



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 11, 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 11, 2000.

Work Session - City Council Chambers - Lower Level

3:15 p.m. Council questions and comments
3:30 p.m. Budget option review and policies and objectives
5:30 p.m. Break
5:45 p.m. Review of regular meeting
Telecommunications ordinance
Other meeting questions/comments

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 APRIL 20, 2000

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving the Walk to the Slopes plat amendment Phase 2 to combine all of Lots 17, 8, 38 and a portion of Lot 37 in Block 26 of the Snyder's Addition to the Park City Survey, into a single platted lot, located at 1243 Empire Avenue, Park City, Utah

VI CONSENT AGENDA

Ordinance approving the Walk to the Slopes plat amendment Phase 2 to combine all of Lots 17, 8, 38 and a portion of Lot 37 in Block 26 of the Snyder's Addition to the Park City Survey, into a single platted lot, located at 1243 Empire Avenue, Park City, Utah

VII PUBLIC HEARINGS

1. Continued hearing on an Ordinance amending Title 14 of the Land Management Code adding language to regulate news racks within the Historic District
2. Ordinance amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah

VIII ADJOURNMENT

Posted: 05/08/00
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 11, 2000**

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

Toby Ross, City Manager; Lloyd Evans, Chief of Police; Tom Bakaly, Director of Capital Management and Budget; Mark Christiansen, Budget and Grants Manager; Alison Kuhlrow, Planner

1. **Council questions and comments.** Roger Harlan reported that the Library of Congress is selling commemorative second day issue bi-centennial stamps that can be cancelled at the Park City Library on May 25. Peg Bodell expressed her disappointment that all of the recommendations from staff to deter the sale of vehicles on SR224 were negative. She agreed that more signage is not a good option and suggested that the area be planted with wild flowers or grass to discourage parking. Ms. Kerr pointed out that the surface is impervious and the soil is too *hot* from having manure there for so long. She felt that the options are as much as an eyesore as the parking and if people are selling their cars, the vehicles should be ticketed and towed. Peg Bodell insisted that planting the area would improve an area that was never finished. The Mayor felt that ticketing and towing for-sale cars would be effective and that the site needs to be investigated before investing in planting and people should be encouraged to park in that area if they are going to use the trails. Peg Bodell expressed her confusion as she believed the City was not encouraging any parking on SR224. Candy Erickson interjected that the City has not provided parking which is a problem. The Mayor stated that the area was contemplated for parking for the trails and the McPolin Farm; his concern is the cars for sale. Ms. Bodell added that the options for the Farm were also limited and would like to see a *Friends of the Farm* grassroots program. The recommendation regarding the committee draws from the Council and other boards and doesn't include residents. Maintenance doesn't need to cost a lot of money. Ms. Kerr believed that the report focused on the issue of the bridge and access. Toby Ross explained that the memo was in response to Council member Jones' request about the Farm project. The City anticipates completing the work and addresses the issue of use. The committee was formed to review the use permit not maintenance which could result from this process. He explained that there is a long history in resolving the issue of use which is the reason why Council, and representatives of the Planning Commission and Parks and Recreation Board are recommended for this committee to reach consensus. Peg Bodell suggested that citizens also be included as they have no agenda. Mr. Ross felt that was a possibility which may result from the initial discussions of the group. The use question has to be resolved before the project progress. The memo is intended to outline the status of the project and a strategy, not a comprehensive set of alternatives. There is no use permit required to finish what has begun, but the City is in some jeopardy in losing our permit for the bridge; irrigating the area protects it from wild grass fires and will make it a safer site for the public. Roger Harlan expressed that it is

important that the City not lose the opportunity of installing the bridge from the Corps of Engineers.

Shauna Kerr stated that she serves on the US West local officials coordinating committee and referred to a survey on key legacies or benefits for the 2002 Games, which would be appropriate for input from the citizen group. The City-wide clean-up is working well and she thanked the Public Works Department. The County Commission approved its storm water run-off ordinance which the City should consider. The Commission also approved the Boyer project, including the movie theater. There is a grand opening of the museum at the County Courthouse on May 19 at 4:30 p.m. The Mayor announced that long-time City resident Linda Singer passed away today.

Fred Jones added that he appreciated the Farm update, and as these improvements are made, anticipates the trails will be connected under the tunnel. He understands the ADA requirements for the bridge, and hopes that it is not raised significantly and looks natural. He continued that he and Shauna Kerr met with the County Commissioners about water. There were no conclusions other than agreement that there are options, some of which that are specific to the City or the County and some that may work for everyone. It was agreed to meet again on June 8 to share more information and explore other options. The Olympic celebration committee continues to meet on a weekly basis and on May 23, SLOC will present its plans for a sponsor village and a representative from VISA will discuss participation in our celebration.

Candy Erickson commented on the results of the Smart Trailer on upper Park Avenue which reveals that most drivers are traveling well below the speed limit, but the number of cars is significant. There was discussion about the 25 mph speed limit zone on Deer Valley Drive as it is a requirement of UDOT for construction areas. Chief Lloyd Evans added that there will be another speed report for Park Avenue next week. She stated that the Board of Education has agreed to name the main theater at the Eccles Center in honor of Michael Kearns and there was discussion about putting kindergarten on an alternating schedule at the School District meeting. In an edition of *Nation's Cities Weekly*, there was an article about advertising on city web sites and ideas on operating teen centers, which may be helpful for organizers in the community. She also received a written request from an Old Town resident to make the Mine Road one-way and requested that the City Engineer review and report back to Council.

2. Budget option review and policies and objectives. See staff report. Tom Bakaly reviewed the schedule for work sessions, public hearings, and adoption of the budget. This work session is a wrap of the operating fund and there are other funds that rely on the General Fund. If the budget is removed for operating contingencies, there is still a gap of about \$400,000 for FY 2001 which will begin this July; budgeting for operating contingencies results in a gap of \$900,000 and increases in the future if the same levels of expenditure and revenue growth are assumed. There are six options for balancing the budget in 2001 as well as addressing this trend. He emphasized that staff is not recommending using reserves to balance the budget. Departments were asked to identify

5% reductions in individual General Fund operating budgets representing \$657,000. The budget option review committee was represented by each department and reviewed these reductions as well as new requests. The committee focused on not dramatically reducing services and did not prioritize reductions. With regard to new requests, it is recommended to fund \$96,000 for this year and next year, fund \$127,000 in the General Fund. This list is prioritized, and many requests are adjustments by moving money between funds. He discussed the reduction on recreation revenues due to the loss of fees in the amount of \$55,000 no longer collected from the Snyderville Basin Special Recreation District which would result in an additional transfer from the General Fund to the Recreation Fund in the amount of \$41,500. Additionally, to make up for the \$13,500 loss for next year, it is proposed to close the lap pool during the winter. He explained the special events fund where transfers are made from the Police and Public Works Departments.

Mr. Bakaly continued that the budget option review committee also reviewed property taxes. Staff feels confident that the budget can be balanced for next year without a property tax increase for 2001, which is not projected in the year 2005. Mark Christiansen added that it would also demonstrate a significant impact on the programs and services that Park City is able to offer. Tom Bakaly added that without some sort of tax increase, the amount of the deficit grows over time if service levels are to be maintained. Another option is an increase to the transient room tax. The current sales tax for a room is 10.25%; 3% is the transient room tax allocated to the County and 95% of that is disbursed to the Chamber/Bureau. Park City obtains about 2% and between our general sales tax and resort cities sales, the state receives 5.25%. Cities like Alta or Salt Lake City have a separate municipal transient room tax and implementing this option and raising the 10.25% sales tax to 10.75% would generate approximately \$150,000 a year. In response to a question from Shauna Kerr, Mr. Bakaly believed that there is not a cap on the Chamber/Bureau's share and the City is not privy to that data.

With regard to property taxes, Mr. Bakaly noted that to generate \$250,000, the impact per \$100,000 of assessed market value, would be \$11 and a primary residence would pay \$6. He reminded Council that there is another \$6 million remaining in general obligation bonds that have not been issued yet, which represents \$27 per \$100,000 of market value and \$15 for primary residences. COSAC is leaning toward issuing the \$6 million this year or next year. It is recommended to perform a comprehensive review of the City's fees for services and programs next year when a new two-year budget is formulated. Option 1 recommends \$381,476 in reductions and \$27,000 in new requests, which would result in no operating contingency. There would still be a reserve in the General Fund which is about 12% and it is desired to have it more in the 18% range. Option 2 suggests \$657,602 in department reductions which would provide \$275,000 as an operating contingency. Option 3 is Option 2 with a transient room tax increase which provides a larger operating contingency and closes the gap further for the future. In response to a question from Peg Bodell, Mr. Bakaly stated that a truth in taxation hearing is not needed for a transient room tax increase, but there would be a public hearing. In order to have it in place by January 1, the state needs to be notified in September and there was discussion about collecting sales tax for the

Thanksgiving and Christmas holidays. The municipal tax would come directly to the City. The Mayor asked that staff look into what other resort communities in the West are charging. Tom Bakaly continued that Alta and Moab are charging a municipal transient room tax of .5%. An increase of the resort cities sales tax would require a vote of the people. The City Manager added that the municipal transient room tax is unlike the county tax which has a lot of restrictions. Ms. Kerr asked that staff perform more research on this tax, as she is not leaning toward a property tax.

In response to a question from Fred Jones, Mr. Bakaly indicated that the adjusted budget for this year will balance. There are inter-fund transfers and appropriations from the General Fund for fuel for \$20,000 and in the recreation fund in the amount of \$46,000. There is a transfer to the Golf Course Fund and a \$5,000 to the parks budget to handle increased trash service. The adjustment totals \$96,546. The golf course transfer will be discussed next week as a part of the capital improvement project review. There was discussion about not recommending transferring money from the self-insurance fund to the General Fund. Toby Ross explained that a budget will be developed that is reflective of Council's intent. Ms. Kerr directed Mr. Bakaly to investigate the .0001 property tax increase that can be legally imposed for increased insurance liabilities. Roger Harlan stated that he is leaning toward supporting the transient room tax increase, but would like to keep the total sales room tax under 11%. The Mayor stated that he supports the full 1% increase in the transient room tax and no property tax increase. Candace Erickson agreed with Mr. Harlan's recommendation, but would like information on other resort towns. Fred Jones emphasized that it doesn't come without consequence in considering repeat business. He felt it imperative to maintain a minimum of a 12% reserve and is more comfortable with getting back to the \$525,000 contingency. In the long-term, it has to be recognized that our revenue base is changing and it behooves the City Council to take a hard look at the programs and priorities established over the years and make sure that they are still applicable to the realities of the next five to ten years. He has not made a decision on a tax increase; the departmental reductions are appropriate. The City is dependent on sales and transient room taxes, and must make sure that this part of our community remains healthy to afford ourselves. There will be capital needs that support this which may translate into a tax increase through bonding, etc. and operations should not prevent the City from making other improvements that would impact our revenue stream. Peg Bodell discussed the balance between investing in tourism and the quality of life for residents and Council is looking at the department heads for that information. This is a good effort so far and she agrees with Mr. Jones' comments; cutting back on expenses is something that needs to be done. Mr. Bakaly indicated that staff will report back next week on more information on the transient room tax and will begin including proposed reductions in the tentative budget.

3. Review of regular meeting:

News racks. Alison Kuhlow stated that the agenda provides for a public hearing tonight and not action, as there was a request that various legal departments be provided an opportunity to review the proposed ordinance and to provide input. In June, an ordinance and entire

program will be presented to the Council. There was discussion about the design of the boxes. Peg Bodell asked if there is information about the number of boxes inside establishments and Ms. Kuhlowl clarified that the City is only regulating boxes outside, but will investigate providing that information.

Telecommunications ordinance. Ms. Kuhlowl explained that a temporary zoning ordinance passed in December and since that time staff has been working with the Planning Commission and the ordinance has been significantly modified. On March 30 members of the Council and Planning Commission and staff met with telecommunication providers. The original ordinance provided for administrative approval if antennas were stealth. The Planning Commission indicated that it wants to review all applications and eliminated the administrative approval section, and provided for consent agenda and public hearing processes. In response to the Aerie Home Owners' concerns, there is a noticing requirement for posting the property and written notice to owners within 300 feet for all applications. If there is an application in a neighborhood where there are no homes within 300 feet, the property would be posted and it would be advertised on a Planning Commission agenda. The Mayor suggested that notice be given to the home owners association if the location for posting is not readily visible. Ms. Kerr discussed the registered home owners association process and Mark Harrington emphasized that this is a written courtesy notice provision and should be consistent with the code and requirements for other applications. There was a suggestion from Peg Bodell that residents and occupants be notified and there was discussion about obtaining ownership information from Summit County. The City Attorney acknowledged that there will be circumstances that are unique but suggested not establishing a process that is dramatically different than what is required for other applications. He advised keeping application requirements uniform with regard to noticing. Ms. Kuhlowl continued that consent agenda applications would include commercial while public hearings would be held in residential zones. Freestanding telecommunication facilities are prohibited within the ROS zone but can be mounted on an existing shack, for instance; they are prohibited in the conservation zones, and on historic structures. There are more detailed requirements which will assist in reviewing applications, including a company's future plans for locating facilities. Ms. Kuhlowl added that after an ordinance is adopted, a telecommunications facilities master plan map will be formulated identifying where facilities are appropriate and where they will be prohibited from being located. She explained that carriers are concerned about the elimination of the administrative process and time constraints resulting in a required public hearing. It is the Planning Commission's recommendation to eliminate administrative approvals and opted for the consent agenda and public hearing processes. Staff is requesting notice to the City when drive tests are conducted so that staff has information to relay to the public if there is a registered concern. The industry has asked that this noticing be removed and that there be a provision that a drive test antenna can not exceed a 24 hour period, as it is burdensome for their various departments to coordinate test drives. Shauna Kerr added that she doesn't feel this provision to be burdensome and Peg Bodell felt that there should be a reassurance to the neighborhood in the form of a permit. Alison Kuhlowl explained that staff is recommending that test drives not be required to have a permit but that the City be noticed by fax or phone and the

activity would be logged. Staff is proposing to provide telecommunication companies with informational packets about allowable setbacks and height requirements in various zones. Staff and the Planning Commission support a temporary zoning ordinance for the Olympics for temporary antennas. The ordinance is currently drafted to allow temporary antennas for a maximum of 30 days for events approved through a master festival license process. Applications for installation on City property or utility poles, would require a lease agreement and carriers have requested consideration of height increases for antennas on poles. Ms. Kuhlman added that it is planned to bring the ordinance back to Council on June 1 for action.

See regular meeting minutes.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 11, 2000**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 11, 2000. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Shauna Kerr. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; and Alison Kuhlow, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on items not scheduled on the agenda.

Upper Park Avenue reconstruction - Chris Brand, UPAPA, stated that the \$200,000 budgeted for engineering and design is short of doing the work. The petition for the reconstruction has grown to over 40 home owners and renters and hoped that the Council will respond to concerned citizens and taxpayers. The issue is a matter of priorities and rebuilding upper Park Avenue in the summer of 2001 should be made a top priority. The City is spending \$69 million this year and \$41 million next year and rebuilding the street will cost 1.5% of that budget or about \$1.6 million. UPAPA is asking to budget \$800,000 in this year's budget and the other \$800,000 in next year's budget. They appreciate the support for budgeting the money for engineering and design work which is required, but Mr. Brand urged Council to budget the full \$1.6 million and if the number needs to be adjusted this October after the study is completed, at least the real money needed will be in the budget. Anything less than that leaves the residents in a quagmire and a possible post-Olympic monetary shortfall.

Ian Dowie, 575 Park Avenue, urged Council to fix the road and showed a video of the condition of Park Avenue and the contrast of the condition of the streets in front of Tom Bakaly's and the City Council members' homes. He also taped the finished project on Woodside Avenue. Park Avenue is the first street people see after Main Street and may be the worst maintained street in Park City. He referred to a quote from Candace Erickson during the 1999 campaign about supporting work on Park Avenue and reprioritizing the budget for the project, if necessary.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

The Mayor administered the oath of office for Police Officers Mike Dorman and Brickley Jones.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF APRIL 20, 2000

Hearing no omissions or corrections, the Mayor requested a motion to approve. Shauna Kerr, "I so move". Fred Jones seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving the Walk to the Slopes plat amendment Phase 2 to combine all of Lots 17, 8, 38 and a portion of Lot 37 in Block 26 of the Snyder's Addition to the Park City Survey, into a single platted lot, located at 1243 Empire Avenue, Park City, Utah - The Mayor requested a motion to continue. Shauna Kerr, "I so move". Peg Bodell seconded. Motion unanimously carried.

VI CONSENT AGENDA

Ordinance approving the Walk to the Slopes plat amendment Phase 2 to combine all of Lots 17, 8, 38 and a portion of Lot 37 in Block 26 of the Snyder's Addition to the Park City Survey, into a single platted lot, located at 1243 Empire Avenue, Park City, Utah - The Mayor requested a motion to continue. Shauna Kerr, "I so move". Candace Erickson seconded. Motion carried unanimously.

VII PUBLIC HEARINGS

At this point in the meeting Mayor Brad Olch excused himself from the meeting, and Mayor Pro Tem Shauna Kerr presided.

1. Continued hearing on an Ordinance amending Title 14 of the Land Management Code adding language to regulate news racks within the Historic District - See work session comments. Hearing no questions from the City Council, the Mayor Pro Tem invited public input.

Jim Lowry, attorney, stated that he represents the Newspaper Agency Corporation (NAC) since its inception in 1952. In Park City, it distributes the Salt Lake Tribune, The Deseret News, The Wallstreet Journal, Investors Business Daily, and Barrons. Each of those publications are in news racks with the exception of Barrons. The NAC is vitally interested in the outcome of this consideration. He urged Council not to consider contracting with a private company to maintain the news racks. This may be unconstitutional, enforcement of regulations would remain, and there may be difficulties for distributors in dealing with someone other than the City. This ordinance, as drafted, does not address abandonment and reallocation of news boxes which is a serious oversight.

He believes that everyone respects the needs of the City in dealing with the protection of the visual integrity of the Historic District and he agreed that the current condition is gaudy. However, taking them out of the private sector and bringing them into the responsibility of the City is not a good idea. Council's aims can be met by less intrusive means as the ordinance has a set of standards dealing with process for location, which can be imposed. If the NAC owns a rack, it will be repaired if it is damaged for liability reasons and because it is its source of revenue. Mr. Lowry asked if the City is prepared to restore damage beyond use in half a day or prepared to assume liability if someone is injured. NAC prefers to retain the burden of maintenance and have the City legislate consistent standards for providers. This way, various distributors and publishers are not competing for a scarce resource and there is a tremendous inhibition for the press for access to the market. The Historic District can be preserved with standards and for that reason, NAC feels the ordinance is ill-advised and he encouraged the City to adopt a model that outlines how the racks will look and be maintained and if they aren't properly maintained, the permit can be revoked. He discussed the success of the Salt Lake City program and encouraged the Council to look at a model that is less intrusive on the distributors and does not require the City to take on as much responsibility. In response to a question from Peg Bodell about formulating uniform standards, Mr. Lowry indicated that most of them are already in the ordinance. Ms. Erickson pointed out that probably the largest area on Main Street is in front of the post office which can't accommodate all of the news racks in a single line and the City may only be regulating the first group of vendors who apply. Mr. Lowry pointed out that the private sector may find other locations on Main Street that meet the ordinance standards that were overlooked. He stated that his plan may not be any easier to regulate but the private sector would take over the responsibility and liability for the boxes. Ms. Erickson stated that she fears that if distributors find a loophole in the ordinance, the City will be required to allow them to place a box where it isn't appropriate. Mr. Lowry pointed out that the assumption that the City has found every available space may not be true. Mr. Jones interjected that that may not be our assumption, but rather that the boxes are not appropriate everywhere; the City has identified locations that may work and may not want them in other spaces. Mr. Lowry argued that if the City sets the standards, and the boxes meet the standards, there shouldn't be a problem. Fred Jones noted that Mr. Lowry admitted that the number of boxes are scarce under these guidelines and asked how his scenario would increase the allocation. Mr. Lowry suggested that Robin Erickson answer that question.

Ms. Erickson, NAC, explained that Salt Lake City provides a licensing packet annually with information regarding standards, including sizes, height, color, location, etc. Applicants indicate locations on a map. Allocation on kiosks are made on a first-come, first-serve basis. Salt Lake provides the kiosk and agrees to maintain it and distributors provide the mechanism on the boxes. If boxes are installed improperly the City impounds them. She continued that there have been instances where people have had their hands caught in the rack and NAC has taken on the liability for that incident. Fred Jones asked how she proposes the City handle requests for the same location. Ms. Erickson discussed the different configurations of the gang racks to accommodate different numbers of publications, but the key is that they are standard and maintained. In response to a question from Roger Harlan, Ms. Erickson responded that in some cases the company installs

the concrete, but not necessarily downtown. Roger Harlan explained that Council is attempting to eliminate the linear look of racks and the only way to do that is to double stack newspapers and asked if Mr. Lowry is suggesting that the distributor install the infrastructure. Ms. Erickson explained that NAC owns pedestals and often cooperates with other papers to accommodate them in their pedestals. Things work well when they have the opportunity to work together and are not competing for space.

Andy Bernhardt, publisher of The Park Record, reiterated that the key concern is availability, understanding that the integrity of Main Street needs to be maintained. He discussed the boxes disappearing in the middle of the night. The proposed ordinance would result in losing one-third of the current spaces and additionally, capacity in individual boxes because there is no elevator in the mechanisms. Because of the availability issue, a certain level of competition will be created among publishers and distributors. He agreed dealing with this on a private basis works. The pedestal rack at the Snowcreek Plaza is a good example of cooperative efforts. Candy Erickson acknowledged that he and Robin Erickson work well together because of their acquaintance. There are 21 different companies that want their product out there, some have more than one product, and there are a limited number of spaces and asked if the City would be in jeopardy by not providing everyone an outlet. Mr. Bernhardt felt that based on the plan and the capacity of the boxes, about 50 boxes will be lost but about 20% of the boxes are not currently well maintained. These are difficult questions, and he doesn't have the answers. He hoped that the Olympics are not driving this ordinance, and Ms. Kerr emphasized that this proposal is based on the status quo.

Dan Stephens, publisher of the Wasatch County Courier, stated that he is currently considering distribution in Park City and is concerned about being locked out of the market. He is opening an office next week on Kearns Blvd. and any consideration given in that regard would be appreciated.

Roger Click, resident, suggested that the assignment of boxes by category of publication is not clear. The community has an historic newspaper called the Park Record and it should be everywhere in town and should be considered in its own category.

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

2. Ordinance amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah - Alison Kuhlow stated that this is the first public hearing on this ordinance which was forwarded to the Council from the Planning Commission on April 26, 2000. The Mayor Pro Tem opened the public hearing.

Brad Cahoon, legal counsel for VoiceStream, thanked Ms. Kuhlow and Tim Twardowski for spending time with them on the proposed ordinance. He explained the GSM system

utilized by VoiceStream and the importance of its global capabilities for visitors from other countries to Park City. It is moving toward providing wireless Internet service and other industry changes in the broad band area. In order to provide those services, there needs to be a transmission of radio signals and the need to install antenna facilities. During the Olympics, there will have to be increased temporary antenna sites which will have to be constructed in the fall before the Games. The ordinance, as proposed, does not address this problem in the sense of providing a ten month temporary permit but rather only allows a 30 day period. He understands from staff that this will be addressed in a separate ordinance and encouraged Council to draft an ordinance in the short term. He explained the purpose of drive tests which are expensive and don't last very long, usually a few hours, and the proposed ordinance requires prior notice which is unique to communities. This is a negative precedent for the industry as other communities may follow and this will become very cumbersome for the technical staff. Mr. Cahoon suggested that drive tests that exceed a 24 hour period be prohibited and understood that this provision was prompted by a citizen concern. Staff could indicate to callers to call them back if the antenna is there beyond 24 hours as it would be in violation of the ordinance. He felt that drive tests don't need to be regulated and the notice requirement is unnecessary to address any perceived public health, safety or welfare concerns when weighed against the burden to the industry. The Mayor Pro Tem stated that this was discussed in work session, and Council didn't find this provision oppressive. Being able to provide citizens up-front with information is beneficial and she is quite surprised that other communities don't have this provision. Mr. Cahoon emphasized that all they want is uniformity and Ms. Kerr responded that Park City tends to not be the standard of the industry for the state of Utah. Roger Harlan assumed that because this is a technical process that drive tests would be internally scheduled and doesn't understand why it is difficult to contact the City. Mr. Cahoon described the different focus of the engineering and site development departments. The engineers are not zoning experts and compared this situation to US West working on a land line. Mark Harrington interjected that US West has a franchise agreement with the City to conduct that activity within our right-of-way, which is not the case with VoiceStream who is suggesting placing equipment on the City's right-of-way or private property without any permit whatsoever. All the City is asking for is a courtesy notice. Mr. Cahoon asked what the City is trying to accomplish by the notice. Ms. Kerr emphasized that the City is asking communication companies to communicate with their departments so the City can communicate to citizens when there are inquiries, which is a reasonable request. Ms. Bodell explained that notice may be helpful to the wireless providers as there may be a special event or activity occurring in the vicinity of the drive test that they weren't aware of or anticipating and may interfere with the testing. Mr. Cahoon continued to debate the issue and Ms. Kerr reiterated Ms. Bodell's comments and relayed that this is a battle that VoiceStream may not win.

