PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 29, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 29, 2006.

Executive Session – City Council Chambers
2:00 p.m. Motion to close for property and litigation

Work Session – City Council Chambers

2:45 p.m. Alternative energy – Park City Ice Arena
3:15 p.m. Interviews for Planning Commission and Historic Preservation Board
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

Swearing-in of Police Officer Jeremy Eaton

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 8 AND JUNE 15, 2006

V RESIGNATIONS AND APPOINTMENTS

Library Appointments of Christopher Cerniak, Bill Jahsmn, and Laurie Smith for terms expiring July 1, 2009 and Kris Weis for a term expiring July 1, 2008

VI CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a condominium plat vacation and subdivision for 259-263 Norfolk Avenue **(motion to continue to July 6)**

2. Ordnance approving the Silver Strike Subdivision located on Silver Strike Trail, Pod A, Village at Empire Pass, Park City, Utah

3. Ordinance approving the Park City Fire District Station No. 38 Subdivision located at 1798 Deer Valley Drive North, Park City, Utah

4. Ordinance approving a six month extension to the plat amendment to combine all of Lots 12, 13, 14 and portions of Lots 11, 15, and 16, located at 147 and 151 Main Street, of the Park City Survey into one lot

5. Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2006-2007, Park City, Utah

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4. Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2006-2007, Park City, Utah

5. Resolution authorizing the City Manager of Park City, Utah to execute, file and accept applications, certifications, assurances, and agreements required for financial assistance from the United States Department of Transportation and the Utah Department of Transportation

6. Outdoor dining lease with Main Street Deli, located at 525 Main Street

VIII NEW BUSINESS

1. Award of the 2006 Pavement management contract to and authorization to the City Manager to enter into a Construction Contract, in a form approved by the City Attorney, with Staker & Parsons Company in an amount not to exceed $671,830

2. Ordinance amending Title 15 of the Park City Municipal Code, Land Management Code, establishing Section 15-2-23, Community Transition District and Section 15-6-8, a unit equivalent multiplier for I-Occupancy Uses
   (a) Public hearing
   (b) Action

3. Ordinance annexing approximately 157 acres of property located at the northwest corner of the State Route 248/US40 Interchange in the Quinns Junction Area

known as the Intermountain Healthcare/USSA/Burbidge Annexation into the corporate limits of Park City, Utah

(a) Public hearing
(b) Action

4. Ordinance amending the Official Zoning Map of Park City, Utah
   (a) Public hearing
   (b) Action

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.

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

July 2006

6 Board interviews (RAB, PC, HPB) - work
Continuation of Ordinance - 259-263 Norfolk Avenue – condo plat action/subdivision
Continuation – Tour of Utah MFL – August 12
Lobstah Fest – July 22
13 Planning Commission appointments
Fee waivers – special events – work
Rail Central Encroachment Agreement Amendment – work Matt
20 **No meeting**
27 LMC amendments to Chapters 2 and 15
Rink – fee increase
Presentation by Dr. Laura Nelson (hold)

August 2006

3 Brewpub lease assignment - RDA
10
17
24 **No meeting**
31 **Dana gone**

One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006
One year review of land use associated with purchase of Aerie Drive/Deer Valley Drive property – August 2006

September 2006

7 **No meeting – city tour**
14
21
28

October 2006

5
12 **No meeting – UEA weekend**
19
26

November 2006

2
9
16
23 **No meeting**

30

Pending Items:
Snow removal service levels
Mosquito Abatement District update - John Yassi, District Director
Eagle Pointe V annexation public hearing/action - Brooks
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

City Council
Staff Report

Special Events and
Facilities Department

Author:	**Alison Butz**
Subject:	**Alternative Energy –**
	Park City Ice Arena
Date:	**June 29, 2006**
Type of Item:	**Informational**

Summary Recommendations:
Discuss the proposed placement of wind turbine and provide Staff with direction on whether to proceed with Land Management Code modifications needed to implement the project.

Description:
Topic:
City Council review of potential alternative energy project.

Background:
In October 2005, the City Council reviewed potential alternative energy demonstration projects at the Park City Ice Arena. At that meeting Council was generally supportive of the placement of a wind turbine at the complex with the stipulation that the tower placement did not break the ridgeline and include an analysis of the potential energy production.

In March 2006, the City Council specifically outlined their Goals, Policies and Strategies with regards to the City's environmental initiatives. As part of that resolution Council listed "Pursue model environmental sustainability projects that are working symbols of the city's commitment" as part of their Policies and Strategies. Placement of a wind turbine at the Park City Ice Arena is consistent with parts of this policy.

Analysis:
Taking into consideration Council's comments on the proposed siting of the wind turbine Staff discussed the types and size of the turbines with Tai Robinson with Intergalactic Hydrogen and Sarah Wright with Utah Clean Energy. The Storm 1.8 was selected due to its silent operation and minimum wind speed needed to generate power.

The higher the wind generator is positioned, and the less interference it has, the better its operation will be. However, based on Council's concern regarding the ridgeline, the proposed location takes the tower off of the ridgeline and places it at the front façade of the Ice Arena. The location provides visibility to the public and can include information for the public regarding the system. Since this is a demonstration project, a location close and visible to the public was selected to help bring awareness and education of alternate energy sources. As seen on the attached rendering, the wind turbine would still be seen above the ridgeline from certain viewing locations.

The storm 1.8 has a 35 foot high guy-wireless pole and is made of galvanized steel and at the base would look similar to a flag pole. The pole can be painted a dark color to blend in with the vegetation in the background or match the finish of the future field lighting poles. Its estimated minimum production capacity is 5kwh/day with a potential of 16kwh/day depending on wind speeds. A desire to be able to minimally power the zamboni has been expressed. The zamboni requires daily charging and based on a normal day use it would require 48kwh of electricity. The wind turbine, even at the highest projected production of 16kwh/day, would not yearly meet the demand of charging the zamboni even for the 10 months of operation of the Ice Arena. For perspective, the average Utah household uses 23kwh/day.

Staff does not propose placing an anemometer at the site to determine wind speeds. Due to the low start up speed of the Storm, it is an ideal machine for the site and will produce some power. If Council desires, Staff can contact the State for use of their anemometer loan program to get a tower erected to more accurately determine the power that could be generated.

The cost of the unit is $7,500 which includes the foundation and connection to the Ice Arena's electrical panel. The estimated total cost for the project is $11,000 due to needed trenching and conduit. Staff may need to return to Council for formal approval prior to purchasing. If Council is interested in looking at a taller tower, poles are available for an additional cost. One additional option is to replace an existing parking lot light pole and install the wind turbine at that location and attach a light to the pole. The minimum height of the wind turbine would still be 35'. Staff did not pursue this option due to an increase in cost in replacement of the light pole and potential longer conduit line needed to reach the electrical panel at the Ice Rink.

There is a potential for Park City to be a part of the beta test program for the storm which would reduce the purchase price to $2,500. If the program is still available once all applicable approvals are received, Staff may opt to participate in the program.

One option proposed by Tai Robinson was the potential of a small wind park at the facility which would contain 10 to 20 units. Utah Power has an RFP out to purchase wind power and with the increased number of units Utah Power would purchase the green tags for the blue sky's program. Staff did not investigate this option but can receive the information if Council directs Staff. There is also a possibility of assistance through federal funds available for small wind projects and Staff can research that further if so directed by Council.

Process

The next step, if Council directs Staff to proceed with the placement of the wind turbine, is to begin working with the Planning Department. The City's Ice Arena is zoned Recreation Open Space-MPD. Since Wind turbines are not addressed in the Code, Section 15-2.7-2(D) states any use not listed as an Allowed or Conditional Use is a prohibited use. Staff did not determine the proposed wind turbine as an "Essential Municipal Public Utility Structure". Staff suggests a modification to the Land Management Code specifically addressing this use. The Planning Department suggests that it be added as a Conditional Use. The maximum height of structures in the ROS zone is 28' and there are exceptions which allow for an additional 5' above. With the modification to LMC staff also suggests language allowing for additional height exceptions above 33' subject to a visual analysis.

Once the Land Management Code modifications are approved by both the Planning Commission and City Council, staff would pursue the Conditional Use Permit and acquisition of the windmill.

Significant Impacts:

The placement of the wind turbine at the Park City Ice Arena meets parts of Council's Environmental Policy and Strategy to pursue model environmental sustainability projects that are working symbols of the city's commitment to the environment. The modest energy production of the wind turbine does not meet Council's goal to power the zamboni. Staff is unclear whether that finding would be inconsistent with Council's policy stating the pursuit of "working symbols" of the City's commitment to the environment.

Continuing with this project, the Planning Department would proceed with writing and presenting the Land Management Code revisions for the Planning Commission and City Council review and then return with a Conditional Use Permit for the Planning Commission's review.

At this time, no budget line has been identified for this project; Staff would evaluate current projects and funding to determine funding.

Department Review:

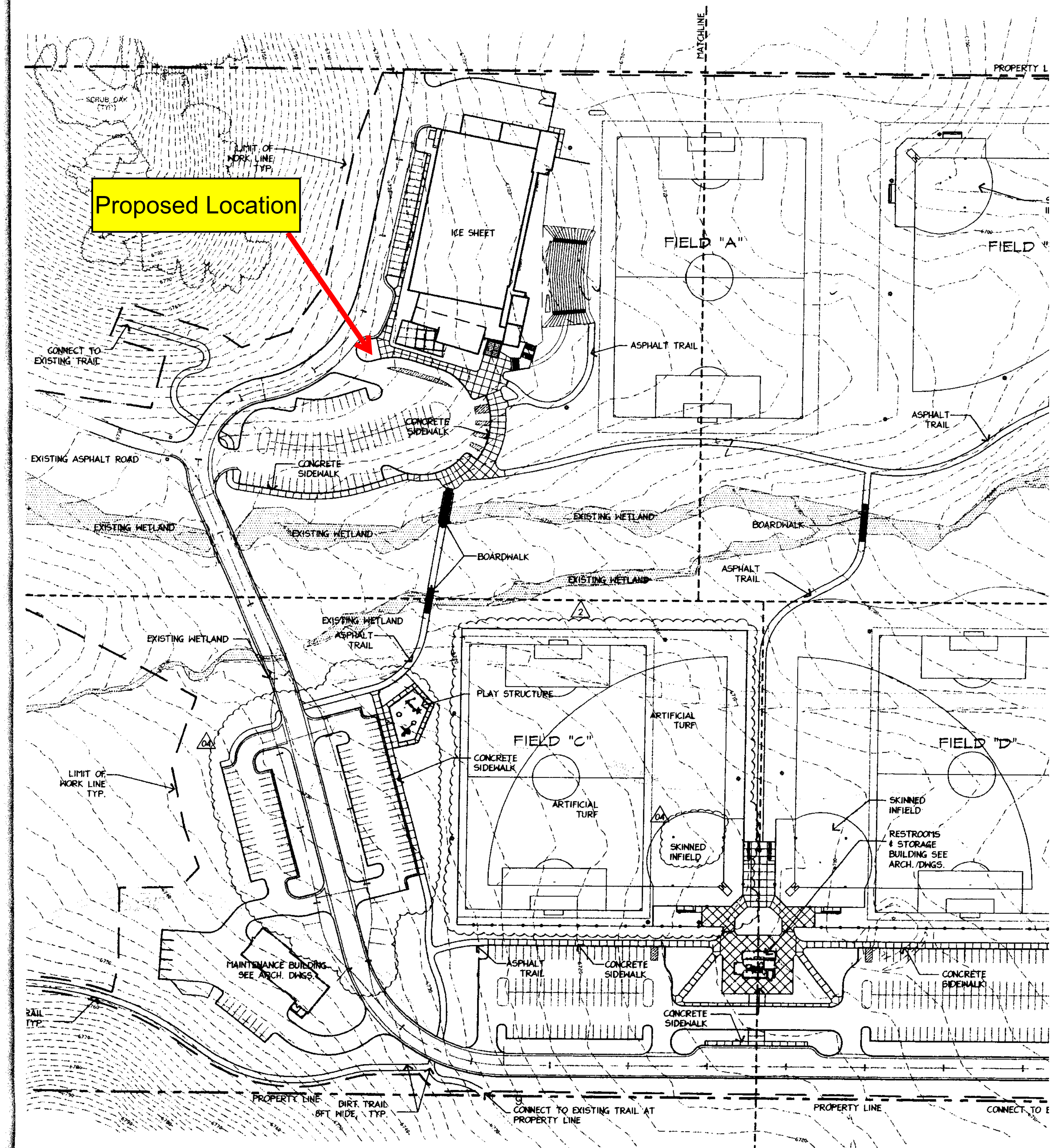
All applicable departments have reviewed the proposed wind turbine and their comments have been incorporated within the report.

Recommendation:

Review the proposed placement of wind turbine and provide Staff with direction on how to proceed.

Attachments:

Exhibit A – Site Plan of proposed location
Exhibit B – Rendering of height of turbine at the site
Exhibit C – Council's adopted Environmental Strategic Plan
Exhibit D – Minutes from October 29th City Council Meeting


Proposed Location
MATCHLINE
PROPERTY LINE
SCRUB OAK (TYP.)
LIMIT OF WORK LINE TYP.
ICE SHEET
FIELD "A"
ASPHALT TRAIL
CONNECT TO EXISTING TRAIL
CONCRETE SIDEWALK
EXISTING ASPHALT ROAD
CONCRETE SIDEWALK
EXISTING WETLAND
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EXISTING WETLAND
BOARDWALK
BOARDWALK
ASPHALT TRAIL
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ASPHALT TRAIL
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PLAY STRUCTURE
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FIELD "C"
CONCRETE SIDEWALK
ARTIFICIAL TURF
SKINNED INFIELD
FIELD "D"
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ASPHALT TRAIL
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PROPERTY LINE
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CONNECT TO EXISTING TRAIL AT PROPERTY LINE
PROPERTY LINE

ENVIRONMENT

While staff is asking Council to broaden their definition of Sustainability, Staff does not want to lose focus on the importance of environmental initiatives for the community. Many of our current programs have come about due to other needs, such as the City's transit system and other have been brought to our attention through various community groups, such as the green building initiative.

In 2004, the City gathered a group of community leaders in environmental initiatives and began discussions on what is currently being done in the community. By facilitating those discussions, the City encouraged those efforts.

Staff proposes working with Council to develop an overall vision for the City's environmental initiatives. With that vision, the City would proceed with developing goals and strategies to achieve the goals.

The next step for the City Council is to clearly outline its vision for environmental initiatives. Staff has prepared a draft vision and initial goals and strategies.

ENVIRONMENTAL VISION

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. As a guiding principle, all environmental initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

ENVIRONMENTAL GOALS

- Encourage best available green building practices for city and private development
- Balance cost of environmental initiatives with other funding priorities
- Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
- Increase recycling levels in City operations and in the community
- Continually improve the efficient use of all energy resources in order to ensure a future with a secure and sustainable energy supply
- Look to increase the amount of clean and renewable energy purchased and utilized
- Enforce existing land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities
- Mitigate historic mining impacts in a manner that facilitates local stakeholder decision-making and achieves regulatory compliance
- Improving surface water quality to the East Canyon Creek watershed and Silver Creek watershed

ENVIRONMENTAL POLICIES AND STRATEGIES

- Continue to educate ourselves on concepts and best practices in environmental initiatives through conferences & seminars
- Co-sponsor & promote educational programs
- Support Recycle Utah in their effort to obtain 5 tub grinders for construction and yard waste

- Encourage increased transit use, with new service in the County
- Support discussions for transit options between Park City and surrounding areas.
- Target a location for a Park and Ride lot and investigate alternative transportation options from the lot
- Review and discuss bio-diesel program for City Fleet Vehicles
- Initiate discussions with local suppliers to provide bio-diesel fuel to the Park City community
- Promote use of bio-diesel fuel to other businesses with fleet vehicles
- Launch an employee education program including anti-idling messages
- Continue to fund and administer the Environmental Management System
- Encourage property owner use of the top soil assistance program
- Improve City input to watersheds
- Meet regulatory requirements for the conservation reserve program and storm water management program
- Comply with federal and state environmental laws
- Support Leadership Class as they encourage developers, builders, and all stakeholders to become more aware of the positive aspects of "Green Building
- Encourage & monitor the sustainable activities of other non-profit, business and governmental organizations
- Pursue model environmental sustainability projects that are working symbols of the city's commitment
- Encourage year-round community water conservation programs
- Pursue open space protection opportunities
- Enhance current trail system and identify new trail opportunities

ACTION PLAN

The next step for the City Council is to clearly outline its vision with regards to the environmental initiatives

- Adoption of an Environmental Strategic Plan – March 2, 2006
- Develop Environmental Action Plan
- Set Environmental Benchmarks and Indicators

special events to minimize negative impacts. There will be annual transportation reports to assist in evaluating the transportation network. Once the plan is adopted, the widening of SR224 from Kimball Junction to Bear Hollow will appear on UDOT's project list. Constructing another freeway interchange is a Phase 3 project. Traffic projections are based on the development of vacant property in the Synderville Basin but there is no accounting for the development of Wasatch County. He invited input from Council and advised that a letter of intent will be presented to Council for review and approval. Mountainlands Association of Governments may be of assistance in creating a regional model and there is benefit in including Wasatch County to obtain a clearer idea of future demands.

Kay Calvert commented on the high accident rate on SR224 and UDOT's position that there isn't a problem. Mr. Callahan stated that he has never heard that from the state and it may be that the numbers are within an acceptable technical range. The County has entered into a cooperative corridor agreement with UDOT identifying where signals are planned to be installed. Bob Richer added that over the past several years, UDOT's attitude has changed with regard to the statistics and it has been a good partner in exploring safety measures. Ms. Calvert referred to increased traffic attributable to PRI's development and Mr. Callahan referred to the traffic impact fee. Commissioner Richer clarified that this report reflects what PRI has requested, but its application has not been through a formal approval process. He continued that this summer, median work will begin on SR224 from Silver Springs to White Pine Canyon Road and there will be a recommendation to reduce the speed limit to 45 mph with the narrowing of the road. The design of the median was discussed as well as the tolerance levels of motorists, associated with time delays caused by congestion. Mr. Richer emphasized that project densities have already been approved and will be coming on line rapidly if the market remains lucrative; he referred to the potential build-out of The Canyons and Flagstaff. For the benefit of Marianne Cone, conducting counts of local Park City traffic was explained.

Kent Cashel advised that Council will be asked to review a letter of intent outlining the City's level of commitment with regard to the next steps. Ms. Cone recommended express service from Kimball Junction to the Transit Center and Mr. Callahan believed this will be considered next year. The extended service could cost as much as $250,000 but ridership has increased substantially.

4. Sports Complex alternative energy options. Colin Hilton explained that in 2003, sustainability became a goal of the City Council. If Council is interested in pursuing alternative energy options at the Sports Complex, he asked what criteria should be considered, i.e., demonstration of sustainable practices, promotion of community awareness, efficiencies, visual impacts, etc. There is currently no budget earmarked for these types of projects, but funding will be explored upon direction from Council.

Jim Hier stated that he does not envision the City becoming an energy producer, but rather a strong advocate for energy conservation and the Wind Power Program, championed by the Mayor, is a good example. He fears the precedent of the City installing wind turbines within the City limits for practical and aesthetic reasons. Marianne Cone felt that the City's role is being a leader and was surprised to learn that energy alternatives are costly with minimal long-term savings. For instance, installing a $45,000 solar panel reflects a savings of $1.60 per day. Colin Hilton agreed that he also anticipated a more beneficial return, but pointed out the low rate for power in the state. In California, for instance, the cost of power to customers is in the $.15 to $.20 per kilowatt hour where Utah consumers pay $.07 to $.08. If Park City where to proceed with an energy alternative, it would truly be a "*demonstration*".

Council member Cone recommended promoting passive solar options. Council member Calvert inquired about the availability of grants to offset the cost of the initial investment. Mr. Hilton advised that the state has a grant program and is in the process of prioritizing energy policies, and federal grants are a possibility. Typically, the offset represents about 50% of the initial capital cost which is achievable and staff has not explored grants, pending Council direction. Ms. Calvert stated that the lack of economic incentive is why these energy options are not pursued. The commitment is philosophical and hopefully the technology will continue to improve.

Candace Erickson stated that she is opposed to installing a 35 foot wind turbine on the ridge at the Sports Complex, but can support solar if the City is able to obtain grants. Jim Hier felt that solar panels could be applied throughout town, while the wind towers can not. He pointed out that the new police facility may be a better building to demonstrate solar power than the Sports Complex. If the City proceeds, it should have a stated objective and it is not necessary to tie it to the Ice Arena which may potentially delay construction. Joe Kernan supported supplementing our power sources with 5% to 10% alternative energy. It should be visible to the community; however, a windmill at Quinns Junction is not appropriate. He agreed with Mr. Hier about looking at other facilities. In response to a question from Mr. Kernan, Stacey Noonan advised that power at the ice facility will average $8,500 per month. She acknowledged the importance of spending taxpayer dollars prudently, and using alternative sources of energy is more of a philosophical statement. She personally felt that using renewable energy sources at some level is the responsible thing do to, but until it is mandatory, it won't grow. Park City has an opportunity to be a leader by going this direction.

