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

Closed Session – City Council Chambers
1:00 p.m. Property and litigation

Work Session – City Council Chambers
2:50 p.m. Council questions/comments
3:00 p.m. Bond issue discussion – walkability projects
3:45 p.m. Review of regular meeting:

- Museum lease
- Resolution – affordable housing guidelines/standards
- St. Regis Hotel - affordable housing plan

4:45 p.m. Recreation Advisory Board interviews
5:45 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 JUNE 21 AND JUNE 28, 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 amending the Land Management Code regarding Accessory Apartments **(motion to continue to August 9, 2007)**

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)**

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

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

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

6. 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 City, Utah

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

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. 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

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

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

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

5. Ordinance approving the first amendment to Lot B of Eagle Way plat amendment located at 1460 Eagle Way, Park City, Utah

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

VII NEW BUSINESS

1. Consideration of a Resolution adopting Affordable Housing Guidelines and Standards for Park City, Utah
   - Public hearing
   - Action

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

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX 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.

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JULY 12, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the Municipal Building Authority 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 as described below on Thursday, July 12, 2007 following the adjournment of the City Council meeting.

I ROLL CALL

II PUBLIC INPUT ***(any matter of Housing Authority business not scheduled on agenda)***

III MINUTES OF MEETING OF JUNE 21, 2007

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

Consideration of an addendum to the lease with Park City Historical Society for property located at 528 Main Street

V ADJOURNMENT

Posted: 07/09/07
See: www.parkcity.org

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

July 2007 – *Candidate filing window July 2 - 16*

5 **No meeting**

10 Comstock meeting – Santy Auditorium – 6:30 p.m.

12 See agenda

19 **Jim gone**
Closed session
Proclamation – military service of Spc. Robert Adam Kelley
Proclamation – Leadership - Ride the Bus Week
MFL amendment – PSSM – hours of operation and amplified music
Ordinance – 337 Daly Avenue Subdivision – KC
Ordinance – 522 Deer Valley Drive Caribou Lodge condo conversions – KC
Ordinance – 255 Ridge Avenue King Ridge Estates plat amendment – BR
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
M0U with Summit County – Animal Control
Conservation easement McPolin Farm
Appointments to RAB Board
Professional engineering services agreement with H W Lochner Inc. to provide a concept design and a 20 year corridor plan for Bonanza Drive
Naming rights contract - SN
Contract for cleaning services – ML

26 **No meeting**
Jim gone

August 2007

2 **Tom gone**
Joint Planning Commission session – Park City Heights
Ordinance – vertical zoning (work/hearing/action)
MFL – The Shop 10th Anniversary – amplified music

9 Quarterly goal update
Comprehensive Emergency Management Plan – GH
LMC amendments accessory apartments - SMA

16 Marsac Building seismic upgrade update
Resolution of intent – bond issue

23 **No meeting**
Candy gone

30 Closed session

September 2007

6

11 Primary election

13

20

27 Closed session

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

Tentative "no meeting" dates:
October 18 – Dana gone 10/04 – 10/21
November
December 27

City Council
Staff Report

Budget, Debt, & Grants

Author: **Gary Hill**
Subject: **Walkability Bond Update**
Date: **July 12, 2007**
Type of Item: **Informational/Discussion**

Recommendation: This report is informational; Staff would like to update City Council on several issues related to the walkability bond election and begin a dialog regarding the issues that will need to be resolved prior to adoption of the bond resolution on August 16th.

Topic:

Update on the proposed walkability bond election and related projects

Background:

Over the past several months the City has been developing an implementation plan for a series of pedestrian and bicycle improvements throughout town. A major milestone of this project was the completion of the Walkability Study by the Landmark Design Team which identified a series of prioritized issues and potential solutions. On March 28th City Council selected a level of service identifying the issues to be addressed. These issues were discussed during the budget discussions in May and June. On June 21st City Council directed staff to begin research on bond election for walkability improvements beginning with a survey of Park City residents

Analysis:

Bond Survey

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. Staff received bids from two firms; Dan Jones and Associates and Insight Research. After review of both proposals, staff selected Insight Research, the same firm that recently completed the City's Customer Satisfaction Survey. After meeting with staff, Insight developed a 16-question survey (attached) 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?

The survey is currently being administered to Park City residents with results available by early August. Staff will present the results to City Council prior to consideration of the bond resolution on August 16th. This will enable the City to draft the final bond language and determine whether one or multiple bond elections are preferred.

Specific Walkability Improvements

Throughout the budget discussions Council directed staff to look at alternative solutions to a few specific project locations. These include:

- Pedestrian and bicycle improvements on Bonanza Drive,
- Pedestrian crossing of SR 248 near the school campus,
- Possible narrowing of Lucky John north of the school drop zone to accommodate a sidewalk,
- Improvements to the Monitor Drive sidewalk
- The intersection of Little Kate and Monitor Drive near the Racquet Club
- Improvements to Comstock Drive related to pedestrian and traffic calming.

Staff has begun research on these areas and will discuss the following project areas with City Council on July 12th:

<u>Bonanza Drive</u>
As recommended by the Walkability Steering Committee, the project solutions for Bonanza Drive are to be identified in conjunction with the water pipeline and road reconstruction project. Staff is currently conducting a selection process for design services for the Bonanza Drive project. Walkability improvements are a significant portion of the design and staff will require the selected design firm to incorporate possible pedestrian and bicycle improvements in their design including the feasibility of an underpass/overpass. Staff anticipates that solutions will be identified prior to the bond election in November.

<u>Lucky John and Monitor Drive Sidewalk</u>
As directed by Council on June 21st, Staff has asked the Landmark Design Team to research solutions for improving Lucky John near the school drop zone to provide a more well defined pedestrian route to the school campus from Little Kate. Landmark will look at several options including narrowing the road and installing a sidewalk that will not disturb landscaping of residential lots. Staff has asked Landmark to look at similar improvements to the Monitor Drive sidewalk to address perceived concerns about the safety of that particular pedestrian corridor. Landmark will have these options available to discuss with City Council on August 2nd.

<u>Little Kate Intersection with Monitor Drive</u>
In November staff discussed the possibility of a 3-way stop at the intersection of Little Kate and Monitor Drive with City Council. At that time staff did not recommend installation of the stop signs, and City Council directed staff to wait until the Walkability Study had been completed before installing stop signs (minutes included as attachments). As the ultimate configuration of Little Kate is still undetermined, and in light of other possible improvements to Monitor Drive (pending the outcome of Landmark's research mentioned above) staff has also asked Landmark Design Team to look at how and under what circumstances a 3-way stop would be warranted or recommended. Landmark will likely provide different options which could include a pedestrian crossing from Monitor Drive to the Racquet Club. As with the options on Lucky John and Monitor, these recommendations will be available to discuss with City Council on August 2nd.

<u>Bond Question and Format</u>

One of the major considerations when conducting a bond election is the amount of detail to provide to voters. This includes the wording of the actual bond question. It is important to provide voters with enough information so that they can accurately determine what bond proceeds will be used for, but equally important to leave enough flexibility to adapt to evolving needs or address issues that are not clearly identified at the time of the bond election.

The City has a preliminary set of defined projects as recommended by the Landmark Design Team in the Walkability Study. These projects were originally approved as a level of service by City Council on March 28th and refined and somewhat modified during the budget process. These projects total approximately $1.9 million dollars and are currently funded in the City's CIP program. While these projects are fairly well defined, Council has also directed staff to identify alternative solutions for some of the following issues:

- Pedestrian and bicycle improvements on Bonanza Drive,
- Pedestrian crossing of SR 248 near the school campus,
- Possible narrowing of Lucky John north of the school drop zone to accommodate a sidewalk,
- Improvements to the Monitor Drive sidewalk
- The intersection of Little Kate and Monitor Drive near the Racquet Club
- Improvements to Comstock Drive related to pedestrian and traffic calming.

As will be discussed in greater detail above, staff is in the process of identifying possible options for each of these issues, but clearly-defined projects for all 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.

It is not always necessary, however, to know how bond proceeds will be specifically spent for voters to pass a bond election. With recent Open Space bond elections, the City did not know which specific parcels of open space would be purchased. The bond question itself (listed below) was crafted to provide the City with flexibility to purchase appropriate properties as opportunity presented themselves.

2006 Open Space Bond Question:
Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed $20,000,000 and to mature in no more than 21 years from the date or dates of such bonds <u>to acquire, improve and forever preserve park and recreational land together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded manmade improvements, and to make limited improvements for public access, parking, and use?</u>

Although specific projects/acquisitions were not listed, the City took measures with Open Space bond elections 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.

With the upcoming Walkability Bond Election, City Council will need to decide to go one of two directions: (1) Should specific projects should be identified and voted upon by residents, or (2), should the bond question be more general.

<u>If specific projects are included in the bond question</u>, the following issues will need to be addressed prior to August 16th:

- Which specific projects should be included (beyond those identified in the $1.9 million level of service already approved by City Council)?
- What if a project is included that turns out not to be feasible (such as an underpass)?
- Will including specific projects help or hurt the chances of a successful bond election?
- Should there be one bond question or multiple bond questions?

<u>If general language is recommended</u>, these issues will need to be discussed:

- Should the City Council appoint a citizens committee similar to COSAC which would recommend project expenditures?
- Will general bond language help or hurt the chances of successful bond election?
- What other information would be necessary to provide voter confidence?

Staff believes that the survey being conducted by Insight Research will help address some of these issues and Council may want to wait until August 2nd to formally answer these questions. A work session has been scheduled for August 2nd to discuss the survey results and get Council direction on final bond language.

<u>Other Issues – Deer Valley Drive</u>
In the last two weeks Deer Valley Drive between the Roundabout and Bonanza Drive was resurfaced and restriped by UDOT. Last week the City received an email from a concerned resident inquiring why bicycle lanes were not included when the road was restriped. The bike lanes were not included in the recommendations made by the Landmark Team, but staff could discuss restriping the highway with UDOT, who would ultimately need to approve any such improvement. Staff would like Council direction on whether or not to pursue this improvement with UDOT at this time.

Department Review:

Budget, City Manager, Sustainability has reviewed portions of this report as well

<u>RECOMMENDATION</u>: This report is informational; Staff would like to update City Council on several issues related to the walkability bond election and begin a dialog regarding the issues that will need to be resolved prior to adoption of the bond resolution on August 16th.

Attachments

A – Insight Research Survey Questions
B – City Council Minutes from Little Kate stop sign discussion.

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.

City Council
Staff Report

Author:	**Ken Fisher, Recreation Manager**
Subject:	**RAB Interviews**
Date:	**July 12, 2007**
Type of Item:	**Work Session**

Recreation & Library Department

Summary Recommendations: Review applications and interview questions provided under separate cover. Conduct four interviews for the two vacancies on the Recreation Advisory Board as follows:

Alex Gross	4:45 p.m.
John Halsey	5:00 p.m.
Megan Steele	5:15 p.m.
Matt Galvin (incumbent)	5:30 p.m.

Formal appointments will be scheduled when there is consensus on appointments and all applicants have been contacted regarding Council's decision.

DESCRIPTION:

Topic: Recreation Advisory Board vacancies

Background: Park City Municipal Code Title 2, Chapter 4, Section 17 (Attachment 1) outlines the operation of the Recreation Advisory Board. Currently, the Recreation Advisory Board (RAB) has two vacancies. They are due to board members finishing terms.

In accordance with City policy, ads for RAB vacancies ran in the Park Record and were aired on KPCW. Applications for Board positions were available at the Racquet Club, Golf Course, Library and online. A total of four applications were received.

Analysis: The four applicants are looking to fill two vacancies. The appointed term is for three years with an expiration date of July 1, 2010. One of the applicants is Mat Galvin who is the current chairperson of the RAB. The other applicants are Alex Gross, John Halsey and Megan Steele. Existing members may serve up to two consecutive terms.

Per the Municipal Code, RAB applicants are interviewed and selected by the Mayor & City Council.

Department Review: Recreation & Library Team

ALTERNATIVES:

Approve the Request: Conduct four interviews for the two vacancies on the Recreation Advisory Board.

Deny the Request: Reopen the RAB recruitment process

Continue the Item: Schedule interviews for a later date

Do Nothing: Result in a lack of clarity

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Delay the appointment of two members to the RAB.

RECOMMENDATION: Conduct four interviews for the two vacancies on the Recreation Advisory Board.

Attachment 1: Creation of Board
Attachment 2: Current membership list

2- 4-17. RECREATION ADVISORY BOARD CREATED.

There is hereby created a Recreation Advisory Board. The Board shall consist of up to seven (7) members, and one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) **TERM OF SERVICE, REMOVAL AND VACANCIES**. Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall serve a term of three (3) years, but shall serve until their successor is appointed. Initially, two (2) appointments each shall be made for one (1) and two (2) year terms, and three (3) appointments shall be made for three year terms. Annually thereafter, appointments shall be for three (3) year terms. Board members shall serve not more than two (2) full terms in succession, however, the initial one (1) year term holders may seek two (2) additional terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to exceed the member's City Council term of office. The City Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

(B) **OFFICERS AND THEIR DUTIES**. At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meeting shall be prepared by the Recreation Manager and the Chairman.

(C) **PURPOSE AND DUTIES OF THE BOARD**. The purpose and duties of the Park City Recreation Board are as follows:

> (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
>
> (2) To support and promote the policies and programs of the Library and Recreation Department.

(3) To advise and support staff on staff recommended budget priorities concerning parks and recreation projects and programs.

(4) To serve as liaison between the community and public agencies on parks and recreation issues within Park City.

(6) To stimulate and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) **MEETINGS AND PROCEDURES**. The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C. A. 52-4-5, as amended.

(E) **COMMITTEES**. Special committees for the study of particular issues may be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of the Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members.

(Amended by Ord. No. 99-50; 03-06; 03-09)

Recreation Advisory Board
January 1, 2007

Maurice Hickey
1679 Lakeside Circle
P.O. Box 1404
Park City, Utah 84060
(435) 655-6203 (W)
mojo2658@yahoo.com
3 Year Term (Exp. 7/1/2009)

Jennifer Franklin
P.O. Box 2468
Park City, Utah 84060
(435) 602-3822 (Cell)
jenniferfranklin@att.net
3 Year Term (Exp. 7/1/2009)

Liza Simpson
P.O. Box 1468
510 Main Street Apt. B
Park City, Utah 84060
L1simpson@msn.com
(435)658-0556(H)
(435)645-8068(W)
3 year term (Exp. 7/1/2009)

Rich Miller
2803 Hackney Court
Park City, Utah 84060
(435)649-1728(H)
(435)649-6660(W)
rich@greatlender.com
3 year term
(Exp. 7/1/2007)

Matthew Galvin
P.O. Box 683301
Park City, Utah 84060
(435) 640-4268(H)
matgalvin@yahoo.com
2 year term
(Exp. 7/1/2007)

Carol Potter
P.O. Box 341
Park City, Utah 84060

(435)731-0975(H)
(435)649-6839
carol@mountaintrails.org
3 year term
(Exp. 7/1/2008)

Rob Lea
P.O. Box 681376
Park City, Utah 84068
(435)602-2718(C)
parkcityrob@yahoo.com
3 year term
(Exp. 7/1/2008)

Council Representative:
Candy Erickson
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PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 21, 2007

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

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Gary Hill, Budget Manager; Brian Anderson, Parking Manager; and Lloyd Evans, Chief of Police

Absent: **Council member Candace Erickson**

1. Council questions/comments. Roger Harlan commented on the eclectic qualities of the Park Silly Sunday Market which was well attended. He commented on the passing of Bob Powers. The joint School District City transportation task force met this week. Jim Hier reported on an International Rotary Conference held at the Utah Olympic Park where attendees commented on the quality of the facility for meetings. He added that there is now no admission charged to tour the park. Marianne Cone spoke about the Historic Home Tour which was well done again this year and also the PSSM, where vendors seem to be pleased with sales. Joe Kernan shared a conversation he had with Mike Sweeney about the possibility of selling the Marsac Building and building a city hall on the parking facility, rather than proceed with the seismic upgrade of the building. Mayor Williams also commended the PSSM event and stated that he had a number of discussions with Park Meadows and Prospector residents on traffic calming and walkability projects during the week. He also encouraged Council members to consider targets for recycling in the community during the Visioning Session. He sadly relayed that Debbi Reichter-Erhlich, long-time resident, passed away during the week.

2. Budget review. Gary Hill stated that state law mandates final budget approval by June 22, which is scheduled on the regular meeting agenda. He highlighted recent direction from members last week, including to budget $50,000 as a snow contingency in the non-departmental category. A placeholder has been created for the Little Kate project at $350,000 in the implementation budget, in the event a bond issue is not pursued.

He referred to other budget issues including projections for the ice arena, which has been in operation for one year. It was felt that the ice arena was inadequately staffed to provide the community a high level of service and $54,000 has been added for staffing which is primarily part-time non-benefited positions. In addition, utility costs are much higher than anticipated when the budget was developed two years ago, and $23,000 has been added to cover these expenses. In consideration of these modifications to cover expenditures, staff explored projecting revenues and it is felt that the ice arena will remain at the $150,000 General Fund subsidy per year.

State law provides that not more than 18% of the budget is placed in the General Fund, based on next year's revenues. The total General Fund transfer this year to the CIP Fund is $5.5 million; the initial recommendation was $3.9 million. This reflects a recent directive from the auditors to account for anticipated sales tax revenue in July and August where sales occurred in May and June.

Mr. Hill explained that staff is recommending an increase to the walkability contingency budget and it is proposed to allocate a portion of the General Fund surplus. The remaining surplus will be budgeted for OTIS, allowing the City to bond for less, if pursued. Council members indicated their agreement. Gary Hill referred to NAC's concerns with regard to subsidizing specialized services provided to the community that aren't being provided by the City, NAC's total learn-to-play sled hockey costs are about $7,000 for the year, and staff is recommending a scholarship fund budget to cover ice rental costs. Members were pleased with the solution.

Gary Hill pointed out that the City Council must pass a resolution stating its intent to place a bond issue on the ballot at least 75 days before the election or August 16. Prior to that time, projects and costs will need to be identified and it is recommended that a survey be conducted in the meantime. It is contemplated that a voter information pamphlet will be mailed to residents. The City's role is very specific; it can not be a proponent of the bond and can only provide information to the public. A separate citizen group needs to come forward to promote the initiative. Mr. Hill emphasized the importance of formulating a project list. The City Council supported the original $1.5 million recommendation from the consultants for walkability two months ago. Subsequent to that time, members directed staff to address potential projects like overpasses or underpasses for Kearns, which could add $6 million. The estimate from Landmark to achieve a platinum standard for walkability projects is $22 million. This scope included things like an overpass on the belt route from the Aerie, for which there is little interest. A round-about on SR224 and Meadows Drive is estimated at $2.2 to $4.3 million depending on whether UDOT would be reimbursed for costs incurred for the signal. Remaining OTIS projects could be included at $18 million and a recent recreation study identified several needs, including the renovation of the Racquet Club at $4 million. A second ice sheet is another unfunded project and recreational trails rated high on the survey. The timing of bond issues is critical to success and there is some work to do in identifying projects.

He continued to explain that staff has concerns with separating questions in a bond proposal and he cited the ice and Racquet Club combination which failed. Jim Hier suggested selecting an amount and allocating the dollar amount to projects in separate issues. It's a better way to measure interest in projects. Mayor Williams agreed that walkability and recreation should not be combined. It may be timely to talk to the School District about a bulb-out in the street for the drop off zone. He felt inclined to support improvements to both Little Kate and Lucky John together and narrowing streets will slow traffic down. Combining recreation with streets will be too costly as a bond proposal. There is funding in the CIP Fund which will be freed up if a bond issue passes. There was debate among members about whether presenting voters with a menu style bond proposal is the best approach. Marianne Cone stated that she prefers proceeding with a well-defined walkability bond issue. Mr. Hill acknowledged that these are hard questions and staff is looking specifically for direction from Council on conducting a survey which may provide some answers. Joe Kernan expressed his agreement of focusing on walkability projects for a bond and also the approach with a bulb-out at Lucky John. He was uncertain about the functionality of a round-about project.

Marianne Cone expressed her continued support for a round-about on SR224. Mayor Williams acknowledged the benefits of a round-about but its incompatibility with pedestrians is a concern. Eric DeHaan noted that crossing a round-about creates some confusion for pedestrian and he explained the tunnel under the Deer Valley Drive round-about. On March 1, the City Council relayed firm direction to construct a signal at the Meadows Drive intersection, which is being pursued by UDOT. Jim Hier stated that he favors proceeding with a signal and not pursuing the round-bout and Mayor Williams agreed. Tom Bakaly clarified that Council does not need to make a decision on the specific content of the bond issue, but understood that recreation should not be included. He asked for clarification on streets. Jim Hier noted that OTIS is designed for streets that are physically failing; it's not a walkability issue. Council has already committed to a strategy for OTIS and it is inappropriate to couple it with walkability or recreation projects. He added that the City has time to bond for OTIS in the future if needed. Gary Hill clarified that the City has not budgeted for OTIS, but anticipated there would be adequate surplus to issue sales tax bonds. This is intended to cover the first three highest priorities, and funding for the remaining $7 million worth of projects Is not accounted for; sales tax surplus is not expected beyond 2013 to fund future phases. There was discussion of bonding for the early stages of OTIS which provides some flexibility with sales tax revenues. Marianne Cone indicated that she is not in favor of including OTIS with walkability projects; the City Council has already committed to OTIS. Joe Kernan stated his preference to focus on walkability projects and felt that $10 million is probably a reasonable issuance. Roger Harlan supported moving ahead with the survey where options are articulated.

Tom Bakaly clarified that the budget recommended for adoption tonight contemplates a sidewalk down Little Kate to Lucky John. If a sidewalk is installed and later, it is determined to proceed with re-crowning Little Kate, the improvements can not be incorporated. This is a plan and Council members will have the opportunity to review it as the project progresses. Gary Hill relayed that the contingency will be reduced by about half with the Little Kate sidewalk project and the recommendation for Comstock. Mayor Williams felt that speeding will continue or worsen with a sidewalk. Professional traffic engineers would not recommend the Little Kate separated sidewalk proposal, which may create more problems. Jim Hier added that this is why he supports proceeding with a bond issue. Mayor Williams asked the Chief of Police about the effectiveness of reducing speeds with narrowing streets. Chief Lloyd Evans stated that nationwide studies reveal that motorists driving on narrower streets feel a need to slow down as opposed to wide roadways where visual perception results in higher speeds. There was discussion on implementing neighborhood traffic calming tools and pursuing expensive infrastructure projects like overpasses. Gary Hill stated that staff will return on July 12 for further discussion with Council and a survey with a focus on the Landmark walkability recommendations. Council members again concurred to not include OTIS projects or the SR224 round-about in the survey. Discussion ensued on the legal costs relating to placing a bond on the ballot, which is wrapped in the issuance.

3. Comstock Area traffic calming. Mayor Williams apologized to the audience for confusion on traffic calming and walkability recommendations. Based on neighborhood input, the direction is now leaving parking on both sides of the street, adding a sidewalk, and possibly banning vehicles over a certain weight on Comstock. He pointed out that residents will be responsible for shoveling the sidewalk.

Brian Anderson, Parking Manager, apologized for not holding a meeting with residents on the first phase of recommendations, which was a lapse in the process. There are three petitions from the neighborhood (1) safe routes to school, (2) speed and traffic volume, and (3) a revised petition. A neighborhood meeting is scheduled on July 10 at the Santy Auditorium for Comstock area residents and a recommendation to the City Council will be made by the end of July. Immediate steps include improving the visibility of the speed limit signs, placing speed trailers, and increasing traffic enforcement efforts. Gary Hill explained that the intent is to secure adequate funding in the budget, regardless of the bond issue, for a sidewalk and parking on both sides of Comstock Avenue, but no bike lanes. Staff will ensure that the neighborhood is comfortable with the final design, but the funding is in place.

Jim Hier supported prohibiting commercial traffic on Comstock and suggested considering regulating Sidewinder Drive past Gold Dust Lane as well. Brian Anderson acknowledged citizen concerns but added that it is one of the major corridors for local businesses and warrants discussion. Mr. Hier explained that to be effective commercial traffic should be prohibited in both directions. Marianne Cone agreed. The Mayor invited the audience to comment.

Tom Hirschberg, Comstock Avenue resident, stated that snow removal is very difficult because of parking on both sides of the street and police officers are not enforcing violations. He felt that if the sidewalk is installed that it not be the responsibility of property owners to clear it and described the berms created by the City when clearing the street. He emphasized the significant cost of building tunnels; overpasses should be preferred. Regulating jaywalking on SR248 during peak school times would help the flow of traffic.

Dale Whitten, Comstock resident, warned that construction will disrupt the mine tailings soil cover and the Mayor emphasized that the City is not interested in digging up people's front yards.

Beau Andreni, Monarch Avenue, discussed creating intuitive bootleg trails through neighborhood properties. Although he presented his concept to the consultants and others, it didn’t appear in the Landmark recommendations. Dana Williams stressed that he has no interest in going into property owners’ side yards either, to create trails by taking property rights. There are two bootleg trails on Doc Holiday created without the City’s participation. He strongly suggested that Prospector Village reorganize its home owners association to accomplish things like bootleg trails. Beau Andreni suggested that the City cooperate and cover the costs of relocating fences and sidewalks. Mayor Williams reiterated that he would prefer neighborhoods to step up and follow-through on their projects. Mr. Andreni felt that all of Prospector should be considered tonight. Every speed limit sign should be a radar sign.

Joe Meslowski, Wyatt Earp Way, relayed the positive feedback he has received on the implementation of the “no left hand turn” signs. Police presence has been excellent but it may be helpful to still gather counts on the number of left turns still being made. Narrowing the roads is a good approach and he thanked Council members.

Kyle Jessen, Comstock Avenue, stated that his neighborhood would love to have a prohibition of left hand turns. Morning traffic is the worst. He thanked members of the Police Department who have made a difference with the placement of electronic speed signs and enforcement. He accepted that narrowing roadways may slow traffic, but questioned the safety of kids traveling in the street. He asked about the implications with EPA if capped soils are disturbed. The Mayor clarified that the EPA is not involved anymore and soils are entirely regulated by the City. Mr. Jessen submitted a petition to the City Recorder and asked for a stop sign, which can be removed if it doesn’t work. There should be residential area signs placed at the ends of the streets and commercial traffic should be addressed at both access points.

Steven Gates, Comstock, agreed with comments made about prohibiting commercial traffic and left turns. He suggested installing ticketing cameras at intersections. Marianne Cone informed him that it is illegal.

Peter Hartman, Comstock resident, pointed out that the traffic is as horrendous in the evening as it is in the morning. He agrees with no left turns and a stop sign at Little Bessie. He is skeptical about the sidewalk installation meeting federal guidelines with regard to soil contamination. The City should consider extensive testing in everyone’s front yard prior and following the project. Hauling soils will add significant costs to the project.

Mark Olsen, Comstock, felt that the traffic needs to flow smoother on SR248 during peak school hours. It would be helpful if the seminary changed it hours and/or to address jay walking which interrupts flow. Jim Hier explained the City/School District task force on these issues and one proposed solution is to install a pedestrian stop light by the seminary. Mr. Olsen pointed out that it would need to be coordinated with the other crossing.

Carrie Coffee, Little Bessie, thanked the Police Department for enhanced enforcement.
With no further input, the work session concluded.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 21, 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, June 21, 2007. Members in attendance were Dana Williams, Marianne Cone, Roger Harlan, Jim Hier, and Joe Kernan. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Stacey Noonan, Ice Arena Manager; Jon Weidenhamer, Project Manager; and Max Paap, Special Events Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that White Pine Touring and Booster Juice are among his recycling customers.

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

1. National Ability Center - Meechie White thanked the Council and staff on working through the issue of renting ice time. She complimented the City's transit system; visitors from Thailand utilized the dial-a-ride program which worked very well. The Mayor relayed that the community is better because of the NAC.

2. Park Silly Sunday Market - Mike Sweeney stated that the HMBA submitted a revised petition for a business improvement district. He commented on the success of the Park Silly Sunday Market and suggested that the hours be extended to 5 p.m.

3. Dog Park - Marty Sluesser stated that she and Rich Wyman will be out of town next week when the dog park will be discussed. She relayed their appreciation of the amount of work on this project. The recommendation is to use a parcel that is one and a half to two acres in size and she emphasized that two acres would be ideal. She thanked members.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 7, 2007

Marianne Cone corrected roll call and Joe Kernan made a minor clarifying correction. Joe Kernan, "I move to approve the work session notes and minutes of the meeting of June 7, 2007, as corrected". Jim Hier seconded. Motion carried.

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

Joe Kernan 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 approving a plat amendment at 964 Empire Avenue, Park City, Utah **(motion to continue to July 12, 2007)** – and

2. Consideration of an Ordinance approving a plat amendment at 8200 Royal Street, Park City, Utah **(motion to continue to July 12, 2007)** – and

3. Consideration of an Ordinance approving a Record of Survey for 401 Silver King Drive #76, Park City, Utah **(motion to continue to July 12, 2007)** – The Mayor requested a motion to continue Items 1, 2 and 3. Roger Harlan, "I so move". Jim Hier seconded. Motion unanimously carried.

4. Consideration of a Master Festival License for White Pine Touring demo days to be held on Saturday, June 23, 2007, including amplified music from 6 p.m. to 8 p.m. – Max Paap encouraged Council to hold a public hearing and after consideration, approve the MFL, as conditioned. He explained components of the event; there was discussion on parking. The Mayor opened the public hearing, and with no comments from the public, closed the hearing.

