TENTATIVE MASTER AGENDA

JUNE 13, 2002 - NO MEETING

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

JUNE 6, 2002

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 6, 2002.

AGENDA

Lunch at Senior Center

Noon

Closed Session

2:30 p.m. Personnel

Work Session

3:30 p.m. Council questions/comments

4:00 p.m. Participation strategies

4:30 p.m. Review of regular meeting

Budget review

JSSD water sales agreement

Farmers Market

Plat amendment questions

Other meeting questions/comments

5:45 p.m. 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 MAY 9, 2002

V CONSENT AGENDA PUBLIC HEARINGS

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

2. Ordinance approving a record of survey for Hotel Park City, located at 2001 Park Avenue, Park City, Utah

3. Ordinance approving amendments to the final subdivision plat known as the Roosevelt Gap Subdivision, located at 2300 Deer Valley Drive, Park City, Wasatch County, Utah

4. Ordinance approving the final plats for Northside Subdivision; Northside Subdivision II; Parcel A, Mountain Village Subdivision; Parcel E, Mountain Village Subdivision; and the Marsac Avenue right-of-way located at Flagstaff Mountain Resort MPD, Park City, Utah

5. Master Festival License for the Farmers Market to be held at the Flagpole lot from June 24 - October 14, 2002 - HMBA

VI CONSENT AGENDA

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

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4. Ordinance approving the final plats for Northside Subdivision; Northside Subdivision II; Parcel A, Mountain Village Subdivision; Parcel E, Mountain Village Subdivision; and the Marsac Avenue right-of-way located at Flagstaff Mountain Resort MPD, Park City, Utah

5. Master Festival License for the Farmers Market to be held at the Flagpole lot from June 24 - October 14, 2002 - HMBA

6. Resolution adopting retention schedules for certain record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access and Management Act and replacing Resolution 21-98 in its entirety

7. Ratification of ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages)

8. Revision to letter of intent for joint ice facility with Snyderville Basin Special Recreation District

9. Rescind award of cemetery fence bid and reject all bids

VII PUBLIC HEARING

Revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies

VIII NEW BUSINESS

1. Revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies

2. Water sales agreement Jordanelle Special Service District

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 13, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah **will not** hold its regularly scheduled meeting on Thursday, June 13, 2002.

Note: This future meeting schedule is TENTATIVE and subject to change.

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

June 2002

13 **Fred gone**

No meeting

20 **Fred gone**

Continuous conservation reserve program - RL

Continuation of budget hearing

Ordinance - compensation

Resolution adopting final budget

Ordinance - 805 Woodside plat amendment - DS

Ordinance - 938-942 Norfolk condo conversion - RM

Ordinance - 1765 Sidewinder Drive condo conversion - RM

Resolution - Interlocal planning agreement - Quinns Junction

Ordinance approving the amended record of survey for the Royal Plaza Condominiums Subdivision located at 7620 Royal Street, Park City, Utah - KL

Award of bid for slurry seals, street overlays and utility adjustments - PE

27 Ordinance - 15 Eagle Point Court plat amendment

Ordinance - April Mountain subdivision Phase 1 - KW

Ordinance - 1420-1585 Three Kings Drive record of survey plat amendment - JW

Ordinance - 7800 Royal Street East, Sterlingwood Condominiums final record of survey plat for convertible space - JW

Ordinance - 8200 Royal Street East, Stag Lodge, final record of survey plat for convertible space - BR

Ordinance - 1550 Lower Iron Horse Loop final subdivision plat - BR

July 2002

4 **No meeting**

11

18

25

August 2002

1

8 **Toby gone**

15 **No meeting**

14-18 Summer Tour

22

29

PARK CITY WORK SESSION NOTES

SUMMIT COUNTY, UTAH

MAY 9, 2002

Present: Mayor Dana Williams; Council members Peg Bodell, Candace Erickson Jim Hier, and Fred Jones

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Troy Daley, Golf Course and Parks Manager; Alison Butz, Special Events Coordinator; Rick Lewis, Community Development Director; Mark Christensen, Budget and Grants Manager; Bob Johnston, Leisure Services Director

Liza Simpson and Shelley Weiss, City Park Hosts; and Cindy Matsumoto, President of the Park City Historical Society

1. **Council questions/comments.** Fred Jones stated that he would like some closure on the dog issue and requested some clarification on our request to Summit County for a more equitable allocation of services to Park City and exploring dog parks. Every week, there seems to be an article in the *Park Record*, insinuating that the City isn't addressing these issues. Jim Hier understood that this will be a topic of discussion for the citizen forum at the upcoming work shop but felt that after the session, this should be added to a work session for discussion. The Mayor interjected that the City received property tax information and it appears that we contribute 50% to the animal control effort. He discussed the current Police Department/Summit County Animal Control program of handing out free leashes to owners at the park and the potential of having an officer housed in Park City. Peg Bodell felt there are three segments to this including outreach, enforcement, and the new plan, which should take on citizen ownership. The Mayor referred to the fenced playground project and Troy Daley displayed a fence sample proposed to be installed at the cemetery, which could be installed there.

Council member Jones continued that he supports the Farmers Market at the flag pole lot, but expressed concern about successfully clearing the by noon. Alison Butz explained that the lot will be signed on Monday mornings indicating no parking after noon on a trial basis. If that doesn't work, the parking will be restricted all day. The Mayor introduced Liza Simpson and Shelley Weiss, who are park hosts. Ms. Simpson explained that the program is requesting a *semi-emergency* phone system in City Park. This would not be a 911 call, but would directly contact Dispatch; the range of costs are from anywhere from $300 to $3,500 depending on the system and asked for Council direction. If there is support, she will present the plan to the Parks and Recreation Board. In response to a question from Kay Calvert about vandalism, Ms. Simpson explained that the phone is a box with a speaker and there are no hand-held parts. Chief Lloyd Evans expressed that this is worth pursuing. Shelley Weiss added that the group would like to continue a crime control plan through environmental designs for the park. All park hosts will be equipped with cell phones.

With regard to the legal battles on Sunset Court, Mayor Williams stated that he feels confident that the matter is properly before and appropriately being handled by both the County Attorney's Office, the City Attorney's Office, and the Police Department. The citizens need to avail themselves to those processes and their pending civil actions to achieve a reasonable and just resolution to the unfortunate escalation of circumstances on Sunset Court. He continued that any attempts to draw the Mayor and Council members into this matter at this time is improper and will only further escalate conflicts and possibly jeopardize pending legal investigations, if they haven't already.

2. **Joint planning with Summit County- Quinns Junction** - Rick Lewis explained that the Park City Planning Commission and Snyderville Basin Planning Commission have jointly signed a letter of intent for planning of the Quinns Junction area. The Summit County Commission has allocated $50,000 to study the area. The boundaries have not been finalized, but a two mile radius is suggested involving Wasatch County. He asked if Council agrees with this direction and committing City staff and resources to the project study.

Candace Erickson felt this is good money spent and Fred Jones stated that he fully supports it. Mr. Lewis added that an inter-local agreement will follow and a work program which will be developed jointly.

3. **Budget review.** Mark Christensen discussed the schedule for review and adoption. This year a minimal amount of options are presented and he pointed out the technical adjustments to this year's budget, typically reflecting costs of providing *same level service*. Budget reductions amount to approximately $500,000 and on June 6 there will be more adjustments as a part of the reconciliation. He discussed the extra pay period and the removal of funding a trash option. The regional transit option is more significant and has been added as well as potential grant funds for transportation. In January, the City informally instituted the recession policy and since that time, departments have been holding expenditures back and there were 5% cuts across the board for all departments.

Habitat for Humanity's request was denied by the grants subcommittee who also felt that funding for the People's Health Center and the Children's Justice Center would be better processed through the Youth Advisory Committee. Mr. Christensen commented that the Historical Society submitted a request to fund the part-time Director's position to full-time and the subcommittee was unable to arrive at a recommendation for Council. The Citizens Technical Advisory Committee advises that these types of requests should be considered in the first year of the budget process, consistent with budget policy. However, a decision is entirely at Council's discretion. Jim Hier expressed his preference to wait until the first year budget review next year for FY2003-04. Cindy Matsumoto, President of the Historical Society, thanked Council for supporting history and heritage by providing the Museum a significant historic building on Main Street and funding them each year. Their budget in 1984 was about $18,000 and now totals $80,000. She emphasized the importance of seizing opportunities to save history; there are many projects they would like to pursue with a full-time Director and endorse hiring part-time Director Sandra Morrison. She discussed the Director's current responsibilities and recent accomplishments and reiterated that the Historical Society is committed to expanding its role and hoped the City would consider expanding its role. There was discussion about Ms. Morrison's contract with Summit County and Ms. Matsumoto clarified that the Board would like her to commit all of her time to Park City. Mark Christensen explained that the budget for the Historical Society proposes the same amount of approximately $26,000 for salary and operating costs and an additional $17,700 as a rent contribution. Fred Jones stated that this topic should be revisited when Council sets priorities. He is very supportive of the Historical Society but this request should be considered with all others. Ms. Erickson stated that she supports the funding for the Director. Mark Christensen stated that he will bring this budget option back to the City Council, probably on May 23.

Mr. Christensen stated that the Transportation and Golf Funds are stable and the loan will be repaid to the parks fund in full this year. The staff report outlines changes to the Recreation Fund, including transfers, loss of revenue, and a cut in expenditures for operating costs. Unlike a private business, Kathy Kelly explained that the Racquet Club shop does not account for inventory as cost of goods sold at the time of sale, but accounts for it when it is purchased. She added that an inventory is conducted internally in the pro shop where more traditional accounting methods are employed. There is also a separate accounting for staff time devoted to the store. Ms. Calvert asked why costs remain fixed when the Racquet Club is losing three youth sports. Ms. Kelly clarified that the set contribution from the Basin Recreation District was for fixed costs including the building, front desk staff, office equipment, utilities, etc. which the City still needs to covers.

Bob Johnston explained that staff is seeking Council direction with respect to the replacement or renovation of the pool and have presented four options which should reflect the philosophy of the community. A full scale leisure pool would attract more patrons to the facility and offer more to the community, but it may be more appropriate to renovate the existing pool. Installing a new pump at a cost of $5,000 is anticipated in any event so the pool is operational this summer. The roof continues to leak and is causing the ceiling to collapse above the tennis courts; replacing the roof is estimated at $200,000 and the ceiling at $50,000. Mr. Johnston explained that patching the original roof is not effective; the Racquet Club was built in the early 1970s. In response to a question from Peg Bodell about programming the pool, Bob Johnston indicated that the Club has strong and growing water aerobics and lesson programs and the pool, which has a deep end, is inadequate for these activities as well as for open swimming. A new pool would have the steps necessary for lessons and a larger shallow area for water aerobics and it would be very difficult to make modifications to the existing pool. Peg Bodell suggested repairing this pool and building another as demands will continue to grow. Council member Erickson pointed out that the existing pool is obsolete and Mr. Johnston added that there isn't enough space to accommodate two pools on the property. He discussed the time frame for tearing out the old pool which would occur in the fall and building a separate seasonal check-in and changing area for swimmers.

Fred Jones asked if the entire building needs to be replaced at some point in the future. Bob Johnston explained that the time to have razed the building would have been ten years ago when the City purchased it. Although there are mechanical and plumbing problems the building functions quite well and is a good investment and value for the town. The main problem is circulation but replacing the building would cost about $8 to $10 million and with all things considered, improvements haven't really cost the City that much money over the years. There was an initial investment and the bond for $1.4 million. Mr. Jones continued to express concern about the long-term life of the building and being burdened with regular costly repairs. Bob Johnston felt that the City attempted to address those costs in the bond issue which may not have been articulated to the public very well. There was discussion about the old plumbing system. Ms. Bodell felt it important that the community be proud of the facility and believes that we need we need two pools. Kay Calvert asked what the City has spent in capital improvements for the Racquet Club over the last ten years. The City Manager responded less than $2 million, including the $1.4 million bond revenues and added that it is inconceivable that the City could build a new facility at $10 million. He felt $1 million over time would address the major problems. Mr. Hier stated that he supports fixing the roof immediately but to wait after the visioning session on a decision on pool amenities. He agreed with Ms. Bodell in that one pool may not be enough, but he needs more information, and fixing the ceiling could be budgeted next year. In response to a question from Mayor Williams, Bob Johnston explained that there would be no cost savings in repairing the ceiling when in tandem with roof repairs. It is anticipated that the new pool would be double the size of the existing pool. Jim Hier expressed his dismay that the pool is leaking 3,000 gallons a day. The Mayor felt the pool should be an alternative to residents from joining a private spa, and it should be economical and affordable. He added that the roof should be replaced and the building continued to be repaired.

Mark Christensen asked for clearer direction to prepare a budget. Fred Jones stated that the repairs should be made but a funding source needs to be identified; this could be a three or four year program and he requested more information on May 23 about funding sources and input from the community. The City Manager clarified for the benefit of Mr. Christensen that Council is hesitant to commit to the pool, but there is a consensus to replace the roof. Fred Jones indicated that he would like a proposal on the feasability of building the pool now and the accessory building as a second phase.

Mr. Christensen reported that the City received a $300,000 reimbursement relating to Olympic transportation and about $58,000 from UOPSIC relating to police costs. In response to a comment from Council member Erickson about inflation increasing 374% to provide the same level, Mr. Christensen explained that there have been increased service costs and natural gas increases which are out of our control and budgets have been adjusted to actual expenditures.

3. **Review of regular meeting.** There were no questions or comments on items scheduled on the regular agenda. See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

MAY 9, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 9, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Michelle Bridge, Intern; Troy Daley, Golf Course, Parks, and Cemetery Manager; and Jerry Gibbs, Public Works Director.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 18, 2002

Hearing no omissions or corrections, Jim Hier, "I move we adopt the minutes of April 18". Kay Calvert seconded. Kay Calvert and Peg Bodell were absent from the meeting. Motion carried.

Peg Bodell	Abstention
Kay Calvert	Abstention
Candace Erickson	Aye

Jim Hier	Aye
Fred Jones	Aye

V CONSENT AGENDA PUBLIC HEARINGS

1. Continuation of hearing - Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions; and Chapter 15, Definitions **(motion to continue to a date uncertain)** - Peg Bodell, "I move that we continue Item 1 on the Consent to an uncertain date". Jim Hier seconded. Motion unanimously carried.

2. Ordinance amending Ordinance No. 01-26, Park City Municipal Code, Section 15-3-5, Ethics Code; providing for disqualification of a candidate for failure to file required reports - City Attorney Mark Harrington explained that approval will bring Park City into compliance with state law amendments enacted this last session. Required reporting has not changed, but a penalty has been added eliminating a candidate or removing a person from office if campaign reports are not properly filed. The Mayor invited the public to comment. Hearing none, the public hearing was closed.

3. Ordinance approving a lot line adjustment for Bald Eagle Condominiums, located at 7965 Red Tail Court, Park City, Utah - Planner Ray Milliner explained that the applicant acquired approximately 9,300 square feet of property adjacent to his lot in Bald Eagle. The property is located in Wasatch County while his lot is in Summit County. He would like to landscape the acquired property; no structures will be built there. A reciprocal agreement between the City and Wasatch County is being formalized outlining where permits will be issued. The Planning Commission forwarded a positive recommendation and staff recommends approval based on the conditions and findings outlined in the staff report. In response to a question from Peg Bodell about property taxes, Mr. Milliner stated that he

understood that taxes would be prorated between jurisdictions. The City Attorney interjected that the agreement will address this issue. Mayor Williams asked if any building on the 30 foot strip will be allowed in the future. Attorney for the applicant, Dave Johnson, explained that this area is a backyard, and the applicant would have to abide by the covenants of the condominium association and the strip is too small to accommodate a unit. Hearing no further comments, the public hearing was closed.