Colin Hilton explained that he learned that most applications identify a percentage of the total cost of a project to allocate toward renewable energy. He explained that solar applications have been improved so they can be incorporated into the membrane of the roof and are not visible. However, if applications are not visible, he asked if the demonstration effort is compromised. He again encouraged identifying a goal so direction is clear. Kay Calvert stated that she supports continuing to explore wind power because it is much more efficient than solar, but Mr. Hilton clarified that they are equal. Mayor Williams acknowledged that the placement of towers is critical and a manufacturer has offered a wind turbine for $2,500 and it is likely the City could be awarded a grant. He felt it important to send a message to citizens about protecting the environment and efficiency is not his priority. The initial idea for wind at Quinns derived from conservations about the feasibility of charging the Zamboni with wind power. He didn't feel that the turbine would be visually intrusive but understands everyone's position. However, there is an opportunity to try this on a trial basis. Ms. Cone encouraged a broader sustainable goal discussion and supported exploring solar at the new police facility where the application makes more sense. Jim Hier agreed and added that even if the wind turbine was screened behind the building, it is not an effective statement because it is not an option for others and he favors promoting solar. Mayor Williams believed that technology will improve with utilization. There was discussion about the necessity to amend the Land Management Code to allow a wind turbine in Round Valley.

Colin Hilton believed Council direction to be that staff explores alternative energy options for Quinns, but only after review of potential grant monies to offset up to 50%. The Mayor and Joe Kernan supported looking at both wind and solar and Jim Hier and Marianne Cone indicated their preference of only solar. The City Manager requested clarification on Ms. Erickson's position. She explained that she is willing to consider wind power if the turbine can be screened by the building, and/or it is the same height as the structure. Jim Hier asked if the objective is to install a windmill or conserve power. Ms. Erickson stated that her goal is conservation and other members expressed mixed opinions. Mr. Hier felt it is better to conserve power with solar. Tom Bakaly understood direction to be to consider solar alternatives and wind power balancing visual impacts and energy generation. Jim Hier suggested that Council establish a budget for demonstration of alternative energy concepts in the upcoming budget. Council concurred.

5. Meeting questions/comments. There was no discussion; see regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

To: Honorable Mayor/Members of City Council

From: Jan Scott, City Recorder

Interview schedule – June 29, 2006.

Below is a schedule of applicants for the Planning Commission and the Historic Preservation Board. Police Board and RAB interviews are scheduled on July 6. One police board applicant will be out of town on the July date and may be accommodated this Thursday if possible.

Under separate cover, Council members will find sample interview questions written for the Planning Commission but also applicable to HPB candidates. There is some time scheduled to discuss the interview process. The interviews can be held in the back of the City Council Chambers if Council so desires. The board applications have already been distributed to you and you may want to bring them to the meeting.

Thursday, June 29, 2006

3:15 p.m.	Interview process
3:30 p.m.	Gary Kimall - HPB
3:45 p.m.	Puggy Holmgren - HPB
4:00 p.m.	Nancie Putnam - HPB
4:15 p.m.	Todd Ford - HPB
4:30 p.m.	Doug Stephens - PC
4:45 p.m.	Mark Huber - HPB
5:00 p.m.	Ken Martz - HPB
5:15 p.m.	Laura Suesser - PC
5:30 p.m.	Julia Pettit – PC

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 8, 2006

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Pace Erickson, Public Works Operations Manager; Troy Daley, Streets and Streetscapes Supervisor; Kent Cashel, Deputy Public Works Director; Gary Hill, Budget Manager; City Engineer Eric DeHaan; Kimberli Leier, Human Resources Manager; Seth Atkinson, Budget Analyst III

Absent: **Council member Jim Hier**

1. Council questions/comments. Marianne Cone reported she and Manager Bakaly had met the new People's Health Center Director.

Candace Erickson presented updates from the Recreation Board meeting: two parks are under construction, the skate park is in progress; Racquet Club locker rooms will be completed by July 4th week-end; and, the board is trying to fill three vacancies. She referred to suggestions made by Ken Davis regarding employee parking in China Bridge and asked whether Staff had responded to his comments. Manager Bakaly recalled that Staff was going to monitor summer use and would return to Council in the fall with a recommendation.

Joe Kernan stated the Prospector neighbors are interested in having party when the park is complete.

Mayor Dana Williams asked when the bio-diesel conversion would occur. Kent Cashel responded it would be soon and would provide an anticipated date. Mayor Williams participated in the Utah Energy Forum along with speakers from Moab, Murray and Salt Lake City. The Governor's Director of Energy, Dr. Laura Nelson, runs the group that is comprised of a diverse group of energy producers, green groups, State Senators and Legislators, and is He extended congratulations to high school graduates.

2. Street/Pedestrian Lighting

Pace Erickson, Public Works Operations Manager and Troy Daley, Streets and Streetscapes Supervisor reviewed the city's street lighting program and the process to handle enhanced lighting requests. Mr. Erickson commented that pedestrian lighting can be found around buildings, sidewalks, trails, bike paths, etc., while vehicular lighting is found primarily at intersections. He discussed the aging infrastructure and their inspection/repair program. Although there is a reaction to install more fixtures and larger lights once an issue was identified, he cautioned the side effects must be considered and referred to the 1998 night ski ordinance adopted by the City. Many of the city's lights have been updated with prismatic lenses, which provide more lumens of light per watt but no up lighting. He also pointed out that private streets are not included in the City's street lighting program.

Pace Erickson reported that Staff had looked on Bonanza Drive, found an old pedestal, with conduit, at the Rail Trail, and could add a streetlight at location relatively inexpensively. He also noted there are no streetlights on Munchkin, and there is no available power. The philosophy of the street light program is to light intersections and ends of cul-de-sacs. Installation of lights along both sides of Bonanza Drive from the Rail Trail to Kearns Boulevard would cost approximately $120,000 and conduit and wire would have to be pulled along both sides of the roadway. He stated that Bonanza Drive is slated for reconstruction in 2008 and it was likely that any improvements made now would be torn out or destroyed.

Pace Erickson stated that pedestrian lighting was a different issue and suggested that a comprehensive pedestrian lighting program be considered with the walkable communities study. That would provide Staff with a tool to determine where it is appropriate and at what levels.

Mayor Williams expressed concern about Iron Horse Drive because it a dark area at night. He supported a study with the walkable communities' project. He asked how much of the City's street lighting complied with the night sky ordinance. Pace and Troy Daley explained that the City is in total compliance, including the Main Street lights which contain lenses that are designed to deflect light downward.

Candace Erickson supported combining it with the walkable communities study. She also wanted to ensure that the annual budget provided sufficient money for replacement and repairs.

Marianne Cone suggested it would be nice to utilize a standard design for lighting fixtures. She asked whether the fields lighting had been improved. Pace Erickson explained they had been updated in 1994 and not only are they directed to shine on certain areas of the field, double hoods were installed to meet night sky standards.

Joe Kernan supported the inclusion of a pedestrian lighting study with the walkable communities' study. He concurred that the budget should contain funding for maintenance. Roger Harlan complimented the report and felt the public is best served when they realize the City is sensitive to their concerns. Manager Bakaly commented that the capital replacement for streetlights could fall under the Fixed Asset Replacement proposal that is going into effect this year.

3. Budget overview. Budget Manager Gary Hill stated this was the final work session before the budget adoption and Staff is seeking Council's review of business licensing fees, personnel policies and procedures, and budget policies and procedures.

At the May 25 meeting, Council discussed business-licensing fees and requested additional information about administrative charges for enhanced enforcement for escort services; increases for festival facilitation, and increases for transit. The Staff Report provides percentage share of business license fee revenues by license category as well as possible scenarios for phasing increases for transit. He noted that the resorts comprise approximately 34%, Lodging 16% and retail/restaurant combined equal 20%. It also shows the proposed percentage share after proposed changes. Staff also provided a clarification of the amusement category and the method of calculation based on hourly user capacity. He requested direction regarding a phasing scenario for transit increases.

Mayor Williams advised the group of Mr. Hier's preference for scenario four, 5% increase in 2007, 10% in 2008 and 10% in 2009. Council members Cone, Erickson, Cone and Kernan concurred.

Kimberli Leier, Human Resources Manager, presented recommendation for revisions to the Personnel Policies and Procedures Manual. Major changes in the manual include employee classifications (full-time regular, part-time non-benefited, and seasonal); clarification of core benefits and fringe benefits; and, change in performance bonus eligibility for non-exempt employees.

Seth Atkinson, Budget Analyst III, reviewed the surplus policy, which allows one-time revenue surplus to be which allocated to one-time expenses. Joe Kernan clarified that the allocation would be subject to reprioritization. Seth explained that the No Bartering Policy prohibited trading or bartering when procuring goods and services. He explained there were technical corrections to reflect the change in personnel type and the addition of an economic development grant and policy.

4. Regular meeting questions/comments

County Council of Governments (COG) Resolution

Public Works Deputy Director Kent Cashel explained on March 23 Staff requested and Council authorized the Mayor to executive a letter supporting Summit County's intent to impose a $10 Local Corridor Preservation Fee. Council directed that this support include a request for a process linking expenditure of funds to the geographic region where funds were generated. Summit County adopted an ordinance in late March. On May 17, 2006 County Commissioners and Mayors reviewed and commented on a draft Interlocal Agreement for the Council of Governments that will administer funds generated by the fee. COG preferred to address the discussion regarding expenditure of funds in their by-laws.

Mr. Cashel sought three things from Council: 1) adoption of the resolution authorizing the Mayor to execute the Interlocal Agreement to establish the COG; 2) request that the Mayor work with COG to have project prioritization process defined in the by-laws; and 3) reaffirmation of support of Summit County's imposition of the $10 Corridor

Preservation Fee. He explained the County had adopted the legislation and beginning in July, the fee will be collected. If the COG is unable to reach consensus on the imposition of it, the County would have to rescind the fee.   Staff felt it was important to reaffirm Council's stance.

Joe Kernan supported the request and stressed the importance to have language regarding allocation of funding in the by-laws. Candace Erickson expressed concern about fairness so that funds were allocated proportionally down the line.

Mr. Cashel suggested that a proportionate approach would protect the East side of the County as the need spreads eastward and the number of projects is likely to increase.

Roger Harlan stated the joint areas of interest were very broad and asked whether we were trying to keep the doors open for eventualities we can't even foresee today because once the tax was implemented it wouldn't go away. Mr. Cashel noted the idea of COG was to administer corridor preservation fees, but it seems intuitive there would be a benefit for the Mayor to meet on topics of joint interest, such as those called out in the report.

City Attorney Mark Harrington explained there two purposes to COG, administration of the fee should it be fully implemented; and areas mutual joint interest. He clarified that COG would not make recommendations to Federal and Statement Governments without coming to their legislative bodies for direction.   Manager Bakaly clarified that the Resolution was on the Consent Agenda, but Items 2 and 3 were not addressed in the Resolution. Council supported all items.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 8, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, June 8, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan and Joe Kernan. Jim Hier was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; City Engineer Eric DeHaan; Gary Hill, Budget Manager; Jon Weidenhamer, Senior Planner; Kirsten Whetstone, Senior Planner; Kent Cashel, Public Works Deputy Director

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications and disclosures from Council and Staff.

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

City Engineer Eric DeHaan reported that construction of the liquor store at Snow Creek will begin next week. Temporary relocation of the two historic houses at 801 Park Avenue will occur on Friday so that construction on the parking structure can also begin next week.

Sharon Christiansen, Park City resident who lived in Florida during 2000 election, stated the Utah voting system has security flaws and pointed out serious flaws found with Diebold systems in other states. She recommended independent audits by vote type and post election audit of voting systems. She asked Council to consider a resolution asking the state to grant a two-year extension of the HAVA Act so machines, or software, can be replaced,

Kathy Dopp, local resident and candidate for County Recorder, commented on the problems associated with Diebold systems. She requested independent audits to verify votes. Ms. Christiansen and Ms. Dopp had presented information distributed with Council packets. They distributed additional information at the meeting.

Shirin Spangenberg, Prospector Park resident, requested that Council partner with the HOA to hold a grand opening celebration for Prospector Park. Candace Erickson suggested neighborhood gathering to celebrate both new parks.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 25, 2006

Marianne Cone "<u>I move approval of the Work Session Notes and Minutes of the meeting of May 25, 2006</u>". Candace Erickson seconded. <u>Motion carried</u>.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Abstained, not at previous meeting
Jim Hier	Absent
Joe Kernan	Aye

V CONSENT AGENDA PUBLIC HEARINGS

1. Continuation of hearing on an Ordinance approving the McHugh Replat, 841 Empire Avenue, which will combine Lot 7 and the northerly half of Lot 6, Block 30 of Snyder's addition to the Park City Survey into one lot of record – Senior Planner Jonathan Weidenhamer reviewed staff report and explained the plat would combine 1-1/2 lots. The house currently encroaches into setback and will be moved to comply with setbacks and there will be a small addition to the home. He referred to the letter in opposition that was included in the packet and explained that there is not a loss of open space, just an adjustment in the setback. Mayor Williams opened the public hearing. There was no input and the hearing was closed.

2. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for the following Chapters: Chapter 9- Non-Conforming Uses and Non-Conforming Structures, Chapter 10- Board of Adjustment, Chapter 11- Historic Preservation Board, Chapter 12- Planning Commission, and Chapter 14- Planning and Zoning Administration. – Long Range Senior Planner Kirsten Whetstone reviewed the amendments, which addressed reorganization of the Community Development Department; the change from Historic District Commission to Historic Preservation Board; adoption of the International Building Code, and additional technical and substantive amendments to comport with Utah State Code. Mayor Williams opened the public hearing. There was no input and the hearing was closed.

VI CONSENT AGENDA

Candace Erickson, "I move approval of Consent Agenda Items 1-4". Marianne Cone seconded. Motion carried.

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

1. Ordinance approving the Hugh Replat which will combine Lot 7 and the northerly half of Lot 6, Block 30 of Snyder's addition to the Park City Survey into one lot of record

2. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for the following Chapters: Chapter 9- Non-Conforming Uses and Non-Conforming Structures, Chapter 10- Board of Adjustment, Chapter 11- Historic Preservation Board, Chapter 12- Planning Commission, and Chapter 14- Planning and Zoning Administration.

3. Resolution adopting revised personnel policies and procedures manual, dated July 1, 2006

4. Resolution authorizing the Mayor to execute a Memorandum of Agreement establishing a Summit County Council of Governments

VII OLD BUSINESS

1. **Ordinance amending Title 4, Chapter 2 of the Municipal Code regulating licensing of businesses**

Budget Manager Gary Hill reviewed the Staff Report which discussed business-licensing fees and information about administrative charges for enhanced enforcement for escort services; increases for festival facilitation, and increases for transit. He reviewed percentage share of business license fee revenues by license category as well as possible scenarios for phasing increases for transit. He noted that the resorts comprise approximately 34%, lodging 16% and retail/restaurant combined equal 20%. Staff also provided a clarification of the amusement category and the method of calculation based on hourly user capacity. At Work Session, Council provided direction to phase the transit portion over three years: 5% upon adoption, 10% next year, 10% following year.

Mayor Williams opened the public hearing. Mike Sweeney thanked Staff and Council. The hearing was closed.

Roger Harlan "I move approval of Ordinance amending Title 4, Chapter 2 of the Municipal Code regulating licensing of businesses". Candace Erickson seconded. Motion unanimously carried.

VIII PUBLIC HEARING

1. Resolution adopting a final budget for Fiscal Year 2006 (adjusted) and Fiscal Year 2007 for Park City Municipal Corporation and its related agencies

Mayor Williams opened the public hearing. There was no input and the hearing was closed.

IX ADJOURNMENT

With no further business, the meeting adjourned at 6:45 p.m.

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.

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 3:00 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Roger Harlan "I move to close the meeting to discuss property and personnel". Joe Kernan seconded. Motion carried unanimously.

The meeting opened at approximately 4:00 p.m.

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

Prepared by Sharon C Bauman

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 15, 2006

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Gary Hill, Budget Manager; Max Paap, Special Events Director

1. Council questions/comments – Marianne Cone reported that the Alternative Transportation Committee was very active and may lobby UDOT for funding to hire someone for a “Safe Routes to School” program. She requested that Candace Erickson work with Utah League of Cities and Towns to urge UDOT to fill the position. She announced that the Public Art Advisory Board needed four new members. She attended the Planning Commission meeting to listen to the Park Bonanza and Annexation hearing.

Candace Erickson attended the pandemic flu conference along with several City Staff members. Because Park City is an international destination depending on a tourist economy, we need to establish ways to set reasonable expectations for providing work force. The Board of Health wants to work with agencies to set reasonable expectations for response.

Roger Harlan attended the Mountainlands Housing Trust meeting. They are hoping to finish the first set of eight units in early July. He and Jim Hier attended the Park City Heights Task Force meeting. He noted although construction is underway for the Snow Creek wine store, but all businesses are accessible. He also announced the historic home tour slated for the week-end

Jim Hier expanded on the goals of the Park City Heights Task Force. They will establish guidelines to include planning for the potential of receiving additional affordable housing density from other areas, without having that specifically defined; determine zoning, density and affordable housing requirements for the project itself; conduct traffic study and analysis of impact on overall 248, including traffic and cost sharing responsibilities.

Mr. Hier noted the Planning Commission reviewed a number of significant issues, including IHC annexation and Talisker Montage proposal. He has just returned from southern Florida, where he observed the main issues discussed by local media were affordable housing, traffic, and consumption of open and wetlands by developers; the same general topics Park City is discussing.

Mayor Dana Williams reported meeting with Carol Potter who wanted to sponsor a once monthly alternative transportation day, which he believed Council would support.

Mayor Williams will be participating in a Global Warming Initiative Rally at the Gallivan Center on Saturday and asked if Council would be willing to endorse their initiative, which he read into the record. *"On behalf of Park City, we would be delighted to enthusiastically endorse Utah Global Warming Initiative that has been developed by the Utah Chapter of the Sierra Club. Park City recognizes the significance of addressing the issues of global warming and climate change as an entity on which our very existence is dependent on tourism, world class scenery, and unlimited recreation opportunities, taking the immediate necessary steps to tackle these critical issues is simply the right thing to do; actions that we take today will ensure those opportunities will exist tomorrow."*

Marianne Cone supported exploring the issues.

Jim Hier announced that the County Clerk is short of election judges for the June 27 Primary Elections for the entire Basin area.

Special Events Director Max Paap Max announced that the Tour of Utah was considering major logistical changes. He requested that review of the Master Festival Permit be continued to June 29, 2006.

2. Outstanding budget issues

Gary Hill, Budget Manager noted Council is scheduled to adopt the budget at the regular meeting. He reviewed several changes to the budget since May 4. There is an increase to the Tennis Budget packet for approximately $3,000, to advance an Office Assistant position from grade 1 to grade 2, The City Manager salary line was adjusted to reflect pay determined by Council in the last review; however, there is no budget impact. An adjustment was made to increase the mitigation payment made annually to the School District for RDAs. There were adjustments to Fund 12, Ice Arena, to reflect revenue received from RAP Tax to offset operating costs. The fleet fund was increased approximately $22,500 due to additional unanticipated expenditures. He addressed proposed staffing changes in the Legal Department, which involve reclassification of the Deputy City Attorney, and funding for a contract prosecutor, which will free up time for City Attorney Mark Harrington to become more involved in personnel issues.

Mr. Hill also discussed capital project changes which reflect adjustments based on grant revenue receipts as well the sale of City-owned property. The transfer from general fund provides additional funding for the Town Plaza Project and the Walkable Communities Study. He reported that Council Compensation and Statutory Officers' Salaries would be adopted by Ordinance on June 29, 2006.

Jim Hier suggested that $50,000 be added to the Walkable Communities Study to incorporate a comprehensive traffic analysis. Candace Erickson concurred, although she felt they needed to determine how much such a study would cost. She wanted to incorporate information on traffic movements that was compiled for Flagstaff, Quinn's, PCMR, and other current projects. City Engineer DeHaan suggested putting a placeholder in the budget and Staff could return with a scope of work for Council's review. Council members concurred.

Joe Kernan requested that a 2% compensation increase be included for those who report directly to Council. Gary Hill clarified they would change the budget to make the 2% increase consistent across all positions.