Mr. Cahoon continued that there is no provision to accommodate power pole replacements to accommodate an antenna. It has been their experience that antennas on power poles have not been viewed as offensive because the pole is already existing. The height limits are too restrictive which may mean going to the Board of Adjustment for a technical necessity exception. This should be allowed as an alternative, rather than a variance. He described a replacement pole

which has an extension which would be installed and rewired by VoiceStream and explained the ten foot separation needed between power lines and the antenna facility. A variance may discourage the use of existing poles.

Alison Kuhlow explained that if a company wants to conduct a drive test on City property (excluding City streets), notice and a drive test agreement are both required.

Glen Nelson, US West, extended compliments to staff. He has some concerns but overall, the ordinance addresses most everything, however, there are no setback or height limitations specified for each of the zones in the document. Mr. Nelson suggested that the word *flush* be replaced with *mounted a maximum of 12 inches from the wall or pole* as the word *flush* may be contradictory to the intent of the provision. He supports comments about utility poles and US West found that they are very well accepted by communities and can reduce the proliferation of poles.

Keven Dies, consultant with VoiceStream Wireless, also thanked staff for setting up meetings. Most of the issues have been worked through and he supported Ms. Kuhlow's suggestion of providing information packets to providers regarding heights and setbacks for the zoning districts. Ms. Kuhlow explained that it will not be part of the ordinance, but a separate hand-out with applications and copies of the ordinance. With regard to site disturbance, Mr. Dies noted that if they were to lay an apron of gravel for access to the location it may force them into a public hearing. If the site disturbance section is more clearly defined, issues like this could be handled at the staff level. Disturbed areas over 20 square feet require a public hearing and he explained in detail, the size of VoiceStream's equipment for normal lay-outs and feared that every application may require a public hearing. Every carrier has different equipment and Mr. Dies again described the size of the equipment. Ms. Kerr commented that this may seem like not very much room to work with but it may very well require a public hearing because the size of the facility may have as much impact to the surrounding area as a small house. Roger Harlan felt that because of the size of the equipment, a public hearing may be appropriate. Ms. Kuhlow emphasized that the section Mr. Dies is referring to deals with removing or disturbing trees or scrub oak and the removal of vegetation is the reason for the public hearing. Mr. Dies encouraged Council not to ban antennas on historic structures without seeing what applications are possible through stealth techniques. Ms. Kuhlow explained that she had this discussion with Mr. Dies earlier and argued that the Historic District is abundant with new structures adjacent to historic structures. Ms. Kerr pointed out that most of the historic structures are a maximum of two stories and Ms. Bodell recalled that there was concern that antennas not be mounted to historic tram towers.

Mr. Dies continued to describe in detail the specific functions of various divisions of VoiceStream. Engineers are not necessarily familiar with regulations and that is where the break-down occurs. He suggested that the ordinance revert to the 24 hour drafted provision, because notice is going to create a lot of confusion. He felt that the boom trucks are easily identifiable and this is no different than survey crews or Utah Power servicing its lines. This is another paper chase and a

24 hour period is reasonable. He described *cows* and boom trucks. In response to a question from the City Attorney regarding the number of drive tests anticipated in a year, Mr. Dies responded that VoiceStream currently has two drive tests occurring. Ms. Kuhlow clarified for the benefit of Ms. Erickson, that notice can simply be a phone call. Kevin Dies explained types of utility poles that can accommodate facilities and emphasized that Utah Power is contracted to perform all of the line work as a part of the extension project. The separation required between antennas and power lines differs from pole to pole, and ten feet is a good standard.

Kevin Damon, Aerie Home Owners Association, stated that they requested the TZO in December. The management committee of the Association has reviewed these changes, supports the proposed revisions presented to Council and the ordinance addresses all of the issues which were raised with the Sprint application on Aerie Hill in October. Noticing on large development parcels is always problematic, and as an Association, they don't have a problem with the noticing as proposed currently. He felt the City's its regular noticing practices are adequate. Their neighborhood is unique and they are working on installing gang mail boxes where posted notice could be placed. If a notice was installed at the stop sign at Mellow Mountain Road and Aerie Drive, word would get to everyone. He didn't feel that the noticing that the industry is complaining about would be a concern of the Association as the fundamental direction of the ordinance is not affected. He thanked the City Council, the Planning Commission and the staff for taking the time and effort on this project. The ordinance is a wonderful improvement.

Ms. Kuhlow asked if Council has direction on height on utility poles and explained that this was not discussed by the Planning Commission. She informally spoke to a couple of Commissioners who were not in favor of increasing the pole height. Ms. Kerr felt that before the Council considers this, that that issue be remanded to the Commission. The City Council agreed and there was consensus that this could be handled on an informal basis. Mark Harrington suggested that the Commissioners be polled and the Chairman could report back publically, so that the industry has an opportunity to interact with the Planning Commission representative. Roger Harlan felt it may be helpful to conduct a field trip to see what extensions on utility poles look like.

With no further comments or questions, the public hearing was closed.

VIII 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.

Page 8
City Council Meeting
May 11, 2000

Prepared by Janet M. Scott



Janet M. Scott, City Recorder





COUNCIL AGENDA REPORT

DATE: May 11, 2000
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Mark Christensen *MC*
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 budget balancing alternatives and budget policies.

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) - Attachment A. 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. Last year, the City Council conducted a comprehensive review of the Capital Improvements Program (CIP) and there are only minor changes for this year.

Long Range Financial Planning: Staff recently completed a comprehensive Revenue and Expenditure Plan with projections into 2005. In this analysis, staff projects that if revenue and expenditure trends continue, a revenue shortfall will cause a decline in General Fund balance beginning FY2001. Please see the attached General Fund Financial Projections (Attachment B).

On May 4, 2000 City Council was informed that to balance the General Fund Budget in FY2001, beginning balance reserves have been used. The purpose of the May 11th meeting is to present alternatives that will prevent the projected revenue shortfall and restore reserves. The alternatives include both expenditure reductions and revenue enhancements. If the revenue enhancements are not pursued, additional expenditure reductions will be required to restore reserves and contingencies to levels specified in the City's adopted budget policies. The following is the recommended schedule for updating the FY2000-2001 Budget:

May 11th

Operating Budget

- 1) Budget Option Review Committee alternatives including:
Budget reductions
Revenue enhancements
Financial Analysis

May 18th

Capital Improvement Budget & Operating Budget

- 1) New CIP Projects
- 2) Grants
- 3) Budget Wrap-up

May 18th

- 1) Hold Public Hearing on the Budget and continue to 6/01/2000.
- 2) 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

Depending upon whether City Council raises property tax rates, the schedule for June 15, 2000 will be as follows:

A. (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.

B. (Tax Increase) Continuation and Closure of the public hearing and adoption of the FY2000 Adjusted Budget and Tentative adoption of the FY2001 Budget as amended, which will be re-adopted by resolution at a regular meeting of the governing body on August 17, 2000. The final adoption will follow a Truth and Taxation Hearing concerning an increase to the property tax rates.

C. Analysis:

Revenue Shortfall Summary: In FY2001, staff is projecting a "revenue shortfall" of approximately \$400,000 with no money being appropriated for operating contingencies (\$535,000) in FY2001. Thus the shortfall or "gap" for FY 2001 is roughly \$1 million. As can be seen from the attached financial projections (Attachment B), the "gap" would grow in the future. The table on the next page shows the sources of the revenue shortfall for FY 2001.

FY 2001 Gap Summary

Source/Program	Amount
New Requests (Attachment C)	\$127,483
FY 2001 Rev/Exp. Adjustments*	\$254,263
Re-instate Contingencies	535,000
Total for FY 2001	\$916,746

*Technical Adjustments related to revenue projections, interfund transfers and debt calculations

Analysis indicates that General Fund expenditures have increased on average 10 percent since 1994. Revenues during this same time period have increased an average of 6 percent. This growth is attributed to the growth of the City's revenue base and includes substantial increases in programs and services. However, if this rate of growth were to continue without a revenue increase, projections indicate a revenue shortfall of \$1.8 million in FY2002 growing to \$3.6 million in FY2005. Historically, the General Fund has had excess fund balance that was transferred to the CIP to keep the General Fund at the maximum legal allowable fund balance levels of 18%. In order to maintain this practice expenditures must be reduced and revenues increased in some proportion.

Budget Option Review Committee: In an effort to provide viable alternatives for the City Council, a Budget Option Review Committee (BORC) was created to help prioritize budget requests and review General Fund Operating budgets for possible expenditure reductions. They were asked to rank these requests and reductions based on their relation to council priorities, overall city goals and their relation to service delivery.

Budget Balancing Alternatives: Along with an overall expenditure reduction, the BORC was given the task of reviewing possible revenue enhancement options. Among these options is a property tax increase, a transient room tax, franchise fees, increased City fees. These alternatives address several combinations of revenue increases as well as budget reductions.

The **Balancing Alternatives Table** on the next page presents a summary of six discrete alternatives. The alternatives are intended to illustrate a practical range of options, not all possible options. In fact, it would be possible to combine components of the alternatives and vary the amounts of budget reductions and new revenues to create a variety of different alternatives. The alternatives are arranged from most financial risk or least financial security (Option 1) to least financial risk or most financial security (Option 6). In staff's view, any of the six alternatives would be superior to eliminating the operating contingency and using reserves to balance the budget.

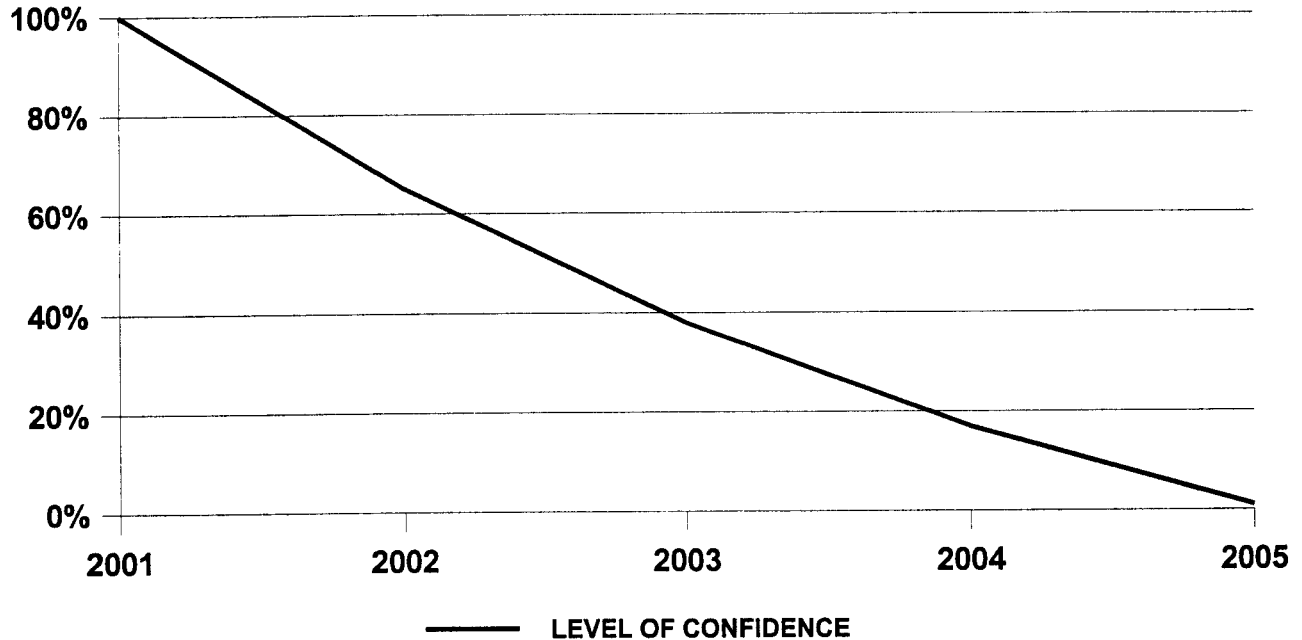
Staff believes that the City's ability to structure a balanced budget without a tax increase declines dramatically over time (see Funding the Gap graph). Conversely, the eventual size of a tax increases the longer it is delayed.

Balancing Alternatives Table

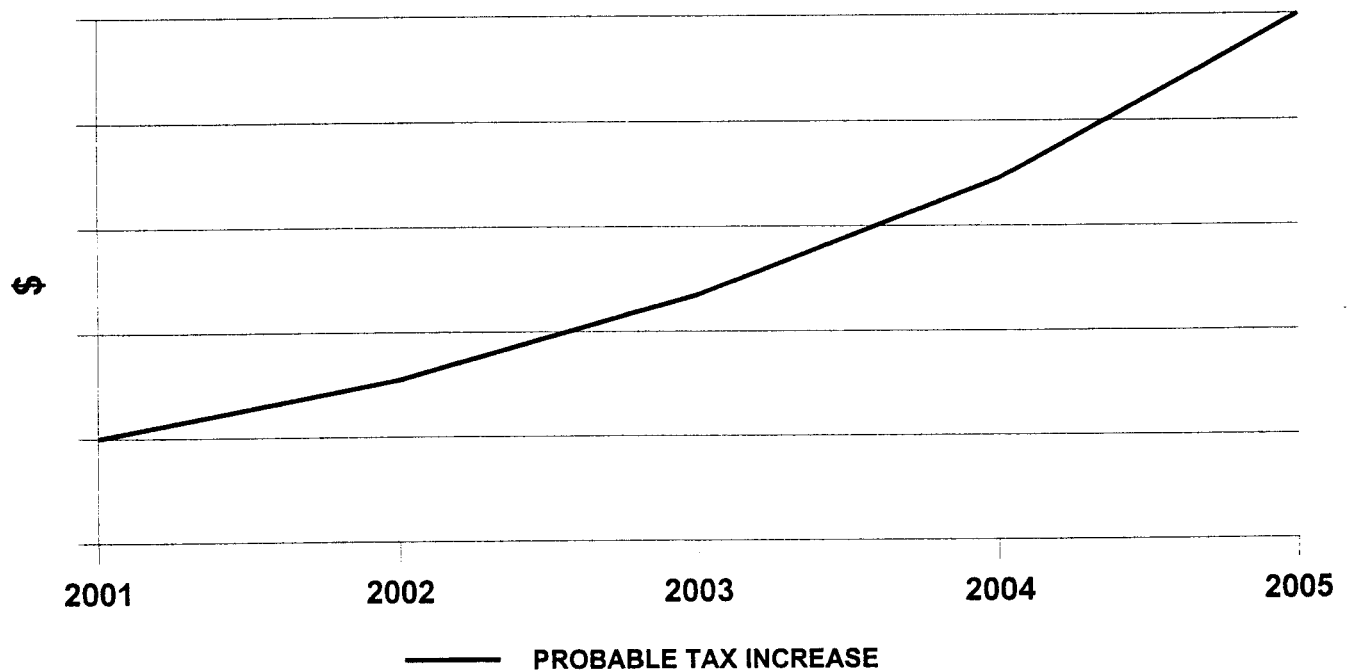
Balancing Action	Address Current Situation			Address Current & Future (Tax Increases)		
	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Department Reductions	\$381,746	\$657,602	\$657,602	\$657,602	\$657,602	\$657,602
New Requests	BORC Recs. Attachment C	BORC Recs. Attachment C	BORC Recs. Attachment C	BORC Recs. Attachment C	BORC Recs. Attachment C	BORC Recs. + \$250,000 Incr.
Property Tax Increase	No	No	No	300,000	\$300,000	\$500,000
Transient Room Tax Increase	No	No	\$150,000	0	\$150,000 (.5%)	\$300,000 (1.0%)
City Fees, Costs & Programs be Studied - Summer 2000	NA	NA	Yes	Yes	Yes	Yes
Total Impact:	\$381,746	\$657,602	\$807,602	\$957,602	\$1,107,602	\$1,207,602
Reserves/CIP/Future	0	\$275,856	\$425,856	\$575,856	\$725,856	\$825,856
Implications & Consequences	1) Large Tax Increases and/or 2002 Reductions	1) Large Tax Increases and/or 2002 Reductions	1) Future Taxes and/or Increases & Reductions	1) \$50,000 for FY 2002 & CIP	1) \$200,000 for FY 2002 & CIP	1) \$290,000 for FY 2002 & CIP
	2) No Contingency	2) 50% of Contingency	2) 75% of Contingency	2) 100% of Contingency	2) 100% of Contingency	2) 100% of Contingency
	3) Fewer FY 2001 Reductions	3) All Reductions	3) All Reductions	3) All Reductions	3) All Reductions	3) All Reductions & BORC Increases
	4) \$127,000 of BORC options	4) \$127,000 of BORC options	4) \$127,000 of BORC options	4) \$127,000 of BORC options	4) \$127,000 of BORC options	4) \$250,000 of Council options
			5) TRT Increase	5) Property Tax Increase	5) Property & TRT Increase	5) Property & TRT Increase

FUNDING THE GAP

CLOSING THE GAP WITHOUT TAX INCREASE



SIZE (\$) OF REQUIRED TAX INCREASE BASED ON YEAR IMPOSED



As can be seen, Options 1-2 essentially balance the budget for FY 2001, but do not really address the overall trend of expenditures exceeding revenues into the future (Attachment B). Options 3 - 6 balance the budget and to varying degrees address future funding issues. In assembling the alternatives, BORC considered the city's legal requirements, services levels and Council priorities. In considering the 6 options or alternatives, City Council will need to weigh the future financial risk associated with options 1-2 against the community's tolerance for tax increases and/or service level reductions.

The BORC and Staff do not have a specific recommendation, but would recommend an alternative that would address both FY 2001 revenue shortfalls and prepare for the future. In order to understand the alternatives and the details associated with each it is necessary to explain each of the balancing actions.

New Requests for 2001: The FY 2001 recommended budget presented to the City Council on May 4, 2000 includes roughly \$130,000 in new requests recommended by BORC (Attachment C). These new requests primarily result from circumstances that have changed since the FY 2001 plan was adopted last year. Examples of new requests resulting from changed circumstances include:

- a \$41,500 transfer to the Recreation Fund to in to replace revenue lost when the City amended its agreement with the Basin Recreation District to no longer charge for indirect costs;
- 35,000 in the fuel budget to address higher fuel costs;
- \$20,000 to deal with higher costs related to the GFI refuse collection contract;

In addition, some services have been identified that should be funded by the General Fund:

- a \$25,000 transfer to the Golf Fund to pay for subsidy of the Junior League and the employee tournaments;
- \$6,000 to continue the highly successful Outreach Program at the library that previously has been funded by a State grant.

The remainder of the list represents reclassifications and reassignment of responsibilities (and revenues) which have only minor fiscal consequences.

General Fund Reductions: During the budget process each department was asked to identify a 5% General Fund reduction in its operating budget. The cumulative effect of this reduction is approximately \$650,000. Attachment D lists the reductions and describes the impacts of the proposed reductions. It is anticipated that these reductions will not significantly reduce the level of service or the number of programs that the city provides.

However, there will be some service level impacts and the reductions will decrease the flexibility departments have in delivering services. For example, the Streets Department has budgeted for sufficient resources and supplies for snow removal to address an average winter with only minor reductions in de-icing. However, they may not have enough money to purchase supplies for a heavy winter. Parks and Building Maintenance will reduce the amount or frequency of maintenance such as pruning, spraying, painting, and carpet cleaning and will try to extend the life for certain equipment and supplies. Summer and winter decorations will be reduced. The council members should review the descriptions of the proposed reductions to be sure that they are comfortable with what has been proposed (Attachment D).

Property Tax Increase: Utah law basically provides that the No Tax Increase Property Tax Rate is the rate that will generate the same property tax revenue as previous year, exclusive of new growth. The No Tax Increase Property Tax Rate is adjusted to compensate for changes in assessed value. Consequently, if assessed values increase, the tax rate declines to keep revenues neutral except for new construction. The municipal property tax rate declined steadily from 1993 until last year when the Open Space Bond caused a rate increase and the certified rate was increased to compensate for state and county assessed valuations. Since 1993 the tax rate has dropped from .004135 to .002117 in FY 2000, a 49% decrease. So, while assessed values have increased dramatically due to reassessments, Park City's General Fund received no additional property tax revenue related to those reassessments. New growth (new construction), not reassessments accounts for increased property tax revenue.

Table 1: Tax Rate 1993-1999

Year	Property Tax Rate Per \$1 of taxable Value	Change From Prior Year
1993	.004135	0.000325
1994	.004079	- 0.000056
1995	.003706	- 0.000373
1996	.002675	- 0.001031
1997	.002419	- 0.000256
1998	.002281	- 0.000138
1999	.001805	- 0.000476
2000	.002117	0.000312

Increased Insurance Liability: During the 2000 legislative session the legislature approved SB 35 Government Tort Liability Amendments. This legislation increases the liability limits of municipalities and governmental agencies.

Table 2: Judgement Insurance Changes

Judgement Limitations for Damages	Past Tort Limit	Current Limit
Per person	\$250,000	\$500,000
Per Occurrence	\$500,000	\$1,000,000
Judgement Limitations for Death	\$250,000	\$500,000
Judgement Limitations for Property Damage	\$100,000	\$200,000

Municipalities are authorized to raise property tax rates .0001 (roughly \$200,000) to cover the costs associated with self insurance funds. Currently the City has not exercised this tax option. It is anticipated that many municipalities throughout the State will begin exercising this option in response to SB 35.

On May 4, 2000 the City Council received some information regarding property tax increases. The following table shows the budget of all types of property tax revenue and the impact per \$100,000 of Assessed Value to generate additional revenue. City Council asked that the different types of property tax be broken out by fund.

Table 3: Property Tax Budgets & Impacts (primary residents receive a 45% exemption)

Fund or Type	FY 2000 Adjusted	FY 2001 Recommended	Amount per \$100K of AV = \$250,000	Amount per \$100 K of AV = \$6 million
General Fund	\$4,600,000	\$4,650,000	\$11	\$27
Delinquent	\$435,000	\$440,000		
G.O. Bonds	\$711,909	\$1,211,909		
Lower Park Ave.	\$1,300,000	\$1,300,000		
Main Street	\$1,300,000	\$1,300,000		
Total	\$8,346,909	\$8,901,909		

Transient Room Tax: The City could impose 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 does currently not receive any Transient Room Tax. The City Council could increase the transient room tax if it so chose.

City Fees, Costs & Programs: Regardless of which alternative(s) Council chooses, Staff recommends that the City take a comprehensive look at its fee structure and City programs. This study is something that would begin this Summer. City Council direction and involvement would be helpful. In addition to the study, Council should look at its budget policies as they relate to financial management and recession planning.

General Fund Relationship to Capital Improvement Program (CIP): As explained on May 4, 2000, over the past few years, the City has funded many of its CIP projects with surpluses from the General Fund. As indicated by Attachment B, the City will most likely not have this luxury in the future. Therefore, decisions to use contingencies in the CIP that were once in the General Fund for new projects (Upper Park Ave.) will limit the flexibility of the General Fund and City.

Future Issues: In addition to all of the nuances that have been explained there are a few events or circumstances in the City's future that will have a bearing on funding decisions that City Council will be asked to make in the few weeks.

Governmental Accounting Standards Board (GASB) 34: Beginning in FY 2003, the City will be required to depreciate its assets and infrastructure in the General Fund and report indirect cost allocations. These two tasks will require revamping the City's financial statements and coordination with the City's budget. Therefore, any analysis work regarding City fees or expenses completed this Summer will provide a foundation for required work in the near future.

Internet Sales: On May 4th, City Council adopted a resolution opposing a moratorium on the collection of sales taxes over the internet. As more and more vacations in the future are purchased over the internet, this issue could become critical to the City's financial condition. The City should take a proactive role in ensuring that Park City receives the sales taxes from hotel, lift ticket and other purchases occurring with Park City as the point of sale.

Olympics: The City adopted a 3 year Olympic budget in July of 1999. While there are no adjustments to that budget this year, there will be significant changes this time next year when the City will need to appropriate Olympic expenditures for the FY 2001-2002 budget. Staff is comfortable so far with its revenue and expense projections for the Olympics. Please remember that Olympic related celebrations are not currently funded in the City's adopted Olympic budget.

New programs and cost increases: Much of our discussion has focused on funding existing levels of services. We have not addressed the issue of new programs or services other than in option 6 of the Balancing Alternatives table. Please note that in next year's budget process, the City's pay plan will need to be reviewed and updated for FY 2001-02 (July 1 2001 - June 30, 2002) to reflect compensation data studies. Past experience has shown that this is typically a \$400,000 to \$500,000 increase to the personnel budget line.