VI CONSENT AGENDA

Michelle Bridge explained the process involved for the award of contract for lobbying consulting services to Lee & Smith, including the rating system used to evaluate the three bids submitted. Kay Calvert asked that the City be notified if Lee & Smith exceeds 30 hours per week, prompting additional charge; a provision should be included in the contract. In response to a question from Peg Bodell, Ms. Bridge explained that Lee & Smith does not have conflicts of interest by representing Park City. The City Attorney interjected that there are strict guidelines about reporting potential conflicts. The Mayor stated that he felt Jim Barker of Lee & Smith was extremely helpful when he met him this year in Washington, D. C.

Fred Jones, "I move to approve Items 1 through 5 on the Consent Agenda". Jim Hier seconded. Motion carried unanimously.

1. Ordinance amending Ordinance No. 01-26, Park City Municipal Code, Section 15-3-5, Ethics Code; providing for disqualification of a candidate for failure to file required reports - See staff report and public hearing.

2. Ordinance approving a lot line adjustment for Bald Eagle Condominiums, located at 7965 Red Tail Court, Park City, Utah - See staff report and public hearing.

3. Award of contract for lobbying consulting services to Lee & Smith in the amount of $72,000 - See staff report and discussion above.

4. Resolution proclaiming May 11, 2002 as Arbor Day in Park City, Utah - See resolution; staff recommends approval.

5. Resolution proclaiming May 19 - 25, 2002 as National Public Works Week in Park City, Utah - See resolution; staff recommends approval.

VII NEW BUSINESS

1. Award of contract to Mountain States Fence company for cemetery fence and gates in an amount not to exceed $120,450 - See staff report. Troy Daley explained that the iron cemetery fence is corroded and deteriorated and needs to be replaced. Fred Jones questioned the need to fence the back property line of the cemetery as it is not fenced now. Mr. Daley explained that there is a barbed wire fence and the proposed section represents $37,000, which is described as an option in the staff report. Council member Jones recommended that the existing portions be replaced, excluding the back and Jim Hier agreed. Fred Jones, "I move to approve a contract with Mountain States Fence Company for replacing the cemetery fence and gate, excluding the back piece (Alternative C at $82,967.16). Jim Hier seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Nay
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

Jim Hier suggested incorporating the fence for the tot lot at City Park into this contract as it may represent a savings. Troy Daley felt the contract could be amended to include this addition and pointed out that the panels would be interchangeable. The Mayor discussed the perimeter of the fence at the playground and Peg Bodell stressed the importance of having a bench in the fenced tot area. Mr. Daley felt that placing a bench there could easily be accommodated.

2. Authorize staff to award a contract for construction of interconnect water line between the Jordanelle Special Service District and the Park City Water System - See staff report. Jerry Gibbs explained that the City received and publicly opened bids on Tuesday and the lowest qualified bidder was Counterpoint Construction at $219,573.25. Both he and the City Engineer have worked with this company who has performed well. The completion date is July 1 and the City will be working with Deer Valley on a snow making water line. Fred Jones, "I move to authorize staff to award a contract to Counterpoint Construction for $219,573.25 to construct a 10" interconnect water line between Jordanelle Special Service District and the Park City Water System". Candace Erickson seconded. Motion carried unanimously.

VIII ADJOURNMENT

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

* * * * * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1:45 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Jerry Gibbs, Public Works Director; and Tom Daley, Assistant City Attorney. Fred Jones, "I move to close the meeting to discuss personnel and property acquisition". Peg Bodell seconded. Motion carried unanimously.

The meeting opened at approximately 4:15 p.m.

* * * * * * * *

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

Prepared by Janet M. Scott

DATE: June 6, 2002

DEPARTMENT: Planning

TITLE: 151 Main Street - Plat Amendment

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Conduct a public hearing, take any public input and consider Staff's recommendation to approve a plat amendment to combine all of lots 12, 13, 14, and portions of lots 11,15, and 16 of Block 13 of the Park City Survey into one lot.

A. Topic

Owners: Bill White - representing interest for 151 Main Street Corporation

Location: 151 Main Street
Zoning: HCB/ HR-2
Adjacent Land Uses: Residential (developed and undeveloped HR-2 - Sub-Zones A&B); Undeveloped commercial
Reason for review: Plat Amendments require Planning Commission review and City Council approval.
Author: Jonathan Weidenhamer

B. Background

The project site is located at 151 Main street. A historic building exists on the property which currently is operated as the restaurant Grappa. The applicant proposes to combine the two lots under existing building and patio area (lots 13&14) with the adjacent 11/2 lots to the south (11&12) and 2 adjacent1/4 lots (15&16) to the west (Exhibit B). The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South, site of the temporary pocket park.

The lots in this application are zoned both HCB, Historic Commercial Business and HR-2, Historic Residential - 2 (Exhibit C). The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2. The LMC limits building area to a Floor Area Ratio of 1.5 for the HCB portion of the project. The existing building is 4493 s.f., therefore the maximum allowable expansion is 4381 s.f. for a total of 8,874 s.f. (Exhibit C).

This application was reviewed by the Planning Commission on May 22, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and input was received from two adjoining property owners. Their concerns focused on mechanical noise and garbage issues. This project will undergo a Historic District Design Review process prior to any building permits being issued. The applicant's initial proposal mitigates for the neighborhood concerns that were raised.

C. Analysis

Presently, the easterly 25' of lots15 and 16 are undeveloped except for only partially at grade decks and landscaping. They are used by Grappa for outdoor dining during the warmer months. A Conditional Use Permit (CUP) was approved for Outdoor Dining at this location in 1991, at which time Outdoor Dining was a conditional use for “historic structures only” (Exhibit D). In 1993, the applicant received an expansion to the existing CUP that allowed for expansion of the use from the second deck adjacent to the north only, to also include the third and fourth decks at the rear of the building(Exhibit E).

Under existing zoning regulations, this type of commercial activity is prohibited in this location, so the use continues as an Existing, Non-Conforming one. Section 15-9-5(B) of the LMC prohibits physical expansion of the area of the non-conforming use. Although further expansion of the restaurant may potentially increase the intensity of this use, the LMC does not regulate intensity of a use.

Section 6-3-9(K) of the Park City Municipal Code incorporates regulations on noise (Exhibit F). The existing CUP also has conditions regulating noise from outdoor speakers. Any complaints in regards to noise will continue to be responded to on a complaint basis by the Park City Police Department.

In August 1998 the Redevelopment Agency of Park City (RDA) and Bill White entered into a 5 year renewable Public Recreation License Agreement to install a pocket park on portions of Mr. White’s land (Exhibit G). This agreement may be terminated by the applicant with three months written notice and a building permit, at which point the RDA shall at its cost remove the existing improvements.

Part of the agreement stipulated that the owner agrees that the RDA’s costs of the improvements ($30,000) will be amortized over a five year period using a straight line depreciation schedule, so that if the License is terminated during any of the first five years, the owner will pay the RDA remaining value of the improvements. The five year period is scheduled to end in August 2003. For every month prior to August 2003 that the agreement is ended, the applicant would owe $500 to the RDA (approx. $6000).

D. 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 recordation. The request was discussed at a Staff Review Meeting on April 16, 2002, where representatives from local utilities and City Staff were in attendance.

E. Notice

Notice of this hearing was sent to property owners within 300' and posted on the property on April 23, 2002. No formal comments have been filed at the time of this report.

F. Recommendation

Staff recommends that the City Council Conduct a public hearing, take any public input and consider Staff's recommendation to approve a plat amendment to combine all of lots 12, 13, 14, and portions of lots 11,15, and 16 of Block 13 of the Park City Survey into one lot based on the following:

Findings of Fact:

1. The project site is located at 151 Main Street. A historic building exists on the property which currently is operated as the restaurant Grappa.
2. The applicant proposes to combine the two lots under existing building and patio area (lots 13&14) with the adjacent 11/2 lots to the south (11&12) and 2 adjacent1/4 lots (15&16) to the west.
3. The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South, site of the temporary pocket park.
4. Lots 11,12,13 and 14 are zoned HCB, Historic Commercial Business. Lots 15 and 16 are zoned and HR-2, Historic Residential - 2.
5. The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2.
6. The Floor Area Ratio that is proposed is 1.5. The existing building is 4493 s.f.. The allowable expansion for a 1.5 FAR is 4381 s.f. for a building maximum of 8,874 s.f..
7. This application was reviewed by the Planning Commission on May 22, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and input was received from two adjoining property owners. Their concerns focused on mechanical noise and garbage issues. This project will undergo a Historic District Design Review process prior to any building permits being issued.
8. The easterly 25' of lots15 and 16 are undeveloped except for only partially at grade decks and landscaping. They are used by Grappa for outdoor dining.
9. A Conditional Use Permit (CUP) was approved for Outdoor Dining at this location in 1991, at which time Outdoor Dining was a conditional use for "historic structures only". In 1993, the applicant received an expansion to the existing CUP that allowed for expansion of the use from the second deck to the third and fourth decks at the rear of the building.
10. Under existing zoning regulations, Outdoor Dining is prohibited in the HR-2 Zone. The use continues as an Existing, Non-Conforming one. Section 15-9-5(B) of the LMC allows for exterior or interior improvements to a structure containing a non-conforming use to be allowed provided there is no expansion of the area of the non-conforming use.
11. Section 6-3-9(K) of the Park City Municipal Code incorporates regulations on noise. The existing CUP also has conditions regulating noise from outdoor speakers. Any complaints in regards to noise will be responded to on a complaint basis by the Park City Police Department.
12. In August 1998 the Redevelopment Agency of Park City (RDA) and Bill White entered into a 5 year renewable Public Recreation License Agreement to install a pocket park on portions of Mr. White's land (Exhibit E). This agreement may be terminated by the applicant with three months written notice and a building permit, at which point the RDA shall at its cost remove the existing improvements. The City, at this time has not received written notice of termination from the applicant.
13. The agreement with the RDA stipulated that the owner agrees that the RDA's costs of the improvements ($30,000) will be amortized over a five year period using a straight line

depreciation schedule, so that if the License is terminated during any of the first five years, the owner will pay the RDA remaining value of the improvements. The five year period is scheduled to end in August 2003. For every month prior to August 2003 that the agreement is ended, the applicant would owe $500 to the RDA (approx. $6000).

14. An addition on lots 11 and 12 is exempt from any parking requirement as the Main Street Parking Special Improvement District (MSPSID) fees for the lots have been paid into the MSPSID.

Conclusions of Law:

15. There is good cause for this plat amendment.
16. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
17. 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 approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant will record the plat amendment at the County within 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.
3. No building permit will be issued prior to recordation of the Plat Amendment.
4. Outdoor Dining shall be allowed to continue under the stipulations of the existing approval, originally granted in 1991 and expanded in 1993.

G. Exhibits

Exhibit A - Location Map
Exhibit B - Proposed Replat
Exhibit C - Block 13 - Park City Survey & FAR
Exhibit D - 1991 CUP for Outdoor Dining
Exhibit E - 1993 CUP Expansion
Exhibit F - Municipal Code - Noise Ordinance
Exhibit G - Public Recreation License Agreement

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

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

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

WHEREAS, on May 22, 2002 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, 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 project site is located at 151 Main Street. A historic building exists on the property which currently is operated as the restaurant Grappa.
2. The applicant proposes to combine the two lots under existing building and patio area (lots 13&14) with the adjacent 11/2 lots to the south (11&12) and 2 adjacent1/4 lots (15&16) to the west.
3. The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South, site of the temporary pocket park.
4. Lots 11,12,13 and 14 are zoned HCB, Historic Commercial Business. Lots 15 and 16 are zoned and HR-2, Historic Residential - 2.
5. The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2.
6. The Floor Area Ratio that is proposed is 1.5. The existing building is 4493 s.f.. The allowable expansion for a 1.5 FAR is 4381 s.f. for a building maximum of 8,874 s.f..
7. This application was reviewed by the Planning Commission on May 22, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and input was received from two adjoining property owners. Their concerns focused on mechanical noise and garbage issues. This project will undergo a Historic District Design Review process prior to any building permits being issued.
8. The easterly 25' of lots15 and 16 are undeveloped except for only partially at grade decks and landscaping. They are used by Grappa for outdoor dining.
9. A Conditional Use Permit (CUP) was approved for Outdoor Dining at this location in 1991, at which time Outdoor Dining was a conditional use for "historic structures only". In 1993, the applicant received an expansion to the existing CUP that allowed for expansion of the use from the second deck to the third and fourth decks at the rear of the building.
10. Under existing zoning regulations, Outdoor Dining is prohibited in the HR-2 Zone. The use continues as an Existing, Non-Conforming one. Section 15-9-5(B) of the LMC allows for

exterior or interior improvements to a structure containing a non-conforming use to be allowed provided there is no expansion of the area of the non-conforming use.

11. Section 6-3-9(K) of the Park City Municipal Code incorporates regulations on noise. The existing CUP also has conditions regulating noise from outdoor speakers. Any complaints in regards to noise will be responded to on a complaint basis by the Park City Police Department.
12. In August 1998 the Redevelopment Agency of Park City (RDA) and Bill White entered into a 5 year renewable Public Recreation License Agreement to install a pocket park on portions of Mr. White's land (Exhibit E). This agreement may be terminated by the applicant with three months written notice and a building permit, at which point the RDA shall at its cost remove the existing improvements. The City, at this time has not received written notice of termination from the applicant.
13. The agreement with the RDA stipulated that the owner agrees that the RDA's costs of the improvements ($30,000) will be amortized over a five year period using a straight line depreciation schedule, so that if the License is terminated during any of the first five years, the owner will pay the RDA remaining value of the improvements. The five year period is scheduled to end in August 2003. For every month prior to August 2003 that the agreement is ended, the applicant would owe $500 to the RDA (approx. $6000).
14. An addition on lots 11 and 12 is exempt from any parking requirement as the Main Street Parking Special Improvement District (MSPSID) fees for the lots have been paid into the MSPSID.

<u>SECTION 2. CONCLUSIONS OF LAW</u>. The City Council hereby adopts the following Conclusions of Law.

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

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

18. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.
19. 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.
20. No building permit will be issued prior to recordation of the Plat Amendment.
21. Outdoor Dining shall be allowed to continue under the stipulations of the existing approval, originally granted in 1991 and expanded in 1993.

<u>SECTION 4. EFFECTIVE DATE</u>. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 20th day of June 2002.

DATE:	**June 6, 2002**
DEPARTMENT:	**Planning**
AUTHOR:	**Kirsten A. Whetstone**
TITLE:	**Roosevelt Gap Subdivision**
TYPE OF ITEM:	**Amendment to Final Subdivision plat**

SUMMARY RECOMMENDATION: Conduct a public hearing, consider any public input, and consider Planning Commission's recommendation to approve as conditioned.

DESCRIPTION

A. Topic

Applicant representatives	Doug Campbell, Willamette Landing for Deer Crest Resort
Location	2300 Deer Valley Drive, Plat amendment
Zoning	Resort Commercial (RC-MPD)
Adjacent Land Uses	Deer Crest MPD, ski runs, open space, single family lots
Reason for Review	Plat amendments require Planning Commission review and City Council approval.

2. Background

In December of 1998, the Roosevelt Gap subdivision plat was recorded at Wasatch County. This plat was reviewed and approved by the Wasatch County Commission as the property had not yet been annexed. In 1999 Park City annexed this property into the city limits. In February of 2001 a conditional use permit for a hotel development was approved at this site. The conditional use permit was amended in July of 2001. A grading and excavation/shoring permit was issued in January of 2002.