Council adjourned work session to conduct interviews for Historic Preservation Board and Planning Commission.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 15, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 p,.m. at the Marsac Municipal Building on Thursday, June 15, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; David Maloney, Planner; Ron Ivie, Chief Building Official; Michelle Downard, Code Enforcement Officer; Gary Hill, Budget Manager; Pace Erickson, Public Works Operations Manager

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

City Engineer Eric DeHaan reported that UDOT will repair the intersection at Deer Valley Drive and Park Avenue. Private construction is occurring at Crescent Tram between Park and Woodside Avenues. Construction related to water line installation for Red Cloud is occurring on the Guardsman Pass Road.

Joe Kernan announced his recycling business can be impacted by the Business License Fees.

Marianne Cone thanked retiring Library Board Members Kate Doordan, Carol Agle and Chris Haerter.

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

Carol Potter, Mountain Trails Foundation, requested Council's support for a monthly alternative transportation day, which will be called "Last Fridays." Council members supported her idea.

Mayor Dana Williams thanked Eric Nessett, and the Public Works Staff, for effecting the conversion of the transportation fleet to bio-diesel fuel in early July.

Kathy Dopp, voting rights activist, stated she had mischaracterized a statement made by Dave Thomas and submitted a replacement page for her prior handout. She reviewed a report by Avi Rubin about the security voting machines and the need for proper independent, manual audits to protect against incorrect results. She asked Mark Harrington for his legal opinion on Mr. Thomas's opinion.

City Attorney Mark Harrington stated he had reviewed the opinion, but had not researched it. This is a County election, under the County's jurisdiction, and the City is at the will of the County's interpretation. He stated Mr. Thomas did a good job describing the lack of clarity in State statutes and provided the Commission with a range of options.

Ms. Dopp requested Council's support to help ensure accurate vote counts in Summit County.

Tony Oros, concerned motorcyclist, expressed worry about the safety of pedestrians, joggers, bicyclists and motorcyclists on the road, with the proliferation of cell phone use in traffic. He quoted studies saying there was a 50% reduction in processing visual information when driving and talking on cellular phones. He relayed a conversation with a Park City Police Officer who said 50% of the tickets he issued for speeding, running red lights, and careless driving, were caused by cell phone use. He supported regulations against cell phone usage while driving.

Representative Davis Ure, who was visiting the Council session, commented there were many other causes for driver distraction; however, people were more focused on cell phones.

Council members requested information regarding enacting such laws in Park City. City Attorney Mark Harrington responded the Staff would provide options and noted studies would provide a background to understand where distraction levels come into effect.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 1, 2006

Roger Harlan "I move approval of the Work Session Notes and Minutes of the Meeting of June 1, 2006, as corrected ". Marianne Cone seconded. Motion unanimously carried.

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

V CONSENT AGENDA PUBLIC HEARINGS

1. Property exchange agreement with the Park City Fire Service District: Purchase of 1333 and 1353 Park Avenue in the amount of $1.5 million from the Park City Fire Service District and Donation of a municipally-owned parcel located at 2360 Holiday Ranch Loop to the Park City Fire Service District

Marianne Cone "I move approval of the Work Session Notes and Minutes of the Meeting of June 1, 2006, as requested ". Candace Erickson seconded. Motion unanimously carried.

2. MFL - Tour of Utah – Saturday August 12 - 9 a.m. to 10 a.m.

Roger Harlan "I move to continue MFL, Tour of Utah, to the meeting of June 29, 2006 as requested ". Joe Kernan seconded. Motion unanimously carried.

3. Continuation of hearing on Ordinance approving the Roth Family subdivision combining Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1, located at 1560-1566 Aerie Drive, Park City Utah – David Maloney, Planner, explained the plat amendment would combine two lots owned by the Roth Family, and would preserve open space near their existing house.

Mayor Williams opened the public hearing. Hearing no input, the hearing was closed.

2. Ordinance adopting amendments to Title 11, Building and Building Regulations, creating the Administrative Code Enforcement Hearing Program; and, amendments to Title 15, Land Management Code, Chapter 15-14-5 Zoning Administration Penalties and Enforcement, of the Municipal Code of Park City.

Chief Building Official Ron Ivie explained an administrative hearing program would provide the City with an alternative to prosecute enforcement violations under a civil process rather than the criminal process. One big benefit is that the City will retain penalty monies. He wished to recognize the research and hard work Michelle Downard had put into the development of this ordinance, especially making in "Park City-like" in terms of public service needs. He stated the Planning Commission unanimously passed the amendments on Wednesday night.

Michelle Downard added the administrative process can hold the responsible property owner accountable, but it doesn't necessarily result in a criminal history unless they have to pursue it that way.

Mayor Williams opened the public hearing.

Mike Sweeney, property owner, had a number of questions for which he sought clarification, and he expressed his concerns about possible conflicts with other City Codes. He clarified with Staff that the provisions may be applied to all violations of City code and applicable State codes. Mr. Ivie and Mr. Harrington explained this did not expand code enforcement jurisdiction, nor did it invalidate any other application section of the code.

Mr. Sweeney stated the City could file both civil and criminal charges for the same day of violation and asked how a citizen would know whether he was going to be charged civilly or criminally. Mr. Harrington explained the City has discretion to pursue either civil and/or criminal prosecution and those would be handled on a case-by-case basis.

Mr. Sweeney asked what rights a citizen gave up by allowing the City determine whether it was a civil or criminal procedure. Mr. Harrington stated personal rights were not diminished and one would have the ability to challenge a decision in court.

Mike Sweeney questioned references to Class B misdemeanors and Class C misdemeanors and requested clarification whether it trumps or preempts other sections of the Code that talk about Class C misdemeanors. . Mark Harrington responded that some other sections may not be current with changes to State code and he would check.

Mr. Sweeney asked what qualifications would be required of an administrative judge who would hear the cases and whether the City Attorney would have input as qualifications were developed. Mr. Harrington explained his office would review job descriptions and contracts, however, would not supervise that person.

Mike Sweeney referred to inspections, entries, examination and surveys that shall be performed based on cause and asked whether the responsible person was the tenant, landlord, or owner. Mr. Harrington stated it did not change search capability under both the International Building Code and constitutional Fourth Amendment principles. Either the City had reasonable cause to obtain a search warrant or it didn't. Some of those rights would be delineated in private contracts in terms of landlord/tenant, but the City's right to enter a property would be based on its determination.

Mr. Sweeney asked if Council would review and approve the civil fees that have not yet been created. Ron Ivie stated it would become part of the Fee Resolution which Council would review and adopt.

Mike Sweeney expressed concern about daily accumulation of civil fees until the property has been inspected and a Notice of Compliance issued. Both Mr. Ivie and Mr. Harrington explained that once the citation is issued and the notice period expired, fees would be assessed until the situation was corrected. Mr. Sweeney felt this meant one was guilty before they had their day in court. He wondered whether the owner might be held liable for emergency abatement procedures and asked how the City would asses those fees. Mr. Ivie stated it may well go to the owner, depending on circumstances, but it would not be any different than current practice.

Mr. Sweeney asked how citizens would be advised of their right to a hearing. Mr. Ivie explained that Staff would proceed with additional steps, upon Council's authorization to proceed with the Administrative Hearing process. Forms will be developed, fees will be established, and hearing procedures will be written.

Mr. Sweeney asked if this would require a citizen to do anything they wouldn't be required to do currently. Attorney Harrington stated this is an alternative process intended to have less impact than criminal procedures, which risk permanent records and deprivation of freedoms. He stated this is a friendlier version of enforcement in terms of balancing efficiency with prompt enforcement.

Mike Sweeney asked if there were conflicts with procedures currently enforced by the Building Official. Mark Harrington did not believe this represented a change in the department's enforcement policy. The general philosophy will typically be the same and Mr. Ivie will provide opportunities for cure before initiating the civil process. He added that if someone is given a civil order and doesn't comply, they will be subject to the criminal process.

Attorney Harrington made a clarification that civil fees will be assessed as approved by the City.

VI CONSENT AGENDA

Joe Kernan "I move approval of Consent Agenda Items 2 through 4". Marianne Cone seconded. Motion unanimously carried. The motion was unanimously approved.

1. MFL - Tour of Utah – Saturday August 12 - 9 a.m. to 10 a.m. – **continued to June 29, 2006**

2. Ordinance approving the Roth Family subdivision combining Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1, located at 1560 – 1566 Aerie Drive, Park City, Utah

3. Ordinance adopting amendments to Title 11, Building and Building Regulations, creating the Administrative Code Enforcement Hearing Program; and, amendments to Title 15, Land Management Code , Chapter 15-14-5 Zoning Administration Penalties and Enforcement, of the Municipal Code of Park City.

4. Authorization for the City Manager to enter into agreements, in a form approved by the City Attorney, with Intermountain Slurry Seal for slurry seals in the amount of $182,443.89; Kilgore Paving for crack seal in the amount of $45,870.00; and Rivas Construction for utility adjustments in the amount of $55,258.00

VII PUBLIC HEARING

1. Resolution adopting a final revised budget for fiscal year 2006 and a final budget for fiscal year 2007 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate

Budget Manager Gary Hill requested that Council hold a public hearing and adopt the budget consistent with direction given during work session.

Mayor Williams opened the public hearing. Mike Sweeney expressed thanks to Council and Staff for their hard work throughout the budgetary process. He felt they should be highly commended. With no further input, the hearing was closed.

VIII NEW BUSINESS

1. Resolution adopting a final revised budget for fiscal year 2006 and a final budget for fiscal year 2007 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate

Marianne Cone "I move approval of the Resolution adopting a final revised budget for fiscal year 2006 and a final budget for fiscal year 2007 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate". Roger Harlan seconded. Motion unanimously carried.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned at 7:08 p.m.

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.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:00 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Roger Harlan "I move to close the meeting to discuss property, personnel and litigation ". Candace Erickson seconded. Motion carried unanimously.

The meeting opened at 4:00 p.m.

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

Prepared by Sharon C. Bauman

DATE: June 20, 2006
DEPARTMENT: Recreation Library
AUTHOR: Linda Tillson, Library Director
TITLE: Library Board Appointments

SUMMARY RECOMMENDATIONS: Appoint Christopher Cherniak, Bill Jahsman, Laurie Smith to each fill a three year term and Kris Weiss to fill a two year term on the Library Board.

DESCRIPTION:

Topic: Library Board vacancies.

Background: Utah Code requires municipal library board appointments to be made effective July 1 each year. Currently, the Park City Library Board has four vacancies. Three are due to board members finishing terms. The fourth is due to a board member resigning.

In accordance with City policy, ads for the Library Board vacancies ran in the Park Record and were aired on KPCW. Applications for Board positions were available at the Library and at the Mayor's office. A total of four applications were received.

Analysis: The Library Board has interviewed the candidates and is recommending the addition of four new members. See attached letter from Library Board Chair. This brings the total of voting board members to eight. According to Utah State Code, the Board must have five members and may have as many as nine. Existing members may serve up to two consecutive terms.

Name	Expiration	Term
Christopher Cherniak	3 years July 1st, 2009	1st
Bill Jahsmn	3 years July 1st, 2009	1st
Laurie Smith	3 years July 1st, 2009	1st
Kris Weiss	2 years July 1st, 2008	1st

Department Review: The Library Board and the Library Director agree with this recommendation.

ALTERNATIVES:
A. Approve the Request: Make the appointments to ensure a fully staffed and legally

constituted Library Board. Four applications are attached for your consideration.

B. <u>Deny the Request</u>: Make alternative appointments or reopen the recruitment process.

C. <u>Continue the Item</u>: Starting in July the Library Board could not function by law with four members.

<u>Do Nothing</u>: Not an option. Code requirements stipulate timely appointments.

<u>SIGNIFICANT IMPACTS</u>:

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u>: In the short term, the Library Board would not be able to function. State law requires a minimum of five voting members.

<u>RECOMMENDATION</u>: Make the Library Board appointments as recommended.

City Council Staff Report

Author: Brooks T. Robinson
Subject: Silver Strike Subdivision
Date: June 29, 2006
Type of Item: Legislative – Subdivision

PARK CITY 1884
PLANNING DEPARTMENT

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

Topic

Applicant:	Mountain Developments I, Inc
Location:	Pod A of the Village at Empire Pass
Zoning:	Residential Development (RD) as part of the Flagstaff Master Planned Development (RD-MPD)
Adjacent Land Uses:	Residential development within Pod A and ski runs for Deer Valley resort.
Reason for Review:	Subdivisions require Planning Commission review and City Council approval

Background
On March 23, 2006, the City received a completed application for the two-lot Silver Strike Subdivision. The property is located in Pod A of the Village at Empire Pass. The zoning is Residential Development (RD) in the Flagstaff Master Planned Development (RD-MPD). The proposed subdivision creates two lots of record on either side of Silver Strike Trail. Silver Strike Trail is a long cul de sac that starts just east of the Grand Lodge and terminates in the Bannerwood single family subdivision.

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

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified the area of this proposed subdivision as the location for 18 PUD-style detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The homes will be platted as condominiums.

The Planning Commission heard this application on June 14, 2006, and forwards a positive recommendation.

Analysis
The proposed subdivision creates two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The zoning for the subdivision is Residential Development subject to the following criteria:

	Permitted	Proposed
Height	28' (+5' for pitched roof)	No height exception proposed.
Front setback	20', 25' to front facing garage	No setback reductions proposed.
Rear setback	15'	
Side setbacks	12'	
Parking	Two spaces required	

The Master Plan for Pod A identifies 11 PUD-style units on Lot 1 and 7 PUD-style units on Lot 2. Each of these units may be approved by staff through an Administrative Conditional Use Permit as stated in the MPD. Each unit will need to meet setbacks from the lot boundaries, including the private Silver Strike Trail road.

Staff finds good cause as this subdivision is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

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. There was no public comment at the Planning Commission hearing.

Alternatives

- The City Council may approve the Silver Strike Subdivision as conditioned or amended, or
- The City Council may deny the Silver Strike Subdivision and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Silver Strike Subdivision.

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

Consequences of not taking the Suggested Recommendation
The area would remain unplatted and units could not be constructed and sold.

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

Ordinance No. 06-

AN ORDINANCE APPROVING THE SILVER STRIKE SUBDIVISON LOCATED ON SILVER STRIKE TRAIL, POD A, VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property located on Silver Strike Trail in Pod A of the Village at Empire Pass have petitioned the City Council for approval of the Silver Strike Subdivision; 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 14, 2006, to receive input on the Silver Strike Subdivision;

WHEREAS, the Planning Commission, on June 14, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 29, 2006, the City Council approved Silver Strike Subdivision; and

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

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Silver Strike Subdivision 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 in Pod A of the Village at Empire Pass.
2. The zoning is Residential Development (RD) in the Flagstaff Master Planned Development (RD-MPD).
3. The proposed subdivision creates two lots of record on either side of Silver Strike Trail. Silver Strike Trail is a long cul de sac that starts just east of the Grand Lodge and terminates in the Bannerwood single family subdivision.
4. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

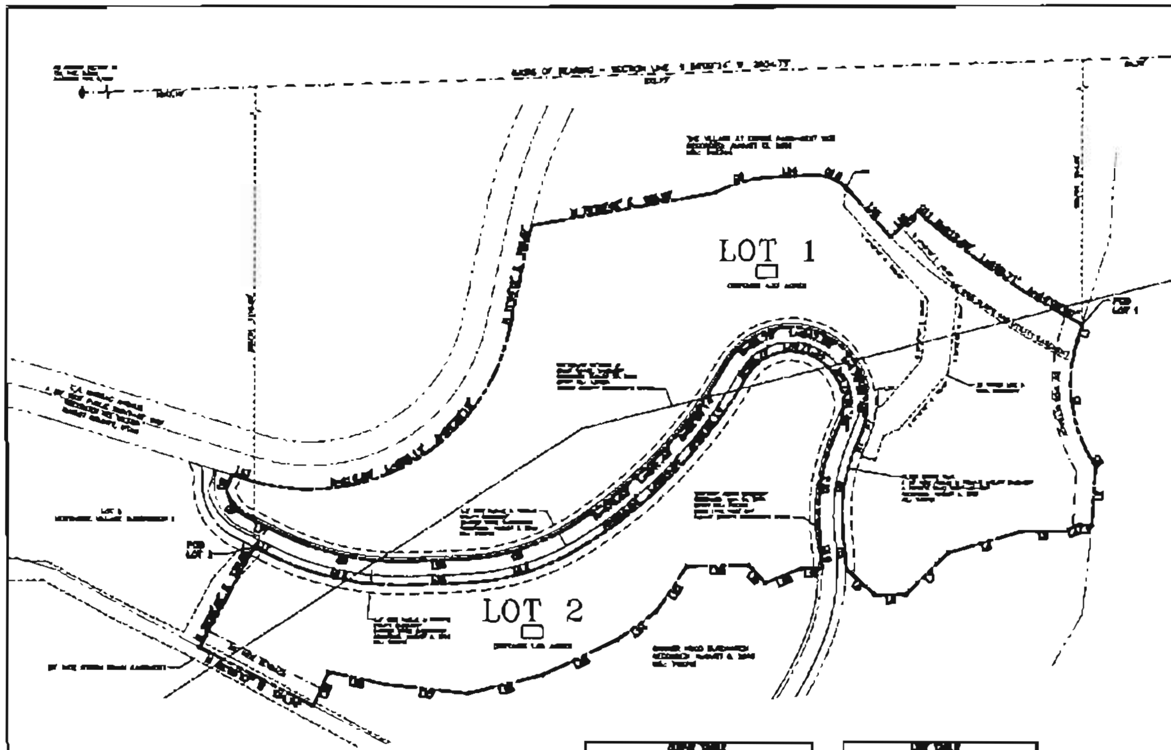
5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified the area of this proposed subdivision as the location for PUD-style detached single family homes similar to the Paintbrush units currently under construction in the Village. The homes will be platted as condominiums.
6. The proposed subdivision creates two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. Lot 1 is approved for 11 units through the MPD while Lot 2 is approved for 7 units.
7. No setback or height exceptions are proposed and construction will meet the requirements of the RD zone.

<u>Conclusions of Law:</u>
1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the Empire Pass Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval for the plat will be void.
3. All conditions of approval of the Empire Pass Master Planned Development shall continue to apply.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of June, 2006.



SILVER STRIKE SUBDIVISION

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

60' 0 60' 120'

RECEIVED

MAR 17 2006

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

CITY COUNCIL
Staff Report

Author: Ray Milliner

Subject: PCFD Station No. 38 Subdivision

Date: June 29, 2006

PLANNING DEPARTMENT

Type of Item: Subdivision

SUMMARY RECOMMENDATIONS

Staffs recommends the City Council hold a public hearing for the Park City Fire District Station No. 38 Subdivision and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

TOPIC

Applicant:	Park City Fire District
Location:	1798 Deer Valley Drive North
Zoning:	Residential Development (RD)
Adjacent Land Uses:	Residential, Multi-family (Bristlecone Condominiums)

BACKGROUND

On June 1, 2006, the City received a complete application for the PCFD Station No. 38 Subdivision. The property is located at 1798 Deer Valley Drive North in the Residential Development (RD) zoning district. The proposed will subdivide a metes and bounds parcel into one lot of record. The proposed new lot will be approximately one half acre in size. Currently the property is vacant.

The applicant wishes to subdivide the property in order to build a fire station that will serve the Old Town and Deer Valley areas of Park City. A building permit cannot be issued for construction on a lot that is not subdivided.

The Planning Commission reviewed and approved a Conditional Use Permit for the fire station on January 11, 2006.

ANALYSIS

Staff finds good cause for this subdivision as it will enable a fire station, which is an essential municipal facility that will promote the health safety and welfare of the Deer Valley and Old Town neighborhoods. The lot size is consistent with the pattern of development in the neighborhood.

Land Management Code Compliance

	Permitted	Proposed
Height	28’ (+5’ for pitched roof)	28’ with pitched roof
Front setback	20’	Greater than 20’
Rear setback	15’	20’
Side setbacks	12’ both sides	12’ both sides
Lot size	N/A	.5 acre
Parking	4	10

DEPARTMENT REVIEW
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the subdivision for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on June 13, 2006, where representatives from local utilities and City Staff were in attendance.

NOTICE
The property was posted and notice was mailed to property owners within 300 feet on June 14, 2006. Legal notice was also put in the Park Record.

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

ALTERNATIVES
1. The City Council may approve the PCFD Station No. 38 Subdivision as conditioned or amended, or
2. The City Council may deny the PCFD Station No. 38 Subdivision and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on PCFD Station No. 38 Subdivision.

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

CONSEQUENCES OF NOT TAKING ACTION
The property would remain as is and the Fire District would not be able to construct the new fire station.