Bond Rating: Park City currently has a bond rating of A+ from Standard and Poors, and an A+ rating from Fitch, and an A1 rating from Moody's Investor Service. Staff hopes that this rating will be upgraded during the next debt issuance of Open Space General Obligation Bonds if financially sound practices are continued. This would include keeping General Fund balances at the current policy level of 18%. The rating agencies will also look at contingency levels in the CIP Fund as a funding source for the General Fund in case of a recession as stated in the City's budget policies.

Summary:

To summarize staff's thoughts on the alternatives to fund the gap:

- Significant expenditure reductions in the current year are preferable to larger cuts in the future;
- New capital projects that cannot use impact fees or enterprise revenues will amplify the need for a tax increase;

- A significant tax increase will be required sometime in the next five years, despite current and future efforts to cut costs;
- The longer the City Council waits to authorize a significant tax increase, the larger the increase will have to be;
- The larger the tax increase this year, the longer the Council could expect to avoid future increases (assuming no change in expenditure pattern);
- The longer the City Council waits to increase taxes, the less flexibility the City Council will have to deal with requests for new services, programs, and capital expenditures;
- The uncertainty of revenues and expenses related to our resort economy and the Olympics argues for maintaining healthy reserves;
- An operating contingency is more important when departments are so tightly budgeted.

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

ALTERNATIVES:

A. Provide Direction About Alternatives and Policies

B. Amend Alternatives 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. August 17th is the day for Final Budget Adoption with a property tax increase.

D. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide direction about an alternative that accomplishes this without depleting City reserves.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The specific impacts of not approving individual recommended changes will be discussed during budget presentations.

RECOMMENDATION:

The City Council should follow the budget presentation schedule described above and provide direction concerning budget balancing alternatives.

Attachments:

- A. Budget Changes - FY 1999-00 and FY 2000-01
- B. 5 Year Financial Projections - Graph
- C. FY 2000-01 New Requests - BORC Prioritization
- D. General Fund Budget Reductions and Narratives

Park City Municipal Budget for FY2000 & 2001

	-----FY 00 Budget-----				-----FY 01 Budget-----		
	Original	Adjusted	Change		Plan	Adjusted	Change
Total all funds Combined	79,791,675	105,819,912	26,028,237	32.6%	\$ 53,480,279	74,644,977	21,164,698
LESS:							39.6%
Interfund	(10,996,603)	(11,467,198)	(470,595)		(6,937,658)	(13,285,600)	(6,347,942)
Ending Balance	(16,146,788)	(25,126,669)	(8,979,881)		(14,776,260)	(20,018,441)	(5,242,181)
	\$ 52,648,284	69,226,045	16,577,761	31.5%	\$ 31,766,361	41,340,936	9,574,575
							30.1%
Less: Adjustment Due to Carry-over of Prior Year Appropriations for Capital Improvements			(19,644,492)				
	New Appropriations		(3,066,731)	-5.8%			9,574,575
Capital Improvement Budget (New appropriations)			(7,067,567)				10,459,523
Operating Budget:							
Adjustments & Options							(555)
Public Works			98,995				29,821
Leisure			(73,483)				(1,497)
Police			(1,504)				0
Community Development			0				163
Administrative Services			546				3,500
General Government			2,500				120,000
Non-Departmental			0				30,000
Grants			0				(541,380)
Debt Service			4,498,782				(525,000)
Contingency			(525,000)				9,574,575

Park City Municipal Budget for FY2000 & 2001

	-----FY 00 Budget-----		-----FY 01 Budget-----		
	Original	Adjusted	Plan	Adjusted	Change
RESOURCES:					
Sales Tax	7,050,000	7,050,000	\$ 7,050,000	7,050,000	0
Building/Planning	3,318,056	3,498,056	3,157,509	2,957,509	(200,000)
Charges for Services	2,614,850	4,755,248	4,876,575	4,808,575	(68,000)
Intergovernmental	8,723,651	8,860,271	2,794,585	2,794,585	0
Franchise Tax	1,150,000	1,150,000	1,200,000	1,200,000	0
Other	14,591,527	18,545,139	2,449,380	8,520,130	6,070,750
Interfund Transactions	10,996,603	11,467,198	6,937,658	13,285,600	6,347,942
Property Tax	8,346,909	8,346,909	8,851,909	8,901,909	50,000
Beginning Balance	23,000,079	42,147,091	16,162,663	25,126,669	8,964,006
	\$ 79,791,675	105,819,912	\$ 53,480,279	74,644,977	21,164,698

REQUIREMENTS:					
Community Development	2,324,085	2,324,085	\$ 2,356,895	2,356,895	0
Public Works	5,757,735	5,856,730	5,728,871	5,728,316	(555)
Public Safety	2,364,140	2,362,636	2,384,494	2,382,997	(1,497)
CIP Budget	26,888,803	39,465,728	5,878,439	16,337,962	10,459,523
Leisure Services	4,672,785	4,599,302	4,808,093	4,837,914	29,821
Administrative Services	1,938,743	1,939,289	1,974,580	1,974,743	163
General Government	1,812,301	1,814,801	1,837,646	1,841,146	3,500
Non-Departmental	1,504,390	1,504,390	1,484,390	1,604,390	120,000
Grants	321,583	321,583	249,055	279,055	30,000
Debt Service	4,538,719	9,037,501	4,538,898	3,997,518	(541,380)
Contingency	525,000	0	525,000	0	(525,000)
Interfund Transfers	10,996,603	11,467,198	6,937,658	13,285,600	6,347,942
Ending Balance	16,146,788	25,126,669	14,776,260	20,018,441	5,242,181
	\$ 79,791,675	105,819,912	\$ 53,480,279	74,644,977	21,164,698

REQUIREMENTS:					
Personnel	11,673,580	11,666,318	\$ 11,963,595	11,936,815	(26,780)
Materials, Supplies & Services	8,071,357	8,354,207	8,055,504	8,289,232	233,728
Capital Outlay	27,839,628	40,377,569	6,683,364	17,117,371	10,434,007
Debt Service	4,538,719	8,827,951	4,538,898	3,997,518	(541,380)
Interfund Transactions	10,996,603	11,467,198	6,937,658	13,285,600	6,347,942
Contingencies	525,000	0	525,000	0	(525,000)
Ending Balance	16,146,788	25,126,669	14,776,260	20,018,441	5,242,181
	\$ 79,791,675	105,819,912	\$ 53,480,279	74,644,977	21,164,698

Park City Municipal Budget for FY2000 & 2001

	FY2000 ADJ Budget	FY2001 Budget
Park City Municipal Corporation:		
General Fund	16,678,799	16,564,106
Recreation Fund	1,712,143	1,786,619
Golf Course Fund	1,699,423	1,742,847
Water Fund	9,630,218	5,039,594
Transportation Fund	15,313,676	6,797,730
Debt Service Fund	4,971,764	2,112,207
SID - Debt Service Fund	0	0
SID - Grarantee Fund	0	0
Central Garage Fund	979,143	992,956
Circuit Court	231,485	220,232
Equipment Replacement Fund	2,920,622	927,593
Self Insurance Fund	2,859,449	2,718,377
Police Special Revenue Fund	7,767	7,767
Capital Improvements Fund	21,811,646	14,066,245
	<u>78,816,135</u>	<u>52,976,273</u>
 Park City Redevelopment Agency:		
Main Street Debt Service	1,344,548	1,534,656
Main Street RDA	3,722,721	2,110,048
Lower Park Avenue Debt Service	5,267,177	4,738,691
Lower Park Avenue RDA	5,569,913	4,765,419
	<u>15,904,359</u>	<u>13,148,814</u>
 Park City Municipal Building Authority:		
Debt Service Fund	10,440,056	6,816,341
Building Authority	600,716	1,653,344
	<u>11,040,772</u>	<u>8,469,685</u>
 Park City Housing Authority:		
Park City Housing Authority	58,646	50,205
	<u>58,646</u>	<u>50,205</u>
 Park City Housing Authority:	0	0
Grand Total (All Units)	<u>105,819,912</u>	<u>74,644,977</u>
 LESS: Interfund Transfers	(11,467,198)	(13,285,600)
Ending Balance	(25,126,669)	(20,018,441)
	<u>\$ 69,226,045</u>	<u>\$ 41,340,936</u>

Park City Municipal Budget for FY2000 & 2001

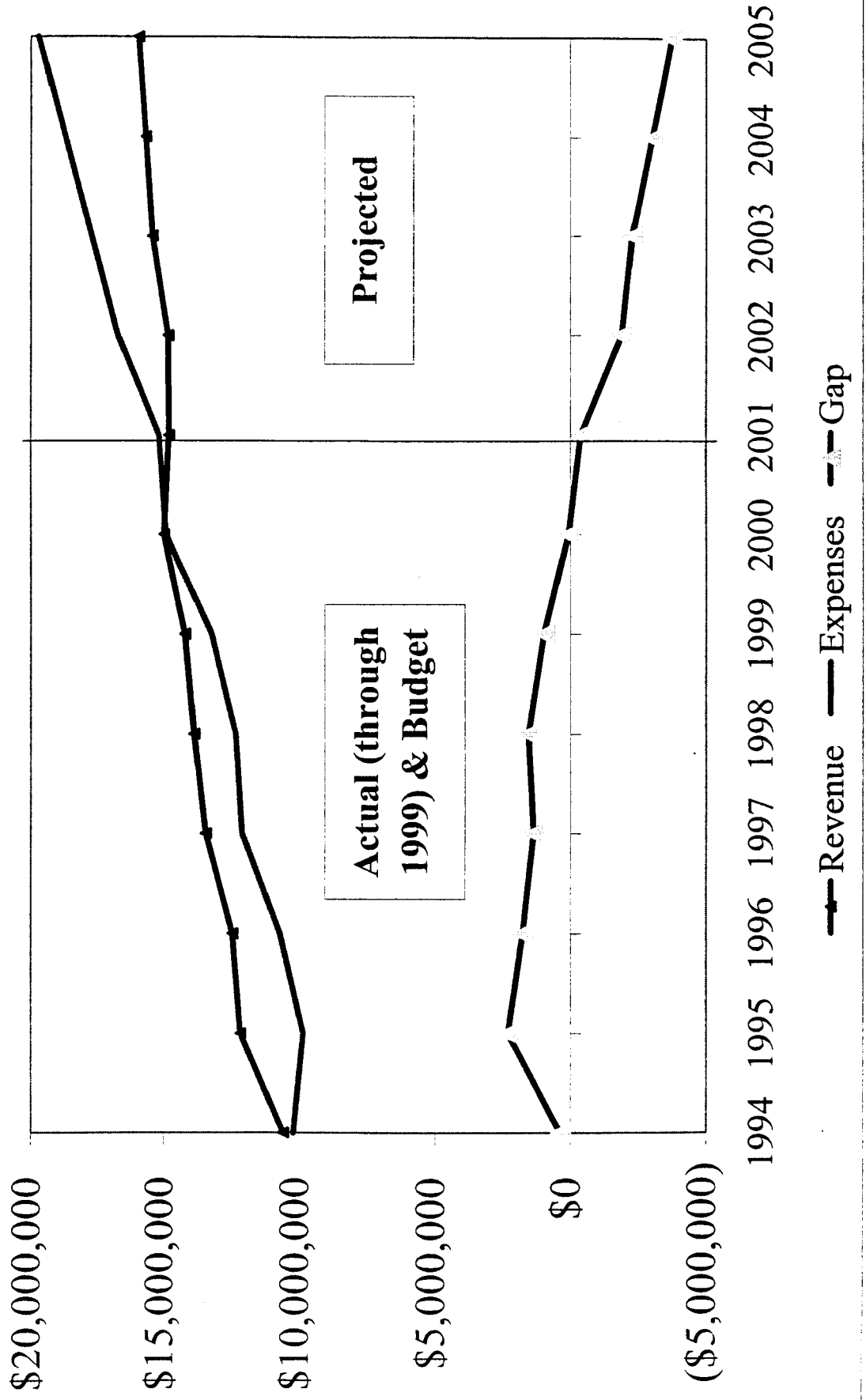
Capital Improvement Adjustments

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		
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 INTERFUND XFER	0	0
741	Storm Water Runoff and Water Quality	200,000	
742	Bus Turn Out and Shelters	40,000	
744	Snowcat Replacement	6,524	
		(\$7,067,567)	\$10,459,523

City policy allows for carryforward amounts in capital improvement projects.
The adjusted carryforward amounts are not included in this listing.

* \$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.

General Fund Revenue & Expenses - Without One-Time Transfers to CIP



Attachment C

FY 200-01 New Requests-BORC Prioritization

Fund	Department	Option Description	2000	2001
			Requested Option	Requested Option
11	BCDD	BADJ Base GL Adjustments	\$0	\$0
11	BCMG	BADJ Base GL Adjustments	\$0	\$0
11	BPOL	Tech Correct Budget Error	\$0	\$0
11	BASD	FINA AC3 Reclass to Analyst	\$0	-\$383
11	BLES	GARD Landscape Gardener	\$0	-\$180
11	BLES	SNOW Transfer Snow Funds	\$0	\$88,555
11	BPWD	-SNOW Snow Removal PAW-Park	\$0	-\$88,555
11	BASD	Well Wellness / EAP Reclass*	\$546	\$546
11	BCMG	SEMV Special Events Fund	\$2,500	\$3,500
11	BPWD	SEMV Move Money to Special Events Budget	-\$1,000	-\$2,000
11	BPOL	Move Special Events	-\$1,500	-\$1,500
11	City Wide	Fuel -- Increased Fuel Costs Require Additional Funding	\$20,000	\$35,000
11	BLES	RECT Replace Rec. Fund Revenues	\$46,000	\$41,500
11	BLES	GOLF Tournament Youth / Employee Transfer from GF	\$25,000	\$25,000
11	BLES	GRBG Increase Trash Service	\$5,000	\$20,000
11	BLES	ORCO Outreach Coordinator GF	\$0	\$6,000
			\$96,546	\$127,483
General Fund options below this line are not recommended for funding.				
11	BLES	Grant from GF for Youth Scholarship	\$0	\$10,000
11	BCMG	City Council Membership Rocky Mtn. Institute	\$1,000	\$1,000
11	BCMG	Sec. from PTT to FTR**	\$0	\$3,492
11	BLES	SCLF New Land Fill Costs	\$3,000	\$6,000
11	BPWD	SADJ Removal -- Same Level Adjust - 224	\$0	\$31,512
11	BPWD	224 State Road 224	\$0	\$96,263
11 Total			\$100,546	\$275,750
51	BPWD	Fuel -- Increased Fuel Costs Require Additional Funding	\$10,000	\$15,000
51 Total			\$10,000	\$15,000
54	BLES	RECT Replace Rec. Fund Revenues	-\$46,000	-\$41,500
54	BLES	POOL Reduce Pool Season by 3 Months	\$0	-\$13,500
54 Total			-\$46,000	-\$55,000
55	BLES	BADJ Base GL Adjustments	\$0	\$0
55	BLES	OPT2 Budget Reductions #2	-\$78,484	-\$75,057
55	BLES	OPT1 Budget Reductions #1(This Option Included in Opt 2)	\$0	\$0
55	BLES	GOLF LOAN Transfer from Fund 31/34	\$275,000	\$0
55	BLES	GOLF Tournament Youth / Employee Transfer from GF	-\$25,000	-\$25,000
55 Total			\$171,516	-\$100,057
57	BPWD	Fuel -- Increased Fuel Costs Require Additional Funding	\$20,000	\$40,000
57 Total			\$20,000	\$40,000
Grand Total			\$256,062	\$175,693

Attachment D

General Fund Budget Reductions

Department Totals		5% Total				
	For Department		Total GF Budget	Department Reduction	Dept. Reduction	
Administrative Services	\$ 93,801	\$	1,876,013	\$ 89,412.00	4.77%	
Community Development	\$ 119,152	\$	2,383,049	\$ 120,500.00	5.06%	
General Government	\$ 94,452	\$	1,889,049	\$ 112,504.50	5.96%	
Leisure Services	\$ 132,157	\$	2,643,131	\$ 118,751.00	4.49%	
Public Safety	\$ 126,096	\$	2,521,925	\$ 122,455.00	4.86%	
Public Works	\$ 94,074	\$	1,881,471	\$ 93,979.00	4.99%	
		\$	13,194,638	\$ 657,602		

REVISED MEMORANDUM

To: Budget Option Review Committee
From: Robert W. Stephens, Administrative Services Director
Date: May 4, 2000
Subject: Revised Budget Adjustments

Attached is the revised 2001 Budget Reduction Worksheet for the Administrative Services Department. The total 2001 budget for ASD is \$1,876,013. The requested 5% is \$93,800. The budget reductions submitted total \$89,412 (4.77%).

Summary of reductions and discussion of Impacts:

Human Resources (Dept. 40061)

ASD Director's Recommendation:

1. Reduce the Intern and Contract Employees by	\$10,000
2. Reduce 'Valuing Employees Program' by	\$10,000
3. Reduce Christmas & Service Award Dinners by	\$ 1,500
4. Reduce Operating budget by	<u>\$ 2,660</u>
Total	\$24,160

The intern and contract employees program is a program used by departments throughout the City and this recommendation reduces it by 20%. The 'Valuing Employees' program has expended approximately \$20,000 in the current fiscal year. This reduction would reduce the budgeted amount from \$30,000 to \$20,000. The impacts on the Christmas Party will be to look at less expensive catering options. The operating budget impacts will be felt mostly in the printing and photocopying areas.

Finance (Dept. 40071)

ASD Director's Recommendation:

1. Reduce Contract Services by	\$15,692
2. Reduce Bank Charges by	\$ 1,500
3. Reduce Equipment Charges by	\$ 3,000
4. Reduce operating budget by	<u>\$ 4,020</u>
Total	\$24,212

The greatest impact of the budget reduction in the Finance Department is in Contract Services. This limitation will become much more critical in FY2002 when new federal accounting standards will require PCMC to hire consultants to inventory and value all

infrastructure (streets, sidewalks, signs, lights, parking lots, etc.) constructed by the City since 1980. Most of the equipment in Finance has been purchased in the last two years. Most bank charges are now expensed in the fund generating the charge. As long as the current banking contract and credit card pricing structure are in effect (hopefully three more years) the charges expensed in the finance budget can be controlled. Reductions to the operating budget are spread between a number of line items and can be absorbed.

Technical Services Department (Dept. 40081)

ASD Director's Recommendation:

1. Reduce telephone charges by	\$20,000
2. Reduce computer maintenance by	\$ 9,000
3. Reduce data processing services by	\$ 5,000
4. Reduce part-time salary line by	\$ 3,640
5. Reduce operating budget by	<u>\$ 3,400</u>
Total	\$41,040

Through the use of more and more City owned fiber optics the cost of phone charges has been steadily declining. If phone rates begin to increase, increases could be passed along to each department. The impact on computer maintenance will be felt primarily in response times to fix problems. The impacts of a reduction in DP Services would a reduction in web page changes, enhancements and updates. The reduction of a part time salary would result in slowing down the scanning process. It would increase the time to eliminate the backlog of documents to be scanned. The reduction in operating budget would be mostly felt in less off site training and seminars.

REVISED MEMORANDUM

To: Budget Option Review Committee
From: Richard E. Lewis, Community Development Director
Date: April 25, 2000
Subject: Revised Budget Adjustments

Attached is the revised 2001 Budget Reduction Worksheet for the Community Development Department. The total 2001 budget for the CD Department is \$2,383,049. The requested 5% reduction is \$119,152. The budget reductions submitted total \$120,500

Summary of reductions and discussion of Impacts:

Community Development Administration (Dept. 40311)

CD Director's Recommendation:
Reduce operating budget by \$2,500.

No significant impacts are expected due to these reductions.

Planning Department (Dept. 40341)

CD Director's Recommendation:

1. Reduce the Intern Program by \$25,000
 2. Reduce Professional Services by \$18,000
 3. Reduce operating budget by \$16,000
- Total \$59,000**

The greatest impact of the budget reduction options for the Planning Department is in the area of reduced Professional Contract Services (a reduction of \$18,000). This budget item is for the completion of Phase II of the General Plan and the Land Management Code Update. The reduction will necessitate more of the work being done with the existing planning department staff and it will take longer to accomplish. The Planning Department's Intern Program will be reduced by \$25,000. This reduction in the intern program will result in an increase in work load for the support staff. The operating budget reductions will result in postponing some office equipment purchases and reducing the quantity and quality of printed material for reports and public information.

Engineering Department (Dept. 40312)

CD Director's Recommendation:

- 1. Reduce engineering services by \$25,000.**
- 2. Reduce professional & consulting services by \$2,500**
- 3. Reduce the operating budget by \$1,700.**

Total \$29,200

The Engineering Department is expecting a temporary decline in development activity requiring engineering services and therefore a decline in the need for consulting services. No significant departmental impacts are expected unless development increases significantly over estimates.

Building Department (Dept. 40351)

CD Director's Recommendation:

***Reduce operating line items by \$29,800**

The reductions in the operating budget will result in postponing the upgrading of software programs and service for the computerized permit processing program (Sierra). Enhanced interdepartmental electronic linkages and improved service to customers will also be postponed. The Building Department may experience an unbudgeted increase for service of up to 800 man hours annually if gas utility inspections become the City's responsibility as is being proposed by the utility companies. If this occurs or other unexpected permitting, plan review or inspection demands occur, the department will not be able to provide the current level of service without additional staff and operational funding.

Total Community Development Budget Reductions submitted \$120,500

MEMORANDUM

TO: BUDGET OPTION REVIEW COMMITTEE
FROM: MARK HARRINGTON, CITY ATTORNEY
DATE: April 18, 2000
RE: 5% Proposed Cuts

This memo is submitted as background information that I hope you will find helpful in assessing the Legal Department's proposed cuts. You do not have an easy task, nor a lot of time to do it, so despite it being against my professional nature, I'll be brief.

First, the Legal Department has no increases nor budget options for the FY2000-01 budget. So unlike most departments, we can not take advantage of the City Manager's advice to start with the "easiest" reductions of cutting the things we do not yet have. All our cuts reflect current line items and amounts. In fact, the only change from 1999 was the addition of the @\$10,000 full-time salary money for a summer intern (and this was not an additional intern, in prior years we were utilizing Administrative Services intern account which was getting larger demand as the intern program expanded city-wide. So we've always had up to two interns, we just budgeted some internal money.)

Secondly, the Legal Department is relatively stream-lined with over 3/4 of the budget going to personnel services (salary and benefits). That leaves only about \$100,000 to take out the \$23,900 or 5% of total needed unless I cut an existing body. But it gets worse. Of that \$100,000, \$18,000 is for the City Prosecutor contract and \$12,000 for the Public Defender contract which are necessary to run the Court. That leaves @\$72,000 operating to cut \$23,900. \$22,000 of that \$72,000 is for flexibility to retain outside attorneys for litigation or specialty areas (water, environmental), so in reality we're looking at about 50% of our operating money. This was unachievable so we ended up cutting the one of the intern positions and part of the outside counsel money.

Accordingly, I hope you will consider the above in recommending the final cut list. Our cuts are ranked in priority. No cuts were proposed in conferences because these are primarily used for **mandatory** Continuing Legal Education requirements and the annual water conferences that Tom attends with Jerry Gibbs. We do not attend American Bar Assoc. nor even the Utah Bar Assoc. annual conferences. The last option (intern) was originally \$9,000, but the City Manager offered more from a non-departmental account that allowed us to cut it in half.

14 April 2000

MEMORANDUM

TO: Mark Christensen

FROM: F.M. Bell 

SUBJECT: Budget reductions

Please note that I have elected to reduce contract services from \$10,000 to \$5,000 for FY 00-01. I don't currently have contract service expenditures in mind, and any that may come up in the next fiscal year can probably be limited to \$5,000.

I have also reduced both capital outlay accounts by \$1,000 each. I think I can control capital outlay to the extent that these reductions will not create any great inconvenience.

Memo

To: BORG
From: Tom Bakaly
Date: April 18, 2000
Re: FY2001 OCMB Budget Reductions

The total OCMB Budget for FY2001 is \$532,699. 5 percent of our total budget represents \$26,635. The attached spreadsheet represents a 5 percent reduction in our budget.

We chose to reduce the following four areas of our budget. Following is a brief description of the ramifications of these reductions.

- 1. Departmental Supplies.** This represents a significant portion of our departmental supplies.
- 2. Printing.** This reduction should leave the department enough money to cover the costs associated with publishing the budget document.
- 3. Postage.** This reduction will reduce the number of Citywide mailings and public information pamphlets distributed by our office.
- 4. .25 Contracts Grant Accountant.** This reduction will impact our department in several ways. This position was requested for FY2000 however in an attempt to reduce requests last year we reduced this option to contract and deferred it until FY2001.

This position is needed to assist in Grants Monitoring, Budget Creation, Olympic Budget Creation (FY2001), and various analysis preformed by OCMB. This reduction will postpone additional assistance with this function until October. This position will also reduce the amount of overtime that is currently being paid to staff to complete these functions.