At the time of the excavation permit, staff reviewed the detailed plans and noted that a corner of the proposed building does not meet the required 10' setback from the property line. As designed, the truck dock on the south side was at a zero setback to the State Trust Land parcel on which Deer Crest has a long term lease. The understanding during review of the conditional use permit, was that this was a lot line internal to the Deer Crest MPD and therefore a zero setback was possible. After review of the building plans it was determined that the State Trust Land was not included in the MPD and therefore the 10' setback was required to meet zoning and building codes.

The applicants wish to amend the Roosevelt Gap subdivision plat to 1) shift the north development parcel boundary line approximately 60' to the north, 2) dedicate as open space, a north facing evergreen treed slope, and 3) realign and narrow the easement for the private road that crosses through the development parcel (see Exhibit A).

On May 22, 2002 the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation to approve the subdivision plat amendment for Roosevelt Gap.

3. Analysis

Staff has reviewed the application against the Land Management Code. Staff finds that the requested amendments comply with the subdivision ordinance in that no remnant parcels or non-conforming lots or streets are created, there is a net gain in open space, and the amended plat will accurately contain development disturbance to the development parcels leaving open space parcels undisturbed.

Staff has reviewed the Deer Crest Settlement Agreement and the conditions of approval of the Rosewood CUP and finds that this request for a plat amendment is not contrary to the intent or language within these documents, nor does the request violate any conditions of approval. The requested plat amendment does not increase the building footprint, density, building height, intensity of use, parking, or disturbance area.

The north facing steep slope on a portion of the 2.98 acre development parcel B is proposed to be dedicated as 1.39 acres of open space with this plat amendment. This is a positive amendment and will preserve significant vegetation. This slope has a significant number of large, healthy evergreen trees growing on it.

In order to meet the 10' side yard setback from the State Trust Land the proposed building envelop has been shifted 15' to the north. A corner of the proposed building, approximately 450 sf of the building footprint, would be located north of the previous development parcel boundary. At staff's recommendation, the internal development parcel line has been shifted approximately 60' to the north to place all disturbance (not just the building corner), including grading, retaining walls, and re-vegetation, within the development parcel. Shifting the development boundary transfers approximately 0.67 acres (29,185 sf) of open space to the development parcel. Of this 29,185 sf, approximately 450 sf would be occupied by the actual building footprint. Retaining walls, landscaping, and re-vegetation activity and disturbance would occur in a portion of the remaining area. The open space in this area is a south facing slope, consisting of scrub oak, rock out-cropping, and low lying vegetation. The net increase in open space due to these amendments is + 0.72 acres.

The remaining 9.67 acre open space parcel, as well as the new 1.39 acre open space parcel, and the existing unamended 40.05 acre open space parcel, shall remain undisturbed, with the exception of trails, and other uses expressly permitted by the building permit (such as extension of public utilities) and the Deer Crest Settlement Agreement. The limits of disturbance fencing shall be place in such a manner as to not permit unauthorized disturbance of these open space parcels.

Modifications are proposed to narrow, to 32', the 80' wide access easement for the private drive known as Deer Crest Estates Drive, for a distance of approximately 100' along the eastern facade of the proposed hotel building. This alignment has been reviewed by the City Engineer and Chief Building Official and Fire Marshall. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of the roadway (see Exhibit B).

4. Department Review

This project has been through an interdepartmental review. City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation of the final subdivision plat.

5. Notice

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

6. Public Input

No public comment has been received on this proposal.

ALTERNATIVES

1. The Council may approve as conditioned or amended; or
2. The Council may disapprove; or
3. The Council may continue the discussion with direction to staff and the applicant.

SIGNIFICANT IMPACTS

Amending the plat trades dedicated open space from a south facing hillside located north of the proposed hotel development, to a north facing slope consisting of a significant stand of evergreen trees, and results in a net increase in dedicated open space, of 0.72 acres (31,363 sf). Shifting the building footprint 10'-15' to the north places the north-west building facade lower in the ground and behind a higher portion of the Summit-Wasatch county-line ridge. This effectively reduces visual impacts of the northwest building facade and roof, as seen from vantage points used during the visual analysis of the conditional use permit. Staff is recommending a condition of approval that prior to issuance of a footing and foundation permit, the height and location of the roof ridge is verified by the applicant to ensure that the building complies with the findings and conditions of approval of the conditional use permit. The narrow road easement will increase maintenance costs but those costs are private, not Park City’s.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The applicants would need to pursue a setback variance or purchase a strip of State Trust Lands in order to meet the required 10' side yard setback for the hotel and truck dock. Alternatively, a redesign of the hotel is necessary. Currently Deer Crest holds a 99 year lease over this State Trust Lands property for the purpose of open space and ski runs.

RECOMMENDATION

Staff recommends the City Council conduct a public hearing, consider any public input, and consider the Planning Commission’s recommendation, and approve the plat amendment based on the following findings of fact, conclusions of law and conditions of approval.

Findings of Fact:

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement. The property is currently vacant.
2. The property is within Park City Municipal boundaries and within Wasatch County.
3. The proposed plat amendment shifts the disturbance area north approximately 60' and shifts 450 sf of the building envelop 10' - 15' to the north. Shifting the development boundary transfers approximately 0.67 acres of open space to Development Parcel A.
4. The requested plat amendment does not increase the building footprint, density, building height, intensity of use, parking, or disturbance area from what was approved with the conditional use permit.
5. The plat amendment dedicates 1.39 acres of forested Development Parcel B as open space for a net increase of 0.72 acres of open space.
6. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, from 80' to 32' for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
7. The property is subject to the Rosewood CUP, approved in February of 2001, amended on July 25, of 2001.
8. On May 22, 2002 the Planning Commission held a public hearing. There was no public comment on the proposal. The Commission voted to forward to the City Council a positive recommendation to approve the plat amendment.

Conclusions of Law:

1. The amended subdivision plat is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding subdivision plats.
2. As conditioned, neither the public nor any person will be materially injured by the proposed amended subdivision plat.
3. Approval of the amended subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

4. Conditions of Approval for the Rosewood CUP and the Deer Crest Settlement Agreement remain in full force and effect.
5. Conditions of Approval and existing plat notes pertaining to the Roosevelt Gap subdivision plat remain in full force and effect. A note shall be added to the amended plat referring to all notes on the existing Roosevelt Gap plat.
6. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
7. The applicant will record the amended subdivision plat at Wasatch 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. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.

8. As a condition precedent to issuance of a footing and foundation permit for the hotel development on these parcels, the applicant shall verify (this may entail re-flying balloons) that the height and location of the roof ridge on the north-west elevation (the portion that is shifted with this plat amendment) comply with the findings of the conditional use permit and are consistent with the conditions of approval of the conditional use permit and the Deer Crest Settlement Agreement.

EXHIBITS

Exhibit A- Proposed Amended Record of Survey
Exhibit B- Site Plan

AN ORDINANCE APPROVING AMENDMENTS TO THE FINAL SUBDIVISION PLAT KNOWN AS THE ROOSEVELT GAP SUBDIVISION LOCATED AT 2300 DEER VALLEY DRIVE, PARK CITY, WASATCH COUNTY, UTAH

WHEREAS, the owners, Deer Crest Development, of the property generally located at 2300 Deer Valley Drive, Park City, Utah and known as the Roosevelt Gap Subdivision, have petitioned the City Council for approval of a final subdivision plat amendment; and

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

WHEREAS, on May 22, 2002, the Planning Commission held a public hearing to receive public input on the proposed subdivision plat amendments and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 6, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat amendments; and

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

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

SECTION 1. FINDINGS OF FACT.

9. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement. The property is currently vacant.
10. The property is within Park City Municipal boundaries and within Wasatch County.
11. The proposed plat amendment shifts the disturbance area north approximately 60' and shifts 450 sf of the building envelop 10' - 15' to the north. Shifting the development boundary transfers approximately 0.67 acres of open space to Development Parcel A.
12. The requested plat amendment does not increase the building footprint, density, building height, intensity of use, parking, or disturbance area from what was approved with the conditional use permit.
13. The plat amendment dedicates 1.39 acres of forested Development Parcel B as open space for a net increase of 0.72 acres of open space.
14. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, from 80' to 32' for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
15. The property is subject to the Rosewood CUP, approved in February of 2001, amended on July 25, of 2001.

16. On May 22, 2002 the Planning Commission held a public hearing. There was no public comment on the proposal. The Commission voted to forward to the City Council a positive recommendation to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Deer Crest Settlement Agreement and Rosewood CUP.

SECTION 3. PLAT APPROVAL. The plat amendments to the Roosevelt Gap Subdivision are hereby approved as shown on Exhibit A, with the following conditions:

4. Conditions of Approval for the Rosewood CUP and the Deer Crest Settlement Agreement remain in full force and effect.
5. Conditions of Approval and existing plat notes pertaining to the Roosevelt Gap subdivision plat remain in full force and effect. A note shall be added to the amended plat referring to all notes on the existing Roosevelt Gap plat.
6. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval as a condition precedent to recordation of the plat.
7. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
8. As a condition precedent to issuance of a footing and foundation permit for the hotel development on these parcels, the applicant shall verify (this may entail re-flying balloons) that the height and location of the roof ridge on the north-west elevation (the portion that is shifted with this plat amendment) comply with the findings of the conditional use permit and are consistent with the conditions of approval of the conditional use permit and the Deer Crest Settlement Agreement.
9. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

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

DATE:	**June 6, 2002**
DEPARTMENT:	**Planning**
AUTHOR:	**Brooks T. Robinson**
TITLE:	**2001 Park Ave, Hotel Park City**
TYPE OF ITEM:	**Final Record of Survey for Condominium**

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider any public input, and consider staff's recommendation to forward a positive recommendation to the City Council as conditioned or amended.

DESCRIPTION

A. Topic

Owners	Hotel Park City, LLC
Location	2001 Park Ave.
Zoning	Recreational Commercial with Master Planned Development
Adjacent Land Uses	Municipal Golf Course and Residential (Thaynes Canyon)
Reason for Review	Final Record of Survey Plats require Planning Commission review and City Council approval.

10. Background

Hotel Park City is located on 7.52 acres adjacent to the Park City Municipal Golf Course. The street address is 2001 Park Avenue. The zoning is Recreational Commercial with Master Planned Development (RC-MPD). The subdivision for this property was approved by the City Council on August 9, 2001 (See Ordinance, Exhibit C). The project was formerly known as Island Outpost, Inn on Shadow Creek and others.

This application is for a Record of Survey to create a condominium and identify the Common, Limited Common and Private areas within the condominium. Expandable Area is shown to the south where the future cottages will be constructed. At the appropriate time, an amended Record of Survey will be considered to include the cottages.

The Planning Commission heard this application at its regular meeting on May 22, 2002. The Commission forwards a positive recommendation tot he City Council.

11. Analysis

Condominiums are an allowed use within the RC zoning district. The Record of Survey creates 54 Residential Units using 23.36 Unit Equivalents (UEs). No more then 39 Ues may be utilized on this project. Also created are a Support Commercial spa, Commercial Restaurant space, the Golf Course Pro Shop spaces and general Hotel Operations space. The Unit count and floor area square footage for each use are consistent with the MPD approval.

12. Department Review

This project has gone through an interdepartmental review. Some labeling and unit designations issues have been raised with the applicant that do not reflect a change in use but rather serve to clarify and conform the plat with the Utah Condominium Ownership Act. 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 state code prior to recordation.

13. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

14. Public Input

Staff has received several phone calls inquiring as to the nature of this application.

ALTERNATIVES

1. The City Council may approve the Record of Survey as conditioned or amended, or;

2. The City Council may deny the Record of Survey or;

3. The City Council may continue the discussion with direction to the staff and applicant.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts with this condominium.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The applicant could not sell individual units.

RECOMMENDATION

Staff requests that the City Council conduct a public hearing, consider any public input, and consider staff's recommendation to approve the Record of Survey plat as conditioned or amended based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The property is located at 2001 Park Avenue and is zoned Recreation Commercial with Master Planned Development (RC-MPD). The main hotel building is nearing completion.
2. The condominium creates residential units and units for the golf pro shop, spa, restaurant and hotel spaces.
3. An expandable area is created for the proposed cottages.
4. All parking is common to all owners, including the golf pro shop.
5. A subdivision approved by the Park City Council on August 9, 2001 created a single lot.
6. Condominiums are an allowed use in the RC zone.
7. The Planning Commission forwards a positive recommendation to the City Council from the hearing on May 22, 2002.

Conclusions of Law:

1. There is good cause for this Record of Survey.

2. The Amended Record of Survey is consistent with the Master Plan Development Agreement, Park City Land Management Code, the General Plan and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

5. The Conditions of Approval for the Hotel Park City Master Plan Approval (Island Outpost), as amended, remain in full force and effect.
6. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
7. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Proposed Plat (39 pages under separate cover)
Exhibit C - Subdivision Ordinance of August 9, 2001

AN ORDINANCE APPROVING A RECORD OF SURVEY FOR HOTEL PARK CITY LOCATED AT 2001 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 2001 Park Avenue have petitioned the City Council for approval of a final plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

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

WHEREAS, the Planning Commission held a public hearing on May 22, 2002, to receive input on the proposed record of survey plat;

WHEREAS, the Planning Commission, on May 22, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 6, 2002, the City Council held a public hearing and approved the proposed record of survey plat; and

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

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

SECTION 1. APPROVAL. The Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

8. The property is located at 2001 Park Avenue and is zoned Recreation Commercial with Master Planned Development (RC-MPD). The main hotel building is nearing completion.
9. The condominium creates residential units and units for the golf pro shop, spa, restaurant and hotel spaces.
10. An expandable area is created for the proposed cottages.
11. All parking is common to all owners, including the golf pro shop.
12. A subdivision approved by the Park City Council on August 9, 2001 created a single lot.
13. Condominiums are an allowed use in the RC zone.
14. The Planning Commission forwards a positive recommendation to the City Council from the hearing on May 22, 2002.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Amended Record of Survey is consistent with the Master Plan Development Agreement, Park City Land Management Code, the General Plan and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey

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

Conditions of Approval:

5. The Conditions of Approval for the Hotel Park City Master Plan Approval (Island Outpost), as amended, remain in full force and effect.
6. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
7. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 6th day of June, 2002.

DATE: June 6, 2002
DEPARTMENT: Planning Department
AUTHOR: Patrick Putt, Planning and Zoning Administrator
TITLE: Flagstaff Mountain Resort Phase 1 Final Plats
TYPE OF ITEM: Legislative (Subdivision Plat review)

SUMMARY RECOMMENDATION: The Planning Department recommends that Council adopt the attached Ordinance approving the Flagstaff Mountain Resort Phase1 Subdivision Plats pursuant to the attached findings of fact, conclusions of law, and conditions of approval.

Project Name: Flagstaff Mountain Resort Phase 1 Final Plats–Northside Subdivision; Northside Subdivision II; Parcel A, Empire Village Subdivision; Open Space Parcel No. 1; and the Marsac Avenue Right-of-Way.

Applicant: Flagstaff Mountain Partners

Proposal: Final plats for Guardsman Rd. (now Marsac Avenue) realignment/right-of-way dedication; 10 lot single-family subdivision; 3 multi-family lots, and open space lot; Empire Canyon day-lodge lot.

Location: Portions of UPCMC lands south of Old Town, west of Deer Valley Resort and east of Park City Mountain Resort. The property is presently accessed from the old Guardsman Pass Rd.

