

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 5, 2003**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 5, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jan Scott, City Recorder; Michelle Barrus, Special Events and Facilities Coordinator; Kevin LoPiccolo, Planner; Kirsten Whetstone, Planner; Mark Christensen, Budget and Grants Manager; Myles Rademan, Public Affairs Director; 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

Kay Calvert reported on her trip with Special Facilities Manager Alison Butz to Charleston, South Carolina to meet with officials on hosting special events and promoting tourism. Council will be provided a packet of information.

Peg Bodell acknowledged the receipt of council compensation comparisons distributed by the City Manager. She asked that this review also consider reimbursement of expenses, i.e., cell phones, computers, housing allowances, cars, etc. The City Manager explained that the information provided covers salaries and benefits like health insurance. Next week, Council will be asked to approve its salary and he felt that reimbursement for travel expenses, for instance, should be a separate discussion. Ms. Bodell expressed that setting salaries relate to the level of covered expenses. Jim Hier referred to the three residents who spoke during the public input on this last week, but stated that he does not recall recent Council discussion or direction on this topic. He emphasized that total compensation for the City Council should not be tied to this budget proposal at this late date. It should be reviewed later, and the budget could be amended at that point if needed. Peg Bodell countered that this was scheduled but never discussed at the visioning session in February and it is something she has brought up for the last three years. Jim Hier reiterated that it is not appropriate to bring it up now for this particular budget cycle. Fred Jones agreed that it is not realistic to resolve this in a week and there needs to be enough time to collect data. Kay Calvert also agreed and felt the Council should be fully prepared before making a decision. Jan Scott, City Recorder, relayed that an ordinance setting forth compensation is scheduled for a public hearing and action next week, consistent with provisions of state statute. This is required whether the compensation adjustment is minor or substantial. Tom Bakaly urged Council to review the

information and begin to think about parameters of a benefit package. It was decided to schedule a work session in July.

Peg Bodell complimented staff on the leisure pool project and assistance in producing Diversity Day. She asked Myles Rademan to follow-up on the media training today in Salt Lake. Jim Hier reported that the consultants for the US40/SR248 corridor study met with City and County employees and planning commissions. They will interview stakeholders during their next visit followed with a charette. Fred Jones stated that he attended a meeting with UDOT regarding trail-head parking on SR224. Dana Williams reported on a meeting with Wasatch County representatives where a letter of understanding was proposed, specifically with regard to access on Guardsman Pass (SR224). Myles Rademan described the upcoming four neighborhood meetings and efforts to notice second home owners.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 22, 2003

Jim Hier, "I move we approve the minutes of May 22nd". Candace Erickson seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. Master Festival License for the Library and Education Center 10th anniversary on June 28, 2003 - Michelle Barrus explained that this is a small scale community event with minimal impacts. Hearing no questions or comments from the Council or the public, the public hearing was closed.

2. Ordinance approving an amendment to the Offret Re-Plat, Lots 17 and 18, Block 19 of the Snyder's Addition to the Park City Survey located at 1374 Empire Avenue, Park City, Utah - Kevin LoPiccolo explained that approval of the plat amendment will create one lot of record. It is located in the Recreation Commercial District, but because of its proximity, will be reviewed under the Historic District Guidelines. The Planning Commission forwarded a positive recommendation. Hearing no questions or comments from the Council or the audience, the public hearing was closed.

3. Ordinance approving a plat amendment at 735 Mellow Mountain Road, Park City, Utah - Planner Kirsten Whetstone clarified that the request is to amend the platted recreation open space boundaries to accommodate access to Lot 3 of April Mountain Subdivision and eliminate the need for a 14%+ grade driveway. The applicant is proposing to shift the ROS line and compensate the City by trading open space in the southern portion of the lot. There was no public input at the Planning Commission meeting and a positive recommendation was forwarded to the City Council. Through illustration of a map, Ms. Whetstone pointed out the open space areas involved. She added that the ROS is platted not zoned. Applicant Rob Schumacher added that this reconfiguration will allow for

a low profile for his house. Hearing no questions or comments from the Council or the public, the public hearing was closed.

4. Ordinance approving the final subdivision plat for 555-557 Deer Valley Drive Subdivision, Park City, Utah - Kevin LoPiccolo explained that the subdivision contains two metes and bounds parcels and is located in the Residential Medium-Density zone. The subdivision is approved for 22 housing units ranging in size from 650 to 1,000 square feet. The two historic structures on the property will be rehabilitated and incorporated into the project. Access is off Deer Valley Drive and the project will provide 31 on-site parking spaces. The Planning Commission originally approved the MPD last January and on May 28th forwarded a positive recommendation to Council on the subdivision. The new lot of record will consist of about 28,750 square feet.

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

5. Revised budget for fiscal year 2002-03; the tentative budget for fiscal year 2003-2004; and the final budget for fiscal year 2003-2004 for Park City Municipal Corporation and its related agencies - Mark Christensen explained that changes discussed last week by Council appear in Attachment A in the staff report. Adjustments can still be made up to June 19 when the final budget adoption is anticipated. There was discussion on sales tax projections and Mr. Christensen felt confident that the \$8.3 million projection will be on target with what is budgeted. The City Manager indicated that our first quarter revenues were down compared to last year but projections are intentionally conservatively budgeted for this reason. However, more current sales tax information will be available on June 19. Mayor Williams thanked staff for a great job on the budget. There were several suggestions from Council members made for minor changes and/or corrections. In response to a question from Fred Jones, the Budget and Grants Manager explained that the GIS position is recommended to be changed from contract to a full-time position with a grade promotion and it would not be shared with Summit County. Peg Bodell pointed out the increase in workload in digitized related projects. Fred Jones asked that arts be discussed next week during work session.

Mayor Williams opened the public hearing. Hearing no comments from the audience, the public hearing was closed.

VI CONSENT AGENDA

In response to a question from the Mayor about the completion of the Racquet Club roof, Jerry Gibbs explained that it won't be completed by Labor Day. As a result, four tennis courts can not be utilized at the Racquet Club for the upcoming national tournament in September. In response to a comment made by Mr. Hier, Mr. Gibbs explained that ordering materials typically occurs after contracts are executed and

insurance in place. Jim Hier encouraged staff to authorize ordering materials before contracts are signed to provide more lead time and expedite the process. Mark Harrington agreed that the City could release a notice to proceed prior to executing the contracts since it has worked with this contractor before. Peg Bodell felt it is the City's responsibility to find and lease alternative courts for the tournament organizer. Jerry Gibbs stated that the Tennis Department has been notified and included in discussions. The City Manager stated that staff will report back to Council.

Fred Jones, "I move to approve the Consent Agenda, Items 1 through 5, as presented". Candace Erickson seconded. Motion unanimously carried.

1. Master Festival License for the Library and Education Center 10th anniversary on June 28, 2003 - See staff report and public hearing.

2. Ordinance approving an amendment to the Offret Re-Plat, Lots 17 and 18, Block 19 of the Snyder's Addition to the Park City Survey located at 1374 Empire Avenue, Park City, Utah - See staff report and public hearing.

3. Ordinance approving a plat amendment at 735 Mellow Mountain Road, Park City, Utah - See staff report and public hearing.

4. Ordinance approving the final subdivision plat for 555-557 Deer Valley Drive Subdivision, Park City, Utah - See staff report and public hearing.

5. Authorize to staff to execute a contract, in a form approved by the City Attorney, with Garff Construction in the amount of \$454,280 for structural strengthening and installation of a new roof at the Racquet Club - See staff report and public hearing.

VII NEW BUSINESS

1. Resolution adopting a revised budget for fiscal year 2002-2003 and the tentative budget for fiscal year 2003-2004 for Park City Municipal Corporation and its related agencies - See staff report and public hearing. Peg Bodell, "I move approval of the resolution as stated". Fred Jones seconded. Motion carried unanimously.

2. Call-up of Planning Commission's approval on May 14, 2003 of the renewal of a conditional use permit for the McPolin Farm Complex, located at 3000 Park Avenue - See staff report. Kevin LoPiccolo explained that the Planning Commission was asked to allow twelve City-sponsored events at the Farm and to amend specific conditions of approval concerning maximum attendance and parking along SR224. The original CUP was approved in 2001 and as a part of the conditions of approval, required review of the CUP every two years. Earlier this year, staff requested that the Commission review the original CUP for modifications including increase of events, associated uses such as sales,

art exhibits, and an increase from 100 to 150 for event patrons. On May 14, the Commission approved an increase of one-day events from eight to twelve, landscaping and ADA requirements to the farm house, and a transit plan. Mr. LoPiccolo stated that on May 22, the City Council called-up the approved CUP and review of Resolution No. 19-95, which limits attendance to 100 people at an event. The farm house, as is, does not have a certificate of occupancy and is required to comply with ADA and associated building codes. Parking on the east side SR224 is currently prohibited.

In calling-up the McPolin Farm CUP, he explained that Council may narrow the scope of its hearing and may not take public input. Council may affirm or reverse, in whole or in part, provisions in the CUP and may modify Resolution No. 19-95. Staff has discussed installing 24 parking spaces on the east side of SR224; the property is zoned ROS and located in the frontage protection zone and the entry corridor protection overlay. If Council desires to explore the parking lot concept, it should amend Conditions No. 5 and 6 of the CUP to allow parking on the east side of SR224 and direct staff to prepare plans to submit necessary applications for such a lot. Staff has provided amended findings of fact, conditions of law, and conditions of approval for the McPolin Farm CUP for Council's consideration. Fred Jones asked the scope of work involved in bringing the farm house up to code. Kevin LoPiccolo explained that the focus is to create ADA compliant access to outbuildings. In response to a comment made by Candace Erickson about funding ADA projects, the City Manager stated that there is some funding in an ADA fund and in the McPolin Farm project in the capital budget. Final numbers are not available at this point. Currently, a van can accommodate disabled people and bring them to the patio area in front of the shed. The ADA area in question is access from the patio to the farm house. Peg Bodell felt aesthetics should also be considered and Mr. Bakaly relayed that would likely be addressed in the CUP process for the parking lot, should staff be directed to pursue that option.

The Mayor invited the public to comment. Hearing no input, the public input session was closed. Fred Jones stated that he is comfortable with the amended findings and conditions as stated. He felt that looking at the parking at a later date makes sense. Minor wording changes were made to clarify intent. Fred Jones, "I move to approve the CUP as modified by the findings of fact, conclusions of law, and conditions of approval as presented in the most recent draft". Jim Hier seconded. Motion unanimously carried.

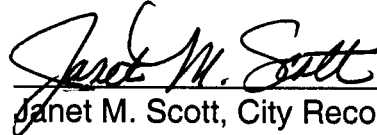
3. Resolution adopting the SR224 Entry Corridor Master Plan with modifications for Park City, Utah and replacing Resolution No. 19-95 in its entirety - See staff report and discussion of Item 2. Peg Bodell, "I move adoption of the resolution as stated in our packet with the additions so noted by Council". Candace Erickson seconded. Motion unanimously carried.

VIII ADJOURNMENT

Page 6
City Council Meeting
June 5, 2003

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



Janet M. Scott, City Recorder

DATE: June 5, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Michelle Barrus
TITLE: Library and Education Building 10 Year Anniversary
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for a Library and Education Building 10 Year Anniversary, as conditioned, on Saturday, June 28, 2003

A. TOPIC

Review of the Master Festival License Application, submitted by Park City Library, for the Library and Education Building 10 Year Anniversary on Saturday, June 28, 2003.

B. BACKGROUND

The Park City Library wants to commemorate the ten year anniversary of the restoration of the Library and Education Center. This celebration will take place at the Library and Education Center, 1255 Park Avenue, on Saturday, June 28, 2003. The event begins at 10:00pm with amplified speakers, a magician and free cake. The event will conclude at 12:00pm.

As part of this application, the Park City Library has requested the Council review their request for a full fee waiver of the \$100 MFL application fee. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

C. 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 Library and Education Building 10 Year Anniversary is being reviewed as a Master Festival due to the use of amplified sound adjacent to a residential neighborhood and the use of City Property.

The organizers are expecting a crowd of 50-100 to attend this event. Due to the size of the anticipated crowd and the duration of the event, adequate parking is available in the Library and Education Building parking lot.

The event will not require building permits. Additional police and transportation services will also not be requested nor necessary for this event.

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 Park City Library has requested a full waiver of all fees associated with the Library and Education Building 10 Year Anniversary. Please see text in italics for the Park City Library's response to the criteria.

- A. For-profit or non-profit status of the Applicant;
The Park City Library is a non-profit organization
- B. Whether the event will charge admission fees;
This event is free to the public.
- C. Whether the event is youth-oriented;
The event is youth oriented with children's storytelling and a magician.
- D. The duration of the event;
The event will be held on Saturday, June 28, 2003, from 10:00 am until 12:00 pm at the Library and Education Building at 1255 Park Avenue.
- E. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
The City is not likely to receiver positive tax benefits from this event.
- F. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
The Library and Education Building 10 Year Anniversary will require minimal City services.
- G. The season of occurrence; and
The event will take place during Summer.
- H. Demonstration of hardship by the Applicant.
The applicant is a non-profit organization and the event is a celebration of public education.

Due to the Applicant's response to the fee waiver criteria, staff recommends a fee waiver.

ALTERNATIVES

- A. Approve the Master Festival License, as conditioned by staff, allowing the Library and Education Building 10 Year Anniversary on June 28, 2003.
- B. Modify the parameters of the event, approve the Master Festival License, allowing the Library and Education Building 10 Year Anniversary on June 28, 2003.
- C. Deny the Master Festival License, thereby preventing the Library and Education Building 10 Year Anniversary on June 28, 2003.
- D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends Alternative A, the City Council conduct a public hearing and approve a Master Festival for the Library and Education Building 10 Year Anniversary on June 28, 2003 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. Library and Education Building 10 Year Anniversary will be held at the Library and Education Center at 1255 Park Avenue on Saturday, June 28, 2003. The events will include live music and food and beer concessions. The event will run from 10:00 am and will conclude at 12:00 pm.
2. Parking for the anticipated crowd size throughout the duration of the event can be accommodated within the Main Street area. The conduct of Library and Education Building 10 Year Anniversary will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The event is oriented towards families. The events associated with Library and Education Building 10 Year Anniversary will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held entirely at the Library and Education Building at 1255 Park Avenue which 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.
5. The 4th Annual Arts in the Park will take place at City Park that same day. The times, activities, and location of these events have been coordinated so that the events will not adversely impact each other. The Library and Education Building 10 Year Anniversary 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.
6. The organizer is providing adequate insurance for the event.
7. 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.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

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

Attachment A

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ☐ Special Event ☒ Master Festival
Event Name: Library and Education Building 10 Year Anniversary
Event Date(s): June 28th, 2003
Event Location: 1255 Park Avenue
Licensee: Park City Municipal Corporation
Contact Person: Linda Tillson
Approved By: ☐ Special Events Manager ☒ City Council of Park City
Approval Date: June 5, 2003

The City Council has approved the Master Festival License for Library and Education Building 10 Year Anniversary on June 28th, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Library and Education Building 10 Year Anniversary will be held at the Library and Education Center at 1255 Park Avenue on Saturday, June 28, 2003. The events will include live music and food and beer concessions. The event will run from 10:00 am and will conclude at 12:00 pm.
2. Parking for the anticipated crowd size throughout the duration of the event can be accommodated within the Main Street area. The conduct of Library and Education Building 10 Year Anniversary will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The event is oriented towards families. The events associated with Library and Education Building 10 Year Anniversary will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held entirely on the Town Lift Plaza which 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.
5. The 4th Annual Arts in the Park will take place at City Park that same day. The times, activities, and location of these events have been coordinated so that the events will not adversely impact each other. The Library and Education Building 10 Year Anniversary 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.

6. The organizer is providing adequate insurance for the event.
7. 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.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

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

PASSED AND APPROVED this 5th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

CITY COUNCIL STAFF REPORT

DATE: June 5, 2003
DEPARTMENT: Planning Department
TITLE: 1374 Empire Re-Plat
TYPE OF ITEM: Legislative; Plat

RECOMMENDATION: Staff recommends that the City Council review the proposed re-plat, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

PROJECT

Applicant: John Redmond
Representative: Alliance Engineering
Location: 1374 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Uses: Residential / Commercial
Date of Application: April 9, 2003
Project Planner: Ray Milliner

BACKGROUND

The property was originally platted as lots 17 and 18 of Block 19 in the Snyder's Addition to the Park City Survey. In 1996, it was amended by the City Council creating the Offret re-plat, which memorialized the conveyance of property to the City on existing Empire Avenue in exchange for property within the vacated Norfolk Avenue right-of-way on the east side of the lot. Since that time, the property has changed hands and the new owner wishes to remove the lot line between lots 1 and 2 to create one lot of record. The 5,205 square foot lot would then be used to construct a single-family home. The applicant recently received a permit, and demolished a non-historic single family home on the property. The property is therefore free of any permanent structures. The Planning Commission at its May 28, 2003 meeting reviewed the application. A public hearing was conducted and a positive recommendation was forwarded to the City Council.

ANALYSIS

The property is located in the RC zone, the construction of a single family home in this zone is an allowed use, provided it meets the criteria established in LMC Chapter 15-2.16-5, The proposed lot on Empire Avenue would have approximately 52 feet of frontage. The lot is gently sloped, followed by a steep slope to the rear. Because the lot is within two blocks of the HR-1 zone, Section 15-2.16-7 of the LMC requires that any new construction be reviewed for compatibility with the Historic District Design Guidelines. Therefore, the applicant will be required to submit an application for administrative historic district design guideline review prior to the issue of a building permit. The proposed lot complies with all required LMC lot size, lot arrangement, lot dimension and access requirements. There is an existing 10-foot snow storage easement running along the Empire Avenue property line that staff is recommending remain as part of this application.

NOTICE

Notice of this hearing was sent to property owners within 300' on May 14, 2003. Staff has received no comments from the public at the time of this writing.

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 the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on May 6, 2003, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed re-plat, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in the Residential Commercial (RC) zone.
2. The RC District is a residential/commercial mix zone characterized by a mix of small historic structures, larger contemporary residences and commercial structures.
3. The amendment will remove the lot line between two existing lots of record, combining lots 17 and 18 of Block 19 of the Snyder's Addition to the Park City Survey.
4. There are no existing structures on the property.
5. The construction of a single-family home in the RC zone is an allowed use subject to the requirements of LMC Section 15-2.16.
6. The minimum lot square footage for a single-family home on a lot in the RC zone is 1,875.
7. The proposed lot will consist of 5,205 square feet.
8. No remnant lots will be created as a result of this application.
9. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.
10. There is an existing 10-foot snow storage easement on the front of the property.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The existing 10-foot snow storage easement dedicated to the City on the front of the lot shall remain in place.

EXHIBITS

Exhibit A – Proposed Ordinance
Exhibit B - Proposed Plat Amendment
Exhibit C – Letter From Applicant



Ordinance No. 03-

AN ORDINANCE APPROVING AN AMENDMENT TO THE OFFRET RE-PLAT, LOTS 17 AND 18, BLOCK 19 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY LOCATED AT 1374 EMPIRE AVENUE.

WHEREAS, the owner of the property known as 1374 Empire Avenue, has petitioned the City Council for approval of a 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 28, 2003 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

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

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

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

1. The property is located in the Residential Commercial (RC) zone.
2. The RC District is a residential/commercial mix zone characterized by a mix of small historic structures, larger contemporary residences and commercial structures.
3. The amendment will remove the lot line between two existing lots of record, combining lots 17 and 18 of Block 19 of the Snyder's Addition to the Park City Survey.
4. There are no existing structures on the property.
5. The construction of a single-family home in the RC zone is an allowed use subject to the requirements of LMC Section 15-2.16.
6. The minimum lot square footage for a single-family home on a lot in the RC zone is 1,875.
7. The proposed lot will consist of 5,205 square feet.
8. No remnant lots will be created as a result of this application.
9. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

There is an existing 10-foot snow storage easement on the front of the property.

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

1. There is good cause for this re-plat.
2. The re-plat is consistent with the Park City Land Management Code and applicable State law.

3. Neither the public nor any person will be materially injured by the proposed re-plat.

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

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The existing 10-foot snow storage easement dedicated to the City on the front of the lot shall remain in place.

