PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 21, 2001

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 21, 2001.

AGENDA

Closed Session

2:30 p.m. Property disposition

Work Session

3:15 p.m. Council questions/comments
3:45 p.m. Swede Alley trash compactor building
4:00 p.m. Planning fees
4:10 p.m. Review of regular meeting - Council questions and/or comments
Budget:
- Water user fees and water impact fees
- Council compensation
- Recreation facilities and bonds
- Budget questions/comments

5:30 p.m. Dinner break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 17, 2001

V CONSENT AGENDA PUBLIC HEARING

1. An Ordinance Approving the Amendment to the Park City Survey, Known as the Block 52 Replat, Located in Block 52 of the Park City Survey, Park City, Utah (128 Ontario Avenue)

2. An Ordinance Approving the Vacation of a Portion of the Platted Marsac Avenue Right-of-Way Between Platted First and Second Streets Adjacent to Lots 6 and 7, Block 52, Park City Survey, Park City, Utah (128 Ontario Avenue)

3. Ordinance accepting the limited dedication of a public street to provide shared access to Black Diamond Lodge and Deer Crest in Park City, Utah

4. Ordinance approving a plat amendment to combine the northerly half of Lot 20 and all of Lot 21 of Block 5 of the Park City Survey into one platted lot (581 Park Avenue)

5. Ordinance approving a plat amendment to add a metes and bounds parcel to 3198 American Saddler Drive (Lot 4) and add a metes and bounds parcel to 3204 American Saddler Drive (Lot 3) and amend the Risner Ridge Subdivision, Park City, Utah

6. Solaramaganza Master Festival License and petition to close a portion of lower Main Street from Heber Avenue to just south of the entrance to the Marriot Summit Watch parking garage and 7th Street from 6 a.m. to 10 p.m. on July 14, 2001 - Applicant The Living Planet Aquarium

7. Amendment to Ordinance amending Title 4, Chapter 8A of the Municipal Code of Park City, Utah regulating public outdoor music plazas

8. Ordinance amending the Land Management Code - Phase 2 Rewrite including Chapters 6, 8, 10, 11, and 14 **(motion to continue to July 12, 2001)**

9. Ordinance amending the Land Management Code - Phase 2, Chapter 4, Historic District Commission and Preservation of Historic Buildings and Sites **(motion to continue to July 12, 2001)**

VI CONSENT AGENDA

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8. Authorization to execute cumulative change orders in the amount of $20,000 to Holmes and Narver for the Skate Park engineering and design

VII PUBLIC HEARINGS

1. Resolution adopting a final revised budget for FY 2000-01, a final budget for FY 2001-02 for Park City Municipal Corporation and its related agencies

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2001-2002 in Park City, Utah

3. Resolution amending Section 2, Water Fees, of Resolution No. 07-01, and replacing Resolution No. 07-01 in its entirety

VIII NEW BUSINESS

1. Resolution adopting a final revised budget for FY 2000-01, a final budget for FY 2001-02 for Park City Municipal Corporation and its related agencies

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2001-2002 in Park City, Utah

3. Resolution amending Section 2, Water Fees, of Resolution No. 07-01, and replacing Resolution No. 07-01 in its entirety

IX ADJOURNMENT

A Redevelopment Agency and Municipal Building Authority meeting will convene

PARK CITY COUNCIL MEETINGS
SUMMIT COUNTY, UTAH
JUNE 28, 2001 AND JULY 5, 2001

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meetings on Thursday, June 28, 2001 and July 5, 2001.

Posted: 06/18/01
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 21, 2001

Present: **Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann**

Toby Ross, City Manager; Eric DeHaan, City Engineer; Tom Bakaly, Assistant City Manager, Beth Sunday, Technical Services Manager; Rick Lewis, Community Development Director; Lloyd Evans, Chief of Police; Mark Harrington, City Attorney; Mark Christensen, Budget and Grants Manager; John Lind, Water and Streets Superintendent; Jerry Gibbs, Public Works Director; Matt Twombly, Parks Planner; Alison Kuhlow, Special Events Manager; Pat Putt, Planning and Zoning Administrator; Brooks Robinson, Planner

Dean Schulman, Parks and Recreation Board Chairman

Absent: **Mayor Brad Olch**

1. **Council questions/comments.** Fred Jones referred to a letter from Sally Elliott, representing COSAC, about relocating the winter use trail at the farm trail further from SR224. The City Manager explained that the project probably will commence this year and would involve installing another fence and culvert work, while keeping the existing white fence in place. Mr. Jones asked about following up on resident Paul Sincock's suggestion of a non-profit center. Ms. Erickson understood that this has been an issue for Mr. Sincock for some time and she informed him that she would bring this to Council's attention. Councilman Mann reported on his meetings with non-profits in organizing an event this year, and suggested that perhaps this group can render some suggestions. Fred Jones expressed that the proposal implicates that the City is able to construct a building cheaper than anyone else which isn't accurate. Ms. Erickson believed that his assumption is probably based on the City donating the land at the Mawhinney parcel, but in her opinion that is not a good location as it is zoned ROS. Jeff Mann agreed. There was discussion about using the Library and Education Center in the event the University of Utah declines to relocate. Peg Bodell pointed out that Mr. Sincock's information is about two years old and the proposal needs to be updated before it can be considered and discussed the non-profit center in Aspen. Toby Ross believed the proposal looks to the City for some contribution, i.e., land or building, and the ability to finance a project of this size. He believed that through a cooperative effort among existing non-profit organizations, constructing a center can be achieved. There was consensus not to proceed until there is more information.

Candace Erickson commented on the improvements to the *Box of Rocks* on Park Avenue and the success of the McPolin Farm open house last weekend. She reported on the Board of Health meeting where there was discussion on Olympic services. Mountainlands Community

Housing received another grant and Ms. Erickson discussed its long-term financial plan, including the Holiday Village Project and a possible six unit apartment complex project with Summit County. She reported that there is a possibility that state law will be amended with regard to regulating enterprise funds. Some merchants were upset that motorcycles seem to be parking free on Main Street, and staff has advised that the parking ordinance does not exempt motorcycles. Roger Harlan pointed out that there is no place to put a hang tag or receipt on a bike.

Peg Bodell commented on the McPolin Farm open house and the historic tour held over the weekend. The tour was very well attended and its funding doubled this year from last summer. She expressed that the City's historic preservation efforts are very worthwhile and support should continue. Ms. Bodell thanked the Parks Department for its beautification projects about town which look great. Jeff Mann reported that the Library Board is exploring forming another foundation which will compliment the Friends of the Library, who will be invited to comment on this idea. The Gold Medal breakfasts, alerting businesses in town about Olympic transportation issues, are well done and helpful. He reported on the Park City Marathon and would like to have this event grow and gain support, much like the marathon in St. George. Mr. Mann stated that he has accepted a position on the People's Health Board of Directors. Roger Harlan reported that the skate park will be one of the finest facilities in the West and will likely prompt national attention. Park City was the recipient of the Governor's Envision Utah award for the round-about and transit center projects. He added that the home tour was very enjoyable. Council member Erickson congratulated staff on the budget award and urged people to participate in the Olympic Gold Medal mile walk tomorrow.

2. **Swede Alley trash compactor building.** Beth Sunday explained that at the direction of Council, a potential building in Swede Alley has been conceptually designed by Cooper Roberts Simonsen Architects. This facility is designed to handle the solid waste needs of lower Main Street and there's room for a bin on a temporary basis for special events. Fred Jones asked what provisions are made for recycling. Ms. Sunday explained that about half of the building is available for recycling and this option is still being explored. Recycling containers and services can be provided by BFI. This project requires Planning Commission review, which will move the October 1 completion date back. Ms. Bodell expressed concern about the ability to remove snow and Ms. Sunday explained that it will be maintained by the City and can be easily serviced from the walkway. She described the automatic lifting and dumping mechanism and that the side door will probably be coded for users. Roger Harlan asked that Council be advised of a completion date, when known.

3. **Planning fees.** There was discussion about the Rosenthal report and the Community Development Director added that it has been years since planning fees have been revised. The City does not recover sufficient revenues from fees, although it is typical that municipalities aren't compensated until development occurs with resulting property taxes and building permit fees. The Building Department recovers about 2/3rds of its costs. It was Mr. Rosenthal's determination that because the process differs in cities, that a comparable analysis was not feasible and determining a percentage of cost of recovery seemed to be a better approach. The Building Department recovers

about 70% of its actual costs for plan review, the Planning Department recovers a very small percentage. Many departments are involved in annexations and large scale projects and it is suggested that those categories be designated with a higher cost recovery percentage than remodels, for example. The fees received from applications do not offset the stipends paid to Planning Commission and HDC members. Mr. Rosenthal recommends that annexations recover close to 100% by billing staff hours; appeal fees 5%; the majority of permits would be set at 25% and those that require public hearings and/or commission reviews 50%. Mr. Lewis asked for direction on this approach or whether fees should be increased across-the-board. Peg Bodell stated that she would like pre-development pay for itself at 100% and good business practices dictate an increase. In response to a question from Ms. Erickson, Rick Lewis explained that staff can not waive or adjust fees, and prefers to maintain that discretion to Council. He explained the process for lot line amendments which often require two meetings and review by the Legal Department as well. Many plats that qualify for administrative approvals go before boards because signatures from adjacent property can not be obtained. Peg Bodell felt it important that the public know what the fees are at the time of application. It was pointed out that Council may have considered a waiver once in eleven years.

Roger Harlan asked if the City has the ability to force an applicant to pay outstanding property taxes before entertaining an annexation application. The City Manager believed that the City could not legally proceed in that manner as the rules on property taxes are set by the county and in many instances, the state. Violations are defined by state code as are the processes for collection and protections for cities. He agreed with Mr. Harlan that it is a fairly common situation as developers often amass property and taxes aren't paid until the time of development. Roger Harlan expressed that higher annexation fees may eliminate the less serious applications and Rick Lewis explained that annexations involve two steps and there are requirements for information before a petition is filed. Once a petition is filed, staff will maintain time sheets on the project to assess costs incurred. It has even been discussed that the applicant place money in escrow at that time which the City can draw against for incurred costs. Mr. Lewis explained that the City has never charged before for architectural review and/or compliance with conditions of approval outside the Historic District, which is now recommended. An amendment to the fee resolution will be before the City Council on July 12.

5. Review of regular meeting.

128 Ontario plat amendment and vacation. Pat Putt described the location of the property and explained that the plat amendment would combine 15 full or partial lots into three lots and vacate a portion of platted but unbuilt Marsac Avenue totaling 488 square feet. The property is in the HRL zone limiting development to single family homes. He continued that this project has been considerably down-sized from a prior application. The property would be accessed by an extension of a private drive through the platted Ivers Subdivision, which meets minimum standards. The lots are somewhat larger than the minimum requirements in the LMC which will create more opportunities for open space and better architectural designs. The Planning Commission forwards a positive recommendation on the plat amendment but did not consider the vacation as it is not in its purview. With regard to compensation for the vacation, the applicants will dedicate 488 square feet of open space directly adjacent to the Virginia Claim. No public input has been received on this application. In response to a question from Roger Harlan, Mr. Putt explained that the standards for a private drive are not as stringent as public drives. Mayor Pro Tem Harlan expressed his concern of protecting the City from future claims and Mr. Putt pointed out that the steep slope, infrastructure and driveway design reviews will occur at a later date. Mr. Putt explained that there will be no net loss of trail area because of the project.

American Saddler plat amendment and zone change. Brooks Robinson explained that this application to accommodate a sport court has prompted neighborhood opposition. Metes and bounds parcels have been purchased by adjoining property owners from Park Meadows Country Club and are for the most part, extended landscaped areas. The applicants constructed a basketball court and there was significant written comment and public input before the Planning Commission. The Commission supported the plat amendment but not the requested zone change from ROS to RD to allow the sports court. Staff has tried to arrive at a compromise which was unsuccessful. Roger Harlan pointed out that the rezone is not specifically described on the agenda.

581 Park Avenue plat amendment. Pat Putt stated that this application proposes combining half of one lot with another lot. No public input has been received on this application and there is a positive recommendation from the Planning Commission.

Budget: Mark Christensen referred to the Capital Improvement Project schedule where the Main Street parking structure was inadvertently left off the list.

Water user fees and water impact fees. [illegible] into discussion of an evaluation of expanded projects with a needs assessments of overall recreation enhancements at different cost levels. The Board voted unanimously to fund a community survey to determine support for bonding and if the survey is carefully crafted, a good deal of information could be obtained on a variety of projects. A subcommittee was formed at the meeting to identify specific projects to be described in a bond issue and to ascertain cost estimates. The Board will return to Council with findings on an initiative this Fall. In response to a question from Fred Jones about the urgency of some improvements to the Racquet Club, Mr. Schulman explained that staff has formulated a priority assessment and the swimming pool ranks highest. The roof also requires immediate attention and together with the pool represents about $500,000 to $800,000, but a $2 million bond would cover a thorough renovation of the Racquet Club. He emphasized that the pool does not comply with public safety standards and the new standards are completely different. There was discussion about covered pools and Mr. Schulman pointed out alternatives like heating the deck to extend the season. He clarified the Board's recommendation to proceed with a survey to determine the level of citizen support for specific projects and at this point, it is uncertain if there is community support for continuation of the current level of taxation. Peg Bodell pointed out that there are members of the community who don't use the Racquet Club who need to be heard. Mr. Schulman understood that the sampling would be accomplished through a telephone survey providing an indication of what the public will accept which was the approach with the open space survey. Tom Bakaly discussed the time lines for project estimates and the survey as ballot language is due in September. With regard to the City pursuing providing a climbing wall, Ms. Erickson stated that she is not in favor of competing with businesses in town.

Fred Jones believed that new projects require surveying the community and there are other capital projects, like parking for Main Street, that have not been resolved. It is important to very complex and confusing. Toby Ross explained that the budget narrative is an attempt to do this, and can be easily accessed. In addition, the budget is required to comply with municipal accounting standards. Mr. Christensen stated that it is staff's intention to change the format to make the budget a more user-friendly document. Tom Bakaly explained in detail specific accounting entries and noted that the contingency is funded at 18% in accordance with state law. There was discussion about the Prospector buffer strip project amount, which is currently budgeted at $270,000. The funding for the capital improvement projects is money that staff expects to have available, which was not the case in the past. Sources include impact fees, federal grants, and in large part, revenues from water fees. Anticipated bond proceeds for recreation is the only exception. Projects are identified as "unscheduled" if funding is not expected. Peg Bodell cautioned that replacing rolling stock should be carefully examined.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 21, 2001

I ROLL CALL

Mayor Pro Tem Roger Harlan called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 21, 2001. Members in attendance were Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator, Eric DeHaan, City Engineer; Ray Milliner, Planner; Meg Ryan, Special Events Coordinator; and Mark Christensen, Budget and Grants Manager.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not scheduled on the agenda.

1. Education Foundation - Official Cookbook of Park City - Kim Carson, Executive Director, explained that the Foundation is committed to providing the School District with additional funding for valuable educational programs. *A Taste of Park City* was underwritten by a generous donor and 100% of the proceeds are allocated directly to the Foundation's goals. She requested Council to declare the cookbook the "Official Cookbook of Park City" as it is felt that the third party recognition by Park City adds to the value and distinction of the cookbook. The Council supported the endorsement and the City Manager suggested that a letter of endorsement be sent by the Mayor.

2. Olympics - Budweiser beer tent - Michael Kaplan, Mother Urban's Ratskeller, stated that he, Lakota, Renee's and Mulligans feel it appropriate to include local businesses in negotiations when the City enters into contracts with outside vendors as there may be a negative impact on their businesses. There should be competitive prices set at the Budweiser Olympic tent, so that their businesses are not under-sold and the City should restrict hours of operation. The Mayor Pro Tem encouraged Mr. Kaplan to read the articles in the *Park Record* written by the Olympic Planning Director as a means to stay informed and Mr. Kaplan pointed out that information is often not available until after negotiations take place.

3. Beer in City Park - Ed Brophy, resident, addressed the issue of prohibiting beer in City Park unless the event has acquired a conditional use permit. He pointed out that the Recreation Department and softball teams are being proactive and diligent about keeping things under control. He added that not everyone who violates the rules are ball players, who would like to be involved in discussions on this issue.

4. Paid parking plan during the Winter Games - Monty Coates, Main Street Business Alliance, stated for the record that during the Winter Games, there is a proposal for paid parking in the downtown corridor, and the Alliance is interested in being involved in the negotiations or compromises on this issue.

Hearing no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 17, 2001

Hearing no corrections or omissions, Peg Bodell, "I move approval". Jeff Mann seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

1. An Ordinance Approving the Amendment to the Park City Survey, Known as the Block 52 Replat, Located in Block 52 of the Park City Survey, Park City, Utah (128 Ontario Avenue) - and

2. An Ordinance Approving the Vacation of a Portion of the Platted Marsac Avenue Right-of-Way Between Platted First and Second Streets Adjacent to Lots 6 and 7, Block 52, Park City Survey, Park City, Utah (128 Ontario Avenue)- Pat Putt referred to his explanation during work session and through illustration of a map, described the location of the property. The application includes a request for a plat amendment and a vacation of a small portion of platted but unbuilt Ontario Avenue. It is proposed to combine 15 full or partial HRL zoned lots to create three new single family lots of record covering about half acre and the access to the lots would be by way of a private driveway easement through the existing Ivers Replat. In the HRL zone, only single family homes can be developed, requiring the equivalent of two Old Town lots or an area equaling 3,750 square feet. All three lots exceed the minimum requirements and meet access requirements. The vacation involves 488 square feet and meets criteria set by Council, including that the vacation does not result in an increase in density, the project is compatible with the existing neighborhood and there is due compensation for the vacation. Specific development review is a separate process and the applicant has agreed to compensate the City by dedicating an area of 488 square feet adjacent to the Virginia Claim. The area of the vacation will allow for a driveway design that results in the building pad of Lot 3 being lowered on the hillside. The Planning Commission has rendered a positive recommendation on the plat amendment and has approved a conditional use permit to extend a private driveway across platted Second Street. He stated that it is recommended that

Council approve the plat amendment and the vacation, based on the findings of fact, conclusion of law, and conditions of approval outlined in the staff report.

Hearing no comments from the audience or the City Council, the Mayor Pro Tem closed both public hearings.

3. Ordinance accepting the limited dedication of a public street to provide shared access to Black Diamond Lodge and Deer Crest in Park City, Utah - Eric DeHaan described the location of the Black Diamond parcel currently under construction east of the day lodge and adjacent to the proposed Rosewood Hotel. The Hotel has gone through an MPD process with the Planning Commission where shared access has been recommended to minimize driveway cuts on Deer Valley Drive. The issue before Council is a dedication of a public access across a portion of a neighboring property, the Powder Run Condominiums, which was developed in the early 1980s on another Deer Valley Resort property. At that time, the access for future Deer Valley properties was unknown. By accepting this Ordinance dedicating this right-of-way, the City is not taking on any maintenance liability and would regard this as a private driveway within a publicly dedicated access to facilitate the access to adjacent properties as presented to the Planning Commission. The Power Run Condominium property owners have requested involvement in the design of the driveway, which is substantial and involves major retaining walls. There could be a condition of approval indicating that the City has negotiated in good faith with Powder Run on the construction of the driveway, recognizing the easement created prior to the original platting of Powder Run. The driveway will free up the loading docks and parking for day care at the Snow Park day lodge and it is desirable from the City's standpoint as it eliminates the need to relocate utilities for the lodge. Roger Harlan referred to a letter from Brent Anderson, representing Powder Run, asking that action be delayed.

Bob Wells, representing Deer Valley Resort, felt that it is understandable that Mr. Anderson would like an opportunity for his attorney to review the proposal but pointed out that this has been in process for well over a year for Black Diamond and the Rosewood Hotel. These projects have been noticed and there has been no public input. The requested 30 foot wide dedication is within a 78 foot wide easement which was created three years before the property for Powder Run was sold and was created within five different instruments. He explained in detail the efforts to straighten out property issues and the plat for Powder Run reflects the 78 foot wide access easement. He urged Council to approve the request as presented or approve it with a condition addressing resolving Powder Run's concerns with the approval of the City Attorney.

Hearing no comments or questions from the public or the City Council, the public hearing was closed.

4. Ordinance approving a plat amendment to combine the northerly half of Lot 20 and all of Lot 21 of Block 5 of the Park City Survey into one platted lot (581 Park Avenue) - Ray Milliner, Planner, explained that the application complies with the Land Management Code and the

Planning Commission has forwarded a positive recommendation based on the findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

Hearing no comments or questions from the public or the City Council, the Mayor Pro Tem closed the public hearing.

5. Ordinance approving a plat amendment to add a metes and bounds parcel to 3198 American Saddler Drive (Lot 4) and add a metes and bounds parcel to 3204 American Saddler Drive (Lot 3) and amend the Risner Ridge Subdivision, Park City, Utah - Brooks Robinson pointed out that the zone change request is not on the agenda, but since it is part of the application, he urged Council to entertain public comment on this matter. In 1981, the Park Meadows Country Club was developed and there was a Declaration of Restrictive Covenants between the developer and the City restricting land uses to the construction, maintenance and operation of a golf course, golf club house and related improvements. Owners of the country club sold off parcels to adjacent property owners in subdivisions adjacent to the course. These parcels were not maintained as part of the fairways and property owners were interested in acquiring them as landscaped areas. The Shapards proceeded to improve their property with a concrete slab basketball court, requiring grading and rock retaining walls. The parcels were quit claimed and did not go through a subdivision process. Basketball courts are permitted in the ROS zoning district, however, they must be at least 25 feet from the boundary zoning district. The court could be reconfigured, however, it is still subject to the covenants of the declaration between the country club and the City.

Mr. Robinson stated that the Planning Commission heard from several neighbors in opposition and in favor of the application. The Commission was unanimous in its direction to staff and the applicant that it could not support a zone change and rendered a negative recommendation to Council on the zone change. However, the plat amendment incorporating the metes and bounds lots into the two lots and amending the Risner Ridge Subdivision was approved.

Mayor Pro Tem Harlan invited testimony on both topics and advised that on the July 12 meeting, the Council will formally act on the zone change.

Terry Shapard, applicant, respectfully requested a continuance to July 12 as she never received a legal notice of the hearing and her husband is out of town. Her next door neighbor never received notice and he is also out of town.

Sara Henry, legal counsel of the Plubells who are protesting the zone change, stated that they have no problem with the plat amendment with the condition that the basketball court be removed. With regard to the continuance, she pointed out that there are a number of people in attendance tonight and she has been aware of the hearing date for a number of weeks and this issue has been dragging on for months. They are opposed to the zone change for a number of reasons, primarily because of the belief that these parcels must be maintained as landscaping. Her clients' property is located behind the basketball court, which interferes with their view. There is a noise factor involved and they have been misled that the improvements would be solely landscaping. Ms. Henry referred to a protest filed with the Planning Commission and requested a decision on the plat amendment tonight.