RECOMMENDATION
Staffs recommends the City Council hold a public hearing for the Park City Fire District Station No. 38 Subdivision and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment

Ordinance No. 06-

AN ORDINANCE APPROVING THE PARK CITY FIRE DISTRICT STATION NO. 38 SUBDIVISION LOCATED AT 1798 DEER VALLEY DRIVE NORTH, PARK CITY, UTAH

WHEREAS, the owner of the property known as 1798 Deer Valley Drive North, has petitioned the City Council for approval of the PCFD Station No. 38 Subdivision; and

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

WHEREAS, on June 28, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 29, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to subdivide a metes and bounds parcel into one lot of record; and

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

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

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

1. The property is located in the Residential Density (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences and multi-family condominium projects.
3. The amendment will subdivide a metes and bounds parcel into one lot of record.
4. On January 11, 2006 the Planning Commission approved a CUP to allow a Fire Station on the property.
5. A condition of the January 11, 2006 CUP approval required the applicant to subdivide the property into a lot of record prior to the issue of a building permit.
6. Access to the property is from Deer Valley Drive North.
7. The proposed lot is 21,780 square feet in size (one half acre).
8. The fire station will serve the Old Town and Deer Valley areas of Park City
9. The maximum height limit in the RD zone is 33 feet above existing grade for a

building with a pitched roof.

10. The applicant is proposing that the fire station have a maximum height of 28 feet above existing grade.
11. Required setbacks for the fire station are 12’ on the sides, 20’ in the front and 15’ in the rear.
12. The proposed fire station will have 12’ side yard setbacks, 30’ front yard setback and a 20’ rear yard setback.

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

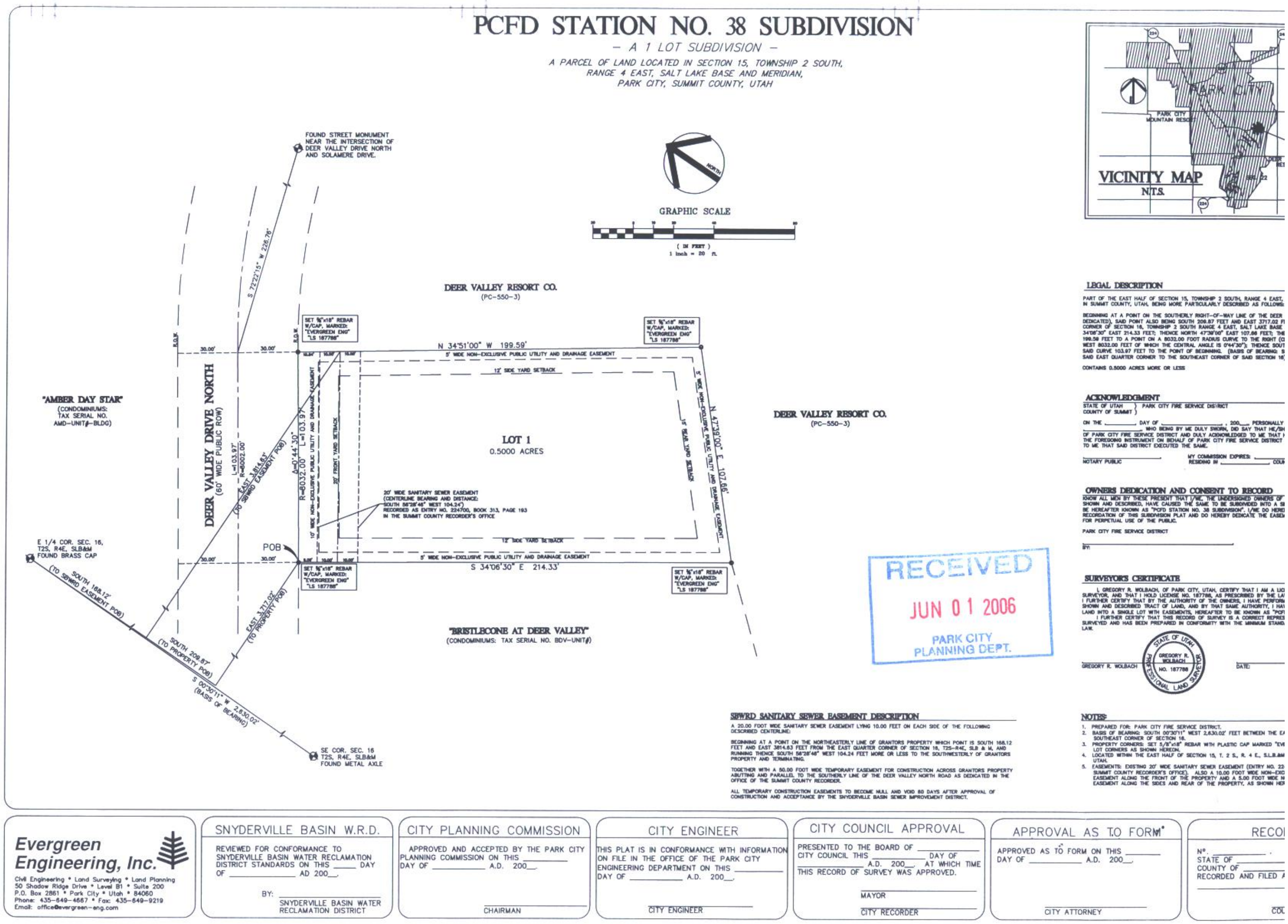
1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording 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 and the plat will be void.

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

PASSED AND ADOPTED this 29th day of June 2006.


PCFD STATION NO. 38 SUBDIVISION
– A 1 LOT SUBDIVISION –
A PARCEL OF LAND LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
VICINITY MAP
N.T.S.
PARK CITY
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
DEER VALLEY RESORT CO.
(PC-550-3)
DEER VALLEY DRIVE NORTH
(60' WIDE PUBLIC ROW)
"AMBER DAY STAR"
(CONDOMINIUMS: TAX SERIAL NO. AMD-UNIT#-BLDG)
LOT 1
0.5000 ACRES
"BRISTLECONE AT DEER VALLEY"
(CONDOMINIUMS: TAX SERIAL NO. BDV-UNIT#)
N 34°51'00" W 199.59'
S 34°06'30" E 214.33'
N 47°39'00" E 107.66'
S 72°22'15" W 226.76'
L=103.97'
R=8002.00'
POB
FOUND STREET MONUMENT NEAR THE INTERSECTION OF DEER VALLEY DRIVE NORTH AND SOLAMERE DRIVE.
E 1/4 COR. SEC. 16, T2S, R4E, SLB&M FOUND BRASS CAP
SE COR. SEC. 16 T2S, R4E, SLB&M FOUND METAL AXLE
LEGAL DESCRIPTION
ACKNOWLEDGMENT
OWNERS DEDICATION AND CONSENT TO RECORD
SURVEYOR'S CERTIFICATE
SBWRD SANITARY SEWER EASEMENT DESCRIPTION
NOTES
RECEIVED
JUN 01 2006
PARK CITY PLANNING DEPT.
Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
50 Shadow Ridge Drive * Level B1 * Suite 200
P.O. Box 2861 * Park City * Utah * 84060
Phone: 435-649-4687 * Fax: 435-649-9219
Email: office@evergreen-eng.com
SNYDERVILLE BASIN W.R.D.
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF __________ AD 200__.
BY:
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS __________ DAY OF __________ A.D. 200__.
CHAIRMAN
CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS __________ DAY OF __________ A.D. 200__.
CITY ENGINEER
CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF __________ CITY COUNCIL THIS __________ DAY OF __________ A.D. 200__, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.
MAYOR
CITY RECORDER
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS __________ DAY OF __________ A.D. 200__.
CITY ATTORNEY

City Council Staff Report

PLANNING DEPARTMENT

Author: Jonathan Weidenhamer

Subject: 151 MAIN STREET SUBDIVISION EXTENSION

Date: June 29, 2006

Type of Item: Administrative

Summary Recommendation: Staff recommends that the City Council Approve the request for a six month extension to the May 19, 2005 plat amendment approval for the property located at 151 Main Street according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance.

TOPIC

Owners:	Bill White for 151 Main Street L.C.
Location:	151 Main Street
Zoning:	Historic Commercial Business (HCB) and Historic Residential (HR-1)
Adjacent Land Uses:	Pocket Park, residential, 2nd Street stair
Date of Application:	May 10, 2006

BACKGROUND

On May 19, 2005 the applicant received approval from the City Council to combine their properties into one lot of record. The applicant was unable to record the plat prior to the expiration of the subdivision approval on May 19, 2006 and is therefore requesting that the City Council grant a six month extension to allow the approval to expire on November 19, 2006.

The project site is located at 151 Main Street. A historic building exists on the property which currently is operated as the restaurant Grappa. The applicant proposes to combine the two lots under existing building and patio area (lots 13&14) with the adjacent $1^{1/2}$ lots to the south (11&12) and 2 adjacent quarter lots (15&16) to the west (Exhibit B). The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South (lots 11 & 12), site of the City's temporary landscaping improvements.

The lots in this application are zoned HCB, Historic Commercial Business and HR-2, Historic Residential - 2 (Exhibit C). The proposed plat creates a 7,166 square foot (s.f.)

lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2. No addition/expansion will be permitted on the HR-2 zoned portion of the property.

RECOMMENDATION

Staff recommends that the City Council Approve the request for a six month extension to the plat amendment approval for the property located at 819 Empire to November 19, 2006 according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance.

EXHIBITS

Draft Ordinance
Exhibit A – Proposed Plat Amendment
Exhibit B – Existing Conditions
Exhibit C – Park City Survey
Exhibit D – Extension request from Applicant

Ordinance No. 06-

AN ORDINANCE APPROVING A SIX MONTH EXTENTION TO A PLAT AMENDMENT TO COMBINE ALL OF LOTS 12, 13, 14, AND PORTIONS OF LOTS 11, 15, AND 16 OF BLOCK 13 OF THE PARK CITY SURVEY INTO ONE LOT.

WHEREAS, owners of the property known as 147 and 151 Main Street, have petitioned the City Council for approval of An extension to a subdivision plat; and

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

WHEREAS, on May 19, 2005 the City Council held a public hearing to receive public input on the proposal and approved the 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. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. Plat amendments expire one year from the date of City Council approval.
2. The applicant is requesting a six month time extension to the expiration of the plat amendment approval.
3. No changes to the existing approval are proposed at this time.
4. Because no changes are proposed, no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
5. This application re-submits a lot combination plat that originally was reviewed and approved by City Council on June 6, 2002. The plat was never recorded, and the approval has expired, necessitating this new submission.
6. The Planning Commission reviewed this item at the May 12, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.
7. The project site is located at 151 Main Street. A historic building exists on the property which currently is operated as the restaurant Grappa.
8. The applicant proposes to combine the two lots under the existing building and patio area (lots 13&14) with the adjacent 11/2 lots to the south (11&12) and 2 adjacent1/4 lots (15&16) to the west.
9. The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South, site of the temporary pocket park.
10. Lots 11, 12, 13 and 14 are zoned HCB, Historic Commercial Business. Lots 15 and 16 are zoned and HR-2, Historic Residential - 2.
11. The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2.
12. The lots in this application are zoned HCB, Historic Commercial Business and

HR-2, Historic Residential - 2 (Exhibit C). The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2. No addition/expansion will be permitted on the HR-2 zoned portion of the property.

13. The LMC limits building area to a Floor Area Ratio (FAR) of 4.0 in the HCB District. Development of a FAR up to 1.5 is exempt from meeting a parking requirement if fees have been paid into the Main Street Special Improvement District (MSSID).
14. City records indicate that fees have been paid into the MSSID for lot 12, but not lot 11. The addition on lot 12 is exempt from any parking requirement, provided the proposed FAR does not exceed1.5.
15. Development on lot 11, as well as any proposed addition that exceeds a FAR of 1.5 for the entire project will be required to provide parking on site or pay by fee in lieu of.
16. This project will undergo a Historic District Design Review process prior to any building permits being issued.
17. The easterly 25' of lots 15 and 16 are undeveloped except for only partially at grade decks and landscaping. They are used by Grappa for outdoor dining.
18. A Conditional Use Permit (CUP) was approved for Outdoor Dining at this location in 1991. In 1993, the applicant received an expansion to the existing CUP that allowed for expansion of the use from the second deck to the third and fourth decks at the rear of the building.
19. Outdoor Dining is prohibited in the HR-2 Zone. The use continues as an Existing, Non-Conforming Use. Section 15-9-5(B) of the LMC allows for exterior or interior improvements to a structure containing a non-conforming use to be allowed provided there is no expansion of the area of the non-conforming use.
20. Section 6-3-9(K) of the Park City Municipal Code incorporates regulations on noise. The existing CUP also has conditions regulating noise from outdoor speakers. Any complaints in regards to noise will be responded to on a complaint basis by the Park City Police Department.
21. In August 1998 the Redevelopment Agency of Park City (RDA) and Bill White entered into a 5 year renewable Public Recreation License Agreement to install a pocket park on portions of Mr. White’s land. The applicant has exercised his right to terminate the agreement by providing notice to the RDA. As required by the agreement, the RDA anticipates removal of the existing landscaping improvements upon approval of a building permit application.

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

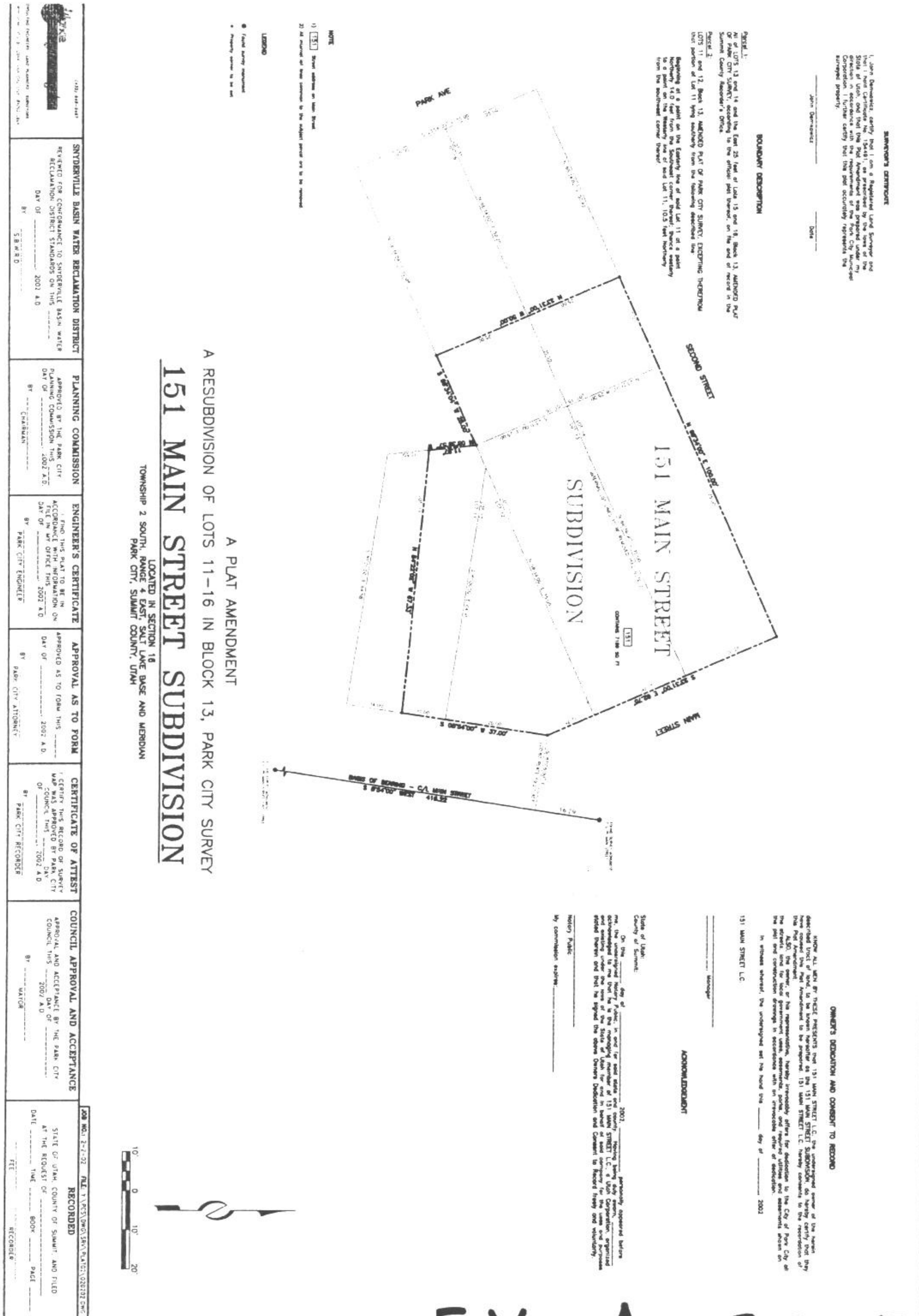
1. There is good cause for this extension.
2. The extension is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat extension.

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

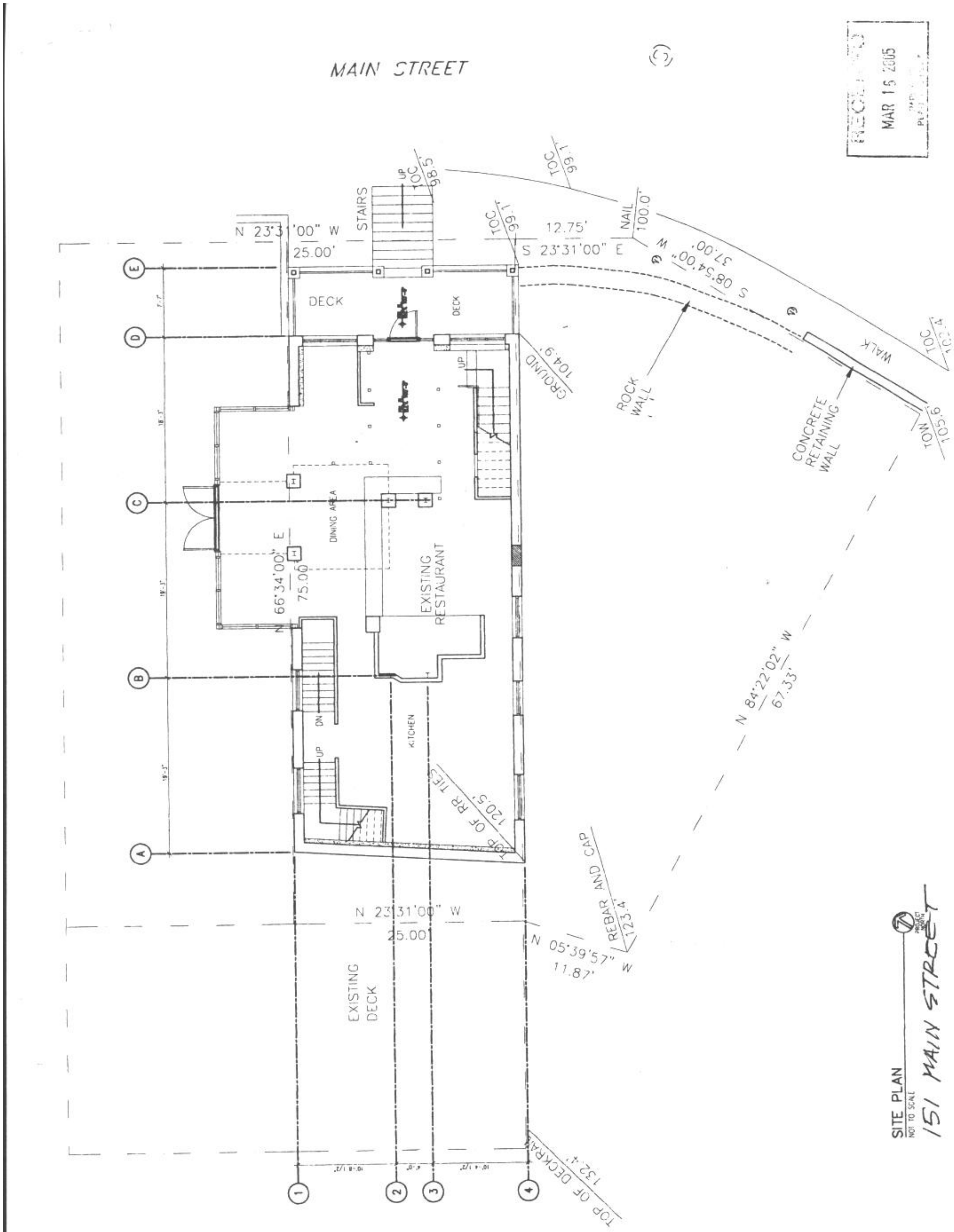
1. The City Attorney and City Engineer review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant will record the plat amendment at the County within six months from the date of City Council approval. If recordation has not occurred within six months time, this approval and the plat will be void.
3. No addition/expansion will be permitted on the HR-2 zoned portion of the property.
4. No building permit will be issued prior to recordation of the Plat Amendment.