5. Consideration of an Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight - Jon Weidenhamer explained the history of this amendment requested by the HMBA, which allowed patrons of establishments on a deck or patio beyond 10 p.m. and until midnight. It included a sunset provision which expired in February. He stated that it is recommended that the ordinance be extended indefinitely allowing patrons on decks until midnight, and the HMBA has asked for considerations beyond this relating to outdoor dining.

Mr. Weidenhamer acknowledged that notice on this item was short and reported that about 12 complaints were filed with the Police Department directly relating to outdoor noise emanating when doors opened and closed and a band was playing. None of the noise complaints seem to relate to activity outside on decks or patios. The Chief of Police agrees that these are not significant or unusual. In response to comments from Marianne Cone, Mr. Weidenhamer noted that most complaints occurred in the 400 block of Main Street and many are associated with approved special events. The complaints occurred between 10 p.m. to 2 a.m. Marianne Cone felt that 24 hour notice is inadequate, and pointed out that people are reluctant to complain. In her opinion, 12 complaints are a lot. Jim Hier believed the ordinance should be extended indefinitely because it's been demonstrated that sunset dates can be missed. Ms. Cone suggested extending the ordinance for a week, so further notice can be given. In response to a question from Joe Kernan, Jon Weidenhamer believed that the bar and restaurant community has been very compliant. The Mayor opened the public hearing.

Mike Wong, Sidecar co-owner and HMBA member, urged Council to consider extending the ordinance indefinitely. The smoking prohibition will become effective next year and has the potential of forcing patrons onto the street. He felt it more beneficial for establishments to provide an outside balcony or patio deck The outdoor dining regulations should be amended to allow patrons to eat and drink outside later than 10 p.m.

Jeff Ward, 350 Main and The Spur, expressed his support of extending the ordinance indefinitely and addressing an amendment to the outdoor dining regulations. He acknowledged that noise emanates with the opening and closing of doors which is unlikely to change. When the bars empty, there is going to be noise in the street. He encouraged tracking complaints to see if they are related to *normal* noise or a problem that needs to be addressed. Mr. Ward encouraged Council to consider conducting a trial of allowing food and beverage outside this summer to assess the results.

Mike Sweeney, HMBA, stated that his tenants would like to see the ordinance extended and in particular, that the Council address outdoor dining. This is very important to the community and will probably self-regulate itself while generating sales tax.

Michael Kaplan, Old Town resident, expressed that nuisances are created with people yelling on the street and garbage being taken out, not from noise from decks. The City should be proactive in providing an option before the no smoking ban in all clubs and restaurants becomes effective.

Liza Simpson, Main Street resident, stated that she supports the ordinance, but was concerned with the recommendation that hours be extended to 1 a.m. which is unacceptable She suggested seeking resident input; she was not notified and agreed there may be people out there who are reluctant to complain.

With no further input, the public hearing was closed.

The City Manager explained that if the ordinance is not extended tonight, use of decks and patios after 10 p.m. would be prohibited past 10 p.m. The outdoor dining issue is not related and it is not contemplated to be reviewed this summer. Priorities will have to be modified if there is Council consensus to explore outdoor dining. Marianne Cone believed there wasn't enough time to contact residents and she would like to explore complaints further. Tom Bakaly advised that the item could be continued to provide more time for public input, acknowledging that the sunset provision expired in February.

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")

The Mayor asked for separate motions on each item.

1. Master Festival License for White Pine Touring demo days to be held on Saturday, June 23, 2007, including amplified music from 6 p.m. to 8 p.m. – See staff report and public hearing. Roger Harlan, "I move approval of the Master Festival License for White Pine Touring demo days to be ehld on Saturday, June 23". Jim Hier seconded. Motion unanimously carried.

2. Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight – Marianne Cone, "I move that we continue this item to June 28, 2007 in order to give residents an appropriate time to respond to the issue". Motion died for lack of a second. Roger Harlan, "I move approval of an amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight". Jim Hier seconded. Motion carried.

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

VII RESIGNATIONS AND APPOINTMENTS

Reappointment of Marlene Ligare and Kate Reichartinger and appointment of Nan Worel to the Library Board for terms expiring July 1, 2010 – Marianne Cone, "I move we accept the reappointment and appointment of these three to the Library Board". Roger Harlan expressed his appreciation of working with Marlene Ligare and Kate Reichartinger, supports their reappointment, and seconded the motion. Motion carried.

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

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

1. Consideration of authorization to City Manager to execute a contract, in a form approved by the City Attorney, to Booster Juice for concession services provided at the

Ice Arena and Sports Complex – Stacey Noonan explained that the first concessionaire was not a good fit for the facility and Booster Juice was the only respondent to the City's RFP. Booster Juice has provided services at special events and the feedback has been very positive. She discussed the importance of a world class facility providing healthy foods. It is proposed that Booster Juice will split net profits with the City versus the 6% of sales arranged with the former contract and beginning September, it will pay $500 in rent. This contract covers the entire sports complex but event holders or renters of the party room do not have to contract with her and other contractors can be hired for larger events. This is a three-year contract and Ms. Noonan feels this will be a good working relationship. Jim Hier stated that he is concerned about splitting net revenues with the City and prefers projecting revenues and then determining an appropriate percentage income amount. Ms. Noonan felt that Booster Juice is agreeable because it is trying to get its name out in the community and the arrangement is simple with details spelled out in the P&L. Mr. Hier cautioned that he would not structure a lease like this because there are so many variables tied to expenses and operations. Ms. Noonan expressed that she contracted for a percentage of gross sales with Fat Boy Pizza and it didn't work out because there was no motivation for the contractor to regularly show up. Mr. Hier noted the importance of establishing a base rent. Marianne Cone, "I move to authorize the City Manager to execute a contract in a form approved by the City Attorney to Booster Juice for concession services provided at the Ice Arena and Sports Complex". Joe Kernan seconded. Motion carried.

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

2. Consideration of Resolution approving a final revised budget for fiscal year 2007 and a final budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax at a no tax increase rate – Gary Hill explained that last week, Council members directed staff to include $50,000 in a contingency fund for snow removal services. Additionally money was transferred from the contingency into the Little Kate project and tonight staff was instructed to allocate about $350,000 of the General Fund surplus to the Comstock project. There was discussion during the work session to consider a survey for a possible bond election this November to fund walkability improvements and staff will return on July 12 with more information. The Mayor opened the public hearing.

1. Walkability projects:

Carol Potter, Mountain Trails Foundation, stated that she is delighted with the public process on walkability. Everyone was heard and respected. She advised that the Foundation Board and Share the Road members are interested in championing the initiative and helping with the survey. Park City can be a leader in sustainable, active transportation. Marianne Cone disclosed that as a member of Share the Road, will remain neutral on this project.

Carolyn Frankenberg, Park Meadows, appreciated the discussion during work session on the bond and a consensus on focusing on walkabilitly. She emphasized the importance of working to get the drop-off designated as a school zone and suggested that tickets be increased as an incentive for drivers. Tom Daley advised that fine schedules are adopted by the state legislature every year and he didn't believe a local ordinance can trump state regulations. The Mayor felt this is worth exploring and asked staff to return with information on criteria for a school zone and the appropriate party to begin a process.

Jim Hier stated that the joint transportation committee is looking into school zones and Jon Weidenhamer is researching this issue. Marianne Cone expressed interest in establishing local fines for violations. The Mayor spoke about presenting this to the ULCT membership to see if other communities share the same problems.

Betsy Bothey, Park Meadows resident, pointed out the potholes in the area which are dangerous for everyone. Drivers do not pay attention to pedestrians in crosswalks and is in favor of a bond to make a number of improvements throughout town.

Jody Woods, Prospector resident, stated that she was not in attendance during work session, but has been attending these meetings. She thanked Council members for the amount of energy devoted to this issue and relayed a scary incident on Bonanza Drive where her six year old son was almost hit by a car in the crosswalk. She urged Council to closely look at this location and consider a tunnel.

2. Marsac Building seismic upgrade - Mike Sweeney, property owner, questioned the accuracy of the estimates of the seismic upgrade project projected at $4.75 million. He felt that the cost will be higher. He encouraged *looking outside the box* in consideration of the high value of the property and that money could be allocated to a new facility designed to meet current and future needs. He stated that the HMBA has an interest in this project and would like to save the City money, if possible.

With no further pubic comment, the public hearing on the budget was closed.

Jim Hier, "I move we adopt the Resolution approving a final revised budget for fiscal year 2007 and a final budget for fiscal year 2008 as presented, adjusted, and modified up until this evening". Joe Kernan seconded. Motion carried.

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

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

X 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 3:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Roger Harlan, Jim Hier, and Joe Kernan. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jessica Moran, Recreation Coordinator; Craig Sanchez, Golf Director; Max Paap, Special Events Manager. Marianne Cone, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried. The meeting opened at approximately 4:15 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion carried.

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

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

Prepared by:

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Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 28, 2007

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

Tom Bakaly, City Manager; Kathy Lundborg, Water Manager; Matt Twombly, Trails Project Manager; Clint Daley, Parks & Golf; Bret Howser, Analyst; Ken Fisher, Recreation Manager; Lloyd Evans, Chief of Police, Erick DeHaan, City Engineer; Alison Butz, Project Manager; Patrick Putt, Planning & Zoning Administrator

1. Council questions/comments

The meeting was preceded by a brief birthday celebration for Councilor Roger Harlan.

Marianne Cone reported on her trip to Sun Valley where wild fires are out of control; she expressed concerns about our area and requested discussion later in the meeting. She stated they utilize zebra crossings at crosswalks and requested that Staff gather information about Ketchum's pedestrian safety programs, which are very effective. She enjoyed the Less Coal Initiative presentation given by the Utah Physicians for a Health Environment; Wasatch Back Environmental Alliance discussed collaborative issues; and, the Inter Agency Task Force received an update about seniors' issues. She complimented Stacey Noonan for having an article in the Utah Business Section of the *Salt Lake Tribune* about the rink re-opening, and thanked UDOT for resurfacing Deer Valley Drive.

Roger Harlan thanked Human Resources for their kind birthday message. He commented that a number of trucks had been pulled over because they didn't meet inspection and encouraged Staff to keep safety a high priority. Just a year ago, Council had been in the area around Lake Tahoe that is now on fire and he stressed the need for vigilance of the City, Summit County and Wasatch County in fire prevention efforts

Jim Hier reported that the Inter Agency Task Force discussed solid waste management and noted the City and Snyderville Basin Water Reclamation District were partnering with the County to select a long range planning consultant. The Chamber Bureau Board approved its annual budget of $4,884,000, roughly 10% higher than last year. They discussed the Quick Start Program for which tickets are provided by the three local ski areas. In the past four years, they had seen over 100,000 redemptions and 38% of those were first-time visitors to the area. The Visitors' Centers are receiving about 120,000 visitors per year.

Candace Erickson reported the League of Cities and Towns Task Force crafted recommendations to the legislature that would allow any town to change its form of government “peacefully”; however, if there were objections from the Mayor or Council, it would require a vote of the people following two public hearings. Towns who currently have this form of government will be grandfathered. Tom Daley attended discussions on statewide water use. She had also attended the Less Coal Initiative presentation.

Mayor Williams attended the Jazz Foundation Board Meeting and encouraged them to pursue a green festival. He thanked Pace Erickson for the update regarding testing alternative applications of asphalt. He participated in the Less Coal Initiative presentation and discussed the severe impacts coal plants have on air quality.

2. Questions/comments on regular agenda - There were none.

3. Environmental Action Plan – Alison Butz, Project Manager, presented the Environmental Initiatives Action Plan, which had been refined to include the goals, policies and action steps. If Council approves this document, Staff will proceed with the top priority action steps and will provide monthly updates to the Environmental Liaisons and biannual updates to Council. As an example, Staff will implement an inventory of CO_2 emissions from City operations which will provide a starting point for exploring ways to reduce those emissions.

Joe Kernan suggested that when considering alternative energy sources, Staff also analyze CO_2 reduction, as well as costs of solar panels, wind power, etc. Candace Erickson concurred that would provide a better understanding because the return on investment may not be as high, but there may be better CO_2 return. Marianne Cone suggested an educational component about the geo-exchange system at the Police Facility. Ms. Butz agreed to add the additional analysis and stressed that education is in the forefront of Staff’s minds.

Mayor Williams proposed that Council Members have energy rating of their homes conducted by Rocky Mountain Power and publish the results. He felt it would be interesting to compare the ratings for their homes were located in various areas of the community.

Marianne Cone suggested using standardized lighting for the City’s facilities. Ms. Butz noted Staff was releasing an RFP for firms to conduct an energy audit for all City buildings. At the present time, lighting is not uniform which prohibits bulk purchasing. Staff hopes to eventually develop a standard system to create savings not only for electricity, but Building Maintenance time. Councilor Cone relayed citizen comments about the different styles of exterior lighting and Alison explained that neighborhoods throughout town intentionally had different looks to differentiate and define the areas. Ms. Butz summarized that Staff would return in

August with suggestions for the Marsac Building resulting from an energy analysis funded by Rocky Mountain Power.

Mayor Williams complimented the efforts and expressed a desire for the Sustainability Group to visit San Francisco's single stream recycling facility. Council members thanked Staff for their efforts.

Mayor Williams allowed time for public input since the item was scheduled for approval on Consent Agenda.

Insa Riepen, Executive Director of Recycle Utah, suggested the City encourage and provide monetary incentives for those who can't afford to have energy audits. She noted that San Francisco had banned plastic bags and was working to ban plastic water bottles and encouraged Park City to be second in line for those initiatives. She thanked City Officials for starting at the top. Council Members Hier and Erickson preferred helping with changes rather than audits.

Karen Dallett, local business owner and Wasatch Back Environmental Alliance member, felt the group was making great strides. She announced that she and Chris Cherniak will host a weekly radio program to encourage individual sustainability beginning July 8.

4. Water Drought Plan – Kathy Lundborg, Water Manager reported that following the declaration of Park City's Stage I Drought yesterday, consumption increased overnight by 100,000 gallons. Due to increased consumption and lower sources, Staff recently reviewed the Drought Plan and that prompted the proposed modifications because Staff identified areas of the plan that prohibited any flexibility for City operations. A Stage III Drought prohibits all outdoor watering and if the City cut off watering on the golf course and all recreational fields, it would create an unsafe environment. Clint Daley manages the Parks and Golf Water Conservation Plan and very careful management will be practiced during all stages of drought.

Ms. Lundborg reported that Judge Tunnel flows are down and Theriot Springs is producing only 820 gallons per minute, as opposed to 4,000 which is typical this time of year. She stressed water availability was not going to improve from a source standpoint; it would depend on management of consumption.

Roger Harlan asked whether there was an explanation for the 30% growth in usage. Ms. Lundborg reported that it appeared to be increased demand per unit because people began watering much earlier due to the heat and dry weather. She believed when people receive their current water bills conservation efforts may increase. She stated the Water Department was working with property managers to obtain emergency contacts and lists of properties, as well encouraging them to be proactive and monitor timers. She also noted they had been issuing warnings about conservation measures even prior to the Stage I Drought and now abusers will be cited and fined.

Joe Kernan asked how the Parks and Golf Water Reduction plan related to the three Drought Stages. Ms. Lundborg explained stages one through three of the Parks and Golf plan related directed to the drought ordinances, and stages four and five would be reserved for water emergencies where we actually shut people off for periods of the day. Mr. Kernan asked what to expect if we experienced Stage III Drought event; would restrictions be in effect for a week, or alternate a week on and a week off. Ms. Lundborg explained it would be dependent on how sources were doing and how much demand is lowered. When asked about shutting off areas on a rotating basis, Ms. Lundborg explained enforcement would be very difficult. She stressed it was overall peak demands that depleted the system and educating the public was a key factor in reducing use.

Ms. Lundborg referred to the difficulty of running the pump stations 24/7 and not being able to refill the tanks because of constant demand. She stressed that the City's fire storage was at risk. Roger Harlan expressed grave concern and wondered whether moving to Stages II and III would be enough. Ms. Lundborg believed storage could increase if there was no outdoor watering.

5. Election Update

Cindy LoPiccolo, Elections Official, reported that County Clerk Kent Jones had just confirmed that Optical Scan Voting Systems were an option. City Council can decide whether to use electronic voting machines or optical scan systems and the County will support it. The Staff Report provided detail analysis of the options and she requested direction from Council.

Marianne Cone noted the difference in prices and asked whether training costs were additional. Ms. LoPiccolo stated training costs were approximately $23 per person and we would provide training for the optical scan systems. There are other election costs; these prices are just for the systems.

Jim Hier asked whether we were considering central count, or precinct count systems. Ms. LoPiccolo explained Park City had the option for either, but Staff felt the central count system was better because it would reduce the need for support staff and allow all counting to be done on one machine. Candace Erickson suggested it might be more economical if other cities in the County shared a counting system. Based on Staff's recommendation, Council Members endorsed optical scan with centralized counting as outlined in Option 1.

6. Fire Issues - The meeting was running ahead of schedule, so Marianne Cone requested discussion about fire issues. She asked whether we could use the electronic signs to advertise high fire danger, even though we are unable to ban fireworks for the 4th of July celebration.

Chief Building Official and Fire Marshal, Ron Ivie, discussed the proposed Fireworks Ordinance Regulating the Use and Sale within Park City during the 2007 fire season. He referred to scientific measures of determining a dry vegetation index and believed the cold storm at the beginning of June kept moisture up long enough to delay drying sufficiently to institute an outright ban of fireworks for the 4th of July. He assured Council we would use all avenues to ensure the public knows Park City would have a nice public display and they should attend as opposed to using private fireworks. He noted if people opted to use a risky product, there are liability issues if there are accidents. He assured Council we had support from the fire district, neighboring districts and Summit County if we ban them. The proposed ban is effective July 8 through October 1, 2007.

Joe Kernan asked if there would be changes in the future that would allow cities to implement this type of ordinance any faster. Mr. Ivie explained the significant lobby from the fireworks industry and retail merchants associations behind the defeat of similar attempts.

Public Affairs Director Myles Rademan agreed to incorporate this with messaging regarding the Drought and would look into message boards as well.

7. Conduit financing for the United States Ski and Snowboard Association

Bret Howser, Financial Analyst, introduced Mark Lampe, CFO of United States Ski and Snowboard Association; Jerry Nowlin, Senior Vice President of Wells Fargo Public Finance; and, Blake Wade, Bond Counsel with Ballard & Spahr. He explained that USSA had approached the City to engage in conduit financing to help build the Center for Excellence at Quinn's Junction. Since this is the first time Park City might be doing this, he explained what conduit financing is and the policy created to govern such requests.

Mr. Howser explained that governmental entities are used as a pass-through for a non-profit entity to issue tax-exempt bonds at a better rate. The governmental entity does not pledge funds and has no legal liability for repayment; however, it does count toward the City's bank qualification threshold. He reviewed the administrative policy that Staff developed based primarily on 1) the purpose of the conduit financing; 2) credit-worthiness of the borrower; and 3) consideration of impact on City's ability to issue debt.

Mark Lampe, Chief Financial of the United States Ski and Snowboard Association, explained the long-awaited project would put the national headquarters and training center on the map. The facility will be state of the art and will not only provide training amenities, but testing and rehab centers. The Board approved spending $22.5 million to build and equip the building, and tax-exempt financing offered an opportunity to stretch their dollars.

Mr. Howser explained Staff evaluated the request in the context of the policy outlined and favorably recommended moving forward with the request to provide conduit financing for USSA.

Marianne Cone asked if this would affect a walkability bond. Bret Howser explained the bank qualification threshold applied to calendar years and the walkability bond would not be issued until 2008 if it were successful in the 2007 elections.

Mark Lampe explained their revenue stream was $40 million a year, and it was their mission to maximize money available for programs. They have $55 million in pledges towards their capital campaign, $30 million of which has already been given to them. They expect those endowment earnings to remain level and grow.

Mark Lampe indicated they hoped the bond would be priced and closed by mid-September, and funded by the end of September. They plan to begin construction in August and will bridge expenses from existing resources until the bond is in place.

Jim Hier fully supported this outstanding method for the City to participate at no risk. Other Council members concurred and supported moving forward.

Bret Howser indicated Staff would finalize agreements and the Parameters Resolution would be presented to Council on July 12 for adoption, followed by a public hearing in August, the bond resolution in September with bond issuance in late September. Roger Harlan asked what the savings were to USSA by utilizing this option and was informed it was roughly 1% per year or $200,000 per year over 20 years.

8. Dog Park-Quinn's Recreation Complex Recommendation – Matt Twombly, Project Manager, reviewed prior discussions with Council regarding a dog park at the base of PC Hill which resulted in direction to identify a site at Quinn's Junction. Staff enlisted the help of the facility architect and developed four potential sites. Staff recommended area two, and requested direction from Council to proceed with amendments to the Master Planned Development for the Quinn's Ice Arena and Sports Complex.

Mr. Twombly explained the road alignment shown on the exhibit was dependent on the ultimate location of the frontage road to the new Intermountain Health Care hospital, but Staff was confident of the location and would know within a month if that was approved by UDOT and what the timing would be. He added that IHC would complete the road construction and would pay for the parking lot reconfiguration and construction. They are also compensating the City for the subgrade work that was already done in that area.

Marianne Cone asked about the cost for irrigation and Matt Twombly explained it made sense to install the irrigation now for future use. If we don't make the connection prior to trail work and the other infrastructure, we would lose the possibility of doing that. The lawn area is not defined, but it would be within the dog park.

Roger Harlan asked whether these prices took into consideration appreciation for materials and labor. Mr. Twombly noted the greatest expense was fencing, but based on similar fencing that estimate was fairly close.

Council members believed this was a workable solution and applauded Staff's efforts.

Prepared by Sharon Bauman, Analyst II

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 28, 2007

I ROLL CALL

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II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan reported that USSA is a recycling customer. Candace Erickson received call from citizen regarding the condition of the cemetery and thanked the Parks Department for responding in a timely manner.

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

Randy Barton, founder of Mountain Town Stages, thanked the City for its past support. Urged the City to maintain vibrancy on Main Street and expressed concern about the potential loss of music on Lower Main Street. He talked about the difficulties of bringing music to the area. The stages in lower Main Street area are in jeopardy of being removed.

City Manager Bakaly noted these are in the Village on Main and the new owners had received complaints about the stage on the north end. The stages are allowed by ordinance, but removal is at the discretion of the management. Staff attempted to facilitate a solution, but the property owners elected to remove the stage.

Randy Barton thanked Staff for their efforts and requested that Council provide individual and group support to the effort to allow the stages to remain.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 14, 2007

Roger Harlan, "<u>I move approval of the work session notes and minutes of June 14, 2007 as modified by Joe Kernan</u>." Joe Kernan seconded. <u>Motion unanimously carried</u>.

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. <u>Consideration of an Ordinance regulating the use and sale of fireworks within Park City during the 2007 Fire Season</u> – Ron Ivie, Chief Building Official, was present to answer questions. The Mayor opened the public hearing, and with no comments, closed the hearing.

2. <u>Consideration of an Ordinance approving a one year extension of a subdivision of Lots 4, 27, 28, 29 and portions of Lots 5 and 6 of Block 3 of the Park City Survey, located at 315 Park Avenue, Park City, Utah</u> – Ray Milliner, Planner, reviewed the request for a one year extension to a plat amendment originally approved in 2006. There are no significant changes in the status of the property and Staff recommends that Council grant the extension pursuant to the Ordinance following their public hearing. Marianne Cone stated the historic house was gone and asked if this increased density. Mr. Milliner stated it combined 3½ lots into 2 lots. The footprint of house will be larger, but design plans have not been submitted. Mayor Williams opened the public hearing.

Marian Lintner, adjacent neighbor, asked whether this ordinance concerned the lots, or whether they were reviewing plans for the houses. She believed the code contained a loophole because it allowed a small portion (approximately 250 square feet) of the lot behind hers to be included in an adjacent lot. That increases build ability on the lots even though nothing can be constructed on that portion. She expressed a desire to purchase that piece of the lot. Planner Milliner explained the additional square footage would increase the footprint an additional 30 square feet.

With no further input, Mayor Williams closed the hearing.

3. <u>Consideration of an Ordinance amending Title 13, Water Code, of the Municipal Code of Park City, Utah to amend Section 13-1-26 to provide for reduced water consumption during drought or other emergency</u> – Kathy Lundborg, Water Manager, was present to answer questions. Council had discussed the issue during work session. Mayor Williams opened the public hearing.

Rory Murphy stated one cannot live in Utah and not understand the theory behind the drought ordinance and it makes common sense and should be supported. However, as a developer, he has new plantings that need water to survive. He wondered whether there could be a phased approach allowing discretion for watering schedules for new plantings.

Water Manager Kathy Lundborg clarified that Stage I Drought restrictions are voluntary, but require strict adherence to the Ordinance. Watering is allowed between 7PM and 10AM, every other day, but we will not benefit from Stage I or II Drought restrictions if exceptions are granted for new building.

Michael Cornu, Red Barn Design Build, stated they were involved in Rory Murphy's project as well as many in Empire Pass. Over the past 25 years, they have cut back on water use, used native grasses, and done their share voluntarily. He stressed they had taken strong approaches, created proactive designs and are voluntarily adhering to the Stage I Drought, but are very concerned about Stages II and III. He presented a sample application for exemption from water restrictions in drought emergency areas and asked Council to consider them.

Joe Kernan expressed curiosity about whether we could achieve goals by cutting back on lawns and established planting areas. He did not want to create an economic impact on people planting new things and would not have problem allowing Staff to make determinations that would allow hand watering for new plantings.

Jim Hier sympathized with the economic impact on the landscaping business as a whole, but he was not sure it was right to allow exceptions at this point in time. Marianne Cone concurred and noted they had to protect everybody. Mayor Williams hoped people would spread the word and stressed Council was concerned about having adequate water in the tanks for fire suppression. If people are careful, there should be no reason to proceed to Stages II or III.

Kathy Lundborg stressed this was based on prioritizing the health, safety and welfare of public. She was very concerned about experiencing major problems if they have to keep running the system as it is. Joe Kernan felt some quantification would be helpful to understand the demand per unit and she assured him they had begun analyzing this.

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Marianne Cone corrected Item 6, which should read "Park City Summit County Arts Council."

Marianne Cone, "I move approval of Consent Agenda Items 1-6 with the change to Item 6." Joe Kernan seconded. Motion unanimously approved.

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

1. Consideration to authorize the City Manager to enter into a purchase agreement in a form approved by the City Attorney's Office with Yeadon Fabric Domes, Inc. in the amount of $190,500 to purchase a new tennis bubble for the Racquet Club – Ken Fisher, Recreation Manager, stated the existing bubble has been in place for 13 years. Per a discussion with Jim Hier, he reported the bubble generates approximately $50,000 in gross revenue during the six months it is in place and the courts are booked 30% of the time. He explained it was constructed of very resilient fabric and had only been knocked down three times in the past 13 years. Roger Harlan stated he was on Council when they first authorized the purchase of the bubble and was impressed at its longevity. He felt it was an excellent investment. Ken Fisher stated they would try dispose of the old bubble either through auction or the supplier. There was no public input.

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IX ADDITIONAL DISCUSSION – AGENDA ITEMS - There was none.

X ADJOURNMENT

With no further business, the regular meeting fo the City Council was adjourned at 6:50 p.m.

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

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Prepared by Sharon Bauman, Analyst II.

Special Events and Facilities Department

City Council Staff Report

Author: **Max Paap**
Subject: **Relay for Life**
Date: **July 12, 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 Relay for Life, as conditioned, on August 17 -18, 2007 to be held at the Park City Ice Arena & Sports Complex.

Description:

Topic:
Review the Master Festival License Application, submitted by the American Cancer Society, for the Relay for Life on August 17 - 18, 2007.

Background:
The American Cancer Society submitted an application requesting a Master Festival License to hold an event to raise Cancer awareness, provide education on Cancer research and raise money to help in the fight against Cancer. This event has been previously held at Dozier Field and the North 40 Field in Park City. The Relay for Life is one of the American Cancer Society's largest fund raisers nationwide. The event would run from 6:00 pm on Friday, August 17 until 6:00 am on Saturday, August 18, 2007.

The Relay for Life 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. On February 8, 2007 Council adopted a strategic plan for Park City Ice Arena that directs Staff to focus on facilitating public ice skating programs and events that support program growth while supporting economic development through on and off ice recreational and educational events. The Relay for Life is consistent with this plan.

Analysis:
The event organizers have requested to hold their event on August 17 - 18, 2007. The event would begin at 6:00 pm at the Park City Arena & Sports Complex and

conclude at 6:00 am. This application is being reviewed as a Master Festival License due to the request for use of City property.

Outdoor Activities
Outdoor activities will include a recreational walking track around Field ‘A’, the Stadium Field,; a bouncehouse, and the display of luminaries that symbolize Cancer survivors. Activities will be conducted on Field ‘A’ only and use of the parking lot adjacent to the arena.

Indoor Activities
Indoor activities will include free public skating, skating exhibitions, 3-on-3 hockey games, and broomball. Any need for public restrooms can be accommodated within the ice arenas’ public restrooms and locker rooms. Should there be inclement weather, all activities could be moved indoors. The organizers have met with PCMC staff to ensure that all events that occur will not adversely affect public safety.

Parking
Parking for this event can be accommodated completely on-site. The organizer has made provisions for any ADA spaces that may be needed and provided a drop-off space near the arena. The organizer has also agreed to staff the parking areas to ensure maximum use and safety.

Department Review:
All applicable departments have reviewed the Relay for Life and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing the Relay for Life as described. This is staff’s recommendation
Deny the Request:
Deny the Master Festival License, preventing the addition of the Relay for Life 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 Relay for Life. The activities will be contained within described venues and will conclude by 6:00 am.

Consequences of not taking the recommended action:
The Relay for Life would not take place.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Relay for Life on August 17 - 18, 2006 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Relay for Life will be held Friday, August 17 – Saturday, August 18, 2007. The event will last from 6:00 pm to 6:00 am and will occur at Park City Ice Arena & Sports Complex.
2. Parking for the anticipated crowd of 300 - 500 people can be accommodated with the existing parking in and around the venue. The conduct of the Relay for Life 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 Relay for Life 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 Park City Ice Arena & Sports Complex. 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 Relay for Life 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	**Relay for Life**	**Quinn's Recreation Complex**	**6PM-8AM**	**300 - 500**
August 17, 18, 19	RAD Antique Market	Treasure Mountain Middle School	9AM-7PM Daily	50 people per hour
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	Snow Park Lodge	6:00PM-	5,000

	Festival	Outdoor Amphitheatre Deer Valley	10:00PM	
August 18	Mountain Town Stages	Main Street	1:30PM-5:00PM	100
August 18	The Shop Yoga Studio – 10th Anniversary	1167 Woodside Avenue	2:00PM-8:00PM	200

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. 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.
3. 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-

SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i
A completed electronic copy submitted to the Special Events Department is required.

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: Relay for Life

EVENT DATE(S): Friday, August 17th -18th

EVENT TIME(S): 17th starting @ 4pm ending Aug.18th @ 6 a.m.

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Quinn's Junction Field

ANTICIPATED ATTENDANCE: 200-300

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
This is one of the largest fundraisers for the American Cancer Society. There will be entertainment and activities throughout the evening. Participants will be walking around the track for 12 hours. There will be food provided. Silent Auction, games, bands, movies are some of the activites planned for the evening.

APPLICANT: *(name of organization)* Relay for Life

CONTACTS

Event Manager: Stephanie Ruyle
Mailing Address: 2756 Gallivan Loop, Park City, UT 84060
Phone: 435-649-0017 Fax:
Cell Phone: 817-793-9825
E-Mail: smruy@yahoo.com

Assistant Event Manager: Judy Westgard
Mailing Address:
Phone: 435-645-6667 Fax:
Cell Phone: 435-640-2614
E-Mail: jwestgard@deervalley.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

4. 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:

5.

6. Park City Municipal Corporation

7. Attn: Special Events and Facilities

8. P.O. Box 1480

9. Park City, UT 84060

10.

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

Subject: **Relay for Life Resolution**
American Cancer Society
Author: **Jan Scott, City Recorder**
Date: **July 12, 2007**
Type of Item: **Legislative**

EXECUTIVE

Summary Recommendations: Approve the Proclamation contingent on favorable consideration of the Master Festival License.

Background: The American Cancer Society requested that the Mayor and City Council consider a proclamation to raise awareness in the community about its activities and to promote fund-raising efforts. The following email from Susan Morrell provides some information on their efforts:

> *Per our conversation, attached is the proclamation we'd like Mayor Williams to present at the weekly meeting on the evening of June 21 (6 p.m.). As I mentioned, the purpose of the proclamation is a publicity opportunity for the Relay so that we can get more teams, volunteers and sponsors to join us. We are declaring it the 'summer' of the Relay because, even though the Relay itself is August 17-18, it is the culmination of the hard work done since April by the teams to raise funds. At the Relay, we honor survivors, commemorate victims, walk the relay course and acknowledge the donations raised and dedication shown over the summer for the success of the event.*
> *This is Park City's fifth annual relay, and we really want it to be the biggest and best ever. (Last year's got very little publicity, which meant very little attendance and minimal funds raised.)*
>
> *Please let me know the time and place when our Event Chair, Stephanie Ruyle, and other board members can arrive at this meeting, along with someone from the Park Record to take a photo of the Mayor presenting the proclamation. I can be reached weekdays at work at 645-6592 if you have any questions.*
>
> *Thank you and Mayor Williams for your assistance in this event.*
>
> *Susan Morrell*
> *Publicity Chair*
> *Park City Relay For Life*

Visit www.parkcityjournal.com's Park City ACS Relay For Life link for more information.

Topic/Department Review: Staff is exploring practices in other communities and considering developing policies for Council to consider for issuing proclamations.

Recommendation: Approve the Proclamation contingent on favorable consideration of the Master Festival License.

Resolution Proclaiming Relay for Life Summer
In Park City, Utah
And Honoring the American Cancer Society

Whereas, The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer through research, education, advocacy and service; and

Whereas, by these efforts the overall, age-adjusted cancer mortality rate is declining for the first time in human history and will continue to do so; and

Whereas, People are alive today because the knowledge we have gained has translated directly into prevention, early detection and improved treatment; and

Whereas, *Relay For Life* is the national signature event of the American Cancer Society and has just surpassed $1.5 billion dollars in funds raised since the first Relay For Life held in 1985, and

Whereas, The *Relay For Life* is unique in this community in that it blends fundraising, cancer awareness and prevention activities, fellowship and support for cancer survivors; and

Whereas, The Park City unit of the American Cancer Society will hold its fifth annual *Relay For Life* on August 17 to 18, 2007 with the goal of raising more than $50,000, honoring over 100 cancer survivors, and

Whereas, *Relay for Life* is about being a community that takes up the fight against cancer; and

Whereas, there is no finish line until we find a cure,

Now, therefore be it Resolved, that the Mayor and City Council hereby proclaim Park City an official "Relay for Life City," and further be it resolved that the summer of 2007 be designated as "Relay For Life Summer in Park City" as we join the American Cancer Society in the fight against cancer.

Passed and adopted this 12th day of July, 2007.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author: Katie Cattan
Subject: 964 Empire Avenue
Date: July 12, 2007
Type of Item: Administrative - Plat Amendment

Summary Recommendations

Staff recommends that the City Council conduct a public hearing and consider approving the 964 Empire Avenue Replat based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant:	Elliot Workgroup Architecture
Location:	964 Empire Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Use:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

The applicant is representing the owner of Lots 17 and 18 of Block 15, of Snyder's Addition to the Park City Survey. On May 10, 2007, the City received a completed application to combine these properties into one lot of record. The two existing lots are 25' x 75' in dimensions. By combining the two lots into one lot of record the new dimensions of the proposed lot would be approximately 50' x 75'. There is one existing historic single family home located on the two lots.

On February 28, 2007 and March 14, 2007, the Planning Commission reviewed an application for a Conditional Use Permit to request an exception to the standard setbacks for a 25' x 75' lot pursuant to LMC 15-2.2-4 for Lot 17. The application was also reviewed for a steep slope Conditional Use Permit and request of a height exception. The historic home is 25' wide and historically existed across the center lot line. The Planning Commission found that due to the applicant's proposal to move the home from the existing historic location onto one lot the home was no longer a valid complying structure with the benefit of exceptions.

The applicant wishes to combine Lots 17 and 18 into one lot of record to facilitate an addition onto the historic home. The addition would otherwise be across a lot line and a building permit cannot be issued for construction across a lot line.

The applicant will be required to submit an application for a Historic District Design Review and a Steep Slope Condition Use Permit for the proposed addition. New plans have not been submitted at the time of writing this report.

The Planning Commission heard the plat amendment application during the regular meeting on June 13th, 2007, and forwarded a unanimous positive recommendation. There was no public input.

Analysis

The purpose of the application is to combine the two properties into one lot of record. This plat amendment will create one lot of record with 50' x 75' (3,750 square feet) in dimensions. The lot will be required to have 5' side yard setbacks, 10' front and rear setbacks and a maximum footprint of 1,519 square feet. The maximum height allowed for the lot will be 27' above existing grade. If the historic home is relocated on the lot outside the original footprint of the historically significant portion of the house, the historic home must comply with all requirements of the LMC. If the historic home is relocated on the lot in the exact location of the original footprint of the historically significant portion of the house, the historic home will be considered a valid complying structure per 15-2.2-4 of the LMC. Any addition will have to comply with the requirements of the LMC.

Planning Staff finds there is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed addition to the home. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal plat amendment complies with requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements, as outlined below:

	Permitted
Height	27'
Front setback	10'
Rear setback	10'
Side setbacks	5' min, 10' total
Lot size	1,875 square feet minimum
Footprint	1,519 square feet maximum
Parking	2 spaces

The property is located in the HR-1 zone. Therefore, the applicant must meet the criteria for the construction of a single-family home in the Historic District Design Guidelines and Land Management Code Chapter 15-2.2 prior to the issue of a building permit.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on May 22, 2007 where representatives from local utilities and City Staff were in attendance. No further issues were brought up at that time.

Notice
Notice of this hearing was sent to property owners within 300' on May 23, 2007. Legal notice was also put in the Park Record.

Public Input
No comments have been received by staff at the date of this writing.

Alternatives
1. The City Council may approve the 964 Empire Avenue Replat as conditioned or amended; or
2. The City Council may deny the 964 Empire Avenue Replat and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion on the 964 Empire Avenue Replat.

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

Consequences of not taking the Suggested Recommendation
The historic structure would be required to be stabilized in the location in which it historically existed across the existing lot lines. Demolition by neglect could result.

Recommendation
Staff recommends that the City Council hold a public hearing for the 964 Empire Avenue Replat and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Replat

Ordinance No. 07-

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

WHEREAS, the owner of the property known as 964 Empire Avenue, has petitioned the City Council for approval of a Replat; 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 964 Empire Avenue Replat.

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 approve the 964 Empire Avenue Replat; and

WHEREAS, it is in the best interest of Park City Utah to approve the 964 Empire Avenue Replat.

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 964 Empire Avenue Replat 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 964 Empire Avenue.
2. The zoning is Historic Residential (HR-1).
3. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
4. The amendment will combine two lots into one lot of record.
5. There is an existing historic single family home on the property.
6. Access to the property is from Empire Avenue.
7. The existing lots each measure 25' x 75'.
8. The proposed lot measures 50' x 75'.
9. The proposed lot is 3,750 square feet in size.
10. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
11. The maximum building footprint for the proposed lot is 1,519 square feet.

12. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
13. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
14. Minimal construction staging area is available along Empire Avenue and 10th Street.

Conclusions of Law:

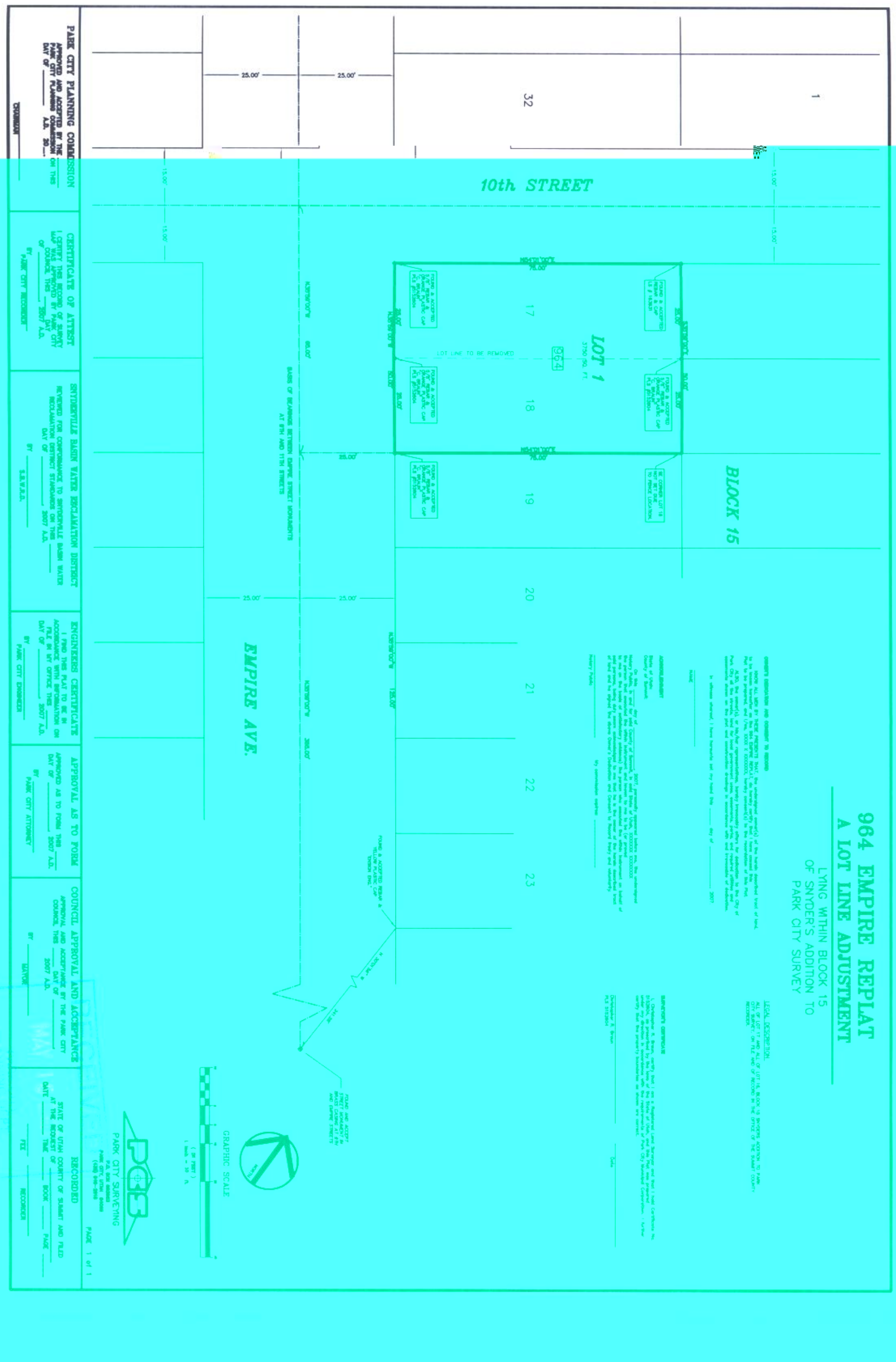
1. There is good cause for this Replat.
2. The Replat is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed Replat.
4. As conditioned the Replat is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Steep Slope Conditional Use Permit review and approval by the Planning Commission.
4. If the historic home is relocated on the lot outside the original footprint of the historically significant portion of the house, the historic home must comply with all requirements of the LMC.
5. The applicant will record the Replat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 12th day of July 2007.


964 EMPIRE REPLAT
A LOT LINE ADJUSTMENT
LYING WITHIN BLOCK 15
OF SNYDER'S ADDITION TO
PARK CITY SURVEY
10th STREET
EMPIRE AVE.
BLOCK 15
LOT 1
LOT LINE TO BE REMOVED
GRAPHIC SCALE
PARK CITY SURVEYING
PARK CITY PLANNING COMMISSION
CERTIFICATE OF ATTEST
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
ENGINEERS CERTIFICATE
APPROVAL AS TO FORM
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED

PARK CITY 1884
PLANNING DEPARTMENT

City Council
Staff Report

Author: Ray Milliner
Subject: AMENDED RECORD OF SURVEY MAP STAG LODGE COMMON AREA RECORD OF SURVEY PLAT
Date: July 12, 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 an additional mechanical structure.

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.

Analysis

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 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 Planning Commission and City Council do 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
No public input has been received by the time of this report.

Alternatives

- The City Council may approve the Amended Record of Survey Map Stag Lodge Common Area record of survey plat as conditioned or amended; 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
There are no significant fiscal or environmental impacts from this application.

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 may continue.

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 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. 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.

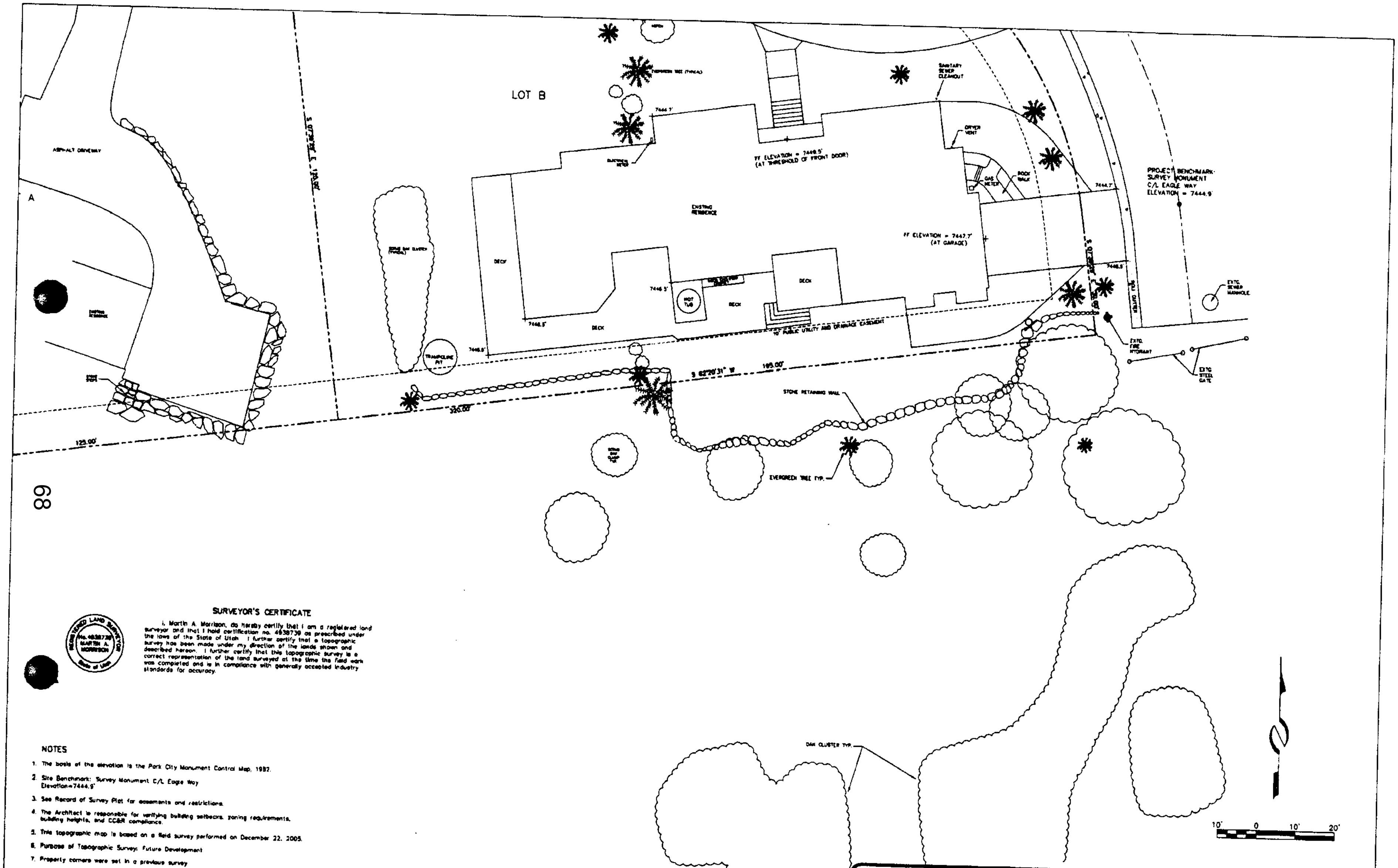
Conclusions of Law:
1. There is good cause for this record of survey amendment.
2. The record of survey amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed record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

PASSED AND ADOPTED this 12th day of July, 2007.

Exhibits
Exhibit A – Record of Survey plat



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

REGISTERED LAND SURVEYOR
No. 4938739
MARTIN A. MORRISON
State of Utah

NOTES

1. The basis of the elevation is the Park City Monument Control Map, 1982.
2. Site Benchmark: Survey Monument C/L Eagle Way Elevation=7444.9'
3. See Record of Survey Plat for easements and restrictions.
4. The Architect is responsible for verifying building setbacks, zoning requirements, building heights, and CC&R compliance.
5. This topographic map is based on a field survey performed on December 22, 2005.
6. Purpose of Topographic Survey: Future Development
7. Property corners were set in a previous survey

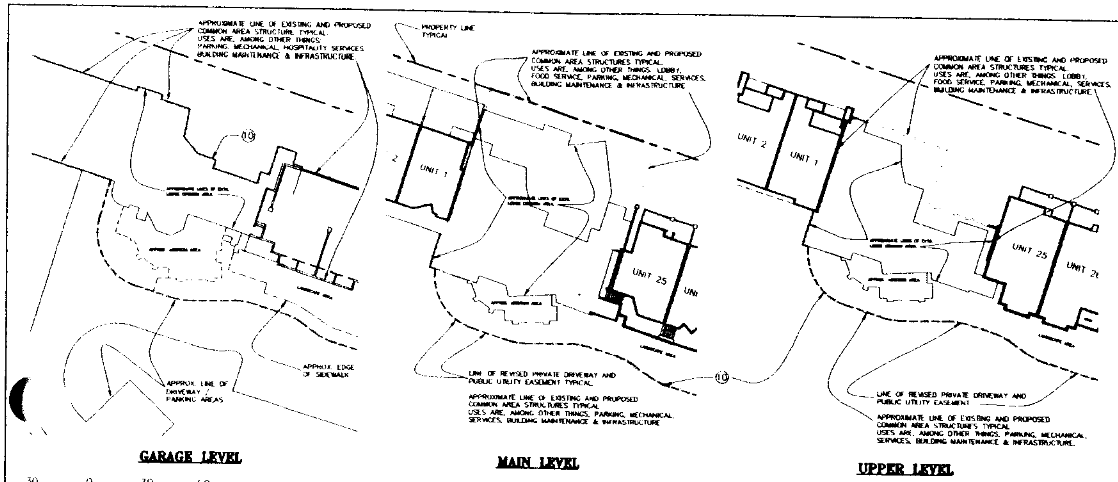
STAFF:
MARTY MORRISON
BLAKE MYERS
MARSHALL KING
MICHAEL DEMKOWICZ

DATE: 1/23/06

TOPOGRAPHIC MAP/EXISTING CONDITIONS
AERIE PHASE 1 SUBDIVISION
LOT B

FOR: KAREN MARRIOTT
JOB NO.: 3-11-05
FILE: X:\Aerie\dwg\srv\topo05\031105.dwg

SHEET 1 OF 1



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 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 ____________

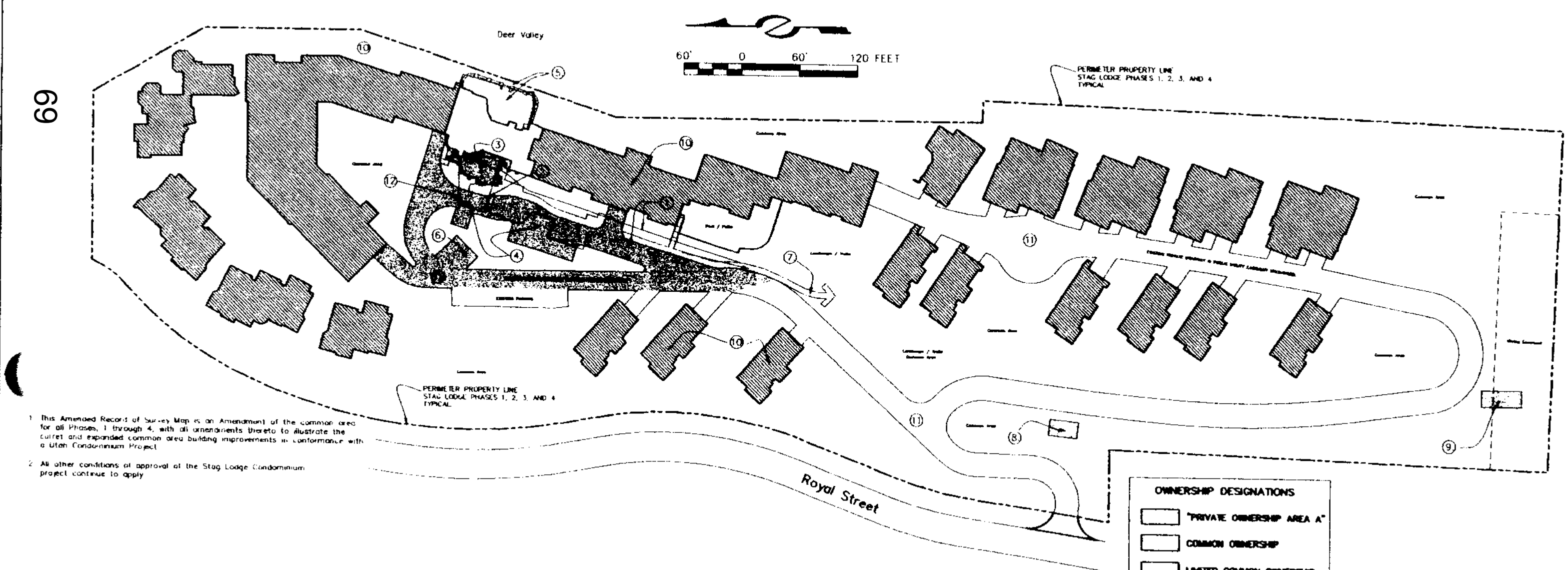
On this _____ day of ____________, 2007, personally appeared before me, the undersigned Notary Public, in and for said County and State, Robert S. Carpenter, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's 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. (1963) 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 ____________



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

RECEIVED
MAR 14 2007
PARK CITY PLANNING DEPT.

AMENDED 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

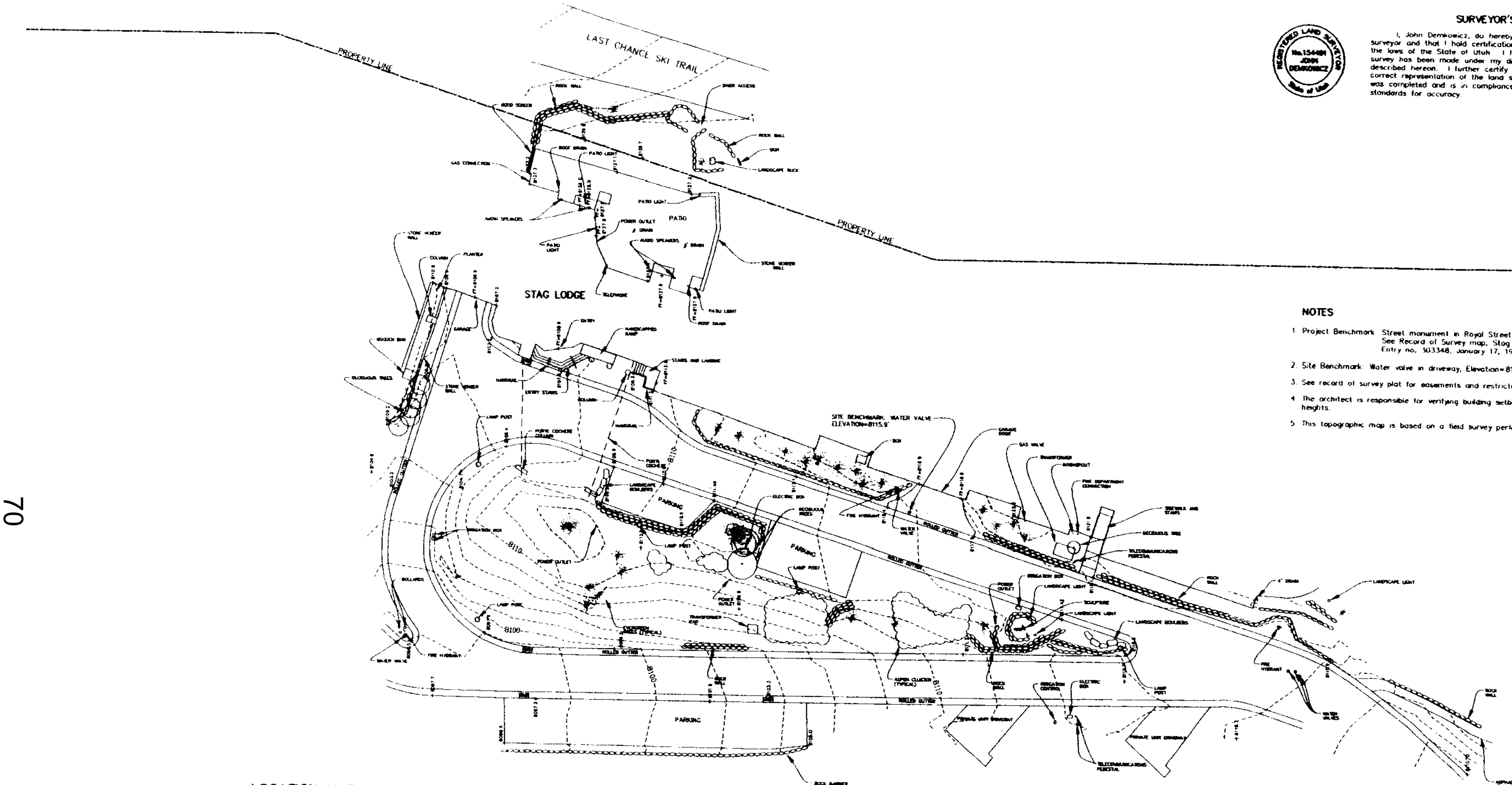
JOB NO.: 3-11-06 FILE: x:\sl\dwg\021407AMENDMNT\PLAT SHT01

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

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold certification no. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

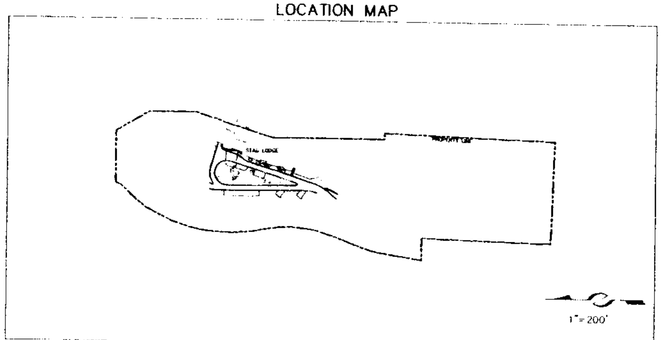
REGISTERED LAND SURVEYOR No.154491 JOHN DEMKOWICZ State of Utah



NOTES

1. Project Benchmark: Street monument in Royal Street East, Elevation=8079.50'
   See Record of Survey map, Stag Lodge Phase II
   Entry no. 303348, January 17, 1989
2. Site Benchmark: Water valve in driveway, Elevation=8115.9'
3. See record of survey plat for easements and restrictions.
4. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
5. This topographic map is based on a field survey performed on November 9, 2006.

LOCATION MAP



RECEIVED
MAR 14 2007
PARK CITY
PLANNING DEPT

Alliance Engineering (435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
STEVE DECKERT
MARSHALL KING
BLAKE MYERS
STEVE SCHUELER

DATE: 1/15/07

EXISTING CONDITIONS
STAG LODGE

FOR: STAG LODGE HOMEOWNERS ASSOCIATION
JOB NO.: 3-11-06
FILE: X:\SL\dwg\srv\topo06\031106.dwg

SHEET 1 OF 1

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Author: Ray Milliner
Subject: The Third Amended Condominium Plat of Snow Flower Condominiums
Date: July 12, 2007
Type of Item: Administrative – Record of Survey Amendment

Summary Recommendations
Staff recommends the City Council conduct a public hearing for the Third Amended Condominium Plat of Snow Flower Condominiums 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:	Kenneth and Patricia Scott
Location:	401 Silver King Drive
Zoning:	Recreation Commercial (RC)
Adjacent Land Uses:	Multi – Unit residential and Commercial, Resort
Reason for Review:	Record of Survey plat amendments require Planning Commission review and City Council approval

Background
On April 17, 2007 the City received a completed application for the Third Amended Condominium Plat of Snow Flower Condominiums record of survey plat amendment. The property (commonly known as the Snow Flower Condominiums) is located at 401 Silver King Drive in the Recreation Commercial (RC) zone. The proposed record of survey will accommodate a proposed interior expansion of unit #76 by extending the second floor over an “open to below” section of the unit and a small exterior area for a deck. No expansion of the existing building footprint is proposed.

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.

Analysis
The floor expansion is entirely within the existing unit, therefore no expansion of the footprint is proposed and no changes to the required open space calculations are necessary (the proposed deck does not count toward the open space calculations). The unit has three assigned parking spaces on the Snow Flower site, Section 15-2-3 requires that condominiums of greater than 2,500 square feet have 3 parking spaces. Therefore all parking requirements for the property are met. The proposed unit size will increase to 2,612 square feet, from 2,378 square feet.

Staff finds good cause with the application because there is no expansion of the existing footprint of the condominium, and parking requirements are satisfied.

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

Alternatives

- The City Council may approve the Third Amended Condominium Plat of Snow Flower Condominiums record of survey plat as conditioned or amended; or
- The City Council may deny the Third Amended Condominium Plat of Snow Flower Condominiums record of survey plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on for the Third Amended Condominium Plat of Snow Flower Condominiums record of survey plat.

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

Consequences of not taking the Suggested Recommendation
The plat would remain as is, and the applicant would not be able to enclose the open area or add the deck.

Recommendation
Staff recommends the City Council conduct a public hearing for the Third Amended Condominium Plat of Snow Flower Condominiums 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 THIRD AMENDED CONDOMINIUM PLAT OF SNOW FLOWER CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 401 SILVER KING DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 401 Silver King Drive, #76 have petitioned the City Council for approval of the Third Amended Condominium Plat of Snow Flower Condominiums 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 approved the Third Amended Condominium Plat of Snow Flower Condominiums 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 Third Amended Condominium Plat of Snow Flower Condominiums 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 401 Silver King Drive unit #76, in the Recreation Commercial (RC) zone.
2. The RC zone is a mix of larger residential homes, multi-unit properties and resort related commercial uses.
3. There is an existing non-historic condominium on the property.
4. No expansion of the existing building footprint is proposed.
5. The unit under review has three on-site parking spaces. Condominiums of greater than 2,500 square feet require three parking spaces. The amended size of the unit will be 2,612 square feet.

6. All utilities, including sewer and water are available on site.

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:

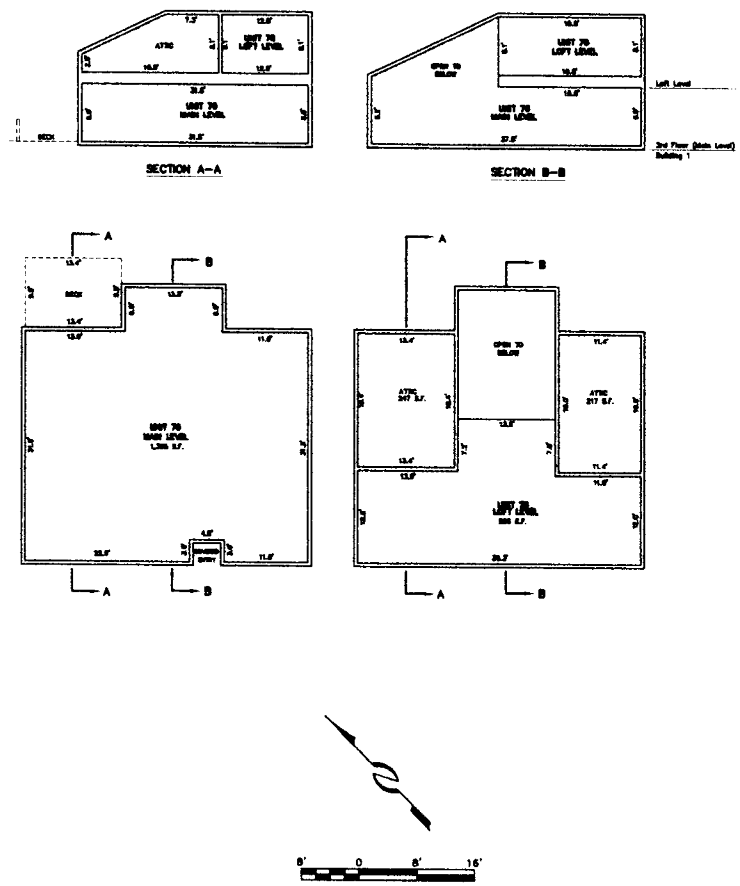
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within 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.

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

PASSED AND ADOPTED this 12th day of July, 2007.

Exhibits

Exhibit A – Record of Survey plat



LEGEND

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

NOTES

1. This Amended Record of Condominium Plat reflects the expansion of ownership in Unit 76.
2. For complete description and dimensions of other units and garage spaces, refer to the Record of Condominium Plat of Snow Flower Condominiums, Recorded No. 148678 in the Summit County Recorder's Office.
3. All notes and conditions on the Snow Flower Condominium Plat remain in full force and effect except as amended hereon.
4. Unit 76 is located in Building No. 2, 3rd floor and loft, as described in the Snow Flower Condominium Plat, recorded September 25, 1978, #148678.

THIRD AMENDED CONDOMINIUM PLAT OF

SNOW FLOWER CONDOMINIUMS

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have prepared this Third Amended Condominium Plat of the Snow Flower Condominiums in accordance with the Utah Condominium Act.

John Demkowicz ____________ Date ____________

BOUNDARY DESCRIPTION

Unit No. 76, contained within THE SNOW FLOWER CONDOMINIUMS, together with an undivided ownership interest in the Common Areas and Facilities, as the same are identified in the Record of Survey Map recorded in Summit County, Utah as Entry No. 148678 and in Declaration of Covenants, Conditions and Restrictions and Bylaws of THE SNOW FLOWER CONDOMINIUMS recorded in Summit County, Utah on September 25, 1978, as Entry No. 148679 in Book 120 at Page 274 of Official Records.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owners of Unit No. 76, Snow Flower Condominiums, a Utah Condominium Project, hereby consents to the recording of this Second Amended Condominium Plat of Snow Flower Condominiums. The owners signing this plat represent that the amendment has received their approval, which consent is recited in and evidenced by the execution of the Amendment to Condominium Declarations, which is recorded as Entry No. 758468, Book 1746, Pages 1191–1198, in the Office of the Summit County Recorder.

Kenneth T. Scott, Owner, Unit 76 ____________ Date ____________

Patricia D. Scott, Owner, Unit 76 ____________ Date ____________

ACKNOWLEDGMENT

State of ____________)
:ss
County of ____________)

On this ______ day of ______________, 2007, personally appeared before me, the undersigned Notary Public, in and for said state and county, the signer of the above Owner's Dedication and Consent to Record, Kenneth T. Scott and Patricia D. Scott, owners of Unit 76, Snow Flower Condominiums, who acknowledged that he signed the above Owner's Dedication freely and voluntarily.

____
Notary Public

____
Printed Name

Residing in: ____________

My commission expires: ____________

OWNER'S DEDICATION AND CONSENT TO RECORD

The Snow Flower Condominium Owners Association hereby consents to the recording of this Second Amended Record of Condominium Plat of Snow Flower Condominiums. The officer signing this plat represents that the amendment has received the approval of all of the owners of condominium units, which consent is recited in and evidenced by the execution of the Amendment to Condominium Declarations, which is recorded as Entry No. 758468, Book 1746, Pages 1191–1198, in the Office of the Summit County Recorder.

Dated this ________ day of ________ 2007

Snow Flower Condominium Owners Association

by: ____________
President

ACKNOWLEDGMENT

State of ____________:
:ss
County of ____________:

On this ______ day of ______________, 2007, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, ______________ acknowledged to me that he is the president of Snow Flower Condominiums and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Notary Public

____
Printed Name

Residing in: ____________

My commission expires: ____________

PAGE 1 OF 1

JOB NO.: 9-8-06 FILE: I:\ParkCityMtnResort\dwg\SnowFlower\Unit 76.dwg

(435) 649-9467	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
Alliance	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 24TH DAY OF MAY, 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 1ST DAY OF JUNE, 2007 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 1ST DAY OF JUNE, 2007 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED ... BOOK ____ PAGE ____ FEE ____ RECORDER

RECEIVED
APR 17 2007
PARK CITY

City Council
Staff Report

Author:	**Ray Milliner**
Subject:	**First Amendment Lot B of Eagle Way Plat Amendment**
Date:	**July 12, 2007**
Type of Item:	**Administrative – Plat Amendment**

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing on the First Amendment Lot B of Eagle Way Plat Amendment 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:	Karen Marriott
Location:	1460 Eagle Way
Zoning:	Single Family (SF) and Estate (E)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On August 31, 2007, the City received a completed application for First Amendment Lot B of Eagle Way Plat Amendment. The property is located at 1460 Eagle Way in the Single Family (SF) zone. There is an existing single family home on the property. The applicant is also the owner of a 3.3 acre metes and bounds parcel located directly behind her single family lot. The parcel is in the Estate zone. Access to both the platted lot and the metes and bounds parcel is from existing Eagle Way.

The applicant proposes to subdivide the metes and bounds parcel into one 3.0 acre lot of record in the Estate zone and to take the remaining .3 acres of the parcel and attach it to Lot B of the Eagle Way Subdivision. The purpose of the subdivision is to accommodate an addition to the rear of the existing home on Lot B and to convert the metes and bounds parcel into a lot of record.

Analysis

The property is located in both the Single Family and Estate zones. The proposed plat amendment will create a single lot of approximately 3.0 acres and increase the size of an existing lot by approximately .3 acres. Section 15-2.10-3 of the Land Management Code states that the minimum lot size for the Estate zone is 3 acres. The remaining .3 acres that the applicant would like to add to Lot B is also in the Estate zone. Staff finds that because this small section of property is proposed to be added to a platted legal lot of record, the plat amendment is appropriate as the use of a single family home on the property will not change. However, because the .3 acre section is in the E zone, all setback and height requirements for that zone will apply to any construction in that zone (30 feet from all property lines).

Eagle Way terminates at the property line of the metes and bounds parcel. Therefore, access to adjacent properties from the end of Eagle Way will not be available as there is no access easement proposed on this plat. At the time of this report, staff has received no information from adjacent property owners indicating that an access easement is necessary or desired. Therefore, staff recommends that the plat remain as proposed.

Staff finds good cause for this plat amendment as all contiguous property owned by the applicant is included in this subdivision, and it will be subdivided into one lot of record or added into an existing lot. Staff further finds that no material harm will come to any adjacent property owners as access to adjacent properties remains unchanged by this subdivision.

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

No public input regarding the plat amendment has been received at the time of this writing.

Alternatives

- The City Council may approve the First Amendment Lot B of Eagle Way Plat Amendment subdivision as conditioned or amended, or
- The City Council may deny the First Amendment Lot B of Eagle Way Plat Amendment subdivision and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the First Amendment Lot B of Eagle Way Plat Amendment subdivision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The building would remain as is and no additional construction could take place across the existing lot lines.

Recommendation

Staff recommends the City Council hold a public hearing on the First Amendment Lot B of Eagle Way Plat Amendment 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 – Site Survey

Ordinance No. 07-

AN ORDINANCE APPROVING THE FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT LOCATED AT 1460 EAGLE WAY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1460 Eagle Way have petitioned the City Council for approval of the First Amendment Lot B of Eagle Way Plat Amendment 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 July 12, 2007, the City Council held a public hearing and approved the First Amendment Lot B of Eagle Way Plat Amendment 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 are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 1460 Eagle Way in the Single Family (SF) and Estate (E) zones.
2. The SF zone is a residential zone characterized by a mix of larger contemporary buildings and moderate sized structures.
3. The E zone is a residential zone characterized of larger single family lots with contemporary single family homes and open space.
4. The applicant is the owner of Lot B of the Eagle Way Subdivision and a 3.3 acre metes and bounds parcel directly adjacent to Lot B.
5. The applicant is proposing to subdivide the metes and bounds parcel into one lot of record 3.0 acres in size and to add .3 acres to existing Lot B of the Eagle Way Subdivision.

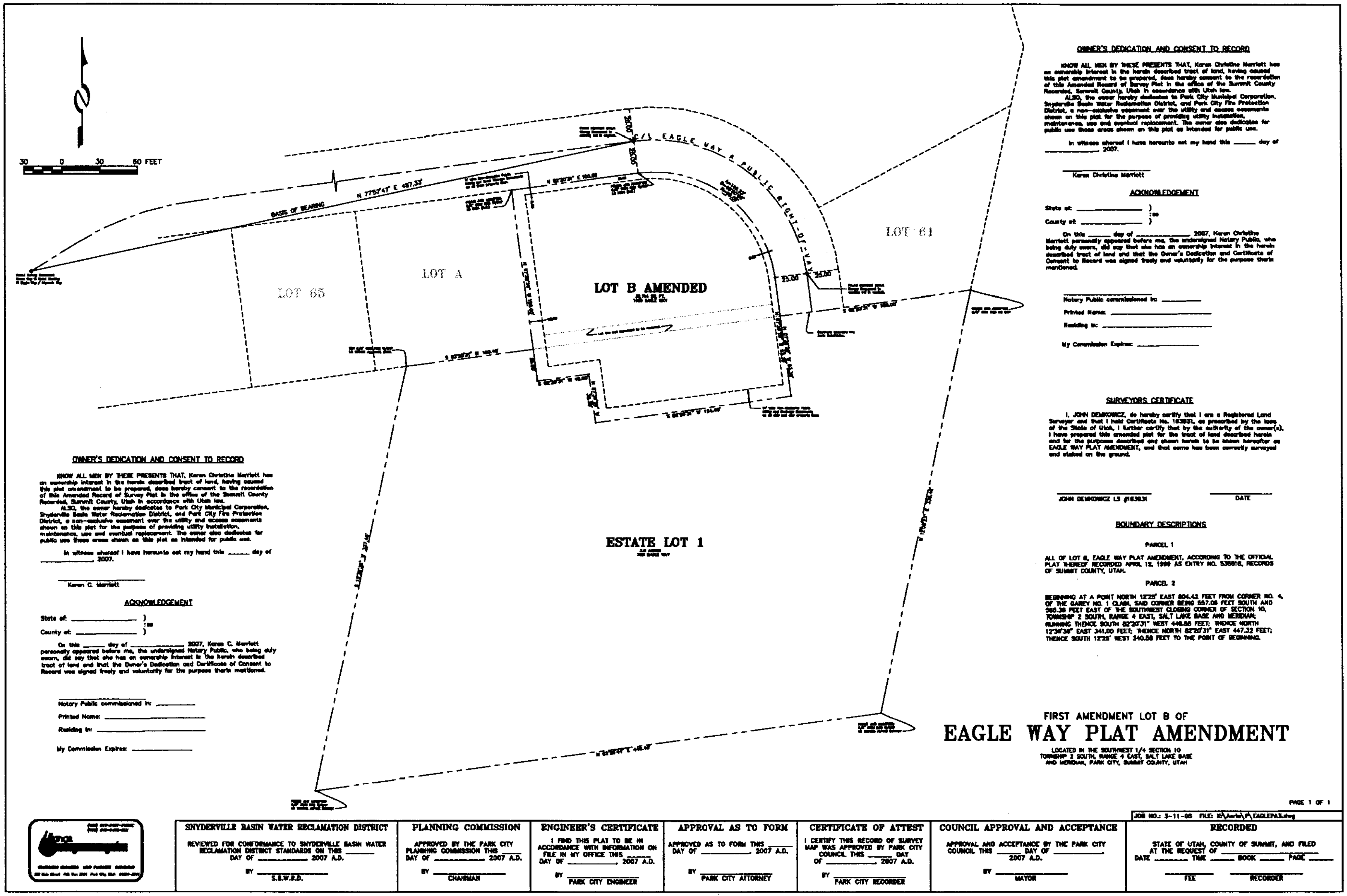
6. There is a single family home on Lot B of the Eagle Way Subdivision, formerly known as Lot 62 and part of Lot 63 of the Aerie Subdivision.
7. The property fronts, and receives access from Eagle Way.
8. Setbacks for the E zone are 30 feet from all property lines.
9. The applicant would like to build a garage addition on the existing home on Lot B.

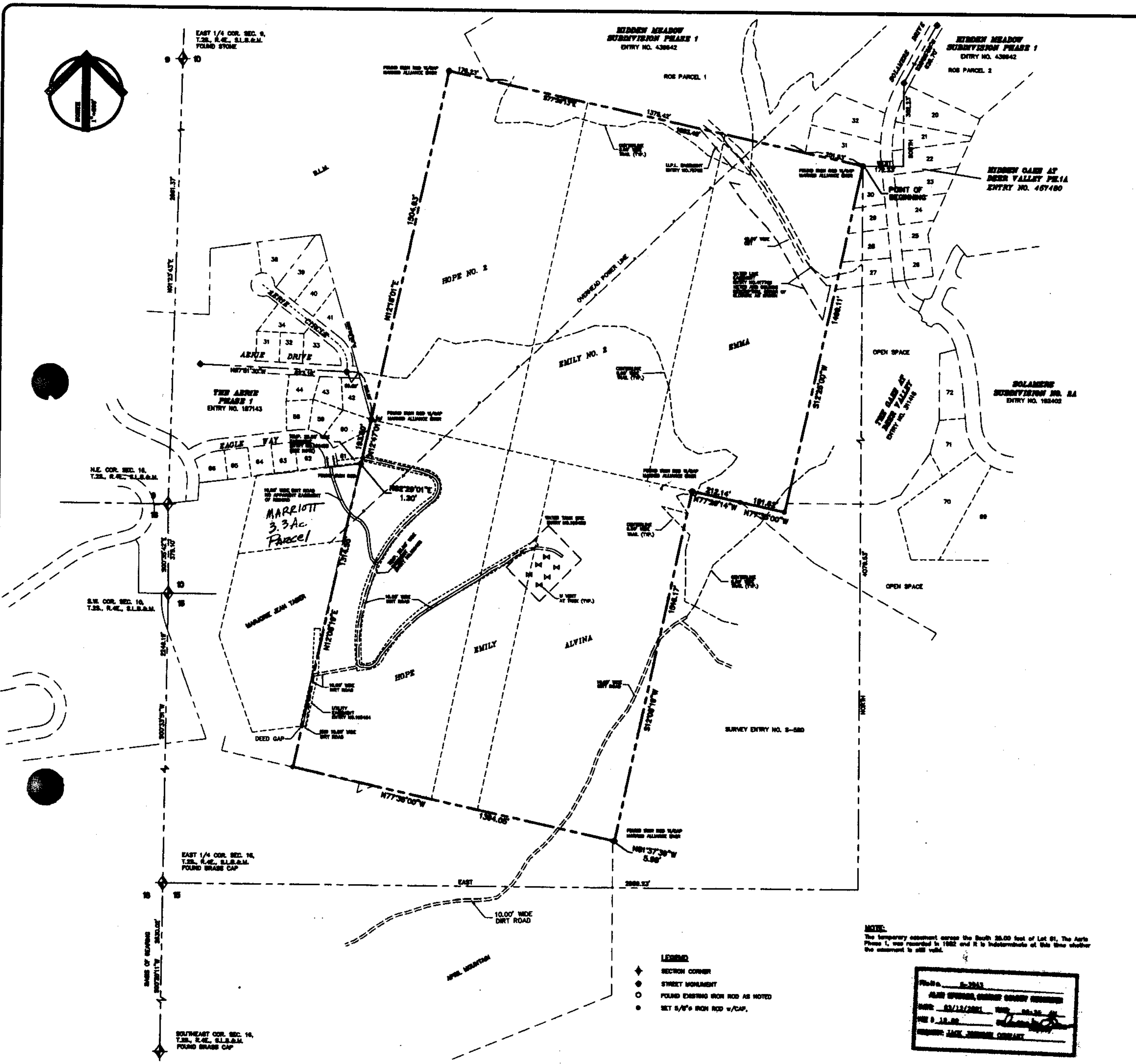
Conclusions of Law:
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval 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 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 plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All construction in the Estate zone will be required to maintain a 30 foot setback from all property lines.
4. No remnant parcel created hereby is separately buildable.

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

PASSED AND ADOPTED this 12th day of July, 2007.


OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT, Karen Christine Merriott has an ownership interest in the herein described tract of land, having caused this plat amendment to be prepared, does hereby consent to the recordation of this Amended Record of Survey Plat in the office of the Summit County Recorder, Summit County, Utah in accordance with Utah law.
ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and Park City Fire Protection District, a non-exclusive easement over the utility and access easements shown on this plat for the purpose of providing utility installation, maintenance, use and eventual replacement. The owner also dedicates for public use those areas shown on this plat as intended for public use.
In witness whereof I have hereunto set my hand this ______ day of ______ 2007.
Karen Christine Merriott
ACKNOWLEDGEMENT
State of: ______) :ss
County of: ______)
On this ______ day of ______ 2007, Karen Christine Merriott personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that she has an ownership interest in the herein described tract of land and that the Owner's Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purpose therin mentioned.
Notary Public commissioned in: ______
Printed Name: ______
Residing in: ______
My Commission Expires: ______
SURVEYORS CERTIFICATE
I, JOHN DEMKOWICZ, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163831, as prescribed by the laws of the State of Utah, I further certify that by the authority of the owner(s), I have prepared this amended plat for the tract of land described herein and for the purposes described and shown herein to be known hereafter as EAGLE WAY PLAT AMENDMENT, and that same has been correctly surveyed and staked on the ground.
JOHN DEMKOWICZ LS #163831
DATE
BOUNDARY DESCRIPTIONS
PARCEL 1
ALL OF LOT B, EAGLE WAY PLAT AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED APRIL 12, 1999 AS ENTRY NO. 535016, RECORDS OF SUMMIT COUNTY, UTAH.
PARCEL 2
BEGINNING AT A POINT NORTH 12°25' EAST 804.42 FEET FROM CORNER NO. 4, OF THE GAREY NO. 1 CLAIM, SAID CORNER BEING 587.06 FEET SOUTH AND 565.38 FEET EAST OF THE SOUTHWEST CLOSING CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 82°20'31" WEST 448.56 FEET; THENCE NORTH 12°36'38" EAST 341.00 FEET; THENCE NORTH 82°20'31" EAST 447.32 FEET; THENCE SOUTH 12°25' WEST 340.58 FEET TO THE POINT OF BEGINNING.
OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT, Karen Christine Merriott has an ownership interest in the herein described tract of land, having caused this plat amendment to be prepared, does hereby consent to the recordation of this Amended Record of Survey Plat in the office of the Summit County Recorder, Summit County, Utah in accordance with Utah law.
ALSO, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and Park City Fire Protection District, a non-exclusive easement over the utility and access easements shown on this plat for the purpose of providing utility installation, maintenance, use and eventual replacement. The owner also dedicates for public use those areas shown on this plat as intended for public use.
In witness whereof I have hereunto set my hand this ______ day of ______ 2007.
Karen C. Merriott
ACKNOWLEDGEMENT
State of: ______) :ss
County of: ______)
On this ______ day of ______ 2007, Karen C. Merriott personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that she has an ownership interest in the herein described tract of land and that the Owner's Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purpose therin mentioned.
Notary Public commissioned in: ______
Printed Name: ______
Residing in: ______
My Commission Expires: ______
30 0 30 60 FEET
BASIS OF BEARING
N 77°57'47" E 487.33'
C/L EAGLE WAY & PUBLIC RIGHT-OF-WAY
LOT 65
LOT A
LOT B AMENDED
LOT 61
ESTATE LOT 1
FIRST AMENDMENT LOT B OF
EAGLE WAY PLAT AMENDMENT
LOCATED IN THE SOUTHWEST 1/4 SECTION 10
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
PAGE 1 OF 1
JOB NO.: 3-11-06
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ______ 2007 A.D.
BY ______ S.B.W.R.D.
PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ______ 2007 A.D.
BY ______ CHAIRMAN
ENGINEER'S CERTIFICATE
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
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF ______ 2007 A.D.
BY ______ PARK CITY ATTORNEY
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ______ 2007 A.D.
BY ______ PARK CITY RECORDER
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ______ 2007 A.D.
BY ______ MAYOR
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______
FEE
RECORDER



BOUNDARY DESCRIPTION:

The Emily Patented Lode Mining Claim, Lot No. 666, as the same is more particularly described in that certain Patent recorded December 6, 1910 as Entry No. 20018 in Book F of Mining Deeds at Page 15 of the official records in the office of the Summit County Recorder.

The Hope Patented Lode Mining Claim, Lot No. 667, as the same is more particularly described in that certain Patent recorded December 6, 1910 as Entry No. 20018 in Book F of Mining Deeds at Page 15 of the official records in the office of the Summit County Recorder.

The Alvina Patented Lode Mining Claim, Lot No. 668, as the same is more particularly described in that certain Patent recorded December 6, 1910 as Entry No. 20018 in Book F of Mining Deeds at Page 15 of the official records in the office of the Summit County Recorder.

The Hope No. 2 Patented Lode Mining Claim, Lot No. 3262, as the same is more particularly described in that certain Patent recorded January 11, 1911 as Entry No. 20627 in Book F of Mining Deeds at Page 34 of the official records in the office of the Summit County Recorder.

The Emily No. 2 Patented Lode Mining Claim, Lot No. 3262, as the same is more particularly described in that certain Patent recorded January 11, 1911 as Entry No. 20627 in Book F of Mining Deeds at Page 34 of the official records in the office of the Summit County Recorder.

The Emma Patented Lode Mining Claim, Lot No. 3262, as the same is more particularly described in that certain Patent recorded January 11, 1911 as Entry No. 20627 in Book F of Mining Deeds at Page 34 of the official records in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE:

I, Randy J. Sorensen, on behalf of the Jack Johnson Company, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 155686 as prescribed under the laws of the State of Utah. I further certify that a survey has been made of the land shown on this plat and described hereon. I further certify that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

Randy J. Sorensen

Date March 19, 2001

PROFESSIONAL LAND SURVEYOR No. 155686 R.J. SORENSEN STATE OF UTAH

AS SURVEYED DESCRIPTION:

Beginning at a iron rod and cap monumenting the Northeast Corner of the Emma Lode Mining Claim, MS No. 3262, said iron rod being East 2889.23 feet and North 4079.63 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°30'11" West 2630.02 feet between said East Quarter Corner and the Southeast Corner of said Section 16), said iron rod also being South 392.23 feet and West 172.23 feet from a centerline street monument in Solamere Drive (from which another centerline street monument bears North 29°29'00" East 638.70 feet), said iron rod also being on the extension of the West Line of The Oaks at Deer Valley, recorded August 7, 1989, as Entry No. 311468 on file at the Summit County, Utah Recorder's Office; and running thence South 12°25'00" West along said West Line and its extension 1469.11 feet to the Northerly Line of Solamere Subdivision No. 2A recorded June 14, 1982 on Entry No. 192402 on file at the Summit County, Utah, Recorder's Office; thence North 77°38'00" West along said Northerly Line 191.62 feet; thence North 77°36'14" West 212.14 feet to a iron rod and cap monumenting the Northeast Corner of the Alvina Mining Claim, MS 668 as shown on that certain Survey on file as Entry No. S-580 at the Summit County, Utah Recorder's Office; thence South 12°08'19" West 1916.17 feet to a iron rod and cap monumenting the Southeast Corner of said Alvina Mining Claim, as shown on said Survey; thence North 01°37'39" West 5.88 feet; thence North 77°38'00" West 1384.05 feet to the Southwest Corner of the Hope Mining Claim, MS 667; thence North 12°08'19" East along the West Line of said Hope Mining Claim 1314.06 feet to the Southerly Line of The Aerie Phase 1, recorded December 31, 1981 as Entry No. 187143 on file at the Summit County, Utah Recorder's Office; thence North 88°29'01" East along said Southerly Line 1.20 feet to a iron rod at the Southeasterly Corner of said The Aerie Phase 1; thence North 12°47'01" East 193.80 feet to a iron rod and cap at the Northeasterly Corner of said The Aerie Phase 1, said iron rod being South 87°01'30" East 50.00 feet and South 15°59'59" East 203.85 feet from a centerline street monument in the intersection of Aerie Circle and Aerie Drive (from which another centerline street monument bears North 87°31'30" West 623.16 feet); thence North 12°18'01" East 1504.63 feet to a iron rod and cap monumenting the Northwest Corner of the Hope No. 2 Mining Claim, MS 3262, said point also being on the extension of the South Line of the Hidden Meadow Subdivision Phase 1, recorded September 1, 1995 as Entry No. 436642 on file at the Summit County, Utah, Recorders Office; thence along the North Line of said Hope No. 2 Mining Claim and the South Line of said Hidden Meadow Subdivision Phase 1 and its extension South 77°38'13" East 1803.46 feet to the point of beginning.