OCMB Budget reductions posed a difficult task given the fact that we have no historical information to determine what our needs are. We do feel that the cuts proposed may slow or hamper our ability to function they will not likely result in an overall decreased level of service from our department.



TO: Budget Option Review Committee
FROM: Bob Johnston, Leisure Services Director
DATE: May 4, 2000
RE: Proposed Budget Reductions

Summary:

Reduce the Leisure Services operating budget by \$118,751. Some reduction in services will result.

Library:

Department supplies and office equipment:	\$4,000	
Software and technical services:	\$4,851	
Total:	\$8,851	1.86%

The original proposal to the BORC, was for a 5% cut. This would have been accomplished by closing the library on Sunday and reducing the amount of books purchased. The BORC directed Leisure Services to add back those services and make up the dollars elsewhere in the department. Cuts remaining include office equipment, software licenses, and no additional computers for internet services.

Leisure Services Administration:

Forego approved increases for 01 for operating costs:	\$ 2,100	
Cut training videos for all departments:	\$11,000	
Reductions in special events and contracted services:	\$ 9,000	
Reductions in new employee orientations	\$ 1,500	
Reduce budget for Parks and Rec Board	\$ 250	
TOTAL:	\$23,850	8.58%

This department largely absorbed the dollars given back to the library. The reduction in video dollars represent materials and supplies needed for producing training videos for all departments, as well as replacement equipment. Special events will be scaled back, and the Parks and Rec Board will receive a 5% cut to its budget.

Parks/Cemetery:

Reduction in supplies, meetings and recruitment and travel:	\$ 6,000
Reduce the number of hanging baskets on Main Street:	\$15,000
Reduce Christmas lighting:	\$ 8,000
Reduce contract services and grounds maintenance:	\$ 9,000
Reduce uniforms and equipment:	\$ 9,500
Reduce seed and sod:	\$ 1,000
TOTAL:	\$48,500 4.2%

The reduction in the uniform budget will result in some of the seasonal staff receiving minimal logo clothing. The reduction in grounds maintenance will result in a longer life for our trash cans, as the replacement schedule will be stretched out. Contract services will be reduced for tree pruning, noxious weeds spraying, reduced painting for such items as the old town stairs, railings, cemetery fencing. The number of hanging baskets will be cut in half, and placed on alternate Main Street light poles. Christmas decorations will be scaled back: the interiors of buildings will be decorated; outside trees will not be. Small equipment purchases, such as weed eaters, rakes, and brooms will be slowed.

Building Maintenance:

Reduce the amount of step resurfacing:	\$ 7,000
Reduce dept supplies and uniforms	\$ 4,500
Reduction in cleaning and maintenance, repairs	\$18,850
Reduction in equipment purchases	\$ 2,000
Eliminate art work purchases	\$ 5,200
TOTAL:	\$37,550 5.06%

Building maintenance reductions will be in step resurfacing with safety a priority over aesthetics. Carpets and windows will not be cleaned as often. The reduction in the building line will mean slower replacement of infrastructure items such as sinks and toilets. An industrial size vacuum purchase will be put off. The art work dollars have not been used in recent years and will be eliminated.

Memo

To: BORC
From: Toby Ross
Date: April 18, 2000
Subject: Executive Department Budget Reductions

The Executive Budget (City Council, City Manager) proposes reductions primarily from *Professional and Consulting; Contributions (City Council); Printing; Office and Computer Equipment; and Meetings and Conferences*. These reductions chiefly affect our ability to respond to unanticipated Council or citizen requests. Core services remain adequately funded.

Traditionally, when these accounts are not required, they are not spent and become part of the ending balance (reserves). Removing them during the budget process, probably reduces the amount this department contributes to the ending balance.

2001 Budget Reduction Summary
POLICE
11-40221

REDUCTION APPROACH

The focus for this reduction was centered on operating and equipment costs rather than full time personnel, overtime or reserve program staffing costs in that a reduction in personnel would compromise a staffing and service level that we have been attempting reach for the last four years, as well as a concern for officer safety if staffing, overtime, or reserve officer reductions were to occur.

The operating line items, (materials, supplies and services) were assessed for reduction based on the actual expenditures which occurred in those line items in fy1997-98 and fy1998-99, and reduced accordingly if budgeted amounts in the fy2001 plan allowed, this process was not applied across the board, but generally.

The equipment line items, (capital outlay) were assessed for reduction based on a 'priority of need' for maintaining current operations and replacing worn or outdated items and then adjusted to that estimated level.

REDUCTION CONCERNS

Reductions offered in the operating line items, (materials, supplies and services) will generally not affect the overall operations of the department, but will certainly restrict our ability to expand existing programs and reduce our flexibility in assisting with special projects, such as funding neighborhood speed sign boards and our outreach projects, such as the Park Host Program and language translation services. Reducing the department's training budget, 2369, will cause a re-alignment of training priorities and methods of training, with concern surrounding the need for Olympic related training.

Reduction in the equipment line items, (capital outlay) will slow the replacement of emergency equipment in police vehicles and radar trailers and require us to adjust our plans for creating sub-station type offices in two locations, the Transit Center and TMMS.

SUMMARY

None of the proposed cuts will be earth shattering for the operations of the police department, but will require a wide range of adjustments in how we have done business and approached problem mitigation in the recent past.

2001 Budget Reduction Summary
COMMUNICATIONS
11-40231

REDUCTION APPROACH

The focus for this reduction was centered on operating and equipment costs rather than full time personnel, overtime or reserve program staffing costs in that a reduction in personnel would compromise a staffing and service level that we have been attempting reach for the last four years.

The operating line items, (materials, supplies and services) were assessed for reduction based on the actual expenditures which occurred in those line items in fy1997-98 and fy1998-99, and reduced accordingly if budgeted amounts in the fy2001 plan allowed, this process was not applied across the board, but generally.

The equipment line items, (capitol outlay) were assessed for reduction based on a 'priority of need' for maintaining current operations and replacing worn or outdated items and then adjusted to that estimated level.

REDUCTION CONCERNS

Reductions offered in the operating line items, (materials, supplies and services) will generally not affect the overall operations of the communications department, but will certainly reduce our flexibility in general operations. It is difficult to address reductions in an already bare bones budget and reducing the radio maintenance and repair line item, 2531, will pose a significant challenge if an unexpected equipment failure should occur. As well, this line item contains the user fees that will be assessed when we change to the 800 MHZ radio system, so I hesitate to cut this line item further.

Reduction in the equipment line items, (capital outlay) will slow the replacement of communications equipment in connection with the 800 MHz radio change and require us to adjust our plans for this change over.

SUMMARY

None of the proposed cuts will be earth shattering for the operations of the communications department, but will require a wide range of adjustments.

Memo

To: Office of Capital Management & Budget
From: Jerry Gibbs
Date: 5/04/2000
Subject: General Fund Reductions

Public Works/Streets

Snow removal expense is budgeted for an above average snowfall. The proposed reduction would reduce expenses to an average year. Snow haulage would be reduced to two times per year. Material purchases for deicing material would be reduced. Deicing frequency will be reduced. This reduction will include limiting deicing application to intersections and hills. Street light replacement will be postponed to a case by case incident. Light maintenance has been reduced due to the installation of new fixtures.

CITY COUNCIL REPORT

DATE: May 11, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: Modifications to the Telecommunications Ordinance
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests the Council discuss the proposed ordinance and conduct a public hearing.

DESCRIPTION:**A. Topic.**

The intent of this policy is to modify the review criteria for telecommunication facility siting permits in response to a Temporary Zoning Ordinance approved as a result of concerns by Park City residents. The language within the ordinance makes no attempt to regulate satellite dishes.

B. Background.

On December 6, 1999, City Council adopted a Temporary Zoning Ordinance (TZO) requiring all telecommunication facility applications to be reviewed by the Planning Commission. The original ordinance provided for *administrative* conditional use permits (CUP) for telecommunication facilities to be processed by the Planning Staff, unless the criteria specified in the ordinance were not met, in which case the application would be heard by the Planning Commission as a formal CUP for a Technical Necessity Exception, requiring a public hearing.

Prior to the adoption of the TZO the Community Development Department processed several applications without creating negative impacts or public reaction. However, one application resulted in a request to modify the Telecommunications Ordinance. The public requested that the City stop reviewing applications for telecommunications administratively and require a formal CUP process. The intent was to allow the public a better opportunity to be informed and comment on the Telecommunication applications.

On January 6, 2000, the City Council passed an amendment to the TZO which included language regulating the installation of temporary telecommunication facilities for events such as the Sundance Film Festival.

Since the TZO was passed, Staff has been working with members of the community to revise the regulations regarding the review of telecommunication facilities applications. Lack of public noticing of proposed antenna and unclear criteria for review were the major concerns regarding the administrative approval process.

The Planning Commission gave initial comments regarding the modifications to the Telecommunications Ordinance at their March 8, 2000, work session. Staff has incorporated those comments along with comments received during the discussion of a Telecommunications Facility at 800 Mellow Mountain Road and revised the Ordinance for the March 22, 2000 Planning Commission meeting.

On March 30, 2000, Staff met with telecommunication industry representatives and members of the Planning Commission and City Council to discuss the proposed changes to the Ordinance and procedure when locating Telecommunication Facilities on City owned land. At the meeting many questions addressed by Staff and members of the Council and Commission focused on the present and future needs for Telecommunication Facilities within Park City and projected needs for the Olympics.

On April 26, 2000, the Planning Commission forwarded a positive recommendation to the City Council on the proposed modifications. At that meeting the Commission expressed their desire to continue to participate in any revisions of the ordinance as well as developing a proactive approach for the siting of these utilities.

C. Analysis

Highlights of the Proposed Changes

Submittal Requirements

To address concerns regarding the height of roof mounted antenna and projection of wall mounted antenna and to add further explanations within future applications, specific criteria have been added to the submittal requirements. Application requirements now include:

- evidence of the need for Telecommunication facilities within the City;
- evidence that a legitimate attempt has been made to locate the antennas on existing structures;
- documentation of all existing facilities in the City and surrounding areas with coverage in the City;
- a site location alternative analysis describing the location of other site considered; and,
- a visual impact study of the proposed facility.

Approval Process

The original ordinance provided for administrative conditional use permits (CUP) for telecommunication facilities to be processed by the Planning Staff, unless the criteria specified in the ordinance were not met, in which case the application would be heard by the Planning Commission as a formal CUP for a Technical Necessity Exception, requiring a public hearing. The Planning Commission, has since discussed and removed the administrative conditional use permit process. The proposed ordinance requires all applications to appear before the Planning Commission

on either their consent agenda or for a public hearing.

Height of Antennas

The current suggested modifications to the ordinance do not allow height increases or the placement of freestanding antenna within the primary residential zones, SF, E, RM, RD and HR-1 zones of Park City. If an applicant wishes to propose an application which includes a height increase, placement of a antenna type in a zone it is not otherwise allowed within or any additional modifications to the zone they shall apply for a Technical Necessity Exception. Technical Necessity Exceptions are reviewed by the Board of Adjustment. Within the request for the exception the applicant shall submit a written explanation describing the surrounding topography, structures, vegetation and other factors which would make an antenna that complies with the regulations stated herein impractical.

District Restrictions

As a result of the discussion by the Commission, Staff has restricted the types of Telecommunication Facilities that may be located in the ROS District. The ordinance prohibits freestanding antenna on new and historic structures within the ROS District. If the ordinance eliminated Freestanding Antenna outright within the ROS it would prevent the location of antenna on ski lift towers and existing utility poles. As part of the ordinance Staff has drafted language which requires exterior Equipment Facilities be reviewed by the Planning Commission along with any application which requires the removal of significant vegetation.

The ordinance now requires any antenna within the HCB and HRC zones to have a public hearing before the Planning Commission. Staff has changed this requirement due to the extensive review done by the Historic District Commission on structures within these zones. The Planning Commission's review of these uses will help maintain the status of the buildings as contributory to the Historic District.

Temporary Antenna Around and During the Olympics

The telecommunication providers have requested that staff investigate the ability to permit temporary antennas associated with the Olympics for a period of six to nine months. Staff has been reviewing the possibilities through the rewrite of this ordinance, but has determined that regulations for a one time temporary are best governed by a TZO. Eliminating temporary permit procedures under this ordinance should not delay the providers from obtaining approvals of the temporary sites. An applicant, under the proposed ordinance, can still go through the regular review procedures and obtain approval.

D. RECOMMENDATION:

The Planning Department requests that the City Council review the proposed changes, conduct a public hearing and direct staff to proceed with any additional revisions as the Council sees necessary.

EXHIBITS:

Exhibit A - Proposed Telecommunication Ordinance

Exhibit B - Communications from Telecommunication Industry Representatives

Exhibit A

8.30 TELECOMMUNICATIONS FACILITIES. The intent of this section is to ensure that Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and public health and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate ~~such~~ Telecommunications Facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and, to the best extent possible, provide screening from adjacent property owners. The installation of these devices is governed by the following regulations.

(A) Permit Required. The installation of Telecommunications Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunications Facility without first having a Conditional Use Permit and Building Permit from the City. ~~Plans of such facility shall be submitted with each Telecommunications Application.~~

(B) Definitions.

1. Antenna. ~~Transmitting or receiving device used in telecommunications~~ A device that transmits and/or receives ~~that radiates or captures~~ Telecommunications and/or radio signals for Telecommunications.
2. Antenna, Drive Test. A Temporary Antenna which is used for field testing of Telecommunications signals and possible locations but does not provide Telecommunications services to customers.
3. Antenna, Enclosed. An Antenna or series of individual Antennas entirely enclosed inside a structure including but not limited to a cupola or wall of a building or chimney.
4. Antenna, Freestanding. An Antenna mounted on or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.
5. Antenna, Roof Mounted. An Antenna or series of individual Antennas mounted on a roof, mechanical room or penthouse of a building.
6. Antenna, Temporary. An Antenna used for a time period of less than thirty (30) days.
7. Antenna, Wall Mounted. An Antenna or series of individual Antennas mounted fully against the vertical exterior face of a building or chimney including on the face of a chimney or penthouse. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.
8. Co-location. The location of a wireless Telecommunications Facility on an existing structure, tower or building in a manner that precludes the need for that wireless communications facility to be located on a free-standing structure of its own.
9. Equipment Shelter. A cabinet or building used to house equipment for Telecommunications Facilities.
10. Stealth Telecommunications Facility. A Telecommunications Facility which is

disguised as another object or otherwise concealed from public view.

11. **Telecommunications.** The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.
12. **Telecommunications Facility.** A Telecommunications Facility consists of Antenna, Equipment Shelters and related structures used for transmitting and/or receiving Telecommunications and/or radio signals.
13. **Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Communications Act of 1996, as amended.

(C) **SUBMITTAL REQUIREMENTS.** A complete application shall include the requirements as stated within the Telecommunications Facility Application available in the Community Development Department.

1. Each applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City.
2. An applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing buildings or structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.
3. Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve-month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the applicant's existing Telecommunications Facilities.
4. Each application shall include a site location alternative analysis describing the location of other sites considered for the proposed Telecommunications Facility, the availability of those sites, the extent to which other sites do or do not meet the applicant's Telecommunications needs and the reason why the subject site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:
 - a. How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City area;
 - b. How the proposed Telecommunications Facility relates to the location of any existing Telecommunications Facilities that provide Telecommunications

- within and near the City;
- c. How the proposed Telecommunications Facility relates to the applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;
 - d. If applicable, how the applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.
5. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility will be most visible.
- (D) **COMPLIANCE WITH OTHER LAWS.** Such structures Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a Building Permit for tower construction a Telecommunications Facility.
- (E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission Community Development Department shall review an application administratively pursuant to Sections (f) and (m) below: pursuant to Section 1.13 herein.
- 1. **Noticing.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to owners of property within 300 feet of the proposed Telecommunications Facility.
 - 2. **Consent Agenda Review.** Applications meeting the Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing.
 - 3. **Public Hearing.** Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.
 - 4. **Exemption for Towers Located on City Land.** Towers located on City owned land shall pay fair compensation in an amount determined by the City Council. No Planning Commission review shall be necessary but a building permit must be obtained and the criteria in Section (f) or Section 1.13 followed.
- (G) **SITE REQUIREMENTS.**

1. **Setbacks.** The placement of Telecommunications Facilities on a lot shall comply with the setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
2. **Height.** The Telecommunications Facilities shall comply with the base height requirement, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply.
 - a. Roof Mounted Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
 - b. Roof Mounted Antenna, placed on a pitched roof, shall not extend up to five (5) feet above the existing structure.
3. **Use of Property.** The Telecommunications Facility shall be an ancillary use on the lot on which it is placed. The lot shall contain a separate principal use.
4. **Design.**
 - a. Equipment Shelters located outside of an existing building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.
 - b. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.
 - c. Panel Antennas shall be no more than five (5) square feet in area per face.
 - d. Freestanding Antennas and Wall Mounted Antennas shall be mounted flush to the structure. Flush shall mean a maximum projection of twelve inches from the wall or pole.

(H) **SITE DISTURBANCE.** Any application, temporary or permanent, which requires the removal of significant vegetation or proposes any new, or improvements to driveways or roads shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch in diameter (6") or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Community Development Department shall determine the Limits of Disturbance and may require mitigation for loss of significant vegetation consistent with Landscape Criteria in Chapter 9.

(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, applications for Antennas shall be permitted and reviewed as follows.

1. **Freestanding Antenna.**

- a. Prohibited. Any Antenna located on Historic structures and all Freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and COS zones. Freestanding Antenna on new structures within the ROS zone are also prohibited.
- b. Consent Agenda Review. Freestanding Antenna located in RDM, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
- c. Public Hearing Required. Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any Freestanding Antenna located on existing poles in the ROS zone.

2. Roof Mounted Antenna.

- a. Prohibited. Any Roof Mounted Antenna located on a Historic or underground structure or within the COS zone.
- b. Consent Agenda Review. Roof Mounted Antenna within the RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
- c. Public Hearing Required. Roof Mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.

3. Wall Mounted Antenna.

- a. Prohibited. Any Wall Mounted Antenna located on a Historic or underground structure or within the COS zone.
- b. Consent Agenda Review. Wall Mounted Antennas located within the RD, RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
- c. Public Hearing Required. All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones.

4. Enclosed Antenna.

- a. Prohibited. Any Enclosed Antenna located within a Historic structure or within the COS zone.
- b. Consent Agenda Review. Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, and LI may be approved by the Planning Commission on its consent agenda.
- c. Public Hearing Required. The location of Enclosed Antenna which require an increase in height or exterior wall modification to the existing structure.

(J) **TECHNICAL NECESSITY EXCEPTION.** If the application does not meet the criteria as stated in Sections F, G, H and I (c), the applicant may apply to the ~~Planning Commission~~ Board of Adjustment for a Technical Necessity Exception. The ~~Planning Commission~~ Board of Adjustment shall review the application as a ~~Conditional Use Permit Variance~~ pursuant to ~~Section 1.13 herein Chapter 5~~ and ~~may~~ shall require the applicant to provide any additional technical information in order to approve the variance including the following.

- 1. A written explanation describing the surrounding topography, structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location of communication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one (1) tower Co-location on a land site lot may be permitted by the Planning Commission if all setbacks, design and landscape requirements are met for each tower Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility communication towers within the transmission Telecommunications area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the communication Antenna towers;
2. Geographic Telecommunications service area requirements;
3. Mechanical or electrical incompatibilities;
4. Inability or ability to locate equipment on existing communication Antenna towers; and
5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the communication Antenna tower

~~Accessory Buildings. The Planning Department shall review accessory building applications through the building permit process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.~~

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public.

(M) **ABANDONMENT.** The ~~property owner applicant, or the applicant's successor(s) and/or assign(s)~~ shall be responsible for the removal of unused Telecommunications Facilities towers within twelve (12) months of ~~cessation~~ abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many subdivision and condominium covenants may address the location of Telecommunications Facilities receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of ~~wireless~~ Telecommunications Facilities receivers are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the

Telecommunications Facilities Antenna within the common area has been granted as a part of the permit application filed with the City.

~~Action. The Community Development Department shall respond, in writing, to a complete application within a reasonable period of time. A denial must be supported by substantial evidence from the written record.~~

~~Appeal of the Administrative Conditional Use Denial. If the applicant does not agree with the determination of the Community Development Director, the applicant may request Planning Commission review within ten (10) calendar days of the Community Development Department's decision. All actions of the Planning Commission are appealable to the City Council. Appeals shall be pursuant to Section 1.16 herein.~~

~~Technical Necessity Exception. If the application does not meet the criteria as stated in Section (c) the applicant may apply to the Planning Commission for a Technical Necessity Exception. The Planning Commission shall review the application as a Conditional Use Permit pursuant to Section 1.13 herein.~~

- (O) **TEMPORARY PERMITS.** A temporary permit may be approved for Temporary Antennas only in conjunction with a special event licensed under Title 4, Chapter 8 of the Park City Municipal Code. A Temporary Antenna permit application must be submitted to the Community Development Department. The application will be administratively reviewed by the Community Development Department based on the following criteria:

1. **Time.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary administrative permit be issued for a period of greater than thirty (30) days.
2. **Height.** The height of the Temporary Antenna may not be greater than five feet higher than the zoning height for the specific zone where the Antenna is placed, as stated in the Park City Land Management Code.
3. **Zoning.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, and LI.
4. **Permission.** Temporary Antenna permit applications shall be accompanied by written permission from the property owner.

If the above criteria are met, the Planning Department shall grant a temporary administrative permit for the Facility.

- (P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.** Telecommunications companies wishing to perform drive tests shall submit a written notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period greater than one day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City property also require Planning Department approval and execution of the City's standard drive test agreement.



Park City Planning Department
Attn: Alison Kuhlrow
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

The following is a few comments pertaining to the draft of the proposed Park City Telecommunications Ordinance:

Over all, in my opinion, the ordinance seems to be heading in the right direction. There are a few issues I would like to bring to the attention of Staff and involved Planning Commissioners and City Council Members.

Temporary Ordinance:

The existing section on the temporary ordinance for cellular uses seems to address temporary uses for short-term events such as the Sundance Film Festival, the Arts Festival, and other such events. However, Nextel and other cellular companies are looking to this ordinance to specifically address an increase in coverage during the Olympics. It is evident that the Olympics will generate a significant increase in the use of Nextel services in the Park City area. In order to handle the increased volume of calls during the event of the Olympics, Nextel needs to rely on the assistance of temporary facilities. However, Nextel is anticipating an increase in use for a period of 6-9 months prior to, and during the Olympics. Nextel forecasts this increase as a result of the erection and construction of the venue sites and the business associated with such sites. As a result, in my opinion, the 30-day temporary ordinance is inadequate to address the capacity needs prior to and during the Olympics. It has been discussed in our meetings that we address this issue. I would recommend that the City grant a six-month temporary use permit for cellular uses or create some type of specific temporary ordinance, which addresses temporary cellular uses prior to and during the Olympics.

Attached are some pictures of the equipment Nextel uses for temporary facilities. The mobile equipment structure is commonly referred to as a COW (cell on wheels). The cow can be parked and concealed on exterior of a building or parking lot and may also be placed in a garage or parking structure if there is enough height. The COW can be used with or without an attached mast. Without the mast, wall or roof mount antennas would be located on a nearby building.

NEXTEL

Roof Mount Antenna Height:

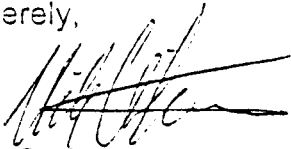
In the draft of the ordinance it states that a roof mount may not be placed higher than 5 ft. above a roofline. This is acceptable on all rooflines without a parapet wall. However, several commercial building in the Park City area have parapet walls. From a technical standpoint, a cellular antenna cannot transmit a signal without a clear line of sight. A 5 ft. antenna mounted on flat rooftop with a 7 ft. parapet wall would not be able to transmit a signal due to interference from the wall. The only way to obtain coverage would be to mount the antennas directly above the parapet wall (leaving the antenna quite visible). I would suggest the city look further into this issue. From previous experience, a good way to solve this problem is to allow a 1 to 1 ratio for roof top antennas. In other words, a antenna may be placed 1 ft. high on a roof top for every 1 ft. it is set back to a maximum of 15 ft. As the antenna is set back further on the rooftop it is able to be place higher to allow a clear line of site over an existing parapet. However, as the antenna is et further back on the rooftop it is also less visible from ground level.