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

PASSED AND ADOPTED this 5th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

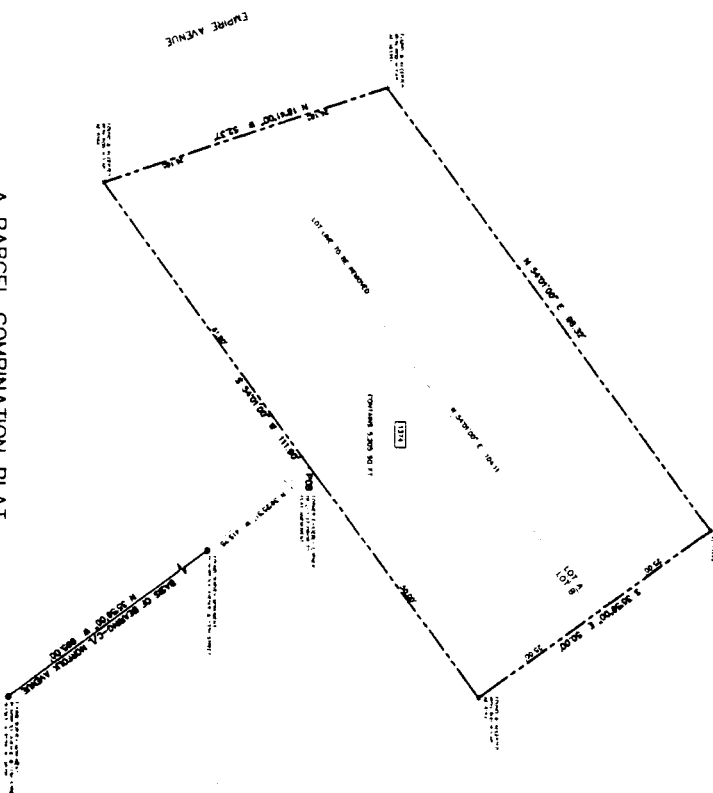
1. John Demmeitz, testify that I am a Registered Land Surveyor and that I hold Certificate No. 134891, as prescribed by the laws of the State of Utah, and that by authority of the same, I have prepared this Record of Survey map of the REYNOLDS REPLAT and that the same has been or will be monumented on the ground as shown on this plat.

Date _____



Lot 1, area 8, City of Portland, assignment to Lot 17 and 18, block 18, Snyder Addition to Park City Survey, according to the official plat thereof, on and of record in the office of the Summit County Recorder.

Subject to North Avenue Right-of-Way and Lot line as shown on the official plat of record in the office of the Summit County Recorder.



A PARCEL COMBINATION PLAT
A RESUBDIVISION OF LOTS A & B IN BLOCK 19, SNYDER'S ADDITION
REDMOND REPLAT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

100



In witness whereof, the undersigned and the board this _____ day of _____, 2003.

John Richmond
Owner

On the _____ day of _____, 2003, John Redmond personally appeared before me, the undersigned Notary Public, in and for said state of California, who acknowledged to me that he is the owner of the herein described tract of land and that he signed the document bearing the foregoing title as his own free will and without duress or coercion.

Clerk of _____

State of _____

My Commission Expires _____

My commission expires _____

 MAY 22 2003	(203) 240-4447	SNOYENVILLE BASIN WATER RECLAMATION DISTRICT RECEIVED FOR CONFORMANCE TO SNOYENVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF 2003 A.D. BY: S.B.W.B.O.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF 2003 A.D. BY: Cushman	ENGINEER'S CERTIFICATE FINDING THIS PLAN TO BE IN ACCORDANCE WITH THE ACTING IN MY OFFICE THIS DAY OF 2003 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF 2003 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I HEREBY THIS RECORD OF SUBMIT THE RECORD OF SUBMIT DAY OF 2003 A.D. BY: PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF 2003 A.D. BY: MAYOR	STATE OF ILLINOIS COUNTY OF ST. LOUIS AND FILED AT THE OFFICE OF THIS 2003 FILE RECORDER
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SECTION 16 T2S R4E, S.L.B. 8M.

NOTE: REFER TO ST. ET ADUR S

20

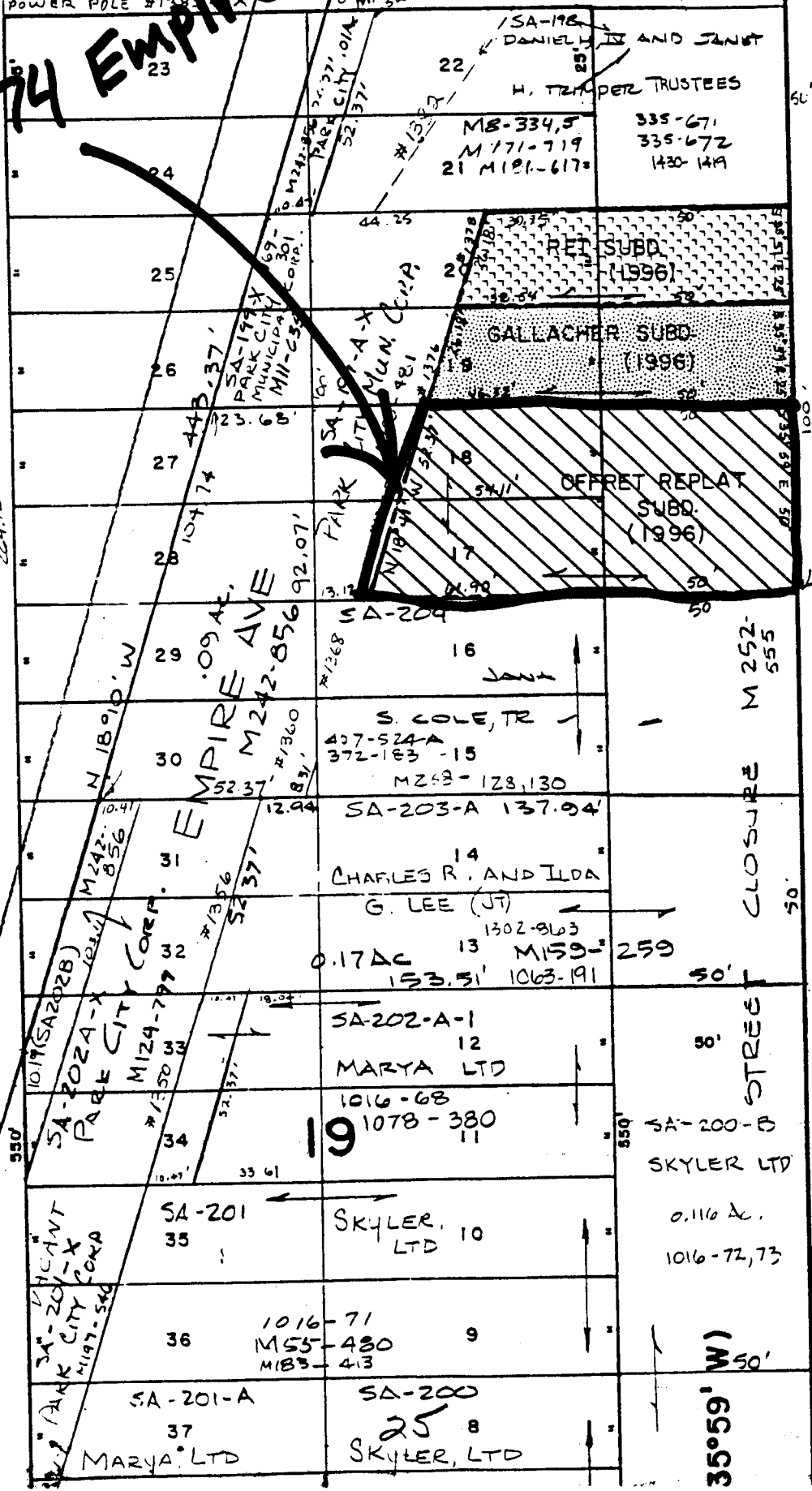
NORTH STREET (N 54°01' E) 30'

POWER POLE #138

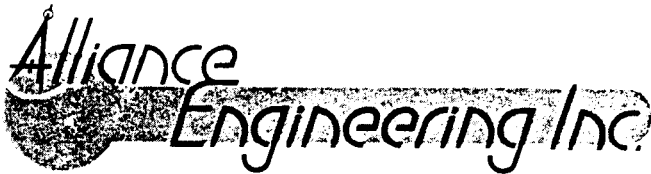
1374 EMPIRE

SA-402-E

5°59' W)



35°59' W)



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

April 14, 2003

Patrick Putt
Community Development Department
Park City Municipal Corp.
P.O. Box 1480
Park City, Utah 84060-1480

RE: Redmond Plat Amendment of the Offret Replat
Lots 17 & 18, Block 19
Snyders Addition to Park City
WRITTEN DESCRIPTION

Dear Pat:

The proposed Redmond Replat is comprised of Lots 17 & 18, Block 19 of Snyder's Addition to Park City. In 1996 we formalized the platted lots with the contiguous abandoned Norfolk Avenue right-of-way into 2-lots of record and recorded as the Offret Replat. Mr. John Redmond has acquired the property and wishes to replat all of the land into 1-lot of record.

Mike Allred, the owner's contractor, has indicated to me that a demolition permit has been obtained for the existing structure on this property and demolition will commence within a couple of weeks. Additionally he has indicated that Mr. Redmond wishes to construct one new residence rather than two and in conformance with all applicable zoning standards.

We respectfully request that you review and consider our request for plat amendment.

Yours truly,

A handwritten signature in black ink, appearing to read "Steve Deckert", is written over a faint, circular stamp. The signature is bold and stylized.

Steve Deckert

Y:\docs\redmond replat application.doc

APR 14 2003

CITY COUNCIL STAFF REPORT

DATE: June 5, 2003
DEPARTMENT: Planning Department
TITLE: 735 Mellow Mountain Road Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the plat amendment according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

A. DESCRIPTION

Project Name: 735 Mellow Mountain Road- Plat Amendment
Project Planner: Kirsten Whetstone
Applicant: Rob Schumacher
Owner of Property: Rob Schumacher
Location: 735 Mellow Mountain Road, Lot 3 April Mountain Subdivision
Zone: RD-MPD (Residential Development subject to the April Mountain MPD)

B. BACKGROUND

On April 15, 2003, the applicant submitted an application for a plat amendment at 735 Mellow Mountain Road. The application is to amend the platted ROS boundaries within Lot 3 April Mountain Subdivision. The purpose of the plat amendment is to accommodate access to Lot 3 with a 10% rather than 14% driveway grade. Access is proposed off of the water tank access road. This access road is located within an easement on Lot 3. In order to reduce the steepness of the driveway, due to the topography of the lot, it is necessary to extend the driveway beyond the currently platted ROS boundary at the northern portion of the lot, along the existing access road. The applicant proposes to adjust the ROS boundary along the southern lot line to compensate by increasing the open space designation in this location. Approximately half of the area proposed to be converted from ROS to buildable area is currently used for the water tank access road and the vegetation has been disturbed.

The Planning Commission heard this application at its regular meeting of May 28, 2003, and forwards a positive recommendation to the City Council.

C. ANALYSIS

The application as proposed will amend the ROS boundary within the 1.355 acre lot. The plat amendment does not change the total limits of disturbance area of 14,000 sf or the building zone area of 11,430 sf, as required by the April Mountain MPD and Subdivision plat. The proposal does not change the open space requirements of the April Mountain MPD. The plat amendment allows a less steep driveway and allows the proposed house to be situated lower on the lot.

Staff has reviewed the application as it relates to the approved April Mountain MPD and April Mountain subdivision plat. Staff has also reviewed the application as it relates to the Land Management Code, and finds that as proposed, the application meets the requirements of the Code and is consistent with the approved April Mountain MPD and subdivision plat.

All current requirements and limitations on Lot 3 continue as approved by the April Mountain Subdivision plat, with the exception of the location of the ROS boundary. The applicant has added a net equivalent amount of undisturbed land to the ROS portion of the lot as has been converted to developable land within the lot, taking into consideration that a portion of the current ROS area is already developed with the tank access road and associated road cut. Staff will review a landscape plan for re-vegetation of the driveway and all associated construction activity for this lot at the time of building permit issuance.

D. RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approval of the plat amendment according to the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact

1. The property at 735 Mellow Mountain Road is located in the Residential Development (RD) zone.
2. The property consists of Lot 3 of the April Mountain Subdivision plat and is subject to the approved April Mountain Master Planned Development.
3. The applicant has proposed a plat amendment to amend the ROS boundaries within the 1.355 acre lot to reduce the driveway grade from 14% to 10% grade and allow the house to be located lower on the lot.
4. The property has frontage onto Mellow Mountain Road. The topography of the lot restricts construction of code compliant access directly off of Mellow Mountain Road.
5. There is an existing water tank access road in an easement on Lot 3 along the northern property line. This area has been previously disturbed, yet it is designated as ROS land within Lot 3. There is a platted public access easement for a public trail within the water tank access road easement.
6. There is a portion of the lot along the southern property line that is designated for development that is being proposed with this amendment to be converted to ROS land within the lot.
7. At the time of approval of the April Mountain Subdivision it was anticipated that an ejector pump would be required for sewer service to the main in Mellow Mountain Road. At this time the developer has obtained an easement from adjacent property owners to provide rear lot sewer to Lots 1, 2, and 3 of the April Mountain Subdivision. If the proposed sewer alignment is approved on the amended utility plans, an ejector pump would no longer be required for these Lots. This should be reflected on the amended plat.
8. The facts discussed in the **Background** and **Analysis** sections are incorporated

herein.

9. The Planning Commission heard this application at its regular meeting of May 28, 2003, and forwards a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed amendment is consistent with the April Mountain Master Planned Development and the conditions of approval of the April Mountain subdivision plat.
5. The proposed use is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and the City Engineer will review the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A note shall be added to the plat stating that if rear lot sewer service is approved on the amended utility plans, then an ejector pump will not be required for Lots 1, 2, and 3.
3. All conditions of approval of the April Mountain Subdivision plat continue in full force and effect.
4. No full building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. The existing easement for the public trail along the water tank access road is to remain on the plat and in the favor of the public. The trail will be maintained open to the public during construction.

Exhibits

Exhibit A - Proposed Plat Amendment

Exhibit B - Letter From Applicant

Ordinance No.

AN ORDINANCE APPROVING A PLAT AMENDMENT AT 735 MELLOW MOUNTAIN ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 735 Mellow Mountain Road have petitioned the City Council for approval of a plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2003, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on May 28, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 5, 2003, the City Council held a public hearing and approved the proposed plat amendment; and

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

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

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

Findings of Fact

1. The property at 735 Mellow Mountain Road is located in the Residential Development (RD) zone.
2. The property consists of Lot 3 of the April Mountain Subdivision plat and is subject to the approved April Mountain Master Planned Development.
3. The applicant has proposed a plat amendment to amend the ROS boundaries within the 1.355 acre lot to reduce the driveway grade from 14% to 10% grade and allow the house to be located lower on the lot.
4. The property has frontage onto Mellow Mountain Road. The topography of the lot restricts construction of code compliant access directly off of Mellow Mountain Road.
5. There is an existing water tank access road in an easement on Lot 3 along the northern property line. This area has been previously disturbed, yet it is designated as ROS land within Lot 3. There is a platted public access easement for a public trail within the water tank access road easement.

6. There is a portion of the lot along the southern property line that is designated for development that is being proposed with this amendment to be converted to ROS land within the lot.
7. At the time of approval of the April Mountain Subdivision it was anticipated that an ejector pump would be required for sewer service to the main in Mellow Mountain Road. At this time the developer has obtained an easement from adjacent property owners to provide rear lot sewer to Lots 1, 2, and 3 of the April Mountain Subdivision. If the proposed sewer alignment is approved on the amended utility plans, an ejector pump would no longer be required for these Lots. This should be reflected on the amended plat.
8. The facts discussed in the **Background** and **Analysis** sections of the Staff Report are incorporated herein.
9. The Planning Commission heard this application at its regular meeting of May 28, 2003, and forwards a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed amendment is consistent with the April Mountain Master Planned Development and the conditions of approval of the April Mountain subdivision plat.
5. The proposed use is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and the City Engineer will review the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A note shall be added to the plat stating that if rear lot sewer service is approved on the amended utility plans, then an ejector pump will not be required for Lots 1, 2, and 3.
3. All conditions of approval of the April Mountain Subdivision plat continue in full force and effect.
4. No full building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. The existing easement for the public trail along the water tank access road is to remain on the plat and in the favor of the public. The trail will be maintained open to the public during construction.

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

PASSED AND ADOPTED this 5th day of June, 2003.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

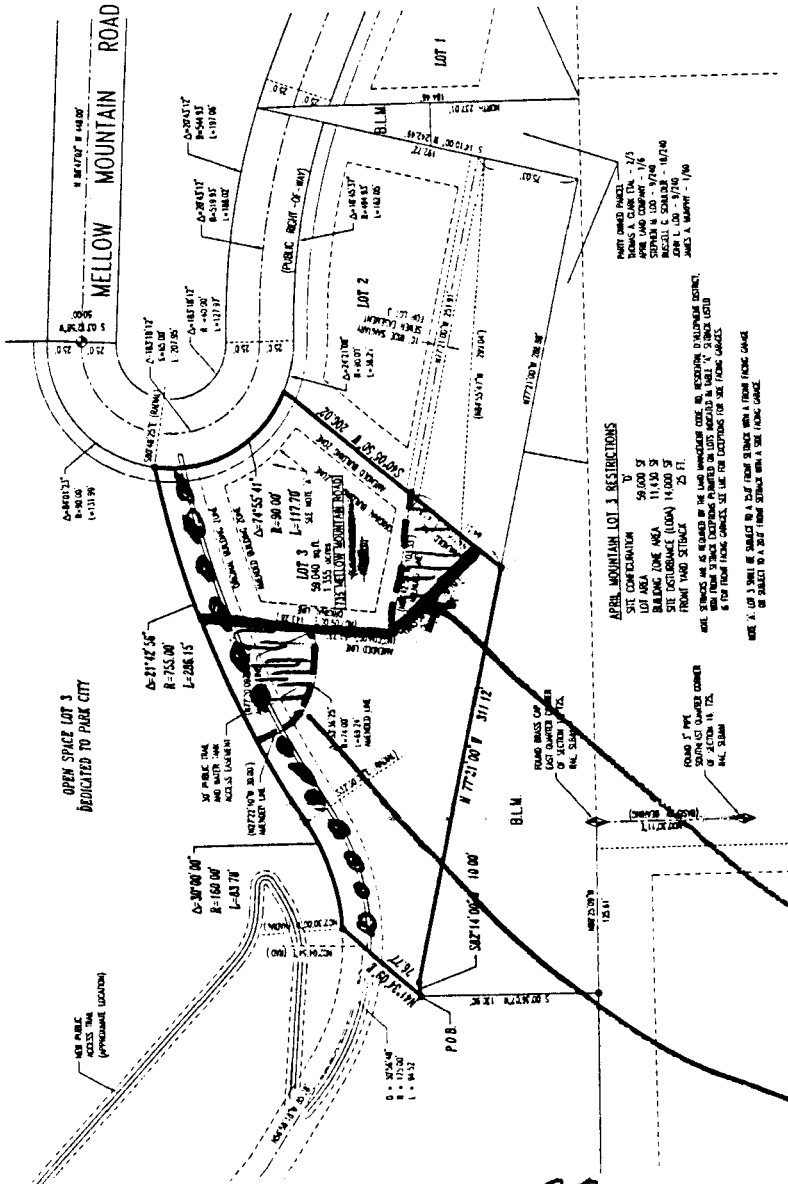
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MOUNTAIN



- NOTES:**
- 1) A LANDSCAPE PLAN SHALL BE SUBMITTED FOR CITY REVIEW AND APPROVAL FOR EACH SHED LOT PRIOR TO BUILDING. A LANDSCAPE PLAN SHALL BE REQUIRED AT THE TIME OF SUBMITTING FOR CITY REVIEW AND APPROVAL. THE LANDSCAPE PLAN SHALL BE REQUIRED FOR EACH SHED LOT PRIOR TO BUILDING. A LANDSCAPE PLAN SHALL BE REQUIRED AT THE TIME OF SUBMITTING FOR CITY REVIEW AND APPROVAL. THE LANDSCAPE PLAN SHALL BE REQUIRED FOR EACH SHED LOT PRIOR TO BUILDING.
 - 2) EXISTING LIGHTING SHALL BE MAINTAINED OR REPLACED BY THE CITY. LIGHTING SHALL BE MAINTAINED OR REPLACED BY THE CITY.
 - 3) ALL CONSTRUCTION OF IMPROVEMENTS SHALL BE COMPLETED BY THE CITY. ALL CONSTRUCTION OF IMPROVEMENTS SHALL BE COMPLETED BY THE CITY.
 - 4) ALL CONSTRUCTION OF IMPROVEMENTS SHALL BE COMPLETED BY THE CITY. ALL CONSTRUCTION OF IMPROVEMENTS SHALL BE COMPLETED BY THE CITY.
 - 5) EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY. EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY.
 - 6) EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY. EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY.
 - 7) EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY. EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY.
 - 8) EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY. EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY.
 - 9) EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY. EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY.
 - 10) EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY. EXISTING 15-0' WIDE RIGHT-OF-WAY SHALL BE MAINTAINED OR REPLACED BY THE CITY.

Existing platted ROS boundary
 Proposed amended ROS boundary
 Ros boundary
 existing water tank
 access road

EXHIBIT A.

I, Kenneth A. Petty do hereby certify that I am a Registered Professional Land Surveyor, and that I hold Certificate No. 11111, issued by the State of Utah, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as:

APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION
 LOT 3 OF APRIL MOUNTAIN SUBDIVISION AS RECORDED WITH THE SUMMIT COUNTY RECORDER'S OFFICE.