Elizabeth Swank, resident, stated that she opposes changing the zoning on the small parcel which could set a precedent and allow others to ignore the rules as well and retroactively apply an illegal use.

Bill Brauer, 3184 American Saddler Drive, stated his opposition to the zone change and added that Mr. Shapard represented the project as landscaping and a month later, indicated that they were installing a sport court. He stated that Mr. Shapard indicated to him that no permit was required. When he discovered that the property is zoned as open space as other similar properties around the golf course, he felt compelled to express his opposition to this zoning application.

James Pack, resident of Aspen Springs, felt that the people in support have not been properly noticed. There is limited space for children to play in the area and the basketball court should be personally visited by the Council as it is unobtrusive. A compromise needs to be reached. Brooks Robinson clarified that legal notice is posted and published and the mailed courtesy notice is not considered legal notice. The Shapards were aware of the hearing for at least a month and he stated that he personally called them as well as Ms. Henry and her clients.

Mike Kutcher, representing Park Meadows Country Club, stated that their concern is that the sale of the parcels of land were originally contemplated as a buffer between the golf course and the subdivision properties. Home owners were willing to purchase the parcels as an extension of their yards and there was never any intent to allow construction of structures like a sport court. The property is close to a golf hole and there are some inherent dangers of errant golf balls flying into the area, creating a safety problem as well.

Ken Plubell, property owner and client of Ms. Henry, pointed out that the Racquet Club is a tremendous facility for kids and most of the people in the neighborhood who have basketball hoops have the portable type. There is a liability issue of users falling off the court. He bought the property five years ago and one of the reasons for purchasing the property was the view. This has been going on for a long period of time and it is disturbing to hear comments suggesting that they oppose recreation for children. He felt that this has the potential of devaluing his property.

Terry Shapard stated that when the court was constructed, there was no malice on their part and she understood that the parcel could be incorporated into their lot. It was never their intention to deceive anyone and the idea of the basketball court seemed like a good one and it could be landscaped to shield it. She didn't feel that the removal of the court should be a condition of the plat amendment as it is not related and is a separate issue. There was discussion about the condition of removing the court as part of the plat amendment and the ability to continue both items.

Sara Henry emphasized that they are in agreement with the conditions of the plat amendment, specifically the removal of the basketball court, which is their primary concern. The Shapards took the action and are now trying to retroactively correct it and they believe that the zoning should not be changed. Brook Robinson reminded the Council that the covenants still run with the land unless the entire MPD is revised for the country club.

Bill Boyd, friend of the Shapards, stated that his son plays on the court and stated that it is unobtrusive because the coloring blends in with the scenery. It is not very noticeable and it is not a problem for most people.

Ken Plubell interjected that everyone who lives adjacent to this court is opposed to it. For the benefit of Mr. Pack, it was explained that action on the plat could be approving it as presented or modifying the conditions. He then asked what constitutes a sports court, and Mr. Robinson explained that the concrete is considered a structure in the LMC as it provides an impervious surface on the ground.

Candace Erickson understood that even if the zone is changed, it doesn't meet lot line requirements and would be a non-conforming use. Brooks Robinson explained that the court could be adjusted by a few feet to conform with the setbacks but there are covenant issues running with the land. Jeff Mann stated that he visited the site and strongly disagrees with the comment that it blends with the surrounding environment.

Fred Jones felt it prudent to continue both items as the real issue is whether to rezone and action can not be taken this evening. He continued that there is a building process for a very important reason which is demonstrated by this situation. The process protects both home owners and neighbors and all of these issues could have come to the forefront prior to the construction of the court. It is not a matter of whether the sport court is good or bad or whether it blends in, it is a question of being outside of the regulations that govern the property. These are very clear and there is no grey area here and the problem results from the fact that someone ignored a very standard process in most any city that has zoning. The building permit process is not designed to collect fees but to protect people. Mr. Jones again urged continuance of both items. Peg Bodell stated that she has no problem continuing these items, but felt it important to share her views with those who testified this evening. She believes that there was no ill intent but there is a process that was not adhered to and there were plenty of opportunities.

6. <u>Solaramaganza Master Festival License and petition to close a portion of lower Main Street from Heber Avenue to just south of the entrance to the Marriot Summit Watch parking garage and 7th Street from 6 a.m. to 10 p.m. on July 14, 2001 - Applicant The Living Planet Aquarium</u> - Meg

Ryan pointed out that this was discussed at Council's June 7th meeting and staff is requesting approval subject to the conditions outlined in the staff report. The Mayor invited comments or questions from the Council and audience. Monty Coates, Main Street Business Alliance, stated that members support this event. Hearing no further comments, the Mayor Pro Tem closed the public hearing.

7. Amendment to Ordinance amending Title 4, Chapter 8A of the Municipal Code of Park City, Utah regulating public outdoor music plazas - Ms. Ryan explained that this provision was amended by Council in May, but there was a clerical error omitting Friday which should have been included. Hearing no comments, the Mayor closed the public hearing.

8. Ordinance amending the Land Management Code - Phase 2 Rewrite including Chapters 6, 8, 10, 11, and 14 **(motion to continue to July 12, 2001)** - and

9. Ordinance amending the Land Management Code - Phase 2, Chapter 4, Historic District Commission and Preservation of Historic Buildings and Sites **(motion to continue to July 12, 2001)** - Fred Jones, "I move to continue Items 8 and 9 to July 12". Candace Erickson seconded. Motion unanimously carried.

VI CONSENT AGENDA

The City Manager recommended that the Consent Agenda be approved, absent Item 4, which should be continued to July 12. Fred Jones, "I so move". Jeff Mann seconded. Fred Jones interjected that with regard to Item 2, he believes that the vacation is a good solution, which doesn't necessarily set a precedence as this is a unique situation with regard to open space and site issues. It should not be considered as a standard for future applications. Motion unanimously carried.

1. An Ordinance Approving the Amendment to the Park City Survey, Known as the Block 52 Replat, Located in Block 52 of the Park City Survey, Park City, Utah (128 Ontario Avenue) - See staff report, work session notes, public hearing and motion.

2. An Ordinance Approving the Vacation of a Portion of the Platted Marsac Avenue Right-of-Way Between Platted First and Second Streets Adjacent to Lots 6 and 7, Block 52, Park City Survey, Park City, Utah (128 Ontario Avenue) - See staff report, work session notes, public hearing and motion.

3. Ordinance approving a plat amendment to combine the northerly half of Lot 20 and all of Lot 21 of Block 5 of the Park City Survey into one platted lot (581 Park Avenue) - See staff report, work session notes and public hearing.

4. Ordinance approving a plat amendment to add a metes and bounds parcel to 3198 American Saddler Drive (Lot 4) and add a metes and bounds parcel to 3204 American Saddler Drive (Lot 3) and amend the Risner Ridge Subdivision, Park City, Utah - See staff report, work session notes, public hearing and motion.

5. Solaramaganza Master Festival License and petition to close a portion of lower Main Street from Heber Avenue to just south of the entrance to the Marriot Summit Watch parking garage and 7th Street from 6 a.m. to 10 p.m. on July 14, 2001 - Applicant The Living Planet Aquarium - See staff report and public hearing.

6. Amendment to Ordinance amending Title 4, Chapter 8A of the Municipal Code of Park City, Utah regulating public outdoor music plazas - See staff report and public hearing.

7. Ordinance accepting the limited dedication of a public street to provide shared access to Black Diamond Lodge and Deer Crest in Park City, Utah - See staff report and public hearing.

8. Authorization to execute cumulative change orders in the amount of $20,000 to Holmes and Narver for the Skate Park engineering and design - See staff report.

VII PUBLIC HEARINGS

1. Resolution adopting a final revised budget for FY 2000-01, a final budget for FY 2001-02 for Park City Municipal Corporation and its related agencies - Mark Christensen stated that action tonight represents the cumulation of months of work of review. Fred Jones referred to Mr. Coates' comment on imposing parking fees during the Winter Games and parking revenues are included in the Olympic budget. The City Manager explained that it also appears as an expenditure and discussion on this issue is still on-going. The Mayor Pro Tem solicited input from the audience. Hearing none, the public hearing was closed.

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2001-2002 in Park City, Utah - Hearing no comments or questions, the Mayor Pro Tem closed the public hearing.

3. Resolution amending Section 2, Water Fees, of Resolution No. 07-01, and replacing Resolution No. 07-01 in its entirety - The Mayor invited public input and hearing none, closed the public hearing.

VIII NEW BUSINESS

1. Resolution adopting a final revised budget for FY 2000-01, a final budget for FY 2001-02 for Park City Municipal Corporation and its related agencies - See staff report, work session

notes and public hearing. The Mayor Pro Tem requested a motion to approve. Peg Bodell, "I so move". Fred Jones seconded and emphasized that this is a no tax increase budget. Motion carried unanimously.

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2001-2002 in Park City, Utah - Peg Bodell, "I move that we approve the Ordinance". Jeff Mann seconded. Motion carried unanimously

3. Resolution amending Section 2, Water Fees, of Resolution No. 07-01, and replacing Resolution No. 07-01 in its entirety - Peg Bodell, "I move that we approve Item 3". Jeff Mann seconded. Motion unanimously carried.

IX ADJOURNMENT

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

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE Seal MARCH 1, 1884

DATE:	June 21, 2001
DEPARTMENT:	Capital Management & Budget
AUTHORS:	Tom Bakaly & Beth Sunday
TITLE:	Trash Compactor Building for Swede Alley
TYPE of ITEM:	Informational Update

Recommendation: This report is for informational purposes. Unless otherwise directed, staff will proceed with the construction of the trash compactor building in Swede Alley this summer. The Downtown Revitalization Plan, adopted in 1998, identified trash structures as a priority. A task force of city staff concluded that trash compactor buildings on Swede Alley was the most efficient course of action.

Background. Staff received input at Council's retreat in January that construction of a compactor building to service Main Street was a City Council priority for the Summer of 2001. Construction of the Transit Center eliminated a number of trash dumpsters that were located on the east side of Swede Alley. HDC reviewed locations for a trash compactor building during the TCTR process and after looking at several alternatives, determined that the best location for a structure in that area is the city-owned property across from the Transit Center behind the blue mercantile building.

The purpose of a compactor will be to provide a garbage collection point for businesses on the 500 and 600 blocks of Main Street. The sidewalk north of the property provides convenient access for Main Street merchants. The site also has ample access for utility connections. Currently, the site is partially paved with capacity for two 40 yard roll-off trash containers. During the week, one container is sufficient. However, on weekends and during special events, two 40-yard containers are required at a minimum. Working with the County's trash collection contractor, BFI, City staff identified the need for a standard-sized 30 cu yd compactor (holds 110-120 cu yd of uncompacted material).

Analysis: Cooper Roberts Simonsen, Architects were consulted to design a building that would both meet the technical requirements of the compacting equipment and aesthetically fit in the area. The design complements the Transit Center. (See attached for architectural design.)

Staff will be accepting bids for construction of this project immediately. Council will be asked for authorization for construction in mid-July. Construction completion is expected by October 1, 2001.

Review. This staff report and the concepts discussed herein have been reviewed by the City Manager's Office, Community Development Department, Public Works Department and the

OCMB. This project was also presented to the HMBA, who were supportive of the project as long as the compactors were easy to use. Staff tried using a different model of compactor and learned quite a bit. A trash subcommittee of the HMBA has been informally created and staff will continue to work with that group.

Alternatives:
1) Continue building trash compactor building as planned and directed. This is staff's recommendation.

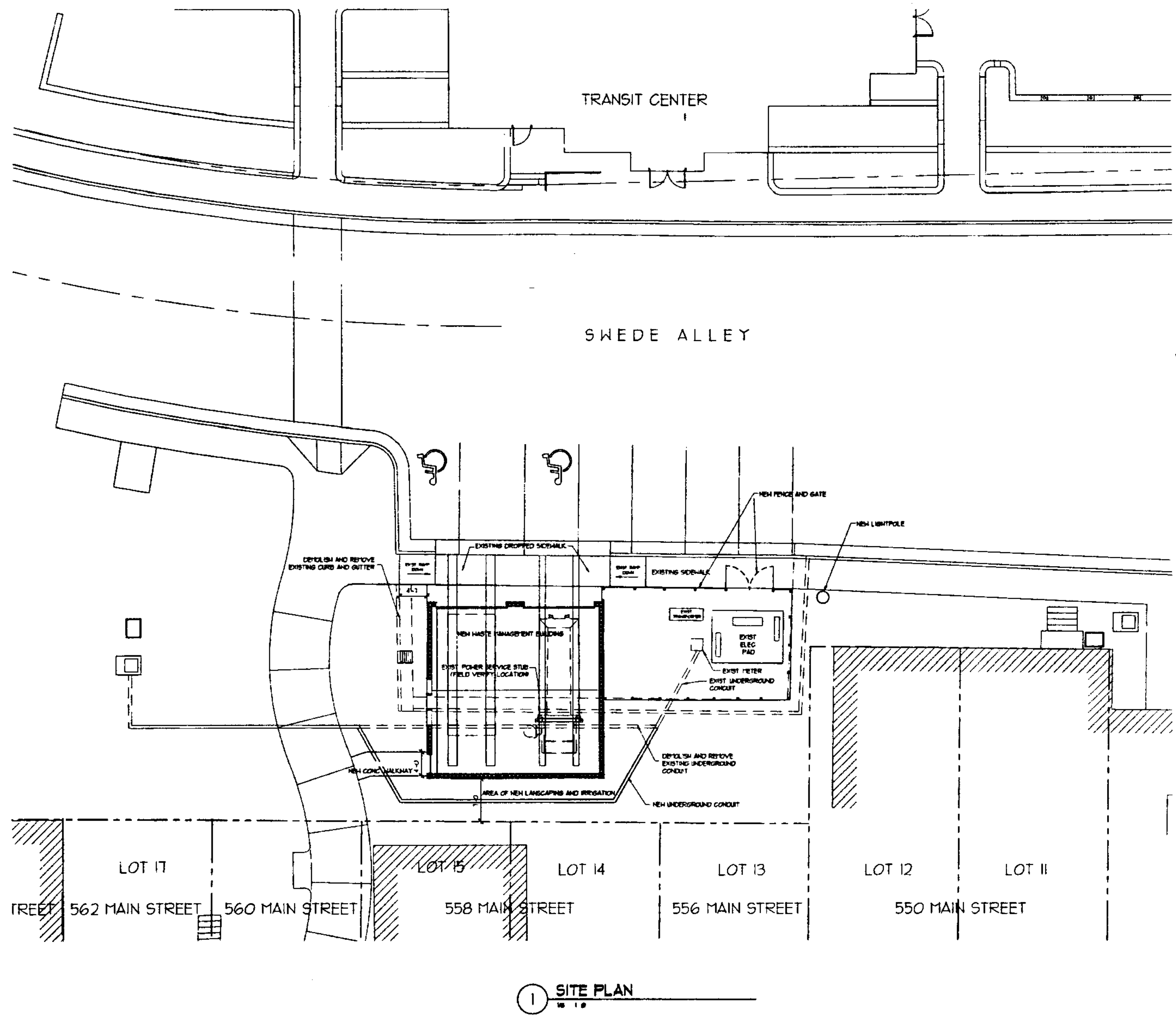
2) Reduce scope and scale of project or look at temporary fencing solutions.

3) Cease work on project and leave trash situation as is on lower Swede Alley.

Significant Impacts: The estimated cost of the project is $250,000. It will be funded as part of the Downtown Revitalization Project. After July 1, there is a balance of roughly $1 million in the account to be used for improvements consistent with the Downtown Revitalization Plan. The trash compactor and refuse structures for Main Street was a three year project implementation component of the Downtown Revitalization Plan that was adopted in October of 1998. Staff has programmed this project into its work plqan for 2001. Beth Sunday will be assisting Tom Bakaly and OCMB as project manager on this project.

Consequences of Not Taking Recommended Action: Trash area on Swede Alley will remain in its current state.

Summary Recommendation: Unless otherwise directed, staff will proceed with the construction of the trash compactor building in Swede Alley this summer.



1 SITE PLAN

Cooper/Roberts Architects

700 NORTH 200 WEST
SALT LAKE CITY, UTAH 84103
(801) 355-5915 FAX (801) 355-9885
www.crarchitects.com

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PARK CITY WASTE MANAGEMENT BUILDING
SWEDE ALLEY AT CARR PARCEL
PARK CITY, UTAH

PARK CITY MUNICIPAL CORPORATION
445 MARSAC AVE
PARK CITY, UTAH 84060

MARK	DATE	DESCRIPTION
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SITE PLAN

AS101
SHEET 1 OF 3

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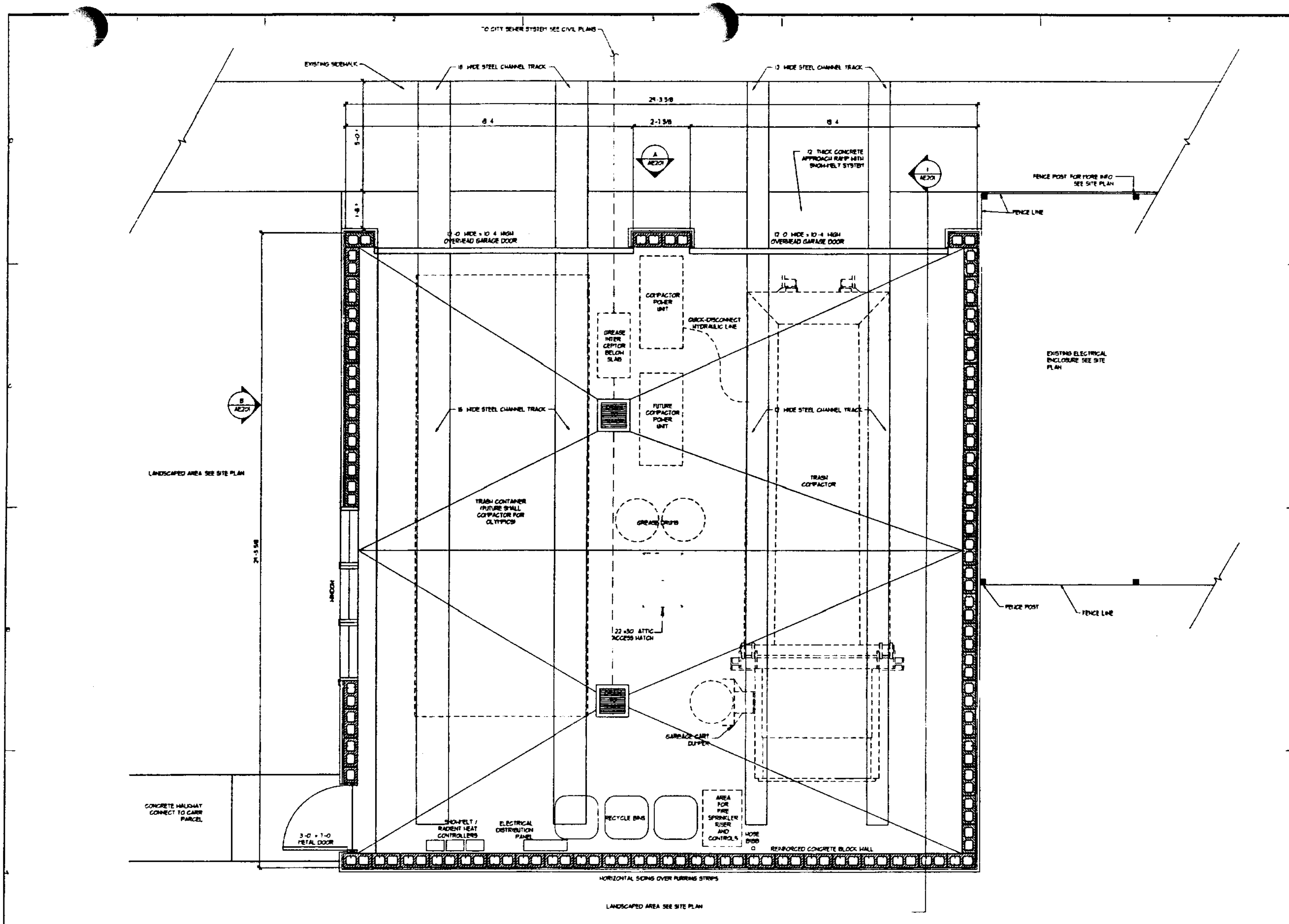

1 ARCHITECTURAL FLOOR PLAN

Cooper/Roberts Architects

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PARK CITY WASTE MANAGEMENT BUILDING
SWEDE ALLEY AT CARR PARCEL
PARK CITY, UTAH

PARK CITY MUNICIPAL CORPORATION
445 MARSAC AVE
PARK CITY, UTAH 84060

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FLOOR PLAN

AE101
SHEET 2 OF 3

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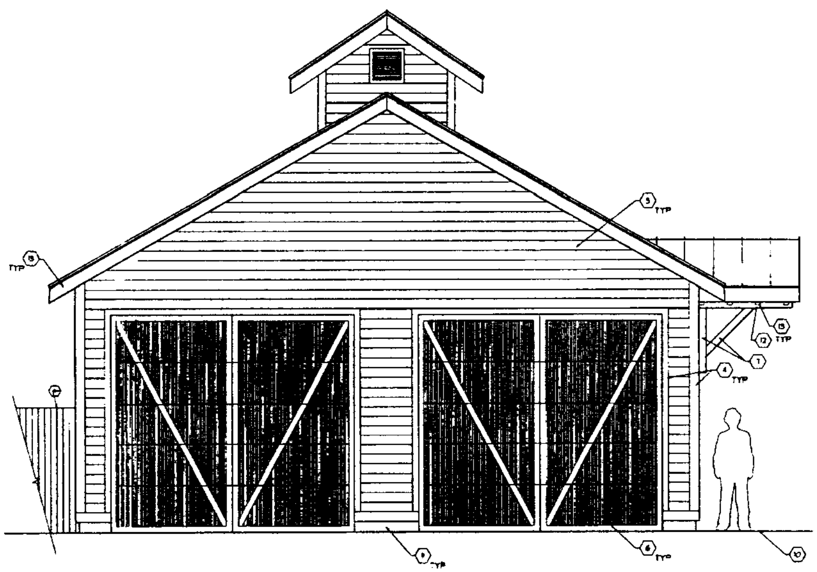
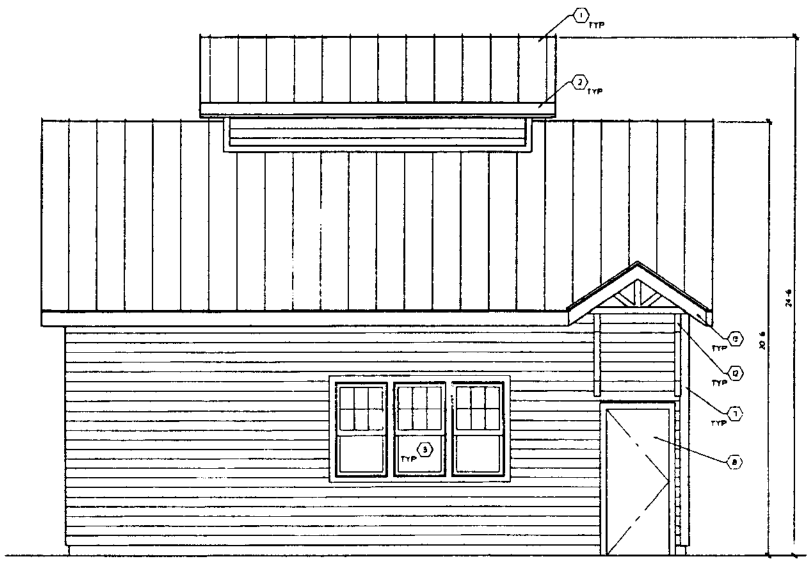


A EAST ELEVATION
1/2" = 1'-0"



B NORTH ELEVATION
1/2" = 1'-0"

REFERENCE NOTES

1 STANDING SEAM METAL ROOF
2 WOOD FASCIA/RAKE
3 WINDOW
4 WOOD TRIM
5 HARDBOARD SIDING
6 WOOD FACED SECTIONAL GARAGE DOOR
7 WOOD BRACKET
8 HOLLOW METAL DOOR
9 GALVANIZED AIR TRANSFER LOUVER
10 NEW CONC WALKWAY
11 WOOD FENCE
12 WOOD BEAM
13 EXPOSED HEAVY TIMBER RAFTERS

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PARK CITY WASTE MANAGEMENT BUILDING

SWEDE ALLEY AT CARR PARCEL
PARK CITY, UTAH

PARK CITY MUNICIPAL CORPORATION

445 MARSAC AVE
PARK CITY, UTAH 84060

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BUILDING ELEVATIONS

AE201

SHEET 3 OF 3

PARK 18

EXHIBITS UNDER SEPARATE COVER

CITY COUNCIL REPORT

DATE: June 21, 2001
DEPARTMENT: Community Development
AUTHOR: Richard E. Lewis, Director
TITLE: Fee Amendment Resolution - Planning Fees
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review the proposed Planning Department's fee amendments, consider any public input, and provide staff with direction concerning the proposed fee schedule.

