PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 2, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the approximate times as described below on Thursday, August 2, 2007.

Work Session – City Council Chambers
2:30 p.m. Council questions/comments
2:50 p.m. Walkability projects
Walkability bond issuance
3:45 p.m. Review of regular meeting:

- McPolin Farm Conservation Easement
- Vertical zoning

4:15 p.m. Introduction of the Park Bonanza General Plan Element
4:30 p.m. Joint Planning Commission session – Park City Heights
5:50 p.m. Break

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

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 12, 2007

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving a plat amendment to the King Ridge Estates, located at 255 Ridge Avenue, Park City, Utah **(motion to continue to August 30, 2007)**

2. Consideration of an Ordinance approving the 1375 Park Avenue Subdivision, Park City, Utah **(motion to continue to August 9, 2007)**

3. Consideration of an Ordinance approving a street vacation and plat amendment, for the property described as Lots 27 – 32, Block 75 and all of Lots 18 and 19 of Block 76 of the Park City Survey, also known as 147 Ridge Avenue Subdivision, Park City, Utah

4. Consideration of a Master Festival License to allow amplified music at The Shop's 10th Anniversary Event, to be held at 1127 Woodside Avenue

5. Consideration of the proposed issuance of not to exceed $22,5000,000 Multi-Mode Variable Rate Industrial Revenue Bonds, Series 2007 on behalf of the United States Ski and Snowboard Association

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

1. Ordinance approving a street vacation and plat amendment, for the property described as Lots 27 – 32, Block 75 and all of Lots 18 and 19 of Block 76 of the Park City Survey, also known as 147 Ridge Avenue Subdivision, Park City, Utah

2. Master Festival License to allow amplified music at The Shop's 10th Anniversary Event, to be held at 1127 Woodside Avenue

3. Authorization to the City Manager to execute an agreement with Norwest for hydrologic studies, in a form approved by the City Attorney, in the amount of $68,500

VII RESIGNATIONS AND APPOINTMENTS

Consideration of appointment of two members to the Recreation Advisory Board for terms expiring 2010

VIII NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of approval of the Deed of Conservation Easement to Summit Land Conservancy for the McPolin Farm Property in a form approved by the City Attorney

2. Consideration of an Ordinance approving amendments to the Park City Land Management Code to Chapter 15-2.6 – Historic Commercial Business District and 15-2.5 – Historic Recreation Commercial District relating to prohibiting office, residential, or other non-sales tax generating uses and other similar or associated uses in the HCB and HRC Districts in storefronts as well as related definitional changes to the LMC Chapter 15-15-1 – Definitions
(a) Public hearing
(b) Action

IX OLD BUSINESS *(items continued from a previous meeting)*

1. Consideration of a request to modify the affordable housing plan by transferring three units from the St. Regis Deer Crest Hotel project site to site(s) located within the Park City corporate limits, subject to conditions

2. Consideration of an Ordinance approving the amended record of survey map for the Stag Lodge common area record of survey plat located at 8200 Royal Street East, Park City, Utah
(a) Continuation of public hearing
(b) Action

X ADDITIONAL DISCUSSION – AGENDA ITEMS

XI ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 07/30/07
See: www.parkcity.org

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

August 2007
Tom gone – 7/20 – 8/6

2 See agenda
9 Closed session – property (30 min)
Quarterly goal update
Museum lease – MBA conveyance
Comprehensive Emergency Management Plan – work – GH
- Resolution adopting the Park City Comprehensive Emergency Management Plan
- Resolution adopting the use of the National Incident Management System

Marsac Building seismic upgrade update – work - AB
LMC amendments accessory apartments – SMA
Ordinance – 1617/1621 Lakeside Circle plat amendment – KC
Ordinance – Iron Canyon Subdivision zone change – KC
Ordinance - 1375 Park Avenue Subdivision - RM
16 **Candy gone**
Boys and Girls Club lease - MP
Ordinance – 175 Snows Lane Subdivision - KW
Resolution of intent – bond issue
Ordinance – 1027 Woodside plat amendment – SMA
Ordinance approving lthe Daly West Subdivilsion Lots 5 and 6, creating two lots of record at 331 and 337 Daly Avenue, Park City, Utah – KC
Ordinance – Christopher Homes at Empire Pass plat amendment – BR
Ordinance – Pod B1 in Empire Pass Nakoma condominium conversion - BR
Appointment of poll workers for the Primary Election
Award of contract for hauling services within the Main Street area and at City facilities
23 **No meeting – Management Meeting**
Candy gone
30 Closed session – property and litigation – (1 hour)
Park/Bonanza General Plan Element l- public hearing/action

Dana gone 9/5 – 9/12
September 2007

6 **No meeting**
11 Primary election
13
20
27 Closed session

Dana gone 10/04 – 10/21
October 2007

4

11
18 **No meeting**
25

November 2007
1
8
15
22 **Thanksgiving**
29

Pending Items:
Resolution - Trails Master Plan
Solid waste strategic plan
Market analysis – Phases 1 and 2

Tentative "no meeting" dates:
December 27

City Council
Staff Report

Author: Jonathan Weidenhamer
Subject: Walkable/ Bikeable Community Implementation Strategy – Little Kate and Lucky John Issues
Date: August 2, 2007
Type of Item: Informational update and request for direction

Summary Recommendation:
Review the report prepared by Interplan on sidewalk and intersection issues in Park Meadows. Provide direction on preferred project alternatives that will implement a strategy to support the Walkable Community Study.

Background
During the recent budget process, the City Council agreed on an implementation strategy for a walkable community by funding a series of Capital projects and expanding budget for operations and maintenance ($1.35M in projects, $464k in contingency, and $89K for annual O&M). In some cases, specific project decisions have been put on hold due to the timing and interrelated nature of other city projects, for example, over/underpasses along SR 248, and the pending Bonanza Drive reconstruction.

In the case of the sidewalk project in Park Meadows connecting Holiday Ranch Loop Road to the School Drop Zone on Lucky John, Council has asked for additional analysis before making a final decision on the portion of Lucky John from the school drop zone to Little Kate. To that end, Staff has engaged Interplan Transportation Planning, who worked on the original Walkable Study, to prepare additional analysis and alternatives. Interplan was asked to address the various issues during budget discussion on this project. The scope of Interplan's study is to take a more holistic approach to the entire neighborhood and includes analysis on the following:

1. Lucky John from the school drop to the intersection of Little Kate and Lucky John – including analysis on feasibility of an official School Crossing area
2. Actual intersection of Lucky John and Little Kate
3. Intersection of Little Kate and Monitor – including a 3-way stop
4. Monitor Drive from Little Kate to Lucky John

Analysis

<u>Budget</u>
During the spring budget process, $350,000 in CIP funding was approved by the Council to build a 5' sidewalk on Little Kate Drive from Holiday Ranch Loop Road to Lucky John Drive. This sidewalk will be built on the north side of the road and be located on the back of the gutter, within the City's existing right-of-way. It is anticipated this piece of the project will cost approximately $305,000.

This $350,000 project budget also includes sufficient funds to complete a back of gutter sidewalk along the final piece connecting the Little Kate/Lucky John intersection to the school drop zone. Should the Council provide direction to design a project that costs beyond the remaining $45,000 currently budgeted, we would have to return during the spring 2008 budget process to re-prioritize per the budget policy. In the interim, staff could use existing funds to begin preliminary design and cost estimating and return later in the fall with an update.

It is likely that the outcome of the bond election will determine the ultimate project solutions for some of the issues below. Staff will return with an update and discussion on walkability projects after the bond election in November.

Issues & Project Alternatives

Interplan's study on the following issues includes identification of project alternatives, cost estimates, and pros/cons. The Interplan report indicates that, "Speed studies do not suggest a speeding problem in the neighborhood; nevertheless, a walking and biking network that is perceived as safer is important to the overall transportation structure of the neighborhood." Because most of the project alternatives are not warranted by the Federal Highway Administration's MUTCD standards (Manual on Uniform Traffic Control Devices), Interplan has not made professional recommendations on the alternatives offered. They have, however, suggested that in specific cases that social concerns may outweigh engineering standards (p.18).

- **Issue #1 Lucky John from the school drop to the intersection of Little Kate and Lucky John – including feasibility analysis of an official School Crossing area** (p. 2-4 of Interplan Study)

A) Official School Crossing Designation

The UDOT website on School Zones says:

> *In accordance with Utah code (41-6a-301) and to ensure consistency in roadway operation statewide, the Utah Transportation Commission adopted the Federal Highway Administration's* ***"Manual on Uniform Traffic Control Devices (2003 edition)"*** *to set standards for traffic control devices on all Utah highways. That Manual addresses school zones, but in a general sense. Utah code (41-6a-301(2)) requires that a supplemental school zone manual be adopted for statewide use. The purpose of the manual,* ***"Utah Traffic Controls for School Zones (2005 edition),"*** *is to set forth more specific standards for traffic control devices, school crossing guards, and pedestrian routing plans at all Utah school crossing zones. All jurisdictions in Utah are required by code (41-6a-302) to use the Manual.*

Therefore, State law dictates when a road can be declared an official "school zone." Research completed by staff and indications from Interplan confirm that Lucky John does not meet the MUTCD standards (and hence state law) required to be a school zone; based on a number of reasons including: number of pedestrians and bikers, traffic counts and speeds, lack of a designated crossing area (2 sidewalks with a crosswalk), as well as overall linear distance of the area which is about 3x the typical standard. **Because of these reasons, staff does not recommend pursuing an official school crossing zone. However, staff would recommend consideration of introducing a "pedestrian friendly" or "reduced speed" zone in this area.**

Staff has asked Interplan to specifically research the use of similar safety measures (flashing lights, reduced speeds, etc.) that would be found in a typical school crossing zone. Again, because these types of traffic devices do not meet warrants, Interplan's recommendations do not support the installation of these measures (p.3). However, staff finds these measures may be appropriate to address the "perception" of safety, especially if they are looked at as supportive to other pedestrian related capital projects in this area (school drop reconfiguration, new sidewalks and street lighting). Should Council support this recommendation, staff recommends a specific analysis be conducted by the Legal Department to investigate any liability issues the City would be exposed to for not following MUTCD standards.

Whether or not the bond passes, staff would prioritize any improvements for inclusion in next year's budget.

B) <u>Sidewalk Alternatives from Drop zone to Little Kate </u>(p. 2-4)
The approved sidewalk project budget includes sufficient funding to complete a back-of-gutter sidewalk from the drop zone to Little Kate. Council has expressed concern, however, about unnecessarily impacting landscaping as well as questioned the impact of the pavement width and asked to consider other options. Interplan has offered 5 alternative solutions (p.2):

1. Do nothing – repaint striping of pedestrian lane ($10,000)
2. Road re-crown/ narrow travel lanes/ 5' sidewalk at back of curb
   a. From east end (exit) of drop off ($253,000)
   b. From west end (entrance) of drop off ($296,000)
3. Replace rolled gutter w/highback curb and install sidewalk within right-of-way
   a. From east end (exit) of drop off ($45,000)
   b. From west end (entrance) of drop off ($53,000)
4. Separated sidewalk - Road re-crown/ narrow travel lanes/ add park strip
   a. From east end (exit) of drop off ($335,000)
   b. From west end (entrance) of drop off ($391,000)
5. Fencing to separate cars/peds ($15,000)

None of these options contemplate acquisition of additional right-of-way. It is likely that options 3 and 4 would necessitate removal of existing landscaping within the right-of-way. In consideration of these 5 alternatives, **staff recommends, if a bond passes alternative 2B.**

In order to complete any project on Lucky John in 20078, design would need to begin in late November of this year. If the bond passes and Council provides direction to pursue option 2B, staff would be able to use the existing resources to complete a design by next spring.

If the bond does not pass, there would be insufficient available funding to construct option 2B, and that project would need to be prioritized next spring along with all other budget requests. This would preclude a project on Lucky John until 2009.

In the event that Council would like a project that could be completed in 2008, Council would need to give direction on an alternative that could be constructed within the current budget (Options 1,3,and 5).

- **Issue #2 - Intersection of Lucky John and Little Kate** (p. 5-6)

During the budget hearings the Council heard numerous statements that the intersection of Little Kate and Lucky John was also extremely dangerous and that sidewalk improvements on either end of the intersection would not be as meaningful unless changes were also considered here. Options include:

1. Re-align, reconfigure, and taper the intersection so it is at right angles and therefore more pedestrian and less auto-friendly ($93,000)
2. Crosswalk improvements
   a. Repaint ($3,300)
   b. Repaint and install landing at south west corner ($9,700)
   c. Install sidewalk at back of gutter on east side of Lucky John ($5,500)
3. Raised crosswalk ($20,000)

Currently, funding has not been allocated for improvements in this location. Although alternative #2 could be done using existing resources, should Council like to pursue options 1 or 3, it would have to be prioritized during the spring 2008 budget. **Staff recommends, if a bond passes, alternative #1. If a bond does not pass, staff supports alternative 2C – which would have to be considered in conjunction with Council's preferred alternative along Lucky John (Issue #1).**

- **Issue #3 - Intersection of Little Kate and Monitor – including a 3-way stop**

Interplan investigated 2 options for this intersection:

1. 3-way stop
2. Reconfiguration of intersection including installation of high-back curb & tightening turning radii ($172,000)

<u>Alternative #1 – 3 way stop</u> (p. 7-16)
Interplan has provided extensive research into this topic. There is no warrant for installation of a 3-way stop. **Therefore, staff recommends that we do not install stop signs at this intersection.** Should Council desire a stop sign be installed, they should direct staff to do so. If this occurs, staff also recommends a specific analysis be conducted by the Legal Department to investigate any risk management/liability issues the City would be exposed to for not following MUTCD standards.

<u>Alternative #2 – intersection reconfiguration (p.16)</u>

This project alternative would narrow the turning radii and square off the intersection. It also calls for installation of high-back curbs. It is important to know that this would likely have the intended effect on residential traffic but have negative impacts on larger and commercial vehicles – meaning commercial traffic would likely clip the corners anyway, being unable to navigate the tighter 90 degree turns. **Similar to other issues above, should a bond pass, staff would recommend reconfiguration of the intersection; otherwise, staff recommends no improvements should be made.**

- **Issue #4 - Monitor Drive from Little Kate to Lucky John** (p.17-18)

As the broader neighborhood was considered, discussion was held on the safety/walkability of Monitor Drive. Interplan looked at 3 alternatives to address perceived safety concerns:

1. Fencing to separate cars/peds ($8,300)
2. Road re-crown/ narrow travel lanes/ 5' sidewalk at back of curb along <u>east</u> side of road from Little Kate to Lucky John ($651,000)
3. Road re-crown/ narrow travel lanes/ 5' sidewalk at back of curb along <u>west</u> side of road to Moray Court ($335,000)

Staff finds that each of these alternatives would have only a perceived benefit of additional safety, based on traffic counts and pedestrian/vehicular accident history. For these reasons, **staff recommends that alternatives to Monitor Drive should not be considered.** Finally, staff believes dialogue on potential improvements and safety concerns on Monitor Drive resulted from original recommendations to build a sidewalk along Little Kate from Holiday Ranch Loop Road only to Monitor Drive. In reality, Council has approved funding for a sidewalk that will provide the pedestrian connection along the length of Little Kate.

Department Review
Representatives from the Walkability Steering Committee reviewed this topic. This includes: Budget, Public Works, Sustainability, and Engineering.

Exhibits:
Exhibit A – Interplan Report*

*Color copy to be submitted separately & are available to the public upon request to Jonathan Weidenhamer – 615-5069 or jweidenhamer@parkcity.org

PARK MEADOWS INTERSECTION AND SIDEWALK IMPROVEMENTS

Prepared for Park City Municipal Corporation

July 2007. Project Number 060162

InterPlan Co.
Transportation Planning
7719 South Main Street
Midvale, Utah 84047
(801) 307-3400   (801) 307-3451 Fax
www.interplanco.com

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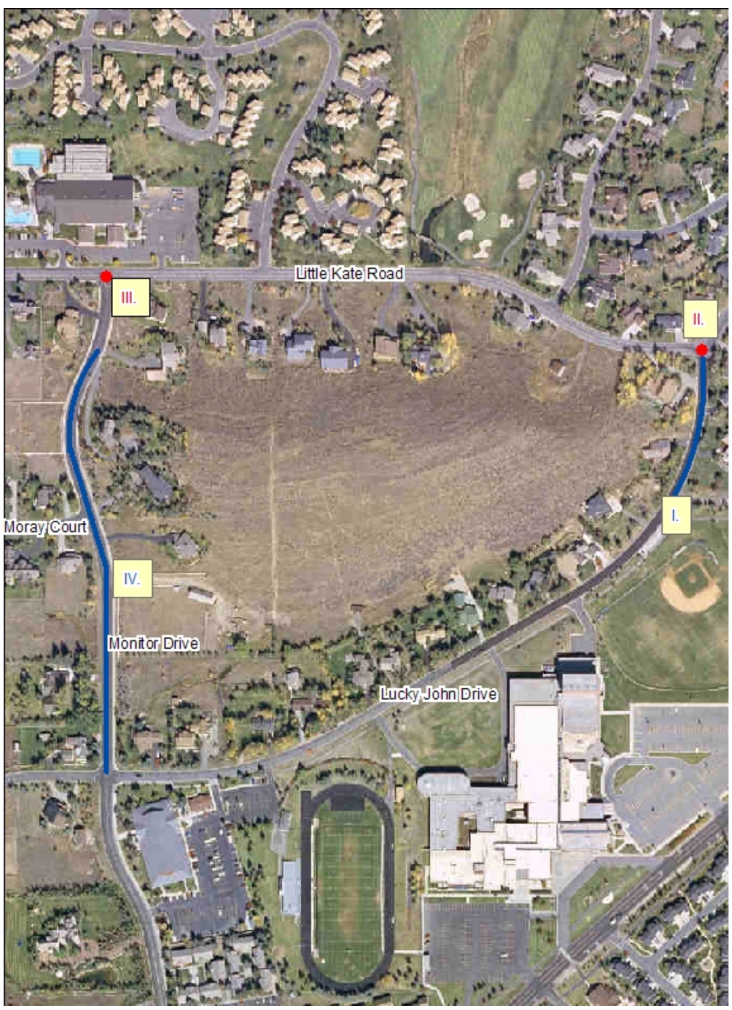
Purpose

Interplan was recently hired by the Park City Municipal Corporation to examine intersection and pedestrian circulation issues in the Park Meadows area. Park Meadows is a residential neighborhood in Park City which includes primarily single-family residential housing as well as the Park City Racquet Club and direct access to Park City High School, McPolin Elementary, and Treasure Mountain Intermediate School. With several walking and biking destinations within Park Meadows, including the Racquet Club and the schools, pedestrian and biking issues are of great concern to residents and city officials.

This report addresses four key areas in Park Meadows, as shown in Figure 1:

I. Lucky John Drive from the school drop off area to the Little Kate Intersection
II. The intersection of Lucky John Drive and Little Kate Road
III. The intersection of Little Kate Road and Monitor Drive at the Park City Racquet Club
IV. Monitor Drive from Little Kate Road to Lucky John Drive

Figure 1 – Study Areas in Park Meadows



I. Lucky John Drive from the school drop-off area to the Little Kate Road intersection

Issue

Local residents have expressed concern regarding pedestrian safety, especially for children and families walking to and from the schools. Not all roads in the Park Meadows neighborhood have sidewalks, and the perception of speeding vehicles on these streets adds to concerns about both walkers and cyclists.

Speed studies do not suggest a speeding problem in the neighborhood; nevertheless, a walking and biking network that is perceived as safer is important to the overall transportation structure of the neighborhood. For this reason, several alternatives for the existing road cross-section have been analyzed which would serve to calm traffic by narrowing the roadway, either in reality or from the perception of the driver.

Alternative Solutions

The various alternatives that have been analyzed for providing improved pedestrian facilities between the school drop-off area and Little Kate Road intersection consider a range of improvements that differ in impact and cost. Alternatives include:

1. "Do Nothing" - repaint striping on south/east side of road on existing asphalt in order to visually narrow roadway and identify the striped area as pedestrian and bicycle only.

2. Re-crown road cross-section to narrow travel lanes and to include high-back curb on south/east side and a 5 foot concrete/asphalt sidewalk installed at back of curb.

3. Change existing rolled curb on south/east side of road to a high-back curb and install a 5 foot concrete/asphalt sidewalk at back of curb. No re-crown of road.

4. Re-crown road cross-section to include high-back curb on south/east side, a 5 foot park strip, and a 5 foot concrete/asphalt sidewalk installed at back of curb.

5. (Non-Discreet) "Transparent" fencing to visually separate roadway from sidewalk. Would not interfere with snow plowing and snow removal.

It is worthwhile to highlight alternative solutions which have been discussed but have not been presented. Various more aggressive traffic calming options such as speed humps or chicanes have not been presented because data suggests that there is not an observed problem with vehicle speeds in the area. Other various physical separation alternatives besides the "transparent fence" presented in this section, may also exist. However, the goal of this analysis was not to exhaust the range of creative alternatives but rather to provide a range of solutions for Park City's consideration.

It is worth discussing the dismissal of a Reduced Speed School zone. Reduced Speed School Zones are governed by the *Utah Traffic Controls for School Zones* which has been approved as *Part 7 Supplement to The Manual of Uniform Traffic Control Device*s (MUTCD). Variation from the MUTCD on public roads is a violation of Utah and national law and raises risk management concerns. According to the MUTCP Part 7 Supplement, a (20 mph) Reduced School Zone can only be installed on roadways below 50 mph, where a school crosswalk exists, and where minimum pedestrian crossing volumes are present. Once these criteria are met, a warrant system assigns points based on the volume of traffic, volume of pedestrian crossings, speed of traffic, and available crossing gaps. Various studies have been performed on Lucky John which demonstrate that even if a crosswalk were constructed, the location would fall well short of meeting the minimum point warrant do to low traffic speeds and many available crossing gaps, in addition to the low (presently minimal) pedestrian crossing volume. It is similarly unadvisable to install some type of non-standard "Pedestrian Friendly Zone" which advised drivers to slow to a reduced speed in the presence of pedestrians. Traffic volumes and speeds on Lucky John are not a problem and the primary problem is related to the presence of vehicles dropping students off in an area not well suited for drop-off. Alternatives presented in this section, combined with planned improvements to the drop-off zone, are proposed as direct solutions to the known problem and do not deal with solutions to perception.

None of these options include the purchase of right-of-way in addition to what Park City already owns. However, some of the options do involve removal of existing landscaping that has been planted by residents within existing Park City-owned right-of-way. Also, high-back curb options will need additional work with respect to drainage issues. The five alternatives defined above are detailed in Table 1.

If a solution that narrows the road cross-section is selected, InterPlan recommends that "share the road" signs are installed. This type of sign will help calm traffic and remind drivers that pedestrians and bicycle will be present on the road.

Figure 2 – Transparent Fencing

Table 1 – Alternatives Comparison, Lucky John Drive

Alt		From	To	Cost	Pros	Cons
1		East end of school drop-off	Little Kate intersection	$10,000	Low cost	No physical barrier to separate vehicles and pedestrians, narrow travel lane width
2	A	East end of school drop-off	Little Kate intersection	$253,000	High-back curb separates pedestrian and vehicle traffic, provides designated space for pedestrians, narrow lane width	
	B	West end of school drop-off	Little Kate intersection	$296,000		
3	A	East end of school drop-off	Little Kate intersection	$45,000	No re-crown of road cross-section is necessary, high-back curb separates pedestrian and vehicle traffic, more space for pedestrians	Likely need to remove existing landscaping within city ROW.
	B	West end of school drop-off	Little Kate intersection	$53,000		
4	A	East end of school drop-off	Little Kate intersection	$335,000	High-back curb and park strip further separate pedestrian and vehicle traffic, more space for pedestrians	High cost, possible need to remove landscaping from existing City-owned ROW.
	B	West end of school drop-off	Little Kate intersection	$391,000		
5.		West end of school drop-off	Little Kate intersection	$15,000	Low cost, fencing to separate pedestrian and vehicle traffic	

II. Intersection at Lucky John Drive and Little Kate Road

Issue

The intersection of Little Kate Road and Lucky John Drive is a three-legged intersection with stop signs in all directions. Lucky John Drive is the through-street. Little Kate forms a T-intersection with Lucky John although the roads do not meet at a right angle.

The residents of the Park Meadows area have identified two primary issues regarding the intersection at Lucky John and Little Kate:

1. Vehicles running the stop signs northbound and southbound on Lucky John Drive.

2. The safety of the pedestrians crossing the intersection.

Alternative Solutions

Alternatives considered for the Little Kate and Lucky John intersection assumed the construction of a sidewalk on the north side of Little Kate to the east end of the crosswalk crossing Little Kate to the south. In addition, these alternatives assume the continuation of the Lucky John Drive improvement discussed in Issue I to whatever point is necessary to provide a complete pedestrian connection. Three basic alternatives are offered based on whether the primary pedestrian route crosses Little Kate to the south and then Lucky John to the east or crosses Lucky John on the north leg of the intersection and then proceeds south on the east side of Lucky John.

1. Install landscaping and move the stop sign on southbound Lucky John Drive to physically change intersection to a right-angle intersection. Re-crown 100 feet of road cross-section on Little Kate and Lucky John to allow existing road to taper into new intersection.

2. Three options to cross the intersection of Little Kate and Lucky John are presented here:

   A. Paint/repaint both crosswalks on Little Kate Road and Lucky John.

   B. Paint/repaint both crosswalks on Little Kate Road and Lucky John, and install a sidewalk landing on southwest corner of Little Kate/Lucky John intersection to connect two crosswalks.

   C. Install 5 foot sidewalk at back of curb on east side of Lucky John Drive intersection within existing right-of-way to connect to new pedestrian facility identified in Issue I on south end and new stop sign at north end. Repaint crosswalk on north leg of intersection.

3. (Non-Discreet) Alternative material raised crosswalks (see Figure 3).

Table 2 – Alternatives Comparison, Intersection of Little Kate & Lucky John

Alt		Location	Cost	Pros	Cons
1		Northwest corner of intersection	$93,000	Minimizes vehicles running stop sign, shortens the pedestrian crossing distance of Lucky John	
2	A	Crosswalks on west and south legs of intersection	$3300	Low-cost street crossing	Pedestrians must cross two streets and increase exposure to moving vehicles
	B	Southwest corner of intersection and crosswalks on west and south legs of intersection	$9700	Landing provides direction and waiting place for pedestrians	Children may cut diagonally across intersection as short-cut
	C	East side of intersection and crosswalk on north leg of intersection	$5,000	Pedestrians have only one street crossing as opposed to two	
3.			$20,000	Raised crosswalks provide for a measure of traffic calming	

Figure 3 – Raised Crosswalk

III. Intersection of Little Kate Road and Monitor Drive at the Park City Racquet Club

Issue

Suggestions have been made to install stop signs on Little Kate Road making a three-way, stop-controlled intersection at Little Kate and Monitor Drive. Currently, there is a stop sign on northbound Monitor Drive at the intersection, and Little Kate Road has free-flow movement.

Alternative Solutions

1. Install stops signs.

Similar to traffic signals, the installation of stop signs is guided by the *Manual on Uniform Traffic Control Devices* (MUTCD). The MUTCD is the national standard for all traffic control devices including signs, signals, markings, and other devices used to guide traffic. It is a federal law, incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, And Subpart F. The MUTCD applies on all public roads open to public travel and is intended to insure basic uniformity of traffic control devices nationwide.

The MUTCD offers specific criteria on which to base the decision to install a stop sign. The MUTCD is explicit in saying, "STOP signs should not be used for speed control" (MUTCD, Millennium Edition, Section 2B.05, page 2B-8). Experience has shown that unwarranted stop signs lead to problems such as violations of the control, increased accidents, and higher mid-block speeds as drivers attempt to make up time lost in stopping.

Using the all-way stop guidelines identified in the *Manual on Uniform Traffic Control Devices* (MUTCD), this section of the report provides the details of traffic conditions at this intersection and how existing and future traffic conditions relate to MUTCD guidelines. MUTCD criteria will be used to answer the following questions:

1. **<u>Does the intersection of Little Kate Road and Monitor Drive currently warrant an all-way stop?</u>**

2. **<u>When sidewalks are installed on the north side of Little Kate Road, will an all-way stop be warranted due to increased pedestrian use?</u>**

3. **<u>If an entrance to the Park City Racquet Club is aligned with Monitor Drive to form a 4-legged intersection, would the intersection warrant a 4-way stop?</u>**

4. **If the answer to Question 3 is yes, what changes to circulation within the Racquet Club parking lot need to be made to accommodate it?**

MUTCD Standards and Traffic Analysis

For an all-way stop sign, criteria are related to traffic volumes on the major and minor streets, pedestrian and bicycle volumes, and speed. Each criterion for an all-way stop is quoted from the MUTCD below in italics (Millennium Edition, Section 2B.07, pages 2B-10-11. *Section 2B.07 Multiway Stop Applications*), followed by the traffic conditions at the intersection that address that criterion. Each of the four questions defined above are addressed individually below.

Major streets tend to be those that carry higher traffic volumes and provide the through movement at an intersection. Minor streets typically carry less traffic volume and are those roads on which vehicles are required to yield. Because neither Monitor nor Little Kate fits either of these definitions explicitly (Monitor Drive carries higher traffic volumes but is not a through movement), the major and minor street criteria were analyzed for both Monitor and Little Kate.

It is important to understand that in some cases, the data presented below is an estimate of existing conditions because vehicle, pedestrian, and bicycle counts over a 24-hour period for the intersection are not available at this time.

1. **Does the intersection of Little Kate Road and Monitor Drive currently warrant an all-way stop?**

A. Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

There is no indication from city staff that a traffic control signal is being considered for the intersection of Little Kate Road and Monitor Drive. Traffic volumes in the area are low, and a traffic signal is not necessary and would not meet signal warrants. **An all-way stop sign at this intersection would not function as an interim measure and, therefore, would not be warranted by this criterion.**

B. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.

InterPlan was not provided with accident data for this intersection and is not aware of any accident issue related to this location. In fact, notes from a city council work session on November 2, 2006 indicated that there is not a high accident rate at this location. In the absence of evidence of a safety concern, **an all-way stop would not be warranted based on this criterion.**

C. Minimum volumes:

> *C1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and...(see C2)*

Little Kate Road as the Major Street

Traffic counts were done on Little Kate Road just east of the intersection by the city in late April/early May 2007. These volumes can be reasonably assumed to represent traffic volumes entering the intersection.

Table 3 – Peak Hourly Volume, Little Kate Road

Little Kate Road	From East	From West	Total Hourly Traffic Volume
Peak Hourly Volume	177	101	278

As the table indicates, the peak hourly volume (278) for the time period counted is below the necessary average 300 vehicles per hour required by this criterion. As these counts were done at the highest volume hour of the day, vehicle volume averages from other hours would not yield higher volumes. **If Little Kate Road is considered the major street, this portion of Criteria C is NOT met.**

<u>Monitor Drive as the Major Street</u>

Vehicle volumes for Monitor Drive were taken from a traffic study on Bonanza Drive done by InterPlan for Park City. Traffic counts were performed in the afternoon peak drive time on Tuesday, December 12th, 2006 at the intersection of SR-248 and Bonanza Drive/Monitor Drive. Volumes shown for Monitor Drive are 100 percent of the traffic volume northbound on Bonanza/Monitor or turning onto Monitor Drive so that they represent a high estimate since it is likely that traffic will decrease as it moves north and enters a more residential area.

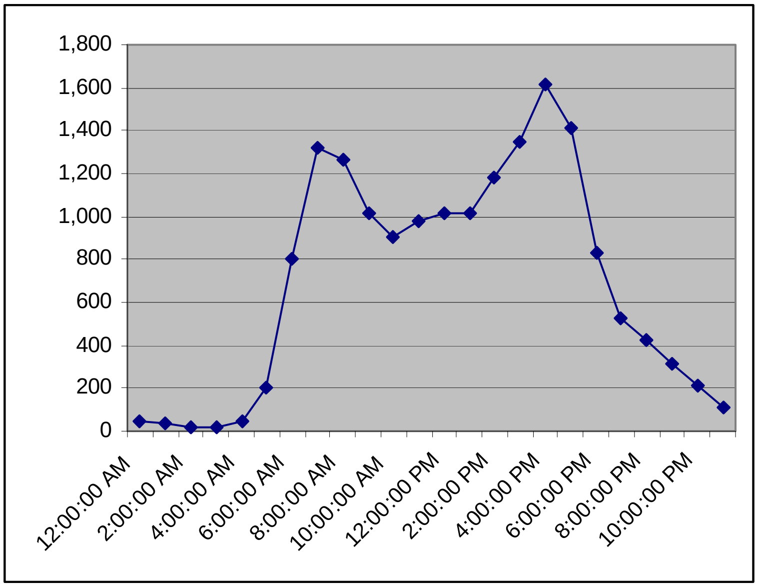
Table 4 – Vehicle Volume, Monitor Drive

Monitor Drive	From South	From North	Total Hourly Traffic Volume
PM Peak Vehicle Volume	424	N.A.	424

The peak hour volume on Monitor Drive is over 300 vehicles, so further work is necessary to determine if the approach averages at least 300 vehicles per hour for any 8 hours of an average day as described in the criterion.

In the absence of 24-hour traffic counts by hour on Monitor Drive, estimates of hourly traffic volumes are needed. Hourly traffic volumes are collected by the Utah Department of Transportation at specific locations around the state, including SR-248 on the east end of Park City near US-40. Hourly volumes for that location are shown in the graph below.

Figure 4 – Hourly Traffic Volume, SR-248



Typical daily traffic patterns are shown in the above graph, with a peak in the morning and a higher peak in the afternoon drive time. The percent that each hourly volume represents of the total daily volume at that location was used to determine hourly volumes on Monitor Drive using the PM peak hour volume of 424 (see Table 4) as the basis for the calculation. This information is shown in the following table with the eight highest volume hours on Monitor Drive highlighted.

Table 5 – Hourly Volume, SR-248 and Monitor Drive

	SR-248 Traffic Volume	% of Total Daily Volume	Monitor Drive Estimated Volume
12:00:00 AM	50	0.3%	13
1:00:00 AM	33	0.2%	9
2:00:00 AM	19	0.1%	5
3:00:00 AM	17	0.1%	4
4:00:00 AM	44	0.3%	12
5:00:00 AM	206	1.2%	54
6:00:00 AM	802	4.8%	210
7:00:00 AM	1,320	7.9%	347
8:00:00 AM	1,266	7.6%	332
9:00:00 AM	1,012	6.1%	265
10:00:00 AM	906	5.4%	238
11:00:00 AM	983	5.9%	258
12:00:00 PM	1,011	6.1%	265
1:00:00 PM	1,018	6.1%	267
2:00:00 PM	1,183	7.1%	311
3:00:00 PM	1,346	8.1%	353
4:00:00 PM	1,616	9.7%	**424**
5:00:00 PM	1,412	8.5%	371
6:00:00 PM	832	5.0%	218
7:00:00 PM	524	3.1%	137
8:00:00 PM	422	2.5%	111
9:00:00 PM	310	1.9%	81
10:00:00 PM	212	1.3%	56
11:00:00 PM	113	0.7%	30
Grand Total	16,656	100.0%	4,371

The average of the eight highest volume hours is 334 vehicles, which is above the 300 vehicles per hour for any eight hours defined in the standard. **If Monitor Drive is considered the major street, this portion of Criteria C is met.** According to the standard, the second portion of the criteria must be met as well. This discussion is below.

C2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but...(see C3)

Because Criteria C1 was only met with Monitor Drive as the major street, Little Kate Road will be considered the minor street for this criterion.

Table 6 – Peak Hourly Volume, Little Kate Road

Little Kate Road	From East	From West	Total Hourly Traffic Volume
Peak Hourly Volume	**177**	**101**	**278**

Even without the addition of bicycle and pedestrian traffic, the peak hour traffic volume on Little Kate Road is over 200 vehicles; therefore, further work is necessary to determine if the approach averages at least 200 vehicles, bikers, and pedestrians per hour for the same 8 hours of an average day as described in the criterion.

In the absence of 24-hour traffic counts by hour on Little Kate Road, estimates of hourly traffic volumes were made in the same method as the estimates on Monitor Drive. The total AADT determined in the traffic counts conducted on Little Kate Road was 1,241 vehicles (605 eastbound and 636 westbound). This total volume was distributed by hour over a 24-hour period based on the same percentages as described for Monitor Drive in Table 5, even though this did not yield peak hour traffic volumes consistent with the City-performed counts.

Like traffic counts, 24-hour pedestrian and bicycle counts at the intersection are not available at this time either. However, bicycle and pedestrian counts were performed at the intersection on a weekday afternoon from 2:30 to 7:00 p.m. and on a weekend from 9:00 a.m. to 1:00 p.m. in May 2007. The highest hourly combined bike/pedestrian count from all hours counted was used as a conservative estimate because complete 24-hour counts were not available. The peak hour of bicycle and pedestrian activity was from 3:00 to 4:00 p.m., and the count totaled 24.

Estimated traffic volumes and bicycle/pedestrian counts by hour are shown in the Table 7, as well as the highest eight hours of traffic volumes.

Table 7 – Hourly Volume, Little Kate Road

	% of Total Daily Volume	Estimated Little Kate Rd. Vehicle Volume	Maximum Pedestrian and Bicycle Volume	Total Unit Volume
12:00:00 AM	0.3%	4	24	28
1:00:00 AM	0.2%	2	24	26
2:00:00 AM	0.1%	1	24	25
3:00:00 AM	0.1%	1	24	25
4:00:00 AM	0.3%	3	24	27
5:00:00 AM	1.2%	15	24	39
6:00:00 AM	4.8%	60	24	84
7:00:00 AM	7.9%	98	24	122
8:00:00 AM	7.6%	94	24	116
9:00:00 AM	6.1%	75	24	99
10:00:00 AM	5.4%	67	24	91
11:00:00 AM	5.9%	73	24	97
12:00:00 PM	6.1%	75	24	99
1:00:00 PM	6.1%	76	24	100
2:00:00 PM	7.1%	88	24	112
3:00:00 PM	8.1%	100	24	124
4:00:00 PM	9.7%	120	24	144
5:00:00 PM	8.5%	105	24	129
6:00:00 PM	5.0%	62	24	86
7:00:00 PM	3.1%	39	24	63
8:00:00 PM	2.5%	31	24	55
9:00:00 PM	1.9%	23	24	47
10:00:00 PM	1.3%	16	24	40
11:00:00 PM	0.7%	8	24	32
Grand Total	100.0%	1,241		

The average volume of the eight highest volume hours is 119 vehicles, which is well below the 200 vehicles per hour for the same eight hours defined in the standard. **This portion of Criteria C is not met.** Furthermore, Synchro traffic analysis shows delay on Little Kate Road of two seconds or less, far below the standard of 30 seconds per vehicle. It is important to remember that in the above analysis, many estimates were done and assumptions made due to the lack of comprehensive data for the intersection.

C3. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h (40 mph), the minimum vehicular volume warrants are 70 percent of the above values.

At this time, speed data for Monitor Drive is not available, and so a definitive determination of 85th-percentile speeds cannot be made. Because the Monitor Drive approach comes to a stop sign, it is unlikely that the 85th-percentile speeds on Monitor would be higher than those on Little Kate, where speed data is available. Speed data was collected along with traffic counts on Little Kate Road in late April/early May 2007. This data indicated that the 85th percentile speeds for westbound traffic was 36 mph and was 39 mph for eastbound traffic, both below the 40 mph threshold. **Based on these assumptions, this portion of Criteria C is not met.**

D. Where no single criterion is satisfied, but where Criteria B, C1, and C2 are all satisfied to 80 percent of the minimum values. Criterion C3 is excluded from this condition.

B. In the absence of accident data and with no anecdotal evidence that accidents are an issue at the intersection, it is assumed that this criterion is not satisfied to 80 percent of the minimum value.

C1. This portion of Criteria C IS met.

C2. Average hourly volumes for the highest eight hours (119 units) are less than 80 percent of the minimum value (160) of this criterion. This portion of Criteria C is NOT met.

Criteria B and C2 are not satisfied to 80 percent of the minimum values. **Based on this information, an all-way stop is not warranted under existing conditions.**

2. <u>When sidewalks are installed on the north side of Little Kate Road, will an all-way stop be warranted due to increased pedestrian use?</u> (Responses are organized by individual MUTCD criteria, although each criterion is not repeated here).

A. As previously discussed, there is no indication that there is interest in or warrant for a traffic signal at this intersection, so an all-way stop would not act as a temporary measure. **An all-way stop is not warranted by this criterion.**

B. Again, no accident data has been provided that indicates a problem at this intersection. The addition of a sidewalk is not likely to increase accident rates. **An all-way stop would not be warranted based on this criterion.**

C. Minimum volumes: (at this point and in all subsequent analysis, Monitor Drive is considered the major street and Little Kate is considered the minor street)

C1. Vehicle traffic volumes on Monitor Drive will not change with the addition of a sidewalk on Little Kate Road and so, as with question 1, **if Monitor Drive is considered the major street, this portion of Criteria C IS met.**

C2. Again, vehicle traffic volumes on Little Kate Road will not change with the addition of a sidewalk. While pedestrian/bicycle volumes are likely to increase with the addition of sidewalks, they are not likely to increase beyond the levels assumed under the conditions used in the analysis for Question 1. **Minimum traffic volume warrants will still not be met.**

C3. The addition of sidewalks will not increase vehicle speeds past the 85th percentile speeds, and they will continue to be below the 40 mph standard. **The criterion for an all-way stop is not met.**

D. Criteria B and C2 are not satisfied to 80 percent of the minimum values. **Based on this information, an all-way stop is not warranted.**

3. <u>If an entrance to the Park City Racquet Club is aligned with Monitor Drive to form a 4-legged intersection, would the intersection warrant a 4-way stop?</u>

A. As previously discussed, there is no indication that there is interest in or a warrant for a traffic signal at this intersection, so an all-way stop would not act as a temporary measure. **A 4-way stop is not warranted by this criterion.**

B. No accident data has been provided that indicates a problem at this intersection. The addition of a leg coming from the Racquet Club is not likely to raise accident rates to unacceptable levels. **A 4-way stop would not be warranted based on this criterion.**

C. Minimum volumes:

*C1.*Vehicle traffic volumes on Monitor Drive are likely to increase somewhat with the addition of an entrance at the Racquet Club to make a 4-way intersection, although standards for this criterion have already been met under earlier circumstances. **If Monitor Drive is considered the major street, this portion of Criteria C is met.**

*C2.*Vehicle, pedestrian, and traffic volumes on Little Kate Road will not change with the construction of a 4-way intersection. **Minimum traffic volume warrants will still not be met.**

*C3.*The addition of an entrance to the Racquet Club at the Little Kate/Monitor intersection will not increase vehicle speeds past the 85th percentile speeds, and they will continue to be below the 40 mph standard. **The criterion for a 4-way stop is not met.**

D. Criteria B and C2 are not satisfied to 80 percent of the minimum values. **Based on this information, a 4-way stop is not warranted.**

4. <u>If the answer to Question 3 is yes, what changes to circulation within the Racquet Club parking lot need to be made to accommodate it?</u>

As detailed in the response to Question 3, realigning a Racquet Club entrance to make a 4-legged intersection at Little Kate Road and Monitor Drive does not warrant a 4-way stop sign at the intersection at this time. In addition, the site configuration of the Racquet Club would present a challenge for lining up an entrance with Monitor Drive. Appropriate storage and throat lengths of the drive approach would be compromised by the existing building, so additional problems would likely result.

Finally, the guidelines for addition of an all-way stop sign that are outlined in the MUTCD indicate that an all-way stop is not warranted at the intersection of Little Kate Road and Monitor Drive. However, it is important to remember that this assessment is based on several assumptions and estimates of current and future conditions given a lack of comprehensive bicycle, pedestrian, and vehicle data.

Equally important to understand is that social concerns may outweigh engineering standards in specific cases. Park City should decide whether or not putting an all-way stop on low-volume streets will cause significant strife with area residents and if there are alternatives such as traffic calming techniques that may address neighborhood concerns.

Alternatives continued:

2. Reconfiguration of the intersection to "square up" and tighten the turn radii, including the installation of high-back curbs.