Consent Agenda:

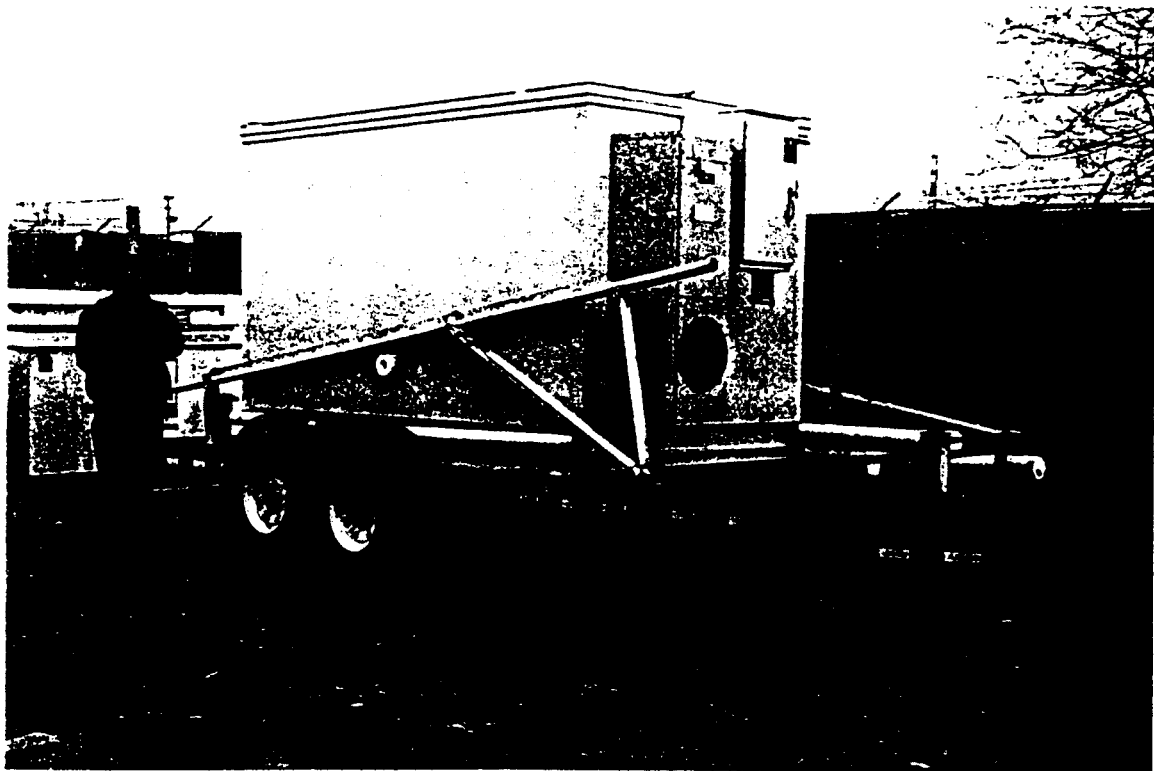
I feel the having all applications on the consent agenda may be unnecessary. I understand any visible type of antenna or a site staff may feel controversial should be reviewed by the planning commission. However, stealth sites, which are virtually enclosed and hidden from view seem like a use that could be approved by staff. Yes, this may give the telecommunication industry a "way out" from having to go through the public hearing process on certain sites. However, it will also give the Planning Commissioners and Council Members what they want, non-visible cellular sites.

I hope these suggestions may assist you in the finalization of your ordinance. If you need any additional information you may contact me at 801-209-9005.

Sincerely,



Mike Christenson
Zoning Specialist



Approximate physical specification of the pictured
Cellular transceiver on wheels, (C.O.W.).

Weight 2,200 lbs., the average weight of a full size pick-up truck.

Height 9 1/2 feet.

Length 24 feet.

Width 10 feet.

The side mounted telescoping antenna boom can be deployed
up to 70 feet in height.

TESCH, THOMPSON & VANCE, LLC
Attorneys at Law

Joseph E. Tesch
David B. Thompson**
Dwayne A. Vance*
Christina Inge Miller*
Sara A. Henry**
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OF COUNSEL:
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- * Also admitted in Colorado
- + Also admitted in California
- # Also admitted in Idaho
- Also admitted in Oregon
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Facsimile: (503) 236-1642

March 28, 2000

Alison Kuhlrow, AICP
Park City Planning Department
PO Box 1480
Park City, Utah 84060

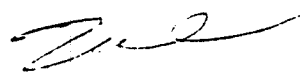
Re: Modifications to the Telecommunications Ordinance-Public Hearing-
Report of March 22, 2000

Dear Alison:

I have only had a moment to review your suggested modifications to the Telecommunications Ordinance dated March 22, 2000. However, as I mentioned during the last public hearing, I do not believe a temporary permit should be issued without obtaining a conditional use permit if it is going to involve site disturbance. That is not contained anywhere in your suggested modifications. Furthermore, I do not believe that it is prudent to have a statement that the planning department "shall" grant a temporary administrative permit upon technical meeting of the listed criteria. If the planning department feels that proceedings before the Planning Commission are appropriate, it should reserve that option. Please distribute this letter to the Planning Commission.

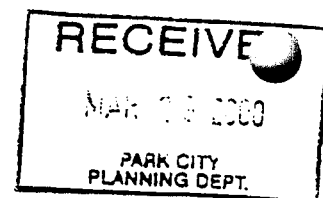
Sincerely,

TESCH, THOMPSON & VANCE, LLC


Joseph E. Tesch

JET/tw

44



U S WEST Wireless
70 South State Street, Room 617
Salt Lake City, UT 84111

Park City
Ms. Alison Kuhlwe
Planning Department
P.O. Box 1480
Park City, Utah 84060

March 20, 2000



Reference: Comments on the New Telecommunication Ordinance

Dear Alison,

The following are a list of my suggestions after having read the proposed city ordinance and I offer my appreciation for all the hard work and effort that has gone into this project. I know that you have spent many hours trying to accommodate all concerned parties.

Suggested additions or changes in the Park City "proposed" Telecommunications Ordinance:

Definition: (add) to #3 "...inside an existing or made to look like and existing structure".

Definition: (add) #13

"Stealth facility" means a wall, roof or monopole facility which is disguised as another object or otherwise concealed from public view. Examples of stealth facilities include but are not limited to; trees, synthetic rocks, flagpoles, signs standards, light pole standards, or architectural elements such as dormers, clock towers, church steeples and chimneys.

Definition (add) #4

Include "utility poles" in this section as a vertical support structure.

(F) Freestanding Antenna;

1. Administrative Review Standards:

(add) in (B) the height limits in each zone, (D) the setbacks in each zone.

(H) Design—antennas less than 2 feet in width

2. Conditional Use Review Standards.

(add) in (A) the height limits in each zone....and..."the replacement pole shall NOT EXCEED FIVE FEET ABOVE THE ORIGINAL HEIGHT OF THE REPLACED POLE.

(E) Antenna...."two feet or less in diameter"...(this is the dimension used by the majority of other Utah jurisdictions)

(G) Roof Mounted Antennas... Conditional Use Review Standards...shows "(A)" but should be

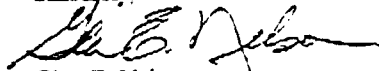
"(2)"

(add) "C" roof mounted antennas which exceed five feet in height above the roof portion to which it is placed.

General note:

You may want to double check the numbering of paragraphs and sub-paragraphs, because there is some inconsistencies. i.e. (G) (H) (I) all use (A) (B) (C)...where it should use (1) (2) (3). Would it be possible to create a "TABLE" or matrix showing all the zones in the City and what, if anything is allowed as a CLP or Permitted Use, in each zone. (see attached example)

Sincerely,


Glen E. Nelson



19.83.030

munications Commission and the Federal Aviation Administration. (Ord. 1394 § 1 (part), 1997)

19.83.040 Master plan required.

A site location master plan shall be submitted by each company desiring placement of wireless telecommunication facilities. The master plan shall be submitted to the planning commission and development services division prior to processing any permits for permitted or conditional use locations. The master plan shall include inventory of existing and anticipated sites for the unincorporated county and

within one-half mile of the unincorporated county boundary. The plan shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the planning commission. Every master plan shall be considered proprietary information and not be part of the public record. (Ord. 1394 § 1 (part), 1997)

19.83.050 Allowable uses.

The uses specified in Table 19.83.050 are allowed provided that they comply with all requirements of this chapter. (Ord. 1394 § 1 (part), 1997)

TABLE 19.83.050				
P Permitted Use		C - Conditional Use		
Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
F-1	P ¹ , C ²	P ¹ , C ²	C	N
All FMs	P ¹ , C ²	P ¹ , C ²	C	N
All FRs	P ¹ , C ²	P ¹ , C ²	C	N
All R-1s	P ³ , C ⁵	P ³ , C ⁵	C ³ , C ⁵	N
All R-2s	P ³ , C ⁵	P ³ , C ⁵	C ³ , C ⁵	N
R-4&5	P ³ , C ⁵	P ³ , C ⁵	C ³ , C ⁵	N
S-1-G	P ¹ , C ²	P ¹ , C ²	C	N
R-M	P	P	C	N
O-R-D	P	P	C	N
RMH	N	N	N	N
All As	P ¹ , C ²	P ¹ , C ²	C	N
All FAs	P ¹ , C ²	P ¹ , C ²	C	N
All MDs	P ¹ , C ²	P ¹ , C ²	C	N
C-1, C-2, C-3	P	P	C	N
C-V	P ¹ , C ²	P ¹ , C ²	C	N
All Ms	P	P	P ¹ , C	N

- 1 - Permitted use only on nonresidential buildings.
- 2 - Conditional use on residential buildings.
- 3 - Allowed only in conjunction with public or quasi-public uses (see Sections 19.04.440 and 19.04.445).
- 4 - Permitted use if not within 300 feet of a residential zone boundary.
- 5 - Stealth facilities are conditional uses and not required to be located with public or quasi-public uses.



HUTCHISON, NEIDER, WARD KING

A LIMITED LIABILITY COMPANY
ATTORNEYS AND COUNSELORS AT LAW

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P.O. BOX 372495
MURRAY, UTAH 84137-2495

TELEPHONE (801) 263-9868
FACSIMILE (801) 268-9921

March 21, 2000

SENT BY FACSIMILE TRANSMISSION

Park City Corporation
ATTN: Mark Harrington, Esq.
Tim Twardowski, Esq.

Re: Proposed Modifications to the Telecommunications Facilities Ordinance

Dear Mark and Tim:

I have received and briefly reviewed a copy of the proposed modifications to the Park City Telecommunications Facilities ordinance. With the proviso that I've only reviewed it briefly and have not had my client's personnel review it yet, I comment as follows:

1. If I correctly understand the process set forth in the ordinance, I believe that the fourth line of paragraph (A) on the first page should be modified to read "...without first having an Administrative Use Permit or Conditional Use Permit (as applicable) and a Building Permit from the City..." As originally written, it would appear that everyone, including those qualifying under the administrative use permit process, is still required to obtain a conditional use permit. This proposed amendment would acknowledge that those receiving administrative use permits had met the requirements of the ordinance and did not need a conditional use permit.
2. Paragraph (C) on page 2 states that a carrier has to provide information concerning "how the proposed facility fits with future projections." Would you explain in a little more detail what types of information you are looking for in this section so that I can better inform my client?
3. In (D) on page 2, evidence of compliance with FAA and FCC regulations is required. SSLP receives an authorization of some type from those agencies with regard to each site that SSLP installs. I presume receipt of a copy of that letter for each Park City site will be sufficient for you.
4. Paragraph (E) states that telecommunications facilities "shall not be

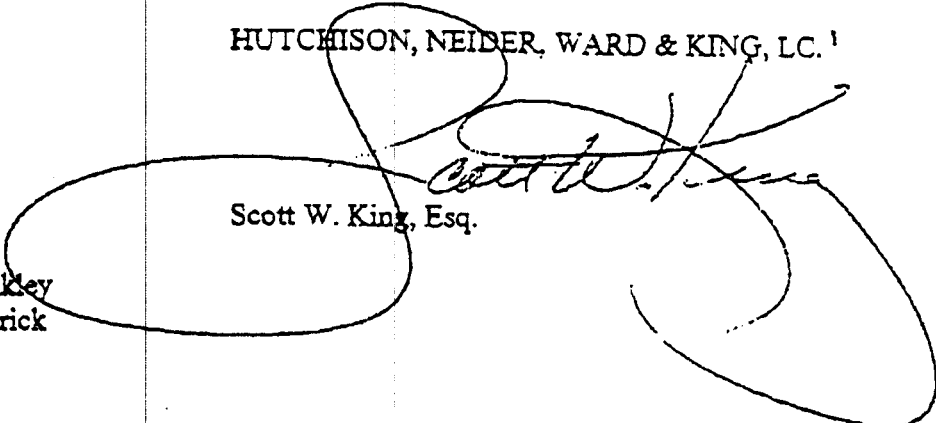
regulated or permitted as essential services, public utilities or private utilities". I'm no expert on any of those subjects, but I'm presuming that this reference is to local municipal code definitions and not to state or federal laws or regulations. If, for example, such uses qualified as essential services or public utilities, for example, under state law thus qualifying for certain types of treatment, this ordinance could not supersede that treatment under state law. Perhaps this section should state that such facilities don't qualify for such treatment under local law unless otherwise authorized by federal or state law.

5. Paragraph (J)2. contains the phrase "Administrative Conditional Use Denial". I'm not sure that "administrative conditional use" has been used prior to this section. Further, the way I've read the ordinance, the administrative use permit follows a different process than the conditional use permit process. Is that true? If so, you may want to change the wording of this section.

The foregoing covers everything that I've seen immediately. However, again, I haven't discussed it with my client, so I may have additional comments hereafter.

Sincerely yours,

HUTCHISON, NEIDER, WARD & KING, L.C.¹



Scott W. King, Esq.

cc. Janine Coakley
dd. Mike Ditterick

WORK SESSION NOTES & MINUTES



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 20, 2000**

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Jerry Gibbs, Public Works Director; John Lind, Water and Streets Superintendent; Tom Bakaly, Director of Capital Management and Budget

Bill Baranowski, Sear-Brown Group

1. Council questions and comments. The Mayor relayed that he received comments from staff about the difficulty in hearing and seeing presentations because of the new seating arrangement for work sessions. The City Recorder added that it is a challenge for recording meetings. The Mayor suggested that the Council move back to the dias, reassess the location issue and pointed out the substantial investment in the A/V equipment. Peg Bodell recognized that this may not be popular with the staff but expressed that the work session seating was an effort to make the public feel more comfortable and welcome and to discourage an elitist perception of the Council by the public. The Mayor discussed having a camera for people speaking at the podium so the audience could see speakers.

Fred Jones requested an update on the McPolin Farm project initiated last year. Because yard waste will not be hauled by BFI unless people pay for another container, Fred Jones suggested a pilot program to deposit clippings, etc. at the old sewer plant site rather than sending waste to the dump. The cost should be estimated and determined whether or not the program could pay for itself. It was explained that the site is used for City projects and there may not be enough room for this program. Roger Harlan added that Mr. Jones' comments are very timely as people find that one container may not be adequate for yard waste, and recalled that BFI didn't comment on this concern in January. Jerry Gibbs explained that this service was not part of the bid. Fred Jones felt that this needs to be addressed and perhaps jointly with the County. John Lind described the clean-up program which will be conducted May 6 through May 21, where dumpsters are located in various neighborhoods. On another subject, Mr. Jones continued that if the Miners Hospital is not committed to SLOC, that it may be a good facility to entertain other venue city officials.

Peg Bodell reported on the Olympic Celebration Steering Committee meeting and complimented Frank Bell's presentation. She felt the group is very dedicated and enthusiastic and invited everyone to the meeting on Wednesday. The session on signs by David Raphael was very informative; there are ways to direct people to react other than using signs. We have too many signs; less is better and it will be beneficial to have a pedestrian plan in place. There was discussion about swapping out trash containers. She emphasized that she has not received any calls about the transit

center. The Mayor disclosed that he received one irate call about the impacts of the construction on parking and speeding on Park Avenue. Ms. Bodell insisted that a stop sign at Park Avenue and Heber Avenue would discourage traffic up Park Avenue and urged consideration of this option. Ms. Erickson noted that she also received a complaint about speeding on Park Avenue and was pleased that the planters have been installed. Ms. Bodell asked if the interactive e-mail system is working on the City's website and requested a report on the number of hits.

Candace Erickson reported a complaint about the poor condition of the City-owned Offret property on Park Avenue and Shauna Kerr added that Habitat for Humanity has also been asking about renovation possibilities. The Mayor recalled that the cost of bringing the house up to code was not worthwhile and Ms. Erickson relayed that they estimated \$85,000 which may be better spent on more units. Tom Bakaly explained that last year, Council decided to tear down the office building but not the house. The estimates were high and staff is planning to come back to Council regarding this and other properties, including the Pechnik house and Watts house. Ms. Bodell asked if the Watts garage can be used for the transit center art project and it was explained that it may not be habitable. Ms. Erickson continued that she attended the School Board meeting where maintenance of fields was discussed. Roger Harlan commented on the success of the Friends of the Library luncheon and urged Council members to attend a County meeting on ice next week. The Youth Advisory Committee will be recommending grants to Council in an upcoming meeting. He added that he has met with the pastors of various congregations regarding preparation and participation in the Olympics. Ms. Kerr urged the public to vote in the June 27 primary. There was discussion about the Council meeting next week and a public meeting hosted by COSAC on open space on Tuesday. Ms. Bodell pointed out that the mobile clinic is being charged for the use of the recreation building and that fee should be waived.

2. Bonanza Drive intersection improvements. Mr. Lind noted that staff presented a plan last fall and then neighborhood meetings were held with Fireside residents and the commercial area owners. Through illustration of a rendering, Mr. Lind discussed the relocation of the pedestrian crossing which is contemplated to be safer for children. Bill Baranowski of Sear-Brown explained that a study was conducted at both crossings and it became evident that there is a problem with speeding and visibility at night. He suggested stripping a left hand turn lane into the car wash which would narrow the travel lanes and slow down speeds. Because the painted cross-walk will not be as visible to the driver as it is to the pedestrian, it is suggested to install an elevated table which is 25 feet in length with imprinted asphalt. A LED lighting system installed in the pavement would add to the visual awareness of drivers. Mr. Lind explained that the lights would not be automatic, as previously suggested, but activated by the pedestrian at a bollard. Mr. Lind felt that the project may take three days if done during the day, or one night. Candace Erickson expressed concerns that the LED system has not been tested in this climate and Mr. Lind responded that the table has been lengthened and the LED components will be encapsulated under the road. There was discussion about this system being installed in Reno and Truckee. There were concerns expressed from Council about proper installation and Mr. Baranowski explained that it is contemplated that a signal

contractor would be hired for this project. Mr. Lind urged Council for direction as components would have to be ordered soon.

Peg Bodell stated that she can not support the LED system because it hasn't been thoroughly tested and is reluctant to spend \$27,000. The City hasn't tried just painting the cross-walk or other options and felt LED is over-kill. John Lind understood Ms. Bodell's concerns and added that he supports the lighting system particularly after observing the school children in the area. Ms. Bodell agreed with the relocation of the intersection and reiterated that there are other things that can be done to slow traffic other than the LED system which is inappropriate and unnecessary. Fred Jones felt that the table idea makes a lot of sense but is very leery of the embedded lights because they may not be reliable. He suggested traditional flashing lights on a street pole to get people's attention. Ms. Bodell recalled Ms. Kerr suggesting that a flashing light be attached to the pedestrian sign. Candace Erickson supported the new location of the cross-walk as it will make more sense to pedestrians. Mr. Baranowski agreed with Ms. Bodell that other options could be effective. Roger Harlan interjected that we are making an assumption that the flashing lights on the pedestrian sign will be more effective than the pedestrian sign itself. There was discussion about the success of LED systems in reducing accidents and their performance in wet weather. Fred Jones indicated that salt adds to the problem of moisture. Candace Erickson expressed that she is apprehensive about the LED system and Ms. Kerr believed that activating a flashing light at the crossing at night may be adequate. The signage really helps during the day. Peg Bodell pointed out that this situation is different than the current location as there is more street lighting.

Ms. Kerr suggested that the conduit be installed in the event the LED mechanism is desired in the future. Mr. Lind believed the scope of the project to be a raised table and flashing lights on the bollards. Mr. Baranowski again explained the narrowing of the travel lanes and the shoulder work. The Mayor summarized the consensus to relocate the cross-walk, raise the table, install conduit, add activated flashing lights at the intersection but not the LED system. Because of delays caused by the round-about construction, Mr. Harlan suggested that the project be expedited during the night. Mr. Lind noted that aspects of the project could be consolidated and Jerry Gibbs pointed out that using concrete will expand the length of the project. Fred Jones agreed with Mr. Harlan as long as a night project doesn't increase the cost significantly. The Council agreed.

2. Review of regular meeting:

Film series assignment. Mark Harrington expressed that the initial 1994 and 1995 leases were controversial and complicated because of pay-back provisions and revenue sharing based on other tenants and users of the facility. This was very difficult for staff to administer and to interpret. The lease was simplified in 1996 to deal with the series as a fund revenue source which has worked well. There has been some confusion on programming as the facility was approved as a conditional use permit, outlining restrictions on theater use and this has been clarified in the proposed lease assignment. The Park City Film Series is a separate non-profit organization from the

Park City Arts Council. The base rent increased but the overall rent will probably be less than last year because of the number of showings. The City Attorney continued that staff chose a middle ground and reverted to the \$100 per screening. The proposed lease does not have a built-in lease increase in consideration of the new \$40,000 DVD equipment dedicated by the City. Ms. Kerr suggested that the language requiring screening approvals be clarified and Mr. Harrington agreed.

Art for transit center. Tom Bakaly explained that there are three contracts for art at the transit center. There is an interior art wall, plaza area on the south side of the building, and an art component on the walkway from Swede Alley to Main Street. Staff is also requesting direction for design review. See regular meeting minutes.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 20, 2000**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 20, 2000. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Shauna Kerr. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Kathy Kelly, Recreation Services Manager; Tom Bakaly, Director of Capital Management and Budget; and Kent Cashel, Interim Transportation Director.

II PUBLIC INPUT

Defining open space - Conserving Our Open Lands (COOL) - Cheryl Fox, member of COOL and the Summit County branch of Utah Open Lands, stated she is here with Bob Richer of COSAC and Stewart Rogers from the Swaner Nature Preserve. These groups have come together to define what open space is and have met with the Park City Planning Commission, Snyderville Basin Planning Commission and Summit County Commissioners. There are different ideas what open is; some people think of a golf course or ski runs as open space but others believe that nothing but undisturbed sage brush is open space. She explained that when there are discrepancies, problems occur and sometimes there is a breach of the public's trust, for instance when back yards or driveways are considered open space in a project. The group began with the state's definition of open space with four designations. Bob Richer added that the group felt that *open space* is now a nebulous term and their objective for western Summit County is to discuss open space in the context of the definitions they have submitted. For instance, the McPolin Farm would be categorized as *green space* while a golf course would be *recreational space*. Confusion on the part of citizens or developers lead to diminished expectations, which prompted them to create these definitions. He added that the group spent a lot of time on these definitions and there was a lot of give and take from all of the open space groups in the community to reach consensus.

Ms. Fox stated that their hope is that the definitions be incorporated in the General Plan and the amendments in the Land Management Code and they are working with Pat Putt. Roger Harlan relayed that Snyderville Basin Planning Commissioner Max Greenhalgh is very supportive and it would be beneficial to have definitions codified. Bob Richer emphasized that the group attempted to stay apolitical on this project and it is the job of the City and the County boards to weigh those definitions as they apply to projects. It is important to have all of the parties in western Summit County using the same terminology. Peg Bodell asked if this will be a state-wide effort and Ms. Fox indicated that they are just starting here. In the long-term they will take their proposal to eastern Summit County. Ms. Bodell commented on her appreciation of their work and asked if there

is an educational element for the community. Bob Richer announced that COSAC is hosting a community open house on April 25 at Miners Hospital to solicit public comment on the definitions. He distributed an invitation and a brochure recently produced by the open space organizations. These various organizations have worked well together and Mr. Richer emphasized that the brochure was produced by private donations. Peg Bodell and Stewart Rogers discussed their involvement with the Utah Society for Environmental Education on outreach programs. Bob Richer indicated that the next step is to solicit public debate and discussion about incorporation of definitions into codes.

Mr. Richer circulated a request concerning a memorial to Don Griffin by naming a trail after him. He hoped this is in process. Toby Ross believed that the new Council would review a policy on this. Hearing no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Award for best recreation department for a population under 10,000 - Kathy Kelly introduced Steve Carpenter, Executive Director; Viola Kenny, President, and Wayne Oberg, past-President of Utah Recreation and Parks Association (URPA). Mr. Carpenter explained that in the past, the Association has given these awards without a formal public presentation. URPA represents small and large communities, all levels of government, and the private sector. It is a non-profit association and Ms. Kelly has done a wonderful job serving as a regional representative. Mr. Kenny stated that it is an honor to present this award and Mr. Oberg recalled when residents would come to Salt Lake for recreation because it didn't exist in Park City. The Department is a testament and tribute to Park City because it is a measure of its commitment. URPA honors three different categories of cities and Park City is in Category 1 for small communities. The outstanding department award encourages and recognizes excellence in the promotion and provision of facilities and/or programs in the field of parks and/or recreation. Mr. Oberg commented that Park City was recognized last month at its annual conference and City staff offered video services for the award presentation. Mr. Oberg also felt that the City recreation staff met their mission statement.