DESCRIPTION:

A. Topic:
Amendment to City's Planning fee schedule.

B. Background:
It has been several years since the City has amended the Planning Department's fee schedule for processing development proposals. The review of development applications represents a significant percentage of the department's work. The Planning staff also provides a wide range of services to our residents and other customers. The high quality of the City's planning services benefits the entire region by achieving design consistent with our image as a world class ski resort community. However, as the demand on the general fund increases, it will become more difficult to continue providing the expected level of development proposal review without application fee increases.

An analysis was conducted by Rosenthal and Associates (Community Development Cost of Service Analysis - May 2001) to determine the estimated total cost of providing Planning Department services. The study concluded that the Planning Department's costs for providing services are higher than some other City departments. This high cost is a result of Park City's active public processes and citizen interest. Our residents are very interested in growth and development proposals and this involvement extends the review time. This extensive review process increases staff time and costs for many City departments including the Legal Department, Administration, and others, because of numerous phone calls, meetings and public hearings.

The total average cost of providing Planning Department application review services includes overhead and support services from other departments. When these "real" costs are included, it is obvious that the City's General Fund is subsidizing most of the cost for processing development proposals. A survey of planning fees of other communities was also conducted. However, it was not helpful due to the wide range of services and cost recovery philosophies of the various cities surveyed. It is interesting that Vail, Colorado has requested a copy of our Cost of Service Analysis because they have a similar problem with development review expenses exceeding cost recovery.

Ultimately, most development proposals result in construction permits being issued and structures being built. Structure plan check fees collected last year by the Building Department accounted for about $356,000. However, planning review fees (design guidelines, LMC compatibility, subdivision conditions, limits of disturbance, MPD conditions, CUP conditions, etc.) amounted to only about $20,000. The reliance on the City's General Fund for subsidizing planning services for development proposals can be reduced by increasing fees. Increasing fees to offset our costs is consistent with the recommendations of the Program and Resource Analysis study recently accepted by the City Council.

C. <u>Analysis</u>:
The Cost of Services Analysis averaged costs for processing planning applications over the past three years. The results of the analysis are dramatic and document that, for most applications, the City is recovering a small percentage of the actual total cost (see Exhibit 5 - page 5, Figure 4). The processing costs for applications involving considerable public process, such as Conditional Use Permits, MPD's, and Subdivisions, are substantial and the fees are relatively insignificant compared to the cost. For example, the average total cost for processing a Conditional Use Permit before the Planning Commission is about $2,800 and the current fee is only $200.

The Planning Department provides many services to the community, other City departments, and to City residents besides processing development applications. It may be unrealistic to increase fees to approach total cost recovery for these services. However, application fees for development proposals requiring considerable time and expense could be increased without affecting the general citizenry.

Several concepts were explored for increasing the Planning application fees. A simple approach of increasing fees by a set percent did not account for the variation of applications and the total staff time and expense of processing. This "one size fits all" approach treats simple and complex development applications equally and has little relationship to actual costs for processing. Increasing fees for total cost recovery appeared excessive in most cases since the review process actually benefits the entire community, or at least residents in close proximity to the project.

The proposed fee schedule is based on the philosophy that development proposals and complex applications, requiring considerable public process and a high level of professional review, should pay fees adequate to recover approximately 50 percent of the average total cost. Annexations require a tremendous amount of staff and consultant time, with a great deal of public process. Therefore, annexation fees are proposed to be increased to approach total cost recovery. Applications such as conditional use permits, plan reviews and regulated use permits typically involve less staff review time than annexation and development proposals. A 25 percent cost recovery for these applications is proposed.

Routine applications not requiring extensive analysis or review by advisory commissions are proposed at 5 percent or less cost recovery.

Due process applications, such as appeals and other appearances before the Board of Adjustment are also proposed at 5 percent cost recovery to not be a financial burden or deterrent.

The proposed fee schedule introduces the following new fees: (1) Determination of Historical Significance (pursuant to LMC Chapter 4); (2) Economic analysis for CAD applications; (3) General Plan Amendments; (4) Master Sign Plan Review; and (5) Architectural and Design Review for buildings outside of the Historic District. Annexation fees, though not new, are proposed to be assessed on a new basis. While the former fee was assessed on a per-acre basis, the proposed fee schedule is calculated on a cost-recovery basis.

Last year the Planning Department processed 725 planning related applications of which 69 were reviewed by the Planning Commission, 49 were reviewed by the Historic District Commission and 10 were reviewed by the Board of Adjustment. The City's cost for a Planning Commission meeting alone is about $650 not including staff time. The total fees collected for planning applications last year was only $20,257. If the proposed fee schedule is adopted, an estimated $120,000 could be collected from a similar permit activity level. This would amount to about 15 percent of the Planning Department's current annual budget.

D. Department Review:
The proposed fee schedule and accompanying analysis have been reviewed by the Administrative Department, the Legal Department, the Office of Capital Management and Budget, and the Community Development Department.

RECOMMENDATION:
Review the proposed Planning Department fee amendments, consider any public input, and provide staff with direction concerning the proposed fee schedule.

Attachments:

Exhibit 1 - Planning Department Application Fee Analysis (percent of actual costs)
Exhibit 2 - Community Development Cost of Service Analysis, Rosenthal & Associates
Exhibit 3 - Annexation Fee Recommendation - 5/2/01 memo from Bob Rosenthal

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MEETING RECOMMENDATIONS

EXHIBITS UNDER SEPARATE COVER

PARK 1884

CITY COUNCIL STAFF REPORT

DATE:	**June 21, 2001**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Patrick Putt**
TITLE:	**Block 52 Replat (128-134 Ontario Avenue Plat Amendment); and Vacation of a Portion of platted (and undeveloped) Marsac Avenue.**
TYPE OF ITEM:	**Legislative**

<u>SUMMARY RECOMMENDATIONS:</u> The Planning Staff recommends that Council hold a public hearing regarding the proposed plat amendment and right-of-way vacation. Following the public hearing, Staff recommends that the Council approve the plat amendment and right-of-way vacation pursuant to the attached findings of fact, conclusions of law, and conditions of approval.

A. PROJECT STATISTICS

Applicant:	United Park City Mining Co., Kay Waxman, Leslie Miller
Location:	128-134 Ontario Avenue
Proposal:	Plat Amendment--15 full/partial lots into 3 lots
Zoning:	Historic Residential (HR-L) District
Adjacent Land Uses:	Residential, Vacant Residential, Municipal Open Space
Date of Application:	April 11, 2001

B. BACKGROUND

The applicants have submitted a plat amendment application to reconfigure 15 full and partial lots in Block 52 of Park City Survey into 3 new lots. The property is 25,777 square feet (.59 acres) and located in the Historic Residential Low-Density (HRL) Zoning District. The applicants also request that 488 square feet of platted (and undeveloped) Marsac Avenue be vacated and incorporated into the plan.

The property is located on a west-facing slope near the mouth of Ontario Canyon. To the north is the recently-approved Ivers replat. As of the date of this memorandum, the Ivers Replat has not been recorded; however, the final plat document is being routed for the necessary signatures and its recordation appears to be imminent. The City-owned open space known as the Virginia Claim is to the east. To the south and west across the platted (but undeveloped) Marsac Avenue and First Street are vacant lands owned by the City and United Park City Mining Company. Abandoned railroad spurs, currently used by the public for trails, traverse the northwest portion of the property. The property is moderately steep and is vegetated with a mix of oak, conifers, and ground cover. Development in this area is subject to review under the HR-1 steep slope conditional use permit process.

The site area is a portion of a previous plat amendment application reviewed by the City in 1996-97. The previous plat amendment included a larger area (0.83 acres) and proposed 28 units. The project was denied by City Council in February 1997. In March, 2000, portions of the Park City Survey east of the SR224 (the Mine Road) and south of existing Ontario Avenue "Thrill Hill" were rezoned from HR-1 to HRL.

The Planning Commission reviewed this application on May 9, and May 23, 2001. At the May 23, 2001 meeting, the Planning Commission forwarded a positive recommendation on the plat amendment and approved a conditional use permit to extend a private driveway (the primary access to the site) across the platted/undeveloped 2nd Street right-of-way pursuant to Section 15-3-5 of the Land Management Code, Driveway Standards For Private Driveways Within Platted Unbuilt City Streets.

C. PROPOSAL

The applicants propose to combine 15 full and/or partial HRL-zoned lots into three lots of record. Access is proposed by way of an extension of the 12-foot wide private driveway access off of Ontario Avenue through the Ivers Replat subdivision. The applicants propose to widen the proposed Ivers driveway access to a width of 18 feet. The proposed driveway easement for the plat amendment area south of the Ivers Replat is 30 ft. in width. The driveway surface for the proposed paved driveway south of the Ivers Replat will be 20 feet wide. The driveway easement will also serve as a public trail easement connecting to the existing railroad spur.

To accommodate a lower hillside building pad for one of the lots (proposed Lot 3), the applicants have requested a 488 square foot vacation of platted/unbuilt Marsac Avenue. The area of the proposed vacation is adjacent to Lots 6 and 7 of Block 52 (see attached plat amendment map).

The proposed lot sizes are 12,139 square feet; 5,719 square feet; and 7,919 square feet. A snow storage and slope easement is provided on the downhill side of the driveway easement. From one to three Fire Department stand pipes are proposed as fire protection for the subdivision. The standpipes will be located at the intersection of the private driveway and the Ontario Avenue/Thrill Hill intersection.

D. ANALYSIS

Plat Amendment--Criteria for Review:
Plat amendments require discretionary approval by the City. Pursuant to the Land Management Code and State Subdivision statutes, the Council must find that:

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

Access: The Ivers Replat, Condition of Approval No. 9, specifies that the private driveway through the Ivers property "may be converted to a public right-of-way or private road access to Block 52 provided the right-of-way standards are met and approval is given by the City Council via a formal plat amendment." The Community Development Department and Legal Department have worked with the applicant over the past several months to develop a proposed access to the applicants' Block 52 property which meets minimum Fire Code and Land Management Code requirements. Execution of a private driveway easement through the Ivers Replat is a condition of approval and a condition precedent of plat recordation.

Lot Size and Configuration: The HRL District requires a minimum lot size of 3,750 square feet. The applicants' lot sizes exceed the HRL minimum requirement. The proposed lots range in size from 5,719 square feet to 12,129 square feet. The proposed lot sizes are compatible with adjacent residential development and consistent with the intent of the HRL District to provide larger residential lot areas and lower densities.

The HRL District establishes maximum building footprint areas based on lot size. The maximum building footprint area for the proposed lots are as follows:

	Lot Size	Maximum Building Footprint
Lot 1:	12,139 sq. ft.	3,068 sq. ft.
Lot 2:	5,719 sq. ft.	2,078 sq. ft.
Lot 3	7,919 sq. ft.	2,539 sq. ft.

Trails: The applicants propose to plat a 30 ft.-wide public trail easement in conjunction with the private driveway extension. This extension will insure continued public connection to the railroad spur for hiking and biking access. The easement will be memorialized on the plat.

Utilities: A utility plan acceptable to the City Engineer will be a condition of approval of the plat amendment and a condition precedent to plat recordation. All public utility and driveway installation work will be a condition precedent to a building permit as well. Staff has met with the applicants' representatives to discuss issues related to the installation of project's utilities. As of the date of this staff report, no utility plan has been formally submitted. Any such plan must conform to Park City's Construction Specifications.

Vacation Request–Criteria for Review: Council adopted a policy regarding the vacation of public rights-of-way in July, 1998. Resolution 8-98 establishes the need for the City to find "good cause" and a "net tangible benefit" to the immediate neighborhood and the City as a whole prior to vacating City right-of-way. The following three criteria as used to determine whether a "net tangible benefit" has been demonstrated by petitioner.

No increase in density. Staff finds this standard has been met. Density will not be increased as a result of the proposed vacation. The HRL Zoning District requires a minimum lot size of 3,750 square feet. Three (3) units are proposed on 25,791 square feet– an average lot size of 8,597 square feet. Although the site has inherent density limitations due to access constraints, the applicants' unit total is less than one-half of the density permitted under the HRL regulations.

Consideration: Staff is seeking discussion on this point. As compensation for the 488 square feet of platted Marsac Avenue, Staff recommends that applicants dedicate 488 square feet of property adjacent to the City-owned Virginia Claim open space. The southerly portion of proposed Lot 3 is not likely to be within the future building pad area and would serve to increase the size of the City open space. The draft conditions of approval for the vacation includes a condition for this dedication. Additional consideration is the fact that the vacation results in a building pad lower on the hill and less vegetation disturbance. Accordingly, Staff is not recommending monetary compensation for the vacation area. Should Council wish to study this option, Staff is prepared to conduct an analysis of the of the vacation area's market value.

Neighborhood Compatibility: Staff finds this standard has been met. The overall density is consistent with development in the Thrill Hill and Rossi Hill area. The proposed lot sizes are larger than the HRL District minimum requirements and in keeping with the intent of the City recent rezoning of the area from HR-1 to HRL. The primary intent of the rezoning was to recognize the constraints of the neighborhood's hillside terrain and access limitations. The vacation allows the future residence on Lot 3 to be located lower on the hillside. The driveway access will require minimum grading or the removal of large amounts of vegetation. The future development of residential structures will be reviewed through the steep-slope conditional use permit and Historic District design review processes.

E. Departmental Review

The City's Interagency Review Committee has reviewed this application.

F. Public Input

Property owners within 300 feet of the project were notified. No comment has been received to date.

G. Summary and Recommendation

The Planning Staff finds the plat amendment complies with all requisite Land Management Code requirements. Staff also finds that the proposed vacation as conditioned complies with the criteria of Resolution 8-98. The Planning Department recommends that Council hold a public hearing regarding the proposed plat amendment and right-of-way vacation. Following the public hearing, Staff recommends that the Council approve the plat amendment and right-of-way vacation pursuant to the attached findings of fact, conclusions of law, and conditions of approval.

Plat Amendment

Findings of Fact

1. The 25,777 square feet (.59 acre) property is in the HR-L District.

2. The property is located to the south of the Ivers Replat and the 2nd Street right-of-way.

3. The property is currently vacant.

4. The plat amendment reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.

5. The plat amendment also includes a request to vacate 488 square feet of platted unbuilt Marsac Avenue adjacent to Lots 6 and 7, Block 52. Action on street vacation requests are taken by the City Council.

6. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.

7. The proposed private driveway extension crosses the 2nd Street right-of way and a portion of platted/unbuilt Marsac Avenue.

8. The 2nd Street and Marsac rights-of-way are an unbuilt City streets.

9. On May 23, 2001, the Planning Commission approved a conditional use permit application to permit the applicant to construct a private driveway in the platted unbuilt 2nd Street.

10. The proposed driveway easement (the extension of the Ivers Replat private driveway is 30 feet in width.

11. The proposed driveway width is 20 feet.

12. The applicant proposes to dedicate the private driveway easement as a public pedestrian trail easement.

13. The lot sizes and maximum building footprints are:

	Lot Size	Maximum Building Footprint
Lot 1:	12,139 sq. ft.	3,068 sq. ft.

Lot 2:	5,719 sq. ft.	2,078 sq. ft.
Lot 3	7,919 sq. ft.	2,539 sq. ft.

14. The project is located in the Ontario Avenue/Thrill Hill Area. Minimal construction staging area is available in this neighborhood.

15. The physical constraints of the neighborhood including narrow prescriptive easements, unbuilt City rights-of-way on steep slopes, and extensive vegetation limit utility design alternatives for the project.

16. The property is located adjacent to the City-owned Virginia Claim open space.

17. No opposition to the proposed plat amendment and right-of-way vacation have been received at the public hearings.

18. The findings from the analysis section are incorporated herein.

19. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the amendment.

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

3. The proposal is consistent with both the Park City Land Management Code Chapter 2.1 and Chapter 15 and State subdivision requirements.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

2. Execution of a private driveway easement in a form and manner acceptable to the City Engineer and City Attorney is a condition precedent to plat recordation.

3. An acceptable utility plan shall be submitted to and approved by the City Engineer. The power, phone, and cable TV lines may be overhead. A financial guarantee for the installation of public improvements is required.

3. The applicant shall dedicate 488 square feet of the subject property adjacent to the City-owned Virginia claim to the City for open space purposes.

4. This approval shall expire on June 21, 2002, unless this plat amendment is recorded prior to that date.

5. All Standard Project Conditions shall apply.

6. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

Right-of-Way Vacation

Findings of Fact

1. The 25,777 square feet (.59 acre) property is in the HR-L District.

2. The property is located to the south of the Ivers Replat and the 2nd Street right-of-way.

3. The property is currently vacant.

4. The applicant has submitted a plat amendment request which reconfigures 15 full and partial HR-L District lots in Block 52 of the Park City Survey into 3 lots of record.

5. The plat amendment also includes a request to vacate 488 square feet of platted unbuilt Marsac Avenue adjacent to Lots 6 and 7, Block 52. Action on street vacation requests are taken by the City Council.

6. Access to the applicants' property is via a proposed extension of a private driveway off of existing Ontario Avenue through the Ivers Replat.

7. The proposed private driveway extension crosses the 2nd Street right-of way and a portion of platted/unbuilt Marsac Avenue.

8. The 2nd Street and Marsac rights-of-way are an unbuilt City streets.

9. Resolution 8-98 sets forth review criteria for the vacation of City rights-of-way.

10. Resolution 8-98 requires the applicant to demonstrate that there is no density increase; the project is compatible with neighborhood; and the City is compensated for the vacated right-of-way.

11. The HRL Zoning District requires minimum lot size of 3,750 square feet.

12. The average lot size of the proposed plat amendment is 8,597 square feet.

13. The Thrill Hill and Rossi Hill neighborhoods are characterized by steep-slope residential properties ranging in size from 3,750 square feet to approximately 37,000 square feet.

14. The applicant agrees to dedicate 488 square feet adjacent to the City-owned Virginia Claim open space to the City as compensation for the vacated Marsac Avenue right-of-way.

Conclusions of Law

1. The vacation request is consistent with the City's standards for vacation of public rights-of-way as set forth in Resolution 8-98.

2. No increase in density will result from the right-of-way vacation.

3. The proposed project is compatible with the neighborhood.

4. The City has received satisfactory compensation for the 488 square foot vacation by means of the applicants' dedication of 488 square feet of property adjacent to the City-owned Virginia Claim open space and non-monetary design-related benefits.

5. Neither the public nor any person will be injured by the vacation.

Conditions of Approval

1. Approval of the vacation shall expire on June 21, 2002, unless the Block 52 Replat is recorded.

2. The applicants shall dedicate to the City 488 square feet of property adjacent to the City-owned Virginia Claim open space for open space purposes.

PARK CITY
1884

CITY COUNCIL REPORT

DATE: June 21, 2001
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer Eric DeHaan
TITLE: Acceptance of dedication of a shared access road at Deer Crest and Black Diamond Lodge
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve the ordinance accepting the dedication of the shared access road at Deer Crest and Black Diamond Lodge.

DESCRIPTION:

A. Topic: The Black Diamond Lodge is under construction in lower Deer Valley, adjacent to and behind the Snow Park Lodge (see attached location map). Deer Valley Resort created the parcel where Black Diamond is being built, just as the nearby Powder Run Condominiums were built in the 1980s on another Deer Valley parcel. Not knowing exactly how the future developments would be accessed, Deer Valley reserved an access easement across a portion of the Powder Run site together with the ability to dedicate the easement to the City in the event it became desirable to allow access to other parcels. The exact chain of events is laid out in Exhibit 1, a June 1 letter on Deer Valley letterhead signed by Deer Valley, Deer Crest, and Black Diamond.

B. Background: By accepting the dedication of the access road easement, the City facilitates access to Deer Crest's Rosewood Hotel as well as the Black Diamond Lodge. Both of these projects have received approvals from the Planning Commission with the driveways shown in the approximately location of the subject easement. However, because the Powder Run Condos portion of the easement may not clearly allow use by both Rosewood (Deer Crest) and Black Diamond without dedication of a shared access easement to Park City, we have been requested to accept such an easement so the design and construction of both projects can proceed in a timely manner. The alternative access for Black Diamond would involve major construction at the loading dock of the Snow Park Lodge. This is extremely undesirable for the functioning of the Snow Park Lodge, and it would result in Black Diamond Lodge's guests arriving near a busy loading dock, which is regarded as somewhat undesirable by operators of high-end lodging facilities. Further, without the shared access easement, the Rosewood's approved access is jeopardized.

C. <u>Analysis</u>: Park City can assist all the parties involved by accepting the shared road access easement. No maintenance costs or burdens are accepted by the City; all costs and maintenance will remain the responsibility of the private parties. Acceptance of the shared road easement is compatible with the Planning Commission approvals which have been received by the applicants. Some City costs will be eliminated because the loading-dock alternative for Black Diamond would involve the relocation of a major water line serving Silver Lake via the Last Chance Pump Station. Lastly, the access road comports with the plat of Powder Run Condominiums, on which the access easement was clearly delineated (see Exhibit #2). Powder Run has generally avoided placing landscaping within the easement area over the years. Actual construction of the driveway will create an orphan area of Powder Run's common area on the far side of the Rosewood/Black Diamond driveway from the Powder Run units, and to prevent that orphan area from suffering from a lack of maintenance, the ordinance is written to allow the City to require Rosewood and Black Diamond to assist in the maintenance of landscaping on the Powder Run remnant.