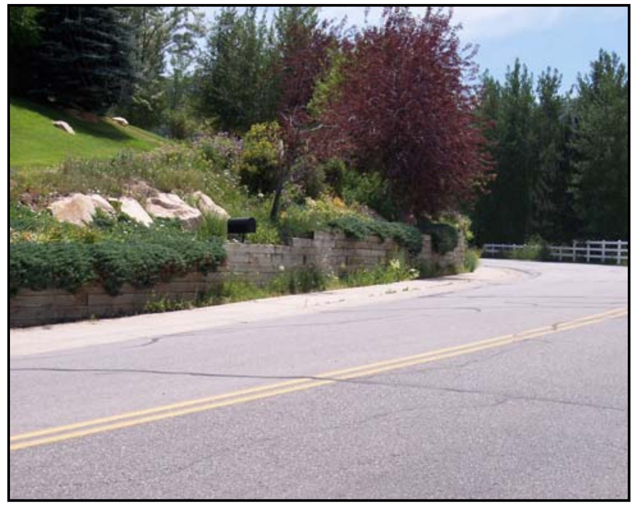
Currently, there is a stop sign on northbound Monitor Drive at this intersection. Little Kate Road has free-flow movement. This alternative solution focuses on re-crowning the road cross-section in front of the racquet club and for 150 feet on Monitor Drive. The alternative includes high-back curb on the north and south sides of Little Kate Road and on the east and west sides of Monitor Drive. The sidewalks would remain as they currently are.

Table 8 – Alternatives Comparison, Little Kate and Monitor Drive Intersection

Alt	Location	Cost	Pros	Cons
2	Intersection of Little Kate Road and Monitor Drive	$172,000	Minimizes vehicles running stop sign	Cost

It is hard to anticipate the benefits of this alternative. The existing rolled gutter allows for all vehicles to roll perform right turn movements without a complete stop. High-back curb, narrower lanes, and a tighter turn radius would force vehicles to proceed slower than the existing configuration. Passenger cars would be unlikely to roll on the curb, affording some added pedestrian safety. However, trucks, buses or trailers could still go over the curb even under this improvement. Therefore, assessing the benefits of this improvement would require greater community dialogue to understand the issues and problems.

IV. Monitor Drive from Little Kate Road to Lucky John Drive



Issue

Local residents have expressed concern about pedestrian safety on Monitor Drive. It is perceived that safety is being compromised on the sidewalk on the east side of the road where the sidewalk is narrow and a retaining wall is located close to the road. Residents believe that pedestrians do not have adequate protection from vehicle traffic on the road.

Alternative Solutions

Alternatives analyzed here include strategies that would offer pedestrians a facility that is better separated from the road, visually or physically. None of these options include the purchase of right-of-way in addition to what Park City already owns.

1. "Transparent" fencing at back of curb to visually separate roadway from sidewalk while not interfering with snow plowing efforts. (see Figure 2 on pg. 6)

2. Re-crown road cross-section to include high-back curb on east side and a 5 foot concrete/ asphalt sidewalk installed at back of curb.

3. Re-crown road cross-section to include high-back curb on west side and a 5 foot concrete/ asphalt sidewalk installed at back of curb from Moray Court to Little Kate Road, with crosswalk at Moray Court.

InterPlan recommends that "share the road" signs are installed. This type of sign will help calm traffic and remind drivers that pedestrians and bicycle will be present on the road.

Table 9 – Alternatives Comparison, Monitor Drive

Alt	From	To	Cost	Pros	Cons
1	Start of retaining wall	End of retaining wall	$8,300	Low cost, pedestrians physically separated from vehicles	Sidewalk will remain narrow
2	Little Kate Road	Lucky John Drive	$651,000	Wide sidewalks separated from road, narrow road will have traffic calming effect	Cost
3	Little Kate Road	Moray Court	$335,000	Wide sidewalks separated from road, narrow roads will have traffic calming effect	Cost, pedestrians will have to cross the road where sidewalk ends

Appendix A

Issue I.

Issue 1, Item 1

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Pavement Marking Paint	2.06	ft	544	1120.64	
Signs (New)	10.00	ft	544	5440.00	
				6560.64	
Mobilization	calculated at 15% of sub total			984.10	
Temp. Traffic Control	calculated at 15% of sub total			984.10	
Contingency	calculated at 20% of sub total			1312.13	
					9,840.96

Issue 1, Item 2A

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	19040	2665.60	
5' Concrete Sidewalk	5.00	sq/ft	2720	13600.00	
Drainage & Landscape	110.00	ft	544	59840.00	
Roadway Excavation (6" depth)	0.37	sq/ft	16320	6044.44	
12" Sub base; Place, Compact and	0.59	sq/ft	16320	9671.11	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	16320	13297.78	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	16320	20400.00	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	16320	21216.00	
Pavement Marking Paint	2.06	ft	544	1120.64	
Curb and Gutter	14.00	ft	1088	15232.00	
Signs (New)	10.00	ft	544	5440.00	
				168527.57	
Mobilization	calculated at 15% of sub total			25279.14	
Temp. Traffic Control	calculated at 15% of sub total			25279.14	
Contingency	calculated at 20% of sub total			33705.51	
					252,791.36

Issue 1, Item 2B

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	22225	3111.50	
5' Concrete Sidewalk	5.00	sq/ft	3175	15875.00	
Drainage & Landscape	110.00	ft	635	69850.00	
Roadway Excavation (6" depth)	0.37	sq/ft	19050	7055.56	
12" Sub base; Place, Compact and	0.59	sq/ft	19050	11288.89	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	19050	15522.22	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	19050	23812.50	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	19050	24765.00	
Pavement Marking Paint	2.06	ft	635	1308.10	
Curb and Gutter	14.00	ft	1270	17780.00	
Signs (New)	10.00	ft	635	6350.00	
				196718.77	
Mobilization	calculated at 15% of sub total			29507.82	
Temp. Traffic Control	calculated at 15% of sub total			29507.82	
Contingency	calculated at 20% of sub total			39343.75	
					295,078.15

Issue 1, Item 3A

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	2720	380.80	
5' Concrete Sidewalk	5.00	sq/ft	2720	13600.00	
Drainage & Landscape (no structures)	5.00	ft	544	2720.00	
Signs (New)	10.00	ft	544	5440.00	
Curb and Gutter	14.00	ft	544	7616.00	
				29756.80	
Mobilization	calculated at 15% of sub total			4463.52	
Temp. Traffic Control	calculated at 15% of sub total			4463.52	
Contingency	calculated at 20% of sub total			5951.36	
					44,635.20

Issue 1, Item 3B

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	3175	444.50	
5' Concrete Sidewalk	5.00	sq/ft	3175	15875.00	
Drainage & Landscape (no structures)	5.00	ft	635	3175.00	
Signs (New)	10.00	ft	635	6350.00	
Curb and Gutter	14.00	ft	635	8890.00	
				34734.50	
Mobilization	calculated at 15% of sub total			5210.18	
Temp. Traffic Control	calculated at 15% of sub total			5210.18	
Contingency	calculated at 20% of sub total			6946.90	
					52,101.76

Issue 1, Item 4A

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	21760	3046.40	
5' Concrete Sidewalk	5.00	sq/ft	2720	13600.00	
Drainage & Landscape	110.00	ft	544	59840.00	
Roadway Excavation (6" depth)	0.37	sq/ft	16320	6044.44	
12" Sub base; Place, Compact and	0.59	sq/ft	16320	9671.11	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	16320	13297.78	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	16320	20400.00	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	16320	21216.00	
Pavement Marking Paint	2.06	ft	544	1120.64	
Curb and Gutter	14.00	ft	1088	15232.00	
Signs (New)	10.00	ft	544	5440.00	
Parkstrip landscape	20.00	sq/ft	2720	54400.00	
				223308.37	
Mobilization	calculated at 15% of sub total			33496.26	
Temp. Traffic Control	calculated at 15% of sub total			33496.26	
Contingency	calculated at 20% of sub total			44661.67	
					334,962.56

Issue 1, Item 4B

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	25400	3556.00	
5' Concrete Sidewalk	5.00	sq/ft	3175	15875.00	
Drainage & Landscape	110.00	ft	635	69850.00	
Roadway Excavation (6" depth)	0.37	sq/ft	19050	7055.56	
12" Sub base; Place, Compact and	0.59	sq/ft	19050	11288.89	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	19050	15522.22	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	19050	23812.50	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	19050	24765.00	
Pavement Marking Paint	2.06	ft	635	1308.10	
Curb and Gutter	14.00	ft	1270	17780.00	
Signs (New)	10.00	ft	635	6350.00	
Parkstrip landscape	20.00	sq/ft	3175	63500.00	
				260663.27	
Mobilization	calculated at 15% of sub total			39099.49	
Temp. Traffic Control	calculated at 15% of sub total			39099.49	
Contingency	calculated at 20% of sub total			52132.65	
					390,994.90

Non Discreet Fencing

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Fencing	15.00	ft	635	9525.00	
Mobilization	calculated at 15% of sub total			1428.75	
Temp. Traffic Control	calculated at 15% of sub total			1428.75	
Contingency	calculated at 20% of sub total			1905.00	
					14,287.50

Issue II.

Issue 2, Item 1

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Property acquisition	30.00	sq/ft	100	3000.00	
Clearing and Grubbing & Excavation	0.14	sq/ft	6000	840.00	
Drainage & Landscape	110.00	ft	200	22000.00	
Roadway Excavation (6" depth)	0.37	sq/ft	6000	2222.22	
12" Sub base; Place, Compact and	0.59	sq/ft	6000	3555.56	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	6000	4888.89	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	6000	7500.00	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	6000	7800.00	
Pavement Marking Paint	2.06	ft	200	412.00	
Curb and Gutter	14.00	ft	400	5600.00	
Signs (New)	10.00	ft	200	2000.00	
Landscape	20.00	sq/ft	100	2000.00	
				61818.67	
Mobilization	calculated at 15% of sub total			9272.80	
Temp. Traffic Control	calculated at 15% of sub total			9272.80	
Contingency	calculated at 20% of sub total			12363.73	
					92,728.00

Issue 2, Item 2A

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Pavement marking	2.06	ft	180	370.80	
Signs (New)	10.00	ft	180	1800.00	
				2170.80	
Mobilization	calculated at 15% of sub total			325.62	
Temp. Traffic Control	calculated at 15% of sub total			325.62	
Contingency	calculated at 20% of sub total			434.16	
					3,256.20

Issue 2, Item 2B

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Property acquisition	30.00	sq/ft	100	3000.00	
Clearing and Grubbing & Excavation	0.14	sq/ft	200	28.00	
Drainage & Landscape	5.00	ft	40	200.00	
Concrete Landing	5.00	sq/ft	100	500.00	
Pavement Marking Paint	2.06	ft	180	370.80	
Curb and Gutter	14.00	ft	40	560.00	
Signs (New)	10.00	ft	180	1800.00	
				6458.80	
Mobilization	calculated at 15% of sub total			968.82	
Temp. Traffic Control	calculated at 15% of sub total			968.82	
Contingency	calculated at 20% of sub total			1291.76	
					9,688.20

Issue 2, Item 2C

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	250	35.00	
5' Concrete Sidewalk	5.00	sq/ft	250	1250.00	
Drainage & Landscape (no structures)	5.00	ft	50	250.00	
Signs (New)	10.00	ft	90	900.00	
Curb and Gutter	14.00	ft	50	700.00	
Pavement Marking Paint	2.06	ft	90	185.40	
				3320.40	
Mobilization	calculated at 15% of sub total			498.06	
Temp. Traffic Control	calculated at 15% of sub total			498.06	
Contingency	calculated at 20% of sub total			664.08	
					4,980.60

Raised Crosswalk

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	675	94.50	
Concrete Ramps	5.00	sq/ft	450	2250.00	
5' Concrete (8" thick)	25.00	sq/ft	225	5625.00	
Stamp and Stain	15.00	sq/ft	225	3375.00	
Drainage & Landscape (no structures)	5.00	ft	40	200.00	
Signs (New)	10.00	ft	100	1000.00	
Curb and Gutter	14.00	ft	40	560.00	
Pavement Marking Paint	2.06	ft	90	185.40	
				13289.90	
Mobilization	calculated at 15% of sub total			1993.49	
Temp. Traffic Control	calculated at 15% of sub total			1993.49	
Contingency	calculated at 20% of sub total			2657.98	
					19,934.86

Issue III.

Issue 3, Item 2

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	680	95.20	
Drainage & Landscape (no structures)	5.00	ft	830	4150.00	
Roadway Excavation (6" depth)	0.37	sq/ft	20400	7555.56	
12" Sub base; Place, Compact and	0.59	sq/ft	20400	12088.89	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	20400	16622.22	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	20400	25500.00	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	20400	26520.00	
Pavement Marking Paint	2.06	ft	830	1709.80	
Curb and Gutter	14.00	ft	830	11620.00	
Signs (New)	10.00	ft	830	8300.00	
				114161.67	
Mobilization	calculated at 15% of sub total			17124.25	
Temp. Traffic Control	calculated at 15% of sub total			17124.25	
Contingency	calculated at 20% of sub total			22832.33	
					171,242.50

Issue IV.

Issue 4, Item 1

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Fencing	15.00	ft	365	5475.00	
				5475.00	
Mobilization	calculated at 15% of sub total			821.25	
Temp. Traffic Control	calculated at 15% of sub total			821.25	
Contingency	calculated at 20% of sub total			1095.00	
					8,212.50

Issue 4, Item 2

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	49000	6860.00	
5' Concrete Sidewalk	5.00	sq/ft	7000	35000.00	
Drainage & Landscape	110.00	ft	1400	154000.00	
Roadway Excavation (6" depth)	0.37	sq/ft	42000	15555.56	
12" Sub base; Place, Compact and	0.59	sq/ft	42000	24888.89	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	42000	34222.22	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	42000	52500.00	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	42000	54600.00	
Pavement Marking Paint	2.06	ft	1400	2884.00	
Curb and Gutter	14.00	ft	2800	39200.00	
Signs (New)	10.00	ft	1400	14000.00	
				433710.67	
Mobilization	calculated at 15% of sub total			65056.60	
Temp. Traffic Control	calculated at 15% of sub total			65056.60	
Contingency	calculated at 20% of sub total			86742.13	
					650,566.00

Issue 4, Item 3

ITEM	COST $	UNIT	QUANITY	SUB TOTAL	TOTAL $
Clearing and Grubbing & Excavation	0.14	sq/ft	25200	3528.00	
5' Concrete Sidewalk	5.00	sq/ft	3600	18000.00	
Drainage & Landscape	110.00	ft	720	79200.00	
Roadway Excavation (6" depth)	0.37	sq/ft	21600	8000.00	
12" Sub base; Place, Compact and	0.59	sq/ft	21600	12800.00	
Untreated Base Course - 3/4" or 1" Max	0.81	sq/ft	21600	17600.00	
Hot Mix Asphalt - 3/4" (4" thick)	1.25	sq/ft	21600	27000.00	
Hot Mix Asphalt - 1/2" (2" thick)	1.30	sq/ft	21600	28080.00	
Pavement Marking Paint	2.06	ft	810	1668.60	
Curb and Gutter	14.00	ft	1440	20160.00	
Signs (New)	10.00	ft	720	7200.00	
				223236.60	
Mobilization	calculated at 15% of sub total			33485.49	
Temp. Traffic Control	calculated at 15% of sub total			33485.49	
Contingency	calculated at 20% of sub total			44647.32	
					334,854.90

City Council
Staff Report

Author: Gary Hill
Subject: Walkability Bond
Date: August 2, 2007
Type of Item: Informational/Discussion

Budget, Debt, & Grants

Recommendation: Review the results of the Walkability Bond Survey conducted by Insight Research and information from bond counsel and provide direction on the following: (1) language for the bond question that will be adopted by resolution on August 16th, and (2) size and term of the General Obligation Bond

Topic:
Review walkability survey results and provide direction on walkability bond

Background:
On June 28th City Council directed staff to conduct a citizen survey to help determine the size, nature, and content of the proposed bond election in November. After meeting with staff, Insight developed a 16-question survey designed to help the City understand the following:

- Would voters support a bond for walkability projects?
- How much would they be willing to bond for?
- What types of projects would they likely support?

On July 12th City Council and staff also discussed possible language that could be included on the November ballot. It was determined that the results of the survey would help inform that decision, but if possible, Council wanted the bond question to list specific projects that could be (but not necessarily would be) built. Staff informed City Council that it would review this direction with the City's bond counsel (Chapman and Cutler) and return with a discussion on August 2nd.

Analysis:

<u>Walkability Survey</u>
During the month of July 2007 Insight Research collected by telephone 400 interviews from residents of Park City. Respondents were asked ten questions, plus demographic information for them to respond to. Some general questions were asked as well as the public's desire for specific projects in the City.

Attached to this staff report is a summary of the survey findings as well as a comprehensive analysis. Some of the more interesting results:

- Question 9 – 64% of respondents would be very or somewhat willing to increase property taxes to build additional pedestrian and bicycle improvements
- Question 10 – 62% of respondents would support a $20 million bond
- Question 5 – 72% would support an underpass or overpass on Bonanza Drive

- Question 4 – 55% believe that no additional pedestrian measures are needed on SR 248 near the High School
- Question 7 – 71 % would support the narrowing of Little Kate to facilitate a separated bike path.

Representatives from Insight Research will present the results of the survey to City Council during work session on August 2nd with the intention of informing Council direction as to the size (amount), and term of a bond as well as the content of the bond question

Bond Question
As mentioned in the background section, staff discussed possible election question language with bond counsel. Specifically, staff and bond counsel reviewed language that would list specific projects that "might" (but not necessarily) be constructed.

According to bond counsel, the City should not include any projects (specifically or generally) that might not be constructed. A bond question that includes projects that may or may not be undertaken should be avoided and would not put the City on legally firm ground. Bond Counsel recommends crafting a bond question that is either very specific as to projects that will definitely be constructed or very general, but not both.

Understanding that the feasibility of certain projects is yet to be determined, and in light of the City's desire to remain flexible to future needs, Bond Counsel has recommended that the bond question itself should be written to include general needs, and that if the City desires to list specific, potential projects, it should do so in the voter information pamphlet.

With that recommendation from Bond Counsel, staff proposes the following bond question language:

> "Shall Park City, Utah, be authorized to issue and sell general obligation bonds of the City in an amount not to exceed _____________ Million Dollars and be due and payable in not to exceed _________ years from the date or dates of the bonds **for the purpose of acquiring, constructing, improving and modifying pathways, roads, and related improvements for use by pedestrians and cyclists?**"

As was discussed on July 12th, clearly-defined projects for all walkability projects will not be identified prior to adoption of the bond resolution (and final bond language) on August 16th. Thus it will be difficult to identify specific projects in the bond election. To ensure that voters and future elected officials understand the intent of the proposed bond, Staff and bond counsel recommend also implementing some or all of the following additional measures:

- Include potential types of specific projects in the voter information pamphlet

- Adopt a resolution in late October (or sometime prior to the bond election) that would list the specific project the City intends to construct with the bond proceeds
- Form a citizens advisory committee similar to COSAC to help ensure voter confidence. For each of the Open Space bond elections, the City has appointed a Citizen's Open Space Advisory Committee (COSAC) which has reviewed and recommended expenditure of bond funds to City Council.

Staff would like preliminary direction on the bond question on August 2nd so that a bond resolution may be drafted for adoption on August 16th.

Size and Term of the Bond.
On August 16th, the Bond Resolution will also need to include the number of years that a general obligation bond would be payable (referred to as the bond term) and the size or amount of the bond.

- **Term** - Most City bonds have a term of 15 years, and although a 20-year bond is also common among cities, staff recommends staying with a 15-year term for reasons of consistency
- **Size** – The Walkability Bond Survey asked voters how large of a bond they would be willing to support for walkable/bikeable projects. According to the results of Question # Ten, 62% of respondents would support a $20 million bond, with Of that number, 42% responded that they would "definitely" support a $20 million bond. For taxpayers, the cost of a $20 million bond per $100,000 of assessed value would look like this:
  - For a Primary Residence: $22.43 / year per $100,000 of assessed value
  - For a Secondary Residence or Business: $44.43 / year per $100,000 of assessed value

Staff would like Council direction on the size and term of the walkability bond on August 2nd.

Department Review:
Budget, Executive Office

RECOMMENDATION: Staff would like Council direction on (1) bond election language, and (2) the size and term of the proposed bond in order to draft a bond resolution for the meeting on August 16th.

Attachments
A – Insight Research Survey Quick Results
B – Insight Research Survey Analysis
C – Draft Bond Question

Attachment A – Insight Research Survey Questions

Park City Municipal Corporation
2007 Walkability/Bikeability Potential Bond Survey

Hello, I am ______, and I am calling for Park City Municipal Government and Insight Research, a local public opinion research firm. May I ask you a few questions regarding Park City and possible walkability/bikeability improvements?

1. Have you lived in Park City longer than 10 years?

(If yes, more than 10 years? If no, has it been more than 5 Years?)
   1. Longer than 20 years
   2. Between 10 and 20 years
   3. Between 5 and 10 years
   4. Fewer than 5 years

Professional consultants hired by the City recently completed a study on pedestrian and bicycling improvements in Park City. Suggestions were made and the City is now considering those suggestions.

2. How much of a need do you believe exists in Park City for additional traffic calming devices and improvements for pedestrian and bicycling safety?
   1. A great deal
   2. Somewhat
   3. Just a little
   4. Not at all
   5. Do not know (do not ask)

3. Based upon the consultant's recommendation, the Park City Council has recently budgeted $1.9 million to fill in the gaps to existing pathways and sidewalks and for crosswalk improvements to enhance pedestrian safety at major roads and intersections. Do you believe that
   1. A 1.9 million expenditure is not necessary
   2. $1.9 million is adequate
   3. More extensive measures ought to be constructed
   4. Do not know (dna)

4. Addition of a signalized pedestrian crossing has been funded for State Road 248 by the Park City school campuses at the High School. Do you believe additional safety measures beyond this signal are warranted at that location?
   (If yes then ask) What kind of improvements do you think would be most appropriate? An over or underpass (over or under the road if feasible engineering-wise) which might include fencing or walls to encourage pedestrians to the over or underpass, or the addition of fencing or walls without an over or underpass to encourage pedestrians to use established crosswalks.
   1. An over or underpass with fencing to encourage pedestrians to use it.
   2. An over or underpass with natural landscape barriers to encourage pedestrians to use it.

3. Funneling and encouraging pedestrians to cross at existing crosswalks.
4. Not sure which would be better (dna)
5. No additional safety measures are needed
6. Don't know (dna)

5. Would you support or oppose an over or under pass over or under Bonanza Drive near the Rail Trail and Iron Horse Drive? (definitely or probably)

1. Definitely support
2. Probably support
3. Probably oppose
4. Definitely oppose
5. Don't know (dna)

6. Do you support the reconstruction and narrowing of road widths around Park City to facilitate pedestrian and bicycle safety?

1. Yes
2. No

7 Would your support or oppose the reconstruction and narrowing of Little Kate and Lucky John to facilitate a separated bicycle path between the sidewalk and the roadway to the school campuses? (definitely or probably)

1. Definitely support
2. Probably support
3. Probably oppose
4. Definitely oppose
5. Don't know (dna)

8. Would you support or oppose the reconstruction and narrowing of Comstock Drive to build a separated sidewalk to the school campuses? (definitely or probably)

1. Definitely support
2. Probably support
3. Probably oppose
4. Definitely oppose
5. Don't know (dna)

9. How willing would you be to increase the property taxes you pay to build additional pedestrian and bicyclist safety devices?

1. Very willing
2. Somewhat willing
3. Just a little
4. Not willing at all
5. Don't know (dna)

The Park City Council is considering asking voters to vote on a bond in November to allow for construction of additional pedestrian and bicycle safety projects.

10. If the election were today and the amount of the bond was $20 million - meaning that on the average Park City primary residence of $665,000, property taxes would increase by approximately $160 per year for 15 years and on a secondary residence or business the annual increase would be $255, would you vote for or against the bond? (if support – ask definitely or probably)

(If against, or did not know ask – what about if the bond was for $15 million – meaning a property tax increase of approximately $120 on an average Park City primary residence or about $190 on an average secondary residence or business? (if support – ask definitely or probably)

(If against, or did not know ask – what about if the bond was for $10 million – meaning a property tax increase of approximately $80 on an average Park City primary residence or about $125 on an average secondary residence or business? (if support – ask definitely or probably)

1. Definitely support a $20 million bond
2. Probably support a $20 million bond
3. Definitely support a $15 million bond (and oppose/dk a $20 million bond)
4. Probably support a $15 million bond (and oppose/dk a $20 million bond)
5. Definitely support a $10 million bond (and oppose/dk a larger bond)
6. Probably support a $10 million bond (and oppose/dk a larger bond)
7. Will not support a bond at any amount
8. Do not know (dna)

FOR STATISTICAL PURPOSES, I NEED TO ASK THE FOLLOWING:

11. Is your age

1. 18 – 29 2. 30 – 39 3. 40 – 49 4. 50 – 59 5. 60 – 69 6. Refused

12. Household Income Level

1. Under $35K 2. $36 – 70K 3. $71 –100K 4. Over $100K 5. DK (vol) 6. Refused

13. Do you have any school age children living in your home?

1. Yes 2. No

14. How likely is it you will vote in this November's municipal election?

1. Very
2. Somewhat
3. A little
4. Not at all
5. Do not know

15. Area you live in: (Mark based on sample)

1. Deer Valley 2. Old Town 3. Prospector 4.Thaynes Canyon
5. Park Meadow/Quarry Mtn.

16. Gender (mark)

1. Male 2. Female

Attachment B – City Council Minutes From November 2, 2006

Three-way stop at Monitor Drive and Little Kate Road. Eric DeHaan discussed the potential of remodeling the Racquet Club, including reconfiguring the front parking lot. The middle of the three entrances into the Racquet Club is blocked off which seems to be working well, resulting in a three-way intersection. There are no stop signs on Little Kate and residents have requested a three-way stop to calm traffic. Staff feels the current stop sign is adequate since there isn't a high accident rate at this location. In response to a question from Jim Hier, Mr. DeHaan replied that the City doesn't have traffic counts. Expressed concerns relate more to motorists driving over the curb onto the sidewalk on Monitor Avenue, rather than volume of traffic. As a result, counts have not been conducted at this intersection. Jerry Gibbs interjected that counts have been conducted on Little Kate further east of the intersection. Discussion ensued about considering a four-way stop in the future and differing staff opinions. The City Manager explained his rationale for a three-way stop citing the Evening Star situation; staff is not recommending a multi-stop sign a time. Candace Erickson felt that eventually the intersection will be a four-way stop and people might as well get used to it now. Marianne Cone felt there is good visibility at that location and if there is a stop sign at the Racquet Club entrance, there's the potential that traffic will be backed-up. The residents she has spoken with in the neighborhood do not perceive the intersection as a problem and don't feel a stop sign is necessary. Joe Kernan supported beginning with a three-way and then changing it to a four-way stop. Mayor Williams understood that the residents directly adjacent to the intersection favored a four-way stop. He suggested that the northeast corner curb be raised on the corner of the sidewalk. The City Engineer advised that the curb slopes to street level for handicap access. Ms. Erickson believed that driving on the corner of the sidewalk was prompted by a pothole in the street that motorists were trying to avoid. Roger Harlan asked about the location of bus stops and Mr. DeHaan relayed that bus stops are typically distanced from intersections to avoid congestion and the current plan is to leave the shelter in its current location. He understood consensus to be to install a three-way stop at this time and returning to Council when a reconfigured Racquet Club entrance is proposed. Dana Williams suggested waiting to make a decision until the walk-able communities study is completed and to not install stop signs now. Council members agreed.

Park City Survey

2007

by Insight Research

Executive Summary

Purpose of the Survey

During the month of July 2007 Insight Research collected by telephone 400 interviews from residents of Park City, Utah. City leaders were interested in knowing the perceptions of their citizens concerning a possible bond election.

Sample

To ensure only citizens of Park City were called, Insight Research obtained from the city a list of residents. All those who had a phone in their home were called to obtain the interviews. If there was no answer, a second attempt was made and most were attempted three times before enough responses were gathered to obtain the necessary information.

Demographics

This is a survey of those who have a home telephone number. The demographics can be studied to reflect the consistency of the actual population with the survey respondents.

Lived in Park City:

22%	Longer than 20 years
35%	Between 10 and 20 years
26%	Between 5 and 10 years
17%	Fewer than 5 years

Age:

5%	18 - 29
7%	30- 39
20%	40- 49
33%	50- 59
33%	60+

Household Income:

4%	Under $35K
13%	$36 - $70K
19%	$71-$100K
50%	$100K plus
14%	Refused

School Children living at Home:

29%	Yes
71%	No

Area you live in:

10%	Deer Valley
11%	Old Town
11%	Prospector
9%	Thaynes Canyon
60%	Park Mdw/Quarry Mtn

Gender:

45%	Male
55%	Female

Results of Survey:

Does Park City need additional traffic calming devices?

86% Thought there was a great deal of need (50%) added to those who said somewhat of a need (36%) for the total who thought additional traffic calming devices were in order.

Is $1.9M enough to fill in the gaps to existing pathways and sidewalks?

50% The 1.9 million is adequate for crosswalk improvement for pedestrian safety.

Support for additional safety measures at State Road 248 by Park City school campuses?

55% Indicated they thought no additional safety measures were needed for state road 248.
14% Favored an over or underpass to encourage pedestrian use.
18% Would like natural landscape to encourage use of the over or underpass.
5% Use funneling to encourage pedestrian use of over underpass.

Would you support or oppose and over or underpass near the Rail Trail and Iron Horse Drive?

72% Respondents would definitely (47%) or probably (25%) support over/underpass
24% Definitely (16%) or probably (8%) oppose.

Support for reconstruction and narrowing of road widths around Park City?

63% Respondents would definitely (50%) or probably (25%) support narrowing of road widths for pedestrian and bicycle safety.

Support for Little Kate and Lucky John for separate bicycle paths between sidewalk and road.

50% Would definitely support separate paths and 21% would probably support separate paths.

Support for Comstock Drive for a separate sidewalk to the school campus?

43% Would definitely support a separate sidewalk and 20% would probably support that construction.

Willing to increase your property taxes to pay for additional pedestrian and bicycle safety?

28% Would be very willing and 36% somewhat willing. 11% indicated they were just a little willing to increase taxes for this safety measure.

What size of a bond election would you be willing to support?

42% Willing to support a 20M dollar bond.
20% Would probably support a 20 M dollar bond.
3% Would definitely or probably support a 15M dollar bond.
10% This ten percent is weak on probably supporting a 10M dollar bond.
18% Would not support any bond amount.

PARK CITY SURVEY

Introduction

Insight Research responded to a request from Park City officials to determine their citizens' opinions concerning possible support for a bond election to improve pedestrian and bicycle safety. The data were collected in early July right after the 4th of July. Respondents were asked ten questions, plus demographic information for them to respond to. Some general questions were asked as well as the public's desire for specific projects in the city.

Sample Design

Insight Research obtained a list of all citizens registered in Park City. From this list every home with a phone number in the Park City phone book was generated for a phone call. Every home with a phone was called to obtain the necessary surveys. Some of the homes were called three times before no further attempt were made to make contact. This method gave every person with a home telephone an opportunity to be interviewed. The sample size of 400 was reached with an approximate tolerated error of +/-.05.

Data Collection

A sampling procedure was not used. The population was so small the entire population was called. Data collectors were told to call every number up to three times if they had not obtained the number of phone calls necessary. Except for those who responded on the first call all phone numbers were called twice and most of them were called three times.

Analysis

The research instruments were coded and entered into a computer file. The questions were cross-tabulated with the demographic information selected by the staff at Park City. A ten percent difference was selected to determine if differences between total and demographic data was significantly different statistically. If Prospector interviewees support a construction project with a 55% favorable rating it would only be counted as statistically significant if the total data was at 45% or lower.

The analysis combined "definitely" answers with "probably" answers in some questions before determining if the differences were statistically different from total data.

Demographics

How Long have you Lived in Park City?

Less than one-fourth (22%) of Park Cities's population has lived in the city longer than 20 years. More than a third (35%) have lived in the city from 10 to 20 years. Just over a fourth (26%) have lived in the city from 5 to 10 years. The newer residents with fewer than 5 years in the city constitute 17% of the sample.

Age of Respondents:

Respondents over 60 years of age and respondents in their 50's each constituted one third of those who were interviewed in the sample. One person in five (20%) answered that their age is in the 40's. Only 7% indicated their age in the 30's and five percent were less than 30 years of age.

Household Income:

Fifty percent of the respondents answered that their income is greater than $100K annually. About one in five (19%) have an annual income of between $70K and $100K. Thirteen percent said their income was between $36K and $70K. Four percent have an income less than $35K per year. Fourteen percent refused to give income information.

School Age Kids:

About 3 respondents in 10 (29%) said they have school age kids living at home.

How Likely to Vote in the November Election?

Eighty-one percent said they were very likely to vote in the November election. About one in ten (11%) said they were somewhat likely to vote. A total of 8% indicated they were a little likely, not at all likely, or did not know whether they would vote or not.

Area Where You Live:

Six out of ten persons who were interviewed reported that they live in the Park Meadows/Quarry Mountain area of the city. The other 40% are almost equally divided between the other four areas with from 9 to 11 % in each area.

Gender

Female respondents constituted 55% of the sample and Males 45% of the sample.

Q1. How long have you lived in Park City?

1. Longer than 20 yrs
2. 10-20 years
3. 5-10 year
4. Less than 5 years

	n=	1	2	3	4
Overall	396	22%	35%	26%	17%
PC > 20 years	87	100%			
PC 10-20 yrs	140		100%		
PC 5-10 yrs	101			100%	
PC < 5 yrs	68				100%
Age 18-29	18		39%	28%	28%
Age 30-39	26	8%	19%	31%	46%
Age 40-49	80	16%	48%	20%	18%
Age 50-59	129	23%	34%	24%	19%
Age 60-Up	132	30%	34%	29%	7%
Age Refused	10	20%	10%	30%	40%
Income < $35K	16	25%	38%	19%	13%
Income $36-70K	53	36%	34%	8%	21%
Income $71-100K	76	16%	42%	32%	9%
Income $101-Up	197	18%	36%	26%	19%
Income DK/Rfsd	54	26%	22%	31%	19%
School age kids	113	13%	37%	27%	22%
No school age	281	26%	34%	25%	16%
Very likely vote	321	24%	34%	25%	17%
Some likely vote	45	11%	40%	36%	16%
Little like vote	6	50%		33%	33%
Not likely vote	16	6%	63%		31%
DK if will vote	8	25%	25%	38%	
Deer Valley	38	13%	55%	13%	18%
Old Town	41	34%	22%	24%	22%
Prospector	41	32%	37%	10%	24%
Thaynes Canyon	33	21%	55%	24%	
Pk Mdw/Qry Mtn	226	20%	33%	30%	17%
Male	177	23%	38%	24%	16%
Female	214	21%	34%	26%	19%

Q2. How much of a need do you believe exists in Park City for additional traffic calming devices and improvements for pedestrian and bicycling safety?

1. A great deal
2. Somewhat
3. Just a little
4. Not at all
5. Don't know

	n=	1	2	3	4	5
Overall	395	51%	36%	8%	2%	2%
PC > 20 years	86	53%	31%	10%	2%	3%
PC 10-20 yrs	140	42%	49%	6%	1%	1%
PC 5-10 yrs	101	59%	24%	10%	4%	3%
PC < 5 yrs	68	56%	34%	7%	3%	
Age 18-29	18	50%	28%	22%		
Age 30-39	26	46%	31%	23%		
Age 40-49	80	43%	51%	5%		
Age 50-59	128	57%	30%	7%	5%	2%
Age 60-Up	132	51%	38%	6%	2%	5%
Age Refused	10	70%	20%	10%		
Income < $35K	16	50%	19%	6%	19%	
Income $36-70K	52	46%	40%	12%		2%
Income $71-100K	76	39%	50%	7%	1%	3%
Income $101-Up	197	57%	33%	8%		2%
Income DK/Rfsd	54	50%	31%	7%	9%	4%
School age kids	113	54%	35%	9%	2%	
No school age	280	50%	37%	8%	3%	3%
Very likely vote	320	53%	36%	7%	2%	2%
Some likely vote	45	53%	33%	9%		4%
Little like vote	6		50%	17%	33%	
Not likely vote	16	38%	56%	6%		
DK if will vote	8	13%	25%	63%		
Deer Valley	37	51%	38%	11%		
Old Town	41	66%	17%	15%	2%	
Prospector	41	54%	39%	2%	5%	
Thaynes Canyon	33	48%	42%	3%	3%	3%
Pk Mdw/Qry Mtn	226	48%	38%	9%	2%	3%
Male	177	51%	34%	11%	2%	1%
Female	213	51%	38%	6%	1%	3%

Comments:

More than half of those persons interviewed (51%) believe there is a great deal of need for additional traffic calming devices and pedestrian and bicycle safety. More than a third (36%) thought there was somewhat of a need for those improvements. Eight percent thought a little improvement would do. Two percent didn't think there was a need for improvements.

Fourteen respondents who said they were little likely to vote (6 persons) or don't know if they would vote (8 persons) were not as supportive for safety improvements as were the rest of the population.

Q3. Based on the consultant's recommendation, the Park City Council has recently budgeted $1.9 million to fill in the gaps to existing pathways and sidewalks and for crosswalk improvements to enhance pedestrian safety at major roads and intersections. Do you believe that:

1. $1.9 million expenditure is not necessary
2. $1.9 million expenditure is adequate
3. More extensive measures ought to be constructed
4. Do not know (dna)

	n=	1	2	3	4
Overall	393	9%	50%	20%	21%
PC > 20 years	87	15%	41%	21%	22%
PC 10-20 yrs	139	9%	52%	15%	22%
PC 5-10 yrs	99	10%	52%	23%	16%
PC < 5 yrs	68		51%	24%	25%
Age 18-29	18	6%	83%	6%	
Age 30-39	26		62%	38%	
Age 40-49	77	5%	47%	22%	26%
Age 50-59	129	12%	45%	18%	26%
Age 60-Up	132	12%	49%	19%	20%
Age Refused	10		40%	10%	50%
Income < $35K	16	25%	69%		6%
Income $36-70K	52	13%	62%	17%	8%
Income $71-100K	76	5%	63%	18%	12%
Income $101-Up	195	8%	43%	24%	26%
Income DK/Rfsd	54	9%	41%	15%	35%
School age kids	112	6%	49%	26%	19%
No school age	279	10%	51%	17%	23%
Very likely vote	318	10%	46%	24%	20%
Some likely vote	45	4%	60%	4%	33%
Little like vote	6	17%	83%		
Not likely vote	16	6%	69%		25%
DK if will vote	8		88%		13%
Deer Valley	36	8%	56%	22%	17%
Old Town	41	20%	37%	29%	15%
Prospector	41	2%	68%	22%	7%
Thaynes Canyon	33	9%	48%	12%	27%
Pk Mdw/Qry Mtn	225	9%	47%	17%	27%
Male	176	10%	55%	20%	15%
Female	212	9%	45%	19%	26%

Comments:

About one in ten (9%) did not think the 1.9 million expenditure was necessary for crosswalks and pedestrian safety. One-half of the respondents thought the allocation for improvements was adequate. The other 41% were nearly equally divided between a desire for more extensive improvements (20%) and those who did not know (21%).

Statistically significant differences occurred in three demographic groups. Those under 20 years of age were less likely to see a need for greater funding. This was also true of those with an income less than 35K. A detailed analysis may indicated that they constitute the same group of respondents.   The fourteen individuals who were little likely to vote or did not know if they would vote also were not supportive of additional funding.

Q4. Addition of a traffic signal for pedestrian crossing has been funded for State Road 248 by the Park City school campuses at the High School. Do you believe additional safety measures beyond this signal are warranted at that location?

1. Over/underpass with fencing to encourage pedestrians
2. Over/underpass with landscaping to encourage pedestrians
3. Funneling and encouraging pedestrians to cross at existing crosswalks
4. Not sure which would be better
5. No additional safety measures are needed
6. Do not know (dna)

	n=	1	2	3	4	5	6
Overall	384	14%	18%	5%	3%	55%	6%
PC > 20 years	83	14%	17%	4%	2%	53%	11%
PC 10-20 yrs	136	16%	15%	6%		55%	8%
PC 5-10 yrs	97	11%	16%	3%	4%	61%	3%
PC < 5 yrs	68	12%	28%	6%	7%	49%	
Age 18-29	18	28%	17%	17%		39%	
Age 30-39	26	35%	19%	4%		42%	
Age 40-49	80	19%	20%	1%	4%	54%	3%
Age 50-59	125	9%	20%	5%	3%	56%	8%
Age 60-Up	124	10%	13%	6%	3%	61%	7%
Age Refused	10	20%	40%			30%	20%
Income < $35K	15	33%				60%	
Income $36-70K	53	13%	23%	11%		47%	6%
Income $71-100K	74	30%	12%	3%		50%	4%
Income $101-Up	189	7%	22%	5%	3%	58%	6%
Income DK/Rfsd	53	8%	13%	2%	11%	55%	11%
School age kids	112	18%	19%	7%	4%	49%	3%
No school age	270	12%	18%	3%	2%	57%	7%
Very likely vote	310	11%	19%	6%	2%	57%	5%
Some likely vote	45	27%	18%		4%	40%	13%
Little like vote	6	83%				17%	
Not likely vote	15	7%	20%		13%	60%	
DK if will vote	8	13%				50%	38%
Deer Valley	37	22%	16%	3%	5%	43%	8%
Old Town	40	8%	15%	3%	3%	68%	8%
Prospector	40	30%	30%			38%	3%
Thaynes Canyon	30	7%	10%	10%		63%	13%
Pk Mdw/Qry Mtn	220	12%	18%	5%	4%	57%	5%
Male	169	15%	15%	4%	2%	58%	7%
Female	209	13%	20%	6%	4%	53%	5%

Comments:

Fourteen percent of the total number of interviewees thought that an over/underpass with fencing to encourage pedestrian use was a good idea.

Those groups more likely to support this idea include:

83%	Little likely to vote
35%	Age 30-39
33%	Income less than 35K
30%	Prospector
30%	Income 71K to 100K
28%	Age 18-29
22%	Deer Valley

Eighteen percent of those interviewed support over and underpass with landscaping

Those groups more favorable to this concept include:

30%	Prospector
28%	Lived in city less than 5 years

Only 5% of the respondents opted for Funneling and encouragement for pedestrian crossing at crosswalks.

Only one demographic group significantly deviates statistically from the total. Those under 30 years of age had 17% of their population select this possibility.

More than half of the respondents (55%) thought no additional safety measures were needed.

One demographic group answered with a significantly higher percentage that no additional safety measures. That was Old Town with 68%.

Those demographic groups that were less likely to say no additional safety measures are needed include the following:

17%	Little Likely to Vote
30%	Age Refused
38%	Prospector
39%	Age 18-29
40%	Somewhat Likely to Vote
42%	Age 30-39
43%	Deer Valley

Three percent were not sure which choice would be better.

Q5. Would you support or oppose an over or underpass over or under Bonanza Drive near the Rail Trail and Iron Horse Drive?

1. Definitely support
2. Probably support
3. Probably oppose
4. Definitely oppose
5. Do not know (dna)

	n=	1	2	3	4	5
Overall	361	47%	25%	8%	16%	4%
PC > 20 years	79	39%	28%	9%	19%	6%
PC 10-20 yrs	130	42%	25%	13%	17%	2%
PC 5-10 yrs	84	48%	27%	5%	15%	5%
PC < 5 yrs	68	63%	21%	3%	12%	3%
Age 18-29	15	60%	20%	20%		
Age 30-39	24	83%	17%			
Age 40-49	72	47%	26%	8%	17%	
Age 50-59	116	44%	29%	10%	16%	2%
Age 60-Up	123	40%	24%	7%	21%	8%
Age Refused	10	50%	20%		10%	20%
Income < $35K	12	25%	25%	25%	17%	8%
Income $36-70K	52	33%	37%	12%	17%	2%
Income $71-100K	64	45%	30%	3%	16%	6%
Income $101-Up	185	51%	21%	9%	17%	2%
Income DK/Rfsd	48	50%	27%	4%	13%	8%
School age kids	107	50%	22%	7%	21%	1%
No school age	252	45%	27%	9%	14%	5%
Very likely vote	309	47%	24%	9%	17%	4%
Some likely vote	31	45%	42%	3%	6%	6%
Little like vote	6		67%		33%	
Not likely vote	11	45%	9%	18%	18%	
DK if will vote	4	75%	25%			
Deer Valley	33	36%	36%	9%	15%	
Old Town	39	44%	21%	18%	5%	13%
Prospector	41	56%	27%	7%	5%	5%
Thaynes Canyon	32	28%	25%	9%	34%	3%
Pk Mdw/Qry Mtn	200	50%	25%	7%	17%	3%
Male	167	46%	24%	11%	16%	3%
Female	189	48%	26%	6%	16%	4%

Comments:

Nearly half of those interviewed (47%) said they would definitely support an over or underpass for Bonanza Drive near the Rail Trail and Iron Horse Drive. Another 25% thought they would probably support the construction. That is a total of nearly three-fourths in favor (72%) of an over or underpass.

When adding the definitely and probable support into one category there are a few demographic groups which are statistically significantly different from the total percentages.