2. Eric's backhoe report - Eric DeHaan reported on the \$15 million single point urban interchange project at Kimball Junction which will take at least a year to complete. The contract contemplates closures for the Arts Festival and other scheduled Deer Valley events. I-80 will be closed during certain portions of the construction but will occur only from 10 p.m. to 6 a.m. There will also be occasional ramp closures but there will be notice before those occur. Mr. DeHaan described the pedestrian portion of the project. Silver Creek Junction is also under construction and SR248 is scheduled for paving next week.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MARCH 30, 2000

Hearing no omissions or corrections, the Mayor requested a motion to approve. Candy Erickson, "I so move". Fred Jones seconded. Roger Harlan disclosed that he will abstain as

he was not in attendance. Motion carried.

Peg Bodell	Aye
Roger Harlan	Abstention
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Aye

V PUBLIC HEARING

Ordinance approving an amendment to the Park City Survey to combine all of one lot and a portion of another into one lot of record at 317 Main Street, Lot 4 and Part of Lot 4, Block 11 of the Park City Survey, Park City, Utah - See staff report. Ray Milliner noted, "*The Planning Commission seemed to like it*". With that compelling statement; there were no comments or questions from the Council or the public and the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve. Peg Bodell, "I move approval". Roger Harlan seconded. Motion carried unanimously.

1. Ordinance approving an amendment to the Park City Survey to combine all of one lot and a portion of another into one lot of record at 317 Main Street, Lot 4 and Part of Lot 4, Block 11 of the Park City Survey, Park City, Utah - See staff report.

2. Ordinance approving the 1887 Gold Dust Lane Plaza condominium conversation located at 1887 Gold Dust Lane, Park City, Utah - See staff report.

3. Extension for approval of the subdivision to combine Lot 1, Block 56 of the Snyder's Addition to the Park City Survey and one metes and bounds parcel into one platted lot located at 1102 Park Avenue, Park City, Utah - See staff report.

4. Assignment of film series lease from Park City Arts Council to Park City Film Series - See work session comments and staff report.

VII NEW BUSINESS

1. Authorization for the Mayor to execute three contracts for art for the Old Town Transit Center in an amount of \$104,250 - Tom Bakaly displayed the site plan for the transit center. An art wall is proposed in the building, art in the south plaza, and a project in the walkway. Staff is requesting approval of the three contracts as well as direction regarding design review of the art.

There was a comprehensive selection process and three artists were recommended by the eight member committee, composed of artists and the architect. He presented conceptual illustrations including the art wall by Marianne Cone. The second project is less defined but includes seven different sculptures the Muses. Mr. Bakaly emphasized that all outdoor art will require a review by the Historic District Commission and the design review committee, if appointed by Council. The third art contract is for a sculpture of a bear on a bench in the walkway between Main Street and Swede Alley. The combined cost of all three contracts is \$104,000 and currently the budget with the Federal Transit Administration is \$100,000. Staff is in the process of revising the grant to request an increase and believe that the FTA will be receptive, as it is well within its 1% parameter for the project.

Mr. Bakaly urged Council to approve the three contracts and formally appoint the design review committee. The Council agreed on appointment of the review committee. Ms. Erickson expressed concern about eight different artists involved in the same project. Ms. Bodell agreed that it is a challenge but very doable. These eight sculptors have worked on public art for a long time and are renowned. Peg Bodell briefly described this project and explained that the art in public places committee formulated criteria and guidelines which the design review committee will follow. Tom Bakaly explained that the selection committee felt that the art wall is a historic feature, the walkway piece interactive, and the plaza sculptures abstract. With no further comments or questions, the Mayor requested a motion to approve the three contracts and to appoint the design review committee to oversee the project. Fred Jones, "I so move". Roger Harlan seconded. Motion carried unanimously.

2. Award of contract to Gillig Corporation for the purchase of three 35' buses in the amount of \$732,273 - Fred Jones indicated that he has spoken with the Interim Transportation Director and understands that the City should move forward with this purchase, but urged staff to consider vehicles that use alternative energy and perhaps arrange for a demonstration vehicle. He also suggested looking at more *skier-friendly* buses and described the efficiency of the low-floor tram-like buses in Europe. He acknowledged that there may not be a U.S. manufacturer but it would be worthwhile to research. In response to a question from Council member Kerr about the poor response to the bid, Mr. Cashel explained that eight companies requested bid packages but only one submitted a bid. Upon investigation, staff found that currently the FTA is allocating so much money into bus procurement that manufacturers are incredibly busy and selective. The Mayor suggested that other ski communities may be interested in the European style bus and ordering could be a joint effort. Mr. Cashel pointed out that there are stringent restrictions associated with federal funding and a certain percentage of the vehicle has to be manufactured and assembled in the States, however, there may be European manufacturers who could meet that criteria.

Roger Harlan was pleased that the buses are being ordered early enough to provide adequate time for design work for the wrap. Peg Bodell stated that she is in favor of smaller buses and acquiring two more 35 foot buses doesn't accomplish diversifying the fleet. Understanding the

time line, she still preferred the 32 foot buses, as few seats would be lost and the smaller buses would be easier to maneuver on more routes. Mr. Cashel explained that the fleet carries 1.2 million passengers a year and a bus travels roughly 400,000 miles per year. This type of use requires a heavy duty transit rated bus, which is only available in the 30 to 40 foot range. Staff feels that the 35 foot bus fits well within that range, and more importantly provides the seating capacity. These buses will seat and stand 65 passengers and often the buses are running at or over capacity and the intent is to scale for the peak hours during the winter between 8 a.m. and 10 a.m. and 3 p.m. and 6 p.m. Smaller buses decrease seats and the City is already supplementing routes with on-demand buses when additional capacity is needed. Mr. Cashel continued that the fleet has specialized 54" wide doors in the back of the vehicle for access for two people, and if the bus is shortened, it becomes difficult to accommodate the door. The City has 14 years experience of running this size vehicle and if there is a change in the size of the buses, consideration needs to be given to the ramifications. He emphasized that 35 foot buses were indicated in the FTA and UDOT grants. The City is bound to those specifications; to change the application is a lengthy process and given the fact that these funds lapse in September, the deadline probably could not be met. Ms. Bodell stated that she has never seen anyone load a bus with skis and didn't think that was an issue. The City is already running trippers with the 35 foot bus and procuring another replacement will not change anything. If the City goes with a 32 foot bus, there will still be trippers. Mr. Cashel explained that that is an on-demand system and if the City lowers its ability to carry passengers, there will be increased costs. Ms. Bodell reiterated that the City is doing that already. Mr. Cashel noted that the City is using personnel on site, and if the program is expanded it will be beyond that scope.

Candy Erickson asked what is gained by dropping three feet. Ms. Bodell responded that in talking with drivers and contractors, it makes a difference in maneuverability and where they can travel. Ms. Erickson asked if there is a cost difference. Mr. Cashel responded that the difference in capital and maintenance costs is minimal and added that after his conversation earlier with Ms. Bodell, he polled drivers about the turning radius. Drivers mentioned that there is some improvement in maneuverability, but it is not greatly enhanced. In response to a question from Ms. Erickson regarding where a 30 foot bus could go where a 35 foot could not, Mr. Cashel could not identify an area, as both are large buses. Both sizes will still look empty in non-peak periods, which will still be an issue.

Roger Harlan, "I move that we award a contract to Gillig Corporation for the purchase of three 35 foot buses in the amount of \$732,273". Fred Jones seconded. Motion carried.

Peg Bodell	Nay
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Aye

Page 6
City Council Meeting
April 20, 2000

VIII 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, City Recorder

CONSENT AGENDA PUBLIC HEARING



CITY COUNCIL STAFF REPORT

DATE: May 11, 2000
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: Walk to Slopes Plat - Phase 2 (1243 Empire Avenue) Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey, into a single lot as conditioned.

A. TOPIC

Project Name: Walk to Slopes Plat - Phase 2
Applicant: Mike Watts
Location: 1243 Empire Avenue
Zoning: Recreation Commercial Zone (RC)
Adjacent Land Uses: Residential
Project Planner: Derek Satchell

B. BACKGROUND

The owner, Mike Watts, submitted an application to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey. The purpose of the plat amendment is to accommodate the construction of a single- or multi-family dwelling. Although no plans have been submitted for this lot, the final design is pending the outcome of this plat amendment. The Planning Commission approved the plat amendment and forwarded a positive recommendation to the City Council on April 12, 2000.

C. ANALYSIS

The applicant is proposing to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey. The applicant is proposing to create a single lot in order to construct either a single- or multi-family dwelling on the lot.

		Proposed
Current Use		Vacant
Lot Size		7,275 square feet (total of all Lots)
Setbacks		
	Front (Empire Ave.)	20 foot minimum
	Front (Lowell Ave.)	20 foot minimum
	Side	10 feet minimum*
Height		27'**
Parking		2 on-site spaces for single-family dwelling; 4 on-site spaces for a duplex
Design		Compliance with Hist. Dist. Guidelines

Notes:

* There are specific requirements on the Plat regarding "No Build" setback area (See Note #2 on Plat).

** The current draft of Chapter of the LMC pertaining to the RC zone has a maximum building height of twenty-seven feet (27') for all single-family and duplex dwellings. The maximum building height for Triplexes in this zone is thirty-three feet (33').

The remnant lot created by the proposed plat amendment will be the northern three feet (3') of Lot 37, which is occupied by a portion of the Sweetwater Condominium complex structure located at 1255 Empire Avenue. Any existing encroachments of the Sweetwater complex onto the proposed lot must be removed. The proposed plat amendment complies with the RC zone regulations. This proposal will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet. The proposed 50 foot wide lot is consistent with other lot sizes in the immediate area.

After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

The Plat Amendment is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action

results in the creation of a remnant lot. The Community Development Director does not have the authority to approve a lot line adjustment that creates a remnant lot, and because more than two lots are being combined.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on March 29, 2000 as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on March 7, 2000, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. The Chief Building Official did request that special circumstances and conditions be placed on the plat to resolve the existing encroachment issues relating the adjacent Sweetwater Condominium complex structure.

ALTERNATIVES:

- A. Approval of the proposed plat amendment to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey as conditioned. The approval of the plat would accommodate the future construction of either a single- or multi-family residence.
- B. Deny the plat amendment and retain the original Record of Survey which would limit the applicant to construction on a portion of Lot 8 and a portion of Lot 37 in Block 26.
- C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the RC zone. The plat amendment will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the applicant would have to re-apply for any further proposals to increase the size of Lot 8 and Lot 37 in Block 26.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the plat amendment to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey, into a single lot based on the following:

Findings of Fact:

- 1. The property is located in the Recreational Commercial (RC) zone.
- 2. The amendment will combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the

Snyder's Addition to Park City Survey, into a single lot.

3. The lots are currently vacant, with the exception of several physical encroachments onto Lots 7 and 37 by the existing Sweetwater Condominium complex.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot have been adequately addressed and shall be resolved prior to the recordation of this plat.
5. The plat amendment will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet.
6. Fire hydrants are necessary for proper fire protection, and the hydrants must be properly located.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. No remnant lot created is separately developable.
3. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of any new construction.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot shall be legally resolved and/or physically removed prior to the recordation of this plat.
5. A ten foot (10') no-build setback easement shall be dedicated on the plat within the first ten feet off of the northern property line between the Sweetwater Condominium complex structure and any future construction on the newly created lot.
6. A ten foot (10') non-exclusive utility and snow storage easement shall be dedicated to the City in the first ten feet off of Empire and Lowell Avenues.
7. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed driveway fronting Empire and Lowell Avenues.
8. This approval shall expire one year from the date of the City Council approval, unless this plat amendment is recorded prior to that date.
9. The applicant shall install a new fire hydrant on Empire Avenue if the existing hydrant is within 5' of any proposed driveway. This work must be accomplished in accordance with current City standards.
10. All standard conditions of approval shall apply.
11. This approval shall expire one year from the date of the City Council approval, unless this plat amendment is recorded prior to that date.

EXHIBITS:

Exhibit A - Location Map

Exhibit B - Existing Plat

Exhibit C - Proposed Plat Amendment

Exhibit D - Standard Conditions of Approval

1243 Empire Ave

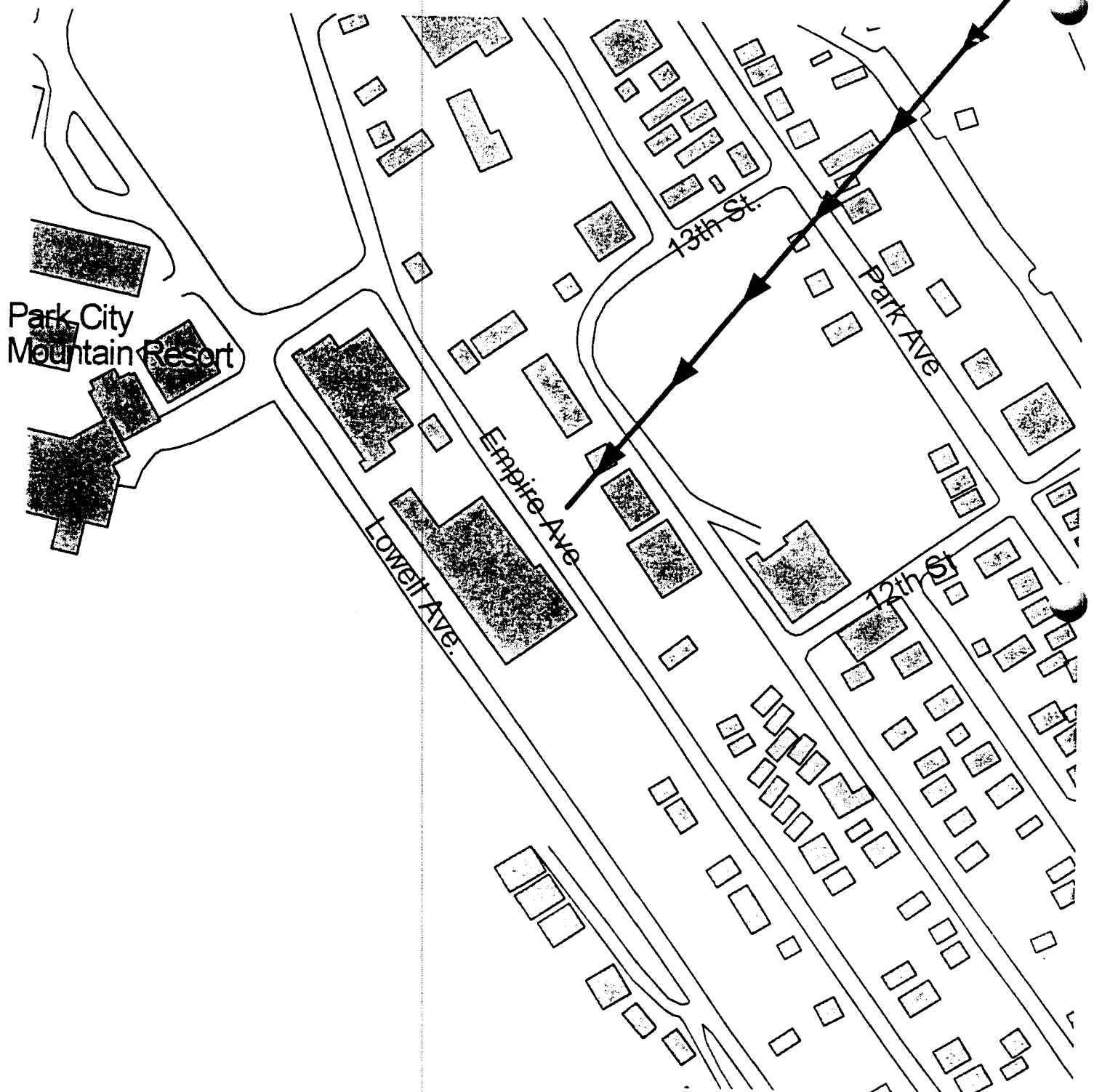
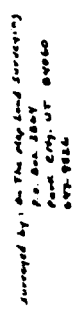


Exhibit A
Vicinity Map

64





ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-09-01 BY SP-6 BJS/STP

100-444444
LID, & was
classified
on 08-09-01

65

IT IS GOVT PROPERTY
IN BOND ROAD DISTRICT
OF NEW YORK

BOUNDARY DESCRIPTION

COUNCIL'S DEDICATION AND COMMIT TO REFORM

2000

ATTENTION: MAIL TO
WALTON STORES, L.L.C.

ACKNOWLEDGMENTS

On the day of the 1999, Ward and I, with formerly reported before me, the under-aged Walter F. Galt, Jr. and her sold stock and control, Ward being fully aware, Michael B. Galt acknowledged to me that he is the managing member of WALK TO RIGHTS, L.L.C. A 501(c)(3) non-profit corporation, organized and existing under the laws of the state of Utah, and in breach of this statement for the same and purposes stated. Ward and I had to sign the above Owner's Declaration and Consent to Insect Study and sterilization.

Modern Public

LINE TABLE		
LINE	DESCRIPTION	LENGTH
1	N 35.58 00 W	3.00

NOTES

1. ☐ First address on English license

2. ☐ No more good bidding available, or substantially more of any type is not likely to be received

3. ☐ If desired, you may be asked to:

1. Reconsider a bid
2. Reconsider a bid
3. Reconsider a bid
4. Reconsider a bid
5. Reconsider a bid

3. The auctioneer will make

US 2008/0121071

- g) Explain why we need
- h) Describe what is the task for each unit
- i) What is the role of each unit in the system?
- j) Explain how the system

WALK TO SLOPES PLAT - PHASE II

LOT LINE AMENDMENT PLAT

LOWELL AVENUE

WALK TO SLOPES PLAT + PHASE II

RECEIVED

Waltham City

EXHIBIT C
PROPOSED PLAY AMENDMENT

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

December 1, 1999



Ordinance No. 00-23

**AN ORDINANCE APPROVING THE WALK TO SLOPES PLAT AMENDMENT
PHASE 2 TO COMBINE ALL OF LOTS 7, 8, 38 AND A PORTION OF LOT 37 IN
BLOCK 26 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, INTO A
SINGLE PLATTED LOT, LOCATED AT
1243 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of all of Lots 7, 8, 38 and a portion of Lot 37, in Block 26 of the Snyder's Addition to Park City Survey, have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 29, 2000, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on April 12, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 11, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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 Recreational Commercial (RC) zone.
2. The amendment will combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey, into a single lot.
3. The lots are currently vacant, with the exception of several physical encroachments onto Lots

- 7 and 37 by the existing Sweetwater Condominium complex.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot have been adequately addressed and shall be resolved prior to the recordation of this plat.
 5. The plat amendment will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet.
 6. Fire hydrants are necessary for proper fire protection, and the hydrants must be properly located.

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

SECTION 3. PLAT APPROVAL. The plat amendment to combine all of Lots 7, 8, 38 and a portion of 37, in Block 26 of the Snyder's Addition to Park City Survey, known as Walk to Slopes Plat Amendment Phase 2, is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. No remnant lot created is separately developable.
3. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of any new construction.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot shall be legally resolved and/or physically removed prior to the recordation of this plat.
5. A ten foot (10') no-build setback easement shall be dedicated on the plat within the first ten feet off of the northern property line between the Sweetwater Condominium complex structure and any future construction on the newly created lot.
6. A ten foot (10') non-exclusive utility and snow storage easement shall be dedicated to the City in the first ten feet off of Empire and Lowell Avenues.
7. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed driveway fronting Empire and Lowell Avenues.
8. This approval shall expire one year from the date of the City Council approval, unless this plat amendment is recorded prior to that date.
9. The applicant shall install a new fire hydrant on Empire Avenue if the existing hydrant is within 5' of any proposed driveway. This work must be accomplished in accordance with current City standards.
10. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).

11. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 11th 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

PUBLIC HEARINGS

CITY COUNCIL STAFF REPORT

DATE: May 11, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: Regulation of Newsracks on Main Street
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing.

A. Topic

Discuss the proposed Ordinance to regulate newsracks within the Historic District.

B. Background

On April 13, 2000, Staff presented City Council with a draft ordinance regulating newsracks within Park City's Historic District. The City Council provide Staff with comments and suggested modifications to the regulations. At that meeting the City Council heard concerns from the distributors of publications within the area. The distributors requested additional time to review the ordinance and comment. Staff has scheduled this public hearing upon that request to continue taking input on the April 13 draft of the Newsrack Ordinance.

Since the April meeting Staff has been reviewing the ordinances in place in other cities and discussing the programs with other publications who are effected by the existing ordinances. Time has also been spent meeting with Park City's Finance Department to discuss the operation, renewal and collection of lease fees.

Staff will return to the Council in June with possible modifications to the ordinance, designs of the newsracks and estimated costs for purchase and installation.

B. Recommendation

Staff requests Council conduct a public hearing and take input on any new issues. Staff will return to the City Council with designs and any modifications to the Amendment language as requested.

Exhibits

Exhibit A - Draft Ordinance

Exhibit A

PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; AND NEWSRACKS

CHAPTER 6 - NEWSRACKS

14-6-1. PURPOSE.

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, and general welfare of persons in Park City in their use of the public rights-of-way through the regulation of placement, appearance, number, size and servicing of newsracks on the public rights-of-way so as to:

- (A) Provide for pedestrian and driving safety and convenience;
- (B) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;
- (C) Provide reasonable access for the use and maintenance of sidewalks, hydrants, and similar appurtenances.
- (D) Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties;
- (E) Reduce exposure of the City to personal injury or property damage claims and litigation;
- (F) Protect the right to distribute information protected by the United States and State of Utah Constitutions through use of newsracks.

14-6-2. DEFINITIONS.

For purposes of this Title the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

- (A) **Distributor.** The person responsible for placing and maintaining a newsrack in a public right-of-way.
- (B) **Fully Enclosed Building.** That portion of a structure contained fully within the exterior walls of a building. The term "fully enclosed buildings" shall not include decks, porches, carports, areas under roof overhangs, or any other area not contained totally within the exterior walls.
- (C) **Newsracks.** Any outdoor self-service or coin operated container, rack or structure installed, placed, located, used or maintained for the display, dissemination or distribution newspapers, periodicals or other printed material.
- (D) **Newsbox.** An individual unit within a Newsrack for distribution of a publication.
- (E) **Person.** An person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.
- (F) **Special Distribution Area.** The Historic District of Park City so designated by the City Council upon findings that the special circumstances of the Historic District require special design, placement and other standards for newsracks.

14-6-3. SPECIAL DISTRIBUTION AREA

- (A) **NOTICING OF SPECIAL DISTRIBUTION AREA.** Within thirty (30) days after the effective date of the ordinance designating a Special Distribution Area the Community Development Department shall establish a date (the "cut-off date") by which application shall be made to the Community Development Department for every Publication proposed to be located within a Special Distribution Area. No application shall be considered that is filed later than the cut-off date established. The Community Development Department shall give notice of the cut-off date by publication once in a newspaper of general circulation in the city not less than thirty (30) days prior to such cut-off date. The Community Development Department shall also endeavor to mail notice of the cut-off date to the owners and/or distributors of newsracks existing as of the effective date of the ordinance designating a special newsrack area; provided however, that failure to provide mailed notice to any person shall not invalidate any action taken pursuant to this section of this Chapter.
- (B) **HISTORIC DISTRICT.** The Historic District, is hereby designated as a Special Distribution Area. As used herein, the Historic District shall be defined by those areas within Park City which are zoned HR-1, HR-2, HRL, HRM, HCB and HRC.

14-6-4. PROHIBITED DISPENSERS WITHIN THE SPECIAL DISTRIBUTION AREA

No Newsrack, other than City owned Newsracks, shall be located, maintained or used within the Special Distribution Area for the distribution of publications, unless within a fully enclosed building. Newsracks installed in violation of this Section shall be impounded per the regulations set forth in Section 14-6-9.

14-6-5. CITY OWNED NEWSRACKS

City owned Newsracks shall be installed within the Special Distribution Areas for the use by permit pursuant to this Chapter.

- (A) **NUMBER OF NEWSRACKS.** (Needs to be discussed)
- (B) **LOCATION.**
- (1) No Newsrack shall be placed, installed, used or maintained within:
 - (a) five feet of any fire hydrant, fire call box, police call box or other emergency facility;
 - (b) five feet of any marked crosswalk;
 - (c) five feet of any driveway;
 - (d) three feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes; and,
 - (2) No Newsrack shall be placed in a location whereby the clear space for the passageway of pedestrians is reduced to less than eight feet;
- (C) **DESIGN.** The design of the Newsrack shall be approved by the City Council and chosen for aesthetic appeal and durability.
- (D) **NEWSBOX.** Newsboxes within a Newsrack shall be assigned to publications as provided in Section 14-6-6 herein.

14-6-6. NEWSBOX PERMITS

Any person desiring to use a Newsbox within a City owned Newsrack shall submit a Newsbox Permit Application to the City. A Newsbox permit shall not be transferable.