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

PASSED AND ADOPTED this 29th day of June, 2006.


SURVEYOR'S CERTIFICATE
BOUNDARY DESCRIPTION
SECOND STREET
MAIN STREET
PARK AVE
151 MAIN STREET
SUBDIVISION
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
NOTE
LEGEND
A PLAT AMENDMENT
A RESUBDIVISION OF LOTS 11-16 IN BLOCK 13, PARK CITY SURVEY
151 MAIN STREET SUBDIVISION
LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED

EX. A - SUB. PLAT



EX. B - EXISTING CONDITIONS

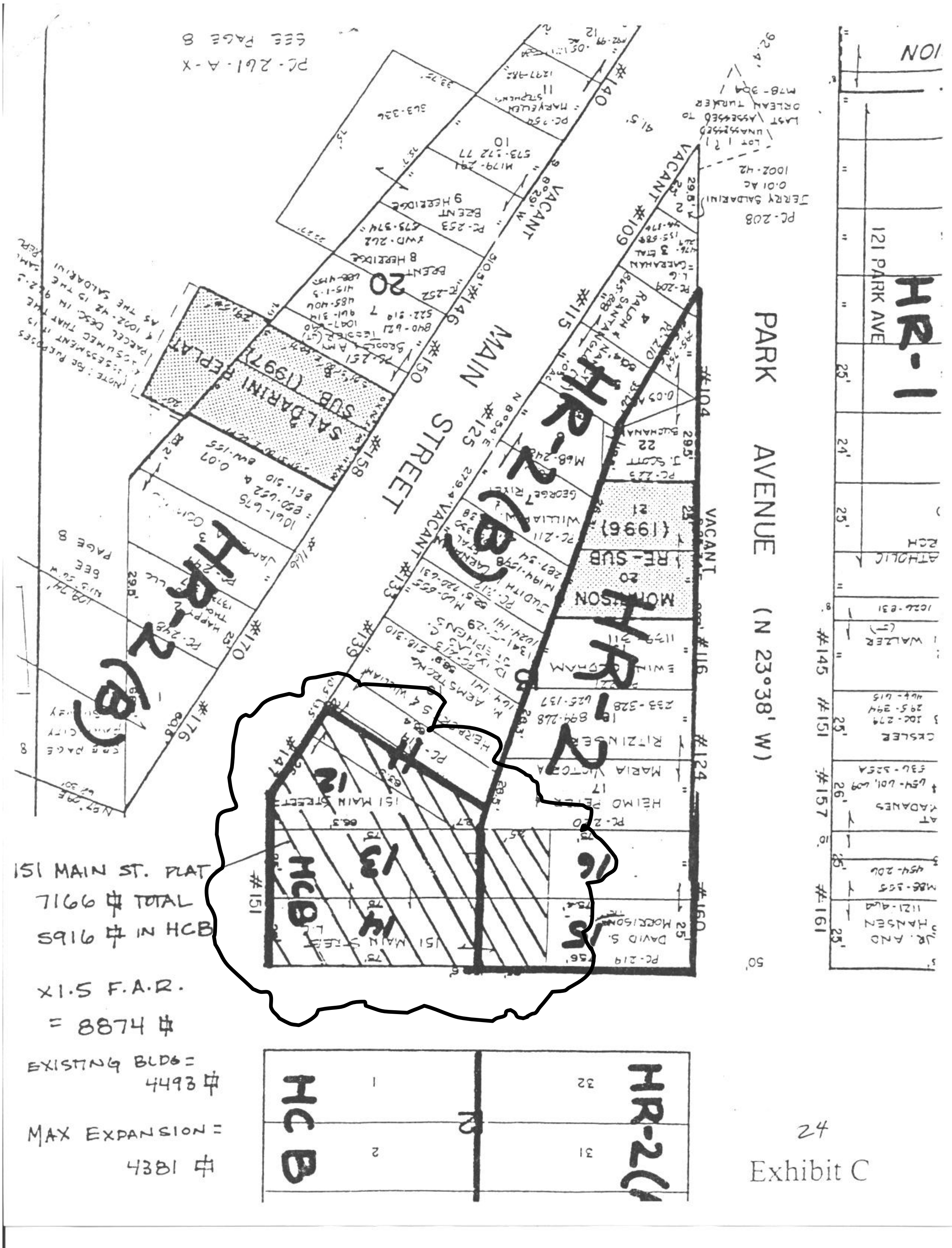

MAIN STREET
PARK AVENUE (N 23°38' W)
121 PARK AVE
HR-1
HR-2(B)
HR-2
HCB
SALDARINI SUB (1997) REPLAT
RE-SUB (1996)
MORRISON
VACANT
151 MAIN STREET
20
#104
#109
#115
#116
#124
#125
#133
#139
#140
#145
#146
#147
#150
#151
#157
#158
#160
#161
#170
#176
SEE PAGE 8
PC-261-A-X
151 MAIN ST. PLAT
7166 ф TOTAL
5916 ф IN HCB
X1.5 F.A.R.
= 8874 ф
EXISTING BLDG =
4493 ф
MAX EXPANSION =
4381 ф
24

Exhibit C

B.W.E. Restaurant & Investment Group

Bill White Enterprises
P.O. Box 3537
Park City, UT 84060

RECEIVED
MAY 10 2006
PARK CITY
PLANNING DEPT.

May 10, 2006

Jonathan Weidenhamer
Project Planner
C/o Park City Planning
PO Box 1480
Park City, UT 84060-1480

Dear Jonathan,

I left a message for you this afternoon requesting an extension for the plat amendment process at 151 Main Street, Park City, Utah. We have run into some complications with the Sewer District regarding an errant sewer line crossing the back lot. While I investigate the implications of this, I respectfully request a 180-day extension to the process.

I understand and apologize that the project has languished, but I would not like to lose the opportunity to amend the plat or to start the process from the beginning because of this surprising issue.

I appreciate the patience of the Planning Department and assure you this issue will be resolved in a timely manner. It is my hope you will extend me the time to deal with this new wrinkle. Please contact me at your convenience and we can discuss this matter further should you desire.

Sincerely,

Bill White

Bill White
435.640.3060

Exhibit D – Request for extension

City Council Staff Report

Budget, Debt, and Grants

Author:	**Seth Atkinson**
Subject:	**COMPENSATION FOR MAYOR, CITY COUNCIL, AND STATUTORY OFFICERS**
Date:	**June 29, 2006**
Type of Item:	**Legislative**

Summary Recommendation: Conduct a public hearing on June 29th and adopt an ordinance establishing compensation for the Mayor, City Council, and statutory officers for FY 2007.

Description:
Topic: Compensation for the Mayor, City Council members, and statutory officers.

Background: State law requires cities to set compensation schedules for the Mayor, City Council members, and statutory officers by ordinance. This is typically done during the budget process. In 2004, City Council adopted a method for determining compensation for the Mayor and City Council which is based on a comparison with other resort cities and communities along the Wasatch Front. Consistent with the staff Pay Plan, this comparison is conducted every two years. During the "off" year, compensation is increased 2% to keep up with changes in the comparison group.

Analysis: Attachment A is an ordinance that establishes compensation for the Mayor, City Council members, and statutory officers for FY 2007. Statutory officers include the City Manager, City Attorney, City Treasurer, City Engineer, and City Recorder. The statutory officers listed on the ordinance are those included in the Park City Municipal Code Title 2 Chapter 4. Consistent with the Council-approved policy, Mayoral and Council compensation has received a 2% increase from the FY 2006 Budget. Also consistent with Council action, the pay grades for statutory officers reflect a 2% increase from the FY 2006 Budget.

	Y 2006-2007
Mayor	$1,879.67 per month
City Council	$ 950.42 per month
City Manager	$105,070 - $120,360 per year
City Attorney	$91,692 - $107,100 per year

City Treasurer	$55,080 - $79,508 per year
City Engineer	$66,300 - $87,394 per year
City Recorder	$25,459 - $39,059 per year

These schedules represent salary ranges. Annual salaries for the City Manager and City Attorney are determined by City Council during annual performance evaluations. The others are approved by the City Manager pursuant to performance evaluations.

Department Review: City Manager**,** Legal, Budget, Debt, and Grants

Alternatives:

A. **Approve the Request:** Council could hold a public hearing on Council compensation and adopt the ordinance for Mayor, City Council member, and statutory officer compensation for Fiscal Year 2007.
B. **Continue the Item:** If additional information is requested, Council could continue the item until a later date.
C. **Modify the Request:** Council could request changes to the ordinance and staff would return at a future date for adoption of the ordinance.

Significant Impacts: Funds are currently budgeted in the FY 2007 Budget.

Consequences of not taking the recommended action: The current ranges would remain in effect until such time as Council adopts new ones.

Recommendation: Staff recommends the adoption of the ordinance which establishes Mayoral, Council, and statutory officer compensation for FY 2007.

Attachment A – Ordinance for establishing compensation amounts for the Mayor, City Council, and statutory officers for FY 2007.

Ordinance No.

ORDINANCE ESTABLISHING COMPENSATION FOR THE MAYOR, CITY COUNCIL, AND STATUTORY OFFICERS FOR FISCAL YEAR 2006 – 2007 IN PARK CITY, UTAH

WHEREAS, the City Council has the power to establish compensation schedules pursuant to UCA Section 10-3-818; and

WHEREAS, the number of duties for the Mayor and City Council is significant and each elected officer is required to devote considerable time and expense to public service and community affairs; and

WHEREAS, a public hearing was duly advertised and held on June 29, 2006;

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

SECTION 1. REPEALER: All previous compensation ordinances regarding elected and statutory officers hereby are repealed.

SECTION 2. COMPENSATION FOR MAYOR, CITY COUNCIL, AND STATUTORY OFFICERS ADOPTED: The following salary levels are hereby adopted:

	FY 2006-2007
Mayor	$1,879.67 per month
City Council	$ 950.42 per month
City Manager	$105,070 - $120,360 per year
City Attorney	$91,692 - $107,100 per year
City Treasurer	$55,080 - $79,508 per year
City Engineer	$66,300 - $87,394 per year
City Recorder	$25,459 - $39,059 per year

SECTION 3. BENEFITS: The Mayor and each member of the City Council shall receive family medical insurance. This benefit may be received as cash in lieu of the insurance coverage. The Mayor shall also receive $250 per month in car allowance. In addition, the Mayor and Mayor Pro-Term shall receive $100 per wedding performed. Statutory officers are eligible for all benefits available to regular FTE, unless otherwise determined by the Mayor and City Council.

SECTION 4. EFFECTIVE DATE**.** This Ordinance shall become effective on July 1, 2006.

PASSED AND ADOPTED this 29th day of June, 2006.

City Council
Staff Report

Budget, Debt, & Grants

Author: **Bret Howser**

Subject: **Federal Transit Authority Authorizing Resolution**

Date: **June 23, 2006**

Type of Item: **Legislative**

Summary Recommendation:
The City Council should adopt the attached resolution that authorizes the City Manager to execute, file, and accept FTA applications.

Description:
Topic:
FTA Authorizing Resolution

Background:
The City regularly receives grant funding from the Federal Transit Administration (FTA) and the Utah Department of Transportation (UDOT). FTA requires the Chief Administrative Officer to have authority to file grant applications, certifications and assurances, and execute all grant agreements on behalf of the City. Currently, Resolution No. 4-99 gives this power to the "Director of Capital Programs and Budget" of Park City.

Analysis:
FTA is requesting that a new Authorizing Resolution be completed, signed, and sent to their office. The one they presently have states that the Director of Capital Programs and Budget is authorized to file all applications, certifications and assurances, and execute all grant agreements on behalf of the Park City Municipal Corporation, but their procedures require that that authority be granted by resolution to the City Manager. It is staff's practice to inform and discuss grant applications with the City Council.

Department Review:
Budget, Debt, & Grants, Legal, and City Manager departments reviewed this report.

Alternatives:

A. Approve the Request:

Staff recommends that Council adopt the accompanying resolution granting the City Manager the authorization to carry out administrative grant matters with FTA and UDOT.

B. Deny the Request:
Continuing to operate with the current FTA Authorizing Resolution could result in the suspension of access to federal transit funding for Park City at some future point.

C. Continue the Item:
Similar impact as Option B.

D. Do Nothing:
Same impact as Option B.

Significant Impacts:
Park City receives millions of dollars in FTA grant funding for bus replacement, other capital, and some operations related to transit. Failure to comply with FTA's requests may impact Park City's ability to secure such grants in the future.

Recommendation:
Staff recommends that Council consider the attached resolution and adopt it.

Attachment: FTA Authorizing Resolution

Attachment A

A RESOLUTION AUTHORIZING THE CITY MANAGER OF PARK CITY, UTAH TO EXECUTE, FILE, AND ACCEPT APPLICATIONS, CERTIFICATIONS, ASSURANCES, AND AGREEMENTS REQUIRED FOR FINANCIAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE UTAH DEPARTMENT OF TRANSPORTATION.

WHEREAS, it is in the best interest of park City Municipal Corporation to authorize the filing of all applications with the Department of Transportation, United States of America and the Utah Department of Transportation for planning, capital, training, demonstration, research and development, and/or operating assistance grants under the Federal Transit Act of 3.964 , as amended; and

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects and the Utah Department of Transportation administers several types of these grants; and

WHEREAS, Park City Municipal Corporation is a duly created political municipality of the state of Utah, having the authority to accept grants from the federal and state government and to enter into contracts in order to obtain aid, assistance, and cooperation under federal legislation and state regulations; and

WHEREAS, contracts for financial assistance will impose certain obligations upon Park City Municipal Corporation, including the provision by it of local share of the project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provision of Title VI of the Civil Rights Act of 1964, that in connection with the filing of all applications for financial assistance, under the Federal Transit Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of transportation requirements thereunder; and

WHEREAS, it is the goal of Park City Municipal Corporation that minority business enterprise (disadvantaged business enterprises and women business enterprises) be utilized to the fullest extent possible in connection with all projects, and definitive procedures shall be established and administered to ensure that minority business enterprises shall have the maximum feasible opportunity to compete for construction contracts, supplies and equipment contracts and to provide consultant and other services;

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

1. The City Manager of Park City Municipal Corporation is authorized to execute and file all applications on behalf of Park City, Utah with the U.S. Department of Transportation and the Utah Department of Transportation, to aid in the financing of all planning, capital, training, research and development, demonstration, and/or operating assistance projects.

2. The City Manager is authorized to execute and file such applications, certifications, and assurances or any other document required by the U.S. Department of Transportation and the Utah Department of Transportation effectuating the purposes of the proposed projects.

3. The City Manager is designated to furnish such additional information as the U.S. Department of Transportation and the Utah Department of Transportation may require in connection with all applications.

4. The City Manager is authorized to set forth and execute minority business enterprises (disadvantaged enterprise business and women business enterprise) policies and procedures in connection with procurement needs or all projects.

5. The City Manager is authorized to accept and execute all grant agreements on behalf of Park City Municipal Corporation with the U.S. Department of Transportation and the Utah Department of Transportation to aid in the financing of all planning, capital, training, research and development, demonstration, and/or operating assistance projects. City Council approval must be received in conformance with the City budget policies and all contracts must be approved to form by the City Attorney's Office.

PASSED AND ADOPTED this 29th day of June, 2006.

City Council
Staff Report

PLANNING DEPARTMENT

Author: **Jonathan Weidenhamer**

Subject: **Sidewalk Dining Lease**
525 Main Street – Main Street Deli

Date: **June 29, 2006**

Type of Item: **Administrative**

Summary Recommendations:
Consider approving a lease for Main Street Deli, located at 525 Main Street to conduct sidewalk dining on City property.

Background:
Section 15-2.6-12 of the Land Management Code allows Outdoor Dining on "leased public property" as an Administrative Conditional Use Permit. On May 24, 2004, the City Council provided direction that they would like to continue sidewalk dining, but preferred to continue to sign only annual leases. The lease under consideration is consistent with the direction provided by City Council on May 24, 2004. The Council in April of 2005 provided favorable consideration to extend the sidewalk dining season from the 3rd weekend of April through the end of October.

Analysis:
The City did not receive any complaints regarding the sidewalk dining program conducted in 2004 or 2005. Any seasonal lease the City enters would: regulate the time and duration of the use, provide for consistency in look and materials, ensure the aesthetic value of the Historic District by preventing visual clutter, prevent conflicts with Special Events/MFL's, mitigate for conflicting uses in the public right-of-way, ensure for cleanly sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulation.

Staff has prepared a draft lease template that would be executed prior to approving any Outdoor Dining on City Sidewalks (Exhibit A). At this time staff has made a preliminary determination that application submitted by the Main Street Deli, located at 525 Main Street, meets the standards for outdoor dining provided at LMC Section 15-2.6-12 as well as the proposed operational restrictions (Exhibit C):

The Main Street Deli has an approved Administrative Conditional Use Permit for Outdoor Dining on City Sidewalks (conditioned upon a current, approved lease). Their

Administrative Conditional Use Permit does not have an expiration date, and runs with the land, or until City Council provides direction to not allow use of City-side walks for outdoor dining. The site plan the application is attached as Exhibit B.

Alternatives:

A) Provide direction to continue Outdoor Dining on City sidewalks; and approve the lease for sidewalk dining for the Main Street Deli as presented; or

B) Provide direction to not continue Outdoor Dining on City sidewalks; or

C) Provide direction to continue Outdoor Dining on City sidewalks, but modify the lease language or operational restrictions and then provide direction to approve the lease(s) as amended; or

D) Continue the hearing for more information or discussion.

Recommendation:
Staff recommends Alternative A.

Exhibits
Exhibit A – Lease
Exhibit B – Site Plan
Exhibit C – Operational Restrictions

Exhibit A

MAIN STREET SIDEWALK
OUTDOOR DINING LEASE
Main Street Deli – 525 Main Street

This LEASE AGREEMENT is made and executed this 29th day of June, 2006, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah (“Park City”) and the Main Street Deli, a Utah LLC, located at 525 Main Street, Park City, Utah (“Tenant”)

The Parties agree as follows:

1. PROPERTY. The property affected by this lease is generally described as the sidewalk area directly fronting Tenant’s restaurant located at 525 Main Street, and more specifically described via site plan at Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the “Premises”).

2. RENT. Tenant shall be solely responsible for payment of any and all costs associated with Tenant’s performance under this lease, including but not limited to City additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on June 29, 2006 and shall terminate on October 30, 2006, unless terminated earlier as provided herein.

4. USE OF PREMISES. Tenant may use the Premises only for the provision of outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions are attached hereto at Exhibit C, if applicable. Park City makes no representations regarding the premises and tenant accepts the premises “as is”.

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City’s written consent. Any improvements approved by Park City shall be completed at Tenant’s sole expense and removed at Tenant’s sole expense upon expiration of this Agreement.

6. SIGNS. No signs shall be permitted on the Premises except as specifically approved pursuant to the Park City Sign Code and/or Tenant’s Master Sign Plan.