Groups of respondents more likely to support the over or under pass include the following:

100%	Don't know if they will vote
96%	Age 30-39
87%	Somewhat likely to vote
83%	Prospector

Groups less likely to support the over or under pass:

50%	Income less than $35K
53%	Thaynes Canyon
54%	Not likely to vote

Q6. Do you support the reconstruction and narrowing of road widths around Park City to facilitate pedestrian and bicycle safety?

1. Yes
2. No

	n=	1	2
Overall	355	63%	37%
PC > 20 years	77	53%	47%
PC 10-20 yrs	128	63%	36%
PC 5-10 yrs	85	66%	34%
PC < 5 yrs	64	69%	33%
Age 18-29	15	73%	27%
Age 30-39	24	88%	17%
Age 40-49	70	73%	27%
Age 50-59	112	65%	35%
Age 60-Up	122	51%	50%
Age Refused	10	60%	40%
Income < $35K	11	64%	27%
Income $36-70K	53	53%	45%
Income $71-100K	63	65%	33%
Income $101-Up	180	66%	35%
Income DK/Rfsd	48	58%	42%
School age kids	105	67%	33%
No school age	247	61%	39%
Very likely vote	303	64%	36%
Some likely vote	31	61%	39%
Little like vote	6	67%	50%
Not likely vote	11	55%	45%
DK if will vote	4	50%	50%
Deer Valley	31	68%	32%
Old Town	40	70%	30%
Prospector	41	66%	34%
Thaynes Canyon	30	37%	63%
Pk Mdw/Qry Mtn	195	64%	36%
Male	161	62%	38%
Female	188	64%	36%

Comments:

More than six out of ten (63%) support the reconstruction and narrowing of read widths around Park City for pedestrian and bicycle safety.

The demographic group which is more positive about narrowing roads include:

88%	Age 30-39
73%	Age 40-49

The demographic groups less inclined to support this concept includes:

51%	Age 60 and up
37%	Thaynes Canyon

Q7. Would you support or oppose the reconstruction and narrowing of Little Kate and Lucky John to facilitate a separated bicycle path between the sidewalk and the roadway to the school campuses?

1. Definitely support
2. Probably support
3. Probably oppose
4. Definitely oppose
5. Do not know (dna)

	n=	1	2	3	4	5
Overall	363	50%	21%	7%	15%	7%
PC > 20 years	80	48%	13%	10%	19%	11%
PC 10-20 yrs	131	47%	26%	5%	15%	7%
PC 5-10 yrs	84	46%	26%	7%	15%	4%
PC < 5 yrs	68	65%	16%	6%	9%	6%
Age 18-29	15	53%	33%	7%		
Age 30-39	24	54%	21%	17%	13%	
Age 40-49	70	54%	27%	4%	11%	4%
Age 50-59	116	60%	13%	6%	16%	6%
Age 60-Up	127	38%	27%	6%	20%	10%
Age Refused	10	60%		20%		20%
Income < $35K	12	50%	8%	8%	8%	17%
Income $36-70K	53	38%	26%	4%	21%	13%
Income $71-100K	63	33%	29%	11%	21%	3%
Income $101-Up	187	60%	20%	5%	12%	4%
Income DK/Rfsd	49	49%	14%	8%	14%	14%
School age kids	105	53%	24%	9%	11%	4%
No school age	256	49%	21%	6%	16%	8%
Very likely vote	313	52%	21%	6%	15%	6%
Some likely vote	29	34%	21%	14%	17%	10%
Little like vote	6	33%	33%		50%	
Not likely vote	11	55%	18%	9%		9%
DK if will vote	4	50%	25%	25%		
Deer Valley	34	35%	29%	9%	24%	3%
Old Town	38	53%	16%	3%	13%	18%
Prospector	41	61%	24%	5%	5%	5%
Thaynes Canyon	32	38%	22%	13%	13%	13%
Pk Mdw/Qry Mtn	201	52%	19%	6%	16%	5%
Male	167	49%	21%	8%	15%	7%
Female	191	53%	21%	5%	14%	7%

Comments:

Seven out of ten persons interviewed would definitely support (50%) or probably support (21%) the narrowing of Little Kate and Lucky John to facilitate a separate bicycle path between sidewalk and roadway to the school campus.

More likely to support this construction are the following demographic groups:

86%	Age 18-29
85%	Prospector
81%	Lived in Park City Less than 5 years
81%	Age 40-49
80%	Income above $100K

Less likely to support this construction include:

55%	Somewhat Likely to Vote
58%	Income Less than $35K
60%	Thaynes Canyon
61%	Lived in park City over 20 years

Q8. Would you support or oppose the reconstruction and narrowing of Comstock Drive to build a separated sidewalk to the school campuses?

1. Definitely support
2. Probably support
3. Probably oppose
4. Definitely oppose
5. Do not know (dna)

	n=	1	2	3	4	5
Overall	362	43%	20%	8%	7%	22%
PC > 20 years	79	52%	11%	11%	9%	18%
PC 10-20 yrs	131	46%	18%	8%	9%	18%
PC 5-10 yrs	84	31%	36%	5%	7%	21%
PC < 5 yrs	68	43%	16%	6%	3%	32%
Age 18-29	15	53%	33%	7%		
Age 30-39	24	42%	25%	21%	8%	8%
Age 40-49	72	50%	24%	6%	3%	19%
Age 50-59	114	43%	19%	9%	8%	22%
Age 60-Up	126	40%	18%	6%	10%	27%
Age Refused	10	30%		20%	20%	30%
Income < $35K	12	42%	17%	17%		17%
Income $36-70K	52	42%	17%	19%	6%	15%
Income $71-100K	64	47%	27%	6%	9%	11%
Income $101-Up	185	46%	20%	6%	8%	21%
Income DK/Rfsd	49	27%	16%	4%	6%	49%
School age kids	107	47%	26%	7%	7%	13%
No school age	253	42%	18%	8%	8%	25%
Very likely vote	310	46%	20%	7%	8%	19%
Some likely vote	31	23%	23%	16%	3%	35%
Little like vote	6	33%	33%		33%	17%
Not likely vote	11	36%	9%	9%		36%
DK if will vote	4		25%	25%		50%
Deer Valley	34	35%	12%	21%	9%	24%
Old Town	40	48%	20%		8%	25%
Prospector	41	80%	7%	5%	7%	
Thaynes Canyon	31	32%	16%	10%	13%	29%
Pk Mdw/Qry Mtn	199	36%	26%	8%	6%	24%
Male	167	43%	21%	10%	11%	14%
Female	190	44%	19%	6%	4%	26%

Comments: There is significant support for the reconstruction and narrowing of Comstock Drive to build separate sidewalks to the school campus. Forty-three percent answered they would definitely support this construction and 20 percent said they would probably support the construction. That is a total of 63% support. There was 15 percent opposition to the idea with 22% who answered they did not know whether to support or oppose.

Greater support among demographic groups with definite and probable support for the construction include:

87%	Prospector
86%	Age less than 30
74%	Age in the 40's
74%	Income $71 -$100K
73%	School Age Kids

Less likely to support the construction:

62%	Age in the 50's
60	No school age kids
59%	Lived in Park City less than 5 years.
58%	Age 60 and up
48%	Thaynes Canyon
47%	Deer Valley
46%	Somewhat Likely to Vote
45%	Not Likely to Vote

Q9. How willing would you be to increase the property taxes you pay to build additional pedestrian and bicyclist safety devices?

1. Very willing
2. Somewhat willing
3. Just a little
4. Not willing at all
5. Do not know (dna)

	n=	1	2	3	4	5
Overall	366	28%	36%	11%	22%	3%
PC > 20 years	81	30%	32%	7%	27%	4%
PC 10-20 yrs	131	26%	31%	18%	21%	4%
PC 5-10 yrs	85	34%	32%	8%	25%	2%
PC < 5 yrs	68	24%	53%	7%	13%	3%
Age 18-29	15		47%	7%	7%	33%
Age 30-39	24	42%	50%		8%	4%
Age 40-49	72	26%	51%	13%	8%	1%
Age 50-59	116	31%	32%	9%	26%	3%
Age 60-Up	128	28%	26%	14%	30%	2%
Age Refused	10	10%	50%	20%	20%	
Income < $35K	12	25%	33%	8%	25%	
Income $36-70K	53	13%	34%	9%	36%	6%
Income $71-100K	64	31%	36%	11%	19%	3%
Income $101-Up	187	33%	41%	10%	14%	2%
Income DK/Rfsd	50	18%	20%	18%	40%	6%
School age kids	107	35%	33%	12%	15%	6%
No school age	257	25%	37%	11%	25%	2%
Very likely vote	314	30%	35%	11%	22%	2%
Some likely vote	31	16%	48%	19%	13%	3%
Little like vote	6	33%			50%	33%
Not likely vote	11		27%	18%	27%	27%
DK if will vote	4		50%		50%	
Deer Valley	34	26%	32%	12%	26%	3%
Old Town	40	30%	33%	10%	28%	
Prospector	41	37%	32%	10%	10%	10%
Thaynes Canyon	32	22%	28%	16%	31%	
Pk Mdw/Qry Mtn	202	26%	40%	11%	20%	3%
Male	168	35%	30%	10%	21%	3%
Female	193	22%	40%	12%	22%	4%

Comments:

Question # 9 is a key question. How willing was the respondent to increase property taxes to build additional pedestrian and bicyclist safety devices?

More than one in four (28%) indicated that they are very willing to raise their taxes for this project.

Those more willing to have their personal taxes raised for this construction include:

42%   Age 30-39

Those less willing to raise their taxes for this purpose include:

0%   Age 18-29
0%   Not likely to vote
0%   Don’t know if they will vote
10%   Age refused
13%   Income $36-$70K
16%   Somewhat likely to Vote
18%   Income Refused

More than one person in three (36%)indicated that they were somewhat willing to raise their personal income taxes to fund this project.

Individual groups more likely to support this position include:

51%   Age 40-45
50%   Age 30-39
50%   Age Refused
50%   Don’t know if they will vote
48%   Somewhat likely to vote
47%   Age 18-29

Those less likely to support this position include:

26%   Age 60 and up
20%   Age Refused
0%   Little likely to vote

Q10. If the election were today:

1. Definitely support a $20M bond
2. Probably support a $20M bond
3. Definitely support a $15M bond (oppose higher bond)
4. Probably support a $15M bond (oppose higher bond)
5. Definitely support a $10M bond (oppose higher bond)
6. Probably support a $10M bond (oppose higher bond)
7. Will not support a bond at any amount
8. Do not know (dna)

	n=	1	2	3	4	5	6	7	8
Overall	351	42%	20%	1%	2%	1%	9%	18%	6%
PC > 20 years	77	35%	14%	1%	4%	1%	12%	23%	9%
PC 10-20 yrs	126	42%	17%		3%	2%	8%	21%	6%
PC 5-10 yrs	81	46%	22%		2%		14%	16%	2%
PC < 5 yrs	66	48%	32%	3%		3%	3%	6%	6%
Age 18-29	15	33%	47%				7%		7%
Age 30-39	22	64%	23%			5%			9%
Age 40-49	69	35%	28%		4%	4%	10%	13%	6%
Age 50-59	110	45%	19%	2%	2%	1%	5%	21%	5%
Age 60-Up	124	43%	11%	1%	3%		15%	24%	4%
Age Refused	10	30%	50%					10%	10%
Income < $35K	12	33%	17%				17%	25%	
Income $36-70K	52	29%	17%		4%		10%	31%	10%
Income $71-100K	62	45%	23%		3%	2%	10%	16%	2%
Income $101-Up	178	51%	17%	2%	3%	2%	7%	12%	7%
Income DK/Rfsd	47	26%	30%			4%	13%	26%	4%
School age kids	106	50%	18%	2%	2%		9%	13%	5%
No school age	243	39%	21%		3%	2%	9%	20%	6%
Very likely vote	300	45%	17%	1%	2%	1%	10%	19%	5%
Some likely vote	30	27%	50%		7%			3%	17%
Little like vote	6	33%	33%					50%	
Not likely vote	11	18%	9%		9%	18%	9%	27%	9%
DK if will vote	4		75%						25%
Deer Valley	33	39%	24%				12%	15%	9%
Old Town	40	50%	23%				5%	23%	
Prospector	38	61%	13%		3%	3%	13%	5%	3%
Thaynes Canyon	27	33%	30%				11%	19%	7%
Pk Mdw/Qry Mtn	197	41%	18%	1%	4%	2%	8%	20%	6%
Male	156	48%	12%	1%		2%	12%	18%	7%
Female	192	37%	27%	1%	4%	2%	7%	18%	5%

Comments:

More than four out of ten (42%) said they would definitely support a $20M bond. Another 20% indicated that they would probably support a $20M bond. Three percent would definitely or probably support a $15M bond and would be opposed to a $20M bond. Ten percent would definitely or probably support a $10M bond. Nearly one respondent in five (18%) had negative feeling for a bond at any cost. Six percent of those interviewed answered with a do not know concerning the bonding issue.

When adding together the definite and probable support for a $20M bond the following demographic groups are statistically more in support than the average of all respondents.

87%	Age 30-39
80%	Age refused
80%	Age 19-29
80%	Lived in Park City fewer than5 years.
78%	Lived in Park City from 5 to 10 years
77%	Somewhat likely to vote
75%	Don’t know if they will vote
74%	Prospector
73%	Old Town

Those demographic groups less inclined to support a 20M bond include:

60%	No school age kids
49%	Lived in Park City over 20 years
46%	Income between 36K and 70K
22%	Not likely to vote

Q11. In which age category do you belong?

1. 18-29 years of age
2. 30-39 years of age
3. 40-49 years of age
4. 50-59 years of age
5. 60+ years of age
6. Refused

	n=	1	2	3	4	5	6
Overall	396	5%	7%	20%	33%	33%	3%
PC > 20 years	87		2%	15%	34%	46%	2%
PC 10-20 yrs	140	5%	4%	27%	31%	32%	1%
PC 5-10 yrs	101	5%	8%	16%	31%	38%	3%
PC < 5 yrs	68	7%	18%	21%	35%	13%	6%
Age 18-29	18	100%					
Age 30-39	26		100%				
Age 40-49	80			100%			
Age 50-59	129				100%		
Age 60-Up	132					100%	
Age Refused	10						100%
Income < $35K	16	38%		6%	31%	25%	
Income $36-70K	53	6%	8%	17%	28%	40%	
Income $71-100K	76	3%	12%	30%	18%	37%	
Income $101-Up	197	2%	7%	20%	40%	30%	1%
Income DK/Rfsd	54	6%		13%	30%	39%	15%
School age kids	113	7%	9%	47%	27%	9%	1%
No school age	281	4%	6%	9%	35%	43%	3%
Very likely vote	321	3%	6%	17%	34%	39%	1%
Some likely vote	45	2%	11%	40%	33%	4%	7%
Little like vote	6	33%		50%	33%		
Not likely vote	16	19%		31%	19%	31%	
DK if will vote	8	13%	25%	13%	13%		38%
Deer Valley	38	3%	16%	24%	24%	32%	3%
Old Town	41	2%	12%	24%	34%	22%	5%
Prospector	41	7%	7%	20%	29%	27%	5%
Thaynes Canyon	33			12%	24%	61%	3%
Pk Mdw/Qry Mtn	226	5%	6%	19%	36%	34%	
Male	177	5%	7%	16%	32%	40%	1%
Female	214	4%	7%	23%	33%	29%	4%

Q12. Household income level

1. Under $35K
2. $36-70K
3. $71-100K
4. Over $100K
5. Do not know/Refused

	n=	1	2	3	4	5
Overall	396	4%	13%	19%	50%	14%
PC > 20 years	87	5%	22%	14%	41%	16%
PC 10-20 yrs	140	4%	13%	23%	51%	9%
PC 5-10 yrs	101	3%	4%	24%	51%	17%
PC < 5 yrs	68	3%	16%	10%	54%	15%
Age 18-29	18	33%	17%	11%	22%	17%
Age 30-39	26		15%	35%	54%	
Age 40-49	80	1%	11%	29%	49%	9%
Age 50-59	129	4%	12%	11%	61%	12%
Age 60-Up	132	3%	16%	21%	45%	16%
Age Refused	10				20%	80%
Income < $35K	16	100%				
Income $36-70K	53		100%			
Income $71-100K	76			100%		
Income $101-Up	197				100%	
Income DK/Rfsd	54					100%
School age kids	113	1%	7%	29%	52%	10%
No school age	281	5%	16%	15%	49%	15%
Very likely vote	321	3%	14%	17%	53%	12%
Some likely vote	45	2%	11%	29%	49%	11%
Little like vote	6	33%		33%	17%	33%
Not likely vote	16	6%	19%	13%	25%	31%
DK if will vote	8			38%		63%
Deer Valley	38	3%	16%	21%	50%	11%
Old Town	41	12%	27%	5%	51%	7%
Prospector	41	5%	20%	29%	37%	10%
Thaynes Canyon	33		9%	15%	64%	9%
Pk Mdw/Qry Mtn	226	3%	10%	20%	50%	16%
Male	177	3%	12%	22%	53%	10%
Female	214	5%	14%	17%	48%	17%

Q13. Do you have any school age children living at home?

1. Yes
2. No

	n=	1	2
Overall	395	29%	71%
PC > 20 years	87	17%	83%
PC 10-20 yrs	139	30%	69%
PC 5-10 yrs	101	31%	69%
PC < 5 yrs	68	37%	65%
Age 18-29	18	44%	56%
Age 30-39	26	38%	65%
Age 40-49	79	67%	33%
Age 50-59	129	24%	76%
Age 60-Up	132	8%	92%
Age Refused	10	10%	90%
Income < $35K	16	6%	88%
Income $36-70K	53	15%	83%
Income $71-100K	76	43%	55%
Income $101-Up	196	30%	70%
Income DK/Rfsd	54	20%	80%
School age kids	113	100%	
No school age	281		100%
Very likely vote	320	27%	73%
Some likely vote	45	40%	62%
Little like vote	6	67%	33%
Not likely vote	16	13%	88%
DK if will vote	8	38%	50%
Deer Valley	37	14%	86%
Old Town	41	22%	78%
Prospector	41	24%	76%
Thaynes Canyon	33	12%	88%
Pk Mdw/Qry Mtn	226	34%	66%
Male	176	28%	72%
Female	214	29%	71%

Q14. How likely is it you will vote in this November's election?

1. Very
2. Somewhat
3. A little
4. Not at all
5. Do not know (dna)

	n=	1	2	3	4	5
Overall	396	81%	11%	2%	4%	2%
PC > 20 years	87	89%	6%	3%	1%	2%
PC 10-20 yrs	140	79%	13%		7%	1%
PC 5-10 yrs	101	79%	16%	2%		3%
PC < 5 yrs	68	79%	10%	3%	7%	
Age 18-29	18	56%	6%	11%	17%	6%
Age 30-39	26	77%	19%			8%
Age 40-49	80	66%	23%	4%	6%	1%
Age 50-59	129	84%	12%	2%	2%	1%
Age 60-Up	132	95%	2%		4%	
Age Refused	10	40%	30%			30%
Income < $35K	16	69%	6%	13%	6%	
Income $36-70K	53	85%	9%		6%	
Income $71-100K	76	74%	17%	3%	3%	4%
Income $101-Up	197	87%	11%	1%	2%	
Income DK/Rfsd	54	70%	9%	4%	9%	9%
School age kids	113	76%	16%	4%	2%	3%
No school age	281	83%	10%	1%	5%	1%
Very likely vote	321	100%				
Some likely vote	45		100%			
Little like vote	6			100%		
Not likely vote	16				100%	
DK if will vote	8					100%
Deer Valley	38	71%	24%		3%	3%
Old Town	41	85%	12%	2%		
Prospector	41	88%		5%	7%	
Thaynes Canyon	33	88%	9%		3%	
Pk Mdw/Qry Mtn	226	82%	11%	1%	4%	2%
Male	177	87%	8%	1%	3%	1%
Female	214	76%	14%	2%	5%	2%

Q15. Area you live in:

1. Deer Valley
2. Old Town
3. Prospector
4. Thaynes Canyon
5. Park Meadow/Quarry Mountain

	n=	1	2	3	4	5
Overall	379	10%	11%	11%	9%	60%
PC > 20 years	84	6%	17%	15%	8%	55%
PC 10-20 yrs	137	15%	7%	11%	13%	54%
PC 5-10 yrs	94	5%	11%	4%	9%	72%
PC < 5 yrs	64	11%	14%	16%		59%
Age 18-29	18	6%	6%	17%		67%
Age 30-39	26	23%	19%	12%		50%
Age 40-49	74	12%	14%	11%	5%	57%
Age 50-59	125	7%	11%	10%	6%	66%
Age 60-Up	128	9%	7%	9%	16%	60%
Age Refused	7	14%	29%	29%	14%	14%
Income < $35K	15	7%	33%	13%		47%
Income $36-70K	51	12%	22%	16%	6%	45%
Income $71-100K	73	11%	3%	16%	7%	63%
Income $101-Up	189	10%	11%	8%	11%	60%
Income DK/Rfsd	51	8%	6%	8%	6%	71%
School age kids	105	5%	9%	10%	4%	73%
No school age	272	12%	12%	11%	11%	55%
Very likely vote	311	9%	11%	12%	9%	59%
Some likely vote	41	22%	12%		7%	59%
Little like vote	5		20%	40%		60%
Not likely vote	15	7%		20%	7%	67%
DK if will vote	6	17%				83%
Deer Valley	38	100%				
Old Town	41		100%			
Prospector	41			100%		
Thaynes Canyon	33				100%	
Pk Mdw/Qry Mtn	226					100%
Male	170	11%	9%	15%	9%	55%
Female	204	9%	12%	7%	9%	63%

Q16. Gender:
1. Male
2. Female

	n=	1	2
Overall	391	45%	55%
PC > 20 years	86	47%	53%
PC 10-20 yrs	140	48%	52%
PC 5-10 yrs	97	43%	58%
PC < 5 yrs	68	43%	59%
Age 18-29	18	44%	50%
Age 30-39	26	46%	58%
Age 40-49	78	36%	64%
Age 50-59	126	44%	56%
Age 60-Up	132	53%	47%
Age Refused	10	20%	80%
Income < $35K	16	38%	63%
Income $36-70K	52	40%	60%
Income $71-100K	76	51%	47%
Income $101-Up	195	48%	52%
Income DK/Rfsd	52	33%	69%
School age kids	111	45%	56%
No school age	278	45%	55%
Very likely vote	316	49%	51%
Some likely vote	45	31%	69%
Little like vote	6	33%	67%
Not likely vote	16	31%	69%
DK if will vote	8	25%	63%
Deer Valley	38	50%	50%
Old Town	40	40%	60%
Prospector	41	63%	37%
Thaynes Canyon	33	45%	55%
Pk Mdw/Qry Mtn	222	42%	58%
Male	177	100%	
Female	214		100%

Park City Municipal Corporation
2007 Walkability/Bikeability Potential Bond Survey

Hello, I am ______, and I am calling for Park City Municipal Government and Insight Research, a local public opinion research firm. May I ask you a few questions regarding Park City and possible walkability/bikeability (sidewalk & bike safety) improvements?

1. Have you lived in Park City longer than 10 years? If yes, more than 20 years? If no, has it been more than 5 Years?	Longer than 20 years . . . . 22% Between 10 and 20 years . . . . 35% Between 5 and 10 year . . . . 26% Fewer than 5 years 17%
Professional consultants hired by the City recently completed a study on pedestrian and bicycling improvements in Park City. Suggestions were made and the City is now considering those suggestions.	
2. How much of a need do you believe exists in Park City for additional traffic calming devices and improvements for pedestrian and bicycling safety?	A great deal . . . . 51% Somewhat . . . . 36% Just a little . . . . 8% Not at all . . . . 2% Do not know (do not ask) 2%
3. Based upon the consultant's recommendation, the Park City Council has recently budgeted $1.9 million to fill in the gaps to existing pathways and sidewalks and for crosswalk improvements to enhance pedestrian safety at major roads and intersections. Do you believe that :	A 1.9 million expenditure is not necessary . . . . 9% $1.9 million is adequate . . . . 50% More extensive measures ought to be constructed . . . 20% Do not know (dna) 21%
4. Addition of a traffic signal for pedestrian crossing has been funded for State Road 248 by the Park City school campuses at the High School. Do you believe additional safety measures beyond this signal are warranted at that location? (If yes then ask) What kind of improvements do you think would be most appropriate? An over or underpass (over or under the road if feasible engineering-wise) which might include fencing or walls to encourage pedestrians to the over or underpass, or the addition of fencing or walls without an over or underpass to encourage pedestrians to use established crosswalks.	An over or underpass with fencing to encourage pedestrians to use it. . . . . 14% An over or underpass with natural landscape barriers to encourage pedestrians to use it. . . . . 18% Funneling and encouraging pedestrians to cross at existing crosswalks. . . . . 5% Not sure which would be better (dna) . . . . 3% No additional safety measures are needed . . . . 55% Don't know (dna) 6%
5. Would you support or oppose an over or under pass over or under Bonanza Drive near the Rail Trail and Iron Horse Drive? (definitely or probably)	Definitely support . . . . 47% Probably support . . . . 25% Probably oppose . . . . 8% Definitely oppose . . . . 16% Don't know (dna) 4%
6. Do you support the reconstruction and narrowing of road widths around Park City to facilitate pedestrian and bicycle safety?	Yes . . . . 63% No 37%
7 Would your support or oppose the reconstruction and narrowing of Little Kate and Lucky John to facilitate a separated bicycle path between the sidewalk and the roadway to the school campuses? (definitely or probably)	Definitely support . . . . 50% Probably support . . . . 21% Probably oppose . . . . 7% Definitely oppose . . . . 15% Don't know (dna) 7%
8. Would you support or oppose the reconstruction and narrowing of Comstock Drive to build a separated sidewalk to the school campuses? (definitely or probably)	Definitely support . . . . 43% Probably support . . . . 20% Probably oppose . . . . 8% Definitely oppose . . . . 7% Don't know (dna) 22%

9. How willing would you be to increase the property taxes you pay to build additional pedestrian and bicyclist safety devices?	Very willing . . . . 28% Somewhat willing . . . . 36% Just a little . . . . 11% Not willing at all . . . . 22% Don't know (dna) 3%

The Park City Council is considering asking voters to vote on a bond in November to allow for construction of additional pedestrian and bicycle safety projects.

10. If the election were today and the amount of the bond was $20 million - meaning that on the average Park City primary residence of $665,000, property taxes would increase by approximately $160 per year for 15 years and on a secondary residence or business the annual increase would be $255, would you vote for or against the bond? (if support - ask definitely or probably) (If against, or did not know ask - what about if the bond was for $15 million - meaning a property tax increase of approximately $120 on an average Park City primary residence or about $190 on an average secondary residence or business? (if support - ask definitely or probably) (If against, or did not know ask - what about if the bond was for $10 million - meaning a property tax increase of approximately $80 on an average Park City primary residence or about $125 on an average secondary residence or business? (if support - ask definitely or probably)	Definitely support a $20 million bond . . . . 42% Probably support a $20 million bond . . . . 20% Definitely support a $15 million bond (and oppose/dk a $20 million bond) . . . . 1% Probably support a $15 million bond (and oppose/dk a $20 million bond) . . . . 2% Definitely support a $10 million bond (and oppose/dk a larger bond) . . . . 1% Probably support a $10 million bond (and oppose/dk a larger bond) . . . . 9% Will not support a bond at any amount . . . . 18% Do not know (dna) 6%

FOR STATISTICAL PURPOSES, I NEED TO ASK THE FOLLOWING:

11. Is your age	18 - 29 . . . . 5% 30 - 39 . . . . 7% 40 - 49 . . . . 20% 50 - 59 . . . . 33% 60 - 69 . . . . 33% Refused 2%	14. How likely is it you will vote in this November's municipal election?	Very . . . . 81% Somewhat . . . . 11% A little . . . . 2% Not at all . . . . 4% Do not know 2%
12. Household Income Level Ask more or less than $70K If less - ask <> than $35K If more - ask <> than $100K	Under $35K . . . . 4% $36 - 70K . . . . 13% $71 -100K . . . . 19% Over $100K . . . . 50% DK (vol) /Refused 14%	15. Area you live in: (Mark based on sample)	Deer Valley . . . . 10% Old Town . . . . 11% Prospector . . . . 11% Thaynes Canyon . . . . 9% Park Meadow/Quarry Mtn.60%
13. Do you have any school age children living in your home?	Yes . . . . 29% No 71%	16. Gender (mark - don't ask))	Male . . . . 45% Female 55%

Surveyed by: ______________________________ Phone number called: ______________________

OFFICIAL BALLOT FOR

PARK CITY, UTAH

SPECIAL BOND ELECTION

November 6, 2007

(Facsimile Signature)
City Recorder, Park City

CITY PROPOSITION NUMBER ___

Shall Park City, Utah, be authorized to issue and sell general obligation bonds of the City in an amount not to exceed __________ Million Dollars ($__________) and to be due and payable in not to exceed ___________ (___) years from the date or dates of the bonds for the purpose of acquiring, constructing, improving and modifying pathways, sidewalks, roads and related improvements for use by pedestrians and cyclists?

Notice of Property Tax Increase Due to Bond Issuance

Passage of the proposition means that the tax on a $__________ residence in the City would increase $__________ per year ($__________ being the estimated average value of a residence in the City).

The tax on a $__________ business in the City would increase $__________ per year ($__________ being the value of a business having the same value as the estimated average value of a residence in the City).

The foregoing information is only an estimate of tax increases and is not a limit on the amount of taxes that the City may be required to levy in order to pay debt service on the bonds. The City will be obligated to levy taxes without limitation as to rate or amount in order to pay the bonds, as provided by law. The amounts are based on various assumptions and estimates, including estimated debt service on the bonds and taxable values of property in the City.

To vote in favor of the above bond issue, select the box to the left of the words "FOR THE ISSUANCE OF BONDS." To vote against the bond issue, select the box to the left of the words "AGAINST THE ISSUANCE OF BONDS."

☐ **FOR THE ISSUANCE OF BONDS**

☐ **AGAINST THE ISSUANCE OF BONDS**

City Council Staff Report

Sustainability Team

Author: Patrick Putt & Phyllis Robinson
Subject: Park City Heights Annexation Task Force Update
Date: August 2, 2007
Type of Item: Informational

The purpose of Thursday's joint work session is for Staff to present an update on the recently completed Park City Heights/Talisker Annexation Task Force and allow for Council and the Planning Commission to provide additional input and direction to the petitioner prior to start of the public hearing process by Planning Commission.

The Park City Heights Annexation Petition and Master Planned Development application were filed on January 28, 2005 with the City Recorder. The applicant later filed additional and amended materials on February 16, 2005 to complete the annexation petition. On July 5, 2007, the Annexation Petition/Master Planned Development application was amended to include the 40 acre United Park City Mines Company/Talisker property.

The overall Annexation area proposed is 256.84 acres and is located in the Quinn's Junction area near the southwest quadrant of the US-40/SR-248 interchange. The properties comprising in the proposed Park City Heights/Talisker Annexation/Master Planned Development total 239.56 acres and include two separate parcels owned by the Park City Heights, LLC *(north/"90" Parcel--24 acres; south/Clark Ranch Parcel--176 acres)*; and a +/- 40-acre parcel owned by the United Park City Mines Company (UPCMC)/Talisker. The 12.46-acre Byer property; and the State of Utah Rail Trail properties are not listed as applicants on the Annexation Petition/Master Planned Development application. *(These properties are included in the annexation but the owners have not signed the petition/application.)*

An overall total of 303 residential units *(individual households, not residential unit equivalents)* are proposed which includes a mix of market and affordable units. The unit mix is detailed in the table below.

Market Units		
Homestead Units	81	5000 sq. ft.
Cottage Units	76	3,500 sq. ft.
Total Proposed Market	*157*	
Required Affordable Units		
PC Heights Town homes	20	1,300 sq. ft.
IHC Town homes	28	1,000 sq. ft.
Talisker – Stacked Condos	16	1,000 sq. ft.
Total Required Affordable Units	*64*	

Additional Affordable Housing Contribution		
Town homes (Affordable)	52	1,150-1,300 sq. ft.
Twin Homes (Attainable)	30	1,400-1,600 sq. ft.
Total Additional Affordable Units	*82*	
Total Proposed Units (Market, Affordable and Attainable)	***303***	

City Council adopted Resolution No. 13-06, on May 4, 2006 creating the Park City Heights Annexation Task Force. The intent of the City Council in forming the Task Force is to provide early input to the Planning Commission and applicant on major components of the application, without affecting the overall procedural requirements of annexation review as required by the Land Management Code and state law. The Task Force is established to review and provide a recommendation on the annexation petition to include the Housing, Transportation, Community Economy Elements of the General Plan, Density, and Zoning Designation. City Council adopted Resolution No. 06-07 on May 3, 2007 which extended the term of the Park City Heights Annexation Task Force to August 3, 2007.

The membership of the Park City Heights Annexation Task Force includes two members of the City Council appointed by the City Council, three Planning Commissioners appointed by the Planning Commission, and one ex-officio, non-voting Summit County Planning Commissioner appointed by Summit County Planning Commission. The Planning Department provides staff and administrative support as necessary.

On July 10, 2007, the Task Force forwarded the Park City Heights/Talisker Annexation Petition and Master Planned Development application to the Planning Commission for further review and public input with the recommendations set forth below. The complete set of recommended findings and conclusions are attached to this report as *Attachment "A"*. These conclusions do not constitute a Final Action or in any way preclude the Planning Commission from recommending an alternative zoning designation or action to the City Council.

- Should the Annexation be approved, Community Transition (CT) is the appropriate zoning designation for the subject properties. The CT District allows for consideration of a residential density bonus up to one (1) unit/acre subject to compliance with specific CT standards incorporated through a Master Planned Development process including, but not limited to, additional open space; increased Frontage Protection Zone setbacks; site-sensitive parking, provisions for public transit facilities; inclusion of public recreation facilities/land and trails; additional affordable housing; and implementation of sustainable-green development standards.

- The traffic analysis for the proposed annexation/Master Planned Development by Hales Engineering *(dated June 7, 2007)* details existing and future traffic/circulation conditions in the Annexation/Master Planned Development area and sets forth specific actions/improvements for mitigation.

- The Fiscal Impact Analysis, prepared for the applicant by Lodestar West, Inc. and dated June 6, 2007, concludes that the annexation will result in a positive financial impact on the City.

- The proposed affordable housing requirements are consistent with the requirements of the City's Housing Resolution and the Community Transition Zone. All units proposed are owner-occupied, deed restricted units which is consistent with the findings of the City's Housing Needs Assessment that identifies the most significant shortfall in the area of owner-occupied housing.

- The Park City Heights/Talisker Annexation and Master Planned Development project design has evolved through the Task Force process. The Task Force reviewed a revised integrated conceptual site plan (dated July 10, 2007) that demonstrates the proposed project land use and density can be designed on the property in a manner consistent with the intent of the General Plan and Land Management Code. Final Action on the project site design, development standards, and project mitigation measures will be reviewed through the Master Planned Development review process.

DISCUSSION QUESTIONS

1. The Task Force recommendation is to apply the CT zone to this property. *Does the Planning Commission and Council have any further preliminary input regarding the proposed zoning recognizing that this recommendation is not a Final Action or in any way preclude the Planning Commission from recommending an alternative zoning designation to the City Council?*

2. To achieve the residential density bonus of 1 unit to 1 acre the development must include sustainable green building and site design practices. Staff recommends that these attributes include, but not necessarily be limited to energy efficiency, life cycle of components, on-site building practices and recycling of materials indoor air quality, water efficiency, compact site design, transit oriented design and trails. *At this time, does the Planning Commission and Council wish to identify any additional issues with regard to the sustainable/green building attributes of the project?*

3. The Annexation Petition and Master Planned Development project also includes the 44.78 Affordable Unit Equivalents required to fulfill part of the housing obligation outlined in the Annexation Agreement between the City and Burbs LLC. As part of that Agreement, the Burbs dedicated a five-acre parcel to the City to meet on-site housing requirements created by the IHC hospital. Prior to commencing construction on that site, the City requested a 12-month waiting

period with the goal of finding an alternate site for these units. This 12-month period expires in December 2007. Should an alternate site not be mutually accepted, construction of these units will move forward on the five-acre donated to the City as part of the Burbs Annexation. *Does the Planning Commission and Council agree that the IHC units proposed on this site should continue through the planning process?*

4. Petitioner/Applicant has proposed an affordable housing contribution in excess of what is required by the applicable Housing Resolutions/CT Zones and existing Development Agreement between Park City and Talisker. This area represents one of the last opportunities to meet a significant, identified community affordable housing needs. The proposal includes a range of housing type, size and price that would be affordable to a wide range of households. All housing would be deed restricted in accordance with City requirements. The additional proposed units are included in the base density calculations for the proposed CT zone. All units (market, required affordable and additional contribution) are included in the Open Space calculations. *Are the Planning Commission and City Council willing to consider the provision of additional affordable units beyond the base requirements so long as the additional units are included in all density, open space, traffic and other analysis required by the proposed CT zone?*

Next Steps

Following the discussion and input at the joint work session the annexation will be scheduled for a series of public hearings before the Planning Commission. Following the public hearings the Planning Commission will review the annexation against the General Plan and necessary annexation standards of review. The Planning Commission will forward a recommendation to City Council for action on the Annexation Petition. The Master Planned Development (MPD) application is reviewed during the Annexation review process for consistency with the general plan and proposed zoning designation. No action is taken on the MPD during the Annexation review process.

The formal MPD review process occurs at the Planning Commission subsequent to an approval of the Annexation Petition by City Council. The Planning Commission takes final action on the MPD unless the Council elects the call up the Planning Commission decision.

north

scale 1" = 300'

PROPOSED DEVELOPMENT

TOTAL PROJECT AREA: 239.56 ACRES

TOTAL MARKET UNITS: 157

- Homesteads - 81 Units
- Cottages - 76 Units

TOTAL MANDATORY AFFORDABLE UNITS: 64

- PC Heights - 20
- Talisker - 16 (20 AUE's)
- IHC - 28

TOTAL OTHER AFFORDABLE UNITS: 82

- Townhomes (Deed Restricted Affordable) - 52
- Twinhomes (Deed Restricted Attainable) - 30

TOTAL PROJECT UNITS: 303

TOTAL PROJECT OPEN SPACE: 177.04 Acres

- 73.90% Open Space

park city heights

park city, utah & summit county, utah

june 21, 2007

conceptual master plan

Resolution No. 06-07

RESOLUTION ESTABLISHING THE PARK CITY HEIGHTS ANNEXATION TASK FORCE

WHEREAS, the Park City Heights Annexation Petition was accepted for consideration by the City Council on March 10, 2005; and

WHEREAS, on July 27, 2005 the Park City Planning Commission held a public hearing on the annexation petition, at which time they expressed concerns including: proposed density type and location, lack of clustering, location and amount of open space, hillside development, traffic, and consistency with the resort community; and

WHEREAS, Other remaining annexation elements to be addressed include the designation of the appropriate zoning and density and affordable housing obligation for the proposed annexation area which shall be based on the policies and action items set forth in the General Plan.

WHEREAS, creation of a Task Force is consistent with review of other annexation proposals; and

WHEREAS, the intent of the City Council in forming this Task Force is to provide early input to the Planning Commission and applicant on major components of the application, without effecting the overall procedural requirements of annexation review as required by the Land Management Code and state law.

WHEREAS, the other remaining annexation element to be addressed is the designation of the appropriate zoning for the proposed annexation area,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the Park City Heights Annexation Task Force is established as follows:

SECTION 1. MEMBERSHIP. The membership of the Park City Heights Annexation Task Force shall include two members of the City Council appointed by the City Council, three Planning Commissioners appointed by the Planning Commission, and one ex-officio, non-voting Summit County Planning Commissioner appointed by Summit County Planning Commission. The Planning Department shall provide all staff and administrative support as necessary.

SECTION 2. DUTIES. Park City Heights Annexation Task Force shall conduct a review and provide a recommendation on the annexation petition to include the Housing, Transportation, and Community Economy Elements of the general plan, as well as designation of underlying zoning and density. The review and recommendation shall occur prior to the Planning Commission forwarding a recommendation on the annexation petition to the City Council.

Chairperson. One of the appointed City Council members shall serve as chairperson of the Task Force. The Chairperson shall vote.

Quorum. No business shall be conducted without a quorum at the meeting. A quorum shall consist when a majority (at least 3) of the voting members is present. All meetings must comply with the Utah Open and Public Meetings Act.

Voting. All actions of the Task Force shall be represented by a vote of the membership. A simple majority of the members voting at a meeting shall approve any proposed action.

SECTION 3. TERM. The Task Force shall dissolve upon final recommendation to the Planning Commission on the proposed annexation petition, but in no event shall the Task Force remain active past May 4, 2007, without subsequent City Council approval.

PASSED AND ADOPTED this 3rd day of May, 2007.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 12, 2007

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

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Brian Anderson, Parking Manager; Gary Hill, Budget Manager; Jon Weidenhamer, Project Manager; Phyllis Robinson, Project Manager

Jeffrey Glassberg, DVRM on behalf of the St. Regis Hotel

1. Council questions/comments. Joe Kernan felt that the Comstock traffic calming meeting went well. He addressed the limitations of the traffic-calming budget set at $30,000 for traffic management. Brian Anderson explained that these funds are used for signage, etc. and when more expensive solutions are recommended, a policy is engaged to move the project into neighborhood requests. Comstock is somewhat more complicated because of the walkability component. Mr. Kernan pointed out that the budget cycle may result in delaying needed improvements for a year or two. Mr. Anderson believes there is a contingency in the CIP for more expensive solutions and Tom Bakaly further explained that if traffic calming evolves into a neighborhood request, the City Council can amend the budget. Mr. Anderson commented on the positive follow up meeting with Comstock resident Kyle Jessen.

Marianne Cone reported on the Planning Commission meeting where extended driveways to access Old Town properties were addressed. The Commission requested a joint meeting with the City Council. Candace Erickson commented on the 4th of July activities and fund-raising activities of the Museum. The Historical Society is anxious to break ground and requested an update from staff on the relocation of the Main Street Liquor Store. She spoke about the Friends of the Farm business. Jim Hier reported that the PC Heights Task Force formulated final recommendations which will be reviewed on August 2 with the Planning Commission. He attended the Police Department’s quarterly meeting and the Chamber’s annual meeting and distributed the annual report to members. He updated the group on the status of the Lucky John Drive drop-off project recommended by the Joint Transportation Task Force. Roger Harlan announced that MCHT is looking for qualified low-income candidates to serve on its board and spoke about the transfer of ownership of the Peace House facility to MCHT. He complimented staff on its demeanor at the Comstock meeting. He commented on the large number of Salt Lake visitors at the 4th of July activities. Council member Harlan expressed his condolences to the Mayor on the loss of his father, Bob Williams.

He asked if members are interested in revisiting the Marsac Building seismic project. Because he was not on Council when this was decided, he requested more information on how members reached this decision in consideration of the significant value of the property. Tom Bakaly advised that a discussion to review environmental programs associated with the Marsac Building project can be expanded into a broader discussion on financing, etc. on August 16. The project is now in the design and engineering stages and he asked members if it should be halted; there was no response.

Marianne Cone believed that minutes may be helpful to Council member Harlan, and she pointed out that selling the building, places seismic requirements in someone else's hands, which may drop the selling price. The other issue is that the building is historically significant. The Mayor asked all members if they concur that the Marsac Building remains City Hall. Candace Erickson stated that she felt Council already has reached consensus to upgrade the building. Members looked at the cost of replacing the land and the decision was based on the fact that the downtown core is preferred because it is accessible by bus, etc. Quinns Junction was considered but the reality was that the facility would no longer be in the heart of the City. Jim Hier felt the decision would be worth reaffirming and with the recently acquired Park Avenue fire station there may be an opportunity for a municipal campus joining the Library and Education Center. One last look may be very prudent. It was decided to schedule this topic for work session on August 9.

Mayor Williams congratulated everyone involved in the 4th of July celebration. He announced that the Governor's Committee on Climate Change has issued a report. The report addresses agriculture, transportation, energy supply, residential commercial and industrial issues, and cross-cutting (miscellaneous category). The group is narrowing its 280 initiatives before presenting them to the Governor and formulating associated costs. He reported that a subsequent committee has been charged by the Governor to create a renewable energy portfolio for the state. He extended his appreciation to everyone extending their condolences on the loss of his father last week.

<u>Bond issue discussion</u> – Gary Hill stated that a resolution of intent for a bond would have to be adopted by August 16 to qualify for the November ballot and the resolution must contain actual ballot language.

He explained that at the end of June, the City Council directed staff to conduct a survey on street projects. Insight Research has been hired and will provide the City with a completed survey the end of July. The final findings will be presented and reviewed during work session on August 2. Mr. Hill added that in March, the City Council concurred on a standard for the Landmark walkability projects. Since that time the Council has directed staff to look at more site specific projects, such as a pedestrian crossing at the high school, a hawk beacon on SR248, possible narrowing of Lucky John Drive, and potential improvements to Bonanza Drive, Monitor Drive and Comstock Avenue.