D. <u>Department Review</u>: This action has been coordinated with the Community Development Department. The Legal Department has reviewed the ordinance.

<u>ALTERNATIVES</u>:

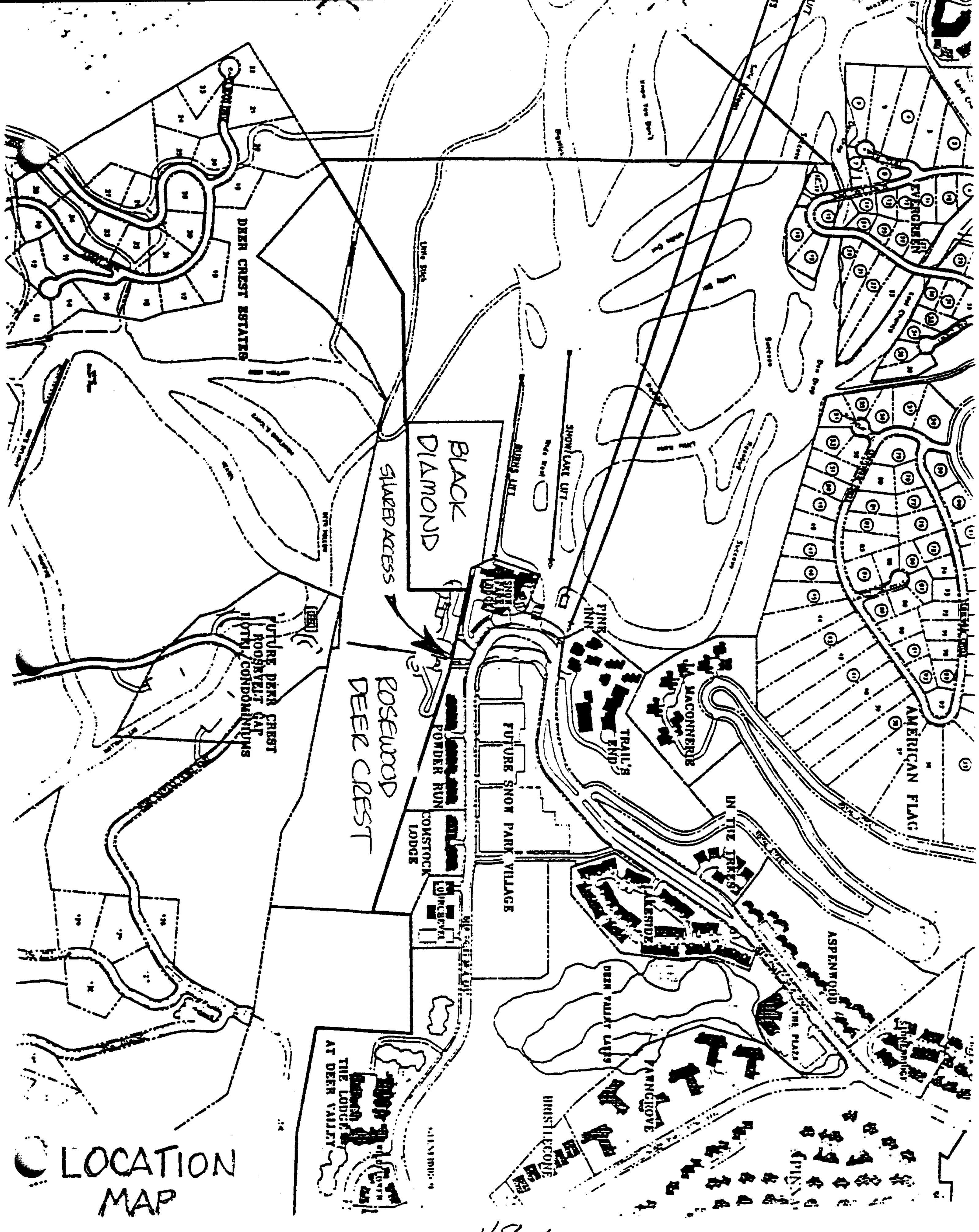
A. <u>Approve the Request</u>: This action will assist the property owners in providing shared access in the manner approved by the Planning Commission.

B. <u>Continue the Request:</u> If the Council desires more information, the item can be continued. A field trip can be arranged by contacting the City Engineer; the entire Council is already familiar with the Black Diamond Lodge and the need for well-planned emergency ingress and egress.

C. <u>Deny the Request</u>: The Council can deny the ordinance. This action will cause Black Diamond Lodge's access to be built very near the loading dock of Snow Park Lodge, which will negatively affect a very important City water line.

<u>SIGNIFICANT IMPACTS</u>: There is no fiscal impact on Park City from accepting the dedication of the shared road access easement. An access driveway will be built close to Powder Run in a location identified as an access easement on the Powder Run Condominium plat.

<u>RECOMMENDATION</u>: Approve the ordinance accepting the shared access road easement.



LOCATION MAP

EXHIBIT 1

DEER VALLEY®

June 1, 2001

Mr. Eric DeHaan
City Engineer
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

Re: Deer Crest and Black Diamond Shared Access

Dear Eric:

In follow up to our recent discussions this constitutes a request and offer to dedicate as a public street the parcel of land comprising the subject shared access road, as described on attached Exhibit A and as depicted on the drawing attached as Exhibit B. This request for dedication is for title perfection purposes only. Deer Crest Associates I, LC and Black Diamond Lodge, LLC and/or their successors and assigns would retain all obligations with respect to maintenance and operation of the street pursuant to the provisions of a separate agreement for maintenance between Deer Crest Associates I, LC and Black Diamond Lodge, LLC.

A portion of the shared access road will cross property of the Powder Run at Deer Valley Owners' Association (highlighted in yellow on Exhibit B) and the balance will cross property of Deer Crest Associates I, LC (highlighted in green on Exhibit B). We understand that the portion of the road crossing property of Powder Run is covered by easements previously created and identified as follows:

1. In Special Warranty Deed from Royal Street Land Company to Park City Consolidated Mines Company dated August 11, 1980, a 50' wide non-exclusive easement to gain access to a portion of the property which is now owned by Deer Crest Associates I, LC and comprising a portion of the Rosewood project site. This conveyance provided for the right of either party to dedicate as a public street.
2. An enlarged easement approximately 78' wide containing the easement referred to in item 1 above was established in that certain Declaration of Protective Covenants dated March 18, 1982 executed by Deer Valley Resort Company, recorded March 22, 1982 as Entry No. 189378, Book M215 at page 415, records of Summit County, Utah.
3. The subdivision plat for A Subdivision Of The East Bench Multi-Family Parcel recorded as Entry No. 228831, records of Summit County, Utah reflects the enlarged easement.

P. O. Box 889 • Park City, Utah 84060-0889 • 435.649.1000 • Fax 435.649.1910
www.deervalley.com

4. Special Warranty Deed dated January 11, 1985 from Deer Valley Resort Company to Powder Run Partners. This conveyance was made subject to the Declaration of Protective Covenants referred to in item 2 above and subject to the easement reflected on the subdivision plat referred to in item 3 above and the Declaration of Protective Covenants.
5. The Record of Survey Map for Powder Run Condominiums recorded November 1, 1985 as Entry No. 241128, records of Summit County, Utah reflects the enlarged easement.
6. In a Quit-Claim Deed from Park City Consolidated Mines Company to Deer Valley Resort Company dated May 3, 1990, Park City Consolidated Mines Company reserved to itself the easement shown on the above referenced subdivision plat and Record of Survey Map.
7. A Warranty Deed dated October 1, 1990 from Park City Consolidated Mines Company to Trans-Wasatch Company transferred property to Trans-Wasatch Company, together with the description of both the 50' and 78' easements.
8. A Quit-Claim Deed from Royal Street Land Company to Park City Consolidated Mines Company dated April 1, 1996 for the purpose of correcting the description of the 50' wide easement granted in item 1 above to the 78' wide easement provided for in the subsequent items above.
9. A Quit-Claim Deed from Deer Valley Resort Company to Park City Consolidated Mines Company dated April 19, 1996 for the purpose of correcting the description of the 50' wide easement granted in item 1 above to the 78' wide easement provided for in the subsequent items above.
10. A Warranty Deed dated June 28, 1996 from Park City Consolidated Mines Company to Deer Crest Associates I, LC transferred property to Deer Crest Associates I, LC together with the 78' easement.

Copies of these materials are also attached for your information.

We appreciate your cooperation in this matter. Please let us know if you have any questions.

Sincerely,

DEER VALLEY RESORT COMPANY
By ROYAL STREET OF UTAH, general partner

Robert W. Wells, Vice President

DEER CREST ASSOCIATES I, LC
By: Grand Harvest Ventures, LLC, its Managing Member
~~By Lynda Fetter, its~~
By: Angela C. Sabella, its Manager

BLACK DIAMOND LODGE, LLC

Leonard Scaglione, its Authorized Representative

Encls.

Leonard Scaglione

EXHIBIT "A"

BLACK DIAMOND-ROSEWOOD

SHARED ACCESS EASEMENT

June 6, 2001

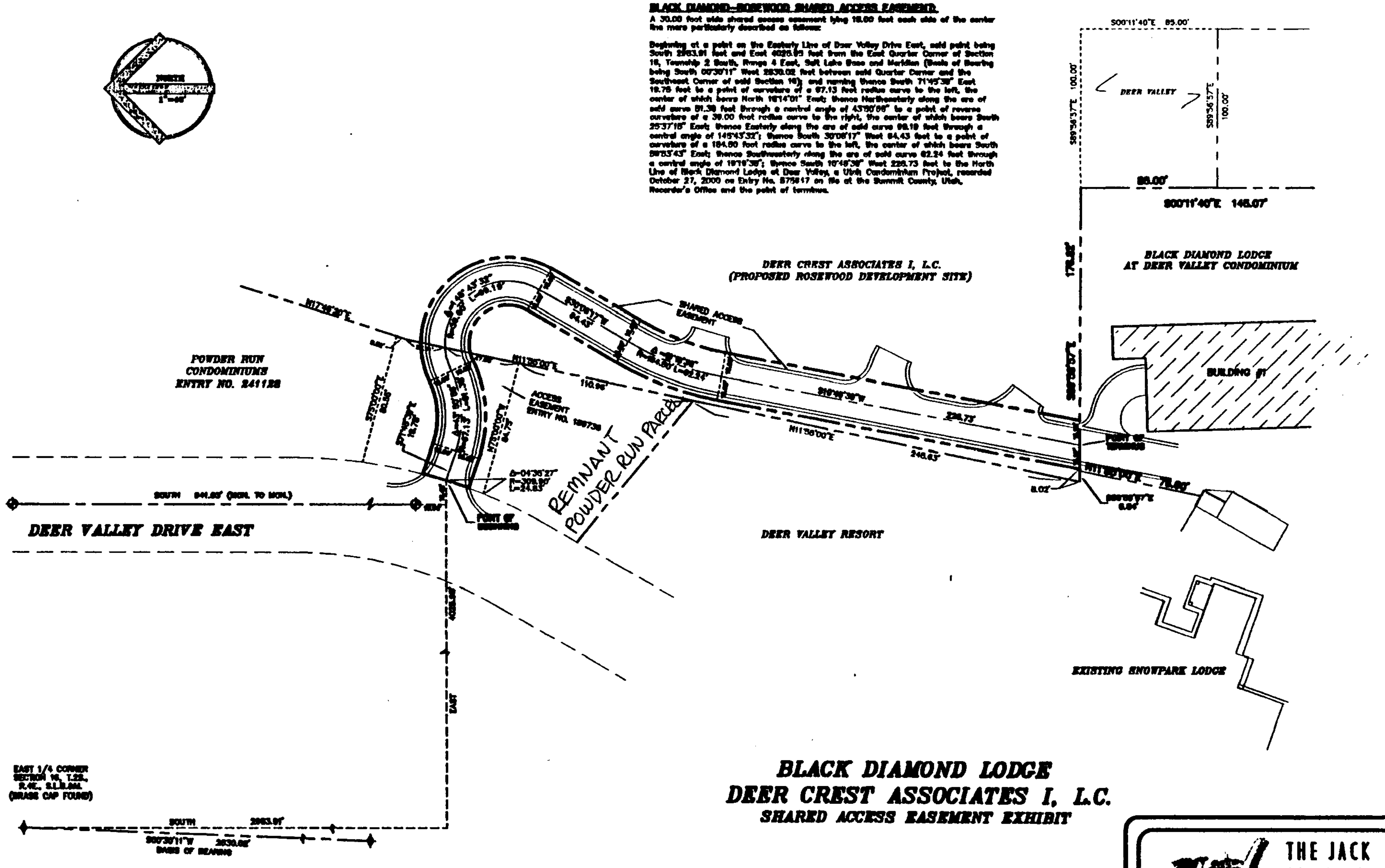
A 30.00 foot wide shared access easement lying 15.00 feet each side of the center line more particularly described as follows:

Beginning at a point on the Easterly Line of Deer Valley Drive East, said point being South 2983.91 feet and East 4025.95 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°30'11" West 2630.02 feet between said Quarter Corner and the Southeast Corner of said Section 16); and running thence South 71°45'39" East 19.75 feet to a point of curvature of a 67.13 foot radius curve to the left, the center of which bears North 18°14'01" East; thence Northeasterly along the arc of said curve 51.38 feet through a central angle of 43°50'56" to a point of reverse curvature of a 39.00 foot radius curve to the right, the center of which bears South 25°37'15" East; thence Easterly along the arc of said curve 99.19 feet through a central angle of 145°43'32"; thence South 30°06'17" West 64.43 feet to a point of curvature of a 184.50 foot radius curve to the left, the center of which bears South 59°53'43" East; thence Southwesterly along the arc of said curve 62.24 feet through a central angle of 19°19'38"; thence South 10°46'39" West 226.73 feet to the North Line of Black Diamond Lodge at Deer Valley, a Utah Condominium Project, recorded October 27, 2000 as Entry No. 575647 on file at the Summit County, Utah, Recorder's Office and the point of terminus.

JJC#288.0100

June 7, 2001/b.olsen

EXHIBIT "B"



BLACK DIAMOND—ROSEWOOD SHARED ACCESS EASEMENT.

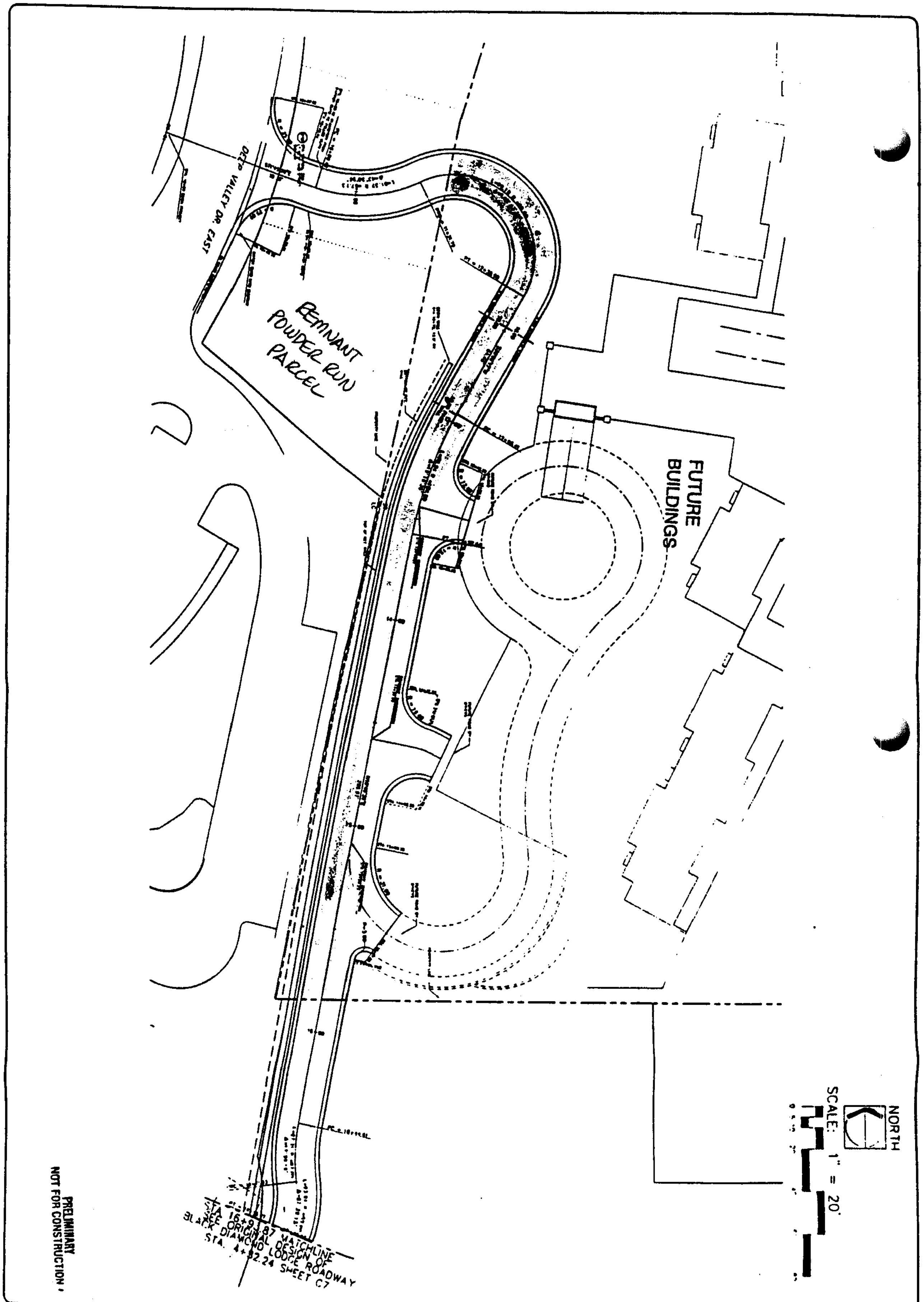
A 30.00 foot wide shared access easement lying 15.00 feet each side of the center line more particularly described as follows:

Beginning at a point on the Easterly Line of Deer Valley Drive East, said point being South 2863.91 feet and East 4026.95 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°30'11" West 2830.02 feet between said Quarter Corner and the Southeast Corner of said Section 16); and running thence South 71°45'38" East 19.78 feet to a point of curvature of a 67.13 foot radius curve to the left, the center of which bears North 18°14'01" East; thence Northeasterly along the arc of said curve 51.38 feet through a central angle of 43°50'58" to a point of reverse curvature of a 39.00 foot radius curve to the right, the center of which bears South 25°37'18" East; thence Easterly along the arc of said curve 99.19 feet through a central angle of 145°43'32"; thence South 30°08'17" West 84.43 feet to a point of curvature of a 184.50 foot radius curve to the left, the center of which bears South 59°53'43" East; thence Southwesterly along the arc of said curve 62.24 feet through a central angle of 19°19'38"; thence South 10°48'38" West 226.73 feet to the North Line of Black Diamond Lodge at Deer Valley, a Utah Condominium Project, recorded October 27, 2000 on Entry No. 575817 on file at the Summit County, Utah, Recorder's Office and the point of terminus.

BLACK DIAMOND LODGE
DEER CREST ASSOCIATES I, L.C.
SHARED ACCESS EASEMENT EXHIBIT

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(435) 645-9000 • fax (435) 649-1620

JJCo#268.0101
06-07-01/B.Olson



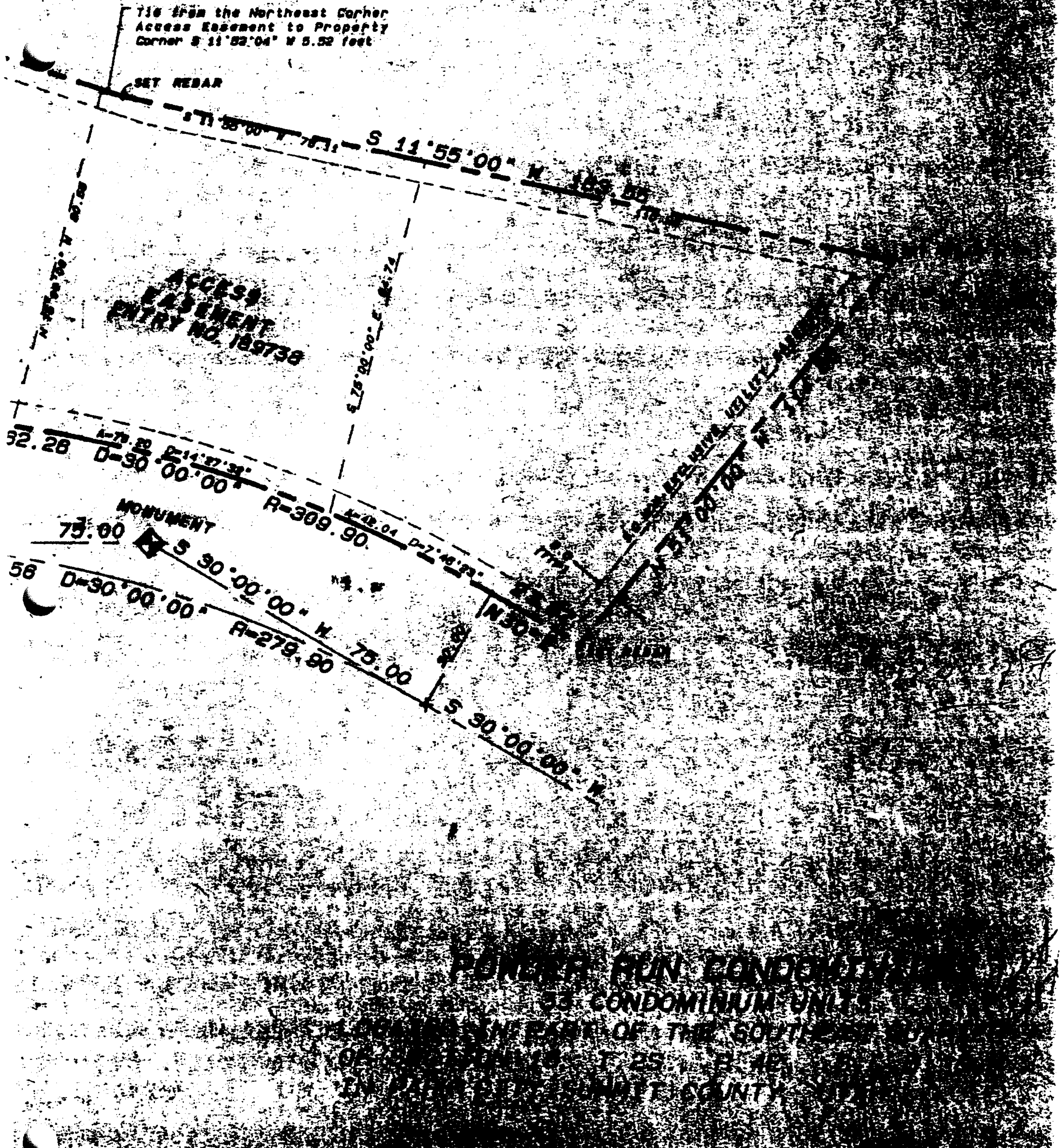
BLACK DIAMOND LODGE AT DEER VALLEY

DIMENSION PLAN

BLACK DIAMOND CORP. | BD-DIM | DIM1

THE JACK JOHNSON COMPANY

EXHIBIT 2
POWDER RUN CONDO PLAT



AL AND ACCEPTANCE

E BY THE PARK CITY COUNCIL

1985 A.D.

SUMMIT RECORDED AND FILED AT THE

REQUEST OF Western States Title

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

ORDINANCE NO. 01-___________

AN ORDINANCE ACCEPTING THE LIMITED DEDICATION OF A PUBLIC STREET TO PROVIDE SHARED ACCESS TO BLACK DIAMOND LODGE AND DEER CREST IN PARK CITY, UTAH

WHEREAS, the owners of easements providing access to the Rosewood Hotel portion of Deer Crest and the Black Diamond Lodge have petitioned Park City to accept their offer to dedicate such easements as a public street; and

WHEREAS, the owners are willing to relieve Park City of any and all maintenance obligations of whatever nature; and

WHEREAS, the acceptance of the public street will resolve ongoing questions of access to both Deer Crest and Black Diamond Lodge; and

WHEREAS, it is in the best interest of Park City to comply with the owners' request to accept the offer of dedication;

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

<u>SECTION 1. ACCEPTANCE OF PUBLIC STREET</u> Park City hereby accepts as a public street the lands described in Exhibit "A" attached hereto and made a part hereof, subject to the following conditions:

1. All repairs, maintenance, and liability of whatever type or nature, including but not limited to snow removal, paving, re-paving, drainage, construction coordination, and snowmelt device repair, shall be the sole responsibility of the owners of Black Diamond Lodge and Deer Crest, and the owners of the individual parcels and units contained within each of those projects.