Zoning: RD-MPD and ROS MPD

Adjacent Land
Uses: Undeveloped Open Space; Ski Area/Resort Improvements

Date of Application: (revised) November 20, 2001

A. <u>Topic</u>: Review and action on the Flagstaff Mountain Resort Phase 1Final Plats. A public hearing is scheduled. Pod "D" is not part of this application.

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

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. The Development Agreement further limits the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

* No more than 705 Unit Equivalents in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.

* no more than 75,000 square feet of resort support commercial; and

* a maximum 35,000 square foot day skier lodge in Pod B-2.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The reports include details on the following issues:

Mine/Soil Hazard Mitigation
Architectural Design Guidelines
Transit
Parking
Open Space Management
Historic Preservation
Emergency Response
Trails
Private Road Access Limitations
Construction Phasing
Infrastructure and Public Improvement Design
Utilities
Wildlife Management
Affordable Housing

The Planning Commission spent the summer and fall of 2001 reviewing the above-listed documents. The Commission approved the final study on December 12, 2001.
The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards against which the subject MPD and preliminary/final plat will be reviewed.

During the Winter and Spring, the Planning Commission held public hearings to review the Flagstaff Mountain Resort Phase 1 Master Planned Development. The Phase 1 MPD consists of:

* The density assignment and configuration of a ten (10) Single-Family Lots in Pod B-1 known as the Northside Subdivision;

* One (1) lot for the Empire Canyon Day-Lodge in Pod B-2;

* Three (3) Multi-Family Lots for the 3 multi-family sites in Pod B-1known as the Northside Subdivision II. No Density is assigned to the 3 multi-family lots (subject to a subsequent MPD review/approval).

* One (1) Lot Subdivision for the Open Space Parcel at the entrance to the Mountain Village in Pod A, known as the Open Space Parcel No.1; and

* the layout of the realigned Guardsman Pass road, now known as Marsac Avenue.

The Flagstaff Mountain Resort Phase 1 MPD was approved by the Planning Commission on May 22, 2002. The Planning Commission also forwarded a positive recommendation on the Flagstaff Mountain Resort Phase 1 Plats which create the above-described lots and right-of-way. The plats have been forwarded to Council for final review and action. A detailed review and analysis of the application is set forth below.

C. <u>Proposal</u>: The applicant seeks final plat approval for Phase 1 of the Flagstaff Mountain Resort. The application includes:

* Right-of-Way Dedication Plats for the Guardsman Road/Marsac Avenue alignment and re-alignment;

* Ten (10) Single-Family Lots in Pod B-1

* One (1) Empire Canyon Day-Lodge Lot in Pod B-2

* Three (3) Multi-Family Lots for the 3 multi-family sites in Pod B-1

* One (1) Lot Subdivision for the Open Space Parcel at the entrance to the Mountain Village in Pod A.

<u>The Guardsman Road Realignment and Dedication</u>: The right-of-way (ROW) plats will formalize and dedicate for public use a re-aligned Marsac Avenue. This alignment is consistent with that shown in the Development Agreement, Exhibit "H" (attached). The proposed ROW is 50' wide and extends from the existing SR-224 ROW, near the Guardsman Connection Road, around Pod A, and to the newly constructed roundabout at Pod B-2 adjacent to the Empire Canyon Day Lodge. The ROW dedication also includes the new road connection made from the Day Lodge up to the existing Guardsman Road.

The realigned Marsac Avenue is irrevocably offered for dedication for public use. A master homeowners association(MHOA) will be formed and will, by contract, participate in all road maintenance expenses which exceed normal City/State costs, primarily snow plowing.

<u>The Ten (10) Lot Single Family Subdivision:</u> Ten single-family lots are proposed ranging in size from approximately one-third (1/3) to one (1) acre. The proposed subdivision design has been modified to locate the building pads in areas with limited vegetation. All lot improvements will be subject to the Flagstaff Mountain Resort Design Guidelines. Minimum setbacks for all lots are to be regulated by the underlying RD zoning minimums. The Land Management Code allows for a front-yard setback reduction for subdivisions in the RD zone if such a reduction better accommodates access to steep lots; preserves significant vegetation, eliminates or minimizes cut/fill areas; promotes clustered development, or preserves open space. A front yard setback reduction (pursuant to the MPD chapter of the LMC) to 15' from the standard of 25' for 6 of the 10 lots was approved by the Planning Commission. The Planning Commission determined that the proposed reduction will create the opportunity to reduce site excavation impacts and potentially protect more significant existing vegetation.

Maximum house sizes range from 7,500 to 10,000 square feet. Maximum heights are to be governed by RD zone standards and the Flagstaff Mountain Resort Design Guidelines. Covenants, Conditions and Restrictions (CC&Rs) will be proposed that will deal with site and home improvements as well as any ski-in access. The subdivision will have its own Home Owners Association (HOA) in addition to the MHOA mentioned previously. The MHOA will enforce the approved CC&Rs and perform architectural design review of all lot improvements.

A maximum disturbance limit will be specified for each lot. All site disturbance is exclusive of driveway and utility connections. The two cul-de-sacs serving the ten lots will be private rights-of-way and maintained by the HOA. A resort ski trail that will provide public hiking and biking access will be platted through the subdivision.

Parcel A (Empire Canyon Day Lodge): A parcel of land was deeded to Deer Valley Resort Company without following required plat approvals prior to construction of the Day Lodge. The plat will formalize this property as a Lot of Record and create the access and utility easements for facilities currently in place or that are presently planned.

Lots B, C, and D: The proposed plat will create three multi-family sites in Pod B-1 and Pod A. All lot improvements will be subject to the Flagstaff Mountain Resort Design Guidelines. Building setbacks will be regulated by standard RD zone minimums with special increased varied setbacks that respond to site constraints, proposed ski runs, easements, and uses. All development on these lots will require detailed design drawings in support of further required Conditional Use Permits. The plats for these parcels will include and formalize the easements for the proposed public trails traversing these sites. The proposed Phase 1 MPD will not assign specific densities to Lots B, C, and D. Densities for these lots will be designated as part of a subsequent MPD approval.

Open Space Parcel No.1: The proposed plat will create a 3.4 acre open space parcel that will formalize an eastern limit to the proposed Mountain Village. Final ownership of this parcel will be either the MHOA or Deer Valley.

D. Analysis:

Site Specific Approvals: Conditional use permit approval (including a density assignment) will be required prior to the construction of the PUD-style single-family units on Lot B and the multi-family units on Lots C and D. No conditional use permit is required for the proposed 10 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Setbacks: The proposed application complies with the LMC requirement specifying that a minimum 25-foot setback be provided around the exterior boundary of the MPD. Phase 1 of the Flagstaff Mountain Resort MPD is bound on 3 sides by ROS-MPD and on the east side by the Mountain Village (Pod A). The Mountain Village is contiguous to ROS-MPD designated land.

Open Space: The Development Agreement (Ord. 99-30) limits the overall development to 147 acres out of the 1,655 acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Please be aware that construction disturbance will occur in many areas of open space due to skiing, infrastructure, and mine waste reclamation.

Off-Street Parking: The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area which include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units on Lot C and the multi-family units and commercial area on Lot D will be subject to more-specific analysis during the subsequent conditional use permit review process.

Staff has recently met with the applicants regarding the issue of parking for Brighton Estates' homeowners who snowmobile to their residences located outside the MPD project area. In lieu of the creation of an additional exterior parking area within the MPD boundary, the applicants have agreed to provide an off-street area for authorized Brighton Estates' homeowners to temporarily park their vehicles and snowmobile trailers. The proposed parking area is to be along the shoulder of the new Guardsman connector road above the Empire Canyon Day

Lodge in Pod B-2. The intent is to improve the road platform wide enough(without significant loss of trees) to accommodate vehicles and trailers. This is being considered as an interim step to solving Brighton Estates' parking issue until such time as a permanent solution can be reached. The provision for the proposed interim Brighton Estates parking will be a condition of approval for the MPD and plat.

<u>Building Height</u>: The single family homes will be constructed pursuant to the 33' RD-zone height limitation. No height exceptions are proposed in the Phase 1 MPD.

<u>Site Planning</u>: The eleven site planning criteria outlined in the LMC are intended to promote overall design which incorporates the development into the site's natural characteristics. Given the limited scope of the application, i.e. a ten (10) lot single-family subdivision, three (3) multi-family lots, the Empire Canyon Day Lodge lot, an open space lot, and the realigned Marsac Avenue right-of-way, much of the site-specific details of the future development (multi-family and PUD-style structures on Lots B, C, and D) will remain the subject of subsequent conditional use permits.

Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement (Ord. 30-99) and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The "open space" areas designated in the Development Agreement (Ord. 99-30) are respected with this plan.

<u>Subdivision Regulations</u>

Staff has performed a preliminary review of the proposed preliminary/final subdivision plat per the LMC, Section 7.3-2: Subdivisions—Requirements For Improvements, Reservations.

<u>Density</u>: The proposed Phase 1 MPD complies with the maximum density permitted for the Pods A, B-1, and B-2. The Development Agreement sets forth a maximum density of 705 Unit Equivalents (in no more than 470 units) in the Pods A, B-1, and B-2. Since the

Phase 1 MPD will not assign density to Lots B, C, and D and single family residences do not count towards unit equivalents pursuant to the Development Agreement, no UEs are utilized in the Phase 1 MPD

Limits of Disturbance/Vegetation Protection: Based on the previous meeting dialogues between the Planning Commission, applicant, and Staff, the limits of disturbance issues for the Phase 1 MPD have been adequately addressed. As modified, the proposed 10-lot subdivision LOD will result in significantly less disturbance from the residential construction. The project infrastructure has been engineered to utilize existing disturbed areas as much as possible; however, substantial vegetation loss is anticipated. A revegetation plan, as part of the required construction mitigation plan, is a condition of approval.

Ridge Line Development: As discussed in the MPD analysis section above, the Sensitive Lands (Overlay) Zone did not specifically apply to the Flagstaff Mountain Resort (Large-Scale MPD) and annexation; however, the locations of the development pods are generally consistent with Sensitive Lands Zone principles.

Open Space: The Development Agreement (Ord. 99-30) limits the overall development to 147 acres out of the 1,655 acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. As previously mentioned in this report, construction disturbance will occur in many areas of open space due to skiing, infrastructure, and mine waste reclamation. The applicant must dedicate all open space within the MPD area and all open space outside the remaining development pods (currently zoned ROS) to the City within 30 days of the MPD approval. The City Attorney's office is reviewing drafts of the easements. The southern/eastern most area is still subject to negotiations between other owners (Branford, Mayflower, the Mine Company, et al), therefore, the Mine Company requests that the conservation easement in that area (and some of the small areas mostly around the new Marsac Avenue/former Guardsman Pass Road pending its final alignment) await subsequent MPD approval for that area. The Development Agreement provides for a density reduction if the land owners do not reach agreement. A condition of approval addresses this approach and staff is comfortable with this approach since the area is already zoned ROS.

Roads: The City Engineer has completed a preliminary review of the proposed road layout and retaining wall system. The designs are in general conformance with the City Engineering Standards. Specific comments regarding the designs have been forwarded to the applicant's engineers. Final City Engineer approval of the road and retaining wall designs are a requirement prior to the issuance of any grading or building permit. Because Marsac Avenue is a State Highway, the applicant has obtained State approval for the road plans.

The roadway and retaining wall systems have been designed to minimize cut and fill as much as possible. The primary design objective for the roadway/retaining wall system is to develop a road which complies with the City Engineering Standards, minimizes the road section's width of disturbance, and preserves as many of the major stands of conifers as possible. There are eight (8) major retaining wall systems proposed along the realigned Guardsman Road. All the retaining walls are downhill wall systems and range from 3 feet up to nearly 30 feet in height. Given the downhill walls often act to preserve large stands of conifers, the views of the walls are buffered by the trees. The Planning Commission has reviewed the visual analysis of the roadway system as viewed from the Planning Commission selected vantage points and determined that visibility of the roadway and retaining walls are limited. The tallest retaining wall system is not visible from any of the vantage points.

The dedication of realigned Guardsman Pass Road/Marsac Avenue will ultimately be accepted for public use. A master homeowners association(MHOA) will be formed and will, by contract, participate in all road maintenance expenses which exceed normal City/State costs. Construction will commence immediately under the UDOT permit.

Utilities and Drainage Ways: The City Engineer has completed a preliminary review of the proposed utilities and drainage ways. The designs are in general conformance with the City Engineering Standards. Specific comments regarding the designs have been forwarded to the applicant's engineers. Final City Engineer approval of the utility and drainage plans are a requirement prior to the issuance of any grading or building permit. A 1,000,000-gallon tank will be built this year to provide fire flows for Pod A, B-1, and B-2. A pump station and massive utility work will be built in Empire Canyon.

Trails and Sidewalks: The Subdivision Code requires that sidewalks be included within the dedicated non-pavement right-of-way of all roads unless an alternative location has been specifically approved by the Planning Commission. In certain cases, pedestrian paths may be permitted. The new 8000 ft. Trail will be constructed this season through the project site. A portion of the Tour Des Suds trail will be rerouted below the new Marsac Avenue. During its review, the Commission expressed its support for the timely development of the new 8000 ft. trail and the realigned Tour Des Suds Trail in lieu of a sidewalk in the new Marsac Avenue right-of-way. At the Planning Commission approved the trail construction in lieu of a sidewalk in the new Marsac Avenue right-of-way. The Commission noted that the new trail work in lieu of the Marsac Avenue sidewalk does not reduce or minimize the need for sidewalks/formal pedestrian connections which are determined necessary during the site-specific conditional use permit reviews for Lots B, C, and D, as well as the remainder of the Mountain Village.

Architectural Standards: Development within the project area is subject the LMC architectural design review standards and the Flagstaff Mountain Resort Design Guidelines adopted by the Planning Commission on October 24, 2001. Staff and the Planning Commission are satisfied that the above-specified guidelines will provide clear expectations for quality architecture within the project area.

Lot Arrangement and Lot Dimensions: The proposed lot arrangement, lot sizes, and lot dimensions comply with the standards of the Subdivision Code.

Building Sites and Maximum Building Sizes: The proposed building sites are consistent with the development pods approved in the Large-Scale MPD and Development Agreement. Specific limits of disturbance are defined and specified in a maximum square footage of disturbance per lot/development site matrix found in Exhibits “A” and “B” of the Phase 1 MPD application.

E. **Recommendation**: The Planning Department recommends that Council adopt the attached Ordinance approving the Flagstaff Mountain Resort Phase 1 subdivision plats pursuant to the attached findings of fact, conclusions of law, and conditions of approval.

Flagstaff Mountain Resort Phase 1/Northside Village Subdivision Draft Findings of Fact, Conclusions of Law, and Conditions of Approval

Findings of Fact

1. The subdivision plats are located in the RD-MPD and ROS-MPD Districts. The realigned Guardsman Road right-of-way is located in the ROS-MPD District.

2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. The Development Agreement limits development in Pods A, B-1, B-2 to:

* No more than 705 Unit Equivalents in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.

* no more than 75,000 square feet of resort support commercial; and

* a maximum 35,000 square foot day skier lodge in Pod B-2.