He explained that the reconstruction of Bonanza Drive is being driven by the placement of a water pipeline for Empire Pass. The project is scheduled in 2009 and there is a lot to do in the meantime. The steering committee recommended in March that any solutions for walkability should be considered in conjunction with the pipe line project.

Staff is currently in the process of selecting a design and engineering firm who will also consider the feasibilitly of pedestrian crossings, etc. The walkability study was a big component in selecting a firm and the contract is scheduled for action next week. Mr. Hill emphasized that it likely that technical walkability solutions will not be available until November. He described the Lucky John Drive sidewalk project and Landmark has been rehired to look at solutions for the portion between the drop zone, Little Kate and Monitor Drive. It is anticipated that this will be discussed on August 2. Landmark will also examine a three-way stop at Little Kate. Recommendations for Comstock will be included in the discussion on August 2.

Mr. Hill pointed out that UDOT recently resurfaced Deer Valley Drive and there have been concerns expressed about not striping bike lanes. Bike lanes on the belt route were not recommended by Landmark for a variety of reasons and it was pointed out that there is only about two feet of space for a bike lane where four feet is more typical. Ms. Cone felt that the striping should be there and Candace Erickson agreed. An outside lane line is helpful for drivers and SR224 is a main connector to other areas of town for riders. Tom Bakaly suggested that staff meet with UDOT and staff will return with more information.

Gary Hill pointed out the importance of determining the level of information provided to voters so they are comfortable with how their tax dollars will be spent, but at the same time, retaining enough flexibility to meet unforeseen community needs. He pointed out the broader language for the open space bonds, which is very helpful when unanticipated opportunities arise. Specific bond language relating to projects may handicap the City's ability to meet needs and a balance should be reached with regard to the level of specificity. There is $1.9 million worth of walkability projects but little information with regard to recommendations made beyond the level of service approved in March. He felt that the open space bonds were successful partly because of the oversight of COSAC, which contributes to voter confidence and an element Council may want to consider for this issuance. He cautioned earmarking a project that is not feasible or not identifying a project that is needed later.

Marianne Cone suggested listing general projects and favored including a citizen oversight committee. Mayor Williams feared that delineating projects may pit neighborhoods against each other and felt the bond language should be general. An information pamphlet should contain details. Roger Harlan feared that a list of projects on the ballot may prompt false expectations. Jim Hier expressed that he has changed his mind and now prefers listing potential projects with a bond total. Candace Erickson agreed. She felt the bond wording should focus on preserving bicycling and pedestrian safety, connecting trails, etc. which is a general approach so more projects qualify. Tom Bakaly emphasized that staff will check with bond counsel on acceptable wording and there was again confusion on direction from Council members. Gary Hill understood that projects will be detailed in a voter information pamphlet while the ballot question will be broadly written. Marianne Cone pointed out that not everyone reads the pamphlet and felt the ballot language should be specific enough so voters recognize the value of the proposal and Roger Harlan agreed. There was discussion about installing a three-way stop on Little Kate which will return to work session on August 2.

Review of regular meeting:

Museum lease – Jon Weidenhamer explained that an amendment to the long term lease including the expansion is recommended. The rent is $1 annually and the Historical Society will be responsible for the cost of tenant improvements, exhibits, and general liability insurance. The restrooms will remain accessible to the public from the outside and inside of the building. The Museum is required to remain open during special events and provide an area for information. One percent of construction is earmarked for public art and 4% to green and sustainable design. Candace Erickson expressed her confusion of requiring 1% for art because the building is owned by the City.

He updated the Council on the regulatory process. The subdivision plat was approved on May 17 by the Council and a conditional use permit was approved by the Planning Commission on May 23. This Historic District Design Review process is still underway and staff has made a determination of compliance with the guidelines and conditioned modifications to the rear of the building. Most relate to the type of finish materials, landscaping, and stepping of the design to break up the mass. Tom Bakaly advised that the current owner of the property is the Municipal Building Authority and the property should be conveyed back to PCMC before the lease is approved. He encouraged taking public comment but to continue action on the lease until the property is transferred.

Resolution – affordable housing guidelines/standards – Phyllis Robinson explained that the City owns three rental units at Silver Meadows and one unit at 1465 Park Avenue for employees. She explained that housing stock is low because of the interest of employees to purchase units and the assistance the second mortgage program provides to buyers. She described the variety of workers and professionals residing in affordable deed-restricted units within the City. The employee housing assistance program provides City employees with an allowance for living in housing within the School District boundaries and a little more than a third of full-time regular employees receive the housing allowance. However, even with these incentives, it is becoming more difficult to mitigate the gap between housing costs and income.

She advised that there are about 245 affordable housing units committed through development agreements, representing a variety of sizes and types of units. The housing resolutions have been very successful in capturing additional affordable housing obligations and setting forth performance deadlines. In the next several years, there will be more new affordable housing coming on line with the next being the Silver Star units early in 2008. In response to a question from Joe Kernan about monitoring the program, Ms. Robinson explained that she manages housing obligations and pointed out the additional protection of deed restricting properties. There are currently no income restrictions on the units, because they are not federally funded and the City's goal is providing housing for a wide range of employees within town through local preference requirements. Developers are required to file an annual report with the federal government with regard to deed restricted properties. There was discussion with tying Talisker's housing obligations to certificates of occupancy so that affordable housing is provided in a timely manner. Jim Hier asked for a list of outstanding affordable housing projects and current for sale and rental inventory. She explained the preference for ownership units and the fact that many developers do not want to be in the monthly rental businesses.

Phyllis Robinson discussed inquiries made by other communities about Park City's affordable housing program. Park City is the only municipality in the state imposing a housing requirement and Salt Lake County is exploring this option. The resolution requires at least a bi-annual review, but because of the current active market, she recommends modifications annually. The most significant amendment is the increase in the fee in-lieu amount from $86,610 to $165,053, reflecting a dramatic change in the housing market. This represents the subsidy to a qualified household to purchase a 900 to 1,200 square foot housing unit. The median wage increased about 25% while the value of a comparable unit increased over 32%. She recommended that Council favorably consider allowing developers to purchase existing stock to fulfill obligations, which would provide housing earlier in the process. Green building standards, consistent with the City's current policy, are also recommended. Projects would be required to meet the minimum LEED certified level for all new construction or rehabilitation projects. It was pointed out that units already deed restricted for affordable housing would not qualify.

In response to a question from Roger Harlan about the addition of transitional housing, Phyllis Robinson explained that this is highly needed but there are no incentives to provide it. She explained that transition housing is introduced to provide opportunities to assist in supporting emergency shelter services. There was discussion about the timeline for the PC Heights' affordable housing product and its approval under prior housing regulations.

<u>St. Regis affordable housing plan</u> – Ms. Robinson explained that St. Regis requested an amendment to its housing plan adopted in 2001 as a part of the Rosewood Hotel CUP and reaffirmed in the Deer Crest CUP in 2004. The settlement agreement provided for 10% of the approved unit equivalents or 12 affordable unit equivalents. Under the housing resolution in effect at the time the housing plan was reviewed included a fee in-lieu payment, incorporated three units within the project, and allowed purchasing one unit off-site to be deed restricted. Certificates of occupancy in Phase 1 will not be released until an affordable housing obligation of 9.6 affordable units has been fulfilled. The remainder of affordable housing units needs to be provided before Phase 2 receives certificates of occupancy.

She felt that the revised plan is consistent with the current and prior resolutions and the General Plan element encourages affordable housing to be close to bus routes and services. There was discussion about on-site housing prompting more car trips and the potential of adding more for sale affordable housing units in town. Ms. Robinson emphasized that the housing would be built in a year and clarified equity restrictions. Jim Hier stated that if St. Regis were before the Council at this point in time, he would request that all 12 units be constructed on-site. The argument about generating car trips may be relevant to a carbon footprint but invalid with regard to traffic issues during peak periods and he added that he is not in favor of reducing on-site housing. Mr. Glassman explained that car trips are only one of the factors. The project doesn't have a neighborhood feel and is isolated. Mr. Hier pointed out that hotel management may find it convenient to live there.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 12, 2007

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, July 12, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Phyllis Robinson, Project Manager; Max Paap, Special Events Manager; Katie Cattan, Planner; and Ray Milliner, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council disclosure Joe Kernan disclosed that Snow Flower Condominiums is one of his recycling customers.

2. Stage 1 drought regulations – Phyllis Robinson advised that the electronic sign boards will display drought information. KPCW and the Park Record will also regularly report on the water situation and the City's website will contain information on restrictions as well.

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

Loose dogs and blocked sidewalks – Bob Ruby, Prospector Square resident, stated that he previously addressed Council about loose dogs on the Rail-Trail. He asked that the City address the problem not Summit County because this is where there are the most problems. He no longer feels safe, carries mace and sprays loose dogs. It time for the City to step in and resolve the issue. There are loose dogs on Main Street. He continued to complain about people parking on sidewalks at a Deer Valley Wednesday Night Concert forcing him to walk in the street. The police could have written 100 tickets and he doesn't understand why violators aren't cited.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 21 AND JUNE 28, 2007

Marianne Cone, "I move to adopt the work session notes and minutes of the meetings of June 21 and June 28, 2007". Roger Harlan seconded. Candace Erickson stated that she will be abstaining from voting on the minutes of June 21 as she was not in attendance. Motion carried.

	06/21	06/28
Marianne Cone	Aye	Aye
Candace Erickson	Abstention	Aye

Roger Harlan	Aye	Aye
Jim Hier	Aye	Aye
Joe Kernan	Aye	Aye

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance amending the Land Management Code regarding Accessory Apartments **(motion to continue to August 9, 2007)** – The Mayor requested a motion to continue. Roger Harlan, "I so move". Marianne Cone seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving a plat amendment to remove a plat note from the Parcel 2- Amended Walter Daniels Subdivision Plat, located at 615 and 621 Woodside Avenue, Park City, Utah **(motion to continue to July 19, 2007)** – Marianne Cone, "I so move". Candace Erickson seconded. Motion unanimously carried.

3. Consideration of a Master Festival License for Relay for Life to be held on August 17 -18, 2007 at the Park City Ice Arena & Sports Complex and Resolution proclaiming Relay for Life Summer in Park City, Utah and honoring the American Cancer Society – Max Paap explained elements of the fund-raising event. There are no parking issues and ADA services will be provided. In response to a question from Jim Hier about lighting, Mr. Paap stated that the applicants will provide low lighting and the sport field lights will not be used. The Mayor opened the public hearing and with no comments, closed the hearing. The Mayor read the resolution and presented a signed proclamation to the applicants.

4. Consideration of an Ordinance approving the 964 Empire Avenue Replat combining Lots 17 and 18, Block 15 of Snyder's Addition to the Park City Survey, Park City, Utah – Planner Katie Cattan explained the lot combination request creating a 50' x 75' lot. Staff recommends approval based on the findings and conditions outlined in the Ordinance. The Mayor opened the public hearing and with no comments from the audience, closed the public hearing.

5. Consideration of an Ordinance approving the amended record of survey map for the Stag Lodge common area record of survey plat located at 8200 Royal Street East, Park City, Utah – Planner Ray Milliner explained that the applicant is requesting expanding the common area to accommodate a lobby and restaurant addition and to construct two boiler buildings on the property. He provided Council with a modified site plan for one of the mechanical buildings and noted that staff recommends approval as conditioned. The Mayor opened the public hearing.

Linda Stice, Vice President of Alpine Properties, stated that her firm manages the Double Eagle Condominiums which abuts the Stag Lodge, and more specifically the proposed site for the boiler building. She read the project description on the mailed notice on the project, "*record of survey amendment to expand the lobby and restaurant area of the Stag Lodge"*. The owners of Unit 1, Jerry and Kathleen Grundhoffer, contacted her about the proposal and met with City staff. She is in the process of contacting other owners and is concerned about the lack of notification.

Ms. Stice read the Grundhoffer's letter into the record, who indicated that they believe the notice is erroneous, incomplete and/or misleading. The boiler/ice melt project will cause noise, aesthetic, and possible environmental problems. The full extent of the project was not communicated to neighboring home owners. Describing the building as an accessory building is misleading. The Grundhoffer's letter alleged there will be problems with relocating fire hydrants and maintaining water pressure. They questioned if impact studies were conducted for noise and water run-off and whether the property was properly surveyed. Ms. Stice encouraged Council to provide more time so adjacent neighbors have an opportunity to obtain more information before a decision is made.

Mitchell Burns, Double Eagle Condominiums, distributed photographs of the construction project illustrating the visual impacts from his deck at Unit 2. He felt that Stag Lodge purposely sited the building near his property to minimize the impact to the Stag Lodge. He complained about not being notified and asked what can be done to mitigate the impacts. There will be noise, garbage, odors, etc. and it would be in everyone's interest to meet and discuss the elements of the project, He asked for help from the City. There could be conditions like sound-proofing or landscaping as a part of the approval.

There was discussion about sending mailed notice to owners within 300 feet of the project, including Double Eagle. The condition regarding *material harm* was discussed and the fact that owners received notice, but the notice was incomplete.

Brent Glissmeyer relayed that the process has been demanding. Stag Lodge hired outside specialized consultants and entered into an agreement with the SBWRD for the project. The Little Belle Condominiums' mechanical building was used as a model; and there is no noise or odors. The building is designed to look like a mini-Stag Lodge unit and he is amenable to landscaping to buffer the building. He acknowledged that the site is a mess now because it is under construction and The public notice was based on information from the title company, and staff wrote the wording of the notice. Stag Lodge was not trying to sneak anything by.

There was consensus to move this item from the Consent Agenda to New Business and the Mayor requested a motion. Jim Hier, "<u>I so move</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

6. <u>Consideration of an Ordinance approving the third amended condominium plat of Snow Flower Condominiums record of survey plat located at 401 Silver King Drive, Park</u>

City, Utah – Ray Milliner explained the work proposed for Unit 76 and its compliance with the LMC. Staff recommends approval as outlined in the Ordinance. The Mayor opened the public hearing, and with no comments from the audience, closed the hearing.

7. Consideration of an Ordinance approving the first amendment to Lot B of Eagle Way plat amendment located at 1460 Eagle Way, Park City, Utah – Ray Milliner stated that this application is a request to modify Lob B by adding area from an adjacent metes and bounds parcel to accommodate an expanded garage. All requirements of the Estate Zone are applied and staff recommends approval based on the findings, conclusions and conditions outlined in the Ordinance. In response to a question from Jim Hier, Steve Deckert from Alliance Engineering described the location of the property. The Mayor opened the public hearing and with no public comment, closed the hearing.

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Jim Hier, "I move to approve Consent Agenda Items 1, 2, 4, 5 and 6". Marianne Cone seconded. Motion unanimously carried.

1. Master Festival License for Relay for Life to be held on August 17 -18, 2007 at the Park City Ice Arena & Sports Complex and Resolution proclaiming Relay for Life Summer in Park City, Utah and honoring the American Cancer Society – See staff report and public hearing.

2. Ordinance approving the 964 Empire Avenue Replat combining Lots 17 and 18, Block 15 of Snyder's Addition to the Park City Survey, Park City, Utah – See staff report and public hearing.

3. Ordinance approving the amended record of survey map for the Stag Lodge common area record of survey plat located at 8200 Royal Street East, Park City, Utah – See staff report, public hearing, and Item 3 under New Business.

4. Ordinance approving the third amended condominium plat of Snow Flower Condominiums record of survey plat located at 401 Silver King Drive, Park City, Utah – See public hearing and staff report.

5. Ordinance approving the first amendment to Lot B of Eagle Way plat amendment located at 1460 Eagle Way, Park City, Utah – See staff report and public hearing.

6. Resolution of the City Council of Park City, Utah authorizing the issuance and sale of not more than $22,000,000 aggregate principal amount of revenue bonds by the issuer to finance the acquisition and construction of buildings and equipment for use by

the United States Ski and Snowboard Association; providing for the publication of a notice of bonds to be issued, a notice of public hearing, and the running of a contest period; and related matters – See staff report.

VII NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of a Resolution adopting Affordable Housing Guidelines and Standards for Park City, Utah – See staff report and work session notes. Phyllis Robinson explained that the proposed Resolution calls for a bi-annual review of housing and staff decided to perform an annual review, specifically to address the fee in-lieu payment. The fee this year is recommended to increase from $86,610 to $160,553 reflecting the change in the housing market for comparably sized units (excluding luxury units). This reflects the gap between household earnings of a family of three to subsidize a purchase on the open market. The second recommendation is to reprioritize the method in meeting the minimum housing requirements to expedite the dedication of existing units. Minimum green requirements and Energy Star provisions have been added. She stated that transitional housing is a new product in the Resolution addressing special needs housing in the community. In response to a question from Joe Kernan about the term of deed restrictions, Ms. Robinson explained that it is 30 years because perpetuity is not permitted in Utah. Roger Harlan expressed confusion about applying transitional housing. Ms. Robinson explained that its inclusion provides an opportunity for a developer to building seasonal or temporary units and the proposal could be a partnership with the City. The Mayor opened the public hearing.

Mike Sweeney, property owner, expressed concerns over what the LEED certification will cost. Ms. Robinson explained that a LEED certified architect must design the project; the expense is acquiring a LEED *certification*. The first level designation for LEED is *certified* which is confusing because it is not a *certification for Silver, Gold or Platinum*. She emphasized that most architects are qualified and additional design costs are not anticipated.

Jane Patton, Executive Director of the Peace House, stated that including transitional housing provides opportunities to expand the shelter providing women with safety, comfort and dignity. Transitional housing is key to their clients to successfully change their lives. Teresa Chavez, Vice-Chair of the Peace House added her support to the amendment and discussion ensued about the shelters in Salt Lake and Provo.

With no further comments, the public hearing was closed. Jim Hier, "I move to approve and adopt the Resolution adopting affordable housing guidelines and standards for Park City as delineated on Pages 108 through 117 of our packet". Joe Kernan seconded. Motion unanimously approved.

2. Consideration of a request to modify the affordable housing plan by transferring three units from the St. Regis Deer Crest Hotel project site to site(s) located within the Park City corporate limits, subject to conditions – Phyllis Robinson explained that in

2001 in conjunction with the Rosewood Hotel CUP and settlement agreement, the housing requirement was determined at 12 affordable housing equivalents, which was reaffirmed in 2004. DDRM, the developer for the St. Regis, requested a modification to the agreement to move three units anticipated to be provided at the hotel to be located elsewhere within the Park City limits.

Jeffrey Glassberg stated that his overall intent is to comply with the City's housing policy. DDRM believes three off-site units will provide greater community benefits by expanding the supply of affordable for-sale housing available to a range of residents rather than restricting them to the limited employee population at St. Regis. Reducing vehicle trips, providing housing accessible to public transportation and services and within a neighborhood are key issues. The hotel is transient in nature and not a preferred environment for families. He noted that unit size is based on the 800 square foot guideline and DDRM is proposing acquiring larger more practical units. Marianne Cone asked the feasibility of locating the three units on site and Mr. Glassberg strongly believed that would be problematic. Candace Erickson spoke about her experience working for a hotel which provided rooms for employees and Jeffrey Glassberg explained that the housing envisioned by DDRM is intended to attract long-term residents and management probably would not qualify because of income. Jim Hier believed that the operation of St. Regis will generate possibly hundreds of employees and if the project were reviewed today, more units would be required on-site to mitigate this impact. Mr. Glassberg interjected that moving some units off-site is not exclusive of providing employee housing at the hotel. Joe Kernan asked if Mr. Glassberg if he is amenable to a written condition of providing 800 to 1,200 square feet off-site housing and he agreed. The Mayor opened the public hearing.

Scott Loomis, Mountainlands Community Housing Trust, recalled following this project through the Planning Commission process. The developer objects to constructing units on site because of foregone profits, and 2,400 square feet of housing on site represents $2 to $3 million. The developer can purchases three units at a substantially lower cost decreasing the for-sale stock in town. Mr. Loomis stated that this is a step backwards and sends the wrong message to developers.

Ms. Robinson emphasized that unit equivalents are based on the approved density for the project and there is not an additional 2,400 square feet at St. Regis that could be incorporated into market rate units. Jeffrey Glassberg noted that acquisitions are conditioned and will result in larger units. Jim Hier believed that refurbishing existing units is less expensive than building on-site, which is a benefit to the applicant. While he believes it should be on-site, a defined increase in square footage is a benefit to the City which should be reflected in the findings. Ms. Robinson noted that in her mind, this is an ability to obtain affordable housing very quickly and Mr. Hier suggested continuing this item. Mr. Glassberg emphasized that DVRM has already agreed to 1,200 square foot units. Jim Hier reiterated his comments about number and size of units, and spoke about employees using the Mayflower exit on US40 and not significantly impacting traffic within Park City limits. The Mayor felt that the conditions could be clearly modified tonight. Candace Erickson preferred to split types of housing by having housing on site for single workers, and off-site units for families. Phyllis Robinson suggested returning to Council with a revised square footage total calculated at 1.5 unit equivalents and the Mayor acknowledged that some members would prefer to have all of the housing on site. Jim Hier added that he would like the units built in a configuration to house hotel employees rather than purchasing existing housing stock. The Mayor added that this project was approved under prior regulations from two years ago, and Candace Erickson stated that she would like this continued because she is not prepared to make a decision tonight. Joe Kernan relayed that he finds community benefit in providing for-sale affordable housing calculated at a higher unit equivalent, but would find another work session on this helpful. Roger Harlan agreed on a continuance and Jim Hier noted that there should be clear direction to staff and he reiterated his issues. Mr. Hier agreed with Mr. Kernan about the need for more for-sale units but felt that this project will create more renters than buyers. Joe Kernan expressed that for-sale detached housing is the biggest need in the community; there is a lot of rental housing in Park City for low income people. Jim Hier pointed out that out of the outstanding 245 affordable housing unit equivalent obligations, 200 are earmarked for for-sale units. Jim Hier, "<u>I move we continue this item to a date uncertain</u>". Candace Erickson seconded. <u>Motion carried unanimously</u>.

3. <u>Ordinance approving the amended record of survey map for the Stag Lodge common area record of survey plat located at 8200 Royal Street East, Park City, Utah</u> – See staff report and public hearing comments. Planner Ray Milliner stated that the applicant has requested a continuance so that there is an opportunity to meet with the neighbors. The Mayor felt that the notice was inadequate and found Finding 6 troublesome, "*All utilities, including sewer and water are available on site. However, locating snowmelt devices over these utilities is potentially harmful to the health, welfare and safety of the public*". The Mayor stated his concern that construction has commenced before the plat is approved, acknowledging that it is at the developer's risk, and that snowmelt systems are not energy efficient. The location is a benefit for Stag Lodge owners but at the expense of adjacent properties and he hoped that the outbuildings can be moved. Jim Hier referred to efficiencies associated with snowmelt systems because the property doesn't need to be plowed ort snow hauled away, and he is interested in better understanding the elements of the project. *Not liking the project* is an invalid objection if the project complies with the LMC. Mr. Hier thanked the applicant for agreeing to a continuance and working with the property owners. Ray Milliner noted that at the next meeting, all technical concerns raised in the letter will be addressed and minutes from the Planning Commission review will be provided to Council members.

Laura Suesser, attorney with Stohl Reeves, stated that she represents adjacent property owners. There is nothing in the staff report describing the outbuildings. The building will house snowmelt devices and garbage which will have adverse effects on Double Eagle residents.

Mitchell Burns stated that he would like to reach a compromise and hoped Stag Lodge would be willing to consider moving it 50 feet across the street and to landscape the currently disturbed construction site adjacent to his unit.

Laura Suesser, attorney, acknowledged the spirit of cooperation but emphasized that there are other suitable locations that should be explored by Stag Lodge.

With the prospect of a continuance, the City Manager explained that the applicant proceeded with construction at his own risk before approval was rendered. He stated that the Chief Building Official will review the building permit tomorrow and make a determination on the project. Mr. Hier advised that neighbors need to prove negative impacts, e.g., odors, noise, etc. Having a building 45 feet away may not be desirable but the Planning Commission determined compliance with the LMC and material harm must be demonstrated to deny the application. The Mayor requested more information on environmental impacts.

Mr. Glissmeyer expressed his surprise at the objections and is alarmed at the characterization of sneaking this project through. Stag Lodge complied with all requirements at every stage and the process has been public. Jim Hier, "I move to continue to August 2 with the understanding that the applicant and neighbors will get together to try and resolve the issues as best can be done during that time frame". Candace Erickson seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Myles Rademan, Public Affairs Director; Kathy Lundborg, Water Manager Jerry Gibbs, Public Works Director; Polly Samuels McLean, Assistant City Attorney; Phyllis Robinson, Project Manager; Alison Butz, Project Manager; and Ken Fisher, Recreation Director. Candace Erickson "I move to close the meeting to discuss property and litigation". Marianne Cone seconded. Motion carried unanimously. The meeting opened at approximately 2:50 p.m. Roger Harlan, "I move to open the meeting". Jim Hier seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

City Council
Staff Report

Author: **Ray Milliner**
Subject: **147 Ridge Avenue Subdivision**
Date: **August 2, 2007**
Type of Item: **Administrative – Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 147 Ridge Avenue Subdivision and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Project Name:	147 Ridge Avenue Subdivision
Applicant:	Anne Wood
Location:	147 Ridge Avenue
Zone:	Historic Residential Low Density (HRL)
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

147 Ridge Avenue is platted as portions of lots 27-32 Block 75, and all of lots 18-19 Block 76 on the Park City Survey. There is an existing historic single family home and detached concrete garage on lots 27-32, that encroach onto platted Ridge Avenue. Lots 17 and 18 are vacant. Platted Ridge Avenue separates Blocks 75 and 76. Existing Ridge Avenue runs along the east property line, switches back and bisects the property between Blocks 75 and 76 (outside of the platted R-O-W). Existing King Road runs through the west side of lots 18 and 19 of Block 76. The applicant is requesting a plat amendment that would combine the lots on Block 75 into one lot of record, and the lots on Block 76 into another lot of record. Additionally the applicant is proposing that the City vacate the section of platted Ridge Avenue encroached upon by the existing home and garage in exchange for two street rights-of-way dedication parcels along portions of existing Ridge Avenue and King Road on the platted Block 76 lots.

If successful, the plat amendment would create two lots of record. The 147 Ridge Lot would be approximately 8,489 square feet and the other approximately 2,250 square feet. Once platted, the applicant proposes to renovate and build an addition on the existing historic home, and create a development lot on the lower property.

On October 18, 2005 the Board of Adjustment granted a variance to the minimum allowed lot size for the lot in Block 76. The approval reduced the minimum lot size on the property from 3,750 square feet to 2,250 square feet.

This application was originally reviewed by the Planning Commission on December 14, 2005. At that meeting, the Commission forwarded a positive recommendation to the City Council, who reviewed and approved the plat on December 23, 2005. Subsequently an error in the plat was discovered. A portion of the property was inadvertently included on the plat that is not owned by the applicant, and the plat was not recorded.

In order to record the plat, staff directed the applicant to omit the property that she doesn't own and to resubmit the plat for review and approval from the Planning Commission and City Council. The applicant has now revised the application omitting the property not owned and is seeking review and approval from the City Council.

This plat was reviewed on June 27, 2007 by the Planning Commission who forwarded a positive recommendation to the City Council.

Analysis

The property is located in the Historic Residential Low Density (HRL) zone. The proposed plat amendment will create 2 lots of record for the purpose of creating an individual lot for the historic home on the property and a vacant individual lot. Each lot as proposed would have frontage on Ridge Avenue, however the new development lot would most likely gain access from existing King Road.

Vacation

Central to the project is the issue of the proposed vacation of platted Ridge Avenue in exchange for property along existing Ridge Avenue and existing King Road. In order to execute the vacation, the City Council after receiving a recommendation from the Planning Commission must make findings of compliance with Resolution No. 8-98, "Resolution adopting a policy statement regarding the vacation of public right-of-ways within Park City, Utah." The resolution is divided into three sections; each with reviewable criteria necessary for a finding of compliance.

To ensure that there is no net increase in the amount of density, floor area or site disturbance (per Resolution 8-98), staff is recommending that the applicant and City enter into a quid pro quo exchange of property that would entail the applicant dedicating sections of property from the King Road lot as it faces both King Road and Ridge Avenue in exchange for a section of Platted Ridge Avenue of approximately the same size.

SECTION 1 Good Cause: The City May generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole (**SEE ANALYSIS BELOW**).

Criteria 1: No increase in density. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street right-of-ways will

generally not be vacated to facilitate greater density, floor area or area disturbance.
COMPLIES

The applicant is proposing no increase in the density currently allowed on the property by the HRL zone regulations. The property currently contains 7 full or partially platted lots. This plat amendment would only create 2 lots of record which would be available for development. The first, 147 Ridge, is the property with the existing historic home and garage. The plat amendment would create a lot of approximately 8,489 square feet, and a possible building footprint of 2,631 square feet, a sufficient amount of land to build an addition to the historic home under the current HRL zone requirements. The applicant is proposing no further increase in density on this portion of the property.

The second area is lots 18 and 19 of Block 76 that are platted as two 25' x 95' (approximately) Old Town lots. The minimum lot size for a single family home in the HRL zone is 3,750 square feet. Existing Ridge Avenue and existing King Road run along the front yards of the lots, creating a prescriptive R-O-W on the lots and thereby reducing the potential lot size from 4,750 square feet to 3,250 square feet. The proposed dedication would reduce the size of the lots by another 1,000 square feet, and it is proposed that a 10' wide snow storage be created. Due to these issues, the combined square footage of the lots falls short of the 3,750 required in the HRL zone by approximately 1,500 square feet. To accommodate this reduction, the applicant received a variance from the Board of Adjustment to reduce the minimum lot size allowed on the property to 2,250 square feet.

Criteria 2: Neighborhood Compatibility: The proposed street vacation shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall consider the 15 criteria for a conditional use located in Chapter 15-1-10 of the LMC when considering compatibility. **COMPLIES**

Staff has reviewed the proposed property against the LMC lot and site requirements and made the following findings:

HRL Site Requirements

	147 Ridge	**King Road Lot**
Lot Size	3,750 square feet, minimum 8,478 Proposed	3,750 square feet, Minimum 2,250 Proposed (received a variance from the Board of Adjustment)
Building Footprint	2,631 square feet, Maximum Staff proposes reduction	991 square feet, Maximum

	to 1,500 square feet.	
Front and Rear Yard	10 feet, Minimum	10 feet, Minimum
Side Yard	10 feet minimum for a total of 30 feet Minimum	5 feet Minimum
Height	27 feet above existing Maximum	27 feet above existing Maximum
Parking	Two 9' x 18' spaces, Minimum	Two 9' x 18' spaces, Minimum

In addition to meeting the minimum site requirements as stated in the LMC, the applicant would be required to submit an application for Historic District Design Guideline review, as well as a steep slope CUP for any development on a slope of greater than 30% (the King Road property). A typical 8,489 square foot lot would yield a maximum building footprint of 2,631 square feet, and a home greater than 5,000 square feet in size. Typically a single family home in the HRL zone has a footprint of approximately 1,200 to 1,500 square feet. The existing historic building on the site is an extremely significant building with a footprint of approximately 400 square feet. Staff recommends that Council consider reducing the maximum footprint to 1,500 square feet. The applicant has agreed to this restriction.

Criteria 3: Consideration: Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any public amenity deemed in the best interests of Park City's citizens. **COMPLIES**

The applicant is proposing a quid-pro-quo exchange of property that would compensate the City for the loss of square footage by conveying a like amount of square footage back. As proposed, the applicant would receive approximately 2,978 square feet of platted Ridge Avenue in exchange for 1,269 square feet of the King Road lot facing King Road as well as 1,609 square feet of the King Road lot facing Ridge Avenue, for a total of 2,878 square feet.

Benefits to the City include:

- Acquisition of right-of-ways for Ridge Avenue and King Road beyond the area currently encumbered by the prescriptive r-o-w.
- Creation of 10-foot snow storage easement along both Ridge Avenue and King Road.

Criteria 4: Utility of existing Right-of-Way. The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan, the recommendation to the City Engineer, existing improvements and utilities within the right-of-way and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer. **COMPLIES**

The 1984 Streets Master Plan lists the platted Ridge Avenue R-O-W as "excess R-O-W" meaning it is not of significant value to the City. This determination was based on the presence of the existing historic home and concrete garage within the R-O-W. The Streets Master Plan further lists existing Ridge as a Standard Residential type street in fair condition. Standard Residential streets serve to collect and distribute traffic within residential neighborhoods. These streets are generally required to have 25 feet of pavement within a 50 foot R-O-W. However, if the City Engineer determines that the site has either a unique circumstance or an alternative circumstance would result in a more appropriate design, an alternative design may be permissible.

The proposed R-O-W would measure 27 feet in width with approximately 12 feet of pavement running through it, significantly less than the recommended 50 foot R-O-W with 25 feet of pavement described in the Streets Master Plan. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing R-O-W, the steep slope of the King Road lots, and the continued accessibility to adjacent properties the reduced R-O-W configuration is appropriate for the property.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference there from, and shall not merely be conjecture nor public clamor. **COMPLIES**

Staff has reviewed the proposed vacation and determined that the vacation as it stands will continue to provide access to property owners farther to the south on Ridge Avenue. The property owner directly to the south of 147 Ridge will still gain access to her property from platted Ridge and the potential for creating access for lots farther south up the hill remains. Any further development on either new lot will conform to the requirements of the LMC regarding architectural design and site design.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council and Historic Preservation Board, as necessary are encouraged early in the process for large projects and master planned developments, which propose vacation and reconfiguration of public right-of-ways. **COMPLIES**

At its May 27, 2005 work session, the Planning Commission stated that no joint meeting would be necessary for this project.

Department Review
This project has gone through an interdepartmental review. 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.

Alternatives

- The City Council may approve the 147 Ridge Avenue Subdivision plat amendment as conditioned or amended, or
- The City Council may deny the 147 Ridge Avenue Subdivision plat amendment and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the 147 Ridge Avenue Subdivision plat amendment.

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

Consequences of not taking the Suggested Recommendation
The property would remain as is and no subdivision of the property would occur.

Recommendation
Staff recommends the City Council hold a public hearing for the 147 Ridge Avenue Subdivision and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Proposed Plat
Exhibit B – Minutes from original Planning Commission Approval

Ordinance No. 07-

AN ORDINANCE APPROVING A STREET VACATION AND PLAT AMENDMENT, FOR THE PROPERTY DESCRIBED AS LOTS 27-32 BLOCK 75 AND ALL OF LOTS 18 AND 19 OF BLOCK 76 OF THE PARK CITY SURVEY, ALSO KNOWN AS 147 RIDGE AVENUE SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owner of the property located at 147 Ridge Avenue has petitioned the City Council for approval of the 147 Ridge Avenue Subdivision plat amendment; 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 June 27, 2007, to receive input;

WHEREAS, the Planning Commission, on June 27, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 2, 2007, the City Council approved the 147 Ridge Avenue Subdivision plat amendment; and

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

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 plat amendment 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 in the Historic Residential Low Density (HRL) zone.
2. The purpose of the HRL zone is to provide an area of lower density residential use within the old portion of Park City.
3. The applicant is the owner of lots 27-32 Block 75, and all of lots 18-19 Block 76 on the Park City Survey.
4. There is an existing historic single family home and detached concrete garage on lots 27-32, that encroach onto Platted Ridge Avenue. Lots 17 and 18 are vacant.
5. Platted Ridge Avenue separates Blocks 75 and 76.

6. Existing Ridge Avenue runs along the east property line, switches back and bisects the property between Blocks 75 and 76 (outside of the platted r-o-w).
7. Existing King Road runs through the west side of lots 18 and 19 of Block 76.
8. The applicant is requesting a plat amendment that would combine the lots on Block 75 into one lot of record, and the lots on Block 76 into another lot of record.
9. The applicant is proposing that the City vacate the section of platted Ridge Avenue encroached upon by the existing home and garage in exchange for two street right-of-way dedication parcels along portions of existing Ridge Avenue and King Road on the platted Block 76 lots.
10. The applicant is proposing no increase in the density currently allowed on the property by the HRL zone regulations.
11. The plat amendment would create a lot of approximately 8,478 square feet, and a possible building footprint of 2,631 square feet at 147 Ridge Avenue.
12. The plat amendment would create a lot of approximately 2,250 square feet, and a possible building footprint of 991 square feet between existing King Road and Ridge Avenue.
13. The HRL zone requires a minimum lot size of 3,750 square feet.
14. On October 18, 2005 the applicant received a variance from the Board of Adjustment reducing the minimum lot size from 3,750 square feet to 2,250 square feet on lots 18 and 19 of Block 76.
15. This plat amendment enables an exchange of property between the City and the applicant that would compensate the City for the loss of square footage by conveying a like amount of square footage back.
16. As proposed, the applicant would receive approximately 2,978 square feet of platted Ridge Avenue in exchange for 1,269 square feet of the King Road lot facing King Road as well as 1,609 square feet of the King Road lot facing Ridge Avenue, for a total of 2,878 square feet.
17. The 1984 Streets Master Plan lists the platted Ridge Avenue R-O-W as “excess R-O-W” meaning it is not of significant value to the City.
18. The proposed Ridge Avenue R-O-W would measure 27 feet in width with approximately 12 feet of pavement running through it. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing R-O-W, the steep slope of the King Road lots, and the continued accessibility to adjacent properties the reduced R-O-W configuration is appropriate for the property.
19. The vacation as it stands will continue to provide access to property owners farther to the south on platted Ridge Avenue.
20. The applicant consents to the conditions of approval.

<u>Conclusions of Law:</u>

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

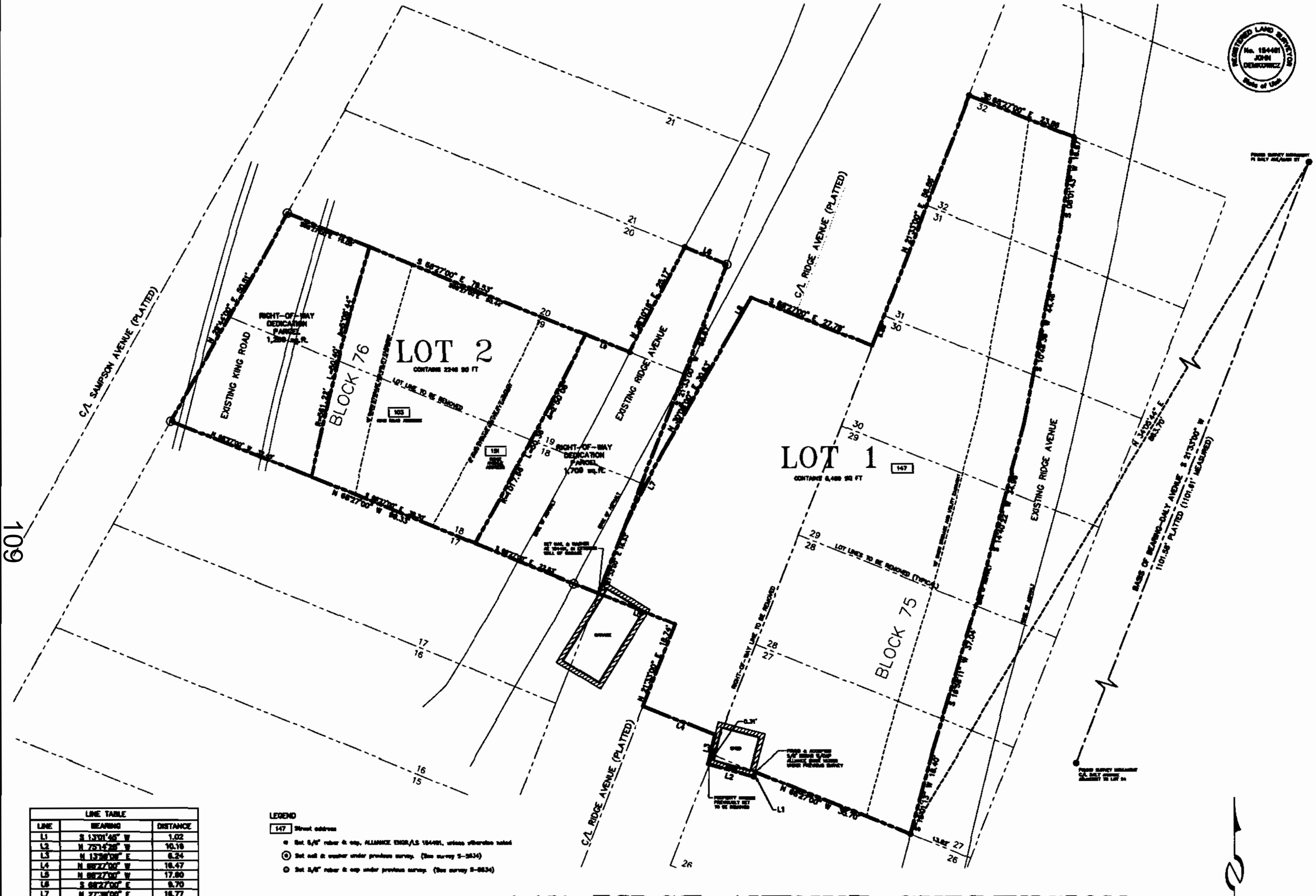
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Prior to the issue of a building permit for either lot, the applicant shall submit for review and approval a historic district design guideline review application.
3. A note shall be added to the plat establishing the maximum footprint for 147 Ridge Avenue at 1,500 square feet.
4. A note shall be added to the plat indicating that the home shall have a modified 13-D sprinkler fire protection system installed prior to the issue of a certificate of occupancy by the Building Department.
5. This approval will expire one year from the date of approval if no building permit has been issued.

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

PASSED AND ADOPTED this 2nd day of August, 2007.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 13°01'45" W	1.02
L2	N 75°14'28" W	10.16
L3	N 13°39'09" E	6.24
L4	N 68°27'00" W	16.47
L5	N 68°27'00" W	17.80
L6	S 68°27'00" E	9.70
L7	N 27°38'00" E	16.77
L8	N 30°08'00" E	7.19
L9	S 68°27'00" E	10.04

LEGEND

147 Street address

- Set 5/8" rebar & cap, ALLIANCE ENGR/LS 154491, unless otherwise noted
- Set nail & washer under previous survey. (See survey S-5634)
- Set 5/8" rebar & cap under previous survey. (See survey S-5634)

NOTES

1. The maximum footprint for the house at 147 Ridge Avenue is 1,500 square feet.
2. The home shall have a modified 13-D sprinkler fire protection system installed prior to the issue of a certificate of occupancy.

147 RIDGE AVENUE SUBDIVISION

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

10 0 10 20

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have made a survey of the parcel of land shown on this plat and described herein and subdivided said parcel of land into lots, public rights-of-way and easements to be hereafter known as 147 RIDGE AVENUE SUBDIVISION, and the the same has been correctly surveyed on the ground as shown on this plat. I further certify that the information shown on this plat is correct.

John Demkowicz ____ Date ____

BOUNDARY DESCRIPTION

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point North 68°27'00" West 13.82 feet from the southeast corner of Lot 27, Block 75, Millsite Reservation to the Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder, said point also being on the westerly (interior) edge of asphalt of existing Ridge Avenue; and running thence along the southerly line of said Lot 27 North 68°27'00" West 35.70 feet to a point on the edge of an existing wood shed; thence along the edge of said wood shed the following three courses: (1) South 13°01'45" West 1.02 feet to the southeasterly corner of said shed; thence (2) North 75°14'28" West 10.16 feet to the southwesterly corner of said shed; thence (3) North 13°39'09" East 6.24 feet; thence North 68°27'00" West 16.47 feet to the centerline of platted Ridge Avenue; thence along the centerline of platted Ridge Avenue North 21°33'00" East 16.74 feet; thence North 68°27'00" West 17.80 feet to the easterly line of Block 76, Millsite Reservation to the Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder, said point also being the southernmost corner of Lot 18, Block 76; thence along the southerly line of Lot 18, Block 76 North 68°27'00" West 99.33 feet to the westernmost corner of said Lot 18; thence North 29°44'00" East 50.51 feet to the northernmost corner of Lot 19, said Block 76; thence along the northerly line of Lot 19 South 68°27'00" East 79.53 feet to the westerly (exterior) edge of asphalt of existing Ridge Avenue; thence along said westerly (exterior) edge of asphalt North 28°10'16" East 25.17 feet to the northerly line of Lot 20, Block 76; thence along the northerly line of said Lot 20 South 68°27'00" East 9.70 feet to the easternmost corner of said Lot 20; thence along the easterly line of said Block 76 South 21°33'00" West 58.67 feet to a point on the westerly edge of a rock wall; thence along said westerly edge of said rock wall the following two courses: (1) North 27°38'00" East 16.77 feet; thence (2) North 30°08'00" East 30.63 feet to the northwesterly corner of said rock wall; thence North 30°08'00" East 7.19 feet; thence South 68°27'00" East 27.78 feet to a point on the westerly line of Lot 30, Block 75; thence along the westerly line of Block 75 North 21°33'00" East 56.88 feet to the northernmost corner of Lot 32, said Block 75; thence along the northerly line of said Lot 32 South 68°27'00" East 23.86 feet to the easterly (interior) edge of asphalt of existing Ridge Avenue; thence along said easterly (interior) edge of asphalt the following five courses: (1) South 08°01'43" West 16.87 feet; thence (2) South 10°48'38" West 44.46 feet; thence (3) South 14°40'22" West 34.96 feet; thence (4) South 16°58'11" West 37.04 feet; thence (5) South 15°01'13" West 18.40 feet to the point of beginning.