2. In the event the City determines that augmented landscaping maintenance is needed on that portion of Powder Run Condominiums common area lying south of the dedicated street and therefore separated from the balance of the common area of Powder Run Condominiums, such landscaping maintenance shall be provided by Black Diamond Lodge and Deer Crest, and by the owners of individual parcels and units contained within each of those projects.

3. Improvements within the street described in Exhibit "A" are permitted to encroach within the dedicated street but remain privately-owned and maintained. All improvements shall be constructed in accordance with plans approved by Park City in conjunction with the Black Diamond Lodge and with Deer Crest.

4. Any subsequent amendments to the Powder Run Condominium ROS shall reflect the street dedication.

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

PASSED AND ADOPTED THIS ______DAY OF _____________, 2001.

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, Mayor

ATTEST:

____

Janet M. Scott, City Recorder

Approved as to Form:

____

Mark D. Harrington, City Attorney

EXHIBIT "A"

BLACK DIAMOND-ROSEWOOD

SHARED ACCESS EASEMENT

June 6, 2001

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JJC#288.0100

June 7, 2001/b.olsen

PARK CITY
1884

CITY COUNCIL REPORT

DATE: June 21, 2001
DEPARTMENT: Planning Department
TITLE: 581 Park Avenue
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, take any public input and consider approving a plat amendment that combines the northerly ½ of lot 20 and all of lot 21 of Block 5 of the Park City Survey into one lot of approximately 2,812 square feet.

A. Summary.

Applicant:	Floyd and Elaine English
Location:	581 Park Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Date of Application:	April 4, 2001
Project Planner:	Ray Milliner

B. Background.

The applicant proposes to combine the northerly ½ of lot 20 and all of lot 21 of Block 5 of the Park City Survey into one lot of approximately 2,812 square feet. The property has an existing historic structure to which the applicant proposes to renovate and construct an addition. A Historic District Design Review application will be reviewed once action is taken on the plat. The Planning Commission reviewed and forwarded a positive recommendation to the City Council at the June 13, 2001 meeting.

C. Analysis

The property is zoned HR-1, Historic Residential. Renovations of existing historic structures are permitted in this zone provided that all plat issues and interior lot lines are resolved through the Plat Amendment process. Since there are numerous interior lot lines within the applicant's property, the Community Development Department is requiring the applicant combine the lots into one platted lot per state law.

Because the structure is historic, it may be exempt from the off-street parking and setback requirements in Chapter 2 of the Land Management Code. No additional units or lock-out units are contemplated which would require additional parking spaces. Access to the property is off Park Avenue and would not change as a result of this plat amendment. The structure is in the

Historic District, therefore, any changes to the structure must meet the criteria in the Historic District Guidelines.

E. NOTICE

Notice of this hearing was sent to property owners within 300' on May 30, 2001. No formal comments have been filed at the time of this report.

F. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recording. The request was discussed at a Staff Review Meeting on June 5, 2001, where representatives from local utilities and City Staff were in attendance. No outstanding issues were identified.

G. RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, take any public input and consider approving a plat amendment that combines the northerly ½ of lot 20 and all of lot 21 of Block 5 of the Park City Survey into one lot of approximately 2,812 square feet according to the following:

Findings of Fact:

1. The property is located in the Historic Residential (HR-1).
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. The amendment will consolidate the north ½ of lot 20 and all of lot 21 of Block 5 of the Park City Survey into one (1) platted lot to allow for an addition to the historic structure.
4. The Planning Commission reviewed the proposed plat amendment and forwarded a positive recommendation to the City Council at its meeting on June 13, 2001.
5. The proposed lot size will be 2,812 square feet.
6. The project is on Park Avenue with dense residential uses. Minimal construction staging area is available along Park Avenue.
7. The existing structure is historic.
8. No remnant lots will be created by this plat amendment.
9. The plat amendment will not increase density on the lot.
10. Staff will review the applicant's proposed modifications to the existing historic single family house upon the submission of a Historic District Design Review application.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of

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1. The City Attorney and City Engineer review and approval 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.

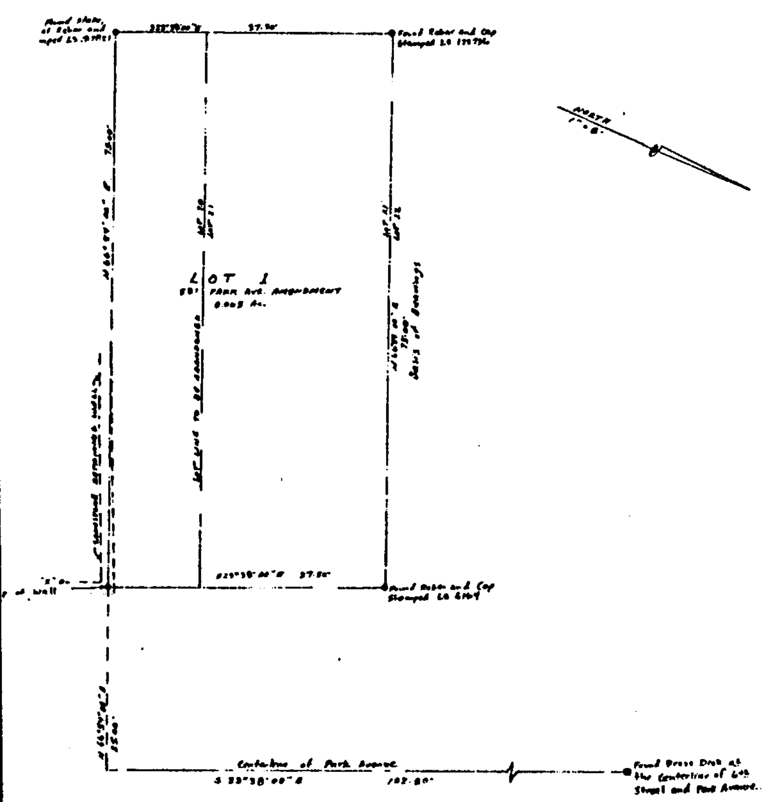
2. The proposed construction of improvements to the existing single family home shall require compliance with the Historic District Design Guidelines.
3. No additional density is allowed as a result of this plat amendment.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
5. No further subdivision of the property is allowed.

H. <u>Exhibits</u>

Exhibit A - Proposed Plat
Exhibit B - Location on Park City Survey Plat
Exhibit C - Proposed Ordinance

RECEIVED
MAY 16 2001
PARK CITY
PLANNING DEPT.

PLAT AMENDMENT AND RECORD OF SURVEY
581 PARK AVENUE AMENDMENT



OWNERS' DEDICATION AND CONSENT TO RECORD:
Know all men, by these present, that we, Floyd L. English and Elaine E. English, the owners of the herein described property, hereinafter to be know as 581 Park Avenue, certify that we have caused this survey to be made, and the plat to be prepared, and we do hereby consent to the recordation of this survey and plat amendment.

Floyd L. English ______________

Elaine E. English ______________

ACKNOWLEDGEMENT:
State of __________.
County of __________.
On this ____ day of ______, 2001, personally appeared before me, the undersigned notary public in and for said State and County, Floyd L. English and Elaine E. English, who after being duly sworn, acknowledged to me that they are the owners of the herein described property, and that they signed the above owners' dedication and consent to record freely and voluntarily.

Notary Public ______________ My Commission Expires ______________ Residing At ______________

SURVEYOR'S CERTIFICATION:
I, Joe Phasmus, hold license number 167881 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the notes and legal description hereon.

SURVEY NOTES:
1. The basis of bearings is as shown.
2. This survey was requested by Darrell English.
3. Survey monuments were found or set as shown.
4. This survey was performed in May, 2000.

LEGAL DESCRIPTION:
The Northerly one-half of Lot 20 and All of Lot 21, Block 5, Park City Survey, also located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah.

5-19-00

City Council
Approved by the Park City Council on this ____ Day of ______, 2001.
______________ Mayor
______________ City Recorder

City Planning Commission
Approved by the Park City Planning Commission on this ____ Day of ______, 2001.
______________ Chairperson

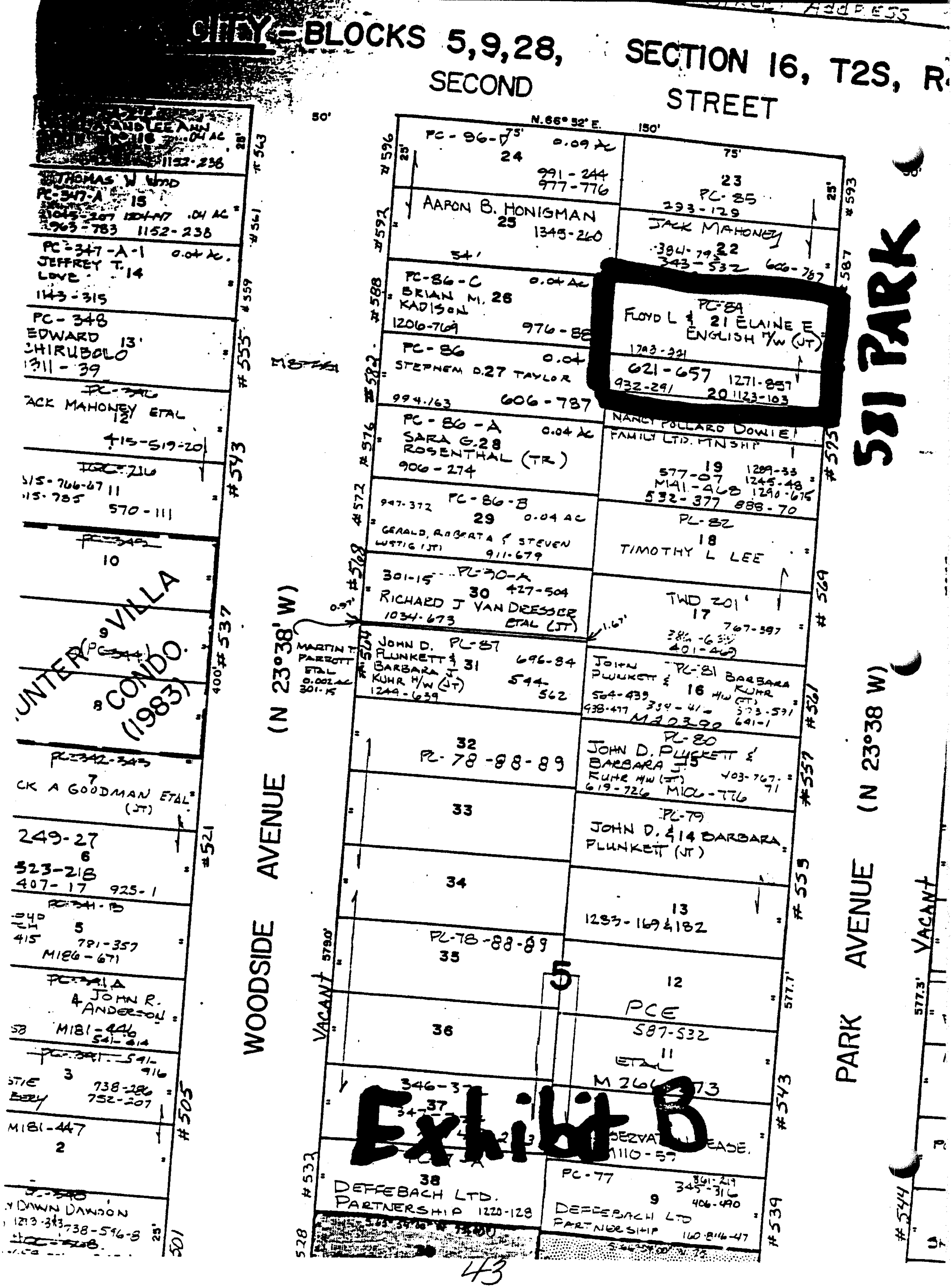
City Engineer
Approved by the Park City Engineer on this ____ Day of ______, 2001.
______________ City Engineer

City Attorney
Approved as to Form by the Park City Attorney on this ____ Day of ______, 2001.
______________ City Attorney

Sewer District
Reviewed for Conformance to Snyderville Basin Sewer Improvement District Standards on this ____ Day of ______, 2001.
______________ S.B.S.I.D.

Recorded
Number ______ Date ______
State of Utah. Time ______
County of Summit. Fee ______
Recorded and Filed at the Request of ______________
______________ County Rec.

42



BLOCKS 5,9,28,
SECTION 16, T2S, R
SECOND STREET
N.66° 32' E.
150'
PC-96-D 0.09 AC
24
991-244
977-776
23
PC-85
293-129
AARON B. HONIGMAN
25
1345-260
JACK MAHONEY
22
384-79
343-532
606-787
PC-86-C 0.04 AC
BRIAN M. 26 KADISON
1206-769
976-88
PC-84
FLOYD L & 21 ELAINE E. ENGLISH H/W (JT)
1293-291
621-657
1271-857
932-291
20 1123-103
PC-86 0.04
STEPHEN D. 27 TAYLOR
994-163
606-787
PC-86-A 0.04 AC
SARA G. 28 ROSENTHAL (TR)
906-274
NANCY POLLARD DOWIE FAMILY LTD. PTNSHP
19
577-07
M141-A68
532-377
888-70
947-372
PC-86-B
29 0.04 AC
GERALD, ROBERTA & STEVEN LUSTIG (JT)
911-679
PC-82
18
TIMOTHY L LEE
301-15 PC-90-A
30 427-504
RICHARD J VAN DRESSER ETAL (JT)
1034-673
TWD 201'
17
767-397
401-469
MARTIN T. PARROTT ETAL 0.002 AC 301-15
JOHN D. PLUNKETT & BARBARA J. KUHR H/W (JT)
PC-87
31
696-84
1249-639
544
562
JOHN PLUNKETT & BARBARA KUHR
PC-81
16 H/W (JT)
564-439
938-477
641-1
32
PC-78-88-89
PC-80
JOHN D. PLUNKETT & BARBARA J. KUHR H/W (JT)
15
403-767-71
619-726
M106-776
33
PC-79
JOHN D. & 14 BARBARA PLUNKETT (JT)
34
13
1233-169 & 182
PC-78-88-89
35
5
12
PCE
587-532
36
11
ETAL
346-3
37
Exhibit B
1110-59
EASE.
38
DEFFEBACH LTD. PARTNERSHIP 1220-128
PC-77
9
DEFFEBACH LTD PARTNERSHIP
345-316
406-490
THOMAS W WOOD
PC-347-A
15
.04 AC
963-783
1152-238
PC-347-A-1 0.04 AC.
JEFFREY T. LOVE 14
1143-315
PC-348
EDWARD CHIRUBOLO 13
1311-39
JACK MAHONEY ETAL
12
415-519-20
11
570-111
10
HUNTER VILLA CONDO. (1983)
9
8
400'
7
CK A GOODMAN ETAL (JT)
249-27
6
323-218
407-17
925-1
5
781-357
M186-671
4 JOHN R. ANDERSON
M181-446
541-414
3
738-286
752-207
M181-447
2
DAWN DAWSON
738-596-8
WOODSIDE AVENUE (N 23°38' W)
PARK AVENUE (N 23°38 W)
VACANT
581 PARK
579.0'
577.7'
577.3'
#596
#592
#588
#582
#576
#572
#568
#544
#533
#528
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PARK CITY
1884

Ordinance No. 01-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE THE NORTHERLY ½ OF LOT 20 AND ALL OF LOT 21 OF BLOCK 5 OF THE PARK CITY SURVEY INTO ONE (1) PLATTED LOT.

WHEREAS, the owners, Floyd and Elaine English, of the property known as 581 Park Avenue, have petitioned the City Council for approval of 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 June 13, 2001 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to consolidate one lot and a portion of another into one lot of record; 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. The property is located in the Historic Residential (HR-1).
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. The amendment will consolidate the north ½ of lot 20 and all of lot 21 of Block 5 of the Park City Survey into one (1) platted lot to allow for an addition to the historic structure.
4. The Planning Commission reviewed the proposed plat amendment and forwarded a positive recommendation to the City Council at its meeting on June 13, 2001.
5. The proposed lot size will be 2,812 square feet.
6. The project is on Park Avenue with dense residential uses. Minimal construction staging area is available along Park Avenue.
7. The existing structure is historic.
8. No remnant lots will be created by this plat amendment.
9. The plat amendment will not increase density on the lot.
10. Staff will review the applicant's proposed modifications to the existing historic single family house upon the submission of a Historic District Design Review application.

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

1. There is good cause for this plat amendment.

2. The amended plat is consistent with the Park City Land Management Code, General Plan and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit B is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval 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 proposed construction of improvements to the existing single family home shall require compliance with the Historic District Design Guidelines.
3. No additional density is allowed as a result of this plat amendment.
4. 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 years time, this approval and the plat will be void.
5. No further subdivision of the property is allowed.

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

PASSED AND ADOPTED this 21st day of June, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

PAR

EXHIBITS UNDER SEPARATE COVER

CITY COUNCIL STAFF REPORT

DATE: June 21, 2001
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: 3198 and 3204 American Saddler Drive (Risner Ridge), Plat Amendment and Zone Change
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Open the public hearing, consider any public input and consider staff's recommendation for approval of a plat amendment and denial of the zone change application.

A. Summary

Owner	Shapard and Holbrook
Location	3198 and 3204 American Saddler Drive
Zoning	ROS - Recreational Open Space and RD - Residential Development
Adjacent Land Uses	Residential and Park Meadows Country Club
Reason for Review	Plat amendments and zone changes require Planning Commission Review and City Council approval

B. Background

The Planning Commission first heard this application at its work session of February 14, 2001. A public hearing was held on April 11, 2001 (see minutes, Exhibit C). The Commission comments and direction to the applicant and staff were favorable toward the plat amendment and against recommending the zone change request. Subsequent to the hearing, staff met with both the applicants and representatives of the opposing neighbors. A compromise situation could not be worked out. Therefor, the Shapard's wish is to continue the process to its conclusion. At its regular meeting of May 23, 2001 the Planning Commission adopted Findings and forwarded recommendations to the City Council.

The two properties located at 3198 and 3204 American Saddler Drive are lots 3 and 4 of the Risner Ridge subdivision. In April of 1996, the previous owners of the Park Meadows Country Club (PMCC) deeded unused areas of golf course land to these adjacent property owners. PMCC also deeded small parcels to adjacent property owners in Broken Spoke, Fairway Meadows, and Meadows Estates.

Beginning in 1999 Mr. Shapard (3198) graded his deeded parcel and constructed rock retaining walls and a concrete sport court with a basketball standard. No permit was issued by the Building Department and no water fees have been paid. The lower (south) rock wall encroaches onto the PMCC property. Staff notified Mr. Shapard of the various issues and suggested that one alternative was to add the parcel to the Risner Ridge subdivision and request a zone change. If this was the course of action he chose to take, it was also suggested that his neighbors, the Holbrooks, request the same actions.

C. Analysis

In 1981 when the Park Meadows Country Club was developed, the Declaration of Restrictive Covenants between Ramshire, Inc., Park Meadows Development Company, and Park City Municipal Corp., restricted the golf course land to "no other uses than construction, maintenance and operation of a golf course, golf clubhouse and related improvements and facilities." Subsequently, the zoning for the golf course was designated as ROS - Recreational Open Space. The sale of the two metes and bounds parcels to the Shapards and the Holbrooks was not processed under the LMC Subdivision Regulations. The requested action would legally memorialize the subdivision, after the fact. However, even though the parcels were sold, the Restrictive Covenants limiting use of the land to golf related improvements would still be in force. Although the Declaration of Restrictive Covenants was recorded at the Summit County Recorders Office, the Shapards and Holbrooks claim that they were not aware of the Restrictive Covenants when they purchased these parcels. These Restrictive Covenants will continue to apply to these parcels unless the Restrictive Covenants and the Park Meadows MPD are amended to reflect the Quit-Claim sales of all the affected parcels.

Within the ROS zoning district, structures such as a basketball court are permitted. By Land Management Code definition, the court constitutes a structure. However, under Title 15-2.7-3 of the Park City Municipal Code, all structures must be no less than twenty-five (25) feet from the boundary of the zoning district. The Risner Ridge subdivision is within the RD - Residential Development zoning district and does not have the same restriction. Hence, the request for a zone change.

The Planning Commission was unanimous in its direction to the staff and the applicant that they would not support a zone change application just to make this use conform. The Commission was clear in stating that the buffer areas outside of the fairways should remain as open space whether they are a "maintained landscape" or not.

D. Department Review

This project has gone through an interdepartmental review. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code and Conditions of Approval prior to recordation.

E. Notice

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

F. Public Input

Substantial public input was received prior to and during the public hearings before the Planning Commission. The neighborhood has both opponents and proponents to the applications.

ALTERNATIVES

Plat Amendment

A. The City Council may approve the application with the conditions stated, or modify the conditions, or

B. The City Council may deny the application and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

Zone Change

A. The City Council may approve the application and direct staff to prepare findings supporting this recommendation, or

B. The City Council may deny the application with the findings stated, or and

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

Plat Amendment

There are no significant fiscal or environmental impacts by approving this application.