5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:

Mine/Soil Hazard Mitigation

Architectural Design Guidelines

Transit

Parking

Open Space Management

Historic Preservation

Emergency Response

Trails

Private Road Access Limitations

Construction Phasing

Infrastructure and Public Improvement Design

Utilities

Wildlife Management

Affordable Housing

6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. The Construction and Phasing Development Plan, approved by the Planning Commission on December 12, 2001 specifies that:

-No vertical construction shall begin in Pod D until the following items are completed:

-approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;

- approval of the Pod D MPD and subdivision plat;

-substantially complete, and bond for completion by December 25, 2004, the operation of the Alpine Club Phase 1 resort amenity package (including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company. Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area ;

-substantially complete, and bond for completion by December 25, 2004, the first phase of Alpine Club multi-family units as approved in the Mountain Village MPD;

-issuance of the building permit, and bond for completion by December 25, 2004, for the Mountain Village transit hub;

-issuance of the building permit, and bond for completion by December 25, 2004, for the pulse gondola; and

-issuance of a building permit for at least one multi-family building within the Mountain Village(as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.

8. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (30-99) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.

9. The proposed subdivision plat includes:

*Right-of-Way Dedication Plats for the Guardsman Road Re-alignment

* Ten (10) Single-Family Lots

* One (1) Empire Canyon Day-Lodge Lot

* Three (3) Multi-Family Lots for the 3 multi-family sites in Pod B-1.

* One (1) Lot Subdivision for the small Open Space parcel.

10. The realigned Guardsman Pass Road right-of-way will be dedicated for public use. The applicant proposes a that a master homeowners association(MHOA) be formed and will, by contract, provide all road maintenance expenses in exchange for normal City or State costs, whoever has jurisdiction.

11. Exhibits “A” and “B” of the master planned development for the 10-lot subdivision/Northside Village Subdivision specifies lot size, maximum house size, maximum building footprint, maximum irrigated area, maximum disturbance for each lot. The massing, size and articulation of the single family houses have been restricted and further modified by the MPD in exhibit “A” and “B” to require that buildings step down on the façade that faces the street. In addition the Design Guidelines for the project impose additional controls on façades, stepping and articulation over and above those that are required by the LMC.

12. Proposed Lot A creates a lot of record for the Deer Valley Resort’s Empire Day Lodge.

13. Proposed Lot B is 16.99 acres and is proposed for multi-family development. The maximum amount of density for Lot B is subject to a subsequent Master Planned Development approval by the Planning Commission.

14. Proposed Lot C is 3.63 acres and is proposed for multi-family development. The maximum amount of density for Lot C is subject to a subsequent Master Planned Development approval by the Planning Commission.

15. Proposed Lot D is 1.34 acres and is proposed for multi-family development. The maximum amount of density for Lot D is subject to a subsequent Master Planned Development approval by the Planning Commission.

16. The Land Management/Subdivision Code requires that sidewalks be included within the dedicated non-pavement rights-of-way of all roads unless an alternative location has been specified by the Planning Commission.

17. At the April 20, 2002 meeting, the Planning Commission determined that the applicant's construction of the 8000-foot trail and the Tour de Suds trail through the subdivision are acceptable pedestrian enhancements in lieu of a sidewalks adjacent to Guardsman Pass Road, Hawkeye Place, and Northside Court (the cul de sacs for the proposed 10-lot subdivision).

18. The proposed subdivision includes easements for the 8000-foot trail and the Tour De Suds trail.

19. The Planning Commission reviewed the limits of disturbance for the proposed 10-lot subdivision/Northside Village Subdivision, realigned Guardsman Road, and project utilities corridors at the April 24, 2002 and May 8, 2002 meeting. The disturbance exhibits presented to the Planning Commission during the meetings of April 24th and May 8th and are on file at the Planning Department.

20. A financial guarantee is necessary to protect the health, safety and welfare of the general public.

21. Public hearings were held on the proposed subdivision on March 27, 2002, April 10, 2002, April 24, 2002, and May 8, 2002.

22. The Development Agreement for Flagstaff Mountain/Annexation Resolution 99-30 specifies that the applicant shall quit claim the Sand Ridge Parking Lot to the City.

23. The Development Agreement for Flagstaff Mountain/Annexation Resolution 99-30 specifies that open space easements will be provided for specific property, including Prospect Ridge, Lady Morgan, Iron Mountain, and the balance of project land within the Deer Valley Ski Area.

24. The seasonal parking, which has been provided for the Brighton Estates homeowners in the vicinity of the Stables, is proposed to be temporarily relocated to where the new Guardsman Road connects to the existing Guardsman Road just above the new Deer Valley day lodge.

25. Essential municipal public utility buildings require conditional use permits in the RD and ROS Districts.

Conclusions of Law

1. There is good cause for this subdivision.

2. The Subdivision is consistent with the Park City Land Management Code, the Park City General Plan, and the Development Agreement for Flagstaff Mountain/Annexation Resolution 99-30.

3. Neither the public nor any person will be materially injured by the proposed subdivision.

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

<u>Conditions of Approval</u>

1. City Engineer and the City Attorney review and approve the final form and content of the subdivision for compliance with State subdivision laws, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.
2. City Engineer approval of the project utility and phasing plan is a condition precedent to plat recordation.

3. Community Development Department review and approval for the design and actual construction of 8000-foot trail and Tour-de-Suds trail through the Subdivision for compliance with the approved Flagstaff Mountain Resort Trails Master Plan is a condition precedent to the issuance of any grading or building permits within the subdivision.

4. Construction of the 8000-foot trail and Tour-de-Suds trail through the Subdivision shall be completed by December 1, 2002.

5. A note shall be added to the Northside Village Subdivision plat indicating that Exhibits "A" and "B" of the master planned development for the 10-lot subdivision/Northside Village Subdivision, on file in the Planning Department, specifies lot size, maximum house size, maximum building footprint, maximum irrigated area, maximum disturbance, and building volumetrics for each lot.

6. No vertical construction shall begin in Pod D until the following items are completed:

> -approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;
>
> - approval of the Pod D MPD and subdivision plat;
>
> -substantially complete, and bond for completion by December 25, 2004, the operation of the Alpine Club Phase 1resortamenity package (including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company. Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area ;

-substantially complete, and bond for completion by December 25, 2004, the first phase of Alpine Club multi-family units as approved in the Mountain Village MPD;

-issuance of the building permit, and bond for completion by December 25, 2004, for the Mountain Village transit hub;

-issuance of the building permit, and bond for completion by December 25, 2004, for the pulse gondola; and

-issuance of a building permit for at least one multi-family building within the Mountain Village(as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.

7. Community Development Department approval of a construction mitigation plan (CMP), including a site disturbance revegetation plan, is a condition precedent to the issuance of any grading or building permits.

8. The applicant shall record the subdivision plat within one (1) year from the date of the City Council approval. If recordation has not occurred within one year, this approval shall be void.

9. A financial guarantee for all public improvements necessary to serve all or any portion of the Northside Subdivision, in an amount to be approved by the City Engineer, and in a form approved by the City Attorney, shall be in place prior to plat recordation.

10. The applicant shall work with the City Attorney to quit claim Sand Ridge Parking Lot to the City as required by the Development Agreement. Transfer of the property is a condition precedent to plat recordation

11. City Attorney review and approval of any/all open space easements that are required by the Development Agreement is a condition precedent to plat recordation. An escrow instruction agreement which insures that the open space easements will be recorded, in a form and manner approved by the City Attorney, is a condition precedent to plat recordation.

12. The applicant shall provide Brighton Estates homeowners seasonal parking for vehicles and snowmobile trailers in the general area of where the new Guardsman Road connects to the existing Guardsman Road just above the new Deer Valley day lodge. The proposed parking area replaces the parking area which was located in the vicinity of the Stables. The

proposed parking area may be relocated at such time as all subsequent Master Planned Development and/or Conditional Use Permit approvals are obtained by the property owner.

13. The plat shall include an irrevocable offer to dedicate the re-aligned SR224 to UDOT. The dedication shall not be accepted until the road is constructed in accordance to specifications approved by the City and UDOT. If UDOT transfers SR224 to the City prior to accepting dedication of the re-aligned section on the plat, the applicant shall dedicate re-aligned SR224 to the City in a manner approved by the City Attorney. A maintenance agreement for the roads within the project that are to be dedicated to the City and/or State, consistent with the requirements of the Development Agreement, and in a form acceptable to the City Attorney and City Engineer, is a condition precedent to plat recordation. If and when the realigned Guardsman road is dedicated or transferred to the City, the Developer will execute and encroachment agreement, in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridge and tunnel) within the rights-of-way.

14. All essential municipal public utility buildings, including but not limited to pump stations, associated with the utility plan for the subdivision required a conditional use permit.

DATE: June 6, 2002

DEPARTMENT: Facilities and Special Events

AUTHOR: Alison Butz

TITLE: Farmers' Market

TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, consider approving the license for the Main Street Farmers' Market to occur in the Flagpole Parking Lot every Monday afternoon from June 24 through October 14, 2002.

A. TOPIC

Review of the Master Festival License Application, submitted by the Main Street Business Alliance for a Farmers' Market in the Flagpole Parking Lot every Monday from June 24 though October 14, 2002.

B. BACKGROUND

A Master Festival License application was submitted by the Main Street Business Alliance for a Farmers' Market to be held every Monday from June 14, 2002, through October 14, 2002.The event would take place in the Flagpole Parking Lot off of Swede Alley and will run from 2:00pm until 6:00pm. The market will include produce, crafts sales and music. In previous years a Farmers' Market has been held at Park City Mountain Resort on Wednesdays. This year that market has moved to the Canyons.

As part of this application, the Main Street Business Alliance has requested the Council review their request for a fee waiver. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

B. Analysis

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The Farmers Market is being reviewed as a Master Festival due to the location of the event in a public parking lot

The market will include 25 to 35 produce and craft vendors within the Flagpole Parking Lot. The market will run from 2:00pm until 6:00pm. The starting time will require the vendors to begin setting up their booth at 12:00pm. At this time Staff has recommended that the lot be signed to state that there is to be no public parking in the lot past 12:00pm. This should prevent the need to tow cars in order to make room for the market vendors. However, staff requests that Council, upon determination by Staff, allow the Main Street Business Alliance to block off the entire parking lot in the morning if it is found that the parking signs are not abided by. The handicap spaces in the lot will be relocated during the event to be more easily accessed and four (4) additional spaces will be added.

Staff is concerned about rogue parking along Swede Alley for those patrons who want to park closer to the event. While there is adequate parking in Swede Alley to accommodate the crowd, there is minimal parking within a few steps of the event. Staff has conditioned the approval to include the barricading of the “no parking” area within Swede Alley near the Flagpole Parking Lot. Barricading the area will ensure that there will be an adequate drive lane preserved through the area.

The applicant has also requested acoustic and amplified music within the market. Staff has added as a condition that the event manager be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the speaker. This decibel level is consistent with what has previously been approved for amplified music within the Historic District.

Fee Waiver Request

Section 4-8-9 of the Municipal Code provides applicants for Master Festival and Special Event Licenses with criteria to request a waiver for all or a portion of associated fees. The Section further states that fee waiver requests for all new applications be reviewed and approved or denied by the City Council. Eligibility for a full or partial fee waiver shall be determined pursuant to the following criteria, none of which shall be individually controlling. The Main Street Business Alliance has requested a full waiver of all fees associated with the Farmers' Market. The Flagpole Lot, during the summer, is not a paid lot and therefore the City will have no loss in revenue for the location fo the event in this area. Please see text in italics for the Main Street Business Alliance's response to the criteria.

8. For-profit or non-profit status of the Applicant;
   The Main Street Business Alliance is a non-profit organization.
9. Whether the event will charge admission fees;
   The event charges no admission fees.
10. Whether the event is youth-oriented;
    The event is family oriented.
11. The duration of the event;
    The event will be held every Monday from June 24 through October 14, 2002 and runs from 2:00pm until 6:00pm.
12. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
    Yes, the hope is that people will come to main for the market then stick around to shop, go to the bars and dine.
13. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
    The Farmers' Market will require the use of a City parking lot and barricades. No other City Services have been requested. It is hard to put a price on good will and the creation of positive ambiance.
14. The season of occurrence; and
    The event will take place during the Summer.
15. Demonstration of hardship by the Applicant.
    Again, the Main Street Business Alliance is a non-profit organization whose mission is to enhance and promote park city's historic main street as a dining, commercial, entertainment and cultural center for all who visit, work and live here, allowing business to prosper.

ALTERNATIVES

A. Approve the Fee Waiver and Master Festival License, as conditioned by staff, allowing the Farmers' Market in the Flagpole Lot on June 24, 2002, through October 14, 2002.

B. Modify the parameters of the event and/or Fee Waiver and approve the Farmers' Market in the Flagpole Lot on June 24, 2002, through October 14, 2002.

C. Deny the Master Festival License, thereby preventing the Farmers' Market to occur in the Flagpole lot.

D. The City Council may continue the discussion in order to receive additional information.

RECOMMENDATION:

Staff recommends approval of the Master Festival License to allow the Farmers' Market every Monday from on June 24, 2002, through October 14, 2002 in the Flagpole Parking Lot, based on the following:

Findings of Fact:

A. The Farmers' Market will be held in the Flagpole Parking Lot every Monday from June 24, 2002 through October 14, 2002. The event will run from 2:00pm until 6:00pm and will provide a place for produce vendors and crafts to be sold. The market will also include non-amplified music in the form of duo and trio acts. The Flagpole Parking Lot will be signed to prohibit parking in the lot after 12:00pm. However, if the signs are not abided by, upon determination by Staff, the Main Street Business Alliance may block off public parking within the lot at the beginning of the day.

B. Parking for the anticipated crowd size throughout the duration of the event can be accommodated within the existing spaces within Swede Alley. The conduct of Art in the Park will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

C. The event is oriented towards families. The market 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.

D. By barricading the "no parking" areas along Swede Alley it will ensure that 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.

E. No other Master Festival License has been approved for June 24, July 1, July 8, July 15, July 22, July 29, August 5, August 12, August 19, August 26, September 2, September 9, September 16, September 23, September 30, October 7 and October 14, 2002. Art in the Park 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.

F. The organizer is providing adequate insurance for the event.

G. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

H. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

I. The applicant shows significant reasons, such as the nature of the event as a promotion of a community event within Park City, for a full waiver of all City Services fees.

Conclusions of Law:

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

<u>Conditions of Approval</u>:

1. The applicant shall comply with all Summit County Health Department requirements for food vendors.
2. The Applicant shall comply with all requirements set by the Building Department and Special Events Department which are reasonably related to Building Code or other health requirements for safety, sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety.
3. The applicant will provide a detailed site plan of the vendors in the parking lot for review by the Building Department.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured.
5. The event manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the speaker.
6. The applicant shall place and maintain barricades along the “no parking” areas on Swede Alley throughout the duration fo the event to ensure the minimum clearance requirement for emergency vehicles is met.

<u>EXHIBITS:</u>

Exhibit A - Site Plan
Exhibit B - Fee Estimate

DATE: June 6, 2002
DEPARTMENT: Legal Department
AUTHOR: Cindy LoPiccolo
TITLE: Park City Municipal Corporation Records Retention Schedules
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt the proposed Resolution which rescinds Resolution 21-98 and adopts Records Retention Schedules for City departments.

DESCRIPTION:

A. Topic.

Municipal records retention schedule for Park City Municipal Corporation.

B. Proposal.

Adopt the proposed Resolution which rescinds Resolution 21-98 and adopts the Utah Municipal General Records Retention Schedule in part and specific Records Retention Schedules consistent with the administrative needs of the City.

C. Background and Analysis.

The Utah State Legislature enacted the Government Records Access and Management Act governing the management of and public access to the City's records. In 1998, City Council approved Resolution 21-98 adopting the 1998 Utah Municipal General Records Retention Schedules and modifying several of those sections pursuant to department requirements.