The basis of bearing for the above description is South 21°33'00" West 1101.61 feet between the survey monument at the point of intersection of Main Street and Daly Avenue and the survey monument in Daly Avenue adjacent to Lot 24, Block 74, Park City Survey.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 147 RIDGE AVENUE SUBDIVISION, does hereby certify that she has caused this Plat to be prepared, and she, Anne C. Wood, does hereby consent to the recordation of this Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the city of Park City and the Snyderville Basin Water Reclamation District all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this ______ day of ______________ 2007.

____
Anne C. Wood
Owner

ACKNOWLEDGMENT

State of ________)
)ss:
County of ________)

On this ______ day of ____________________ 2007, Anne C. Wood personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Anne C. Wood acknowledged to me that she is the owner of the herein described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Hawaii

____
Printed Name

Residing in: ______________

My commission expires: ______________

PAGE 1 OF 1

JOB NO.: 7-12-04 FILE: X:\ParkCitySurvey\dwg\srv\plat04\071204-revised.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 ____, 2007 A.D. BY ____ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2007 A.D. BY ____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2007 A.D. BY ____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ____, 2007 A.D. BY ____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____, 2007 A.D. BY ____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____, 2007 A.D. BY ____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER

3. 147 Ridge Avenue - Plat Amendment

Planner Ray Milliner reviewed the application for a plat amendment for Lots 27-32 of Block 75, a portion of Lot 17 and all of Lots 18 and 19 of Block 76 in the Park City survey. These lots are a conglomeration of lots located on the knoll of the hill where Ridge Avenue courses around towards King Road. There is an existing historic single family home on Lots 27-32 and Lots 17,18, and 19 are vacant. The applicant received a variance from the Board of Adjustment to reduce the minimum lot size for Lots 17, 18 and 19 from the required number for the HRL zone down to 2,250 square feet. The applicant also has a prescriptive right-of-way of Ridge Avenue which runs through the property. The historic house is located on platted Ridge Avenue and existing Ridge Avenue runs through the lots.

The Staff has negotiated with the applicant to exchange property in the platted lots at existing Ridge Avenue for platted Ridge Avenue, which is where the home is located. The result is a vacation of City right-of-way and a dedication of property from the applicant in addition to creating the two lots.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council according to the findings of fact, conclusions of law, and conditions of approval contained in the ordinance, following a public hearing.

Planner Milliner noted that the Staff has recommended that the maximum footprint for Lots 27 and 32 be reduced to 1500 square feet to help preserve the historic nature of the yellow home. The applicant is requesting that the existing sheds on site not be included in the square footage calculation. The sheds would add approximately 200 square feet. The Staff requested input from the Planning Commission on this request.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner O'Hara preferred to eliminate the sheds from the square footage. The Commissioner concurred. Planner Milliner offered to add this to the recommended conditions of approval.

MOTION: Commissioner O'Hara moved to forward a POSITIVE recommendation to the City Council for the 147 Ridge Avenue replat according to the Findings of Fact, Conclusions of Law, and Conditions of Approval provided in the Staff report. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 147 Ridge Avenue

1. The property is located in the Historic Residential Low Density (HRL) zone.

2. The purpose of the HRL zone is to provide an area of lower density residential use within the old portion of Park City.

3. The applicant is the owner of Lots 27-32 Block 75, a portion of Lot 17 and all of lots 18-19 Block 76 on the Park City Survey.

4. There is an existing historic single family home and detached concrete garage on Lots 27-32, that encroach onto Platted Ridge Avenue. Lots 17 and 18 are vacant.

5. Platted Ridge Avenue separates Blocks 75 and 76.

6. Existing Ridge Avenue runs along the east property line, switches back and bisects the property between Blocks 75 and 76 (outside of the platted r-o-w-).

7. Existing King Road runs through the west side of lots 18 and 19 of Block 76.

8. The applicant is requesting a plat amendment that would combine the lots on Block 75 into one lot of record, and the lots on Block 76.

9. The applicant is proposing that the City vacate the section of platted Ridge Avenue encroached upon by the existing home and garage in exchange for two right-of-way dedication parcels along portions of existing Ridge Avenue and King Road on the platted Block 76 lots.

10. The applicant is proposing no increase in the density currently allowed on the property by the HRL zone regulations.

11. The plat amendment would create a lot of approximately 8,478 square feet, and a possible building footprint of 2,631 square feet at 147 Ridge Avenue.

12. The plat amendment would create a lot of approximately 2,250 square feet, and a possible building footprint of 991 square feet between existing King Road and Ridge Avenue.

13. The HRL zone requires a minimum lot size of 3,750 square feet.

14. On October 18, 2005 the applicant received a variance from the Board of Adjustment reducing the minimum lot size from 3,750 square feet to 2,250 square feet on lots 18 and 19 of Block 76.

15. This plat amendment enables an exchange of property between the city and the applicant that would compensate the City for the loss of square footage by conveying a like amount of square footage back.

16. As proposed, the applicant would receive approximately 2,978 square feet of platted Ridge Avenue in exchange for 1,269 square feet of the King Road lot facing King Road as well as 1,709 square feet of the King Road lot facing Ridge Avenue, for a total of 2,978 square feet.

17. The 1984 Streets Master Plan lists the platted Ridge Avenue R-O-W as "excess R-O-W" meaning it is not of significant value to the City.

18. The proposed Ridge Avenue R-O-W would measure 27 feet in width with approximately 12 feet of pavement running through it. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing R-O-W, the steep slope of the King configuration is appropriate for the property.

19. The vacation as it stands will continue to provide access to property owners farther to the south on Ridge Avenue.

Conclusions of Law - 147 Ridge Avenue

1. There is good cause for the proposed plat amendment and street vacation.

2. The amendment is consistent with the Park City Land Management and applicable State law.

3. The application is consistent with the Park City Streets Master Plan.

4. Neither the public nor any person will be materially injured by the proposed amendment.

5. As conditioned the amendment is consistent with the Park City General Plan.

Conditions of Approval - 147 Ridge Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. Prior to the issue of a building permit for construction of a single family home on the lot between King Road and Ridge Avenue, the applicant shall apply for a variance reducing the HRL zone minimum lot size from the Board of Adjustment.

3. Prior to the issue of a building permit for either lot, the applicant shall submit for review and approval a historic district design guideline review application.

4. A note shall be added to the plat establishing the maximum footprint for 147 Ridge Avenue at 1,500 square feet.

5. A note shall be added to the plat indicating that the home shall have a modified 13-D sprinkler fire protection system installed prior to the issue of a certificate of occupancy by the Building Department.

6. This approval will expire one year from the date of approval if no building permit has been issued.

City Council
Staff Report

Subject:	**THE SHOP 10th Anniversary Celebration**
Author:	**Max Paap**
Department:	**Sustainability- Implementation**
Date:	**August 2, 2007**
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 SHOP 10th Anniversary Celebration, as conditioned, on August 17 - 18, 2007 to be held at THE SHOP Yoga Studio at 1167 Woodside Avenue.

Description:

Topic:
Review the Master Festival License Application, submitted by THE SHOP Yoga Studio, for the 10th Anniversary Celebration on August 17 - 18, 2007.

Background:
THE SHOP Yoga Studio submitted an application requesting a Master Festival License to hold an event to celebrate the SHOP's 10th year by creating a Park City event that provides exposure for the Studio in a positive, 2-day celebration that invites, inspires, and includes the entire community. The applicant hopes to renew the interest and excitement in Yoga through participation in free classes and activities. The event would run from 9:30 am to 8:30 pm on Friday, August 17; and from 8:30 am to 7:00 pm on Saturday, August 18, 2007.

THE SHOP 10th Anniversary Celebration 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 August 17 - 18, 2007. The event would begin at 9:30 am at THE SHOP Yoga Studio and conclude at 8:30 pm on Friday. On Saturday, August 18 the event would begin at 8:30 am and

conclude by 7:00 pm. This application is being reviewed as a Master Festival License due to the request for amplified music.

Friday Activities
Friday's activities will all be conducted indoors and include a free meditative hike beginning at 9:30 am from the studio. From 2:00 to 3:30 pm there will be a free Women's Yoga Class. From 4:00 to 8:30 pm there will be a variety of Women's programs inside of the studio.

Saturday Activities
Saturday's activities will include a variety of free yoga classes from 8:30 am until 12:15 pm in the studio. At 3:00 pm until 7:00 pm the public will be in invited to a free community BBQ, live amplified music by Zion Tribe, and a variety of Kids Activities conducted by Mad Hatter and Arts-Kids. Any need for public restrooms can be accommodated on site within the facilities inside the studio. The organizers have met with PCMC staff to ensure that all events that occur will not adversely affect public safety.

Parking
Attendees of this event will be directed to the free public parking at the Mawhinney Lot on Park Avenue. The organizer will provide directional signage to direct event participants to that lot. The organizer has made provisions for any ADA spaces that may be needed and provided a drop-off space near the studio. The organizer has also agreed to staff the parking areas to ensure maximum use and safety.

Department Review:
All applicable departments have reviewed THE SHOP 10th Anniversary Celebration and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing THE SHOP 10th Anniversary Celebration as described. This is staff's recommendation
Deny the Request:
Deny the Master Festival License, preventing the addition of THE SHOP 10th Anniversary Celebration 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 SHOP 10th Anniversary Celebration. The activities will be contained within described venues and will conclude by 7:00 pm.

Consequences of not taking the recommended action:
THE SHOP 10th Anniversary Celebration would not take place.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival License for THE SHOP 10th Anniversary Celebration Life on August 17 - 18, 2007 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. THE SHOP 10th Anniversary Celebration will be held Friday, August 17 – Saturday, August 18, 2007. The event will last from 9:30 am to 8:30 pm on Friday, August 17 and from 8:30 am to 7:00 pm on Saturday, August 18 and will occur at THE SHOP Yoga Studio.
2. Parking for the anticipated crowd of 200 people will be accommodated at the Mahwhinney Lot or in the existing public parking in and around the venue. The conduct of the THE SHOP 10th Anniversary Celebration 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 SHOP 10th Anniversary Celebration 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 at the SHOP Yoga Studio. 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. There are other Master Festival and Special Event Licenses that have been granted for August 17 & 18, 2007. The table below will show in column (A)- Geographic separation of events; column (B)- Proposed time and duration of the events; column (C)- Anticipated attendance. THE SHOP 10th Anniversary Celebration will not substantially interfere with the logistics and venue for any event 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:

DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
August 17,18	**THE SHOP- 10th Anniversary**	**THE SHOP Yoga Studio- 1167 Woodside**	**9:30AM-8:30PM 8/17 8:30AM-7:00PM 8/18**	**200**
August 17,	RAD Antique Market	Treasure Mountain	9AM-7PM Daily	50 people per hour

18, 19		Middle School		
August 17	Sundance Outdoor Film Festival	South end of City Park	6:00PM-1:00AM	215
August 17	Deer Valley Music Festival	Snow Park Lodge Outdoor Amphitheatre Deer Valley	6:00PM-10:00PM	5,000
August 18	Mustang Roundup	Main Street	9:00AM-4:30PM	1000
August 18	Deer Valley Music Festival	Snow Park Lodge Outdoor Amphitheatre Deer Valley	6:00PM-10:00PM	5,000
August 18	Mountain Town Stages	Main Street	1:30PM-5:00PM	100
August 17, 18	Relay for Life	Quinn's Rec. Complex	6:00PM-8:00AM	30-500

6. 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.
7. 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:

1. 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.
2. The applicant will work with City Staff to orient the temporary stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for each event.
   (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
   (D) All events shall be open to the public and free of charge.
3. 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.

4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by August 3, 2007.

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

PARK CITY 1884
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: The SHOP Yoga Studio 10th Anniversary Party

EVENT DATE(S): August 18, 2007

EVENT TIME(S): 2-8 p.m.

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
1167 Woodside Avenue

ANTICIPATED ATTENDANCE: 200

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
Community B-B-Q, Live Music

APPLICANT: *(name of organization)* THE SHOP Yoga Studio

CONTACTS
Event Manager: Sandy Geldhof
Mailing Address: PO Box 681237, PC 84068

Phone: 435-649-9339 Fax:647-9339
Cell Phone: 435-640-7447
E-Mail: sandy@parkcityyoga.com

Assistant Event Manager: David Belz
Mailing Address: PO Box 681237, 84068
Phone: 435-649-9339 Fax:647-9339
Cell Phone: 640-0330
E-Mail: david@parkcityyoga.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:
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates:
  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

Author:	**Bret Howser, Budget Analyst**
Subject:	**Conduit Financing**
Date:	**August 2, 2007**
Type of Item:	**Legislative**

Budget, Debt, & Grants

Description:

Recommendation: Staff recommends holding a public hearing to receive public comment on the proposed issuance of conduit bonds on behalf of the United States Ski and Snowboard Association (USSA).

Topic:

Conduit Financing – Public Hearing

Background:

On July 12, 2007, Council approved a parameters resolution in which it authorized the proposed issuance of conduit bonds for the non-profit USSA's Center of Excellence athletic training facility to be located in the northwest quadrant of the intersection of U.S. Highway 40 and State Highway 248 (more commonly known as Quinn's Junction) in Park City. The issuance was approved to be in an amount not to exceed $22.5 million. The proceeds from the bond may be used for expenses related to the Center of Excellence project, which may include approximately 5 acres of land, and a building, of approximately 84,965 square feet and related equipment, improvements and furnishings. The bonds will not constitute any indebtedness for Park City, nor will the City be liable for repayment in any way.

Analysis:

According to the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended, Park City must hold a public hearing to allow interested individuals to express their views, both orally and in writing, on the proposed conduit bonds and the location and nature of the project to be financed. A notice of the public hearing must be published at least 14 days in advance. The public notice was given in the Park Record on July 18, 2007.

Following the public hearing, bond counsel, USSA, and staff will work on preparing bond documents for about a month. On September 13, Council will consider the final bond resolution. If Council passes the final bond resolution, the bond issue closing will be scheduled for September 14.

Department Review:

Budget, Debt & Grants; City Manager; Legal

Alternatives:

A. Approve the request: Staff recommends holding the public hearing as planned.

B. Deny the Request: So doing will impact the construction plans of the USSA Center of Excellence.

C. Continue the item: This will impact the construction schedule as laid out by USSA.

SIGNIFICANT IMPACTS: Conduit financing would allow USSA to construct the athletic training facility at Quinn's Junction with tax-exempt bonds. If the public hearing is delayed, staff will need to re-issue the public notice and construction would be delayed.

RECOMMENDATION: Staff recommends moving forward with conduit financing for USSA by holding the mandatory public hearing.

Attachments
A – Parameters Resolution

Attachment A – Parameters Resolution

A RESOLUTION OF THE CITY COUNCIL OF PARK CITY, UTAH (THE "ISSUER"), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $22,500,000 AGGREGATE PRINCIPAL AMOUNT OF REVENUE BONDS BY THE ISSUER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF LAND, BUILDINGS AND EQUIPMENT FOR USE BY THE UNITED STATES SKI AND SNOWBOARD ASSOCIATION; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED AND A NOTICE OF PUBLIC HEARING AND THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, the Issuer is authorized by the Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended, (the "Act") to issue revenue bonds for the purpose of defraying the cost of financing, acquiring, constructing, equipping and furnishing land, buildings, facilities and improvements which are suitable for use for business purposes; and

WHEREAS, the Act provides that a municipality or county may issue revenue bonds for the purpose of using substantially all of the proceeds thereof to pay or to reimburse a business for the costs of the acquisition and construction of the facilities of a project and that title to or in such facilities may at all times remain in the company and in such case the bonds of the municipality or county shall be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the company; and

WHEREAS, there has been presented to the Issuer request from the United States Ski and Snowboard Association (the "Borrower"), asking the Issuer to adopt a resolution authorizing the issuance and sale of the Issuer's Revenue Bonds, Series 2007, the proceeds of which will be used to finance expenditures to be incurred by the Borrower for the acquisition, construction, equipping and furnishing of the facilities more specifically described in Exhibit B attached hereto, together with related improvements to be located in Park City, Utah (the "Project); and

WHEREAS, as a non-profit corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, financing the Project for the Borrower is a permitted use of tax-exempt bonds; and

WHEREAS, the Bonds shall be special limited obligations of the Issuer payable solely from and secured by revenues, rights, interests and collections pledged by the Borrower and by a letter of credit arranged for by the Borrower and shall not constitute nor give rise to a general obligation or liability (legal or equitable) of the Issuer or of the State of Utah or of any subdivision thereof or a charge against its general credit or taxing power; and

WHEREAS, the Issuer has determined that it would be in furtherance of purposes of the Issuer and the Act to issue not more than $22,500,000 of its Revenue

Bonds, Series 2007 (United States Ski and Snowboard Association, National Training Center Project) (the “Bonds”) for the purpose of financing the acquisition, construction, equipping and furnishing of the Project; and

WHEREAS, the Internal Revenue Code of 1986 provides for the publication of a Notice of Public Hearing and requires said Notice to be published at least 14 days prior to the public hearing which the Issuer desires to hold on August 2, 2007, and accordingly said Notice will be published to ensure compliance; and

WHEREAS, Section 11-17-16 of the Act provides for the publication of a Notice of Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to the Bonds:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARK CITY, UTAH, AS FOLLOWS:

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution), by the Issuer and by the officers of the Issuer directed toward the issuance of the Bonds are hereby ratified, approved and confirmed.

Section 3. The Council hereby calls a public hearing to receive public comment regarding the proposed issuance of the Bonds in the maximum aggregate principal amount of not to exceed $22,500,000.

Section 4. In accordance with provisions of the Act and in order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, the City Recorder published one (1) time in the Park Record, a newspaper of general circulation within the Issuer, a “Notice of Bonds to be Issued and of Public Hearing” at least fourteen (14) days prior to August 2, 2007, the hearing date set forth in said Notice, and the Council will meet in public session on August 2, 2007, to receive public comment on the proposed issuance of Bonds. The City Recorder shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in her office in Park City, Utah, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The Notice of Bonds to be Issued and of Public Hearing shall be in substantially the following form:

Section 5. If any provisions of this resolution should be held invalid, the invalidity of such provision shall not affect the validity of any of the other provisions of this resolution.

Section 6. No member of the Council of the Issuer or employee of the Issuer has any interest, direct or indirect, in the transactions contemplated by the Issuer as described herein.

Section 7. All resolutions of the Issuer or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency.

Section 8. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF PARK CITY, UTAH THIS JULY 12, 2007.

NOTICE OF BONDS TO BE ISSUED
AND OF PUBLIC HEARING
CITY COUNCIL OF
PARK CITY, UTAH

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended, that on July 12, 2007, the City Council (the "Council") of Park City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Revenue Bonds, Series 2007 (United States Ski and Snowboard Association, National Training Center Project) (the "Bonds") in the aggregate principal amount of not to exceed $22,500,000. Pursuant to the Resolution, the Issuer proposes to lend the proceeds of the Bonds to the United States Ski and Snowboard Association, a not-for-profit corporation (collectively, with any related parties, the "Owner") for the purpose of financing the acquisition, construction, equipping and furnishing of land and a new building for use as a training and office facility by the Owner (the "Project") and paying costs of issuance. The Project will be located in a new commercial park located in the northwest quadrant of the intersection of U.S. Highway 40 and State Highway 248 more commonly known as Quinn's Junction in Park City, Utah, and will be comprised of approximately 5 acres of land, and a building, of approximately 84,965 square feet and related equipment, improvements and furnishings. The proposed facilities and related property and improvements will be owned and used by the Owner.

NOTICE IS FURTHER GIVEN that, in connection with the Issuer's proposed issuance of the Bonds, the Issuer will meet on Thursday, August 2, 2007, at 445 Marsac Avenue, Park City, Utah, at 6:00 p.m. for the purpose of conducting a public hearing. Interested individuals are invited to express their views, both orally and in writing, on the proposed issue of the Bonds and the location and nature of the Project. Comments at the public hearing are invited. Written comments may be submitted to the Issuer at its office located at 445 Marsac Avenue, P.O. Box 1480, Park City, Utah 84060 until 5:00 p.m. on august 1, 2007. Additional information may be obtained from the Issuer at its office shown above or by calling (435) 615-5181. Subsequent to the hearing, the Council will consider approving the Bonds for the Project.

The Issuer is authorized to issue the Bonds pursuant to the Act. The Bonds will be special limited obligations of the Issuer payable solely from amounts provided by the Owner, including monies and security held from time to time under an Indenture of Trust under which the Bonds are to be issued (the "Indenture"). The Bonds and the interest thereon will not be a debt of the Issuer or of the State of Utah or any political subdivision, and neither the Issuer nor the State of Utah or any political subdivision will be liable thereon, and in no event will the Bonds or the interest thereon be payable out of any funds or properties other than those of the Issuer expressly provided therefor under the Indenture. The Bonds will not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution a form of the Indenture and said Indenture shall contain such terms and provisions as shall be approved by the Issuer at the time of the adoption of a final authorizing resolution except that the maximum principal amount of the Bonds shall not exceed $22,500,000. A copy of the Resolution and the form of Indenture are on file in the office of the City Recorder of the Issuer in the Park City offices at 445 Marsac Avenue, Park City, Utah, where they may be examined during regular business hours of the Issuer from 8:00 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

Date: July 12, 2007

CITY COUNCIL OF PARK CITY, UTAH

/s/ Jan Scott

City Recorder

Published in the Park Record.

Publication Date: July 18, 2007

City Council Staff Report

Subject: Judge Tunnel
Author: Jerry W. Gibbs
Department: Public Works
Date: August 2, 2007
Type of Item: Administrative

Summary Recommendations:
Authorize the City Manager to enter into an agreement with Norwest in the amount of $68,500 for hydrologic services.

Topic/Description:
Judge Tunnel UPDES Permit Issue

Background:
Judge Tunnel was drilled as part of mining operations in Park City about 100 years ago. It connected with thousands of miles of mine tunnels including the Ontario and Spiro Tunnels. Judge Tunnel has been used as a primary source of water for the City for almost the same length of time. United Park City Mines (through its predecessors) leased water to the City. In 1975, the City was granted a State Water Resource loan to drill a 1400 foot drift (Judge Drift) to bypass a section of the tunnel susceptible to cave-ins. Park City also purchased a Weber River water right from the mining company.

Judge Tunnel provides a very high quality drinking water requiring only chlorination. However, when the turbidity level rises caused by cave-ins, work in the tunnel or higher flows, the water quality begins to deteriorate relative to the rise in turbidity. A turbidity meter has been located prior to the tunnel water entering our water system. A valve is closed and the water flows into the Silver Creek drainage.

In 2004, the Utah Department of Environmental Quality (UDEQ) and Region 8 of the Environmental Protection Agency (EPA) completed a total maximum daily loading (TMDL) evaluation for East Canyon and set parameters for any discharge into the receiving streams. A similar study has been completed for Silver Creek Drainage. Judge Tunnel is in the Silver Creek drainage and is considered a point source within the drainage. Parameters have been set for any water discharged from the Judge Tunnel. The proposed standard for zinc (Zn) and cadmium (Ca) is below drinking water requirements. The implication is any water not put into our water system will be in violation of the proposed TMDL regulations and require a Utah Pollutant Discharge Elimination System (UPDES) permit resulting in a treatment obligation.

Park City entered into an annexation and water agreement with UPCM to develop the Empire Pass area. UPMC transferred its land interest to Talisker Corporation (UPMC and Talisker are owned by the same individual). In early 2007, UPMC and Park City amended the original water agreement to accommodate the Montage development. A key issue in the discussion was "who should be responsible for obtaining a UPDES permit, if necessary, for the Judge Tunnel discharge?" Section 7 of the "amended Water Agreement" outlined a process to jointly agree to utilize a third party to make a non-binding "determination" as to who should have permit responsibility by December 31, 2007.

The City needs additional staff resources to gather additional data to provide to the third party to assist in rendering an opinion on who has responsibility for an UPDES permit if required for the Judge Tunnel discharge. City staff determined a firm with mine permitting activity and hydrologic experience would be beneficial. With the assistance of Loughlin Water and Associates two firms were identified and contacted, Norwest and Petersen Hydrologic.

Analysis:
Both firms were interviewed by Tom Daley and Jerry Gibbs. Each firm had the necessary experience and a similar approach. Petersen Hydrologic is a one person firm. Norwest is a much larger firm with additional in-house resources. Staff is recommending Norwest based on their experience and depth.

A scope of services to answer the following two questions has been developed:

1. Did any work the City had performed in the Tunnel increase the level of Zn or Ca?
2. Who is should be responsible for an UPDES permit if required?

Norwest's Scope of service would include:

- Review historic mine records and Park City's water quality and flow records
- Review existing maps of the current and historic underground workings that drain to the tunnel
- Review current and expired agreements that govern the operation of the tunnel and provide an opinion
- Identify records and data that may be in files
- Develop conceptual model of metals sources and mine drainage to portal
- Assess data needs and prepare a sampling and analysis plan.
- Implement the sampling and analysis plan and tunnel investigation
- Tracer study to estimate flows and travel time within the tunnel

The work would be completed within three months.

Department Review:
The staff report has been reviewed by the following departments: Legal, Building, Public Works and City Administration.

Alternatives:

A. Approve the Request:

Authorize an agreement with Norwest (Staff recommended)

B. Deny the Request:

Enter into an agreement with Petersen Hydrologic, solicit other service providers

C. Continue the Item:

The agreement could be continued for a short period. There is limited time to the deadline of a determination.

D. Do Nothing:

The third party mediator hired by PCMC and UPCM would reach his determination without significant participation by PCMC.

Significant Impacts:

The flows from Judge Tunnel vary from 600 to 2500 gpm. If a UPDES and treatment is required for Zn and Ca the estimated capital cost could be as high as $9 M. The annual operating cost would be approximately $300,000.

Consequences of not taking the recommended action:

The third party hired by PCMC and UPCM would rely on only the available information provided and case law.

Recommendation:

Authorize the City Manager to enter into an agreement with Norwest in the amount of $68,500 on a form approved by the City Attorney for the Judge Tunnel UPDES Permit Issue Project.

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____________, 2007, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and_______________________________, a Utah 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 "Addendum A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed _________________Dollars.

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on _________________________ 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
"Addendum 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. <u>INSURANCE</u>.

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 claims made 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. TREATMENT OF ASSETS.

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.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____
Tom Bakaly, City Manager

Attest:

____
City Recorder's Office

Approved as to form:

____
City Attorney's Office

SERVICE PROVIDER

Address:

Tax ID#: ______________________

____
Signature

____
Printed name

____
Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of ________________, 2007, personally appeared before me ____________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is the ________________________ (*title or office*) of ____________________ Corporation by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he/she signed it voluntarily for its stated purpose as _______________________ *(title)* for ______________________________, a _______ corporation.

____
Notary Public

City Council Staff Report

Subject: McPolin Conservation Easement
Author: Mark Harrington/Myles Rademan
Department: Legal/Public Affairs
Date: August 2, 2007
Type of Item: Administrative

Summary Recommendations:
Approve the Deed of Conservation Easement to Summit Land Conservancy in a form approved by the City Attorney.

Topic/Description:
This matter involves granting a third party conservation easement to protect the open space and conservation values of the McPolin property, while retaining recreation and special event flexibility as permitted uses in and around the existing structures.

Background:

October 1990: City purchased McPolin/Osguthorpe dairy farm (approximately 135 acres)

1992: Parks, Recreation and Beautification Board holds Landmark Symposium series of citizen meetings

August 3, 1995: SR 224 Entry Corridor Master Plan adopted by resolution 19-95:

> "No sale or substantial change in the open space character…or changes in the intent…to protect open space shall be undertaken without an affirmative vote of four out of five City Council members. This vote must be furthered affirmed by 60% of the voters in a locally scheduled special election within 180 days of the Council decision."
>
> "**Special Events.** Special events will be limited as not to interfere with the open space character of the farm. PRB Board recommendation of permitting passive summer events sponsored or co-sponsored by the City of not more than 50 to 100 people in the vicinity of the barn will be the guideline. Winter spectator activities in conjunction with cross-country ski racing and biathlon are acceptable uses."

March 28, 2001: Conditional Use Permit (CUP) granted for eight (8) one-day City sponsored public special events with 100 person maximum occupancy. Does not include use of the barn or reconstructed house.

May/June, 2003: CUP amended to increase number of events to twelve (12) events per year and maximum occupancy to 150 persons per event. A transit plan is required for each special event. Sale of merchandise allowed in conjunction with special event.

The City held a public Open House regarding the McPolin Farm on December 7, 2005 and attracted 15 members of the public plus staff and Council members Heir and Erickson. While there was not a clear consensus for or against adding a conservation easement on the Farm, several ideas were presented. These include additional recreation opportunities in the summer, a limited number of private functions in the renovated equipment shed to generate revenue, Historic Society tours into the barn (if deemed safe by the Chief Building Official), and providing a façade easement on the barn and other historic buildings. Further discussion occurred at a March 23, 2006 work session and Council directed staff to return with a conservation easement that protected the open space but allowed the City to continue recreation and other event uses as permitted by the existing Conditional Use Permit.

2006 CUP extended for limited uses at the Farm, City sponsored events and Strategic Plan updated.

Summit Land requested the opportunity to complete the baseline documentation prior to final consideration of the easement. The baseline documentation is now substantially complete and available for inspection at Matt Twombly's office.

Analysis:
Exhibit A defines the area subject to the easement which includes all the property owned by the City via the Osguthorpe purchase. Exhibit B expressly excludes Released Property from the easement. This area includes the existing farm buildings and parking which remain restricted by the existing Conditional Use Permit, zoning, historic regulations and terms of the purchase. The conservation easement prohibits any activity inconsistent with the conservation values of the property, including but not limited to, any residential construction or use, and hunting or trapping except for predatory or problem animal control.

Staff finds that the proposed easement achieves a good balance of instituting an additional layer protection and public confidence in maintaining the property as open space, while preserving the equally important public use of the existing structures and facilities. Summit Land would have preferred that the land was re-surveyed and new legal descriptions were created for the Released Property. Staff determined that this was an un-necessary expense and created the attached map instead.

The City is required to provide Summit Land with notice of intent to perform any permitted use which includes recreation, agricultural, and special event uses, as well as the right of access for purposes of the maintaining the Historic Barn and other structures on the excluded area and utilities.

Department Review:
The Administrative, Legal, Sustainability Implementation and Public Affairs departments have reviewed this matter.

Alternatives:

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

B. Deny the Request:
Provide direction to staff on an alternative course of action.

C. Continue the Item:
Request any additional information that may aid the Council in deciding to approve or deny the item.

Significant Impacts:
The conservation easement grants third party enforcement rights to Summit Land and adds another layer of protection to this vital piece of open space.

Consequences of not taking the recommended action:
The property will remain protected as described in the Resolution 19-95 and applicable zoning and adopted plans; however, there will not be a third party with specific monitor and enforcement responsibility.

Recommendation:
Approve the Deed of Conservation Easement to Summit Land Conservancy in a form approved by the City Attorney.

Attachment A- Deed of Conservation Easement with Exhibit A (Legal Desc.) and Exhibit B (map)

Attachment A

DRAFT

DEED OF CONSERVATION EASEMENT

McPolin Farm

THIS GRANT DEED OF CONSERVATION EASEMENT (sometimes referred to herein as "Easement") is made this _____ day of __________________, 2007, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation having an address of 445 Marsac Avenue, Post Office Box 1480, Park City, UT 84060-1480 ("Grantor"), in favor of the SUMMIT LAND CONSERVANCY, a Utah non-profit corporation having an address of Post Office Box 1775, Park City, UT 84060 ("Grantee"). Grantor and Grantee are sometimes collectively referred to herein as the "Parties".

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of approximately 123 acres of real property located in Park City in Summit County, Utah, described more particularly at Exhibit A, attached hereto and incorporated herein by reference; and

WHERAS, the above referenced 123 acres described in Exhibit A includes a large barn and related outbuildings; this portion of the 123 acres is not included within this Deed of Conservation Easement and is defined in Exhibit B and identified therein as the "Released Property"; and

Whereas, the real property described in Exhibit A less the Released Property is referred to herein as "the Property"; and

WHEREAS, the Property possesses natural, scenic, open space, agricultural, wildlife and recreational values (collectively, "Conservation Values") of great importance to Grantee, the people of Park City, and the people of the State of Utah which are worthy of protection; and

WHEREAS, the Property includes Property adjacent to Aspen Springs Ranch and Willow Ranch subdivisions, containing trails, significant buildings, and view corridors, all of which is located in Summit County, State of Utah; the Property is visible from State Highway 224 and is a principal entry corridor to Park City; and

WHEREAS, located on the Property are certain features and improvements documented in a resource manual and is hereinafter sometimes referred to as the "Baseline Documentation," which consists of reports, maps, photographs and other documentation intended to provide the Parties with an accurate representation of the Property at the time of the granting of the Easement as defined below. The Baseline Documentation will be prepared jointly by the Park City Municipal Corporation and the Summit Land Conservancy although the final responsibility for the document lies with the Summit Land Conservancy. The baseline report will be completed and signed at the time of the granting of the Easement; and

WHEREAS, the Property is appropriate for substantial and regular year-round agricultural, recreational and low impact usage including special event and temporary uses, hereinafter described as the Reserved Use Rights; and

WHEREAS, Grantor intends that the Conservation Values of the Property be preserved and maintained by the continuation of land use patterns, including, without limitation, those existing at the time of the recording of this Easement, relating to visual open space that do not significantly impair or interfere with those values; and

WHEREAS, Grantor further intends as owner of the Property, to preserve and protect the conservation values of the Property in perpetuity, subject to the Reserved Use Rights; and

WHEREAS, Grantee is a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code, whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, and/or open space condition; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, which the Parties agree constitute adequate consideration for this agreement, and pursuant to the laws of the State of Utah and in particular Utah Code Annotated, Title 57, Chapter 18, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose**. It is the primary purpose of this Easement to prevent residential or commercial development on the Property including hotels and lodging, and subject to the Reserved Use Rights described in Section 3 of this Easement, to assure that the Property will be retained forever in its predominately open condition as provided herein and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property, protecting in perpetuity its scenic, open, agricultural, wildlife and recreational value, and preventing any use of the Property that may significantly impair or interfere with the Conservation Values of the Property. Grantor intends that this Easement will confine the use of the Property to those activities and uses referred to in this paragraph, including without limitation the Reserved Use Rights, that are consistent with the purpose of this Easement.

1.1 **Baseline Documentation**. To establish the present condition of the Property's agricultural, natural, scenic, recreational, and/or other conservation resources and the Property's manmade features, so as to make possible the proper monitoring of future uses of the Property and to ensure compliance with the terms of this Easement, the Parties will prepare an inventory of the Property's relevant resources, features and conditions.

2. **Rights of Grantee**. To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement, in addition to all rights and remedies provided by applicable law

a. To monitor, preserve and protect the Conservation Values of the Property;

b. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with, and otherwise enforce, the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;

c. To enter upon the Property in the case of an emergency as determined by Grantee, in which event Grantee shall notify Grantor prior to entering onto the Property, if possible, or as soon thereafter as is reasonably practical;

d. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by inconsistent activity or use, pursuant to Paragraph 6 herein; and

e. To enforce this Easement by appropriate legal proceedings, including preliminary restraining orders and injunctions after providing Grantor with reasonable notice and reasonable opportunity to cure.

f. To place one sign on the Property for the purpose of identifying Grantee's role to conserve the Property; said sign shall not exceed 18" x 24" and reasonable efforts shall be made to affix the sign to an existing structure in a manner approved by Grantor.

3. **Reserved Use Rights**. The following uses and practices (collectively referred to herein as the "Reserved Use Rights"), while not an exhaustive recital of permitted uses and practices, are consistent with the purpose of the Easement, and the following purposes and practices shall not be precluded or prevented by this Easement to the extent they are not inconsistent with Conservation Values:

a. Recreational, agricultural and entertainment/special event including temporary structures provided such use of temporary structures does not exceed thirty days and such usage is not inconsistent with Conservation Values;

b. Regular public recreation use including but not limited to constructing and maintaining winter and summer recreational facilities and uses to include but not limited to (i) bike trails, (ii) walking trails, and (iii) X-C ski trails and races, and (iv) related amenities, but not including permanent athletic fields and facilities or use of motorized recreational vehicles;

c. The use of motorized equipment for agricultural purposes, to access, construct and maintain buildings in the Released Property and to access, construct and maintain trails, and to service utilities.

d. Access for the protection, maintenance, repair, renovation and restoration of the Historic Barn and adjacent buildings on the Released Property;

e. The construction, installation, use, maintenance, repair, replacement and relocation of water wells, water lines, pump stations and underground storage tanks, sanitary sewer lines, storm sewer lines and the right to discharge their flows, natural gas lines, electric power lines, cable television lines, telephone lines, and other utility lines, together with the right to temporarily stockpile materials and equipment as approved by the Grantee after notice thereof is given to Grantee by Grantor, so long as such uses are necessary for the Reserved Use Rights, are located underground when economically feasible and otherwise in areas not inconsistent with Conservation Values;

g. Any access and infrastructure improvements including paving as necessary to comply with the Americans with Disabilities Act ("ADA").

h. Passive uses otherwise allowed by the Park City Land Management Code for the ROS District intended to preserve and protect the Conservation Values and consistent with the Entry Corridor Master Plan.

4. **Prohibited Uses**. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are prohibited in perpetuity on the Property:

a. Any residential or commercial construction or use including hotels and lodging, retail, restaurant, and low or moderate income housing.

b. Hunting or trapping for any purpose other than predatory or problem animal control.

c. Any unanticipated use or activity on or at the Property which would significantly impair the Conservation Values of the Property, unless such use or activity is necessary for the protection of the Conservation Values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of Grantee after notice thereof is given to Grantee by Grantor, which approval shall not be unreasonably withheld.

d. Golf course.

e. Wind turbines or windmills must be confined to 1 – 3 units and no more.

5. **Notice of Intent to Undertake Certain Permitted Actions**. The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted activities, as provided in Paragraph 3, is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the purpose of this Easement.
Whenever notice is required, Grantor shall notify Grantee not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question:

a. in writing; and/or

b. by electronic notification. Electronic notification is sufficient with proof of receipt.

The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

5.1 **Grantee's Approval**. Where Grantee's approval is required, as set forth in Paragraph 5, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement.

6. **Grantee's Remedies**. If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. Grantee and Grantor agree to mediate any dispute in a timely manner if the issue of a violation is disputed. If mediation is unsuccessful and Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing such violation within the thirty (30) day period, or fails to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary, or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any Conservation Values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this Paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this Paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this Paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph shall be cumulative and shall be in addition to all remedies not or hereafter existing at law or in equity. If Grantor prevails in any action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. If Grantee prevails in any action to enforce the terms of this Easement, Grantee's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantor.

6.1 **Grantee's Discretion**. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any right or remedy upon a breach by Grantor shall impair such right or remedy or be construed as a waiver.

6.2 **Acts Beyond Grantor's Control**. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

7. **Access**. No right of access by the general public to any portion of the Property is conveyed by this Easement.

8. **Costs and Liabilities**. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall cause the comprehensive general liability policy to include grantee as an additional insured. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

8.1 **Taxes**. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon ten (10) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate procured from the appropriate authority, and the obligation created by such payment shall bear interest until paid by Grantor at the lesser of two (2) percentage points over the prime rate of interest from time to time charged by Zion's Bank or the maximum rate allowed by law.

8.2 **Hold Harmless**. Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees arising from or in any connection with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in Paragraphs 8 and 8.1; and (3) the existence or administration of this Easement.

9. **Extinguishment**. Grantee shall not voluntarily or willingly allow the extinguishment of any of the restrictions of this Easement, and if any or all of the restrictions of this Easement are nevertheless extinguished by a judicial or other governmental proceeding, any and all compensation received by Grantee as a result of the extinguishment shall be used by Grantee in a manner consistent with the conservation purposes of this Easement.

9.1 **Condemnation**. If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

9.2 **Amendment**. This Easement, including the prohibited uses and reserved rights, may be modified only by mutual written agreement of Grantor and Grantee. No amendment shall be made that will adversely affect the status of this Easement as a qualified conservation easement pursuant to Title 57, Chapter 18 of the Utah Code, nor Grantee's status as a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code and applicable laws of the state of Utah. Any such amendment shall be consistent with the stated purposes of this Easement, shall not affect its perpetual duration, and shall not permit any impairment of the significant Conservation Values of the Property. Any such amendment shall be filed in the office of the Summit County Recorder.

10. **Transfer of Easement**. If Grantee determines that it no longer is able to perform its obligations or enforce its rights under this Easement, or that it no longer desires to enforce said rights, or if Grantee ceases to exist, or is otherwise prevented from enforcing its rights under this Easement, or if Grantee no longer qualifies as a qualified organization under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), Grantee may convey its rights and obligations under this Easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under State statute. Grantee shall require that the conservation purposes that this grant is intended to advance continue to be carried out. Grantee is hereby expressly prohibited from subsequently transferring the Easement, under any circumstances and whether or not for consideration, unless:

a. Grantee, as a condition precedent of the transfer, requires that the conservation purposes which this Easement is intended to advance continue to be carried out;

b. The transferee is an organization qualifying at the time of transfer as eligible under Paragraph 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable) and regulations promulgated thereunder; and

c. Grantor and/or its successor in interest, at its sole discretion, either selected the transferee or consents in writing to the transfer.

11. **Grantor Transfer of Interest**. Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. The failure of Grantor to perform any act required by this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

12. **Estoppel Certificates**. Upon request by Grantor, Grantee shall within twenty (20) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

13. **Notices**. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows (or to such other address as either party from time to time shall designate by written notice to the other):

To Grantee: **SUMMIT LAND CONSERVANCY**
Attn: Executive Director
Post Office Box 1775
Park City, UT 84060

To Grantor: **PARK CITY MUNICIPAL CORPORATION**
Attn: City Recorder
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

14. **Recordation**. Grantee shall record this instrument in timely fashion in the official records of Summit County, Utah, and may re-record it at any time as may be required to preserve its rights in this Easement.

15. **General Provisions**.

a. Controlling Law. The laws of the state of Utah shall govern the interpretation and performance of this Easement.

b. Liberal Construction. Any general rule of construction to the contrary notwithstanding this Easement shall be liberally construed in favor of the grant to affect the purpose of this Easement and the policy and purposes of the Utah statutes. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

d. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

e. No Forfeiture. Nothing contained herein will result in the forfeiture or reversion of Grantor's title in any respect.

f. Joint Obligation. If more than one person or entity is the successor or assign of Grantor, the obligations imposed by this Easement upon Grantor shall be jointly and severally binding on each such person or entity.

g. Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

h. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

i. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction of interpretation.

j. Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

15. Adjustments to Legal Description. The legal description attached as Exhibit A is based on record title and the recorded plats of adjoining subdivisions. The parties elected to forego the expense of a boundary survey at this time. In the event that subsequent surveys determine that the easement encroaches onto land owned by persons other than the Grantor, or that the Grantor owns lands within the generally described boundaries that have been omitted from this legal description, the parties agree to record a modified description as an amendment to this agreement.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have set their hands on the day and year first above written.

GRANTOR:

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

ATTEST:

____
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

____
Mark D. Harrington, City Attorney

GRANTEE:

SUMMIT LAND CONSERVANCY

____
Cheryl Fox, Executive Director

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of ________________, 2007, personally appeared before me Cheryl Fox whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn (or affirmed), did say that she is the Executive Director of the SUMMIT LAND CONSERVANCY by Authority of its Bylaws/Resolution of its Board of Directors, and acknowledged to me that said corporation executed the same.