Zone Change

There are a number of properties surrounding the Park Meadows Country Club that have Quit-Claim deeded parcels that are zoned Recreation Open Space. This land, as evidenced by the Covenants of which the City is a party to, was always intended to be open space for golf and golf related facilities. A zone change after-the-fact to allow a new non-conforming use is contrary to good planning practice.

RECOMMENDATION

Plat Amendment

Staff recommends that the City Council approve a plat amendment at 3198 and 3204 American Saddler Drive based on the following:

Findings of Fact:

1. The two properties are located at 3198 and 3204 American Saddler Drive, also known as lots 3 and 4 of the Risner Ridge subdivision.
2. The Risner Ridge subdivision is zoned Residential Development (RD).
3. The owners of lots 3 and 4 of the Risner Ridge subdivision each purchased adjoining metes and bounds parcels from neighboring Park Meadows Country Club without pursuing subdivision as required by statute.
4. The metes and bounds parcels are zoned Recreation Open Space (ROS).
5. The metes and bounds parcels were part of the Park Meadows Country Club development but were not being maintained by the golf course. These parcels were Quit-Claim deeded to the adjoining property owners.
6. The metes and bounds parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf related facilities.
7. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel adjoining lot 4.
8. The court is situated less than twenty-five (25) feet from the parcel's boundary and the rock retaining walls encroach over the same boundary.
9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
10. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
11. The new lot size of lot 3A is 19002 square feet; the new lot size of lot 4A is 23172 square feet.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The subdivision is consistent with the Park City General Plan, the 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 amendment.
4. Approval of this plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The new lot sizes are compatible with other lots within Risner Ridge and adjoining Meadows Estates 1B.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Removal of the sport court from the new lot area lying within the ROS zone is a condition precedent to recording the plat. Removal is required in any case.

4. Appropriate water connection fees must be paid to the Building Department.

Zone Change

Staff recommends that the City Council deny the request for a zone change from Recreation Open Space (ROS) to Residential Development (RD) for the additional parcels at 3198 and 3204 American Saddler Drive based on the following:

Findings of Fact:

1. The Risner Ridge subdivision is zoned Residential Development (RD) and the metes and bounds parcels are zoned Recreation Open Space (ROS).
2. The metes and bounds ROS parcels were part of the Park Meadows Country Club development but were not being maintained by the golf course. These parcels were Quit-Claim deeded to the adjoining property owners of lots 3 and 4 of the Risner Ridge subdivision.
3. The intention of the golf course in selling the metes and bounds parcels to the applicants was to allow the adjoining property owners to landscape and maintain the parcels in a manner more in keeping with the adjoining yards.
4. The metes and bounds ROS parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf related facilities.
5. Other neighbors in Risner Ridge and in Meadows Estates anticipated only landscaping on the parcels.
6. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel adjoining lot 4.
7. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
8. The court is situated less than twenty-five (25) feet from the parcel's boundary.
9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
10. A zone change after-the-fact to allow a new non-conforming use is contrary to good planning practice.

Conclusions of Law:

1. There is not good cause for this zone change.
2. The zone change is not consistent with the Park City General Plan and the Land Management Code.
3. The Public will be materially injured by the proposed zone change.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Proposed plat
Exhibit C - Minutes of April 11, 2001 public hearing
Exhibit D - Minutes of February 14, 2001 work session
Exhibit E - Supporting documents from Planning Commission staff reports

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PARK CITY
1884

CITY COUNCIL REPORT

DATE:	**June 21, 2001**
DEPARTMENT:	**Facilities and Special Events**
AUTHOR:	**Megan Ryan**
TITLE:	**Solaramaganza Festival, The Living Planet Aquarium**
TYPE OF ITEM:	**Master Festival License Application**

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the Master Festival License application as conditioned for the Solaramaganza Festival on July 14, 2001.

A. TOPIC

Review of the Master Festival License Application, submitted by the Living Planet Aquarium for the Solaramaganza Festival on July 14, 2001.

B. BACKGROUND

The City Council met on this item at their meeting of June 14, 2001. The Council discussed the applicant's request to close a portion of Lower Main for this event. Council directed staff to work with the applicant on the specifics of the street closure for the event.

B. Analysis

A Master Festival License application was submitted by the Living Planet Aquarium for their Solaramaganza Festival to be held on July 14, 2001. The event is proposed to take place utilizing the Marriot Summit Watch Plaza, Utah Lumber lot (located behind White Pine Touring), City Park and Lower Main Street. The event will be from 10am to 7pm and is the regional fund raiser for the Living Planet Aquarium located in Salt Lake City. The applicant would like to make this festival an annual event and entry into the event will be free. The organizers are looking at raising money through the sale of t-shirts, merchandise and through corporate sponsors. The organizers will need a State tax identification number to sell merchandise.

The event's main activities will be taking place within the Summit Watch plaza as well as on Lower Main Street and 7th Avenue. The focus of the event surrounds an I-Madonnari (chalk painting)competition including local artists. The I-Madonnari will be placed on the sidewalks to the east of Main Street and into the Marriot Plaza. Booth and food vendors will be placed down Main

Street and the beer garden will be located within Mulligan's approved outdoor dining area within the Marriot Plaza. All vendors will need Summit County Health Department inspections and all tents will need permits and final inspection from the City.

A portable climbing wall may be utilized at the event. The location, permits and insurance associated with this activity will need to be reviewed by staff and complied with by the applicant prior to any use.

A large welcome tent will house the organizers promotional literature and sale of items related to the Aquarium's fundraising efforts. The final location of the tent will need to be reviewed by the Building Department for compliance with emergency exits and fire access.

The north end of the festival, just south of the parking garage entrance, will contain a stage with live music programmed throughout the day. The music is permitted through this Master Festival License. A building permit will be required for the stage. A kid's camp, with face painting, games and activities along with the remote aquarium will be located on 7th Street if the organizers cannot arrange to use the Kimball Art Center's outdoor plaza. The preferred location is the Kimball Art Center as 7th will need to be used for emergency access.

A volleyball tournament, associated with the festival will be held in City Park and has been sanctioned by USA Volleyball. The tournaments will take place on the sand courts and within the grass area south of the soccer field. The preliminaries and finals are scheduled to take place in a temporary sand court in the Utah Lumber lot parking lot just behind the White Pine Touring building. Sand will be trucked in to the parking lot on Friday and removed on Sunday.

Since the organizers are anticipating 2,000 attendees, the organizers have received approval to use the school lots on Highway 248 for event parking. These lots will be used for shuttle parking and the organizer will pay to add additional bus service to those lots. The attendees will be dropped off and picked up near the event at the transit center. The shuttle parking will eliminate impacts to the parking available on and around Main Street. The satellite lots (and public transit) will be advertised in all promotional literature for the event. The applicant has requested use of the Mawhinney parking lot for use by event organizers and volunteers from 6 am to 7 pm on the day of the event. Staff supports the use of the lot for this event.

The festival organizers will close Main Street north of Heber Avenue to just south of the entrance to Summit Watch's underground parking garage, 7th Street just before the private garage entry behind Banhof Sports and at Main and Heber by the Kimball Art Center. Easy Street will also need to be barricaded. Street closures will occur at 6 am on Saturday morning and will be reopened at approximately 7 pm. Setup for vendors and the stage will start at 6:30 am Saturday morning. The City will provide barricades for the event.

3-5 traffic officers, provided at the expense of the organizer, will be needed to monitor traffic and 2 officers will need to be on site for the duration of the closure. Street closure signs will be posted by the City on Friday evening and the applicant will be responsible for reimbursement to the Public Works Department for lost parking revenue on Lower Main during the event.

ALTERNATIVES

A. Conduct a public hearing and grant a Master Festival License for the event as conditioned.

B. Conduct a public hearing and deny the Master Festival License with specific findings.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival July 14, 2001 for the Solaramaganza Festival based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The conduct of the event will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
2. The conduct of the event will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
3. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
4. The event will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions. The only other event scheduled for this weekend is the Mountain Town Stages regularly scheduled series.
5. The event does not create the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
6. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
7. The facts discussed in the Analysis section are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant will provide shuttle service to the satellite lots for the event. All promotional literature for the event will indicate the satellite lots as primary parking and will also highlighted public transit services.
2. The applicant will provide written notice of the event to the businesses affected by the event by July 6, 2001.
3. The applicant is responsible for all costs borne by the Park City Police Department for costs related to the three street closure locations and for general enforcement at the event.
4. The applicant is responsible for all lost revenue from Park City parking services during the

day of the event.

5. Building permits are required for tents and the stage. Permits must be submitted no late than July 2, 2001.
6. Music is permitted on the stage from 11 am to 6 pm.
7. The Building Department shall approve the final location of all tents, mobile vans and the stage for compliance with fire and emergency access.
8. The location, permits and insurance for the portable climbing wall will need to be reviewed and approved by staff prior to any use.
9. If necessary the use of the Mawhinney parking lot may be used for parking for event organizers and volunteers from 6 am to 7 pm on the day of the event.
10. A installation and removal plan for the temporary sand volley ball lots is required. Care shall be taken not to damage the stamped concrete on Easy Street during this setup for this activity.
11. The Police Chief shall approve the final boundaries of the outdoor Beer Garden by July 2, 2001.
12. The applicant shall comply with all Summit County Health Department requirements for the food vendors.

10\. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.

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

PAR

EXHIBITS UNDER SEPARATE COVER

CITY COUNCIL STAFF REPORT

DATE:	**June 21, 2001**
DEPARTMENT:	**Planning**
AUTHOR:	**Brooks T. Robinson**
TITLE:	**3198 and 3204 American Saddler Drive (Risner Ridge), Plat Amendment and Zone Change**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Open the public hearing, consider any public input and consider staff's recommendation for approval of a plat amendment and denial of the zone change application.

A. Summary

Owner	Shapard and Holbrook
Location	3198 and 3204 American Saddler Drive
Zoning	ROS - Recreational Open Space and RD - Residential Development
Adjacent Land Uses	Residential and Park Meadows Country Club
Reason for Review	Plat amendments and zone changes require Planning Commission Review and City Council approval

B. Background

The Planning Commission first heard this application at its work session of February 14, 2001. A public hearing was held on April 11, 2001 (see minutes, Exhibit C). The Commission comments and direction to the applicant and staff were favorable toward the plat amendment and against recommending the zone change request. Subsequent to the hearing, staff met with both the applicants and representatives of the opposing neighbors. A compromise situation could not be worked out. Therefor, the Shapard's wish is to continue the process to its conclusion. At its regular meeting of May 23, 2001 the Planning Commission adopted Findings and forwarded recommendations to the City Council.

The two properties located at 3198 and 3204 American Saddler Drive are lots 3 and 4 of the Risner Ridge subdivision. In April of 1996, the previous owners of the Park Meadows Country Club (PMCC) deeded unused areas of golf course land to these adjacent property owners. PMCC also deeded small parcels to adjacent property owners in Broken Spoke, Fairway Meadows, and Meadows Estates.

Beginning in 1999 Mr. Shapard (3198) graded his deeded parcel and constructed rock retaining walls and a concrete sport court with a basketball standard. No permit was issued by the Building Department and no water fees have been paid. The lower (south) rock wall encroaches onto the PMCC property. Staff notified Mr. Shapard of the various issues and suggested that one alternative was to add the parcel to the Risner Ridge subdivision and request a zone change. If this was the course of action he chose to take, it was also suggested that his neighbors, the Holbrooks, request the same actions.

C. Analysis

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Within the ROS zoning district, structures such as a basketball court are permitted. By Land Management Code definition, the court constitutes a structure. However, under Title 15-2.7-3 of the Park City Municipal Code, all structures must be no less than twenty-five (25) feet from the boundary of the zoning district. The Risner Ridge subdivision is within the RD - Residential Development zoning district and does not have the same restriction. Hence, the request for a zone change.

The Planning Commission was unanimous in its direction to the staff and the applicant that they would not support a zone change application just to make this use conform. The Commission was clear in stating that the buffer areas outside of the fairways should remain as open space whether they are a "maintained landscape" or not.

D. Department Review

This project has gone through an interdepartmental review. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code and Conditions of Approval prior to recordation.

E. Notice

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

F. Public Input

Substantial public input was received prior to and during the public hearings before the Planning Commission. The neighborhood has both opponents and proponents to the applications.

ALTERNATIVES

Plat Amendment

A. The City Council may approve the application with the conditions stated, or modify the conditions, or

B. The City Council may deny the application and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

Zone Change

A. The City Council may approve the application and direct staff to prepare findings supporting this recommendation, or

B. The City Council may deny the application with the findings stated, or and

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

Plat Amendment

There are no significant fiscal or environmental impacts by approving this application.

Zone Change

There are a number of properties surrounding the Park Meadows Country Club that have Quit-Claim deeded parcels that are zoned Recreation Open Space. This land, as evidenced by the Covenants of which the City is a party to, was always intended to be open space for golf and golf related facilities. A zone change after-the-fact to allow a new non-conforming use is contrary to good planning practice.

RECOMMENDATION

Plat Amendment

Staff recommends that the City Council approve a plat amendment at 3198 and 3204 American Saddler Drive based on the following:

Findings of Fact:

1. The two properties are located at 3198 and 3204 American Saddler Drive, also known as lots 3 and 4 of the Risner Ridge subdivision.
2. The Risner Ridge subdivision is zoned Residential Development (RD).
3. The owners of lots 3 and 4 of the Risner Ridge subdivision each purchased adjoining metes and bounds parcels from neighboring Park Meadows Country Club without pursuing subdivision as required by statute.
4. The metes and bounds parcels are zoned Recreation Open Space (ROS).
5. The metes and bounds parcels were part of the Park Meadows Country Club development but were not being maintained by the golf course. These parcels were Quit-Claim deeded to the adjoining property owners.
6. The metes and bounds parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf related facilities.
7. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel adjoining lot 4.
8. The court is situated less than twenty-five (25) feet from the parcel's boundary and the rock retaining walls encroach over the same boundary.
9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
10. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
11. The new lot size of lot 3A is 19002 square feet; the new lot size of lot 4A is 23172 square feet.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The subdivision is consistent with the Park City General Plan, the 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 amendment.
4. Approval of this plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The new lot sizes are compatible with other lots within Risner Ridge and adjoining Meadows Estates 1B.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Removal of the sport court from the new lot area lying within the ROS zone is a condition precedent to recording the plat. Removal is required in any case.

4. Appropriate water connection fees must be paid to the Building Department.

Zone Change

Staff recommends that the City Council deny the request for a zone change from Recreation Open Space (ROS) to Residential Development (RD) for the additional parcels at 3198 and 3204 American Saddler Drive based on the following:

Findings of Fact:

1. The Risner Ridge subdivision is zoned Residential Development (RD) and the metes and bounds parcels are zoned Recreation Open Space (ROS).
2. The metes and bounds ROS parcels were part of the Park Meadows Country Club development but were not being maintained by the golf course. These parcels were Quit-Claim deeded to the adjoining property owners of lots 3 and 4 of the Risner Ridge subdivision.
3. The intention of the golf course in selling the metes and bounds parcels to the applicants was to allow the adjoining property owners to landscape and maintain the parcels in a manner more in keeping with the adjoining yards.
4. The metes and bounds ROS parcels are governed by the Restrictive Covenants for the Park Meadows Country Club. The Covenants restrict uses on the land to golf and golf related facilities.
5. Other neighbors in Risner Ridge and in Meadows Estates anticipated only landscaping on the parcels.
6. A concrete sport court was recently (1999) built on the southwest corner of the metes and bounds parcel adjoining lot 4.
7. The setback required by LMC Section 15-2.7-3 for courts within the ROS zone is 25 feet from the zone boundary.
8. The court is situated less than twenty-five (25) feet from the parcel's boundary.
9. Water development fees have not been paid for the new graded areas of the metes and bounds parcels.
10. A zone change after-the-fact to allow a new non-conforming use is contrary to good planning practice.

Conclusions of Law:

1. There is not good cause for this zone change.
2. The zone change is not consistent with the Park City General Plan and the Land Management Code.
3. The Public will be materially injured by the proposed zone change.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Proposed plat
Exhibit C - Minutes of April 11, 2001 public hearing
Exhibit D - Minutes of February 14, 2001 work session
Exhibit E - Supporting documents from Planning Commission staff reports

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PARK CITY
1884

CITY COUNCIL REPORT

DATE: June 21, 2001
DEPARTMENT: Facilities and Special Events
AUTHOR: Megan Ryan
TITLE: Solaramaganza Festival, The Living Planet Aquarium
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the Master Festival License application as conditioned for the Solaramaganza Festival on July 14, 2001.

A. TOPIC
Review of the Master Festival License Application, submitted by the Living Planet Aquarium for the Solaramaganza Festival on July 14, 2001.

B. BACKGROUND
The City Council met on this item at their meeting of June 14, 2001. The Council discussed the applicant's request to close a portion of Lower Main for this event. Council directed staff to work with the applicant on the specifics of the street closure for the event.

B. Analysis
A Master Festival License application was submitted by the Living Planet Aquarium for their Solaramaganza Festival to be held on July 14, 2001. The event is proposed to take place utilizing the Marriot Summit Watch Plaza, Utah Lumber lot (located behind White Pine Touring), City Park and Lower Main Street. The event will be from 10am to 7pm and is the regional fund raiser for the Living Planet Aquarium located in Salt Lake City. The applicant would like to make this festival an annual event and entry into the event will be free. The organizers are looking at raising money through the sale of t-shirts, merchandise and through corporate sponsors. The organizers will need a State tax identification number to sell merchandise.

The event's main activities will be taking place within the Summit Watch plaza as well as on Lower Main Street and 7th Avenue. The focus of the event surrounds an I-Madonnari (chalk painting)competition including local artists. The I-Madonnari will be placed on the sidewalks to the east of Main Street and into the Marriot Plaza. Booth and food vendors will be placed down Main

Street and the beer garden will be located within Mulligan's approved outdoor dining area within the Marriot Plaza. All vendors will need Summit County Health Department inspections and all tents will need permits and final inspection from the City.

A portable climbing wall may be utilized at the event. The location, permits and insurance associated with this activity will need to be reviewed by staff and complied with by the applicant prior to any use.

A large welcome tent will house the organizers promotional literature and sale of items related to the Aquarium's fundraising efforts. The final location of the tent will need to be reviewed by the Building Department for compliance with emergency exits and fire access.

The north end of the festival, just south of the parking garage entrance, will contain a stage with live music programmed throughout the day. The music is permitted through this Master Festival License. A building permit will be required for the stage. A kid's camp, with face painting, games and activities along with the remote aquarium will be located on 7th Street if the organizers cannot arrange to use the Kimball Art Center's outdoor plaza. The preferred location is the Kimball Art Center as 7th will need to be used for emergency access.

A volleyball tournament, associated with the festival will be held in City Park and has been sanctioned by USA Volleyball. The tournaments will take place on the sand courts and within the grass area south of the soccer field. The preliminaries and finals are scheduled to take place in a temporary sand court in the Utah Lumber lot parking lot just behind the White Pine Touring building. Sand will be trucked in to the parking lot on Friday and removed on Sunday.

Since the organizers are anticipating 2,000 attendees, the organizers have received approval to use the school lots on Highway 248 for event parking. These lots will be used for shuttle parking and the organizer will pay to add additional bus service to those lots. The attendees will be dropped off and picked up near the event at the transit center. The shuttle parking will eliminate impacts to the parking available on and around Main Street. The satellite lots (and public transit) will be advertised in all promotional literature for the event. The applicant has requested use of the Mawhinney parking lot for use by event organizers and volunteers from 6 am to 7 pm on the day of the event. Staff supports the use of the lot for this event.

The festival organizers will close Main Street north of Heber Avenue to just south of the entrance to Summit Watch's underground parking garage, 7th Street just before the private garage entry behind Banhof Sports and at Main and Heber by the Kimball Art Center. Easy Street will also need to be barricaded. Street closures will occur at 6 am on Saturday morning and will be reopened at approximately 7 pm. Setup for vendors and the stage will start at 6:30 am Saturday morning. The City will provide barricades for the event.

3-5 traffic officers, provided at the expense of the organizer, will be needed to monitor traffic and 2 officers will need to be on site for the duration of the closure. Street closure signs will be posted by the City on Friday evening and the applicant will be responsible for reimbursement to the Public Works Department for lost parking revenue on Lower Main during the event.

ALTERNATIVES

A. Conduct a public hearing and grant a Master Festival License for the event as conditioned.

B. Conduct a public hearing and deny the Master Festival License with specific findings.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival July 14, 2001 for the Solaramaganza Festival based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The conduct of the event will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
2. The conduct of the event will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
3. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
4. The event will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions. The only other event scheduled for this weekend is the Mountain Town Stages regularly scheduled series.
5. The event does not create the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
6. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
7. The facts discussed in the Analysis section are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant will provide shuttle service to the satellite lots for the event. All promotional literature for the event will indicate the satellite lots as primary parking and will also highlighted public transit services.
2. The applicant will provide written notice of the event to the businesses affected by the event by July 6, 2001.
3. The applicant is responsible for all costs borne by the Park City Police Department for costs related to the three street closure locations and for general enforcement at the event.
4. The applicant is responsible for all lost revenue from Park City parking services during the

day of the event.

5. Building permits are required for tents and the stage. Permits must be submitted no late than July 2, 2001.
6. Music is permitted on the stage from 11 am to 6 pm.
7. The Building Department shall approve the final location of all tents, mobile vans and the stage for compliance with fire and emergency access.
8. The location, permits and insurance for the portable climbing wall will need to be reviewed and approved by staff prior to any use.
9. If necessary the use of the Mawhinney parking lot may be used for parking for event organizers and volunteers from 6 am to 7 pm on the day of the event.
10. A installation and removal plan for the temporary sand volley ball lots is required. Care shall be taken not to damage the stamped concrete on Easy Street during this setup for this activity.
11. The Police Chief shall approve the final boundaries of the outdoor Beer Garden by July 2, 2001.
12. The applicant shall comply with all Summit County Health Department requirements for the food vendors.

10\. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.

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

CITY COUNCIL
STAFF REPORT

DATE: June 21, 2001
AUTHORS: Megan Ryan, Facilities and Special Events
TITLE: Outdoor Music Proposal in Old Town by Mountain Town Stages
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Staff requests the City Council amend the ordinance to reflect the correct schedule of days and times for performances at Silver Lake (Deer Valley near McHenry's Grill).

A. Topic

Amend ordinance to reflect correct schedule for Silver Lake (Deer Valley near McHenry's Grill) operations.