As four years have passed since that adoption, although the state has not amended it's 1998 retention schedules, staff determined it was time to review and update the City's current record retention schedules. Along with in-house updating, a recently adopted State statute concerning records of security measures and a component of a recent Federal Memorandum issuing guidance for safeguarding sensitive records related to homeland security have been incorporated to provide protective classification for certain sensitive documents. The need to protect such sensitive information will be carefully considered, on a case-by-case basis, together with the benefits that result from the open and efficient exchange of scientific, technical, and like information.

Utah Code Section 63-2-106 addressing records of security measures was adopted by the state legislature this year, and is recommended for incorporation into the City's Administrative Records, Schedule 1. Protected classification has been proposed for certain water related records and documents as recommended by the Federal Guidance Memorandum, Section III "Sensitive But Unclassified Information".

D. Significant Impacts

Failure to amend the retention schedules may lead to inability to respond to a Government Records Access Management Act (GRAMA) request due to inconsistencies or problems with identifying City records and assigning appropriate retention schedules. Failure to protect sensitive information may effect the public security.

E. Alternatives

1. Approve the proposed Resolution and Retention Schedules. This is the recommended action.

2. Modify the Resolution and/or Schedules. If the Council desires further changes, it should direct staff accordingly.

F. Staff Review

The Legal Department and the City Manager have reviewed this matter.

G. Recommendation

Approve the Park City Municipal Corporation's records retention schedules and adopt the proposed Resolution.

Retention Schedules are available for public review in the office of the City Recorder.

A RESOLUTION ADOPTING CLASSIFICATION AND RETENTION SCHEDULES FOR EACH RECORD SERIES MAINTAINED BY PARK CITY MUNICIPAL CORPORATION PURSUANT TO THE UTAH GOVERNMENTAL RECORDS ACCESS AND MANAGEMENT ACT AND RESCINDING RESOLUTION 21-98

WHEREAS, in 1992, the Utah State Legislature enacted the Government Records Access and Management Act (GRAMA); and

WHEREAS, GRAMA governs the management of and public access to the government records of the State of Utah and all of its political subdivisions; and

WHEREAS, GRAMA is applicable to Park City Municipal Corporation as a political subdivision of Utah; and

WHEREAS, in 1998, City Council passed Resolution 21-98 which adopted the 1998 Utah Municipal General Records Retention Schedules with modifications consistent with the administrative needs of the City; and

WHEREAS, department heads and staff from each department recently reviewed the City's current classification and retention schedules and have recommended certain amendments; and

WHEREAS, the City Council deems it important to promote the public's right of easy and reasonable access to unrestricted public records, and to provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and consistent with nationwide standards of information practices; and

WHEREAS, the City Council finds it is it in the best interest of Park City Municipal Corporation to rescind Resolution 21-98 and adopt this new Resolution outlining classification and retention schedules for the City departments.

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

SECTION 1. RESOLUTION NO. 21-98 RESCINDED. Resolution No. 21-98 is hereby rescinded.

SECTION 2. RECORD CLASSIFICATION AND RETENTION SCHEDULE ADOPTED. Attached Schedules 1 through 29 are hereby adopted. These schedules incorporate the 1998 Utah Municipal General Records Retention Schedule, prepared by the Utah Department of Administrative Services, Division of Archives and Records Service, with amendments and new record classification and retention as recommended by City departments.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective upon adoption and shall remain in effect until amended or repealed by resolution.

DATE: June 6, 2002
DEPARTMENT: Facilities and Special Events
AUTHOR: Alison Butz
TITLE: Mountain Town Stages
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Staff requests the City Council approve the ordinance amending Title 4, Chapters 8A of the Park City Municipal Code, regulating Public Outdoor Music Plazas within Park City.

E. TOPIC

Proposed amendment which regulates Outdoor Music Plazas within Park City for the Summer of 2002.

F. BACKGROUND

The City Council held a public hearing regarding the proposed changes to the Municipal Code on May 23, 2002. At that time, public comments were taken and Staff was given direction to revise text within the code in relation to music on Miners Plaza as well as extension of the ending time for the music for the "Party on the Plaza" stage.

G. ANALYSIS

The ordinance attached permits the following.

1. Music at the "Party on the Plaza" stage to run from 5:30pm until 8:30pm
2. Music in Miners Plaza, including beer and snack concessions, to occur on Saturdays and Sundays from 3:00pm until 6:00pm. The stage can be programmed from July 4 through September 9, 2002, excluding August 3rd, 4th and 16th due to previously approved Master Festival Licenses.

Since the May 23 City Council meeting, Staff and the applicant met to discuss the conditions required in order to serve beer within Miners Park during the programming of the stage. Three conditions were added to the regulations stating the following.

- Dedicated personnel, from Mountain Town Stages, at the ingress and egress of the area to prevent any beer from leaving the designated area as well as at the water fountain area.;
- Placement of 3' or higher barricades along the edge of the park to designate the service area; and,
- Placement of the concessions along the eastern edge of the park to help maintain the barrier between the park and the sidewalk. Concessions may only be sold to people within the park.

In order to accommodate the music within Miners Park the applicant has requested the ability to construct a stage on the south side of the area. Staff has added, within the ordinance, that the final stage design be approved by the park City Parks Department and the Building Department in order to ensure a proper amount of vegetation is maintained and that the removal of the stage, at the end of the season, will not cause damage to the area or adjacent buildings. The installation of the stage will also increase the workload of the Parks Department with the need to cap and relocate the irrigation system as well as to relocate the existing vegetation in the area.

Both stages have requested additional exceptions for music programming which include the following dates for each.

"Party on the Plaza"

Additional Date Exceptions:	July 4th from 1:00pm until 8:30pm August 4th from 6:00pm until 8:30pm (Arts Festival) August 10th from 1:00pm until 8:30pm (Bluegrass Festival) August 17th from 1:00pm until 8:30pm (Jazz Festival) September 2nd from 1:00pm until 8:30pm Four additional nights, special occasions, from 5:30pm until 8:30pm

"**Music at Miners Park**"

Additional Date Exceptions:	July 4th from 1:00pm until 6:00pm September 2nd from 1:00pm until 6:00pm Four additional days, special occasions, from 12:00pm until 6:00pm

Additional Stages

As part of past discussions a section within the Municipal Code was added to address additional locations that Mountain Town Stages might add throughout their summer season. That section states criteria which that stage must meet such as the location of the site and proximity to residential areas; any traffic considerations including capacity of the existing streets in the area; emergency vehicle access; location and amount of off-street parking; pedestrian circulation system; and, compliance with time limits and decibel level limits. Mountain Town Stages has requested, as part of their current proposal, for that language to remain within the Code.

ALTERNATIVES

D. Approve the ordinance as written or with changes, amending Municipal Code Title 4, Chapters 1 and 8 regulating Master Festivals and Special Events which will allow for the stage at Dynamite Dom's/Picasso's and at Miners Park.

E. Deny the proposed amendments to allow outdoor music at Dynamite Dom's/Picasso's and Miners Park.

F. The City Council may continue the discussion in order to receive additional information.

RECOMMENDATION:

Staff requests Council conduct a public hearing and approve the attached Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas.

D. EXHIBITS

Exhibit A - Ordinance amending Title 4, Chapter 8A of the Municipal Code

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8 OF THE MUNICIPAL CODE OF PARK CITY REGULATING MASTER FESTIVAL LICENSING; BY AMENDING SUB-CHAPTER 8A REGULATING PUBLIC OUTDOOR MUSIC PLAZAS

WHEREAS, Utah Code Annotated ("UCA") § 10-8-73 and 10-8-76 give the City the power to regulate and prohibit public demonstrations, processions and other street or otherwise public performances which may interfere with public order or otherwise create a noise nuisance; and

WHEREAS, UCA § 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants, and for the protection of property in the city; and

WHEREAS, UCA § 10-8-60 gives the City the right to declare what constitutes a public nuisance, and provide for the abatement of the same, and impose fines upon persons who may create, continue or suffer nuisances to exist; and

WHEREAS, the City Council received a petition supporting outdoor music, but also heard from several area residents who objected to amplified music; and

WHEREAS, the City Council received recommendations based upon the findings and experiences of a volunteer citizen committee, and a University of Utah class concerning the effects and regulation of noise and the construction of sound mitigating stages, to properly set forth reasonable regulations and time limits to substantially mitigate the effects of such music upon neighboring residents and businesses; and

WHEREAS, the Community Development Department recommended the restrictions herein based upon the Department's noise measurements around the neighborhood and other parts of the City; and

WHEREAS, in 2000 the City commissioned an independent noise study by Spectrum Acoustical Engineers along Park Avenue and the study concluded that music performed pursuant to the restrictions herein should be compatible with the existing background and traffic noise of the neighborhood; and

WHEREAS, the plaza authorized herein are within the Historic Commercial Business ("HCB") zoning district, where noisy commercial operations, businesses and public master festivals/parades are common; and

WHEREAS, licensing and zoning are legitimate and reasonable means of time, place and manner regulations to ensure that outdoor music performers comply with reasonable regulations and to ensure that performers do not knowingly allow their music to become a nuisance to nearby residences and businesses, nor create public disorder; and

WHEREAS, the City Council received convincing testimony that outdoor music performances, because of their very nature, have a positive effect on both the existing businesses around them and the community at large, causing enhanced resort atmosphere and business patronage; and

WHEREAS, as a result of these findings and testimony, the City Council finds that public outdoor music in the specified plazas is not a nuisance per se, but if performed consistently with the regulations contained herein, is reasonably within the standard of comfort prevailing in the areas of and adjacent to the plazas defined herein, promotes the arts and cultural enhancement in the community; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby preserve the property and character of surrounding neighborhoods, deter unreasonably large pedestrian crowds, protect the citizens from increased noise, preserve the quality of life, and protect the health, safety and welfare of the citizenry; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect legitimate and important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions; and

WHEREAS, the City Council has reviewed the 2001 season's compliance with the regulations set forth in § 4-8A-5 and have conducted a public hearing and found no neighborhood impacts; and

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

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. The Municipal Code of Park City is hereby amended by adding the following Chapter 8a to Title 4:

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

4-8A- 1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4-8A- 2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of Public Outdoor Music Plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Public Outdoor Music Plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize Public Outdoor Music Plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of Public Outdoor Music Plazas and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

4-8A- 3. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as "Public Outdoor Music Plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Public Outdoor Music Plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, and Title 15, Land Management Code, of the Municipal Code.

4-8A- 4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC**. An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

2. **STAGES**. The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by Special Events staff.

4-8A- 5. MASTER FESTIVAL LICENSE, REVIEW PROCEDURE.

The City Council hereby grants Master Festival Licenses for each of the Public Outdoor Music Plazas in Section 6. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 15, 2002 ~~1, 2001~~ and shall expire September 15, 2002 ~~October 1, 2001~~, unless renewed by the City Council. The City Council may not renew said licenses until after a public hearing and receipt of a staff evaluation of the prior year's compliance with this Chapter. Renewal shall be granted in the sole judgment of the City Council based upon compliance with the regulations herein, community impacts, and so long as such decision is not arbitrary and capricious. No licensee nor performer shall accrue any vested rights under this revocable license.

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:

1. **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 5:30 PM to 8:30 PM from June 15th ~~12th~~ through September 15th ~~30th~~. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 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 feet (25') in front of the stage.

    4. **SPECIAL EVENTS**. This Public Outdoor Music Plaza may be programmed for July 4th from 1:00pm until 8:30pm, August 3rd and 4th from 6:00pm until 8:30pm, August 10th from 1:00pm until 8:30pm, August 17th from 1:00pm until 8:30pm, and September 2nd from 1:00pm until 6:00pm. 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 5:30 PM to 8:30 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

2. **MINERS PLAZA**.
    1. **LOCATION**. 415 Main Street
    2. **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Saturdays and Sundays from 3:00 PM to 6:00 PM from July 4th through September 9th, excluding August 3rd and 4th and August 17th due to other approved Master Festival Licenses.
    3. **TYPE OF MUSIC**. Acoustic with microphones for vocal. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the stage.
    4. **SPECIAL EVENTS**. This Public Outdoor Music Plaza may be programmed for July 4th from 1:00pm until 6:00pm, September 2nd from 1:00pm until 6:00pm. 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 12:00pm to 6:00pm, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.
    5. **CONCESSION SALES**. This approval grants the applicant to apply to the State of Utah for a permit to allow for the sale of beer. The City further grants this right provided that the following conditions are met.
        1. Dedicated personnel at the ingress and egress of the area to prevent any beer from leaving the designated area as well as at the water fountain area;
        2. Placement of 3' or higher barricades along the edge of the park to designate the service area; and,
        3. Placement of the concessions along the eastern edge of the park to help maintain the barrier between the park and the sidewalk. Concessions may only be sold to people within the park.
    6. **STAGE**. The applicant has been granted the ability to construct a temporary stage in the south end of Miners Park to accommodate the performers. Final stage design shall be reviewed by the Parks Department and must receive approval by the Building Department.

3. **DEER VALLEY NEAR MCHENRY'S GRILL**.
    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.

4. **PARK CITY MOUNTAIN RESORT AT MOOSE'S PUB & GRILL**.
   1. **LOCATION**. Park City Mountain Resort at Moose's Pub & Grill. Approved plans are on file with the Special Events Department.
   2. **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Saturdays and Sundays from Noon to 6:00 PM, from June 30th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 6:00 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.

(B)~~(D)~~ **ADDITIONAL LOCATIONS; ADMINISTRATIVE REVIEW**. Additional Public Outdoor Music Plaza locations may be administratively approved by the Special Events Department for programming by Mountain Town Stages of public performances and outdoor music pursuant to the criteria set forth herein. No additional Public Outdoor Music Plaza location shall be administratively approved unless the proposal fully complies with all of the following criteria:

1. No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;
2. No proposed location may occupy or otherwise compromise any public parking space(s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;
3. The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;
4. No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;
5. No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2001;
6. Additional Public Outdoor Music Plaza locations may be programmed no more than three (3) days or evenings per week; and
7. No additional Public Outdoor Music Plaza location may be programmed for more than five (5) hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:00 PM.

4-8A- 7. GENERAL REGULATIONS.

1. The program manager, or his/her designee, shall provide on-site management for each event.

2. A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
3. Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, 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 95, as measured thirty-five feet (35') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 95 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.
4. All events shall be open to the public and free of charge.
5. No event shall exceed 250 people unless a separate Master Festival License is granted for that event.
6. The Police Department or other proper City official shall have access at all times to all Public Outdoor Music Plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.
7. All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4-8A- 8. ALCOHOL.

It is unlawful for the licensee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the Public Outdoor Music Plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4-8A- 9. LICENSE HOLDER, PROGRAM BOARD.

1. Mountain Town Stages (MTS) will be the licensee of the events and will own the Stages. MTS will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each Public Outdoor Music Plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.
2. Mountain Town Stages shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. Mountain Town Stages shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from Mountain Town Stage's use of the Public Outdoor Music Plazas. Mountain Town Stages shall maintain its own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.
3. Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or Public Outdoor Music Plaza owner.

4-8A-10. SUSPENSION AND REVOCATION.

The Police Chief, or his/her designee, may suspend the Licenses granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

1. Any violation of this Chapter as evidenced by a citation issued by the Police Department.
2. Any violation of law or City ordinance.
3. Upon any other evidence that the Program Manager or entertainer constitutes a hazard or nuisance o the health, safety, or welfare of the community.

4-8A-11. TRANSFER LIMITATIONS.

