PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 31, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the approximate times as described below on Thursday, May 31, 2007.

Noon - Recreation Building Dedication and lunch – meet at site

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

Work Session – City Council Chambers
2:00 p.m. Council questions/comments
2:15 p.m. Review of regular meeting
2:30 p.m. Budget overview – walk-ability and water projects; outstanding issues
4:30 p.m. Joint review with Planning Commission – vertical zoning
5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 17, 2007

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving the 621 Woodside Avenue plat amendment **(motion to continue to July 12, 2007)**

2. Consideration of an Ordinance amending the Park City Municipal Code Title 3, Chapter 3, Campaign Disclosure Amendment

3. Consideration of an Ordinance approving the 2036 Prospector Condominiums plat located at 2036 Prospector Avenue, Park City, Utah

4. Consideration of an Ordinance approving the 260 Main Street Subdivision combining portions of Lots 14 and 15 of Block 70 and portions of Lots 14 and 15 of Block 21 of the Park City survey into one lot of record, Park City, Utah

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and* discussed *and acted upon under "Additional Discussion – Agenda Items")*

1. Ordinance amending the Park City Municipal Code Title 3, Chapter 3, Campaign Disclosure Amendment

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3. Ordinance approving the 260 Main Street Subdivision combining portions of Lots 14 and 15 of Block 70 and portions of Lots 14 and 15 of Block 21 of the Park City survey into one lot of record, Park City, Utah

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII PUBLIC HEARING ON BUDGET

Revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 05/29/07
See: www.parkcity.org

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

June 2007

6-9 Sonora Institute Conference (Dana and Marianne)

7 Closed
Budget - work
Transportation Strategic Plan Annual Report – work – KC
Election services agreement with Summit County
Ordinance – council compensation – hearing/action
Resolution – adopting P&P
Resolution – fees – public hearing/action
Resolution – tentative budget adoption

14 Budget – work
MFL- White Pine Touring demo days (amplified music)
Ordinance – amending Title 15, Land Management Code, Title 15, Section 11-3(B), Historic Preservation Board Quorum
Proclamation – Silly Sunday Market
Ordinance – resort and transit taxes
Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop, Park City, Utah
Quinns concession ageement

21 Relay for Life resolution – Susan Morrell – 645-6592
Ordinance – 621 Woodside Avenue plat amendment – KW
Resolutions – adoption of final budgets for all agencies

28 Closed session
Housing Authority – St. Regis affordable housing plan – work – 30 min
Resolution – affordable housing fees – work/action (30 min)
Trails Master Plan

July 2007 – *Candidate filing window July 1 - 15*

5

12 Ordinance approving the 621 Woodside Avenue plat amendment

19 Closed session

26 **No meeting**

August 2007

2

9

16

23 **No meeting**

30 Closed session

September 2007

6

11 Primary election

13
20
27 Closed session

Pending Items:
MOU between Park City and Summit County for Animal Control Services
Emergency preparedness – work
Solid waste strategic plan
Market analysis – Phases 1 and 2
Naming rights contract
General Plan - Park/Bonanza
Electronic voting
Noise/outdoor decks
Air quality discussion
Resort cities/transit tax – 01/08

Tentative "no meeting" dates:
October 18
November
December 27

City Council & Planning Commission
Staff Report

Subject: Vertical Zoning - Main St. Business Uses
Date: May 31, 2007
Department: Sustainability Team
Author: Jonathan Weidenhamer
Type of Item: Informational

Recommendation: This item is informational. Staff seeks specific direction if Council and Planning Commission want to direct staff to return on June 13 to the Planning Commission with a draft ordinance to regulate land uses in the HCB and HRC Districts.

Topic - Analysis of Main St. Business Uses - Vertical Zoning

On May 24, 2007, the City Council approved a change to the Municipal Code that prohibited City approval of Liquor Licenses for Bars and Private Clubs that do not allow the general public to apply for membership (Exhibit C)

A preliminary discussion was held on this topic at the joint Planning Commission/City Council work session on April 5, 2007. Direction was given to provide background on what similar Cities are doing to address this issue and to investigate potential legislative remedies. This report:

- Provides a background on why Vertical Zoning is being considered
- Provides an explanation of what Vertical Zoning is
- Looks at what other Cities are doing in this area
- Considers pending applications submitted to the Planning Department
- Provides background Private Residence Clubs and how they are currently regulated
- Provides alternative methods to address this issue.
- Seeks specific input under “Questions for Discussion”

Background

A diversified business mix is an element of Main Street’s attractiveness and a destination center for visitors and locals. Main Street’s ground level retail stores, restaurants and private clubs are a substantial source of sales tax revenue for the City. The City monitors the business mix and sales tax generation as part of its financial health assessment. In November 2002 and March 2006 studies were presented to Council that analyzed the changes in the ground floor business mix and the fiscal impact of the conversion of sales tax generating uses to non-revenue generating uses such as office space (Exhibit A). Each of the studies concluded that the shift to office or other non-tax generating uses was not significant and the impact was more in the visual perception of Main Street than foregone sales tax revenue. Table 1 below summarizes the findings.

Table 1

Year	Office (%)	Restaurant/ Retail (%)	Other (public use, vacant)
2002	11 %	82%	7%
2006	8%	91%	1%

The 2006 study identified eight Main Street storefronts that were occupied by offices. Foregone sales tax revenue was estimated to be between $29,000 to $49,000 annually.

Vertical Zoning

Vertical Zoning is regulatory planning approach that stacks different building zones on structures. For example, a building could be zoned for retail on the first floor, but for office or residential use on upper floors. This approach has been employed in many municipalities as a tool to shape a preferred commercial mix. Staff conducted a survey and review of codes and ordinances in other resort towns and has found that several have enacted ordinances to preserve the ground floor/street level storefronts consistent with goals of general planning and for sales tax revenue generating uses. Aspen, Mountain Village, Steamboat, Vail and Winter Park have all enacted some form of vertical zoning with varying degrees of success. Copies of the ordinances from Aspen, Vail and Winter Park are included as Attachment C.

Table 2: Existing Vertical Zoning Regulation

Town	**Ground Floor Commercial Restrictions**	**Comments**
*Aspen**	*Yes*	*Prohibition on new commercial on ground floor. Existing uses are grandfathered. Ordinance was enacted b/c of the increasing number of real estate offices moving into spaces previously occupied by retail/restaurant. Ordinance may have been too late b/c most of the space had already been acquired.*
Crested Butte	Repealed by Referendum	Considering bringing it back with current uses grandfathered to allow existing businesses to keep their location after a change in ownership
Dillon	No	Considered only allow sales tax generating stores on the ground level but did not receive majority Council support b/c of property rights concerns.
Jackson, WY	No	Some talk – nothing serious
Mountain Village	*Yes*	*Existing office/personal services uses remain until the business vacates and then the space converts to retail use. Provides for the opportunity to apply for a variance to the use. Expects to amend ordinance to allow office/personal services as a special use in the zone.*
Mt. Crested Butte	No	Some talk – nothing serious.
Silverthorne	No	Does not have a defined commercial core or downtown area.
Snowmass Village	Under consideration	Restrictions have been put into all new development and is likely that the Council will do the same on redevelopment/major renovations in the commercial core.
Steamboat	*Yes*	*Offices are a conditional use and must go through a review process before Planning Commission and City Council. Are considering setting criteria based upon the amount of linear frontage allowed per block.*
*Vail**	*Yes*	*Sales tax revenue generating uses permitted on first floor. Existing office uses were grandfathered.*
*Winter Park**	*Yes*	*Destination Zone for lodging, entertainment and retail. Allows full use of the footprint if tax generating uses are on ground floor and only 60% if building is for other (office) uses.*

* Ordinances attached as Exhibit C

The common elements among the ordinances in each of the communities where vertical zoning requirements have been adopted is the preservation of the unique character of the commercial area and the finding that restriction on use on the ground floor to sales tax revenue generating uses is essential to the City's long term financial health and welfare.

Current Applications

An initial look at pending applications on Main Street identified a potential shift of up to an additional 300' lineal feet (12 lots) from retail or restaurant to office space. Should this occur, the impact could be a loss of $30,000 - $50,000 in foregone sales tax revenue. Staff believes that such a loss is unlikely at this point based upon the applications in process with the Planning Department. Table 3 summarizes these applications.

Table 3: Current Applications

Location/Building	**Status/ application**	**Proposed/Intended Use**
Claimjumper	HDDR* submitted	Retail/restaurant at street, residential on 2nd & 3rd story, subterranean parking
Lot north of Brew Pub	HDDR submitted Plat submitted	Retail/restaurant at street, residential on 2nd & 3rd story, subterranean parking
Imperial Hotel	HDDR submitted	Boutique hotel
Vacant lots between Grappa & Imperial	HDDR submitted	Retail/restaurant at street, residential on 2nd & 3rd story, subterranean parking
Main Street Mall	HDDR submitted Plat submitted	Retail/restaurant at street, residential on upper stories

**HDDR = Historic District Design Review Application (administrative process)*

Private Residence Clubs

*S*taff has identified a new trend occurring in resort communities including Park City – the introduction of the Private Residence Club. The Private Residence Club (PRC) is an owners club that provides services only to its members who typically are owners in an off-site residential project. A PRC would typically function similar to a private country club. Unlike a social drinking private club, memberships would not be available for purchase on site, and would not be similarly priced. Typically a PRC would offer some or all of the following services:

- Food and beverage
- Salon
- Gaming
- Ski storage
- Transportation
- Limited retail sales

Of the above uses, the food and beverage services and limited retail sales would generate sales taxes. The amount of sales tax generated per square foot would likely be consistent with existing restaurants on Main Street. It is important to note that staff has not conducted any technical research on PRC models. Due to the nature of the clients at this club, some general assumptions can be made that taxes generated from food and beverage sales would be beneficial to City revenues.

Restaurant	Sales Tax	Sq. Ft.	Sales Tax/Sq. Ft.
1	$25,730.23	7,265	$3.54
2	$26,319.28	3,635	$7.24
3	$20,877.05	8,000	$2.61
4	$28,059.41	1,900	$14.77
5	$25,621.25	5,767	$4.44
Average:	**$25,321.44**	**$5,313.40**	**$6.52**

PRC's currently exist in limited locations in Park City, including Club Lespri in Prospector, and the Promontory Club in the Chateaux. Under current business licensing regulations they receive a blanket business license that breaks down the various use types by square footage. The Planning Department also regulates the various uses found inside a PRC using existing definitions in the LMC, determining consistency with Allowed, Conditional, or Prohibited type Use regulations.

Within existing regulations, a PRC could, in the appropriate commercial zone, pull a business license for a combined series of uses currently allowed by the LMC (bar, restaurant, office, etc.). Rather than begin to attempt to create definitions and regulatory language from a land use standpoint for a PRC (Alternative 1 below), staff found it was more effective in the short term to amend the Municipal Code to prohibit liquor licenses to the HCB and HRC zones that do not allow the general public to apply for club membership (social private clubs and restaurants). This was based on categories currently defined by the State Liquor Commission and was consistent with DABC "Private Club" requirements (Exhibit C). This approach was approved by City Council on May 24, 2007.

Analysis

The concern with the introduction of PRC downtown is related more to the long term economic viability of downtown as a tourist destination in terms of public access, vibrancy, activity, and attractiveness. Considering a PRC would generate sales tax revenues, at the heart of the issue is whether the "privatization" of Main Street tenant spaces (i.e. Main Street retail, restaurant, and club establishments not allowing access to the general public) would have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A downturn in visitor traffic would likely have a net negative impact to sales tax overall. It could also signal a change in the culture of Main Street into a more elite area that is less inviting to the majority of our visitors, guests, and locals.

Staff has not reached any conclusions as to at what point or percentage of the commercial mix that Office uses would actually pose a threat – fiscally or vitality wise. Past trends have indicated offices that market specific real estate projects have a limited lifespan before the project is completed. Staff does not find that the loss of revenue generating uses is an immediate fiscal concern given the current market trends on Main Street. The introduction of any Vertical Zoning ordinance could be a longer term tool to protect and preserve the integrity of Main Street.

<u>Questions for Discussion</u>

Does the Planning Commission and City Council in the HCB District wish to:

1. Prohibit Offices
2. Prohibit PRC's
3. Prohibit both
4. Prohibit in storefronts/ street-level only

<u>Alternative Strategies</u>

Should the Planning Commission and City Council direct staff to further pursue additional regulatory approaches to further ensure a desired business mix on Main Street, the following approaches may be considered.

<u>Regulatory Approaches</u>

1. **LMC Amendments - Land Use and Zoning Tools to prohibit Office Uses and/or PRC's in Main Street Storefronts and/or completely** – This would involve creating definitions and amending land-use tables. This may be appear to be done simply, but is more likely to be fairly involved and detailed (similar to the lengthy ordinance that Vail has enacted). Sample ideas of this type could:

   - **Option A** - Completely prohibit either or both Offices and PRC's in Main Street storefronts – this would address each of the following:
     - forgone revenues (reduced/lost sales tax)
     - amount of activity (loss resort-related commercial/retail attractions/business)
     - perceived exclusivity/ elitist nature

   - **Option B** - Prohibit non-revenues uses in the first 25 feet of a building as is done in Aspen – this would not address exclusivity, but it would address:
     - both forgone revenues,
     - and activity level

   - **Option C** - require any PRC to provide public access at a cost - the Caribou Club in Aspen provides a limited number of membership for locals ($2000, & $1000 to renew annually) and offers a weekly membership to guests ($2000 for 1 week).

   - **Option D** - Restrict the footprint of a non-revenue generating use to 60% the allowable size as is done in Winter Park – This would not specifically restrict or prohibit types of preferred uses, but it would otherwise incent them.

   LMC amendments would require a 14 day noticing period prior to any Planning Commission and/or Joint meeting for possible action. At this time the June 13, 2007 Planning Commission meeting has been noticed for Possible Action on this topic, should direction be given to follow one of these options.

Incentive-Based Approach

Alternatively, staff could investigate the creation of financial tools to incentivise a preferred business mix. However, staff is unsure that any available incentives would be able to compete with the market economy. Examples might include:

- City purchase of incubator space
- Expansion of existing PCMC ED Grant program
- Local tax increment financing (similar to RDA)
- Local revolving loan fund
- Options at State level (unlikely PCMC would be eligible for these)

Exhibits

Exhibit A – 2006 land use and sales tax numbers

Exhibit B - Updated City Council Minutes from:

- 11/14/02
- 3/30/06
- 4/5/07

Exhibit C – May 24, 2007 Municipal Code Change

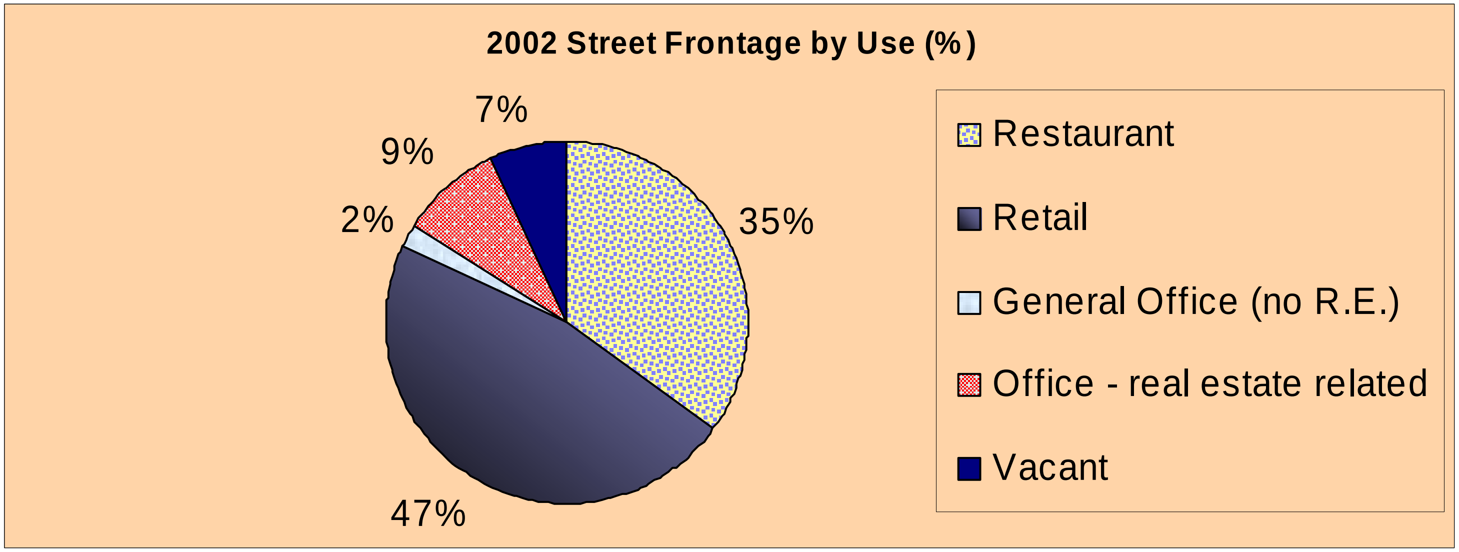
Exhibit C – Sample ordinances from Aspen, Vail and Winter Park.

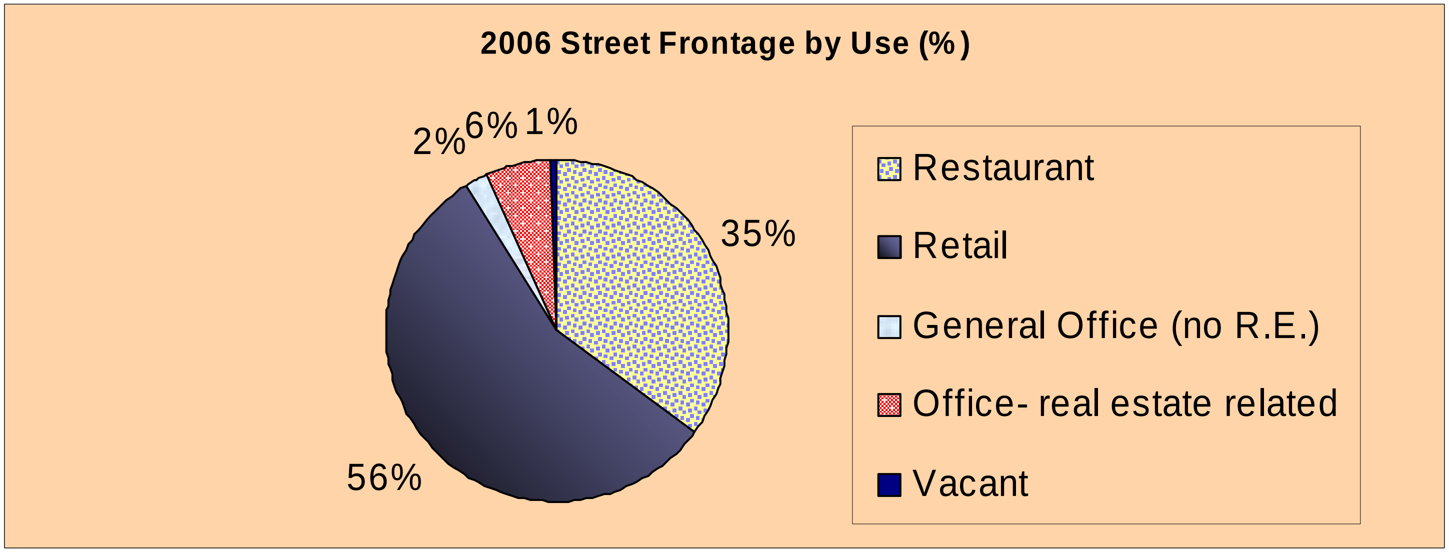
Commercial uses on Main St - 1998 – 2002

	98		99		2000		2001		2002				
	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	# store fronts	SF	Street Frontage Linear ft@	Linear Street Frontage total %@
Restaurant	60	133736	57	136830	60	136830	59	152119	58		151071	1423	35
Retail	127	157444	117	145220	115	145220	115	136024	115		130319	1906	47
General Office (no R.E.)	50	44332	56	52494	59	61738	49	55606	53		52648	78	2
Office - real estate related	7	6020	10	8211	12	15928	13	13508	18	12	22614	377	9
Vacant												275	7
total	244	341892	240	343087	246	362798	236	357617	244		357159	4059	100

@ based on field survey 10/02 - Linear feet of street frontage on Main St.

	2003		2004		2005		2006				
	Licensed	SF	Licensed	SF	Licensed	SF	Licensed	# store fronts	SF	Street Frontage Linear ft@	Linear Street Frontage total %@
Restaurant	61	159902	54	155431	48	140718	50		145585	1350	35
Retail	108	135797	101	129498	94	129752	95		128817	2167	56
General Office (no R.E.)	40	39962	34	40861	38	42462	34		37898	93	2.4
Office- real estate related	14	21053	15	24634	16	26764	15	8	22764	230	6
Vacant										25	0.6
Total	223	356714	204	350424	196	339696	194		335064	3865	100


2002 Street Frontage by Use (%)
7%
9%
2%
35%
47%
Restaurant
Retail
General Office (no R.E.)
Office - real estate related
Vacant


2006 Street Frontage by Use (%)
2%
6%
1%
35%
56%
Restaurant
Retail
General Office (no R.E.)
Office- real estate related
Vacant

Sales Tax Info
Main Street Totals

Total # of Businesses: 162

	1998	1999	2000	2001	2002	2003	2004	2005	2006
*Sales Tax $'s (All business types)	$548,201.46	$564,412.55	$581,987.34	$629,237.06	$804,483.10	$648,410.78	$655,638.01	$694,136.95	$740,039.00
*Sales Tax $'s (Retail)	$207,468.96	$218,271.47	$223,835.57	$234,341.77	$364,312.06	$226,107.88	$236,477.17	$258,829.17	$277,669.90
$'s/SqFt	$ 1.32	$ 1.50	$ 1.54	$ 1.72	$ 2.80	$ 1.67	$ 1.83	$ 1.99	$ 2.16
**Forgone Rev(sf)	$ 7,932.75	$ 12,341.46	$ 24,550.70	$ 23,271.54	$ 63,218.36	$ 35,054.16	$ 44,984.31	$ 53,388.80	$ 49,068.66
$'s/frontage ft	Data Not Available				$ 191.14	Data Not Available			$ 128.14
***Forgone Rev(frontage)					$ 72,059.63				$ 29,471.19

*Includes Local Option and Transit Tax. 2006 figures based on Bud Dept estimates.

**Calculated using Tax Dollars per retail square foot rate applied to square footage of real estate businesses on Main St

***Calculated using Tax Dollars per frontage linear foot rate applied to frontage linear feet of real estate businesses on Main St

Exhibit B

City Council Work Session
November 14, 2002

2. Analysis of Main Street uses. Rick Lewis explained that this is part of the economic development strategic plan which is being developed with the HMBA and the Chamber. This is a status report and not a final report and Mr. Lewis displayed a computer assisted presentation. During the period of 1998 through 2002, there has been a 21% decrease in square footage of retail replaced by an increase of real estate (4%) and restaurants (13%). Total office use increased by 25,000 square feet (13% to 17%); real estate office space increased from 6,000 to 22,600 square feet over the five year period (2% to 6%). In 1998, there were seven real estate business licenses on Main Street and in 2002, 18 licenses. He continued that there has been a 12% decrease in retail business licenses over the period and a slight decrease in restaurants. In response to a suggestion from the HMBA, a measurement of linear feet of real estate store fronts was analyzed. There is about 4,000 linear feet on Main Street and Heber Avenue, of which 177 linear feet or 9% is real estate while 82% represents restaurants and retail.

Mark Christensen stated that one of the questions frequently asked is the amount of sales tax generated on Main Street compared to other areas. His calculation includes sales, resort and transit tax; it does not include taxes collected by Summit County. Through illustration of a chart, he explained that in 1994 Main Street represented about 8% and in 1997-98 it peaked to16% where it has remained constant. Restaurants represent about 49% while retail generates about 42%. In response to a question from Peg Bodell about Town Lift revenues, Mr. Christensen responded that he believes those numbers are reflected in the recreation category. He discussed quarterly sales tax numbers indicating an increase in 1997-98, leveling off in 2000-02, and spiking in 2002. Restaurants are the highest generators of sales tax with office use the lowest. Mr. Christensen discussed differences with business mix and sales tax revenues on upper and lower Main Street and specifically lodging trends. He emphasized that this information is not a detailed analysis but information regarding trends. Mayor Williams expressed his interest in finding information about the loss of potential sales tax revenues because of the number of professional offices on Man Street. Mr. Christensen believed that the work involved in this report can be used for further analyses and helpful to the HMBA in developing its strategic plan. In response to a question from Kay Calvert about the effects of paid parking, Mark Christensen indicated when paid parking came on line in 1997-98 there is a slight increase in sales tax revenues. The Mayor pointed out that who knows how much higher sales tax could have been if paid parking weren’t in place. Peg Bodell felt it would be helpful to know what retail Main Street is missing compared to successes in other resort communities. Jim Hier suggested that Mr. Christensen be available to assist the HMBA in providing information for its strategic plan.

PARK CITY COUNCIL WORK SESSION NOTES
MARCH 30, 2006

1. Analysis of Main Street business uses. Jonathan Weidenhamer explained that after the Olympics, the City began to develop an economic development strategic plan and one component addressed commercial mix. A trend of real estate offices moving to Main Street prompted concerns, and some Council members expressed interest in exploring an ordinance to control the proliferation of real estate offices on Main Street. He pointed out the decrease in retail from 1998 to 2002 and the increase of real estate offices fronting on the street from seven to twelve. At that time, however, Council decided not to pursue an ordinance and directed staff to monitor uses.

He added that the economic development plan has been in place for the past several years and at the January 2006 Visioning Session, Council discussed conducting a market analysis of the entire town and updating the 2002 information. Ben Davis explained that the 2002 study area included the Main Street corridor, including Heber Avenue and Swede Alley. This project only looked at Main Street and although the numbers are a little different, the percentages are the same. The number of business licenses, in the 220 to 230 range, has remained relatively consistent. Mr. Davis discussed Aspen's ordinance, which prohibits real estate offices on the street level. Since 2002, restaurant uses have remained constant at 35%, the retail presence has grown by about 9%, and he explained the drop in vacancies in buildings. Office uses total 8.4% which was at 11% in 2002. General office uses are up from 2% to 2.4% while real estate offices have decreased from 9% to 6%.

Seth Atkinson explained that the Budget Department maintains a data base of sales tax collected which can be broken down by geographic area or business type. He explained that foregone sales tax revenue was determined by calculating the retail sales tax generated on Main Street and a retail square foot sales tax rate. Staff estimated a range of $29,000 to $49,000 annually and estimate that in 2006 about $740,000 will be collected in sales tax revenue for Main Street, representing roughly 47% of all sales tax revenue. There was discussion about the boundaries of the study area and Jonathan Weidenhamer explained that this work is the first step in establishing a market analysis. Staff recommends not pursuing an ordinance. In response to a question from Candace Erickson about the defensibility of an ordinance, Polly Samuels McLean explained that *office use* could be prohibited on street level, not specifically identifying real estate offices. Aspen's ordinance is drafted in this manner. Council concurred with staff's recommendation.

PARK CITY COUNCIL WORK SESSION NOTES
APRIL 5, 2007

Main Street Vertical Zoning - Mayor Williams explained this item refers to regulation of real estate offices on Main Street, which has been a concern because linear square footage has been converting into offices on Main Street.

Project Manager Jonathan Weidenhamer explained that in 2002 and 2006, Staff had brought updates to Council on mixed uses on Main Street. In 2002, 11% were office use and 82% were restaurant and retail. In 2006, offices had decreased to 8% and 91% were restaurant and retail. At that time, there was a consensus that the threat was more perceived than real and Staff was directed to monitor uses as they proceeded with a market analysis.

The market analysis will be a two-phase approach providing first an inventory of the types of businesses, and based on sales tax revenues, what types of businesses are more successful than others. The second phase will involve a comparison to other resort communities and their mix of businesses. This information will provide a basis for Council to discuss the efficiency of our mix and to discuss whether we want to look at something else. Park-Bonanza updates will also help shape discussions on some type of preferred future.

Based on observations, Staff has observed the possibility of ownership changes on Main Street involving “residential concierge or owners’ clubs”. They are unclear what the impact could mean in terms of sales tax.

Jim Hier felt we should be taking a look at how we can limit non retail, non restaurant uses, not necessarily doing a market retail study of which facilities provide us with more sales tax. Joe Kernan wanted ideas from other towns who have addressed this issue. Ken Martz believed the more public you could make Main Street, the better it will be. Jack Thomas felt the vitality and future of Main Street depended on the ease with which we can get there. Evan Russack wondered what the trigger point was if we were going to make efforts to change the economic landscape on Main Street. Mayor Williams explained there was a mix of about 10-11%, which was livable, but we are trying to define a percentage for the future since there is the potential to go higher.

Manger Bakaly summarized Council’s direction to return with more discussion of issues surrounding this and that they desire fact finding to frame the information from other cities that have done this, rather than returning with an ordinance.

Exhibit C
May 24, 2007 Municipal Code Change

PARK CITY MUNICIPAL CODE
TITLE 4 - LICENSING

4- 5- 1. BEER LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this Chapter. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, and this Title. <u>No Beer License shall be issued for any Private Club or Bar in the HCB District or HRC District unless the general public may join the club, either as a member or a visitor, and the cost of that membership or visitor card is not more than $50.00.</u>

4- 6- 1. LIQUOR LICENSE REQUIRED.

No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, Utah Alcoholic Beverage Control Commission Rules and Regulations, and this Chapter. <u>No Liquor License shall be issued for any Private Club, Bar, or Restaurant in the HCB District or HRC District as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as a member or a visitor, and the cost of that membership or visitor card is not more than $50.00.</u>

Exhibit C
Sample ordinances
Aspen, Winter Park, and Vail

Aspen

26.710.140 Commercial Core (CC).

A. ***Purpose.*** The purpose of the Commercial Core (CC) zone district is to allow the use of land for retail, service commercial, recreation, and institutional purposes within mixed-use buildings to support and enhance the business and service character in the historic central business core of the City. The district permits a mix of retail, office, lodging, affordable housing, and free market housing uses oriented to both local and tourist populations to encourage a high level of vitality. Retail and restaurant uses are appropriate for ground floors of buildings while residential and office uses are not permitted on ground floors.

B. ***Permitted uses.*** The following uses are permitted as of right in the Commercial Core (CC) zone district:

1. Uses allowed on Basement Floors: Retail and Restaurant Uses, Office Uses, uses and building elements necessary and incidental to uses on other floors.
2. Uses allowed on the Ground Floor: Retail and Restaurant Uses and uses and building elements necessary and incidental to uses on other floors. Office Uses are prohibited on the Ground Floor except within spaces set back a minimum of 40 feet from a Street and recessed behind the front-most street-facing façade. This prohibition shall not apply to Split-Level Buildings (see definition). Parking shall not be allowed as the sole use of the Ground Floor.
3. Uses allowed on Upper Floors: Retail and Restaurant Uses, Office Uses, Lodging, Timeshare Lodge, Affordable Multi-Family Housing, Free-Market Multi-Family Housing, home occupations.
4. Uses allowed on all building levels: Retail and Restaurant Uses, Neighborhood Commercial Uses, Service Uses, Arts Cultural and Civic Uses, Public Uses, Recreational Uses, Academic Uses, child care center, accessory uses and structures, storage accessory to a permitted use, uses and building elements necessary and incidental to uses on other floors including parking accessory to a permitted use, farmers market provided a vending agreement is obtained pursuant to Section 15.04.350(B).

ARTICLE B. D-C DESTINATION CENTER DISTRICTS

7-5B-1: PURPOSE:

The objective of the D-C zone is to encourage intensive mixed residential and commercial uses on parcels of land in those areas designated as centers of visitor oriented activity in the master plan for the town. Concentrated mixed use development is deemed essential in said areas to foster greater pedestrian activity, less reliance on the automobile, comparison shopping and other goals set forth in the master plan. (Ord. 317, Series of 2002)

7-5B-2: USES PERMITTED:

A.General: The following uses shall be permitted in the D-C district subject to the provisions of this title:

Accessory dwelling units.

Accessory structures and uses necessary and customarily incidental to permitted uses.

Amenity buildings.

Business and professional offices, including medical and dental offices and clinics.

Business uses intended primarily for and ordinarily associated with the provisions of goods and services to local visitors and tourists, and including, but not limited to, the following uses:

Art galleries, and arts and crafts studios.

Banks and other financial institutions.

Businesses engaged in the sale or rental of sporting goods or equipment.

General businesses providing goods and services, including, but not limited to, groceries, gifts, jewelry, apparel, books, salons, etc.

Private and commercial recreation and entertainment facilities, including, but not limited to, theaters, ice skating rinks, health spas, dance halls and convention and meeting facilities, alpine and nordic ski facilities and facilities incidental thereto.

Restaurants and similar places serving food and beverages intended primarily for consumption on the premises, subject further to any provisions as may be deemed by the town to be in the public interest.

Commercial parking lots or structures.

Drugstores.

Gasoline convenience stores.

Hotels, motels and lodges, including incidental businesses within the principal building or buildings.

Malls, plazas and related pedestrian open spaces.

Multi-family dwelling units, including apartments and condominiums, townhomes, boarding and rooming houses, bed and breakfast businesses, but not including rest homes.

Outdoor recreational uses and uses incidental thereto; including, but not limited to, alpine and nordic ski facilities.

Places conveying information, advice, literature and other publicity substantially free of charge to visitors to the area about recreational attractions and related services therein.

Private civic, cultural, religious and institutional facilities.

Public, municipal and governmental facilities providing services to accommodate the town and overall public need. Including, but not limited to, water and wastewater treatment facilities, underground water storage tanks.

Real estate offices.

B.Uses Subject To Special Use Permit: The following uses are permitted in the D-C district subject to the provisions of this title and upon the issuance of a special use permit [41] .

Outdoor vendors.

Permanent outdoor sales and storage.

C.Supplemental Mixed Use Regulations: Multiple-family dwellings may be constructed above commercial uses provided:

1. Primary access to dwelling units is not through commercial establishments.

2. All signs must be in compliance with the town sign code [42] .

3. Uses necessary and ordinarily incidental to multiple-family dwellings, such as laundry and vending areas, shall not be located within the structure so as to cause residents therein to come into conflict with the normal functions of commercial uses in the structure.

4. Trash, service and loading areas shall be screened from view from street entrances to dwelling units.

5. Outdoor lighting associated with commercial uses within the structure, including lighting for parking, service and loading areas, shall be designed and located such that the direct source is not visible from any dwelling unit within, nor is there any glare. (Ord. 317, Series of 2002)

7-5B-3: LOT AREA REQUIREMENTS:

A.Density [43] : The maximum allowable number of dwelling units is twenty eight (28) per gross acre (i.e., before public land dedication). Affordable housing units shall be excluded when calculating densities.

Note: The maximum number of units allowed per acre may not be achieved in all cases due to terrain, setbacks, building height, building coverage, parking requirements, size of dwelling unit(s), etc.

B.Minimum Lot Area: There shall be no minimum lot area in the D-C district for commercial uses.

C.Minimum Lot Dimensions: The minimum lot width as measured along the front lot line shall be fifty feet (50') for commercial uses.

D.Application: The minimum lot area, lot depth and lot width provisions of the R-2 district shall apply to solely multiple-family residential uses.

E.Minimum Yard Requirements: Except as provided for in section 7-3-7 of this title, minimum yard requirements in a D-C zone shall be:

1. No building or structure shall be less than ten feet (10') from any street right of way used primarily for vehicular purposes. Structures which abut a plaza, park, mall or greenbelt or other permanent pedestrian open space area may abut and have openings onto such appurtenances.

2. Where a lot line in a D-C district abuts a residential use, the following minimum yard requirements apply along that lot line:

a. No building or structure shall be less than twenty five feet (25') from any street right of way used primarily for vehicular purposes, the first ten feet (10') of which shall be landscaped and kept as an open area within which no paving shall be permitted except for permissible driveways and sidewalks leading to buildings and structures located thereon.

b. There shall be a side yard setback of not less than seven and one-half feet (7 1/2') for both principal and accessory structures.

c. There shall be a rear yard setback of not less than twenty five feet (25'), which shall be landscaped and kept as an open area, for both principal and accessory structures. (Ord. 317, Series of 2002)

7-5B-4: BUILDING REQUIREMENTS:

A.Maximum Building Coverage:

1. Maximum building coverage for residential uses shall not exceed sixty percent (60%) of the "lot area" as defined in section 7-2-3 of this title. The remaining forty percent (40%) may be reduced to not less than twenty five percent (25%) upon acceptance by the town of in lieu compensation equal to the current market value of the land desired for the additional

building coverage.

2. There is no D-C maximum building coverage requirement for nonresidential uses in the district.

3. Maximum building coverage for mixed use developments shall be based on the requirements which apply to the dominant use on the first floor (i.e., more than 50 percent residential or nonresidential). (Ord. 317, Series of 2002)

B.Maximum Height For Buildings And Structures: The maximum height for all buildings and structures permitted in the D-C district shall be fifty five feet (55') as defined in chapter 2 of this title. (Ord. 324, Series of 2002)

C.Fences, Hedges And Walls: Fences, hedges and walls shall comply with section 7-3-11 of this title. (Ord. 317, Series of 2002)

7-5B-5: LANDSCAPING REQUIREMENTS:

As required in the landscape design regulations and guidelines as amended from time to time. (Ord. 317, Series of 2002)

7-5B-6: OUTDOOR LIGHTING REQUIREMENTS:

As required in the design regulations and guidelines, as amended from time to time. (Ord. 317, Series of 2002)

VAIL

ARTICLE B. COMMERCIAL CORE 1 (CC1) DISTRICT

12-7B-1: PURPOSE:

The commercial core 1 district is intended to provide sites and to maintain the unique character of the Vail Village commercial area, with its mixture of lodges and commercial establishments in a predominantly pedestrian environment. The commercial core 1 district is intended to ensure adequate light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The zoning regulations in accordance with the Vail Village urban design guide plan and design considerations prescribe site development standards that are intended to ensure the maintenance and preservation of the tightly clustered arrangements of buildings fronting on pedestrianways and public greenways, and to ensure continuation of the building scale and architectural qualities that distinguish the village. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

12-7B-2: PERMITTED AND CONDITIONAL USES; BASEMENT OR GARDEN LEVEL:

A.Definition: The "basement" or "garden level" shall be defined as that floor of a building that is entirely or substantially below grade.

B.Permitted Uses: The following uses shall be permitted in basement or garden levels within a structure:

1. Retail shops and establishments, including the following:

Apparel stores.

Art supply stores and galleries.

Bakeries and confectioneries.

Bookstores.

Camera stores and photographic studios.

Candy stores.

Chinaware and glassware stores.

Delicatessens and specialty food stores.

Drugstores.

Florists.

Gift shops.

Health food stores.

Hobby stores.

Jewelry stores.

Leather goods stores.

Music and record stores.

Newsstands and tobacco stores.

Sporting goods stores.

Stationery stores.

Toy stores.

Variety stores.

Yardage and dry goods stores.

2. Personal services and repair shops, including the following:

Beauty and barber shops.

Commercial ski storage.

Small appliance repair shops.

Tailors and dressmakers.

Travel and ticket agencies.

3. Eating and drinking establishments, including the following:

Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.

Cocktail lounges and bars.

Coffee shop.

Fountains and sandwich shops.

Restaurants.

4. Professional offices, business offices and studios.

5. Banks and financial institutions.

6. Additional uses determined to be similar to permitted uses described in subsections B1 through B5 of this section, in accordance with the provisions of section 12-3-4 of this title so long as they do not encourage vehicular traffic.

7. Lodges.

8. Type IV employee housing units, as further regulated by chapter 13 of this title.

C.Conditional Uses: The following uses shall be permitted in basement or garden levels within a structure, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Electronic sales and repair shops.

Household appliance stores.

Liquor stores.

Luggage stores.

Major arcades.

Meeting rooms.

Multiple-family dwellings.

Outdoor patios.

Theaters. (Ord. 29(2005) § 24: Ord. 10(1998) §§ 2, 4: Ord. 26(1989) § 1: Ord. 27(1982) § 1 (a): Ord. 25(1982) § 1(a): Ord. 6(1982) § 3(a): Ord. 8(1981) § 2: Ord. 26(1980) § 2: Ord. 16 (1975) § 3(A)(A): Ord. 8(1973) § 8.200(A))

12-7B-3: PERMITTED AND CONDITIONAL USES; FIRST FLOOR OR STREET LEVEL:

A.Definition: The "first floor" or "street level" shall be defined as that floor of the building that is located at grade or street level.

B.Permitted Uses: The following uses shall be permitted on the first floor or street level within a structure:

1. Retail stores and establishments, including the following:

Apparel stores.

Art supply stores and galleries.

Bakeries and confectioneries.

Bookstores.

Camera stores and photographic studios.

Candy stores.

Chinaware and glassware stores.

Delicatessens and specialty food stores.

Drugstores.

Florists.

Gift shops.

Hobby stores.

Jewelry stores.

Leather goods stores.

Luggage stores.

Music and record stores.

Newsstands and tobacco stores.

Sporting goods stores.

Stationery stores.

Toy stores.

Travel and ticket agencies.

Variety stores.

Yardage and dry goods stores.

2. Eating and drinking establishments, including the following:

Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.

Cocktail lounges and bars.

Coffee shops.

Fountains and sandwich shops.

Restaurants.

3. Lodges.

4. Type IV employee housing units, as further regulated by chapter 13 of this title.

5. Additional uses determined to be similar to permitted uses described in subsections B1 and B2 of this section, in accordance with the provisions of section 12-3-4 of this title so long as they do not encourage vehicular traffic.

C. Conditional Uses: The following uses shall be permitted on the first floor or street level floor within a structure, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Banks and financial institutions.

Beauty and barber shops.

Electronics sales and repair shops.

Household appliance stores.

Liquor stores.

Outdoor patios. (Ord. 29(2005) § 24: Ord. 10(1998) §§ 3, 4: Ord. 25(1982) § 1(b): Ord. 18 (1981) § 1: Ord. 8(1981) § 2: Ord. 26(1980) § 2: Ord. 50(1978) §§ 4, 5: Ord. 16(1975) § 3 (A)(B): Ord. 8(1973) § 8.200(B))

12-7B-4: PERMITTED AND CONDITIONAL USES; SECOND FLOOR:

A. Permitted Uses; Exception: The following uses shall be permitted on the second floor above grade within a structure; provided, however, that a conditional use permit will be required in accordance with chapter 16 of this title for any use which eliminates any existing dwelling or accommodation unit or any portion thereof:

1. Multiple-family residential dwelling.

2. Lodges.

3. Professional offices, business offices and studios.

4. Banks and financial institutions.

5. Personal services and repair shops, including the following:

Beauty and barber shops.

Business and office services.

Tailors and dressmakers.

Travel and ticket agencies.

6. Retail stores and establishments, including the following:

Apparel stores.

Art supply stores and galleries.

Bakeries and confectioneries.

Bookstores.

Camera stores and photographic studios.

Candy stores.

Chinaware and glassware stores.

Delicatessens and specialty food stores.

Drugstores.

Florists.

Gift shops.

Hobby stores.

Jewelry stores.

Leather goods stores.

Music and record stores.

Newsstands and tobacco stores.

Photographic studios.

Sporting goods stores.

Toy stores.

Variety stores.

Yardage and dry goods stores.

7. Eating and drinking establishments, including the following:

   Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.

   Cocktail lounges and bars.

   Coffee shops.

   Fountains and sandwich shops.

   Restaurants.

8. Type IV employee housing units, as further regulated by chapter 13 of this title.

B.Conditional Uses: The following uses shall be permitted on second floors above grade, subject to the issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Dog kennels.

Electronics sales and repair shops.

Household appliance stores.

Liquor stores.

Luggage stores.

Meeting rooms.

Outdoor patios.

Theaters.

Type III employee housing units (EHU) as provided in chapter 13 of this title. (Ord. 29 (2005) § 24: Ord. 6(2000) § 2: Ord. 10(1998) § 4: Ord. 8(1992) § 20: Ord. 25(1982) § 1(c): Ord. 20(1982) § 5: Ord. 8(1981) § 2: Ord. 26(1980) § 2: Ord. 16(1975) § 3(A)(C): Ord. 8 (1973) § 8.200(C))

12-7B-5: PERMITTED AND CONDITIONAL USES; ABOVE SECOND FLOOR:

A.Permitted Uses: The following uses shall be permitted on any floor above the second floor above grade:

Lodges.

Multiple-family residential dwellings.

Type IV employee housing units, as further regulated by chapter 13 of this title.

B.Conditional Uses: The following uses shall be permitted on any floor above the second floor above grade, subject to the issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title. Any permitted or conditional use which eliminates any existing dwelling or accommodation unit, or any portion thereof, shall require a conditional use permit. Such uses may include:

1. Retail stores and establishments, including the following:

Apparel stores.

Art supply stores and galleries.

Bakeries and confectioneries.

Bookstores.

Camera stores and photographic studios.

Chinaware and glassware stores.

Delicatessens and specialty food stores.

Drugstores.

Electronics sales and repair shops.

Florists.

Gift shops.

Hobby stores.

Jewelry stores.

Leather goods stores.

Liquor stores.

Luggage stores.

Music and record stores.

Newsstands and tobacco stores.

Photographic studios.

Sporting good stores.

Stationery stores.

Toy stores.

Variety stores.

Yardage and dry goods stores.

2. Eating and drinking establishments, including the following:

Bakeries and delicatessens with food service, restricted to preparation of products specifically for sale on the premises.

Cocktail lounges and bars.

Coffee shops.

Fountains and sandwich shops.

Restaurants.

3. Professional offices, business offices, and studios.

4. Banks and financial institutions.

5. Personal services and repair shops, including the following:

Beauty and barber shops.

Business and office services.

Small appliance repair shops.

Tailors and dressmakers.

Travel and ticket agencies.

6. Theaters.

7. Additional uses determined to be similar to permitted uses described in subsections B1 through B5 of this section in accordance with the provisions of section 12-3-4 of this title, so long as they do not encourage vehicular traffic.

8. Type III employee housing units (EHU) as provided in chapter 13 of this title. (Ord. 29 (2005) § 24: Ord. 6(2000) § 2: Ord. 10(1998) § 4: Ord. 25(1995) § 1: Ord. 8(1992) § 21: Ord. 20(1982) § 5: Ord. 8(1981) § 2: Ord. 26(1980) § 2: Ord. 16(1975) § 3(A)(D): Ord. 8 (1973) § 8.200(D))

12-7B-6: CONDITIONAL USES; GENERALLY:

The following uses shall be permitted, subject to the issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:

Bed and breakfasts as further regulated by section 12-14-18 of this title.

Public buildings, grounds and facilities.

Public park and recreation facilities.

Public utility and public service uses.

Ski lifts and tows. (Ord. 29(2005) § 24: Ord. 31(1989) § 8: Ord. 16(1975) § 3(B): Ord. 8(1973) § 8.300)

12-7B-7: EXTERIOR ALTERATIONS OR MODIFICATIONS:

A. Subject To Review: The construction of a new building, the alteration of an existing building which adds or removes any enclosed floor area, the alteration of an existing building which modifies exterior rooflines, the replacement of an existing building, the addition of a new outdoor dining deck or the modification of an existing outdoor dining deck shall be subject to review by the planning and environmental commission (PEC) as follows:

1. Application: An application shall be made by the owner of the building or the building owner's authorized agent or representative on a form provided by the administrator. Any application for condominiumized buildings shall be authorized by the condominium association in conformity with all pertinent requirements of the condominium association's declarations.

2. Application; Contents: The administrator shall establish the submittal requirements for an exterior alteration or modification application. A complete list of the submittal requirements shall be maintained by the administrator and filed in the department of community development. Certain submittal requirements may be waived and/or modified by the administrator and/or the reviewing body if it is demonstrated by the applicant that the information and materials required are not relevant to the proposed development or applicable to the planning documents that comprise the Vail comprehensive plan. The administrator and/or the reviewing body may require the submission of additional plans, drawings, specifications, samples and other materials if deemed necessary to properly evaluate the proposal.

3. Application Date And Procedures [2]: Complete applications for major exterior alterations shall be submitted biannually on or before the fourth Monday of February or the fourth Monday of September. Submittal requirements shall include all information in subsection A2 of this section; provided, however, that the architectural or massing model shall be submitted no later than three (3) weeks prior to the first formal public hearing of the planning and environmental commission. No public hearings or work sessions shall be scheduled regarding exterior alterations prior to the biannual submittal date deadlines. At the next regularly scheduled planning and environmental commission meeting following the submittal dates listed above, the administrator shall inform the planning and environmental commission of all exterior alteration submittals. The administrator shall commence with the review of exterior alterations following this initial planning and environmental commission

meeting.

a. A property owner may apply for a major exterior alteration (greater than 100 square feet) in any year during which he or she shall submit an application on the February or September dates as set forth in this subsection A3. Said application shall be termed a "major exterior alteration".

b. Notwithstanding the foregoing, applications for the alteration of an existing building which adds or removes any enclosed floor area of not more than one hundred (100) square feet, applications to alter the exterior rooflines of an existing building, applications for new outdoor dining decks and applications for modifications to existing dining decks may be submitted on a designated submittal date for any regularly scheduled planning and environmental commission meeting. Said applications shall be termed a "minor exterior alteration". The review procedures for a minor exterior alteration shall be as outlined in this section. All enclosed floor area for an expansion or deletion pursuant to this subsection A3b shall be physically and structurally part of an existing or new building and shall not be a freestanding structure.

c. A single property owner may submit an exterior alteration proposal which removes or encloses floor area of one hundred (100) square feet or less on a designated submittal date and will be reviewed by the planning and environmental commission at any of its regularly scheduled meetings.

4. Work Sessions: If requested by either the applicant or the administrator, submittals shall proceed to a work session with the planning and environmental commission. The administrator shall schedule the work session at a regularly scheduled planning and environmental commission meeting and shall cause notice of the hearing to be sent to all adjacent property owners in accordance with subsection 12-3-6C of this title. Following the work session, and the submittal of any additional material that may be required, the administrator shall schedule a formal public hearing before the planning and environmental commission in accordance with section 12-3-6 of this title.

5. Hearing: The public hearing before the planning and environmental commission shall be held in accordance with section 12-3-6 of this title. The planning and environmental commission may approve the application as submitted, approve the application with conditions or modifications, or deny the application. The decision of the planning and environmental commission may be appealed to the town council in accordance with section 12-3-3 of this title.

6. Compliance With Comprehensive Applicable Plans: It shall be the burden of the applicant to prove by a preponderance of the evidence before the planning and environmental commission that the proposed exterior alteration is in compliance with the purposes of the CC1 district as specified in section 12-7B-1 of this article; that the proposal is consistent with applicable elements of the Vail Village master plan, the town of Vail streetscape master plan, and the Vail comprehensive plan; and that the proposal does not otherwise negatively alter the character of the neighborhood. Further, that the proposal substantially complies with the Vail Village urban design guide plan and the Vail Village design considerations, to include, but not be limited to, the following urban design considerations: pedestrianization, vehicular penetration, streetscape framework, street enclosure, street edge, building height, views, service/delivery and sun/shade analysis; and

that the proposal substantially complies with all other elements of the Vail comprehensive plan.

7. Approval: Approval of an exterior alteration under subsections A5 and A6 of this section shall constitute approval of the basic form and location of improvements including siting, building setbacks, height, building bulk and mass, site improvements and landscaping.

8. Lapse Of Approval: Approval of a major or minor exterior alteration as prescribed by this article shall lapse and become void two (2) years following the date of approval of the major or minor exterior alteration by the planning and environmental commission unless, prior to the expiration, a building permit is issued and construction is commenced and diligently pursued to completion.

9. Design Review Board Review: Any modification or change to the exterior facade of a building or to a site within the CC1 district shall be reviewed by the design review board in accordance with chapter 11 of this title.

B.Compliance Burden: It shall be the burden of the applicant to prove by a preponderance of the evidence before the design review board that the proposed building modification is in compliance with the purposes of the CC1 district as specified in section 12-7B-1 of this article; that the proposal substantially complies with the Vail Village design considerations, and that the proposal does not otherwise alter the character of the neighborhood. (Ord. 29 (2005) § 24: Ord. 5(2003) § 6: Ord. 1(1998) § 1: 1997 Code: Ord. 4(1993) § 1: Ord. 41 (1983) § 1: Ord. 25(1982) § 1(d): Ord. 21(1980) § 1)

12-7B-8: CONDITIONAL USES; FACTORS APPLICABLE:

In considering, in accordance with chapter 16 of this title, an application for a conditional use permit within commercial core 1 district, the following development factors shall be applicable:

A.Effects of vehicular traffic on commercial core 1 district.

B.Reduction of vehicular traffic in commercial core 1 district.

C.Reduction of nonessential off street parking.

D.Control of delivery, pick up, and service vehicles.

E.Development of public spaces for use by pedestrians.

F.Continuance of the various commercial, residential, and public uses in commercial core 1 district so as to maintain the existing character of the area.

G.Control quality of construction, architectural design, and landscape design in commercial core 1 district so as to maintain the existing character of the area.

H.Effects of noise, odor, dust, smoke, and other factors on the environment of commercial core 1 district. (Ord. 29(2005) § 24: Ord. 16(1975) § 4)

12-7B-9: ACCESSORY USES:

The following accessory uses shall be permitted in the CC1 district:

Home occupations, subject to issuance of a home occupation permit in accordance with the provisions of section 12-14-12 of this title.

Minor arcade. Amusement devices shall not be visible or audible from any public way, street, walkway or mall area.

Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.

Swimming pools, patios, or other recreational facilities customarily incidental to permitted residential or lodge uses.

Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof. (Ord. 29(2005) § 24: Ord. 6(1982) § 3(b): Ord. 16(1975) § 3(C): Ord. 8(1973) § 8.400)

12-7B-10: LOT AREA AND SITE DIMENSIONS:

The minimum lot or site area shall be five thousand (5,000) square feet of buildable area, and each site shall have a minimum frontage of thirty feet (30'). (Ord. 12(1978) § 3)

12-7B-11: SETBACKS:

There shall be no required setbacks, except as may be established pursuant to the Vail Village design guide plan and design considerations. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

12-7B-12: HEIGHT:

Height shall be as regulated in the Vail Village urban design guide plan and design considerations. (Ord. 29(2005) § 24: Ord. 11(1982) § 2: Ord. 37(1980) § 2)

12-7B-13: DENSITY CONTROL:

Unless otherwise provided in the Vail Village urban design guide plan, not more than eighty (80) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of buildable site area. Total density shall not exceed twenty five (25) dwelling units per acre of buildable site area. Each accommodation unit shall be counted as one-half (1/2) of a dwelling unit for purposes of calculating allowable units per acre.

A dwelling unit in a multiple-family building may include one attached accommodation unit no larger than one-third (1/3) of the total floor area of the dwelling. (Ord. 29(2005) § 24: Ord. 31 (2001) §§ 3, 5: Ord. 21(1980) § 1)

12-7B-14: RECONSTRUCTION OF EXISTING USES; GENERALLY:

If any building or structure located within commercial core 1 district on June 1, 1978, is subsequently destroyed by fire or other casualty to the degree provided in section 12-18-9 of this title, that structure or building may be reconstructed to the same or substantially the same size, dimensions, lot coverage, and height in accordance with the procedures outlined in section 12-18-9 of this title, so long as the appearance of the building or structure is the same or substantially the same as existed prior to its destruction. (Ord. 29(2005) § 24: Ord. 19(1979) § 3(a): Ord. 13(1978) § 2)

12-7B-15: SITE COVERAGE:

Site coverage shall not exceed eighty percent (80%) of the total site area, unless otherwise specified in the Vail Village urban design guide plan and design considerations. In commercial core 1 district, ground level patios and decks shall be included in site coverage calculations. (Ord. 29(2005) § 24: Ord. 17(1991) § 8: Ord. 21(1980) § 1)

12-7B-16: LANDSCAPING AND SITE DEVELOPMENT:

No reduction in landscape area shall be permitted without sufficient cause shown by the applicant or as specified in the Vail Village design considerations as adopted in section 12-7B-20 of this article. (Ord. 29(2005) § 24: 1997 Code: Ord. 21(1980) § 1)

12-7B-17: PARKING AND LOADING:

Off street parking and loading shall be provided in accordance with chapter 10 of this title; provided, that no parking shall be provided on site. All parking requirements shall be met in accordance with the provisions of chapter 10 of this title. Loading requirements shall continue to be applicable to properties within commercial core 1 district; provided that no loading areas shall be located in any required front setback area. (Ord. 29(2005) § 24: Ord. 13(1978) § 3)

12-7B-18: LOCATION OF BUSINESS ACTIVITY:

A.Limitations; Exception: All offices, businesses, and services permitted by sections 12-7B-2 through 12-7B-5 of this article, shall be operated and conducted entirely within a building, except for permitted unenclosed parking or loading areas, and the outdoor display of goods.

B.Outdoor Displays: The area to be used for outdoor display must be located directly in front of the establishment displaying the goods and entirely upon the establishment's own property. Sidewalks, building entrances and exits, driveways and streets shall not be obstructed by outdoor display. (Ord. 34(1982) § 1: Ord. 19(1976) § 9: Ord. 8(1973) § 8.511)

12-7B-19: RECONSTRUCTION OF EXISTING USES; COMPLIANCE REQUIRED:

Any building or structure located within commercial core 1 district may be reconstructed to the same or substantially the same enclosed floor area in accordance with the procedures outlined in section 12-18-9 of this title. The building, however, shall substantially comply with the applicable provisions of the Vail Village urban design guide plan and design considerations. (Ord. 29(2005) § 24: Ord. 21(1980) § 1)

12-7B-20: VAIL VILLAGE URBAN DESIGN GUIDE PLAN:

A.Adoption: The Vail Village urban design guide plan and design considerations are adopted for the purposes of maintaining and preserving the character and vitality of the Vail Village (CC1) and to guide the future alteration, change and improvement in the CC1 district. Copies of the Vail Village design guide plan and design considerations shall be on file in the department of community development.

B.Revisions: Revisions to the Vail Village urban design guide plan and design considerations shall be reviewed by the planning and environmental commission with official action to be taken by the town council by resolution on a semiannual basis to ensure that the plan reflects the purposes and intent for which it has been adopted. The review and action shall take place within thirty (30) days following the public hearing on the applications. (Ord. 29 (2005) § 24: Ord. 21(1980) § 1)

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 17, 2007

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Project Manager; Bret Howser, Budget Analyst; Seth Atkinson, Budget Analyst; and Patrick Putt, Planning; Dave Gustafson, Project Manager; Ron Ivie, Chief Building Official; Gary Hill, Budget Manager; Scott Robertson, IT Director; Lloyd Evans, Police Chief; Lt. Rick Ryan; Lt. Phil Kirk; Kathy Dunks, Water Manager; Eric Nessett, Transit Manager; Pace Erickson, Streets and Parks Manager; Clint Dayley, Golf Course/Parks Superintendent; Mike Lennon, Maintenance Manager; Troy Dayley, Streets Manager; Linda Tillson, Library Director; Ken Fisher, Recreation Director; and Max Paap, Special Events Manager

Lisa Romney, Johnson Controls

Absent: **Council member Roger Harlan**

1. Council questions/comments. Candace Erickson encouraged everyone to participate in Bike to Work Day tomorrow, Pride in the Park Day on Saturday and a quilting demonstration at the Farm also to be held on Saturday. Jim Hier stated that the joint transportation committee reached consensus on capital projects and will educate students about jaywalking and the permit parking system. Joe Kernan commented on several employees who bike everyday to work, and suggested creating an alternative transportation award to recognize them. Tom Bakaly explained that there is a program during Sundance. Alison Butz described great participation in the employee Bike to Work Week Program which is facility-wide and will send a City-wide email on the final tally of miles. In response to a comment from Joe Kernan about the Eden System, Mr. Bakaly explained that the general ledger is in place, the utility billing system is being integrated, and budget will be next. The water billing system is about a month away. Marianne Cone commented on Library business and also encouraged the audience to participate in Bike to Work Day. Mayor Williams referred to an article in *USA Today* about Park City being one of the top ten bicycle communities in the country. He strongly criticized the front page story in the *Park Record* about the discussion of lowering property taxes as being inaccurate and an editorial for stirring up unneeded controversy and dividing the community. Candace Erickson remarked on the noxious weed guide recently mailed to citizens from the County and hoped that there is also information available to the public on environmentally friendly options rather than using chemicals and pesticides.

2. Green building policy. Alison Butz stated that the City Council first incorporated LEED green building practices in capital projects with the construction of the Quinns Junction Recreation Complex. Four percent of the project cost was allocated toward the police building, including consulting to draft a policy to effectively execute the initiative. She introduced Lisa Romney, Johnson Controls, who is an energy efficiency specialist and the former advisor for Salt Lake City.

Lisa Romney spoke about the process of getting a high performance building ordinance adopted in Salt Lake. Park City's draft is better than most other communities because of the inclusion of LEED guidelines, U S Green Building Council, and Energy Star. She explained the importance of utilizing the Energy Star rating as it relates to on-going operations costs and increased renewables. There have been instances where communities achieve the LEED standard but not the Energy Star certification because of the credits selected by the architect. She understood Park City's goal is to reduce on-going operational costs; there is a LEED guideline rated at 60 and Energy Star requires at least a 75 point score for certification. She felt that memorializing a green building policy in a resolution has the potential of decreasing the learning curve and expenses. In fact, most architects perform LEED certifications without additional charges. The certification includes four categories, certified, silver, gold, and platinum and Park City's resolution specifically speaks to all buildings meeting the LEED certified level, and does not require the third-party USGBC approval. Engineers typically deal with the Energy Star component and she believes their related services can be also rendered at no additional cost. Obtaining a LEED plaque comes at a cost but Energy Star is free and there are on-line tools available. The only cost with Energy Star is the audit performed by an engineer, estimated at $1,000. Ms. Romney stated that the resolution clearly provides for criteria for qualifying buildings, described as 3,000 square feet and above of occupied space, will need to meet LEED and Energy Star. Alison Butz explained that the resolution adds the ability for the Council to determine that an additional 4% on top of the construction budget be used to achieve a higher green building standard. There is flexibility to assign the 4% to a CIP Fund which can be used for other efficiency improvements or other facilities or projects, selected on a case-by-case basis.

Jim Hier asked how the cost difference will be measured between normal costs and green building costs. Ms. Romney pointed out that Section 5, relating to the selection of green elements to be applied to a project, provides that at the completion of the schematic design process, the City Council will receive professional a cost estimate detailing the list of green elements including pricing. At that time, the Council will finalize the list and costs. Ms. Butz explained that basic spec information will be provided and Dave Gustafson explained that comparative information was shared with Council on the police building. By way of example, the Code requires an 80% efficiency rate single stage furnace rating and the City is installing a 96% efficiency rate two stage furnace in the police building. This represents an additional $2,000 per unit but a 30% savings in fuel consumption and *it's the right thing to do*. Jim Hier felt cost differentials need to be quantified because of the argument that *it doesn't cost us anything because it is the right thing to do to be green* can't be measured. Alison Butz reminded Council members that when staff presented Council with a green project list, the comment was *you should be doing that anyway*, which equals the Star Energy 75 point score and the Certified LEED level. These levels must be met and anything over that is represented in the 4%. Mayor Williams felt these standards are helpful in explaining the City's green building policy to citizens. Ms. Erickson liked the idea of setting a higher baseline standard and Ms. Butz stated that the Marsac Building will meet this new policy. Achieving a 75 energy rating will reduce energy costs by 20%. Ms. Erickson referred to East-West Resort's report on its green building in Lake Tahoe where quantifiable green building costs only amounted to 1% to achieve a LEED Silver Award.

In response to a question from Marianne Cone, Lisa Romney noted that LEED certified architects are becoming common and more engineers are certified. Joe Kernan stated that he was pleased to learn that goals can be accomplished without additional costs with potential long-term savings. Mayor Williams reported working with Chief Building Official Ron Ivie to draft recommendations to the Governor on building code modifications addressing sustainability issues. Alison Butz stated that the resolution formally adopting the policy will be scheduled next week.

3. Operating budget, departmental requests and special service contracts. Bret Howser reviewed the budget calendar and pointed out that about $1.6 million is requested by departments, of which $1.25 million is represented in the City Manager's Recommended Budget for 2008; respective numbers for 2009 are $1.75 and $1.4 million. Operating requests were pretty evenly split between personnel and materials/services. Eleven FTEs are requested in FY 2008 and seven in 2009. He explained that the FTE benchmarked average per capita is .011 and even with the addition of eleven FTEs, Park City is rated at .010.

Mark Harrington stated that the Legal Department's options are revenue-neutral; the primary adjustment addresses leasing election equipment. He believes his department is somewhat under-budgeted and may need to make a larger request. There are no requests from the City Manager's Office. Chief Building Official Ron Ivie of the Building, Planning and Engineering Team, explained the request for two additional building inspectors and one code enforcement officer. Other requests reflect reclassifying employees. With regard to enforcement, he discussed stopping and inspecting trucks yesterday where several failed; it is important to continue these programs for a safer community. There was discussion about the challenges of recruiting qualified inspectors and maintaining the same inspector on projects. Joe Kernan asked if planning and building fees are adequate to cover services and Ron Ivie explained that a study hasn't been recently conducted but rates seems to adequately cover the operations of departments and small adjustments are made each year based on the valuations.

Gary Hill of the HR, IT, Budget and Finance Team, explained the request for a full-time GIS coordinator where the timing is important because of the conversion of data for Building, Planning and Engineering. It is proposed that the General Fund pay half, with the Transit and Water Funds splitting the balance. He spoke about reclassifications and replacing mobile air cards relating for police software. There is a $35,000 request from HR for temporary contract positions and $15,000 for educational assistance. Scott Robertson explained the variety of sets of data collected for mapping a GIS system and its application for managing infrastructure and other assets. It's very effective because it is dynamic and visual technology.

Bret Howser discussed non-departmental options, specifically special contracts. He noted the adjustment for Sundance in the amount of $220,000 consistent with the master festival license and city services agreement. Jim Hier asked that a review of the City's policy for pay plan equity adjustments be explained again to the grou, which was then scheduled for discussion on May 31.

Chief Lloyd Evans addressed public safety options including differential pay which is a same service adjustment. The Department is changing to a new local software vendor. Spillman and there are increased costs associated with maintenance. Lt. Rick Ryan discussed upgrading a temporary records position to full-time; that position will also provide front desk services at the new facility. Lt. Phil Kirk spoke to the new full-time traffic enforcement officer requested and reported on the increase in traffic-related issues. There was discussion about the acquisition of tazers.

Kathy Dunks stated that the Water Department is in full support of funding the GIS position; for instance, the system could map leaks and trends and is an effective asset management tool. Eric Nessett, Transit Manager, echoed his support and discussed applications in transit. Clint Dayley, Golf Course/Parks Superintendent, pointed out the previously discussed option of funding maintenance of the course at a higher level. Mike Lennon, Maintenance Manager, added that another full-time position is needed to maintain the City's facilities. Troy Dayley, Streets Manager, referred to his departmental same level adjustment due mainly to increased fuel costs. Eric Nessett discussed the recommended transit supervisor position needed to manage and recruit bus drivers. In response to a comment from Joe Kernan about the expense of the Ampco contract, Brian Anderson explained that the increase represents managing the garage and Main Street loading zones during Sundance. Every time the contract is bid, Ampco stands out from other companies because it has the best regional support in recruiting staff for Park City's special event needs. It was pointed out that utilities, fuel and supplies are included in maintenance costs. Troy Dayley discussed the request for a pavement recycling machine which can be used for small jobs and will represent a $25,000 offset annually.

Linda Tillson, Library Director, discussed the success of the approved interim reorganization, which also represents a savings of about $7,000. She explained a $21,000 option for a reciprocal borrowing program contemplated with Summit County, beginning with students from age 5 to 18. The County is willing to fund half of the on-going costs; there was discussion about the City and the County operating on completely separate systems. She explained the increased costs associated with serving a larger population and the Library conducted a survey of County residents to plan for an expanded program. Ken Fisher, Recreation Director, explained the reorganization, specifically the front desk and tennis, which resulted in improved supervisory coverage to meet Racquet Club hours. He spoke about funding for youth and adult programming and same level adjustments. The value of Play Magazine as a marketing piece was discussed. In Craig Sanchez's absence, Mr. Fisher pointed out the decrease of $27,000 for materials/services in the Pro Shop and an expenditure of $31,000 toward the purchase the golf carts. Joe Kernan requested General Fund information with regard to support to individual departments and Gary Hill suggested meeting with Council members on this and similar topics to see if data should be presented differently. Ice rink operational costs were detailed.

Max Paap, sustainability team member discussed inter-fund transfers to recreation and the McPolin Farm for special events. Patrick Putt spoke about his options totaling $2,500. Bret Howser explained that the formation of the sustainability team represents a savings because of the elimination of the capital projects/economic development position. A final detailed budget will be distributed to Council members next week.

Seth Atkinson explained the review process conducted by the subcommittee and youth advisory committee for recommendations regarding awarding 1% of the budget to special contract requests. He explained ranking and criteria to qualify for additional funding. Joe Kernan asked that Valley Mental Health's application be re-considered for funding and Marianne Cone pointed out that the specific benefit to Park City was not quantified. Ms. Erickson, subcommittee member, explained that VMH lacked crucial funding from two other sources for its identified program which was not clearly described. She stated that she doesn't have a problem reconsidering this request, but funding would have to be pulled from other commitments. Jim Hier asked Mr. Kernan his reasoning for making an exception. Mr. Kernan responded that he reviewed criteria and compared applications and feels it is appropriate to re-evaluate VMH. Mr. Hill recalled that the Youth Advisory Board was supportive of the concept but since it was a new position and the program and didn't have a history, the Board decided to give it time before considering an award. Joe Kernan insisted that coordination of programs is not a new service, and a vital part of the mental health industry. Seth Atkinson explained that the subcommittee questioned the feasibility of the success of the program with a .5 position, which lead to the discussion to decline the award. Marianne Cone suggested asking the Police Department for its opinion and the Mayor pointed out that the other required funding will not be available when the City's award would be made. Jim Hier added that besides that, there was lack of definition of VMH's target market. As the process proceeded and the criteria applied, VMH dropped in ranking and the subcommittee simply ran out of money. Marianne Cone expressed her support of funding VMH at $10,000 and Mark Harrington felt that there may be information from the courts supporting the request. Jim Hier feared setting a precedent and revisiting all other unfunded or partially funded requests. Council member Erickson indicated that she is willing to look at it again if there is new information. Mr. Atkinson explained that recent minor adjustments to this fund resulted in an additional $2,000. Jim Hier suggested that Council look at this application again at another work session before the budget is adopted, once more information is obtained.

Gary Hill referred to the portion of his staff report dealing with sales tax. Operating revenues are predictable but the biggest revenue growth generally is sales tax. In fact General Fund surpluses tracks concurrently with sales tax growth, and the City's relies on surpluses to fund a portion of capital projects, including the Marsac seismic upgrade, police facility, fields at Quinns and all of the OTIS projects. Mr. Hill continued to explain that changes in state law over the past two have had an impact on this source. The effects of the two-year hold-harmless compromise have now been realized and it is estimated that last year, Park City received 75% of the 1% levied but the new allocation would be closer to 63% or less. Staff will have a better idea after receiving first quarter numbers. The loss to date is about $420,000 and the total loss of that tax for this year will be closer to $850,000 to $875,000. Mr. Hill stated that this year the legislature removed food from the base of the resort cities tax and transit tax, which staff estimates will cost the City $400,000 this first year which will grow with the lost opportunity of revenue. He emphasized that losing $1.2 million a year is significant, and it is likely that the legislature will again consider reducing sales tax on food, which is a concern to staff. S&P has recently changed its criteria for rating sales tax, relying more on population as an indicator of stability. Mr. Hill indicated that this would be an appropriate time to consider adjusting the rate to ensure better stability. On June 14, a recommendation will be presented to Council, authorized by the state legislature last year, to hold ourselves harmless for the reductions in the base, which would be to increase the resort communities sales tax by .1% and the transit tax by .05%. The impact on the average visitor would be about $.18 a day in the winter and $.13 to the summer visitor, and even with the increase, would be represent about a $25 annual savings to residents because of the decrease in sales tax for food. He will be meeting with the Chamber to present this information.

Joe Kernan suggested holding off for a year or two on raising sales tax, acknowledging that the City is about 3% ahead in revenue collections to date this year and has experienced high growth in recent years. Mr. Hill agreed, however, the 3%, assumes *no reduction in sales tax* ability and an increase in the rates to make up for the change in the base. Mr. Kernan emphasized that projections have been conservative while collections have consistently exceeded those numbers. Tom Bakaly explained that the prior surplus was based upon the general sales tax growing, and that has now been frozen and should not be expected in the future. The bill was originally crafted so that the state would incrementally increase the tax, but at the last moment, the bill was modified and cities are now required to increase the tax if desired. He recommended discussing this further on June 14 and inviting the business community to comment. Joe Kernan insisted that sales tax is still growing, and Mr. Hill explained that if the 7.5% were still in place, the City would be receiving about $4.7 million in local option tax. The City will be losing approximately $900,000 annually plus growth. Mr. Hier personally felt that the City should take advantage of this approach before the state legislature further restricts cities and supports staff's recommendation. There was discussion about most cities taking advantage of increasing the transit tax and qualified communities increasing their resort tax. Candace Erickson expressed that she is in favor of increasing the transit tax but suggested providing an analysis of considering only one-half of the resort cities tax and maintaining the taxable rate as it exists now for the benefit of consistency. She commented on the number of tourists surprised by the tax on clothing.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 17, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 17, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Roger Harlan was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Katie Cattan, Planner; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that his recycling customers include the Museum, Kimball Art Center, and the School District.

Brooks Robinson confirmed with Council, consensus of expediting the review of the Museum's application by the Historic Preservation Board and the Planning Commission.

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

1. Dog park – Rich Wyman, resident, reported that the citizen committee met this week. He distributed aerial maps of the Quinns Junction Recreation Complex property and pointed out the committee's preference, which is graded, large enough, and has parking. He understood it was contemplated as a future field. Candace Erickson discussed the need for the Council to reach consensus on a location. Tom Bakaly relayed that Council direction was that staff return with options regarding Quinns, and all interested people will be notified. Scheduling the project can also be reconsidered; it is currently slated for mid-August.

2. Snowcreek affordable housing proposal - Tina Smith, Old Town resident, stated she is not opposed to affordable housing but favors wildlife preservation. The five-acre parcel is now open space and she questioned the wisdom of pursuing open space acquisitions and developing City-owned open space.

Rich Wyman, Silver Meadows Affordable Housing Community, stated that his neighborhood is a great example of a successful community which encourages diversity. Silver Meadows sits on two acres with 50 units and the proposal on five acres would not exceed 24. It could be a great project for the community. The Mayor clarified that the building area contemplates about 1.8 acres; the total parcel is seven to eight acres.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 3, 2007

Marianne Cone, "I move we accept the work session notes and minutes of the meeting of May 3, 2007". Candace Erickson seconded. Motion carried.

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

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving the amended plat of Lots 21 and 22, Block 26 Snyder's Addition to the Park City Survey located at 1287 Empire Avenue, Park City, Utah – Kate Cattan explained the application. A non-historic home sits on the property, which includes a 15 foot wide portion of vacated Cahoon Street, which is owned by the property owner. The combination and 15 foot wide portion will create two standard lots of record. The Planning Commission forwards a positive recommendation and there was no public input. The Mayor opened the hearing and with no comments, closed the public hearing.

2. Consideration of an Ordinance approving the Museum subdivision, combining an adjacent parcel and replatting part of Lot 4, Lots 5 and 6, part of Lot 7, Block 24 of the Park City Survey, Park City, Utah – Kirsten Whetstone explained the subdivision plat application. With the lot combination, the museum will be located on one lot and brought into compliance with lot requirements of the HCB zone. The resulting lot will be about 9,700 square feet. On April 25, the Planning Commission conducted a public hearing and forwarded a positive. A conditional use permit review is scheduled before the Commission on May 23 and the Historic Preservation Board will consider the design on May 21. The Mayor opened the public hearing; there were no comments from the audience. The public hearing was closed.

3. Consideration of a Memorandum of Understanding and Master Festival License for the Park City Kimball Art Festival to be held August 3 – 5, 2007 – See staff report. Alison Butz explained that the proposed agreement has a five year term with an option to renew for an additional five years to hold the Park City Kimball Art Center on Main Street. The last two festivals were covered under one agreement and the parties desired to formulate a long-term plan. The agreement provides the ability for the KAC to go to a three-day event. The 2007 Festival will again have a Friday night local event and discussions with the HMBA and Lodging Association will continue on this concept. KAC believes that a three-day festival will attract overnight visitors, which is a goal of the Chamber. If the festival goes to three days, the agreement allows for $10,000 contingent on KAC providing a free local event. Enhanced perimeter collection funding amounts to $5,000 this year. Jim Hier asked how this year differs with funding last year. Ms. Butz explained that last year, the $10,000 for the free Friday event came from

garage revenues, but this source is not identified in the agreement and there is now no cost-sharing ratio. In response to a question from Marianne Cone, Ms. Butz explained that *local* is defined as *anyone residing within the Park City School District*. There was discussion about the Gallery Stroll also held on Friday night. Marianne Cone suggested polling artists about interest in a three-day festival. Pam Crowe-Weisberg felt it is a good idea and could be easily added to the survey. She felt most artists would favor three days because of the reputation of the festival and the lodging community has offered one free night. The goal of KAC is producing a three-day event and making Park City a destination for overnight visitors. This agreement will also give the Utah Office of Tourism confidence in continuing to provide funding for out-of-state advertising. Ms. Erickson commended the business plan and liked the three-day concept.

The Mayor opened the public hearing, and with no comments from the public, closed the hearing.

Vi CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and* discussed *and acted upon under "Additional Discussion – Agenda Items")*

Joe Kernan, "I move we approve Consent Agenda Items 1 and 2". Candace Erickson seconded. Motion carried,

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

1. Ordinance approving the amended plat of Lots 21 and 22, Block 26 Snyder's Addition to the Park City Survey located at 1287 Empire Avenue, Park City, Utah – See staff report and public hearing.

2. Ordinance approving the Museum subdivision, combining an adjacent parcel and replatting part of Lot 4, Lots 5 and 6, part of Lot 7, Block 24 of the Park City Survey, Park City, Utah - See staff report and public hearing.

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

1. Consideration of a Memorandum of Understanding and Master Festival License for the Park City Kimball Art Festival to be held August 3 – 5, 2007 – See public hearing. Joe Kernan, "I move we approve the Memorandum of Understanding between the Kimball Art Center and the City for the Master Festival License". Marianne Cone seconded. Motion carried.

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

2. Consideration of a Resolution adopting a Joint Use of Facilities for Recreation Interlocal Agreement between Park City School District, Snyderville Basin Special Recreation District, and Park City Municipal Corporation **(motion to table)** – The Mayor requested a motion. Marianne Cone, "I move to table to May 24". Candace Erickson seconded. Motion carried.

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

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

Jim Hier shared compliments from a Kiwanis group in Salt Lake about a recent presentation made by the Mayor to the group

IX PUBLIC HEARING ON BUDGET

Revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies – The Mayor opened the public hearing; there were no comments from the audience. The public hearing will continue to May 24.

X ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Roger Harlan was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney Craig Smith, outside counsel; Dave Gustafson, Project Manager; and Alison Butz, Project Manager. Marianne Cone, "I move to close the meeting to discuss property, personnel and litigation". Candace Erickson seconded. Motion carried.

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

The meeting opened at approximately 3 p.m. Jim Hier, "I move to open the meeting". Marianne Cone seconded. Motion carried.

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

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

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

Author:	**Cindy LoPiccolo, Legal Department**
Subject:	**Municipal Code Title 3, Chapter 3, Amendment - Campaign Disclosure**
Date:	**May 31, 2007**
Type of Item:	**Administrative**

Summary Recommendations:
Adopt the proposed Ordinance amending Title 3, Chapter 3 of the Park City Municipal Code.

DESCRIPTION

Topic:
Amendment of Park City Municipal Code Title 3, Chapter 3, Campaign Disclosure.

Background:
Chapter 3 of the Ethics Code was adopted by the City Council of Park City to promote the integrity of the City, require disclosure of campaign contributions and expenditures as required by the State of Utah, and to provide candidates guidance in regard to specific candidate disclosure requirements in connection with City municipal elections.

State legislation is reviewed annually and legislative actions affecting campaign disclosure are incorporated into the City's ordinance at the time of periodic review and update.

Analysis:
The purpose of the proposed amendments to the City's Ethics Code in regard to campaign financing, is to properly reflect state code requirements concerning conflicts of interest reporting and campaign disclosure.

City staff conducted a recent review of this Chapter in relation to current State Code requirements and prepared an Ordinance that reflects current definitions and outlines reporting requirements, procedures, and deadlines that governs the disclosure of campaign contributions and expenditures.

City staff also made the determination to eliminate the candidate requirement for filing a sworn election campaign contribution and expenditure financial statement seven (7) days preceding the date of a Primary Election, which was initially incorporated in the City's ordinance in excess of the State requirement. Pursuant to State Code Section 10-3-208(3)(a)(ii), a municipality may, by ordinance, require greater disclosure of campaign contributions and expenditures than is required by the State. Prior to the 2001 municipal election requirement for this additional candidate reporting statement was included in this Chapter to address the high degree of political contributions and expenditures that were occurring preceding municipal elections in the period leading up to the 2002 Winter Olympics. Upon review of election activity that occurred during the 2003 and 2005 municipal elections, staff feels the additional reporting period is now unnecessary.

Failure to amend this Chapter may lead to challenges concerning campaign financial disclosure.

Department Review:
The Legal Department and City Manager have reviewed this matter.

ALTERNATIVES

A. Approve the amendments to Title 3, Chapter 3, of the Municipal Code of Park City, and adopt the proposed Ordinance as presented. This is the recommended action.

B. Modify the Ordinance. If after public input and discussion the Council desires further changes, it should direct staff accordingly.

C. Continue the item and provide direction to staff.

RECOMMENDATIONS

Approve the amendments to Title 3, Chapter 3, of the Municipal Code of Park City, and adopt the Ordinance as proposed.

Ordinance No.

**AN ORDINANCE AMENDING THE ETHICS CODE,
TITLE 3, CHAPTER 3 OF THE MUNICIPAL CODE OF PARK CITY**

WHEREAS, Title 3, Chapter 3 of the Ethics Code has been adopted by the City Council of Park City, Utah to require campaign disclosure by City candidates; and

WHEREAS, Legal Staff has reviewed and incorporated current legislative amendments and requirements of the Utah State Code for municipalities in recommendation of the following amendments to Chapter 3 of the Ethics Code; and

WHEREAS, the City Council finds that the proposed changes to Chapter 3 of the Ethics Code are appropriate and necessary to reflect State legislative amendments and requirements, and the City's requirements, concerning municipal campaign disclosure.

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

SECTION 1. AMENDMENT TO TITLE 3, CHAPTER 3, OF THE PARK CITY MUNICIPAL CODE Title 3, Chapter 3, of the Municipal Code of Park City is hereby amended as follows and table of contents adjusted accordingly:

TITLE 3 - ETHICS

CHAPTER 3 - CAMPAIGN DISCLOSURE

3- 3- 1. PURPOSE.

It is the intent of this section to encourage candidates for the office of Mayor or Council member to follow the basic principles of decency, honesty, and fair play in order that, there be fairly conducted campaigns and that the citizens of Park City may exercise their constitutional right to vote, free from dishonest and unethical practices.

3- 3- 2. DEFINITIONS.

(A) **CAMPAIGN STATEMENT**. Sworn election campaign contribution and expenditure statement prepared and executed by a candidate.

(B) **CAMPAIGN COMMITTEE**. A committee of citizens formed to campaign for a specific candidate.

(C) **CANDIDATE**. Any person who:

(1) Files a declaration of candidacy for an elected office of the City; or

(2) Received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or

(3) Causes on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

(D) **CONTRIBUTION**.

(1) Any of the following when done for political purposes:

(a) A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value, or on behalf of a candidate, or a candidate's election committee.

(b) An express, legally-enforceable contract, promise, or agreement to make a gift, subscription, donation, loan, advance, or deposit of money or anything of value to or on behalf of a candidate, or a candidate's election committee.

(c) Any transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a campaign committee to a candidate, or a candidate's election committee.

(d) Compensation paid by any person or committee, other than the candidate, or the candidate's election committee, for person services rendered for, but without charge to, the candidate or the candidate's election committee;

(e) Goods or services provided at less than fair market value to, or for the benefit of a candidate, or a candidate's election committee.

(2) For the purposes of this Chapter, contributions other than money or its equivalent shall be deemed to have a value equivalent to the fair market value of the contribution.

(3) "Contribution" does not include:

(a) services provided without compensation by an individual or individuals volunteering their time on behalf of a candidate, or a candidate's election committee;

(b) money lent to a candidate or a candidate's election committee, at market rate, in the ordinary course of business.

(E) **DISBURSEMENT**. Monies, transfers, or other withdrawals from a fund for any purpose.

(F) **EXPENDITURE**.

(1) Any disbursement from contributions, receipts or from the separate bank account as required by this Chapter; ~~in Section 3- 3- 3;~~

(2) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, made by or on behalf of a candidate or a candidate's election committee for political purposes;

(3) An express, legally-enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, by or on behalf of a candidate or the candidate's election committee for political purposes;

(4) A transfer of funds between political or party committees and a candidate's election committee; or

(5) Goods or services provided to or for the benefit of another candidate or another candidate's election committee for political purposes at less than fair market value.

(6) Expenditure does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.

(G) **ELECTION OFFICIAL**. The City Recorder or designee.

(H) **FINANCIAL STATEMENT**. A statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this Chapter.

(I) **POLITICAL PURPOSE**. An act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any primary or general election.

(J) **SUROGATE**. Any committee, party, organization, or other person or group who holds or maintains a fund for the benefit of an elected official.

3- 3- 3. SEPARATE BANK ACCOUNT REQUIRED.

(A) Each candidate or candidate's personal election committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

(B) The candidate or candidate's personal campaign committee may use the monies in those accounts for political purposes only.

(C) A candidate or a candidate's personal campaign committee may not deposit or mingle any contributions received in a personal or business account.

(D) If a person is no longer a candidate, surplus campaign funds must be dispersed pursuant to criteria in Section 3- 3- 6 below and reported in the candidate's final campaign statement.

3- 3- 4. CONTRIBUTIONS TO CANDIDATES - LIMITATIONS.

(A) No person shall make cash contributions, the total of which exceeds fifty dollars ($50.00), during any one campaign, to any candidate or his or her authorized election campaign committee, with respect to any election for City office; however, there shall be no limit as to the amount contributed by a person or entity to an election committee or candidate if that contribution is made in the form of a personal or certified check or bank draft.

(B) The acceptance of anonymous contributions is prohibited. Any anonymous contribution received by a candidate or election committee shall be transmitted to the City Treasurer for deposit in the general fund.

3- 3- 5. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED.

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure finance statement, that reports all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, and campaign expenditures, as of the reporting date; as follows:

(A) **SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - CONTENT**. The campaign finance statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:

(1) **Contributions**. A list of campaign contributions more than fifty dollars ($50.00) received by, or on behalf of, the candidate or his/her election committee, including:

(a) the name and address of the contributor;

(b) the date contribution was received;

(c) dollar amount contributed or fair market value of service contributed; and

(f) a net balance of contributions for the period.

(2) **Contributions Fifty Dollars ($50.00) or Less**.

(a) For all individual contributions or public service assistance $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two (2) or more contributions from the same source that have an aggregate total more than $50 may not be reported in the aggregate, but shall be reported separately per section (1) above.

(3) **Expenditures**. A list of expenditures made and obligations incurred as a part of the campaign effort shall include:

(a) the name and address of every recipient to whom disbursement was made;

(b) the amount expended or for each nonmonetary expenditure, the fair market value of the expenditure;

(c) the date of payment; and

(d) a net balance of expenditures for the period.

(4) **Statements Balances**. Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.

~~(B) **REPORTING FIRST SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT - DEADLINE**. Every candidate running for the office of Mayor or City Council shall file a first campaign statement with the election official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A) above.~~

(B~~C~~) **REPORTING ~~FINAL~~ SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT ~~FOR~~ BY CANDIDATE(S) ELIMINATED IN PRIMARY - DEADLINE**. Those candidates eliminated in the primary election must file a final campaign finance statement with the election officer within thirty (30) calendar days after the primary election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in ~~See~~ Section (A) ~~criteria~~ above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(C~~D~~) **REPORTING ~~SECOND~~ SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT PRECEDING MUNICIPAL GENERAL ELECTION - DEADLINE**. Following the primary election or in the event of no primary election, every candidate ~~still~~ eligible for the office of Mayor or City Council in the general election shall file a second campaign finance statement with the election official at least seven (7) calendar days preceding the date of the general municipal election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in ~~See~~ Section (A) ~~criteria~~ above.

(D~~E~~) **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - DEADLINE**. All candidates in the general election must file a final campaign finance statement with the election official within thirty (30) days after the general election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in ~~See~~ Section (A) ~~criteria~~ above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(E~~F~~) **AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT**. In the event a candidate or candidate's campaign committee receives a contribution or makes an expenditure after the candidate's final campaign finance statement has been submitted to the election officer, an amended final sworn campaign finance statement must be filed with the election official within five (5) days of receipt of the contribution.

~~(G) **FAILURE TO FILE A CAMPAIGN CONTRIBUTION AND EXPENDITURE STATEMENT**.~~

~~(1) If a candidate fails to file an election campaign contribution and expenditure statement due before the municipal general election, the election officer shall, after making a reasonable attempt to discover if the report was timely mailed, shall,~~

~~(a) if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or~~

~~(b) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and~~

~~(c) may not count any votes for that candidate.~~

~~(2) Notwithstanding Subsection (1) above, a candidate is not disqualified if:~~

~~(a) the candidate files the reports required by this section; and~~

~~(b) those reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and~~

~~(c) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.~~

~~(H) **CIVIL ACTION**.~~

~~(1) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.~~

~~(2) In a civil action filed under Subsection (H)(1), the court may award costs and attorney's fees to the prevailing party.~~

(Amended by Ord. No. 02-05)

3- 3- 6. DISBURSEMENT ~~DISPOSITION~~ OF SURPLUS CAMPAIGN FUNDS.

Surplus campaign funds held by the candidate or candidate's committee must be disbursed at the end of the campaign. Disbursement ~~Disposition~~ is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disbursement ~~disposition~~ of any surplus campaign funds must be reported in the final campaign finance statement.

3- 3- 7. FAILURE TO FILE CAMPAIGN FINANCE STATEMENT.

(A) If a candidate fails to file a campaign statement before the municipal election by the deadline specified in Municipal Code Section 3-3-5(C):

(1) The election official shall if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(2) If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(3) The election official may not count any votes for that candidate.

(B) Notwithstanding Sections (A) above, a candidate who files a campaign finance statement seven (7) days before a municipal general election is not disqualified if the statement details accurately and completely the information required under Section 3-3-5(A), except for inadvertent omissions or insignificant errors or inaccuracies; and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

3- 3- 8. NOTIFICATION BY ELECTION OFFICIAL.

The municipal clerk, recorder or election official shall, at the time the candidate for municipal office files a declaration of candidacy and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(A) the provisions of this Chapter and U.C.A. Section 10-3-208(4), governing the disclosure of campaign contributions and expenditures;

(B) the dates when the candidate's campaign finance statement is required to be filed; and

(C) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

3- 3- ~~7~~9. PUBLIC INSPECTION.

The election official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall make them available as a public record open for public inspection.

3- 3- 10. CIVIL ACTION.

(A) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.

(B) In a civil action filed under Subsection (A), the court may award costs and attorney's fees to the prevailing party.

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

PASSED AND ADOPTED this day of , 2007.

City Council
Staff Report

Author: Katie Cattan
Subject: 2036 Prospector Avenue Condominiums Plat
Date: May 31, 2007
Type of Item: Administrative – Condominium Conversion

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 2036 Prospector Condominiums Plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant	Robert A. McCallister, et al
Location	2036 Prospector Avenue
Zoning	General Commercial (GC)
Adjacent Land Uses	Commercial and Multi-family Housing

Background
On June 14, 2006, the Planning Commission approved a Conditional Use Permit for the construction of a triplex dwelling within the General Commercial Zone. The Conditional Use Permit approved 3 residential units on Lot 19A of the Prospector Square subdivision. A triplex dwelling within the General Commercial zoning district required Planning Commission approval of a Conditional Use Permit (LMC 15-2.18-2(B)).

On March 20, 2007, the City received a completed application for a condominium conversion for the triplex at 2036 Prospector Avenue. The triplex is currently under construction. The applicant estimates completion in June of 2007.

The Planning Commission heard this application at its regular meeting on May 9, 2007, and forwarded a unanimous positive recommendation. There was no public input.

Analysis
The triplex is being constructed on Lot 19A of the Prospector Square subdivision. The lot measures 40 feet by 55 feet for a total area of 2200 square feet. The triplex is located in the General Commercial Zoning District within the Prospector Overlay. The triplex complies with the requirements of the GC District and the Prospector Overlay as summarized below:

	Permitted	Existing
Height	35’ above natural grade	35’ above natural grade
Front setback	0’	0’
Rear setback	0’	Less than 1’
Side setbacks	0’	Less than 1’
FAR	2.0 or 4400 sq. ft. for 2200 sq. ft. lot	4399 sq. ft.
Parking	Common parking	Common parking

Parking requirements for the triplex were met by nearby common parking. The Prospector Square subdivision plat, recorded December 26, 1974, established a series of common parking areas for all members of the PSPOA within the Prospector Square subdivision. The October 30, 2003 ‘Prospector Square Parking Study’ concludes that the designated parking spaces within Prospector Square are sufficient for the build out of the subdivision (as per the restrictions of the GC zoning district, and specifically the Prospector Square overlay).

Lot 19A of the Prospector Square subdivision is subject to a Maximum Floor Area Ratio (FAR), as per LMC Section 15-2.18-3 (I) (2). The Maximum FAR is 2.0, which is calculated as a product of the Gross Floor Area (excluding common hallways, mechanical and storage areas, and restrooms) divided by the area of the lot or parcel. The area of the subject lot is 2200 square feet and the proposed gross floor area is 4399 square feet. The maximum allowed gross floor area, as per the FAR restrictions is 4400 square feet. The triplex meets the FAR restrictions of the GC zone.

The setbacks for the existing triplex are zero in the front, less than one foot on the west side and rear, and about one foot on the east side. LMC Section 15-2.18-3(I)(3) allows reduced setbacks for Lot 19A. The front, side and rear yards may be reduced to zero feet, except for commercial lots within the frontage protection zone. Lot 19A is not a commercial lot within the frontage protection zone and therefore is permitted to have zero setbacks.

The permitted Building Height within the GC zone is 35 feet as per LMC Section 15-2.18-4. The proposed triplex has a relatively flat roof with a maximum height of 35 feet above natural grade. The proposed height is consistent with the LMC Section 15-2.18-4. No basement is proposed.

The 3 condominium units are exactly proportionate in size and scale. Each unit has Limited Common Deck of 165 square feet and a private area of 1,425.37 square feet. The Common Area for the building totals 1,379.89 square feet.

Staff finds good cause for this condominium conversion as the units can be sold separately.

Department Review
This project was introduced at an interdepartmental review on March 27, 2007. Representatives from the City's Building, Engineering and Planning Departments, and the City's Attorney Office were in attendance. The minor issues brought up during this meeting were resolved with the applicant.

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

Public Input
At the time of writing this report, no public input or inquiries have been received.

Alternatives

1. The City Council may approve the 2036 Prospector Condominiums plat as conditioned or amended; or
2. The City Council may the deny the 2036 Prospector Condominiums plat and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion of the 2036 Prospector Condominiums plat.

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

Consequences of not taking the Suggested Recommendation
The Units could not be separately sold.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the 2036 Prospector plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Ordinance
Exhibit B – Record of Survey plat

Ordinance No. 07-

AN ORDINANCE APPROVING THE 2036 PROSPECTOR CONDOMINIUMS PLAT LOCATED AT 2036 PROSPECTOR AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 2036 Prospector Avenue have petitioned the City Council for approval of the 2036 Prospector Condominiums plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 9, 2007, to receive input on the 2036 Prospector Condominiums plat;

WHEREAS, the Planning Commission, on May 9, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 31, 2007, the City Council approved the 2036 Prospector Condominiums plat and

WHEREAS, it is in the best interest of Park City, Utah to approve the 2036 Prospector Condominiums plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 2036 Prospector Condominium Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 2036 Prospector Avenue.
2. 2036 Prospector Avenue is Lot 19A of the Prospector Square Subdivision.
3. The zoning is General Commercial (GC) within the Prospector Overlay.
4. The lot is 2200 square feet in size.
5. A triplex is listed as a Conditional Use within the GC zoning district.
6. A Conditional Use Permit (CUP) for a triplex at 2036 Prospector Avenue was approved on June 14, 2006 by the Planning Commission.
7. The 3 condominium units are exactly proportionate in size. Each unit has Limited Common decks of 165 square feet and a private area of 1,425.37 square feet. The Common Area for the building totals 1,379.89 square feet.
8. The findings within the Analysis section are incorporated within.

9. There is no parking required separately for this building. All properties within the Prospector Square Subdivision jointly own in common the parking lots within the subdivision.

Conclusions of Law:

1. There is good cause for this condominium record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Prospector Subdivision shall continue to apply.
4. All conditions of approval of the Conditional Use Permit for the Triplex as approved June 14, 2006 shall continue to apply.

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

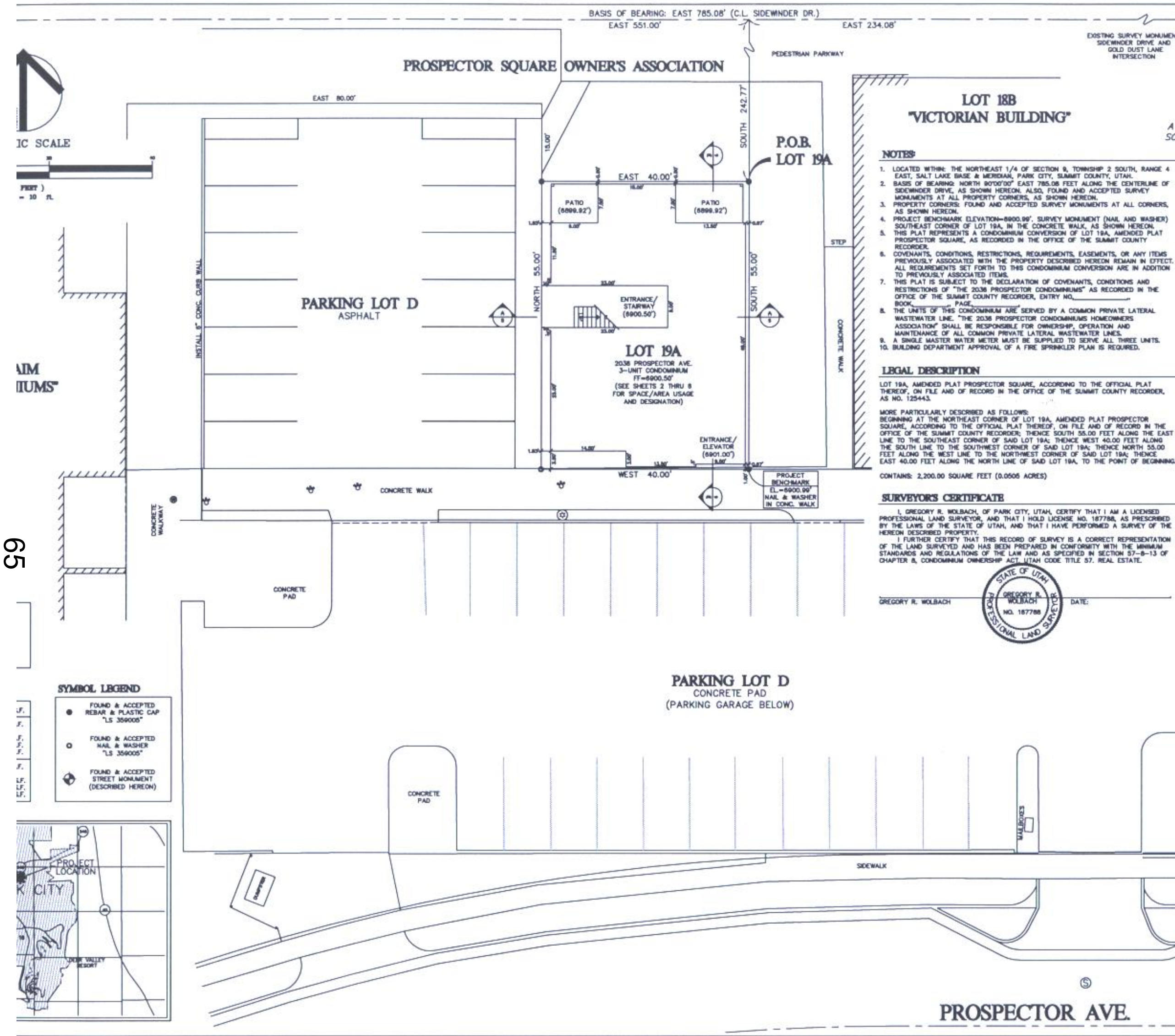
PASSED AND ADOPTED this 31st day of May, 2007.

RECORD OF SURVEY MAP

THE 2036 PROSPECTOR CONDOMINIUMS

– A 3 UNIT CONDOMINIUM PROJECT –

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



NOTES:

1. LOCATED WITHIN: THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
2. BASIS OF BEARING: NORTH 90°00'00" EAST 785.08 FEET ALONG THE CENTERLINE OF SIDEWINDER DRIVE, AS SHOWN HEREON. ALSO, FOUND AND ACCEPTED SURVEY MONUMENTS AT ALL PROPERTY CORNERS, AS SHOWN HEREON.
3. PROPERTY CORNERS: FOUND AND ACCEPTED SURVEY MONUMENTS AT ALL CORNERS, AS SHOWN HEREON.
4. PROJECT BENCHMARK ELEVATION=6900.99'. SURVEY MONUMENT (NAIL AND WASHER) SOUTHEAST CORNER OF LOT 19A, IN THE CONCRETE WALK, AS SHOWN HEREON.
5. THIS PLAT REPRESENTS A CONDOMINIUM CONVERSION OF LOT 19A, AMENDED PLAT PROSPECTOR SQUARE, AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
6. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ANY ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS CONDOMINIUM CONVERSION ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
7. THIS PLAT IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "THE 2036 PROSPECTOR CONDOMINIUMS" AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO.________, BOOK______, PAGE______.
8. THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. "THE 2036 PROSPECTOR CONDOMINIUMS HOMEOWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
9. A SINGLE MASTER WATER METER MUST BE SUPPLIED TO SERVE ALL THREE UNITS.
10. BUILDING DEPARTMENT APPROVAL OF A FIRE SPRINKLER PLAN IS REQUIRED.

LEGAL DESCRIPTION

LOT 19A, AMENDED PLAT PROSPECTOR SQUARE, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AS NO. 125443.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 19A, AMENDED PLAT PROSPECTOR SQUARE, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE SOUTH 55.00 FEET ALONG THE EAST LINE TO THE SOUTHEAST CORNER OF SAID LOT 19A; THENCE WEST 40.00 FEET ALONG THE SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 19A; THENCE NORTH 55.00 FEET ALONG THE WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 19A; THENCE EAST 40.00 FEET ALONG THE NORTH LINE OF SAID LOT 19A, TO THE POINT OF BEGINNING.

CONTAINS: 2,200.00 SQUARE FEET (0.0505 ACRES)

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57. REAL ESTATE.

STATE OF UTAH / GREGORY R. WOLBACH / NO. 187788 / PROFESSIONAL LAND SURVEYOR

GREGORY R. WOLBACH DATE:

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "THE 2036 PROSPECTOR CONDOMINIUMS", CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS SURVEY PLAT AND OFFER FOR DEDICATION ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED TO BE PUBLIC SHOWN HEREON IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.
WE CERTIFY THAT THE BUILDING CONTAINING UNITS SHOWN ON THIS PLAT, UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE SUBSTANTIALLY AS SHOWN ON THIS PLAT.

Robert A. McCallister — Carolyn Creek-McCallister

Scott B. McCallister — Jennifer McCallister

Stuart McCallister, Trustee (McCallister Revocable Family Trust) — Carol McCallister, Trustee (McCallister Revocable Family Trust)

James R. Dixey, Jr.

- Robert A. McCallister and Carolyn Creek-McCallister, husband and wife as joint tenants (33.33% interest)
- Scott B. McCallister and Jennifer McCallister, husband and wife as joint tenants (22.22% interest)
- Stuart McCallister and Carol McCallister, as trustees of the McCallister Revocable Family Trust, (22.23% interest)
- James R. Dixey, Jr., a married man (22.22% interest)

ACKNOWLEDGMENTS

STATE OF ______) Robert A. McCallister
COUNTY OF ______)

ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME Robert A. McCallister, WHO BEING BY ME DULY SWORN, DID SAY THAT HE AND Carolyn Creek-McCallister, HUSBAND AND WIFE AS JOINT TENANTS, ARE OWNER'S OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

STATE OF ______) Carolyn Creek-McCallister
COUNTY OF ______)

ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME Carolyn Creek-McCallister, WHO BEING BY ME DULY SWORN, DID SAY THAT SHE AND Robert A. McCallister, HUSBAND AND WIFE AS JOINT TENANTS, ARE OWNER'S OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT SHE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

STATE OF ______) Scott B. McCallister
COUNTY OF ______)

ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME Scott B. McCallister, WHO BEING BY ME DULY SWORN, DID SAY THAT HE AND Jennifer McCallister, HUSBAND AND WIFE AS JOINT TENANTS, ARE OWNER'S OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

STATE OF ______) Jennifer McCallister
COUNTY OF ______)

ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME Jennifer McCallister, WHO BEING BY ME DULY SWORN, DID SAY THAT SHE AND Scott B. McCallister, HUSBAND AND WIFE AS JOINT TENANTS, ARE OWNER'S OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT SHE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

STATE OF ______) Stuart McCallister, Trustee
COUNTY OF ______) McCallister Revocable Family Trust

ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME Stuart McCallister, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS ONE OF THE TWO TRUSTEES OF THE McCallister Revocable Family Trust, OWNER'S OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID TRUST.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

STATE OF ______) Carol McCallister, Trustee
COUNTY OF ______) McCallister Revocable Family Trust

ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME Carol McCallister, WHO BEING BY ME DULY SWORN, DID SAY THAT SHE IS ONE OF THE TWO TRUSTEES OF THE McCallister Revocable Family Trust, OWNER'S OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT SHE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID TRUST.

NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

STATE OF ______) James R. Dixey, Jr.
COUNTY OF ______)

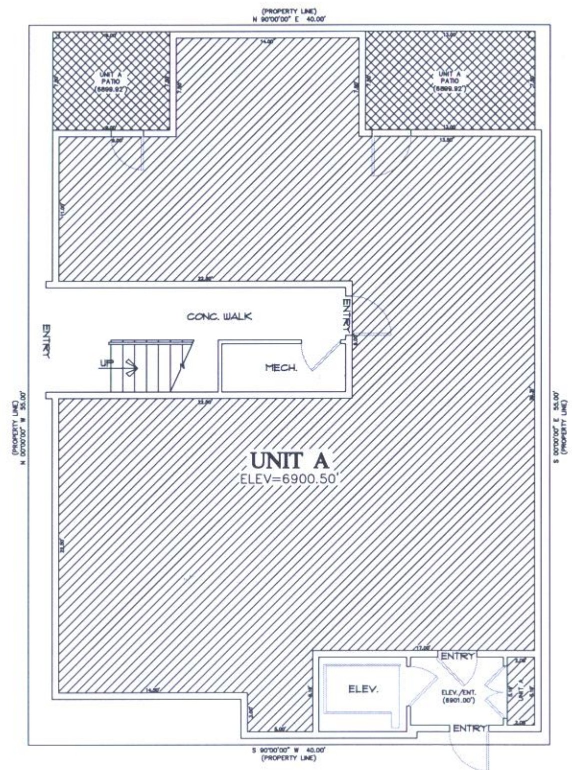
ON THE ____ DAY OF ______, 2007, PERSONALLY APPEARED BEFORE ME James R. Dixey, Jr., WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS AN OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT.

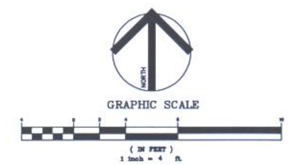
NOTARY PUBLIC
MY COMMISSION EXPIRES:
RESIDING IN ____ COUNTY, ____ STATE

RECEIVED
MAR 20 2007
PARK CITY PLANNING DEPT.

CITY ENGINEER	SNYDERVILLE BASIN W.R.D.	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	CITY COUNCIL APPROVAL	RECORDED
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ____ A.D. 2007.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____ AD 2007. BY: ____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____ A.D. 2007.	APPROVED AS TO FORM ON THIS ____ DAY OF ____ A.D. 2007.	PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS ____ DAY OF ____ A.D. 2007 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	Nº. ____ STATE OF ____ COUNTY OF ____ RECORDED AND FILED AT THE REQUEST OF:
CITY ENGINEER		CHAIRMAN	CITY ATTORNEY	MAYOR / CITY RECORDER	COUNTY RECORDER

Inc. • Land Planning • Suite 200 • 84060 • 35-649-9219





HATCHING LEGEND

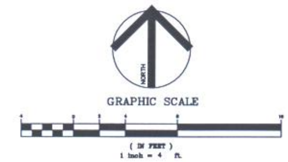
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA

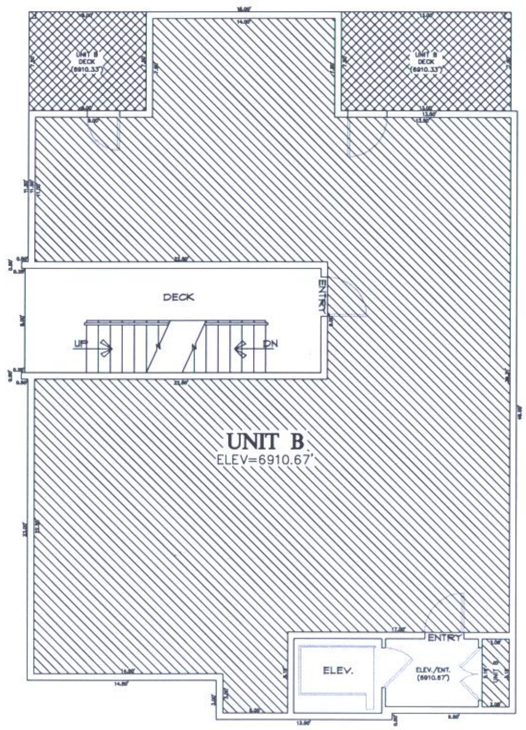
AREA TABULATIONS

LEVEL 1 – UNIT A		
PRIVATE AREA	–	1,425.37 SF
LIMITED COMMON AREA	–	165.00 SF

LEVEL 1 –		
COMMON AREA	–	609.63 SF

NO. ______ RECORDED
DATE ______
STATE OF ______
CITY OF ______
RECORDED AT THE REQUEST OF ______
FEES ______ CITY RECORDER





HATCHING LEGEND

- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA

AREA TABULATIONS

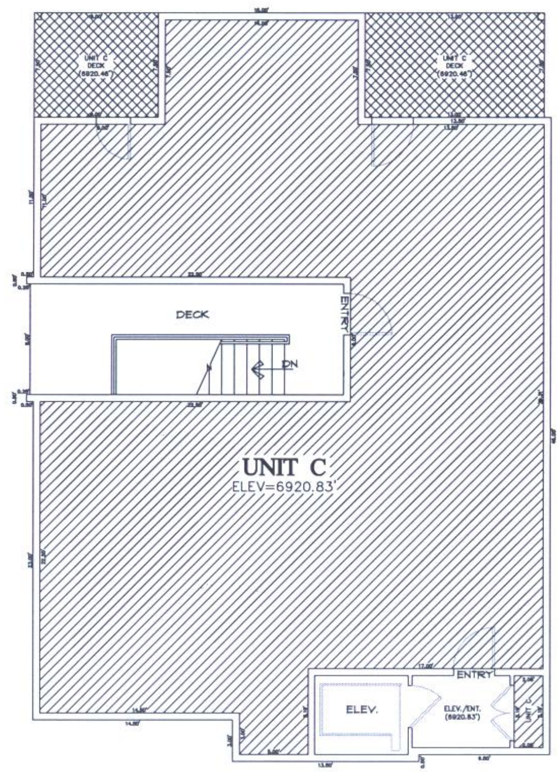
LEVEL 2 – UNIT B		
PRIVATE AREA	–	1,425.37 SF
LIMITED COMMON AREA	–	165.00 SF

LEVEL 2 –		
COMMON AREA	–	385.13 SF

RECEIVED
MAR 20 2007
PARK CITY PLANNING DEPT.

PLOTTED: MARCH 1, 2007

NO. ____
DATE ____
STATE OF ____
CITY OF ____
RECORDED AT THE REQUEST OF ____
RECORDED ____
FEES ____
CITY RECORDER



GRAPHIC SCALE

(IN FEET)
1 inch = 4 ft.

HATCHING LEGEND

- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA

AREA TABULATIONS

LEVEL 3 – UNIT C		
PRIVATE AREA	–	1,425.37 SF
LIMITED COMMON AREA –		165.00 SF

LEVEL 3 –		
COMMON AREA	–	385.13 SF

NO. ______
DATE ______
STATE OF ______
CITY OF ______
RECORDED AT THE REQUEST OF ______ RECORDED

FEES ______ CITY RECORDER ______

City Council
Staff Report

PLANNING DEPARTMENT

Author:	**Katie Cattan**
Subject:	**260 Main Street Subdivision**
Date:	**May 31, 2007**
Type of Item:	**Administrative- Subdivision**

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving the 260 Main Street Subdivision according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant:	Elliot Workgroup
Location:	260 Main Street
Zoning:	Historic Commercial Business (HCB)
Adjacent Land Use:	Commercial
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval

Background

The applicant is the owner of portions of Lots 14 and 15 in Block 21 and portions of Lots 14 and 15 in Block 70 of the Park City Survey. On September 14, 2006, the City received a completed application to combine these properties into one lot of record. By combining the lots into one lot of record the new dimensions of the proposed lot would be approximately 33’ x 115.26’ (3514 square feet). The lot is currently vacant.

The applicant wishes to combine the lots into one lot of record to facilitate new construction. A building permit cannot be issued for construction across a lot line.

The Planning Commission heard this application at its regular meeting on May 9, 2007, and forwarded a unanimous positive recommendation. There was no public input.

Analysis

The purpose of the application is to combine the lots into one lot of record. This subdivision will create one lot of record with a width of 33’, a depth of approximately 115.26’, and an area of 3514 square feet. The new building must comply with all provisions of the HCB district, as summarized below.

	Permitted
Lot Size	1250 sq. ft. minimum
Front, Rear, and Side Yard setbacks	Zero
Sidewalk Provisions	9’ minimum on both Main and Swede Alley
Floor Area Ratio	4.0 maximum
Parking	Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5.

In accordance with the Street Master Plan, the City Engineer required that the applicant modify the original application to dedicate a street right-of-way for Swede Alley. The request was for the dedication to be a line 20 feet westerly of the centerline of the existing asphalt of Swede Alley. The applicant is dedicating a street right-of-way to the City off of the easterly border of the lot that abuts Swede Alley. The dedication of the right-of-way will decrease the length of the existing parcels approximately 9 feet at the deepest point. This dedication will move the easterly border approximately six feet on the-north east corner angled to approximately nine feet on the north-west corner (Exhibit B).

Due to the dedication of right-of-way, the applicant may measure the maximum building volume and height from the original rear yard property line as it existed prior to the right-of-way dedication. Rather than a rear building plane that rises vertically at the rear yard property line to a height of twenty-four feet measured from the average natural grade, the rear building plane may rise vertically from the new rear property line 31’5” from the average natural grade (Exhibit C).

There is an existing access easement on the north-east corner of the proposed plat. The description of the access easement states that the easement is for “vehicular ingress and egress as reserved in the warranty deed by and between Mrs. Fields, Inc., as grantor, and Schirf Brewing Company, as grantee, and recorded February 23, 1993.” All building plans must respect the existing easement for vehicular ingress and egress for the neighboring building at 268 Main Street, as recorded.

Planning Staff finds there is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed new construction. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Street Master Plan and Land Management Code. All future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The new construction will result in a code compliant building mass that is consistent with the recent Historic District discussions held with City Council and Planning Commission. The new construction will not adversely impact any historic structures.

The property is located in the HCB zone. Therefore, the applicant must comply with the criteria of the Historic District Design Guidelines and Land Management Code Chapter 2.6 prior to the issue of a building permit.

Department Review
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at several Staff Review Meetings where representatives from local utilities and City Staff were in attendance. Based on input from city staff, the applicant must submit a flood proofing certificate for the proposed new construction, building plans must include a fire sprinkler system to meet modified 13D code regulations, and a trash collection and storage plan must be submitted for any residential use within the building.

Notice
Notice of this hearing was sent to property owners within 300' on April 18th, 2007. Legal notice was also put in the Park Record.

Public Input
A letter was received by staff on February 22, 2007 from the J. Gregory Schirf, the President of the Schirf Brewing Company and adjacent property owner at 250 Main Street. Mr. Schirf informed the City that issues with his loading dock are being resolved with the Brewing Company's distributor and should not relate to the progression of the plat at 260 Main.

Alternatives
1. The City Council may approve the 260 Main Street Subdivision as conditioned or amended; or
2. The City Council may deny the 260 Main Street Subdivision and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion on the 260 Main Street Subdivision.

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

Consequences of not taking the Suggested Recommendation
No construction could take place across the existing lot lines.

Recommendation
Staff recommends that the City Council hold a public hearing and consider approving the 260 Main Street subdivision based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat
Exhibit C – Height measured from new rear lot line
Exhibit D – Photos from Swede Alley
Exhibit E – Letter from Schirf Brewing Co.

Ordinance No. 07-

AN ORDINANCE APPROVING THE 260 MAIN STREET SUBDIVISION COMBINING PORTIONS OF LOTS 14 AND 15 OF BLOCK 70 AND PORTIONS OF LOTS 14 AND 15 OF BLOCK 21 OF THE PARK CITY SURVEY, PARK CITY, UTAH, INTO ONE LOT OF RECORD.

WHEREAS, the owner of the property known as 260 Main Street, has 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 9, 2007, to receive input on the 260 Main Street Subdivision.

WHEREAS, the Planning Commission, on May 9, 2007, forwarded a positive recommendation to the City Council; and

WHEREAS, on May 31, 2007 the City Council approve the 260 Main Street Subdivision; and

WHEREAS, it is in the best interest of Park City Utah to approve the 260 Main Street Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 260 Main Street Subdivision as shown in Exhibit B is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 260 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The HCB zone is a commercial business zone characterized by a mix of commercial, residential, recreational and institutional uses that enhance and foster the economic and cultural vitality of the City.
4. The amendment will combine portions of Lots 14 and 15 of Block 70 and portions of Lots 14 and 15 in Block 21 of the Park City Survey into one lot of record.
5. The lot is vacant.
6. Access to the property is from Main Street and Swede Alley.
7. The proposed lot measures approximately 30’ x 115.26’.
8. The proposed lot is 3,514 square feet in size.

9. The minimum lot size in the HCB zone is 1,250 square feet.
10. Dedication of a street right-of-way has been offered to the city measuring 20 feet westerly of the centerline of the existing asphalt of Swede Alley.
11. Minimal construction staging area is available along Swede Alley and Main Street.
12. The applicant may measure the maximum building volume and height from the original rear yard property line as it existed prior to the right-of-way dedication. The rear building plane may rise vertically from the new rear property line 31’5” from the average natural grade

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. 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 applicant will record the plat amendment at the County prior to issuance of a building permit.
5. Future building plans must respect the existing easement for vehicular ingress and egress for the neighboring building at 268 Main Street, as recorded.
6. The applicant will submit a flood proofing certificate for new construction prior to issuance of a building permit.
7. The applicant will submit a trash collection and storage plan for new construction prior to issuance of a building permit.
8. Building plans will include a fire sprinkler system that is compliant with the modified 13-D regulations.

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

PASSED AND ADOPTED this 31st day of May 2007.

Exhibit B

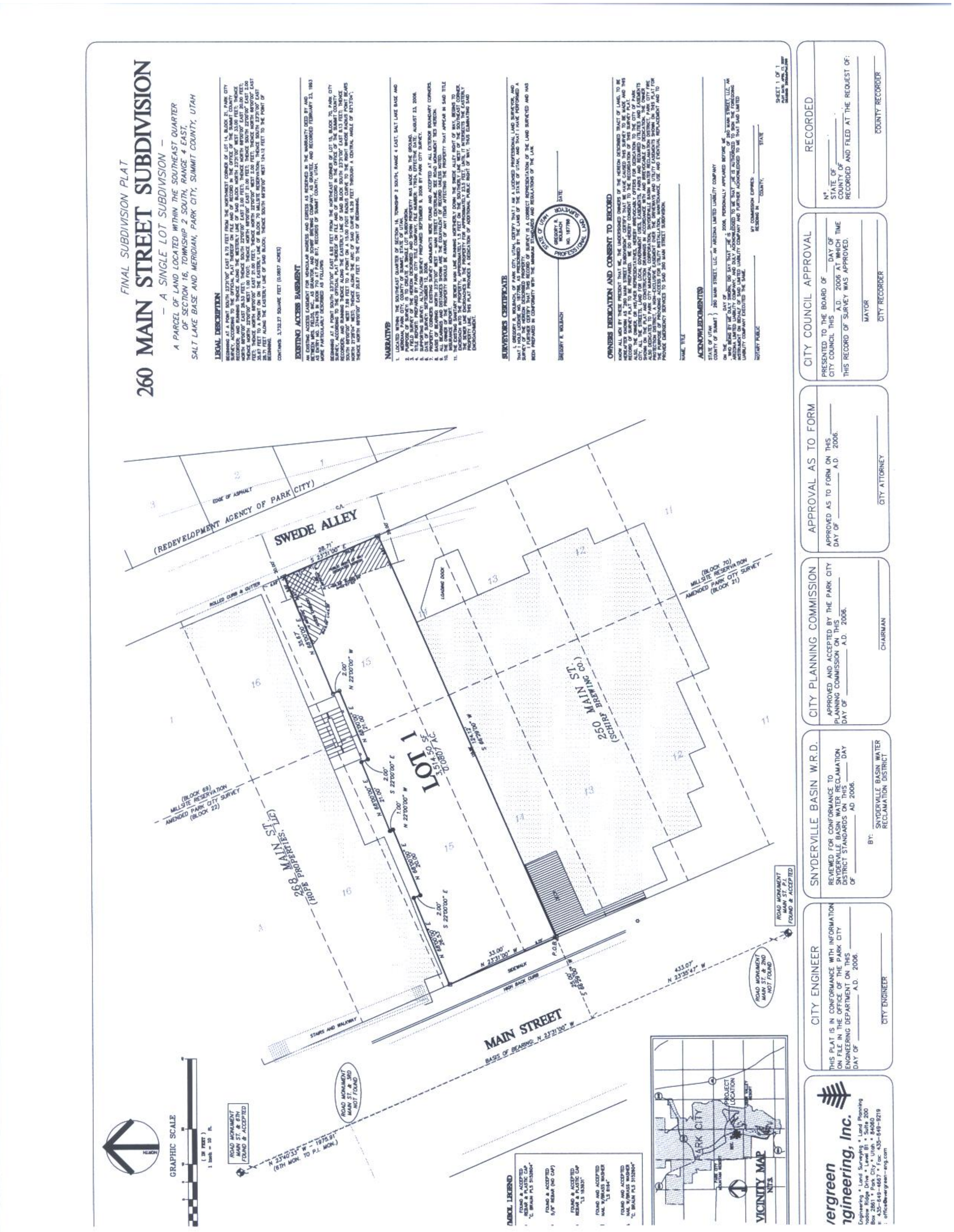

FINAL SUBDIVISION PLAT
260 MAIN STREET SUBDIVISION
- A SINGLE LOT SUBDIVISION -
A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
SWEDE ALLEY
(REDEVELOPMENT AGENCY OF PARK CITY)
LOT 1
268 MAIN ST. (HOPE PROPERTIES)
250 MAIN ST. (SCHIRF BREWING CO.)
MAIN STREET
GRAPHIC SCALE
VICINITY MAP
CITY ENGINEER
SNYDERVILLE BASIN W.R.D.
CITY PLANNING COMMISSION
APPROVAL AS TO FORM
CITY COUNCIL APPROVAL
RECORDED
COUNTY RECORDER

Exhibit C Requested Height Exception

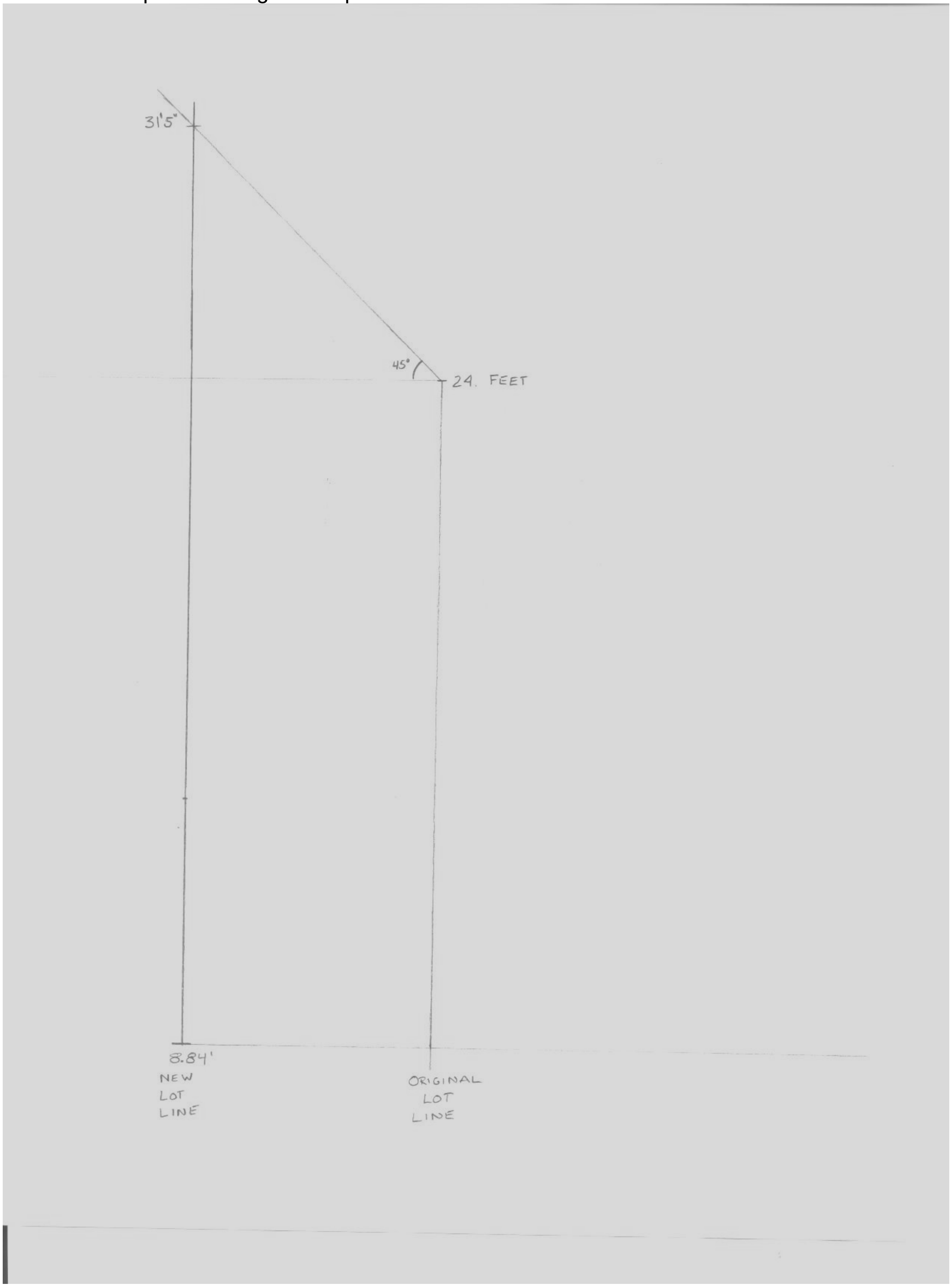


Exhibit D Photo from Swede Alley of Adjacent Properties

Exhibit E

SCHIRF BREWING CO.

MAKERS OF WASATCH BEERS

February 22, 2007

Pat Putt, Planning Director
Eric DeHaan, City Engineer
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

To Whom It May Concern:

We are aware of the situation that is created for the property owners of 260 Main Street by the delivery and shipping from our loading dock in the rear of our property. We are currently working with our distributor on a solution to this problem. Although we have not decided on which solution will be optimal in all conditions, each solution is consistent with the delivery methods used by other businesses on Main Street and Swede Alley and is respectful of the property rights of the owners of 260 Main Street.

We believe this should resolve the issues PCMC should have with regards to our property rights and the use of the loading dock as it relates to the progression of the plat amendment as submitted by the owners of 260 Main Street.

Respectfully yours,

J. Gregory Schirf

J. Gregory Schirf
President
Schirf Brewing Company
dba Wasatch Brew Pub

cc:Tom Bakaly
cc:Gary Hill
cc:Craig Elliott

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MAR 06 2007
PARK CITY
PLANNING DEPT.

P.O. BOX 459 • 250 MAIN STREET PARK CITY, UTAH 84060 PHONE (435) 645-9500 FAX (435) 649-4999
1763 SOUTH 300 WEST SALT LAKE CITY, UTAH 84115 PHONE (801) 466-8855 FAX (801) 484-6665

City Council
Staff Report

Author: Gary Hill, Budget, Debt, and Grants Manager
Subject: FY 2007 Revised Budget, FY 2008 Budget, FY 2009 Plan
Date: May 31, 2007
Type of Item: Discussion/Legislative

Budget, Debt, & Grants

Description:

Topic:
FY 2007 Revised Budget, FY 2008 Budget, and FY 2009 Financial Plan

Background:
On May 3rd staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council and discussed proposed changes to the City's Pay Plan. On May 17th Council and Staff discussed Special Service Contracts, Departmental Budget Requests, and sales tax. On May 24th Staff and City Council discussed the city's Capital Improvement Program (CIP) budget. Additional public hearings are currently scheduled for May 31st, June7th, 14th, and 21st. Discussion/action is slated for these dates as follows, barring changes as needed:

May 31st –Walkability Projects, Outstanding CIP Issues, Water Impact Fees and Capital Facilities Plan, Council Compensation, Special Service Contracts, and Outstanding Budget Issues.

June 7th – City Service Fees, Policies and Procedures, Outstanding Issues and Adoption of the Tentative Budget

June 14th – Sales and Transit Tax Amendments, Water Impact Fee adoption

June 21st – Final Adoption of Budget

Analysis:
On May 24th, staff will focus on the CIP. Topics for discussion will include the following:

1) Sales Tax Presentation
2) Pay Plan Process Overview and Council Compensation
3) Walkability Projects
4) Special Service Contracts
5) Capital Facilities Plans, Water Impact Fees, and Water Service Fees
6) Outstanding Budget Issues

Sales Tax Presentation
On May 22nd City Staff met with the Park City Chamber/Bureau to discuss the potential impacts of changes to the City's sales tax structure. Staff prepared a Powerpoint presentation for the meeting (attached) which was the focal point of the very positive discussion. This presentation (a portion of which was shared with City Council on May 24th) will be used to set the stage for a discussion with City Council on May 31st for a recommended increase to the Resort and Transit taxes (which is scheduled for final adoption on June 14th).

Pay Plan Process Overview
Staff presented the City Manager's recommended Pay Plan to City Council on May 3rd. On May18th City Council asked staff to return with an overview of the process. Attachment B to this staff report is a diagram of the Pay Plan process which is summarized below:

- Each fall, job descriptions for every position in the City are updated by managers. These are reviewed by the Pay Plan Technical Committee and matched with a "benchmark" or similar job description from the Wasatch Compensation comparison group (if no benchmark is available, positions are placed in an "Internal Equity Review Process – described in detail below)

Benchmark Track

- Benchmarked positions are then compared with the "market" which has been defined as the average pay of the top five comparison group communities. Working level for most City positions is based on this definition of market, except:
    - Public Safety related positions (Police officers, water workers, and building inspectors), which are compared to the average of the top three.
- Any position 5% or more below market is then recommended for reclassification to a new grade (in past years, this threshold had been closer to15%). This 5% standard is referred to as the "Reclassification Threshold."
- Positions that look like they should move more than one grade based on the market data are given an additional "scope comparison test." Comparison cities that are much greater in size and skill/responsibility are removed and the average is recalculated (if necessary). By using this additional scope test the Committee was able to ensure the integrity of the data and use only appropriate benchmarks for each position.

Internal Equity Track

- After benchmarked positions are placed in the Pay Plan, the Pay Plan Committee reviews each internal equity position. Using the Job Description and additional information provided by the manager in an interview, the Pay Plan Committee compares the internal equity position with each of the positions in the grades surrounding it and determines an appropriate pay grade based on comparative:
    - Education Requirements
    - Experience requirements
    - Scope of Responsibility (including supervisory responsibility), and
    - Technical Skills

After the Pay Plan Committee has compiled its recommendations, they are forwarded to the City Manager for review and adjustment if necessary. The City Manager may adjust positions based upon need; or request that the Pay Plan Technical Committee review any particular position to ensure that all appropriate data has been considered (This second review often comes after the tentative budget has been compiled. This year the City Manager asked the Technical Committee to review several positions; the results of the review will be discussed in the Outstanding Budget Issues section below).

Finally, it should be noted that when a position is reclassified to a higher pay grade, an employee in that position does not automatically receive a pay increase. Pay increases are based on performance and job competency, and are rewarded if merited as part of the normal review process.

Council Compensation
In July of 2003, the City Council commissioned a citizen task force to make recommendations on how compensation should be set for the Council and Mayor. Prior to

the Task Force's recommendation there was no standard methodology used to determine compensation for elected officials. The Task Force's commission was to:

> "Provide a fair and objective compensation and benefit review for the Mayor and City Council, examining compensation, benefits, equipment usage, and other amenities available for carrying out City business."

On September 25, 2003 the Council Compensation Task Force presented its findings to the City Council. The Task Force recommended that compensation for the City's elected officials should be comparable to that of their peer cities. As a part of its recommendation, the Task Force identified a comparison group of resort communities and recommended that total compensation be set at the average of the top 5 communities. In May of 2004 City Council extended the peer group to include Wasatch Compensation Group cities (with a council/manager form of government) to essentially mirror the staff Pay Plan process.

*Note: One area in which Council and Mayoral Compensation differs from the Staff Pay Plan is the reclassification threshold. Before a staff position can move to a new pay grade, it must be <u>more than 5% below</u> the average of the top 5 benchmarked cities. Council and Mayoral compensation has never been subject to a reclassification threshold; compensation was simply moved to be equal with the average of the top 5 regardless of how far below "the average of the top 5" the positions were.

On May 3rd of this year Staff presented a recommended increase in compensation for the Mayor and City Council consistent with Council direction from 2004 (herein after referred to as Option A). At that time a few members of City Council expressed concern about the increase and directed staff to remove one or more benchmark cities. One suggestion was that St. George and West Valley City be removed (Option B), and the other was that Park City be removed from the comparison group (Option C). These options can be found as Attachment C to this staff report.

Because the selection of a peer group was a very carefully-considered public process, staff does not recommend removing cities from the comparison group. If City Council (or individual council members) have concerns about an increase at this time, staff recommends implementing one of two changes (described below) to the current methodology:

- <u>Implement a Reclassification Threshold (Option D)</u> – As mentioned above, compensation for the Mayor and City Council is moved until it is equal with the total compensation of the top 5 peer cities. If the City Council and Mayor would like to avoid raises every two years and wait until their compensation reaches a "critical mass" before an increase, staff recommends that they implement a "reclassification threshold" that would dictate how far below the average of the top 5 (such as 5% or 10%) their positions must be before receiving an increase.
- <u>Allow Individual Elected Officials to Postpone a Pay Increase (Option E)</u> – If the Mayor and City Council would like to provide flexibility for individuals on Council, the policy could be amended to allow each elected official to choose whether or not to receive an increase as suggested by the peer comparison.

	Methodology		% Difference from Top 5	$ Difference from Top 5	Increase in Compensation
Option A	No Changes	Council	-6.14%	($1,486)	$1,486
		Mayor	-3.04%	($1,063)	$1,063
Option B	WVC & St. George Removed	Council	1.13%	$253	$0
		Mayor	7.66%	$2,409	$0
Option C	Park City Removed	Council	-4.13%	($979)	$979
		Mayor	0.22%	$73	$0
Option D1	Reclassification Threshold @ 5%	Council	-6.14%	($1,486)	$1,486
		Mayor	-3.04%	($1,063)	$0
Option D2	Reclassification Threshold @ 10%	Council	-6.14%	($1,486)	$0
		Mayor	-3.04%	($1,063)	$0
Option E	Individual Choice	Council	-6.14%	($1,486)	TBD
		Mayor	-3.04%	($1,063)	TBD

City Council is scheduled to adopt an ordinance setting compensation for elected and statutory officials on June 7th. Staff would like direction if different than the recommended budget on this issue on May 31st in order to prepare the appropriate ordinance.

Walkability Projects
Last week (May 24th) staff presented an overview of its recommendation to implement the walkability projects. In most cases, staff has forwarded the recommendations made by the Landmark Design Team. The recommendations made by Landmark Design, however, were made without consideration of all the elements of the City's Transportation Strategic Plan (traffic, transit, etc.), timing and logistics of other City Capital projects (Bonanza Drive was used as a case study), as well as available funding. On March 29, 2007 Council identified a Level of Service (LOS) to both implement new walkable infrastructure and support ongoing operations and maintenance. Although the LOS had a monetary placeholder, Council directed staff to consider the interdependent elements mentioned above as the staff CIP committee makes their final budget recommendations – to address both funding amount and timing. Specifically, The CIP Committee weighed the identified issues and Landmark-recommended solutions (projects) against the following:

- Traffic/Transportation
- Funding
- Timing with other City projects
- Challenges within the project footprint (utilities, right-of-way, etc…)

As mentioned above, in most cases, staff has agreed with the recommendations made by the Landmark Design Team. The balance of this section will identify the project solutions that are different from the Landmark recommendations. (Please refer to Attachment D of this staff report for a comprehensive list of projects and timing).

Bike Facility on Bonanza – Tier I, Issue # 34 (see also Tier II, Issue # 1) – Because Bonanza Drive is schedule to be reconstructed in 2009, staff recommends that any improvements be coordinated and determined at the same time the reconstruction project is being designed. Staff will update Council as the design process gets nearer.

Crossing SR 248 Near the Schools – Tier I, Issue # 41 and #45 – Consistent with the findings of the School District/PCMC Joint Transportation Task Force, staff recommends installing a Hawk Beacon signal near the seminary. This should help group pedestrians and bikers and minimize traffic delays. Because this will be the first pedestrian-activated stop light on a state highway in a school zone, staff anticipates that it will take some time to receive appropriate UDOT approvals.

*Please note that Landmark also suggested installing barriers to “funnel” pedestrians and bikers to the crosswalk. Staff does not recommend installing barriers at this time, but would suggest waiting to see how effective the signal is without fences or barriers.

Little Kate – Tier I, Issue #12 and #108 - The Walkable Study recommendation from Landmark was to build a 5’ sidewalk the length of Little Kate within the existing right of way ($325,000). This project has been strongly opposed by a number of residents near the schools because the sidewalk would force the removal of significant, mature landscaping in a number of cases. Additionally, it has been indicated from the neighborhood stakeholders who initially spearheaded this project, that the 5’sidewalk will not satisfy them, and that their preference is still for the re-crowning of Little Kate to allow a separated 8’ multi-use pathway ($1.5 million).

Staff Recommendation – Little Kate Project

After considerable review, Staff concurs that a pedestrian path should be constructed that will provide a safe route to the school campus, but that a continual sidewalk along Little Kate from Holiday Ranch Loop to Lucky John is not required at this time. Staff’s recommendation is to build the sidewalk on the north side of Little Kate from Holiday Ranch Loop Road to the east edge of Monitor Drive, and to fill in the sidewalk gap on Lucky John Drive at the Church ($163,000) for the following reasons:

1. Pedestrian and Bicycle counts do not indicate that grade separation is necessary. Recent counts have indicated there is approximately 3 times the amount of pedestrian traffic in Prospector (intersection of Comstock & Kearns). Although the results are not scientific, the counts seem to support staff’s recommendation.
2. Vehicle counts do not justify grade separation. Vehicle counts on Lucky John near the school drop area were measured by InterPlan Transportation Planning Consultants in October 2006 as part of the City/School District joint efforts. According to Interplan, the average daily trips of 2,150 is “well within the expected traffic volume for residential streets and does not suggest a problem with high traffic volume”.
3. Speed measurements do not justify grade separation. Speeds were measured on Lucky John near the school drop area by InterPlan. The 85th percentile of vehicles was found to be moving at 25-28 mph, and not found by InterPlan to be an issue.
4. Although always a concern, the accident history suggests this is not a significant issue. Accident counts provided by the Park City Police for all of Lucky John and Little Kate indicated only 5 accidents with injuries since 1999. With the exception of the fatality stemming from a skateboarder towed from a moving car running into a parked car, staff believes there has been only one pedestrian injury, and that the rest are from minor vehicle collisions. None would have necessarily been prevented by a separated sidewalk.
5. The recommended solution is viewed as an incremental approach. If the need still exists for a sidewalk connection along Little Kate beyond Monitor, or separated pathway in the future, no planned infrastructure would be required to be removed.
6. An incremental approach would allow the neighborhood to consider creation of a Special Improvement District (SID). The SID process could allow time to measure and weigh support for various neighborhood approaches including a separated pathway, as well as formally weigh neighborhood support for the entire project area.
7. The recommended solution offers minimal conflict with private property owners.
8. The recommended project provides a viable solution to providing a safer path to the school campus at a minimal cost compared to the Landmark Solution.
9. The gap in the sidewalk at the LDS Church has warranted recommendations from the Walkability Study as a necessary stand alone project also (Tier II, Issue #90).

Timing - Little Kate

Staff recommends this project begin in Calendar Year 2008. Because the budget will not be approved until June 21, we will be unable to begin the project until funding is actually available. The summary below outlines the approximate time for the management and procurement of a Public Works Project per State code and the City's purchasing policy. This outline is for work on City property and does not include any other public processes such as Planning Commission or informal public hearings outside any other regulatory jurisdiction or process.

- 30-45 Days (August 1): RFP Process from advertisement to contract award for a Professional Services Provider (architect or engineer).
- 30-90 Days (August – September/October): Survey, design and engineering to plan approval.
- 30-60 Days (Sept./Oct. – Oct./Nov.): Bid process from advertisement to Council Award/contract execution.
- 30-100 Days: Construction of the project.

Although staff does not think there is adequate time to undertake a construction project on Little Kate this summer, the City and School District are still planning on completing the proposed school drop-off on Luck John.

Per the City's Standards all work (cutting, patching, paving, curb & gutter…) in City Streets must be completed by October 15th

Wyatt Earp and Buffalo Bill Improvements – Tier II, Issue #28 – Landmark recommended one way roads in these Prospector neighborhoods and striping bike lanes. Traffic flow and parking issues will need to be addressed prior to any project implementation. Because of emergency response concerns, one-way streets may not be possible. In addition, there is a neighborhood group that is currently working with the City's neighborhood request policy to address similar issues. Staff recommends waiting until this process has run its course before considering a one-way streets. This will likely mean waiting until next construction season to begin design on any improvements.

Install Countdown Timers on SR 22 @ Holiday ranch Loop – Tier II, Issue # 37 – As mentioned on the 24th, staff also recommends installing countdown timers at Kearns Blvd, Comstock, and Thaynes Canyon Drive for a total estimated cost of $40,000. Staff anticipates working with UDOT this construction season and is optimistic that UDOT will approve the signals in the next several months.

Bike Facility on Park Avenue – Tier II, Issue # 3 – Staff recommends implementing the Class III bike lanes (signs) as recommended by Landmark this summer, but also studying the feasibility of removing parking from one side of the street in the near future to accommodate Class II (striped) bike lanes. Staff does not recommend reconfiguring the intersection at Deer Valley Drive and Park Avenue at this time as it will significantly alter traffic flow and require additional study by UDOT.

New Sidewalk on Kearns Blvd. by Yarrow – Tier II, Issue # 92 - As discussed with City Council previously, the City has received a state "safe Sidewalks" grant to help construct this sidewalk. It is scheduled for completion this fall, and staff anticipates the total cost to be closer to $150,000 (including the grant) than the $322,000 recommended by Landmark.

For all other projects Staff proposes following the Landmark recommendation (please see Attachment D for details and timing). Staff will have a presentation on cost/benefit prepared to share with City Council at the meeting on the 31st, where staff would like direction from City Council on all of the recommended projects.

Special Service Contracts

On May 17th, staff presented the Special Service Contract Subcommittee's recommendation. After Council discussion and direction, it was determined that additional information would be requested about the Valley Mental Health application to determine if they should receive funding. Valley Mental Health had requested $20,000 ($10,000/annually) to fund a part-time coordinator position to work with various governmental agencies and non-profit organizations to reduce substance abuse recidivism in Park City and Summit County youth. Staff has communicated with several of the agencies listed in the application and all have been supportive of the idea of a part-time coordinator position. Staff has also been in contact with Merrilee Buchanan from Valley Mental Health who has said that the program would proceed forward even if partial funding was received.

The Service Contract Subcommittee met on April 25th to discuss how to possibly fund Valley Mental Health. Due to recommended adjustments in the budget for FY 2008 the original calculation of the 1% Special Service Contract funding level has been recalculated and yields an estimated $10,700 (or $5,350 per year) in additional funding that could be allocated. After discussing several alternatives, the Subcommittee recommends awarding a service contract for $10,700 which will help fund the coordinator position without reducing funding from any other applications.

Council could also examine additional options not recommended by the Subcommittee in order to fund the Valley Mental Health application. Staff can elaborate on the pros and cons of pursuing these options upon Council request.

Councilmember Cone raised a question about the funding for the Chamber of Commerce. The question was whether the funding total included the contract for Bob Kollar. The contract for Bob Kollar's position is a separate expense from the application request and was not part of the funding total for the Chamber. An additional question was raised by Councilmember Cone regarding the employee budget for the Peace House programs. Staff contacted Jane Patten from the Peace House and asked for information on the number of employees per program and the following response was sent:

> "For the Shelter (27/7 coverage at the shelter and hotline), the $177,535 covers:
> 1 80% of full-time shelter director
> 2 full-time case managers
> 2 full-time night & weekend advocates
> 4 part-time advocates
>
> "For the Outreach and Education, $48,274 covers:
> 1 full-time employee that splits between 60% Outreach and 40% Education
> 1 part-time Educator than works between 20 and 25 hours per week
>
> "For Office $81,957 covers:
> 1 full-time Executive Director, includes grant writing, participation in state DV organizations, shelter issues ,
> 1 full-time Office Manager includes bookkeeping, volunteers, special events, etc."

Staff will be seeking direction from Council on the 31st as to a final funding allocation for all service contracts.

Outstanding Issues

There are a number of issues that staff would like City Council to provide direction on so that a tentative budget may be adopted per statute on June 7th.

Public Safety Retirement – Each year the City pays a contribution for full time employees to Utah State Retirement (URS). This amount is calculated as a percentage of an individual's annual salary. The City budgets approximately 13% of each employee's salary for the mandatory retirement contribution. Over the years the percentage required by URS has stayed relatively constant for most types of employees, but has incrementally increased for public safety officials. This next year the city will be required to contribute about 23% of each officer's pay to URS. In the past the Public Safety function was largely able to pay for the increases within existing resources, but the gap between what has been budgeted (13%) and what is required (23%) has now become so large that the contribution percentage for police officers needs to be increased. The impact of the budget option to increase the public safety retirement percentage from 13% to 23% is approximately $133,000.

Health and Dental Insurance - Each year the city negotiates with its insurance providers to offer a benefit plan for its employees and officials. The cost of insurance has steadily increased each year, but in the recent past the City has been able to cover the increase within existing resources and without requiring an increase in premiums for employees. After negotiations this year, and due to a variety of factors, the City will be faced with a 9% increase in insurance premiums for health care and an estimated increase of 7% for dental care. The overall additional payment to the City will be $120,000, but the City will only need a $70,000 budget increase Citywide to pay for the coverage (without an increase to employee premiums).

Pay Plan Changes – As mentioned in the Pay Plan Process Overview section above, the City Manager sometimes requests that staff review recommendations made by the Pay Plan Committee to ensure that the process has been applied correctly and all applicable information about a position has been considered. This year the Manager asked for reviews on a few positions, most of which confirmed the original recommendation of the Pay Plan Committee. After further consideration, however, the Pay Plan Technical Committee has recommended that the Deputy City Attorney position be reclassified from Grade 11 to Grade 12. It was determined that the Deputy City Attorney's responsibilities regarding water law and litigation were not adequately considered and that the position should have been benchmarked differently. The additional cost to reclassify this position is $8,700 in FY 2008 and $8,856 in FY 2009.

In addition to the Deputy City Attorney Position, the Budget staff recently found an error in how we budgeted the Parks III position in the Parks and Golf department. In order to be consistent with all other Parks III positions, there will need to be an increase of $6,967 to place the position is in the appropriate grade.

Workers Compensation – The City pays an annual amount for workers compensation. As with retirement, this is calculated as a percentage of each employee's salary, with different employee types budgeted differentially (between 2% and 4%). As with the retirement percentage, the amount due for workers compensation has gradually increased over time and is beginning to adversely impact departmental budgets. The total increase required to make departments whole is $260,000 citywide. Staff recommends approaching this incrementally, with an increase of approx. $130,000 in FY 2008 and an additional $130,000 in FY 2009.

Capital Facilities Plans, Water Impact Fees, and Water Service Fees

Every few years the City updates its Capital Facilities Plans (CFP) to ensure that new growth is continuing to pay for its impacts.

Staff conducted the last full Water Impact Fee Study in 2003. Since that time many new projects have been added to the Water Fund Capital Improvement Plan (CIP). Several of these projects are needed to serve, in whole or in part, new growth. Staff completed an Impact Fee Study in May of this year to ensure the City is capturing the full cost of new growth in its water impact fee.

This study indicated that the City's Water Impact Fee must be increased by 73% in order to ensure that new growth pays its fair share of water projects. The 2003 adopted fee and the recommended 2007 fee are as follows:

2003 Adopted Fee	$13,723 per Equivalent Dwelling Unit (EDU)
2007 Recommended Fee	$23,785 per EDU

An equivalent dwelling unit is a standard measure of water demand of 1600 gallons per day. When a new building is developed in Park City the project's impact fee is determined using two measures as follows:

1. The square feet of the structure is used to determine the peak demand for culinary uses (expressed as a percentage of an EDU).
2. Square feet of exterior irrigated land is used to determine peak exterior irrigation demand (expressed as a percentage of an EDU).

The interior and exterior demand is summed and calculated by multiplying by the impact fee EDU (2007 recommended EDU is $23,785).

The increased fee has been necessitated by the following three factors:
<u>1. Construction cost increases</u>
(General construction costs have increased in excess of 23% since 2003). Prices for some specific construction materials such as concrete and steel have increased far in excess of 23%.

<u>2. Rockport Importation and Treatment Project</u>
Over the next 25 years this importation and water treatment project will cost in excess of $30,000,000. A large portion of this project is attributable to new growth and as such these costs are reflected in the recommended impact fee. This project was not defined clearly enough in 2003 to be included in the impact fee calculation.

<u>3. Source Redundancy</u>
Council approved a water strategic plan in 2006. One major element of this plan is a goal to secure 2000 i.e. in excess of peak demand. This source redundancy will help ensure an adequate water supply in the event of a source failure (e.g., tunnel cave in or well contamination). Each new development that is built in the water district must now pay its fair share to secure this redundant source.

The tables contained on the next two pages contain the recommended impact fee structure. Staff will return on June 14th with a recommendation that Council pass and adopt the amended impact fee ordinance (after all public noticing requirements set forth in the Utah State Code have been met).

SINGLE FAMILY VARIABLE RATE NET COST (2007)

Park City Water Impact Fee

Description: Unit Size (sq. ft.)	Description: Yard Area (irrigated sq. ft.)	Unit of Measure	Net Cost per Service Unit (EDU)	Service Unit Generation Rate (EDU)	Net Impact Fee Amount
Less than 1,000	0 to 2,000	(dwelling unit)		0.28	$6,454
Less than 1,000	2,001 to 4,000	(dwelling unit)		0.41	$9,335
Less than 1,000	4,001 to 6,000	(dwelling unit)		0.53	$12,216
Less than 1,000	6,001 to 8,000	(dwelling unit)		0.66	$15,097
Less than 1,000	8,001 to 10,000	(dwelling unit)		0.78	$17,978
Less than 1,000	more than 10,000	(dwelling unit)		calculated	calculated
1,00 to 1,500	0 to 2,000	(dwelling unit)		0.36	$8,240
1,00 to 1,500	2,001 to 4,000	(dwelling unit)		0.48	$11,121
1,00 to 1,500	4,001 to 6,000	(dwelling unit)		0.61	$14,002
1,00 to 1,500	6,001 to 8,000	(dwelling unit)		0.73	$16,883
1,00 to 1,500	8,001 to 10,000	(dwelling unit)		0.86	$19,765
1,00 to 1,500	more than 10,000	(dwelling unit)		calculated	calculated
1,501 to 3,000	0 to 2,000	(dwelling unit)		0.44	$10,026
1,501 to 3,000	2,001 to 4,000	(dwelling unit)		0.56	$12,907
1,501 to 3,000	4,001 to 6,000	(dwelling unit)		0.69	$15,789
1,501 to 3,000	6,001 to 8,000	(dwelling unit)		0.81	$18,670
1,501 to 3,000	8,001 to 10,000	(dwelling unit)		0.94	$21,551
1,501 to 3,000	more than 10,000	(dwelling unit)		calculated	calculated
			$23,049		
3,001 to 4,500	0 to 2,000	(dwelling unit)		0.51	$11,813
3,001 to 4,500	2,001 to 4,000	(dwelling unit)		0.64	$14,694
3,001 to 4,500	4,001 to 6,000	(dwelling unit)		0.76	$17,575
3,001 to 4,500	6,001 to 8,000	(dwelling unit)		0.89	$20,456
3,001 to 4,500	8,001 to 10,000	(dwelling unit)		1.01	$23,337
3,001 to 4,500	more than 10,000	(dwelling unit)		calculated	calculated
4,5001 to 6,000	0 to 2,000	(dwelling unit)		0.59	$13,599
4,5001 to 6,000	2,001 to 4,000	(dwelling unit)		0.72	$16,480
4,5001 to 6,000	4,001 to 6,000	(dwelling unit)		0.84	$19,361
4,5001 to 6,000	6,001 to 8,000	(dwelling unit)		0.97	$22,242
4,5001 to 6,000	8,001 to 10,000	(dwelling unit)		1.09	$25,123
4,5001 to 6,000	more than 10,000	(dwelling unit)		calculated	calculated
More than 6,000	0 to 2,000	(dwelling unit)		0.67	$15,385
More than 6,000	2,001 to 4,000	(dwelling unit)		0.79	$18,266
More than 6,000	4,001 to 6,000	(dwelling unit)		0.92	$21,148
More than 6,000	6,001 to 8,000	(dwelling unit)		1.04	$24,029
More than 6,000	8,001 to 10,000	(dwelling unit)		1.17	$26,910
More than 6,000	more than 10,000	(dwelling unit)		calculated	calculated

NONRESIDENTIAL NET COST SCHEDULE (2007)
Park City Water Impact Fee

Property Type	Unit of Measure	Impact Fee Amount		
		Net Cost per Service Unit (EDU)	Service Unit Generation Rate (EDU)	Net Impact Fee Amount
Assembly (DPW calculations)				
Bar	1,000 square feet		0.8333	$19,207
Restaurant	1,000 square feet		1.4530	$33,490
Theater, Auditorium, Church	1,000 square feet		0.4460	$10,280
Other	1,000 square feet		calculated	calculated
Business Area	1,000 square feet		0.0938	$2,161
Educational	1,000 square feet			
Classroom	1,000 square feet		0.7813	$18,007
Shop/Vocational	1,000 square feet		0.3125	$7,203
Exercise Area	1,000 square feet		0.3125	$7,203
Hotel/Motel	1,000 square feet		0.1616	$3,726
Industrial	1,000 square feet		calculated	calculated
Institutional				
Inpatient Treatment	1,000 square feet	$23,049	0.6510	$15,006
Outpatient Treatment	1,000 square feet		0.0313	$720
Sleeping Area	1,000 square feet		0.0260	$600
Other			calculated	calculated
Commercial	1,000 square feet		calculated	calculated
Swimming Pool or Skating Rink	1,000 square feet			
Rink or Pool Area	1,000 square feet		0.1250	$2,881
Decks	1,000 square feet		calculated	calculated
Warehouse	1,000 square feet		calculated	calculated
Parking Garage	1,000 square feet		calculated	calculated
Government	1,000 square feet		calculated	calculated
Library	1,000 square feet			
Reading Area	1,000 square feet		calculated	calculated
Stack Area	1,000 square feet		calculated	calculated

MULTI FAMILY VARIABLE RATE NET COST (2007)
Park City Water Impact Fee

Unit Size (sq. ft.)	Unit of Measure	Net Cost per Service Unit (EDU)	Service Unit Generation Rate (EDU)	Net Impact Fee Amount
Less than 1,000	(dwelling unit)		0.16	$3,573
1,00 to 1,500	(dwelling unit)		0.23	$5,369
1,501 to 3,000	(dwelling unit)	$23,049	0.31	$7,145
3,001 to 4,500	(dwelling unit)		0.39	$8,932
4,5001 to 6,000	(dwelling unit)		0.47	$10,718
More than 6,000	(dwelling unit)		0.54	$12,504

Parks, Streets, and Public Safety Impact Fees - This last fall, staff updated the CFP for the Parks, Streets, and Public Safety Impact Fees. This update was primarily to address technical issues in the document (primarily related to the City's annexation boundaries). The CFP for these fees should be readopted at the same time the Water CFP and Impact

Fee is adopted. There is no change to the City's Impact Fees related to Parks, Streets, or Public Safety.

Water Service Fees – Two years ago City Council approved a Water Fund Financial Plan that anticipated a 20% increase in water rates for FY 2006 and a series of smaller (4%) increases thereafter. It was anticipated that after the 20% increase in 2006 for all base, consumption, and meter set charges there would be a return to smaller, more stable rate increases. The recommended increase in rates for FY 2008 falls into this category. The revenues generated by this increase in water rates is required to continue funding of mandated water quality projects that will benefit all water users equally. Staff conducted a comprehensive water rate review this year and it was determined that the anticipated 4% increase would be sufficient. Council is scheduled to consider the fee increase on June 7th along with the rest of the Fee Resolution.

A. Department Review:
The Budget, Debt, and Grants and City Manager departments reviewed this report. Other departments have considered other relevant portions.

Alternatives:

A. Hold a Public Hearing on operating budget requests and provide direction about budget issues

B. Continue the Item: Time will be available on May 31st to address any outstanding CIP issues. Council could choose to give additional direction at that time.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed by June 14th so that the Final Budget can be prepared for adoption on June 21st.

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

Attachments:
A – Presentation on Tax Legislation for Chamber Bureau
B - Pay Plan Process Flow Chart
C – Council Compensation Options
D – Recommended Walkability Implementation Program

Legislative Changes

Recent changes in Utah law have negatively impacted Park City's revenue

- 2006: Hold-Harmless Legislation
- 2007: Sales Tax on Food

Legislative Changes

2006: Hold-Harmless Legislation

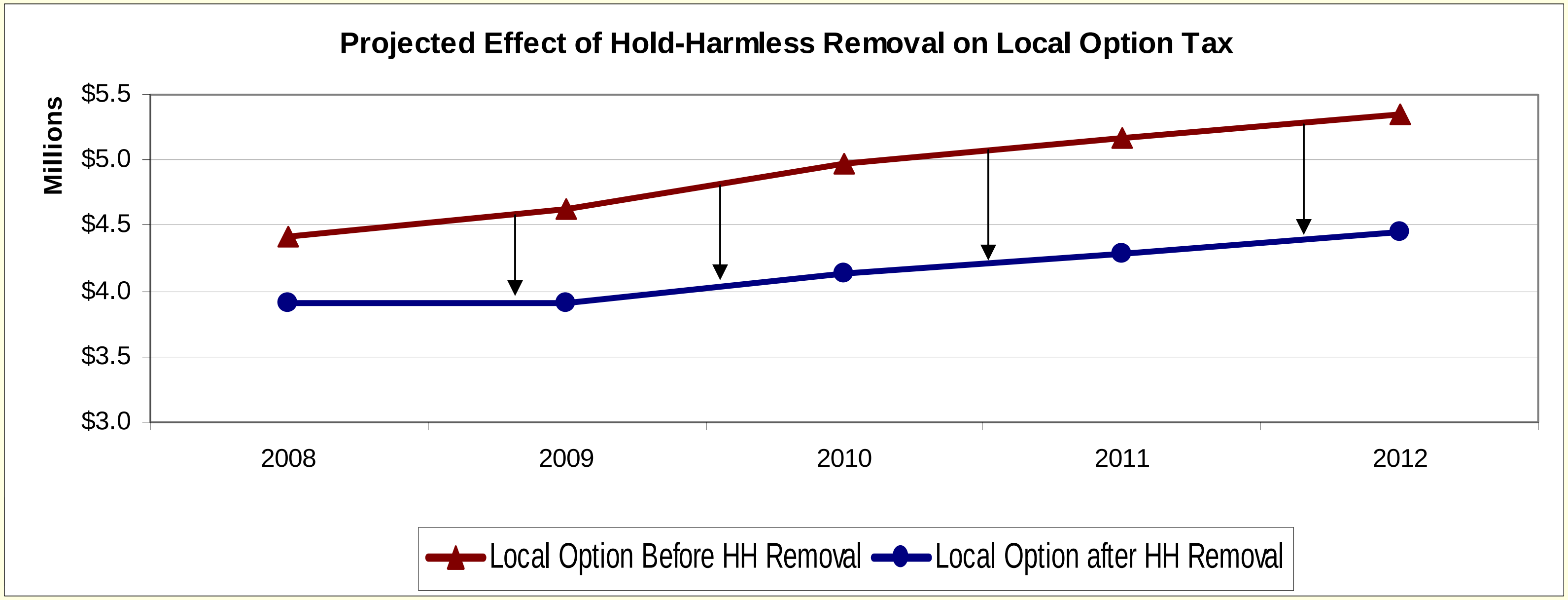
- Tax: 1% Local Option Tax
- Before: Cities guaranteed 75% of revenue generated in town (point of sale)
- After: 50% population, 50% point of sale
- Result: Park City collecting 62%

Legislative Changes

2007: Sales Tax on Food

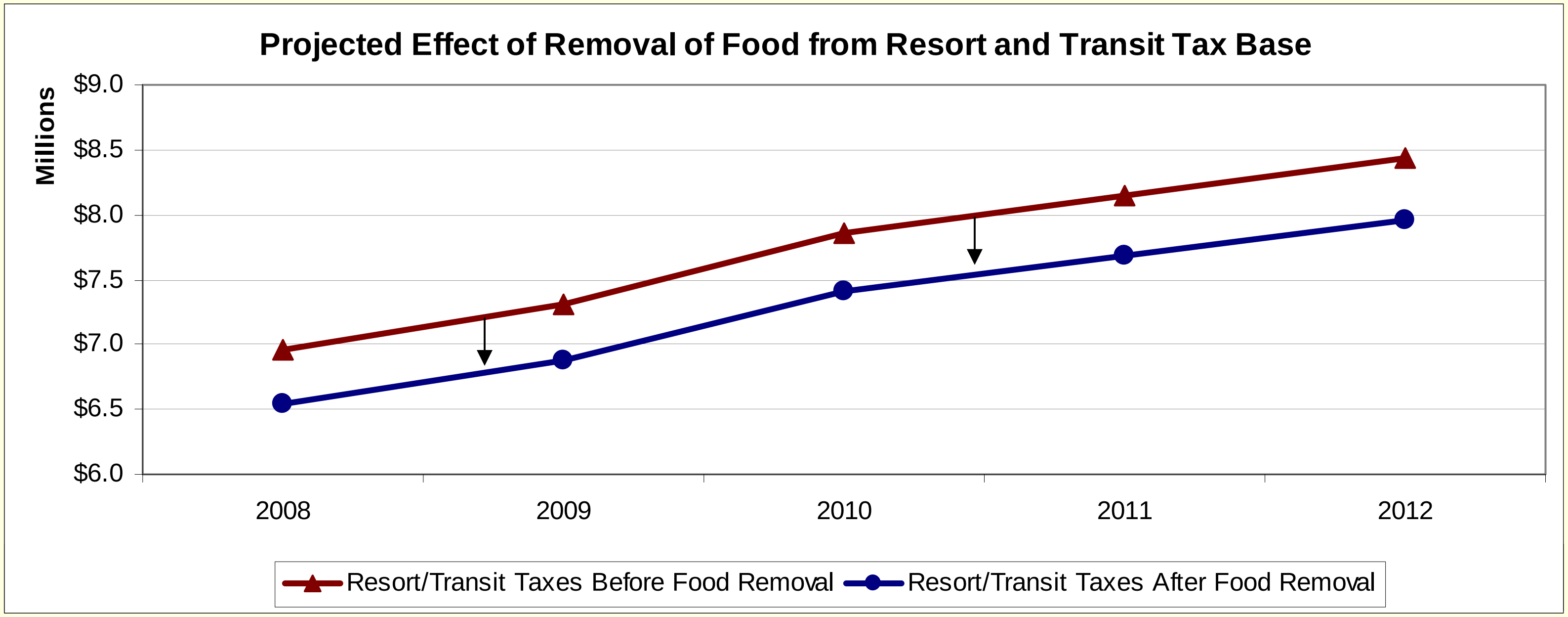
- Taxes: 0.25% Transit Tax; 1% Resort Tax
- Before: Unprepared food items are taxable
- After: Unprepared food items removed from tax base of “boutique” taxes
- City Impact: Transit operations and capital projects

Fiscal Impact: Hold Harmless



	2008	2009	2010	2011	2012
No Legislative Changes	$4,412,025	$4,633,903	$4,979,782	$5,167,729	$5,353,934
After HH Removal	$3,892,372	$3,892,372	$4,116,620	$4,271,990	$4,425,919
Foregone Revenue	-$519,652	-$741,531	-$863,162	-$895,740	-$928,015

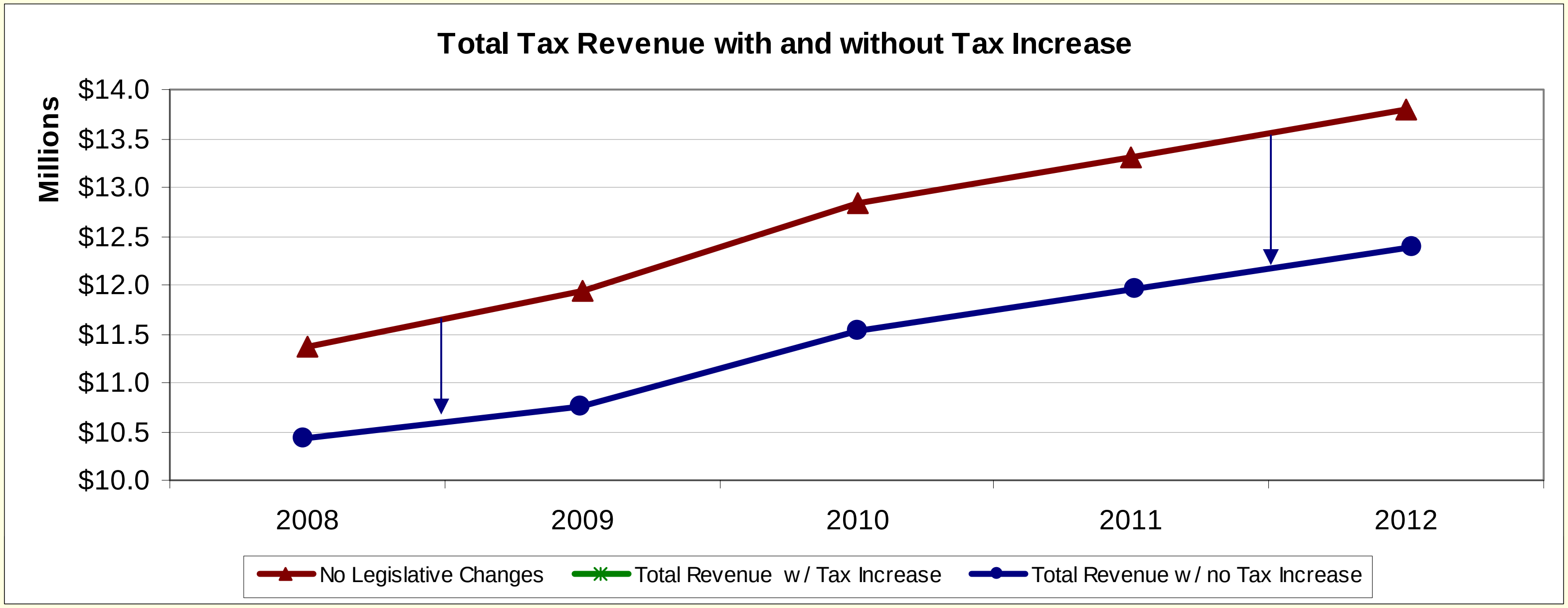
Fiscal Impact: Food



	2008	2009	2010	2011	2012
No Legislative Changes	$6,956,684	$7,306,532	$7,851,899	$8,148,246	$8,441,846
After Food Removal from Base	$6,548,783	$6,881,907	$7,409,864	$7,688,088	$7,962,821

Foregone Revenue	-$407,901	-$424,625	-$442,035	-$460,158	-$479,025

Total Fiscal Impact



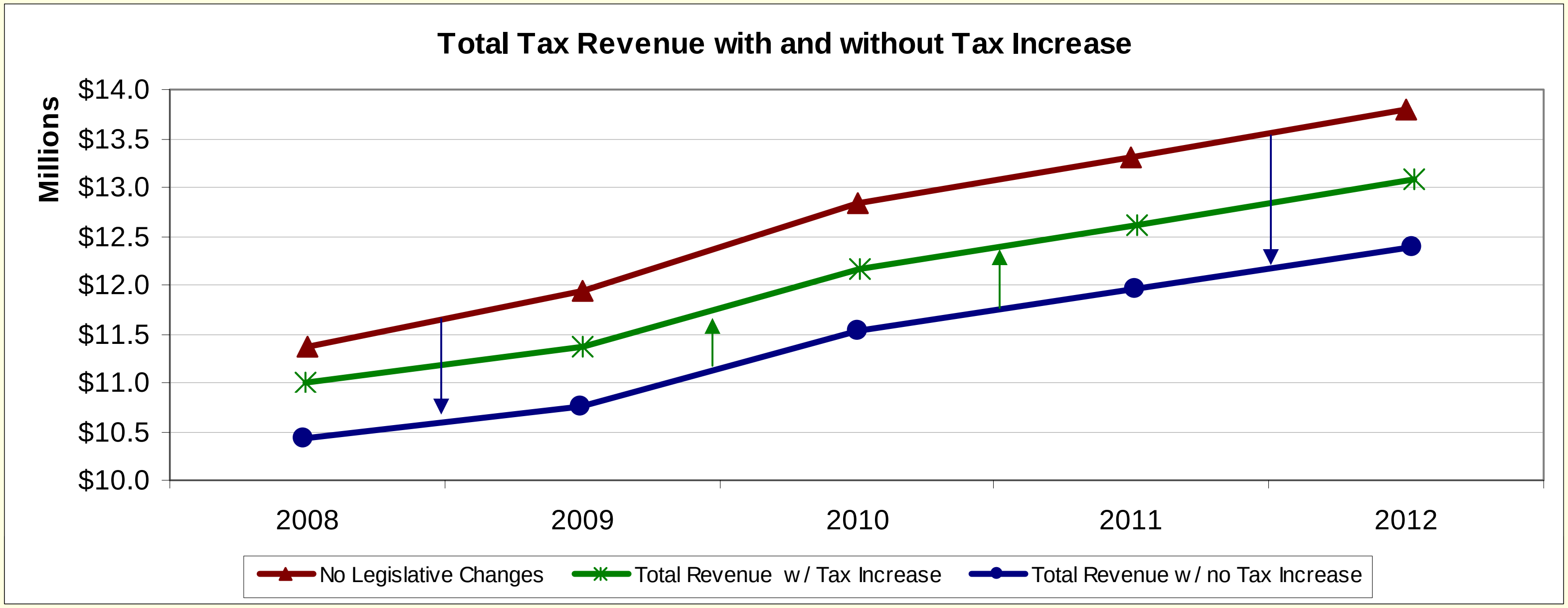
	2008	2009	2010	2011	2012
Foregone Revenue (with no tax increase)	-$927,554	-$1,166,156	-$1,305,197	-$1,355,898	-$1,407,040

Legislative Offsets

The Legislature knew the changes would impact local government and authorized offsets in the 2007 legislation:

- State Sales Tax reduced from 4.75% to 4.65%
- Ability to increase Transit Tax from 0.25% to 0.30%
- Ability to increase Resort Tax from 1% to 1.1%

Total Fiscal Impact



	2008	2009	2010	2011	2012
Foregone Revenue (with no tax increase)	-$927,554	-$1,166,156	-$1,305,197	-$1,355,898	-$1,407,040
Foregone Revenue (with tax increase)	-$348,977	-$563,858	-$678,205	-$703,200	-$727,581

Proposed Tax Changes

Effective January 1, 2008

		New Rate	New Rate	
Tax	**Old Rate**	**Food Sales**	**Non-Food Sales**	
State Sales Tax	4.75%	**1.75%**	**4.65%**	↓ 0.1%
County Option Sales Tax	0.25%	0.25%	0.25%	
County RAP Tax	0.10%	0.00%	0.10%	
Resort Community Tax	1.00%	**0.00%**	**1.10%**	↑ 0.1%
Local Option Sales Tax	1.00%	1.00%	1.00%	
Mass Transit Tax	0.25%	**0.00%**	**0.30%**	↑ 0.05%
	7.35%	**3.00%**	**7.40%**	

* No change to Restaurant Tax or TRT

How will this affect visitors?

- Winter visitor spending = $375/day

  Impact* = 19 cents/day

- Summer visitor spending = $264/day

  Impact* = 13 cents/day

* Does not include possible savings from food tax

Average resident will save $25/year due to food tax reduction

Summary

- Resort Tax increase from 1% to 1.1%
- Transit Tax increase from .25% to .30%
- State Tax decrease from 4.75% to 4.65%
- Total Tax increase of .05%

Total New Rate	7.35%	→	7.40%

Questions?

Gary Hill

Budget Manager

Park City Municipal

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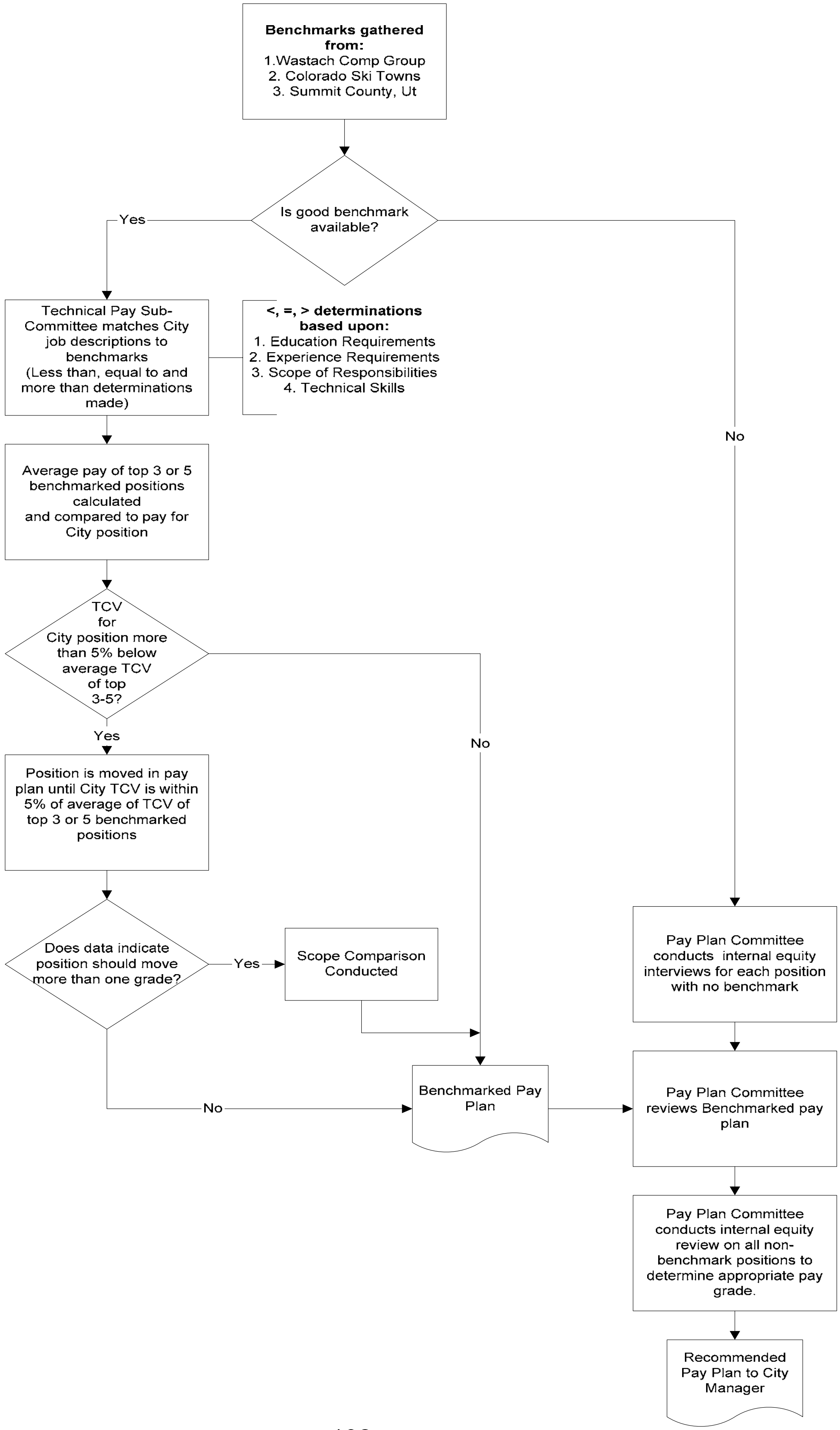
Pay Plan Benchmarking Process

(Market Pay Determination)



4.

CITY COUNCILOR (Park City Removed - Option C)

Entity	Annual Salary	Ret	Health*	Dental*	Life*	Total $	Total %	Total Comp. Value
WEST VALLEY	$16,200	20.00%	$627.84	$75.95	$6.65	710.44	20.00%	$27,965.42
ASPEN, CO	$20,400.00		$428.00			428.00	0.00%	$25,536.00
OREM	$9,900	23.90%	$756.20	$100.00	$8.80	865.00	23.90%	$22,646.10
STEAMBOAT, CO	$8,121.60		$1,172.00			1172.00	0.00%	$22,185.60
ST. GEORGE**	$12,000.00		$682.50	0	0	682.50	0.00%	$20,190.00
MOAB	$6,000.00		$1,100.00	0	$5.70	1105.70	0.00%	$19,268.40
BOUNTIFUL	$7,800.00		$821.28	0	77.81	899.09	0.00%	$18,589.08
CLEARFIELD	$8,894.00	13.00%	$549.98	$94.07	$16.50	660.55	13.00%	$17,976.82
SOUTH JORDAN	$10,392.00	12.58%	$357.29	44.65		401.94	12.58%	$16,522.59
TELLURIDE, CO	$9,600.00		$406.00			406.00	0.00%	$14,472.00
ROY	$7,668.00		$554.74		$10.00	564.74	0.00%	$14,444.88
LAYTON	$12,500.00					0.00	0.00%	$12,500.00
DRAPER	$10,185.00	11.59%				0.00	11.59%	$11,365.44
DURANGO, CO	$6,000.00		$333.33	0	0	333.33	0.00%	$9,999.96
BRECKENRIDGE, CO	$6,000.00		$177.08	$65		242.08	0.00%	$8,904.96
HEBER CITY	$6,000.00		$150.00			150.00	0.00%	$7,800.00
SPANISH FORK	$6,000.00	6.00%		$70.00		70.00	6.00%	$7,200.00
HURRICANE	$6,600.00					0.00	0.00%	$6,600.00
GUNNISON, CO	$6,000.00					0.00	0.00%	$6,000.00
GLENWOOD SPRINGS, CO	$6,000.00					0.00	0.00%	$6,000.00
KAYSVILLE	$4,200.00	18.00%				0.00	18.00%	$4,956.00
WASHINGTON TERRACE	$4,800.00					0.00	$0.00	$4,800.00
FRISCO, CO	$3,000.00					0.00	$0.00	$3,000.00

Average of the Top 5	$23,704.62
Park City	$22,725.80
Difference	($978.82)
% Difference	-4.13%
New Salary	$12,383.82

*Health, Dental and Life insurance are reported as monthly premiums
Dental, Health and Life premiums are in some cases paid together. When this occurs dental and life are reported as $0.
Aspen provides single health coverage only.
Breckenridge health includes $500 yearly for recreation

MAYOR (Park City Removed - Option C)

Entity	Annual Salary	Ret	Health*	Dental*	Life*	Total $	Total %	Total Comp. Value
ST. GEORGE	$30,000.00		$682.50	0	0	682.50	0.00%	$38,190.00
OREM	$19,800	23.90%	$756.20	$100.00	$8.80	865.00	23.90%	$34,912.20
WEST VALLEY	$21,800	20.00%	$627.84	$75.95	$6.65	710.44	20.00%	$34,685.28
ASPEN, CO	$27,900.00		$428.00			428.00	0.00%	$33,036.00
BOUNTIFUL	$15,600	11.59%	$821.28	0	$77.81	899.09	11.59%	$28,197.12
MOAB	$12,000.00	17.05%	$1,100.00	0	$5.70	1105.70	17.05%	$27,314.40
STEAMBOAT, CO**	$10,819.20		$1,172.00			1172.00	0.00%	$24,883.20
TELLURIDE, CO	$18,000.00		$406.00			406.00	0.00%	$22,872.00
SOUTH JORDAN	$15,586	12.58%	$357.29	44.65		401.94	12.58%	$22,370.00
CLEARFIELD	$11,686	13.00%	$549.98	$94.07	$16.50	660.55	13.00%	$21,131.78
DRAPER	$18,460	11.59%				0.00	11.59%	$20,599.51
LAYTON	$19,500					0.00	0.00%	$19,500.00
FRISCO, CO	$7,800.00		$929.00	0		929.00	0.00%	$18,948.00
HURRICANE	$18,000.00					0.00	0.00%	$18,000.00
ROY	$9,496		$554.74		$10.00	564.74	0.00%	$16,272.88
HEBER CITY	$10,200.00	12.00%	$150.00			150.00	12.00%	$13,224.00
BRECKENRIDGE, CO	$9,600.00		$177.08	$65		242.08	0.00%	$12,504.96
KAYSVILLE	$10,500	18.00%				0.00	18.00%	$12,390.00
SPANISH FORK	$8,400.00	6.00%		$70.00		70.00	6.00%	$9,744.00
WASHINGTON TERRACE	$9,600.00					0.00	0.00%	$9,600.00
GLENWOOD SPRINGS, CO	$8,400.00					0.00	0.00%	$8,400.00
DURANGO, CO	$3,600.00		$333.33			333.33	0.00%	$7,599.96
GUNNISON, CO	$7,200.00					0.00	0.00%	$7,200.00

Average of the Top 5	$33,804.12
Park City	$33,876.80
Difference	$72.68
% Difference	0.22%
New Salary	$22,483.32

*Health, Dental and Life insurance are reported as monthly premiums
**City Council President instead of Mayor who is elected from among City Council
Dental and Health premiums are in some cases paid together. When this occurs dental is reported as $0.
Aspen and St. George provide single health coverage only.
Breckenridge health includes $500 yearly for recreation

Walkability Projects and Timing

Tier	Issue #	Type	Issue	Location	Alternatives (Landmark Recommendations in Bold)		Capital Cost	Staff Recommendation	07	08	09	Comments
I	34	Crossing	Pedestrian/bike crossing of Bonanza Drive	Bonanza Drive, connecting Poison Creek Trail to Rail Trail	a	Lights in surface of road to draw drivers' attention to crossing	$18,000	TBD			X	Project solutions to be determined in conjunction with the Bonanza Drive Reconstruciton Project which is scheduled for completion in October 2009.
					b	Raised crosswalk to slow vehicles and call attention to crossing	$3,000					
					c	**Pedestrian activated signal that stops vehicle traffic on Bonanza Dr**	**$125,000**					
					d	New overpass	$1,850,000					
					e	New underpass	$2,760,000					
					f	**Barrier such as fencing to funnel bikers/peds to cross at one poin**	**$37,000**					
					g	**Improve existing sidewalk on east side of Bonanza to 8' asphalt trail**	**$82,000**					
	41 & 45	Crossing	Pedestrian/bike crossing of SR-248 near schools	SR-248, eastern end near schools	**a**	**Install a Hawk Beacon pedestrian signal at existing crossing between LDS seminary and high schoo**	**$125,000**	TBD		X		Project solutions to be developed as a part of the School District/PCMC Joint Transportation Task Force. Permission for Hawk Beacon signal dependant upon UDOT approval and will likely take some time (discussions with UDOT already in progress). Pedestrian barrier feasibility to be determined after installation of signal.
					b	New overpass	$1,910,000					
					c	New underpass	$3,050,000					
					d	**Barrier such as fencing to funnel bikers/peds to cross at one point**	**$72,000**					
					e	New parking near high school to minimize SR-248 crossings	$300,000					
					f	Parking sticker program for neighborhood residents only.	N.A.					
					g	Coordinate with PC Transit to encourage use of public transit	N.A.					
	12 & 108	Bike/Pedestrian Facility	Lack of ped/bike facilities - connect to schools and Racquet Club	Little Kate	a	Restripe "edge of roadway" lines to approx 8' buffer on north side of road	$2,400	$163,200		X		The Walkability Steering Committee has determined to pursue Option B (5' sidewalk from Holiday Ranch Loop to Monitor). This solution will address the most immediate need and not preclude a connection between the Racquet Club and the school drop zone in the future if warranted. This project is to be completed in conjunction with fising the gap in the sidewalk on Lucky John near LDS church (Issue # 90)
					b	Add 5' sidewalk on north side of Little Kate from Holiday Ranch Loop to existing Monitor Dr. sidewalk. Fill in gap in sidewalk at LDS church.	$163,200					
					c	Rework road crown and cross-section to make roadway narrow enough to install an 8' bike/ped path	$1,341,000					
					d	Seperated 8' asphalt trail with 4' landscaped buffer at edge of pavement	$1,520,000					
					e	**Add 5' sidewalk entire length of Little Kate within existing ROW on north side and east side of Lucky John from Little Kate to school drop off**	**$325,000**					
					f	Implement one-way roads with striped bike/ped only in opposing lane	$10,060					
					g	Pedestrian "share the road" campaign	$30,000					
					h	Traffic calming to slow vehicle traffic in neighborhood	$85,000					
	42 & 91	Crossing	Ped/bike crossing of SR-248 near west end/Unsafe crossing	SR-248, western end between Park Ave and Bonanza/Holiday Village between Dan's and Albertson's	a	Painted crosswalk across SR-248 at Snow Creek Drive	$500	$900	X			Staff to implement all recommended wayfinding signing options if possible in 2007
					b	Inroadway lights with crosswalk at Snow Creek Drive	$25,000					
					c	Street lighting at proposed crosswalk location at Snow Creek Drive	$10,000					
					d	Pedestrian signal at proposed crosswalk location at Snow Creek Drive	$125,000					
					e	New overpass	$1,910,000					
					f	New underpass	$3,050,000					
					g	**Wayfinding signage to direct pedestrians to cross at Park Ave/Kearns Blvd intersection**	**$900**					
II	1	Bike Facility	Provide bike facility on Bonanza Drive	Bonanza Drive, from Kearns Blvd to Deer Valley Dr	a	Multi-use path separate from road	$595,000	TBD			X	Project solutions to be determined in conjunction with the Bonanza Drive Reconstruciton Project which is scheduled for completion in October 2009.
					b	**On street bike facility (overlapping lanes with painted pavement)**	**$20,000**					
	40	Crossing	Connecting Aerie and Poison Creek Trails	Deer Valley Drive	a	Painted crosswalk on Deer Valley Drive	$500	$900	X			Staff to implement all recommended wayfinding signing options if possible in 2007
					b	Raised crosswalk on Deer Valley Drive	$5,000					
					c	Painted crossing and pedestrian signal indicating crossing on Deer Valley Drive	$125,000					
					d	New overpass over Deer Valley Drive to connect to Aerie Drive	$1,980,000					
					e	New underpass under Deer Valley Drive	$3,420,000					
					f	Install new sidewalk on west side of Deer Valley Drive from 9th Street to Aerie Drive.	$156,000					
					g	**Wayfinding signage to direct riders to correct crossing point(s)**	**$900**					
	90	Pedestrian Facility	Gap in sidewalk/trail in front of LDS Church	Lucky John, east of Monitor	**a**	**Realign sidewalk for improved connectivity to trail**	**$78,000**	$78,000	X			This project to be completed in conjunction with the recommeneded solution to Issue #12 (Little Kate). Bulbout or other solution to be considered to avoid removing old-growth pines.
	20	Bike/Pedestrian Facility	No access to Rail Trail from Iron Horse Condos	Bridge across Poison Creek at condos	a	Culvert inserted in creek to provide bike/ped crossing	$35,000	$85,000			X	Prior to construction, development agreement with adjacent landowners and environmental issues need to be addressed.
					b	**Bike/pedestrian bridge structure over Poison Creek**	**$85,000**					
	25	Pedestrian Facility	On-street parking displaces needed sidewalks	Comstock	**a**	**New sidewalk on east side of Comstock. Eliminate on-street parking one side of street**	**$185,000**	$185,000	X	X		Staff recommends a two-phase approach with removing parking from east side of street this summer and installing the sidewalk in 2008.
	28	Pedestrian Facility	Improve walking safety with more pedestrian facilities	Prospector neighborhood	a	New paved trail separated from the road on one side of all through-streets in neighborhood	$6,510,000	TBD			X	Traffic flow and parking issues need to be addressed prior to final project recommendation or implementation. Neighborhood group currently engaged in discussion with City Staff under the City's "Neighborhood Request" policy.
					b	Add sidewalk on one side of street within existing right-of-way	$1,870,000					
					c	**Implement one-way roads with striped bike/ped only in opposing lane (Wyatt Earp and Buffalo Bill)**	**$2,500**					
					d	Pedestrian "share the road" campaign	$30,000					
					e	Traffic calming to slow vehicle traffic in neighborhood	$129,000					
					f	Tunnel under Kearns Blvd. at Comstock intersection	$3,050,000					

II	109	Bike/Pedestrian Facility	Monitor Drive	Little Kate to Kearns Blvd.	a	Restripe "edge of roadway" lines to approx 8' buffer on one side of road	$7,800	$1,000	X			Staff supports recommeneded solution as Monitor Drive deemed too narrow to accommodate two Class II bicycle lanes. Signs to be installed in 2007.
					b	Rework road crown and cross-section to make roadway narrow enough to install an 8' bike/ped path	$1,019,000					
					c	Seperated 8' asphalt trail with 4' landscaped buffer at edge of pavement	$1,713,000					
					d	Install Class II bicycle lanes on Monitor Dr.	$7,800					
					e	**Class III bike lane on Monitor Drive.**	**$1,000**					
					f	Traffic calming to slow vehicle traffic in neighborhood	$67,000					
	37	Crossing	Ped/bike crossing of SR-224	Payday Drive/Holiday Ranch Loop Rd	**a**	**Install countdown timer on existing signal at intersection**	**$2,000**	$40,000	X			Countdown timers on state roads require UDOT approval. Staff also recommends requesting timers at lights on Kearns Blvd., Comstock, and Thaynes Canyon Dr. Estimated cost approx. $10,000/timer.
					b	New overpass over SR-224	$2,000,000					
					c	New underpass under SR-224	$3,490,000					
	14	Bike/Pedestrian Facility	Lack of trail connection from Park Meadows to Rail Trail	Park Meadows/Prospector	a	New trail from Park Meadows to Rail Trail	$337,000	$2,500		X		Project to be completed in conjuction with Issue #25 (Comstock sidewalk). Coordination with school district required.
					b	**Stripe and sign bike lane through school road system to Comstock intersection**	**$2,500**					
	3	Bike Facility	Provide bike facility on Park Ave	Park Avenue, from Kearns Blvd to Old Town	a	New 8' asphalt trail separated from the road	$2,490,000	TBD		X		Staff recommends installing the Class II bike lane (signs) on Park Ave south of Deer Valley drive and studying the possibility of the removal of parking on one side of the street and the creation of Class II lanes. The UDOT portion will require addtional study.
					b	**Class II bike lane from Kearns Blvd to Deer Valley Drive with parking on one side of street only (requires UDOT approval).**	**$4,000**					
					c	**Class III bike lane south of Deer Valley Drive**	**$11,000**					
	92	Crossing	No access to crosswalk at 224/248 - need safe connections through this area	By Albertson's	**a**	**New sidewalk on south side of Kearns from Park Avenue to existing sidewalk at Holiday Village**	**$322,000**	$63,500	X			Project scheduled for completion this summer/fall in conjunction with a State "Safe Sidewalks" grant of $86,500. Staff estimates total project cost to be close to $150,000.
III	2	Bike Facility	Provide bike facility on Deer Valley Drive	From Park Ave to Deer Valley's Snow Park Lodge	a	New paved trail separated from the road connecting to Poison Creek Trail at transit center	$2,580,000	$16,000		X		Staff recommends painting dedicated bike lanes on Deer Valley Drive from the roundabout to Snow Park Lodge. Signs to be installed near Jans and Cole Sport to direct pedestrians to Poison Creek Trail.
					b	**Class II Bike Lane from transit center to Snow Park Lodge and signage on north end of Deer Valley Drive (Jans and Cole Sport) to access Poison Creek Trail in park.**	**$16,000**					
	105	Pedestrian Facility	Gap in sidewalk	Park Avenue south of City Park entrance, east side of street	a	**Install sidewalk**	**$33,900**	$33,900	X			Bulbout proposed to fix gap in sidewalk and avoid impacts on existing landscaping.
	86 & 77	Crossing	Need improved crossing	Park Avenue at Library bulbout/Skate park	a	Crosswalk with pedestrian-activated light on Park Ave.	$125,000	$500	X			Crosswalk to be painted 2 times per year (Spring and Fall).
					b	Crosswalk with in-road lights on Park Ave.	$18,000					
					c	**Painted and/or flagged crosswalk on Park Avenue**	**$500**					
	88	Crossing	Need improved crossing	From Transit Center across Swede Alley	a	Crosswalk on Swede Alley with pedestrian-activated light	$125,000	$500	X			Crosswalk to be painted 2 times per year (Spring and Fall).
					b	Crosswalk on Sweded Alley with in-road lights	$18,000					
					c	**Painted and/or flagged crosswalk on Swede Alley**	**$500**					
IV	15	Bike/Pedestrian Facility	Connect bike path Olympic Village Plaza	Snow Creek Path near Key Bank & Squatters	a	**30 feet of new sidewalk to connect Squatter's sidewalk and existing sidewalk**	**$10,200**	$10,200	X			Sidewalk scheduled for completion in 2007.
V	35	Crossing	Unsafe trail crossing of Meadows Drive	Meadows Drive, east side of SR-224	a	Build new overpass crossing of Meadows Dr.	$1,820,000	$2,000	X			Staff to implement all recommended wayfinding signing options if possible in 2007
					b	Build new underpass crossing of Meadows Dr.	$2,620,000					
					c	Move at-grade crossing farther away from SR-224	$332,622 for trail, $122,227 for Two 20' bridge					
					d	**Improve signage at Meadows Drive**	**$2,000**					
	106	Bike/Pedestrian Facility	Safety of Rail Trail crossing at Wyatt Earp	Intersection of Rail Trail and Wyatt Earp Way	a	**Install signage on both Wyatt Earp and on Rail Trail warning drivers and trail users of upcoming crossing**	**$1,000**	$1,000	X			

* For all projects labeled "to be determined" (TBD), staff recommends budgeting the Landmark-recommeded funding amount in the applicable year. Actual amounts may change based upon ultimate recommended projects solutions and council approval.