Containing 110.60 acres more or less.

NARRATIVE:

The survey was prepared for Silver King Group.

The purpose of the survey is to resurvey the property for the owner of same.

The Basis of Bearing and the Monuments used are as shown hereon.

Where existing rebar and caps were found at or near property corners, the rebar were either accepted or a new rebar and cap was set. If a new rebar and cap was set, the distance to the found rebar has been noted and shown hereon.

The Property Report used for this survey was provided by High Country Title, dated 6/14/00 Commitment File No. S-19809.

The Aerie Phase 1 as shown hereon has been moved and rotated to the street monuments shown.

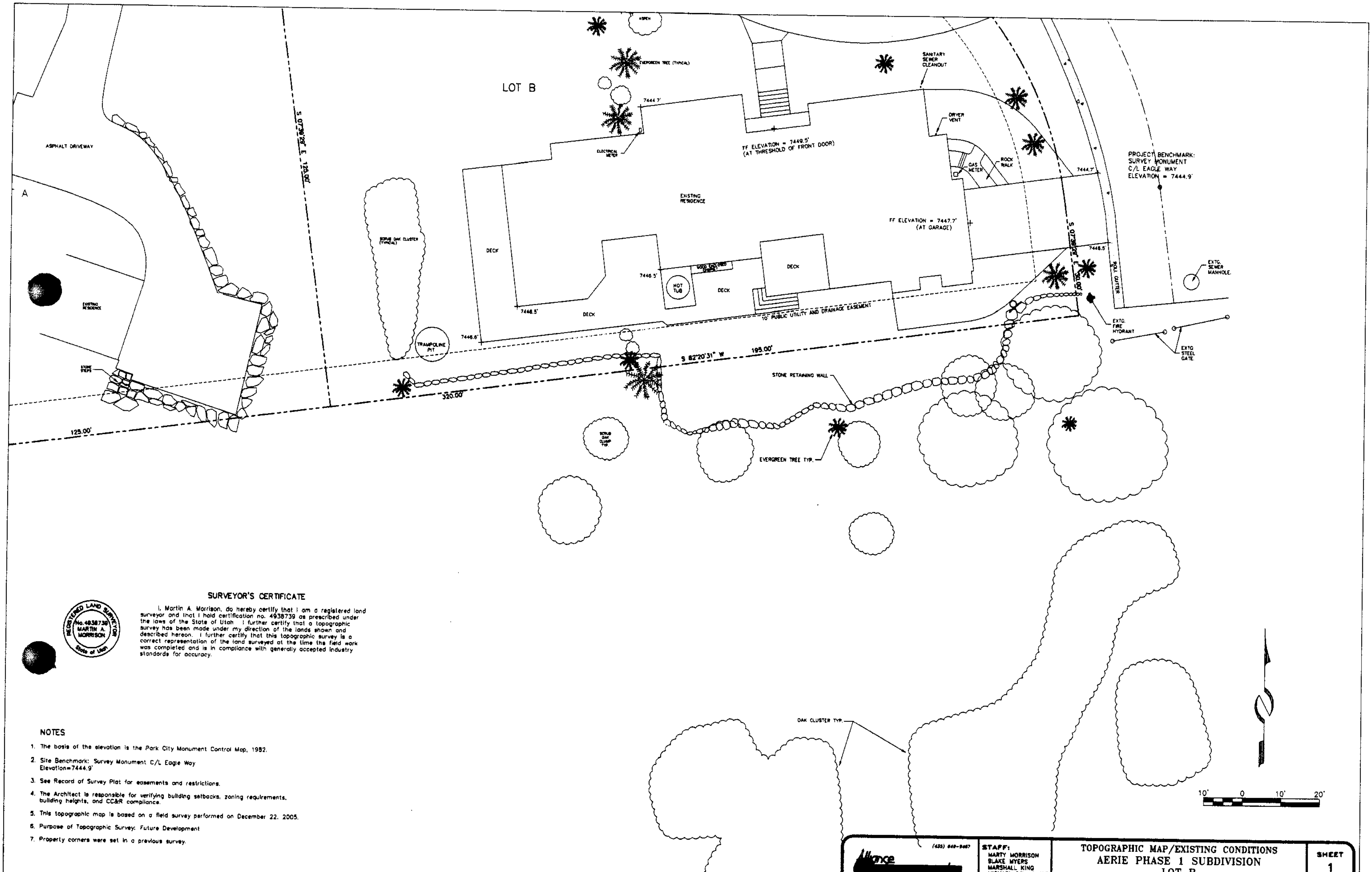
RECORD OF BOUNDARY SURVEY
SILVER KING GROUP PROPERTY
LOCATED IN SECTION 10 AND 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECORD OF BOUNDARY SURVEY SILVER KING GROUP PROPERTY	
LOCATED IN SECTION 10 AND 15, T.2S., R.4E., S.L.B.&M. PARK CITY, SUMMIT COUNTY, UTAH	
FOR: SILVER KING GROUP	JOB NO: 048.0100.00
DATE: 01-05-01	SHEET 1 OF 1
DRAWN BY: B.OLSEN	

REVISIONS: REVISED AS PER TITLE CO. REMARKS

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

S-3943



SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 4938739 MARTIN A. MORRISON State of Utah

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. The basis of the elevation is the Park City Monument Control Map, 1982.
2. Site Benchmark: Survey Monument C/L Eagle Way Elevation=7444.9'
3. See Record of Survey Plat for easements and restrictions.
4. The Architect is responsible for verifying building setbacks, zoning requirements, building heights, and CC&R compliance.
5. This topographic map is based on a field survey performed on December 22, 2005.
6. Purpose of Topographic Survey: Future Development
7. Property corners were set in a previous survey.

Alliance (435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF: MARTY MORRISON, BLAKE MYERS, MARSHALL KING, MICHAEL DEMKOWICZ

DATE: 1/23/06

TOPOGRAPHIC MAP/EXISTING CONDITIONS
AERIE PHASE 1 SUBDIVISION
LOT B

FOR: KAREN MARRIOTT
JOB NO.: 3-11-05
FILE: X:\Aerie\dwg\srv\topo05\031105.dwg

SHEET 1 OF 1

City Council
Staff Report

Author:	**Bret Howser, Budget Analyst**
Subject:	**Conduit Financing**
Date:	**July 12, 2007**
Type of Item:	**Legislative**

Budget, Debt, & Grants

Description:

Recommendation: Staff recommends approving the attached parameters resolution related to the conduit bond issuance for US Ski & Snowboard Association's Center of Excellence project.

Topic:

Conduit Financing – Parameters Resolution

Background:

The City was recently approached by United States Ski and Snowboard Association (USSA) requesting that the City act as a conduit issuer in financing a $20 million construction bond for USSA's proposed athletic training facility.

On June 28, staff presented to Council information about conduit financing in general. Conduit financing can be described as a bond issuance in which a government (conduit issuer) is a pass-through entity or conduit through which a qualified private or non-profit entity (conduit borrower) can issue tax-exempt bonds. It is important to note that the City would not incur legal responsibility for repayment of bonds.

During the same meeting, staff presented to Council an administrative policy that would help the City decide when it is appropriate to issue conduit debt. Council approved of the policy and found that USSA's request met the criteria outlined in the policy. Council gave direction to staff to move forward with the process to issue the conduit bonds. The parameters resolution is the next step in the process.

Analysis:

The attached parameters resolution sets the parameters of the conduit bond issuance and initiates the process of public notice. The resolution sets the maximum issuance amount at $22 million (actual bond issuance expected to be $19.8 million) and defines the project as follows:

Approximately 5 acres of land and a building of approximately 84,965 square foot for training and office purposes and related furnishings, equipment and improvements.

The resolution also establishes the format for public notice, which should be published in the Park Record on July 18. The public notice will announce a public hearing to be held on August 2, 2007, and will initiate a 30 day period in which interested parties may contest the legality of the resolution or the bonds.

Department Review:

Budget, Debt & Grants; City Manager; Legal

Alternatives:

A. Approve the request: Staff recommends approving the attached parameters resolution related to the conduit bond issuance for USSA.

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

C. Continue the item: This may 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.

RECOMMENDATION: Staff recommends moving forward with conduit financing for USSA by approving the parameters resolution.

Attachments
A – Parameters Resolution

RESOLUTION NO. ______

A RESOLUTION OF THE MUNICIPAL COUNCIL OF PARK CITY, UTAH (THE "ISSUER"), 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 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, 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 $22,000,000 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 MUNICIPAL 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 $22,000,000.

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:

NOTICE OF BONDS TO BE ISSUED
AND OF PUBLIC HEARING
MUNICIPAL 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 Municipal 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 $22,000,000. 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 $22,000,000. 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

MUNICIPAL COUNCIL OF PARK CITY, UTAH

/s/ Jan Scott
City Recorder

Published in the Park Record.

Publication Date: July 18, 2007

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 MUNICIPAL COUNCIL OF PARK CITY, UTAH THIS JULY 12, 2007.

____
Mayor

(S E A L)

ATTEST:

____
City Recorder

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jan Scott, the undersigned City Recorder of Park City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the July 12, 2007, public meeting held by the Municipal Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices on July _____, 2007, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record on July _____, 2007, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the 2007 Notice of Annual Meeting Schedule for the Municipal Council, in the form attached hereto as Schedule 2, was posted on __________________, 200_, and has remained posted at the regular meeting place of said Council and was delivered to the Park Record, as required by law.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 12, 2007.

By:___________________________________
City Recorder

(S E A L)

EXHIBIT B

DESCRIPTION OF PROJECT

Approximately 5 acres of land and a building of approximately 84,965 square foot for training and office purposes and related furnishings, equipment and improvements.

City Council
Staff Report

Author: **Phyllis McDonough Robinson**
Subject: **Affordable Housing Status Report and Guidelines and Standards Update**
Date: **July 12, 2007**
Type of Item: **Legislative**

Sustainability Team

Summary Recommendations: Review the proposed Affordable Housing Guidelines and Standards, conduct a public hearing and adopt the Resolution with any revisions deemed necessary.

Description:
Topic:
Affordable Housing Guidelines and Standards

BACKGROUND:
Workforce housing has been an issue in Park City since the early 1990s. In 1995, Park City adopted its first set of housing policies defining incentives for production and outlining a near term and long-term action plan. Since that time, the City has participated in the development and preservation of affordable housing. In March 2006, the City Council adopted Resolution 10-06 Affordable Housing Guidelines and Standards. The 2006 Housing Resolution outlines standards and guidelines for the creation of affordable housing within Park City based upon the findings of the 2005 Housing Assessment. It also establishes the Payment in Lieu Fee for FY 2008. This fee is required to reviewed and updated at least biennially. Updates may occur more frequently to reflect changing real estate conditions.

This staff report presents an affordable housing update, as well as proposes amendments to the existing Housing Resolution, including updating the existing Payment in Lieu of Development fee. A copy of the current Resolution is included with this staff report as Attachment A.

ANALYSIS:
<u>**HOUSING UPDATE**</u>

- **City-Owned Rental Units:** The City currently owns four affordable housing units that it rents to city employees. Three are in the Silver Meadows neighborhood and one is at the 1465 Park Avenue Condominiums that were constructed to meet a housing obligation for the Summit Watch development. The availability of rental units remains an important recruitment and retention tool. Police officers, dispatch workers and building inspectors, occupy current city-owned units. Overall, the Silver Meadows project has been quite successful in terms of providing home ownership opportunities for key city employees and others in the community. There are currently 10 city-employees on the waiting list for a Silver Meadows unit and 55 households on the general public waiting list maintained by Mountainlands Community Housing Trust. Residents at Silver Meadows and 1465 Park Avenue provide a variety of services in the community ranging from accountants and police officers to elected officials, nurses, librarians and staff of local nonprofit organizations.

- **Employee Housing Assistance Program:** The City provides employee housing assistance for full-time regular (FTR) employees living within the Park City School District boundaries. Financial assistance includes a housing allowance as well as second mortgage loans. Benefits are available to full-time regular employees.
    - Thirty-eight percent of Park City's FTR employees live within the school district boundaries and receive housing benefits.
    - Ten city employees are homeowners at Silver Meadows.
    - Twenty-eight employees have used the second mortgage program since its inception in 1996. Fifteen loans are repaid, six are current and seven loans are within the five-year deferral period. Of those loans, four were made through the enhanced second mortgage program for Silver Meadows purchases.
    - Eight city staff members have inquired about the proposed units at Snow Creek, Park Avenue and Quinns Junction.

- **Outstanding Housing Obligations:** Below is a summary of the existing affordable housing obligations secured through development agreements.

OUTSTANDING PRIVATE HOUSING OBLIGATION

PROJECT/ DEVELOPER	UNIT EQUIVALENTS (UE)	UEs PLACED IN SERVICE	UEs REMAINING	NOTES
Flagstaff Annexation/ Talisker	118.90 UE	4.0	114.90 Projected Total Delivery: 2010	25% of units to be constructed on-site. Fifteen AUEs need to be provided concurrent with every 150 unit equivalent COs received. Currently applicant has provided or has under construction 7 on-mountain affordable units. Staff has met with the developer to review this delivery schedule. Talisker is currently exploring the provision of the off-mountain units at the Corner Parcel.
Montage (Community Benefit Units)	20 UE	0	20 Projected Delivery: 2009	Talisker is currently exploring the provision of these units at the Corner Parcel.
IHC (hospital)	44.78	0	44.78	Staff is working with developer to re-locate units from 5-acre parcel on hospital grounds. The 12-month window to identify an

			Projected Delivery: Fall 2008	alternative site expires in November 2007. If the units are not successfully relocated, the developer will proceed with building the units on site.
IHC (MOB)	34.98	0	34.98 Project Total Delivery: 2015	This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property.
St. Regis/ Deer Crest	12 UE	0	12 Projected Delivery 2007	Pending housing plan revisions.
Silver Star	17.95 UE	0	17.95 Projected Delivery: Fall 2007/ Winter 2008	100% of units on site. The rental units are framed and window installation has begun. Framing began 6/1/2007 on the owner-occupied building. The current waiting list for the 10 owner-occupied units is 38 persons.
Total Obligation	248.61 UE	4.0	244.61	

Housing Resolution
Staff is proposing the following amendments to the current Affordable Housing Guidelines and Standards. Attachment A is the redline version of the existing Affordable Housing Resolution. Attachment B is the proposed Resolution Adopting Affordable Housing Guidelines and Standards.

- **Fee In Lieu Amount:** The 2006 Housing Resolution adopted a methodology for calculating the Fee In Lieu amount. The methodology is based upon the gap between the average sales price of market rate whole ownership two and three bedroom units between 900 and 1,200 square feet in Park City and the Snyderville Basin excluding luxury unit sales) and the maximum mortgage amount affordable to the Park City Workforce Wage. The unit size reflects the recommended minimum unit. Attachment C is the In Lieu Fee Worksheet.

  The proposed fee in lieu amount for 2007 is $160,553. This represents the affordability gap between the amount of a housing a household earning the Park City Workforce Housing Wage of $52,279 can afford and the cost of a suitable comparable unit in the market place. The in lieu fee includes the 15 percent city administrative fee of $20,942 that was adopted in the 2006 Housing Resolution. The in lieu fee in 2006 was $86,610.

  The Workforce Housing Wage is based upon the median wage of jobs in Summit County as reported by the Department of Workforce services. Over the past 18 months, wages have not kept pace with the growth in the housing market. The Median Wage increased 25 percent. The cost of an Affordable Unit Equivalent comparable increased 32 percent.

- **Re-prioritization of Methods of Meeting Minimum Housing Requirements:** The current Housing Resolution outlines six methods, in order of priority, which may be used to meet the minimum affordable housing mitigation requirements. Given the critical need for workforce housing in the community, dedication of existing units is more likely to produce units in a shorter time frame. Staff recommends re-prioritizing Dedication of Existing Units (currently #5 to #3) ahead of construction of units beyond the city limits, land conveyance within the Park City School District boundary, and payment of fees in lieu of development.

- **Energy Efficiency in Affordable Housing:** The City's environmental vision is to provide long-term environmental health for the Park City region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends. Consistent with that vision, Staff recommends that a basic level of energy efficiency requirements be incorporated into the housing guidelines and standards for all units that are constructed or rehabilitated in fulfillment of a housing obligation. Staff recommends following requirements to the Affordable Housing Guidelines and Standards. The proposed amendments are consistent with the City's adopted Green Building policy.

  Section A: Size and Design Standards for Affordable Housing Units
  5. Minimum Green Building Requirements. *All new construction or substantial rehabilitation projects developed in fulfillment of the affordable housing obligation must demonstrate that it meets, at minimum, LEED Certified level. All appliances and products including light bulbs shall be Energy Star qualified products for all new construction or substantial rehabilitation.*

  Section B: Methods of Meeting Minimum Requirements.
  3. *Dedication of existing units provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.* Units shall be located within the City limits unless otherwise approved by the City. Units must be of equivalent value, quality and size of the deed-restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City of by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and meet applicable Park City building 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. *All appliances and products including light bulbs shall be Energy Star qualified products.*

- **Special Needs/Emergency/Transitional Housing:** Staff recommends that the provision of land or units targeted for emergency or transitional housing be permitted as a means of meeting a part of a developer's overall housing requirement. While emergency/transitional housing is not permanent housing in that an individual's or family's stay is generally limited in length, these programs provide a vital link in a community's continuum of housing. Local examples would include the Peace House providing emergency shelter and services for victims of domestic violence and Mountainlands Community Housing Trust transitional housing program that provides service enriched housing to assist a household to bridge the gap from the Peace House or other near homelessness situations. Emergency and transitional housing programs generally rely upon grant funds to create and operate the programs. Emergency and transitional housing programs generally have fewer debt or equity sources available than a traditional rental development because of the very limited income stream to meet debt coverage ratios and the lack of equity because low-income house tax credits are not available for emergency units. The ability for a developer to participate, particularly through the donation of land or units, could have a positive benefit for the Park City community should programs need to be created or expanded.

A. Size and Design Standards for Affordable Housing Units

4. Special Needs Emergency/Transitional Housing. *Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy a portion of its employee housing requirements by provision of special needs emergency/ transitional housing units through either direct construction, land donation or the donation of existing units. There must be a quantified, demonstrated need for the emergency/transitional housing within the Park City boundaries. The housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all requirements of the applicable Housing Guidelines and Standards as well as comply with all applicable local, state and federal requirements. Given the unique and varying characteristics of the population to be served, the rents for emergency/transitional housing must be approved in advance by the City Council.*

DEPARTMENT REVIEW

The Sustainability, Planning and Legal Departments and the City Manager reviewed this report.

SIGNIFICANT IMPACTS

The proposed changes will amend the Housing Resolution 10-06 and adopt new in lieu fees, reprioritize the methods for fulfilling housing obligation, require that all products and appliances be Energy Star qualified and permit the creation of transitional housing units to meet existing housing obligations. If the Council chooses not to implement the proposed changes, the housing guidelines and standards of Resolution 10-06 remain in effect.

RECOMMENDATION

Review the proposed Affordable Housing Guidelines and Standards, conduct a public hearing and adopt the Resolution with any revisions deemed necessary.

Attachment A: Resolution 10-06 Affordable Housing Guidelines and Standards Redline
Attachment B: Final Copy Proposed Amended Resolution

Resolution xx-07

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the livability and viability of Park City is directly affected by the availability of a sufficient amount of housing affordable to all residents; and

WHEREAS, the City Council desires to establish policies to ensure a reasonable opportunity for a variety of housing and which bears an essential nexus to maintaining the social, economic and political fabric of the community; and

WHEREAS, the 2005 Park City Housing Assessment and Demand Analysis concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the 2005 Park City Housing Assessment and Demand Analysis projects in the Leisure and Hospitality employment sector will continue to drive the demand for additional workforce housing in Park City; and

WHEREAS, it is in the best interest of the community and a legitimate government interest to formulate guidelines and standards to establish a consistent criteria for review of Master Planned Development applications and annexation petitions and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the cost of providing affordable housing and any solutions should equitably apportion the cost based on impact generation, growth inducement and the underlying goal to provide a diversity of housing types and prices in our community in order to maintain a healthy economy and diverse population.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted. Unless otherwise defined separately herein, all words and terms shall have the same meaning as defined in the Land Management Code, as amended.

SECTION 2. APPLICABILITY. These standards shall apply to all new Housing and Commercial Development created under Title 15, Chapter 6 Master Planned Developments and Title 15, Chapter 8 Annexations of the Park City Land Management Code. These standards shall apply to prior agreements on density or configuration unless specifically addressed within Development Agreements.

SECTION 3. PURPOSE. The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain Park City's social, economic and political fabric of its community character. It is intended that the requirements imposed herein are roughly proportionate and reasonably related to the impacts of the Development.

SECTION 4. REVIEW. This Resolution shall be reviewed by the City Council at least biennially to ensure that these standards are meeting the housing goals and objectives.

SECTION 5. DEFINITIONS.
Affordable Housing: Housing costs – rent plus basic utilities or mortgage, tax, insurance and/or Homeowners Association payments – that consume no more than 30 percent of a household's income.
Affordable Housing Unit: Dwelling units that are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved by the Park City Council.
Affordable Unit Equivalent: A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.
Bedroom: Designed to be used for sleeping purposes and which contains closets and meets all applicable City Building Code requirements for light, ventilation, sanitation and egress.
Deed Restriction: A contract entered into between Park City Municipal Corporation and the owner or purchaser of real property identifying the conditions or occupancy and resale.
Household: All related and unrelated individuals occupying a unit.
Household Income: Combined gross income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed.
Net Livable Square Footage: Is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions. Also included, but not limited to, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.
Park City Housing Wage: The median wage of the core Park City workforce as determined annually by the City Council.
Studio Unit: Living quarters designed around a relatively large single room incorporating the features of a living room, bedroom, dining room/kitchen and bathroom.

Deleted: regardless of legal status.

SECTION 6. EXEMPTIONS. The development of affordable housing units as defined by the Land Management Code is exempt from the requirements of this Resolution. This may include projects developed by or sponsored by nonprofit organizations and projects for which agreements have been executed that provided affordable housing or land for said purpose.

SECTION 7. FEE WAIVERS. Section 11-12-13 of the Municipal Code provides that "any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects." Pursuant to Section 11-13-4(A) of the Municipal Code, the City Council can waive impact fees for construction of affordable housing up to $5,000 per unit.

SECTION 8. CALCULATION OF MINIMUM AFFORDABLE HOUSING REQUIREMENTS
A. Residential Development.
For projects where units are offered for sale or rent, the Developer shall provide affordable housing units in an amount equal to fifteen percent (15%) of the total residential units constructed. Affordable units developed on-site in fulfillment of this requirement are not included in the density calculation for the project.

RESIDENTIAL GENERATION CALCULATION EXAMPLE

An Applicant has received approval for a 128 unit Master Planned Development.

1. 128 units (total units approved) multiplied by .15 (residential mitigation rate) equals 19.2 Affordable Unit Equivalents.
2. One Affordable Unit Equivalent is 900 square feet of net livable space.
3. The total approved units for this MPD is 128 market rate units plus 19.2 affordable unit equivalents.

B. Commercial Development

The Developer shall be required to mitigate 20 percent of the employees generated. For projects with a commercial component, the minimum affordable housing requirements shall be determined according to the following formulas:

Table 1: Employee Generation by Type of Use.

Type of Use	**Full Time Equivalents (2080 hours) per 1,000 net leasable square feet**
Restaurant/Bar	6.5
Education	2.3
Finance/Banking	3.3
Medical Profession	2.9
Other professional services	3.7
Personal services	1.3
Real Estate/Property management	5.9
Commercial/Retail	3.3
Recreation/amusements	5.3
Utilities	2.9
Lodging/hotel	0.6/room
Condominium Hotel	Greater of lodging/hotel calculation or residential mitigation rate
Overall/General	4.4

The Overall/General Type of Use shall apply to any use not listed in the Employee Generation Table if an Independent Calculation is not performed.

EMPLOYEE GENERATION CALCULATION EXAMPLE

An application for a Master Planned Development of 20,000 square feet of commercial space and 100 hotel rooms has been submitted. The commercial uses include:

10,000 square feet of retail space
5,000 square feet of restaurant/bar space
5,000 square feet of professional services

1. Using the above Employee Generation Table, the project will generate 114 employees.

- *Retail* at 3.3 employees per 1,000 square feet equals 33 employees
- *Restaurant/Bar* at 6.5 employees per 1,000 square feet equals 32.5 employees
- *Professional Services* at 3.7 employees per 1,000 square feet equals 18.5 employees
- *Hotel* at .6 employees per unit equals 60 employees.

2. 144 (total number of employees) multiplied by .20 (mitigation rate) equals 28.8 employees.

3. 28.8 employees divided by 1.5 (workers per household) equals 19.2 employee unit equivalents required.

4. 19.2 employees is equivalent to 9.6 Affordable Unit Equivalents configured as two-bedroom, 900 net livable square foot units.

5. The Developer is required to provide 9.6 Affordable Unit Equivalents in addition to approved commercial and hotel density.

C. Reduction of Employee Generation for Institutional/Nonprofit Use. The City Council may reduce the base employee generation rate by up to fifty percent for uses that are "non-commercial or non-residential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations "upon finding that the benefits/impacts of such Development as they relate to other general plan goals and/or action items outweigh the housing impacts.

D. Independent Calculation. An applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table. The independent calculation shall be accepted by the City Council if the Council determines the calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 1: Employee Generation Table. Should the independent calculation not be accepted, then the applicable employee generation factor from the Employee Generation Table shall be applied to the proposed Development. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable and be memorialized in a Development Agreement between the property owner and the City. Such Agreement shall be executed prior to the issuance of any building permit.

E. Redevelopment: Additions and Conversions of Use. Redevelopment or remodeling in an existing use or the change in use from one use to another is exempt from the requirements of this Resolution, provided such activity does not create additional employment generation as determined in *Table 1: Employee Generation by Type of Use*. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this Resolution. Any new area or unit or any change in use which creates additional Employee Generation as determined in *Table 1: Employee Generation by Type of Use* shall be subject to this provisions of this Resolution. Mitigation shall be required for the employees generated by the proposed total square footage (including addition) minus the employment generation of the total structure. If the developer converts one land use to another with higher employment generation rates, the mitigation will be based on the increase in FTEs. For example, a conversion of a 1,000 sq. ft. retail establishment with an employee generation rate of 3.3 FTEs per 1,000 square feet to a private club with a generation rate of 6.5 FTEs per 1,000 square feet results in a net increase in 3.2 FTE and would require additional mitigation.

F. Final Unit Requirement Calculations. The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of building permits for the covered project.

SECTION 9. METHODS OF HOUSING REQUIREMENT COMPLIANCE

A. Size and Design Standards for Affordable Housing Units

1. Unit Types: The distribution of dwelling unit types that meet the deed restricted affordable unit requirements of this section shall be as follows:

- **Single Family:** In single family detached dwelling unit developments, the required on-site permanently affordable units shall also be single family detached units.
- **Mixed Unit Type:** In developments where there is a mix of two or more unit types: single-family detached units, attached units, multi-family apartment units, or other dwelling unit types, the required on-site deed restricted units shall be comprised of the different unit types in the same proportion as the market rate dwelling units within the development.
- **Alternative Distribution Ratios**: Different unit distribution among the deed restricted affordable unit types may be permitted if doing so would accomplish additional benefits or result in a better design than not using the distribution of units provided for in this section.

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2. Minimum Sizes for Deed Restricted Units: In order to assure livability, the net livable square footage for affordable units shall be as follows:

Dormitory	150 square feet
Single Room Occupancy	275 square feet
Studio	400 square feet
One Bedroom	650 square feet
Two Bedroom	900 square feet
Three Bedroom	1,150 square feet
Four Bedroom	1,400 square feet

The Planning Department prior to the issuance of any building permits for either the free market or employee housing component of the project must verify square footage. The Building Department may check the actual construction of the employee housing units for compliance with the approved building permit plans.

3. Winter Seasonal Units. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy the employee housing requirements by provision of dormitory/lodge units designed for occupancy by seasonal employees. The dormitory/lodge units must satisfy all requirements of the applicable Guidelines and shall be required to meet the following minimum standards:

- Occupancy of a dormitory unit shall be limited to no more than 8 persons.
- There shall be at least 150 square feet of net livable square footage per person, including sleeping and bathroom uses.
- At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower and a total area of at least 60 net livable square feet.
- A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
- Use of 20 net leasable square feet per person of enclosed storage area located within, or adjacent to, the unit.
- Rents for dormitory units will be set by Special Review on a case-by-case basis, given the unique and varying characteristics of dormitory units, with affordability as the key issue.
- Seasonal Lodge Developments may be required to house qualified employees of the community at large.

4. Special Needs Emergency/Transitional Housing. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy a portion of its employee housing requirements by provision of special needs emergency/ transitional housing units through either direct construction, land donation or the donation of existing units. There must be a quantified, demonstrated need for the emergency/transitional housing within the Park City boundaries. The housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all requirements of the applicable Housing Guidelines and Standards as well as comply with all applicable local, state and federal requirements. Given the unique and varying characteristics of the population to be served, the rents for emergency/transitional housing must be approved in advance by the City Council.

5. Minimum Green Building Requirements. All new construction or substantial rehabilitation projects developed in fulfillment of the affordable housing obligation must demonstrate that it meets, at minimum, LEED Certified level. All appliances and products including light bulbs shall be Energy Star qualified products for all new construction or substantial rehabilitation.

6. **Affordable Unit Amenities.** Inclusionary units may differ from the market units with regard to interior amenities and gross floor area provided that:

- These differences, excluding differences related to size differentials are not apparent in the general exterior appearances of the project's units; and
- These differences do not include insulation, windows, heating systems and other improvements related to the energy efficiency of the project's units.
- The gross floor area of the inclusionary units is not less than the following minimum requirements, unless waived by the City.

B. Methods of Meeting Minimum Requirements.
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 on which the development is proposed.*** Affordable housing units shall be constructed on the project 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. ***Dedication of existing units provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.*** Units shall be located within the City limits unless otherwise approved by the City. Units must be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City of by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and shall meet applicable Park City building codes and state habitability standards as applicable. 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. All appliances and products including light bulbs shall be Energy Star qualified products.

4. ***Construction of units outside Park City, but within the Park City School District boundary and/or the boundaries of the free transit system.***

5. ***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.*** The developer may elect to (a) convey land to the City or its designee that is of equivalent value to the cash in lieu contributions that would be required under this Resolution, plus an additional 25 percent to cover costs associated with holding, developing, improving or conveying such land; or (b) convey land to the City or its designee that is of equivalent value (as of the date of conveyance) to that land upon which required units would otherwise have been constructed and properly zoned such as to allow construction of at least that number of units for which the obligation of construction is being satisfied by the dedication of the land. Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development. Should the City Council later elect to sell the land, all proceeds from the sale of the land shall be placed in a dedicated housing fund.

6. ***Payment of Fees in Lieu of Development***. If the City determines that (1) no other alternative is feasible, or (2) such a payment would result in more immediate development of housing or (3) such a payment would leverage additional resources, then a Payment of Fees in Lieu of Development may be accepted. The Payment in Lieu Fee for 2007 is $160,553. The fees shall be reviewed and updated at least biennially. Updates may occur more frequently at the request of the City Council to reflect changing real estate conditions. The funds, and any interest accrued, shall be used only for the purpose of planning for, subsidizing or developing affordable and employee housing.

   One-half of the in-lieu fee shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the MPD. The remainder of the fee shall be paid before a certificate of occupancy (temporary or permanent) is issued for any unit in the Residential Development. The remaining fee will be calculated at the in lieu fee rate in effect at the time of payment. The Developer retains the option of paying the fees in full at time of building permit to avoid any increase in fees.

SECTION 10. DEED RESTRICTION. Prior to the plat recordation provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the City Attorney with such modifications as it may deem necessary to carryout the purpose of this Resolution. No building permit application shall be accepted in the absence of proof of the execution of requirement agreements and covenants. In the event such restrictions are voided by bankruptcy or other legal action, the City may revoke the Certificate(s) of Occupancy until such time as subsequent owner complies with the standards herein.

SECTION 11. TIMING OF OCCUPANCY. The affordable units shall be ready for occupancy no later than the date of the initial or temporary occupancy of the free market portion of the project.

Deleted: 5. ***Dedication of existing units provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.*** Units shall be located within the City limits unless otherwise approved by the City. Units must be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City of by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and shall meet applicable Park City building 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. ¶
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If the free market units are to be developed in phases, then the affordable housing can be developed in proportion to the phasing of the free market units as approved in the Housing Mitigation plan.

SECTION 12. APPLICABILITY OF RESOLUTION TO PRIOR APPROVALS OR PENDING APPLICATIONS.

A. Prior Development Agreements. Developments, which received development plan approvals prior to the adoption of this housing resolution, shall conform to the provisions of the resolution in place at the time of applicable complete application. Any modifications to an existing Development Agreement that results in an increase in housing units or employee generation shall be subject to the provisions of this Resolution.

B. Prior Annexation. Unless otherwise provided in Conditions of Approval or a Development Agreement, Developments subject to affordable housing requirements imposed by annexation agreements entered into prior to the effective date of this Resolution may develop in conformity with the Resolution in place at the time the Annexation Agreement was approved.

C. Pending Project Approval Actions. Developments for which complete applications were filed prior to the effective date of this Resolution, but have not been reviewed by the appropriate body, must conform to the Resolution in place at time of application.

SECTION 13. HOUSING MITIGATION PLAN. The Applicant shall submit a Housing Mitigation Plan. The Housing Mitigation Plan shall be reviewed by the Planning Commission as part of the application to the City for the Annexations or Master Planned Development with a recommendation forwarded to the City Council. The Housing Mitigation Plan shall include the following:

A. Calculation and Method. The calculation of, and method by which housing is to be provided, in compliance with Section 6 "Calculation of Minimum Affordable Housing Requirement" and Section 7 "Method for Providing Housing"

B. Unit Descriptions. If affordable housing units are to be developed, a site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms in and square foot of each unit, and the rental/sale mix of the development. The proposed sale prices and rent levels shall also be included.

SECTION 14. CONSTRUCTION TIMING. Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units. Other phasing agreements may be accepted, if doing so would accomplish additional benefits fro the City consistent with the purposes of this Resolution. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required inclusionary units shall be approved prior to the issuance of a building permit.

SECTION 15. GOOD FAITH MARKETING REQUIRED. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer for the initial sale or lease of the units.

SECTION 16. LOCAL PREFERENCE OPTION. The Park City area is defined as the Park City School District limits. The following target groups should be given priority in any deed restricted affordable housing project.

- Full time (30 hours of employment per week) employees of businesses located in the City limits**.**
- A resident of the City for the prior 24 months.
- An owner or owner's representative of a business within the City limits.
- Senior Citizens
- Physically and/or mentally challenged individuals.

Deleted: <#>Public and private service workers: Park City School District, Park City Fire District, Park City Municipal Corporation and Snyderville Basin Sewer Improvement District.¶

SECTION 17. MAXIMUM RENTS AND SALES PRICES. The following provision shall apply to the calculation of rents, selling prices and/or carrying charges of deed restricted affordable units.

A. Occupancy. In calculating the rents or carrying charges of inclusionary units, the following relationship between unit size and household size shall apply:

Dormitory/Single Room Occupancy:	1 person per 150 net livable square feet.
Studio/Efficiency:	1 person per household
One-bedroom:	1.5 person household
Two-bedrooms:	2.5 person household
Three-bedroom:	4 person household
Four-bedroom:	6 person household.

B. Rental Units. Inclusionary rental units in any one development shall be rented at a price, which, on average, is affordable to a household with an annual income of 100% of the Park City Workforce Wage.

C. For Sale Units. The initial sales prices for affordable units in any one development shall average a price affordable to a household earning 150 percent of the Workforce Housing Wage for Park City according to the following guidelines.

a. An available fixed-rate thirty year mortgage, consistent with the First Time Homebuyer Rate offered by the Utah Housing Corporation, plus 50 basis points. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed rate, 30-year mortgage at this lower rate for all of the inclusionary units.

b. A down payment of no more than 5 percent of the purchase price

c. A calculation of property taxes; and

d. A calculation of homeowner insurance and/or homeowner association fees.

D. Appreciation Limits. Provisions to ensure continued affordability of inclusionary units offered for sale shall include a formula limiting equity appreciation to either a shared percentage of the equity appreciation or a cap on the equity appreciation, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by the City. The form of the resale restriction shall be determined by the City at the time of approval of the Housing Mitigation Plan.

E. Limitation on Rental Rates and Terms. The rate at which the Owner shall rent the Units shall not exceed the Maximum Rent. The Maximum Rent shall be adjusted on January 1 of each year by the annual percentage increase in the Consumer Price Index for the western region using a base year of 2006. Unless otherwise approved, the minimum lease term shall be six months.

F. Income Limits. The City reserves the right to place an income/asset limitation for prospective owners or renters as needed to further the goals of this Resolution.

SECTION 18. TERM OF AFFORDABILITY. The Term of Affordability shall be for a period of not less than forty (40) years. At the expiration of the initial forty (40) year term, this Agreement shall be reviewed for additional consecutive ten (10) year terms, unless the City shall determine, based an independent housing needs assessment, that the Unit is no longer necessary to satisfy the affordable/employee housing needs in Park City.

SECTION 19. WAIVERS. The City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.

SECTION 20. ADMINISTRATIVE RELIEF. The City Council may waive all or part of the requirements of this Resolution where the applicant can establish by clear and convincing financial data and other evidence relating to the character of the development or surroundings that the imposition of the requirements set forth in this article shall create an economic hardship. The Council shall use the same standards that it applies to historic properties in making a determination of economic hardship. A waiver under this section shall be granted only to the extent necessary to relieve the hardship or difficulty that serves as the basis for the requested waiver and shall not be considered precedent for future requests for administrative relief.

SECTION 21. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Resolution.

SECTION 22. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council. All prior Housing Resolutions and parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed. This Resolution repeals and replaces all prior housing resolutions including Resolution s 37-91, 8-93, 6-94, 7-95, 17-99 and 10-2006.

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PASSED AND ADOPTED this day of, 2007.

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Resolution xx-07

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the livability and viability of Park City is directly affected by the availability of a sufficient amount of housing affordable to all residents; and

WHEREAS, the City Council desires to establish policies to ensure a reasonable opportunity for a variety of housing and which bears an essential nexus to maintaining the social, economic and political fabric of the community; and

WHEREAS, the 2005 Park City Housing Assessment and Demand Analysis concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the 2005 Park City Housing Assessment and Demand Analysis projects in the Leisure and Hospitality employment sector will continue to drive the demand for additional workforce housing in Park City; and

WHEREAS, it is in the best interest of the community and a legitimate government interest to formulate guidelines and standards to establish a consistent criteria for review of Master Planned Development applications and annexation petitions and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the cost of providing affordable housing and any solutions should equitably apportion the cost based on impact generation, growth inducement and the underlying goal to provide a diversity of housing types and prices in our community in order to maintain a healthy economy and diverse population.

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SECTION 2. APPLICABILITY. These standards shall apply to all new Housing and Commercial Development created under Title 15, Chapter 6 Master Planned Developments and Title 15, Chapter 8 Annexations of the Park City Land Management Code. These standards shall apply to prior agreements on density or configuration unless specifically addressed within Development Agreements.

SECTION 3. PURPOSE. The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain Park City's social, economic and political fabric of its community character. It is intended that the requirements imposed herein are roughly proportionate and reasonably related to the impacts of the Development.

SECTION 4. REVIEW. This Resolution shall be reviewed by the City Council at least biennially to ensure that these standards are meeting the housing goals and objectives.

SECTION 5. DEFINITIONS.

Affordable Housing: Housing costs – rent plus basic utilities or mortgage, tax, insurance and/or Homeowners Association payments – that consume no more than 30 percent of a household's income.

Affordable Housing Unit: Dwelling units that are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved by the Park City Council.

Affordable Unit Equivalent: A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.

Bedroom: Designed to be used for sleeping purposes and which contains closets and meets all applicable City Building Code requirements for light, ventilation, sanitation and egress.

Deed Restriction: A contract entered into between Park City Municipal Corporation and the owner or purchaser of real property identifying the conditions or occupancy and resale.

Household: All related and unrelated individuals occupying a unit.

Household Income: Combined gross income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed.

Net Livable Square Footage: Is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions. Also included, but not limited to, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

Park City Housing Wage: The median wage of the core Park City workforce as determined annually by the City Council.

Studio Unit: Living quarters designed around a relatively large single room incorporating the features of a living room, bedroom, dining room/kitchen and bathroom.

SECTION 6. EXEMPTIONS. The development of affordable housing units as defined by the Land Management Code is exempt from the requirements of this Resolution. This may include projects developed by or sponsored by nonprofit organizations and projects for which agreements have been executed that provided affordable housing or land for said purpose.

SECTION 7. FEE WAIVERS. Section 11-12-13 of the Municipal Code provides that "any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects." Pursuant to Section 11-13-4(A) of the Municipal Code, the City Council can waive impact fees for construction of affordable housing up to $5,000 per unit.

SECTION 8. CALCULATION OF MINIMUM AFFORDABLE HOUSING REQUIREMENTS

A. Residential Development.

For projects where units are offered for sale or rent, the Developer shall provide affordable housing units in an amount equal to fifteen percent (15%) of the total residential units constructed. Affordable units developed on-site in fulfillment of this requirement are not included in the density calculation for the project.

RESIDENTIAL GENERATION CALCULATION EXAMPLE

An Applicant has received approval for a 128 unit Master Planned Development.

1. 128 units (total units approved) multiplied by .15 (residential mitigation rate) equals 19.2 Affordable Unit Equivalents. 2. One Affordable Unit Equivalent is 900 square feet of net livable space. 3. The total approved units for this MPD is 128 market rate units plus 19.2 affordable unit equivalents.

B. Commercial Development

The Developer shall be required to mitigate 20 percent of the employees generated. For projects with a commercial component, the minimum affordable housing requirements shall be determined according to the following formulas:

Table 1: Employee Generation by Type of Use.

Type of Use	**Full Time Equivalents (2080 hours) per 1,000 net leasable square feet**
Restaurant/Bar	6.5
Education	2.3
Finance/Banking	3.3
Medical Profession	2.9
Other professional services	3.7
Personal services	1.3
Real Estate/Property management	5.9
Commercial/Retail	3.3
Recreation/amusements	5.3
Utilities	2.9
Lodging/hotel	0.6/room
Condominium Hotel	Greater of lodging/hotel calculation or residential mitigation rate
Overall/General	4.4

The Overall/General Type of Use shall apply to any use not listed in the Employee Generation Table if an Independent Calculation is not performed.

EMPLOYEE GENERATION CALCULATION EXAMPLE

An application for a Master Planned Development of 20,000 square feet of commercial space and 100 hotel rooms has been submitted. The commercial uses include:

10,000 square feet of retail space
5,000 square feet of restaurant/bar space
5,000 square feet of professional services

1. Using the above Employee Generation Table, the project will generate 114 employees.

- *Retail* at 3.3 employees per 1,000 square feet equals 33 employees
- *Restaurant/Bar* at 6.5 employees per 1,000 square feet equals 32.5 employees
- *Professional Services* at 3.7 employees per 1,000 square feet equals 18.5 employees
- *Hotel* at .6 employees per unit equals 60 employees.

2. 144 (total number of employees) multiplied by .20 (mitigation rate) equals 28.8 employees.

3. 28.8 employees divided by 1.5 (workers per household) equals 19.2 employee unit equivalents required.

4. 19.2 employees is equivalent to 9.6 Affordable Unit Equivalents configured as two-bedroom, 900 net livable square foot units.

5. The Developer is required to provide 9.6 Affordable Unit Equivalents in addition to approved commercial and hotel density.

C. Reduction of Employee Generation for Institutional/Nonprofit Use. The City Council may reduce the base employee generation rate by up to fifty percent for uses that are “non-commercial or non-residential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations “upon finding that the benefits/impacts of such Development as they relate to other general plan goals and/or action items outweigh the housing impacts*.*

D. Independent Calculation. An applicant may submit an independent calculation of the number of employees to be generated by a proposed development, to be used in place of the Employee Generation Table. The independent calculation shall be accepted by the City Council if the Council determines the calculation constitutes compelling evidence of a more accurate calculation of employee generation than Table 1: Employee Generation Table. Should the independent calculation not be accepted, then the applicable employee generation factor from the Employee Generation Table shall be applied to the proposed Development. Any acceptance of an Independent Calculation shall be site and use specific, non-transferable and be memorialized in a Development Agreement between the property owner and the City. Such Agreement shall be executed prior to the issuance of any building permit.

E. Redevelopment: Additions and Conversions of Use. Redevelopment or remodeling in an existing use or the change in use from one use to another is exempt from the requirements of this Resolution, provided such activity does not create additional employment generation as determined in *Table 1: Employee Generation by Type of Use*. Only the uses and areas that existed prior to the redevelopment or remodeling shall be exempt from the requirements of this Resolution. Any new area or unit or any change in use which creates additional Employee Generation as determined in *Table 1: Employee Generation by Type of Use* shall be subject to this provisions of this Resolution. Mitigation shall be required for the employees generated by the proposed total square footage (including addition) minus the employment generation of the total structure. If the developer converts one land use to another with higher employment generation rates, the mitigation will be based on the increase in FTEs. For example, a conversion of a 1,000 sq. ft. retail establishment with an employee generation rate of 3.3 FTEs per 1,000 square feet to a private club with a generation rate of 6.5 FTEs per 1,000 square feet results in a net increase in 3.2 FTE and would require additional mitigation.

F. Final Unit Requirement Calculations. The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of building permits for the covered project.

SECTION 9. METHODS OF HOUSING REQUIREMENT COMPLIANCE

A. Size and Design Standards for Affordable Housing Units

1. **Unit Types:** The distribution of dwelling unit types that meet the deed restricted affordable unit requirements of this section shall be as follows:

- **Single Family:** In single family detached dwelling unit developments, the required on-site permanently affordable units shall also be single family detached units.
- **Mixed Unit Type:** In developments where there is a mix of two or more unit types: single-family detached units, attached units, multi-family apartment units, or other dwelling unit types, the required on-site deed restricted units shall be comprised of the different unit types in the same proportion as the market rate dwelling units within the development.
- **Alternative Distribution Ratios**: Different unit distribution among the deed restricted affordable unit types may be permitted if doing so would accomplish additional benefits or result in a better design than not using the distribution of units provided for in this section.

2. Minimum Sizes for Deed Restricted Units: In order to assure livability, the net livable square footage for affordable units shall be as follows:

Dormitory	150 square feet
Single Room Occupancy	275 square feet
Studio	400 square feet
One Bedroom	650 square feet
Two Bedroom	900 square feet
Three Bedroom	1,150 square feet
Four Bedroom	1,400 square feet

The Planning Department prior to the issuance of any building permits for either the free market or employee housing component of the project must verify square footage. The Building Department may check the actual construction of the employee housing units for compliance with the approved building permit plans.

3. Winter Seasonal Units. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy the employee housing requirements by provision of dormitory/lodge units designed for occupancy by seasonal employees. The dormitory/lodge units must satisfy all requirements of the applicable Guidelines and shall be required to meet the following minimum standards:

- Occupancy of a dormitory unit shall be limited to no more than 8 persons.
- There shall be at least 150 square feet of net livable square footage per person, including sleeping and bathroom uses.
- At least one bathroom shall be provided for shared use by no more than four persons. The bathroom shall contain at least one toilet, one wash basin, one bathtub with a shower and a total area of at least 60 net livable square feet.
- A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Building Department's approval and determination that the facilities are adequate in size to service the number of people using the facility.
- Use of 20 net leasable square feet per person of enclosed storage area located within, or adjacent to, the unit.
- Rents for dormitory units will be set by Special Review on a case-by-case basis, given the unique and varying characteristics of dormitory units, with affordability as the key issue.
- Seasonal Lodge Developments may be required to house qualified employees of the community at large.

4. Special Needs Emergency/Transitional Housing. Pursuant to the applicable City codes, an applicant for a development may, at the sole discretion of the City and subject to certain requirements, satisfy a portion of its employee housing requirements by provision of special needs emergency/ transitional housing units through either direct construction, land donation or the donation of existing units. There must be a quantified, demonstrated need for the emergency/transitional housing within the Park City boundaries. The housing must be developed in collaboration with a federally recognized, 501(c)(3) nonprofit organization. The housing must satisfy all requirements of the applicable Housing Guidelines and Standards as well as comply with all applicable local, state and federal requirements. Given the unique and varying characteristics of the population to be served, the rents for emergency/transitional housing must be approved in advance by the City Council.

5. Minimum Green Building Requirements. All new construction or substantial rehabilitation projects developed in fulfillment of the affordable housing obligation must demonstrate that it meets, at minimum, LEED Certified level. All appliances and products including light bulbs shall be Energy Star qualified products for all new construction or substantial rehabilitation.

6. Affordable Unit Amenities. Inclusionary units may differ from the market units with regard to interior amenities and gross floor area provided that:

- These differences, excluding differences related to size differentials are not apparent in the general exterior appearances of the project's units; and
- These differences do not include insulation, windows, heating systems and other improvements related to the energy efficiency of the project's units.
- The gross floor area of the inclusionary units is not less than the following minimum requirements, unless waived by the City.

B. Methods of Meeting Minimum Requirements.
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 on which the development is proposed.*** Affordable housing units shall be constructed on the project 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. ***Dedication of existing units provided such units have not been previously restricted to employee or affordable housing by Park City or Summit County.*** Units shall be located within the City limits unless otherwise approved by the City. Units must be of equivalent value, quality and size of the deed restricted units that would have been constructed on-site. Existing units must be in move-in condition with appliances, windows, heating, plumbing, electrical systems, fixtures and equipment in good working condition. The value of dedicated existing units will be determined, at the expense of the developer, by an appraiser selected by the developer from a list of certified appraisers provide by the City of by such alternative means of valuation as to which a developer and the City may agree. All units shall be inspected and shall meet applicable Park City building codes and state habitability standards, as applicable. 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. All appliances and products including light bulbs shall be Energy Star qualified products.

4. ***Construction of units outside Park City, but within the Park City School District boundary and/or the boundaries of the free transit system.***

5. ***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.*** The developer may elect to (a) convey land to the City or its designee that is of equivalent value to the cash in lieu contributions that would be required under this Resolution, plus an additional 25 percent to cover costs associated with holding, developing, improving or conveying such land; or (b) convey land to the City or its designee that is of equivalent value (as of the date of conveyance) to that land upon which required units would otherwise have been constructed and properly zoned such as to allow construction of at least that number of units for which the obligation of construction is being satisfied by the dedication of the land. Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development. Should the City Council later elect to sell the land, all proceeds from the sale of the land shall be placed in a dedicated housing fund.

6. ***Payment of Fees in Lieu of Development***. If the City determines that (1) no other alternative is feasible, or (2) such a payment would result in more immediate development of housing or (3) such a payment would leverage additional resources, then a Payment of Fees in Lieu of Development may be accepted. The Payment in Lieu Fee for 2007 is $160,553. The fees shall be reviewed and updated at least biennially. Updates may occur more frequently at the request of the City Council to reflect changing real estate conditions. The funds, and any interest accrued, shall be used only for the purpose of planning for, subsidizing or developing affordable and employee housing.

   One-half of the in-lieu fee shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the MPD. The remainder of the fee shall be paid before a certificate of occupancy (temporary or permanent) is issued for any unit in the Residential Development. The remaining fee will be calculated at the in lieu fee rate in effect at the time of payment. The Developer retains the option of paying the fees in full at time of building permit to avoid any increase in fees.

SECTION 10. DEED RESTRICTION. Prior to the plat recordation provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the City Attorney with such modifications as it may deem necessary to carryout the purpose of this Resolution. No building permit application shall be accepted in the absence of proof of the execution of requirement agreements and covenants. In the event such restrictions are voided by bankruptcy or other legal action, the City may revoke the Certificate(s) of Occupancy until such time as subsequent owner complies with the standards herein.

SECTION 11. TIMING OF OCCUPANCY. The affordable units shall be ready for occupancy no later than the date of the initial or temporary occupancy of the free market portion of the project.

If the free market units are to be developed in phases, then the affordable housing can be developed in proportion to the phasing of the free market units as approved in the Housing Mitigation plan.

SECTION 12. APPLICABILITY OF RESOLUTION TO PRIOR APPROVALS OR PENDING APPLICATIONS.

A. Prior Development Agreements. Developments, which received development plan approvals prior to the adoption of this housing resolution, shall conform to the provisions of the resolution in place at the time of applicable complete application. Any modifications to an existing Development Agreement that results in an increase in housing units or employee generation shall be subject to the provisions of this Resolution.

B. Prior Annexation. Unless otherwise provided in Conditions of Approval or a Development Agreement, Developments subject to affordable housing requirements imposed by annexation agreements entered into prior to the effective date of this Resolution may develop in conformity with the Resolution in place at the time the Annexation Agreement was approved.

C. Pending Project Approval Actions. Developments for which complete applications were filed prior to the effective date of this Resolution, but have not been reviewed by the appropriate body, must conform to the Resolution in place at time of application.

SECTION 13. HOUSING MITIGATION PLAN. The Applicant shall submit a Housing Mitigation Plan. The Housing Mitigation Plan shall be reviewed by the Planning Commission as part of the application to the City for the Annexations or Master Planned Development with a recommendation forwarded to the City Council. The Housing Mitigation Plan shall include the following:

A. Calculation and Method. The calculation of, and method by which housing is to be provided, in compliance with Section 6 "Calculation of Minimum Affordable Housing Requirement" and Section 7 "Method for Providing Housing"

B. Unit Descriptions. If affordable housing units are to be developed, a site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms in and square foot of each unit, and the rental/sale mix of the development. The proposed sale prices and rent levels shall also be included.

SECTION 14. CONSTRUCTION TIMING. Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units. Other phasing agreements may be accepted, if doing so would accomplish additional benefits fro the City consistent with the purposes of this Resolution. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required inclusionary units shall be approved prior to the issuance of a building permit.

SECTION 15. GOOD FAITH MARKETING REQUIRED. All sellers or owners of deed restricted affordable units shall engage in good faith marketing efforts each time a deed restricted unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance of becoming informed of the availability of such units. A public marketing plan shall be submitted by the developer for the initial sale or lease of the units.

SECTION 16. LOCAL PREFERENCE OPTION. The Park City area is defined as the Park City School District limits. The following target groups should be given priority in any deed restricted affordable housing project.

- Full time (30 hours of employment per week) employees of businesses located in the City limits.
- A resident of the City for the prior 24 months.
- An owner or owner's representative of a business within the City limits.
- Senior Citizens
- Physically and/or mentally challenged individuals.

SECTION 17. MAXIMUM RENTS AND SALES PRICES. The following provision shall apply to the calculation of rents, selling prices and/or carrying charges of deed restricted affordable units.

A. Occupancy. In calculating the rents or carrying charges of inclusionary units, the following relationship between unit size and household size shall apply:

Dormitory/Single Room Occupancy:	1 person per 150 net livable square feet.
Studio/Efficiency:	1 person per household
One-bedroom:	1.5 person household
Two-bedrooms:	2.5 person household
Three-bedroom:	4 person household
Four-bedroom:	6 person household.

B. Rental Units. Inclusionary rental units in any one development shall be rented at a price, which, on average, is affordable to a household with an annual income of 100% of the Park City Workforce Wage.

C. For Sale Units. The initial sales prices for affordable units in any one development shall average a price affordable to a household earning 150 percent of the Workforce Housing Wage for Park City according to the following guidelines.

a. An available fixed-rate thirty year mortgage, consistent with the First Time Homebuyer Rate offered by the Utah Housing Corporation, plus 50 basis points. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed rate, 30-year mortgage at this lower rate for all of the inclusionary units.

b. A down payment of no more than 5 percent of the purchase price

c. A calculation of property taxes; and

d. A calculation of homeowner insurance and/or homeowner association fees.

D. Appreciation Limits. Provisions to ensure continued affordability of inclusionary units offered for sale shall include a formula limiting equity appreciation to either a shared percentage of the equity appreciation or a cap on the equity appreciation, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by the City. The form of the resale restriction shall be determined by the City at the time of approval of the Housing Mitigation Plan.

E. Limitation on Rental Rates and Terms. The rate at which the Owner shall rent the Units shall not exceed the Maximum Rent. The Maximum Rent shall be adjusted on January 1 of each year by the annual percentage increase in the Consumer Price Index for the western region using a base year of 2006. Unless otherwise approved, the minimum lease term shall be six months.

F. Income Limits. The City reserves the right to place an income/asset limitation for prospective owners or renters as needed to further the goals of this Resolution.

SECTION 18. TERM OF AFFORDABILITY. The Term of Affordability shall be for a period of not less than forty (40) years. At the expiration of the initial forty (40) year term, this Agreement shall be reviewed for additional consecutive ten (10) year terms, unless the City shall determine, based an independent housing needs assessment, that the Unit is no longer necessary to satisfy the affordable/employee housing needs in Park City.

SECTION 19. WAIVERS. The City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.