7. INSURANCE. Tenant shall, at Tenant’s sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per person and One Million Dollars ($1,000,000.00) per incident or occurrence. Park City shall be named as an additional insured by endorsement on each policy. Tenant’s insurance is to be primary to Park City’s and Park City’s insurance shall be non-contributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City 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 Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

8. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

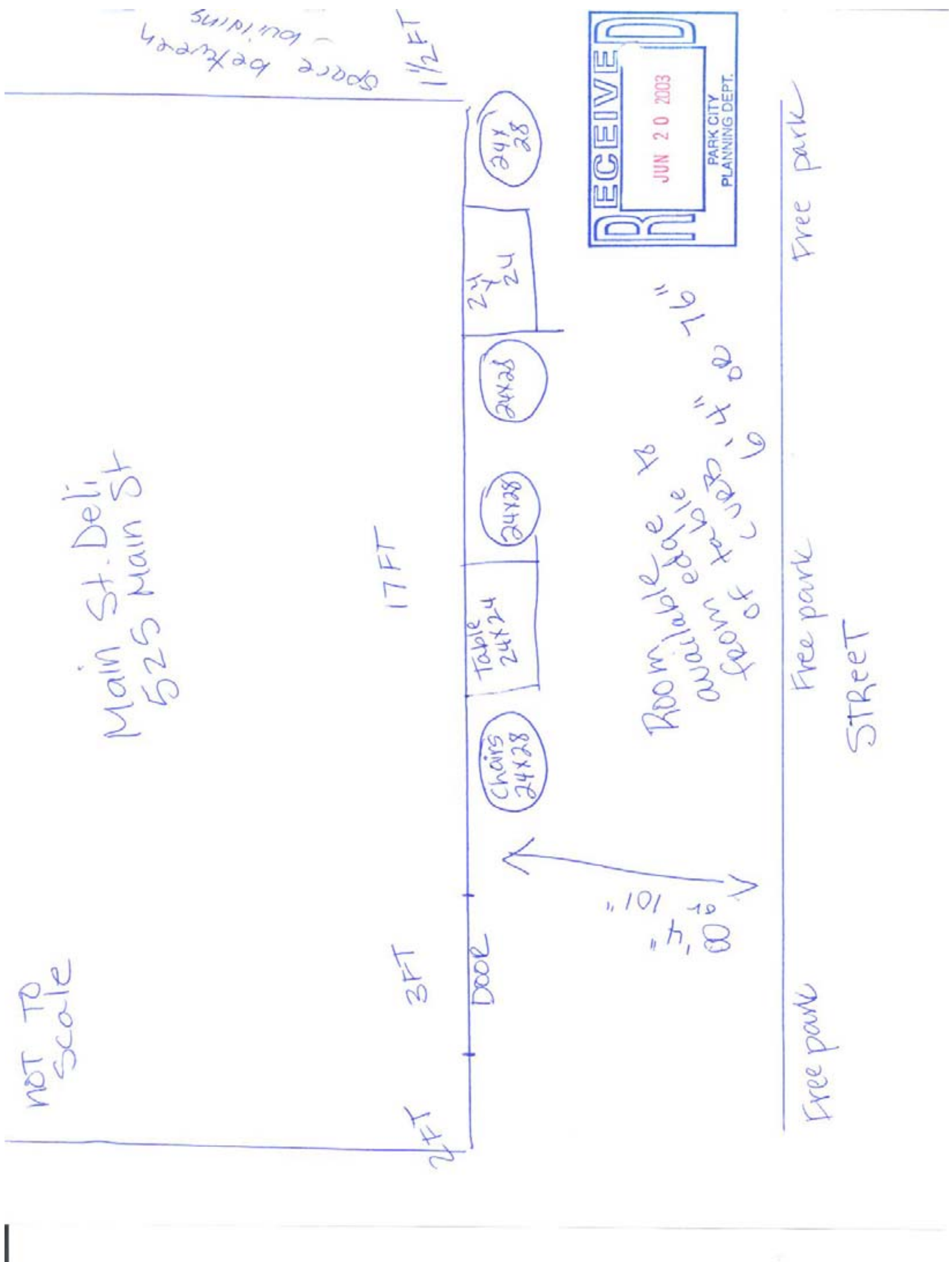
11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. FORCE MAJEURE. Any delay or failure of either Party to perform its obligations under this Agreement shall be excused to the extent that it is caused by an event or occurrence beyond its reasonable control, including act of nature, terrorism or war.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Exihibit B



525 Main Street
Main Street Deli
(2 tables)

Exhibit C

SIDEWALK DINING
<u>OPERATIONAL RESTRICTIONS</u>

The following operational restrictions shall apply to all leases for outdoor dining on Main Street sidewalks:

1. <u>Site Plan</u> - This plan shall be to scale and indicate: the proprietors' building as it relates to the exact locations of chairs, tables, stanchions, umbrellas, heaters, curb (width of sidewalk), and any other existing public improvements (light fixtures, fire department connections, parking meters, utility covers, etc.).
2. <u>Details/ Spec Sheets</u> – Shall be submitted for each piece of equipment proposed with this application. This will include all tables, chairs, umbrellas, heaters, lighting sources, and crowd barricades, etc.
3. <u>Parameters of Permit</u> - Sidewalk Dining is allowed from May 1until October 30, from 8:00 am until 10:00 pm.
4. <u>Violations</u> - Ongoing Monitoring will be provided to ensure compliance with lease parameters. A revocation provision will be included for lessee's failure to comply.

Design Standards

1. SIZE. Sidewalk dining area shall be limited to the linear frontage a building has on Main Street.
2. ADVERTISING. Additional signing or advertising is prohibited beyond what is allowed by the Sign Code. Umbrellas, table tents, or any other equipment must be free of branding or other promotion.
3. FURNITURE. All tables and chairs shall be metal and be either black or gray, and have a powder coated finish.
4. STANCHIONS. Any necessary crowd control barricades must be equivalent to the Crowd Controller TensaBarrier & Tape - Model 890 Standard, or T-Max, which has been approved by the Preservation Planner and chosen for its minimal visual intrusion, durability, and functionality. TensaBarrier poles shall be black and powder coated, and the tape shall be black also.
5. UMBRELLAS. Umbrellas are prohibited from having any advertising or signing and shall be in solid, primary colors. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas must meet international building code and standards and shall not create any public hazard.
6. HEATERS. Any proposed heaters shall be reviewed at the time of initial application. In most cases, additional heating elements may require additional building permits.
7. LIGHTING. No additional electric lighting is permitted, including exterior building lighting.
8. LANDSCAPING/ ATMOSPHERE. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter.

9. ADDITIONAL EQUIPMENT. To prevent unnecessary visual clutter, additional equipment beyond those outlined in this section is prohibited. This includes server or bus-stations, garbage receptacles, podiums, pedestals, etc.
10. LICENSING. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances.
11. HEALTH & SAFETY. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
12. MUSIC. The use of outdoor speakers and music is prohibited unless expressly allowed by Park City Municipal Corporation Special Events Director.
13. SPECIAL EVENTS. Operation of Sidewalk Dining during Special Events and Master Festival Licenses is prohibited when the boundary of that Special Event includes Main Street unless expressly allowed by Park City Special Events Director.
14. MAINTENANCE. The dining area shall be cleanly and maintained in a neat and orderly fashion.
15. STORAGE. All equipment and other associated materials must be removed from the sidewalk and stored on private property overnight and during prohibited times.

DATE: June 29, 2006
DEPARTMENT: Public Works
AUTHOR: Pace Erickson, Operations Manager
TITLE: 2006 Pavement Management Overlay Program
TYPE OF ITEM: Administrative- Contract

SUMMARY RECOMMENDATIONS: Award the 2006 Pavement Management Contract to and authorize staff to enter into a Construction Contract in a form approved by the City Attorney with Staker & Parsons Company in the amount of $671,829.80.

DESCRIPTION:

Topic. Pavement Management Program 2006

Background. Pavement management is a program that maximizes pavement life and minimizes pavement costs by identifying the time frame for carrying out appropriate maintenance or rehabilitation. The benefit of this practice is to extend pavement life and reduce the overall life cycle cost. Pavements typically deteriorate in a non-linear fashion. Twenty-five percent of the deterioration occurs during the first seventy-five percent of pavement life. The more cost-effective maintenance should occur when the pavement is still in fair condition. Pavement repairs can be done inexpensively using sealing and overlay techniques. Proper pavement management should minimize the need for costly pavement reconstruction.

Staff bid all elements of the pavement management program together but culled out the overlay portion pending a review by the Legal department regarding minor discrepancies in the bids submitted.

Analysis.

Overlays
The following streets have been identified within the pavement management program as having a rating of 40 to 79 and are slated to receive a total of 7,517 tons of asphalt in the form of overlays as part of the overall pavement management strategy:

Overlays 2006

Section/ Street Name
Belle Star Ct: Sidewinder Dr to end of CDS
Swede Alley: Heber Ave to 5th Street *
Mellow Mountain Rd: Aerie Dr to April Mountain Dr
Sunny Slopes Dr: Meadows Dr to 1250 Ft
Deer Valley Dr: Round a bout to 1100 Ft

Oakwood Dr: Oakwood Ct to Sunridge Dr
Crestline Dr: Meadows Dr to American Saddler Dr
Meadows Dr: Evening Star Dr to Lake View Ct +200
Royal Ct: Royal St to end of CDS
Royal St: Silver Lake Dr up to 1150 Ft
Evening Star Dr: Little Kate Rd to Meadows Dr
Empire Ave: Manor Way to 15th St
Empire Ave: 15th St to Park Ave

* Full Mill

Overlays Bike Paths 2006
Path Section

South side HWY 248 From Sidewinder to Cooke Dr
North side HWY 248 from Monitor to end
City Park trail from Iron Horse to Transit Center
High School Athletic Field Trails

Asphalt forecast

Staff has seen significant increases in asphalt costs. This is due to the volatile oil prices the world has experienced. From last year, delivered asphalt prices have increased 49% to $71.00 per ton. Staff believes costs will not fall below $70.00 per ton in the near future. If costs maintain their current level a budget adjustment that reflects market prices is anticipated. Our original estimate for all elements of the pavement management program was $368,343.71.

Bid Results

There were two sealed bids received for street overlays:

Street Overlays

Staker Paving recommended	**$671,830**
Granite Construction	$770,806

Staff analyzed both bids and determined that Staker is the lowest responsive bidder. Staff first had to review the bids with Legal to determine if the low bid complied with the specifications. Both bids had minor problems. Staker did not attend a “mandatory” pre-bid meeting, while Granite failed to attach an equipment list. Both bids are otherwise responsive. Staker has previously been awarded the contract, so there was no material consequence to missing the pre-bid meeting, which occurred due to a schedule conflict. Similarly, staff is generally aware that Granite has the equipment necessary to complete the work. Therefore, Staff recommends that the City waive both technicalities and award the bid to Staker Paving as the lowest responsive bidder. The bid and RFP notification/process was advertised in the Park Record and Salt Lake Tribune.

Department Review. Bids were reviewed by the Public Works and Legal Departments. Funds are designated in the CIP fund and are appropriated under line items 31-43311 in the amount of $939,188, 31-43318 in the amount of $47,686 for the year 2006. Any unspent funds prior to June 30, 2006 will be "carried over" to next year as per City policy.

ALTERNATIVES:

A. Approve awarding and authorize staff to enter into an agreement with the lowest responsive bid.
Staker & Parsons Company for asphalt street overlays in the amount of $596,409.80 and path overlays in the amount of $75,420.00 for a total of $671,829.80.

B. Change scope and re-bid the 2006 pavement management program.
(Staff does not recommend this alternative).

C. Reject all bids and direct staff to re-bid the project.
(Staff does not recommend this alternative).

SIGNIFICANT IMPACTS:

The pavement management plan is designed to maintain and improve Park City pavement quality. Approval of less than the recommended program will cause a decline of pavement quality.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Failure to maintain an adequate pavement management program will increase maintenance dollars in subsequent years and lower overall pavement quality. Given the market, most costs continue to increase and re-bidding the project would additionally cause adverse delay in an already short summer construction season.

RECOMMENDATION: Alternative A: Approve awarding and authorize staff to enter into an agreement with the lowest responsive bidder - Staker & Parsons Company in the amount of $671,829.80.

City Council
STAFF REPORT

Author: **Patrick Putt**

Subject: **Land Management Code Amendments-- Community Transition District (CT) District**

Planning Department

Date: **June 29, 2006**

Type of Item: **Legislative**

Summary Recommendations: Staff recommends that City Council hold a public hearing and approve the ordinance adopting the Community Transition (CT) District and amending Land Management Code Section 15-6-8: Master Planned Developments-- Unit Equivalents establishing a unit equivalent multiplier for I-Occupancy structures.

Background

On July 14, 2005, City Council adopted Resolution No. 21-05 forming the IHC/USSA/Burbidge Annexation Task Force. The purpose of the Task Force was to conduct a review and provide a recommendation on the annexation petition elements relating to the proposed zoning, land uses, affordable housing, transportation, and community economic/fiscal impacts.

Analysis

On October 27, 2005, the IHC/USSA/Burbidge AnnexationTask Force unanimously recommended a new zoning district for the annexation area intended to implement the goals and objectives of the City's General Plan and the Quinns Junction Joint Planning Principles (attached). The name of the proposed zoning district is the Community Transition (CT) District. A copy of the draft CT District is attached to this memorandum.

Purpose of the CT District is to preserve the character of the area's existing open space, recreation, and institutional land uses by clustering low-density development in a manner that respects the entry corridor, sensitive lands, and existing open space area. Low-density public, quasi-public, and/or institutional uses relating to community open space, recreation, sport training and development, tourism, and community heath are encouraged land uses in the CT District. Highway service commercial and regional/big-box commercial is prohibited. Limited residential development may be considered through a Master Planned Development/Conditional Use Permit process.

Permitted base density in the CT District is 1 unit/20 acres. Density bonuses up to a maximum of 3 units/acre may be approved based on compliance with enhanced open space and trail improvements, increased Frontage Protection Zone setbacks, implementation of “green building” design principles, utilization of structured/tiered parking, development of transit improvements, and dedication of additional land for public/quasi-public purposes. As previously stated, the proposed CT District permits limited residential development with an approved MPD/CUP. Due to the traffic/trip generation impacts related to residential development, the Planning Commission provided direction to limit density bonuses for residential uses to one unit per acre.

The Task Force also discussed the topic of how to apply the Unit Equivalent multiplier to a hospital use. With the assistance of the Building Department and local architects, the Task Force examined the issue of evaluating the relative density factors applied to hospitals (I-Occupancy buildings) versus commercial and office buildings. Based on its research, the Task Force recommended that hospitals (I-Occupancy Buildings) density be calculated using a 1666 square-foot unit equivalent (UE) multiplier and that all other non-residential uses continue to be calculated using a 1000 square foot unit equivalent (UE) multiplier.

Said another way, the research presented to the Task Force demonstrated that to functionally achieve 1000 net square feet of retail, 1200 gross square feet must be built. To functionally achieve 1000 net square feet of hospital, 1850 – 2000 gross square feet must be built. This is based on meeting International Building Code standards for I-Occupancy structures which require wider corridors, significantly more mechanical and building support space for air exchange, equipment storage, and other requirements for patient safety.

Analysis conducted by Architectural Nexus, and reviewed by Roger Evans of the City Building Department suggested modifying the UE calculation to consider hospitals at a different ratio than a standard retail UE (1000 square feet).

	Net	Gross	Ratio
Retail	1000	1200	1.2
Hospital	1000	1850-2000	1.85 - 2000

Therefore if a retail UE = 1000 square feet, a range for hospital UE = 1542 – 1666 square feet; based on the following:

> 1.85/1.2 x 1000 = 1542 ; or
> 2.00/1.2 x 1000 = <u>1666</u>

On January 11, 2006, the Planning Commission forwarded a positive recommendation the Land Management Code amendments creating the Community Transition (CT) District and establishing a specific unit equivalent multiplier for I-Occupancy structures.

<u>Summary Recommendations:</u> The Planning Department recommends that City Council hold a public hearing and approve the ordinance adopting the Community

Transition (CT) District and amending Land Management Code Section 15-6-8: Master Planned Developments--Unit Equivalents establishing a unit equivalent multiplier for I-Occupancy structures.

Exhibits
Exhibit A – Ordinance (with attached LMC amendments)

Ordinance No.

AN ORDINANCE AMENDING TITLE 15 OF THE PARK CITY MUNICIPAL CODE, LAND MANAGEMENT CODE, ESTABLISHING SECTION 15-2-23: COMMUNITY TRANSITION DISTRICT AND SECTION 15-6-8, A UNIT EQUIVALENT MULTIPLIER FOR I-OCCUPANCY USES

WHEREAS, it is in the public interest to create a zoning district is to preserve the character of the area's existing open space, recreation, and institutional land uses; and

WHEREAS, it is in the public interest clustering low-density development in a manner that respects the entry corridor, sensitive lands, and existing open space area; and

WHEREAS, low-density public, quasi-public, and/or institutional uses relating to community open space, recreation, sport training and development, tourism, and community heath are land uses consistent with the City's General Plan and Quinns Junction Joint Planning Principles; and

WHEREAS, it in the public interest to prohibit highway service commercial and regional/big-box commercial uses in the community's entry corridor areas; and

WHEREAS, the relative density factors applied to hospitals/I-Occupancy uses is functionally different than residential and commercial uses due to building code requirements for wider hallway corridors, mechanical and air-exchange space, equipment storage, and other requirements for patient safety; and

WHEREAS, the proposed amendments were properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, the City Council adopted Resolution No. 21-05 on July 14, 2005 forming the IHC/USSA/Burbidge Annexation Task Force for purposes of providing a recommendation to the Planning Commission and City Council on the annexation petition elements relating to the proposed zoning, land uses, affordable housing, transportation, and community economic/fiscal impacts; and

WHEREAS, the IHC/USSA/Burbidge Annexation Task Force on October 27, 2005 unanimously recommended Community Transition (CT) District be the zoning designation applied the annexation area;

HEREAS, the IHC/USSA/Burbidge Annexation Task Force on October 27, 2005 unanimously recommended that Land Management Code be amended to establish a 1666 square foot unit equivalent multiplier for I-Occupancy uses; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2006 to receive public input on the proposed Land Management Code amendments and forwarded a positive recommendation to City Council; and

WHEREAS, on June 29, 2006 the City Council held public hearings to receive input on the proposed Land Management Code amendments; and

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

SECTION 1. LAND MANAGEMENT CODE AMENDMENT. Title 15 of the Park City Municipal Code, Land Management Code is amended as described in Exhibit A to create Section 15-2-23: Community Transition (CT) District and amend Section 15-6-8: Master Planned Developments—Unit Equivalents as described in Exhibit B.

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

PASSED AND ADOPTED this 29th day of June 2006.

CITY COUNCIL
STAFF REPORT

Author:	**Patrick Putt**	
Subject:	**IHC/USSA/Burbidge Annexation**	
Date:	**June 29, 2006**	Planning Department
Type of Item:	**Legislative**	

Summary Recommendations:

Staff recommends that Council to adopt the ordinance the approving the Intermountain Healthcare/USSA/Burbidge Annexation and as further reflected in the attached Annexation Agreement, in a form approved by the City Attorney.

Description:

Project Name:	IHC Medical Campus/USSA Training Center at Quinn's Junction
Applicant:	Intermountain Healthcare, United States Ski and Snowboard Association, and Burbs LLC
Location:	NW corner of the Quinn's Junction Interchange (SR 248 & US 40)
Zoning:	Summit County -Developable Lands (DL) - base zoning of 1:20; 1:40 depending on any Sensitive Lands (slope, wetlands, etc.); 1:10 w/ bonus criteria.
Proposed Zoning:	Community Transition (CT-MPD)
Adjacent Land Uses:	Municipal open space; City Ice Arena and Fields Complex; Undeveloped Lands; Light-Industrial

Background and Procedural Process

1. Annexation Petition History: On November 3, 2004, Intermountain Healthcare, United States Ski and Snowboard Association (USSA), and Burbs LLC submitted a petition to annex approximately 157 acres into the City. The annexation petition was accepted by City Council on November 18, 2004 and certified on December 6, 2004. January 5, 2005 was the deadline for Affected Entities to file a protest with the Summit County Boundary Commission. No protests were filed.

2. Location and Current County Zoning: The annexation property is currently vacant, 157 acres in size, and located in unincorporated Summit County at the northwest corner of the State Route 248/Highway 40 interchange. The property is zoned in Summit County as Developable Lands (DL) with a base density of 1 unit/20 acres and 1 unit/40 acres depending on Sensitive Lands. The site is adjacent to the newly annexed City Ice Arena and Recreation Complex and within the City's Annexation Expansion Area

3. Proposed Zoning: The proposed zoning for the property is Community Transition (CT-MPD). The CT District is a newly created zoning district which is pending final adoption by City Council. The Community Transition (CT) District has a base density of 1 unit/20 acres. The District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities.

4. Development Proposal: The annexation plat as submitted contemplates the creation of four lots: one for the hospital/medical campus lot: one five acre parcel for USSA's proposed headquarters and training facility; one 15 acre lot upon which the City would contemplate future expansion of their recreation complex; and one 5 acre lot for future affordable housing.

The land uses proposed on the annexation property include a community hospital/medical facility; support medical offices; public/quasi-public institutional uses; United States Ski and Snowboard (USSA) headquarters and sports training complex; public recreation uses, affordable/employee housing, and open space. The proposed total density at build-out for the annexation area is 535,000 square feet (gross) and equates to 2.64 units/acre and consists of the following:

Intermountain Healthcare Hospital**:**	300,000 square feet (180 Unit Equivalents)
United States Ski and Snowboard Offices and Training Center**:**	85,000 square feet (85 Unit Equivalents)
Support Medical Office**:**	150,000 square feet (150 Unit Equivalents)

It is proposed that up to 50,000 square feet of the total Support Medical Office area may be developed within, in addition to, the 300, 000 square foot hospital. It is further proposed that up to 50,000 square feet may be utilized for public/quasi-public institutional uses such as athletic national governing body offices, non-profit community wellness facilities, and/or education uses. Burbs, LLC has agreed to convey 5 acres to the United States Ski and Snowboard Association (USSA) for the purposes of developing an 85,000 square foot athletic national governing body (NGB) and training complex. Land uses within the USSA facility are to be limited to USSA administrative, athlete training, and/or other national governing body uses. The City is to have the right of first refusal to purchase the USSA property and facilities in the event USSA sells and/or relocates from the property. Any change of use will require approval of an amended Master Planned Development and Conditional Use Permit.