- (A) **APPLICATION.** An application for a newsbox permit shall be made to the Community Development Department on a form provided by the City. The application shall contain the name and address of the applicant, the proposed specific location of said Newsbox and shall be signed by the applicant. Separate applications shall be filed for each requested site.
- (B) **REVIEW PROCEDURES.** Complete applications will be reviewed and a decision shall be rendered by the Community Development Department within ten (10) working days from the date of filing the application.
- (C) **ASSIGNMENT.**
- (1) If sufficient space does not exist to accommodate all publications to be placed within one Newsrack, the Community Development Department shall give priority as to that location to Publications as follows:
- (a) First priority shall be publications that are published two or more times a week;
- (b) Second priority shall be given to publications that are published once a week;
- (c) Third priority shall be given to publications that are published less than once per week but more than once per month; and
- (d) Forth priority shall be given to publications that are published monthly or less frequently than monthly.
- If the above process does not resolve the dispute over Newsbox allocation, the Community Development Department shall exclude the tied Publications randomly.
- (2) If the Newsboxes are configured to hold more than one publication, the Community Development Department shall determine the maximum number of shelves there may be in such Newsboxes. Permits shall be issued on a per shelf basis. The fees for the shelves shall be prorated based on the number of shelves covered by a particular permit.
- (3) Those publications requesting assignment in a specific dispenser, who were unable to receive assignment shall be placed on a waiting list.
- (D) **APPEALS.** A permit denial by the Community Development Department may be appealed within ten (10) days of the date of denial to the City Manager or his/her designee. The City Manager or his/her designee shall conduct a hearing within thirty (30) days of the receipt of the appeal. Written notice of the time and place of the hearing shall be given to the applicant, and shall be posted in the official posting locations of the City. The hearing shall be informal, but oral and written evidence may be given by both sides. The City Manager or designee shall render a written decision within fifteen (15) days after the date of the hearing.
- (E) **EXPIRATION.** A Newsbox permit is valid for three years from date of issuance.
- (F) **PERMIT RENEWAL.** Permittees in good standing as of thirty days (30) prior to the expiration of the permit shall be eligible to renew their permits.
- (G) **NUMBER OF PERMITS PER PUBLICATION.** A permit is available for any particular publication for only one Newsbox in each of the Newsracks installed within the Special Dispenser Area. Each publication is allowed a maximum of two thirds the available permits within the Special Dispenser Area.

14-6-7. STANDARDS FOR DESIGN, MAINTENANCE AND DISPLAY OF NEWSBOXES

The newsbox permittee shall abide by the following.

- (A) **DESIGN OF NEWSBOX.** The design of the newsbox shall be approved by the City Council and chosen for aesthetic appeal and durability of the newsbox.

- (B) **INSTALLATION OF SHELVES, DOORS AND MECHANICALS.** The permittee shall install all hardware required for the use of the Newsbox within ten (10) days after receiving a permit from the Community Development Department.
- (C) **IDENTIFICATION.** The newsbox permittee shall supply and affix to its permitted newsbox whatever logo or identifying wording it desires to use to let the public know which publication is within the newsbox. Such identifying device shall be no larger than two inches height by fourteen inches wide and shall be affixed to the face plate of the individual box.
- (D) **MAINTENANCE.** A Newsbox permittee shall maintain the Newsbox face, its interior, and all mechanical works of its individual box, including, without limitation, the window and face plate; the coin mechanism, coin tray, and lock, if any; and the inside shelves.

14-6-8. REVOCATION OF A PERMIT

(A) ABANDONMENT.

1. In the event any Newsbox installed pursuant to this Section does not contain the publication specified in the application within a period of thirty (30) days after the release of the current issue, or if no publication is in the newsrack for a period of more than thirty (30) consecutive days, the City may deem the newsrack abandoned and may remove the Newsbox in accordance with the procedures set forth in Section 14-6-7.
2. In the event a permittee of a Newsbox desires to voluntarily abandon a Newsbox location, such permittee shall notify the Community Development Department in writing not less than thirty (30) days prior to the date such permittee intends to abandon the Newsbox.

- (B) **CITY ACTION.** Upon determination by the Community Development Department that a newsbox has been installed, used or maintained in violation of this Section, a notice to correct shall be issued which shall specify the manner in which this Section is violated and request compliance. Such notice shall state the nature of the violation, the intention to impound the newsbox of the violation shall not be corrected or if a hearing is not requested, and the procedure for requesting such a hearing. The Community Development Department shall notify the permittee by mail, that unless the violation is corrected or a hearing is requested within ten (10) days after the date of the notice, the Newsbox shall be removed and impounded by the City.

- (C) **HEARINGS.** Any person maintaining a Newsbox found in violation of this Section may request a hearing before the Community Development Department Director, or their designee, within ten consecutive calendar days after the giving of such notice of violation. The request shall be in writing, shall state the basis thereof, and shall be filed with the Community Development Department.

The hearing shall be held within ten (10) working days of the filing of the request. At the hearing any person may present evidence or argument as to whether the Newsbox has been maintained in violation of this Section. Within five working days after the close of the hearing, the Community Development Department shall render a decision in writing and shall give such written decision to the person who requested the hearing.

Any person requesting a hearing may, within ten (10) days after the decision was given, appeal such decision to the City Council. The appeal shall be in writing, shall state the basis upon which the appeal is made and shall be filed with the City Recorder. The City Council shall hear the appeal within thirty (30) days of the filing of the request. At the hearing any person may present evidence or argument as to whether the newsrack has been maintained in violation of this Section. The Council shall render a decision no later than its next

regularly scheduled public meeting. Within thirty (30) days after the decision is rendered, the City Clerk shall give notice thereof to the person who made the appeal.

14-6-9. VIOLATION OF THIS CHAPTER

Dispensers of publications placed within the Special Distribution Area in violation of this Chapter shall be removed and impounded by Park City Municipal Corporation in a convenient location. Such notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack, and the procedure for obtaining a post-removal hearing before the Community Development Department, if desired.

14-6-10. SEVERABILITY

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

CITY COUNCIL REPORT

DATE: May 11, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: Modifications to the Telecommunications Ordinance
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests the Council discuss the proposed ordinance and conduct a public hearing.

DESCRIPTION:**A. Topic.**

The intent of this policy is to modify the review criteria for telecommunication facility siting permits in response to a Temporary Zoning Ordinance approved as a result of concerns by Park City residents. The language within the ordinance makes no attempt to regulate satellite dishes.

B. Background.

On December 6, 1999, City Council adopted a Temporary Zoning Ordinance (TZO) requiring all telecommunication facility applications to be reviewed by the Planning Commission. The original ordinance provided for *administrative* conditional use permits (CUP) for telecommunication facilities to be processed by the Planning Staff, unless the criteria specified in the ordinance were not met, in which case the application would be heard by the Planning Commission as a formal CUP for a Technical Necessity Exception, requiring a public hearing.

Prior to the adoption of the TZO the Community Development Department processed several applications without creating negative impacts or public reaction. However, one application resulted in a request to modify the Telecommunications Ordinance. The public requested that the City stop reviewing applications for telecommunications administratively and require a formal CUP process. The intent was to allow the public a better opportunity to be informed and comment on the Telecommunication applications.

On January 6, 2000, the City Council passed an amendment to the TZO which included language regulating the installation of temporary telecommunication facilities for events such as the Sundance Film Festival.

Since the TZO was passed, Staff has been working with members of the community to revise the regulations regarding the review of telecommunication facilities applications. Lack of public noticing of proposed antenna and unclear criteria for review were the major concerns regarding the administrative approval process.

The Planning Commission gave initial comments regarding the modifications to the Telecommunications Ordinance at their March 8, 2000, work session. Staff has incorporated those comments along with comments received during the discussion of a Telecommunications Facility at 800 Mellow Mountain Road and revised the Ordinance for the March 22, 2000 Planning Commission meeting.

On March 30, 2000, Staff met with telecommunication industry representatives and members of the Planning Commission and City Council to discuss the proposed changes to the Ordinance and procedure when locating Telecommunication Facilities on City owned land. At the meeting many questions addressed by Staff and members of the Council and Commission focused on the present and future needs for Telecommunication Facilities within Park City and projected needs for the Olympics.

On April 26, 2000, the Planning Commission forwarded a positive recommendation to the City Council on the proposed modifications. At that meeting the Commission expressed their desire to continue to participate in any revisions of the ordinance as well as developing a proactive approach for the siting of these utilities.

C. Analysis

Highlights of the Proposed Changes

Submittal Requirements

To address concerns regarding the height of roof mounted antenna and projection of wall mounted antenna and to add further explanations within future applications, specific criteria have been added to the submittal requirements. Application requirements now include:

- evidence of the need for Telecommunication facilities within the City;
- evidence that a legitimate attempt has been made to locate the antennas on existing structures;
- documentation of all existing facilities in the City and surrounding areas with coverage in the City;
- a site location alternative analysis describing the location of other site considered; and,
- a visual impact study of the proposed facility.

Approval Process

The original ordinance provided for administrative conditional use permits (CUP) for telecommunication facilities to be processed by the Planning Staff, unless the criteria specified in the ordinance were not met, in which case the application would be heard by the Planning Commission as a formal CUP for a Technical Necessity Exception, requiring a public hearing. The Planning Commission, has since discussed and removed the administrative conditional use permit process. The proposed ordinance requires all applications to appear before the Planning Commission

on either their consent agenda or for a public hearing.

Height of Antennas

The current suggested modifications to the ordinance do not allow height increases or the placement of freestanding antenna within the primary residential zones, SF, E, RM, RD and HR-1 zones of Park City. If an applicant wishes to propose an application which includes a height increase, placement of a antenna type in a zone it is not otherwise allowed within or any additional modifications to the zone they shall apply for a Technical Necessity Exception. Technical Necessity Exceptions are reviewed by the Board of Adjustment. Within the request for the exception the applicant shall submit a written explanation describing the surrounding topography, structures, vegetation and other factors which would make an antenna that complies with the regulations stated herein impractical.

District Restrictions

As a result of the discussion by the Commission, Staff has restricted the types of Telecommunication Facilities that may be located in the ROS District. The ordinance prohibits freestanding antenna on new and historic structures within the ROS District. If the ordinance eliminated Freestanding Antenna outright within the ROS it would prevent the location of antenna on ski lift towers and existing utility poles. As part of the ordinance Staff has drafted language which requires exterior Equipment Facilities be reviewed by the Planning Commission along with any application which requires the removal of significant vegetation.

The ordinance now requires any antenna within the HCB and HRC zones to have a public hearing before the Planning Commission. Staff has changed this requirement due to the extensive review done by the Historic District Commission on structures within these zones. The Planning Commission's review of these uses will help maintain the status of the buildings as contributory to the Historic District.

Temporary Antenna Around and During the Olympics

The telecommunication providers have requested that staff investigate the ability to permit temporary antennas associated with the Olympics for a period of six to nine months. Staff has been reviewing the possibilities through the rewrite of this ordinance, but has determined that regulations for a one time temporary are best governed by a TZO. Eliminating temporary permit procedures under this ordinance should not delay the providers from obtaining approvals of the temporary sites. An applicant, under the proposed ordinance, can still go through the regular review procedures and obtain approval.

D. RECOMMENDATION:

The Planning Department requests that the City Council review the proposed changes, conduct a public hearing and direct staff to proceed with any additional revisions as the Council sees necessary.

EXHIBITS:

Exhibit A - Proposed Telecommunication Ordinance

Exhibit B - Communications from Telecommunication Industry Representatives

Exhibit A

8.30 **TELECOMMUNICATIONS FACILITIES.** The intent of this section is to ensure that Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and public health and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate such Telecommunications Facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and, to the best extent possible, provide screening from adjacent property owners. The installation of these devices is governed by the following regulations.

(A) **Permit Required.** The installation of Telecommunications Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunications Facility without first having a Conditional Use Permit and Building Permit from the City. ~~Plans of such facility shall be submitted with each Telecommunications Application.~~

(B) **Definitions.**

1. **Antenna.** ~~Transmitting or receiving device used in telecommunications~~ A device that transmits and/or receives that radiates or captures Telecommunications and/or radio signals for Telecommunications.
2. **Antenna, Drive Test.** A Temporary Antenna which is used for field testing of Telecommunications signals and possible locations but does not provide Telecommunications services to customers.
3. **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a structure including but not limited to a cupola or wall of a building or chimney.
4. **Antenna, Freestanding.** An Antenna mounted on or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.
5. **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof, mechanical room or penthouse of a building.
6. **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.
7. **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the vertical exterior face of a building or chimney including on the face of a chimney or penthouse. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.
8. **Co-location.** The location of a wireless Telecommunications Facility on an existing structure, tower or building in a manner that precludes the need for that wireless communications facility to be located on a free-standing structure of its own.
9. **Equipment Shelter.** A cabinet or building used to house equipment for Telecommunications Facilities.
10. **Stealth Telecommunications Facility.** A Telecommunications Facility which is

disguised as another object or otherwise concealed from public view.

11. **Telecommunications.** The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.
12. **Telecommunications Facility.** A Telecommunications Facility consists of Antenna, Equipment Shelters and related structures used for transmitting and/or receiving Telecommunications and/or radio signals.
13. **Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Communications Act of 1996, as amended.

(C) **SUBMITTAL REQUIREMENTS.** A complete application shall include the requirements as stated within the Telecommunications Facility Application available in the Community Development Department.

1. Each applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City.
2. An applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing buildings or structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.
3. Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve-month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the applicant's existing Telecommunications Facilities.
4. Each application shall include a site location alternative analysis describing the location of other sites considered for the proposed Telecommunications Facility, the availability of those sites, the extent to which other sites do or do not meet the applicant's Telecommunications needs and the reason why the subject site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:
 - a. How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City area;
 - b. How the proposed Telecommunications Facility relates to the location of any existing Telecommunications Facilities that provide Telecommunications

- within and near the City;
- c. How the proposed Telecommunications Facility relates to the applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;
 - d. If applicable, how the applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.
5. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility will be most visible.
- (D) **COMPLIANCE WITH OTHER LAWS.** ~~Such structures~~ Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a Building Permit for ~~tower construction~~ a Telecommunications Facility.
- (E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission ~~Community Development Department~~ shall review an application administratively pursuant to Sections (f) and (m) below: pursuant to Section 1.13 herein.
- 1. **Noticing.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to owners of property within 300 feet of the proposed Telecommunications Facility.
 - 2. **Consent Agenda Review.** Applications meeting the Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing.
 - 3. **Public Hearing.** Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.
 - 4. **Exemption for Towers Located on City Land.** ~~Towers located on City owned land shall pay fair compensation in an amount determined by the City Council. No Planning Commission review shall be necessary but a building permit must be obtained and the criteria in Section (f) or Section 1.13 followed.~~
- (G) **SITE REQUIREMENTS.**

1. **Sethbacks.** The placement of Telecommunications Facilities on a lot shall comply with the setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
2. **Height.** The Telecommunications Facilities shall comply with the base height requirement, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply.
 - a. Roof Mounted Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
 - b. Roof Mounted Antenna, placed on a pitched roof, shall not extend up to five (5) feet above the existing structure.
3. **Use of Property.** The Telecommunications Facility shall be an ancillary use on the lot on which it is placed. The lot shall contain a separate principal use.
4. **Design.**
 - a. Equipment Shelters located outside of an existing building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.
 - b. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.
 - c. Panel Antennas shall be no more than five (5) square feet in area per face.
 - d. Freestanding Antennas and Wall Mounted Antennas shall be mounted flush to the structure. Flush shall mean a maximum projection of twelve inches from the wall or pole.

(H) **SITE DISTURBANCE.** Any application, temporary or permanent, which requires the removal of significant vegetation or proposes any new, or improvements to driveways or roads shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch in diameter (6") or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Community Development Department shall determine the Limits of Disturbance and may require mitigation for loss of significant vegetation consistent with Landscape Criteria in Chapter 9.

(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, applications for Antennas shall be permitted and reviewed as follows.

1. **Freestanding Antenna.**

- a. Prohibited. Any Antenna located on Historic structures and all Freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and COS zones. Freestanding Antenna on new structures within the ROS zone are also prohibited.
 - b. Consent Agenda Review. Freestanding Antenna located in RDM, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
 - c. Public Hearing Required. Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any Freestanding Antenna located on existing poles in the ROS zone.
2. **Roof Mounted Antenna.**
- a. Prohibited. Any Roof Mounted Antenna located on a Historic or underground structure or within the COS zone.
 - b. Consent Agenda Review. Roof Mounted Antenna within the RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
 - c. Public Hearing Required. Roof Mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.
3. **Wall Mounted Antenna.**
- a. Prohibited. Any Wall Mounted Antenna located on a Historic or underground structure or within the COS zone.
 - b. Consent Agenda Review. Wall Mounted Antennas located within the RD, RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
 - c. Public Hearing Required. All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones.
4. **Enclosed Antenna.**
- a. Prohibited. Any Enclosed Antenna located within a Historic structure or within the COS zone.
 - b. Consent Agenda Review. Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, and LI may be approved by the Planning Commission on its consent agenda.
 - c. Public Hearing Required. The location of Enclosed Antenna which require an increase in height or exterior wall modification to the existing structure.

(J) **TECHNICAL NECESSITY EXCEPTION.** If the application does not meet the criteria as stated in Sections F, G, H and I (e), the applicant may apply to the Planning Commission Board of Adjustment for a Technical Necessity Exception. The Planning Commission Board of Adjustment shall review the application as a Conditional Use Permit Variance pursuant to Section 1.13 herein Chapter 5 and may shall require the applicant to provide any additional technical information in order to approve the variance including the following.

- 1. A written explanation describing the surrounding topography, structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) CO-LOCATION. To discourage the proliferation Telecommunications Facilities co-location of communication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one (1) tower Co-location on a land-site lot may be permitted by the Planning Commission if all setbacks, design and landscape requirements are met for each tower Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility communication towers within the transmission Telecommunications area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the communication Antenna towers;
2. Geographic Telecommunications service area requirements;
3. Mechanical or electrical incompatibilities;
4. Inability or ability to locate equipment on existing communication Antenna towers; and
5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the communication Antenna tower

~~Accessory Buildings. The Planning Department shall review accessory building applications through the building permit process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.~~

(L) SIGNS. Signs shall only be permitted if they are related to the health and safety of the general public.

(M) ABANDONMENT. The ~~property owner applicant, or the applicant's successor(s) and/or assign(s)~~ shall be responsible for the removal of unused Telecommunications Facilities towers within twelve (12) months of ~~cessation~~ abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) SUBDIVISION AND CONDOMINIUM COVENANTS. Many subdivision and condominium covenants may address the location of Telecommunications Facilities receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of wireless Telecommunications Facilities receivers are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the

Telecommunications Facilities Antenna within the common area has been granted as a part of the permit application filed with the City.

~~Action. The Community Development Department shall respond, in writing, to a complete application within a reasonable period of time. A denial must be supported by substantial evidence from the written record.~~

~~Appeal of the Administrative Conditional Use Denial. If the applicant does not agree with the determination of the Community Development Director, the applicant may request Planning Commission review within ten (10) calendar days of the Community Development Department's decision. All actions of the Planning Commission are appealable to the City Council. Appeals shall be pursuant to Section 1.16 herein.~~

~~Technical Necessity Exception. If the application does not meet the criteria as stated in Section (c) the applicant may apply to the Planning Commission for a Technical Necessity Exception. The Planning Commission shall review the application as a Conditional Use Permit pursuant to Section 1.13 herein.~~

- (O) **TEMPORARY PERMITS.** A temporary permit may be approved for Temporary Antennas only in conjunction with a special event licensed under Title 4, Chapter 8 of the Park City Municipal Code. A Temporary Antenna permit application must be submitted to the Community Development Department. The application will be administratively reviewed by the Community Development Department based on the following criteria:

1. **Time.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary administrative permit be issued for a period of greater than thirty (30) days.
2. **Height.** The height of the Temporary Antenna may not be greater than five feet higher than the zoning height for the specific zone where the Antenna is placed, as stated in the Park City Land Management Code.
3. **Zoning.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, and LI.
4. **Permission.** Temporary Antenna permit applications shall be accompanied by written permission from the property owner.

If the above criteria are met, the Planning Department shall grant a temporary administrative permit for the Facility.

- (P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.** Telecommunications companies wishing to perform drive tests shall submit a written notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period greater than one day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City property also require Planning Department approval and execution of the City's standard drive test agreement.



Park City Planning Department
Attn: Alison Kuhlow
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

The following is a few comments pertaining to the draft of the proposed Park City Telecommunications Ordinance:

Over all, in my opinion, the ordinance seems to be heading in the right direction. There are a few issues I would like to bring to the attention of Staff and involved Planning Commissioners and City Council Members.

Temporary Ordinance:

The existing section on the temporary ordinance for cellular uses seems to address temporary uses for short-term events such as the Sundance Film Festival, the Arts Festival, and other such events. However, Nextel and other cellular companies are looking to this ordinance to specifically address an increase in coverage during the Olympics. It is evident that the Olympics will generate a significant increase in the use of Nextel services in the Park City area. In order to handle the increased volume of calls during the event of the Olympics, Nextel needs to rely on the assistance of temporary facilities. However, Nextel is anticipating an increase in use for a period of 6-9 months prior to, and during the Olympics. Nextel forecasts this increase as a result of the erection and construction of the venue sites and the business associated with such sites. As a result, in my opinion, the 30-day temporary ordinance is inadequate to address the capacity needs prior to and during the Olympics. It has been discussed in our meetings that we address this issue. I would recommend that the City grant a six-month temporary use permit for cellular uses or create some type of specific temporary ordinance, which addresses temporary cellular uses prior to and during the Olympics.

Attached are some pictures of the equipment Nextel uses for temporary facilities. The mobile equipment structure is commonly referred to as a COW (cell on wheels). The cow can be parked and concealed on exterior of a building or parking lot and may also be placed in a garage or parking structure if there is enough height. The COW can be used with or without an attached mast. Without the mast, wall or roof mount antennas would be located on a nearby building.

NEXTEL

Roof Mount Antenna Height:

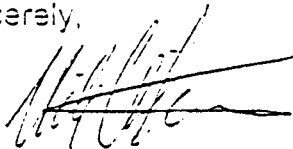
In the draft of the ordinance it states that a roof mount may not be placed higher than 5 ft. above a roofline. This is acceptable on all rooflines without a parapet wall. However, several commercial building in the Park City area have parapet walls. From a technical standpoint, a cellular antenna cannot transmit a signal without a clear line of sight. A 5 ft. antenna mounted on flat rooftop with a 7 ft. parapet wall would not be able to transmit a signal due to interference from the wall. The only way to obtain coverage would be to mount the antennas directly above the parapet wall (leaving the antenna quite visible). I would suggest the city look further into this issue. From previous experience, a good way to solve this problem is to allow a 1 to 1 ratio for roof top antennas. In other words, a antenna may be placed 1 ft. high on a roof top for every 1 ft. it is set back to a maximum of 15 ft. As the antenna is set back further on the rooftop it is able to be place higher to allow a clear line of site over an existing parapet. However, as the antenna is et further back on the rooftop it is also less visible from ground level.

Consent Agenda:

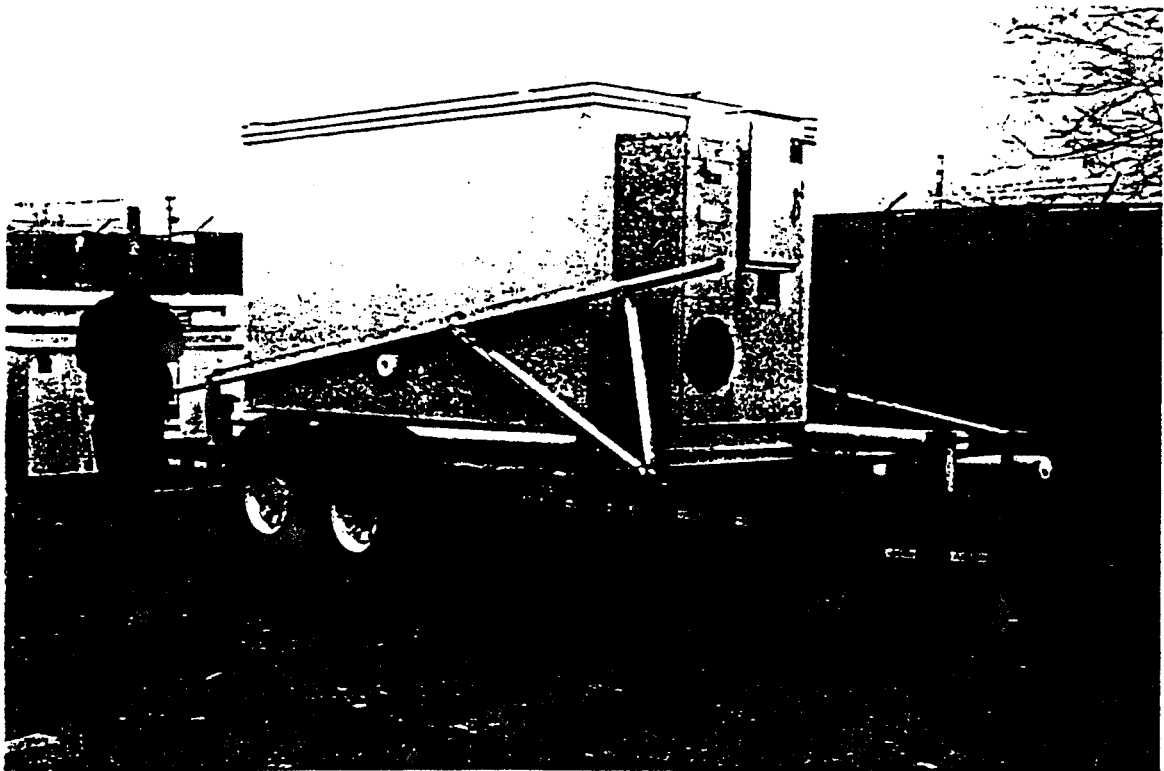
I feel the having all applications on the consent agenda may be unnecessary. I understand any visible type of antenna or a site staff may feel controversial should be reviewed by the planning commission. However, stealth sites, which are virtually enclosed and hidden from view seem like a use that could be approved by staff. Yes, this may give the telecommunication industry a "way out" from having to go through the public hearing process on certain sites. However, it will also give the Planning Commissioners and Council Members what they want, non-visible cellular sites.