SECTION 20. ADMINISTRATIVE RELIEF. The City Council may waive all or part of the requirements of this Resolution where the applicant can establish by clear and convincing financial data and other evidence relating to the character of the development or surroundings that the imposition of the requirements set forth in this article shall create an economic hardship. The Council shall use the same standards that it applies to historic properties in making a determination of economic hardship. A waiver under this section shall be granted only to the extent necessary to relieve the hardship or difficulty that serves as the basis for the requested waiver and shall not be considered precedent for future requests for administrative relief.

SECTION 21. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Resolution.

SECTION 22. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council. All prior Housing Resolutions and parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed. This Resolution repeals and replaces all prior housing resolutions including Resolution s 37-91, 8-93, 6-94, 7-95, 17-99 and 10-2006.

PASSED AND ADOPTED this day of, 2007.

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.

<u>Consistency with Housing Element of General Plan</u>

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) <u>The Requirements</u>

   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) <u>The Proposed Modification</u>

   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) The Rationale

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

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JUNE 21, 2007

I ROLL CALL

Chairman Dana Williams called the regular meeting of the Municipal Building Authority to order at approximately 7:10 p.m. at the Marsac Municipal Building on Thursday, June 21, 2007. Members in attendance were Dana Williams, Marianne Cone, Roger Harlan, Jim Hier, and Joe Kernan. Candace Erickson was absent and excused. Staff present was Tom Bakaly, Executive Director and Tom Daley, Deputy City Attorney.

I PUBLIC INPUT

None.

II MINUTES OF MEETING OF JANUARY 11, 2007

The Chairman requested a motion to approve. Roger Harlan, "I so move". Marianne Cone seconded. Motion carried.

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

IV CONSENT AGENDA

Resolution adopting the Park City Municipal Building Authority revised Budget for Fiscal Year 2007 and the Budget for Fiscal Year 2008 – Joe Kernan, "I move we approve the budget for the Municipal Building Authority as presented". Jim Hier seconded. Motion carried.

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

V 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 3:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Roger Harlan, Jim Hier, and Joe Kernan. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jessica Moran, Recreation Coordinator; Craig Sanchez, Golf Director; Max Paap, Special Events Manager. Marianne Cone, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried. The meeting opened at approximately 4:15 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion carried.

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

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

Staff Report

Author:	**Jonathan Weidenhamer**
Subject:	**Historical Society Museum Expansion – Lease Terms 528 Main Street**
Date:	**July 12, 2007**
Type of Item:	**Administrative - Lease Addendum**

Sustainability Team

Summary Recommendations
Review and approve the lease addendum for space within the existing Old City Hall Building and proposed new addition located at 528 Main Street with the Park City Historical Society.

Background
In 2003 the Park City Historical Society entered into a 99 year lease with the City for use of the Old City Hall, located at 528 Main Street. The Historical Society has been working on a long-term expansion plan to increase their presence in the community and increase private funding support. This plan is in-keeping with Council's goal of promoting economic development and cultural tourism by preserving and expanding the museum's presence downtown. To date, the Historical Society has met stated fundraising goals and other milestones of their special service contract, modified their existing contract with the City to secure the lease for the entirety of the building, and met all terms of Lease Addendum #3 which identified a blueprint for Tenant Improvements – both temporary displays and permanent improvements - necessary to allow the Historical Society to move forward with an expansion of the building.

Currently the only other tenant besides the Historical Society in the Building is the DABC, whose lease is month to month. The DABC agreed to move out upon commencement of the museum expansion and is negotiating with the City to relocate into the Shell space upon its completion.

The proposed addition contemplates: expanding permanent exhibit space, developing educational programs, establishing a revolving gallery space, expanding the library, and a gift shop. The proposed expansion provides for preservation of the existing historic buildings, including all exterior facades. The plan includes an addition to the rear of the existing building(s) that will not obscure the rear façade, but instead feature the existing elevation and bell tower. The proposal improves internal circulation, brings the historic buildings up to ADA and building code standards, provides for better visibility from Swede Alley and the Transit Center, as well as enhances lighting and exhibit viewing and quality (Exhibit B - plans). The overall proposal expands the museum from 8,300 sf to 12,900 sf, and removes the non-historic kiosk at the south west corner (Park City Police). Their proposal does not contemplate removal of any of the existing surface parking on the west side of Swede Alley.

Analysis
The following requirements need to be met for the Historical Society to proceed with

their proposed addition:

1. Subdivision plat - Approved by the City Council on May 17, 2007.

2. Conditional Use Permit – Approved by the Planning Commission May 23, 2007

3. Administrative Historic District Design Review – An initial staff determination of compliance was made and publicly noticed on June 8, 2007. Staff presented the proposal to the Historic Preservation Board for advisory input on 3 separate occasions (May 21, June 4, and June 18) as recommended by the City Council. Staff made a final determination of compliance with the Guidelines on July 9, 2007; conditioned on the following alterations to the rear: removal of the mezzanine, reconfiguring of the stairs, introduction of additional landscaping, reconfiguring the approach to the walkway from Swede Alley to make it more open and inviting, and providing finish detailing to the glass, stairs, railings, landscaping and stone. These modifications are consistent with direction provided from the HPB on June 18, 2007 – minutes attached as Exhibit B.

   The Building Code stipulates the existing front door from Main Street (North West corner of the building) is a secondary access point. The Building Code requires the access point be modified to include a landing and code-compliant stairs. This requirement will result in a minor alteration to the front façade, and the pedestrian experience. The Building Official and Planning Director have agreed to this.

4. Lease Addendum – This is the final step authorizing the expansion and is triggered by the increased square footage and turnover of operations and building maintenance to the Historical Society. See next section for additional detail.

<u>Lease Terms</u>
The attached addendum (Exhibit A) keeps the current term of ninety-nine (99) years beginning September 1, 2003 and ending August 31, 2102. With the significant expansion of the Museum Building, changes to the lease to address the new space, , insurance and maintenance, as well as other requirements need to be addressed. In the past lease the City paid the utilities, provided interior and exterior maintenance, and covered the insurance on the property. At the time the 99 year lease was executed, the City knew that these revisions would take place to address the building post-construction. The lease addendum addresses the following:

- <u>Property</u>: The lease now addresses the increase square footage post-construction.
- <u>Rent</u>: In the past the Historical Society received an annual Special Service Contract to assist with their rent and other operational and staffing needs. Changes to the Historical Society's Contract will no longer consider rent subsidization, however staffing and other operational services are still considered. In order to reflect this change the rent has been reduced to $1.00 annually.

- Tenant Improvements – The Historical Society will install, at its own expense, all specialized equipment and displays needed for the operation of its museum and future exhibitions, offices and other facilities it may require.
- Insurance: The museum would now carry general liability insurance as well as insurance to cover all contents of the building including exhibits.
- Operations & Maintenance: The City will remain responsible for the exterior maintenance of the building. The museum will assume the day-to-day cost of maintaining the mechanical systems and interior of the structure.
- Restrooms: The expansion will remove the public restrooms to the rear of the building. The City added language to the lease requiring the museum to provide clear and unobstructed access to the new restrooms to the public during operating hours and provide ADA access through the main entrance during operating hours. The Historical Society will be responsible for all maintenance and paper products
- Visitor Information: No previous language required the Museum to provide space to the Chamber of Commerce and Convention Bureau's Visitor Information. This addendum addresses that requirement.
- Public Art: The lease reflects the City's policy to contribute 1% of the cost of construction towards public art.
- Green Policy. The lease reflects the City's previous policy to contribute 4% of the cost of construction towards Green/Sustainable building practices. The new CIP Green Building Policy was not in place at the time negotiations on this matter took place.

Issues for Discussion

Green Building – Consistent with City policy at the time direction was requested (January 11, 2007), the Historical Society has agreed to incorporate 4% of the cost of construction towards Sustainable/Green Building design. Staff requests Council discuss if this is sufficient, or does Council prefer to have the expansion be consistent with the current CIP Green building Policy (a score of 75 on the Energy Star efficiency rating, and LEED Certified)? Should Council prefer the latter, direction should be given to include this in the lease, including any specific LEED level desired.

Additional design input – On March 15, 2007, Council, as owner of the building reviewed the general design concept and signed the Affirmation of Significant Interest to proceed with the required regulatory processes. The Council, as the owner of the building, may provide additional input regarding the design prior to approving the lease addendum. Staff made a final determination of compliance with the City's Guidelines on July 9, 2007, conditioned on amendments to the rear façade and walkway (described above). Any changes the Council may seek to the design may trigger the need to go back through the Historic Design Review process.

Insurance – In the past the City provided insurance for building contents (exhibits). With new and revolving exhibits as well as exhibit loans being used to fill the expanded area, providing insurance is problematic due to ongoing administrative difficulty. The draft lease recommends insurance is provided by the Historical Society, however, Council can consider paying the premium for the Historical Society to hold its own insurance.

Significant Impacts
The proposed lease for 99 years binds future Councils in leasing the building to the Historical Society. This would prevent future municipal use of the building until the lease expired or until the Historical Society terminated the lease.

The Lease of the building would prevent the City from collecting rent on the existing museum space or other spaces. The City will also continue to assume expenses for long-term replacement, structural and exterior maintenance, snow removal, and insurance.

Consequences of not taking the recommended action:
The Historical Society would need to relocate the museum, which could mean that the museum would no longer be located on Main Street.

Department Review:
Legal, City Manager, Sustainability, Budget, and Building Maintenance comments are incorporated into this report.

Alternatives:

A. Consider the request Favorably:
Provide direction to finalize lease terms to allow the Historical Society to expand into City-owned property. <u>This is staff's recommendation.</u>

B. Modify the Request:
Provide direction to change general lease terms

C. Deny the Request:
Do not permit the Historical Society to expand into City owned land.

D. Continue the Item:
The City Council may continue the item for more information and discussion.

Recommendation: Review the existing Museum Lease and determine the Addendum to the lease meets City goals.

Exhibits
Exhibit A – Fourth Addendum to Park City Municipal and Park City Historical Society Lease Agreement
- Exhibit A of 4th Addendum – Expansion Plans

Exhibit B – Minutes from June 18, 2007 Historic Preservation Board Meeting

EXHIBIT A

FOURTH ADDENDUM TO PARK CITY MUNICIPAL CORPORATION AND PARK CITY HISTORICAL SOCIETY LEASE AGREEMENT

THIS FOURTH ADDENDUM is made and entered into in duplicate this ____day of July 2007, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("Landlord"), and PARK CITY HISTORICAL SOCIETY, ("Tenant") to amend the Lease Agreement executed by both Parties on September 11, 2003 and subsequent Addendums 1, 2 and 3 dated respectively,

WITNESSETH:

WHEREAS, the Historical Society benefits the residents and guests of Park City by providing information on Park City's history; Exhibitions of Park City history; Preservation of Park City historic artifacts; and Educational programs; and

WHEREAS, The Historical Society requires a long term lease to assist with fundraising to expand their services; and

WHEREAS, the City Council has identified Cultural Tourism as an important economic development goal, which the Historical Society meets; and

WHEREAS, the City desires to allow the Historical Society to continue their operations at 528 Main Street; and

WHEREAS, the Old City Hall Building is a historic building within the Historic District, and the City Council hereby finds that this agreement is critical to the successful utilization and preservation of this building, as well as all historic areas and sites within Park City, by generally facilitating and supporting historic preservation and collections relating to these areas and sites;

WHEREAS, the parties entered into a long term Lease Agreement on September 11, 2003 (hereinafter "Original Agreement") for certain property located within the Old City Hall Building, 528 Main Street, Park City, Utah; and

WHEREAS, the parties amended the Original Agreement through Lease Addendum #1 and #2 to include additional leased space within the building; and

WHEREAS, the parties amended the Original Agreement through Lease Addendum #3 to clarify requirements related to Tenant Improvements including Temporary Displays, and Permanent Improvements to leased property, and

WHEREAS, the parties desire to amend the Original Agreement to include the entire existing space. planned addition and associated maintenance, operation, rent and insurance associated with, located at 528 Main Street, NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, the parties hereto now amend the Original Agreement as follows:

1. Property. The property leased is located at 528 Main Street, Park City, Utah, and consists of the Old City Hall Building. The leased premises consists of the existing and proposed addition and tenant improvements, including basement, first floor, second floor levels and patio area as more specifically depicted in the plans incorporated herein as Exhibit A. An additional area is leased in the Library and Education Center having a street address of 1255 Park Avenue, Park City, Utah. The lease premises consist of Room 220 in the Library.

2. Term. The Lease term, for the Additional Space shall commence upon execution and shall run concurrently with the Term of the Original Agreement unless sooner terminated under the provisions of the Original Agreement or by joint agreement of the parties

2. Rent. The rent for the Property shall be one dollar ($1.00) per year. Rent payments shall be due by January 30 each year.

3. Addition. The Tenant agrees to build an addition to the rear of the building as depicted in Exhibit B incorporated herein. The addition will be on City property. In order to accommodate the addition, the tenant will need an approved subdivision that recognizes the addition being on one platted lot.

4. Government Approvals. In addition to recordation of the approved subdivision plat, the Tenant will also be responsible for all applicable government approvals including but not limited to a Conditional Use Permit for a Quasi-Public Institutional Use, approval of a Historic District Design Review to determine compliance with City Design Guidelines, and a building permit.

5. Tenant Improvements. The Tenant agrees to install, at its own expense, all specialized equipment and displays needed for the operation of its museum and future exhibitions, offices and other facilities it may require. This includes any additional partitioning, specialized or additional electrical and mechanical equipment, air conditioning, internal heating, and any other tenant improvements that are necessary for the Tenant's intended use of the space. Any tenant improvement items that can be removed at the end of the lease without causing substantial damage to the remaining walls, ceilings, or other finishes may be removed by the Tenant at the termination or expiration of the lease. All work done by the Tenant must comply with the applicable building codes, and more particularly with the Historic District Guidelines for this structure.

6. Insurance. The Tenant will provide insurance at its expense covering its contents against loss through theft, fire, vandalism or similar casualties. The Landlord will maintain insurance on the structure for the replacement of the building itself, and the contents of the building owned by Landlord. Tenant shall, at Tenant's expense, carry a policy of general liability insurance, including professional liability, in an amount of at least Two Million Dollars ($2,000,000) per person and Two Million Dollars ($2,000,000) per incident or

occurrence. Landlord shall be named as an additional insured on each policy. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Landlord on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Landlord. The Landlord will carry insurance on the structure for casualty loss, structure contents, and boiler and machinery insurance for boiler and mechanical systems loss.

During construction of the addition the Historical Society is responsible for ensuring the Construction Manager purchase and maintain insurance as set forth in Article 11 of AIA Document A201, as amended, and as set forth below.

a. The Construction Manager shall maintain, and shall require all subcontractors and other entities or persons who perform work on the project to maintain, Workers' Compensation and Employers' Liability insurance meeting statutory limits mandated by Utah State law and federal law.
b. Commercial General Liability, including coverage for Premises-Operations, Independent Contractors' Protective, Products Completed Operations, Contractual Liability, Personal Injury, and Broad Form Property Damage (including coverage for Explosion, Collapse, and Underground hazards), shall be purchased and maintained as follows:
   $ 1,000,000 Each Occurrence
   $ 2,000,000 General Aggregate
   $ 1,000,000 Personal and Advertising Injury
   $ 1,000,000 Products - Completed Operations Aggregate
c. The coverage required in Subparagraph 7.1.2 (the "Policy") shall name Park City Municipal Corporation as additional insured. If, during any phase of the Project, the minimum General Aggregate of the Policy available to cover claims relative to the Project arising under this Agreement is decreased or is in any way compromised such that coverage for the Project, under the Policy is in any manner adversely affected, the following shall occur: (1) the Owner shall be notified within ten (10) days following the occurrence of the event or the receipt of the claim, whichever occurs first; (2) the Construction Manager shall provide alternate coverage, of a scope and nature consistent with the terms of this Agreement, subject to the approval of the Owner, within ten (10) days following the occurrence of the event or the receipt of the claim; and (3) should the Construction Manager fail to provide such alternate coverage within the prescribed time period, the Owner shall be entitled to procure alternate coverage and deduct the cost for such from any monies or payment then due, or in the future due, to the Construction Manager from the Owner.
d. Products and Completed Operations insurance shall be maintained for a minimum period of at least one (1) year either after ninety (90) days following Final Completion, or final payment, whichever is earlier.

e. The Contractual Liability insurance shall include coverage sufficient to meet the obligations under Paragraph 3.18 of AIA Document A201, as amended.
f. Automobile Liability (owned, non-owned and hired vehicles) for bodily injury and property damage shall be maintained with a minimum limit of liability per occurrence of $1 million.
g. During the Construction Phase of the Project, the Owner shall purchase and maintain property insurance, including waivers of subrogation, as set forth in Paragraph 11.2 of AIA Document A201, as amended.

7. Contribution. This lease is no longer subject to a Special Service Contract.

8. Operations, Maintenance, and Long-Term Replacement. The Landlord shall be responsible for:
   a. All structural maintenance of the Premises, including the roof, foundation, structural members, and exterior wall surfaces.
   b. Long-term replacement costs of structural members (roof, foundation, exterior walls, etc.).
   c. Long-term replacement costs of the mechanical systems (electrical, plumbing, HVAC, elevator) shall be covered by the Landlord.
   d. Exterior maintenance of the site and snow removal shall be Landlord's responsibility.

   The Tenant shall be responsible for:
   a. Initial selection and capital outlay for operational and mechanical systems.
   b. Day-to-day costs of maintaining operational and mechanical systems, which serve space as reasonably necessary to maintain the structure and to service common utility facilities including any necessary on-going contracts to maintain them
   c. All "tenant improvement" items including, but not limited to day to day cleaning, interior painting, carpet cleaning, light bulb changing, drywall repairs, etc.
   d. Upon long-term replacement of any mechanical or operational system, any incremental cost associated with equipment chosen by Tenant if materially different than a typical system chosen by the Landlord.

9. Restrooms. The Tenant is responsible for providing clear and unobstructed access to their restrooms to the public during operating hours Access to the general public is allowed from the stair on the south of the building, but ADA access must be provided through the main entrance. The Tenant is responsible for all upkeep, maintenance, and paper products for the restrooms. The Tenant agrees to keep the restrooms open and available during any special event that necessitates the closure of upper Main Street or Swede Alley.

10. VIS Space. The Tenant shall provide space for the Chamber of Commerce and Convention Bureau's Visitor Information including staffing and distribution of print materials. This amount of space shall equal or exceed what currently exists.

11. Public Art and Exhibit Display on exterior City-owned space. The Tenant shall be responsible for any necessary approvals, permits, insurance, etc. for any exterior display. They shall go through the Art Advisory Board for a recommendation to the City Council for consideration prior to approval. The Tenant shall provide 1% of the cost of construction towards public art.

12. Green Policy. The Tenant shall provide 4% of the cost of construction towards Green/Sustainable building practices.

13. Care and Repair of Premises by Tenant. Tenant will inspect and accept the Premises for the purposes of this agreement prior to taking occupancy. Tenant will not commit any waste on Premises nor shall it use or permit the use of the Premises in violation of any state law or county or municipal ordinance or regulation applicable thereto. Tenant may, with the prior written consent of the Landlord, but at its own cost and expense, in a good workmanlike manner, make such alterations and repairs to the leased space as Tenant may require for the conduct of its business. If the Tenant, with the prior written consent of the Landlord, plans to materially alter the basic character of the building the Tenant must comply with all City codes. Any permanent alterations or improvements to the Premises shall become the property of the Landlord upon expiration or termination of this Lease unless specifically exempted in writing prior to commencing work.

14. Surrender of Premise. Tenant agrees to surrender the building, all permanent improvements including the mechanical systems at the expiration or sooner termination of this Agreement or any extension thereof in the same condition or as altered pursuant to the provisions of this Agreement. Ordinary wear, tear and damage by the elements or other acts of God excepted.

15. Landlord Liable only for Negligence. Except where caused by Landlord's negligence, Landlord shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

16. Premises Liability/Unsafe Conditions. Landlord shall not be liable for any injury or damage caused to persons or property as a result of an unsafe condition within the premises, unless that condition relates to requirements of Landlord specified in Section 11 Maintenance. Tenant, as operator of the building, has the duty of keeping the premises as identified under this lease, in reasonably safe condition, and to warn visitors and employees of any dangerous condition(s) that the Tenant knew about or should have known about. If Tenant finds maintenance to be required pursuant to Section 11, Tenant has the duty to notify Landlord immediately of the condition.

17. Other Terms. All other terms and conditions of the Original Agreement shall continue to apply.

18. Entire Agreement. This Fourth Addendum is a written instrument pursuant to Paragraph 25 of the Original Agreement cannot be altered or amended except by written instrument, signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this First Addendum to be executed the day and year first herein above written.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

THE PARK CITY HISTORICAL SOCIETY, INC.

____
Dick Pick, Board President

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ___ day of __________, 2007, personally appeared before me Dick PIck, who being duly sworn, did say that she is the Board President for the Park City Historical Society, Inc., and acknowledged to me that the preceding First, Second, and Third Addendums were signed on behalf of said Park City Historical Society, Inc, and he acknowledged that the Park City Historical Society did execute the same for its stated purpose.

____
Notary Public

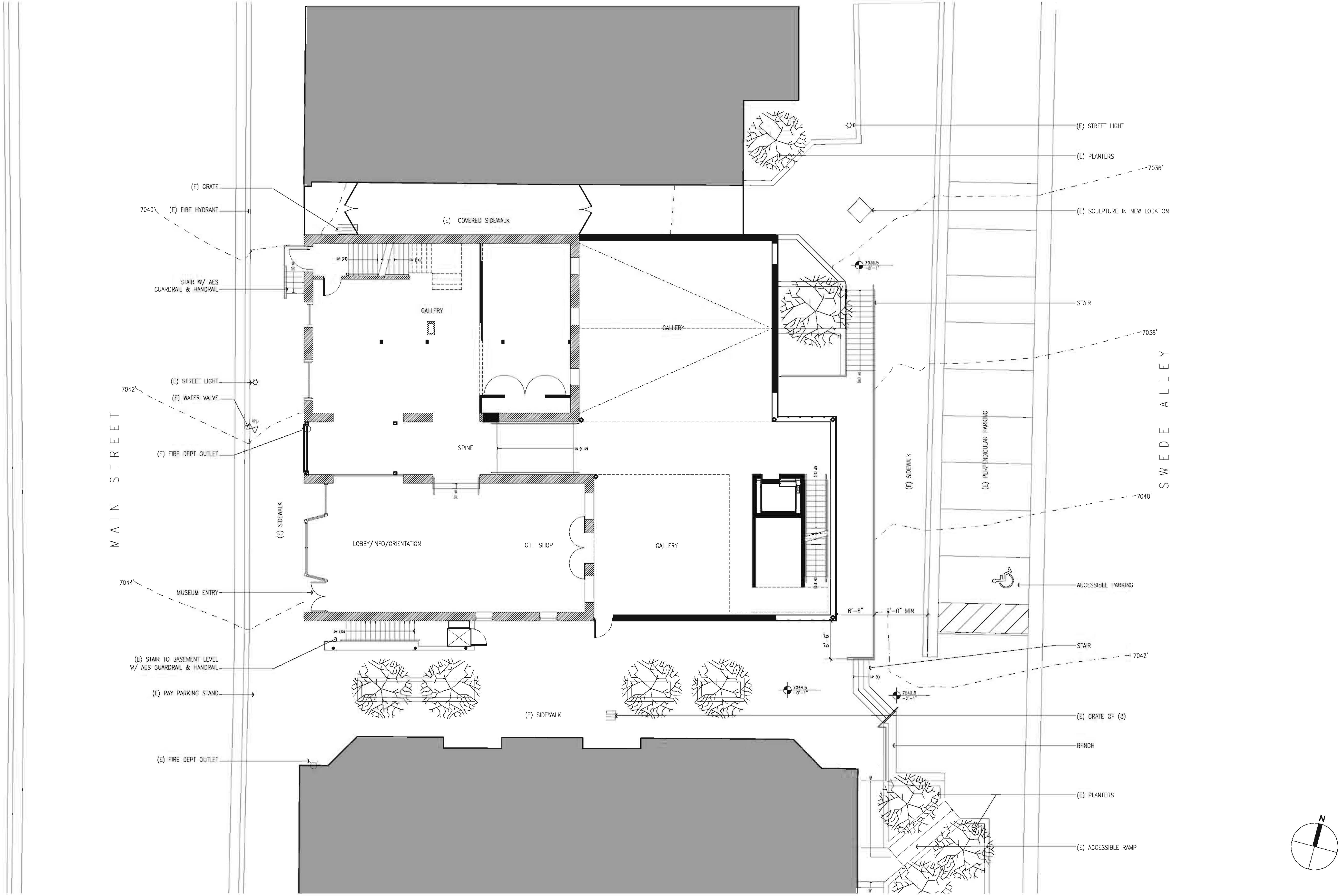
Exhibit A: Expansion Plans

Exhibit A
Expansion Plans

MARK CAVAGNERO ASSOCIATES
JUNE 6, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

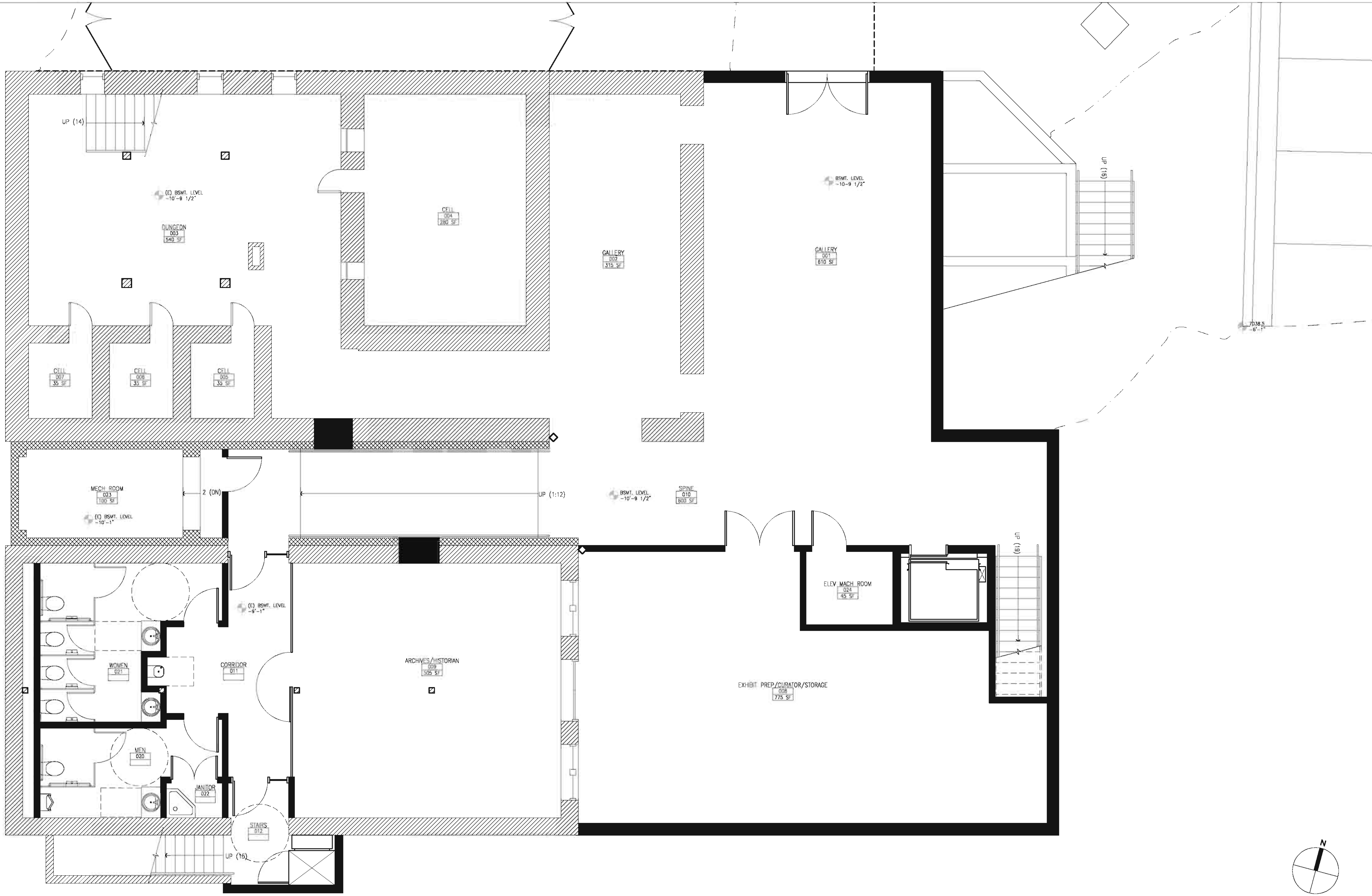
EAST (SWEDE ALLEY) ELEVATION
SCALE: ⅛" = 1'-0"



MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

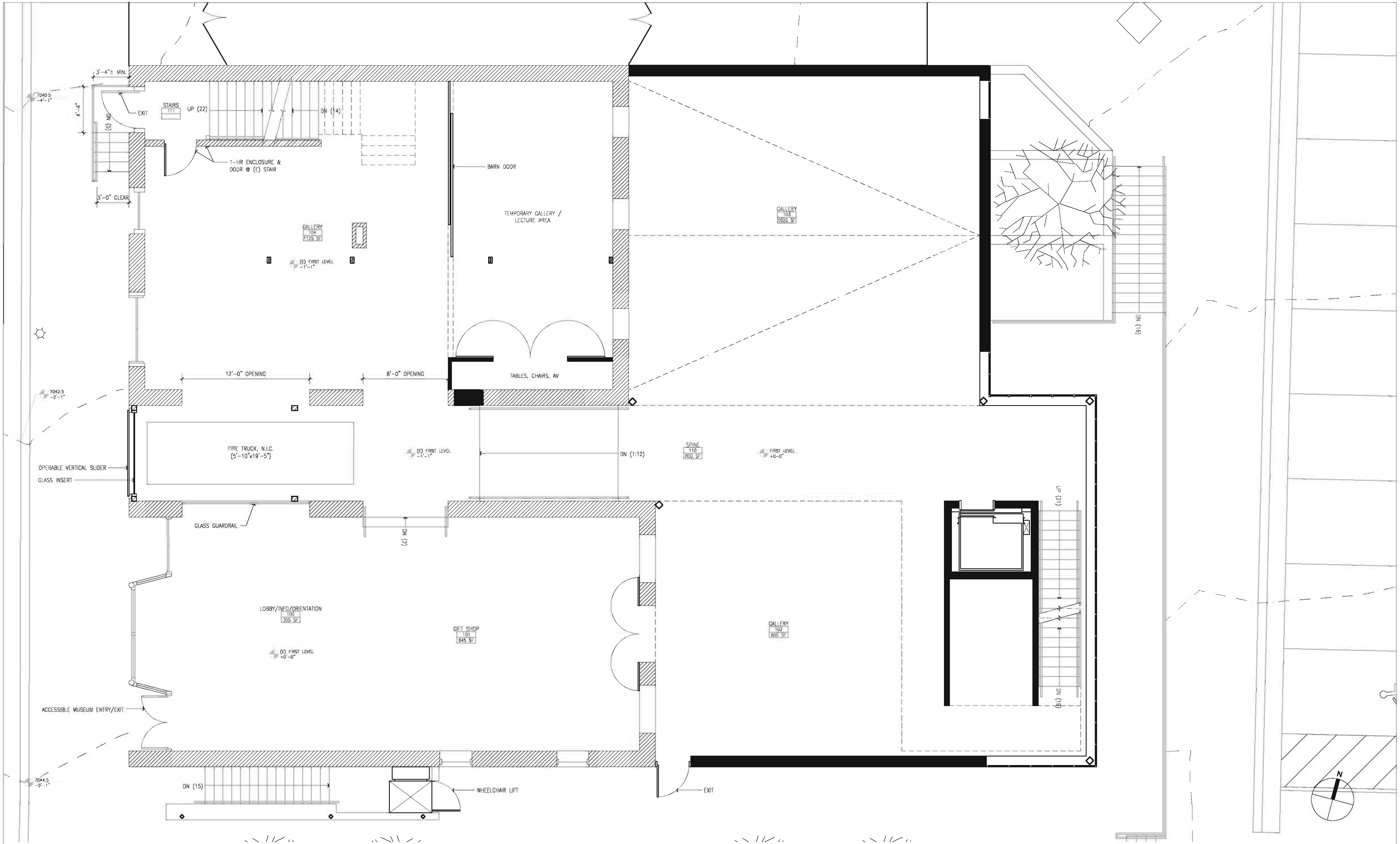
SITE PLAN
SCALE: 1/16" = 1'-0"



MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

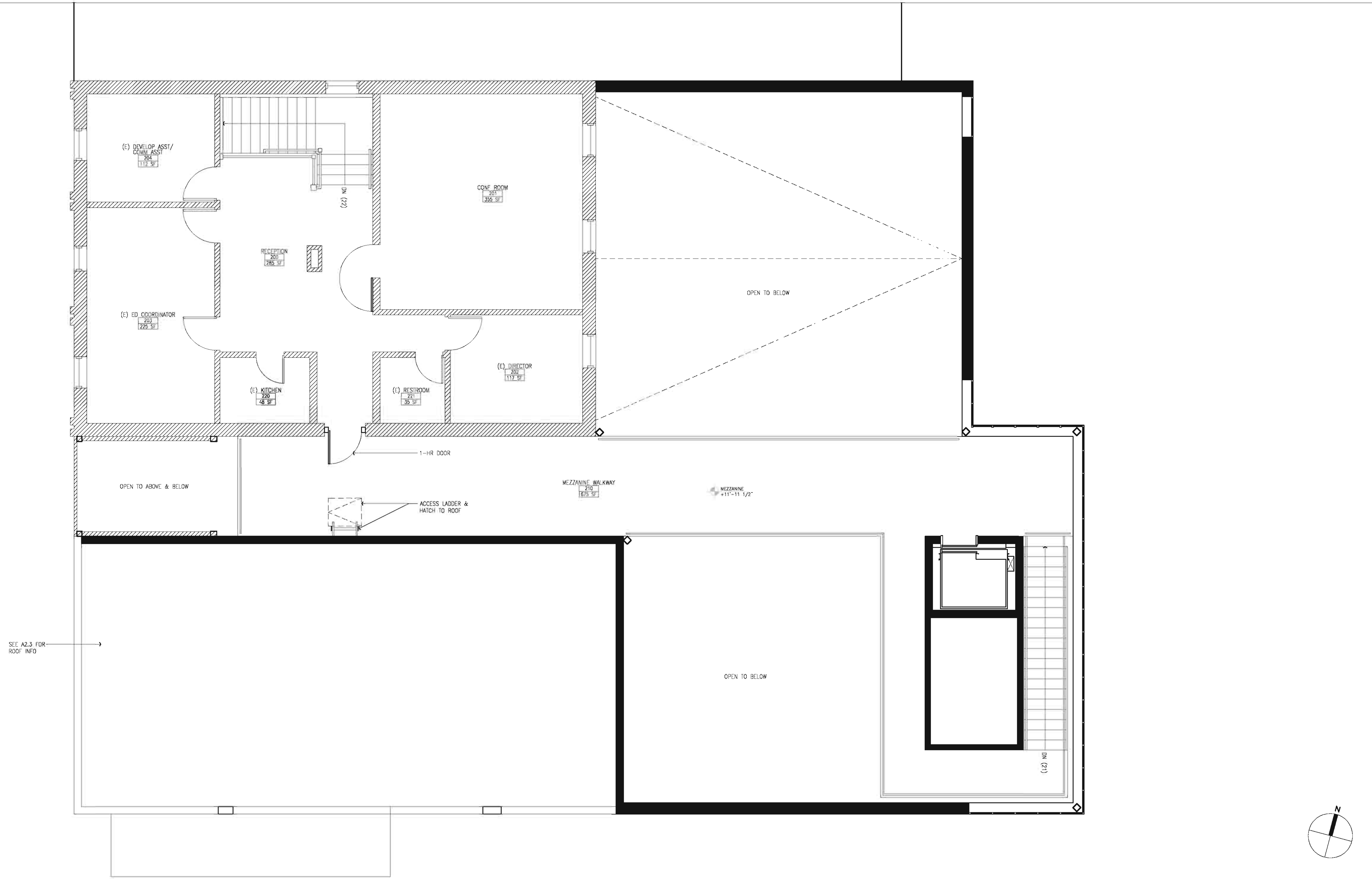
BASEMENT LEVEL PLAN
SCALE: 1/8" = 1'-0"



MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

FIRST LEVEL PLAN
SCALE: 1/8" = 1'-0"



MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

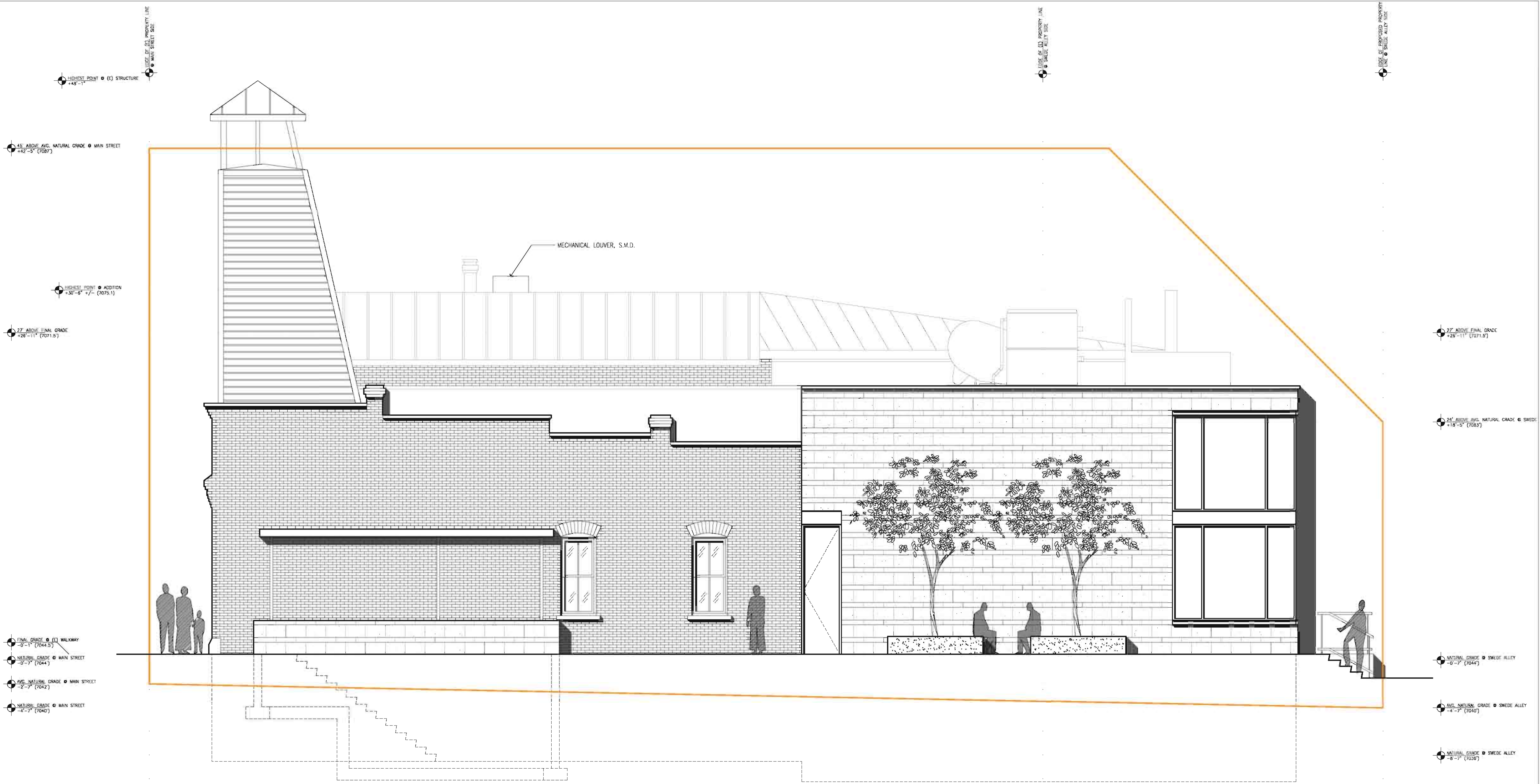
SECOND LEVEL PLAN
SCALE: 1/8" = 1'-0"

WEST ELEVATION 1
1/4" = 1'-0"

MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

WEST ELEVATION
SCALE: 1/8" = 1'-0"



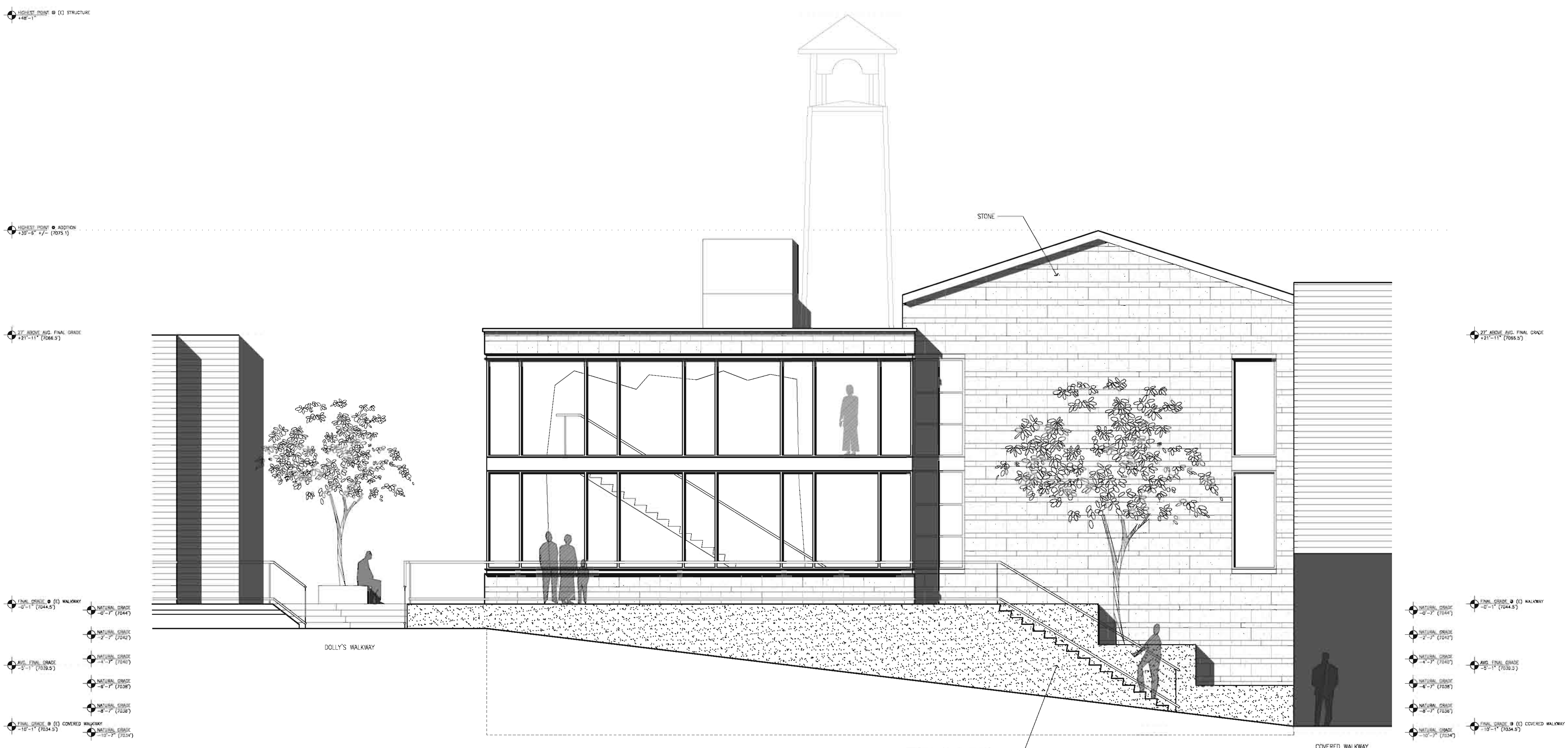
SOUTH ELEVATION 1

1/4" = 1'-0"

MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

SOUTH ELEVATION
SCALE: ⅛" = 1'-0"

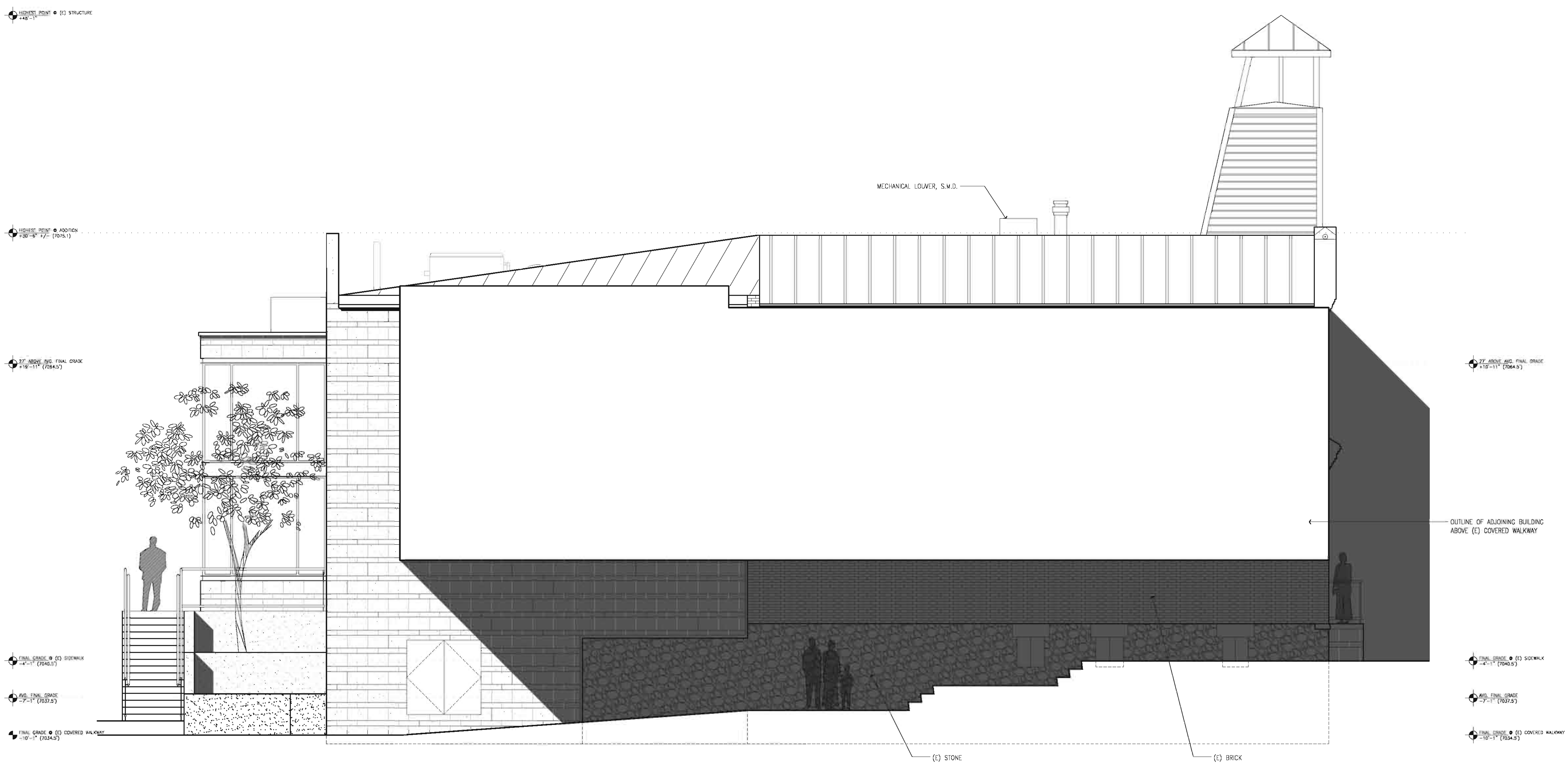


EAST ELEVATION 1
1/4" = 1'-0"

MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

EAST ELEVATION
SCALE: ⅛" = 1'-0"



NORTH ELEVATION 1
1/4" = 1'-0"

MARK CAVAGNERO ASSOCIATES
APRIL 17, 2007

PARK CITY HISTORICAL SOCIETY & MUSEUM

NORTH ELEVATION
SCALE: ⅛" = 1'-0"

PARK CITY MUNICPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF JUNE 18, 2007

BOARD MEMBERS IN ATTENDANCE: Ken Martz, David White, Todd Ford, Nancie Putnam, Gary Kimball, and City Council Liaison, Marianne Cone

EX OFFICIO: Brooks Robinson, Patricia Abdullah, Polly Samuels McLean

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REGULAR MEETING
ROLL CALL
Chair Martz called the meeting to order at 12:00 p.m. and noted that all Board Members were present except for Mark Huber and Puggy Holmgren, who were excused.

PUBLIC COMMUNICATIONS
There was no comment.

STAFF/BOARD MEMBERS COMMUNICATION
Chair Martz disclosed that he is a member of the Park City Historical Society and a member of the Museum Board. His primary involvement with the Museum was prior to accepting this position on the Historic Preservation Board.

Board Member Ford requested a Staff update on the status of the Design Guidelines. Planner Robinson reported that Dina Blaes, the same person involved with the Historic Inventory, will be under contract for the Design Guidelines and Inventory. He believed the timeline would be sometime in October for the guidelines and sooner for the Inventory.

Council Liaison, Cone asked if the City was between inventories or whether the old one was still in effect. Principle Planner, Brooks Robinson, replied that the old one is still in effect. If someone submits an application for a determination of significance, the Staff will reference the new inventory and the determination contained in that draft.

Board Member Ford asked about the reason for the delay in getting the new inventory adopted. Planner Robinson believed the issues related to additional information and deciding on the best public process. He thought they could begin the process as early as July.

REGULAR AGENDA
PUBLIC HEARING/DISCUSSION/ACTION ITEMS

<u>528 Main Street, Museum – continuation of discussion on compliance with Historic Design Guidelines</u>

Planner Robinson reported that the Staff report for the June 4, 2007 meeting contained the Historic District Guidelines for both historic buildings and new construction. Those guidelines mostly referenced the Main Street façade, although some could be appropriate for Swede Alley. At that meeting, the Board members discussed the guidelines and requested that the applicants come back with several alternatives and more refinement on the glass wall on the east side.

Colored copies of renditions from different angles were distributed to the Board members. The Staff was looking for final input from the Board on the questions raised at the last meeting and compliance with the Design Guidelines. The Staff would then complete the review and write up the compliance based on that input.

Planner Robinson noted that the Staff report also contained a report from Roger Durst with the Elliott Work Group. Mr. Durst is the Historic Architect Consultant that the City uses for review of the design guidelines. Planner Robinson reviewed the colored renditions. He referred to the rendition looking up Swede Alley that gives the illusion of seeing through the glass into the exhibit space on the inside and through to Dolly's building on the other side. The Staff felt that the stone cap unnecessarily protrudes the building out and suggests that a dark steel banding across there would be more appropriate and provide more invisibility to the wall element. Planner Robinson stated that the Staff and the applicant are still discussing the stone pattern. The Staff would prefer a more random pattern than the horizontal banding proposed.

Sandra Morrison, representing the Park City Historical Society, commented on the steel storefront assembly and the relationship of the two-story storefront windows to the interior space. She recalled discussion from the last meeting about wrapping the windows around so the two additions would read as a whole.

Chair Martz asked if those involved with the museum expansion had a preference. Ms. Morrison felt they all preferred a design that provides the most visibility into the gallery. The Board of Trustees agreed with the Staff about the dark steel band.

Board Member White still favored transparency of the east wall. He did not agree with the idea of adding panels. Board Member White agreed that the fascia band at the top should be steel. Board Member White remarked on a question he posed at a previous meeting regarding the concrete wall below the walkway and wondered whether a stone facing would be considered for that wall. He felt this would help tie everything together.

Planner Robinson commented on other buildings that have used board formed concrete and suggested the possibility of using that material for consistency.

Board Member White was not opposed to board formed concrete. He did oppose having a flat concrete wall.

Board Member Ford felt that Roger Durst's comments were well written and well presented and expanded on a number of issues mentioned at the last meeting. Board Member Ford agreed with Mr. Durst that the negative space along Dolly Link is static. He had raised this issue at the last meeting and still believes that area needs more work. It is a static façade that needs help. Board Member Ford requested that alternatives be explored. In his opinion, this should be the most welcoming space to attract pedestrians. He stated that landscaping, choice of railings, location of stairs, and other elements would help create more interest and better linkage to the historic structure. Board Member Ford did not think the roof pitch on the gallery space was the right pitch and suggested that they explore alternative pitches.

Ms. Morrison stated that an earlier design showed a flat roof on the north addition, but that did not work either. She noted that the roof pitch mirrors the pitch of the existing façade. This pitch also accommodates appropriate snow shedding.

Board Member Ford agreed with the comment about the stairwell coming along Swede Alley. It is uninviting, set back from the pedestrian route, and obscured by pine trees. There are many elements that could help enhance that pedestrian connection.

Ms. Morrison remarked that the stairs were originally designed closer to the sidewalk. After some discussion, it was decided that moving the stairs next to the building would create a grass area with more seating. Board Member Ford thought they should expand the stairs and make them more dramatic. In his opinion, it was more appropriate to have a gap between the building and the stairs rather than the sidewalk and the stairs. Planner Robinson remarked that the proposal with the stairs next to the building provides a better area for snow storage and leaves room for larger trees to help soften the amount of glass and stone. Planner Robinson did not think the stairs would be used very much. Board Member White agreed that they would not be used as much as the Dolly's stairs. Board Member Ford felt the space would be stronger without the stairs. He suggested that they remove the stairs if they are not going to be used. Board Member White pointed out that the rail without the stairs could make someone feel trapped. The stairs would provide a walk through. Council Liaison Cone asked about the purpose of the walkway. Ms. Morrison explained that the walkway allows people to get closer to the windows and look in to see the historic facades. It also breaks up Swede Alley and makes it more pedestrian. Board Member Ford agreed that the walkway should not just end and felt they should do something at that corner to create a gathering space.

Board Member Ford recalled an earlier comment about breaking up the glass and looking at the historic front façade. He did not think the two options of gray and white provided a full concept of breaking up the pattern of the glass and dividers. He clarified that his comment was meant to be more about breaking up the size of the different windows, particularly on the top floor.

Council Liaison Cone asked about handicap access. Planner Robinson stated that the ramp on the east side of Dolly's would remain and it would access the plaza.

Board Member Kimball was pleased with the design as currently proposed.

Chair Martz felt the stairs going up to Dolly's plaza could be widened and a rail added in the middle. Board Member White believed a middle rail would be required at the width currently shown. Chair Martz agreed with the comments about enhancing the overall thoroughfare. Eliminating the police box creates a wide thoroughfare and provides a good opportunity to do some interesting things. Chair Martz remarked that lighting and signage could be recycled as part of the renovation. He suggested developing a cooperative team that could meet together a few times to discuss issues such as landscaping, fascias, railings, and other items that would come later in the process. Chair Martz thought the rails across the back of the building would have a necessary and helpful look. He believed that people would use the main steps of the corridor and walk back to the windows. He agreed that most people would not use the steps; however, it is good to have several choices.

Board Member White asked if the doorway on the south side would be considered a main entry. Ms. Morrison replied that the main entrance would be off Main Street. The door on the south side will be used as an emergency access. Board Member White agreed with a previous comment about finding ways to join the old construction with the new. Ms. Morrison stated that the architects are already looking at ways to blend the two buildings on the south side.

Chair Martz commented on the stone and suggested a team approach for choosing the actual stone. Computer renderings are not always clear and it would be nice to see how the real stone looks. Board Member White thought it would be good to hear comments from the local architects and designers before making a decision.

Board Member Ford appreciated the broad comments in Roger Durst's letter. He felt it was a better way of viewing the issues because it should be looked at as a whole package. Board Member Ford suggested having a design charrette with the architect, Roger Durst, members from the HPB Board, the Staff, and members from the Museum Committee, to discuss these final issues and come to some resolution. Ms. Morrison recommended that they bring the City Council back into the discussion.

Council Liaison Cone reported that the City Council voted for a plat amendment to combine the lots. The Planning Commission had preliminarily discussed the design and voted 3-2 to proceed. Councilwoman Erickson requested that the Historic Preservation Board be involved in the design review process and the other Council Members agreed that it was a good idea.

Chair Martz asked if the feedback given today would hold up the process or help move it forward. Planner Robinson replied that the Staff always tries to work with the applicant to achieve a better design based on comments from Boards and Commissions. In this case, the comments are from the HPB and the question is whether the project complies with the design guidelines. As stated in Roger Durst’s letter, technically it does comply but some items need to be reworked to satisfy everyone. He pointed out that in order to meet the direction of the City Council and move forward with this process, the role of the HPB is to determine if the project complies with the historic district guidelines. Planner Robinson felt they had heard enough feedback from the HPB to move forward and report back to the City Council.

Board Member Ford stated that if he had to vote on compliance with the guidelines, he would have to rule that many things do not comply. In his opinion, to review the project against each individual guideline without the benefit of an overall design discussion is flawed and a mistake.

Polly Samuels McLean, Assistant City Attorney, recommended that the Board summarize the direction of their comments for the benefit of the City Council and the applicant. She was hesitant to ask the applicant to make changes on one person’s comment without agreement from the majority of the Board.

Chair Martz summarized that the three main issues are 1) window treatment; 2) landscaping including lighting, signage and expansion of the stairs area; 3) the roof element. More general issues included the connection between the old and the new on the south side and the desire to provide a better transition between the two buildings. He noted that the Board had not provided specific direction on how to approach these issues.

Ms. Morrison asked for specific clarification on the windows since Board Members White and Kimball had said they liked the design. She believed that Chair Martz was also comfortable with the windows. Chair Martz did not think there was consensus on the windows. Board Member Ford read from Guideline #25, “Maintain the distinction between upper and lower floors.” He stated that due to the exact same window dimension, that guideline is not met. Board Member White pointed out that this is a two-story space but only one floor. He did not believe that constitutes upper and lower floors as specified in the guideline. Board Member White explained that the Board and Mr. Durst should make comments but it is up to the designers to come up with a solution or a response.

Board Member Ford believed it was a process issue. In a unique circumstance like this, if they can get several players to the table, they can go through the issues a lot faster and the architect can provide options for discussion.

Chair Martz requested that minutes from the June 4th and the June 18th meetings be included in the next packet.

The meeting adjourned at 1:25 p.m.

Approved by ______________________________

Ken Martz, Chair
Historic Preservation Board