BEARING AT A POINT NORTH 89°25'06" WEST ALONG THE CENTER OF THE EAST LINE 125.61 FEET AND NORTH 130°30'00" EAST 130.90 FEET FROM THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MOUNTAIN AND RUNNING THENCE NORTH 41°34'09" WEST 76.77 FEET TO A POINT ON A NON-TANGENT CURVE, THENCE ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 02°30'00" WEST) THROUGH A CENTRAL ANGLE OF 37°00'00" A DISTANCE OF 83.78 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG THE ARC OF A 125.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 32°30'00" EAST) THROUGH A CENTRAL ANGLE OF 21°42'56" A DISTANCE OF 286.15 FEET TO A POINT ON A NON-TANGENT CURVE, THENCE ALONG THE ARC OF A 90.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 04°42'55" EAST) THROUGH A CENTRAL ANGLE OF 74°55'41" A DISTANCE OF 117.70 FEET, THENCE SOUTH 40°05'50" WEST 206.02 FEET, THENCE NORTH 77°21'00" 311.12 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.555 ACRES
 (RECORDED'S PARCEL MAP #444-1)

DATE: _____
 KENNETH A. PETTY, L.S.
 LICENSE NO. 862254

OWNER'S DEDICATION
 Know all men by these presents that _____ the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION

do hereby offer for dedication to Park City and S.B.W.P. for perpetual use of the public all parcels of land shown on this plat intended for Public use, in accordance with an irrevocable offer of dedication, in witness whereof _____ have hereunto set _____ day of _____ A.D., 20____

Robert Schumacher

ACKNOWLEDGMENT
 STATE OF UTAH) S.S.
 Summit County

On this _____ day of _____ A.D., 20____ personally appeared before me, _____ a Notary Public in and for the State of Utah, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

MY COMMISSION EXPIRES _____

APRIL MOUNTAIN-Lot 3 AMENDED SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MOUNTAIN

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AS REQUIRED BY THE REQUEST OF _____ DATE: _____ BY: _____

RECORDED 1
 SHEET 1 OF 1

32

ROBERT SCHUMACHER CONSTRUCTION LLC.
PO BOX 4078 PARK CITY, UT 84060
H- 435-658-3439 FAX 435-658-0216

5/12/03

PATRICK,

I AM BUILDING A HOME FOR MY WIFE AND I ON LOT #3 APRIL MOUNTAIN KNOWN AS 735 MELLOW MOUNTAIN RD. AS YOU ARE AWARE I AM MOVING OPEN SPACE FROM THE LOWER PORTION OF THE LOT UP TO THE DRIVEWAY AREA THAT RUNS INTO THE ROAD LEADING TO THE WATER TOWER. I AM AWAITING A PLATT AMENDMENT HEARING WITH THE PLANNING COMMISSION ON MAY 28 AND THEN CITY COUNCIL ON JUNE 5. I WAS GIVEN A GRADING AND EXCAVATION PERMIT AND HAVE JUST ABOUT COMPLETED THAT PORTION OF CONSTRUCTION. I WOULD LIKE TO CONTINUE WITH FOOTINGS AND FOUNDATION SO AS NOT TO LOSE VALUABLE TIME AND MY FOOTING AND FOUNDATION SUBCONTRACTOR AND FRAMER WHOSE SCHEDULES ARE FILLING UP FAST. I UNDERSTAND THAT IF YOU GRANT ME PERMISSION TO CONTINUE, THAT I WILL BE DOING SO AT MY OWN RISK. I FEEL VERY CONFIDENT THAT THE PLATT AMENDMENT WILL BE APPROVED AND IF FOR SOME REASON IT IS NOT THEN MY DRIVEWAY WILL HAVE A 14% GRADE INSTEAD OF THE 10% GRADE THAT I AM TRYING TO ACHIEVE. THE FOOTPRINT OF THE HOUSE AND THE GARAGE WILL NOT CHANGE, ONLY THE GRADE OF THE DRIVEWAY.

THANK YOU FOR CONSIDERING THIS REQUEST. SHOULD YOU NEED TO DISCUSS THIS MATTER, I CAN BE REACHED AT 435-901-0728.

SINCERELY,



ROBERT SCHUMACHER

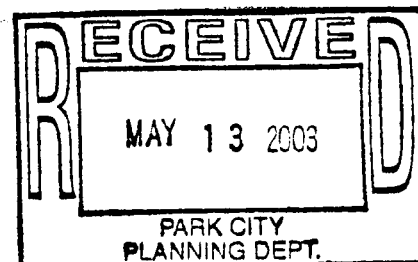


EXHIBIT B.

Date: June 5, 2003
Department: Planning Department
Title: 555-577 Deer Valley Drive
Type of Item: Legislative; Subdivision Plat

Recommendation: Staff recommends that the City Council conduct a public hearing and consider approving a subdivision of two metes and bounds parcels into one lot of record, according to the findings of fact, conclusions of law and conditions of approval, outlined in this staff report.

A. Project

Applicant: Mountainlands Community Housing Trust
Location: 555-577 Deer Valley Drive
Zoning: Residential - Medium Density District (RM)
Adjacent Land Uses: Residential
Date of Application: April 16, 2003
Project Planner: Kevin LoPiccolo

B. Background

The Planning Commission reviewed and approved an MPD for Mountainlands Community Housing at their January 8, 2003 meeting. The MPD approval was for twenty-two (22) housing units located at 555-577 Deer Valley Drive. As part of the MPD conditions of approval, the applicant was required to combine two metes and bounds parcels into one lot of record. The applicant is requesting that the Planning Commission forward a positive recommendation to combine the parcels into one 28,711 square foot lot.

The Planning Commission reviewed the Subdivision application request and forwarded a positive recommendation to the City Council at their May 28, 2003 meeting.

Subdivision

The applicant is proposing to create a single lot of record from two metes and bounds parcels. No new city streets are proposed. Final approval by the City Council is required before the plat may be recorded and final building permits are issued. This subdivision plat was reviewed for conformance with Chapter 15 of the Land Management Code, and staff is requesting that the Council approve the Subdivision of two metes and bounds parcels into one lot of record subject to the findings of fact, conclusions of law, and conditions of approval.

C. Analysis

The proposal is for a subdivision plat that will accommodate 22 housing units ranging in size from 650 square feet to 1000 square feet. The property has two historic dwellings that will be rehabilitated and incorporated into the approved project. The site is accessed off Deer Valley Drive and will provide thirty-one (31) on site parking spaces. In the Residential - Medium Density (RM) District, the proposed use requires a Conditional Use Permit, subject to the provisions of a Master Planned Development.

Criteria for Review:

Pursuant to the Land Management Code and State Subdivision statutes, the City Council must be able to conclude that:

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

Notice

Notice of this hearing was sent to property owners within 300' on May 6, 2003. Staff has received two phone calls, but the application request was explained to the callers.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on May 6, 2003, where representatives from local utilities and City Staff were in attendance. No concerns were raised.

Recommendation

Staff recommends that the City Council approve the proposed subdivision request, subject to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

Findings of Fact:

1. The property is located in the Residential Medium (RM) Density District.
2. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side Up Subdivision.
3. The proposed Subdivision is for two metes and bounds parcels to create one single lot of record to accommodate the construction of 20 multi-family units and the rehabilitation of two (2) historic dwellings.
4. The proposal is for 22 moderate-income units ranging in size from 650 square feet to 1000 square feet.
5. The two metes and bounds parcels would be able to accommodate up to twenty-five (25) units.
6. The site is accessed off Deer Valley Drive and will provide thirty-one (31) on-site parking spaces.
7. The Planning Commission approved a Master Planned Development and Conditional Use Permit at their January 8, 2003 meeting.
8. The Planning Commission forwarded a positive recommendation to City Council at their May 28, 2003 meeting.
9. No remnant lots will be created as a result of this application.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recording the plat.
2. The Developer shall provide a detailed Construction Management Plan (CMP), prior to issuance of any building permits, that addresses at a minimum the following:
 - a.) A construction staging, storage, circulation and parking plan.
 - b.) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on-site landscape areas. Further, the developer shall identify acceptable off-site dirt storage and disposal sites, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage and disposal site.
 - c.) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.
 - d.) The applicant shall comply with applicable Utah Air Quality standards, regarding dust mitigation, and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.
3. A utility and grading plan satisfactory to the City Engineer shall be submitted and approved. On-site storm runoff detention is required. All water lines, fire hydrants, and appurtenances behind the master water meter shall be the private maintenance responsibility of the property owners.
4. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to condominium plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.
5. This approval shall expire within (12) twelve months from the date of Council approval, unless this plat amendment is recorded prior to the date.
6. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
7. All MPD & CUP conditions of approval shall apply.

EXHIBITS

Exhibit A - Proposed Plat Amendment

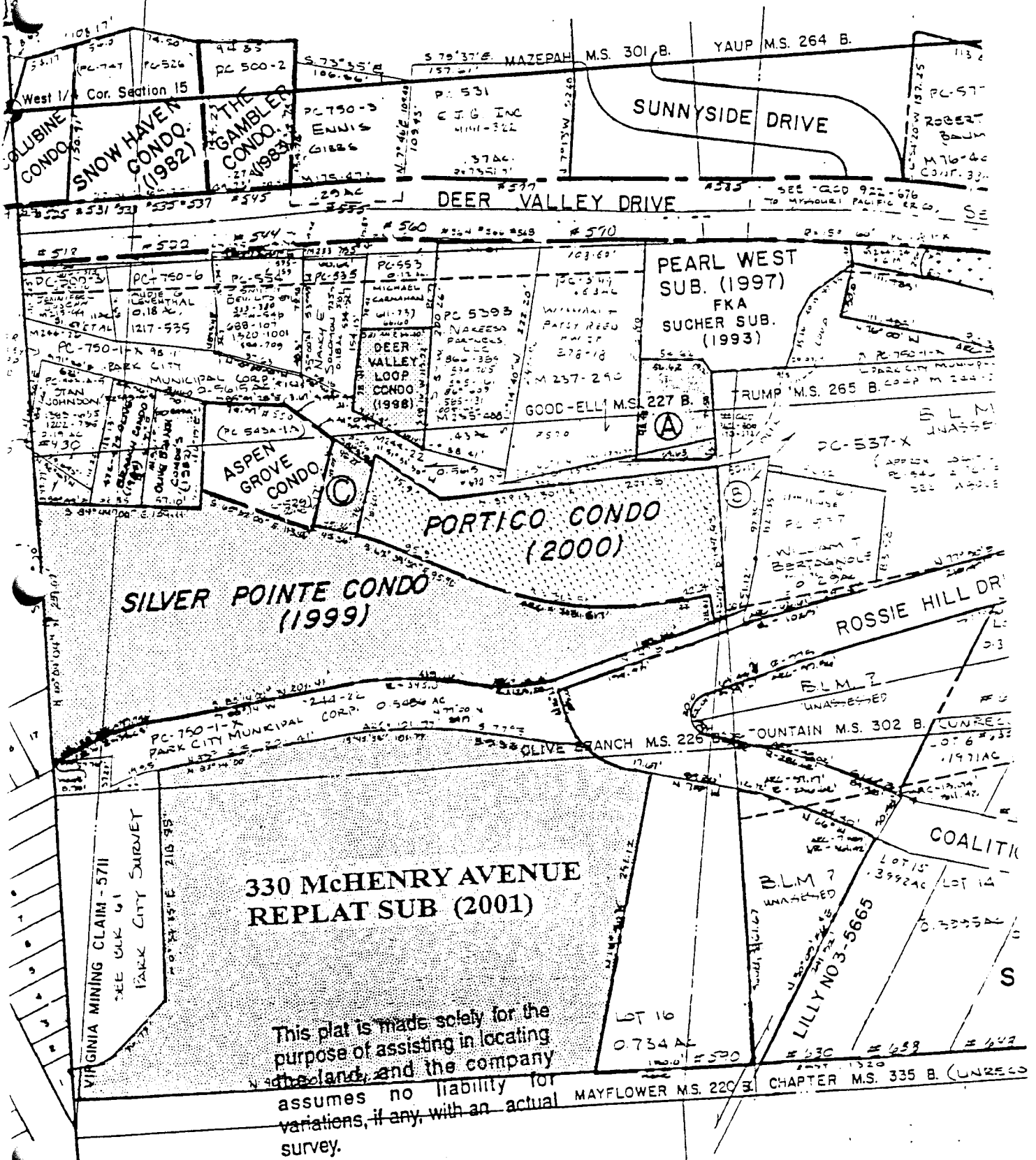
Exhibit B - Plat

Exhibit C - Draft Ordinance

M:\KL\CC 2003\PLATS\555-577deervalley.wpd

NW 1/4 SW 1/4 SEC. 15, T2S R.
S.L.B. & M.

15m
PC-54
2.0447
ETA
720



VIRGINIA M.C.
see SW For OWNERS

Exhibit B -Plat

PC-550-3

Ordinance No. 03-

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT FOR
555-577 DEER VALLEY DRIVE SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owners, Mountainlands Community Housing Trust, of the property at 555-577 Deer Valley Drive, Park City, Utah and to be known as 555-577 Deer Valley Drive, have petitioned the City Council for approval of a final Subdivision; and

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

WHEREAS, on May 28, 2003, the Planning Commission held a public hearing to receive public input on the proposed final Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is located in the Residential Medium (RM) Density District.
2. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side Up Subdivision.
3. The proposed Subdivision is for two metes and bounds parcels to create one single lot of record to accommodate the construction of 20 multi-family units and the rehabilitation of two (2) historic dwellings.
4. The proposal is for 22 moderate-income units ranging in size from 650 square feet to 1000 square feet.
5. The two metes and bounds parcels would be able to accommodate up to twenty-five (25) units.
6. The site is accessed off Deer Valley Drive and will provide thirty-one (31) on-site parking spaces.
7. The Planning Commission approved a Master Planned Development and Conditional Use Permit at their January 8, 2003 meeting.
8. The Planning Commission forwarded a positive recommendation to City Council at their May 28, 2003 meeting.

9. No remnant lots will be created as a result of this application.

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 subdivision plat.

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

SECTION 3. PLAT APPROVAL. The subdivision plat, known as 555-577 Deer Valley Drive, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recording the plat.
2. The Developer shall provide a detailed Construction Management Plan (CMP), prior to issuance of any building permits, that addresses at a minimum the following:
 - a.) A construction staging, storage, circulation and parking plan.
 - b.) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on-site landscape areas. Further, the developer shall identify acceptable off-site dirt storage and disposal sites, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage and disposal site.
 - c.) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.
 - d.) The applicant shall comply with applicable Utah Air Quality standards, regarding dust mitigation, and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.
3. A utility and grading plan satisfactory to the City Engineer shall be submitted and approved. On-site storm runoff detention is required. All water lines, fire hydrants, and appurtenances behind the master water meter shall be the private maintenance responsibility of the property owners.
4. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to condominium plat

- recording. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.
5. This approval shall expire within (12) twelve months from the date of Council approval, unless this plat amendment is recorded prior to the date.
 6. No building permits shall be issued prior to the final recording of the plat at the County Recorder's Office.
 7. All MPD & CUP conditions of approval shall apply.

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

PASSED AND ADOPTED this 5th day of June, 2003

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

DATE: June 5, 2003
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Mark Christensen
TITLE: FY2003 Budget Adjustment (current), FY2004 Tentative Budget (next year), and FY2005 Fiscal Plan
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

- Review the budget and conduct a public hearing on June 5th, 12th; and 19th; Amend the FY2003 budget; and Adopt the FY2004 Tentative Budget the FY2005 tentative Plan.
- Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY2004 (*Actual tax rate will not be known until Mid-June*).
- Review & adopt the recommended changes to the FY2003 budget (Tentative adoption is scheduled for June 5, 2003 and final adoption on June 19, 2003.)
- Pass and adopt the attached Resolution that contains the following items:
 - a) Tentative City Manager's Adjusted Budget for FY2003 (with adjustments that have occurred during the budget process).
 - b) Tentative FY 2004 City Manager's Recommended Budget (with adjustments that have occurred during the budget process) presented to City Council on May 1, 8, 22, and 29.
 - c) Authorization for the Budget and Grants Manager to compute the City's Certified Property Tax Rate for 2002 at a "No Tax Increase Rate" and file said rate with the County.
 - d) Tentative City budget policies including Special Service Contract language (including eligibility ethics language), "Buy Local" purchasing policy language, and other operating Budget Policies as amended.

DESCRIPTION:

A. Topic: Tentative Adoption of the FY2003 Amended Budget and FY2004 Recommended Budget in accordance with Utah State Law.

B. Background: Beginning May 1st, Staff presented to Council the Budget document and provided an overview of the operating budget, including Capital expenditures. On June 5th Council will tentatively adopt the budget for Park City and its related agencies. The focus of the June 5th meeting will be to review and to comment on the changes that

have been made to date, as well as provide policy direction on the issues covered in this report. Any additional changes, questions, or budget issues should be addressed by Council on June 5th.

Budget Timeline

June 5 – Adoption of the Tentative Budget; review of the update Fee Resolution

June 12 – Public Hearing; adoption of the amended Fee Resolution; adoption of the Council compensation ordinance for FY2004 & FY2005.

June 19 – Public Hearing; adoption of the FY2003 Amended Budget and FY2004 Recommended Budget.

C. Analysis:

Operating and Capital Budget Recap: Throughout the month of May, Staff presented the Budget and outlined the various changes that are included in the Tentative Budget Document. Since the May 1st meeting there have been budget changes that Staff recommends be tentatively adopted as part of the budget on June 5th. Attachment A has a listing of the items that have been modified since the publication of the Tentative Budget Document (Attachment A will provided to the Mayor and City Council prior to June 5th). Attachment A also includes a summary of the changes to the Tentative Budget document presented on May 1 and summaries by fund and major object. The document is intended to provide a snapshot of the overall budget including Council-directed changes.

CIP: Funds in the amount of \$50,000 within the Downtown Revitalization Project and OTIS are available to begin the study/project identification requested by Council on May 22nd. Staff will return to Council as these funds are expended consistent with the City's purchasing policies. The balance currently listed in the Tentative Budget Document for the parking structure has been transferred back to the 5-Year CIP and will be reflected in the final budget.

In addition to the parking structure-related changes, the Snowcat Replacement CIP will show an increase of \$14,000 from recently received lease/rental revenue.

Special Service Contracts: Approximately \$36,000 for Youth Services will remain budgeted but unassigned to any specific service contract. The scope of this item will be reviewed by Council in July.

Council also directed staff to consider the policy of appropriating 2.25% of the General Fund budget for contracts. Staff has amended the Special Service Contract policy (Attachment B) to remove the General Fund percentage that may be appropriated, but has changed the amount to be no more than 1% of the Total Budget (per state law) including rent contribution.

The last paragraph of the Special Service Contract policy has also been modified to clarify who is eligible for a Special Service Contract. The language precludes members of any Special Service Contract recommending body from applying for a contract from a category they recommend.

Library and Recreation Services: Several budgeted items were removed as part of the citywide reorganization. These have been recommended by the City Manager to be reinstated as part of the budget process. These items include administrative budget items for supplies, services, equipment, training, Christmas in the Park, and the printing costs of *Play Magazine* (including a Spanish translation). The total FY 2004 increase for Library and Recreation is \$37,530; the FY 2005 amount is \$32,530.

Health Insurance Impacts: Recent market fluctuations have resulted in a possible 20 percent increase in City health insurance costs for FY 2004. The final percentage and dollar impact will not be known until August, but staff anticipates that any increase will be adjusted in the FY 2004 Adjusted Budget next year by using annually budgeted personnel contingencies and subject to Council approval consistent with the City's purchasing policies.

GIS Coordinator Position: The Tentative Budget Document shows a recommendation to change the GIS Coordinator from a temporary position to a full-time regular position (Grade 3 exempt). The City Manager is recommending that the position be changed to a Grade 4 exempt position – this will result in a net increase of \$6,811 for FY 2004 and \$6,948 for FY 2005. An increase to a Grade 4 will enable greater flexibility in the hiring process.

"Buy Local" Purchasing Language: In an effort to encourage City Departments to support local businesses, Staff is recommending that Council add language to the City Purchasing Policy to include a Buy Local provision. The amendment to the policy is found in Attachment C.

City Council Compensation: Attachment D is an ordinance establishing compensation for the Mayor and City Council for FY 2004 and FY 2005. Each year reflects an increase of 2 percent to remain consistent with citywide adjustments. This ordinance is scheduled for review and adoption on June 12th.

Arts Policy: In December of 2002, staff presented City Council with a matrix of options for art policies. Those policies included several layers of commitment to the arts from the City. Council directed staff to revise some internal art policies and come back to Council for the remaining items during the budget process due to their fiscal implications. In May of 2003, the Planning Department completed a public art policy for City-owned property which provides an application process for artists to display their art on City-owned property.

Currently a special service contract with the Arts Council has been recommended by the Special Service Contracts sub-committee for \$20,000 which will specify the services that the Arts Council will provide for the community.

The remaining art policy has several options, including a policy to require a 1-2 percent of City's Capital project funds, for designated projects, to go towards public art or Council could designate a specific amount of money in the CIP for art. Staff would like direction from Council on June 5th as to which of these two options should be explored further, at which time staff will return with specific options and criteria for these policies. If Council chooses to implement a 1-2 percent of capital projects policy and require managers to fund out of existing budgets, there is not a budget increase at this time. The 1-2 percent would be limited to capital projects over \$25,000 and exclude water, streets, maintenance, and other infrastructure related projects. See attached sample resolution (Attachment E) of such a policy from the City of Grand Junction Colorado. If Council chooses the latter option, it would be necessary for Council to put aside specific funds (\$100,000-\$200,000) prior to budget adoption on June 19th.

Please also note that an additional \$65,000 is currently in the budget for Olympic legacies/art.

Summary:

The budget document represents the City Managers Recommended budget. This report and attachments highlight the changes that have taken place since May 17th as well as address significant changes from past years. By State law, Council is required to adopt a balanced budget by June 19, 2003. On June 5th, Council will need to provide direction for any budget issues that are to be adopted on June 19th.

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

ALTERNATIVES:

A. Provide Direction about Budget Issues, Policies, and Capital Projects

B. Continue the Item - June 19th, 2003 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. Staff has presented a balanced budget for tentative adoption on June 5th as required by State law. Council should direct staff on any unresolved budget issues on June 5th or June 12th in order to make changes by June 19th.

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

- a) Tentative adoption of the City Manager's Amended Budget for FY2002-03 (with adjustments that have occurred during the budget process).
- b) Tentative adoption of the FY 2003-04 City Manager's Recommended Budget presented to City Council on May1st, 2003 (with adjustments that have occurred during the budget process).
- c) Authorization for the Budget and Grants Manager to compute the City's Certified Property Tax Rate for 2002 at a "No Tax Increase Rate" and file said rate with the County.
- d) Adopt the City's budget policies, including Special Service Contract language, "Buy Local" Purchasing policy language, and other operating Budget Policies as amended.

Attachments:

- A. Budget Changes From Tentative Document (to be provided prior to June 5th)
- B. Special Service Contract Policy (including eligibility language)
- C. "Buy Local" language from Policies and Procedures document
- D. Ordinance establishing compensation for the Mayor and City Council (to be adopted June 19, 2003)
- E. Sample Art Resolution (from City of Grand Junction)
- F. Resolution adopting a tentative revised budget for FY 2003, a tentative budget for FY 2004, and a tentative plan for FY 2005.

PUBLIC SERVICE CONTRACTS (Draft) - To be Amended 2003

As part of the budget process, the City Council appropriates funds to contract with organizations offering services consistent with the needs and goals of the City. Depending upon the type of service category, payment terms of the contracts may take the form of cash payment and/or offset fees or rent relating to City property in exchange for value-in-kind services. The use of the public service contracts will typically be for specific services rendered in an amount consistent with the current fair market value of said services.

Public Service Fund Distribution Criteria: Organizations must meet the following criteria in order to be eligible for a public service contract in Fund Categories 1-3 below: (1) Accountability and Sustainability of Organization; (2) Program Need and Specific City Benefit; (3) Fiscal Stability and Other Financial Support; and (4) Fair Market Value of the Service.

Criterion #1 - Accountability and Sustainability of Organization: The organization must have the following: (1) Quantifiable goals and objectives; (2) Non-discrimination in providing programs or services; (3) Cooperation with existing related programs and community service; (4) Compliance with the City contract; and (5) Not-for-profit status.

Criterion #2 - Program Need and Specific City Benefit: The organization must have the following: (1) A clear demonstration of public benefit and provision of direct services to City residents; and (2) A demonstrated need for the program or activity.

Criterion #3 - Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence; and (4) A history of performing in a financially competent manner.

Criterion #4 - Fair Market Value of the Services: The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

Total Public Service Fund Appropriations: The City may appropriates a total of ~~2.25% of its annual General Fund budget (constituting less than~~ up to 1% of the City's total budget) for public service contracts for the Special Service Contract and Rent Contribution Categories described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to Historic Preservation as described below. The General Fund budget is defined as total departmental operations not including the "carry-forward" of unspent balances.

Fund Categories and Percentage Allocations: For the purpose of distributing Public Service Funds, public service contracts are placed into the following categories:

(1) Special Service Contracts, including

- Youth Programming;
- Victim Advocacy Services;
- Arts;
- Health;
- Affordable Housing;
- Recycling;
- History/Heritage;
- Information and Tourist Services;
- Minority Affairs;

(2) Rent Contribution; and

(3) Historic Preservation.

A percentage of the ~~General Fund total~~ budget (which shall not exceed ~~2.25%~~ 1%) is allocated for contracts in the Special Service Contract and Rent Contribution categories by the City Council. A specific dollar amount is allocated to Historic Preservation based on funds available from the various Redevelopment Agencies.

The General Fund category percentage allocation does not vary from year-to-year. However, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category will fluctuate proportionally. Unspent fund balances at the end of a year will not be carried forward to future years. It is the intent of the City Council to appropriate funds for specific ongoing community services and not fund one-time projects or programs.

1) Special Service Contracts: A portion of the General Fund budget will be designated for service contracts relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to the following: youth programming, victim advocacy services, arts, health, affordable housing, recycling, history/heritage, information and tourist services, and minority affairs. To the extent possible, individual special services will be delineated in the budget.

Service providers are eligible to apply for a special service contract every biannual budget process. The City will award special service contracts through a competitive bid process administered by the Service Contract Subcommittee and City Staff. The City reserves the rights to accept, reject, or rebid any service contracts that are not deemed to meet the needs of the community or the contractual goals of the service contract.

Each special service provider will have a special service contract with a term of two years. Half of the total contract amount will be available each year. 80% of each annual

appropriation will be available at the beginning of the fiscal year, with the remaining 20% to be distributed upon demonstration through quantifiable and qualifiable measures that the program has provided public services meeting its goals as delineated in the public service contract. The disbursement of all appropriations will be contingent upon council approval. Special service providers will be required to submit current budgets and evidence of contract compliance (as determined by the contract) by March 31st of the first contract year.

The City reserves the right to appoint a citizen's task force to assist in the competitive selection process. The task force will be selected on an ad hoc basis by the Service Contract Subcommittee.

All special service contract proposals must be consistent with the criteria listed in this policy, in particular criterion 1-4.

Deadlines: Beginning Fiscal Year 2004, all proposals for Special Service Contracts must be received no later than March 31st. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements.

Emergency requests received after this deadline must meet all of the following criteria to be considered before the next fiscal year:

- (1) The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;
- (2) The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and
- (3) The applicant must demonstrate that other possible funding sources have been exhausted.

2) Rent Contribution: ~~An amount not to exceed 58% of the General Fund budget~~ A portion of the Special Service Contract funds will be used as a rent contribution for organizations occupying City-owned property and providing services consistent with criterion 1-4 pursuant to the needs and goals of the City. To the extent possible, individual rent contributions will be delineated in the budget. Rent contributions will usually be memorialized by a lease agreement with a term of five years or less, unless otherwise approved by City Council.

The City is required to make rent contributions to the Park City Building Authority for buildings that it occupies. Qualified Organizations may enter into a lease with the City to occupy City space at a reduced rental rate pursuant to criterion 1-4. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. Rent Contribution lease agreements will not exceed five years in length unless otherwise directed by the City Council. Please note

that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

3) Historic Preservation: Each year, the City Council may appropriate a specific dollar amount relating to historic preservation. The City Council will designate the funding for these expenditures during the annual budget process. The funding source for this category is the Lower Park Avenue and Main Street RDA. The disbursement of the funds shall be administered pursuant to applications and criteria established by the Planning Department, and awarded by the City Council consistent with UCA § 17A-3-1303, as amended. ~~The total amount of historic funds available is \$200,000 (\$100,000 from each RDA project area).~~ In instances where another organization is involved, a contract delineating the services will be required.

Rent Contribution and Historic Preservation funds will be appropriated through processes separate from the bi-annual Special Service Contract process and when deemed necessary by City Council or its designee.

The Service Contract Sub-Committee has the discretion as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to public service funding are at the discretion of the City Council.

Nothing in this policy shall create a binding contract or obligation of the City. Individual Service Contracts may vary from contract to contract at the discretion of the City Council. Any award of a service contract is valid only for the term specified therein and shall not constitute a promise of future award. The City Council reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Service Contract Sub-Committee, and any advisory Board, Commission or special committee with the power to make recommendations regarding Public Service Contracts are ineligible to apply for such Public Service Contracts, including historic preservation funds. The ineligibility of advisory Board, Commission and special committee members shall only apply to the category of Public Service Contracts that such advisory Board, Commission and special committee provides recommendations to the City Council.

POLICIES AND OBJECTIVES

General Policy:

1. All City purchases for goods and services and contracts for goods and services shall be subject to these rules.
2. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules.
3. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which funds have been appropriated.
4. Subject to federal, state, and local procurement laws when applicable, reasonable attempts should be made to support Park City businesses by purchasing goods and services through local vendors and service providers.
5. All reasonable attempts shall be made to publicize anticipated purchases or contracts in excess of \$10,000 to known vendors, contractors, and suppliers.
6. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of capital assets and services in excess of \$10,000.
7. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.
8. All purchases and contracts must be approved by the manager or their designee unless otherwise specified in these rules.
9. All contracts for services shall be approved as to form by the city attorney.
10. The following items require City Council approval unless otherwise exempted in these following rules:
 - a. All contracts (as defined) over \$20,000
 - b. All contracts and purchases awarded through the formal bidding process.
 - c. Any item over \$10,000 that is not anticipated in the current budget. .
 - d. Accumulated "Change Orders" which would overall increase a previously approved contract by
 - 1) the lesser of 20% or \$20,000 for contracts of \$200,000 or less;
 - 2) more than 10% for contracts over \$200,000.
11. Acquisition of the following Items must be awarded through the formal bidding process:
 - a. All contracts for public improvements over the amount specified by state code (currently \$25,000).
 - b. Contracts for grading, clearing, demolition or construction in excess of \$2,500 undertaken by the Community Redevelopment Agency.

Exceptions: Certain contracts for goods and services shall be exempt from bidding provisions.



Ordinance No. _____

**ORDINANCE ESTABLISHING COMPENSATION
FOR THE MAYOR AND CITY COUNCIL FOR FISCAL YEAR 2003 – 2004 AND
FISCAL YEAR 2004-2005 IN PARK CITY, UTAH**

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

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

WHEREAS, according to state law, a public hearing was duly advertised and held on June 19, 2003;

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

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

	<u>FY 2003-2004</u>	<u>FY 2004-2005</u>
Mayor	\$1,573 per month	\$1,604 per month
City Council	\$ 927 per month	\$ 945 per month

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

PASSED AND ADOPTED this 12th day of June, 2003

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

52

Attachment D

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

CITY OF GRAND JUNCTION
RESOLUTION NO. 20-97

A resolution of the City of Grand Junction creating an Art in Public Places program, authorizing allocation of funds for art in the construction of certain City capital improvement projects, establishing a method of calculating art appropriations for City capital projects, providing for an art selection process, and establishing a Public Art Fund.

WHEREAS, the City of Grand Junction wishes to enhance the aesthetic environment of its public spaces, buildings, and property by integrating high quality urban design and art into its capital improvement projects; and,

WHEREAS, the City wishes to create a more visually pleasing environment and expand the opportunities for residents and visitors to experience quality works of art by facilitating the acquisition, display, and development of such works of art in public places;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. Purpose.

The purpose of this ordinance is to establish and implement an Art in Public Places program which provides for acquisition by the City of works of art in conjunction with certain City capital improvement projects by requiring that all applicable City projects include funding for a work or works of art to be placed at that site in a location visible and accessible to the general public.

Section 2. Definitions.

Capital Improvement Project means any capital improvement project included in the City of Grand Junction Capital Improvement Plan with a total budgeted allocation of \$50,000 or higher, paid for and/or completed wholly or in part by the City, regardless of the source of funding, for construction, renovation or remodeling of any public building, structure, or park. Projects not subject to this program shall be: Water, Sewer and Sanitation Enterprise Fund projects; land acquisition; projects consisting solely of purchase or installation of equipment, including but not limited to, lighting, traffic signals, signage, underground utilities, electronics, playground, equipment, or HVAC; and projects to resurface, repaint, reroof or overlay existing streets, sidewalks, trails, cart paths, parking lots, buildings, or structures.

Commission on Arts and Culture means the board established and appointed by the City Council pursuant to Resolution No. 44-89.

Public Art Fund means a separate account established by the City to receive monies appropriated to the Art in Public Places program.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Works of Art means all forms of original creations of visual art, including but not be limited to sculpture, painting, fountains, mosaics, graphic arts, printmaking, drawing, photography, ceramics, stained glass, fiber art, woodworking, metal work, and mixed media. Works of art may also include unique and artistic landscaping features or environmental installations when located within a park, and decorative or ornamental architectural embellishments not part of the basic design of a structure or building.

Section 3. Funding.

All appropriations for applicable City capital improvement projects shall include an amount equal to one percent (1%) of the lesser of the City's Engineer's estimate (or other City staff estimate if an engineer's estimate is not available) or the amount of the bid awarded; *i.e., multiply by 0.01* the lesser of any available engineer's estimate or the original bid award for the capital construction project but exclude costs of real property acquisition and exclude the amounts of any subsequent change orders, additions or deletions.

54

Section 4. Uses of Funds.

Funds appropriated for art shall be transferred to a "Public Art Fund" established for this purpose. Money collected in this fund shall be used solely for selection, acquisition, purchase, commissioning, placement, installation, exhibition and display of works of art. Artwork may be temporary or permanent, may be integral to the architecture, and/or may be incorporated into the site of the construction project for which the appropriation is allocated or may be placed at a more appropriate site maintained within the same City department.

Any costs and responsibilities associated with administration of this program shall be reflected in the budget of the Grand Junction Commission on Arts and Culture or other appropriate department of the City, and any costs and responsibilities associated with maintenance or repair of the artwork shall be reflected within the budget of the department having possession of the work.

Any excess or unexpended funds in the "Public Art Fund" shall carry forward in this account at the end of each fiscal year and may be allocated in conjunction with future capital improvement projects.

Section 5. Responsibilities.

Responsibility for administration of the Art in Public Places Program shall rest with the Grand Junction Commission on Arts and Culture. The Commission shall establish and amend, with City Council approval, criteria and guidelines governing the selection, acquisition, purchase, commissioning, placement, installation, and maintenance of works of art. Selection and placement of works of art shall be in conjunction with representatives of the City Council and the City department responsible for the specific capital improvement project.

Following placement or installation, maintenance and repair of the artwork shall be the responsibility of the department having possession of the work. Any proposed works of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance.

Section 6. Public Art Fund.

There is hereby established a "Public Art Fund" into which shall be deposited funds appropriated pursuant to Section 3 of this ordinance, together with any other funding appropriated by City Council for the purchase of works of art, and any grants or donations received from other sources for this purpose. Funds shall be approved for expenditure in accordance with City financial policies, department regulations, and criteria established pursuant to Section 5 of this ordinance.

Section 7. Other Works of Art.

Nothing in this ordinance shall be construed to preclude the selection, acquisition, purchase, commissioning, placement, or installation of works of art in public places other than those placed pursuant to this ordinance.

Passed and adopted this 19th day of February, 1997.

ATTEST:

/s/ Linda Afman
President of the Council

/s/ Stephanie Nve
City Clerk



Resolution No.

A RESOLUTION ADOPTING A TENTATIVE REVISED BUDGET FOR FY2002-03, A TENTATIVE BUDGET FOR FY2003-04, AND THE TENTATIVE PLAN FOR FY2003-05, FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES AND AUTHORIZING THE COMPUTATION OF THE PROPERTY TAX RATE AT A NO TAX INCREASE RATE

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

WHEREAS, a public hearing was held on May 29, 2003, and June 5, 2003, and two more are scheduled for June 12, 2003 and June 19, 2003 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. TENTATIVE REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 1, 2003 and with changes as summarized in the Attachments to this resolution is hereby adopted as the Tentative Revised FY2002-03 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 2. TENTATIVE BUDGET AND TENTATIVE PLAN ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 1, 2003 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative budget for FY2003-04 and the tentative plan for FY2004-05 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED TAX RATE. The Budget and Grants Manager is authorized, after the County has provided the Certified Property Tax data, to compute the City's Certified Property Tax Rate for 2004 at a "No Tax Increase Rate" and file said rate with the County.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect June 5, 2003 for the FY2002-03 revised budget, the FY2003-04 budget.

PASSED AND ADOPTED this 5th day of June, 2003

PARK CITY MUNICIPAL CORPORATION

56

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



DATE: June 5, 2003
DEPARTMENT: Building Maintenance
AUTHOR: Pace Erickson, Streets Manager
Lane Jensen, Building Maintenance Supervisor
TITLE: Racquet Club Roof Upgrade Contract
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to execute a contract, in a form approved by the City Attorney, with Garff Construction in the amount of \$454,280 for structural strengthening and installation of a new roof at the Racquet Club.

A. **Topic:** Racquet Club Roof Upgrade Contract

B. **Background:**

History

Park City Municipal Corporation purchased the Park City Racquet Club in 1987 for \$450,000 at what was then described as a "Fire Sale". Soon after its purchase, City Council began to ask for public input as to its future. A task force was assigned to determine the current status of the Racquet Club and develop a capital improvement strategy. The task force found that tennis was the number one draw and was the most financially beneficial aspect of the Racquet Club. However, public input suggested the facility needed more amenities in order to fill a greater community need. Designs were finalized and renovation of portions of the building began in 1989 which included: Larger locker rooms, expanded restaurant space, new check in area, lap pool, gymnasium, aerobics / dance room and staff office space.

While the Racquet Club has seen its fair share of improvements over the years, little has been done to improve the original structure beyond adding aesthetic value. The roof that is covering all of the indoor tennis area and portions of other areas of the structure are the original roofing material as when the Racquet Club was constructed thirty years ago. Many attempts to seal the roof were attempted with some success. However, the ultimate goal of completely eliminating all of the roof leaks was never achieved.

C. Analysis:

Structural and Architectural Analysis

After consulting with the Chief Building Official and engineers in the Building Department, severe deficiencies were detected primarily the snow loading which occurs during the winter months. Through research and analysis by Reinhardt Bsumek it was determined that the current live load the old roof will support is around thirty pounds per square foot whereas the structural code calls for a one hundred and ten pounds per square foot in that area of Park City. It was also determined that due to its current degree of live loading, the roof flexed excessively and over time generated stress to the connecting screws which attached the roof sheeting to the metal structure below. This has created areas for water permeation and has caused the roof to leak. While roof leaks alone are producing issues at the Racquet Club, water seeping through the roof has begun to rust the existing purlins which will further deteriorate the overall strength of the structure.

Rod Coles was retained as the architect and along with Reinhardt Bsumek and the building Department agreed that in order to repair the roof leaks a structural upgrade to the tennis court area of the building needed to be completed before a new roof could be installed. The structural up-grade consists of installing a central steel beam with supports between the tennis courts and the addition of metal purlins or roof supports between the existing purlins.

Other Improvements

The Park City Tennis Pro, Warren Pretorius has requested the vapor barrier along the wall portions of the indoor tennis courts be replaced. The existing barrier has numerous holes created by tennis balls. The current barrier is still functional but looks bad.

This option was bid as alternate #2 and would cost an additional \$ 24,800. As this was not part of the original scope of repairing the roof and is not critical to the roof project, it has not been included as part of the staff recommended plan.

Options to consider are:

1. A change order could be funded if the total project costs ~~do not exceed~~ \$475,000
2. The FY 04 and FY 05 Budget has \$50,000 per year included for Racquet Club improvements. Racquet Club could prioritize the vapor barrier and include in the roof contract or a separate contract. Excess project funds would be transferred back to the CIP Budget for other projects.

Timing

Timing is critical to completing the structural up-grade and installation of the new roof. Summer is by far the most conducive time due to the fact that the indoor tennis courts are utilized less during the summer and it is much easier for a contractor to perform the work under more favorable conditions. The Racquet Club has a large tennis tournament scheduled for Labor Day weekend so completing the construction project prior to Labor Day is crucial. An additional hurdle to completion of the roof is the protection of the tennis court surfaces below. Roof construction of this magnitude are in the best of circumstances difficult. However, when you include the additional responsibility to protecting the underlying infrastructure it adds an additional complexity and adds time to construction.

Budget

Currently there is \$ 237,840 budgeted to repair the Racquet Club Roof. Staff is requesting an additional \$ 261,140 in FY 2004 for a total of \$498,980 to complete the roof structural construction and roofing material. Along with the \$ 454,280 for roofing materials, \$15,000 to \$ 20,000 will be needed for construction supervision and coordination.

Bid Tabulation

General Contractor	Garff Construction	Culp Construction	J & R Development
Base Bid	\$616,260	\$670,000	\$771,000
Alt # 1 Replace other metal roofs	\$68,600	\$169,000	\$430,000
Alt # 2 Vapor Barrier on vertical walls	\$24,800	\$21,900	No Bid
Alt # 3 Standard Insulation	(\$134,000)	(\$142,697)	No Bid
Alt # 4 Re-enforced Roof Membrane all areas	\$3,300	\$3,300	No Bid
Alt # 5 Gravel Ballast	(\$31,280)	(\$31,000)	No Bid)

D. Department Review: The Public Works, Building and Recreation departments have reviewed the plans and concur with the findings of the structural and roofing consultants.

ALTERNATIVES:

A. Award the Contract to the Lowest Responsive Bidder: Council could authorize staff to enter into a contract, in a form approved by the City Attorney, with Garff Construction Corp. in the amount of \$454,280. The amount includes alternates 3, 4 & 5. **This is staff's recommendation.**

B. Award the Contract to the Lowest Responsive Bidder: Council could authorize staff to enter into a contract, in a form approved by the City Attorney, with Garff Construction Corp. to include some or all alternatives. Staff does not recommend this action.

C. Award the Contract to the second low bidder: Council could authorize staff to enter into a contract, in a form approved by the City Attorney, with Culp Construction in the amount of \$499,693. The amount includes alternates 3, 4 & 5. Staff does not recommend this action.

D. Rebid the Contract: Staff does not recommend this action.

E. Do Nothing: Staff does not recommend this action..

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

City Council has identified the Racquet Club roof as a number two priority along with a new pool, new Recreation Advisory Board and Recreation Vision. With that in mind, it is critical to the continued operation of the Racquet Club and future of the recreation Programs at the Racquet Club to complete the structural up-grades and new roof. The roof will continue to deteriorate at an accelerated rate. It is clear from the experts point of view, a structural strengthening and new roof needs to be installed.

RECOMMENDATION:

Authorize staff to execute a contract, in a form approved by the City Attorney, with Garff Construction Corp in the amount of \$454,280. This contract will include alternative 3 (deduct for conventional insulation), alternative 4 (re-enforced roof membrane in all areas), and alternative 5 (deduct for a ballast roof).

CITY COUNCIL STAFF REPORT

Date: June 5, 2003
Department: Planning Department
Title: McPolin Farm CUP
Type Of Item: CUP Call-Up

**BACK UP INFORMATION AVAILABLE
UPON REQUEST. CALL JAN 615-5007**

Summary Recommendation: Review the record of the Conditional Use Permit approved at the May 14, 2003 Planning Commission allowing 12 City-sponsored events at the McPolin Farm and discuss whether to amend specific conditions of approval concerning maximum attendance, use of the farm house and parking along State Route 224.

A. Project Statistics

Owners: Park City Municipal Corporation
Applicant: PCMC
Location: 3000 Park Avenue
Zoning: Recreation Open Space (ROS)
Project Planners: Kevin LoPiccolo

B. Background

The original Conditional Use Permit for the farm was approved on March 28, 2001, and as part of the conditions of approval, required a review of the CUP in two years. Earlier this year, staff requested that the Commission review the original Conditional Use Permit along with some modifications that included an increase of events, associated uses such as sales, art exhibits, and an increase to 150 people at the farm for events that was not part of the March 28, 2001 Conditional Use Permit. The Commission approved the Conditional Use Permit at their May 14, 2003 meeting, but retained the 100 person maximum from the 2001 permit. A copy of the approved CUP is attached as Exhibit G.

Staff explained to the Commission that if the City requested any such change that is contrary to approved Resolution 19-95 (Exhibit A), a Resolution adopting the SR224 Entry Corridor Master Plan (The Farm), the City Council would be required to amend the Resolution. Resolution 19-95 limited attendance at farm events to 100 persons.

On May 22, 2003, City Council called up the approved Conditional Use Permit to review the following:

- **Occupancy limitation** as stated in Resolution 19-95. Current Resolution allows no more than 100 persons at City sponsored events.
- **Use of Farm house** The farm house does not have a Certificate of Occupancy to allow use of the structure. The farm house is required to comply with American Disabilities Act and building codes prior to occupancy.
- **Parking On SR 224** The Conditional Use Permit prohibits parking for event patrons along SR 224

Planning Commission Meeting (March 26, 2003)

The Commission had concerns over the request to modify the Conditional Use Permit to allow uses other than what were specified in the original approval. The City was requesting as part of their two-year review the following changes to the March 28, 2001 Conditional Use Permit:

- Request to increase one-day events up to twelve (12) events per year. The approved Conditional Use Permit allows up to eight (8) one-day events per year.
- Use of farm complex shall include the newly reconstructed McPolin shed and outdoor areas. Use of the McPolin barn and house are not permitted under the approved Conditional Use Permit, or under building codes.
- Request that the landscaping be completed around the farm house to include accessibility ramp to the farm house.
- To enable use of the farm house for occasional cultural and historical displays.
- 150 per maximum per event. Any event held exclusively inside the shed would be limited to 75 persons. The conditional use permit was requesting an increase to 50 persons per outdoor event. The current conditional use permit allows a 100 person maximum per event. The 100 person maximum is consistent with the terms of Resolution 19-95 would need to be amended to reflect the increase of 50 persons by the City Council.
- Events shall include a City-approved event transit plan (including ADA accessibility) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224). This transit plan will be reviewed through the Master Festival License process.

Planning Commission May 14, 2003 Meeting

The Planning Commission approved the following at their May 14, 2003 meeting:

- Request to increase one-day events up to twelve (12) events per year.
- Request that the landscaping/ADA be completed around the farm house.
- Events shall include a City-approved event transit plan (including ADA accessibility) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224). This transit plan will be reviewed through the Master Festival License process.

All events require a Master Festival License to address the issues stated above. Through the review and approval process, the City's Special Events Department reviews all event components such as traffic, parking, transportation, signs, food service, attendance, lighting and noise.

Staff will process the events through two separate licenses with separate conditions. It is recommended that all concerts and ticketed events be reviewed together and the education events be reviewed separately due to different components.

D. Scope of Call-Up

In calling up the McPolin Farm Conditional Use Permit, the Council may limit the scope of this hearing to certain issues and need not take public input. The Council may affirm or reverse, in whole or in part, any part of the McPolin Farm CUP subject to this call-up.

E. Summary and Recommendation Analysis of Issues on Call-Up

- **Occupancy limitation** Resolution 19-95 allows no more than 100 persons. The latest Conditional Use Permit request was to increase the maximum occupancy for the farm up to 150 persons. In order for the maximum occupancy to increase, the Council will need to amend Resolution 19-95, condition of approval number 4. A proposed Resolution amending Resolution 19-95 accordingly is on this meeting's agenda.
- **Use Of Farm house** The farm house does not have a Certificate of Occupancy to allow use of the structure. If the Farm house is approved for public use, the farm house will need to comply with the ADA requirements and meet building codes prior to occupancy. Plans are in place to make necessary changes. Conditions of approval number 3 would need to be amended to allow use of the house.
- **Parking On East Side Of SR 224** Conditions of approval number 5 & 6 prohibits event parking along SR 224. Though no parking lot currently exists, Council and Staff have discussed the idea on installing a 25 space lot on the City property east of SR 224 and the barn. This property is zone Recreation Open Space (ROS) and is located within the Frontage Protection Zone (FPZ) and Entry Corridor Protection Overlay (ECPO). A parking lot of 5 spaces or more is a Conditional Use in the ROS zone and therefore subject to the CUP review process and FPZ/ECPO standards established at Land Management Code Chapter 2.20. If the Council desires to explore this parking lot concept further, it should:
 - 1) Amend conditions 5 & 6 of the Farm CUP to allow parking on the east side of SR 224 only when and if a parking lot is duly licensed per the LMC requirements; and
 - 2) Direct staff to prepare plans and submit necessary applications for such a lot.

Staff has provided amended findings of fact, conclusions of law, and conditions of approval for the McPolin Farm CUP for Council's consideration. Please see the Manager's report for more information on this issue.

The Planning Commission at their May 14, 2003 meeting approved a Conditional Use Permit granting the farm a two year time extension and an increase number of one-day

events from eight (8) to twelve (12), subject to the findings of facts, conclusions of law, and conditions of approval:

Finding of Facts:

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres is located west of Hwy. 224. Approximately 50 acres is located east of Hwy. 224.
2. The Planning Commission approved a two year Conditional Use Permit at their March 28, 2001 meeting.
3. The purpose of the ROS District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets and parking lots; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridors and forests.
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
5. The property is owned by Park City Municipal Building Authority, a.k.a. the City.
6. On June 5, 2003, the City Council passed and adopted Resolution No. 15-03, which amends Resolution 19-95. Resolution 15-03 states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guideline of "not more than 150 people" for passive summer events.
7. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
8. As of June 5, 2003, the McPolin farm house and the barn are not approved for human occupancy; however, plans are underway to bring the farm house into building code and ADA compliance.
9. Public trails are located on the property.
10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.
12. The McPolin Farm property is a highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The proposed conditional use permit is for a period of two (2) years.

15. The proposed conditional use permit will allow up to twelve (12) one-day, City Council-sponsored, special public events per year.

16. Special event permits will be processed by City staff and reviewed and approved/denied by City Council. Event specific issues such as transportation parking, vending and health requirements are reviewed through a Master Festival License process.

17. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas, and the farm house, subject to the conditions of approval herein.

18. Each Master Festival License application is to include a City-approved event transit plan to transport event patrons to and from the farm site.

19. No additional special event exterior lighting will be permitted.

20. All events are subject to the municipal noise ordinance.

21. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.

22. The restroom facilities in reconstructed shed building are to be open to the public trail users.

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

24. The applicant stipulates to all conditions of approval.

25. The Park City Police Department has not received any complaints at the McPolin Farm since the Planning Commission approved the conditional use permit at their March 28, 2001 meeting.

Conclusions of Law:

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.

2. The use, as conditioned is compatible with surrounding structures in use, scale, mass and circulation.

3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.

4. The proposal is consistent with Park City General Plan.

Conditions of Approval:

1. The proposed conditional use permit is for a period of two (2) calendar years and expires on May 14, 2005.

2. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by staff under a Master Festival License and reviewed and approved/denied by City Council.
3. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn is not permitted under this conditional use permit at this time. Use of the Farm house shall be allowed only if the structure is brought into building code and ADA compliance for public occupancy, subject to approval and occupancy limits set by the Chief Building Official.
4. No single event shall exceed a 150 person maximum per event.
5. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including on the east side of 224, unless and until a Conditional Use Permit for a parking lot east of SR 224 is duly approved and constructed pursuant to all applicable Land Management Code requirements.
6. Parking along SR224 during City-sponsored events, except as provided per conditions of approval # 5 above, is prohibited.
7. No additional exterior lighting shall be permitted for special events.
8. All special events must comply with the municipal noise ordinance.
9. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count towards the 12 permitted events.
10. The City's Special Events Department shall review all event components under a Master Festival License such as traffic, parking, transportation, signs, food service, attendance, lighting and noise. Review of such items are coordinated with all City Departments as well as the Park City Fire District and Summit County Health Department.
11. Sales are subordinate to the primary event, and no event shall be considered expressly for the purpose of selling merchandise for commercial enterprise.
12. Sale of merchandise shall be identified in the Master Festival License.
13. All standard conditions of approval apply.

Exhibits

Exhibit A - Resolution 19-95
Exhibit B - March 26, 2003 Staff Report
Exhibit C - March 26, 2003 Planning Commission Minutes
Exhibit D - May 14, 2003 Staff Report
Exhibit E - May 14, 2003 Planning Commission Minutes
Exhibit F - CUP Action Letter
Exhibit G - 2001 CUP
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**RESOLUTION ADOPTING THE SR224 ENTRY CORRIDOR
MASTER PLAN WITH MODIFICATIONS FOR
PARK CITY, UTAH**

WHEREAS, the SR224 Entry Corridor is a critical feature of our community, as it provides visual open space, passive recreational opportunities, wetlands, wildlife habitat, and expresses a statement about the character of Park City, Utah to visitors and residents alike; and

WHEREAS, because of its importance, the City Council authorized that a Master Plan be developed, and a draft was completed in late 1994; and

WHEREAS, public hearings were conducted by the Parks, Recreation, and Beautification Advisory Board on February 8, 1995 and March 8, 1995; and the City Council held a public hearing on May 18, 1995 on the draft Master Plan; and

WHEREAS, the City Council finds it in the best interest of the community to modify the draft Entry Corridor Master Plan to incorporate the recommendations of the Parks, Recreation, and Beautification Advisory Board and public input;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council as follows:

SECTION 1. SR224 ENTRY CORRIDOR MASTER PLAN ADOPTED.

Staff is hereby directed to modify the draft SR224 Entry Corridor Master Plan, as follows. The amended document is hereby adopted as the SR224 Entry Corridor Master Plan.

1. **Open Space.** Future changes in the "open space" character of the city-owned portion of the entry corridor shall be governed by the following procedure:

No sale or substantial change in the "open space" character of the City-owned properties included in this Master Plan, or changes in the intent of this Master Plan to protect open space, shall be undertaken without an affirmative vote of four out of five City Council members. This vote must further be affirmed by 60% of the voters in a locally scheduled special election within 180 days of the Council's decision. Nothing in this provision shall affect bonds currently secured by the property or preclude or hinder the City using this property as security or collateral for future bonding, as long as the basic intent of maintaining open space is upheld.

2. **Trails.** The trail section (Pages 16-24) will be removed and added to a separate appendix for greater clarity. To avoid unnecessary expense, trail location and usage will be determined after further consultation with the Army Corp of Engineers, the City's

environmental consultants, the Parks, Recreation, and Beautification Advisory Board, and the public.

3. **Winter Use.** In order to provide for the long-term provision of winter sports activities and amenities on the property, the City will prepare for open and competitive proposals a "request for provision of services" beginning with the 1996-97 season. The term of the contract will be for no more than five years, with a three year renewal option at the City's discretion. Nothing shall preclude the Council from determining that the City should directly provide the desired services, if acceptable private bids are either not received or cannot be negotiated.
4. **Capital Expenditures.** Capital expenditures will be partially geared toward grant criteria and opportunities. The Parks, Recreation, and Beautification Advisory Board recommended trails, security in the barn area, access road improvements, restrooms and parking as priorities. Every effort will be made to implement these priorities in a timely fashion.
5. **Pond.** A pond near the barn will only be constructed if it substantially meets the following criteria (a) it aids in fire control; (b) it serves a valid recreational need without negatively affecting the area in which it is located; and (c) it does not negatively affect the fishery in the stream.
6. **Agriculture.** Agricultural practices shall maintain the pastoral and visual appearance of the area and shall be conducted in an environmentally sound manner.
7. **Special Events.** Special events will be limited as not to interfere with the "open space" character of the farm. The Parks, Recreation, and Beautification Advisory Board's recommendation of only permitting passive summer events sponsored or co-sponsored by the City of not more than 50 to 100 people in the vicinity of the barn will be the guideline. Winter spectator activities in conjunction with cross-country ski racing and biathlon races are acceptable uses.

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

PASSED AND ADOPTED this 3rd day of August, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

Date: March 26, 2003
Department: Planning Department
Title: McPolin Farm CUP
Type Of Item: CUP Approval

SUMMARY RECOMMENDATION: Approve Conditional Use Permit as conditioned.

A. Project Statistics

Owners: Park City Municipal Corporation
Applicant: PCMC
Location: Highway 224
Zoning: Recreation Open Space (ROS)
Project Planners: Denise Payne & Kevin LoPiccolo

B. Background

The City's McPolin Farm is located in the Recreation Open Space (ROS) District. The Parks, Recreation and Beautification Board had submitted an application for a two-year conditional use permit to conduct up to eight (8) City-sponsored one-day events per year on the property in March 2001. The Friends of the Farm is requesting an extension of the approved conditional use permit with a proposal to increase the one day events from eight (8) events per year to twelve (12) one day events per year and other associated uses that are described under the proposed conditional use permit section.

Brief History of Previous Planning and Public Input:

The City acquired the subject property in October 1990 in an effort to protect and enhance the entry corridor and to preserve open space in cooperation with the Highway 224 widening project. In 1991 a citizens planning program began to explore interim uses and renovation work. The results of the 1991 effort was a program of clean up, security improvements, and stabilization of the barn. Cross country skiing and trail development also commenced. At the conclusion of the initial citizens' planning program it was suggested that additional public input and formal study of the Highway 224 entry corridor be conducted. A series of Landmark Symposiums were conducted in 1992. There were no specific recommendations developed for the farm property; however the consensus was to proceed cautiously with an environmentally-sensitive plan for passive recreation use and open space preservation.

In 1994 and 1995 the Parks, Recreation and Beautification Board developed an Entryway Corridor Master Plan. Public hearings on the plan were held in the spring of 1995. Council adopted the master plan with Resolution No. 19-95 on August 3, 1995.

The plan addressed:

- open space around the farm property;
- trail development;
- winter use/cross-country skiing use;
- capital expenditures;
- agricultural uses; and special events

Resolution 19-95 set forth specific parameters for passive summer event use of the farm property. The resolution stated that special events are to be limited as to not interfere with the open space character of the farm. A guideline was established limiting the maximum number of people in the vicinity of the barn to 100 persons. Winter spectator activities in conjunction with cross-country ski racing and biathlon races were deemed acceptable.

In October 1999, the Planning Commission held a conditional use permit public hearing for use of the farm complex. The application involved using the farm complex for 27 events between May 1 and November 1, and up to 25 parking spaces east of Hwy. 224 in the vicinity of the existing shed. The majority of the public input was opposed to intensive active use of the property. Public concern was expressed that the proposed number of events and the improvements necessary to accommodate intensive public use (*i.e. parking, access, lighting, signs, etc.*) would adversely impact the character of the farm property. No formal action was taken at the meeting.

Since the October 1999 Planning Commission public hearing, reconstruction of the farm house and shed has been completed. The flatwork around the compound has been replaced and the driveway bridge over the creek has been installed. An inter-commission working group consisting of Planning Commission, Parks & Recreation, Council, and staff met on two occasions to discuss possible options for the use of the property. The working group concluded that the following actions should take place:

- construction on the property (including completion of the Phase III trail) should be completed in order to allow the public to access the site; and
- a limited number of test events should be scheduled (upon CUP approval) to gauge the carry capacity of the farm complex and public response to the use of the property.

What follows is a description and staff analysis of the existing McPolin Farm conditional use permit application which was approved by the Planning Commission on March 28, 2001 and set to expire on March 28, 2003.

Current Conditional Use Permit: The current proposal consists of the following details:

- The proposed conditional use permit is for a period of two (2) years.
- up to eight (8) one-day, City Council-sponsored, special public events per year (event permits to be processed by staff (Special Events Dept.) and reviewed and approved/denied by City Council). Use of the McPolin Farm trails for cross-country ski races will not require a CUP.
- use of the farm complex shall include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit.
- 100 person maximum per event. Building Occupancy to be set by Chief Building Official;

- each event shall include a City-approved event transit plan (*including ADA accessibility*) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224).
- no additional exterior lighting is permitted for special events.
- all events must comply with municipal noise ordinance.
- public trail use of the property is permitted (winter use may require a trail pass).
- restroom facilities in the reconstructed shed building will be open to the public trail users; and
- a Planning Commission review in two years from the date of the CUP approval to monitor the use of the property, specifically issues related to:
- **Implementation of the transit plans** - Each scheduled event that is ticketed to the farm directs the ticket holder to park their vehicle at the Racquet Club, and then they are shuttled over to the farm. This approach has been successful, and staff has not been aware of any complaints over any type of parking issue at the farm for such events.
- **Traffic circulation/conflicts on SR224** - There has not been any major issues or complaints in regards to circulation of Hwy 224 when events at the farm take place that staff has been made aware of.
- **Community access to trails/restrooms during events** - Staff has not received any complaints.
- **visual integrity of farm during special events** - Staff has not received any complaints.

Proposed Conditional Use Permit: The proposed conditional use permit is requesting the following change:

- Request to increase one-day events up to twelve (12) events per year. The approved conditional use permit allows up to eight (8) one-day events per year.
- Use of farm complex shall include the newly reconstructed McPolin shed and outdoor areas. Use of the Mc Polin barn and house are not permitted under the approved conditional use permit.
- Request that the landscaping be completed around the farm house.
- to enable use of the house for occasional cultural and historical displays.
- 150 person maximum per event. Any event held exclusively inside the shed would be limited to 75 persons. The proposed conditional use permit is

requesting an increase to 50 persons per outdoor event. The current conditional use permit allows a 100 person maximum per event. The 100 person maximum is consistent with the terms of Resolution 19-95, which limited events to "not more than 50-100 people". Resolution 19-95 would need to be amended to reflect the increase of 50 persons by the City Council.

- Events shall include a City-approved event transit plan (including ADA accessibility) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224). No change requested.
- No additional exterior lighting is permitted for special events. No change requested.
- Events must comply with municipal noise ordinance. No change requested.
- public trail use of the property is permitted (winter use may require a trail pass). No change requested.

C. Staff Analysis For Compliance with LMC Standards for Conditional Use Permit . Staff has reviewed the modified conditional use permit application per the standards set forth in the Land Management Code. Staff's comments are in *italics*.

1. Size and location of the site: *Complies. The site size and location are suitable for the proposed uses. The McPolin Farm property consists of 85 acres on the west side of Hwy. 224. Approximately 50 acres of the farm property is located east of the highway. Vehicular access to the property is from Highway 224. Direct vehicular access to the farm compounds buildings is via a unpaved driveway and newly constructed bridge over McLeod Creek. (City vehicles and authorized vehicles only).*

2. Traffic considerations including capacity of the existing streets in the area: *Complies. The capacity of Hwy. 224, a major State highway, will not be adversely impacted by the proposed special events. Due to concerns related to turning movements onto/off-of the highway, a special event transit plan is proposed for shuttling special event patrons to and from the property. Each transit plan shall be reviewed and approved/denied by City Staff.*

3. Utility capacity: *Complies. All necessary public utilities are provided to the site.*

4. Emergency vehicle access: *Staff requests discussion. Access is provided via Hwy. 224 and the farm access driveway. The turn onto Hwy 224 is very awkward, so limits on the use of the farm are appropriate to minimize the risk of needing emergency vehicle access.*

5. Location and amount of off-street parking: *Complies. No public event parking in or around the Farm compound is permitted. Event access will be via special event transit (see comments on Standard #2).*

6. **Internal vehicular and pedestrian circulation system.** *Complies. All necessary internal vehicular circulation areas are provided on-site. Pedestrian circulation is also provided through the public trail system.*

7. **Fencing, screening, and landscaping to separate the use from adjoining uses.** *Complies. No additional fences or screening are proposed. No additional landscaping is proposed beyond the previously approved native plant material necessary for revegetation.*

8. **Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots:** *Complies. No additional structures are proposed for the site.*

9. **Usable open space:** *Complies. The area of the existing trail and open space will not be diminished by the proposed use.*

10. **Signs and lighting:** *Complies. No additional signs are exterior lighting or proposed.*

11. **Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:** *Complies. No changes to the existing buildings are proposed.*

12. **Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site:** *Complies. Compliance with all municipal codes including noise and lighting will be a condition precedent to the issuance of any special event permit.*

13. **Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas:** *Complies. Any necessary service delivery, loading and trash removal will be reviewed as part of the special event permit review. Permit approvals will be conditioned as necessary to minimize adverse impacts.*

14. **Expected ownership and management of the project:** *Complies. Property to remain in City ownership.*

15. **Sensitive Lands Review:** *Not applicable. The area within 100 feet of the Hwy. 224 right-of-way is in the FPZ; however, no new construction is proposed in this area.*

D. Departmental Review

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

E. Public Input

No additional public input has been received as of the date of this memorandum.

F. Summary and Recommendation

Staff recommends that the Planning Commission approve (or modify the approval as necessary) the proposed two-year conditional use permit subject to the following findings of fact, conclusions of law, and conditions of approval:

Finding of Facts:

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres is located west of Hwy. 224. Approximately 50 acres is located east of Hwy. 224.
2. The Planning Commission approved a two year Conditional Use Permit at their March 28, 2001 meeting.
3. The purpose of the ROS District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets and parking lots; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridors and forests.
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
5. The property is owned by Park City Municipal Building Authority, a.k.a. the City.
6. City Council Resolution 19-95 sets forth parameters for passive use and event use of the farm property. The resolution states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guideline of "not more than 50-100 people" for passive summer events.
7. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
8. The reconstructed McPolin farm house and the barn are not currently improved for public occupancy.
9. Public trails are located on the property.
10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.
12. The McPolin Farm property is a highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The proposed conditional use permit is for a period of two (2) years.
15. The proposed conditional use permit will allow up to twelve (12) one-day, City Council-sponsored, special public events per year.

16. Special event permits will be processed by City staff and reviewed and approved/denied by City Council.

17. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas.

18. The conditional use permit that is proposed is requesting that the Commission increase to a 150 person maximum per special event, but Resolution 19-95 would need to be amended by the City Council allowing this change. Maximum Building Occupancy is to be set by Chief Building Official;

19. Each special event application is to include a City-approved event transit plan to transport event patrons to and from the farm site.

20. No special event patron parking is permitted on the Farm property, including on the east side of 224.

21. No additional special event exterior lighting will be permitted.

22. Outdoor special events are limited to daylight hours. Indoor special events shall conclude by 10:00 PM.

23. All events are subject to the municipal noise ordinance.

24. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.

25. The restroom facilities in reconstructed shed building are to be open to the public trail users.

26. The Planning Commission shall review this application in one-year from the date of the CUP approval to monitor the use of the property, specifically issues related to:

- * implementation of the transit plans;
- * traffic circulation/conflicts on SR224;
- * community access to trails/restrooms during events; and
- * visual integrity of farm during special events;

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

28. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.

2. The use, as conditioned is compatible with surrounding structures in use, scale, mass and circulation.

3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.
4. The proposal is consistent with Park City General Plan.

Conditions of Approval:

1. The proposed conditional use permit is for a period of two (2) calendar years and expires on March 26, 2005.
2. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by staff and reviewed and approved/denied by City Council.
3. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit at this time.
4. No single event shall exceed a 150 person maximum per event. Resolution 19-95 would need to be amended by the City Council to allow the increase of 150 persons.
5. Building Occupancy shall be set by Chief Building Official.
6. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including on the east side of 224.
7. No additional exterior lighting shall be permitted for special events.
8. All special events must comply with the municipal noise ordinance.
9. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count towards the 12 permitted events.
10. All standard conditions of approval apply.

Exhibits

Exhibit A - Leisure Services Department Staff Report

Commissioner Volkman stated that he understood the primary area of focus was on limited capacity and increased congestion. A partial solution would be to improve public transportation as it impacts Park City and transportation up and down the canyon. He asked if there were plans for public transportation up and down the canyon other than limousine service and motor coaches. Mr. Perry replied that Park City Transit and Utah Transit Authority are working together, but the main problem is funding. Each has a source of funding that is inadequate for what they are doing within their own service areas. In order to expand transit service, Park City Transit and Utah Transit Authority will have to reach an agreement on what type of tax increase or tax base is needed from Summit County to provide that service. Mr. Pope remarked that it is important to hear input now before they start looking two or three years down the road.

Commissioner Powers referred to the wall on Deer Valley Drive and commented on how it would crumble in an earthquake, completely cutting off the road. The State does not want the responsibility for the wall and neither does the City, but it is a health and safety issue, and someone needs to take care of repairing it. Mr. Pope replied that UDOT functions around State law. Currently the wall is the responsibility of the local jurisdiction because it is outside the curb and gutter. They have been in negotiations as to whether SR224 from the junction at the Yarrow truly serves as a State facility. Through those negotiations, UDOT has obligated funds for repairs on the wall. Mr. Pope stated that geo-tech engineers and structural engineers believe the wall is safe. However, he was unsure whether that assessment considered the impact and magnitude of an earthquake. Commissioner Powers asked about the probability of the bridges at Kimball Junction surviving a 7-point scale earthquake. In that event, Park City would stand a chance of being completely cut off. Mr. Pope replied that the bridges were constructed 30 plus years ago and were not constructed to today's seismic codes. He is not a qualified engineer, but when those bridges are upgraded, he suspected they would be built to sustain a much higher earthquake load.

After further discussion, Mr. Perry commented on trails and bike paths. A grant has been applied for to do an economic study and show the liability of putting in bike paths and what they can do for the local economy. As a transportation department, they should take into consideration that cars are not the only way of getting around.

2. 3000 Park Avenue, McPolin Farm Complex- Renewal of Conditional Use Permit approval

Denise Payne introduce Jane Washington and Sharon Winder, co-chairs of Friends of the Farm. Ms. Payne explained that the request is for one year only because they would like an opportunity to put a plan together for future uses. She believed it would be better to have an extended future outlook for the farm rather than renew the CUP every two years.

Chair Larson verified with Ms. Payne that she was asking for a one-year extension of the CUP to allow time to develop a long-range plan for approval.

Planner Kevin LoPiccolo explained that the original CUP was approved for two years, and the request is for an additional two years with modifications. If any changes occur before the CUP expires, the applicant can come back to the Planning Commission. He noted that the staff report contains details of the current CUP approved in 2001 and the proposed modifications requested with this renewal. The modifications would increase the one-day events from 8 per year to 12 per year.

Chair Larson referred to a list of eight events scheduled for the farm and asked if all eight are Friends of the Farm events. Ms. Payne replied that they are. Chair Larson felt the events were similar to Music in the Park events. Ms. Payne explained that concerts were held at the Farm last year, and they were very popular. They were unamplified, quiet, intimate music events. Chair Larson recalled a lengthy discussion in the original CUP approval about whether to allow amplified music. He recalled how that discussion ended and noted that the staff report does not address amplified music. Planner LoPiccolo recalled that it was a condition of approval to comply with the noise ordinance. Chair Larson expressed concern that, if they start to accommodate the "Motherlodes" of the world, more people will want to come, and soon they will far exceed the number of people allowed under the CUP. It was noted that everyone is required to have a ticket, and Friends of the Farm will not sell tickets beyond the allowed capacity. Chair Larson noted that they cannot stop people from using the bike path. It was explained that no one is allowed to stop on the path, and people are told to keep moving.

Commissioner Volkman stated that he understood Chair Larson's concerns. He asked why there was a request to increase the number of people to 150. Ms. Payne replied that attendees last year and some City Council members believed they could increase the occupancy to 150 people and still have plenty of room. Each farm event was sold out, and they would like the ability to accommodate a few more people. Planner LoPiccolo noted that, whether or not the Planning Commission supports an increase in occupancy, it could be amended by the City Council under Resolution 1995 and the Chief Building Official. Commissioner Erickson was not uncomfortable allowing an additional 50 people. He believed additional promotion of the farm could lead to additional casual activity at the farm. That casual activity would result in parking cars on the north side of the building and on the south side of the road, and that casual activity would create more impact in terms of long-term land use than allowing more people. He stated that he was more concerned about regulating control of casual activities. Commissioner Zimney was skeptical about having bands at the Farm and not assuming that people who do not have tickets will walk down the highway and stand out front to listen. She was skeptical about the uses but pleased with how it had turned out. She wanted to be sure it stays the way it is and does

not get out of hand. Ms. Payne replied that if things get out of hand, they will go back to more quiet events.

Commissioner Erickson asked if there had been comments from homeowners in Iron Canyon. Planner LoPiccolo replied that, based on concerns expressed by the Planning Commission when the CUP was approved, the four issues were implementation of the transit plan, traffic circulation conflict on Highway 224, community access to trails and restrooms, and the visual integrity of the farm during special events. There were no complaints on those issues. Commissioner Erickson asked about complaints from McCloud Creek. Planner LoPiccolo replied that he was not aware of any complaints, and there is nothing on file.

Chair Larson asked if there was incidental parking along Highway 224 during any of the events. Ms. Payne replied that people tried to park there, but someone was stationed at the gate to move them along. She stated that they are currently obtaining bids and studying options for transportation drop off at the farm.

Commissioner Powers referred to a modification requesting completion of landscaping around the farm and use of the house for occasional cultural and historical displays. He supported this request but wanted to know what type of security would be available to protect the displays. Ms. Payne replied that someone would be in the house at all times.

Commissioner Barth stated that he was not bothered by the increase in use or the increase in numbers.

Chair Larson opened the public hearing.

Ruth Gezelius stated that in reviewing the application, she was pleased to see that the issue of parking was addressed. If they are going to maintain the area as visual open space, a sea of cars will not accomplish that for people not attending the event. While she believed the facilities should be used and the community should be welcome, they should be vigilant to not allow parking on this site or on the highway.

Jim Hier referred to the trails master plan and noted that trail head parking on Aspen Springs Road, the old kiosk site, and something on the McCloud Creek side are under consideration. He agreed with Commissioner Erickson that the incidental use of parking on Highway 224 is more significant than a Friends of the Farm event, because they do provide policing. He stated that he attended two events at the farm and agreed that 50 people would not make a significant difference. He noted that at one event he noticed more people parking on the east side on the Osguthorpe property and suggested the Planning Commission address that issue. He recalled previous discussions about allowing

minimum ADA parking and believed that would soon be moving forward to potentially alleviate the problem. Ms. Payne stated that this has been discussed, and they intend to place barricades with signs stating "no parking." The police department has offered to help.

Chair Larson closed the public hearing.

Commissioner Powers noted that the policy of no dogs at the farm is not being observed. This does not occur during events, but he often sees dogs on the property.

Chair Larson asked for clarification of historical and cultural displays. Ms. Payne replied that they would be offered during events and would feature local artists. Last year they had a "paint the barn" day and invited local artists to paint settings of the barn which were sold at one of the events. Chair Larson preferred to have a better description of the intent with definite parameters if they intend to allow this use so it will not encroach on the events themselves. Commissioner Erickson asked if the intent is to have displays or sales of the displays. Ms. Payne replied that they would have both. Commissioner Erickson believed the matter needed more consideration. Chair Larson commented that a cultural display is something that has not been advertised but people can see it because it is there. Organizing an event to see those historical displays becomes an event, and he found that to be a trap door that needed to be closed. Ms. Payne clarified that people who have tickets for a concert or other scheduled event are the only ones able to see what is displayed for that event. Commissioner Erickson stated that the intent to attract people to a display at a time other than during an event is an issue that needs to be addressed. Ms. Payne reassured the Planning Commission that they would not plan a display or sale separate from a scheduled event. Based on the staff report, Commissioner Erickson felt the Planning Commission would have a hard time making a motion and suggested that the item be continued. Chair Larson agreed that they would need more clarity before making a decision.

Chair Larson commented on the number of events and suggested a compromise of 10 events. Commissioner Erickson stated there is no evidence that the impacts on the farm are any different with 8 or 12 events. However, it is difficult to scale back the number once there is evidence of a system failure. Chair Larson stated that his guiding philosophy is to go slow. Commissioners Powers and Barth stated that they could support the change to 12 events. Commissioners Volkman and Zimney favored 10 events. Commissioner Erickson stated that he did not have enough information to make that decision. He noted that 12 events is linked to 150 people, and allowing both sets of changes would result in something larger and more frequent. He believed 10 events at 150 people was a different equation than 10 events at 100 people. Chair Larson agreed, but he did not think there was a big difference between 100 and 150 people.

The Commissioners discussed parking and impacts related to 50 additional people and two to four additional events. Ms. Payne noted that the tickets and Internet site encourage people to park at the Racquet Club and take the bus to the event. Commissioner Powers asked if they could solve the parking problem by restricting people from attending an event unless they use the bus from the Racquet Club. Commissioner Erickson felt the Planning Commission needed to have a clear record as to why and on what basis they are making a decision. Friends of the Farm is a great group of volunteers, but when they are gone, there need to be conditions in place that protect the farm.

Chair Larson summarized that the Planning Commission would like a description of limitation of sales events associated with each event, further definition of cultural and historic display use, and a definition addressing additional parking and traffic circulation associated with the increase in the number of people at each event.

Commissioner Volkman was unclear on Condition 8 which states that all events must comply with the municipal noise ordinance. He asked if that means music can be amplified if it is maintained at a level below the municipal noise ordinance. It was explained that noise can be amplified if it does not go beyond the boundaries of the farm. Commissioner Powers noted that many band instruments require amplification even at low levels. Administrator Putt recalled a lengthy discussion two years ago regarding amplified music and musicians who need some form of amplification. At that time, the Planning Commission decided that if it met the municipal code requirement of 80 decibels at the property line, they were willing to try it as an experiment. To his knowledge, there had been no noise complaints from McCloud Creek or Aspen Springs.

MOTION: Commissioner Erickson moved to CONTINUE this item. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

3. 502 Woodside Avenue - Plat Amendment

Planner Derek Satchell reviewed the application for a plat amendment for 502 Woodside Avenue. The applicant, Max Von App, has requested that the Planning Commission conduct a public hearing, consider public input, and forward a positive recommendation to the City Council to combine all of Lot 46 and the southerly 21 feet of Lot 45 in Block 5 of the Park City Survey into a lot of record as conditioned in the staff report. The purpose of combining the lots under this plat amendment would be to accommodate the rehabilitation and conversion of the existing historic dwelling on the site to a permitted duplex use. The applicant has received direction from the Board of Adjustment and anticipates positive action on a variance for reduction in the minimum lot size requirements for a duplex. The current square footage of the Lot is 3,722 square feet, and the minimum

Date: May 14, 2003
Department: Planning Department
Title: McPolin Farm CUP
Type Of Item: CUP Approval

SUMMARY RECOMMENDATION: Approve Conditional Use Permit as conditioned.

A. Project Statistics

Owners: Park City Municipal Corporation
Applicant: PCMC
Location: 3000 Park Avenue
Zoning: Recreation Open Space (ROS)
Project Planners: Denise Payne & Kevin LoPiccolo

B. Background

The Planning Commission reviewed this request at their March 26, 2003 meeting, and expressed concerns with what was being proposed as part of the conditional use permit. The two-year time extension included associated uses such as sales, art exhibits, and an increase to 150 people at the farm for events that was not part of the March 28, 2001 conditional use permit. Since the last Commission meeting, the City requests the Commission only increase the number of one-day events from eight (8) to twelve (12) one-day events per year. If the City decides to request any such change that is contrary to approved Resolution 19-95 (Exhibit A), a resolution adopting the SR224 Entry Corridor Master Plan (The Farm), the City Council will need to amend the resolution.

At the last meeting on March 26, 2003, the Commission raised a number of issues, and requested additional information the following:

- **Parking/Transit Plan** - Each ticketed event informs the ticket holder that there is no available parking at the McPolin Farm. The ticket holder is encouraged to park at the Racquet Club where there are 84 parking spaces. The Friends of the Farm has been donated a bus that holds approximately 40 people. The bus typically makes one to two trips to the farm during the scheduled event. Also, there is available parking along Meadows Drive that would be able to park more than 20 vehicles, as well as St. Mary's Church parking lot.
- **Noise Complaints** - Staff requested from the Police Department to prepare a complaint sheet from when the farm started their events. There were zero complaints that the Police Department received regarding activity at the farm.
- **Event Attendance** - Only ticket holders are able to attend the event. There have been concerns that when an event takes place, that there non-ticket holders attending. Friends of the Farm have volunteers at each event monitoring that only ticket holder attend the event. If there happens to be a person without a ticket for the event, the person is asked to leave.

- **Parking along SR224** - The Friends of the Farm monitors that no car is parked along the highway for an event. As part of the conditional use permit, staff has added a conditioned of approval, prohibiting parking along SR224 during City sponsored events.

Staff is recommending that all events require a Master Festival License to address the issues stated above. A Master Festival License for events on City property require approval by the City Council. Through the review and approval process, the City's Special Events Department reviews all event components such as traffic, parking, transportation, signs, food service, attendance, lighting and noise. Review of such items are coordinated with all City Departments as well as the Park City Fire District and Summit County Health Department.

Staff would process the events through two separate licenses with separate conditions. It is recommended that all concerts and ticketed events be reviewed together and the education events be reviewed separately due to different components.

Brief History of Previous Planning and Public Input:

Resolution 19-95 set forth specific parameters for passive summer event use of the farm property. The resolution stated that special events are to be limited as to not interfere with the open space character of the farm. A guideline was established limiting the maximum number of people in the vicinity of the barn to 100 persons. Winter spectator activities in conjunction with cross-country ski racing and biathlon races were deemed acceptable.

In October 1999, the Planning Commission held a conditional use permit public hearing for use of the farm complex. The application involved using the farm complex for 27 events between May 1 and November 1, and up to 25 parking spaces east of Hwy. 224 in the vicinity of the existing shed. The majority of the public input was opposed to intensive active use of the property. Public concern was expressed that the proposed number of events and the improvements necessary to accommodate intensive public use (*i.e. parking, access, lighting, signs, etc.*) would adversely impact the character of the farm property. No formal action was taken at the meeting.

Since the October 1999 Planning Commission public hearing, reconstruction of the farm house and shed has been completed, only if the shed is approved for occupancy. The flatwork around the compound has been replaced and the driveway bridge over the creek has been installed. An inter-commission working group consisting of Planning Commission, Parks & Recreation, Council, and staff met on two occasions to discussion possible options for the use of the property. The working group concluded that the following actions should take place:

- construction on the property (including completion of the Phase III trail) should be completed in order to allow the public to access the site; and
- a limited number of test events should be scheduled (upon CUP approval) to gauge the carry capacity of the farm complex and public response to the use of the property.

What follows is a description and staff analysis of the existing McPolin Farm conditional use permit application which was approved by the Planning Commission on March 28, 2001.

March 28, 2001 Conditional Use Permit: The approved conditional use permit consists of the following details:

- The proposed conditional use permit was for a period of two (2) years.
- up to eight (8) one-day, City Council-sponsored, special public events per year (event permits to be processed by staff (Special Events Dept.) and reviewed and approved/denied by City Council). Use of the McPolin Farm trails for cross-country ski races will not require a CUP.
- use of the farm complex shall include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit, or under building codes.
- 100 person maximum per event. Building Occupancy to be set by Chief Building Official;
- each event shall include a City-approved event transit plan (*including ADA accessibility*) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224).
- no additional exterior lighting is permitted for special events.
- all events must comply with municipal noise ordinance.
- public trail use of the property is permitted (winter use may require a trail pass).
- restroom facilities in the reconstructed shed building will be open to the public trail users.

Proposed Conditional Use Permit: The proposed conditional use permit is requesting the following change:

- Request to increase one-day events up to twelve (12) events per year. The approved conditional use permit allows up to eight (8) one-day events per year.
- Use of farm complex shall include the newly reconstructed McPolin shed and outdoor areas. Use of the Mc Polin barn and house are not permitted under the approved conditional use permit, or under building codes. **No change requested.**
- Request that the landscaping be completed around the farm house.

- Events shall include a City-approved event transit plan (including ADA accessibility) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224). This transit plan will be reviewed through the Master Festival License process.
- No additional exterior lighting is permitted for special events. **No change requested.**
- Events must comply with municipal noise ordinance. **No change requested.**
- Public trail use of the property is permitted (winter use may require a trail pass). **No change requested.**

C. Staff Analysis For Compliance with LMC Standards for Conditional Use Permit . Staff has reviewed the modified conditional use permit application per the standards set forth in the Land Management Code. Staff's comments are in *italics*.

1. Size and location of the site: *Complies. The site size and location are suitable for the proposed uses. The McPolin Farm property consists of 85 acres on the west side of Hwy. 224. Approximately 50 acres of the farm property is located east of the highway. Direct vehicular access to the farm compounds buildings is via a unpaved driveway and newly constructed bridge over McLeod Creek. (City vehicles and authorized vehicles only). The farm is located in an important entry corridor and is visually so sensitive that most active events are inappropriate at the farm.*

2. Traffic considerations including capacity of the existing streets in the area: *Complies. The capacity of Hwy. 224, a major State highway, will not be adversely impacted by the proposed special events, as conditioned. Due to concerns related to turning movements onto/off-of the highway, a special event transit plan is proposed for shuttling special event patrons to and from the property. Each transit plan shall be reviewed and approved/denied by City Staff through the Master Festival License process.*

3. Utility capacity: *Complies. All necessary public utilities are provided to the site.*

4. Emergency vehicle access: *Staff requests discussion. Access is provided via Hwy. 224 and the farm access driveway. The turn onto Hwy 224 is very awkward, so limits on the use of the farm are appropriate to minimize the risk of needing emergency vehicle access.*

5. Location and amount of off-street parking: *Complies. No public event parking in or around the Farm compound is permitted. Event access will be via special event transit, as approved through a Master Festival License process.*

6. Internal vehicular and pedestrian circulation system. *Complies. All necessary internal vehicular circulation areas are provided on-site. Pedestrian circulation is also provided through the public trail system.*

7. **Fencing, screening, and landscaping to separate the use from adjoining uses.** *Complies. No additional fences or screening are proposed. No additional landscaping is proposed beyond the previously approved native plant material necessary for revegetation.*

8. **Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots:** *Complies. No additional structures are proposed for the site.*

9. **Usable open space:** *Complies. The area of the existing trail and open space will not be diminished by the proposed use.*

10. **Signs and lighting:** *Complies. No additional signs or exterior lighting are proposed.*

11. **Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:** *Complies. No changes to the existing buildings are proposed.*

12. **Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site:** *Complies. Compliance with all municipal codes including noise and lighting will be a condition precedent to the issuance of any special event permit.*

13. **Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas:** *Complies. Any necessary service delivery, loading and trash removal will be reviewed as part of the special event permit review. Permit approvals will be conditioned as necessary to minimize adverse impacts.*

14. **Expected ownership and management of the project:** *Complies. Property to remain in City ownership.*

15. **Sensitive Lands Review:** *Not applicable. The area within 100 feet of the Hwy. 224 right-of-way is in the FPZ; however, no new construction is proposed in this area.*

D. Departmental Review

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

E. Public Input

No additional public input has been received as of the date of this staff report.

F. Summary and Recommendation

Staff recommends that the Planning Commission approve (or modify the approval as necessary) the proposed two-year conditional use permit subject to the following findings of fact, conclusions of law, and conditions of approval:

Finding of Facts:

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres is located west of Hwy. 224. Approximately 50 acres is located east of Hwy. 224.
2. The Planning Commission approved a two year Conditional Use Permit at their March 28, 2001 meeting.
3. The purpose of the ROS District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets and parking lots; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridors and forests.
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
5. The property is owned by Park City Municipal Building Authority, a.k.a. the City.
6. City Council Resolution 19-95 sets forth parameters for passive use and event use of the farm property. The resolution states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guideline of "not more than 50-100 people" for passive summer events.
7. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
8. The reconstructed McPolin farm house and the barn are not approved for human occupancy.
9. Public trails are located on the property.
10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.
12. The McPolin Farm property is a highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The proposed conditional use permit is for a period of two (2) years.
15. The proposed conditional use permit will allow up to twelve (12) one-day, City Council-sponsored, special public events per year.

16. Special event permits will be processed by City staff and reviewed and approved/denied by City Council. Event specific issues such as transportation parking, vending and health requirements are reviewed through a Master Festival License process.
17. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas.
18. Any proposed changes to Resolution 19-95 will require an amendment to the resolution.
19. Each Master Festival License application is to include a City-approved event transit plan to transport event patrons to and from the farm site.
20. No special event patron parking is permitted on the Farm property, including on the east side of 224.
21. No additional special event exterior lighting will be permitted.
22. All events are subject to the municipal noise ordinance.
23. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.
24. The restroom facilities in reconstructed shed building are to be open to the public trail users.
25. The findings from the analysis section are incorporated herein.
26. The applicant stipulates to all conditions of approval.
27. The Park City Police Department has not received any complaints at the McPolin Farm since the Planning Commission approved the conditional use permit at their March 28, 2001 meeting.

Conclusions of Law:

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.
2. The use, as conditioned is compatible with surrounding structures in use, scale, mass and circulation.
3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.
4. The proposal is consistent with Park City General Plan.

Conditions of Approval:

1. The proposed conditional use permit is for a period of two (2) calendar years and expires on May 14, 2005.
2. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by staff under a Master Festival License and reviewed and approved/denied by City Council.
3. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit at this time.
4. No single event shall exceed a 100 person maximum per event. Resolution 19-95 would need to be amended by the City Council to allow any increase.
5. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including on the east side of 224.
6. Parking along SR224 during City-sponsored events is prohibited.
7. No additional exterior lighting shall be permitted for special events.
8. All special events must comply with the municipal noise ordinance.
9. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count towards the 12 permitted events.
10. The City's Special Events Department shall review all event components under a Master Festival License such as traffic, parking, transportation, signs, food service, attendance, lighting and noise. Review of such items are coordinated with all City Departments as well as the Park City Fire District and Summit County Health Department.
11. All standard conditions of approval apply.

Exhibits

Exhibit A - Resolution 19-95

1. **3000 Park Avenue, McPolin Farm Complex - Renewal of Conditional Use Permit approval**

Planner LoPiccolo reported that on March 26, 2003, the Planning Commission reviewed revisions to the CUP approved in 2001. The City requested that changes to that CUP be incorporated into the new extension which is a request for two additional years. Friends of the Farm have requested that the Planning Commission consider an increase from eight events to 12 events during the calendar year, along with the landscaping which was part of the 2001 CUP. On March 26 the Planning Commission expressed concerns about the transit plan, noise complaints, event attendance, and parking. Planner LoPiccolo stated that he and Friends of the Farm have attempted to address those concerns and explained that everything will be structured through the ticket. A description on the ticket asks that the ticket holder drive to the Racquet Club and then take a bus to the farm. Friends of the Farm has a donated bus that can hold approximately 40 people which would require two or three trips to the site. Parking is also allowed along Meadows Drive that can accommodate 20 spaces. There are 84 spaces at the Racquet Club. In terms of noise, Staff requested noise complaints from the Police Department dating back to the 2001 approval, and the report showed there were no noise complaints related to farm events. Planner LoPiccolo noted that there is no guarantee that 101 people will not attend an event when only 100 are allowed, but Friends of the Farm will monitor those coming into an event and people parking along Highway 224. This CUP requests an increase to 12 events and that landscaping be allowed. As part of the conditions, parking along Highway 224 is restricted, and any changes contrary to the resolution established in 1995 by the City Council would have to be amended.

Commissioner Barth asked about traffic complaints since 2001. Planner LoPiccolo replied that they were all accidents unrelated to events at the Farm.

Chair Volkman verified with the applicant that the ultimate goal of Friends of the Farm is to go to the City Council to increase the number of events and number of people who can attend.

Commissioner Powers noted that the restored house is not ADA accessible and asked if there are future plans to make the house ADA accessible. Denise Payne, representing the applicant, replied that this is part of the requested landscaping. Commissioner Powers felt that if they could restore the historic farm equipment and other historic items, it would be another summer tourist attraction and an asset to the town. Ms. Payne stated that Friends of the Farm would like to have historical displays and photos at the farm along with signs at the end of the trails so people will know what they are walking toward. People will be able to walk around the farmhouse and look at the displays.

Commissioner Erickson requested that the findings of fact be modified to include the comment from the Staff that no complaints have been received from adjacent property owners regarding events at the farm. He asked Planner LoPiccolo to comment on the

resolution to the sale of items during events. Planner LoPiccolo replied that sales would be done through a Master Festival License. Commissioner Erickson proposed that no event be oriented toward the sale of items. Selling items during a music concert or other type of event is permissible, but events cannot be scheduled for the purpose of selling items. He suggested adding a condition that would preclude that activity from taking place. Administrator Putt proposed language stating that any sale of merchandise is subordinate to the primary event, and no event shall be considered expressly for the purpose of selling materials or for commercial enterprises. Commissioner Erickson added that the sale of items needs to be identified in the MFL. Ms. Payne was comfortable with that language.

Commissioner Larson was comfortable with the MFL because it provides a means for review. Alison Butz, representing the Special Events Department, explained that master festival events on City property require City Council review, so events will not be reviewed administratively. Commissioner Larson noted that there is a finding of fact requiring the MFL and asked if Condition 10 should also mention it. Planner LoPiccolo replied that this was intended to be part of Condition 10 without specifying a MFL. Commissioner Erickson suggested modifying Condition 10 to read, "The City's Special Events Department shall review all event components . . . under the terms of the master festival license"

Chair Volkman stated that he was not on the Planning Commission when the farm was originally approved but understood a lot of thought was given to the restrictions. However, because of the request to increase the number of events and patrons from the original approval, he was concerned about "farm use creep." It is easy to approve little changes as they come along, but over time the original intent is changed because they gradually erode what was originally wanted. He asked if they should leave the number of events at eight until the City Council has had a chance to review the whole package, and the Planning Commission could then take action on an approval based on the entire package.

Commissioner O'Hara recalled that when the Planning Commission went through the original conditional use process, the effort was to ratchet it down as tight as possible so they could let out slack if everything was working. They felt this was a better approach than allowing too much at the beginning and then trying to pull back if it did not work. He felt that "farm use creep" might be all right as long as things work well. If it quits working well, that can be addressed in the next two-year review. Commissioner Larson agreed that the Planning Commission kept the CUP as tight as possible, and he ~~believed it would be appropriate to expand a little. He felt it was up to the City Council~~ to clearly identify appropriate uses. Administrator Putt noted that there will be opportunity for public hearing and discussion when the City Council looks at re-addressing the 19-95 Entry Corridor Resolution.

Tim Twardowski referred to Conditions 3 and 4 regarding prohibition of use of the barn and the house and limiting occupancy and attendance to a 100-person maximum. At some point, the City Council may look at Resolution 19-95 and make changes that may allow use to the house if ADA compatible as well as increase the maximum occupancy.

If the Planning Commission intends to allow those changes to occur subject to City Council approval, he suggested re-wording Condition 3 to state that use of the barn and the house are not permitted unless otherwise approved by the City Council and Chief Building Official. He offered the same suggestion for Condition 4 stating that the limit shall remain at 100 unless Resolution 19-95 is amended to increase that maximum. This approach would eliminate the applicant having to request a modification to the CUP to make those changes.

Commissioner Larson was uncomfortable with increasing the number of events and number of users at the same time. He preferred to let the City Council make their decision before allowing any increases. The Commissioners concurred.

MOTION: Commissioner Larson moved to APPROVE the Conditional Use Permit at 3000 Park Avenue with the findings of fact, conclusions of law, and conditions of approval as modified in the discussion. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - McPolin Farm

1. The McPolin Farm is a 135-acre property located in the Recreation Open Space district. Eighty-five acres is located west of Hwy. 224. Approximately 50 acres is located east of Hwy. 224.
2. The Planning Commission approved a two-year Conditional Use Permit at their March 28, 2001, meeting.
3. The purpose of the ROS District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets, and parking lots; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses, and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridor, and forests.
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
5. The property is owned by Park City Municipal Building Authority, a.k.a. the City.
6. City Council Resolution 19-95 sets forth parameters for passive use and event use of the farm property. The resolution states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guideline of "not more than 50-100 people" for passive summer events.
7. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
8. The reconstructed McPolin farm house and the barn are not approved for human occupancy.
9. Public trails are located on the property.
10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.

12. The McPolin Farm property is a highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The proposed conditional use permit is for a period of two (2) years.
15. The proposed conditional use permit will allow up to twelve (12) one-day, City Council-sponsored, special public events per year.
16. Special event permits will be processed by City staff and reviewed and approved/denied by City Council. Event-specific issues such as transportation, parking, vending, and health requirements are reviewed through a Master Festival License process.
17. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas.
18. Any proposed changes to Resolution 19-95 will require an amendment to the resolution.
19. Each Master Festival License application is to include a City-approved event transit plan to transport event patrons to and from the farm site.
20. No special event patron parking is permitted on the Farm property, including on the east side of 224.
21. No additional special event exterior lighting will be permitted.
22. All events are subject to the municipal noise ordinance.
23. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.
24. The restroom facilities in reconstructed shed building are to be open to the public trail users.
25. The findings from the analysis section are incorporated herein.
26. The applicant stipulates to all conditions of approval.
27. Review of police department records indicate that no complaints were received from adjacent property owners regarding events at the Farm.

Conclusions of Law - McPolin Farm

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.
2. The use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.
4. The proposal is consistent with the Park City General Plan.

Conditions of Approval - McPolin Farm

1. The proposed conditional use permit is for a period of two (2) calendar years and expires on May 14, 2005.

2. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by Staff under a Master Festival License and reviewed and approved/denied by City Council.
3. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit at this time.
4. No single event shall exceed a 100-person maximum per event. Resolution 19-95 would need to be amended by the City Council to allow any increase.
5. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including on the east side of 224.
6. Parking along SR224 during City-sponsored events is prohibited.
7. No additional exterior lighting shall be permitted for special events.
8. All special events must comply with the municipal noise ordinance.
9. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count toward the 12 permitted events.
10. The City's Special Events Department shall review all event components such as traffic, parking, transportation, signs, food service, attendance, lighting and noise. Review of such items are coordinated with all City Departments as well as the Park City Fire District and Summit County Health Department.
11. All standard conditions of approval apply.
12. Any sale of merchandise is subordinate to the primary event, and sale of items needs to be identified in the Master Festival License. No event shall be considered expressly for the purpose of selling material or for commercial enterprises.

1. **345 Deer Valley Drive - Appeal of Staff's determination regarding interpretation of the Land Management Code relating to side yard setbacks**

The Staff requested that this item be continued.

MOTION: Commissioner Erickson moved to CONTINUE this item. Commissioner Larson seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission _____

**Department of Community Development
Engineering • Building Inspection • Planning**

May 15, 2003

NOTICE OF PLANNING COMMISSION ACTION

Project Name

McPolin Farm

Project Description

Conditional Use Permit granting a two-year time extension for use of the McPolin Farm.

Date of Meeting

May 14, 2003

Action Taken By Planning Commission Approved in accordance with the findings of fact and conclusions of law outlined in the staff report. The conditions of approval are listed below.

Findings of Fact

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres is located west of Hwy. 224. Approximately 50 acres is located east of Hwy. 224.
2. The Planning Commission approved a two year Conditional Use Permit at their March 28, 2001 meeting.
3. The purpose of the ROS District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets and parking lots; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as wetlands, streams, corridors and forests.
4. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
5. The property is owned by Park City Municipal Building Authority, a.k.a. the City.
6. City Council Resolution 19-95 sets forth parameters for passive use and event use of the farm property. The resolution states that special events are to be limited as to not interfere with the open space character of the Farm, and provides a guideline of "not more than 50-100 people" for passive summer events.

Exhibit F - CUP Action Letter

97

7. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
8. The reconstructed McPolin farm house and the barn are not approved for human occupancy.
9. Public trails are located on the property.
10. McLeod Creek meanders through the property.
11. Public restrooms are located in the reconstructed shed building.
12. The McPolin Farm property is a highly visible open space area on the entry to Park City.
13. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
14. The proposed conditional use permit is for a period of two (2) years.
15. The proposed conditional use permit will allow up to twelve (12) one-day, City Council-sponsored, special public events per year.
16. Special event permits will be processed by City staff and reviewed and approved/denied by City Council. Event specific issues such as transportation parking, vending and health requirements are reviewed through a Master Festival License process.
17. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas.
18. Any proposed changes to Resolution 19-95 will require an amendment to the resolution.
19. Each Master Festival License application is to include a City-approved event transit plan to transport event patrons to and from the farm site.
20. No special event patron parking is permitted on the Farm property, including on the east side of 224.
21. No additional special event exterior lighting will be permitted.
22. All events are subject to the municipal noise ordinance.
23. Public trail use of the property is permitted, including cross-country ski events. A winter trail pass may be required.
24. The restroom facilities in reconstructed shed building are to be open to the public trail users.

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

26. The applicant stipulates to all conditions of approval.

27. The Park City Police Department has not received any complaints at the McPolin Farm since the Planning Commission approved the conditional use permit at their March 28, 2001 meeting.

Conclusions of Law:

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.

2. The use, as conditioned is compatible with surrounding structures in use, scale, mass and circulation.

3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.

4. The proposal is consistent with Park City General Plan.

Conditions of Approval:

1. The proposed conditional use permit is for a period of two (2) calendar years and expires on May 14, 2005.

2. Up to twelve (12) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by staff under a Master Festival License and reviewed and approved/denied by City Council.

3. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit at this time.

4. No single event shall exceed a 100 person maximum per event. Resolution 19-95 would need to be amended by the City Council to allow any increase.

5. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including on the east side of 224.

6. Parking along SR224 during City-sponsored events is prohibited.

7. No additional exterior lighting shall be permitted for special events.

8. All special events must comply with the municipal noise ordinance.

9. Special events shall not preclude public trail use of the property. Use of the existing trail system for cross-country ski races shall not count towards the 12 permitted events.

10. The City's Special Events Department shall review all event components under a Master Festival License such as traffic, parking, transportation, signs, food service, attendance, lighting and noise. Review of such items are coordinated with all City Departments as well as the Park City Fire District and Summit County Health Department.

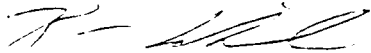
11. Sales are subordinate to the primary event, and no event shall be considered expressly for the purpose of selling merchandise for commercial enterprise.

12. Sale of merchandise shall be identified in the Master Festival License.

13. All standard conditions of approval apply.

Please call me if you have questions. My phone number is 435-615-5068

Sincerely,



Kevin Lo Piccolo
Project Planner



PLANNING COMMISSION STAFF REPORT

DATE: March 14, 2001 Meeting
DEPARTMENT: Planning Department
AUTHOR: Patrick Putt *[Signature]*
TITLE: McPolin Farm Conditional Use Permit
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS:

A. Project Statistics

Owners: Park City Municipal Corporation/Parks Recreation & Beautification Board
Location: 3000 N. Highway 224
Zoning: Recreation Open Space (ROS)
Project Planner: Patrick Putt
Adjacent Land Uses: Residential, Municipal Open Space, Highway 224

B. Background: The City's McPolin Farm is located in the Recreation Open Space (ROS) District. The Parks, Recreation and Beautification Board has submitted an application for a two-year conditional use permit to conduct up to eight (8) City-sponsored one-day events per year on the property. The proposed facilities covered under this application include the farm grounds and trails and the renovated McPolin farm shed. This application includes no programming for the McPolin barn or house since the structures are not currently improved for public occupancy. This application does not address any possible temporary use of the property during the Olympics. Any temporary Olympic use of the Farm will be reviewed under a Master Festival License approved by City Council.

The proposed uses are classified as "public recreation facilities" in the Land Management Code (LMC). The LMC defines a public recreation facility as "recreation facilities operated by a public agency and open to the general public with or without a fee." Such uses require a conditional use permit

Brief History of Previous Planning and Public Input:

The City acquired the subject property in October 1990 in an effort to protect and enhance the entry corridor and to preserve open space in cooperation with the Highway 224 widening project. In 1991 a citizens planning program began to explore interim uses and renovation work. The results of the 1991 effort was a program of clean up, security improvements, and stabilization of the barn. Cross country skiing and trail development also commenced. At the conclusion of the initial citizens' planning program it was suggested that additional public input and formal study of the Highway 224 entry corridor be conducted. A series of Landmark Symposiums were conducted in 1992. There were no specific recommendations developed for the farm property; however the consensus was to proceed cautiously with an environmentally-sensitive plan for passive recreation use and open space preservation.

In 1994 and 1995 the Parks, Recreation and Beautification Board developed an Entryway Corridor Master Plan (copies included with report). Public hearings on the plan were held in the spring of 1995. Council adopted the master plan with Resolution No. 19-95 on August 3, 1995. The plan addressed:

- * open space around the farm property;
- * trail development;
- * winter use/cross-country skiing use;
- * capital expenditures;
- * agricultural uses; and
- * special events

The Resolution 19-95 set forth specific parameters for passive summer event use of the farm property. The resolution stated that special events are to be limited as to not interfere with the open space character of the farm. A guideline was established limiting the maximum number of people in the vicinity of the barn to 100 persons. Winter spectator activities in conjunction with cross-country ski racing and biathlon races were deemed acceptable.

In October 1999, the Planning Commission held a conditional use permit public hearing for use of the farm complex. The application involved using the farm complex for 27 events between May 1 and November 1, and up to 25 parking spaces east of Hwy. 224 in the vicinity of the existing shed. The majority of the public input was opposed to intensive active use of the property. Public concern was expressed that the proposed number of events and the improvements necessary to accommodate intensive public use (*i.e. parking, access, lighting, signs, etc.*) would adversely impact the character of the farm property. No formal action was taken at the meeting.

Since the October 1999 Planning Commission public hearing, reconstruction of the farm house and shed has been completed. The flatwork around the compound has been replaced and the driveway bridge over the creek has been installed. An inter-commission working group consisting of Planning Commission, Parks & Recreation, Council, and staff met on two occasions to discuss possible options for the use of the property. The working group concluded that the following actions should take place:

- * construction on the property (including completion of the Phase III trail) should be completed in order to allow the public to access the site; and
- * a limited number of test events should be scheduled (upon CUP approval) to gauge the carry capacity of the farm complex and public response to the use of the property.

What follows is a description and staff analysis of the amended McPolin Farm conditional use permit application which seeks approval of a limited number of events over the next two years.

Amended Conditional Use Permit Request: The current proposal consists of the following details:

- The proposed conditional use permit is for a period of two (2) years;
- up to eight (8) one-day, City Council-sponsored, special public events per year (event permits to be processed by staff and reviewed and approved/denied by City Council);
- use of the farm complex shall include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit at this time.
- 100 person maximum per event. Building Occupancy to be set by Chief Building Official;
- each event shall include a City-approved event transit plan (*including ADA accessibility*) to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property (including east side of 224);
- no additional exterior lighting is permitted for special events;
- No temporary tents or other structures will be permitted;
- all events must comply with municipal noise ordinance;
- public trail use of the property is permitted; and
- restroom facilities in the reconstructed shed building will be open to the public trail

users.

C. Staff Analysis For Compliance with LMC Standards for Conditional Use Permit . Staff has reviewed the modified conditional use permit application per the standards set forth in the Land Management Code. Staff's comments are in *italics*.

1. Size and location of the site: *Complies. The site size and location are suitable for the proposed uses. The McPolin Farm property consists of 85 acres on the west side of Hwy. 224. Approximately 50 acres of the farm property is located east of the highway. Vehicular access to the property is from Highway 224. Direct vehicular access to the farm compounds buildings is via a unpaved driveway and newly constructed bridge over McLeod Creek.*

2. Traffic considerations including capacity of the existing streets in the area: *Complies. The capacity of Hwy. 224, a major State highway, will not be adversely impacted by the proposed special events. Due to concerns related to turning movements onto/off-of the highway, a special event transit plan is proposed for shuttling special event patrons to and from the property. Each transit plan shall be reviewed and approved/denied by City Staff.*

3. Utility capacity: *Complies. All necessary public utilities are provided to the site.*

4. Emergency vehicle access: *Complies. Access is provided via Hwy. 224 and the farm access driveway.*

5. Location and amount of off-street parking: *Complies. No public event parking in or around the Farm compound is permitted. Event access will be via special event transit (see comments on Standard #2).*

6. Internal vehicular and pedestrian circulation system. *Complies. All necessary internal vehicular circulation areas are provided on-site. Pedestrian circulation is also provided through the public trail system.*

7. Fencing, screening, and landscaping to separate the use from adjoining uses. *Complies. No additional fences or screening are proposed. No additional landscaping is proposed beyond the previously approved native plant material necessary for revegetation.*

8. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots: *Complies. No additional structures are proposed for the site.*

9. Usable open space: *Complies. The area of the existing trail and open space will not be diminished by the proposed use.*

10. **Signs and lighting:** *Complies. No additional signs are exterior lighting or proposed.*

11. **Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:** *Complies. No changes to the existing buildings are proposed.*

12. **Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site:** *Complies. Compliance with all municipal codes including noise and lighting will be a condition precedent to the issuance of any special event permit.*

13. **Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas:** *Complies. Any necessary service delivery, loading and trash removal will be reviewed as part of the special event permit review. Permit approvals will be conditioned as necessary to minimize adverse impacts.*

14. **Expected ownership and management of the project:** *Complies. Property to remain in City ownership.*

15. **Sensitive Lands Review:** *Not applicable. The area within 100 feet of the Hwy. 224 right-of-way is in the FPZ; however, no new construction is proposed in this area.*

D. Departmental Review

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

E. Public Input

No formal public input has been received as of the date of this memorandum.

F. Summary and Recommendation

The Planning Department requests that the Commission review the proposed amended conditional use permit application and consider all public input. Following consideration of the public input, Staff recommends that the Planning Commission approve *(or modify the approval as necessary)* the proposed two-year conditional use permit subject to the following findings of fact, conclusions of law, and conditions of approval:

Finding of Facts:

1. The McPolin Farm is a 135 acre property located in the Recreation Open Space District. Eighty-five acres is located west of Hwy. 224. Approximately 50 acres is located east of Hwy. 224.
2. The purpose of the ROS District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets and parking lots; permit recreational uses and preserve open space lands; encourage parks, trails, golf courses and other private or public recreational uses; and preserve and enhance environmentally sensitive lands, such as

wetlands, streams, corridors and forests.

3. The proposed special events will not be located within the Frontage Protection Zone (FPZ).
4. The property is owned by Park City Municipal Building Authority, a.k.a. the City.
5. City Council Resolution 19-95 sets forth parameters for passive use and event use of the farm property. The resolution states that special events are to be limited as to not interfere with the open space character of the Farm.
6. The property includes several important historic structures which have been restored, rehabilitated, and/or reconstructed at considerable public expense.
7. The reconstructed McPolin farm house and the barn are not currently improved for public occupancy.
8. Public trails are located on the property.
9. McLeod Creek meanders through the property.
10. Public restrooms are located in the reconstructed shed building.
11. The McPolin Farm property is a highly visible open space area on the entry to Park City.
12. The McPolin Farm has been consistently used for open space and public trail use since its acquisition by the City.
13. The proposed conditional use permit for a period of two (2) years;
14. The proposed conditional use permit will allow up to eight (8) one-day, City Council-sponsored, special public events per year.
15. Special event permits will be processed by City staff and reviewed and approved/denied by City Council.
16. The proposed conditional use permit allows for the use of the farm complex including the newly reconstructed McPolin shed and appurtenant outdoor areas.
17. The conditional use permit establishes a 100 person maximum per special event. Maximum Building Occupancy is to be set by Chief Building Official;
18. Each special event application is to include a City-approved event transit plan to

transport event patrons to and from the farm site.

19. No special event patron parking is permitted on the Farm property, including on the east side of 224.

20. No additional special event exterior lighting will be permitted.

21. No temporary tents will be permitted as part of any special event.

22. All events are subject to the municipal noise ordinance.

23. Public trail use of the property is permitted.

24. The restroom facilities in reconstructed shed building are to be open to the public trail users.

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

26. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.

2. The use, as conditioned is compatible with surrounding structures in use, scale, mass and circulation.

3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.

4. The proposal is consistent with Park City General Plan.

Conditions of Approval:

1. The proposed conditional use permit is for a period of two (2) calendar years and expires on March 14, 2003.

2. Up to eight (8) one-day, City Council-sponsored, special public events per year are permitted. Special event permits shall be processed by staff and reviewed and approved/denied by City Council.

3. Use of the farm complex may include the newly reconstructed McPolin shed and appurtenant outdoor areas. Use of the McPolin Barn and house are not permitted under this conditional use permit at this time.

4. No single event shall exceed a 100 person maximum per event.

5. Building Occupancy shall be set by Chief Building Official.
6. Each special event shall include a City-approved event transit plan to transport event patrons to and from the farm site. No event patron parking will be permitted on the Farm property, including on the east side of 224.
7. No additional exterior lighting shall be permitted for special events.
8. All special events must comply with the municipal noise ordinance.
9. Special events shall not preclude public trail use of the property.
10. All standard conditions of approval apply.

DATE: June 5, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Michelle Barrus
TITLE: Amendment to Resolution 19-95 - McPolin Farm
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Review Resolution 19-95, conduct a public hearing, and consider approving the amended resolution.

DESCRIPTION

A. Topic

Amending Resolution 19-95 to increase the number of people allowed at the Farm during events and allow the use of the McPolin House once it is ADA accessible.

B. Background

Park City Council called-up the CUP for the McPolin Farm on May 22, 2003. The CUP was called up to review the number of people allowed at the Farm during Friends of the Farm Events and determine if use of the McPolin House is allowed. Because of the popularity of the Friends of the Farm community events, they are requesting the ability to increase the number of people allowed at their outdoor events. If Council should choose to amend the CUP, it would also be required that Council amend Resolution 19-95 that states the maximum occupancy at the Farm be set at 50-100 people and increase it to state 150 are allowed in the vicinity.

C. Analysis

Because of the popularity of the outdoor events, the Friends of the Farm would like to increase the number of people that are allowed in the Farm vicinity. The buildings would not have more persons than established maximum occupancy and the McPolin House would be made ADA accessible before public use is allowed. The Friends of the Farm would be responsible for having porta-potties on site for events in excess of 100 as the permanent restroom facilities have capacity for only 100.

D. Department Review

Special Events, Legal, City Manager

ALTERNATIVES

- A.** The City Council may adopt the amended resolution, therefore allowing McPolin Farm events to have up to 150 people and use the McPolin House once it is made ADA accessible, or
- B.** The City Council may deny the request to amend the resolution, therefore not allowing the McPolin Farm events to have up to 150 people or use the McPolin House once it is made ADA accessible, or

C. The City Council may continue the item.

SIGNIFICANT IMPACTS

Amending Resolution 19-95 will enable the Friends of the Farm to increase the number of people they can have at their approved special events and allow use of the McPolin House.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

If Council chooses to not amend Resolution 19-95, the occupancies at the farm would remain at 100 maximum and the McPolin House would remain un-used.

RECOMMENDATION

Staff recommends Alternative A, that Council review Resolution 19-95, conduct a public hearing, and consider approving the amended resolution.

Attached

A- Resolution 19-95 with occupancy changes and use of the McPolin House.

B- SR 224 Entry Corridor Master Plan pages 20-21

Resolution No. ~~19-95~~

**RESOLUTION ADOPTING THE SR224 ENTRY CORRIDOR
MASTER PLAN WITH MODIFICATIONS FOR
PARK CITY, UTAH AND REPLACING RESOLUTION 19-95 IN ITS ENTIRETY**

WHEREAS, the SR224 Entry Corridor is a critical feature of our community, as it provides visual open space, passive recreational opportunities, wetlands, wildlife habitat, and expresses a statement about the character of Park City, Utah to visitors and residents alike; and

WHEREAS, because of its importance, the City Council authorized that a Master Plan be developed, and a draft was completed in late 1994; and

WHEREAS, public hearings were conducted by the Parks, Recreation, and Beautification Advisory Board on February 8, 1995 and March 8, 1995; and the City Council held a public hearing on May 18, 1995 on the draft Master Plan; and

WHEREAS, the City Council finds it in the best interest of the community to modify the draft Entry Corridor Master Plan to incorporate the recommendations of the Parks, Recreation, and Beautification Advisory Board and public input;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council as follows:

SECTION 1. SR224 ENTRY CORRIDOR MASTER PLAN ADOPTED.

Staff is hereby directed to modify the draft SR224 Entry Corridor Master Plan, as follows. The amended document is hereby adopted as the SR224 Entry Corridor Master Plan.

1. **Open Space.** Future changes in the "open space" character of the city-owned portion of the entry corridor shall be governed by the following procedure:

No sale or substantial change in the "open space" character of the City-owned properties included in this Master Plan, or changes in the intent of this Master Plan to protect open space, shall be undertaken without an affirmative vote of four out of five City Council members. This vote must further be affirmed by 60% of the voters in a locally scheduled special election within 180 days of the Council's decision. Nothing in this provision shall affect bonds currently secured by the property or preclude or hinder the City using this property as security or collateral for future bonding, as long as the basic intent of maintaining open space is upheld.

2. **Trails.** The trail section (Pages 16-24) will be removed and added to a separate appendix for greater clarity. To avoid unnecessary expense, trail location and usage will be determined after further consultation with the Army Corp of Engineers, the City's

environmental consultants, the Parks, Recreation, and Beautification Advisory Board, and the public.

3. **Winter Use.** In order to provide for the long-term provision of winter sports activities and amenities on the property, the City will did an RFP where White Pine Touring was awarded a contract ~~prepare for open and competitive proposals a "request for provision of services" beginning with the 1996-97 season. The term of the contract will be for no more than five years, with a three year renewal option at the City's discretion. Nothing shall preclude the Council from determining that the City should directly provide the desired services, if acceptable private bids are either not received or cannot be negotiated.~~
4. **Capital Expenditures.** Capital expenditures will be partially geared toward grant criteria and opportunities. The Parks, Recreation, and Beautification Advisory Board recommended trails, security in the barn area, access road improvements, restrooms and parking as priorities. Every effort will be made to implement these priorities in a timely fashion.
5. **Pond.** A pond near the barn will only be constructed if it substantially meets the following criteria (a) it aids in fire control; (b) it serves a valid recreational need without negatively affecting the area in which it is located; and (c) it does not negatively affect the fishery in the stream.
6. **Agriculture.** Agricultural practices shall maintain the pastoral and visual appearance of the area and shall be conducted in an environmentally sound manner.
7. **Special Events.** Special events will be limited as not to interfere with the "open space" character of the farm. In 2001 the CUP allowed 12 events per year at the farm. These events are community oriented with music and education activities. All events shall be sponsored or co-sponsored by the City. The events are sold out with the current occupancy set at 100. Therefore, the Conditional Use Permit renewal in 2003 for the McPolin Farm, increased the capacity to no more than 150 people in a call-up by the City Council. The McPolin House will be made ADA accessible in Summer 2003, at which time use of the house will be permitted. ~~The Parks, Recreation, and Beautification Advisory Board's recommendation of only permitting passive summer events sponsored or co-sponsored by the City of not more than 50 to 100 people in the vicinity of the barn will be the guideline. Winter spectator activities in conjunction with cross-country ski racing and biathlon races are acceptable uses.~~
8. **Parking.** Page 20 and 21 of the Entryway Corridor Master Plan identifies parking spaces on the east side of SR224. It is possible that a lesser number of parking spaces may be developed if approved by the Planning Commission or City Council through a conditional use permit.

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

PASSED AND ADOPTED this 5th~~3rd~~ day of June~~August~~, 2003~~1995~~.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Agricultural activities should be sensitive to the water resource. Water conservation should be a policy of this plan. If cultivation is extended to areas of uplands and hillsides previously used as pasture, then a pressurized sprinkler irrigation system should be considered because of the potential for erosion when flood-irrigating a slope. Agricultural activities should not interfere with natural functioning of wetland or riparian areas, nor should they create opportunities for erosion.

Another agricultural management issue is soils. According to a recent draft of the Soil Conservation Service Soil Survey of the Park City area, the soil of the lower meadow area is Kovich Loam, a deep poorly drained soil best suited for the native wet meadow grasses and sedges. The wetness and poor drainage of the soil is a limitation to utilization of the land for other crops and uses. It is a naturally wet soil and requires irrigation only to supplement the natural wetness.

Another soil type runs up the slope to the south from the lower meadow. It is a Henefer-Harter organic surface complex. This soils complex is deep and well drained and may be more suitable for cultivation and high quality wildlife habitat. The soil type and characteristics should be taken into consideration in any agricultural management plan. Some areas of the property exhibit eroded soils due to overgrazing and poor irrigation management. Over time, these areas should be restored to pasture or native vegetation.

2. Barn Activity Area. Public sentiment does not currently support a specific use for the barn. Criteria for future use of the barn and other buildings in the activity area are included in Section D, Public Use Management. Management of the building(s) will concentrate on stabilization until decisions on restoration or renovation are made and funding is available. The barn should not be left vacant for insurance purposes. Use as a storage facility by Park City Public Works is recommended to continue until a better use is found. However, storage should be kept inside the barn. Hazardous and highly flammable materials should not be stored in the area (see also Cultural Resource Management).

3. Parking Area. Parking is an issue if the property is to be used. Because there is an underpass crossing the highway at the Farm Parcel, there will be an opportunity to use the northeast side of the road for parking when the City takes possession of the property. Currently, a five-acre parcel northeast of State Highway 224 is tied up in dispute between the Osguthorpe family and the State of Utah. When the dispute is resolved, UDOT may remove the improvements and regrade the property.

From one perspective, limiting parking spaces may be a means for limiting use of the property. However, the probable effect of providing insufficient parking for users of the property will be parking on the highway and in surrounding residential areas. Parking should be of two types: paved and unpaved. Furthermore, the construction of paved parking should be phased. The first phase would create ten parking spaces with the potential of forty total paved parking spaces to be added in future phases. The unpaved parking area would be available for 150 additional cars for special events only.

The view of the parking area from the highway and the use areas of the site should be screened. Berming and other landscape design techniques can be used to accomplish this. For example, it might be possible to extend the natural terrain of Quarry Mountain to create a berm perpendicular to the highway thereby blocking the view of the parking area from the highway. Another alternative may be to use sheds similar to existing agricultural buildings as a means of blocking the visibility of the parking from State Highway 224. The planning of a parking lot configuration should consider security as well as screening.

4. Pond Activity Area. The concept of a pond was introduced in the Agricultural Study of the property. A pond would be visually complimentary to the pastoral setting. A pond could have several functions. From a recreational point of view, it could create a children's fishing opportunity. Agriculturally it could provide a water source for a pressurized irrigation system. Safety is enhanced because the pond could provide an additional source of water for fire protection. The pond does not necessarily satisfy fire code for some human occupancy uses of the barn. The intensity of use and level of occupancy of the barn determine the required fire protection levels. The existing water line serving the site may need to be looped to satisfy fire code for an intense use such as public assembly.

Creation of a pond in this activity area would require a pond permit from the State of Utah and a permit from the Army Corp of Engineers. Because the pond would be located in a wetland area, it is important that the design incorporate features which enhance the functioning of the wetlands and/or benefit wildlife to satisfy the concerns of the Army Corp of Engineers.

The permitting process with the State should address the concerns of the DWR as well as the Utah State Division of Water Rights. It is possible that a pond could be permitted on the basis of non-consumptive use of water, except for the minor amount attributable to evaporation. DWR concerns will include the issues of thermal pollution of McCleod Creek because of the solar heating of water in a pond, and the issues surrounding the possible introduction of planted trout into waters connected to McCleod Creek (which DWR regulates) which flows across DWR property (see Master Plan Boundary Map for location of DWR Property). Diverting water to a pond where the water flow slows and soaks up solar radiation allows the water temperature to rise. When the return flow enters the creek, it raises the temperature of the creek water. A means of counteracting this temperature change may be to introduce piped cold spring water at a lower temperature into the pond during the summer months. This would also create an opportunity for oxygenation of the pond. The pond should be developed jointly with the DWR in order to assure that their ideas are incorporated into the pond's design and construction.

A pond near the barn will only be constructed if it substantially meets the following criteria:

- a. it aids in fire control;
- b. it serves a valid recreational need without negatively affecting the area in which it is located;
- c. it does not negatively affect the fishery in the stream.