B. Background

Following work sessions where public input was received on March 19, 2001, and May 3, 2001, the City Council on May 10, 2001 passed and adopted Ordinance 01-16, regulating public outdoor music plazas for the summer of 2001. Ordinance 01-16 approved Deer Valley, near McHenry's Grill as an outdoor music plaza. The staff report accompanying the draft ordinance clearly discussed the specific operational days for the McHenry plaza to include Wednesdays, Thursdays, Fridays, Saturdays, and Sundays from 11:30AM to 2:30PM - June 27th through September 9th. However, Friday was inadvertently omitted from the final ordinance. Randy Barton, on behalf of the licensee, Mountain Town Stages, noted the omission and accordingly requested the amendment to add Friday to the McHenry plaza schedule.

Silver Lake at Deer Valley

Location: Deer Valley near McHenry's Grill
Operation Days/Hours/Months: This stage will be programmed Wednesdays, Thursdays, Fridays, Saturdays and Sundays from 11:30AM to 2:30PM - June 27th through September 9th.
Type of Music: Amplified and Acoustic.
Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week

days during the summer for special occasions from Noon to 6PM as approved by staff.
Owner: Deer Valley Resort. Permission granted.
Decibel Levels: Maximum decibel level of 95db's when measured 35' from the front of stage.
Additional Licences: None requested.
Costs: None to the City.
Neighborhood Review: *Staff will gather input from condominium owners within immediate area*

D. Review

The Special Events and Facilities and Legal Departments have reviewed this report.

ALTERNATIVES

A. Conduct a public hearing, consider any public input, and approve the amendment to Ordinance 01-16; or

B. Conduct a public hearing, consider any public input, and approve the amendment with changes and/or conditions of approval; or

C. Conduct a public hearing, consider any public input, and deny the amendment to Ordinance 01-16.

SIGNIFICANT IMPACTS

If the amendment is not approved, outdoor music will not be programmed for the approved plaza at Deer Valley near McHenry's Grill.

RECOMMENDATION:

Staff requests that the Council consider adopting the proposed amendments to ordinance to add Friday to the Silver Lake Schedule.

Exhibits

Exhibit A - Proposed amendment to Title 4, Chapter 8A of the Municipal Code of Park City.

PARK CITY 1884

ORDINANCE 01-__

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8A REGULATING PUBLIC OUTDOOR MUSIC PLAZAS

WHEREAS, the City Council held work sessions with public input concerning public outdoor music plazas on March 19, 2001, and May 3, 2001;

WHEREAS, the City Council on May 10, 2001 passed and adopted Ordinance 01-16, regulating public outdoor music plazas for the summer of 2001;

WHEREAS, Ordinance 01-16 approved Deer Valley, Near McHenry's Grill as a public outdoor music plaza;

WHEREAS, the May 10, 2001 Staff Report discussed and included approved operational days for the McHenry's Grill plaza as Wednesday, Thursday, Friday, Saturday, and Sunday, but Ordinance 01-16 as passed and adopted by City Council inadvertently omitted Friday from the list of approved operational days; and

WHEREAS, Mountain Town Stages, the licensee, noted the omission and requested correction.

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

SECTION 1. AMENDMENT. Title 4, Chapter 8A of the Municipal Code of Park City is hereby amended as follows:

4- 8A- 6. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates, and times may be programmed by Mountain Town Stages for public performances and outdoor music:

(A) **PARTY ON THE PLAZA**.

(1) **LOCATION**. On Summit Watch Plaza between Dynamite Dom's and Picasso's. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Tuesdays, Fridays, and Saturdays from 5:00 PM to 8:00 PM from June 12th through September 30th. A timer device will be installed that shuts the power of the stage and sound system off at 8:00 PM .

(3) **TYPE OF MUSIC**. Amplified and Acoustic. For Amplified Events or Music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five (25) feet in front of the stage.

(4) **SPECIAL EVENTS**. This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional week-nights during the summer for special events from 5:00 PM to 8:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

(B) <u>**DEER VALLEY NEAR MCHENRY'S GRILL**</u>.

(1) **LOCATION**. Deer Valley near McHenry's Grill. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Wednesdays, Thursdays, Fridays, Saturdays, and Sundays from 11:30 AM to 2:30 PM, from June 27th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 2:30 PM .

(3) **TYPE OF MUSIC**. Amplified and Acoustic.

(4) **SPECIAL EVENTS**. This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

<u>**SECTION 2. EFFECTIVE DATE**</u>. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 21st day of June, 2001.

PARK CITY MUNICIPAL CORPORATION

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Bradley A. Olch, Mayor

PARK CITY

COUNCIL STAFF REPORT

DATE: June 21, 2001
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Matt Twombly MAT
TITLE: Skate Park Engineering Design: Authorization to execute cumulative change orders in the amount of $20,000.
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Staff requests authorization to execute cumulative change orders in the amount of $20,000 to Holmes and Narver, Inc., for the Skate Park Engineering and Design.

DESCRIPTION: On April 13, 2000 the City Council authorized staff to enter into a contract with Holmes and Narver (H&N) for the design and engineering of Skate Park in the amount of $61,274. Since that time there has been a considerable amount of additional input, changes, and requests for additional services to the engineering firm of Holmes and Narver from the Public, City Council, Planning Commission, The Parks Recreation and Beautification Board (PRBB), City staff, Community Development Department, the Contractor and differing site conditions, therefore staff requests authorization to execute cumulative change orders in the amount of $20,000.

A. Background:
The scope of services as part of the Professional Services Agreement consisted of concept and schematic design based on user group design workshops, public meetings, design team and Park Committee (Parks, Recreation and Beautification Advisory Board, Arts Council, City staff and skate enthusiast representatives) meetings, and Planning Commission Public Hearings. The consultant also worked with the City staff, the PRBB, and the Community Development Department for the design development and construction document production. The Holmes and Narver team is currently overseeing construction for conformity to the drawings.

The City had originally intended to provide all construction management and inspection, but due to the complexity of the project, opted to involve the design team for observation. Due to the intricate changes in the construction documents for Building Permit approval, differing site conditions and changes necessitated through construction and mitigation the City required additional services beyond the construction observation included in the Scope of Services. Due to these changes in the project, staff in coordination with Holmes and Narver have tried to create offsets to the total project cost by eliminating or altering portions of the project.

B. Analysis:
During the production of the Construction Documents flood plain issues arose. This caused additional engineering and design for the Skate Park. As the construction of the project began there were additional changes made to the design and differing site conditions, such as the water line conflict, which required additional engineering services not contemplated in the original Scope of Services. At that time, the additional engineering and design costs associated with these issues and changes were within the Budget Policy for accumulated change orders (i.e., less than 20% of the original contract amount) therefore City Council approval was not needed.

More recently the mitigation of the walls at the skate park has been a priority. The mitigation efforts have necessitated the raising and redesign of the bike trail, the removal of parking and berming for viewing, the removal of the drop off lane for landscaping, veneer for the walls, an additional plaza and sidewalks as well as miscellaneous other site improvements. All of the site improvements are part of the Landscaping Alternative #4, approved by Council on May 14, 2001 and the Planning Commission on June 13, 2001, in order to mitigate the increased height of the skate park walls necessitated by the flood plain issues. Due to the complexity of the construction and detailing of the skate park construction, the City has relied on the services of Holmes and Narver for additional contractor requests for information, change directives and cost proposal estimates for changed, deleted or added work.

Since the start of the original contract, the total cost for additional services subject to these change orders will exceed 20% of the original contract amount. Therefore, City Council approval is required per the Park City Budget policy.

C. Department Review:
Office of Capital Management and Budget, City Manager's Office, City Attorney's Office.

ALTERNATIVES:

A. Approve the Request: Authorization to execute cumulative change orders in the amount of $20,000 to Holmes and Narver for the Skate Park project.

B. Deny the Request: This would delay the project due to pending changes in the Skate Park design.

C. Continue the Item: The consequence of continuance would greatly impact the project schedule and tentative completion of July 2, 2001.

SIGNIFICANT IMPACTS:

Fiscal

There is currently a total of approximately $37,900 in the Skate Park budget. Therefore, the requested change order is within the existing budget. The funding for Landscaping Alternative #4, identified $25,000 from the sale of the temporary equipment and $50,000 from the Lower Park Avenue project budget. The total cost of Alternative #4 was estimated at $55,000 to $75,000.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: In the event that Council decides not to authorize the change order then the Skate Park would most likely not be substantially completed by July 2, 2001.

RECOMMENDATION: Staff recommends that the City Council provide authorization to execute cumulative change orders in the amount of $20,000 to Holmes and Narver for the Skate Park engineering and design.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: June 21, 2001
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Mark Christensen
TITLE: FY2001 Budget Adjustment (current), FY2002 Tentative Budget (next year), and FY2003 Fiscal Plan
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

- Review the budget and conduct a public hearing June 21st; Amend the FY2001 budget; Adopt the FY2002 budget with recommended changes as the FY2002 budget.

- Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY2002. [*Actual tax rate will not be known until Mid-June]*

- Adopt the City budget policies including Olympic Budget Policies, Program and Resource Analysis Conclusions, and other operating Budget Policies as amended.

- Review & adopt the recommended changes to the FY2001 budget.

- Adopt an Ordinance Establishing Compensation for the Mayor and City Council for FY2002.

- Pass and adopt the Resolution that contains the following items:

  a) City Manager's Adjusted Budget for FY2001 (with adjustments that have occurred during the budget process Attachment A.)

  b) FY 2002 City Manager's Recommended Budget (with adjustments that have occurred during the budget process) presented to City Council on May 3, 10, 17 and June 7.

  c) Authorization for the Budget and Grants Manager to compute the City's Certified Property Tax Rate for 2002 at a "No Tax Increase Rate" and file said rate with the County.

DESCRIPTION:

A. **Topic:** Adoption of the FY2001 Amended Budget and FY2002 Recommended Budget in accordance with Utah State Law. A balanced budget must be adopted by June 22, 2001.

B. **Background:** On May 3rd, 10th, and 17th, Staff presented to Council the Budget document and provided an overview of the operating budget, including Capital and Olympic revenues and expenditures. On June 7th Council tentatively adopted the budget for Park City and its related agencies. The focus of the June 21st meeting will be to review and to comment on the changes that have been made to date.

Budget Review Schedule

June 21st	Continuation and closure of the public hearing on the budget, with final adoption by resolution of both the FY2002 Budget, the FY2001 Adjusted Budget, and the FY2003 Plan with a no-increase tax rate for FY2002.

C. **Analysis:**

Olympic, Operating, and Capital Budget Recap: Throughout the month of May, Staff presented the Budget and outlined the various changes that are included in the Tentative Budget Document. Since June 7th, there have been few budget changes that Staff recommend be adopted as part of the budget on June 21st. Attachment A has a listing of the items that have been modified since the publication of the Tentative Budget Document. The changes since June 7, are listed in Attachment A and are described below.

Main Street Trash Collection: On June 7th, Council approved this option and authorized Staff to begin negotiations with BFI and the County. This option has been included in the budget in the amount of $219,600 in FY2002 and $175,600 in FY2003.

HMBA Partial Grant: On June 7th, Council instructed Staff to fund this request at 50% or $12,500 for FY2002. This is included in the final budget and is funded from General Fund Balance.

Public Safety: Projections indicate that Public Safety may exceed its authorized budget. This option adjusts the budget $50,000 in FY2001 to insure that departmental expenditures do not exceed total budget. Budgeted sales tax revenues have increased $50,000 to offset this expenditure.

Water Rates Impact Fees: Council directed staff to increase water fees by 5 percent across the board. They were given updated information on impact fees. Additional information can be found under a separate Water Staff Report included in this packet.

Recreation Capital Projects and Bonds: On May 3, Staff discussed the need for funding Capital projects at the Racquet Club. At that time, preliminary funding options were discussed. On May 17th, Staff presented several funding options to the Council. Council then directed the

Parks Recreation and Beautification Board (PRBB) to identify projects for possible inclusion in a single debt issuance. On June 7th Staff indicated that the PRBB would address this issue at their June meeting to be held on June 20th. Staff anticipates that the PRBB will return to Council on June 21st with an update. The budget reflects the capital needs for the Racquet Club as $2 million in FY2003 with Bond Proceeds as the scheduled revenue source. See attached Staff report to the PRBB for June 20th.

This strategy gives the City flexibility to pursue a bond election in the Fall of 2002 or Spring of 2003. Since the project is budgeted for FY2003, the issuance of debt or use of other possible funding strategies could be on the ballot in November, if necessary.

Contingency: At the end of each fiscal year the unused budget contingency is removed from the General Fund budget. The FY2001 adjustment to contingency is a reduction in expenditures of $575,000.

General Fund Transfer: Consistent with the City's budget policies regarding General Fund Reserve limitations Staff recommends that for FY2000-01, $3.7 million be transferred from the General Fund to the CIP 5 Year project fund. This transfer will offset the $1 million transfer in FY2002 from the CIP to the General Fund for Olympic services. The remaining funds will remain in the CIP as a recession contingency and reserve for future CIP projects.

Property Tax: Each spring Staff calculates the property tax rate after the budget has been formally adopted by Council. The FY2002 and FY2003 property tax revenues have been increased $400,000 in response to the FY2001 "new growth" estimates.

Upper Park Avenue: On June 7th, a representative from Upper Park Avenue confirmed that the project is scheduled for construction in Spring and Summer of FY2002. The FY2002 project does not anticipate the undergrounding of utilities.

Water Source Storage and Delivery: This capital project has been adjusted to match the recently updates Capital Facilities Plan that was presented to Council on June 7th in the Lewis Young Water Impact Fee report.

Planning Fees: Included in this package is a separate Staff Report addressing Planning Fees. The recommended fee increase is consistent with the recommendations included in the Program and Resource analysis on page 53 of the budget document. Currently, planning revenues have not been adjusted for FY2002 or FY2003. Staff recommends that these revenues be adjusted during next years budget process. The adjustment delay will enable Staff to make projections after the Olympics, which currently skew planning revenue projections.

Policies and Procedures: The budget that was presented to Council on May 3rd, contained updated Policies and Objectives for the City. The policies have been modified to address the current needs for the City and incorporate changes that have occurred during the budget process. In addition to the policy updates that were identified and discussed in detail on May 3rd, the budget includes two additional sections that will be incorporated as City policies relating to the

Olympics and the Program and Resource Analysis. When Council adopts these policies on June 21st, the policies and information contained in these sections will be incorporated into the budget document and will serve as future City policies.

Olympic Budget Adjustments: The City has adjusted the Celebrations revenue and expense to $300,000. This is consistent with the most recent information regarding the State Contribution for Olympic Celebrations. The following is an updated Main Street Celebrations cash reconciliation.

Park City Main Street Live Site and Celebrations					
	Celebration Budget			City Budget	
		VIK and Other Revenue	Cash	Cash *	Differences (Cash)
Equipment, Services & Fees	$ 1,617,000	$ 692,000	$ 925,000	$ 857,000	$ -68,000
Site Management	$ 200,000	$ -	$ 200,000	$ 200,000	$ -
Contingency	$ 200,000	$ -	$ 200,000	$ 200,000	$ -
Total Celebration A	$ 2,017,000	$ 692,000	$ 1,325,000	$ 1,407,000	$ -68,000
Celebration B	$ 724,000	$ 224,000	$ 500,000	$ 624,000	$ 124,000
Total	$ 2,741,000	$ 916,000	$ 1,825,000	$ 1,881,000	$ 56,000

This updated table represents the most recent changes for the Olympic Budget. * The Olympic Budget does not include Value in Kind (VIK) in the budget but VIK is included in the Celebrations Budget.

Mayor and City Council Salaries: Consistent with past budget practices, the Mayor and Council are receiving a recommended 1% increase in salaries in FY2002 and an additional 1% in FY2003. The Mayor's salary and Council's salary will be $1,526.25 per month and $899 per month respectively in FY2002.

Summary:
The budget document represents the City Managers Recommended budget. This report and Attachment A highlight the changes that have taken place since June 7th. By State law, Council is required to adopt a balanced budget by June 22, 2001.

D. Department Review: - All departments have reviewed the budget document.

ALTERNATIVES:

A. Provide Direction About Budget Issues and Policies and Capital Projects

B. Continue the Item - June 21, 2001 is the last date on which adoption (No Tax Increase Rate) can occur in order for us to meet the filing deadlines with the County and State if there is no property tax increase.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The specific impacts of not approving individual recommended options will be discussed during budget presentations. The staff has presented a balanced budget for tentative adoption on June 7 as required by State law. Council should direct staff on any unresolved budget issues on June 7th, in order to make changes by June 21st.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues if needed. The Council should adopt an Ordinance Establishing Compensation for the Mayor and City Council for FY2002. Council should adopt the City's budget policies, including Olympic Budget Policies, Program and Resource Analysis Conclusions, and other operating Budget Policies as amended. The Council should Pass and Adopt the Resolution that contains the following items:

a) Tentative adoption of the City Manager's Amended Budget for FY2000-01 (with adjustments that have occurred during the budget process).

b) Tentative adoption of the FY 2001-02City Manager's Recommended Budget presented to City Council on May 3rd, 2001 (with adjustments that have occurred during the budget process).

c) Authorization for the Budget and Grants Manager to compute the City's Certified Property Tax Rate for 2002 at a "No Tax Increase Rate" and file said rate with the County.

Attachments:

A. Budget Changes From Tentative Document **(Spreadsheet will be provided before meeting)**
B. PRBB Staff Report
C. Water Staff Report

PARK CITY
1884

Resolution No.

A RESOLUTION ADOPTING A REVISED BUDGET FOR FY2000-01, A BUDGET FOR FY2001-02, AND A FINANCIAL PLAN FOR FY2002-03, FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES AND AUTHORIZING THE COMPUTATION OF THE PROPERTY TAX RATE AT A NO TAX INCREASE RATE

WHEREAS, the Utah State law requires that city budgets be adopted by resolution: and;

WHEREAS, a public hearing was held on May 17, and June 7, 2001, and one is scheduled for June 21, 2001 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 3, 2001 and with changes as summarized in the Attachments to this resolution is hereby adopted as the Revised FY2000-01 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 2. BUDGET AND FINANCIAL PLAN ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 3, 2001 and with changes as summarized in the Attachments to this resolution is hereby adopted as the budget for FY2001-02 and the financial plan for FY2002-03 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED TAX RATE. The Budget and Grants Manager is authorized, after the County has provided the Certified Property Tax data, to compute the City's Certified Property Tax Rate for 2002 at a "No Tax Increase Rate" and file said rate with the County.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect June 21, 2001 for the FY2000-01 revised budget, and July 1, 2001 for the FY2001-02 budget.

PASSED AND ADOPTED this 21th day of June, 2001

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY 1884

Ordinance No. ___________

ORDINANCE ESTABLISHING COMPENSATION FOR THE MAYOR AND CITY COUNCIL FOR FISCAL YEAR 2001 - 2002 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, according to state law, a public hearing was duly advertised and held on June 21, 2001;

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

SECTION 1. COMPENSATION FOR MAYOR AND CITY COUNCIL ADOPTED: The following salary levels are hereby adopted:

	FY 2001-2002
Mayor	$1,526.25 per month
City Council	$ 899.00 per month

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 21st day of June, 2001

PARK CITY MUNICIPAL CORPORATION

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Mayor Bradley A. Olch

PARK CITY 1884

Resolution No._____________

A RESOLUTION ADOPTING A REVISED BUDGET FOR FY2001-02, FOR PARK CITY REDEVELOPMENT AGENCIES

WHEREAS, Utah State law requires that city budgets be adopted by resolution; and

WHEREAS, a public hearing was held on May 17, June 7, June 21, 2001 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. BUDGET ADOPTED. The following budget is hereby adopted as the FY2001-2002 Redevelopment Agency Budget for Park City, Utah.

	Main Street	Park Avenue
Main Street Debt Service	$1,482,944	
Main Street CIP	$1,700,345	
Lower Park Ave Debt Service		$4,638,483
Lower Park Avenue CIP		$4,957,026
Subtotal	$3,183,289	$9,595,509
LESS:		
Interfund Transactions	$(953,000)	$(3,632,076)
Special Revenues	$(200,000)	
Beginning balance	$(730,289)	$(4,663,433)
NET RDA TAX INCREMENT	$1,300,000	$1,300,000

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on July 1, 2001.

PASSED AND ADOPTED the 21st day of June, 2001.

PARK CITY REDEVELOPMENT AGENCY

Chairman Bradley A. Olch

Attest:

Janet M. Scott, Deputy Secretary

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY 1884

Resolution No._____________

RESOLUTION ADOPTING THE PARK CITY MUNICIPAL BUILDING AUTHORITY BUDGET FOR FISCAL YEAR 2001-2002

WHEREAS, Utah State law requires that city budgets be adopted by resolution; and

WHEREAS, public hearings were held on May 17, June 7, and June 21, 2001 on the municipal budget and its related agencies at the City Council's regularly scheduled meetings;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Building Authority of Park City, Utah that:

SECTION 1. BUDGET ADOPTED. The following budget is hereby adopted as the FY 2001-2002 Municipal Building Authority Budget for Park City, Utah:

Debt Service Fund	$5,001,340
Capital Improvement Program	$306,769
Subtotal	$5,308,109
Less Ending Balance	(3,330,515)
TOTAL	$1,977,594

SECTION 2. EFFECTIVE DATE. This resolution shall take effect on July 1, 2001.

PASSED AND ADOPTED this 21st day of June, 2001.

PARK CITY MUNICIPAL BUILDING AUTHORITY

Chairman Bradley A. Olch

Attest:

Janet M. Scott, Deputy Secretary

Approved as to form:

Mark D. Harrington, City Attorney

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Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

Parks Recreation and Beautification Board
Agenda Report

Date: June 20, 2001
Department: Leisure Services
Author: Bob Johnston, Director of Leisure Services/Tom Bakaly, Assistant City Mgr.

Title: Racquet Club and Recreation Improvements

Summary Recommendation: Provide direction to staff regarding funding for improvements to the Racquet Club and other possible recreation projects. Answering the questions on the last page of this report may help the PRBB provide direction to Staff and City Council.

Background:

Racquet Club: The Racquet Club was acquired by Park City Municipal Corporation in 1987 at public auction for $425,000. Proceeds from the sale of the Memorial Building (now Harry Os) were used to fund the initial purchase. In 1988 the Park City Council formed the Racquet Club Expansion Committee and charged them with making recommendations on how the facility should be used and what improvements should be made. The committee recommended a $1,800,000 project. City Council at the time felt that the public would not support that amount and ultimately authorized $1,400,000. In 1989 the community passed a General Obligation Bond to fund the improvements. The 1989 bonds will be paid off in three (3) years.

The construction of the original building is estimated to have taken place some time in the early to mid 70s. The improvements made as part of the expansion took place in 1990 and are now over a decade old. After construction (1990) the Council authorized $50,000 annually to go towards the continued improvement of the facility, however that practice ended in 1994 due to budget constraints.

The Racquet Club is a popular and well utilized community amenity that is in need of significant improvements and up-grades. A number of those up-grades are identified in this report and will be discussed in more detail later.

Other Recreation Projects: Other major projects that were recommended in the July, 2000 adopted Recreation Master Plan include possible improvements to City Park and an Ice Skating Rink. Fairly detailed conceptual planning of these projects has been mostly completed.

