERS BOND - Water Resources	Kemper	\$210	\$210	\$210
EXCESS WORK. COMP. Option A - 1 year) Option B - 2 year)	AIG	\$14,025	\$14,025	\$12,750 \$11,475

TOTAL Option A) Option B)	\$176,661	\$139,524	\$149,013 \$147,738
		Genesis has offered a 2 year rate guarantee if losses are 65% or less.	

PARK CITY MUNICIPAL CORPORATION

STATEMENT OF VALUES AS OF AUGUST 1, 1996

LOC. NO.	LOCATION	BUILDING LIMIT	EQUIP/CONT LIMIT	OCCUPANCY	SQUARE FEET	CONST.	YEAR BUILT	SPRINKLERED
	445 MARSAC AVE	\$4,100,000	\$450,000	MUNICIPAL BLDG	24,000	J. MASONRY	1921	YES
	10 IRON HORSE DRIVE	\$850,000	\$200,000	PUBLIC WORKS	9,840	J. MASONRY	1982	YES
	1354 PARK AVENUE	\$1,500,000	\$50,000	COMMUNITY CNT	5,680	J. MASONRY	1910	YES
	520, 528 MAIN STREET	\$1,200,000	\$285,675	MUSEUM/OFFICE	8,000	J. MASONRY	1885	YES
	1154 WOODSIDE AVE	\$350,000	\$32,000	SR. CITIZEN CTR.	3,400	FRAME	1933	
	1884 THREE KINGS GOLF COURSE	\$305,000	\$67,900	MAINTENANCE BLDG.	9,200	FRAME	1988	YES
	1400 SULLIVAN	\$305,000	\$10,000	REC BUILDING	4,000	J. MASONRY	1990	
	1340 PARK AVENUE CITY PARK	\$54,000	\$0	PUBLIC RESTROOMS	642	J. MASONRY	1990	
	APPROX. 1340 SULLIVAN	\$33,000	\$0	BAND STAGE	1,375	FRAME	1989	
	10 IRONHORSE DRIVE	\$536,000	\$50,000	BUS PARKING STORAGE	18,000	NON COMBUSTIBLE	1986	YES
	1749 WOODBINE WAY	\$184,000	\$5,300	BUS GARAGE	7,000	NON COMBUSTIBLE		YES
	1500 KEARNS BLVD.	\$10,500	\$0	BUS STOP	400	J. MASONRY		
	136 HEBER AVE.	\$1,523,000	\$0	PARKING FACILITY	35,572	NON COMBUSTIBLE		YES
	415 MAIN STREET	\$42,000	\$0	RESTROOMS	450	J. MASONRY	1990	YES
	350 SWEDE ALLEY	\$3,276,000	\$0	PARKING FACILITY	76,800	NON COMBUSTIBLE		YES
	1200 LITTLE KATE RD	\$2,900,000	\$75,000	RACQUET CLUB	34,200	NON COMBUSTIBLE		YES
	1884 THREE KINGS DR	\$2,900,000	\$10,000	SPIRO PLANT	9,600	NON COMBUSTIBLE		
	1255 PARK AVE	\$4,200,000	\$1,073,650	PC LIBRARY & ED CENTER STORAGE	36,753	J. MASONRY	1928	YES
	OSGUTHORPE BARN	\$400,000	\$200,000			WOOD		
	1977 COOKE DRIVE	\$170,000	\$0	EMPLOYEE HOUSING	1,100	WOOD FRAME	1996	NO
	1983 COOKE DRIVE	\$170,000	\$0	EMPLOYEE HOUSING	1,100	WOOD FRAME	1996	NO
	1998 COOKE DRIVE	\$170,000	\$0	EMPLOYEE HOUSING	1,100	WOOD FRAME	1996	NO
	1971 COOKE DRIVE	\$170,000	\$0	EMPLOYEE HOUSING	1,100	WOOD FRAME	1996	NO
	TOTALS	\$25,358,500	\$2,509,525					



DATE: 8/16/96
DEPARTMENT: Legal
AUTHOR: Rob Sonne, Legal Intern
TITLE: Require Temporary Toilet Facilities at Construction Sites
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the proposed Ordinance amending the Municipal Code to require temporary toilet facilities at all construction sites.

DESCRIPTION:

- A. Topic:** Temporary Toilet Facilities at Construction Sites.
- B. Background:** The Park City Municipal Code currently does not regulate the use of temporary toilet facilities at construction sites. A former provision in the plumbing code used to regulate temporary toilet facilities, but since has been omitted. The City has received several citizen complaints about the nonuse of proper restroom facilities at construction sites and neighboring areas.
- C. Analysis:** Requiring toilet facilities at construction sites would provide construction workers sanitary and accessible restrooms, and would provide the public with a more sanitary community.
- D. Department Review:** The Building Department and the Legal Department have reviewed this proposal.

ALTERNATIVES:

- A. Approve the Request:** Accessible and sanitary restroom facilities will be located at all construction sites.
- B. Deny the Request:** Improper waste disposal will continue.
- C. Continue the Item:** If the Council desires public input or has questions, the proposal may be continued until the next meeting.
- D. Do Nothing:** Again, improper waste disposal will continue.

SIGNIFICANT IMPACTS:

Contractors will have to pay the costs of providing the temporary toilet facilities.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Some construction workers will not have quick access to a sanitary restroom facility.

RECOMMENDATION: Adopt the proposed ordinance.

ORDINANCE 96-___

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 4, SECTION 4 OF THE
MUNICIPAL CODE TO REQUIRE TEMPORARY TOILET FACILITIES AT
CONSTRUCTION SITES**

WHEREAS, the City Council has determined that temporary toilet facilities at construction sites safeguard the health, safety, and property of the community; and

WHEREAS, improperly disposed waste breeds disease, offensive odors, and undesirable animals and insects; and

WHEREAS, construction site workers should have accessible and sanitary restroom facilities at their place of employment;

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

SECTION I. FINDINGS. The above recitals are hereby incorporated herein as Findings of Fact.

SECTION II. AMENDMENT. Section 11-14-4 of the Municipal Code of Park City ("MCPC") is hereby amended to read as follows:

**11-14- 4. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE
REQUIRED.**

(A) All construction sites, including duplexes, single family homes and remodeling projects, shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. It shall be unlawful to permit accumulated debris, litter, or trash on any construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

(B) All construction sites shall have an approved temporary toilet facility positioned in a location approved by the Building Department at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees = two toilets, and so on).

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon

publication.

PASSED AND ADOPTED this ____ day of August, 1996.

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attestation by:

Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney