



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 18, 2000**

Present: Mayor Pro Tem Shauna Kerr; Council members Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones

Toby Ross, City Manager; Tom Bakaly, Director of Capital Projects and Budget; Mark Harrington, City Attorney; Rick Lewis, Community Development Director; and Meg Ryan, consultant

Bill Malone, Executive Director of Chamber/Bureau; Mike Phillips, East-West Properties; John Plunkett and Mike Getchow, UPAPA, Joanne Charnes, Executive Director of Arts Council and Linda Bonar, Board member; and Phyllis Robinson, Mountainlands Community Housing

Absent: Mayor Brad Olch

1. **Council questions and comments.** Fred Jones expressed his appreciation of the memo on the Park Avenue properties. He clarified that his interest was not as the properties relate to the City Park Master Plan but he is more interested in the status of the properties, especially during the Olympics. He added that he hoped that planning Park Avenue remains a priority with the Council. Ms. Kerr felt that the City is currently a *bad neighbor* and the property needs to be improved. Tom Bakaly explained that this discussion will be scheduled for Council review. Ms. Kerr understood that there may be an opportunity for a sponsor of the Olympics to improve the property, and the City Manager indicated that that opportunity is still likely. Some of the earlier information may have underestimated the cost of the work necessary for renovation. There was further discussion on this property and an adjacent parcel. Fred Jones interjected that the house should be secured so it doesn't become a nuisance. Roger Harlan brought up the confusing bike lane striping on Comstock and Mr. DeHaan responded that it is being addressed with the SR248 work by UDOT and will be corrected by July. Mr. Harlan reported on the skateboard park meetings which have been well attended by the kids. He invited two Council members to serve on a Parks and Recreation Board committee on the barn project and Peg Bodell and Candace Erickson volunteered. Mr. Harlan commented on the passing of Jim Ivers and expressed his appreciation of the citizens who produced the sculpture of Mr. Ivers in Miners Park honoring our mining heritage. There was discussion about the schedule for the Olympic Celebration Committee meetings. Ms. Kerr reported on the progress of the band shells and the Courchevel high school student exchange in July. Peg Bodell brought up the fluoride issue and asked that staff investigate the parking lot marked for Bedlam patrons on Park Avenue.

2. **Budget overview:**

Transient room tax. Tom Bakaly reviewed the schedule of the budget and a public hearing will be held at the regular meeting this evening. The gap between revenues and expenditures is occurring on a state-wide level as it relates to reductions in sales tax and building fees. The gap projected for the upcoming fiscal year is \$900,000. Last week, staff presented Council with six options which were reduced to three based on informal direction. Option 1 includes departmental reductions in the amount of \$657,602 and reduced reserves of \$275,856. A study of fees, costs and programs would be critical with this option. Mr. Bakaly explained that the City may have to contract for certain components of the study. Increased fees would probably be a focus of next year's budget with implementation in July 2001. Options 2 and 3 involve a transient room tax increase. The City does not currently impose a municipal transient room tax which is allowable under state code. It is estimated a .25% increase would generate about \$200,000. Ms. Kerr emphasized that transient room tax revenues escapes collection from the time share market. Mr. Jones acknowledged that the short fall this year is about \$1 million, and even if that is remedied this year, there is an additional \$2 million shortfall in the following year; the problem is that expenses are out-pacing revenues. Mr. Bakaly agreed. He continued that the expense side needs to be tackled in the long term. He felt reasonably comfortable that the budget can be balanced this year without a tax, which may allow the time needed to study expenses. In response to a question from Peg Bodell, Mr. Bakaly explained that staff estimates a 10% increase in expenses based upon prior years' experience.

Ms. Kerr recalled last week there were several options and *everything was on the table*, including raising property tax, increasing transient room tax, cutting expenses, lowering contingencies, and combinations of options. Council has now learned that transient room tax is generating more money at the County level than envisioned; that a .25% increase would generate more money than anticipated; and there are residual impacts from an increase in the transient room tax according to the data from the lodging community. Mr. Kerr stated that Council has explored this and an increase would be a revenue alternative that is probably not needed this year to balance the budget. She noted that she can not proceed with an increase without the support of the lodging community. Roger Harlan disclosed that he received numerous calls and e-mails from members of the lodging community during the week. He believes that the City has some leeway this year and it may be beneficial to review longer-term budget strategies with the public over the course of the upcoming year.

Ms. Erickson pointed out that a 10% growth rate is somewhat *extravagant*. The City purchased equipment and computers over the past several years, and she doesn't believe those would be on-going costs. She felt the 10% projection may be too high and that staff may be projecting too far in the future to be accurate. Ms. Erickson acknowledged the opposition to an increase in the transient room tax as strongly expressed by the lodging community. Peg Bodell interjected that the population will increase and there will continue to be increased costs for services. She stated that she received e-mails from the lodging community against the transient room tax increase and is looking for more information from the lodging people about solutions that have worked in other communities. It would be a shame to cut preventative programs and live with the consequences, i.e.,

spring clean up program. Fred Jones stated that he does not support any type of a tax increase and believes there are reasonable ways to balance this year's budget. The Council needs to make a commitment to work with staff to conduct a comprehensive study of operating budgets. There will have to be hard decisions and those options need to be discussed with the public. Mr. Jones continued that to approve a budget next year without a tax increase will be a challenge. The contingency has already been cut and the reserves should not be touched as the City may be hit with a revenue loss during the Olympic year. The City Council has addressed only a small part of what needs to be considered. Roger Harlan supported the idea of public meetings during the year on various budget topics. The City Manager suggested using the summer to assemble information and identify alternatives so that a process can be started in the fall and perhaps scheduled on a monthly basis. The City Manager pointed out that this is not a technical problem but philosophical and the Council needs more information from staff to set a policy. He continued that the City needs to look at impact fees in any event as they need to be reviewed every two years to defend fees and there is information that will be provided to Council precisely outlining what services cost. Peg Bodell suggested that Council continue to define its goals and Mr. Ross indicated that that may not be necessary this year, but certainly in preparation of next year's budget. The Mayor Pro Tem provided the public an opportunity to comment.

Bill Malone, Director of Chamber/Bureau, explained that the transient room tax is broader than the lodging community and affects the hospitality community. He relayed reasons for not enacting an accommodations tax at this time, including maintaining a competitive edge, potential widening gap between taxes collected in the County as opposed to the City, precedent of using accommodation taxes as a method for General Fund purposes, and concerns regarding price and value for a Park City vacation. He felt that the best solution is increasing occupancy of the bed base by attracting more visitors to town. This is a long term problem and the community needs to be looking at long term solutions. Mike Phillips, East-West Properties, thanked Council for the opportunity for input and reiterated the importance of attracting and retaining the visitors already coming to Park City in a flat declining economy to help pay the already existing visitor taxes.

Tom Bakaly noted that staff will provide Council with an outline of the study which will focus on the expenditure side of the budget in a couple of weeks.

Capital improvement fund. Tom Bakaly explained that this is the largest fund in the budget. In response to a question from Ms. Kerr, Mr. Bakaly explained that funds in the General Fund need to be allocated every year while funds in the capital improvement fund can be *rolled over*. That is the reason the Friends of the Library donations are maintained in the capital improvement fund. Mr. Jones requested clarification on what will be spent on projects in specific fiscal years in the document, as opposed to just listing the total amounts. Tom Bakaly responded that this is the type of detail that will be provided in the study discussed above. If Council would like this information before adoption of the budget, it can be provided. Shauna Kerr stated that she feels uncomfortable in moving forward without more detailed project narratives and expenditure

projections for 2001. Mr. Jones emphasized that he is not requesting a staff report on each project, but rather an expansion of the current project list identifying dollars for the year and the roll over amount the next year.

With regard to improvements to upper Park Avenue, Mr. Bakaly indicated that \$200,000 is planned to be spent in 2001 for engineering and designing services. The survey in the packet is intended to be circulated to residents. Staff is recommending that the survey be conducted, the engineering work completed, and then come back to Council in the fall with meaningful information on the project. Ms. Kerr pointed out that residents paying for the cost of under grounding utilities is not adequately addressed in the survey which should be amended. Mr. Harlan asked how long the technical study will be relevant. Eric DeHaan explained that sidewalks and under grounding utilities would be valid for a two to three year period; a portion of the \$200,000 would be earmarked for the final design. The City Engineer explained that there were neighborhood meetings and mailings in relation to the Woodside Avenue project. Ultimately sidewalks were not installed as a part of the project because the residents viewed parking as critical in the area. Mr. Bakaly added that the residents are requesting more funding so that construction can begin immediately or April 2001 and currently only \$200,000 is budgeted which is not adequate to meet the residents' expectations. The budget can be adjusted at a later date when the study is complete and Mr. Bakaly discussed the reality of completing the project in one year before the Olympics and assigning a project manager. Fred Jones concurred with staff's direction as the Council needs a comprehensive understanding of the project which is an unknown at this time. He feels the timing of review is good as a commitment can not be made today, acknowledging there is support on the part of the Council to address this issue.

John Plunkett, UPAPA, stated that the neighborhood would be happy to work with staff on the survey and will be meeting Saturday. If Council doesn't commit to all of the funds now, the funds may not be available in the future. He understood from staff that there are funds that exist and it would be possible to have the project completed next summer, and reiterated that he would like to hear that it is the political will of the Council that the project will be conducted next summer. The Mayor Pro Tem stated that if it is a project including under grounding utilities that it could not be accomplished or started next summer, because of the complex coordination with other infrastructure providers. Many will be busy with Olympic preparations and have not scheduled time for this project and it may be difficult to obtain priority on their scheduling. If the project doesn't include under grounding utilities, it is a different situation. Mr. Plunkett felt that it should be decided to do a project next summer, and the study will indicate what can be done during that time. Ms. Kerr pointed out that in the event the project next summer doesn't include under grounding utilities, it is unlikely that that would occur in the future as it is not practical to dig up the street again.

Mike Getchow, UPAPA, requested that the budget be adjusted to \$800,000 as adjustments to the scope of the work will appear in next year's budget in any event. This increase will get the project *in the ground*, which is what the neighborhood wants. Fred Jones pointed out

that even if \$800,000 is budgeted this year, it can't be started until the full amount is known. Roger Harlan did not recall the Council ever welching on a project. Mr. Plunkett noted that in the five year capital improvement plan, there was funding for projects for upper Park Avenue which was deleted in the 1999 budget. Mr. Bakaly expressed his willingness to elaborate on the history of the project which was discussed last week, and Council agreed to move on with the budget discussion.

Tom Bakaly discussed the \$230,000 loan to the Golf Course Fund from the City Park capital improvement to budget which will have a balance of \$1 million. The skateboard project is projected to amount to \$600,000 this year, and the remaining funds will be available for the next priority which involves improvements to the recreation building. Mr. Bakaly requested a commitment from Council to this strategy. Ms. Kerr stated that she is comfortable that the golf course will repay the loan but if that is not the case, suggested that the capital improvement fund be repaid by the contingency fund and the golf course would then be obligated to the contingency fund. Peg Bodell brought up the potential impact on the City's bond rating. The City Manager understood that the loan should come from the park fund and if the golf course can not pay the loan back by 2002, that the park fund would be made whole from the contingency fund, which would be paid back by the golf course fund. Ms. Bodell and Mr. Jones expressed the difficulty in making an absolute commitment today with regard to guaranteed repayment and project priorities in the future. Mr. Jones pointed out that the focus should be on the operations of the golf course so that it is able to pay back its debt. The City Council concurred with this strategy.

The Director of Capital Projects and Budget continued that COSAC is recommending the issuance of the remaining \$6 million of the general obligation bonds, and this will be reflected in the tax rate. Ms. Kerr emphasized that this is not a tax increase enacted by this Council but rather part of the open space bond, approved by the voters.

Grants. Tom Bakaly explained that there are changes to the grant policy and discussed the different categories for grants. When the General Fund is reduced, it affects the amount set by percentage allocated to grants accordingly. However, historic district grant program funds have not been reduced since funding is provided by the Redevelopment Agency, not the General Fund. The grant contingency once was \$20,000 to \$30,000 which has been reduced to \$4,000 as new service providers have come on line. The June 1 budget will reflect a 5% reduction in grants. He continued that the Arts Council grant is currently included in the category for arts, culture and humanities for \$14,500. It is also the organization who recommends the distribution of funds in the amount of \$27,000 to other organizations. The Arts Council would like to be a separate category and funded in the range of \$43,500. There was consensus on the part of the Council grant subcommittee to designate the Arts Council as a separate contractor. Mr. Bakaly added that an increase could be granted on a one-time basis in consideration of the results of the upcoming art tax which will appear on the ballot. Peg Bodell disclosed that she is a contract employee with the Arts Council. She excused herself from participation in the discussion and left the room. As members

of the subcommittee, Roger Harlan and Candy Erickson explained that they had no problem with re-categorizing the Arts Council, but could not support increasing funding by \$29,000.

Joanna Charnes, Arts Council Director, explained that the organization is at a pivotal point and hopefully next year, there won't be this shortfall in their budget, because of the potential of private funding, matching County funding, and the passage of an arts tax. The County is receptive but can not commit until it begins in its budget process in the fall. Ms. Kerr discussed the philosophy of proportional increases and decreases of the General Fund in grant awards and pointed out that the timing of this request is difficult. One-time funding is also a problem this year. Mr. Jones expressed that he understood that the Arts Council is the umbrella organization for the area to coordinate programs and projects in the art community to avoid duplication of services. Ms. Charnes explained that the Arts Council is an umbrella organization who provides services to other organizations. They have lost the Film Series which was their *cash cow*. They don't expect the City to support them in the long term and that is why the 1/10th of 1% arts tax has been explored. Linda Bonar, Board member, explained the transition from the Arts Council being an event producer to a service provider. Until the Arts Council can become stabilized with other funding sources, it is seeking assistance from the City. It is hoped that the one-time funding request would carry the Arts Council to the end of the year. The timing of distribution of revenues from the arts tax was discussed. Joanna Charnes expressed confidence that the County will match the City grant. If other options don't materialized, the Arts Council will be forced to cut back on services.

There was consensus among Council members to separate the Arts Council into its own service contract at \$14,500 with a 5% reduction. Roger Harlan expressed his surprise that the Arts Council gave up the Film Series which provided a cash stream. Ms. Charnes discussed service tasks that she is responsible for, and described philosophical conflicts in helping other organizations with productions when the Art Council is producing the Film Festival. Mr. Jones suggested that organizations pay the Arts Council a fee for services. Ms. Erickson explained that she wanted to assist with the shortfall problem to keep them solvent until the end of the year. Fred Jones believed that if there is consensus for a one-time grant, that would be enough direction to staff, because it isn't a long term change to the grant fund policy. Tom Bakaly referred to the youth advisory committee grant award information in the packet for fiscal year 1999-2000; the distributions were supported by the City Council.

3. Review of regular meeting:

Housing element. Rick Lewis explained that the Planning Commission held a public hearing and recommend approval. The housing element is required by state law to be included in a general plan by 1998. Although the City is behind schedule the Council has done much in the way of affordable housing since 1995 and Resolution No. 17-99 is in effect which addresses all of the issues required by state law.

Meg Ryan, consultant, referred to the staff report. The housing element sets the policies for housing in the City. The City has been spending resources and time implementing housing projects since the 1980s; this effort was reaffirmed in the 1990s when a year long community housing task force created long and short-term policies, adopted in resolution form in 1994 and 1995. Again, in 1999, the Council confirmed some policies and a mission statement, which addresses housing requirements for master planned developments and annexations. The housing element before Council mainly ratifies original policies. In general, the element calls for a regional approach toward affordable housing and actions that support reaching broad cross-sections of incomes in the community. There are incentives and a recognition that all segments of the community need to address our housing problem.

Ms. Ryan explained that the second issue focuses on membership of the housing authority which was composed by appointed citizens and then later by the City Council. Staff is asking for direction on this issue. Ms. Kerr requested the pros and cons of the Council serving on the Housing Authority. Ms. Ryan also pointed out that there may be a regional housing authority in the future. Mark Harrington interjected that there are no legal ramifications in the make-up of the board and regional representation could also be included in an ordinance. Toby Ross pointed that some of the major projects undertaken by the City in the past ten years may be more appropriately controlled by the City Council. Rick Lewis emphasized that the housing authority issue does not need to be resolved in adopting the element. Phyllis Robinson explained that typically housing authorities own, manage, and develop Section 8 housing. If the City is interested in Section 8 certificates, an application could be assigned to Mountainlands Community Housing as a non-profit managing agent. There is a trend in Utah of combining housing authorities because of the administrative costs involved with Section 8 programs. There was discussion about advantages in combining agencies in terms of applying for more funds, and Ms. Robinson felt its wasn't particularly relevant.

Deer Valley concert series. Melissa Caffey explained that concerts are proposed but have not been confirmed. The difference from last year is that they would like to allow coolers and staff has met with the applicants and feels comfortable with mitigation strategies. Shauna Kerr requested that there be a schedule of the concerts as well as a signed agreement by Deer Valley and the promoters that the approval is conditional. Roger Harlan pointed out that traffic delays should be well advised to patrons. He continued that there didn't seem to be problems with coolers for Symphony concerts, but the entertainment for this series may attract a different clientele. Ms. Caffey responded that there are added security requirements which will be paid for by the applicants and Deer Valley has agreed to address the traffic delays in its promotion materials. Peg Bodell suggested booking a small group earlier to provide an incentive for people to arrive earlier.

See regular meeting minutes.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 18, 2000**

I ROLL CALL

Mayor Pro Tem Shauna Kerr called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 18, 2000. Members in attendance were Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Shauna Kerr. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Melissa Caffey, Special Events Manager; Tom Bakaly, Director of Capital Projects and Budget; Meg Ryan, consultant; and Lloyd Evans, Chief of Police.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not scheduled on the agenda. Hearing no comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Peg Bodell pointed out an article in the Nations Cities Weekly about cultural tourism and information about chamber/bureaus and their roles in communities. Mark Harrington added that he read an article in the Weekly about arts and non-profits dovetailing on City insurance policies for special events and is investigating this with our insurance carrier.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MAY 4, 2000

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of May 4, 2000." Fred Jones seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARING

Deer Valley summer concert series Master Festival License - Melissa Caffey explained that the MFL contemplates that coolers would be allowed as a part of the master festival license with conditions for additional security and revocation of the license if a nuisance occurs. Hearing no questions or comments from the City Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Roger Harlan, "I move approval of the Consent Agenda of Items 1, 2, 3 and 4". Fred

Jones seconded. Motion unanimously carried. The Mayor Pro Tem invited the public to help plant trees in the cemetery in observance of Arbor Day this Saturday.

1. Deer Valley summer concert series Master Festival License - See work session notes, staff report, and public hearing.
2. Ordinance to approve the record of survey for the condominium conversion of the existing duplex at 1372 Woodside Avenue, Park City, Utah - See staff report.
3. Ordinance to approve the preliminary and final subdivision plat, known as the Black Diamond Lodge Subdivision, located at 2280 Deer Valley Drive East, Park City, Utah - See staff report.
4. Resolution proclaiming May 20, 2000 as Park City Arbor Day - Staff recommends approval.

VII PUBLIC HEARINGS

1. Continued hearing on an Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating master festival licensing; by adding a new sub-chapter 8A regulating public outdoor music plazas; and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas - Mark Harrington referred to a letter from Melanie Reif and Ron Whaley about the ordinance and a response to these concerns from staff. With regard to Recital 2, staff is willing to incorporate Section 10-84-1 of the Utah Code with regard to private property rights. The City is not prejudice to business property owners or residential property owners and does not acknowledge that it has not enforced prior laws; the ordinance is intended to provide better ability to enforce regulations. With regard to Recital 3, Ms. Reif suggested citing fines in the body of the ordinance. Mr. Harrington suggested that if Council desires further enforcement, it could implement a bond requirement for non-compliance. In Recital 4, Ms. Reif alludes that the findings do not indicate that there was negative testimony and the recital has been modified. With regard to Recital 8, Ms. Reif asserts that the Historic District Business Zone is not commonly subject to noisy commercial operations and staff disagrees, and the ordinance provides for mitigation of sound. With regard to Recital 9, staff acknowledges that snow-making equipment has not yet been installed. He clarified that the approved decibel level for the Sweeney CUP is 85 not 75 and unlike music, snow-making is a constant sound. Staff feels there is sufficient Council review to ensure regulations are followed which is a concern of Ms. Reif relating to Recital 13 as there are oversight efforts and monthly reports to Council. In Recital 15, Mark Harrington explained that Ms. Reif confuses standards of review for substantive due process with the time, manner, place standard referred to in this recital. Staff added the word *legitimate* for clarity. Ms. Reif in Recital 16 cites that the Council approved a contribution for the construction of the band shells and staff insists that the grant is a separate issue and has no bearing on the licensing process.

The City Attorney pointed out that license revocation is set forth in another chapter of the Code and staff will include a reference if Council so chooses. He added that staff does not agree with Ms. Reif's allegation that this is an expansion of outdoor music. Under the existing ordinance, approximately nine businesses could apply for outdoor music permits which will be precluded by adoption of the proposed ordinance. The number of venues, time restrictions, number of performances are further limitations. Ms. Reif suggests that one person fill both roles of reporting and operations and staff does not have a problem with that. Mr. Harrington agreed with Ms. Reif's comment about the time restriction being better clarified and favorably considers her amendment to the ordinance that the special events department will facilitate the citizen advisory group. Finally, the City Attorney indicated that Ms. Reif requested that no additional outdoor music licenses be granted in the area, and staff is not willing to compromise as it feels that each festival needs to be evaluated on an individual basis. Ms. Harrington regretted that Ms. Reif's comments were so late and weren't available for review by the committee. Staff believes that her due process has been met.

Jim Fullmer, sound engineer, provided a sound analysis in the meeting packet materials. The study was conducted the in April and May to record background noise on Park Avenue in front of the bank. He explained the dba measurement which is equivalent to the sensitivity of the human ear and that there is typically an average measurement and a measurement of random loud sounds, like a car horn, described as L-1. Statistically, this is comparable to measurements for musical performances. He continued that the highest L-1 measurements were 78 to 79 dba and the typical background in the neighborhood ranged from 46 dba to 78 dba. Mr. Fullmer referred to the 90 dba maximum proposed for outdoor performances. Measuring sound is common and the sound equipment can be monitored and controlled. It will almost be impossible for a small group of performers to exceed 90 dba. For the benefit of Peg Bodell, Mr. Fullmer described his measuring equipment and the less technical equipment required to monitor this program. It is anticipated that the sound level of the back of the stage of the band shell would be about 10 dba lower. It is estimated that at the Town Lift stage, the maximum sound in the residential area directly across from Park Avenue would be at about 76 dba, assuming that the shell is facing east. On west Park Avenue, and to the north and south at a distance of 175 to 200 feet it is expected that the dba will be about 72 which is the typical range of traffic noise. The Summit Watch is further away from Park Avenue but the tall buildings may deflect sound to the west and 74 is the average dba. He emphasized that 90 dba levels are assumed to be short-term noise and not the average and are comparable to the measurements for traffic. In response to concerns earlier expressed by Ms. Reif, he clarified that the decibel reading in the residential area will not be in the 90 dba level. That could be a reading in the performance area, but the residential area will experience levels in the 70 dba range. Mr. Fullmer explained that if the dba level is reduced in the performing area, there is a proportional linear reduction for outlying readings.

Melanie Reif, resident, referred to her letter Mr. Harrington responded to earlier. She argued her point for the standard of review as it was changed by the Council. With regard to Recital

16, she suggested that the Council read the Constitution about the due process clause. With regard to comments about the lateness of her correspondence, she clarified that there was confusion about the scheduling of the public hearing. Mark Harrington explained that his issue was her claim that the City was not providing ample opportunity to participate in the process, and that the meetings were just cursory. He commended her on her letter as staff has benefitted from her analysis.

Kim Harrington, Park Avenue resident, polled the audience of about 60 people. Ron Whaley and Melanie Reif indicated opposition.

With no further comments or questions from the City Council or the public, Ms. Kerr closed the public hearing.

2. Revised budget for fiscal year 1999-2000; tentative budget for fiscal year 2000-2001 and budget plan for fiscal year 2001-2002 for Park City Municipal Corporation and its related agencies (continue to June 1, 2000) - See staff report and work session comments. Tom Bakaly suggested that Council open the public hearing and continue to June 1, 2000 when the tentative budgets are scheduled for adoption. The recommended budget was first introduced on May 4, 2000. With no questions or comments from the City Council, the Mayor Pro Tem opened the public hearing.

John Plunkett, UPAPA, referred to an on-going petition to fix the street which currently has 44 home owners signatures, and 32 renters. In response to a question from Mr. Plunkett, the Mayor Pro Tem clarified that comments relating to Park Avenue voiced at work sessions and regular meetings are in the official record and don't need to be repeated. He continued that UPAPA is asking Council to look at the current budget and find the \$800,000 needed to pay for the study and create the possibility of starting the work in April. If \$800,000 is not assigned in the current budget, then it will be impossible to start the work next summer. He felt that the neighborhood can quickly agree on the scope of the project and in terms of the five year plan, he urged Council to earmark the additional \$800,000 needed in next year's budget so that the project could be completed next year. There is the capital improvement contingency fund of about \$3 million and RDA funds, which were used in the Woodside Avenue project. He referred to cynicism about political campaign promises and pointed out that there are ways to fix and fund the project. Mr. Plunkett hoped that this process has changed the Council's perception as they are serious home owners and tax payers with a real concern. He questioned why the City would not want to improve historic Park Avenue to attract pedestrians and tourists. It could become Park City's greatest asset for business, tourism and quality of life. A number of neighborhood children requested that the street be fixed.

Kari Hays, 145 Park Avenue, stated that she is a long-term resident and was concerned about the belief that her neighborhood is transient. In her 30 years of living there, she doesn't believe the street has looked worse and understands that almost every other street is paved

every three years. If there is money budgeted for these other streets to be repaired, maybe those projects should wait so Park Avenue is improved as it is dangerous and residents have waited long enough.

Mike Getchow, resident, discussed the pride of ownership of residents on Park Avenue and urged the City to match that pride by fixing the street.

Ian Dowie, 575 Park Avenue, discussed the ratings of Park City's 50 miles of road.. Four percent of our inventory is categorized as *unacceptable*, including Park Avenue, and all of these roads are in Old Town, not one in located in Thaynes Canyon or Park Meadows. The water, sewer and gas lines desperately need to be replaced. He discussed the attraction of Park Avenue for tourists and the stringent guidelines and Historic District Commission requirements to preserve Old Town. Improving Park Avenue was identified as a priority by candidates last year. If Council visualizes living there, it would be compelled to repair the street.

Chris Brand, UPAPA, explained that residents want to get the street done and are faced with staff's recommendation to not fund it. They are here with about 100% participation to do the project and he urged Council to listen to its constituency and budget the money for the Summer of 2001.

Jennifer Getchow, resident, discussed an injury she incurred because of the condition of the street and is discouraged because residents are not hearing more support from the Council. As a planner, she agrees with the idea of new urbanism, bringing back the street scape and knowing your neighbors. However, this has been a good experience because they have gotten to know their neighbors better over an issue that they all find important. There are many incentives to preserve the historic integrity of structures and yet they are fighting to preserve the integrity of their street scape. She urged Council to consider their concerns.

Ruth Gezelius, Old Town resident, believed that the testimony tonight could be heard from all Old Town residents with the exception of the lower Woodside Avenue residents who are experiencing the actual benefits of improvements to their street. The number of full-time residents in Old Town has increased over the past several years and Council is going to hear more demands from other streets. Part of the capital improvements plan is to address those issues in Old Town in a timely manner as budgetary restraints allow. She strongly encouraged Council not to increase the tax rate and make adjustments in other areas in order to fund capital improvements in the Historic District.

Roger Click, Old Town resident, complimented the Park Avenue residents on their efforts.

Barbara Fontaine, Library Board member, asked if there are any questions regarding

the \$6,000 request for continuing the Hispanic Outreach Program. Council supported the program.

Roger Click urged Council to consider increasing funding for the Library and went into great detail about the donation of a book written by Utah's Poet Laureate. Park City has a wonderful library but it could be improved by purchasing a variety of books.

Shauna Kerr relayed that the Mayor could not be here tonight and conveyed that he did not support going forward with the transient room tax or a property tax increase. Hearing no further questions or comments, the Mayor Pro Tem requested a motion to continue the hearing. Roger Harlan, "I so move". Fred Jones seconded. Motion unanimously carried.

3. Resolution adopting a Housing Element for the General Plan of Park City, Utah - Meg Ryan explained that the housing element sets forth plans and policies to ensure moderate and low income housing for a cross-section of the community. The Mayor Pro Tem invited the public to comment.

Phyllis Robinson, Director of Mountainlands Community Housing Trust, pointed out that this is one of the most thorough compliance with HB295 regarding housing elements in general plans. She discussed her training in the state to help communities with this requirement and one of the major components is to set forth action steps. She felt that issues are well covered and is pleased with the emphasis on preserving existing affordable housing units. At a later date, Ms. Robinson suggested meeting with Council about its implementation as there may be some regional opportunities. Hearing no questions or comments from the Council or the public, the Mayor Pro Tem closed the public hearing.

VIII NEW BUSINESS

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating master festival licensing; by adding a new sub-chapter 8A regulating public outdoor music plazas; and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas - Ms. Erickson asked if a performance would be adversely impacted if the decibel maximum is dropped from 90 dba to 80 dba. Ms. Caffey understood that there is a dramatic difference in the differential, however, this could be revisited with the sound engineer. Toby Ross interjected that the difference of 10 dba is a perception of a doubling of sound and going to 80 dba would be a low standard. The ambient noise is somewhere between 70 and 75 dba. In response to a question from Fred Jones, Mark Harrington explained that the committee deliberated on decibel levels and that a monitoring device is required in the sound system. Ms. Caffey discussed the pricing of monitoring equipment and Peg Bodell suggested hiring a sound engineer and/or rent the equipment providing more detailed information. Toby Ross suggested conducting the study intermittently and not at every concert. Ms. Caffey explained that the sound technician could record the performance by hand every five minutes which is an alternative the

committee considered. Mark Harrington reiterated that a monitor will be on the sound system. There was discussion about staffing the performance with one person on site, the sound technician, but there may be times when two people are needed. The sound technician will be an employee of the Arts Council. Fred Jones continued that the reason the sound is being measured at the source is to mitigate the impact to the neighborhood, rather than on the audience. If the ordinance is implemented, it may behoove us to run some tests in the neighborhood to determine if these levels are appropriate behind the stage. Mark Harrington explained that it is contemplated as a part of the on-going monitoring. Ms. Caffey understood that Mr. Jones' direction is to measure sound behind the stage during a performance. Ms. Bodell discussed the emanation of sound on other Old Town streets. Ms. Kerr agreed and felt that for the first two performances on the Town Lift and Summit Watch that monitoring be conducted pretty extensively in other locations. Peg Bodell interjected that if it matches the engineer's projections, we know the program is on track. In response to a question from Roger Harlan, Ms. Caffey indicated that the cost of monitoring is unknown. The City Manager didn't feel it will be much more expensive to monitor multiple locations as it will not be done simultaneously. It was the consensus of Council to remain with the 90 dba maximum and that the performances cease at 8 p.m. With regard to the revocation issue, Mr. Harrington suggested that in the compliance section where warnings have been issued for up to two violations, a sentence be added that *upon a finding of two or more violations, a hearing shall be scheduled at the next City Council meeting for revocation and no further events shall occur until the hearing.* Ms. Kerr suggested that the warnings be given in writing. Ms. Caffey emphasized that a violation should not be based on a complaint and Mark Harrington noted that it would be based on any condition of approval, i.e., sound level, scheduling, etc. Chief Lloyd Evans explained that it is the staff's intent to provide a mitigation process before citing or revoking a license. The City Manager suggested delegating authority to a staff member as it is difficult to address every situation in the ordinance. Ms. Caffey explained that if there is a complaint to dispatch, dispatch will then call the program manager who is required to address the complaint. If the problem is not taken care of, the police will visit the site to determine if there is a violation. Ms. Kerr felt it important to address problems immediately so they don't occur again. Chief Evans pointed out that this process simplifies actions for his department as the program manager is the point of contact which has not been the case, and if there is a violation, the program manager receives the citation. In response to a concern raised by Roger Harlan of the potential of a City employee being cited, Ms. Caffey explained that the program manager is an employee of the Arts Council.

Mark Harrington pointed out changes to the draft agreement, including that the stage and sound system is off at 8 p.m. There was lengthy discussion on clarification of the compliance section as it relates to number of citations and revocation of the master festival license. The Chief of Police explained that not every complaint results in a citation. A step by step process doesn't necessarily work in every situation investigated by the police and the department wants to provide an opportunity to mitigate the problem before citation or revocation. Fred Jones believed that by the time the citation is written, there have been ample warnings and the event should be shut down, not after two citations. Mark Harrington noted that the ordinance could read, *The Police Chief or his*

designee may, upon issuance of violation of the general conditions during any event, may shut the event down and schedule a hearing on revocation of the master festival license at the first regularly City Council meeting. No additional events may occur until such hearing. Violation of program regulations is cause for immediate closure and license revocation. The Mayor Pro Tem suggested that this matter be continued so that final language can be drafted and reviewed by Council. Melissa Caffey pointed out that Council's next meeting is June 1 and a concert may be scheduled in that time frame and there are planning demands. Shauna Kerr requested a motion to continue. Fred Jones, "I so move". Roger Harlan seconded. Motion unanimously carried.

IX ADJOURNMENT

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

* * * * *

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

Prepared by Janet M. Scott



Janet M. Scott
Janet M. Scott, City Recorder



COUNCIL AGENDA REPORT

DATE: May 18, 2000
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Mark Christensen
TITLE: FY2001 Budget (next year) & FY2000 Revised Budget (current year)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: City Council should follow the budget review schedule as described below and provide staff direction concerning the CIP budget, grants and other budget related issues.

DESCRIPTION:

A. Topic: FY 1999-00 Amended Budget and FY 2000-01 Recommended Budget

B. Background: On May 4, 2000, in accordance with State Law, Staff presented City Council with an amended budget for FY 1999-00 (Current Year) and a recommended budget for FY 2000-01 (next year). During the second year of the two-year budget, the City usually emphasizes Capital Improvements and changes that need to be made to the previously developed fiscal plan (Attachment A). Last year, the City Council conducted a comprehensive review of the Capital Improvements Program (CIP) and there are only minor changes for this year.

On May 4, 2000 City Council was informed that to balance the General Fund Budget in FY2001, beginning balance reserves have been used (Attachment B). At the May 11th meeting alternatives were presented (Attachment C) to balance the budget. Please note that this table has been adjusted to address Council direction and technical corrections. The purpose of the May 18th meeting is to review Transient Room Tax (TRT) issues, the Capital Improvement Budget, City Services Agreements and wrap up the presentation of the budget. The following is the recommended schedule for updating the FY2000-2001 Budget:

May 18th

Revenues, Capital Improvement Budget & Operating Budgets

- 1) Transient Room Tax Discussion
- 2) New CIP Projects
- 3) City Services Agreements & Budget Wrap-up

- | | |
|-----------|---|
| May 18th | 4) Hold Public Hearing on the Budget and continue to 6/01/2000.
5) Discussion on budget as needed |
| May 25th | No meeting scheduled. |
| June 1th | 1) Hold Public Hearing on the Budget and continue to 6/15/2000.
2) Tentative adoption of FY2001 Budget (no tax increase)
3) Tentative adoption of FY2000 Amended Budget |
| June 15th | The schedule for June 15, 2000 will be as follows:

(No Tax Increase) Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of both the FY2001 Budget, the FY2000 Adjusted Budget and the certified no increase tax rate for FY 2001. |

C. Analysis:

Transient Room Tax: On May 11th, Staff presented Council the option of imposing a municipal transient room tax of up to 1%. The current tax on a room rental in Park City is 10.25%. Please note that 3% of that total is a Transient Room Tax that is collected by the County and remitted mostly to the Chamber of Commerce. Park City Municipal currently does not receive any Transient Room Tax. City Council asked staff for more information regarding an increase to the municipal transient room tax. The May 11th report was too conservative in its projections about revenue that would be generated from a transient room tax. The Transient Room Tax Spreadsheet (Attachment D) shows that a .25 % increase would generate roughly \$200,000 and a .5% increase would generate roughly \$400,000 instead of what was reported last week. In order to have the TRT in place for October - December, City Council would need to approve an ordinance by the middle of July. Attachment D also shows a sales tax breakdown by type of sale for Park City. City Council also asked for comparable TRT information from other cities in Utah and other resorts. Staff has compiled that information with the assistance of the Chamber Bureau and it is included in the report as Attachment E.

As discussed with City Council on May 11th, Staff has contacted the Chamber Bureau and the Lodging Association regarding this issue. Included in this report (Attachment F) is a fax received from the Lodging Association. Staff will attend the next Board meeting of the Lodging Association which is scheduled for May 15, 2000. Raising taxes would be one strategy to address the longer term trend of expenses exceeding revenues. Council should consider this action in the context of the budget reductions that it tentatively agreed to on May 11th. As Council considers the TRT tax and other funding requests, they will need to weigh the financial, political, and resort philosophy issues associated with each decision. One option might be to tie any increase to the TRT to tourism related services, even though that would not be a requirement of the State law.

Capital Improvement Program(CIP): As explained on May 4th, there have been relatively few changes in the CIP. Last year the City went through a comprehensive prioritization process for the CIP. Please see pages 167 and 173 of the bound budget document for a description of this process. If City Council wanted to reprioritize the CIP in order to fund a new project to a greater extent (Upper Park Avenue), staff suggests that Council identify which projects it would like to fund and staff will return with funding alternatives on June 1, 2000. With a few exceptions as described, Staff recommends that the CIP remain basically as prioritized last year. At present there have been three projects added to the CIP. In addition to the three new projects money has been moved from several projects as shown below.

Project #	Project Title	FY2000 Adjusted	FY2001 Adjusted
32	Old Town Stairs	(511,508)	511,508
37	Hillside Avenue Design and Widening	(67,224)	
48	City Park Improvements	(1,060,891)	829,095
445	Affordable Housing	(381,054)	381,054
445*	Affordable Housing -130106 carryover	0	
485	Lower Park Avenue	(328,825)	328,825
579	Library Donations Expenditures	29,001	70,750
648	5 Year CIP Project Funding	(200,000)	(200,000)
681	Golf Pro Shop	(200,000)	1,665,000
699	Open Space Acquisition	(6,000,000)	6,000,000
705*	Water Source, Storage and Delivery	0	
708	Trails Master Plan Implementation	(841,292)	861,291
709	Property Improvements	(92,000)	92,000
712*	Building Replacement & Enhancement	0	
713	Golf Course Improvements	100,000	(80,000)
719	Snow Creek Parcel	2,239,702	
740*	CIP Transfer to General Fund	0	0
741	Storm Water Runoff - Upper Park Ave.	200,000	
742	Bus Turn Out and Shelters	40,000	
744	Snowcat Replacement	6,524	
		(\$7,067,567)	\$10,459,523

* Amount will be updated as described below in June

Project Adjustments Summary: Attached is a copy of the CIP Project Summary report that shows all of the CIP Projects and changes (Attachment G). The following summary will provide a brief description by project of the changes in the CIP. Please note that under Utah State Law and Park City Policy, any CIP budget money that is unspent on the last day of the fiscal year is carried forward to the following year. The one exception is policy is funds that are transfer from the Debt Service Funds. Projects funded by these accounts are zeroed out to cover the current year expenditures and the remainder of those monies are then appropriated for the next year.

CIP Project Changes:

- 32 **Old Town Stairs:** Due to the nature of funding, this project shows a reappropriation of funds from FY2000 to FY2001.
- 37 **Hillside Avenue:** \$67,224 of the carryover funds from this project are being reappropriated to fund the engineering and design of project 741 Upper Park Ave.
- 48 **City Park Improvement:** In FY2000 \$231,796 has been transferred to the Golf Course Fund to fund an operating revenue shortfall. This money represents a loan to be repaid by Golf Fund revenues within two years at an interest rate of 6%. If the loan is not repaid in this time period the City Council should identify other revenues to repay this loan. There is an additional \$829,095 that is being carried forward to FY2001.
- 445 **Affordable Housing:** This project shows \$381,054 as being reappropriated from FY2000 to FY2001. In addition \$-130,106 of carryover will be added to the system to reflect a correction that will be made in June.
- 485 **Lower Park Avenue:** Due to the nature of funding, this project shows a reappropriation of funds from FY2000 to FY2001.
- 579 **Library Donations:** This account allows for money to be carried over from year to year. This account has been adjusted to reflect additional donations received this year and next.
- 648 **5 Year CIP Funding:** This project has historically received transfers from other funds for future projects and debt service. Some transfers for project administration are now being directed to the General Fund for debt service.
- 681 **Golf Pro Shop:** Due to the nature of funding- this project shows a reappropriation of funds from FY2000 to FY2001.
- 699 **Open Space Acquisition:** In FY2000 approximately \$4 million of the Open Space bond was issued. It is anticipated that the remaining \$6 million will be issued in FY2001.
- 705 **Water Source, Storage and Delivery:** In FY2000, \$30,000 was received from the Post Office that will be shown in the Final FY2000 Budget in June.
- 708 **Trails Master Plan Implementation:** Due to the nature of funding, this project shows a reappropriation of funds from FY2000 to FY2001. This project also shows an additional \$20,000 in the FY2000 budget due to revenues received in relation to the sale of part of the Snow Creek Parcel to the Post Office.
- 709 **Property Improvements:** Due to the nature of funding, this project shows a reappropriation of funds from FY2000 to FY2001.

- 712 Building Replacement and Enhancement: In the FY1999, Adopted Budget, \$22,000 was appropriated for this project from beginning balance. Due to a technical error this money was not reflected in the FY2000 GL or Budget. This change will be reflected in the Final FY2000 Budget in June.
- 713 Golf Pro Shop: In addition to the funds loaned from City Park, the Golf fund needed an additional \$100,000 from the MBA to fund this year's CIP projects associated with the Hotel. This debt is annually repaid as part of the Golf Fund budget.
- 719 Snow Creek Parcel: This project also shows an additional \$2,239,702 in the FY2000 budget due to reflect payment (including interest) for the purchase of the Snowcreek parcel.
- 740 CIP transfer to General Fund: In the Adopted FY2000 Budget an interfund transfer of \$300,000 was removed. This change will be reflected in the Final FY2000 Budget.

New Projects:

- 741 Storm Water Runoff and Water Quality (formerly known as Upper Park Avenue): This project is currently funded through engineering and design (\$200,000). It is anticipated that this project will cost an additional \$1.5 million. Funding for this project currently comes from carryover money from project 37 Hillside Avenue and Impact Fees. The use of impact fees will need to be examined and water fees may be substituted in June.
- 742 Bus Turn Out and Shelter: This project will fund a new bus turn out in front of Albertsons on SR 224. The majority of the project is being funded through outside contributions.
- 744 Snowcat Replacement: This year the city purchased a Snowcat for cross country trail grooming. Trail grooming for cross country skiing generates revenues that are being earmarked for future snowcat repair and replacement.

These constitute the changes to the CIP as well as those changes which will be reflected in June when the budget is adopted in final form. In this report, Staff would like to discuss four CIP projects in particular.

Upper Park Avenue: Upper Park Avenue is in poor condition and a project to reconstruct the roadway, replace water sewer and gas lines and install a storm sewer should be included in our Capital Improvements Project budget. The project seems to enjoy support from residents of upper Park Avenue (Heber to King Road.)

The asphalt paving on Park Avenue is deteriorated and should be reconstructed within a three-year to six-year period. This will allow the remaining useful life of the existing investment in paving to be used. If Council desires, upper Park can be slurry-sealed this summer to temporarily improve its appearance and to extend the useful life of the pavement until reconstruction can be funded. The slurry seal costs would come from the funded Pavement Management project.

Also, time is needed to coordinate capital investments by Snyderville Basin Sewer Improvement District and by Questar Gas, whose gas lines will probably need to be relocated to accommodate sewer lines, new water lines, and new storm drain lines (Attachment H). Conduits for the future undergrounding of other utilities would also be installed.

Speeding vehicles are always a concern when an Old Town street is reconstructed, and the width of the newly-paved street should be carefully considered. On-street parking has also been found to be very important to residents. The staff recommends that a questionnaire be used (a draft questionnaire is included as attachment I) to gauge support for various aspects of the Upper Park Avenue Reconstruction Project. Staff would appreciate the assistance of UPAPA to deliver the questionnaires door-to-door.

The project is included in the proposed Capital Improvement Plan with \$200,000 in engineering and design money in FY2001 so all of the design aspects can be detailed and so accurate cost projections can be made. Actual construction costs are not included in the proposed FY2001 budget. Tentatively, staff believes the project budget should be \$1.5 million, not including the undergrounding of any overhead utilities, and also not including the \$200,000 in design costs in FY2001. This is based on the cost of the Woodside Project. The costs won't be known until we can examine the scope, timing and utilities more carefully as part of the design process. The \$1.5 million figure could be low. If, through the design process we determine that the project could be completed in one year and if the Council identifies a source of funding and administrative capacity, then the CIP could be amended mid-year to accommodate construction in 2001. The City's bond rating could benefit from not committing funds to this project from CIP reserves.

Lower Park Avenue Improvements: City Council has recently asked about the status of CIP projects in the Park Avenue area. Other than the permanent skateboard park and street overlay, there are not any projects planned for completion in the Park Avenue area for the next 2 years. In the May 18th Manager's letter, there is a detailed discussion of this issue. If Council would like to provide direction on Park Avenue CIP projects, May 18th would be a good opportunity.

City Park - Loan to Golf Fund: On May 4th, Staff discussed with Council the concept of the City Park CIP project loaning the Golf Fund roughly \$230,000 so that the fund did not end the year in a negative cash position. Members of the Parks Recreation and Beautification Board (PRBB) attended that meeting and they were particularly interested in the terms of the loan from the City Park project to the Golf Fund. The PRBB felt that the Golf Fund had the ability to pay back a loan in the future once their financial position stabilized. The PRBB preferred that the City Park account not be the source of funding for the loan. The PRBB asked the City to explore other funding sources and only use the City Park for a portion of the loan if no other options existed.

The PRBB would like a commitment from City Council that the funds would be returned to the City Park Account by 2002 which is when the PRBB expects to expend those funds on improvements to the City Park Recreation Building. The recommended budget before Council transfers \$230,000 from the City Park project to the Golf Fund in the form of a loan. The balance of the City Park project is roughly \$1 million after the loan. Council should specify whether they would like restrictions placed upon that loan or whether they would like the funds to come from a different source.

Open Space - General Obligation Bonds: The City has \$6 million of voter approved open space General Obligation Bonds authorization remaining. Staff will be meeting with COSAC to determine how much of the \$6 million they would like to issue as we have spent roughly \$3.4 million of the first \$4 million in bonds that were issued last year.

Staff recommends that the City issue the remaining \$6 million. This will mean that when the budget is adopted in June, the property tax rate would be increased to reflect the final issuance of General Obligation Bonds. As stated on May 4th, the increase per \$100,000 of market value for a 2nd home or business will be roughly \$27 and the increase per \$100,000 of market value for a primary residence will be roughly \$15 assuming that interest rates remain at their current level.

City Service Agreements (Grants): There are currently no funding changes to the budget in the City's service agreements. As discussed on May 11th, any changes to the total General Fund budget will result in changes to the total amount of City Service Agreements as contemplated in Attachment J. On May 18th, Council will be asked to review minor policy changes and a request from the Arts Council.

Arts Council Request: The City has received a request from the Arts Council (Attachment K) that should be addressed at the May 18th meeting. The Arts Council has requested two things:

- 1) The Arts Council would like to be broken out as a special services contract similar to the Chamber Bureau and the Mountainlands Community Housing Trust. The Arts Council currently receives \$14,500 from the Arts and Culture category, for which they are the representative organization that distributes other funds for that category. If the Arts Council were moved to a special service contract, that would leave roughly \$26,500 available for other arts and culture organizations.
- 2) The Arts Council would like their special services grant to be \$43,500 instead of \$14,500. This would be a \$29,000 increase from what is budgeted for arts and cultures grants. In a meeting between the Arts Council and the City's grant subcommittee, the Arts Council expressed that they would appreciate any increase that the City might be able to fund this year. The Arts Council has described (Attachment K) what services will be provided for these additional funds.

City Council Options Related to Arts Council Request:

- 1) Deny Both Requests
- 2) Move the Arts Council to the Special Services category in an amount of \$14,500.
- 3) Move the Arts Council to the Special Services category and increase their funding on a one-time basis (grant contingency balance = \$40,000) or on an ongoing basis up to \$4,000 (annual grant contingency appropriation).
- 4) Move the Arts Council to the Special Services category and increase their funding by reducing other grants.
- 5) Move the Arts Council to the Special Services category and increase their funding by increasing the General Fund grant contribution for grants on an ongoing basis.

Recommendation of Grants Subcommittee: The grants subcommittee seemed to support moving the Arts Council to a special services contract. The subcommittee was undecided as to whether the grant amount should be increased. The idea of using one-time grant funds (option 3 was discussed) for funding a portion of the request for FY 2000-01 only. Participation of Summit County and private contributors was also discussed. If Council would like to increase funding on an ongoing basis for the Arts Council, action should be taken in this budget process.

Budget Wrap-up: This report completes the discussion of budget changes for the revised FY2000 budget and FY2001 budget. City Council indicated on May 11th that they would be willing to reduce General Fund expenses by roughly \$657,000 as outlined in Attachment D of the May 11th report. Council stated on May 11th that they were not interested in increasing property taxes at this time. One Council member suggested we monitor how other cities respond to State action relating to liability claims levels, and that the City may want to raise property taxes to compensate for this action. Council supported the option of studying City fees and programs in anticipation of a difficult budget process this time next year. City Council should provide direction on the items discussed above at the May 18th meeting so that Staff can present a balanced Tentative Budget for adoption on June 1, 2000.

D. Department Review: - To be provided as needed.

ALTERNATIVES:

A. Provide Direction About TRT, CIP & City Services

B. Amend the CIP Presented

C. Continue the Item - June 15, 2000 is the last date on which adoption (No Tax Increase Rate) can occur in order for us to meet the filing deadlines with the County and State if there is no property tax increase.

D. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide direction on any revenue and CIP changes. Any additions to the CIP need to be made on the 18th to allow staff to present a completed and balanced budget according to State Law deadlines.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Even if the City Council does not provide policy direction, staff will present a balanced budget for tentative adoption by June 1st as required by state law. However, that budget may not fully meet the City Council's expectations.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide direction concerning the TRT tax, the CIP, and Grants.

Attachments:

- A. Changes to Budget
- B. 5 Year General Fund Projection Graph
- C. Budget Balancing Alternatives
- D. TRT Revenue Amounts and Sales Tax Data for Park City
- E. TRT comparison with other Cities and resort towns
- F. Fax from the Lodging Association
- G. CIP Project Summary
- H. SBSID Letter - Upper Park Avenue
- I. Upper Park Avenue Improvements Questionnaire
- J. Grants Spreadsheet and Policy Update
- K. Arts Council Request

**CITY COUNCIL
STAFF REPORT**

DATE: May 18, 2000
DEPARTMENT: Facilities and Special Events
AUTHOR: Melissa Caffey
TITLE: Facilities and Special Events Manager
TYPE OF ITEM: Master Festival License approval for Deer Valley Concerts 2000

SUMMARY RECOMMENDATIONS: Discuss proposed events, conduct a public hearing, consider public input and approve proposed schedule for Deer Valley Concerts 2000 as conditioned by staff.

DESCRIPTION:

A. Topic: Summer concert series at Deer Valley Resort at Snow Park Lodge.

B. Background:

In 1999 the Council approved a Master Festival Licence for a new concert series at Deer Valley Resort similar to its existing Utah Symphony concert series. The series was managed by United Concerts, the prior organizers of concerts at the Canyons(Park West/Wolf Mountain). A total of seven concerts were held and the following restrictions applied:

- 1) a maximum capacity of 5,000 people;
- 2) prescribed ending time of 10:00 p.m.; (this is the same as the symphony concerts and is in accordance with the Municipal Noise Ordinance)
- 3) no coolers allowed;
- 4) United Concerts was required to provide sales tax information to ensure City receives the sales tax revenues on all ticket purchases;
- 5) increased security (including parking lots); and
- 6) each concert was required to submit a separate master festival license for review and approval.
- 7) the concert series was approved for the summer of 1999 only and no further series were guaranteed. The City also reserved the right to cancel any additional concerts in the series if any significant problems occurred.

C. Analysis:

Overall the 1999 series was successful and did not disrupt any other Park City special events or unduly impact city services. The event organizers are proposing to continue the series again for the Summer of 2000 with four concerts proposed at this time.

The concerts currently proposed for the summer concert series and approved by staff are:

1) Indigo Girls	Tues., July 11	6 pm-10pm
2) Tracy Chapman	Frid., Aug 4	6 pm-10pm
3) Ben Harper	Frid., Aug 18	6 pm-10pm
4) Jethro Tull	Thurs., Sept. 7	6 pm -10pm

After meeting with the Deer Valley staff regarding the pros, cons, concerns and issues from all stakeholders, City staff feels that most concerns and potential problems with popular music concerts were mitigated with the conditions that were applied last year. After discussion with all the affected parties it was proposed that a few minor alterations be included for this year's approval.

Primarily the organizers have requested that coolers be permitted in the event venue. The Police Department is comfortable with this inclusion as long as additional proposed security measures are adhered to. These security measures will be determined prior to each venue in a re-concert logistics meeting. Conditions have been drafted that address both parties' preferences. Transportation will also be different this year as the City is awash with road construction. The promoters are aware of the constraints and will market the information that traffic delays will be possible in each concert promotion.

Given the successful history and integrity of Deer Valley events and the terms listed above and agreed to by both Deer Valley and the Concert promoters, as well as the potential revenues to both Deer Valley and the City, staff is comfortable with allowing the concert series at Deer Valley to continue for the summer of 2000 under the proposed conditions.

D. Department Review:

The Public Works, Public Safety, Transportation, Building, Planning and Engineering Departments have all contributed to the review of the proposed concert series. The City Attorney's office has reviewed the conditions of approval and the City Manager's Office has approved the staff's recommendation.

ALTERNATIVES:

A. Approve the Request: Approve the proposed Master Festival License applications for the 2000 summer season popular music concerts at the Deer Valley Resort as conditioned.

B. Deny the Request: Deny the Master Festival License request for the proposed 2000 summer popular music concert series at Deer Valley.

C. **Continue the Item:** Continue the item to another City Council meeting.

SIGNIFICANT IMPACTS:

If approved, the significant negative impacts of the proposed concert series at Deer Valley Resort include issues of noise, additional burden on the Public Safety Department, additional traffic and potential crowd control problems. The positive impacts would include increased tourist business and entertainment opportunities, increased sales tax revenues and increased revenues to Deer Valley during its quieter season.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The consequences of not taking the recommended action for the proposed new Deer Valley concert series would be to require performances scheduled to date to be canceled. Also, Deer Valley would not gain the concert revenues and Park City would not receive the additional sales tax revenues.

RECOMMENDATION: Staff recommends that City Council hold a public hearing and approve the Master Festival License applications for the proposed 2000 popular music concert series at the Deer Valley Resort with the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Facts:

1. The Deer Valley Concerts are proposed to be held between July to September of 2000 at the Deer Valley Snow Park Lodge and amphitheater. The concerts are produced by United Concerts or another event promoter, in conjunction with Deer Valley Resort.
2. Four concerts are proposed with a not to exceed number of ten concerts. Attendance is set at a maximum of 5,000 persons and the concerts will conclude by 10 pm.
3. Impacts are anticipated on the surrounding community due to increased traffic, noise and activity surrounding the proposed events. These impacts are mitigated through the conditions of approval outlined below.
4. The conduct of the events will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
5. The conduct of the events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
6. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.

7. The events will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

8. As seen from the 1999 series, the popular music events do not create the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

9. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1)) A pre-event logistics meeting will be held before each concert with Deer Valley, the concert promoters, and City staff to discuss any concerns, planning changes, pre-sale of tickets and security changes.

2) The Park City Police Department (PCPD) and the City Event Manager will determine the number of security guards required and any additional security measures for each individual concert during the required logistics meeting. The organizers will be required to provide the measures outlined by the PCPD at their expense. PCPD will have a minimum of four (4) officers at each concert, with the option of adding more, depending on the projected numbers and pre-sale of tickets.

3) The City and Deer Valley Resort will carefully scrutinize the numbers of attendees to minimize the possibility of additional people (anything over 5,000) attending the concerts.

4) Methods such as wrist bands and beer sales limits inside the venue will be implemented to minimize the potential for attendees to "overserve" themselves. Security forces will also patrol the venue to ensure that unruly behavior is contained.

5) The number of concerts for the summer season is not to exceed 10 concerts and concerts shall end no later than 10 pm. The concert series is approved for the summer of 2000 only and no further series are guaranteed.

6) The concert promoter is required to provide ticket sales data by December 31, 2000 to the City in order to ensure the City receives all due sales tax revenues.

7) Temporary Restroom facilities will be on site and the numbers will be determined by the sales of tickets and projected attendance.

8) Deer Valley will submit individual Master Festival Licence (MFL) applications for each individual concert. The City also retains the right to cancel all remaining concerts or modify these

conditions of approval with no penalties, financial or otherwise, if at its sole discretion, the City determines that:

1. a significant negative situation or incident occurs at any concert event; or
2. if any negative incidents occur due to the allowance of coolers in the event venue.

9) If the above stipulations are not adhered to or if any event was unruly, unmanageable or drastically negatively impacted the Park City community or Deer Valley Resort, City Council may revoke any remaining Master Festival Licenses held by the applicant, therefore canceling any remaining concerts, with NO PENALTY TO PARK CITY MUNICIPAL CORPORATION WHATSOEVER.

10) The promoter shall provide in promotional material notice to participants of potential traffic delays due to road improvement construction in and around Park City.

CITY COUNCIL STAFF REPORT

Date: May 18, 2000
Department: Community Development Department
Title: Condominium Conversion at 1372 Woodside
Type of Item: Legislative

Summary Recommendations: Staff recommends that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council with conditions as outlined in this staff report.

A. Topic

Applicant: Trent Timmons; Silver King Properties
Location: 1372 Woodside Avenue
Proposal: Condominium Conversion
Zoning: RM (Residential-Medium Density)
Adjacent Land uses: Multi-unit condominium buildings, single-family, commercial
Project Planner: Jonathan Weidenhamer
Date of Application: April 4, 2000

B. Background

The application request is to allow an existing duplex located at 1372 Woodside to be condominiumized in order to enable the property owner to sell the units separately. The duplexes are under construction presently. A final subdivision plat was approved by City Council on August 18, 1999.

C. Analysis

The condominium conversion to allow the two units to be sold separately is straightforward and staff has no outstanding concerns about the request. The applicant was required to schedule a "pre-inspection" to verify that there is only one building on the lot and each side of the duplex is one living unit. The applicant does not intend to do a time share ownership arrangement. The final subdivision plat allowed the creation of one lot of record and allowed that area to be used as common area for the condo project. The use and restrictions of these areas are in the CC&R'S. The applicant is aware that any external or internal changes that cross common area will require a plat amendment and support of both owners.

D. Department Review

The City's Staff Review Team has reviewed this application on April 18, 2000 and found it to be in conformance with all requisite city development codes. The City Attorney's office will review and approve the plat and CC&R's before recordation.

E. Public Input

Property owners within 300 feet of the project were notified on April 26, 2000. The property was properly posted and legally noticed. As of this date of this report, Staff has received no comments regarding the proposed application.

Alternatives

- A. Forward a positive recommendation on the proposed amendment thereby allowing individual ownership of each unit.
- B. Forward a negative recommendation on the condominiumization and retain the current form of single ownership.
- C. Continue the item and request additional evaluation from the staff.

Significant Impacts

The proposal results in a record of survey plat that allows individual ownership of each unit. Approval of this application will not result in any significance impacts to the neighborhood. No external or internal changes to the structure are proposed.

Consequence Of Not Taking The Recommended Action

If the Commission recommends denial of the condominium conversion as proposed, the property will remain under single ownership.

Recommendation

Staff recommends the Planning Commission forward a positive recommendation to the City Council on the proposed condominium conversion at 1372 Woodside Avenue based upon the following:

Findings of Fact:

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The property is currently located in the RM, Medium Density Residential, zoning district, and is included within the area proposed for a rezoning to HRM, Historic Residential Medium density.
3. The proposal is consistent with the Park City Land Management Code, all pending sections of the Land Management Code, and the General Plan in that, both the RM and HRM zones allow duplex structures on approved lots, when all minimum code requirements are met.

4. An existing duplex exists at 1372 Woodside Avenue.
5. Demand for snowplowing generally increases when a new dwelling(s) unit(s) and their driveway(s) are built.
6. The applicant has agreed to the conditions of approval.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. Neither the public nor any person will be materially injured by the proposed condominium plat.
3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominium plats.
4. A ten-foot snow storage easement is an appropriate means of allowing additional snow removal storage.

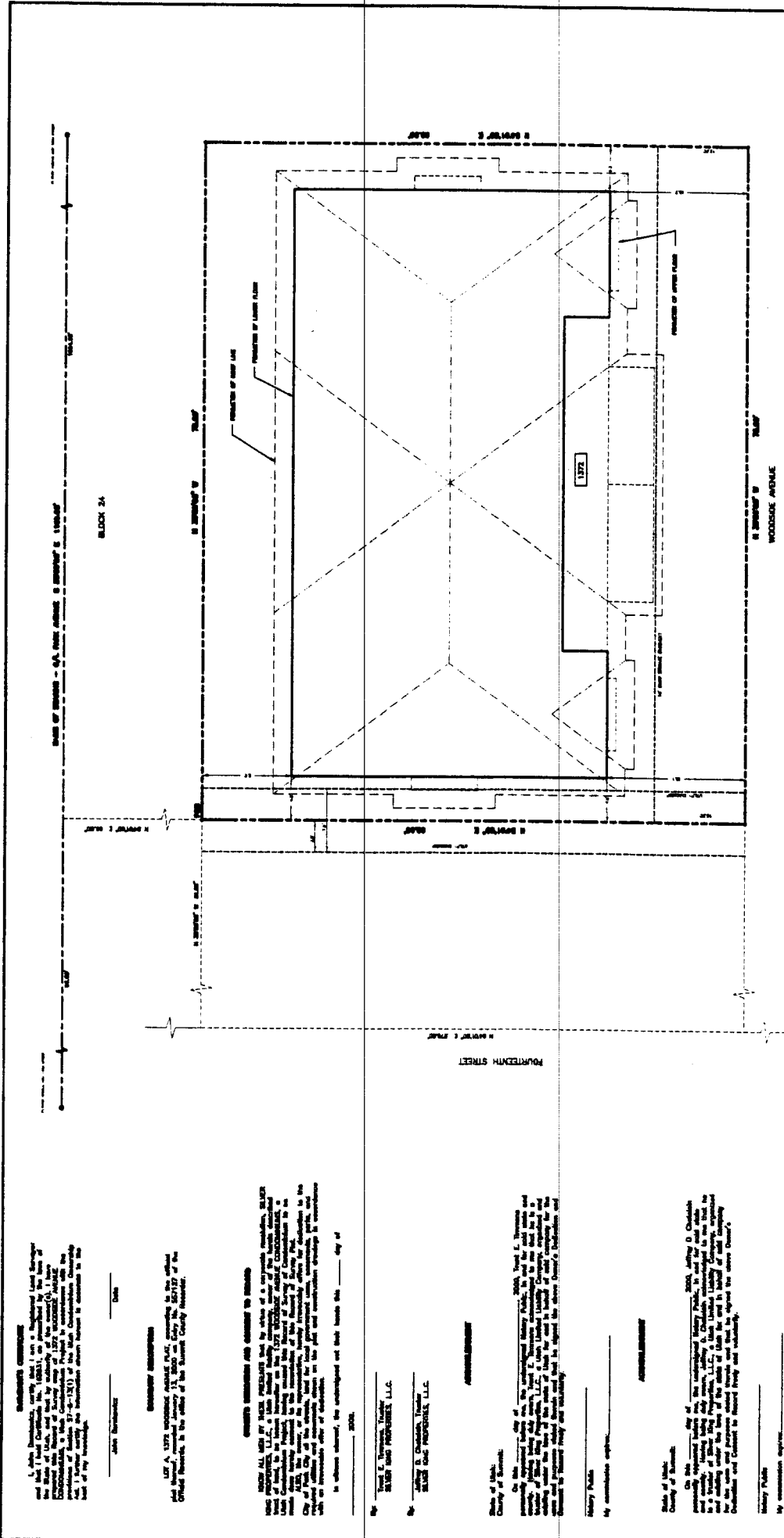
Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.
2. All standard project conditions shall apply.
3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be considered void.
5. A ten foot snow storage easement shall be dedicated to the city on the plat adjacent to Woodside Avenue

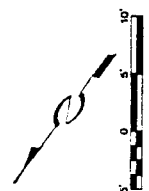
Exhibits

- A. Proposed condominium plat
- B. Location Map

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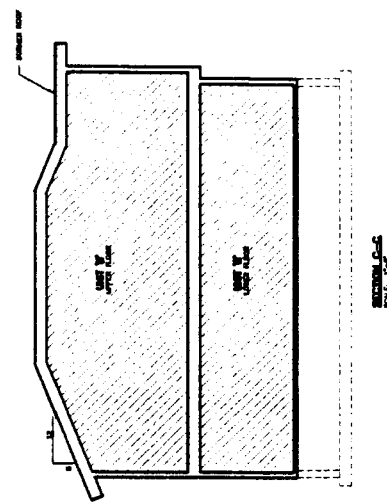
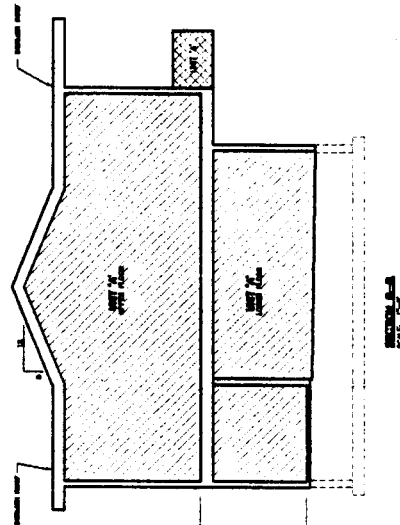
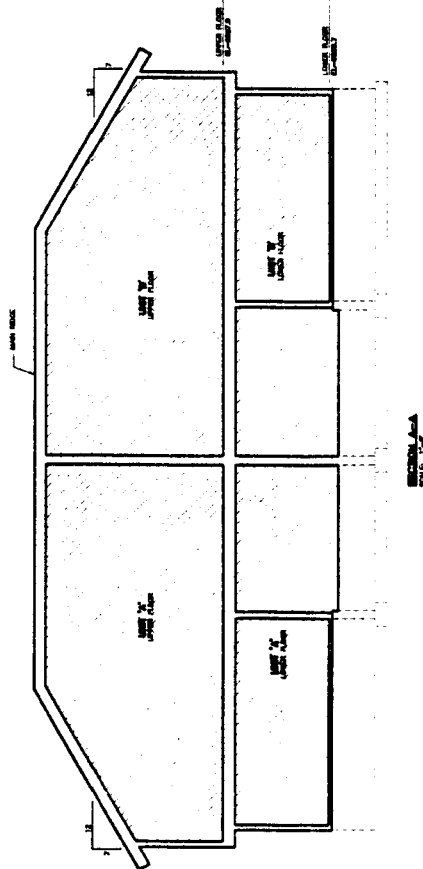
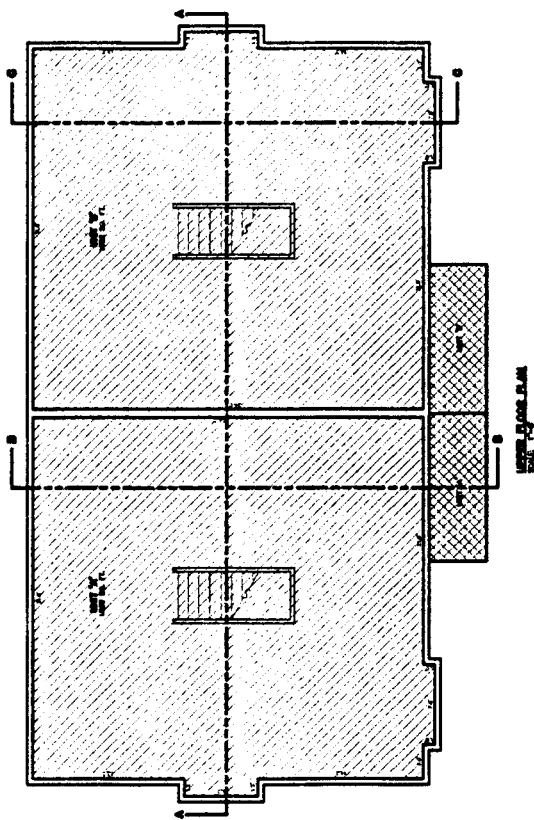
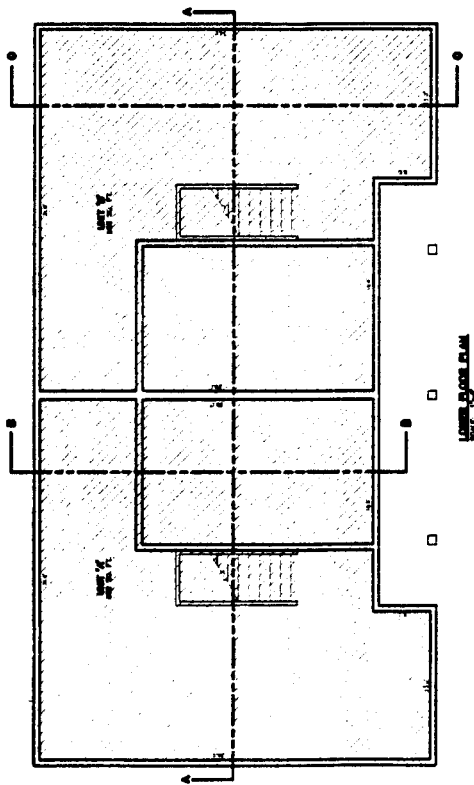
RECORD OF SURVEY MAP
 1372 WOODSIDE AVENUE CONDOMINIUMS
 LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN
 AND MERIDIAN, PARK CITY, SALT LAKE COUNTY, UTAH



GENERAL NOTES:
 1. THIS MAP WAS PREPARED FROM AERIAL PHOTOGRAPHS AND FIELD SURVEY DATA. THE BOUNDARIES AND DIMENSIONS SHOWN ARE NOT GUARANTEED BY THE STATE OF UTAH.
 2. ALL LOTS SHOWN ARE PERMANENT.

LEGEND:
 1372 STREET ADDRESS ON WOODSIDE AVENUE

PLANNING COMMISSION APPROVED BY THE PLANNING COMMISSION THIS _____ DAY OF _____, 2000 A.D. BY: _____ CHAIRMAN		ENGINEER'S CERTIFICATE I, _____, ENGINEER, DO HEREBY CERTIFY THAT THE MAP IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND THAT THE BOUNDARIES AND DIMENSIONS SHOWN ARE NOT GUARANTEED BY THE STATE OF UTAH. DATE OF SURVEY: _____ 2000 A.D. BY: _____ PARK CITY ENGINEER		APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2000 A.D. BY: _____ PARK CITY ATTORNEY		CERTIFICATE OF ATTEST I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THE MAP WAS APPROVED BY THE PLANNING COMMISSION AND THE CITY COUNCIL ON THIS _____ DAY OF _____, 2000 A.D. BY: _____ MAYOR		COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2000 A.D. BY: _____ MAYOR		RECORD FILED IN THE OFFICE OF THE CLERK OF THE CITY OF PARK CITY, UTAH, ON _____, 2000. BY: _____ CLERK	
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- LEGEND
- ☐ COMMON AREAS AND INCLUDES
 - ☒ UNITS COMMON AREAS
 - ☐ PRIVATE OWNERSHIP

RECORD OF SURVEY MAP

1372 WOODSIDE AVENUE CONDOMINIUMS

LOCATED IN SECTION 16
TOWNSHIP 3 SOUTH, RANGE 4 EAST,
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

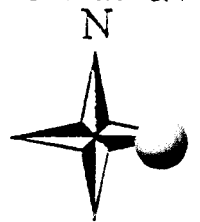
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STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE RECORDS OF DEEDS BOOK PAGE
DATE FILE
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PARK CITY
PLANNING DEPT.

1372 Woodside Ave



EXHIBIT B Vicinity Map



57
37

Ordinance No. 00-

**AN ORDINANCE TO APPROVE THE RECORD OF SURVEY FOR THE
CONDOMINIUM CONVERSION OF THE EXISTING DUPLEX AT 1372 WOODSIDE
AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 1372 Woodside Avenue have petitioned the City Council for approval of a record of survey for a condominium conversion; 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 10, 2000, to receive input on the proposed record of survey for the condominium conversion;

WHEREAS, the Planning Commission, on May 10, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 18, 2000, the City Council held a public hearing to receive input on the proposed subdivision and record of survey for the condominium conversion; and

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

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

SECTION 1. APPROVAL. The condominium conversion and record of survey 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 proposed plat changes the type of ownership of this property to condominium ownership.
2. The property is currently located in the RM, Medium Density Residential, zoning district, and is included within the area proposed for a rezoning to HRM, Historic Residential Medium density.
3. The proposal is consistent with the Park City Land Management Code, all pending sections of the Land Management Code, and the General Plan in that, both the RM and HRM zones allow duplex structures on approved lots, when all minimum code requirements are met.
4. An existing duplex exists at 1372 Woodside Avenue.
5. Demand for snowplowing generally increases when a new dwelling(s) unit(s) and their driveway(s) are built.
6. The applicant has agreed to the conditions of approval.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. Neither the public nor any person will be materially injured by the proposed condominium plat.
3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominium plats.
4. A ten-foot snow storage easement is an appropriate means of allowing additional snow removal storage.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.
2. All standard project conditions shall apply.
3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be considered void.
5. A ten foot snow storage easement shall be dedicated to the city on the plat adjacent to Woodside Avenue

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

PASSED AND ADOPTED this 20th day of May 1999 .

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney

CITY COUNCIL STAFF REPORT

DATE: May 18, 2000
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone, AICP *KAW*
TITLE: 2280 Deer Valley Drive East - Black Diamond Lodge (formerly known as Mountain View Lodges)
TYPE OF ITEM: Final Subdivision Plat

SUMMARY RECOMMENDATIONS: Approve as conditioned.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Applicant: Bob Wells- Deer Valley Resort
Location: 2280 Deer Valley Dr East-(SE of Snow Park Lodge)
Proposal: Subdivision Plat
Zoning: RD-MPD (Deer Valley MPD)
Adjacent Land Uses: Deer Valley Resort, Snow Park Lodge, Deer Crest Properties, and Powder Run Condominiums
Date of Application: March 17, 2000
Staff Recommendation: Approve as conditioned

B. Background

On March 8, 2000 the Planning Commission approved a Conditional Use Permit (CUP) for the 29 unit (plus one ADA unit) condominium proposal, known as the Black Diamond Lodge (formerly known as the Mountain View Lodges CUP). Located at 2280 Deer Valley Drive East (Exhibit A), construction on the condominiums and associated road and utility improvements is proposed to begin this spring. On March 17, 2000 the applicant submitted this request for a final subdivision plat to create a legal lot of record for the proposed Black Diamond Lodge (Exhibit B). This parcel is currently a portion of the Deer Valley Master Planned Development, known

as the Snow Park Lodge Multi-Family parcel. Prior to issuance of building permits, this parcel needs to be platted into a legal lot of record.

On May 10, 2000 the Planning Commission held a public hearing and forwarded to the City Council a positive recommendation on the proposed subdivision plat.

C. Analysis

The subdivision plat is required to create a legal lot of record and must be recorded prior to issuance of a building permit for the Black Diamond Lodge. Staff has no outstanding concerns about the requested subdivision, as conditioned. No changes to the buildings, as approved, are proposed by the applicant. The City Engineer has reviewed the associated utility and grading plans. Community Development Department review and approval of these utility and grading plans, as well as the site plan, architectural elevations and landscape plans for compliance with the approved Conditional Use Permit and applicable sections of the LMC, is a condition prior to issuance of a building permit.

This parcel, being a parcel of the Deer Valley Master Plan, has access to Deer Valley Drive East via an access easement across Deer Valley Resort Property. It is the desire of both applicants and the City that Deer Valley Resort and the applicants continue negotiations with Deer Crest Properties to achieve a land trade or property acquisition that will give this property actual frontage on a public road.

The City trails coordinator has requested that a public trail and easement, through this property (to connect proposed Deer Crest trails with Deer Valley trails) be provided as part of this subdivision and development. A guarantee for all public improvements (including trails) and landscaping, including re-vegetation of areas disturbed by construction and installation of utilities (including off-site utilities) will be required prior to issuance of a building permit on this lot.

The water line serving the Black Diamond Lodge will connect in Evergreen Subdivision, creating an area of disturbance of approximately half a mile. The line is proposed to follow Deer Valley ski trails and dirt roads. Staff recommends a condition of approval that this area of disturbance be re-vegetated with native grasses.

D. Department Review

This project has been reviewed by the interdepartmental review team. At such time as a final plat is presented for recordation, the City Engineer and City Attorney shall review such plat as to form and compliance with the Land Management Code and conditions of approval of the Mountain View Lodges CUP (March 8, 2000).

E. Notice

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

F. Public Input

Staff has not received any public comment on this proposal. There was no neighborhood input regarding this proposal at the public hearing on May 10, 2000.

ALTERNATIVES

- A. The City Council may approve the subdivision plat with conditions stated, or may modify the conditions, or
- B. The City Council may deny the subdivision and direct staff to prepare findings supporting a denial, or
- C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

The proposal results in a legal lot of record that allows building permits to be issued for construction of a proposed condominium project. Prior to sale of individual units a record of survey plat will be required to change the form of ownership to one that allows individual ownership of each unit. Approval of this application will not result in any significant impacts that are not already addressed by the conditions of approval or by the approved CUP. No external or internal changes to the proposed structures are proposed.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

If the City Council denies the subdivision plat a building permit can not be issued for the proposed condominium project known as Black Diamond Lodge.

RECOMMENDATION

Staff recommends that the City Council approve the subdivision plat based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact

- 1. The property is located in the RD-MPD, Residential Density, zoning district and is subject to the Deer Valley Master Planned Development.
- 2. The proposed subdivision plat creates a legal lot of record for the proposed Black Diamond Lodge (formerly known as Mountain View Lodges).
- 3. On March 8, 2000 the Planning Commission approved a Conditional Use Permit for the Mountain View Lodges Condominiums.
- 4. The proposal is consistent with the Land Management Code and the Deer Valley MPD in that multi-unit condominiums are allowed with a Conditional Use Permit and this parcel was designated as a multi-family parcel in the Deer Valley MPD.
- 5. The applicant agrees to the conditions of approval.
- 6. This property has access to a public street via a private driveway. Frontage on a public street is often desirable.
- 7. On May 10, 2000 the Planning Commission conducted a public hearing and forwarded to

the City Council a positive recommendation to approve the subdivision plat.

Conclusions of Law

1. There is good cause for this subdivision plat as the building will be constructed on a legal lot of record.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the plat, subject to the conditions of approval, 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 plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final plat at the County within one year from the date of City Council approval. If recording has not occurred within the one year's time, this approval and the plat will be void. No footing and foundation permits may be issued prior to plat recordation.
4. All conditions of the March 8, 2000 Planning Commission approval for the Mountain View Lodges CUP continue to apply.
5. A public trail and trail easement connecting the Deer Crest trails to the Deer Valley trails and traversing this property shall be shown on the plat and developed with the condominium development on this lot.
6. A financial guarantee for the value of all public improvements and landscaping (including re-vegetation of disturbed areas) to be completed shall be provided to the City prior to plat recording. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
7. A note shall be placed on the plat stating that the new lot has no frontage on a public street.

EXHIBITS

Exhibit A - Subdivision Plat

Exhibit B - Location map

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Ordinance No. 2000-

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT
FOR 2280 DEER VALLEY DRIVE EAST, KNOWN AS BLACK DIAMOND
SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owner of the property at 2280 Deer Valley Drive, known as Black Diamond Subdivision, petitioned the City Council for approval of a final subdivision 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 10, 2000 to receive input on the proposed subdivision; and

WHEREAS, on May 18, 2000 the City Council reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the final subdivision plat for 2280 Deer Valley Drive.

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

SECTION 1. FINDINGS. The following findings are hereby adopted:

1. The property is located in the RD-MPD, Residential Density, zoning district and is subject to the Deer Valley Master Planned Development.
2. The proposed subdivision plat creates a legal lot of record for the proposed Black Diamond Lodge (formerly known as Mountain View Lodge).
3. On March 8, 2000 the Planning Commission approved a Conditional Use Permit for the Mountain View Lodge Condominiums.
4. The proposal is consistent with the Land Management Code and the Deer Valley MPD in that multi-unit condominiums are allowed with a Conditional Use Permit and this parcel was designated as a multi-family parcel within the Deer Valley MPD.
5. The applicant agrees to the conditions of approval.
6. This property has access to a public street via a private driveway. Frontage on a public street is often desirable.
7. On May 10, 2000 the Planning Commission conducted a public hearing and forwarded to the City Council a positive recommendation to approve the subdivision plat.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat, that neither the public nor any person will be materially injured by the proposed amendment. The final plat is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The final subdivision plat for 2280 Deer Valley Drive, known as Black Diamond Subdivision, is approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final plat at the County within one year from the date of City Council approval. If recording has not occurred within the one year's time, this approval and the plat will be void. No footing and foundation permits may be issued prior to plat recordation.
4. All conditions of the March 8, 2000 Planning Commission approval for the Mountain View Lodges CUP continue to apply.
5. A public trail and trail easement connecting the Deer Crest trails to the Deer Valley trails and traversing this property shall be shown on the plat and developed with the condominium development on this lot.
6. A financial guarantee for the value of all public improvements and landscaping (including re-vegetation of disturbed areas) to be completed shall be provided to the City prior to plat recording. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
7. A note shall be placed on the plat stating that the new lot has no frontage on a public street.

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

PASSED AND ADOPTED this 18 th day of May, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 18, 2000**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 18, 2000.

Work Session - City Council Chambers - Lower Level

- 3:15 p.m. Council questions and comments
- 3:45 p.m. Budget overview:
 - transient room tax
 - capital improvement projects
 - grants
- 5:15 p.m. Review of regular meeting
 - Housing element
 - Deer Valley concert series
- Other meeting questions/comments
- 5:45 p.m. Break

Regular Meeting - City Council Chambers - Lower Level

- I ROLL CALL**
- II PUBLIC INPUT**
- III COMMUNICATIONS FROM COUNCIL AND STAFF**
- IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MAY 4, 2000**
- V CONSENT AGENDA PUBLIC HEARING**

Deer Valley summer concert series Master Festival License

VI CONSENT AGENDA

- 1. Deer Valley summer concert series Master Festival License
- 2. Ordinance to approve the record of survey for the condominium conversion of the existing duplex at 1372 Woodside Avenue, Park City, Utah

3. Ordinance to approve the preliminary and final subdivision plat, known as the Black Diamond Lodge Subdivision, located at 2280 Deer Valley Drive East, Park City, Utah
4. Resolution proclaiming May 20, 2000 as Park City Arbor Day

VII PUBLIC HEARINGS

1. Continued hearing on an Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating master festival licensing; by adding a new sub-chapter 8A regulating public outdoor music plazas; and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas
2. Revised budget for fiscal year 1999-2000; tentative budget for fiscal year 2000-2001 and budget plan for fiscal year 2001-2002 for Park City Municipal Corporation and its related agencies (continue to June 1, 2000)
3. Resolution adopting a Housing Element for the General Plan of Park City, Utah

VIII NEW BUSINESS

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating master festival licensing; by adding a new sub-chapter 8A regulating public outdoor music plazas; and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas

IX ADJOURNMENT

PARK CITY COUNCIL MEETING SUMMIT COUNTY, UTAH MAY 25, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not hold** its regularly scheduled meeting on Thursday, May 25, 2000.

Posted: 5/15/00

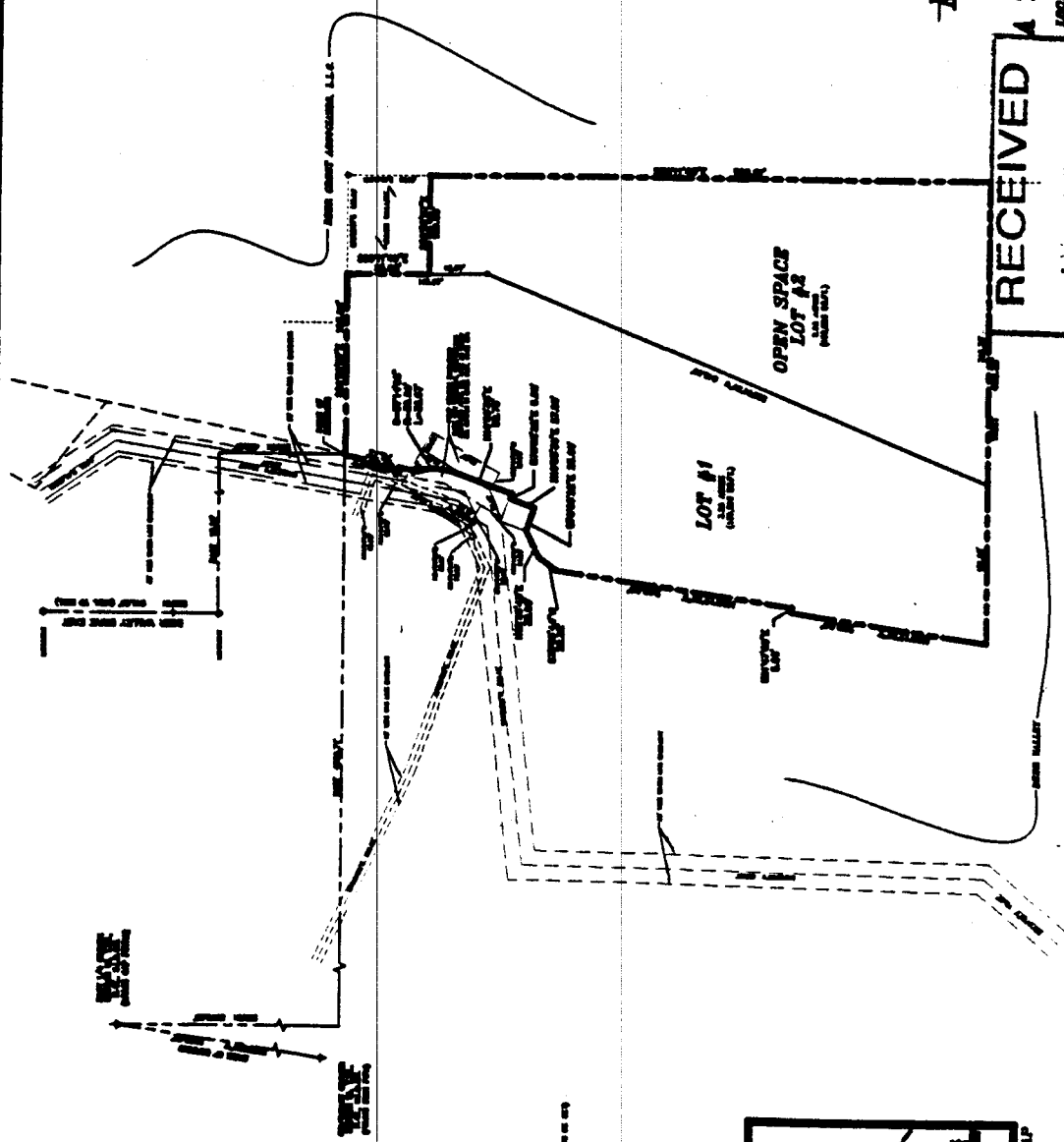
See parkcity2002.org

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



一、此書之體裁，係仿宋人筆記之體，其文字之簡潔，其敘述之詳盡，其論調之平實，其材料之豐富，其均為後世所罕見。

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Page 10

ATTENDING AT ONE'S REQUESTING AND REQUESTED
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— 555-555-5555 —

ADMINISTRATIVE

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BLACK DIAMOND

SUBDIVISION

ED IN THE SOUTH HALF OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALS LAKE BASIN AND MERRIMAN

SECRET

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**BLACK DIAMOND
MOUNTAIN VIEW
SUBDIVISION
TWO LOT SUBDIVISION**

RECEIVED
MAR 13 1990
PARK CITY
PLANNING DEPT.

100-443886

**PARK CITY
PLANNING DEPT.**



THE JACK
JOHNSON
COMPANY

1171 Broadway, New York, N.Y.

RECORDED

ENTRY NO. _____ BOOK _____ PAGE _____
STATE OF _____ COUNTY OF _____
DATE _____ THIS _____
SIGNED AND SEAL AT THE DISTRICT CLERK

APPROVED AS TO FORM
DAY OF _____ 20____

RECEIVED FOR COM
SALVATION ARMY
STREET STANDARDS
DATE _____ DAY OF _____ 20____

APPROVED AND ACCEPTED BY THE PARK
CITY PLANNING COMMISSION ON THE
DAY OF _____ 20__.

10 MAY 1964
 FBI NEW YORK
 TO DIRECTOR
 FROM NEW YORK (100-100000)
 RE: JAMES EARL RAY, AKA
 MURDER OF MARTIN LUTHER KING, JR.
 RAY, JAMES EARL, ADVISED THAT HE HAD BEEN
 ADVISED BY AN INDIVIDUAL WHO OFFERS HIMSELF
 AS AN ALTERNATE FOR RAY IN HIS TRIAL, THAT
 HE HAD BEEN ADVISED BY AN INDIVIDUAL WHO OFFERS HIMSELF
 AS AN ALTERNATE FOR RAY IN HIS TRIAL, THAT
 HE HAD BEEN ADVISED BY AN INDIVIDUAL WHO OFFERS HIMSELF
 AS AN ALTERNATE FOR RAY IN HIS TRIAL, THAT

PRELIMINARY TO THE PAIR CITY COUNCIL
1-10 --- DAY OF ---
AT 10:00 AM THE DAY
APPROX.

EXHIBIT A.

47

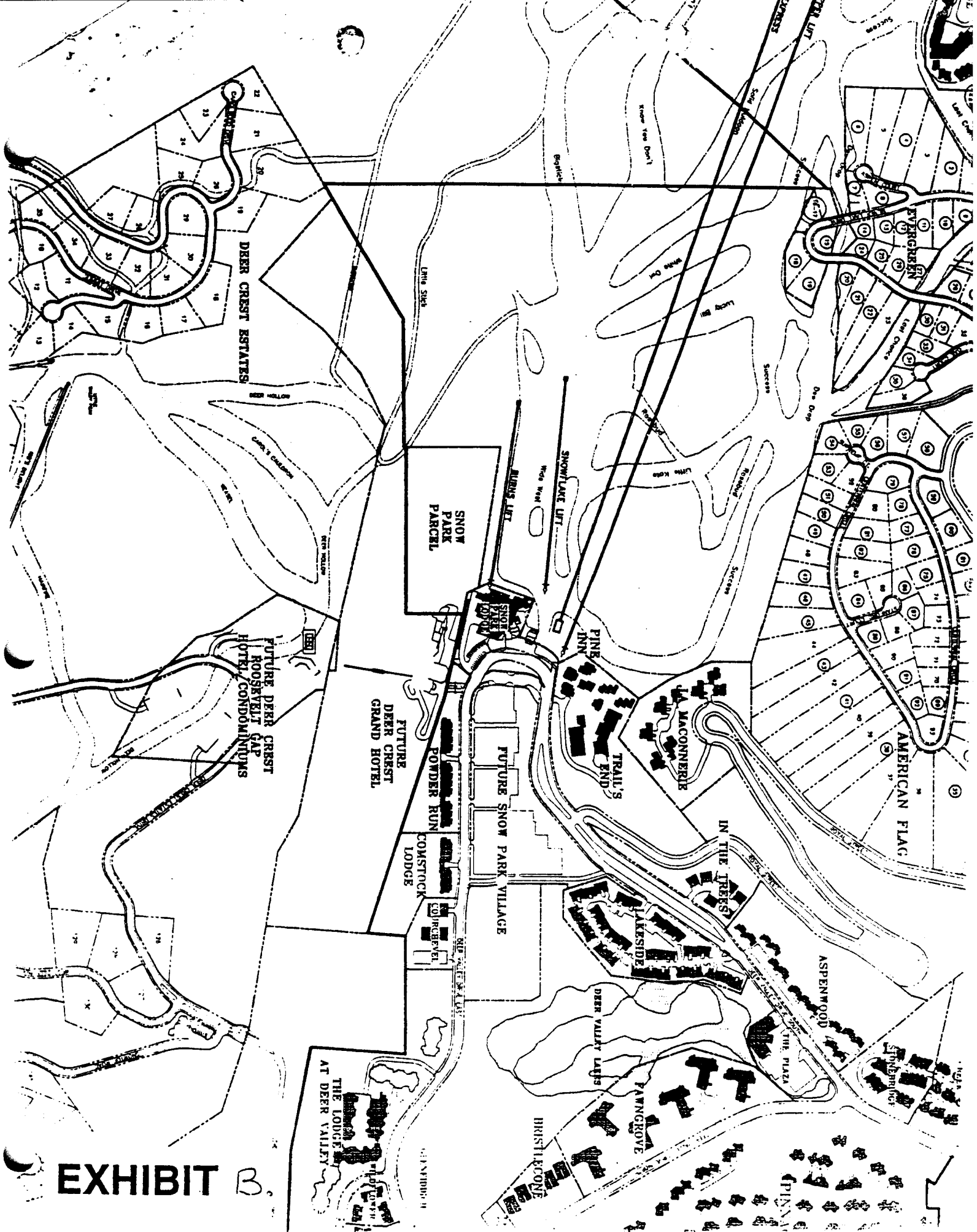


EXHIBIT B.



Resolution No. -00

**RESOLUTION PROCLAIMING MAY 20, 2000
PARK CITY ARBOR DAY**

WHEREAS, Park City is vitally interested in maintaining its natural tree resources and other significant flora ; and

WHEREAS, Park City is further interested in planting trees and other significant flora so that the present generation can leave an even more lush and healthy environment to future generations than presently exists; and

WHEREAS, Park City recognizes the importance of educating and involving our citizens in the care, planting and nurturing of our arbor resources; and

WHEREAS, Park City desires to be known as a "Tree City USA" and so join the ranks of those other cities demonstrating their commitment to the arbor resources;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Park City, Utah proclaim May 20, 2000 as:

PARK CITY ARBOR DAY.

PASSED AND ADOPTED this 18th day of May, 2000

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

**CITY COUNCIL
STAFF REPORT**

DATE: May 18, 2000
DEPARTMENT: Community Development
AUTHOR: Rick Lewis, Community Development Director,
Megan Ryan, Consultant
TITLE: Housing Element - Phase II General Plan
TYPE OF ITEM: Work Session and Public Hearing

SUMMARY RECOMMENDATIONS: Conduct public hearing, discuss draft and direct staff as to any amendments prior to adoption of resolution.

A. Description

Housing Element of Phase II of the General Plan and discussion on Housing Authority.

B. Background

This element set the direction for City's policies on housing. The element was reviewed by the Planning Commission on May 8 and at a public hearing on April 12, 2000. At the meeting of April 12, the commission voted to forward a positive recommendation to the Council on the proposed draft. Commissioner Erickson requested that the Council consider adding broad language within the General Plan that indicates that each general plan element should be implemented in balance and consideration of all the other elements. In effect, that one element's action plan should not supercede another.

The City has been active in housing issues since the creation of the Deer Valley Special Exception Permit (SEP) issued in the late 1980's.

The City created a Housing Authority in 1980 that had five commissioners. The Authority was created to deal with housing matters and included citizen representatives. Many cities have housing authorities that manage federal or state grants and run specific housing programs. In some cases Housing Authorities are eligible for grant programs that are not available to other municipal organizations. In 1991, the Council members began to meet as the Housing Authority, much like the Council acts as the Redevelopment Agency. If the Council would like to continue meeting as the Housing Authority, the

1980 Resolution should be amended to clarify this. Staff requests input on this matter along with the Housing element.

In 1994 the Council created a Task Force that produced a recommended action plan after a year long deliberation on the issues. In 1995, the Council adopted a series of resolutions that outlined specific actions to address the complex issue of affordable housing. These resolutions outlined incentives for the production of housing and short and long range action plans for the City. Since 1995 the Council has implemented many of the policies:

1. A fund for housing was created and the Council has allocated significant monetary resources to the fund since 1995.
2. The Council has contracted with Mountainlands Community Housing to provide assistance in rental and housing information
3. The Council approved an Employee Mortgage Assistance Program for acquisition assistance.
4. The Council has also purchased property and land with housing funds such as units at Silver Meadows, the Pechnick property on Marsac and the Wortley Property on Highway 248.
5. The Council assisted developers in the construction of affordable units at Northorse, Aspen Villas and 1465 Park Avenue.
6. The city has conducted a statistical report or "housing needs analysis" since 1994. These reports quantify the need and identifies income levels

In 1998 the Council revisited the City's existing policies and adopted Resolution 17-99 in June of 1999 that establishes standards for affordable housing for residential and commercial developments in Park City. The Council also included language in the resolution that establishes review of the policies every two years. The efforts of the Council were recognized by the Utah Chapter of the American Planning Association in the fall of 1999 when Resolution 17-99 was awarded the title of best new ordinance development for housing in the State of Utah. Resolution 17-99 will be included in the Phase II revisions to the Land Management Code.

At the State level, House Bill 295, adopted in 1996, recommends that each municipality in the state adopt a housing plan. Section 10-9-307 states:

- 1) the availability of moderate income housing is an issue of statewide concern.
To this end:
 - a) municipalities should afford a reasonable opportunity for a variety of housing, including moderate income housing, to meet the needs of people desiring to live there.
 - b) moderate income housing shall be encouraged to allow persons with moderate incomes to benefit from and to fully participate in all aspects of neighborhood and community life.
- 2) As used in this section:
 - a) moderate income housing means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the metropolitan statistical area for households of the same size.

- b) "plans for moderate income housing" or "plan" means a written document adopted by a municipal governing body that includes:
- i) an estimate of the existing supply of moderate income housing located within the municipality;
 - ii) an estimate of the need for moderate income housing in the municipality for the next five years as revised annually;
 - iii) a survey of total residential zoning;
 - iv) an evaluation of how existing zoning densities affect opportunities for moderate income housing; and
 - v) a description of the municipality's program to encourage an adequate supply of moderate income housing.

The City has been in compliance with this State bill through its various Resolutions and most currently Resolution 17-99.

C. Analysis

The housing element focuses on policies and suggested action plans for the production of housing in our community. Many of the items have already been accomplished but are included because this is the first Housing element adopted by the City and it is felt past achievements should be chronicled as evidence to the City's ongoing commitment to affordable housing.

D. Impacts

As drafted some of the policies outlined in the document would have financial impacts to the City. The policies would require staff review and/or additional funds to contract for services to implement the program. Action plan items would require code amendments and/or new ordinances and would require action and review by the Planning Commission and/or City Council prior to implementation.

E. Department Review

Community Development Department, Office of Capital Management and Budget and the City Attorney's Office.

RECOMMENDATION:

1. Discuss proposed draft and direct staff as to any modifications prior to adoption of resolution.
2. Direct staff as to preferred action in regards to composition of Housing Authority members.

Exhibits

Exhibit A - Draft Element

Exhibit B - Resolution 17-99

Exhibit C - Housing Authority Resolution 1980

Resolution No. _____

**RESOLUTION ADOPTING THE HOUSING ELEMENT
OF THE GENERAL PLAN FOR PARK CITY, UTAH**

WHEREAS, the Comprehensive Plan was adopted by City Council in 1985 and certain elements have not been substantively amended or replaced since that time; and

WHEREAS, the Utah State Municipal Land Use Development and Management Act specifies that municipalities prepare and adopt a comprehensive, long-range general plan to accomplish the purposes of the Act; and

WHEREAS, the City Council recognized the inadequacy of the 1985 Comprehensive Plan and the need to adopt an effective planning tool to address the many planning challenges which have been prompted by the dramatic changes in the community since the original Comprehensive Plan was adopted; and

WHEREAS, the City Council has identified the updating of the General Plan as a high priority and an integral component in the long range planning of the community; and

WHEREAS, Phase 1 of the revised General Plan was adopted on March 20, 1997;
and

WHEREAS, the Planning Commission held work sessions and public hearings on the Housing Element of Phase II of the General Plan on March 8 and April 12, 2000, and the City Council held public hearings on May 18, 2000; and

WHEREAS, our diverse community is vital to the quality of life for our residents and visitors, and providing diverse housing stock is crucial to the economic success of our world-class mountain resort community; and

WHEREAS, the City Council considered public input, recommendations from its staff and consultants and the Planning Commission and deems it in the best interest to proceed with the adoption of the Housing Element of the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the Housing Element of the General Plan is hereby adopted and becomes effective upon the adoption of this Resolution.

PASSED AND ADOPTED THIS day of May, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY GENERAL PLAN HOUSING ELEMENT (April 12, 2000)

Issue Statement

“Park City is actively committed to fostering a diverse social and economic community in keeping with its unique heritage and equitable ideals. Toward this end and within its financial means, Park City will encourage, facilitate, and promote a wide range of inclusive housing choices for those who have demonstrated their commitment to the community by living and/or working in it. It is understood that the means necessary to achieve this goal must be equitably shared across jurisdictions and embraced by a wide variety of interested stakeholders.”

1994 Affordable Housing Task Force Mission Statement

Rising costs of construction and providing a range of affordable housing have become important economic, social and political issues for Park City. Nationally, over the past three decades, housing prices have advanced with inflation, while the inflation-adjusted incomes of over half the population have stagnated or declined. Since 1995, in Utah, housing prices have increased significantly (Housing Update. Rosenthal, 1998). Wages in the State, however, have not paralleled that trend (Utah State Planning and Budget Office, 1998).

Park City and Summit County have not escaped the high cost of housing experienced throughout the State. The economic and cultural well being of our community is tied to our ability to provide a choice of housing opportunities for a variety of residents and employees. The ability to attract a quality work force for the resort industry is critical to the success of the City's tourist economy. Essential employees, such as police, teachers, fire fighters, and snowplow operators, are also a vital part of the local economy. A balanced mix of housing offering rental and units for sale of varying size and price range provides options for our work force and a diverse cross section of residents. Collaborative efforts, private, non-profit and public, are crucial in establishing and maintaining this balance. The Utah State Legislature, in 1996 enacted legislation which recommends that municipalities throughout the state adopt a housing plan to address moderate income housing opportunities. This element, the previous reports produced by Park City's Affordable Housing Task Force, and City Council Resolution 17-99 are consistent with that legislative mandate.

Intent

The City has recognized the importance of providing and maintaining diverse housing opportunities for our residents. In 1978, the City formulated a Housing Authority and in 1989

the City adopted the first Housing element (Resolution 2-89).

In 1994, the Affordable Housing Task Force issued summary recommendations to the City Council including agreeing to define affordable housing as "housing that costs no more than 30% of the gross annual income of the household". This parallels the Federal definition of affordable housing. The Task Force also identified the unique problems facing our community and focused on setting goals and policies for four target groups; essential service workers, long time residents, special needs populations and seasonal workers. They determined that local residents need opportunities, but not guarantees, to reside within the community in order to sustain the community in a balanced social and economic manner. The Task Force concluded that the solution to providing a mix of housing units resides in a multi faceted approach and that no one single solution exists.

Discussion

Demographic characteristics and trends are important to consider when determining housing needs. It is particularly critical to consider the segments of the community whose housing needs are not typically met by the private housing market. The City's Affordable Housing Task Force and annual housing studies have concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy. This has resulted in making housing unaffordable to many working residents of the City. The latest data documenting these demographic trends for Park City are contained in the Park City Housing Updates (1994-1998).

Population Projections. Park City's position as a resort town in close proximity to Salt Lake City lends itself to an unique population base. The Community Development Department estimates the City's permanent resident population at about 8,000 persons as of December 31, 1999. The 2000 census will provide more accurate data and a basis for future projections and modifications to the Housing Element. The permanent population increase over the past ten years adds additional pressure on the limited supply of affordable housing, as many of the new units developed are either high cost residences or resort oriented rental units.

Population Characteristics. According to the Rosenthal Housing Update in 1998, between 1992 and 1997, households at 30% of the median income were the fastest growing group among our local population. This group, earning 30% or less of the local median income is considered the target for affordable housing because many essential service workers fall into this category. In 1994, the City Council indicated that housing opportunities for essential service workers should be encouraged. The 2000 census data will update these figures and provide new information on the number of households in this category. In 1998, according to Rosenthal's study, the need for housing units shifted upwards and was greatest for those residents who earned 50% of the median income or less (\$30,000 annually). A deficit of 675 units was projected for this income group. This means that 675 households are paying more than 30% of their income for housing.

The seasonal influx of approximately 1,200 part-time resort based workers also affects the housing market. The majority of these service workers fall into the category of those earning less than 30% of the median income (Rosenthal, 1998).

.Income levels in Park City vary based on local wage scales, availability of qualified workers, unemployment rates, and the demand for service, professional and construction workers. In addition, our community has attracted small independent businesses and consulting firms that have limited demand for large numbers of employees. The typical incomes of second homeowners are higher than the local wage earners as well. This mix results in a population base that is heavily weighted on both the high and low side of the income scale. Income and labor data from the Utah Job Service document, Annual Report of Labor Market Information, and other local sources such as the Chamber of Commerce supports this premise. The median income for Summit County, as reported by the Department of Housing and Urban Development, was \$64,200 in 1999 compared to \$53,840 in 1996.

Populations with Special Needs. Seniors and disabled residents represent a small portion of Park City's population but their needs are great (Rosenthal, 1998). Rising property values, deteriorating housing stock and a lack of social services are challenges for this segment of the City's population.

Housing Capacity. According to the Park City Housing Inventory, approximately 8,700 units exist in the city limits, 400 of which are rent or resale restricted. Current land use patterns would preclude any large development site for mixed income housing opportunities within the city limits. As additional land base is incorporated through annexations, opportunities will be available to add to the affordable housing stock. Small infill projects within existing developments, rehabilitation of older housing stock and partnerships with Summit and Wasatch County to include affordable housing in new projects present the immediate range of opportunities for adding moderate and low-income housing units.

Assessment of Housing Needs. Since 1995, at the direction of the Housing Advisory Task Force, the City has prepared an annual Housing Affordability update. These reports encompass the Park City and Synderville Basin areas and establishes:

1. Current trends in Park City area rental and resale market.
2. Trends in the Salt Lake and Heber area housing markets.
3. An estimate of the current affordable housing deficit in Park City.
4. The current state of affordability for "Essential Public and Private Service Workers"
5. Housing needs for seasonal employees.
6. The emergence of potential new rental barriers.

These annual reports give a current profile of the status of the community's housing situation and can be used to guide the community and council on housing policy.

Policies

In 1995, the City Council adopted the first set of policies for housing which defined incentives for production and outlined a near term and a long-term action plan. Since 1995, over 200 units of affordable housing have been built by the private sector in cooperation with the City. In 1999, the Council reaffirmed the Task Force's Mission Statement and updated the 1995 policies and programs. Park City is committed to ensuring an adequate supply of affordable housing opportunities, in partnership with the private sector, that is dispersed throughout our community and in keeping with the design character of our neighborhoods. The City will also continually examine zoning policies to ensure that the creation of housing opportunities are permitted.

The policies to help accomplish this are:

- Review and update the City's Affordable Housing Resolution, Standards, and Guidelines as needed to accomplish the community's housing objectives.
- Encourage the construction of affordable housing that is not disproportionately borne by any single sector of the community.
- Apportion the costs for providing affordable housing equitably based on impact generation, growth inducement and the underlying goal to provide a cross section of units in our community.
- Designate for-sale affordable housing units as a priority because of the overwhelming demand for these types of homes rather than rental properties.
- Ensure that new development does not adversely affect the supply of affordable housing in the City.
- Maintain the social, economic and political fabric of the community by requiring the construction of affordable housing when new projects are approved.
- Ensure that the affordable housing requirements for new development is satisfied in direct proportion to the original sale of lots or square footage within a specific project.
- Continue the commitment to allocate an annual budget for affordable housing related programs such as the employee housing allowance, the Housing Affordability Update Report, grants or loans, and the purchase of units as opportunities become available.
- Continue to work with private developers, local non-profit organizations and other interested parties to supply affordable housing.

- Apply for state, federal funds and other available sources in order to leverage the use of City and local non-profit funds.
- Support Summit and Wasatch Counties in adopting housing elements that include a broad cross section of participation and allows for affordable housing in traditional development projects.
- Review and amend the Land Management Code to eliminate zoning restraints in the provision of affordable housing.

Actions

- Determine and implement the most cost effective method for administering an on-going affordable housing program including but not limited to utilizing non-profit organizations, creating a new department within the municipal organization, or contracting for such services.
- Consider re-activating the Housing Authority. Meet to review progress and direction of programs and policies. Review the advantage, if any, of returning the Housing Authority to an appointed board, instead of the City Council and consider including representatives of Summit and Wasatch Counties.
- Encourage Summit and Wasatch Counties to adopt housing elements in their General Plans and explore the possibility of interlocal agreements of mutual interest.
- Research and analyze the advantage of increasing the requirements to provide affordable housing in annexations.
- Involve the other entities suggested by the Task Force (counties, ski resorts, etc.) in taking responsibility for affordable housing. Assist the resorts in creating seasonal rental opportunities by encouraging off-season partnerships with the University, Chamber/Bureau, and seasonal municipal employees.
- Review the Land Management Code to :
 - a) Research and recommend to the City Council affordable housing standards for Master Planned Developments, new large scale residential and commercial development, and Conditional Use permits issued for land uses generating significant numbers of employees.
 - b) Consider revisions Chapters 10 and 11 of the Land Management Code to allow the Planning Commission flexibility in reviewing affordable housing projects to consider

reductions in open space and parking requirements for resort properties, projects in close proximity to an employment source or other such criteria as specified by the City Council.

c) Explore the creation of an affordable housing standard for all new subdivisions within the City. This standard could be an encouragement of accessory apartments, caretakers' units, deed restrictions, land donation or by producing a like product on site.

d) Research how to incorporate affordable housing into new developments that are not in subdivisions, annexations, master planned developments, or commercial projects. This alternative would more equitably share the costs of providing housing across the entire community.

e) Utilize governmental and agency programs that encourage and assist rehabilitation of existing multi-family units that maintain affordable market rates.

f) Explore replacement options for multi-family units that are currently affordable but are under threat of demolition and potential loss.

- Work with local non-profit organizations such as Mountainlands Community Housing Trust to:

a) Explore mechanisms for the financing the acquisition of land for affordable housing sites.

b) Consult, cooperate, or contract with non-profit organizations to provide housing services and to enhance their capacity in achieving affordable housing goals.

c) Implement programs to assist seniors and the elderly in acquiring and maintaining appropriate and affordable housing within the community.

- Utilize the existing Park City Municipal budget to:

a) Acquire additional affordable units for municipal employees for rental, lease, to purchase, or acquisition as funds and opportunities allow.

b) Continue to provide municipal employees with mortgage down-payment assistance in the form of low interest equity loans. Promote this type of program to private employers as an example.

c) Develop capacity of non-profit and local low income housing consortiums. Help to create a one-stop housing resource center within the community with rental assistance, tenants' rights and housing market information.

- d) Continue to offer permit fee waivers and grants for qualifying affordable housing projects.
 - e) Identify and acquire sites or dedicate City-owned sites for affordable housing projects in cooperation with private developers.
 - f) Purchase in fee, purchase an interest, or facilitate the purchase of older restricted affordable units as opportunities become available. Ensure that the units have deed restrictions, or other mechanisms, to maintain long-term affordability.
 - g) Expand the current \$5,000 per residential building permit unit subsidy to include City-wide rehabilitation projects.
- Work state and countywide to:
 - a) Research, pursue, and support new dedicated funding sources for housing at the legislative level such as the real estate transfer tax and the restaurant tax.
 - b) Encourage the legislature to dedicate permanent funds, not surplus, or discretionary one-time funding for affordable housing programs.
 - c) Educate and disseminate information to the public by conducting an annual housing symposium and community education programs regarding housing and financial options to acquire housing.
 - d) Explore the possibility of an interlocal agreement of mutual interest with Summit and Wasatch Counties to further affordable housing in the region.

Resources

1. 1994 -1998 Park City Affordable Housing Updates
2. Park City Municipal Resolution 17-99 & Park City Housing Handbook
3. Section 10-9-307, as amended - Utah Code
4. Affordable Housing Task Force Summary Recommendations - 1994
5. An Examination of the Dynamics of Park City's Affordable Housing Situation - 1994
6. Park City Dwelling Unit Inventory

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CITY COUNCIL STAFF REPORT

DATE: May 18, 2000
AUTHORS: Planning, Facilities and Special Events, and Police Staff
TITLE: Outdoor Music at Town Lift Plaza and Summit Watch Plaza
TYPE OF ITEM: Legislative and
Administrative (Section 4-8A-5 only)

SUMMARY RECOMMENDATIONS:

Staff requests the City Council review the Task Force's proposal, continue conducting the public hearing and approve the Ordinance amending Title 4, Chapter 8 (Master Festival Licenses) and Title 6 (Noise) of the Municipal Code to allow for regulated outdoor music events.

A. Topic

Recommendation from the Outdoor Music Task Force and City Staff in regards to outdoor music events.

B. Background

Through research provided by the Outdoor Music Task Force, and comments from citizens and Council, Staff has drafted an Ordinance amending Titles 4 and 6 of the Municipal Code to allow for regulated outdoor music events. Due to the unique nature of this proposal and based upon enforcement difficulties encountered with individual licenses last year, staff recommends adopting new legislative standards regulating outdoor music on special stages and under a single management.

The Ordinance also grants a limited, one season administrative approval for this summer's Master Festival License. Failure to comply with the regulations herein may result in revocation of the license. Furthermore, upon evaluation of the season, the Council may decline to renew the license.

The program is designed to mitigate the impacts of the scheduled events to the most reasonable extent possible. Sound level and time limitations and review mechanisms are included. The Ordinance specifies a responsible party designated for the management of the events and compliance with the Ordinance. The Ordinance also allows for modifications to occur once events have begun in order to mitigate any unanticipated concerns.

The programs will be presented by the Arts Council and a program manager will be on-site for each event. The proposed Ordinance includes the use of stages which have been designed and built by

Hank Louis and graduate architecture students from the University of Utah. The stages are designed to direct the sound toward the audience and mitigate its impact on surrounding neighborhoods. Installation of the stages on the plazas will occur once the Ordinance is adopted.

Public hearings have been conducted by the City Council on March 2, March 30 and April 13, 2000.

C. Analysis

Since the April 13, 2000, City Council meeting, Staff contacted a Sound Engineer to preform an analysis of the current impacts of sound on the properties adjacent to the outdoor music venues. Please refer to Exhibit B for the report. Jim Fullmer, from Spectrum Engineers, conducted the tests and provided Staff with his analysis. The analysis provided has taken into consideration the proposed Ordinance's regulations of the maximum decibel level from the stage (as measured 25 feet from the stage), the time, and the exception from the noise ordinance as allowed within the Master Festival License.

The report concludes that in the residential areas, the expected sound levels from the music plazas' activities are comparable to existing conditions. Accordingly, the report demonstrates that earlier measurements by staff were generally accurate. The City Council should evaluate the report's findings in determining whether the Ordinance sufficiently assures that if the music is performed consistently with the regulations contained therein, the music will be reasonably within the standard of comfort prevailing in the areas of and adjacent to the plazas.

Still, the amplified music, as proposed, may be plainly audible in the surrounding residential areas, due to its singular character. The report suggests that in order to achieve effective sound attenuation from the back shells of the stages, specific noise control factors are necessary in its construction. It must be solid material, carefully sealed as to be "water tight" to avoid any sound leaks from the stage. Staff has contacted Hank Louis and his architectural students and have received confirmation that the stages comply with the Sound Engineer's recommended design.

The City Council authorized a City contribution towards the construction costs of the stages. That decision has no bearing on the proposed Ordinance. If the Council decides not to adopt the Ordinance, the stages would have to be utilized within the parameters of existing outdoor music permitting and noise regulation.

D. Department Review

The Police, Community Development, Special Events and Facilities, and Legal Departments have reviewed the Ordinance.

ALTERNATIVES

- A. Adopt the proposed Ordinance amending Title 4, Chapter 8 and Title 6 of the Municipal Code to allow for Music Plazas within the HCB zone.
- B. Deny or modify the proposed Ordinance.
- C. Continue the item for further information, input or discussion.

SIGNIFICANT IMPACTS

If the proposed Ordinance is adopted, the music plazas will feature outdoor events throughout the summer in the designated stages. As outlined in the proposed Ordinance, comprehensive mitigation measures and time/program limits are required to be followed and additional concerns must be addressed on an on-going basis by the on-site manager.

E. Recommendation

Staff requests Council continue conducting a public hearing and adopt the Ordinance amending Title 4, Chapter 8 and Title 6 of the Municipal Code to allow for regulated outdoor music events.

Exhibits

Exhibit A - Ordinance

Exhibit B - Sound Analysis

Exhibit A Ordinance

ORDINANCE 00-____

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 8 OF THE
MUNICIPAL CODE OF PARK CITY REGULATING MASTER FESTIVAL
LICENSING; BY ADDING A NEW SUB-CHAPTER 8A REGULATING PUBLIC
OUTDOOR MUSIC PLAZAS; AND AMENDING SECTION 6-3-10, OF TITLE 6,
HEALTH, NUISANCE ABATEMENT, NOISE BY CREATING AN EXEMPTION
FOR SUCH OUTDOOR MUSIC PLAZAS**

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

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

WHEREAS, UCA § 10-8-60 gives the City the right to declare what constitutes a public nuisance, and provide for the abatement of the same; and

WHEREAS, the City Council received a petition supporting outdoor music; and

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

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

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

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

WHEREAS, the adjoining neighborhood to the west of the Town Lift Plaza is primarily residential, however the neighborhood is separated from the plaza by Park Avenue, is adjacent to ski runs with snow making with noise levels as high as 75 decibels, and Park Avenue is along a primary municipal transit route with existing noise levels as high as 90 decibels.

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

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

WHEREAS, as a result of these findings and testimony, the City Council finds that public outdoor music in the specified plazas is not a nuisance per se, but if performed consistently with the regulations contained herein, is reasonably within the standard of comfort prevailing in the areas of and adjacent to the plazas defined herein, and consistent with pending Master Festival Licensing section 4-8-5; and

WHEREAS, the City Council finds that outdoor music, **if unregulated**, may have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby contributing to increased noise, pedestrian traffic and downgrading the quality of life in such adjacent residential areas; and

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

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

WHEREAS, the City Council held work sessions with public input on this matter as regularly scheduled meetings on November 18, 1999, and February 10, 2000, and public hearings on March 2, 2000, March 30, April 13, and May 18, 2000.

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

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

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

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

4- 8A- 1. TITLE FOR CITATION.

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

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

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

4- 8A- 3. APPLICATION OF PROVISIONS.

This section imposes regulatory standards and license requirements on certain activities, which are characterized as "Public Outdoor Music Plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Public Outdoor Music Plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, of the Municipal Code; and Title 15 Chapter 2 of the Park City Land Management Code.

4- 8A -4. DEFINITIONS.

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

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

(B) **PUBLIC OUTDOOR MUSIC PLAZA**. The following plazas used for public performances and outdoor music:

- (1) Town Lift Plaza as shown on **Exhibit A**; and
 - (2) Summit Watch Marriot Plaza as shown on **Exhibit B**.
- (C) **STAGES**. The raised and semi-enclosed platforms that are designed to attenuate sound, in a form substantially similar to as depicted in **Exhibit C** or as otherwise approved by Special Events staff.

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

The City Council hereby grants Master Festival Licenses for each of the plazas in Section 4. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 1, 2000 and shall expire October 1, 2000, unless renewed by the City Council. The City Council may not renew said licenses until after a public hearing and receipt of a staff evaluation of the prior year's compliance with this Chapter. Renewal shall be granted in the sole judgment of the City Council based upon compliance with the regulations herein, community impacts, and so long as such decision is not arbitrary and capricious. No licensee nor performer shall accrue any vested rights under this revocable license.

4- 8A- 6. PROGRAM LIMITS AND CATEGORIES.

Each Stage may be programed for not more than four days per week, and of those four days, only one program day may be a weekend day (Saturday or Sunday). The categories of programming allowed at Public Outdoor Music Plazas are:

- (A) **Amplified Music**: This type of music shall be programmed for **no more** than 2 days a week at each plaza, only one of which may be a weekend day (Saturday or Sunday). Amplified Music shall be limited to **no more** than 5 hours of total performance time on each of those two days (breaks are not included in total time).
- (B) **Non-amplified music and events**: Programming for music and events such as poetry readings, dance, or other events that require no amplification.

4- 8A-7. GENERAL REGULATIONS.

- (A) The program manager, or his/her designee, shall provide on-site management for each event.
- (B) A sound technician shall provide on-site noise monitoring for each event with music, Amplified or otherwise.

(C) For Amplified Music, a sound limiter will be placed on the sound system that maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five (25) feet from the stage. Non-amplified music shall not exceed a maximum decibel level of 90, as measured twenty five (25) feet from the stage.

(D) All events shall be open to the public and free of charge.

(E) Power controls. A timer device will be installed that shuts the power of the stage and sound system off at 8:15 p.m.

(F) Time: All performances, regardless of type, are permitted only between noon (12:00 p.m.) and 8 p.m.

(G) No event shall not exceed 250 people unless a separate Master Festival License is granted for that event.

(H) The Police Department or other proper City official shall have access at all times to all plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(I) All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4- 8A-8. ALCOHOL.

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

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

(A) The Park City Arts Council will be the licensee of the events and will own the Stages. The Arts Council will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each plaza and on-sight oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) The Arts Council will appoint an independent Programming Board, consisting of five residents of Park City (community and arts). The Programming Board will schedule the selection and times of events. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. The Arts Council shall at all times hold the City harmless and indemnify the City for all claims, actions and liability arising from the Arts Council's use of the Public Outdoor Music Plazas. The Arts Council shall maintain its own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or plaza owner.

4- 8A-10. ON-GOING COMPLIANCE EVALUATION.

The program manager will appoint an independent neighborhood review group of at least three area residents which will be contacted weekly by the city Special Events staff and the program manager to receive comments and concerns. A phone number will also be available at each venue so that individuals may phone in comments. Based upon such comments, the Special Events staff may issue additional conditions consistent with the intent of this Chapter to the program manager. A summary of, and recommended response to comments will be forwarded to the City Council within seven days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue. At the end of the season, the Special Events staff will forward a final recommendation to the City Council, with proposed changes, if any, prior to renewal of the licenses granted herein.

4- 8A-11. TRANSFER LIMITATIONS.

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

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

The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit for outdoor music (including outdoor speakers) pursuant to the existing Land Management Code and pending ordinances MCPC § 15-2-6.10(B)(4) and ~~15-2-17.5(B)(4)~~. The Community Development Department shall not issue any outdoor music permits in the Historic Commercial Business ("HCB") zoning district north of Heber Avenue, ~~or in the General Commercial ("GC") zoning district~~. The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. AMENDMENT. Section 6-3-10, of Title 6, Health, Nuisance Abatement, Noise, is hereby amended to add the following to as an exemption to Chapter 3, Noise:

(J) Noise resulting from a duly licensed and operated Public Outdoor Music Plaza pursuant to Title 4, Chapter 8a of the Municipal Code of Park City.

SECTION 4. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2000.

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attestation by:

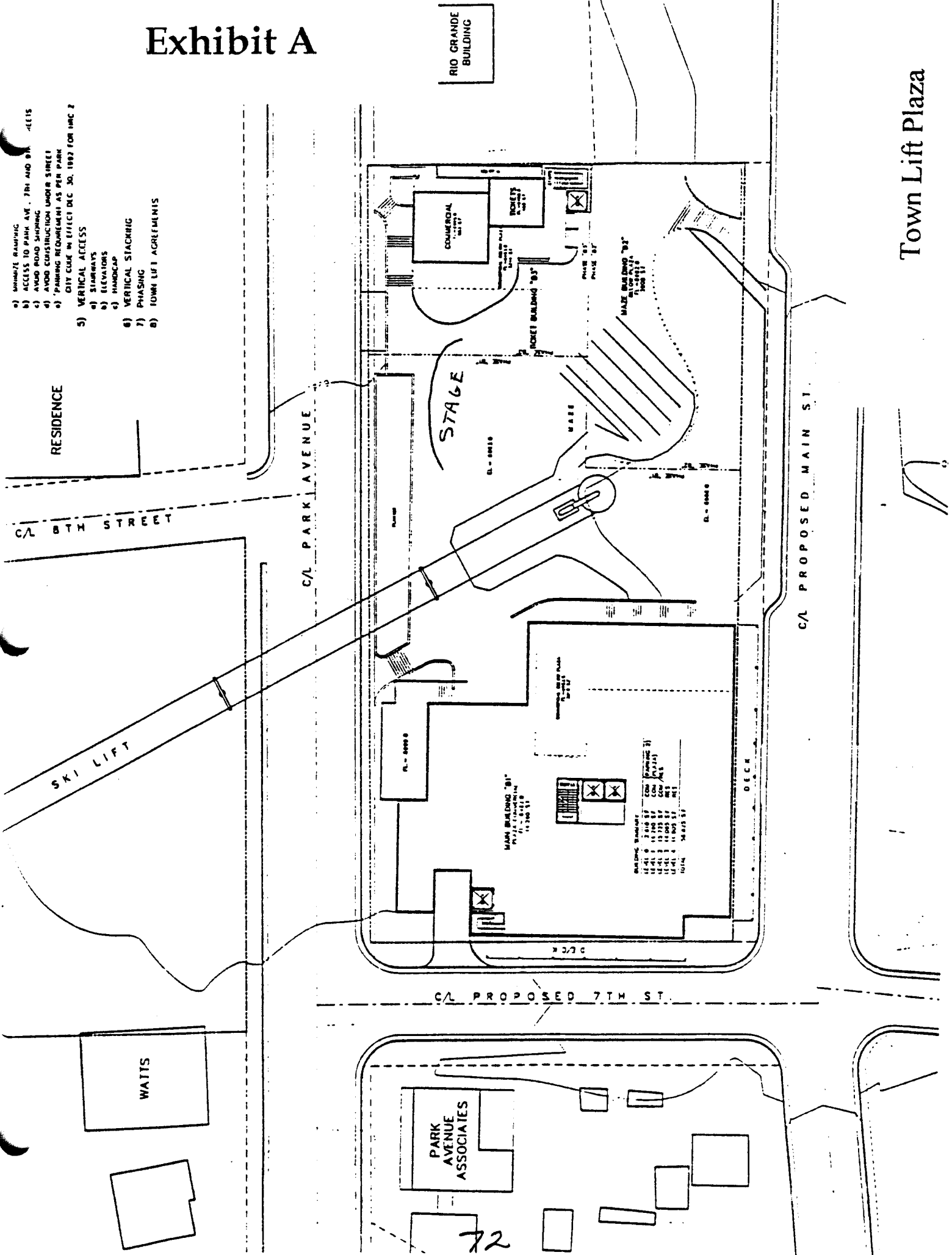
Jan Scott, City Recorder

Approved as to Form:

Mark D. Harrington, City Attorney

Exhibit A

- a) MINIMIZE RAMMING
- b) ACCESS TO PARK AVE. 7TH AND 8TH
- c) AVOID ROAD SHIMMING
- d) AVOID CONSTRUCTION UNDER STREET
- e) PARKING REQUIREMENT AS PER PARK CITY CODE IN EFFECT DEC. 30, 1992 FOR IMC 2
- f) VERTICAL ACCESS
 - 1) STAIRWAYS
 - 2) ELEVATORS
 - 3) HANDICAP
- g) VERTICAL STACKING
- h) PHASING
- i) TOWN LIFT AGREEMENTS



Town Lift Plaza

Exhibit B

Main Street

Dynamite Doms

A-5 BUILDING

Coda

Gallery

A-2 BUILDING

Plaza Area

Marriot

Jambalaya

A-6 BUILDING

STALCRAFT

Deer Valley Drive

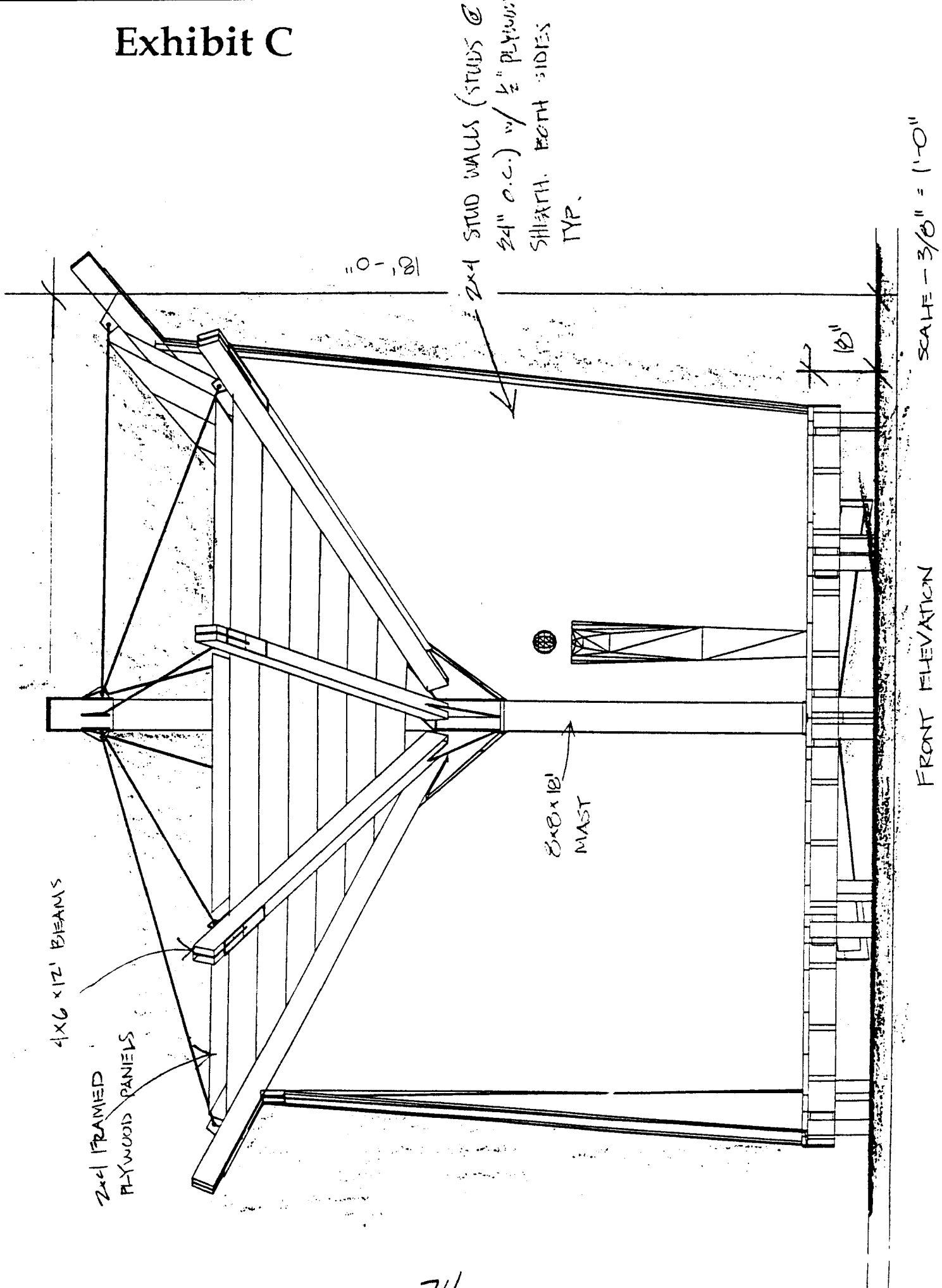
SUMMITWATCH

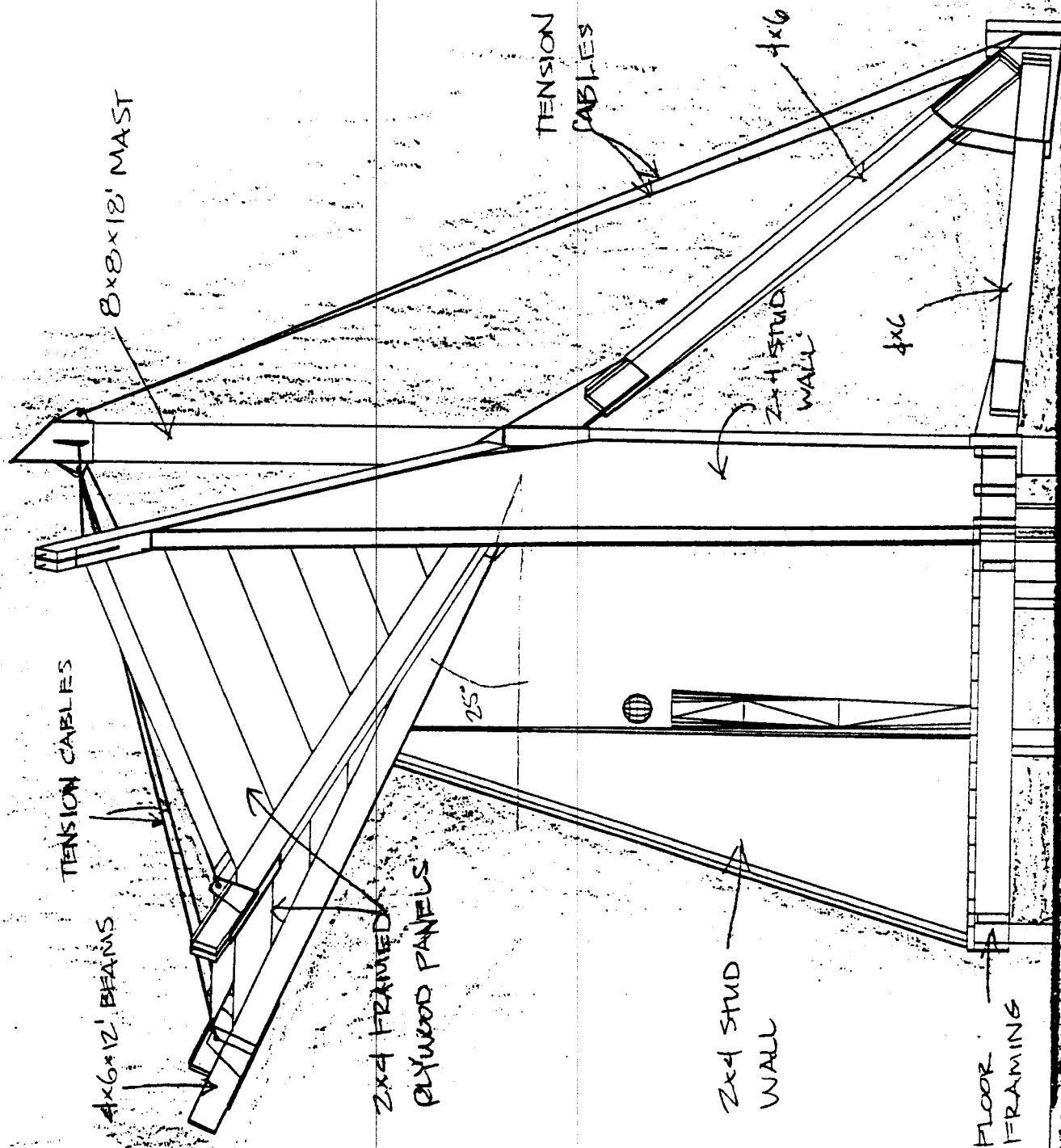
AT PARK CITY
Marriott Ownership Resorts, Inc.

Scale:

1" = 100'

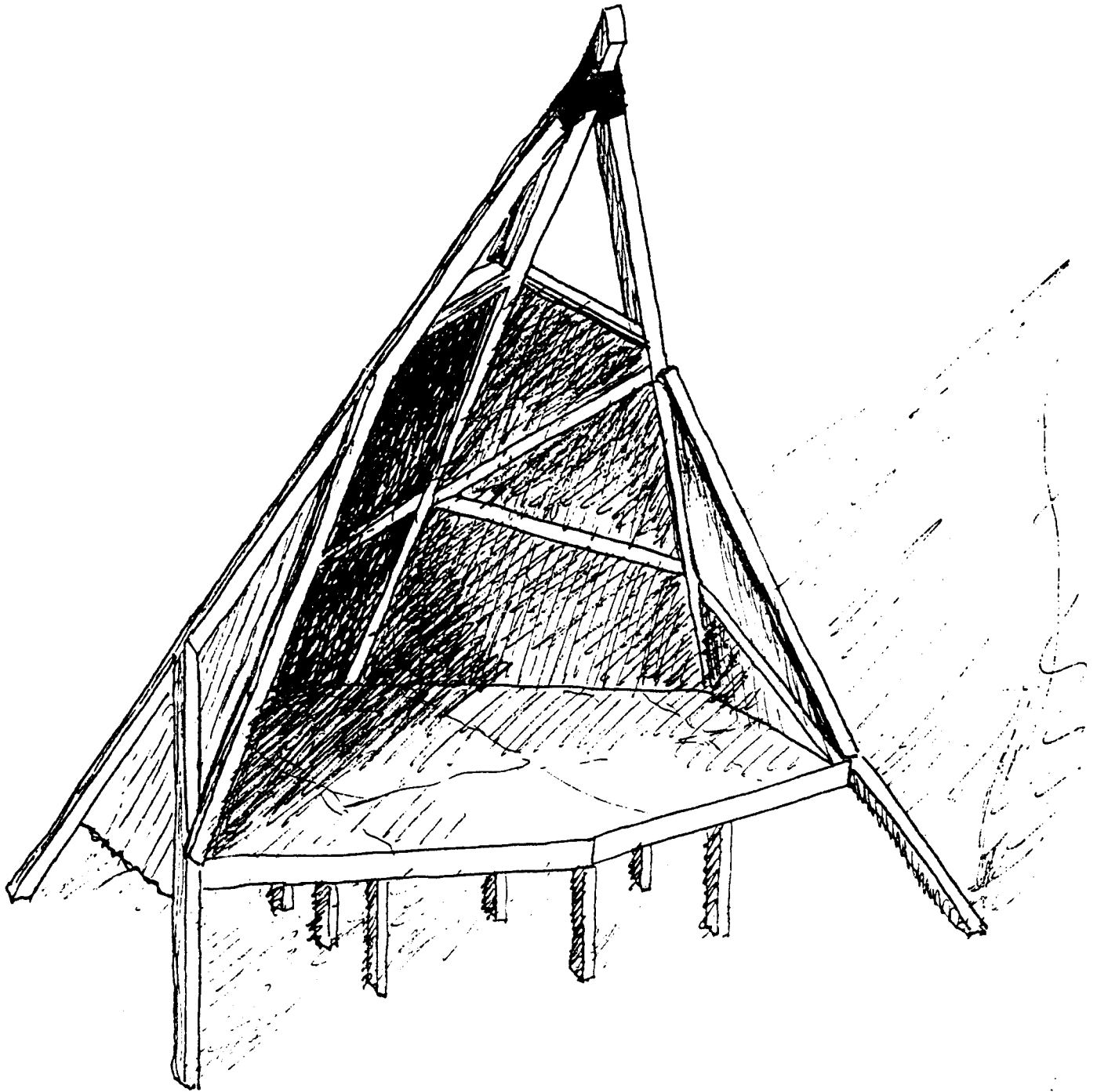
Exhibit C





SCALE - 3/16" = 1'

RIGHT ELEVATION



INITIAL
BANDSTAND
PROPOSAL

DECISION 8 -

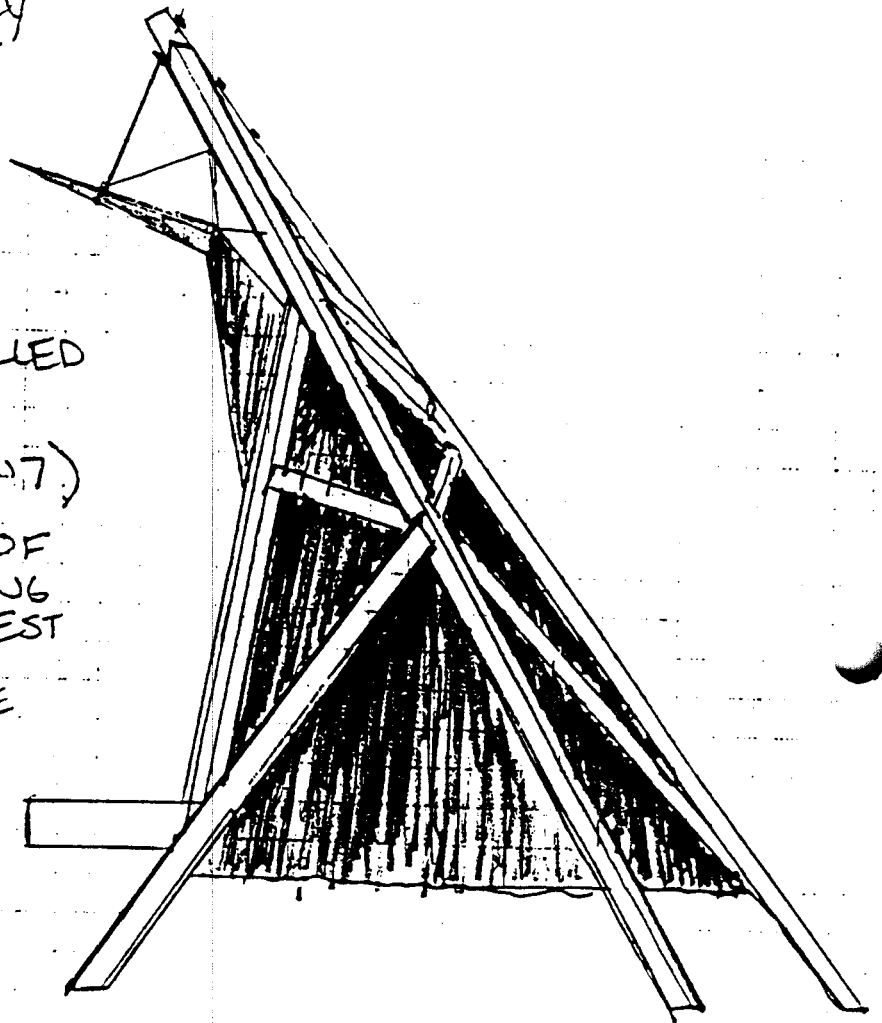
DESIGN RE-EVALUATION

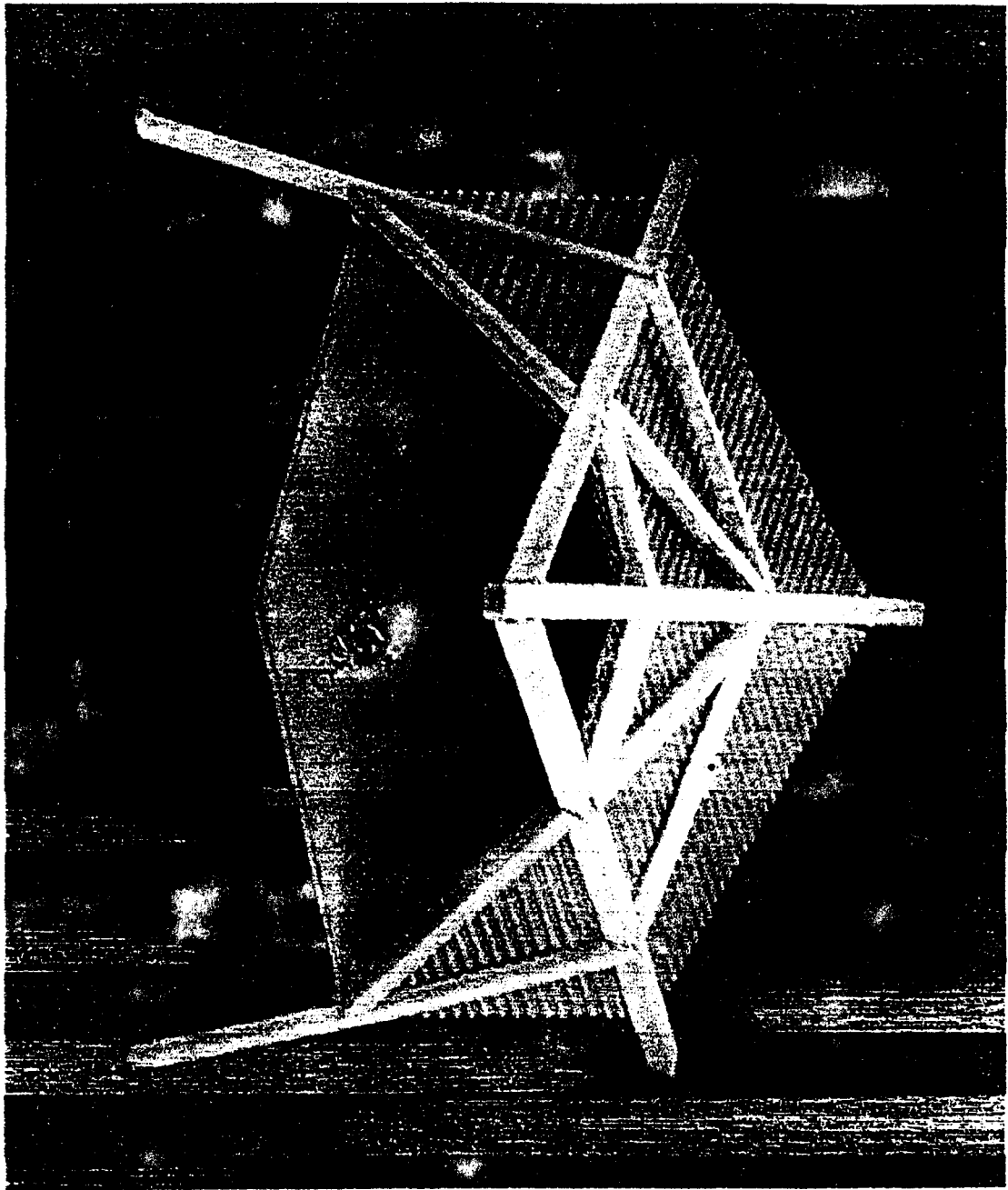
15

- PULL SKIN OUT AND SHAPE IN AN ACOUSTICALLY IMPROVED CONFIGURATION.

- WHY?

- SKIN IS ALREADY PULLED AWAY FROM STRUCTURE (DECISION 7)
- POSSIBILITY OF MANIPULATING SKIN FOR BEST ACOUSTICAL PERFORMANCE





May 4, 2000

Park City Municipal Corporation
445 Marsac Avenue
P. O. Box 1480
Park City, Utah
84060-1480

Att.: Ms. Alison Kuhlow

Re.: Noise Study for the Proposed Outdoor Music Venues

This letter will serve to summarize the results of our acoustical measurements and inspections at downtown Park City on the period of April 26 to May 02, 2000.

Our purpose with these sound level measurements is to determine the background noise levels at Park City Avenue, during normal days.

The measurements were made using a "Class 1" precision Sound Level Recorder, placed in front of the Park City Bank, as a typical location for representative noise impact from the traffic at Park Avenue. The equipment was calibrated prior to and following the measurements to standards traceable to the U. S. Bureau of Weights and Measures.

During these days, the Sound Recorder listed the noise levels in one hour increments, calculating standard sound level averages recognized by most common laws. The attached charts describe the conditions for the seven days. Both L_1 and L_{eq} parameters are shown.

The Equivalent Noise Level (L_{eq}), in "A" weighted decibels, represents the hourly average of the sound energy measured, as perceived by typical human ear. For the above mentioned week, from 12:00 PM to 9:00 PM, the average L_{eq} is 66.7 dB A.

The L_1 is a statistical parameter, which determines the intensity of the loudest events that occurred for 1% of the time (36 seconds), each hour. The average L_1 for that week, between 12:00 PM and 9:00 PM, is 75.3 dB A. This parameter provides values with duration comparable to the expected music peaks.

The highest L_1 measurements for each day were at about 78 - 79 dB A, at random hours. Analyzing the attached charts, it can be seen that the hourly variations between each day are quite consistent.

Considerations:

At the time of these measurements, the typical background noise in the neighborhood varied from a minimum of about 46 dB A (between 2 AM to 4 AM), to over 78 dB A.

It should be noted that there can be short term (one to several seconds) noise events where the noise level may exceed the long term average (L_{eq}) numbers by as much as 10 - 12 decibels or more. Such noises are normally from street traffic, neighborhood activities, dogs, etc. These are common noises, tolerable for most people, as part of the regular city activities.

Assuming that the outdoor music areas comply with the City Council Staff Report dated March 20, 2000, it could be expected that the maximum sound levels measured at 25 feet from the front of the stage will generally be below 90 dB A.

We could expect that with a proper shell in the back of the stage, the sound level at the back of the stage would typically be about 10 decibels lower.

Considering the Town Lift Plaza stage, the maximum sound level in the residential area directly across Park Avenue would be at about 76 dB A. This assumes that the stage is mounted at about 75 feet from the residential area. Residences at about 175 - 200 feet from the stage could receive up to about 72 dB A.

For the Summit Watch stage, the sound reflections from the surrounding buildings have a significant contribution to the overall sound level. These buildings have very sound reflective surfaces, relatively close to the stage, which may even double the sound energy emitted from the stage.

For the residential area west of Park Avenue at about 300 feet from this stage, the maximum sound level from this second stage could be at about 74 dB A.

Again, it is important to remember that these are assumed to be short period noise levels, and not the predominant sound level. With this assumption, these levels would be comparable to the L_1 levels measured for the traffic noise.

Perception/Legal Requirements:

Music can be a controversial issue. While for some people it is enjoyable sound, for others it is considered as "unwanted" sound, or noise.

The Park City Municipal Code prohibits "...any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City...". It also says that "The making and/or creating of excessive or unusually loud noise or sound within the City ... is unlawful".

The noise disturbance is defined as "Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s)".

Also, "The noise shall be measured at a distance of at least 25 feet from the source of the device ... on the 'A' weighing scale. A measurement of 65 decibels shall be considered to be excessive and unusually loud."

According to the assumptions made for the expected sound levels originating from the music plazas, amplified music could be classified by some as "excessive or unusually loud".

However, there are specific acts referring to musical instruments and similar devices (and others), in which a special permission could be granted to relief the above restrictions for special events.

Conclusions:

In these residential areas, the expected sound levels from the music plazas' activities are comparable in loudness to the present traffic noise. The amplified music as proposed may be plainly audible in the surrounding residential areas, due to its singular character.

In order to achieve effective sound attenuation from the back shells of the stages, specific noise control factors are necessary in its construction. It must be solid material, carefully sealed as to be "water tight", avoiding any sound leaks from the stage.

Please call if there are any questions.

SPECTRUM ACOUSTICAL ENGINEERS



Richard K. Fullmer P. E.

(Job n. 20001331)

Project: Park City

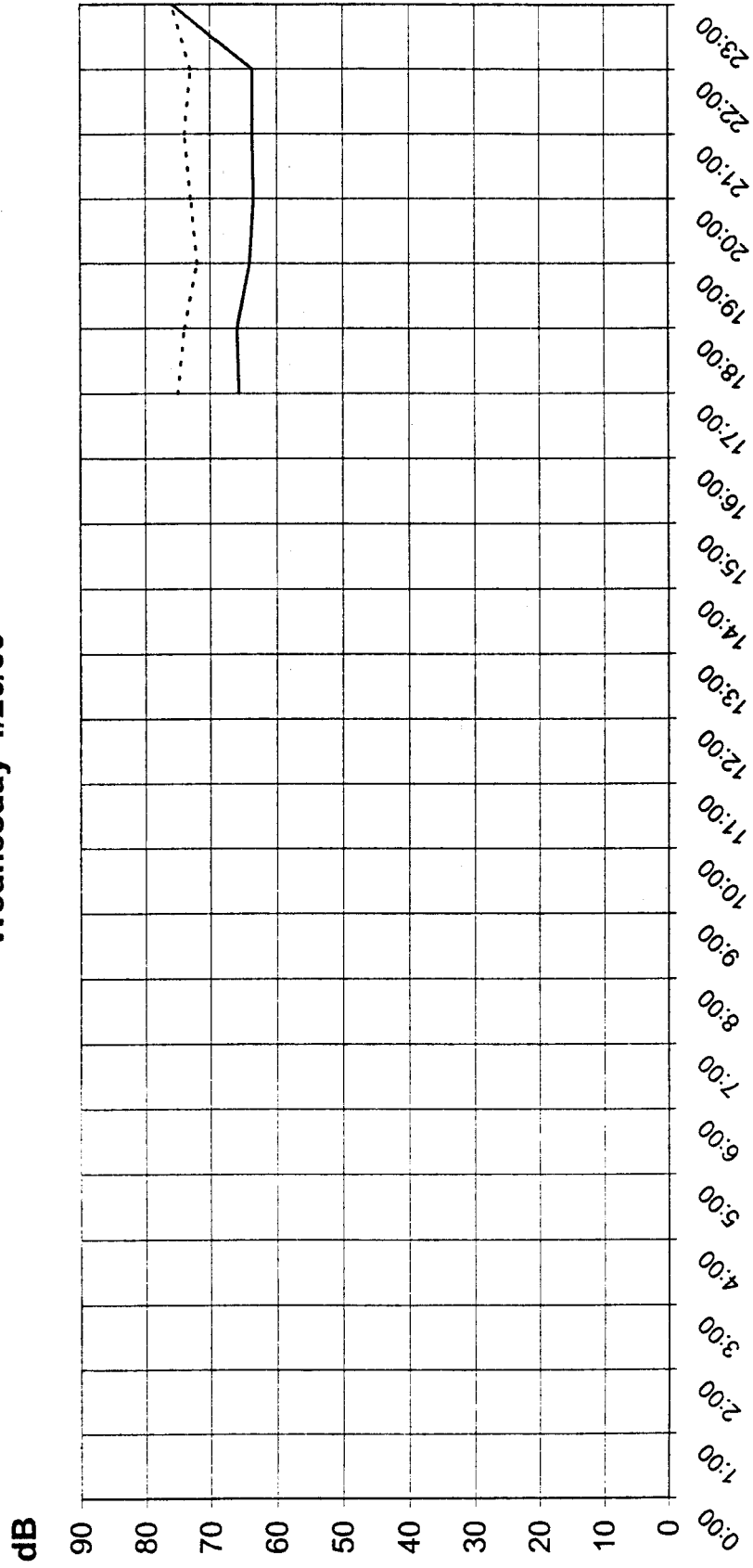
Date: 5/2/00

Job #: 2000.1331

----- L1

—— L_{eq}

**Sound Level Averages
Wednesday 4/26/00**



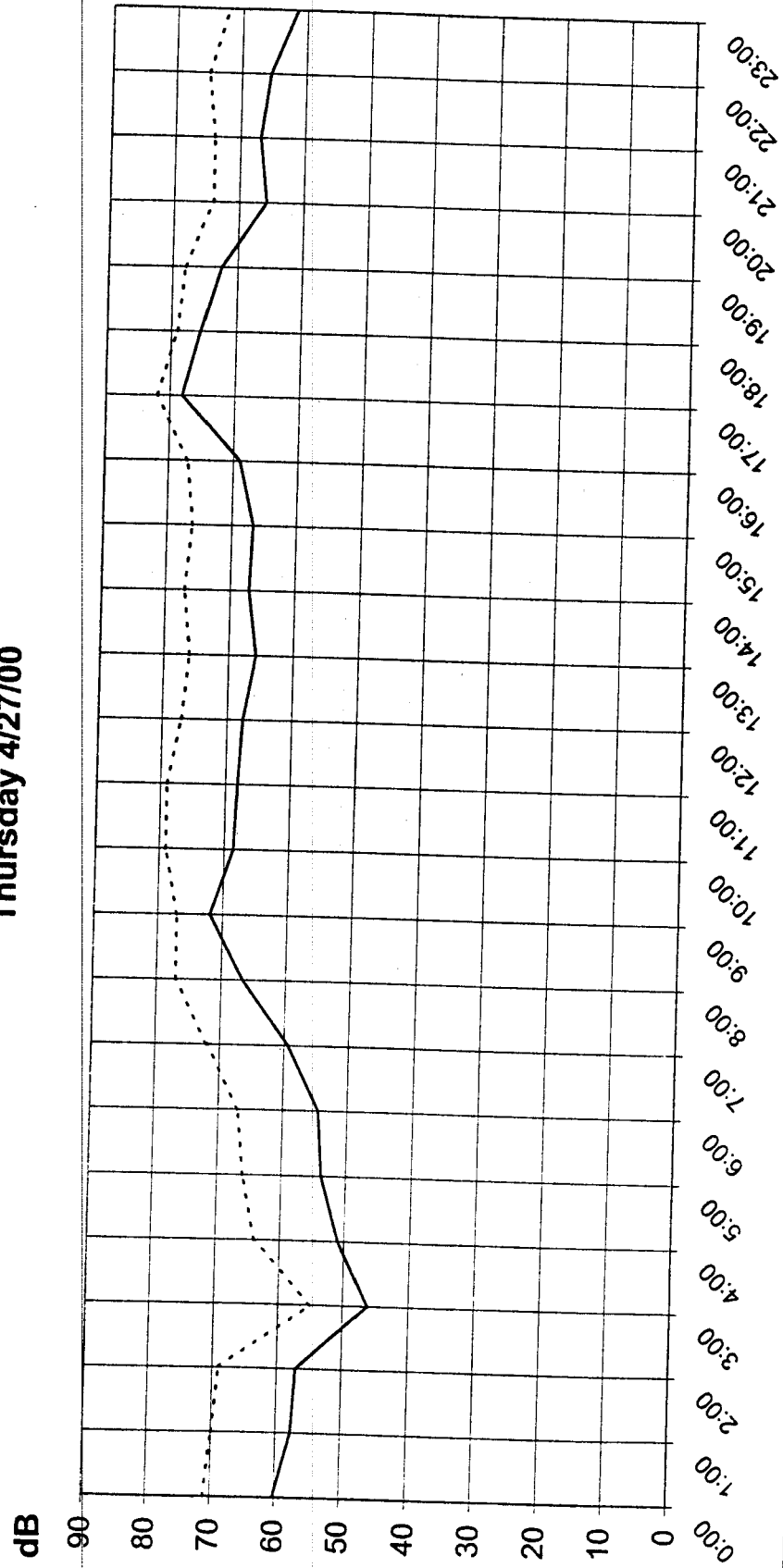
Project: Park City

Date: 5/2/00

Job #: 2000.1331

— Leq - - - - - L1

**Sound Level Averages
Thursday 4/27/00**



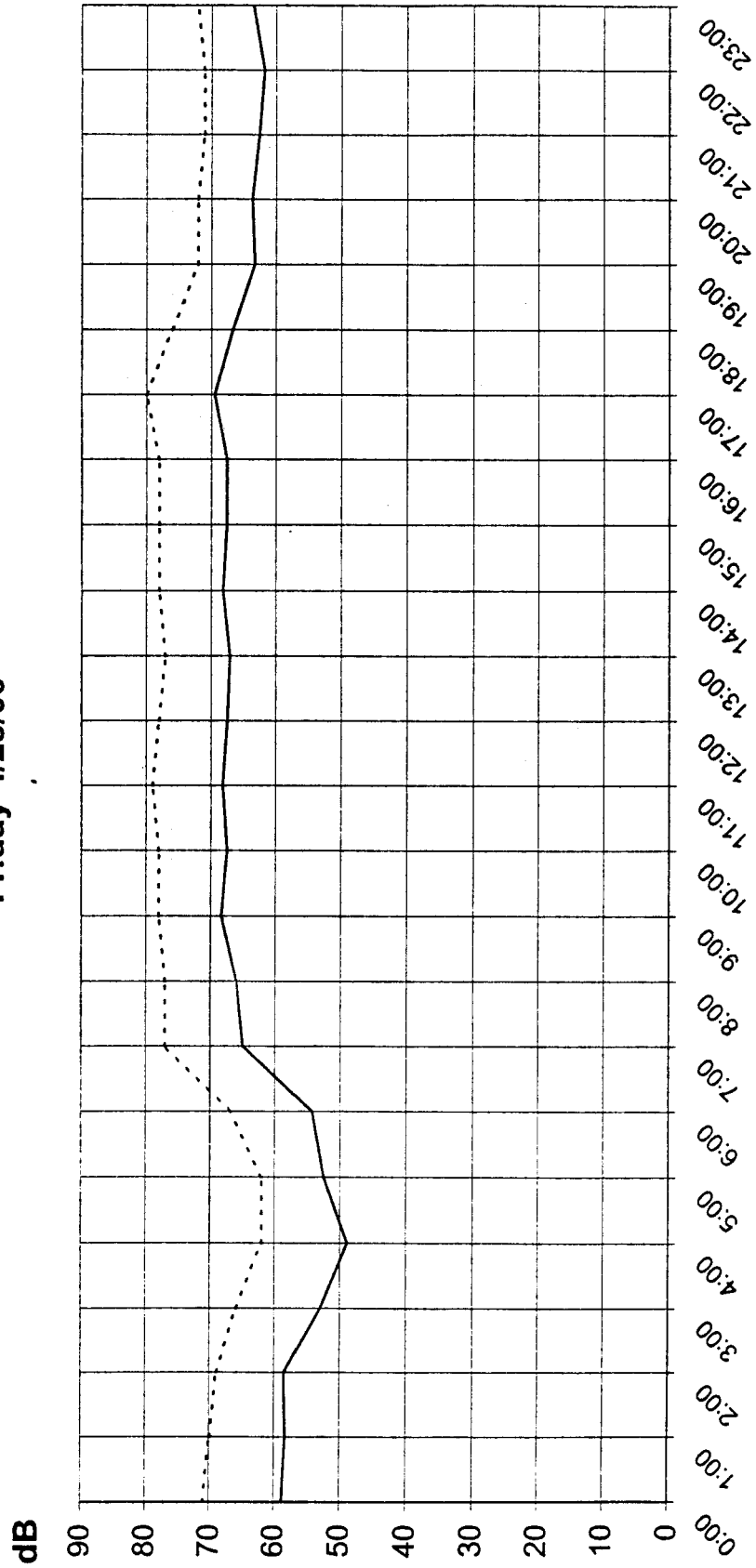
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Date: 5/2/00

Job #: 2000.1331

— Leq - - - - - L1

Sound Level Averages
Friday 4/28/00

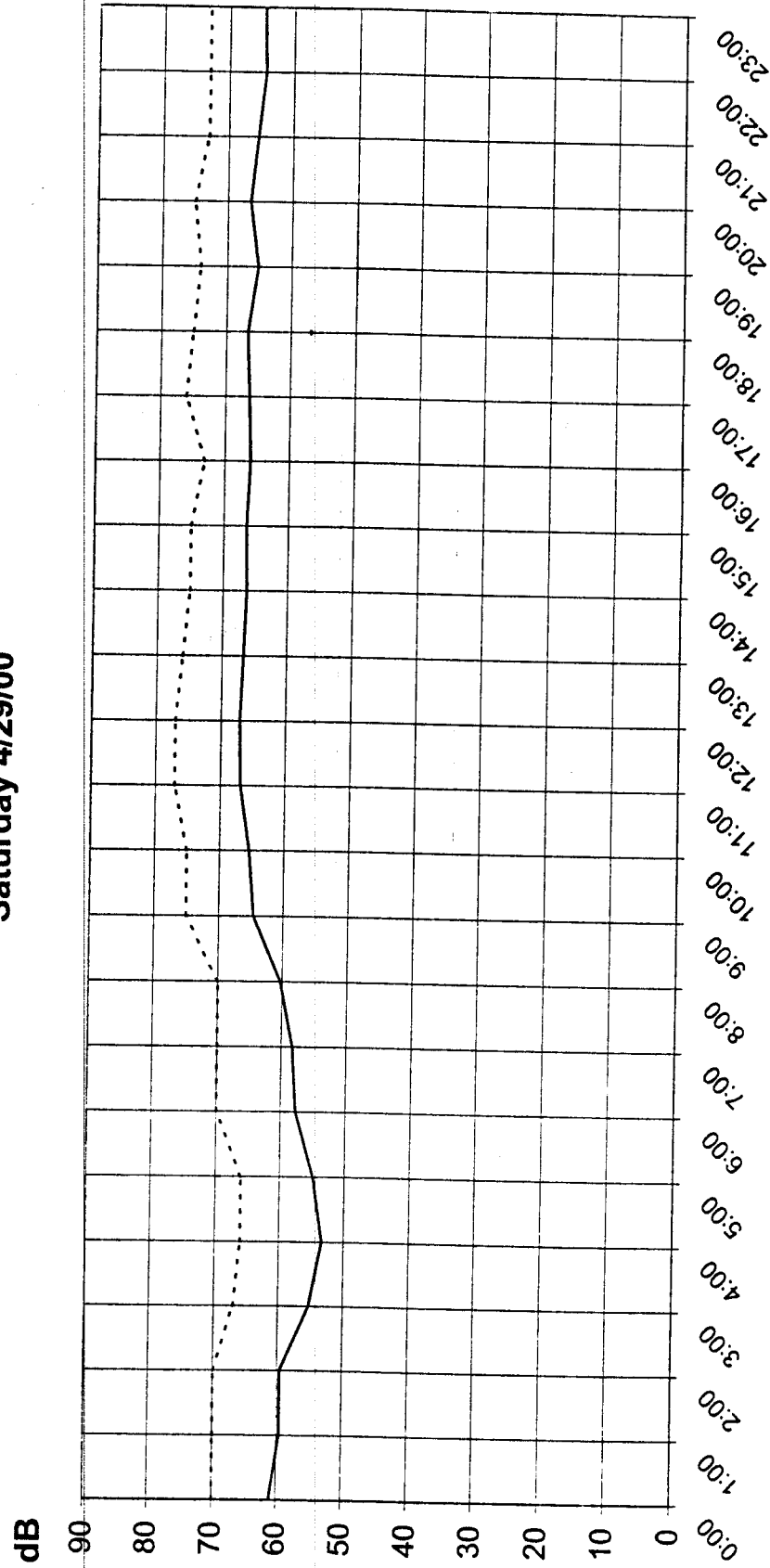


Project: Park City

Date: 5/2/00
Job #: 2000.1331

—— Leq - - - - - L1

Sound Level Averages
Saturday 4/29/00

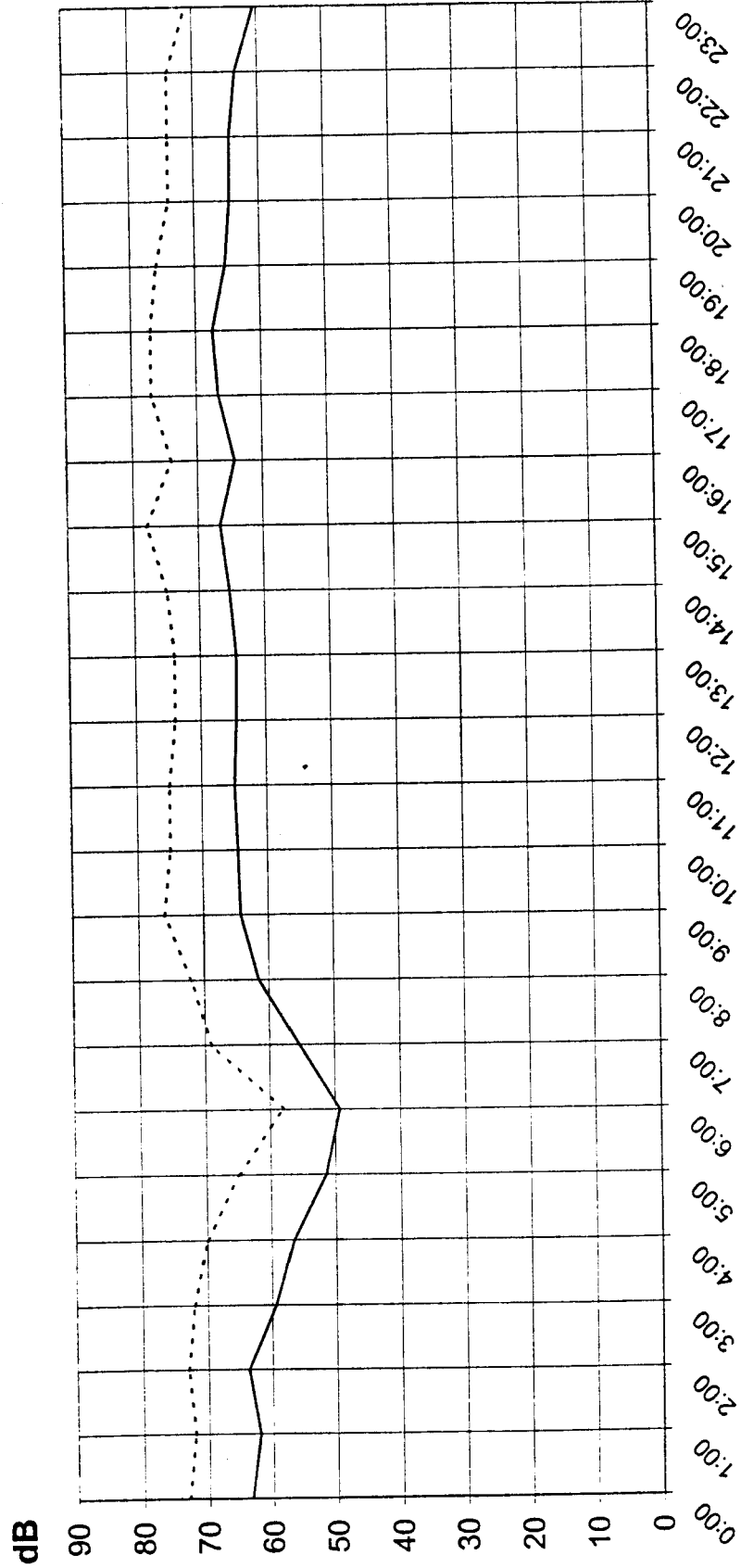


Date: 5/2/00
Job #: 2000.1331

Project: Park City

----- L1
----- Leq

Sound Level Averages Sunday 4/30/00

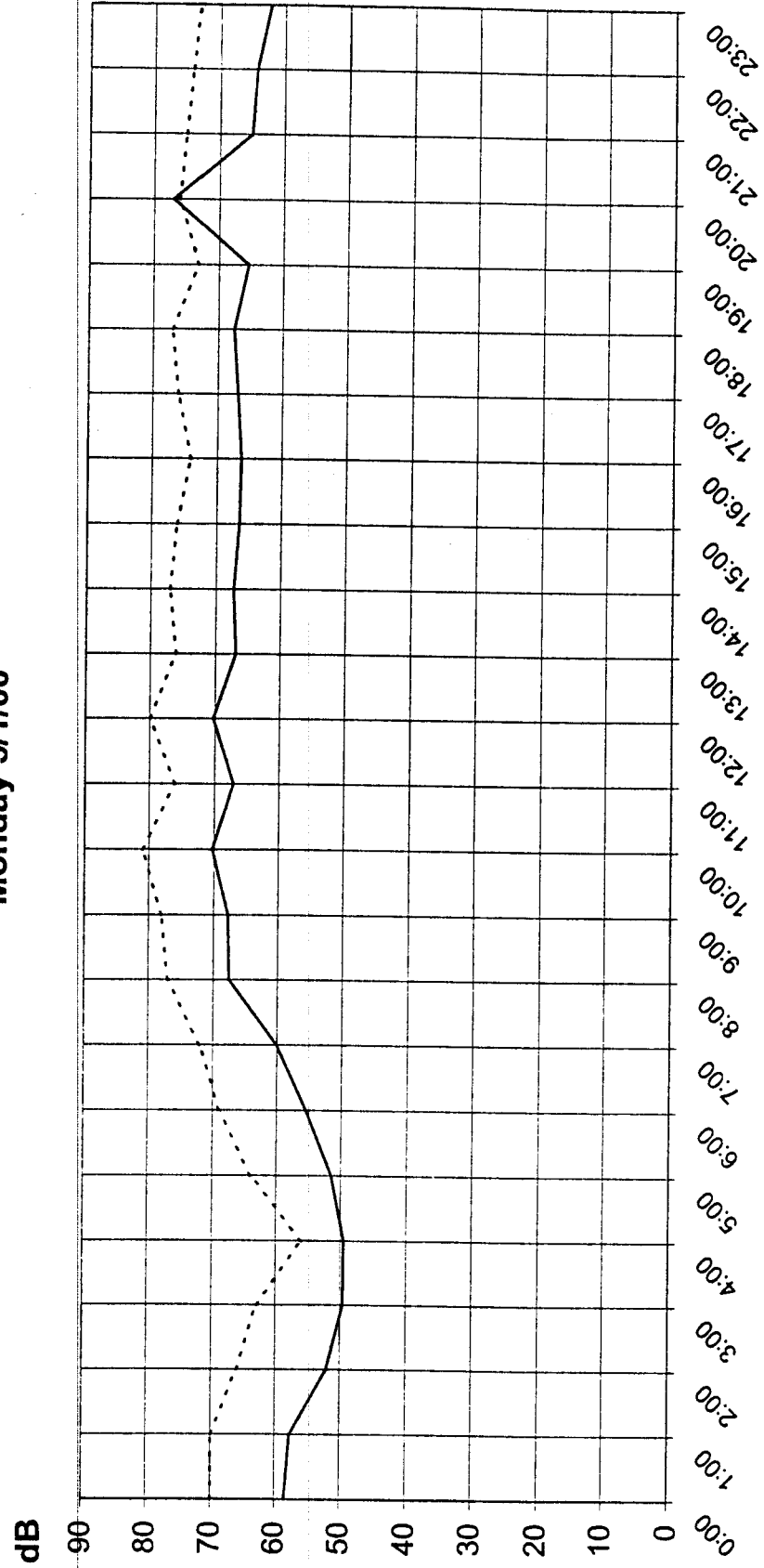


Project: Park City

Date: 5/2/00
Job #: 2000.1331

—— Leq - - - - L1

Sound Level Averages Monday 5/1/00



Project: Park City

Date: 5/2/00

Job #: 2000.1331

— Leq - - - - - L1

Sound Level Averages
Tuesday 5/2/00