5. IHC/USSA/Burbidge Task Force Recommendation and Remaining Procedural Steps: The City Council established the IHC/USSA/Burbidge Annexation Task Force on July 14, 2005 (Resolution No. 21-05) for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economics/fiscal impacts. On October 27, 2005 the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition (CT) District which includes specific provisions addressing affordable housing. The Task Force forwarded a unanimous positive recommendation to the Planning Commission on the annexation's economic impact/fiscal analysis on November 10, 2005. On December 8, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation. The Task Force recommendations are further outlined in this report.

The Planning Commission conducted a final review of the proposed annexation for compliance with the General Plan and all requisite annexation standards on May 10, 2006 and forwarded a positive recommendation to Council regarding the annexation and zoning the subject property Community Transition (CT)-MPD.

A City Council public hearing on the proposed annexation and zoning has been scheduled and duly noticed for Thursday's meeting. If the City Council enacts an ordinance annexing the unincorporated area and zones the property CT all applicable zoning and Land Management Code sections are applied to the annexed property. Following the completion of the annexation process, the Planning Commission will review the Master Planned Development (MPD) application for compliance with all Land Management Code Requirements.

General Plan Analysis: The Planning Commission spent several meetings during the spring of 2005 reviewing the proposed annexation for compliance with the Park City General Plan. The elements reviewed by the Planning Commission are the Park City Direction; Community Character; Open Space and Environment; Land Use; and Growth Management. The IHC/USSA/Burbidge Annexation Task Force conducted the formal review and prepared recommendations on Transportation, Community Economy; and Affordable Housing. The Following is an overview of the General Plan analysis conducted to date proposed. Statements in *italics* represent staff comments.

1. Park City Direction and Community Character Elements:

- **Protect a maximum amount of public and private open space**. *Complies. The annexation area is located in the General Plan's Round Valley Planning Area. The development pads are generally located toward the toe of the slopes and outside of the wetland areas. The proposed development pads are proposed to be clustered. Exterior/surface parking is to be minimized with intent of maintaining the open space corridor around the ridge tops and along Hwy. 40 and SR-248 into Park City. A minimum of 80% of the site area is proposed for open space.*

- **Institute low density development design standards to ensure that new development maintains a rural character in terms of building location, materials, fencing, landscaping, street widths, street layout, and similar features.** *Complies. The proposed hospital/medical campus and USSA facility has been sited to place the bulk of the project density and building masses in clustered development areas off steeper hillsides and outside of wetland areas. Development is proposed to provide 200-300 foot setbacks from adjacent highways. The proposed project density is 2.64 units/acre which is below the potential 3 units/acre maximum of the CT Zone. Final architectural, landscaping, and site design are under refinement; however, the preliminary design concepts illustrate clustered, 2- 2 ½ story buildings consistent with the more dispersed, lower profile ranch and institutional buildings found in the immediate area.*

- **Provide a range of housing opportunities in annexed areas. Eliminate regulatory impediments to providing a range of housing opportunities.** *Complies. The annexation will result in new employee/affordable housing being constructed. The applicant is donating a five (5) acre parcel of land on site to Park City Municipal Corporation to be developed by the applicant as employee/affordable housing. Up to 25 affordable/employee housing units may be developed on the 5 acre parcel. The proposed units will provide additional needed housing opportunities for project employees and community residents.*

- **Pursue those annexation petitions that hold the potential of producing significant amenities and benefits for the public in addition to open space (e.g., active parks, community centers).** *Complies. The majority of the project open space is provided adjacent to City-owned Round Valley open space. The annexation proposal also contemplates the City acquiring an additional 15 acres adjacent to the City Fields Complex and the Round Valley open space for open space recreation purposes.*

- **To prevent strip development along highways and arterials, concentrate new commercial development tightly around strategic intersections through the use of development regulations.** *Complies. The City and County's Quinn's Junction Joint Planning Commission Sub–Committee have adopted Land Use Patterns and Development Principles that strongly discourage highway service commercial development. No general commercial/highway commercial is proposed within the annexation area. Limited ancillary support commercial may be considered within the primary uses as part of the MPD; however, no specific support commercial uses have been proposed by the applicant.*

- **Entertain a broad range of development patterns when reviewing annexation petitions, provided that the petitions are consistent with the open space and other development goals of the General Plan and other City policies.** *Complies. The proposed hospital complex and USSA training facility achieves compact building pad footprints that leave the majority of the project open space adjacent to existing public open space areas. The project open space acts as a buffer between the proposed development and City open space and provides additional area for future expansions of City recreation facilities.*

- **Require new streets and transportation systems that adequately serve annexed areas and do not adversely impact existing neighborhoods.** *Complies. Primary access to the site will be by way of a new/redesigned intersection off of SR 248. The applicants will be responsible for providing all necessary access to the property from SR 248 and all necessary intersection improvements including a signalized intersection, any necessary road connections to the City's recreation and ice rink complex, and dedication of right-of-way for frontage road to Silver Summit as other codes require secondary access, all to be determined and agreed as part of the MPD and subdivision approval process.*

- **In annexation agreements within the Joint Planning Area, secure significant, usable, and accessible open space.** *Complies. Natural Areas, Highly Visible Ridgelines, Undisturbed Visual Open Space, Entry Corridors, and Trail Connections and Corridors represent the highest community value for the site. The proposed project site plan generally places the majority of the development out of Natural Areas/wetland areas and off of the High Visible Ridgelines. The largest areas of open space are located appurtenant to the City's Round Valley open space areas.*

- **Develop incentives for achieving the maximum amount of open space, consistent with the priorities in the Open Space and Land Use Elements.** *Complies. The annexation area is located in the General Plan's Round Valley Planning Area. The Open Space Element encourages maintaining an open space buffer from the ridge tops along Hwy. 40 to SR-248 and locating development to the toe-of-slope areas. Wetlands, meadows, intermittent streams, and drainage ways are to be preserved. The* *development pads are generally located toward the toe of the slopes, outside of the wetland areas, and back of highway corridor view areas.*

- **Require development patterns that result in large, contiguous parcels of usable open space. Make open space internally functional and visually connected to other planned and existing open space areas.** *<u>Complies</u>. The open space proposed with this project connects visually and physically to the city's recreation complex and the greater round valley open space. The preliminary site plan includes trail connections to the Round Valley open space trails.*

- **On the periphery of developments, explore the use of large single-family conservancy lots that would enhance the impression of open space while allowing some development.** *<u>Not Applicable</u>. The proposal does not include large lot single-family residential development.*

- **Acquire key parcels containing critical environmental areas, wildlife habitat, important vistas, or desired public access.** Explore dedicated funding for open space acquisition. *<u>Complies</u>. Wetlands, meadows, intermittent streams, and drainage ways are not significantly impacted by the proposed development. The development pads are generally located toward the toe of the slopes, outside of the wetland areas, and back of highway corridor view areas. The applicants are donating 15 acres of the project area to the City for additional recreation purposes.*

- **Require new development to build pathway and trail systems that connect to existing public trails and open space. Protect access to public lands adjacent to new development.** *<u>Complies</u>. The preliminary site plan includes trail connections to the Round Valley open space trails. As part of the MPD review process, the Planning Department will work with the City Trails Coordinator, Summit County, and the Mountain Trails Foundation to prepare a recommendation for any necessary trail connections to the City Fields complex and other adjacent properties.*

- **Pursue more detailed intergovernmental working relationships and agreements with Summit and Wasatch Counties. Develop consensus, if possible, on appropriate development patterns in areas immediately adjacent to the City. Ensure the continued application of a phased development program.** *<u>Complies.</u> Council established the IHC/USSA/Burbidge Annexation Task Force on July 14, 2005 for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economics/fiscal impacts. The Task Force was comprised of affected property owners, applicants, elected officials and Planning Commissioners from the City and Summit County, and staff. The Task Force forwarded its final positive recommendation on the annexation on December 8, 2005.*

- **Offer additional density incentives for preserving usable open space and other community amenities that exceeds the minimum required by the Land Management Code and annexation policies.** *<u>Complies.</u> The base density of the proposed CT Zone is 1 unit/20 acres. The proposed CT Zone allows for density bonuses up to 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities. The applicants have proposed a maximum density of 2.64 units/acre based upon a plan which provides of 80% open space, increased FPZ setbacks, conveyance of land and* *construction of affordable housing, and the donation of 15 acres to the City for future recreational uses.*

- **Require new street systems to be designed in a manner that avoids adversely disrupting existing neighborhoods.** *Complies. The preliminary site plan indicates a roadway system that functions with the street layout at the City's recreation complex and other existing roadways/driveways in the area. Access to the site through the recreation complex and NAC road is not contemplated except for possible Public transit. Access through Fairway Hills is not proposed. Final street layout and design will be reviewed during the MPD process.*

2. Open Space and Environmental Elements:

- **Carefully evaluate the open space components of annexation and development proposals to define the community needs and the value of dedicated open space. Consider these types of open space in annexations:**

  Natural Areas - (undisturbed hillsides, wetlands, and meadows) ;

  Significant wildlife habitat - (areas where shelter, food and water is available to support a variety of wildlife species);

  Highly visible ridge lines - (the tops of mountains and hills visible to pedestrians and motorists traveling in and around the community);

  Undisturbed visual open space - (private or public open space left in its natural condition and serves primarily as a visual relief from the urban environment);

  Natural geographic landmarks - (identifiable mountain peaks, valleys, meadows, ridges, rock outcroppings, and streams);

  Entry corridors - (the roads, highways, and trails leading travelers into the community);

  Trail connections and corridors - (routes directing hikers, bikers and skiers onto developed trails or through areas which eventually connect to trails);

  Access to streams - (trails, paths, or roads leading to streams which are available for fishing, nature study, or other forms of recreation);

  Ski runs - (areas where skiing is possible due to openness and slope of terrain);

  Public golf courses - (golf courses which are either operated by a public entity, or golf courses available to the general public or both);

  Public community recreation - (facilities available to the public such as playgrounds, parks, ball fields, and recreation centers, programmed recreation such as, but not limited to, baseball, lacrosse, soccer, basketball, and swimming);

  Passive public recreation - (recreational activities that require a minimum of public facilities and/or supervision such as hiking, nature observation, fishing, biking,

photography and similar pursuits);

Neighborhood public open space - (open space areas intended to serve a local neighborhood primarily but open to the public in general);

Private golf courses - (privately owned and operated golf courses open only for members and their guests);

Private trails - (trails through private property and not available to the public except by permission);

Private neighborhood parks - (parks within neighborhoods available for use only by those property owners owning and maintaining the parks);

Private open space - (open space areas that are privately owned and their use may be restricted by the Owner(s);

In general, private open spaces not available to the public are considered a lower priority when evaluating the community benefit of an annexation. Open space available for use by the public is preferred over all forms of restricted private open space; and

Observe the unique characteristics and open space priorities for each Planning Area outlined in the Land Use Element. *<u>Complies</u>. Considering the above-listed types of open space, The Planning Department finds that Natural Areas, Highly Visible Ridgelines, Undisturbed Visual Open Space, Entry Corridors, and Trail Connections and Corridors represent the highest community value for the site. The proposed project plan generally places the majority of the development out of Natural Areas/wetland areas and off of the High Visible Ridgelines. The largest areas of open space are located appurtenant to the City's Round Valley open space areas. The visual impact of the proposed development areas will be examined more specifically during the MPD review to ensure building pad locations and building masses are placed so as to not appear to crowd the entry corridor or break the ridgelines which form the backdrop to the site when viewed from SR-248, the City Fields Complex, and Hwy. 40.*

- **For annexation of master-planned development, consider increasing the required amount of open space, and negotiate the type of open space to be provided, based on the priorities for the Planning Area. Current City codes require 60 percent open space as part of the master-planned development process.** *<u>Complies</u>. The annexation area is located in the General Plan's Round Valley Planning Area. The Open Space Element encourages maintaining an open space buffer from the ridge tops along Hwy. 40 to SR-248 and locating development to the toe-of-slope areas. Wetlands, meadows, intermittent streams, and drainage ways are to be preserved. The development pads are generally located toward the toe of the slopes and outside of the wetland areas. Consistent with the proposed CT Zone, over 80% of the project area is open space.*

- **Require compact development in annexed areas, in order to concentrate housing and other structures and preserve the maximum amount of contiguous, usable open space; and**

- **Provide incentives for open space preservation that are consistent with, and complement, the Land Use and Open Space Elements.** *Complies. Approximately 80% of the project area is open space. Of the overall 157 acres, development is limited to four primary pads. The bulk of the project open space is located adjacent to existing City open space.*

- **Demand special attention to the entryway areas, including Highways 40, 224, and 248, with site planning parameters that create open space corridors.** *Complies. The applicants propose increased Frontage Protection Zone no-building setbacks of 200-300 feet along the highway frontages. Minor encroachments into the proposed setbacks may be necessary due to possible grading impacts. Per the CT Zone, the Planning Commission may consider reductions in the proposed setbacks if it determines such reductions reduce site grading, increase shared/reciprocal parking, and/or encourage better site design. Final site design approval will take place during the MPD process.*

- **Direct development to the "toe" (bottom edge) of slopes in mountainous areas, rather than the face of slopes, meadows, or valley floors.** *Complies. Staff finds that the preliminary plan is designed in conformance with this policy. The majority of the project area's steeper hillsides are retained as open space. The hospital complex and USSA pads are located between the toe of the slope and the face of the hillside and off prominent ridge lines.*

- **Set aside open spaces that are sizeable and visually apparent; provide substantial connections to other open spaces.** *Complies. The proposed open space is generally comprised of wetlands, areas adjacent to the Round Valley open space, and along hillsides and ridge lines.*

- **Require neighborhood links through trail systems. Target activity areas such as schools, commercial zones, and recreation areas for trail connections.** *Complies. The preliminary plan includes trail connections to the Round Valley open space trails.*

- **Consider all environmentally sensitive regions (including meadows and grasslands as significant components) as valuable open space.** *Complies. The preliminary site plan does not include significant development in wetland areas or designated sensitive regions of the site.*

- **Consider all riparian areas as priorities for protection, and ensure riparian conservation areas at least 50 feet in width on each side of streams and wetlands.** *Complies. Staff preliminary review of the site plan indicates compliance with this policy.*

- **Regulate the use of unnatural landscape materials or landscape alterations not indigenous to the area, e.g., large lawns in front of mountain homes, or water features in prominent sagebrush areas.** *Complies. The applicants' overall design concept is to retain as much native vegetation as possible and landscape with native, drought tolerant species. Restricting development to limited pad areas and providing the bulk of the project open space adjacent to existing City open space will help enhance the overall preservation of the site's native landscape.*

- **Require that annexations contribute to the open space concepts and intent of the Land Use Element. Support plans within the County and annexation areas that provide advantageous open space and recreation components.** *Complies. The majority of the project open space is provided adjacent to City-owned Round Valley open* *space. The annexation proposal also contemplates the City acquiring an additional 15 acres adjacent to the City Fields Complex and the Round Valley open space for open space recreation purposes.*

3. **<u>Land Use and Growth Management Elements:</u>**

Direct development to the "toe" of slopes, preserving the ridge tops, meadows, and visible hillsides. Open space foregrounds should be incorporated in development proposals to enhance the visual experience of open space; and

- **Preserve wetlands, drainage ways, and intermittent streams and incorporate them into developments as amenities, rather than as simply undevelopable land; and**

- **Preserve as many large, cohesive, unbroken areas of land free of typical urban uses, including active recreational uses, as possible through design, dedication, and acquisition, as development occurs in the annexation area.** *<u>Complies</u>. The wetland areas are generally free of development. The wetland areas connect to larger areas of open space and provide needed breaks in the development pod. A minimum of 80% open space is proposed. The bulk of the open space proposed is appurtenant to the City's Round Valley open space. The applicants propose to donate 15 acres of land to the City for recreation purposes. The preliminary plan incorporates trail connections between adjacent properties and the City's Round Valley open space.*

- **Protect the views along the City's entry corridors by establishing design, setback, and landscape requirements.** *The proposed building pads are located off steep hillsides, near the toe of slopes, and out of wetland areas. The proposed 80% minimum open space places the majority of the undisturbed area adjacent to existing City open space parcels and preserving significant tracts of native vegetation. The applicants propose increased Frontage Protection Zone no-building setbacks of 200-300 feet along the highway frontages. As previously stated in this report, minor encroachments into the proposed setbacks may be necessary due to possible grading impacts. Final site design and review of a preliminary landscape plan will take place during the MPD process.*

- **To decrease fire risk, develop criteria for decreasing wildfire potential by keeping development out of certain sensitive areas and carefully controlling development where wildfire occur**. *<u>Complies</u>. A preliminary assessment of the project plan indicates that the site design is consistent with the City's defensible space requirements and standard wildfire mitigation measures.*

- **Incorporate pedestrian trail linkages and open space to allow movement between and through neighborhoods. Trails should link to other recreational and community facilities and provide a viable alternative to vehicular transportation. Trail and pedestrian linkages should be consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan.** *<u>Complies</u>. The proposed site plan includes trail connections through the property which link to existing and proposed trails within Round Valley and the adjacent City fields complex. A final determination of trail connection needs will take place during the MPD review process. The applicants have agreed to work with the City and trail users to maintain and enhance trail access and connections through the site.*

- **Provide neighborhood recreation to serve residents of each distinct neighborhood. When appropriate, develop regional recreational facilities with**

adequate vehicular and trail access. *Complies. The project generally provides good access to the adjacent City fields complex and Round Valley trails. The donation of an additional 15 acres of land for future recreation use is a benefit to community residents.*

- **Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.** *Complies. The proposed project design is a reasonable balance between creating compact building pads off steep hillsides and out of wetlands; creating larger highway corridor setbacks; and providing 80% open space. Phasing the project is anticipated an will be fully addressed during the MPD review.*

- **Encourage distinct neighborhoods surrounded by open space. Develop neighborhood-specific design guidelines to promote neighborhood cohesiveness.** *Complies. Although the proposed development is not a "residential" neighborhood in the traditional sense it is becoming a community open space and recreation neighborhood. The proposed clustered development area, 80% open space, and larger Frontage Protection Zone setbacks result in relatively compact development overall and a substantial open space buffer that transitions into deed-restricted community open space.*

- **Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.** *Complies. Utility services including sewer, power, and telephone are available to, or nearby, the site. The applicant is proposing to purchase water from the City.*

- **Encourage affordable housing in close proximity to lodging, bus routes, resorts and such essential services as shopping, recreation, and medical services.** *Complies. As previously stated in this report, the annexation will result in new employee/affordable housing being constructed. The applicant is donating a five (5) acre parcel of land on site to Park City Municipal Corporation and will develop the property for employee/affordable housing purposes.. Up to 25 affordable/employee housing units may be developed on the 5 acre parcel. The proposed units will provide additional needed housing opportunities for project employees and community residents. City transit stops are also proposed.*

- **Encourage a mix of housing styles within new developments with a preference for second homes and housing units that provide bed base for tourists.** *Not Applicable. No residential development other than the required affordable housing is proposed.*

- **Require traffic routing and street design that minimizes grading, minimizes impacts on existing residents, and reduces dependency on the automobile; and**

- **Require all season trail systems which serve individual neighborhoods and also provide connections to other existing and planned trails.** *Complies. The proposed street/driveway layout is located on relatively flat to moderate sloping terrain which will reduce the need for significant grading, cuts, and retaining walls. A more direct (shorter) street layout could be designed; however, it would be much more visible and involve much greater site disturbance. Pedestrian and trail connections are integrated into the plan and connect the site with the adjacent properties and public open space. Although not finalized as to exact location(s), transit stops are to be part of the MPD site plan.*

- **Maintain an open space corridor from the ridge tops along Highway 40 to Highway 248 and, using the ridge tops as a boundary, maintain the same open space corridor along the north side of Highway 248 to the Treasure Mountain Middle School; and**

- **Preserve all ridge tops and middle ridges (separating the north and south bowls) as open space, with no roofs extending above the ridge line protection area; and ensure that development is clustered and located at the "toe" of slopes in alcove areas; and**

- **Preserve all ridge tops and middle ridges (separating the north and south bowls) as open space, with no roofs extending above the ridge line protection area.** *<u>Complies</u>. The proposed development pads site buildings off steeper hillsides and away from the periphery of the site. The bulk of the proposed 80% open space is to be adjacent to the City's Round Valley open space and along the highway corridors.*

- **Preserve large areas of mountain shrub vegetation and sage grasslands in their natural environment. Should recreation uses be considered, such as golf or trail installation, their design should maximize the use of natural materials, natural vegetation and the natural landscape in design and planning. Planning should consider ways to reduce water use for landscape irrigation.** *<u>Complies</u>. The majority of the proposed 80% open space is to be retained in its natural state. By clustering the proposed development in compact areas towards the center of the site, the native vegetation within proposed open space can serve as a visual buffer of the development and a transition area to the City's Round Valley open space. Specifics on any non-native landscaping and irrigation will be addressed as part of the MPD. Minimizing new non-native landscaping which requires extensive irrigation has been strongly discouraged by Staff and is not contemplated by the applicant.*

- **Implement a street circulation system that provides good north/south linkage through Round Valley to the existing street network.** *<u>Not Applicable. This policy pre-existed City acquisition of the Round Valley open space.</u>*

- **Preserve wetlands and intermittent streams and drainage ways. The design of storm water systems should use an open system with drainage features being used as an amenity**. *<u>Complies</u>. The proposed plan does not include development within wetland and stream corridors.*

4. <u>Transportation, Community Economy; Transportation; and Affordable Housing Elements:</u> The IHC/USSA/Burbidge Annexation Task Force conducted the formal review and prepared recommendations regarding the annexation's compliance with the Transportation, Community Economy, and Affordable Housing elements of the General Plan. An overview of its recommendation is as follows:

a. <u>Community Economy--Fiscal and Economic Impacts:</u> The City's Budget, Debt, and Grants Department conducted a fiscal impact and economic impact study for the proposed annexation (dated November 7, 2005). A copy of the study is attached to this report. The study estimates annual City expenses at $121,200 for the initial project *(assuming a build out in 15 years)* and $54,876 after build out. These expenses include roads, police, and City administration. The study model estimates that indirect economic impact from the annexation to be:

- $2.9 million in total annual economic output
- $1.7 million in annual labor income
- 24.7 new jobs
- $71,000 in annual indirect taxes (1/3 estimated to be retained by the City)

The above-listed inputs do not include increased economic activity resulting from any possible support commercial activity which would have additional positive impact.