The Master Festival Licenses granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a Public Outdoor Music Plaza Master Festival License without City approval as provided herein. If any transfer of the controlling interest in a Public Outdoor Music Plaza license occurs without City approval, the license is immediately null and void and the Public Outdoor Music Plaza shall not operate until a separate new license has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed Licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing special events.

4-8A-12. PLAZA LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

DATE: June 6, 2002
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Assistant City Manager
TITLE: Revised Letter of Intent with Snyderville Basin Special Recreation District for the Joint Development of an Ice Facility
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: City Council should approve the attached Revised Letter of Intent between the City and the Snyderville Basin Special Recreation District for the development of an ice facility.

DESCRIPTION:

A. Topic: Letter of Intent with Snyderville Basin Special Recreation District for an ice facility

B. Background:

In August of 2001, Park City and the Snyderville Basin Special Recreation District (SBSRD) adopted a four (4) year Memorandum of Understanding (MOU) on cooperative youth sports programming and facility operations and maintenance. Section 8 of the MOU states that the City and the SBSRD acknowledge that combined planning efforts for large capital improvement projects may better serve long term constituent needs. Both the City and the Basin have identified the construction of an ice facility as a priority.

The City and SBSRD both passed bonds in November of 2001 with $2 million in each bond identified for ice. Prior to the bonds passing, the City and SBSRD informed the public that it was their intent to jointly develop an ice facility. In addition, in September of 2001, the City Council passed a resolution that stated, "The City will make all best efforts to create a multi-jurisdictional task force and work with the Snyderville Basin Recreation District to develop an ice facility in the greater Park City area." Since the passage of the $4 million City bond that has $2 million earmarked for ice, the City has been working with the SBSRD to jointly develop an ice facility.

On January 17, 2002, the City and SBSRD approved a letter of intent for the joint development of an ice facility. The purpose of the proposed new letter is to extend deadlines regarding the joint ice inter-local agreement and revise some terms of the prior letter of intent.

C. Analysis:

Letter of Intent Deal Points: The deal points of the Letter of Intent are fairly self explanatory. In summary, the City and SBSRD would work together to develop an ice facility. The Letter of Intent identifies broad parameters for the facility. The Letter of Intent generally describes the process for obtaining public comment prior to major policy decisions.

Timing: Meeting the deadlines as defined in the attached schedule will be critical to the success of jointly developing an ice facility. The Letter of Intent establishes January 15, 2003 as the date that an inter-local agreement would be signed. The Letter of Intent also states that the facility is to be planned in 2002 and early 2003 and built in 2003 and 2004.

Location: The Letter of Intent states that is the desire of the SBSRD and the City to have the rink located in the Canyons Lower Village area. This language does not preclude other sites, but does indicate that parties have a preference for the Canyons Lower Village area.

Consultant Services: The Letter of Intent essentially describes the relationship between the City and the SBSRD for the next 7 months until an inter-local or management agreement can be developed. Staff recommends that a survey be completed to gauge constituent sentiment about ice costs, location and other program issues. A survey will also involve the public in the project.

D. Department Review: This report and the Letter of Intent has been reviewed by the Leisure Services Department, the City Manager's Office, and the Legal Department. Members of the Parks, Beautification and Recreation Board (PRBB) have also reviewed this Letter of Intent.

ALTERNATIVES: Listed below are possible alternatives relating to the Letter of Intent. Please note that the Snyderville Basin Special Recreation District Board are each scheduled to adopt the Letter of Intent on Wednesday, June 5, 2002. Any changes to the Letter of Intent resulting from their action will be described to Council on June 6th.

A. Approve or Modify the Letter of Intent: Approve the attached Letter of Intent, or modify the letter of intent with the Snyderville Basin Special Recreation District.

B. Deny the Request: Direct Staff to discontinue efforts to implement a joint ice facility.

C. Continue the Item: Council could decide to continue direction on the item until its June 20, 2002 meeting. Informal efforts to jointly develop an ice facility would likely be continued.

D. Do Nothing: The result of this action would be similar to continuing the request.

In summary, adopting the letter of intent is consistent with the 2000 Recreation Facilities Master Plan. If the Letter of Intent is adopted, the PRBB and City Council should hold public hearings prior to the adoption of an inter-local agreement, a commitment to distribute bond proceeds, or major policy recommendations are made. The attached Letter of Intent provides a framework from which future policy recommendations can be made.

SIGNIFICANT IMPACTS: The Letter of Intent states that the City and the SBSRD intend to each contribute $2 million in bond money to the project and work together to fund the remainder of the facility. Since the cost of the indoor facility with parking is projected to be roughly $6 million, another $2 million would be needed before the project is built.

The City and SBSRD would equally share the $22,500 cost for market assessment, capital planning costs and a public survey. Funds exist in the Office of Capital Management and Budget operating budget and in the City Manager's budget for the City's share of this expense ($11,250). Consistent with the letter of intent adopted by City Council in January of 2002, roughly $5,000 has already been spent on the market assessment and capital planning efforts. No formal Council action is needed to expend these funds, but the Council should provide staff with input if they have concerns about the expenditure.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Efforts to jointly develop an ice facility with the SBSRD would likely continue on an informal basis. The purpose of the Letter of Intent is to memorialize commitments that have essentially already been made. It is possible that without a Letter of Intent, the two parties could go their separate ways on ice.

RECOMMENDATION:

The City Council approve the Letter of Intent (attached) between the City and the Snyderville Basin Recreation District for the development of an ice facility.

Attachments:
5. Letter of Intent

Snyderville Basin Special Recreation District and Park City Municipal Corporation Regional Ice Arena Letter of Intent
June 5, 2002

Purpose

The purpose of this Letter of Intent is to re-clarify the understanding of the Snyderville Basin Special Recreation District (SBSRD) and Park City Municipal Corporation (PCMC) pursuant to phased capital project planning efforts for a regional ice complex. SBSRD and PCMC agree in concept to the following terms contingent upon further discussion and finalization. These concepts and ideas are not binding on the parties:

I. SBSRD and PCMC have each secured and committed funding in the amount of $2 million each for the purpose of constructing an Olympic sized indoor ice arena. The parties agree that the phase I building footprint will include a 100’ x 200’ ice rink, bleacher seating (600), locker rooms (2 men, 2 women, 1 family, 1 referee), restrooms, concession area for skate rentals, food and pro shop, mechanical and zamboni storage, meeting/party room (2-3) and offices.

II. Best efforts to leverage capital funding will be made by the parties in the form of cooperative grant applications for Restaurant Tax, RAP Tax, foundation grants and corporate sponsorships. No grant or sponsorship shall be applied for, nor shall either party be bound unless formal approval is made by each agency prior to the grant application being submitted.

III. In an effort to facilitate regional recreation in the greater Park City area, staff of both agencies will be directed to work on task assignments. It is agreed there will be no charge for staff time or indirect overhead costs of either agency during the planning and construction phases. The parties agree that attorney’s fees for preparation and/or review of contractual documents will be paid by each party independently.

IV. A joint budget of consultant fees, and other anticipated direct expenses, will be set in an amount not to exceed $ 22,500, as detailed in points 9.1, 9.2 and 9.3, below. Each party agrees to pay $2 million towards construction of the facility. The budget may be amended by approval of both parties.

V. SBSRD and PCMC will jointly participate in the site selection process. The parties agree that a rink location in The Canyons “Lower Village” is most desired. SBSRD and PCMC further agree on a general project timeline that will provide completion of design and engineering no later than May, 2003, construction to begin July 1, 2003, and projected occupancy September 1, 2004.

VI. SBSRD and PCMC have established a Regional Ice Committee (RIC), consisting of five representatives from each entity, that shall continue to meet monthly, and more frequently as needed through project completion. Tasks of the RIC will include making recommendations to both PCMC and the SBSRD regarding use of consultant services, RFP for design and engineering, and final site selection. The RIC will plan a fundraising campaign for anticipated capital and operating shortfalls. An operational endowment fund will be considered a part of the fundraising strategy.

VII. RIC members agree that there is a need to assess community expectations, and to balance resident use with tourist use of the ice arena. A citizens advisory group will be established to participate in facility master planning. Staff will consult with Park City and Snyderville Basin Planning Commission members, Snyderville Basin Planning staff, and Summit County Commissioners on site selection and facility design.

VIII. Best efforts will be made by both agencies to receive and consider public comment prior to final location decisions and design, recognizing that the design will drive short and long term programmatic uses of the facility. A survey instrument will be designed to engage public opinion and to involve the community in the RIC decision making process.

IX. SBSRD and PCMC acknowledge that use of contract consultants will expedite essential elements of early planning. Consultants will be jointly hired and supervised by SBSRD and PCMC staff with input from RIC for project specific tasks. Initial tasks have been identified as follows:

A. Feasibility Study Update: PCMC conducted an ice rink feasibility study in 1997. SBSRD and PCMC have updated the feasibility study with a current market analysis (April, 2002), at a cost of $2,500 (ref. Point 4).

B. Independent Capital Project Consultant – site selection and RFP. The RIC recommends use of an independent capital project consultant to advise on site selection, fundraising and assist with the RFP process for design and engineering firm selection. Projected planning budget expense (ref. Point 4), is $10,000.

C. Constituent Survey. SBSRD and Park City agree to conduct a survey of Basin and City residents for the purpose of measuring public opinion with regard to location, cost tolerance (capital and operating), timing of completion, and other ice related subjects. Approved cost (ref. Point 4), is not to exceed $10,000.

D. Independent Capital Project Manager: The RIC recommends an independent capital project manager be jointly contracted to represent the parties' interests in communications with the project architect and construction contractor. It will be the project manager's responsibility to ensure project completion on time and on budget.

X. By January 15, 2003, the RIC will propose an Interlocal Cooperation Agreement for approval by SBSRD and PCMC. The parties to the agreement are proposed to be SBSRD and PCMC. The term of this letter of intent will expire on January 15, 2003.

A. The Interlocal Cooperation Agreement will set forth the responsibilities and expectation of the parties for capital construction and long term asset management.

B. The Interlocal Cooperation Agreement will establish provisions for the structure of long term facility management, operations and maintenance. Operations and Maintenance cost recovery goal is 100%. Use of an operational endowment will fund the deficit if the cost recovery goal cannot be attained.

DATE: June 6, 2002
DEPARTMENT: Parks Department
AUTHOR: Pace Erickson/ Troy Dayley
TITLE: Rescind award of Cemetery Fence Bid and reject all bids.
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council rescind the award of bid to Mountain States Fence Company for the Cemetery Fence Replacement Project, Reject all bids and rebid the project.

DESCRIPTION:

A. Topic: Replace existing Cemetery fence with a comparable fence that mimics the existing fence using an industrial strength powder coated aluminum in lieu of iron.

B. Background: Staff noticed a request for proposals for the Cemetery Fence Project in the Park Record and Salt Lake Tribune. Staff opened bid proposals for the Project on April 26, 2002. The apparent low bid was by Mountain States Fence Company. City Council awarded the bid to Mountain States Fence Company on May 9, 2002 in the amount of ($82,967.16) Prior to the execution of the Contract, staff discovered that Mountain States Fence Company bid proposal was not in compliance with the bid specifications. Custom Fence, the next low bidder, also did not meet the bid specifications required for the project.

C. Analysis: After the Award of Bid by the City Council and prior to the execution of the Contract, the Contractor revealed to staff that the proposal was based on a residential grade fence, not the industrial grade specified for the project. There was no required bid bond for the project, so staff could not retain the bid bond in order to execute the contract, making the contractor meet the specifications for the project.

Staff further investigated the next low bidder's (Custom Fence) proposal and determined that it did not meet the specifications in the type of paint application specified for the project. Therefore, staff recommends rescinding the award of bid to Mountain States Fence Company, the rejection of all bids and rebidding the project.

D. Department Review: The Parks Department, Legal Department, and City Manager's

Office.

ALTERNATIVES:

A. **Approve the Request**: Rescind the previous award of bid to Mountain States Fence Company, reject all bids and rebid the Cemetery Fence Replacement Project.

B. **Deny the Request**: Give staff direction on alternative action.

C. **Continue the Item**: Give staff direction as to additional information needed to make the final decision.

D. **Do Nothing**: Not an alternative since Mountain States' bid is not in compliance with the bid documents.

SIGNIFICANT IMPACTS:

There is currently $150,000.00 budgeted for the Cemetery Fence Replacement Project in the Capital Improvement Projects account.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Alternatively, the Council could decide to award the contract to the third lowest bidder, R&L Inc. in the amount of $129,306.00

RECOMMENDATION: Staff recommends that Council rescind the previous Award of Bid to Mountain States Fence Company, reject all bids and rebid the Cemetery Fence Replacement Project.

CITY PARK TOT LOT: Council requested staff to work with Cemetery Fence Contractor to install fence around tot lot area. Give staff direction on continuation or alternative action.

DATE: June 6, 2002

DEPARTMENT: Office of Capital Management and Budget

AUTHOR: Tom Bakaly, Mark Christensen

TITLE: FY2002 Budget Adjustment (current), FY2003 Tentative Budget (next year)

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

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conduct a public hearing on J

une 6th and June 20th; Amend t

he FY2002 Budget; Adopt the F

Y2003 Tentative Plan with reco

mmended changes as the FY2003

Budget. entative budget adopti

on is scheduled for June 6, 20

02 with final budget adoption

on June 20th. Adopt the "Cert

ified Property Tax Rate" {No T

ax Increase Rate} for FY2003.

[Actual tax rate will not be

known until Mid-June]

Pass an

d adopt the Resolution that co

ntains the following items:

DESCRIPTION:

A. Topic: Continuing the FY2002 Adjusted and FY2003 Budget Review. Adopt Tentative FY2002 Adjusted Budget and FY2003 Tentative Plan.

B. Background: The background for the budget was presented in staff reports to Council on May 2nd, 9th, and 23rd . Please refer to those reports for more information or background. This report will highlight the changes requested by Council on May 2nd, 9th, and 23rd and address any issues where Council direction is required. Any additional changes, questions, or budget issues should be addressed by Council on June 6th for inclusion in the June 20th budget presentation although changes to the budget can occur up to the final budget adoption.

The following is the recommended schedule for reviewing the FY2002 Adjusted Budget and FY2003 Plan:

Ju

ne 6th 1) Hold Public Hearing on the Budget and

continue to 6/20/2002.

Tentative adoption of FY2003 Budget (no tax increase)

4) Tentative adoption of FY2002 Amended Budget

Ju

ne 20th Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of both the FY2002 Adjusted Budget and the FY2003 Budget with a no increase tax rate for FY2003.

C. Analysis: Throughout the month of May, staff presented the Budget and outlined the various changes that are included in the tentative budget. Since the May 23rd meeting, staff has incorporated the changes discussed including: changes to the City's Special Service Contracts, Budget Policy, and the CIP. Attachment A has a detailed listing of the items that have been modified from the budget adopted last spring. The changes listed in Attachment A are summarized below.

Revenues: Citywide revenues have been adjusted to better reflect current estimates. Staff anticipates that Sales Tax revenues will be favorably adjusted for the June 20th meeting. Any additional revenues in the General fund will be transferred into the City's 5 Year CIP Account consistent with the City's Budget Policy. In all other funds, any excess revenues will become fund balance for the next year.

Special Service Contracts: On May 23rd, Council instructed staff to increase the funding for Historical Society Special Service Contract. This change necessitates an update of the policy which guides these contracts. Additional policy changes were reviewed and approved by the Special Service Contract Sub-Committee. Attached is a redlined copy of the changes that are recommended for formal adoption by the Council.