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Funding:

The challenge is how to fund those improvements. On May 3, Staff discussed the need for funding Capital projects at the Racquet Club. At the time, preliminary options were discussed. On May 17th Staff presented several funding options to Council consistent with what was recommended by the recently completed Wickstrom Recreation Fund Analysis. Council then asked that the Parks, Recreation and Beautification Board discuss this issue and attempt to identify Racquet Club improvement projects that may be included in a single debt bond issuance. The Council would like input from the Board on this at their meeting on June 21st (time permitting). The budget will reflect the Capital needs for the Recreation Facilities Master Plan as \$2 million in 2003 with bond proceeds as the scheduled revenue source. The amount and specific projects can be amended and is only a starting point. Staff has determined that if the voters extend the 1989 bond 15 years, \$ 2 million will be generated without an increase to the tax rate. A total of \$ 4 million can be generated at an additional impact of only \$7 of assessed value per \$100,000 for the primary resident property taxpayer.

This strategy gives the City flexibility should it decide to pursue a bond election in the fall 2001 or spring of 2002. The City has until October 4, 2001 to get an item placed on the ballot for the November election. Please see the attached possible schedule (Attachment A).

1) Racquet Club CIP Projects: \$ 2 Million

Staff has worked on identifying projects to be done at the Racquet Club. Some are significant and would be considered high priority, while others might improve operations and/or service to the customer. For the purpose of this document we have broken them down into TOP priority, HIGH priority, and MODERATE priority projects. The facility tour we have planned on the 20th will give you an opportunity to see these issues first hand.

Proposed projects with a TOP priority: \$1 Million

1) Recreation Pool The existing recreation pool was part of the original Racquet Club facility. It is 55' long and 18' wide. It has a deep end that one time accommodated a diving board. The current configuration of the pool does not adequately serve our current programming needs and we routinely experience problems with leaking, structural cracking, bad pumps and filtering equipment, and other nagging problems. In a recent study (Attachment B) that was commissioned to assess the pool's condition the engineers recommended the following;

" Based on the age and existing condition of this pool, continued maintenance problems can be expected. And due to the high cost of bringing this pool into code compliance, Curtis Engineers recommends that Park City analyze and study, as part of an over facility plan, the benefits of replacing the existing pool with a new one that more adequately addresses current programming needs."

Staff has considered this and has recommended that the City explore the possibility of a new "leisure pool". This type of pool would be more attractive to our younger patrons and open swim users, and would better facilitate our lesson and water fitness programs. A number of concepts have been developed for this type of pool but no final determination has been made. **The cost for a project of this type is estimated to be \$800,000.**

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2) Racquet Club Roof The roof that exists over most of the facility is the original metal sheeting roof. Since the City has owned the facility we have experienced problems with roof leaks. We have attempted to address the problem in the past with coatings and other methods, but have not been successful. **The cost for a new roof is estimated to be $150,000.**

3) Indoor Tennis Court Ceiling The leaky condition of the roof over the years has caused damage to the ceiling over the four indoor tennis courts. Last year we were able to install a state-of-the-art and energy efficient lighting system, unfortunately, with the poor condition of the ceiling, the new system is not operating as effectively as it could. Our maintenance staff has recommended that a new ceiling not be installed until the roof is replaced and the leaking stops. **Cost for a new ceiling is estimated to be $50,000.**

Proposed projects with a HIGH priority: $400,000

1) Locker room remodel The locker rooms were expanded and remodeled during the facility expansion in 1990. Currently they are showing their wear. We have been experiencing mechanical problems with the hot water system, and continue to have vandalism issues in our dry sauna. We would like to remodel the locker areas, address the mechanical issues and, remove the dry saunas and replace them with steam saunas. **The cost for this project is estimated to be $80,000.**

2) Storage Expansion The need for existing storage space is crucial. The growth in our programs has created a demand for additional storage space. The seasonal tennis bubble that has historically been stored in one of the vacant bus bays, is now being stored behind the Racquet Club. Some preliminary study has been completed and two options exist, the first would be to build a storage facility in the north end of the east parking lot. The other would be to add on to the building in some yet to be determined location. This project would require further examination. **The cost for this project is estimated to be $120,000.**

3) Fitness Center Expansion Since the addition of the Fitness Center in 1998 the fitness program has experienced steady growth. We were recently forced to expand the center into the loft area of the Racquet Club. While the move has relieved some of the pressure we anticipate having to expand again within the next two years. The proposal would be to expand the main body of the current center to the west, this would allow us to pick up an additional 1,600 sq ft.

The cost for this project is estimated at $200,000.

Moderate Priority Projects: $600,000

1) Expanded Youth Center Many of the newer facilities in the region are experiencing success with the Youth Center concept. This is really no more than an indoor playground like you might see at McDonald's or other fast food establishments. The idea would be to create more of a year-round family environment by offering something more for the younger age group while mom and dad are using other areas of the facility. An early concept would be to enclose the existing play area that is utilized now only seasonally. **The cost for this project is estimated at $200,000**

2) Gymnasium Improvements Our existing gymnasium is very well utilized and is the home for our Adult Basketball program and our Jr. Jazz program. We could benefit greatly from the installation of sound panels. Noise is our biggest complaint from patrons using the Gym. We would also like to up-grade our existing backboard systems, and explore the opportunities for a climbing wall. These have been successful in other facilities and we feel a wall would be a positive enhancement to the Racquet Club. **Estimated cost for gymnasium improvements is $100,000.**

3) East End Remodel There are a number of issues that relate to the east end of the Racquet Club (Recreation office area). More specifically they are;

* Program Registration Desk - In an effort to reduce crowding at the front desk area and improve customer service, staff has considered the addition of a program registration desk at the east end of the Racquet Club, below the Recreation Department offices. The idea would be to develop an area designed exclusively for program registration and to serve as support for the Recreation Staff.

* Improve and Expand Child Care - The existing Child Care area is small and is not set up to function as a true Child Care area. The restrooms are inconvenient and there is no easy way to get to outdoor space from the indoors. Ideally, we would like Child Care to be incorporated into a larger and more functional Youth Center as described above.

Approximate cost for an east wing expansion is $100,000

4) Front Desk Remodel: Staff would like to explore the remodel of the front desk and check-in area. This would allow for optimal efficiency in staffing, customer service and club access control.

2) Other Recreation Facilities CIP Projects: $5 - 8 Million

Ice Rink: Per PRBB action, the City has jointly applied with the SBSRD for Restaurant Tax funds for an Ice feasibility study. An ice planning study was conducted as part of the Recreation Facilities Master Plan in 2000. Depending upon the type of ice facility, location and whether or not it is done in conjunction with the SBSRD, **the cost of this project is between $2 million and $5 million.**

City Park: City Council adopted the City Park Master Plan in May of 1999. Roughly $1 million in improvements (skate park and recreation building) have been budgeted. **The remaining improvements have been estimated at $3 million and are currently not funded for the future.**

Summary

The items presented above are simply needs that been identified by staff and the costs associated with those needs are only estimates. We would recommend that a comprehensive plan be developed with the assistance of a professional design team experienced with this type of projects.

QUESTIONS: The following suggested questions may help the PRBB provide direction to Staff and City Council.

1) Does the PRBB wish to explore the possibility of recommending to Council that they place a recreation bond on the November, 2001 election ballot?

2) Is the PRBB comfortable with the attached schedule (Attachment A)?

3) Does the PRBB wish to appoint & authorize a subcommittee to work with Staff to further explore and research capital projects as contemplated in the schedule and report back to the PRBB on July 18, 2001 (Next Meeting).

4) Is the PRBB comfortable with authorizing staff and the facility subcommittee to hire a facility designer to assist with cost estimates in an amount not to exceed $20,000?

5) Is the PRBB comfortable with staff exploring projects other than the Racquet Club for a possible bond issue in November?

6) Does the PRBB want to authorize staff to interview voter survey firms with the goal of recommending to Council on July 12, 2001 that a survey firm be hired to evaluate voter support for possible recreation projects.

Attachments:

A) Schedule

B) Pool Study

Attachment A

Possible Recreation Bond Schedule

ACTION PRE NOVEMBER 6 ELECTION	DATE
Staff and PRBB- Identify projects for Recreation Fund to be covered with Bond Revenues	6/1-20
PRBB Meeting and Direction	6/20
CIP Study and Feasibility	6/1-7/30
Contract with Survey Provider	7/12
Create and Test Survey	7/15-31
Survey and Voter Opinion	8/1–3
Survey Analysis and Staff Report to Council	8/10
City Council Update	8/16
Possible PRBB Campaign	8/15-11/6
Resolution for November	9/27 or 10/4
Publish Notice of Bond Election (for three consecutive weeks and then a fourth time immediately prior to election.)	10/15,10/22,10/29 and 11/5
City to mail notice or voter information pamphlet to every household containing a registered voter who is eligible to vote on the bond.	10/15
Test the counting equipment (if automated voting equipment is used)	11/1
Election	11/6
Public Meeting held for City Council to canvass Ballots (within 10 days - 40 days after canvass of returns, period for challenging election ends). Adopt a bond Resolution and Publish one time Notice of Intent to Issue Bonds. (30 days after Noticed is published the period to challenge resolution and issuance of bonds ends).	By 11/16 Canvass 40 and 30 days later for challenge of vote and resolution.

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PARK CITY 1884

DATE: June 21, 2001
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs, John Lind
TITLE: Water User Rates & Impact Fees
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: **Adjust water user rates and meter charges by 5% and add a user block for water use in excess of 100,000 gallons for single family dwellings.**

DESCRIPTION:

A. Topic. Water user and impact fees.

B. Background. The Park City water system provides water to approximately 4500 meter connection with an annual usage of 4700 acre feet. Montgomery Watson completed a supply and demand study which compared water usage by meter user type (residential, condo, commercial, restaurant, etc), service areas and projected water demand based on the approved densities available for future growth.

The Water Capital Facilities Plan (CFP) develop by Stantec Engineering has identified approximately $15,000,000 in needed growth and non-growth related water system improvements over the next 5 to 10 years. Park City's cost of the Weber Basin Importation project and water right needs for 3,800 additional ERU's will cost approximately $10,000,000 each. Revenues from water user fees cover the cost of water operations, billing, indirect city costs and capital projects (including debt service and debt coverage) that do not relate to growth. Revenues from water impact fees cover the cost of growth related impacts. The CFP from 1995 estimated approximately $10,000,000 in project costs to build out.

Park City retained the services of Rick Giardina & Associates and Lewis Young Robertson and Burningham to assist in reviewing and developing a water fee structure for operations and growth related expenses.

The objectives of the rate and fee studies are to:

- Provide adequate revenues to provide a stable and predictable source
- Minimize any expected changes to customer's bills
- Discourage wasteful use
- Promote fairness and equity
- Maintain simplicity, convenience, certainty, feasibility and freedom from controversy
- Comply with Utah law

Water User Fees- The user rate structure is divided into summer (May through September) and the remainder of the year. Each rate category has a flat rate by meter size and a rate per 1000 gallons used. The summer rate is an increasing block rate to provide an incentive to use less water. Summer usage represents approximately 64% of the total annual water used. A peak day in the summer is estimated to provide 69% of the water for outside irrigation and 31% for inside use

A chronology of previous rate increases.

pre-1982	Flat fee, no meters
1982	Flat rate for meter and usage
1983	Established base rates for each meter size and $1.15 per 1000 gallons
1989	20% base rate increase and a uniform block rate of $1.37 per 1000 gallons
1991	A seasonal increasing block rate was added to residential and irrigation
1995	15% across the board adjustment to base and block rates.

Rick Giardina and Associates (RGA) were retained by Park City to conduct a comprehensive financial plan and rate study. RGA reviewed use data from water year 2000 by customer class and meter size.

RGA's review of the current rate structure and revenues concluded a minimum of $150,000 additional revenues will be required per year for the next two years. The additional revenue is needed to pay for replacement of waterlines, improved treatment at Spiro and Judge Tunnels and other increases to the operating costs.

Council expressed an interest in reviewing a rate structure to discourage high water use. RGA developed four scenarios to help demonstrate a range of rate options and presented them on June 7, 2001(Table 1). Council heard from many irrigation users and condo association representatives that Options 2 & 3 would significantly raise their rates and create a hardship on many of their residents. Council directed staff to develop Option 1and review an upper block rate to apply to only single family to implement by July 1. Council further directed staff to review the impacts of outside irrigation and develop rate alternatives to more equitably spread the impacts between irrigation users.

TABLE 1
BLOCK RATE COMPARISON

Type	Volumes	EXISTING	OPTION 1 (5%)	OPTION 2	OPTION 3
Residential Rates	0-5 K gal 5 to 10 K gal 10 to 20 K gal 20 to 40 K gal 40 to 100 K gal over 100 K gal	-0- $1.44 $1.73 $2.19 $2.60 $2.60	-0- $1.51 $1.82 $2.30 $2.73 $2.73	$1.44 $1.44 $1.73 $2.19 $2.60 $6.37	$1.44 $1.44 $1.73 $2.19 $3.48 $5.53
Irrigation Rates	0-5 K gal 5 to 10 K gal 10 to 20 K gal 20 to 40 K gal 40 to 100 K gal over 100 K gal	$-0- $1.44 $1.73 $1.96 $1.96 $2.21	-0- $1.51 $1.82 $2.06 $2.06 $2.32	$1.44 $1.44 $1.73 $1.96 $1.96 $6.37	$1.44 $1.44 $1.73 $2.19 $3.48 $5.53
Winter Residential Rates	0-5 K gal over 5 K gal	-0- $1.58	-0- $1.66	$1.58 $1.58	$1.58 $1.58
Commercial Rates	0-5 K gal over 5 K gal	-0- $1.58	-0- $1.66	$1.58 $1.58	$1.58 $1.58

Water Impact Fees- Water impact fees have been divided into two categories: development and connection. Development fees represent the cost of purchasing water rights to meet a water users potential needs. A connection fee represents the proportional cost of the delivery system or infrastructure required to deliver the water. A CFP has been developed identifying the infrastructure needs delineated by two categories, growth and non-growth.

A chronology of impact fee to date.

pre-1983	City charged a connection fee to buy into the existing infrastructure at a flat rate
mid 80's	A water right component was added at a flat rate
1990	An irrigation component was added and a sliding scale was developed depending on size
June 95	Utah legislature adopts an impact fee bill
July 95	City adopts a new rate structure in conformance to Utah law
June 7, 2001	Reviewed Impact fee strategies with city council

Lewis Young Robertson & Burningham, Inc. (LYRB) has been retained by Park City (the City) to revise and update the Culinary Water Impact Fee Study prepared by the City in 1995. Their study focused on the financing of improvements for the culinary water system and provide a recommended impact fee structure that will equitably distribute the costs of the improvements spurred by new growth across new connections in the fiscal years 2001 through 2005.

C. **Analysis**-

Water User Fees

City Council indicated at their June 7 meeting a 5% revenue increase would be acceptable. Council directed staff to compare a 5% across the board rate increase to a modified approach where single family connections would have a upper tier at 100,000 gallons. An upper tier rate at 100,000 gallons for single family is estimated to generate between $20,000 and $40,000 in additional revenue. Table 2 reflects the proposed changes to the base rate. Table 3 reflects alternatives to the user block rates. If additional revenues are generated staff would propose to develop an incentive program next year for single family users.

TABLE 2
BASE RATES

Class	Meter size	Current	Proposed All Options
Residential SF	3/4 1 1 ½	$15 $18 $21	$15.75 $18.90 $22.05
Residential Condo & Lodging	3/4 1 1 ½	$15 $18 $21	$15.75 $18.90 $22.05
Irrigation	3/4 1 1 ½ 2 3 4 6 8	$21 $30 $54 $102 $252 $450 $840 $1440	$22.05 $31.50 $56.70 $107.10 $264.60 $472.50 $882.00 $1,512
All Other uses	3/4 1 1 ½ 2 3 4 6 8	$21 $30 $54 $102 $252 $450 $840 $1440	$22.05 $31.50 $56.70 $107.10 $264.60 $472.50 $882.00 $1,512

TABLE 3
USER BLOCK RATES

Type	Volumes	Existing	Across the Board (5%)	Alternative 1
SF Residential Rates	0-5 K gal 5 to 10 K gal 10 to 20 K gal 20 to 40 K gal 40 to 100 K gal over 100 K gal	-0- $1.44 $1.73 $2.19 $2.60 $2.60	-0- $1.51 $1.82 $2.30 $2.73 $2.73	-0- $1.51 $1.82 $2.30 $2.73 **$3.20***
Condo & Lodging Residential Rates	0-5 K gal 5 to 10 K gal 10 to 20 K gal 20 to 40 K gal over 40 K gal	-0- $1.44 $1.73 $2.19 $2.60	-0- $1.51 $1.82 $2.30 $2.73	-0- $1.51 $1.82 $2.30 $2.73
Irrigation Rates	0-5 K gal 5 to 10 K gal 10 to 20 K gal 20 to 40 K gal 40 to 100 K gal over 100 K gal	$-0- $1.44 $1.73 $1.96 $1.96 $2.21	-0- $1.51 $1.82 $2.06 $2.06 $2.32	-0- $1.51 $1.82 $2.06 $2.06 $2.32
Winter Residential Rates	0-5 K gal over 5 K gal	-0- $1.58	-0- $1.66	-0- $1.66
Commercial Rates	0-5 K gal over 5 K gal	-0- $1.58	-0- $1.66	-0- $1.66

- New volume category

Staff is recommending the alternative 1 water user rates be adopted to go into effect July 1. A resolution is attached.

Water Impact Fees

Capital projects have been planned for water storage, distribution and water source development and are included in the CFP prepared by Stantec Engineering. For each of the three segmented areas of capital infrastructure, a portion of the total cost is allocated to each Equivalent Residential Unit (ERU) by dividing the total project cost by the total number of ERUs served.

A new water user must also pay to utilize the excess unused capacity in the existing water system or buy in cost. The cost of water rights must also be considered to ensure sufficient water is available to the City.

The sum of the costs per ERU for the three types of capital projects, the Buy-In Cost and the cost of water rights equals the Gross Impact Fee per ERU. This fee is expected to increase significantly from about $3, 600 per ERU to about equates to $9,700 if the Council were to authorize the full cost. Historically, the Council has set the fee slightly below the actual cost. An ERU has a water demand equal to the higher of 1 g.p.m., 1660 gallons per day, or 1 acre foot of water annually. Residential, commercial and industrial uses are converted to ERU's based on projected water demand. Tables that illustrate the recommended fee schedule for Park City that will ensure adequate revenues will be provided to pay the costs of infrastructure needs are being developed and will be presented to the Council on July 12. No formal action on impact fees is requested on June 21.

Utah law requires the CFP and the proposed fee amendments be available to the general public at least 14 days prior to a public hearing and adoption. An executive summary and the full report will be available for review at Public Works and the Building Department. The CFP is adopted by ordinance and the fees by resolution. A public hearing will need to be scheduled for July 12 or after. The Building Department requires at least two weeks to change from the current system to the new fee system..

Department Review. The rates and fees have been reviewed by the City Manager, OCMB, Public Works and the Building Departments.

ALTERNATIVES:

A. **Authorize a 5% increase to the meter base rate and across all user rates.**

B. **Authorize a 5% increase to the meter base rates, a 5% across the board for user rates and a user rate at over 100,000 gallons.** This is the staff recommended alternative

C. **Delay implementation.** June 21 is the last scheduled meeting before the July billing period.

D. **Do Nothing.**

SIGNIFICANT IMPACTS: The RGA study shows a 5% rate increase is necessary to develop an adequate cash reserve, meet bond covenants and generate a cash flow adequate to fund replacement of water infrastructure. A more detailed cost of service study will be completed by mid-October to identify demand impacts by user groups. The addition block rate for usage above 100,000 gallon user rate for single family may increase revenues by $20,000 to $40,000.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Park City would need not begin to collect the additional revenue required to replace infrastructure projects related to existing customers. July and August are peak months for water use. Delaying implementation may require a higher rate to generate the same revenue.

RECOMMENDATION: Approve a 5% increase to the base rate charge to all meter sizes, to each user group by volume charge and add a user block at 100,001 gallons at $3.20 per 1000 gallons.

RESOLUTION NO. _ -01

RESOLUTION AMENDING SECTION 2, WATER FEES OF RESOLUTION NO. 07-01, AND REPLACING RESOLUTION 07-01 IN ITS ENTIRETY

WHEREAS it is necessary to update the water fee resolution to reflect the changing costs of performing services; and

WHEREAS, a public hearing was held on June 21,2001, to receive public comments on the user fee increases,

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

SECTION 1. AMENDMENT. Section 2.4 of Resolution 07-01 is hereby amended as follows:

2.4 MONTHLY WATER METERED SERVICES FEE SCHEDULE:

2.4.1 Base Rates

Residential

Meter size	Monthly Base/Demand Charge	
5/8 x 3/4"	$15	$15.75
1"	$18	$18.90
1½ "	$21	$22.05

Other than Single Family Dwellings

Meter Size	Monthly Base/Demand Charge	
3/4"	$ 21	$22.05
1"	30	$31.95
1 ½"	54	$56.70
2"	102	$107.10
3"	252	$264.60
4"	450	$472.50
6"	840	$882.00
8"	1440	$1512.00
Construction Meter	$ 50	$52.50

Construction water will be charged at the rate of $2/1000 gal.$2.10 per 1000 gal.

2.4.2 Water Consumption Rates All water delivered through each meter serving commercial customers all year and all other customers between October 1 and May 31 of each year in excess of 5,000 gallons per meter per month shall be charged at the rate of $1.58 ($1.66) per thousand gallons.

2.4.3 Water Conservation Rates All water delivered through each meter serving single family residential customers in excess of 5,000 gallons per meter month between June 1 and September 30 of each year shall be billed the following rates:

5,001 to 10,000 gallons	$1.44 ($!.51 or $1.50) per 1,000 gallons
10,001 to 20,000 gallons	1.73 ($1.82 or $1.80) per 1,000 gallons
20,001 to 40,000 gallons	2.19 ($2.30) per 1,000 gallons
~~Over~~ 40,001 to 100,000 gallons	2.60 ($2.73 or $2.70) per 1,000 gallons
Over 100,000 gallons	3.20 per 1,000 gallons

All water delivered through each meter serving multi-family residential and landscape irrigation customers in excess of 5,000 gallons per meter per month between June 1 and September 30 of each year shall be billed at the following rates:

5,001 to 10,000 gallons	$1.44 ($1.51) per 1,000 gallons
10,001 to 20,000 gallons	1.73 ($1.82) per 1,000 gallons
20,001 to 100,000 gallons	1.96 ($2.06) per 1,000 gallons
Over 100,000 gallons	2.21 ($2.32) per 1,000 gallons

SECTION 2. EFFECTIVE DATE. This resolution shall take effect upon adoption.

PASSED AND ADOPTED this 21th day of June, 2001.

PARK CITY MUNICIPAL CORPORATION

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Mayor Bradley A. Olch

Attest:

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Janet M. Scott, City Recorder

Approve as to form:

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Mark D. Harrington, City Attorney