The study also identified other related positive community impacts including:

1. Added local healthcare services:
- Closer proximity of healthcare services
- Expansion of existing services
- New services
- Added quality of services

2. USSA training facility long term commitment and new offerings:
- Park City identity/exposure
- Unique opportunities and events
- Affiliations to outdoor retailers
- Attraction of other national governing boards

3. Synergies of recreation, health, and open space

The study concludes that limited fiscal impacts to the City related to the development of the proposed medical campus and USSA complex will be experienced; however the potential impacts have been determined to be reasonable by the Task Force. In forwarding a positive recommendation on the study, the Task Force found that the direct fiscal impacts will be offset by the indirect benefits associated with the IHC/USSA development. The Task Force forwarded a unanimous positive recommendation to the Planning Commission on the annexation's economic impact/fiscal analysis on November 10, 2005.

b. <u>Transportation:</u> On December 8, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation. The Task Force recommendation was based, in part, on a traffic and access study prepared by Horrocks Engineers (dated November 6, 2005). The study concludes improvements to SR-248 will be necessary in the future to maintain acceptable levels of service regardless of whether or not the proposed medical campus and USSA facilities are developed. The need for future improvements is predicated on existing and future regional growth. The proposed IHC/ USSA development will have incremental traffic impacts on SR-248.

The Task Force recommended that:

- SR 248 should not be expanded to a 5 lane road immediately, except from US 40 to a new IHC/USSA SR248 signal.

- The trip numbers in the Horrocks study are considered to be maximum (worst case) estimates.
- It is reasonable for all developers within the Park City Annexation boundary to pay for or otherwise offset their share of costs (to Park City Municipal Corporation) of all roadway and other necessary traffic mitigation improvements. The City will agree to credit Intermountain Healthcare for the City recreation complex's proportionate share of the new traffic signal towards IHC's share of the mitigation.
- The cost sharing should be based on proportionate number of trips generated by their use.
- Potential Cost Share Mitigation Strategies
    - Affordable Housing w/ transit plan– If increased affordable housing obligations (to meet additional density bonus) are met, and these reduce trips, this trip reduction can be realized as reducing proportional cost share. These are mutually exclusive. The cost of the affordable housing does not count towards the developers proportionate cost share of the road.
    - Physical Improvements such as, but not limited to a transit hub, park and ride lot, and van/shuttle program.
    - Programs Improvements (Horrocks Study already discounts the number of trips from hospital use resulting from manipulating shift times).
- A detailed package of mitigation & cost sharing shall be approved through a technical report approved by the Planning Commission and City Council as a part of the MPD process.
- Direct Costs (Phase I of proposed IHC development)
    - Developer should be responsible for all coordination and costs associated with providing access to the development site as required in the Subdivision Chapter of the LMC Sections 15-7.2 & 15-7.3; including primary access, a signalized intersection, any necessary road connections between the hospital to the ice rink, and dedication of right-of-way for frontage road to Silver Summit as other codes require secondary access.
    - Developer should be allowed to reserve the right and has support from PCMC to develop a late-comers agreement to recoup costs for the intersection improvements and signal.
- Other Costs
    - The Developer should be responsible for the mitigation for any loss of playing field in PCMC recreation complex resulting from road expansion/realignment/signalization

In concluding its recommendation, the Task Force determined that traffic impacts to the City related to the development of the proposed medical campus and USSA complex will be experienced; however the Task Force has determined that the potential impacts can be mitigated. In forwarding a positive recommendation on the study, the Task Force determined that the specific traffic and access mitigation measures should be addressed and conditioned as part of a Master Planned Development Technical Report.

c. Affordable Housing: The general requirements for the annexation's affordable housing mitigation were established as part of the Task Force's recommendation on the creation of the Community Transition District on October 27, 2005. The Planning Commission and City Council held a joint work session on the annexation's affordable housing mitigation on March 16, 2006.

As a result of discussion and direction from the March 16 work session the following affordable housing mitigation has been established.

The Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare Hospital (300,000 square feet) is 44.78 "Affordable Unit Equivalents" (as defined in the City's Land Management Code). The applicants intend to satisfy this requirement by the donation of a five (5) acre parcel of the annexation property to the City and construction of employee/affordable housing units.

The Employee/Affordable Housing requirement for the proposed USSA facility is 10.71 Affordable Unit Equivalents. A total deferral of the required 10.71 Affordable Unit Equivalents is recommended to be granted in exchange for the donation of five (5) acres of land to USSA to construct its project. The deferral is contingent upon the continued ownership and occupancy of the facility by USSA. Any change in use to any other non-community-based nonprofit organization or increase in employees will require that the deferred Employee/Affordable Housing requirements be met or otherwise mitigated.

The Employee/Affordable Housing requirement for development associated with the hospital support medical offices area (150,000 square feet) is 34.98 Affordable Unit Equivalents. The applicants propose to satisfy this requirement with either on-site or off-site units as determined during the MPD process.

d. Annexation Evaluation: The Land Management Code, Chapter 8: Annexations *(LMC Section 15-8-5B*) requires that an evaluation of the following information for all annexations. Staff analysis is as follows:

1. General Requirements of Section 15-8-2--General Requirements: *Complies*
The annexation meets the general annexation requirements as stated in Section 15-8-2. The subject property is contiguous to the City boundary and is within the City's Annexation Expansion Area. Staff has conducted an extensive evaluation of the annexation for compliance with the City's General Plan and finds it to meet the necessary policy objectives as conditioned (see Staff Report Section C: General Plan Analysis). The 157 acre annexation area includes the largest amount of contiguous area possible and does not result in a small piecemeal annexation. No islands or peninsulas of land in the County jurisdiction are created. Adequate utilities are available near the site. The applicant intends to dedicate water to the City to serve the project or contribute to the City acquisition of additional water rights. A City recreation complex is located immediately to the west of the annexation area.

2. Map and natural features*:* *No Umitigated Impacts Identified*. *The property consists of a 157 acre parcel lying within the northeast ¼ of Section 35 of Township 1 South, Range 4 East, Salt Lake Base & Meridian, Summit County. The area proposed for annexation is within the City's Annexation Expansion Area, as described by the City's Annexation Policy Plan found in Section 15-8-7 of the Park City Land Management Code. The parcel is currently zoned SL (Sensitive lands) and DL (Development lands) in Summit County, subject to the Snyderville Basin General Plan. The applicants propose to zone the property Community Transition (CT-MPD). The applicants have submitted an accurate map of the area showing the boundaries, property ownership, topography, natural features, and environmentally sensitive areas.*

3. Current and Potential Residential Density: *No Unmitigated Impacts Identified*
The property is currently undeveloped. No additional residential density beyond the possible affordable housing on the donated 5 acre parcel is proposed as a part of this application.

4. **Land Uses-Existing and Proposed:** *No Unmitigated Impacts Identified.* *The property is currently undeveloped. The proposed institutional, quasi-public, recreation, and open space uses proposed for the annexation area are consistent with the City's General Plan and Quinns Junction Joint Planning Principles.*

5. **Character and Development of Adjacent Properties:** No Unmitigated Impacts Identified. The National Abilities Center and City Ice Arena are developed to the west of the annexation area. The remaining adjacent properties are undeveloped.

6. **Present and Proposed Zoning:** *No Unmitigated Impacts Identified*. *The property is zoned in Summit County as Developable Lands (DL) with a base density of 1 unit/20 acres and 1 unit/40 acres depending on Sensitive Lands. The proposed zoning for the property is Community Transition (CT-MPD). The CT District is a newly created zoning district which is pending final adoption by City Council. The Community Transition (CT) District has a base density of 1 unit/20 acres. The District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities.*

7. **Compliance With Goals and Policies of City General Plan:** *No Unmitigated Impacts Identified*. *Please refer to extensive staff analysis regarding General Plan compliance in Staff Report Section C: General Plan Analysis.*

8. **Assessed Valuation of the Current Property:** No Unmitigated Impacts Identified. *The current assessed valuation of the property is $2,350,050. Please also refer to the attached November 7, 2005 Annexation Fiscal Impact Analysis (Exhibit C).*

9. **Potential Need For Municipal Services and Need For Land Use Regulation:** *No Unmitigated Impacts Identified*. *Development of the annexation area will require City services. Adequate utilities and City Services are available to address the needs of the proposed development as conditioned. City zoning regulations and subsequent Master Planned Development (MPD) processes will provide the necessary tools for developing the property in a manner consistent with the City's General Plan and related land use policies.*

10. **Effect on City boundaries:** *No Unmitigated Impacts Identified.* *The subject property is within the City Annexation Expansion Area. Annexation of the property is a logical extension of City land use control and City services necessary to address development along the SR-248 highway corridor.*

11. **Timetable for extending services:** *No Unmitigated Impacts Identified.* *Services will be extended to the property upon approval of a Master Planned Development, subsequent platting of the property, and issuance of building permits for approved development.*

12. **Revenue versus Costs: and**
13. **Tax Consequences; and**
14. **Impact on Summit County:** *No Unmitigated Impacts Identified.* *The November 7, 2005 Annexation Fiscal Impact Analysis conducted by the City concludes that limited fiscal impacts to the City related to the development of the proposed medical campus and USSA complex will be experienced; however the potential impacts have been determined to be reasonable. This conclusion was adopted by the IHC/USSA/Burbidge Annexation Task Force on November 10, 2005. (see attached Exhibit C: Annexation Fiscal Impact Analysis).*

15. Historic and Cultural Resources: *No Unmitigated Impacts Identified. There are no identified historic or cultural resources in the annexation area.*

Annexation Agreement: The Annexation Policy Plan establishes a requirement for an Annexation Agreement to be approved by the City which addresses conditions regarding, but not limited to, zoning, land use, density, affordable housing, and infrastructure. A copy of the draft annexation agreement is attached to this report as Exhibit E. The Planning Commission forwarded a positive recommendation on annexation agreement to City Council on May 10, 2006.

Departmental Review: This matter has been reviewed by City staff including the Planning, Engineering, Building, Public Works, and the Legal Departments.

Recommendation: The Planning Department recommends that Council to adopt the ordinance the approving the Intermountain Healthcare/USSA/Burbidge Annexation and as further reflected in the attached Annexation Agreement, in a form approved by the City Attorney.

Exhibits under separate cover. For copies, contact Jan Scott 435-615-5007.

Exhibit A – Location Map
Exhibit B – Annexation Map
Exhibit C – November 7, 2005 Annexation Fiscal Impact Analysis
Exhibit D - November 6, 2005 Horroacks Engineers Quinns Junction SR-248 Access Study
Exhibit E – Annexation Agreement

Ordinance No. 06-

AN ORDINANCE ANNEXING APPROXIMATELY 157 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE STATE ROUTE 248/US-40 INTERCHANGE IN THE QUINNS JUNCTION AREA KNOWN AS THE INTERMOUNTAIN HEALTHCARE/USSA/BURBIDGE ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH.

WHEREAS, on November 3, 2004, Intermountain Healthcare, United States Ski and Snowboard Association (USSA), and Burbs, LLC filed an annexation petition, as shown on the attached Annexation Plat, Exhibit A (Property), requesting Park City to annex the Property to the City subject to the Master Planned Development review process as outlined in the Land Management Code;

WHEREAS, the Property is included within the Park City Annexation Expansion Area; and

WHEREAS, the requested zoning, Community Transition (CT)-MPD is consistent with the Park City General Plan and Quinns Junction Joint Planning Principles; and

WHEREAS, an application for a Master Planned Development was submitted with the annexation petition, that includes a proposal for community hospital and support medical offices; USSA headquarters and training facility; one 15 acre lot deeded to the City upon which the City would contemplate future expansion of its recreation complex; and one 5 acre lot deeded to the City upon which the applicant will construct affordable/employee housing units.

WHEREAS, the proposed maximum density in the Community Transition District is 3 units/acre; and

WHEREAS, the proposed total density at build-out for the annexation area is 535,000 square feet; and

WHEREAS, the proposed maximum density for the annexation area is 2.64 units/acre; and

WHEREAS, the proposed annexation provides over 80% open space; and

WHEREAS, the City Council established the IHC/USSA/Burbidge Annexation Task Force (Resolution No. 21-05) on July 14, 2005 for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economic/fiscal impacts.

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition (CT) District which includes specific provisions addressing affordable housing on October 27, 2005; and

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on the annexation's economic impact/fiscal analysis on November 10, 2005; and

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation on December 8, 2005; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on May 10, 2006, following which the Planning Commission voted to forward a positive recommendation on the proposed annexation and zoning designation to the City Council; and

WHEREAS, the Park City Council accepted the Intermountain Healthcare/USSA/Burbidge petition for annexation on November 18, 2004; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and finds that the petition complies with all applicable criteria of the Utah Code; and

WHEREAS, On December 6, 2004, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests have been filed by any "affected entities" or other jurisdictions; and

WHEREAS, an Annexation Agreement has been negotiated before the City and Petitioner pursuant to the Land Management Code, Section 15-8-5C setting forth further terms and conditions; and

WHEREAS, on June 29, 2006 after proper notice, the City Council conducted public hearings and took public testimony on the matter, as required by law; and

WHEREAS, the Property is not included within any other municipal jurisdiction;

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

<u>SECTION 1.</u> <u>ANNEXATION AGREEMENT.</u> Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit B and as approved by the City Attorney.

<u>SECTION 2</u>. <u>ZONING MAP AMENDMENT.</u> The official Zoning Map of Park City, adopted pursuant to Section 15-1-5 of the Park City Land Management Code, is hereby amended to include the IHC/USSA/Burbidge Annexation as depicted in Exhibit A.

<u>SECTION 3. ANNEXATION.</u> The Property is hereby annexed to the corporate limits of Park City, Utah according to the annexation and zoning plat executed in substantially the same form as it attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park

City as described in the Annexation Agreement attached as Exhibit B and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement. The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance. The property is not yet, however, annexed into the Park City Water Service District.

SECTION 4. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and Land Management Code--Chapter 8: Annexation.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of this Ordinance and annexation plat and filing pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 29th day of June 2006.

City Council
Staff Report

PARK CITY 1884

Author: **Patrick Putt**

Subject: **Zoning Map Amendments**

Date: **June 29, 2006**

PLANNING DEPARTMENT

Summary Recommendations:
Staff recommends that City Council adopt the ordinance amending the Official Zoning Map of Park City, Utah.

Background:
Land Management Code, Section 151-1-5: Zoning Map Adopted specifies that the zoning map for Park City is adopted by the City Council and executed by the Mayor. Amendments to the Official Zoning Map require re-execution of the existing map with the amendments.

There have been a number of recent zone changes and annexations which have by approved by the City. Among these actions are:

- Creation of the Public Use Transition (PUT) District and rezoning portions of City-owned property to PUT.
- Rezoning of portions of Sunnyside Subdivision from Residential Development
- (RD) to Single Family (SF)
- National Abilities Center/City Recreation Complex Annexation.
- Spiro Annexation (Silver Star)
- IHC/USSA/Burbidge Annexation and Community Transition (CT) Zone
- Definitive development boundaries in Flagstaff Annexation (Empire Pass)

The City's Information Technology (IT) Department has worked with the Planning Department to update the Official Zoning Map to reflect the above-listed City zoning actions and make technical corrections to the map. The individual lots and parcels in the City are shown, generally making the map easier to read.

The Planning Commission held a public hearing on May 10, 2006 to review and take public comment on the proposed amendments. No public comment was received. Following the public hearing, the Planning Commission forwarded a positive recommendation on the proposed amendments to the City Council.

Recommendation:

The Planning Department recommends that City Council adopt the ordinance amending the Official Zoning Map of Park City, Utah per the Planning Commission's May 10, 2006 recommendation.

Ordinance No. 06-

AN ORDINANCE APPROVING AN AMENDMENT TO THE OFFICIAL ZONING MAP FOR PARK CITY, UTAH .

WHEREAS, the Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that the Official Zoning Map for Park City be adopted by the City Council; and

WHEREAS, the Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that upon amendment to the Official Zoning Map, the mayor shall execute a new map, or re-execute the existing map with amendments noted thereon; and

WHEREAS, the City has recently adopted new zoning Districts including the Community Transition (CT) District and the Public Use Transition (PUT) District;

WHEREAS, the City has recently rezoning of portions of Sunnyside Subdivision from Residential Development (RD) to Single Family (SF); annexed the National Abilities Center/City Recreation Complex and Spiro Tunnel properties; and

WHEREAS, the City has approved an ordinance annexing approximately 157 acres of land in the Quinns Junction area known as the Intermountain Healthcare/USSA/Burbidge Annexation and has zoned the property Community Transition (CT)-MPD; and

WHEREAS, the Planning Commission held a public hearing on May 10, 2006, to receive input on the proposed amended Official Zoning Map For Park City, Utah; and

WHEREAS, the Planning Commission, on May 10, 2006, forwarded a positive recommendation on the proposed amended Official Zoning Map for Park City to the City Council; and

WHEREAS, on June 29, 2006, the City Council held public hearings to receive input on the proposed amended Official Zoning Map For Park City, Utah; and

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

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

SECTION 1. APPROVAL. The official Zoning Map of Park City, Utah is hereby amended as shown in the attached exhibit, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that the Official Zoning Map for Park City be adopted by the City Council.
2. The Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that upon amendment to the Official Zoning Map, the mayor shall execute a new map, or re-execute the existing map with amendments noted thereon.
3. The City has recently adopted new zoning districts, including the Community Transition (CT) District and the Public Use Transition (PUT) District;
4. The City has recently rezoned portions of Sunnyside Subdivision from Residential Development (RD) to Single Family (SF) and annexed the National Abilities Center/City Recreation Complex and Spiro Tunnel properties.
5. The City has approved an ordinance annexing approximately 157 acres of land in the Quinns Junction area known as the Intermountain Healthcare/USSA/Burbidge Annexation and has zoned the property Community Transition (CT)-MPD.
6. The Planning Commission held a public hearing on May 10, 2006, to receive input on the proposed amended Official Zoning Map For Park City, Utah; and
7. The Planning Commission, on May 10, 2006, forwarded a positive recommendation on the proposed amended Official Zoning Map for Park City to the City Council.
8. The City Council held a public hearing on June 29, 2006 to receive input on the proposed amended Official Zoning Map For Park City, Utah.

Conclusions of Law:

1. There is good cause for this Zoning Map amendment.
2. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.

Conditions of Approval:

1. This Zoning Map amendment is contingent upon approval by the City Council of the Intermountain Healthcare/USSA/Burbidge Annexation.

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

PASSED AND ADOPTED this 29th day of June 2006.