In addition to updating the percentages in the language, a deadline process is presented which will help streamline the administration of the Special Service Contracts. This deadline process should limit the number of late requests and give the Sub-Committee the ability to review all requests at the same time. While this process establishes a deadline it does not prevent groups such as YAC or the Art's Council from making recommendations regarding budgeted funding earlier in the year or at multiple times given the design of each program. This will also allow the Sub-Committee time to seek clarification on requests that may require additional information. This policy change is partially consistent with the recommendation from CTAC which encourages Council to review all special service contact requests at the same time. It deviates from their recommendation in that they recommend that new requests only be considered in the first year of the budget process.

The decision to increase the General Fund percentage allocated to special service contracts represents a change in philosophy from previous years. In FY2000, the percentage of the General Fund available for special service contracts was 2.25 percent and has increased for FY2003 to 2.81 percent; representing a 25 percent increase in available funding for these programs. While these increases have been for notable programs it seems the overall philosophy for this program has changed in recent years from providing seed money to funding ongoing operations.

Staff recommends that the policies relating to Special Service Contracts be reviewed by CTAC as part of the Third Phase of the Program and Resource Analysis scheduled to begin this fall. In the Executive Summary distributed in April 2002, CTAC listed public service contracts as an issue to be addressed in FY2003. Staff would also advise Council that committing General

Fund revenues for ongoing operational expenses limits the Council's flexibility in the future as it relates to the General Fund and new contract requests. Staff would recommend that this year's requests for special service contacts be one year in nature, allowing the Council the opportunity to review the overall policies associated with Special Service Contracts. The specific Special Service Contracts that still require Council attention are listed below:

YAC Special Service Contracts: On May 2

3rd, Council approved funding for all of the

YAC recommended programs except the $3,000 Sp orts Life request. At that time Council requ ested additional information regarding the pr ogram including financials and program descri ptions. All of the information has not been received at this time, and Staff recommends t hat this request be reviewed on June 20th.

D

omestic Peace Task Force: Park City allocated

$29,170 in FY2003 to the Domestic Peace Task

Force (DPTF) for the Peace House Women's She lter and Project Hope. This program is desig ned to educate and assist women and youth abo ut violence prevention. This year DPTF has r equesting an additional $830 for a total FY20

03 allocation of $30,000 (see Attachment D).

The Special Service Sub-Committee has review ed this request and is forwarding a favorable recommendation to the City Council. The pro posed funding for this request will come from the Unspecified Contract Account. This opti on is shown as funded in the June 6th tentati ve budget.

Historical Society: On May 9th St

aff presented information for a request from the Historical Society to fund a full time Di rector’s position. On May 23rd Council revis ited this request and directed staff to fully fund this position for the June 6th tentativ e budget discussion. There was some question as to the level of funding that would be app roved in the tentative budget. On May 9th, t he following table of alternatives was presen ted that outlined possible funding options fo r

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Historical Society Alternatives		
Alternative	Alternative Viability	ual Funding Implication
ly fund request	ngoing cost to the General Fund	00
artially fund request	ongoing impact on the General Fund.	8,000
equire funding match with other resources	general fund cost - matching funding may be difficult. County Match unlikely. Require match from private funding source. Greater fund raising incentive and potential.	,000 - 25% Match 4,000 - 50%Match 1,000 - 75% Match 8,000 100% Match
crease funding over time	al increase of funding over time	8,000 increasing over time
unset funding	or partially fund request for a specific time period.	8,000 decreasing or over time
eject request.	future growth, decrease service	

	level, perceived lack of support for program.	

Half of the Director's comb

ined salary is funded by the C

ity (the Director is also work

ing half-time for the Summit C

ounty Historical Society). Th

is request would change the Pa

rk City portion of the Directo

r position from part-time to f

ull-time. The Director's serv

ices to the City include maint

aining and preserving historic

photographs and artifacts in

addition to providing other cu

ratorial duties for the Histor

ic Society. The City current

ly provides $26,481 in cash su

pport and $17,751 in rent cont

ributions for a total existing

contract of $44,232. The requ

ested amount represents an inc

rease to the Special Service C

ontract of approximately $28,0

00 per year for a total antici

pated contribution of $72,470

for FY 2003. Historically, th

e funding for this Special Ser

vice Contract was driven by a

formula representing .18 perce

nt of the General Fund. With

the request shown as fully fun

ded the percentage of the Gene

ral Fund increases to .37 perc

ent. The long term implication

s of fully funding this positi

on should be carefully conside

red. Increasing the General F

und percentage of the public s

ervice contract budget will co

mmit General Fund resources to

financing a non-profit direct

or’s salary comparable to that

of a Mid-Manager in the secon

d year of the budget cycle. T

his action could establish a p

recedent that the City will fu

lly fund director salaries for

non-profit organizations in t

he future. This action would b

e in conflict with CTAC recomm

endations and the budget polic

ies adopted by Council last ye

ar recommending that changes t

o programs be addressed in the

first year of the budget cycl

e after a needs and services a

nalysis has been completed.

S

taff recommends that if Counci

I funds this request, in full

or in part, that the funding b

e one year in nature. This wi

Il allow the Historical Societ

y to use these funds for salar

y or programming but not as a s

pecific City earmark for a Dir

ector's position. This would t

hen give the City Council the

opportunity to study the needs

of this organization in the c

ontext of the overall City bud

get and the long term needs id

entified by the community visi

oning process.

HMBA Grant

:

On June 7, 2001 Council in

structed Staff to provide the

HMBA with $12,500 or 50 percen

t of its requested funding for

FY2002. This amount was incl

uded in the budget adopted las

t year but was not released to

the HMBA. As part of the fun

ding, Council directed the HMB

A to develop a business plan a

nd explore options for long te

rm funding independent of the

City's special service contrac

t program. The partial funding

for FY2002 was approved so th

e director could focus on esta

blishing a long-term funding p

rogram instead of focusing on

fund raising. In May 2002, the

HMBA forwarded information to

the Council that included a M

arketing Plan, Strategic Plan,

and information on a proposed

self funding source. At this

time, the HMBA is requesting

the funding that was earmarked

by Council last spring for th

is work product. The Special S

ervice Contract Sub-Committee

reviewed the information on Ma

y 30, 2002 and responded posit

ively to provide the funds pro

posed. Unless directed otherw

ise on June 6th, staff will r

elease these funds to the HMBA

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Technical Budget Issues: In FY2001, Council adopted a pay plan that would increase salaries citywide 2 percent total (one percent each year). This was included in the budget presented on May 2nd. State law requires that Councils adopt a resolution increasing their salary. On June 20th Council will need to take action on this issue, adopting a resolution increasing the Council and Mayors salary one percent for FY2003.

Attachment B - Departmental Changes: Attachment B has a breakdown of all the departmental changes that appear in the tentative budget. This was presented to Council on May 9th and has been updated to reflect the changes recommended during the budget process. The two major categories of budget options are technical and new requests. This was discussed at the May 9th meeting.

Capital Issues: The City's Capital Improvement Program (CIP) has undergone several changes since last year. These changes are identified in Attachment A - Capital

Improvement Adjustments. This attachment incorporates the changes to the Racquet Club directed by Council on May 23rd and are discussed in more detail below.

Racquet Club:

Roof and Ceiling Repair: $

240,000 has been transferred f

rom the 5 Year CIP account to

fund this option. The followi

ng is the project description:

oor tennis courts at the Racquet Club. Also some minor

air work will be needed over the fitness loft and gymnasium.

place the existing ceiling over the indoor tennis courts. This

project will involve the removal of the original ceiling and

acing it with an industry standard ceiling.

Pool Repairs: $3

00,000 has been earmarked by t

e Council from the 5 Year CIP

to fund the replacement of the

Racquet Club Pool. The follo

wing is he description for thi

s project: his project includ

es the demolition of the exist

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pool and tot pool, and, the design and construction of a new

ti-Purpose Activity Pool with water depths ranging from

to 6' deep. Project components include; excavation, concrete

k, pool filtration system, pool cover system, finish tile work,

new perimeter decking. Design work will begin in summer

2002, construction is scheduled for fall of 2002 with completion

eduled for spring of 2003."

Year CLIP: This project was re

duced $522,718 in the Main Stre

et RDA as part of a technical

adjustment for this fund..

Threatened Building Acquisition: Recently there have been several requests for information on this account from the HDC. Some of the HDC members are interested in requesting a change of use for the $50,000 in this account. Additional information may be presented on June 20th.

Olympic Reconciliation: The May 23rd staff report to Council reviewed the Olympic Reconciliation which included both expenses and offsetting revenue from reserves for sales tax stabilization. Pursuant to direction received in that meeting, Staff has removed the transfers for Sales Tax Stabilization, decreasing total expenses and revenues by $1,050,000 and resulting in an Olympic cost from 1988 to 2002 of roughly $3.3 million. With an estimated revenue of roughly $3.6 million, total Olympic Revenue to the City is approximately $315,000. This has decreased from the amount presented on May 23rd. The change is the result of underestimated expenses related to the sales tax stabilization transfer. This projection includes approximately $35,000 remaining in Olympic related expenditures that have not been realized.

Summary:

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provide direction on the Spec

ial Service Contracts: Domesti

c Peace Task Force, Historical

Society, and HMBA.ouncil shou

Id review and comment on the S

pecial Service Contract budget

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D. **Department Review**: City Manager, Finance, Office of Capital Management and Budget.

ALTERNATIVES:

A. **Provide Direction About Budget Issues and Policies**

B. **Continue the Item** - June 20, 2002 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.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and unresolved issues.

The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues if needed. The Council should Pass and Adopt the Resolution that contains the following items:

Attachments:
A. Capital Improvement Adjustments
B. Budget Options
C. Domestic Peace Task Force Request
D. Redlined changes to the Public Service Contracts policy
E. Special Service Contract percentages
F. General Citywide Tentative Budget Resolution

A RESOLUTION ADOPTING A TENTATIVE REVISED BUDGET FOR FY 2001-02, A TENTATIVE BUDGET FOR FY 2002-03, FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES

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

HEREAS, a public hearing was held on May 23, 2002, and June 6, 2002 at the City Council's regularly scheduled meetings, complying with State law;

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

CTION 1. TENTATIVE REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 23, 2002 and with changes as summarized in the Attachments to this resolution is hereby adopted as the Tentative Revised 2001-02 Operating Budget for Park City Municipal Corporation and its related agencies.

CTION 2. TENTATIVE BUDGET AND TENTATIVE PLAN ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 23, 2002 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative budget for FY 2001-02 and the tentative plan for FY 2002-03 for Park City Municipal Corporation and its related agencies.

CTION 3. CERTIFIED TAX RATE. The City's Budget & 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.

CTION 4. EFFECTIVE DATE. This Resolution shall take effect June 6, 2002 for the FY 2001-02 revised budget, the FY 2002-03 budget.

DATE: June 6, 2002
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: JSSD Long Term Water Supply Proposal
TYPE OF ITEM: Contract Authorization

SUMMARY RECOMMENDATIONS: **Authorize staff to enter into a 20 year surplus water purchase agreement with the Jordannelle Special Service District to annually receive 1000 acre feet of water.**

DESCRIPTION:

A. Topic: Jordanelle Special Service District (JSSD) Twenty Year Water Sales Agreement

B. Background: Park City's long term demands show a need of almost 3000 g.p.m. of additional water capacity. Drought conditions reduce the available flows in Thiriot Springs and Judge Tunnel. The Treasure Mountain Middle School Well and the Park Meadows Well have started to show evidence of a decline in water quality and quantity from long term extended use. Developing new water sources is critical to augmenting our existing supply and meeting future demands.

JSSD was formed to provide water service for 5,000 to 7,000 units to be developed around the Jordanelle Reservoir and in the Deer Crest area. JSSD has leased water from UPCMC, Salt Lake City, Midway Irrigation, and Utah Water Company, all of which have water rights in the Ontario Drain Tunnel. The water from that tunnel drains directly into the JSSD treatment plant and presumably can be used in the Weber River drainage.

City staff has looked at the Jordanelle Reservoir as a possible water supply for Park City since 1995. On November 8, 2001 the city council authorized a five year agreement to purchase up to 500 acre feet of water at a maximum flow rate of 1000 g.p.m. Park City was limited to use between June and September of each year. The water is priced at $1000 per ac-ft.

At the May 7, 2002 council meeting a contract to install the interconnect pipeline between JSSD and Park City was approved. It is anticipated water will be available to flow between our systems by July 1, 2002.

C. Analysis: The annual use of this water presents an immediate means of obtaining long term water while the Rockport Project discussions continue. The Rockport Project will not be completed for at least three to five years after the execution of all necessary agreements.

The proposal includes:

ar around supply (January 1 through December 3

1)ake or pay for 1000 ac-ft annuallyp to 1000 g.p.m. capacity guaranteed, more if it is avai lablerice is $750 per ac-ft or $750,000 annual ly% annual increase in the rate0 year agreemen t-five year renewal opportunitiesayments would be made quarterlyong term contract would repl ace the short term contractSSD will be respons ible for the permanent change application from the State Engineer. greement goes into affect upon the State Engineer's approval of the per manent change application for 1000 ac-ft of wa ter.he JSSD board has already approved the ter

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If the drought continues or demand increases, greater reliance on our wells will be necessary. Park City uses three wells to meet our summer demand. Two of the wells have shown a slow, steady decrease in water quality and quantity. The Council has authorized redrilling of the Park Meadows well to improve its production and quality. The JSSD water would provide a reliable supply of water to the lower Deer Valley area thereby reducing the demand on our well sources. It will also provide a five to seven year cushion to meet future water demands.

The JSSD water is not expected to have any return flow obligation and would enhance our contribution to the stream flows in Silver and East Canyon Creeks at the treatment plants and with irrigation run off. In addition, the water probably will be considered developed and would not be cut or limited by State Engineer action.

The contract is for high quality (low hardness) treated water. The water is delivered high in our water system so that our pumping costs are low. The long term lease provides year -round flexibility and supports the council's goal to supply adequate water for Park City.

D. Department Review: The City Manager, Public Works Director and the Deputy City Attorney have been involved in the negotiations.

ALTERNATIVES:

A. Authorize staff to enter into a twenty year agreement with JSSD to purchase surplus water. This is the staff recommended alternative

B. Delay a decision on a long term contract, explore the possibility of extending the current JSSD agreement until a decision on Rockport or additional well opportunities are

explored.

C. **Seek to negotiate different terms**

D. **Discontinue negotiations**

SIGNIFICANT IMPACTS: This contract will cost $750,000 the first year and the fee will increase annually by four percent. In ten years the rate will be over $1 million per year. While less expensive than the current JSSD contract, this contract would be "take or pay" for year-round use for at least 20 years. When compared with the existing JSSD contract and assuming that we would maximize our use, the proposed contract could provide twice as much water for 50% more money. The cost per acre foot is significantly higher than our existing sources and probably similar to but somewhat higher than the cost of Rockport water. A water rate increase of 5-10 % will likely be required to pay for this more expensive water. Some portion of the contract may be paid with impact fees following a new impact fee study.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: A Weber Basin Project will take three to five years from the date of a signed agreement. An agreement has not yet been signed. Park City has been negotiating with JSSD since July 1998 with success occurring in the last six months. Without this contract, Park City would still have a contract with JSSD for less water at a higher unit price. Short delays in action on a long-term agreement would not have a profound effect. Longer delays could affect the availability of water for 2003.

RECOMMENDATION: Authorize staff to enter into a twenty year surplus water purchase agreement with the Jordannelle Special Service District for a take or pay on 1000 acre feet of water at $750 per ac-ft annually with a 4% annual adjustment.