____
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

(PARCEL A)

BEGINNING AT A POINT NORTH 89°56’41” WEST 3186.42 FEET FROM THE EAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE CENTER OF SECTION 5 NORTH 89°56’41” WEST 2095.93 FEET; THENCE ALONG THE CENTER OF SECTION 6 NORTH 89°22’53” WEST 1330.98 FEET; THENCE NORTH 0°26’54” WEST 2274.18 FEET; THENCE SOUTH 89°36’48” EAST 90.89 FEET; THENCE MORE OR LESS ALONG THE PROPOSED WETLANDS BOUNDARY THE NEXT 6 COURSES: 1) SOUTH 20°36’02” EAST 224.21 FEET; THENCE 2) SOUTH 58°10’09” EAST 800.00 FEET; THENCE 3) SOUTH 27°12’20” EAST 116.62 FEET; THENCE 4) SOUTH 58°10’09” EAST 100.00 FEET; THENCE 5) SOUTH 89°07’59” EAST 116.62 FEET; THENCE 6) SOUTH 58°10’09” EAST 284.86 FEET; THENCE SOUTH 0°05’58” EAST 41.23 FEET; THENCE SOUTH 89°50’30” EAST 66.65 FEET; THENCE MORE OR LESS ALONG THE PROPOSED WETLANDS BOUNDARY THE NEXT 4 COURSES: 1) SOUTH 58°10’09” EAST 336.62 FEET; THENCE 2) SOUTH 44°25’59” EAST 263.25 FEET; THENCE 3) SOUTH 58°10’09” EAST 80.00 FEET; THENCE 4) NORTH 24°59’17” EAST 251.79 FEET; THENCE ALONG THE PROPOSED HIGHWAY RIGHT-OF-WAY LINE SOUTH 58°10’09” EAST 40.00 FEET; THENCE MORE OR LESS ALONG THE PROPOSED WETLANDS BOUNDARY THE NEXT 4 COURSES: 1) SOUTH 24°59’17” WEST 251.79 FEET; THENCE 2) SOUTH 58°10’09” EAST 130.00 FEET; THENCE 3) SOUTH 83°11’10” EAST 165.53 FEET; THENCE 4) SOUTH 58°10’09” EAST 1229.38 FEET TO THE POINT OF BEGINNING.

LESS RELEASED PROPERTY

BEGINNING AT A POINT ON THE NORTHERLY LINE OF ASPEN SPRINGS RANCH SUBDIVISION PHASE II, AS RECORDED IN THE SUMMIT COUNTY RECORDER’S OFFICE, SAID POINT IS LOCATED SOUTH 89°56’68” WEST 3240.45 FEET FROM THE EAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE NORTHERLY LINE OF ASPEN SPRINGS RANCH SUBDIVISION PHASE II SOUTH 89°56’58” WEST 524.39 FEET; THENCE NORTH 07°30’00” EAST 242.31 FEET; THENCE SOUTH 64°03’09” EAST 548.01 FEET TO THE POINT OF THE BEGINNING.

Summit County Tax Serial No’s PCA-18-B-X and PCA-19-B-X

(PARCEL B)

BEGINNING AT THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE EAST LINE OF SECTION 6 SOUTH 0°05’58” EAST 966.50 FEET; THENCE MORE OR LESS ALONG THE NORTHEASTERLY LINE OF THE PROPOSED HIGHWAY RIGHT OF WAY THE NEXT 3 COURSES: 1) NORTH 58°10’09” WEST 91.67 FEET; THENCE 2) NORTH 57°12’52” WEST 300.04 FEET; THENCE 3) NORTH 58°10’09” WEST 686.12 FEET; THENCE SOUTH 89°36’48” EAST 167.33 FEET; THENCE NORTH 0°26’54” WEST 400.00 FEET; THENCE ALONG THE NORTH LINE OF SECTION 6 SOUTH 89°36’48” EAST 747.21 FEET TO THE POINT OF THE BEGINNING.

Summit County Tax Serial No’s PCA-19-A-X

(PARCEL C)

BEGINNING AT A POINT SOUTH 0°05’58” EAST 1373.00 FEET ALONG THE SECTION LINE AND SOUTH 89°50’30” EAST 657.05 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°50’30” EAST 1988.16 FEET; THENCE SOUTH 0°07’45” WEST 1103.61 FEET; THENCE NORTH 89°56’41” WEST 212.09 FEET; THENCE MORE OR LESS ALONG THE NORTHEASTERLY LINE OF PROPOSED HIGHWAY RIGHT OF WAY THE NEXT 5 COURSES: 1) NORTH 52°39’58” WEST 55.16 FEET; THENCE 2) NORTH 51°05’32” WEST 92.85 FEET; THENCE 3) NORTH 58°10’09” WEST 110.50 FEET; THENCE 4) NORTH 61°01’54” WEST 200.25 FEET; THENCE 5) NORTH 58°10’09” WEST 1634.15 FEET TO THE POINT OF THE BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING PARCEL (DAIRY PARCEL):

BEGINNING AT A POINT SOUTH 0°05’58” EAST 1373.00 FEET ALONG THE SECTION LINE AND SOUTH 89°50’30” EAST 657.05 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°50’30” EAST 209.29 FEET; THENCE SOUTH 64°10’42” EAST 860.75 FEET; THENCE SOUTH 58°10’09” EAST 200.00 FEET; THENCE SOUTH 64°10’42” EAST 860.75 FEET; THENCE SOUTH 58°10’09” EAST 200.00 FEET; THENCE SOUTH 31°36’15” EAST 447.21 FEET; THENCE MORE OR LESS ALONG THE NORTHEASTERLY LINE OF THE PROPOSED HIGHWAY RIGHT OF WAY NORTH 58°10’09” WEST 1634.15 FEET TO THE POINT OF THE BEGINNING.

Summit County Tax Serial No’s PCA-18-A-X

(PARCEL D)

BEGINNING AT A POINT SOUTH 0°05’58” EAST 1373.00 FEET ALONG THE SECTION LINE AND SOUTH 89°50’30” EAST 657.05 FEET FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°50’30” EAST 209.29 FEET; THENCE SOUTH 64°10’42” EAST 860.75 FEET; THENCE SOUTH 58°10’09” EAST 200.00 FEET; THENCE SOUTH 31°36’15” EAST 477.21 FEET; THENCE MORE OR LESS ALONG THE NORTHEASTERLY LINE OF THE PROPOSED HIGHWAY RIGHT OF WAY NORTH 58°10’09” WEST 1634.15 FEET TO THE POINT OF THE BEGINNING.

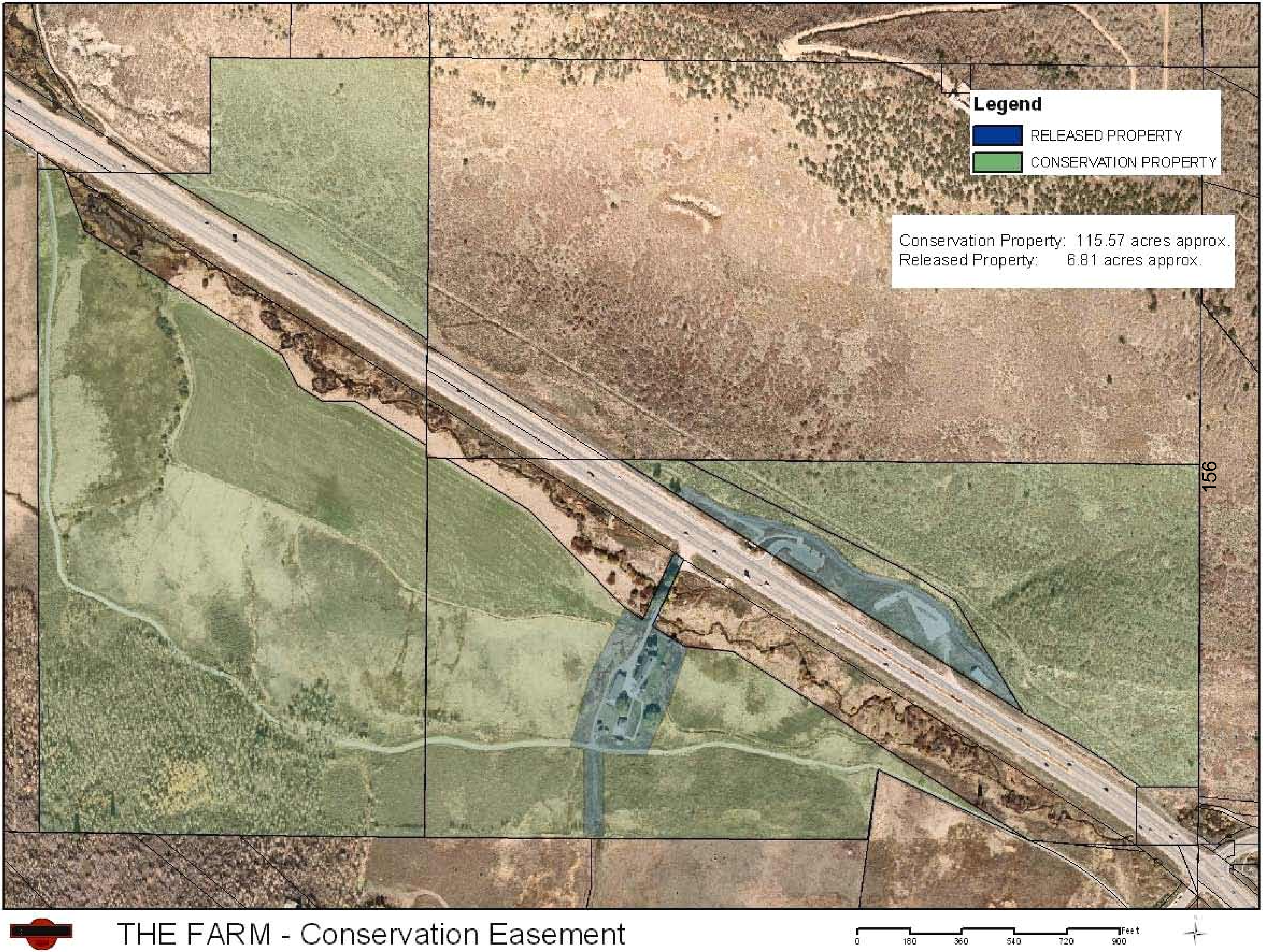
Summit County Tax Serial No’s PCA-18-C-X

ADDRESSES:

(PARCEL A)
3000 NORTH HIGHWAY 224
PARK CITY, UTAH 84060

(PARCEL D)
3040 NORTH HIGHWAY 224
PARK CITY, UTAH 84060

Exhibit B- Released Property Map



THE FARM - Conservation Easement

City Council
Staff Report

PARK CITY 1884

SUSTAINABILITY DEPARTMENT

Author: Jonathan Weidenhamer
Subject: Amendments to the Park City Land Management Code prohibiting office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts in storefronts; as well as related definitional changes.
Date: August 2, 2007
Type of Item: Legislative

Summary Recommendation: Staff recommends the City Council hold a public hearing and consider approving proposed amendments to the LMC to prohibit non-sales tax generating uses and Off-Site Private Residence Clubs from ground level storefronts in the downtown core.

Background

A preliminary discussion was held on this topic at the joint Planning Commission/City Council work session on April 5, 2007. On May 24, 2007, the City Council approved a change to the Municipal Code that prohibited local consent for Liquor Licenses for Bars and Private Clubs that do not allow the general public to apply for membership (Exhibit B) in the HRC and HCB Districts. On May 31, 2007, Staff was directed at a subsequent joint meeting to create supporting legislative remedies to the LMC to prohibit offices and off-site private residence clubs in storefronts. On June 13, 2007, the Planning Commission held a public hearing and provided direction to Staff that the draft legislation was consistent with previous direction. On June 27, 2007, the Planning Commission held a public hearing and forwarded on a 3-1 vote, a positive recommendation to approve the attached ordinance.

The preservation of the unique character of the HCB and HRC Districts (Main Street and adjacent downtown core) is essential to the City's long term economic and fiscal welfare. A diversified business mix of retail, restaurant, and other public attractions is an important element of Main Street's attractiveness as a destination center for visitors and locals. The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions. Real estate offices on Main Street should be encouraged to share space with retail outlets or community organizations."

The City's Economic Development Strategic Plan identifies the following 3 Top Priorities:

- o Facilitation and establishment of more “attractions/areas of interest” for both visitors and residents

- o Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies

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

The City monitors the business mix and sales tax generation as part of its financial health assessment. In November 2002 and March 2006 studies were presented to Council that analyzed the changes in the ground floor business mix and the fiscal impact of the conversion of sales tax generating uses to non-revenue generating uses such as office space (Exhibit E). In spring of 2007, additional data was conducted on number of offices in Main Street storefronts. The research has indicated a fairly stable trend of offices in storefronts. Table 1 below summarizes the findings.

Table 1: Offices in Main Street Storefronts

year	Total # storefronts	storefront linear feet	% of total storefronts
2002	15	377/4059	11
2006	12	323/3865	8
2007	13*	347/3865	9

*Based on site visit on June 19, 2007, this chart does not recognize 4 downtown storefronts that are not physically oriented towards Main or have an approved business license, but are not currently operational

The 2006 study identified eight percent Main Street storefronts that were occupied by offices. Foregone sales tax revenue was estimated to be between $29,000 to $49,000 annually. The City seeks to maintain and enhance the long term viability of the Downtown core as a tourist destination in terms of mix of retail and commercial, public access, vibrancy, activity, and public/resort-related attractions.

Staff conducted a survey and review of codes and ordinances in other resort towns and has found various regulatory approaches have been employed in many municipalities as a tool to shape a successful commercial mix. The common elements among the ordinances in each of these communities is the preservation of the unique character of the commercial area and the finding that regulating the mix of retail, restaurant, and office uses is essential to the cities’ long term financial health and welfare.

Analysis

The City wishes to avoid the “privatization” of Main Street tenant spaces which has a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A downturn in local and visitor traffic would have a net negative impact to sales tax overall. It could also change the culture of Main Street into a more elite area that is less inviting to the majority of our visitors, guests, and locals. Staff finds preservation of the unique character of the commercial area and the finding that regulating their use mix is essential to the City's long term financial health and welfare.

Attached to this report is draft LMC Amendments which prohibit offices, private residence clubs, and other limited uses in downtown storefronts (HRC and HCB Districts - Included as Exhibit C is a detail of the zoning map, Exhibit D is a detail of the Village on Main (old Summit Watch). Included as Exhibit E is a typical cross section of downtown that provides additional clarity to what staff considers a storefront to be for the purposes of this discussion. The amendments:

- Do not include Park Avenue HCB zoned areas because staff does not find that the purpose of this legislation is intended to prohibit transitional projects like Park Station and Town Pointe.
- Do not preclude residential uses in the HRC District since such uses are consistent with the purpose of the zone and general plan.
- Allow for existing Non-Complying Uses to continue per Section 15-9-3 of the LMC.

<u>Specific Topics of Discussion</u>

<u>Village on Main (formerly Summit Watch)</u>
Only a small portion of the Village on Main is affected by the proposed ordinance. As indicated by Exhibit C, 692 Main (Building A1) and 738 Main (Building A2) will be subject to the proposed use restrictions, while the rest of the Village properties are not. The Planning Commission had a specific dialogue with staff on this topic. The application of the proposed ordinance as The Commission and Staff agreed is clarified by these 2 exhibits and is based on the following:

- o Site visits conducted by staff (Planning and Legal) and the Planning Commission.
- o The excluded buildings are not an integral or visual part of the downtown pedestrian experience based on the vertical and horizontal separation of the storefronts from Main Street.

It is noteworthy that the exhibits and ordinance amendments reflect the current, as-built conditions of the downtown area. If building are ever reconstructed or reconfigured to have additional street frontage, the ordinance may have to be amended to reflect the modifications.

<u>Swede Alley</u>
Prior to deciding if Swede Alley should be included in the ordinance amendments, the Planning Commission sought additional background on the City's vision for the street. The redevelopment of Swede Alley, although not specifically addressed at a policy level by the current Council, is considered by underlying development requirements (zoning

& design guidelines) which recognize Swede Alley as an important service and circulation zone, but seek to enhance its community value as a transition between the Marsac/China Bridge/Transit Center area and Main Street. In addition to promotion of street-scape and pedestrian improvements, the City has continued its commitment to funding for ongoing downtown capital projects, including: the Old Town Improvement Study; the 2003 Downtown Task Force; and the 1998 Downtown Action Plan – all of which call for continued pedestrian improvements, and other related parking and transit infrastructure, with the highest profile projects being the new parking garage, and planned Town Plaza. Although the trend is to support and promote redevelopment, the City is continually conscious of the need to have a service and delivery support alley to Main Street.

Staff finds that the service/circulation needs of Swede Alley can be balanced with the City goals to provide an enhanced commercial/pedestrian presence along the street. Staff recommends that applying this legislation to Swede Alley helps maintain this balance. The Planning Commission specifically concurred with this, and directed staff to include Swede Alley in the HCB language, which would also then include the Poison Creek Mercantile building.

Significant Impacts

Adoption of this ordinance will likely result in approximately 17 businesses becoming non-conforming uses (Exhibit E). They will then be regulated by Chapter 9 of the LMC; of which the purpose statement states: which generally states that A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. The purpose statement of the chapter (15-9-1) states:

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and Site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

Public Input

Staff has received input on the following issues:

1. Non-conforming Use - Staff has had discussions with an owner of a space that will become non-conforming. That owner has asserted that this amendment will affect the value of their property and their ability to market and potentially sell the location. No specific evidence to this effect was provided by the property owner.

2. Noticing – One affected property owner has asserted that additional, specific written notice should be provided to all potentially affected property owners. All noticing as required by City and State law have been met.

3. Marketing Downtown - One suggestion we have heard has been not to prohibit sales offices entirely; but to specifically allow those that market old town properties.

4. Previous Municipal Code Amendment – It has been suggested that with consideration of these new LMC amendments that the previous change to the Municipal Code that prohibited local consent for Liquor Licenses for Bars and Private Clubs that do not allow the general public to apply for membership should be amended to only affect storefronts as well.

Department Review

This has been reviewed by the Sustainability, Planning, Executive and Legal Departments.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving proposed amendments to the LMC to prohibit non-sales tax generating uses and Off-Site Private Residence Clubs from ground level storefronts in the downtown core.

Exhibits

Draft Ordinance
Exhibit A - May 24, 2007 Municipal Code Change
Exhibit B – Zoning Map Detail
Exhibit C– Address Book Exhibit – Village on Main
Exhibit D – Cross section Exhibit
Exhibit E – Probable Non-Conforming Uses*
Exhibit F – Meeting minutes

- 4/5/07
- 5/24/07
- 5/31/07 (not completed at printing of report. Will be available at the meeting)
- 6/13/07 Planning Commission Work Session & Public Hearing
- 6/27/07 Planning Commission Public Hearing & Recommendation

Exhibit G – Affidavit from Park City Budget Department (signed copy on file, as well as affidavit from HMBA).
Ehhibit H – 2006 land use and sales tax numbers
Exhibit I – Public Input letter

* Subject to determination in accordance with LMC Ch. 9

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTER 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT RELATING TO PROHIBITING OFFICE, RESIDENTIAL, OR OTHER NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB AND HRC DISTRICTS IN STOREFRONTS; AS WELL AS RELATED DEFINITIONAL CHANGES TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions; and goes on to say Park City should, "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture."; and

WHEREAS, the 2003 HyettPalma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: 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; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO SECTIONS **15-2.5 Historic Recreation Commercial (HRC) District, 15-2.6: Historic Commercial Business (HCB) District, and Section 15-15-1** are hereby amended as attached hereto as Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

<u>LMC Amendments</u>

<u>TITLE 15 - LAND MANAGEMENT CODE (LMC)</u>
<u>CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT</u>

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

<u>(I) maintain and enhance the long term viability of the Downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.</u>

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **<u>ALLOWED USES</u>**.

(1) Single Family Dwelling
(2) Duplex Dwelling
(3) Secondary Living Quarters
(4) Lockout Unit[1]
(5) Accessory Apartment[2]
(6) Nightly Rental
(7) Home Occupation
(8) Child Care, In-Home Babysitting
(9) Child Care, Family[3]
(10) Child Care, Family Group[3]
(11) Child Care Center[3]
(12) Accessory Building and Use
(13) Conservation Activity
(14) Agriculture
(15) Bed and Breakfast Inn[4]
(16) Boarding House, Hostel

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[1]Nightly rental of Lockout Units requires a Conditional Use permit

[2]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

[3]See LMC Chapter 15-4-9 for Child Care Regulations

[4]Requires an Administrative Conditional Use permit

(17) Hotel, Minor, fewer than 16 rooms
(18) Office, General[5]
(19) Parking Area or Structure, with four (4) or fewer spaces

5 Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue rights-of-way; excluding without limitation addresses contained within the following Buildings: 702, 710, 780,804, 890, and 900 Main Street. For purposes of this Chapter storefront is intended to mean the space having approximately the same elevation as the Final Grade of the street level, or in the case of split level storefronts, both the levels immediately above and below street level.The Planning Director shall have the final determination of applicability.

(B) **CONDITIONAL USES**.

(1) Triplex Dwelling
(2) Multi-Unit Dwelling
(3) Guest House, on Lots   one acre
(4) Group Care Facility
(5) Public and Quasi-Public Institution, Church, School
(6) Essential Municipal Public Utility Use, Facility, Service and Structure
(7) Telecommunication Antenna[6]
(8) Satellite Dish, greater than thirty-nine inches (39") in diameter[7]
(9) Plant and Nursery stock products and sales
(10) Hotel, Major
(11) Timeshare Projects and Conversions[5]
(12) Private Residence Club Project and Conversion[5][4]
(13) Office, Intensive[5]
(14) Office and Clinic, Medical5
(15) Financial Institution, without drive-up window[8]
(16) Commercial Retail and Service, Minor[7]
(17) Commercial Retail and Service, personal improvement[7]
(18) Neighborhood Convenience Commercial, without gasoline sales
(19) Café or Deli[7]
(20) Restaurant, General[7]
(21) Restaurant and café, Outdoor Dining[4]
(22) Outdoor Events[4]
(23) Bar
(24) Parking Area or Structure, with five (5) or more spaces
(25) Temporary Improvement[1]
(26) Passenger Tramway Station and Ski Base Facility
(27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
(28) Recreation Facility, Commercial, Public, and Private
(29) Entertainment Facility, Indoor
(30) Fences greater than six feet (6') in height from Final Grade[4]
(31) Private Residence Club, Off-site [5]

[6]See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

[7]See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

[8]If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

(J) maintain and enhance the long term viability of the Downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES**.

(1) Single Family Dwelling~~9~~[1]
(2) Multi-Unit Dwelling[1]
(3) Secondary Living Quarters[1]
(4) Lockout Unit[1] [110]
(5) Accessory Apartment[1] [11]
(6) Nightly Rental[1] [12]
(7) Home Occupation[1]
(8) Child Care, In-Home Babysitting
(9) Child Care, Family[1] [13]
(10) Child Care, Family Group[1] [4]
(11) Child Care Center[1 4]
(12) Accessory Building and Use[1]
(13) Conservation Activity
(14) Agriculture

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[1] **Prohibited in storefronts adjacent to the Main Street, Heber Avenue or Swede Alley rights-of-way. For purposes of this Chapter storefront is intended to mean the space having approximately the same elevation as the Final Grade of the street level, or in the case of split level storefronts, both the levels immediately above and below street level. The Planning Director shall have the final determination of applicability.**

[10] Nightly Rental of Lock Units requires a Conditional Use permit

[11] See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

[12] Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

[13] See LMC Chapter 15-4-9 for Child Care Regulations

(15) Bed and Breakfast Inn[14]
(16) Boarding House, Hostel
(17) Hotel, Minor, fewer than 16 rooms
(18) Office, General[1]
(19) Office, Moderate Intensive[1]
(20) Office and Clinic, Medical[1]
(21) Financial Institution, without drive-up window
(22) Commercial Retail and Service, Minor
(23) Commercial Retail and Service, personal improvement
(24) Commercial Neighborhood Convenience, without gasoline sales
(25) Restaurant, Cafe or Deli
(26) Restaurant, General
(27) Bar
(28) Parking Lot, Public or Private with four (4) or fewer spaces
(29) Entertainment Facility, Indoor
(30) Salt Lake City 2002 Winter Olympic Games Legacy Displays[6]

(B) **CONDITIONAL USES**.

(1) Group Care Facility[1]
(2) Public and Quasi-Public Institution, Church, School
(3) Essential Municipal Public Utility Use, Facility, Service, and Structure
(4) Telecommunication Antenna[7]
(5) Satellite Dish, greater than thirty-nine inches (39") in diameter[8]
(6) Plant and Nursery stock products and sales
(7) Hotel, Major
(8) Timeshare Projects and Conversions[1]
(9) Timeshare Sales Office, Off-Site within an enclosed Building[1]
(10) Private Residence Club Project and Conversion[5]
(11) Commercial Retail and Service, Major
(12) Office, Intensive
(13) Restaurant, Outdoor Dining[5]
(14) Outdoor Events
(15) Hospital, Limited Care Facility
(16) Parking Area or Structure for five (5) or more cars

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[14]Requires an Administrative Conditional Use permit

[6]Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

[7]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[8]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

(17) Temporary Improvement
(18) Passenger Tramway Station and Ski Base Facility
(19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
(20) Recreation Facility, Public or Private
(21) Recreation Facility, Commercial
(22) Fences greater than six feet (6') in height from Final Grade[5]
(23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays[9]
(24) Private Residence Club, Off-site [1]

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15-15 -1.44

15-15-1.44. Club.

(E) Private Residence Club, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in anyway offers exclusive hospitality services and/or concierge support to any defined owner's association, timeshare membership, residential club or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, office.

Exhibit A
May 24, 2007 municipal Code Amendment

PARK CITY MUNICIPAL CODE
TITLE 4 - LICENSING

4- 5- 1. BEER LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this Chapter. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, and this Title. **No Beer License shall be issued for any Private Club or Bar in the HCB District or HRC District unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than $50.00.**

4- 6- 1. LIQUOR LICENSE REQUIRED.

No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, Utah Alcoholic Beverage Control Commission Rules and Regulations, and this Chapter. **No Liquor License shall be issued for any Private Club, Bar, or Restaurant in the HCB District or HRC District as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than $50.00.**

Exhibit B – Zoning Map Detail

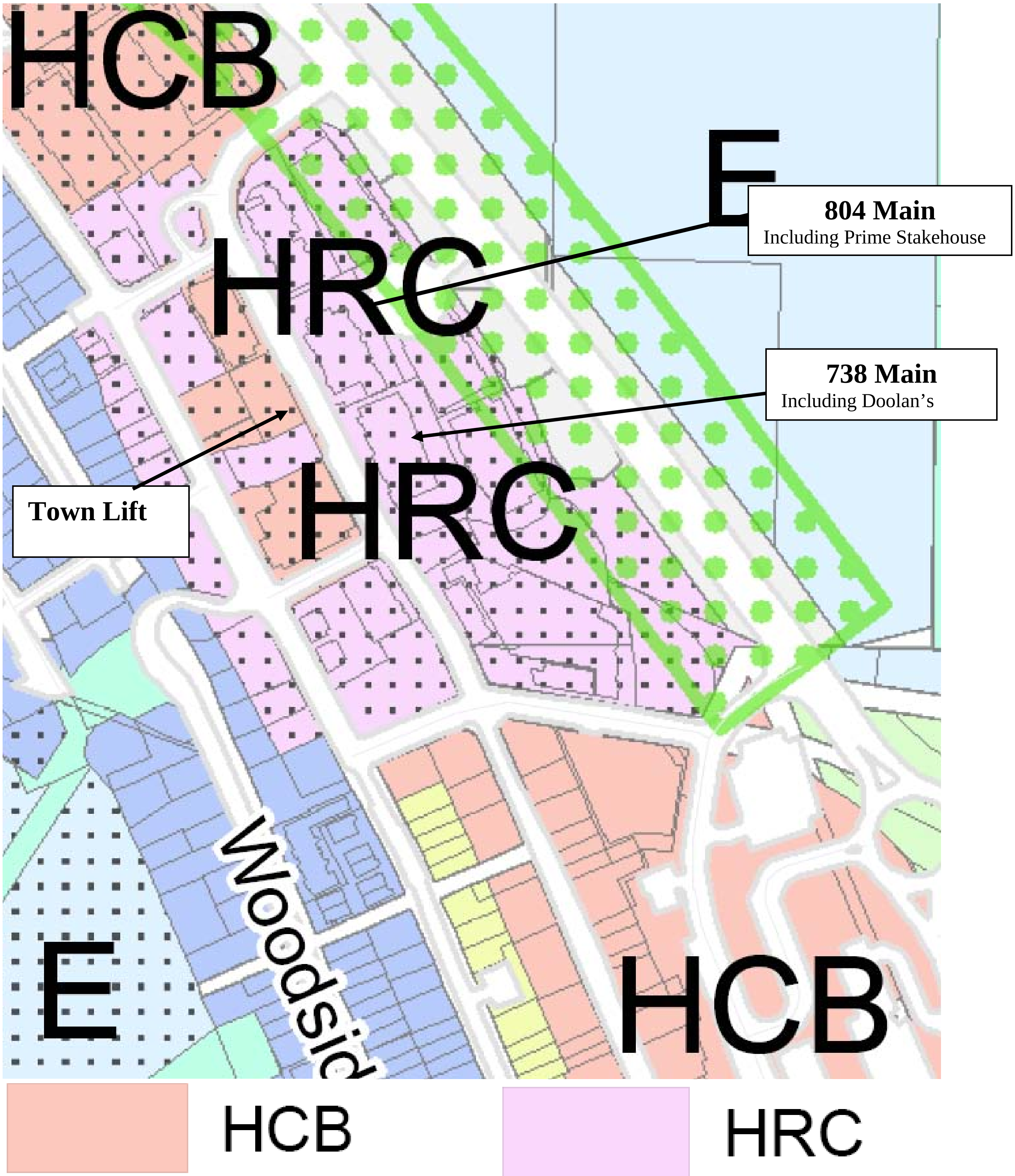


Exhibit C
Address Book - Village on Main

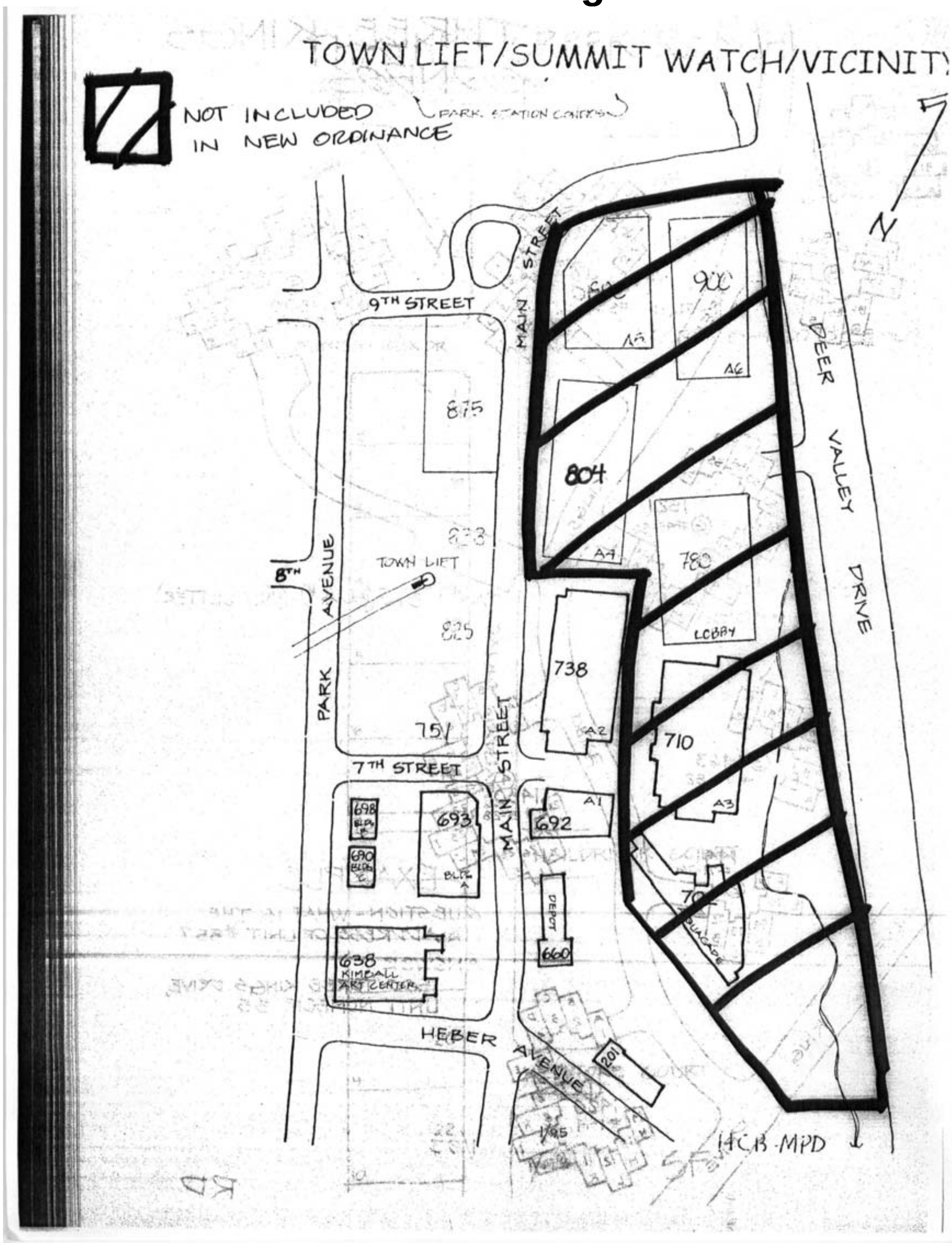


Exhibit D – Cross Section Exhibit

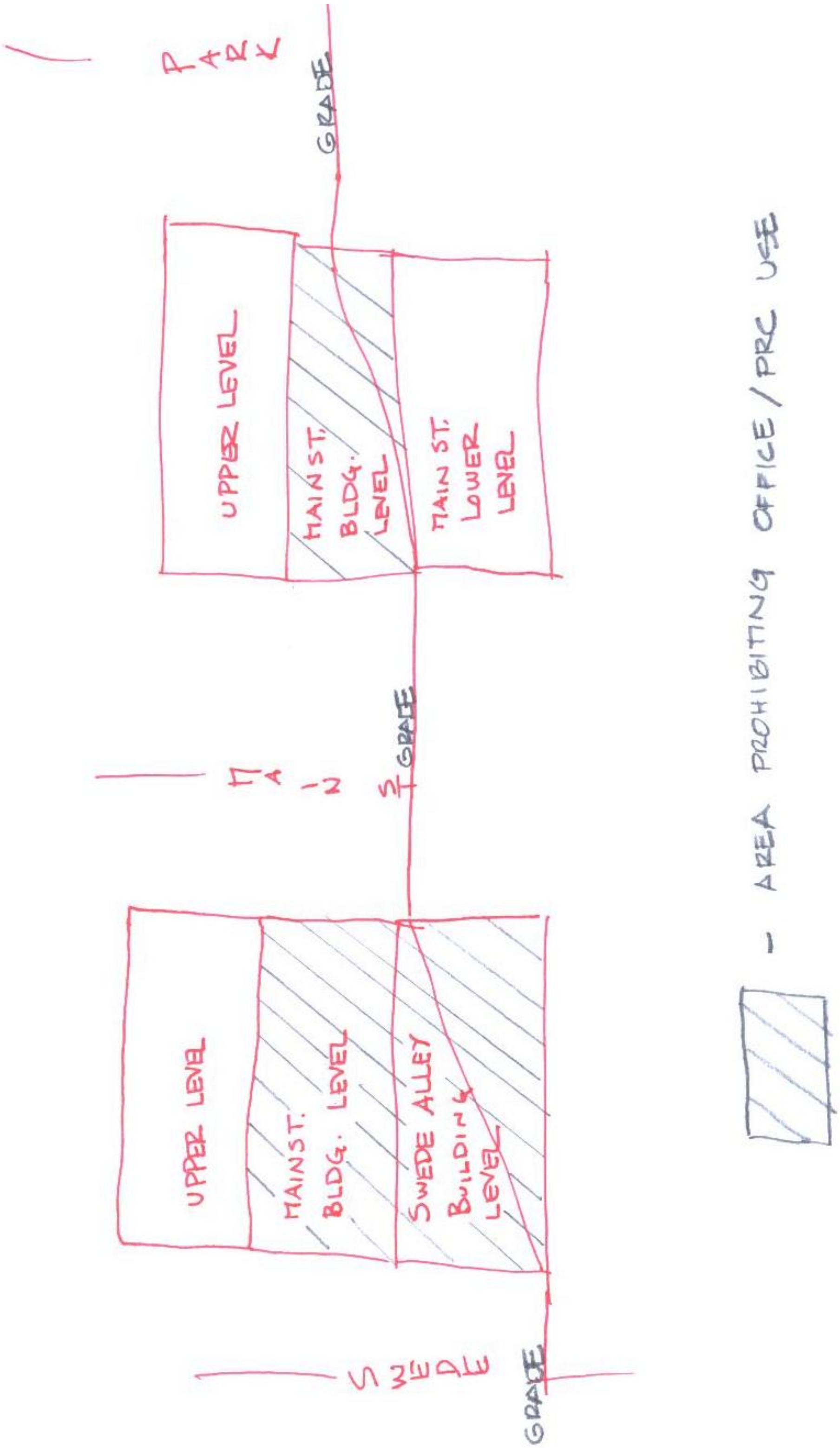


Exhibit E
Probable Non-Complying Uses*

1.	186	Main	Prudential
2.	268		PC Tourist Center
3.	312		keller Williams
4.	354		Bald Eagle
5.	515		Talisker
6.	544		PC Tourist Center
7.	545B		Coldwell Banker
8.	545C		Marriott Mt. side vacation club
9.	592		PC Activity Center
10.	625		Prudential
11.	632		Sterling Real Estate
12.	692		Marriott Vacation Club
13.	751		Westgate
14.	804ste.	37	Mountainland builders/Ashley investors/McIntosh Mill Partners
15.	875		Silver Creek Dlvpt. Grp.
16.	201	Heber	Sky lodge real estate
17.	136ste. 108		Prudential (Discover Park City)

*Subject to determination in accordance with LMC Ch. 9

Exhibit F - Meeting minutes

PARK CITY COUNCIL WORK SESSION NOTES
APRIL 5, 2007

Main Street Vertical Zoning - Mayor Williams explained this item refers to regulation of real estate offices on Main Street, which has been a concern because linear square footage has been converting into offices on Main Street.

Project Manager Jonathan Weidenhamer explained that in 2002 and 2006, Staff had brought updates to Council on mixed uses on Main Street. In 2002, 11% were office use and 82% were restaurant and retail. In 2006, offices had decreased to 8% and 91% were restaurant and retail. At that time, there was a consensus that the threat was more perceived than real and Staff was directed to monitor uses as they proceeded with a market analysis.

The market analysis will be a two-phase approach providing first an inventory of the types of businesses, and based on sales tax revenues, what types of businesses are more successful than others. The second phase will involve a comparison to other resort communities and their mix of businesses. This information will provide a basis for Council to discuss the efficiency of our mix and to discuss whether we want to look at something else. Park-Bonanza updates will also help shape discussions on some type of preferred future.

Based on observations, Staff has observed the possibility of ownership changes on Main Street involving “residential concierge or owners’ clubs”. They are unclear what the impact could mean in terms of sales tax.

Jim Hier felt we should be taking a look at how we can limit non retail, non restaurant uses, not necessarily doing a market retail study of which facilities provide us with more sales tax. Joe Kernan wanted ideas from other towns who have addressed this issue. Ken Martz believed the more public you could make Main Street, the better it will be. Jack Thomas felt the vitality and future of Main Street depended on the ease with which we can get there. Evan Russack wondered what the trigger point was if we were going to make efforts to change the economic landscape on Main Street. Mayor Williams explained there was a mix of about 10-11%, which was livable, but we are trying to define a percentage for the future since there is the potential to go higher.

Manger Bakaly summarized Council’s direction to return with more discussion of issues surrounding this and that they desire fact finding to frame the information from other cities that have done this, rather than returning with an ordinance.

2. Consideration of an Ordinance amending Title 4 of the Municipal Code of Park City Utah regulating liquor-licensed establishments - Jon Weidenhamer read minor revisions to the Ordinance into the record. Section 4-5-1 would be amended to include, "No Beer license shall be issued for any Private Club or Bar in the HCB District or HRC District, unless the general public may join the club, either as a member or visitor, and the cost of that membership or visitor card is not more than $50.00"; and, 4-6-1 would read, "No Liquor license shall be issued for any Private Club or Bar in the HCB District or HRC District, as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as a member or visitor, and the cost of that membership or visitor card is not more than $50.00."

The general intent of the ordinance is to assure that private clubs, bars and restaurants on Main Street would allow public access at all times. He explained the $50 fee was based on double the average of the norm of general Main Street fees. City Attorney Mark Harrington emphasized this addressed temporary visitor cards as well as annual membership cards and did not prevent private events such as fund raisers.

Mayor Williams questioned the need to include a specific fee. Attorney Harrington expressed concern that unless it included a cap, exorbitant fees, or fees attached to private home ownership, could be charged and this was the safest way to ensure public access. He explained we were not interfering with the State definition of a private club, we are just addressing local consent for clubs within a limited area.

Mayor Williams opened the public hearing.

Mike Wong, Main Street businessperson, understood it could be beneficial for the Main Street district and it was important to place a cash limit so portions of the population were not excluded. He supported the changes and encouraged Council to prevent loopholes in the ordinance.

Mike Sweeney, speaking on behalf of the HMBA, his tenants and himself. He expressed concern about the wording to prevent loopholes. He did not want to preclude businesses that collect cover charges to pay for performing groups. He was supportive of Council's consideration of the changes.

John Burdick, director of restaurants for Sky Lodge, opposed including the cost of membership in the ordinance changes.

Attorney Harrington emphasized this ordinance would not regulate cover charges nor special event ticket prices. This ordinance is most defensible if we follow the state regulatory categories and not attempt to distinguish differences in membership types. Jim Hier commented this was a great first step in trying to ensure the viability of Main Street and encouraged Staff to consider additional measures to help maintain that economic viability.

With no additional input, the Mayor closed the public hearing.

City Attorney Harrington requested they insert "annual" and "temporary" membership language in Item 1.

Jim Hier "I move approval of Consent Agenda as modified and corrected by the City Attorney and the documents issued supplemental to the packet that Council received". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance amending Title 4 of the Municipal Code of Park City Utah regulating liquor licensed establishments – See Staff Report and discussion in Work Session

Joint review with Planning Commission – vertical zoning. Jon Weidenhamer explained that vertical zoning is intended to provide control to the City with regard to the mix of uses buildings on historic Main Street and is consistent with the Economic Development Strategic Plan. There have been concerns expressed about the proliferation of real estate offices on the street, and he referred to studies performed in 2002 and 2006. Staff believes that perhaps this is more of a perceived threat than real because the number of offices has decreased from 2002 to 2006. Office use represents 8% of the available storefronts on Main Street and this translates into foregone sales tax revenue of about $30,000 annually. During the 2006 Visioning Session, the City Council introduced a new goal of community sustainability balancing economy, quality of life and the environment. At the April 5, 2007 joint session, direction was given to staff to compare data from other cities and Mr. Weidenhamer contacted the Colorado Association of Ski Towns. Additionally, staff was asked to formulate legislative remedies to manage use mix, specifically private residence clubs and on May 24, 2007, the City Council adopted an ordinance regulating private clubs to ensure accessibility to visitors and residents. He asked if Council desires pursuing further regulations by prohibiting offices and/or private residence clubs on the street level. Joe Kernan stated that he was pleased to learn that peer communities are also considering the vitality of their downtowns. He felt real estate offices detract from the street, but at the same time there should be a balance with regard to property rights. Jon Weidenhamer added that some people feel that real estate offices are not a bad thing on Main Street if they contribute to the sales of second homes, for instance. Jim Hier recommended that use criteria be tied to sales tax generation and that existing offices be grandfathered; he asked whether Swede Alley properties should be included.

Planning Commissioner Michael O'Hara suggested clearly stating the problem and defining a target goal (i.e., number, percentage, and/or square footage on Main Street). A conditional use permit could be required for non-retail businesses which could be accomplished through an overlay zone. Jim Hier stated that he doesn't favor implementing an arbitrary percentage for retail and suggested allowing only sales tax generators on the street level on Main Street. He doesn't believe there is a problem now, but feels this approach is proactive to ensure the vitality of Main Street. Charlie Wintzer agreed with Mr. Hier and pointed out the significant expense in building and managing parking in the downtown core which was never contemplated for supporting office use. The easiest thing to do is the best thing and conditional uses are not always straight-forward. Julia Petit agreed with previous comments and felt it would be extremely difficult to arrive at a percentage and manage it. She agreed with controlling use on the street level with a policy developed by the Legal Department supporting the City's control of a land use right, rather than imposing an arbitrary formula. Evan Russack expressed that he personally would like all of the real estate offices off of Main Street and whatever can be done to move forward is a step in the right direction. He discussed the possibility of appropriate non-sales tax generating operations being overlooked. Candace Erickson emphasized that a conditional use is described as an *approved use* unless it is proved it can't be mitigated. This is where the application of the conditional use permit process becomes an issue for her. Mr. O'Hara explained that the conditional use permit would only be workable if there is a target or standard. Roger Harlan stated he liked the sales tax generating criteria; more retail would make Main Street more diverse, acknowledging that high rent may drive certain uses like restaurants. Mayor Williams countered that the limitations of many historic buildings preclude restaurant use as a practical matter and he didn't feel this will potentially become problematic. Jim Hier discouraged regulating the types, numbers and mix of businesses on Main Street which is driven by the market. He pointed out that the museum is not sales generating, but belongs on Main Street and there may have to be a provision addressing these circumstances. He expressed concern that crafting conditional use criteria may become complicated. All members of Council and the Planning Commission in attendance agreed on pursuing a vertical zoning ordinance.

Charlie Wintzer agreed with Mr. Harlan about the impacts of artificially high rents and felt that limiting use will keep the market more level. Mayor Williams stated that he doesn't want offices in storefronts and/or private residence clubs and supports moving ahead with an ordinance regulating at least the street level. It should include Swede Alley as well. Michael O'Hara reiterated his first comment about identifying a target and proceeding with a simple solution. He feared that criteria will be a challenge to apply if it is too complicated. Mark Harrington understood direction to be to explore the feasibility an ordinance, restricting office use because it doesn't generate sales tax and consideration of exemptions for public safety, non-profits, etc. Evan Russack stated that he agrees that private residence clubs should not be allowed in storefronts and suggested considering an economic development program to promote diversity of businesses. Discussion ensued on definitions and Mark Harrington pointed out the importance of consistency with terms in the land use table. There was discussion of including the plaza area and a portion of Park Avenue and adjacency to a public right-of-way. Jim Hier pointed out commercial uses being allowed in historic buildings in the overlay zone if qualified under the preservation incentive program. Candace Erickson commented on the significant sales tax generated by Butchers on Park Avenue. There was consensus that an economic development program for incubator businesses on Main Street is a separate topic and the ordinance on vertical zoning should be the focus. The City Manager referred to Option A in the staff report as summarizing direction and pointed out that vertical zoning will be reviewed by the Planning Commission as early as June 13.

PLANNING COMMISSION MEETING MINUTES
JUNE 13, 2007

<u>LMC Amendments related to HCB - Vertical Zoning</u>

Jonathan Weidenhamer, Economic Development and Special Projects Coordinator, reviewed the proposed amendments to the Land Management Code that would prohibit office, residential, off-site residence clubs, and other non-sales tax generating uses in the Historic Commercial Business and Historic Recreation Commercial Districts in storefronts; as well as supporting definition changes.

The Staff requested that the Planning Commission conduct a public hearing on these amendments and provide direction. Mr. Weidenhamer requested that the Planning Commission continue the public hearing to June 27th .

Mr. Weidenhamer noted that a preliminary discussion on this topic occurred during a joint City Council/Planning Commission meeting on May 31, 2007. At that time, the City Council and the Planning Commission directed the Staff to come back with legislative remedies to prohibit offices and other types of uses in storefronts downtown. Based on input heard at the May 31st meeting, they tried to keep these amendments as simple as possible. Mr. Weidenhamer explained how they tried to footnote the existing use table in the allowed and conditional uses with footnote language stating, "these uses would be prohibited in storefronts adjacent to Main Street, Heber Avenue, or Park Avenue rights-of-way. For purposes of this Chapter, storefront is intended to mean the space having approximately the same elevation as the Final Grade of the street level, or in the case of split level storefronts, both the levels immediately above and below street level. The Planning Director shall have the final determination of applicability."

Mr. Weidenhamer stated that this footnote would apply in the HRC zone and prohibit offices and a newly defined off-site private residence club from being located in storefronts. Because so many types of uses are allowed and considered in the HCB zone, it would prohibit offices and off-site private residence clubs, as well as child care uses and other residential uses. Mr. Weidenhamer noted that off-site private residence club is defined as "a private residence club off site is any use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined owner's association, timeshare membership, residential club or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, office." He explained that the definition was intentionally broad and as inclusive as possible.

Mr. Weidenhamer requested input and discussion from the Planning Commission on four issues outlined in the Staff report.

Commissioner Sletten referred to the definition of a private residence club, and asked if this would prohibit the Sky Lodge from having a sales office, a bar, or other amenities on site. Mr. Weidenhamer stated that the Municipal Code language previously approved by the City Council would prohibit the Sky Lodge from having a bar that does not offer a membership to the general public for $50 or less. Planner Robinson pointed out that this definition refers to a private residence clubs off-site versus an on-site residence club, such as the Sky Lodge. Commissioner Sletten felt the language in the definition reading, ".....or in any way offers exclusive....." opens the door for interpretation. He asked if an existing private residence club in the Historic District with an on-site sales office and other private amenities would be allowed to continue those uses under this definition. Mr. Weidenhamer replied that they would be allowed to continue the use, provided they were not in a store front facing Main Street, Swede Alley, or Heber. Commissioner Sletten wanted to know what would happen if they were in storefronts. Mr. Weidenhamer replied that their business license would be reviewed to see if they were a non-complying use.
Commissioner Sletten personally felt the City was opening itself up to extraordinary damages by limiting an existing approved use.

Polly Samuels McLean, Assistant City Attorney, stated that if an existing use is changed based on zoning, that use would be grandfathered in as a non-complying use. If a similar situation occurred after this ordinance was in place, that use would be prohibited. She noted that this only applies to storefronts. Ms. McLean felt it was worth discussing the overall intent of the statute and whether having these uses at the storefront level is detrimental to Park City in terms of tax revenue, vibrancy, and other issues.

Chair O'Hara opened the public hearing.

Mike Nielsen, Assistant General Manager for Promontory, understood the intent and direction of this amendment; however, he felt some statements contained in the Staff report were purely qualitative in nature. Mr. Nielsen did not believe there was quantitative data to support the intent. He used Promontory as an example, noting that in the end they will have 1900 members. Mr. Nielsen is a local resident and he would like to see the data that shows that foot traffic created by an off-site residential club does not create more commerce and more sales tax revenue. Mr. Nielsen believes they are heading down a road of absolute prohibition rather than control. He thought the Planning Commission and the City would prefer to err on the side of control rather than absolute prohibition that would box them in. He recommended that the Planning Commission look at the quantitative data that supports some of the presumptions and that they look for measures of control rather than absolute prohibition.

Chair O'Hara continued the public hearing.

Chair O'Hara wanted to make sure that the purpose statement was written fairly strong with sufficient legal findings. He recalled that Commissioner Wintzer made the observation during the joint session that the parking structure was built with public funds in order to increase the number of people going to Main Street and to contribute to the vitality of the shops and provide more tax revenue for the City. He did not believe the purpose of the parking structure was to provide more parking for private clubs. Chair O'Hara felt those types of findings would be appropriate as they move forward. He agreed with Mr. Nielsen that quantitative data was important.

Commissioner Pettit felt the issue was striking a balance between storefront prohibition and the ability to implement a private residence club at a different level of the building. She believed there could be some benefit to a private residence club bringing additional foot traffic to Main Street. Commissioner Pettit was comfortable with the purpose statement and the goal of maintaining the vibrancy and feel of Main Street. She agreed with Chair O'Hara about strengthening the findings. Commissioner Pettit addressed Question #4 in the issues for discussion regarding the "shared use" scenario. She was concerned about creating a slippery slope in trying to define "sharing" and what it would look like. She felt it opened the door for being more complicated than necessary. Commissioner Pettit could not favor shared uses without a convincing reason. Commissioner Pettit noted that Question #2 asks if the Planning Commission is comfortable with the definition of "storefront" that includes lower level and split level basements. She felt that a window looking in from the Main Street level should be considered a storefront. Regarding Swede Alley, Commissioner Pettit understood from the joint meeting that nearly everyone thought Swede Alley should be included. Before she could be completely comfortable with that concept, she needed a better vision and feel for what they are trying to accomplish on Swede Alley.

Chair O'Hara commented on the four questions for discussion. He felt the footnotes and definitions achieved at least 95% of what they were trying to accomplish. He was comfortable with the storefront definition. Chair O'Hara felt they could address Swede Alley in the future; however on the practical reality is that you typically enter Swede Alley to go straight through to Main Street. He felt it was appropriate to add Swede Alley only because those who look for loopholes in the regulations may easily find that they could enter from Swede Alley with a very small storefront facing Main Street. On the issue of shared uses, Chair O'Hara preferred that it be broadly defined. He agreed with Commissioner Pettit about the slippery slope and determining what percentage of revenue would come from retail or the issue of square footage from one use to the other.

Commissioner Thomas agreed with Chair O'Hara on the shared use issue and the footnotes and definitions. Commissioner Thomas noted that office use would be prohibited, but he believed some smaller components are an appropriate part of the mix of the Main Street historic community. He asked for clarification on this matter. Planning Director, Patrick Putt, explained that some of the uses that would typically be considered traditional types of Main Street storefront offices are not the developing trend. The Staff is having to make a policy decision and recommendation on the direction Main Street should take. When they consider land use, the economic vitality of Main Street, and what they are looking for Main Street to be, the Staff recommends that it be weighted in a way that is geared towards retail and restaurant. The balance they hope to strike does not prohibit particular uses from the HCB or the Main Street core. They are only guiding those uses into areas that are more consistent with the resort nature and the community uses of Main Street. In an attempt to balance, they would like to be able to steer the community retail, the resort retail, and the restaurant uses to the pedestrian levels and have other uses on second or third levels. Commissioner Thomas agreed with Director Putt's explanation and stated that this was why he moved his office off of Main Street. Commissioner Thomas preferred to have more flexibility for the mix on Swede Alley. Director Putt stated that the Staff sees offices as part of the mix on Swede Alley but not on the Main Street level. They see Main Street as being a neighborhood in the core of different and varied retail and restaurant uses; and not an office district.

Commissioner Sletten understood the importance of maintaining the character and referred to the walkability study that cites Old Mining Town characteristics when things were largely pedestrian. Photos show a mix of different uses from offices, judges, dentists, and definite retail uses and saloons. Commissioner Sletten was unsure if regulation could result in the mix they want. Director Putt shared his concern. He noted that a number of office uses currently exist on the Main Street level and through the grandfathered status, he expects a number of those uses will remain. He thinks this may be an unintended positive tool that goes towards maintaining those mixes. Director Putt worried that at some point in the future, the trend will be to slowly add more and more offices, which will chip away from the diversity of Main Street. This regulation is an attempt to keep that from happening. It does not prohibit office use but directs it to a more appropriate location.

Mr. Weidenhamer requested more clarification on Swede Alley. Chair O'Hara was concerned with the failure scenario on Swede Alley if it were not included, since many of the Swede Alley frontages move right on through to Main Street. Someone needs to think about the loophole for someone on Main Street who wants to have a small store front that would comply and put the rest into a timeshare sales office or something else. Chair O'Hara suggested that the scenario failure should be well thought out. Mr. Weidenhamer felt the Staff had addressed that issue through discussions and help from the Legal Department. He intended to bring this item back in two weeks with additional information.

PLANNING COMMISSION MEETING MINUTES
JUNE 27, 2007

LMC Amendments related to HCB - Vertical Zoning

Chair O'Hara stated that these amendments to the Park City Land Management Code would prohibit office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts in storefronts; as well as related definitional changes.

Jonathan Weidenhamer requested that the Planning Commission forward a recommendation to the City Council to approve the legislation as stated by Chair O'Hara. He noted that the Planning Commission and City Council have reviewed these amendments a number of times in joint meetings and looked at quantitative data in the past. In an effort to shorten the length of the Staff report for the June 13th meeting, some of the quantitative data was omitted and the Planning Commission had requested that it be included for this meeting.

Mr. Weidenhamer reported that the Staff tried to find the easiest and most simple method to accomplish the direction they heard form the City Council and Planning Commission. That direction was to limit storefronts in downtown to sales tax generating businesses and prohibit offices, residential, and residence club uses in storefronts. On June 13, the Planning Commission requested additional background information and the City's vision for Swede Alley. Mr. Weidenhamer stated that the LMC language in the HCB zone, as well as the City's commitment to capital funding, suggests redevelopment of Swede Alley as a goal and sees it as an important transition zone between Main Street and the transit center versus the residential going up the hill on Marsac. At the same time, it recognizes that redevelopment must still facilitate a service and delivery access and the intent is to find a balance between commercial and residential. The Staff had included Swede Alley and recommends that it continue to be included in their considered legislation. Mr. Weidenhamer clarified that on June 13th the Planning Commission was generally comfortable with the language contained in the ordinance and how the land use tables were footnoted to indicate that specific types of uses are not allowed in Main Street storefronts. He stated that if there is any concern or disagreement on what a storefront is, the Planning Director would have the final call on the matter. Mr. Weidenhamer clarified that the Staff had exempted residential uses from being prohibited in the HRC District due to the number of existing residential uses in that zone. The Staff also defined an off-site private residence club as an "off-site residential subdivision that would have a membership club in a Main Street storefront." He reiterated that this use would be prohibited in a Main Street storefront.

Mr. Weidenhamer commented on questions he had fielded from the Historic Main Street Business Alliance prior to this meeting. The first question addressed a store front at Summit Watch, now called The Village at Main. He stated that as he walked along the street, his opinion was that he could still see the front door of a shop across from the bottom of the town lift. He was unsure if there would be any more clarity in the ordinance and pointed out that the ultimate decision would be made by the Planning Director. The second issue addressed liquor licensing. On May 24th the City Council amended the Municipal Code to require an establishment to show that they would have a temporary membership available for $50 or less, prior to receiving local consent on a liquor license. Mr. Weidenhamer noted that this issue would be addressed at the City Council level. The third question addressed convention and sales licenses that are issued during Sundance and other special events and allows temporary uses of existing businesses. Mr. Weidenhamer stated that this amendment is not intended to preclude or prohibit the ability to continue that temporary use and suggested that this may need to be clarified at the City Council level. He was unprepared to respond to that question this evening.

Chair O'Hara opened the public hearing.

Hollie Stray-Gundersen, representing Triple Net Properties, the new owner of the Village on Main, formerly known as the Marriott Summit Watch. Ms. Stray-Gundersen named several of the businesses at the Village on Main. She clarified that Triple Net Properties is not against the private residence clubs and they appreciate what the City is trying to do in maintaining the Main Street charm. If the City moves forward with the ordinance to ban the private clubs in storefronts, Ms. Stray-Gundersen asked that they relook at the Village on Main area because it is very unique property, it is off Main Street, and it is difficult to get foot traffic to the plaza area. Ms. Stray-Gundersen requested that the City give the Village on Main an exemption to the ordinance because of their location. She pointed out that private residence clubs would help maintain the value of the area because they already have office space and retail is difficult to attract.

Robert Weiner stated that he has owned property in Park City since 1986 and he currently lives at Promontory, which is his primary residence. For the last three years he has had a season pass at Deer Valley primarily because of the Alpine Room at Silver Lake. Mr. Weiner stated that while skiing he has met many people who own property at Promontory but stay in town and treat it like a resort. Mr. Weiner remarked that in Vail, Aspen, or European areas, you can ski to the parking lot when you are ready to go home. He believes that the inability to do this is a major design fault of Park City. Mr. Weiner stated that one advantage of the Town Lift is that you can ski into town and the advantage of Promontory having something at the base of Main Street would draw people to start and finish their skiing in that area. Mr. Weiner understands that getting foot traffic to the bottom of Main Street is a huge problem and to eat at Mustang is really out of the way. It is a destination restaurant and not some place you would patronize on impulse. He believes that the traffic the restaurants and art gallery attract during the day are from people who are members of Promontory. Mr. Wiener believes that exempting The Village on Main would be a win/win situation for everyone. He pointed out that If they allow Promontory to use this facility, the lease is not chiseled in stone and changes could be made. He believes it is better to have a residence club in a storefront than to have nothing all.

Mike Sweeney, stated that he was speaking on behalf of himself and as a representative of the HMBA. Mr. Sweeney remarked that the HMBA signed an affidavit and the Board of Directors voted to support this concept. He read from paragraph 11, "The HMBA supports programs and events that display Main Street as visitor friendly. We encourage the City to legislate in a manner that insures that businesses in storefronts on Main Street remain open to all visitors." Mr. Sweeney stated that Jonathan Weidenhamer had done a nice job in writing the ordinance and he read the main purpose, "Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring the business mix that encourages a high level of vitality, public access, vibrant activity, and public/resort related attractions." Mr. Sweeney believed this purpose statement was right on target. Mr. Sweeney clarified that there was not unity among the HMBA organization. Some were very concerned that the City might be over reacting in trying to program the street too much. He remarked that the Business

Alliance cares about the Main Street level store frontage but they do not care what happens on the second level or above.

On a personal level, Mr. Sweeney stated that he and his brothers helped build lower Main Street and they spent a tremendous amount of money designing what they thought was the right project. Early on they developed the Town Lift Plaza and the Marriott Plaza. Originally there were no storefronts on the plaza and at some point that was changed by the Marriott Corporation. Mr. Sweeney stated that from his perspective, if the Code is specific, that area is not Main Street storefront property. Mr. Sweeney remarked that he has had dealings with Promontory and they are a great group of people. However, when they asked to take space on his side of the street for a restaurant and club, he and his brothers said no because they did not think it complimented what they wanted, which was something that accommodated visitors and residents. They told Promontory that the restaurant would have to be open to the public and they never got past that point of view. Mr. Sweeney believes the location Promontory is looking at now is a good location for their clubhouse because it is off of Main Street and it would bring people into town.

Commissioner Russack asked if the HMBA included Lower Main Street. Mr. Sweeney replied that the HMBA includes 9th Street going south all the way to the top of Main Street, it includes all of Park Avenue from 9th Street up to Woodside and back down, and Swede Alley. It comes back and connects to 9th Street again down Deer Valley Drive. The Village on Main is part of the HMBA and Triple Net has paid for every tenant in that space.

Mr. Sweeney stated that the requirement Mr. Weidenhamer mentioned regarding the liquor license is in conflict with the concept of allowing activities on the second level on Main Street in the Historic District. He encouraged the Staff to address this with the City Council to make sure the LMC is in compliance.

Commissioner Sletten asked Mr. Sweeney if limiting a potential use would diminish the value of a building for the owner. He wanted to know how this would impact the building owners on Main Street in terms of the economic health of Main Street. As the owner of a building on Main Street, Mr. Sweeney did not believe it would have a negative impact. In 50 years he would like to see Main Street as charming as it is today and part of that charm is the fact that there is an eclectic group of business owners who make Main Street fun.

Chair O'Hara closed the public hearing.

Mr. Weidenhamer commented on non-complying uses. Any storefront business that has a current business license and does not let it expire for longer than 365 days would be allowed to continue that use, even if this ordinance were adopted.

Mr. Weidenhamer stated that he had been talking to the Planning Director and the Assistant City Attorney about clarifying how this ordinance would apply to The Village on Main. He noted that interior spaces are not considered storefronts on Main Street if they front interior plazas or the roundabout on Deer Valley Drive. Some of the stores have dual frontages. Mr. Weidenhamer stated that his personal opinion is if the business is north of the Prime Steak House, which is across from the Town Lift, that is the point where you begin to differentiate from a store front at street level versus an elevated level that does not participate in the pedestrian experience.

Chair O'Hara stated that after re-reading the footnote and the definition in the LMC, he believes the definition is more than adequate to address a storefront.

Commissioner Wintzer asked Assistant City Attorney, Polly Samuels McLean, if she felt the definition was clear enough to address the Village at Main. Ms. McLean believed it was clear because the pedestrian level does not adjoin a right-of-way.

Scott Thompson was granted permission by the Chair to ask a question. He wanted to know what would happen in a Main Street Mall situation where it is located on Main Street but you need to go inside the Mall to access any of the space. Mr. Weidenhamer replied that the few stores who front Main Street would be bound by this ordinance but all other interior spaces and upper level spaces would not be considered. Mr. Thompson asked about the Poison Creek Building on Heber Avenue. Mr. Weidenhamer replied that the same explanation would apply to the Poison Creek Building. As Mike Sweeney had pointed out, the HRC language needs to include Swede Alley. Mr. Thompson clarified that he was speaking on behalf of a friend who owns a condo in the Poison Creek building and he is currently looking at purchasing the lower spaces to create a work/live situation. Chair O'Hara suggested that Mr. Thompson discuss this issue with the Staff outside of this meeting.

Commissioner Barth stated that the problem with complete prohibition is the issue of balance. Commissioner Sletten remarked that in his view, this was a legislative approach to devaluing Main Street over time. He believes a quick knee jerk reaction right now could have long term impacts. Commissioner Sletten stated that he does not own property on Main Street but feels that prohibiting access to a specific type of use in a general commercial environment is a disadvantage to those owners and he would most likely vote against this ordinance.

Commissioner Wintzer agreed that the jewel of Main Street is its diversity and if they lose that diversity they will lose Main Street. As a property owner who owns property where he can dictate what uses go in, he finds that sometimes it is necessary to be a "little Hitler" and decide what does and does not fit. Without having some type of regulation for properties that are individually owned, the result is that the tenant with the best rent gets the space. Commissioner Wintzer was unsure if this was the best thing for Main Street and for that reason he supports this ordinance. If it proves to be wrong, they can always look at it again in the future. In his opinion, they should do whatever they can to keep Main Street as diverse as possible.

Commissioner Russack agreed with Commissioner Wintzer. He also believes the storefront definition is very clear. Commissioner Russack was concerned that not including Park Avenue and the HCB zone would only push everything down there. Mr. Weidenhamer clarified that the HCB zone and Park Avenue were included in the amendments specifically to address that concern. He explained that the language indicating that the HCB and Park Avenue were not included only applied to residential use. Commissioner Russack was very comfortable with the amendments as proposed.

Chair O'Hara favored these amendments and noted that he has gone on record for promoting these changes for a number of years. He pointed out that the amendments only prohibit uses in storefronts and not on Main Street in general. He felt it was important to make that distinction. Chair O'Hara preferred to return at a later date and admit they made a mistake, rather than to do nothing and risk the privatization of Main Street.

Mr. Weidenhamer stated that he had inadvertently omitted Swede Alley from the HRC zone and asked the Planning Commission to include Swede Alley in their motion.

MOTION: Commissioner Russack moved to forward a POSITIVE recommendation to the City Council on the proposed amendments to the Land Management Code prohibiting office, residential, off-site private residence clubs and other non-sales tax generating uses in the HCB and HRC Districts, including Swede Alley, in storefronts; as well as related definitional changes. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 3-1. Commissioner Sletten voted against the motion.

Exhibit G –
Affidavit from PCMC Budget

AFFIDAVIT OF GARY HILL

COUNTY OF SUMMIT)
)
STATE OF UTAH) ss.

The undersigned, being first duly sworn, deposes and says the following:

1. I am the manager of Budget Department of Park City Municipal Corporation.
2. The Budget Department is responsible for the preparation of the municipal budget and sales tax analysis.
3. The General Plan states that the City's "economic base depends on skiing, tourism, arts, and recreation …. Essential to long-term viability is the unique, varied, high quality, and welcoming experience Park City offers to both residents and a diverse visitor population."
4. Tourism is the major industry in Park City, and revenues attributable to tourism account for approximately two thirds of the City's budget.
5. In FY 2006, the City collected $11.3 million of sales tax.
6. In addition to stabilizing the City's budget, the sales tax collected by the City contributes to its bond rating. Moody's upgraded the City's bond rating in 2006 to Aa2, which is currently the higest rating given to a resort community. The City also maintains AA- ratings from Fitch and Standard & Poor's, which is considered "Top Quality; 'Gilt-Edged' High Grade; and Very Strong."
7. Any change in City's ability to collect sales tax could jeopardize its bond rating.
8. The Main Street area contributes the largest amount of restaurant sales and the second largest amount retail sales to the City's tax base.

9. The City's long term financial health depends on the ability to forecast revenue projections. Main Street's consistent contribution to the City's retail and restaurant sales tax base is an essential part of the revenue forecast.

10. Therefore, the City's overall ability to generate continued sales tax revenue is dependant, in large part, on the continuation of Main Street as an accessible, attractive destination for all visitors to the area.

11. One of the City's goals, found in the General Plan, requires the City to "[p]romote the continuation and augmentation of a pedestrian-friendly environment in the downtown."

12. "Market preference surveys reveal that both [residents and visitors] prefer a lively, small scale downtown with diverse and unique shops," according to the General Plan.

13. The City should actively promote measures that ensure that Main Street remains desirable to all visitors as destination for shopping, dining, and nightlife.

14. Although a certain amount of not-retail / non-dining businesses currently exist on Main Street, the City should adopt a policy of promoting the presence of tax generating retail and dining businesses in store-front locations on Main Street. The City Council should takes steps to ensure that all existing store-front businesses on Main Street remain accessible to the general public and continue to contribute to the City's tax base.

15. Further the Affiant saith not.

Dated this _____ day of _________________, 2007

____
Gary Hill

Subscribed and Sworn to before me this _____ day of _______________, 2007

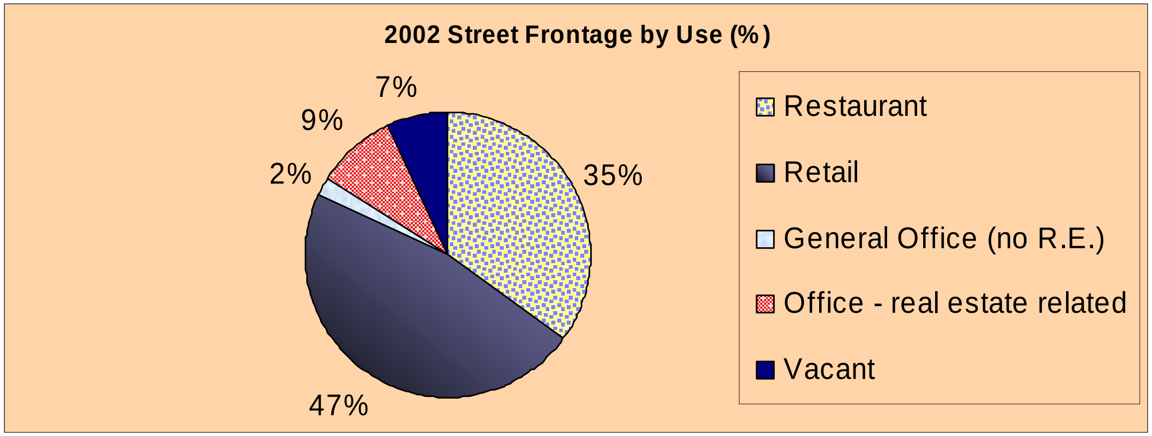
____
Notary Public

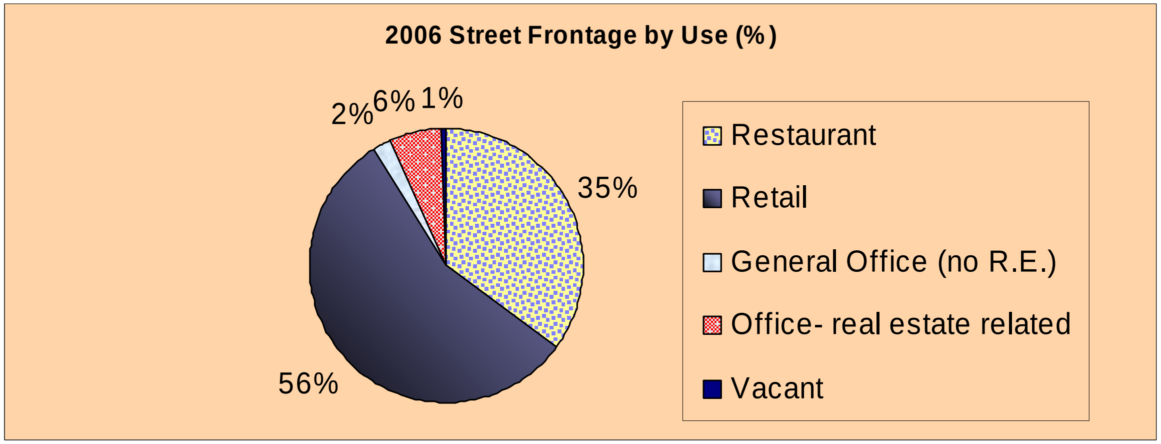
Commercial uses on Main St - 1998 – 2002

	98		99		2000		2001		2002				
	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	# store fronts	SF	Street Frontage Linear ft@	Linear Street Frontage total %@
Restaurant	60	133736	57	136830	60	136830	59	152119	58		151071	1423	35
Retail	127	157444	117	145220	115	145220	115	136024	115		130319	1906	47
General Office (no R.E.)	50	44332	56	52494	59	61738	49	55606	53		52648	78	2
Office - real estate related	7	6020	10	8211	12	15928	13	13508	18	12	22614	377	9
Vacant												275	7
total	244	341892	240	343087	246	362798	236	357617	244		357159	4059	100

@ based on field survey 10/02 - Linear feet of street frontage on Main St.

	2003		2004		2005		2006				
	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	# store fronts	SF	Street Frontage Linear ft@	Linear Street Frontage total %@
Restaurant	61	159902	54	155431	48	140718	50		145585	1350	35
Retail	108	135797	101	129498	94	129752	95		128817	2167	56
General Office (no R.E.)	40	39962	34	40861	38	42462	34		37898	93	2.4
Office- real estate related	14	21053	15	24634	16	26764	15	8	22764	230	6
Vacant										25	0.6
Total	223	356714	204	350424	196	339696	194		335064	3865	100





2007 – Office Uses in Main Street Storefronts Comparison

year	**storefront linear feet**	**% of storefronts**	# storefronts
2002	377/4059	11	15
2006	323/3865	8	12
2007	430/3865	11	13

Sales Tax Info
Main Street Totals

Total # of Businesses: 162

	1998	1999	2000	2001	2002	2003	2004	2005	2006
*Sales Tax $'s (All business types)	$548,201.46	$564,412.55	$581,987.34	$629,237.06	$804,483.10	$648,410.78	$655,638.01	$694,136.95	$740,039.00
*Sales Tax $'s (Retail)	$207,468.96	$218,271.47	$223,835.57	$234,341.77	$364,312.06	$226,107.88	$236,477.17	$258,829.17	$277,669.90
$'s/SqFt	$ 1.32	$ 1.50	$ 1.54	$ 1.72	$ 2.80	$ 1.67	$ 1.83	$ 1.99	$ 2.16
**Forgone Rev(sf)	$ 7,932.75	$ 12,341.46	$ 24,550.70	$ 23,271.54	$ 63,218.36	$ 35,054.16	$ 44,984.31	$ 53,388.80	$ 49,068.66
$'s/frontage ft	Data Not Available				$ 191.14	Data Not Available			$ 128.14
***Forgone Rev(frontage)					$ 72,059.63				$ 29,471.19

*Includes Local Option and Transit Tax. 2006 figures based on Bud Dept estimates.

**Calculated using Tax Dollars per retail square foot rate applied to square footage of real estate businesses on Main St

***Calculated using Tax Dollars per frontage linear foot rate applied to frontage linear feet of real estate businesses on Main St

Exhibit I – Public Input

July 30, 2007

Park City Municipal Corporation
Attn: John Weidenhamer, Economic Development Coordinator.
Via e-mail

Dear John,

It was a pleasure meeting with you the other day. As you know I have some concerns about the new zoning being proposed for old town along with some that have recently been changed. Some of my concerns include the following:

1. Notification to property owners.
    a. I feel that this is such a big impact on our business district, Tenant Landlord leases. Leases currently in negotiation etc.
    b. I understand that by public notification in the paper suffices your obligation for notices. But I think an impact such as this should also have notified the 300 foot requirements of the public regarding the considerations and potential changes.
    c. I personally take some responsibility in not being aware since I have been going through a lot of medical issues along with running a few businesses.
2. I feel that a lot of the new ordinances being determined are a reactive response to things that are going on rather than proactive for the complete picture.
3. I am very concerned on many levels and I will try to get some of my questions answered prior to the meeting on August 2, 2007.
4. I feel this could economically affect many properties.
5. I just feel that as a business district we should be able to do business. I don't see Main Street as an outlet mall.

I appreciate your intentions for what is being attempted to be accomplished. I am concerned that property owners and business owners have not been brought to the table to voice all their concerns and commitments they may have to others. There are sales and leases currently being negotiated including purchases of buildings that will be affected. Not all owners live in Park City and may not have read the Park Record. (Even those who do may have been having a crazy life.)

Respectfully yours,
Jana Potter

City Council Staff Report

Author:	**Phyllis McDonough Robinson**
Subject:	**Housing Obligation for St. Regis**
Date:	**August 2, 2007**
Type of Item:	**Administrative**

Sustainability Team

Summary Recommendations: Approve the request to transfer three units from the St. Regis Deer Crest hotel project site to a site/sites located within the Park City corporate limits and subject to the conditions outlined in this staff report.

Description:

Topic: Affordable Housing

Background
An affordable housing obligation was set forth originally in the Rosewood Hotel CUP on December 12, 2001 and later re-affirmed in the Deer Crest Hotel amended CUP on March 24, 2004. The terms of the affordable housing obligation are as follows.

- The housing obligation is 12 Affordable Unit Equivalents (AUE) and is calculated as 10 percent of the approved unit equivalents for the project. This mitigation rate was negotiated in the Deer Crest Settlement Agreement.
- Three units are to be incorporated within the project.
- One unit is to be purchased off-site and converted to a deed-restricted unit.
- Up to eight Affordable Unit Equivalents may be paid as a fee-in-lieu based on Resolution 17-99 or as amended.
- No Certificates of Occupancy shall be issued for Phase 1 of the hotel until the affordable housing obligation has been satisfied. (9.6 AUEs). No COs for Phase II shall be issued until the remainder of the AUEs is satisfied.

The applicant has requested a modification in its affordable housing plan to substitute three units acquired within the Park City limits to fulfill its on-site housing obligation. Attachment A outlines the Applicant's request and rationale.

Council reviewed this request at its July 12, 2007 meeting. The item was continued and staff was directed to return with additional information on the following issues:

- Amount of additional Affordable Unit Equivalents (AUEs)
- Size, type and tenure of housing units

A copy of the prior staff report is included as Attachment B to this report. The minutes from the July 12, 2007 Council meeting are included in the Council packet.

Analysis
The Developer has a total on-site site housing obligation of three affordable unit equivalents, or 2,400 square feet. The development agreement does not specify the size, types of units or number of units to be provided for those affordable unit equivalents nor the tenure of the units.

<u>Additional Affordable Unit Equivalents (AUEs)</u>
In exchange for relocating the three units off-site, the Developer will provide an additional 1.5 AUE, or 1,200 square feet. This will increase the total from three to 4.5 AUEs and the total square footage from 2,400 to 3,600. In addition the developer is already providing one AUE off-site as part of the approved development plan.

<u>Size, Type and Tenure of Housing Units</u>
There was considerable discussion among Council regarding the size, type and tenure of units that should be provided by the Developer. There is a significant pent up demand for deed-restricted homeownership. There is also a need for shorter term, more seasonal workforce housing. The Developer has offered to provide a mix of housing types and sizes to address both needs. The initial 2,400 square feet required by the development agreement will be configured as 800 – 1200 foot units and available for homeownership. The additional 1,200 square feet proposed by the Developer will be as for-rent studio/efficiency units. Depending on the size of the units available on the market, these units will be between 250 and 400 square feet and create 3-5 workforce housing rental units. A review of units available on the MLS indicates a good inventory of units in these size ranges that would be appropriately located near transit and services.

Conditional of Approval
Staff recommends that Council approve the request to transfer the three affordable units from the project site to site/sites within the Park City boundaries subject to the following conditions of approval

1. A total of 4.5 AUEs (3,600 square feet) shall be provided by the Developer to replace the three AUEs required on-mountain. At minimum, 1,200 square feet shall be configured as studio/efficiency rental units. The remaining AUES shall be offered as for-sale units.
2. The units shall comply with Housing Resolution 10-06, or as amended.
3. Units shall be provided within 12 months of the effective date of this agreement otherwise units must be provided on-site.
4. Units shall be approved as replacement units by City housing staff prior to acquisition.
5. Units shall be deed restricted as to sale or rent limits according to the Housing Resolution in place at the time the unit is placed in service. A right of first refusal shall be granted to the City.
6. The units shall be located within a one-half mile radius of a City transit stop.
7. Units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition.
8. All appliances and products including light bulbs shall be Energy Star qualified products.
9. All units shall be inspected and shall meet applicable Park City building codes and/or State habitability codes.

10. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units.
11. No Certificates of Occupancy shall be issued for Phase 1 of the hotel until the affordable housing obligation has been satisfied. (9.6 AUEs). No COs for Phase II shall be issued until the remainder of the AUEs is satisfied.
12. All other Conditions of Approval shall remain in effect.

Significant Impacts:
Given the critical need for workforce housing, and owner-occupied housing in particular, permitting the applicant to acquire and deed restrict existing units will increase the affordable housing inventory immediately. Similar staff time would be required to monitor and certify the project completion and compliance for either on-site or off-site units.

Department Review:
Sustainability, Legal and the City Manager reviewed this report.

Alternatives:

A. Approve the Request: Approve the request to transfer three units from the St. Regis Deer Crest hotel project site to a site/sites located within the Park City corporate limits and subject to the conditions outlined in this staff report. **This is Staff's recommendation.**

B. Continue the item: Direct staff to return with additional analysis or alternatives prior to giving Council direction.

C. Deny the request: Require applicant to comply with the existing housing plan and the location of units on-site.

Recommendation:
Approve the request to transfer three units from the St. Regis Deer Crest hotel project site to a site/sites located within the Park City corporate limits and subject to the conditions outlined in this staff report.

Attachments:
Exhibit A: Modification request from DDRM
Exhibit B: July 12 staff report

City Council Staff Report

Author: Phyllis McDonough Robinson
Subject: Housing Obligation for St. Regis
Date: July 12, 2007
Type of Item: Administrative

Sustainability Team

Summary Recommendations: Approve the request to transfer three units from the St. Regis Deer Crest hotel project site to a site/sites located within the Park City corporate limits and subject to the conditions outlined in this staff report.

Description:

Topic: Affordable Housing

Background
An affordable housing obligation was set forth originally in the Rosewood Hotel CUP on December 12, 2001 and later re-affirmed in the Deer Crest Hotel amended CUP on March 24, 2004. The terms of the affordable housing obligation are as follows.

- The housing obligation is 12 Affordable Unit Equivalents (AUE) and is calculated as 10 percent of the approved unit equivalents for the project. This mitigation rate was negotiated in the Deer Crest Settlement Agreement.
- Three units are to be incorporated within the project.
- One unit is to be purchased off-site and converted to a deed-restricted unit.
- Up to eight Affordable Unit Equivalents may be paid as a fee-in-lieu based on Resolution 17-99 or as amended.
- No Certificates of Occupancy shall be issued for Phase 1 of the hotel until the affordable housing obligation has been satisfied. (9.6 AUEs). No COs for Phase II shall be issued until the remainder of the AUEs is satisfied.

The applicant has requested a modification in its affordable housing plan to substitute three units acquired within the Park City limits to fulfill its on-site housing obligation. Attachment A outlines the applicants request and rationale.

Analysis
Staff has reviewed this request to modify the existing housing plan for St Regis Deer Crest within the context of the City's codes and policies:
- Housing Resolution 10-06 and prior Housing Resolution 17-99
- General Plan
- Affordable Housing Demand Study

<u>Consistency with Current and Prior Housing Resolution</u>
The Applicant's housing plan was approved under Housing Resolution 17-99. A condition of approval was that all housing approved by this plan is subject to Resolution 17-99, or as amended, including sizes, types, sales prices, restrictions, monitoring and

limitation standards. The City's current Affordable Housing Resolution (10-06) and the earlier resolution under which the initial plan was adopted provides for a range of options whereby an applicant may meet its housing obligations. In accordance with Housing Resolution 10-06 the following methods, in order of priority, may be used to meet the minimum affordable housing mitigation requirements.

1. **Construction of unit(s) on the site** unless the developer can demonstrate compelling evidence that an alternative method would result in a better design, enhanced level of affordability or that the construction on-site would adversely affect the design of the project.

2. **Construction of the unit(s) within the Park City corporate limits** provided such land, site or structure had not been previously deed-restricted to affordable housing by Park City or Summit County.

3. **Construction of units outside Park City, but within the Park City School District boundary and/or the boundaries of the free transit system.**

4. **Conveyance of land within the Park City School District boundary and/or the boundaries of the free transit system** provided such land has not been previously restricted to employee or affordable housing by Park City or Summit County.

5. **Dedication of existing units** provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.

6. **Payment of Fees in Lieu of Development**.

Currently, dedication of existing units is lower on the scale of priorities than new construction or land conveyance. Given the critical need for workforce housing in the community, staff will be returning to Council as part of its annual housing update with a recommendation to re-prioritize this as Option 3 ahead of land conveyance and construction of units beyond the city limits. Permitting the applicant to acquire and deed restrict existing units will increase the affordable housing inventory immediately. The on-site units will not be available until the St. Regis receives its Certificate of Occupancy.

Consistency with Housing Element of General Plan

Staff also considered the General Plan criteria when reviewing the site as a potential location for development. The following is a brief summary of how the project would relate to key elements in the General Plan.

The proposed on-site units would be inconsistent with the Housing Element of the City's General Plan that "*encourages affordable housing in close proximity to lodging, bus routes, resorts, and other essential services such as shopping, recreation and medical services*." While recreation services would be at the back door of the residents, the site is not in close proximity to shopping and medical services and while bus service might be available, it is more likely that a private automobile would be used for shopping trips in town.

While having three on-site units would minimize the journey-to-work trips for the three employees occupying the units, the saving likely would be offset by the trips into town given the lack of services on-site.

Consistency with Existing Workforce Housing Needs

There is a pent up demand for deed restricted homeownership housing among households with incomes between $35,000 and $50,000 is 194 units. An equal homeownership demand exists among renter households with incomes of $50,000 - $75,000. Should the units remain on-site it is highly probable they will be rental units that meet only the needs of the St. Regis workforce. The City has an opportunity to create three additional units of deed restricted affordable homeownership by permitting the applicant to transfer the units off-site with the condition that the units be owner-occupied. Over time, these units will provide a greater impact to the community members in need of workforce housing than units whose occupancy is limited by place of employment.

Staff recommends that Council approve the request to transfer the three affordable units from the project site to site/sites within the Park City boundaries subject to the following conditions:

- The units to be provided shall comply with Housing Resolution 10-06, or as amended.
- The units to be provided shall be of size and price affordable to a household with families.
- The units shall be located within easy walking access of the city's bus route.
- Units shall be owner-occupied and deed restricted with a right of first refusal to the City.
- Units shall be provided within 12 months of the effective date of this agreement otherwise units shall be required to be provided on site.
- Units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition.
- All appliances and products including light bulbs shall be Energy Star qualified products.
- All units shall be inspected and shall meet applicable Park City building codes and State habitability codes.
- Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any reports required to assess the suitability for occupancy and compliance with the standards of the proposed units.

Significant Impacts:

Given the critical need for workforce housing, and owner-occupied housing in particular, permitting the applicant to acquire and deed restrict existing units will increase the affordable housing inventory immediately. While the on-site units will minimize journey-to-work trips, trip reductions are likely to be offset by the need for residents to travel into town for services and shopping. Similar staff time will be required to monitor and certify the project completion and compliance for either on-site or off-site units.

Department Review:

Sustainability, Planning, Legal and the City Manager reviewed this report.

Alternatives:

A. Approve the Request: Approve the request to transfer three units from the St. Regis Deer Crest hotel project site to a site/sites located within the Park City corporate limits and subject to the conditions outlined in this staff report. **This is Staff's recommendation.**

B. Continue the item: Direct staff to return with additional analysis or alternatives including the payment of in lieu fees prior to giving Council direction.

C. Deny the request: Require applicant to comply with the existing housing plan and the location of units on-site.

Recommendation:

Approve the request to transfer three units from the St. Regis Deer Crest hotel project site to a site/sites located within the Park City corporate limits and subject to the conditions outlined in this staff report.

Attachments:

Exhibit A: Modification request from DDRM

DDRM Greatplace LLC

June 5, 2007

Phyllis McDonough Robinson
Affordable Housing Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060-1480

RE: St. Regis Deer Crest Hotel

Dear Phyllis:

I am writing to request a modification to the affordable housing requirements originally set forth in the Rosewood Hotel CUP dated December 12, 2001 and re-affirmed in the Deer Crest Hotel amended CUP dated March 24, 2004.

We fully support the City's affordable housing program! We propose to meet the affordable housing requirements in an alternative manner which meets both the intent of the City's policy, and, supports the sustainability of a vital, diverse community.

Please consider the following facts and circumstances:

1) The Requirements

   The housing obligation is 12 Affordable Unit Equivalents (AUE) and is calculated as 10 percent of the approved unit equivalents for the project. Of the 12 units, 3 are to be incorporated within the project, 1 is to be purchased off-site and converted to a deed restricted unit, and up to eight AUEs may be paid as a fee-in-lieu subject to approval by the Housing Authority.

2) The Proposed Modification

   We request that the City consider allowing the 3 on-site units to be located elsewhere within the Park City limits, either as new construction, or, as purchase and conversion to deed restricted units. The reasons for this request are based on: a) changes to the hotel design since the 2001 CUP approval; b) change of the hotel brand and management plan, including the removal of operating requirements for any staff to live on-site; c) recognition that the hotel, and Deer

Crest, have limited appeal as the location for full time residents, especially for families with children.

More importantly, however, we believe that this modification provides greater benefits to the City and the ultimate residents by: a) expanding the supply of affordable workforce housing available to a range of Park City residents, not restricted to occupancy by a limited population of St. Regis employees; b) reducing vehicle trips by locating housing where it is accessible to public transportation and services within walking distance, and; c) providing the opportunity for residents to live within and contribute to vital neighborhoods rather than a transient hotel environment.

3) <u>The Rationale</u>

We understand that the City's current priority is for on-site construction, unless a developer can demonstrate that an alternative method would result in better design, enhanced level of affordability or that construction on site would adversely affect the design of the project. We respectfully suggest that our proposed alternative addresses all 3 of these criteria.

a) Better Design:

Good design addresses not only aesthetics; it meets the needs of people and strengthens communities. Providing workforce housing integrated into vital neighborhoods accomplishes this goal.

Park City's housing program (workforce, affordable, and employee) has been an integral part of the City's planning process since 1978 with the formation of the City's Housing Authority. Since that time, many programs and plans have been developed and implemented. All were created in the recognition of creating opportunities for current and future workers and residents whom have demonstrated a commitment to Park City to gain a toe-hold in the Park City housing market and to remain a vital part of the community fabric.

As the Park City General Plan (adopted by sections between 1997 and 2002) states in the Housing Element, it is the policy of Park City to "ensure an adequate supply of affordable housing opportunities, in partnership with the private sector that is dispersed throughout our community and in keeping with the design character of our neighborhoods". The St. Regis Hotel is a hotel and not a neighborhood. It is designed with the specific goal of being a 5 star hotel providing a top quality experience for a very transient population. This hotel is in keeping with the City's often stated objective of "warm beds" or "pillows" to serve its important tourism economy. Transient populations can be very disruptive to full-time residents, as evidenced by the objections of full time residents to nightly rentals throughout Park City.

neither design coherence nor good quality of life for residents would result from squeezing the units into the building.

4) Conclusion

We are aware of some unfortunate discussion recently regarding the provision of affordable housing in Park City. We should not be painted with that brush. This proposed modification is presented in good faith and after substantial consideration. Our proposed approach will fulfill the specific requirements and result in better options for residents and families as well as support for vital communities.

Thank you for your consideration. We look forward to continuing to work with you and to implementing a successful housing plan.

Sincerely yours,

Stanley Castleton

DDRM GreatPlace
Park City - Office
333 Main Street Suite 325
PO Box 4151
Tel: (435) 655-3288 - Fax (435) 655-8803

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Author:	**Ray Milliner**
Subject:	**AMENDED RECORD OF SURVEY MAP STAG LODGE COMMON AREA RECORD OF SURVEY PLAT**
Date:	**August 2, 2007**
Type of Item:	**Administrative – Record of Survey Amendment**

Summary Recommendations
Staff recommends the City Council conduct a public hearing for the Amended Record of Survey Map Stag Lodge Common Area record of survey plat and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Stag Lodge Home Owners Association
Location:	8200 Royal Street East
Zoning:	Residential Density (RD)
Adjacent Land Uses:	Multi – Unit residential and Commercial, Deer Valley Ski Resort
Reason for Review:	Record of Survey plat amendments require Planning Commission review and City Council approval

Background
On March 14, 2007 the City received a completed application for the Amended Record of Survey Map Stag Lodge Common Area record of survey plat amendment. The property is located at 8200 Royal Street East in the Residential Density – Master Planned Development (RD-MPD) zone. The proposed record of survey will reflect a 700 square foot addition to the restaurant and lobby area within existing common area to accommodate the changes. Also included in the changes are modifications to the sidewalk and driveway and two additional mechanical/garbage structures to be located in the common area of the property.

On May 29, 2007, staff approved a building permit application for the improvements at the Stag Lodge. Pursuant to LMC Chapter 15-2.13-2(A) the mechanical/garbage buildings and additions to the lobby restaurant are allowed uses in the zone, and subject to the review requirements (setbacks, open space, height, architectural review etc.) for the RD zone in the LMC. The applicant met all of the allowed use review requirements. Because the proposed use is allowed, no additional review of the structures was required, such as the 15 criteria for a Conditional Use Permit, or the criteria for a Master Planned Development.

Separate from the building permit, is the requirement that the applicant submit a record of survey plat amendment application showing the new improvements on the site. This application is in accordance with the requirements for a condominium per state law. Staff issued the building permit with the condition that the applicant would seek a record of survey plat amendment to reflect the proposed changes to the property on the plat of record. It was made clear to the applicant that the commencement of construction prior to the recordation of the Record of Survey plat amendment was at his risk, meaning that if the City Council made findings of denial for the project, it may be removed at his expense. The applicant then commenced construction on the site and concurrently submitted this Record of Survey application.

This application was reviewed by the Planning Commission on June 13, 2007. At the meeting, the Commission conducted a public hearing and forwarded a positive recommendation to the City Council (Minutes attached as Exhibit B).

The City Council reviewed this application and conducted a public hearing at its July 12, 2007 regular meeting. At the meeting, members of the public expressed concerns regarding the proximity of one of the proposed mechanical/garbage structures to their property. Additionally, they were concerned that the mailed courtesy notice provided insufficient information to properly gauge the impacts of the project on their property, primarily the impacts of noise and odor from the proposed mechanical/garbage structure.

Following the public hearing, the Council continued the item to the August 2, 2007 meeting, and instructed staff to research the following items.

- Was the project properly noticed?
- Identify the impacts of the mechanical/garbage building on the neighboring property.
- Clarify the staff intent on proposed finding of fact # 6 that states, "All utilities, including sewer and water are available on site. However, locating snowmelt devices over these utilities is potentially harmful to the health, welfare and safety of the public."
- Encourage the neighbor and the applicant to meet separately to discuss the project and any potential mitigation.

Minutes from the July 12, 2007 City Council meeting have not been officially adopted by the City Council at the time of this writing, however they are included in the Council packet, proposed for adoption.

Analysis

The proposed project is an expansion of the common area of the Stag Lodge condominiums, including an expansion of the existing restaurant and lobby, the outside deck from the lobby and restaurant, two mechanical/garbage buildings, and the reconstruction of the existing roads and driveways. Under Utah State Code, all modifications to, or new construction within the condominium are required to be shown on the recorded Record of Survey plat. The following is staff's analysis of the project as it relates to the requirements of the Land Management Code, as well as those issues the Council requested that staff investigate.

Notice
LMC Section 15-1-20, the "Noticing Matrix" requires that all record of survey plats have the following noticing requirements.

1. Posted: 7 days prior to the hearing prior to the Planning Commission
2. Courtesy Mailing: To owners within 300 feet of the property 7 days prior to the hearing before the Planning Commission.
3. Published: Once 7 days prior to the hearing before the Planning Commission.

Courtesy notice of this project was sent to all property owners within 300 feet on May 24, 2007, approximately 3 weeks prior to the scheduled public hearing in front of the Planning Commission. The notice letter stated that the City Council would hold a public hearing on July 5, this meeting was cancelled, and all projects on that agenda were continued to the Meeting on July 12, 2007 on June 29, 2007 (a copy of the notice letter is attached as Exhibit C). Posting was placed on the property on May 30, 2007, and the project was published in the Park Record on May 30, 2007.

At the public hearing, a concern regarding the amount of information included in the mailed notice was insufficient was raised. Specifically, the proposed mechanical/garbage structures were not included. There are no provisions in the LMC outlining the amount of text required in notice. The notice letter is designed to provide neighbors with notice of the project, not to provide a detailed explanation, or analysis of the project. If the recipient desires more information or further analysis regarding the application, he/she is invited to contact staff who has the complete file with all plans, or to attend the meeting/public hearing.

Staff finds that the proposed project was properly noticed and that the neighbors received adequate information regarding the project within the required notice times.

Impacts
At the meeting, concerns were raised by the public regarding the impacts of the mechanical/garbage structure on the neighboring properties, including potential odor, and noise issues from the building. Subsequently, the Council directed staff to research the potential impacts of the structure on the neighbors.

The proposed uses, including the expansion of the restaurant/lobby and the proposed mechanical/garbage enclosures are allowed uses in the RD-MPD zone. Therefore, the basic mitigation tools for the project are those listed in the LMC, including setbacks, height, open space, parking and architectural guidelines. The required setbacks for that property are 25 feet from the side property line the building is 38 feet from the property line. The height requirement is 33 feet above existing grade, the proposed structure is approximately 20 feet above existing. The project is still within the 60% open space rule, and all parking requirements are met. The applicant has submitted a landscape plan indicating that he will re-vegetate a portion of the property to further screen it from view of the adjacent owners.

To mitigate the noise and odor issues from the building the applicant has proposed to construct the building from cement blocks and face it with wood horizontal lap siding and a rock wainscot. These materials are more sound proof than a regular frame structure, and will reduce the amount of noise created by the mechanical equipment. To mitigate any potential odors from the garbage dumpster, the applicant will entirely enclose it within the building, with access through garage doors. Additionally, this dumpster will not be the primary dumpster for the project, as that structure is proposed in a location more central to the property. This will serve the residences in the area and as an overflow use.

Staff finds that these proposed mitigations are sufficient to meet the requirements of the Land Management Code, and to mitigate the potential impacts of the structure on the adjacent properties.

Finding of Fact #6

At the July 12, 2007 Council meeting, staff was directed to clarify the intent of the following finding of fact:

> All utilities, including sewer and water are available on site. However, locating snowmelt devices over these utilities is potentially harmful to the health, welfare and safety of the public.

The purpose of this finding of fact is to alert the applicant, the Council, and the public to the potential hazards of placing snow melt systems over existing utilities. The installation of these systems requires a significant amount of grading and excavation during construction that could potentially impact the utilities. Therefore, it is possible that a backhoe could rupture a water or sewer line and have a severe impact on the ability of the service provider to provide necessary services. Also, after construction if there is a need to repair or alter utilities under the snowmelt system, there have been issues relating to who will bear the cost of repairs. To mitigate this problem, staff has required that the applicant enter into a license agreement with the City that defines how these issues will be dealt with in the future. This license was signed and recorded as part of the building permit review, on May 29, 2007.

Neighborhood Meeting

The applicant and neighbors at the request of the City Council have met on their own to discuss any potential measures that could be taken to mitigate the concerns raised by the Council. Because staff was not present at the meeting, no details are provided.

Staff finds good cause with the application because there is no expansion of the existing platted common area or increase in platted private or commercial spaces. Staff further finds that no person or member of the public will be materially harmed as a result of this application as conditioned. The expansion of building area does not change any parking or open space requirements nor does it have any unit equivalent implications. The issues raised regarding the impacts of the mechanical/garbage building have been mitigated by enclosing the dumpster entirely within the proposed building, the planting of additional landscaping, and the relatively large setback between the structure and the adjacent properties.

The applicant was issued a building permit to construct the addition with the condition that owner association submit a record of survey plat amendment application, and with the understanding that the construction was at their risk. Therefore, if the City Council does not approve the plat amendment, the addition will need to be removed.

Department Review

This project has gone through an interdepartmental review. 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

Significant public input has been received for this project. It is addressed in the analysis section above.

Alternatives

- The City Council may approve the Amended Record of Survey Map Stag Lodge Common Area record of survey plat as conditioned or amended (Staff's recommendation); or
- The City Council may deny the Amended Record of Survey Map Stag Lodge Common Area record of survey plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Amended Record of Survey Map Stag Lodge Common Area record of survey plat.

Significant Impacts

Staff finds that the potential significant impacts of the project have been addressed through mitigations addressed in the analysis section above.

Consequences of not taking the Suggested Recommendation

The plat would remain as is, and the addition would have to be removed. Other common area improvements relating to the driveway, sidewalk and accessory structures would be required to move as well.

Recommendation

Staff recommends the City Council conduct a public hearing for the Amended Record of Survey Map Stag Lodge Common Area record of survey plat and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 07-

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY MAP STAG LODGE COMMON AREA RECORD OF SURVEY PLAT LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 8200 Deer Valley Drive East have petitioned the City Council for approval of the Amended Record of Survey Map Stag Lodge Common Area record of survey plat; 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 June 13, 2007, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on June 13, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 12, 2007, the City Council held a public hearing and continued the Amended Record of Survey Map Stag Lodge Common Area record of survey plat; and

WHEREAS, on August 2, 2007, the City Council held another public hearing and approved the Amended Record of Survey Map Stag Lodge Common Area record of survey plat; and

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

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 Amended Record of Survey Map Stag Lodge Common Area record of survey plat 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 8200 Royal Street East, in the Residential Density Master Planned Development (RD) zone as part of the Deer Valley Master Planned Development.
2. The RD zone is a residential larger contemporary homes, and large multi-unit properties.

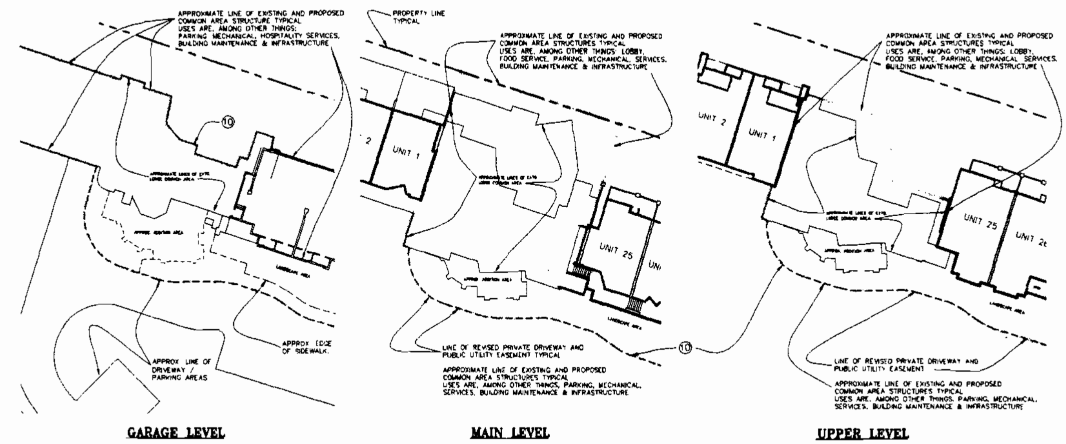
3. There is an existing non-historic condominium on the property.
4. The applicant is proposing an increase of approximately 700 square feet of common area in the restaurant and lobby.
5. The City allowed construction of the addition provided the applicant submit a record of survey plat amendment, the owner assumes risk.
6. There is an existing mechanical/garbage building located approximately 38 feet from the south property line.
7. The LMC requirement for side yard setbacks in the RD-MPD zone is 25 feet.
8. The required open space for the project is 60%. This project will not place the project over the 60% limit.
9. Courtesy notice for the project was sent to property owners within 300 feet on May 24, 2007.
10. Snowmelt devices can potentially result in delays to repairs to utilities unless the responsibility for such repairs is clearly spelled out in an appropriate encroachment agreement.

Conclusions of Law:
1. There is good cause for this record of survey amendment.
2. The record of survey amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
4. Approval of the record of survey amendment, 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 plat amendment 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. Prior to the issue of a building permit for the snowmelt system, the applicant shall record a license agreement with the City allowing the encroachment of snowmelt devices over water mains.

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

Exhibits
Exhibit A – Record of Survey plat
Exhibit B – Minutes from Planning Commission Meeting
Exhibit C – Packet from Applicant
Exhibit D – Letters from Neighbors
Exhibit E – Courtesy Notice Letter from City



KEY NOTE LEGEND:

1. LINE OF EXISTING DRIVEWAY TO BE RELOCATED AS NOTED & SHOWN
2. SIDEWALK AND ARRIVAL AREA
3. LOBBY AND BUILDING ADDITION. SEE LEVEL PLANS HEREIN
4. SHADED AREA INDICATES REVISED, NEW DRIVEWAY, AND PARKING LAYOUT
5. PATIO AND PERIMETER RAILING.
6. DUMPSTER ENCLOSURE
7. SIDEWALK TO LINK WITH EXISTING TRAIL.
8. SNOW MELT BOILER BUILDING 1.
9. SNOW MELT BOILER BUILDING 2 AND DUMPSTER ENCLOSURE
10. CROSSED HATCHED AREAS INDICATES EXISTING STRUCTURES AND PRIVATE RESIDENCES.
11. PROPOSED DRIVEWAY RECONSTRUCTION WITH SNOW MELT (2-PHASES).
12. EXISTING PORTE COCHERE TO BE REMOVED
13. SHADED LINE INDICATES EXISTING OR THE LIMITS OF PROPOSED OR FUTURE COMMON AREA STRUCTURES IN AND AROUND THE EXISTING LODGE BUILDING

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, 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 unit owners at the STAG LODGE CONDOMINIUM PROJECT acting as a group in accordance with the Declaration of Covenants, Conditions, and Restrictions for STAG LODGE, a Utah Condominium project, this Amended Record of Survey Map of STAG LODGE, which consists of 1 page, in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify that the information shown hereon is accurate

PROFESSIONAL LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

John Demkowicz, LS #154491 — Date

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Amended Record of Survey Map.

Robert S. Carpenter, President — Date
Stag Lodge Condominium Homeowners Association, Inc

ACKNOWLEDGMENT

State of ______________
ss:
County of ______________

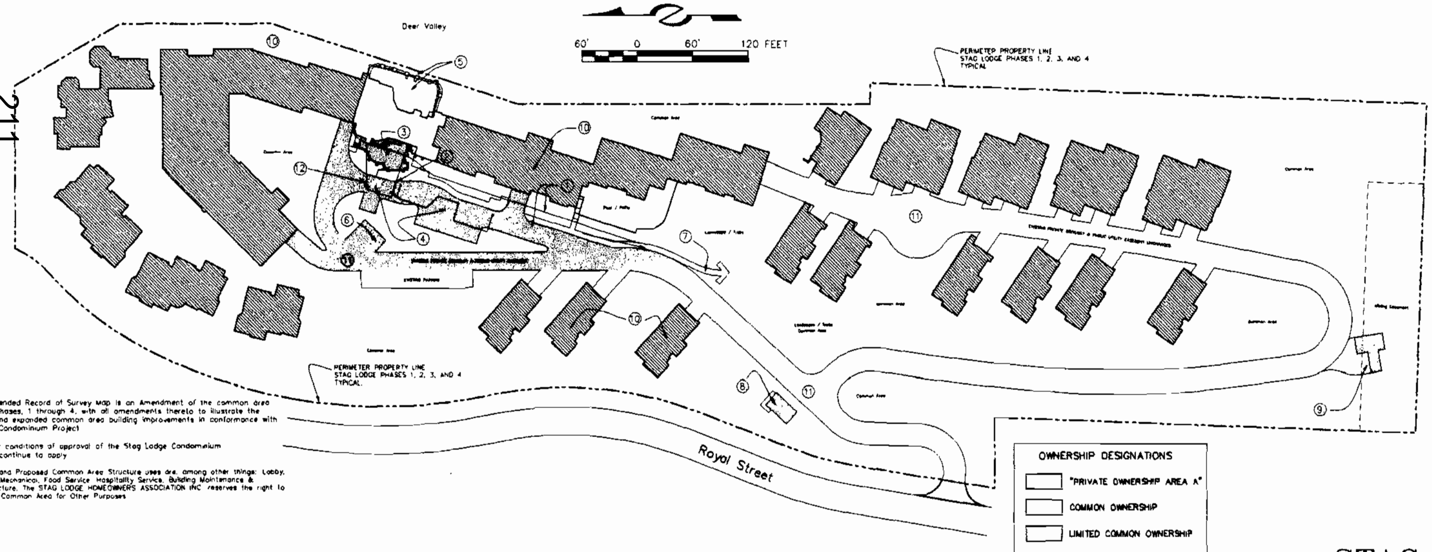
On this _____ day of ______________, 2007, personally appeared before me, the undersigned Notary Public, in and for said County and State, Robert S. Carpenter, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A. Sections 57-1-1 et seq. (1983) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.

A NOTARY PUBLIC COMMISSIONED IN ______

Full Name (printed)

Residing in: ______________

My commission expires ______________



NOTES:

1. This Amended Record of Survey Map is an Amendment of the common area for all Phases, 1 through 4, with all amendments thereto to illustrate the current and expanded common area building improvements in conformance with a Utah Condominium Project
2. All other conditions of approval of the Stag Lodge Condominium Project continue to apply
3. Existing and Proposed Common Area Structure uses are, among other things: Lobby, Parking, Mechanical, Food Service, Hospitality Service, Building Maintenance & Infrastructure. The STAG LODGE HOMEOWNERS ASSOCIATION INC. reserves the right to use this Common Area for Other Purposes

SUPPLEMENTAL RECORD OF SURVEY MAP

STAG LODGE COMMON AREA

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 1

JOB NO.: 3-11-08 FILE: x:\sl\dwg\021407AMENDMT\PLAT SHT01

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 ________, 2007 A.D. BY ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 2007 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2007 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 2007 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2007 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2007 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER

8200 Royal Street East - Plat Amendment

Planner Ray Milliner reviewed the application for an amendment to 8200 Royal Street East, commonly referred to as The Stag Lodge. The application is to modify the common area to accommodate expansions of the restaurant and lobby area, as well as an additional mechanical building required for a snow melt system. These additions are all within the existing common area.

The Staff had reviewed this application for compliance with open space, parking, and unit equivalent counts, and found that it meets the requirements of the Land Management Code. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report.

Brent Glissmeyer, General Manager of Stag Lodge, stated that they initially met with Planner Robinson when they started this process. The intent was to upgrade a 22 year old common area and Mr. Glissmeyer was surprised to find that it required a plat amendment. He could see no public impact with this request other than beautification, since the majority of what is being done can only be seen from the property.

Steve Deckert, representing the applicant, remarked that the Utah Condominium Act clearly states that facilities on common areas should be illustrated. Therefore, this plat amendment also takes care of housekeeping issues to clean up the plat.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the amended record of survey map for the Stag Lodge, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 8200 Royal Street East

1. The property is located at 8200 Royal Street East, in the Residential Density Master Planned Development (RD) zone as part of the Deer Valley Master Planned Development.

2. The RD zone is a residential larger contemporary homes and large multi-unit properties.

3. There is an existing non-historic condominium on the property.

4. The applicant is proposing an increase of approximately 700 square feet of common area in the restaurant and lobby.

5. The City allowed construction of the addition provided the applicant submit a record of survey plat amendment, the owner assumes risk.

6. All utilities, including sewer and water are available on site. However, locating snow melt devices over these utilities is potentially harmful to the health, welfare and safety of the public.

Conclusions of Law - 8200 Royal Street East

1. There is good cause for this record of survey amendment.

2. The record of survey amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed record of survey amendment.

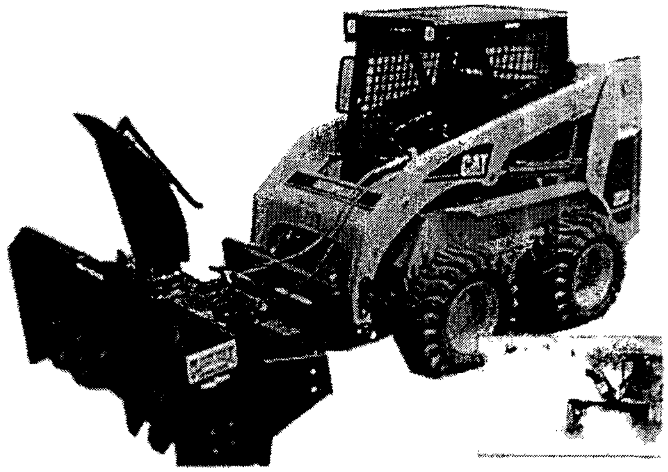
4. Approval of the record of survey amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval - 8200 Royal Street East

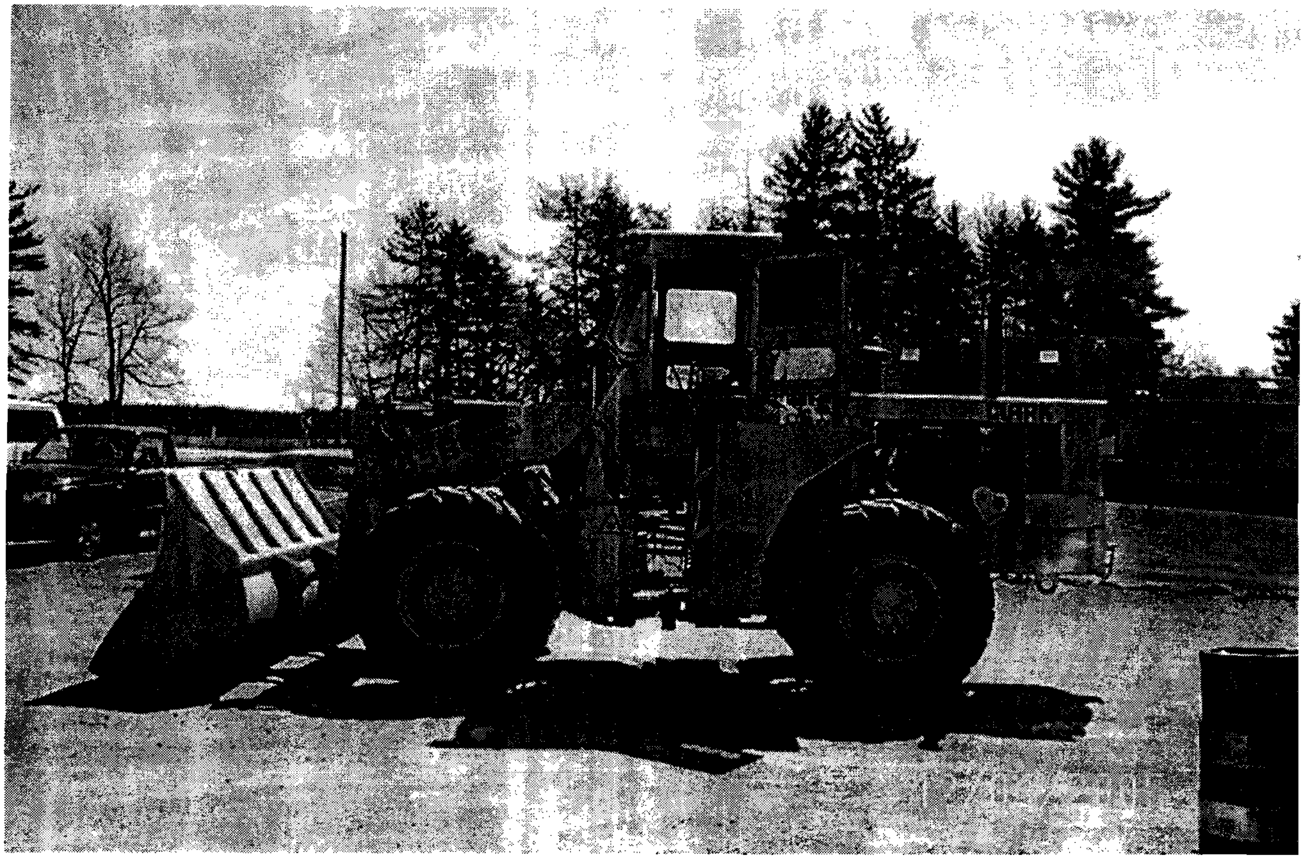
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

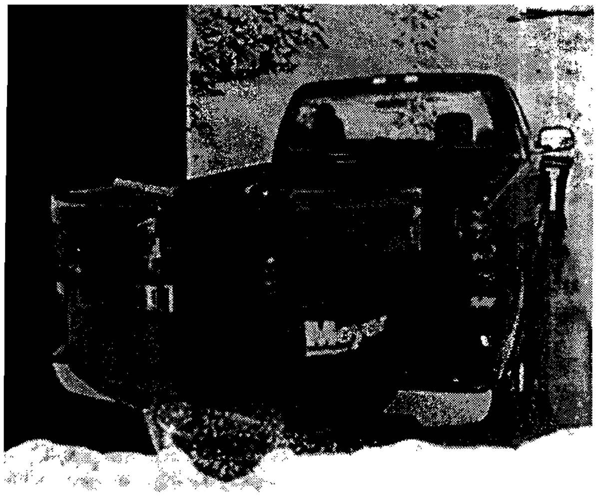
2. The applicant will record the Record of Survey at the County within one year from the date of city Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

3. Prior to the issue of a building permit for the snow melt system, the applicant shall record a license agreement with the City allowing the encroachment of snow melt devices over water mains.



Snow removal Equipment that is used at Stag Lodge.




Meyer

Stag Lodge at Deer Valley

July 26, 2007

To: Stag Lodge Board of Trustees

From: Brent Glissmeyer, General Manager

Re: Update on progress with neighbors on "out building" concerns

Gentlemen:

As you are aware, a homeowner and a representative from the adjacent property, Double Eagle surprised us at the meeting with the City Council and expressed their objections to our snowmelt boiler room and garbage dumpster building. Given that the neighbors had no real understanding of what was being constructed and had a radical reaction to the possible impact, the City Council suggested that we meet with the neighbors and explain and hopefully reach a compromise.

We had a request for information from the association which we have provided to the property manager (Linda of Alpine Ski Properties). We arranged to meet yesterday with two of the homeowners and the property manager. We met at Little Belle condominiums and our engineer fired the boiler at Little Belle which was the model for our "out building" and is very similar to our system including the attached dumpster building. We had a similar meeting this morning with a Double Eagle Board member.

The reaction from the owners was mixed: one homeowner wants the building moved no matter what we say. The other owners seemed to be willing to discuss some form of compromise. One owner characterized the low noise level as "white noise" and other comments centered on their concerns with the possible noise and odors related to the trash. It was suggested that perhaps a compromise could be met around the idea of us not locating the trash dumpsters in that location.

I shared with them the building illustrations and assured them that it would be attractive and pointed out that we had adjusted the design to have all of the vents in the boiler building face our street. I shared with them the landscaping plan and how we intended to screen the building from their line of site with pine trees in addition to the existing aspen trees which will also add another layer of noise deadening. I pointed out that we are locating the gas line to the hillside location away from the concerned property owners.

P.O. Box 3000 • Park City, UT 84060 • P: 435.649.7444 • F: 435.649.7445 • www.staglodge.com

We are constructing the building to a very high standard. Instead of a wood frame construction approach as used at Little Belle, we are using cement block filled with cement as our structure which is then faced with rock and siding. Note that our dumpster building is extra ordinary as it is enclosed in this substantial structure whereas the City would only require that we fence around the dumpsters.

The boiler is a high efficiency system operating on natural gas and the emissions are primarily steam which rises into the cold air and quickly vaporizes. The comment was made by our engineer that our residential furnaces are much more intrusive than this system. The system will only operate a few months a year and then only when snow is falling. It is ironic that we chose to install this system because we wanted to eliminate the noise, mess and damage to landscaping which we experience each season with our snow removal process.

We currently use our snow plow (frequently during the night and early morning) our small bobcat/skid steer and half a dozen snow blowers, our salt spreader and periodically we contract for a large front end loader and dump trucks to haul our snow to another location. In times of concentrated snowfall, these tools are used throughout the day and sometimes into the night. We feel that the noise and pollution related to this process is far more intrusive to ourselves and the neighbors than this minimal impact alternative.

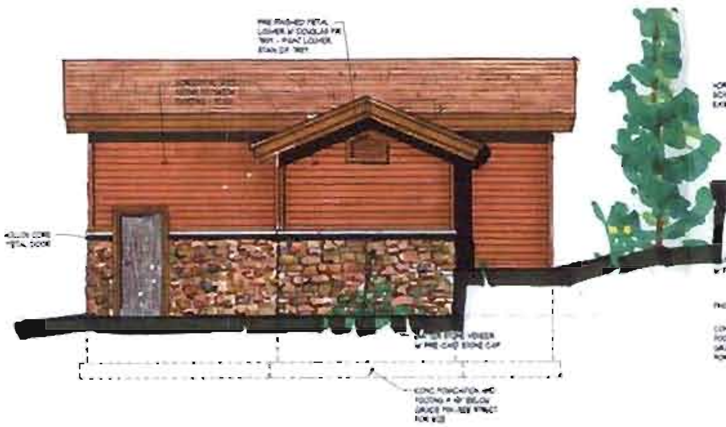
This morning I spoke with the Double Eagle homeowner who is most disturbed with our building and he agreed to consider the feedback from their manager, their Board member and his son and get back with us for a meeting, hopefully next week. In the meantime, we are scheduled to meet next week with the City Council on August 2nd.

We have made several concessions and have done what seems reasonable to address the neighbors' concerns. We are well within the setbacks and an out building does not require a conditional use permit. In theory the filing of an amended plat is a "housekeeping" measure to properly illustrate our changes. We have stopped construction on the heat melt & dumpster building and are in limbo until we get this resolved.

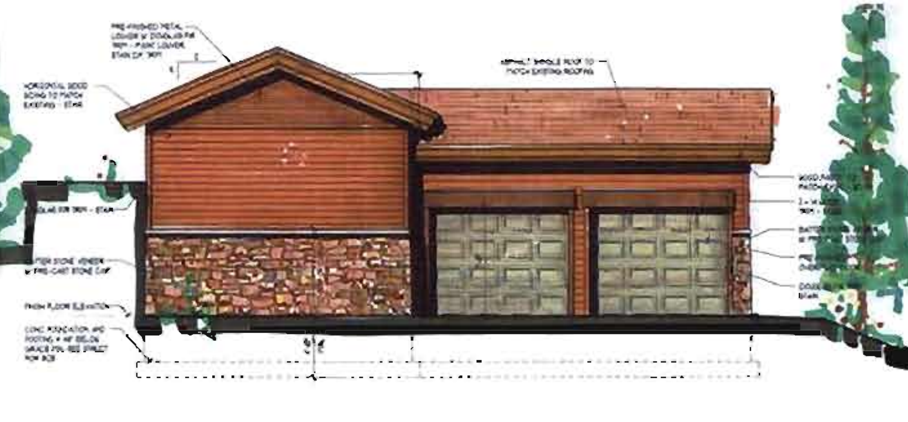
I will keep you updated,

Regards,

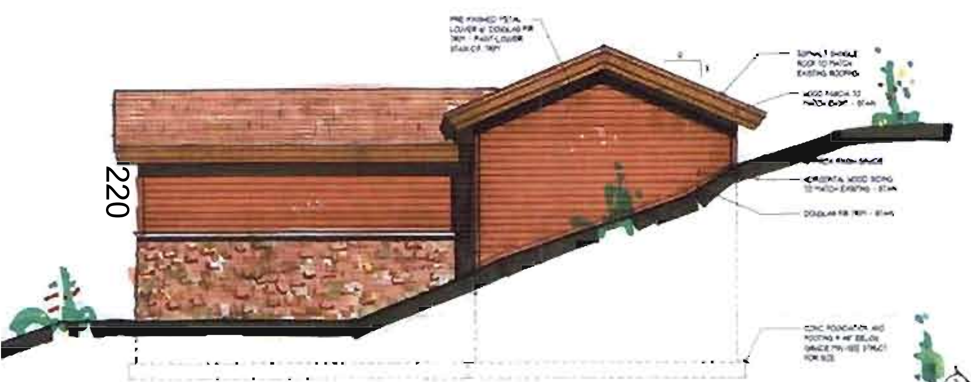
Brent



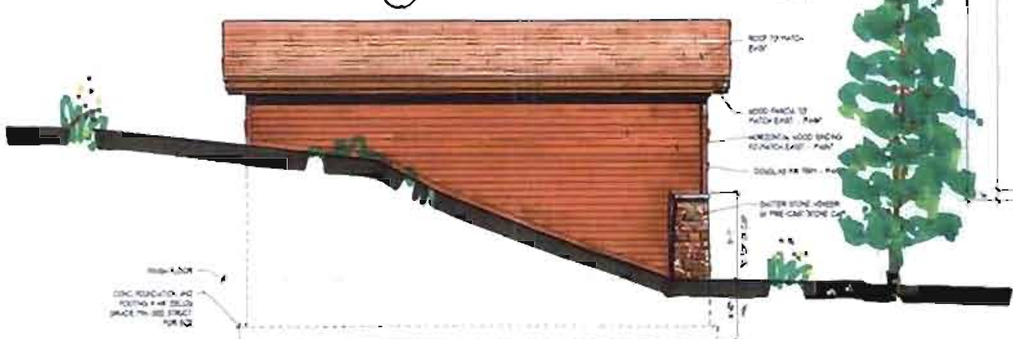
3 BOILER BLDG #1 / DUMPSTER WEST ELEV.

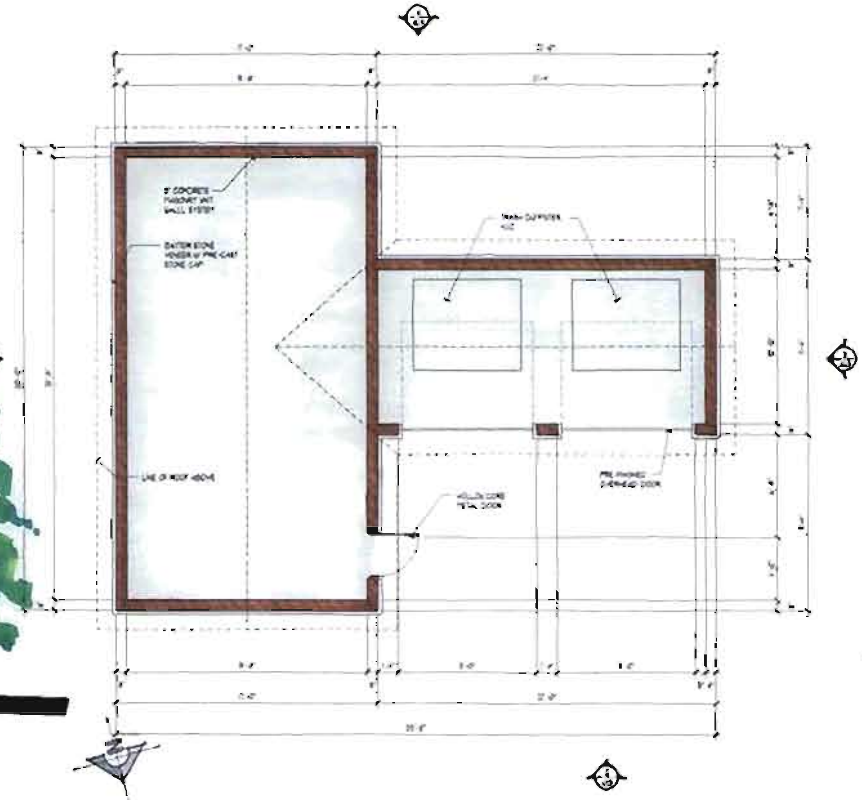


2 BOILER BLDG #1 / DUMPSTER NORTH ELEV.



4 BOILER BLDG #1 / DUMPSTER SOUTH ELEV.





Kent W. Walker
Alan R. Poulson
Ronald B. Jones

Date: 12 March 2007
Revision: Bidding (04.05.07)
Revision #1: 04.24.07
Revision #2: 04.26.07
Revision #3: 05.07.07

WPA

STAG LODGE
8200 ROYAL STREET EAST
DEER VALLEY RESORT
PARK CITY, UTAH

A1.3

Ray Milliner

From: Joe Kernan
Sent: Wednesday, July 25, 2007 2:59 PM
To: Anne Feighner
Cc: Ray Milliner
Subject: RE: Building Location

Oops!

Thank you for the email. To follow procedures I am forwarding it to the staff planner for inclusion in the staff report when we discuss the project at a Council meeting.

Joe Kernan

From: Anne Feighner [mailto:afeighner@mac.com]
Sent: Thu 7/19/2007 8:10 PM
To: Joe Kernan
Subject: Building Location

I would like to request that Stag Lodge build their new building on the other side of the street and away from the Double Eagle complex. I have heard the noise from other such out buildings in other condominium units and it is considerable. Even in the winter when everyone's homes are closed up, it will be noise pollution for the adjacent units.

Our board looked into this when we considered heating our driveway years ago and all such buildings we surveyed made considerable noise. I have heard that Stag Lodge is claiming that there will be little or no impact but I do not believe that is possible. Double Eagle is a small project and very peaceful and we would like it to remain what we have known and loved.

I have owned my condominium since the first units there were sold fourteen years ago and I believe this would impact the livability and desirability of our entire project but especially the units close to this building.

Thank you for your consideration. Deer Valley is a beautiful area but we can ruin the quality of life here and its future desirability, if we do not make these additions very carefully.

Anne Feighner
Owner, Double Eagle #14
Homeowner Board of Directors (12 years)

Ray Milliner

From: Joe Kernan

Sent: Wednesday, July 25, 2007 2:58 PM

To: cagey@att.net

Cc: Ray Milliner

Subject: RE: Stag Lodge Boiler/Trash Building

Thank you for the email. To follow procedures I am forwarding it to the staff planner for inclusion in the staff report when we discuss the project at a Council meeting.

Joe Kernan

From: cagey@att.net [mailto:cagey@att.net]
Sent: Mon 7/23/2007 8:55 PM
To: Marianne Cone; Candy Erickson; jim @parkcity.org; Joe Kernan; Roger Harlan; linda@alpineskiproperties.com
Subject: Stag Lodge Boiler/Trash Building

Jerry and I want to thank the Council and all its members for taking such quick and decisive action with regard to the subject Stag Lodge construction project. Since no one was given accurate notice of the scope of the improvements, it is wise and prudent to step back so we can evaluate its impact on all nearby neighbors. It will take time to thoroughly evaluate the adverse affects of noise, odor/vermin, water runoff, reduced property values, and various other unforseen issues associated with such an ambitious project. You have given us this time and heard our concerns.

It is most encouraging to know the council does everything in its power to preserve the peaceful enjoyment of our homes for everyone in the community. We look forward to working with all of you to find satisfactory resolution to this very serious problem.

Kathie Grundhofer

Ray Milliner

From: Joe Kernan
Sent: Wednesday, July 25, 2007 2:45 PM
To: Rosenshine, Allen
Cc: Ray Milliner
Subject: RE: Stag Lodge Auxiliary Boiler/Garbage Building

Hello Mr. Rosenshine,

Thank you for the phone call and email. To follow procedures I am forwarding it to the staff planner for inclusion in the staff report when we discuss the project at a Council meeting.

Joe Kernan

From: Rosenshine, Allen [mailto:Allen.Rosenshine@bbdo.com]
Sent: Thu 7/19/2007 5:44 PM
To: Marianne Cone; Candy Erickson; Jim Hier; Joe Kernan; Roger Harlan
Cc: linda@alpineskiproperties.com
Subject: Stag Lodge Auxiliary Boiler/Garbage Building

Ladies and Gentlemen of the Park City Council:

We write as owners of Unit 3 in the Double Eagle complex to protest the proposed location of the boiler/garbage building along the property line of Double Eagle.

It seems clear to us that there will certainly be noise and odor from this operation since most of the current discussion seems to be on what the level of noise and odor will be and how to minimize it. On the assumption that there is some wisdom in the old saying, "where there is smoke, there's fire," we think it's fair to assume that where there is noise and odor, there is noise and odor, regardless of the amplitude or intensity involved. We therefore think that building should be as far from Double Eagle units as possible instead of along its property line.

We urge you not to accept partial measures to mitigate the problem but rather to insist that the building be located where noise and odor will not be a problem instead of debating how much of a problem it will be.

Thank you for your consideration.

MIssy and Allen Rosenshine

PARK CITY
1884

Building • Engineering • Planning

May 24, 2007

NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a project to be located in your neighborhood as described below. The Planning Commission will review this proposal at their regularly scheduled meeting on Wednesday, June 13, 2007, at 6:30 p.m. in the City Council Chambers at City Hall (The Marsac Building), 445 Marsac Avenue and you are welcome to attend. City Council will take final action on the application at their meeting on Thursday, July 5, 2007 at 6:00 p.m., also in Council Chambers.

Project Location:	8200 Royal Street East
Applicant:	Brent Glissmeyer
Project Description:	Record of survey amendment to expand the lobby and restaurant area of the Stag Lodge.

If you have any questions or comments regarding the proposal, please contact me at (435) 615-5064. You are invited to attend the meeting and address the Commissioners with your comments and questions, or send them to the Planning Staff and we will forward them for you.

Sincerely,

Ray Milliner
City Planner

RJM/pa

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906