I hope these suggestions may assist you in the finalization of your ordinance. If you need any additional information you may contact me at 801-209-9005.

Sincerely,



Mike Christenson
Zoning Specialist



Approximate physical specification of the pictured
Cellular transceiver on wheels, (C.O.W.).

Weight 2,200 lbs., the average weight of a full size pick-up truck.

Height 9 1/2 feet.

Length 24 feet.

Width 10 feet.

The side mounted telescoping antenna boom can be deployed
up to 70 feet in height.

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Tracy Paul

- * Also admitted in Colorado
- * Also admitted in California
- * Also admitted in Idaho
- * Also admitted in Oregon
- * Also admitted in New York & New Jersey

March 28, 2000

Alison Kuhlow, AICP
Park City Planning Department
PO Box 1480
Park City, Utah 84060

Re: Modifications to the Telecommunications Ordinance-Public Hearing-
Report of March 22, 2000

Dear Alison:

I have only had a moment to review your suggested modifications to the Telecommunications Ordinance dated March 22, 2000. However, as I mentioned during the last public hearing, I do not believe a temporary permit should be issued without obtaining a conditional use permit if it is going to involve site disturbance. That is not contained anywhere in your suggested modifications. Furthermore, I do not believe that it is prudent to have a statement that the planning department "shall" grant a temporary administrative permit upon technical meeting of the listed criteria. If the planning department feels that proceedings before the Planning Commission are appropriate, it should reserve that option. Please distribute this letter to the Planning Commission.

Sincerely,

TESCH, THOMPSON & VANCE, LLC


Joseph E. Tesch

JET/tw

44



March 20, 2000

Park City
Ms. Alison Kuhlew
Planning Department
P.O. Box 1480
Park City, Utah 84060

Reference: Comments on the New Telecommunication Ordinance

Dear Alison,

The following are a list of my suggestions after having read the proposed city ordinance and I offer my appreciation for all the hard work and effort that has gone into this project. I know that you have spent many hours trying to accommodate all concerned parties.

Suggested additions or changes in the Park City "proposed" Telecommunications Ordinance:

Definition: (add) to #3 "...inside an existing or made to look like and existing structure".

Definition: (add) #13

"Stealth facility" means a wall, roof or monopole facility which is disguised as another object or otherwise concealed from public view. Examples of stealth facilities include but are not limited to; trees, synthetic rocks, flagpoles, signs standards, light pole standards, or architectural elements such as dormers, clock towers, church steeples and chimneys.

Definition (add) #4

Include "utility poles" in this section as a vertical support structure.

(F) Freestanding Antenna:

1. Administrative Review Standards:

(add) in (B) the height limits in each zone, (D) the setbacks in each zone.

(H) Design—antennas less than 2 feet in width

2. Conditional Use Review Standards.

(add) in (A) the height limits in each zone...and... "the replacement pole shall NOT EXCEED FIVE FEET ABOVE THE ORIGINAL HEIGHT OF THE REPLACED POLE.

(E) Antenna "two feet or less in diameter"... (this is the dimension used by the majority of other Utah jurisdictions)

(G) Roof Mounted Antennas ... Conditional Use Review Standards ... shows "(A)" but should be

"(2)" —

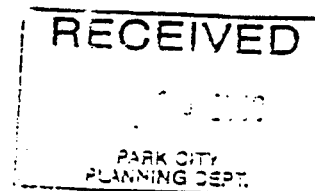
(add) "C" roof mounted antennas which exceed five feet in height above the roof portion to which it is placed.

General note:

You may want to double check the numbering of paragraphs and sub-paragraphs, because there is some inconsistencies. i.e. (G) (H) (I) all use (A) (B) (C) ... where it should use (1) (2) (3). Would it be possible to create a "TABLE" or matrix showing all the zones in the City and what, if anything is allowed as a CUP or Permitted Use, in each zone. (see attached example)

Sincerely,


Glen E. Nelson



munications Commission and the Federal Aviation Administration. (Ord. 1394 § 1 (part), 1997)

19.83.040 Master plan required.

A site location master plan shall be submitted by each company desiring placement of wireless telecommunication facilities. The master plan shall be submitted to the planning commission and development services division prior to processing any permits for permitted or conditional use locations. The master plan shall include inventory of existing and anticipated sites for the unincorporated county and

within one-half mile of the unincorporated county boundary. The plan shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the planning commission. Every master plan shall be considered proprietary information and not be part of the public record. (Ord. 1394 § 1 (part), 1997)

19.83.050 Allowable uses.

The uses specified in Table 19.33.050 are allowed provided that they comply with all requirements of this chapter. (Ord. 1394 § 1 (part), 1997)

TABLE 19.33.050				
P Permitted Use	C - Conditional Use			N - Not allowed
Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
F-1	P ¹ , C ²	P ¹ , C ¹	C	N
All FMs	P ¹ , C ²	P ¹ , C ²	C	N
All FRs	P ¹ , C ²	P ¹ , C ²	C	N
All R-1s	P ¹ , C ³	P ¹ , C ³	C ³ , C ⁵	N
All R-2s	P ¹ , C ³	P ¹ , C ³	C ³ , C ⁵	N
R-4.5.5	P ¹ , C ⁵	P ¹ , C ⁵	C ³ , C ⁵	N
S-1-G	P ¹ , C ²	P ¹ , C ²	C	N
R-M	P	P	C	N
O-R-D	P	P	C	N
RMH	N	N	N	N
All As	P ¹ , C ²	P ¹ , C ²	C	N
All FAs	P ¹ , C ²	P ¹ , C ²	C	N
All MEs	P ¹ , C ²	P ¹ , C ²	C	N
C-1, C-2, C-3	P	P	C	N
C-V	P ¹ , C ²	P ¹ , C ²	C	N
All Ms	P	P	P ¹ , C	N

1 - Permitted use only on nonresidential buildings.

2 - Conditional use on residential buildings.

3 - Allowed only in conjunction with public or quasi-public uses (see Sections 19.04.440 and 19.04.445).

4 - Permitted use if not within 300 feet of a residential zone boundary.

S - Stealth facilities are conditional uses and not required to be located with public or quasi-public uses.

RECEIVED

PARK CITY
PLANNING DEPT.

HUTCHISON, NEIDER, WARD KING
A LIMITED LIABILITY COMPANY
ATTORNEYS AND COUNSELORS AT LAW

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MICHAEL A. NEIDER, P.C.
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MURRAY, UTAH 84137-2495
TELEPHONE (801) 263-9468
FACSIMILE (801) 268-9921

March 21, 2000

SENT BY FACSIMILE TRANSMISSION

Park City Corporation
ATTN: Mark Harrington, Esq.
Tim Twardowski, Esq.

Re: Proposed Modifications to the Telecommunications Facilities Ordinance

Dear Mark and Tim:

I have received and briefly reviewed a copy of the proposed modifications to the Park City Telecommunications Facilities ordinance. With the proviso that I've only reviewed it briefly and have not had my client's personnel review it yet, I comment as follows:

1. If I correctly understand the process set forth in the ordinance, I believe that the fourth line of paragraph (A) on the first page should be modified to read "...without first having an Administrative Use Permit or Conditional Use Permit (as applicable) and a Building Permit from the City..." As originally written, it would appear that everyone, including those qualifying under the administrative use permit process, is still required to obtain a conditional use permit. This proposed amendment would acknowledge that those receiving administrative use permits had met the requirements of the ordinance and did not need a conditional use permit.

2. Paragraph (C) on page 2 states that a carrier has to provide information concerning "how the proposed facility fits with future projections." Would you explain in a little more detail what types of information you are looking for in this section so that I can better inform my client?

3. In (D) on page 2, evidence of compliance with FAA and FCC regulations is required. SSLP receives an authorization of some type from those agencies with regard to each site that SSLP installs. I presume receipt of a copy of that letter for each Park City site will be sufficient for you.

4. Paragraph (E) states that telecommunications facilities "shall not be

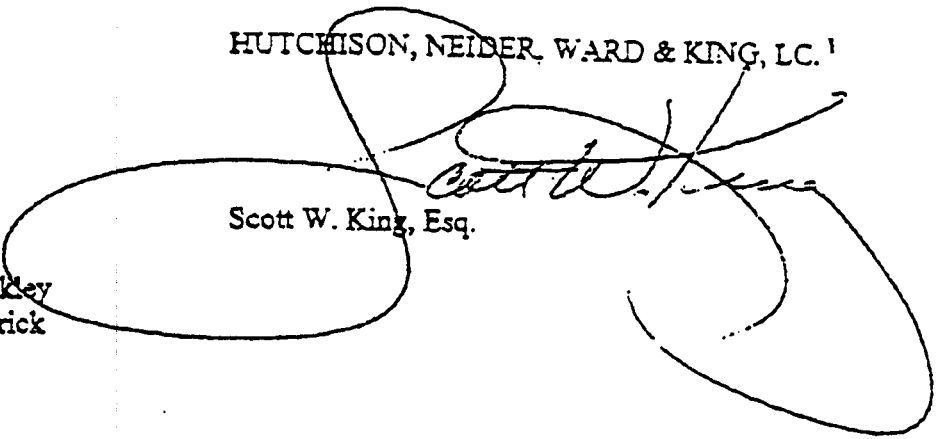
regulated or permitted as essential services, public utilities or private utilities". I'm no expert on any of those subjects, but I'm presuming that this reference is to local municipal code definitions and not to state or federal laws or regulations. If, for example, such uses qualified as essential services or public utilities, for example, under state law thus qualifying for certain types of treatment, this ordinance could not supersede that treatment under state law. Perhaps this section should state that such facilities don't qualify for such treatment under local law unless otherwise authorized by federal or state law.

5. Paragraph (J)2. contains the phrase "Administrative Conditional Use Denial". I'm not sure that "administrative conditional use" has been used prior to this section. Further, the way I've read the ordinance, the administrative use permit follows a different process than the conditional use permit process. Is that true? If so, you may want to change the wording of this section.

The foregoing covers everything that I've seen immediately. However, again, I haven't discussed it with my client, so I may have additional comments hereafter.

Sincerely yours,

HUTCHISON, NEIDER, WARD & KING, L.C. ¹



Scott W. King, Esq.

cc. Janine Coakley
dd. Mike Ditterick

CITY COUNCIL STAFF REPORT

DATE: May 11, 2000
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: Walk to Slopes Plat - Phase 2 (1243 Empire Avenue) Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey, into a single lot as conditioned.

A. TOPIC

Project Name: Walk to Slopes Plat - Phase 2
Applicant: Mike Watts
Location: 1243 Empire Avenue
Zoning: Recreation Commercial Zone (RC)
Adjacent Land Uses: Residential
Project Planner: Derek Satchell

B. BACKGROUND

The owner, Mike Watts, submitted an application to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey. The purpose of the plat amendment is to accommodate the construction of a single- or multi-family dwelling. Although no plans have been submitted for this lot, the final design is pending the outcome of this plat amendment. The Planning Commission approved the plat amendment and forwarded a positive recommendation to the City Council on April 12, 2000.

C. ANALYSIS

The applicant is proposing to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey. The applicant is proposing to create a single lot in order to construct either a single- or multi-family dwelling on the lot.

		Proposed
Current Use		Vacant
Lot Size		7,275 square feet (total of all Lots)
Setbacks		
	Front (Empire Ave.)	20 foot minimum
	Front (Lowell Ave.)	20 foot minimum
	Side	10 feet minimum*
Height		27'**
Parking		2 on-site spaces for single-family dwelling; 4 on-site spaces for a duplex
Design		Compliance with Hist. Dist. Guidelines

Notes:

* There are specific requirements on the Plat regarding "No Build" setback area (See Note #2 on Plat).

** The current draft of Chapter of the LMC pertaining to the RC zone has a maximum building height of twenty-seven feet (27') for all single-family and duplex dwellings. The maximum building height for Triplexes in this zone is thirty-three feet (33').

The remnant lot created by the proposed plat amendment will be the northern three feet (3') of Lot 37, which is occupied by a portion of the Sweetwater Condominium complex structure located at 1255 Empire Avenue. Any existing encroachments of the Sweetwater complex onto the proposed lot must be removed. The proposed plat amendment complies with the RC zone regulations. This proposal will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet. The proposed 50 foot wide lot is consistent with other lot sizes in the immediate area.

After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

The Plat Amendment is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action

results in the creation of a remnant lot. The Community Development Director does not have the authority to approve a lot line adjustment that creates a remnant lot, and because more than two lots are being combined.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on March 29, 2000 as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on March 7, 2000, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. The Chief Building Official did request that special circumstances and conditions be placed on the plat to resolve the existing encroachment issues relating the adjacent Sweetwater Condominium complex structure.

ALTERNATIVES:

- A. Approval of the proposed plat amendment to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey as conditioned. The approval of the plat would accommodate the future construction of either a single- or multi-family residence.
- B. Deny the plat amendment and retain the original Record of Survey which would limit the applicant to construction on a portion of Lot 8 and a portion of Lot 37 in Block 26.
- C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the RC zone. The plat amendment will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the applicant would have to re-apply for any further proposals to increase the size of Lot 8 and Lot 37 in Block 26.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the plat amendment to combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey, into a single lot based on the following:

Findings of Fact:

- 1. The property is located in the Recreational Commercial (RC) zone.
- 2. The amendment will combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the

- Snyder's Addition to Park City Survey, into a single lot.
3. The lots are currently vacant, with the exception of several physical encroachments onto Lots 7 and 37 by the existing Sweetwater Condominium complex.
 4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot have been adequately addressed and shall be resolved prior to the recordation of this plat.
 5. The plat amendment will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet.
 6. Fire hydrants are necessary for proper fire protection, and the hydrants must be properly located.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. No remnant lot created is separately developable.
3. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of any new construction.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot shall be legally resolved and/or physically removed prior to the recordation of this plat.
5. A ten foot (10') no-build setback easement shall be dedicated on the plat within the first ten feet off of the northern property line between the Sweetwater Condominium complex structure and any future construction on the newly created lot.
6. A ten foot (10') non-exclusive utility and snow storage easement shall be dedicated to the City in the first ten feet off of Empire and Lowell Avenues.
7. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed driveway fronting Empire and Lowell Avenues.
8. This approval shall expire one year from the date of the City Council approval, unless this plat amendment is recorded prior to that date.
9. The applicant shall install a new fire hydrant on Empire Avenue if the existing hydrant is within 5' of any proposed driveway. This work must be accomplished in accordance with current City standards.
10. All standard conditions of approval shall apply.
11. This approval shall expire one year from the date of the City Council approval, unless this plat amendment is recorded prior to that date.

EXHIBITS:

Exhibit A - Location Map

Exhibit B - Existing Plat

Exhibit C - Proposed Plat Amendment

Exhibit D - Standard Conditions of Approval

1243 Empire Ave

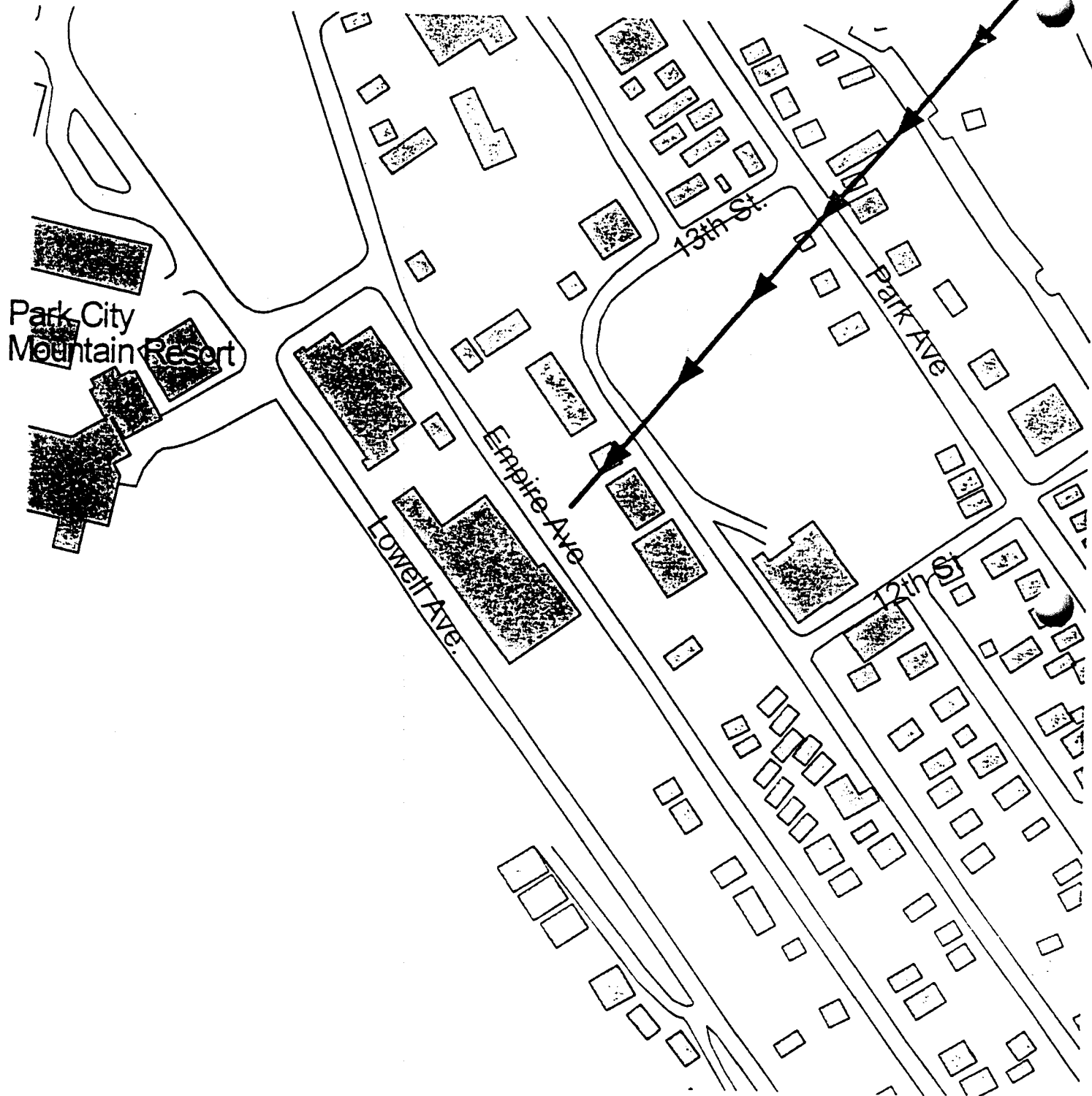
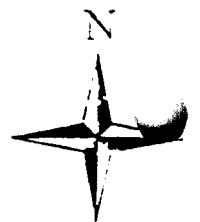


Exhibit A
Vicinity Map



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EXHIBIT R
EXISTING PLAT

65

1. The Board of Directors of the City of St. Louis, Missouri, has received and approved the following proposed plat for the subdivision of the property described in the plat and has caused the same to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has caused the same to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.

Date: _____
 By: _____

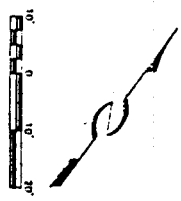
PROPOSED REVISION
 The undersigned, _____, of the County of St. Louis, State of Missouri, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.

CERTIFICATE OF RECORDATION AND CORRECT RECORD
 I, _____, Recorder of Deeds for the City of St. Louis, Missouri, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.

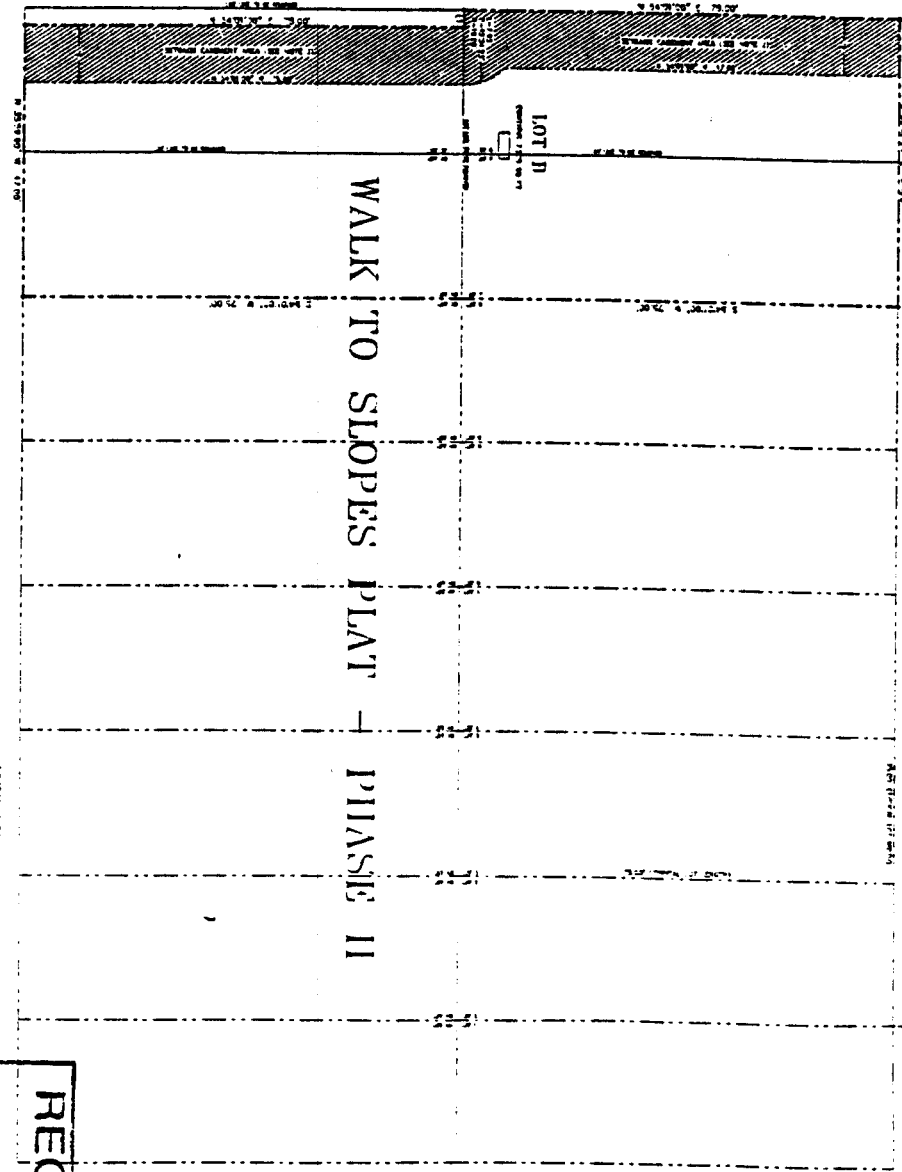
By: _____
 Recorder of Deeds
 City of St. Louis, Missouri

NOTICE TO THE PUBLIC
 The undersigned, _____, of the County of St. Louis, State of Missouri, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.

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1. The undersigned, _____, of the County of St. Louis, State of Missouri, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.
2. The undersigned, _____, of the County of St. Louis, State of Missouri, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.
3. The undersigned, _____, of the County of St. Louis, State of Missouri, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public.



LOT LINE AMENDMENT PLAT

WALK TO SLOPES PLAT - PHASE II

LOCATED IN SECTION 16
 TOWNSHIP 2 NORTH, RANGE 1 EAST, COUNTY OF ST. LOUIS, MISSOURI

STANDARD PLAT STANDARD PLAT - 1/4 SECTION 16, TOWNSHIP 2 NORTH, RANGE 1 EAST, COUNTY OF ST. LOUIS, MISSOURI DATE OF RECORDATION: _____	PLANNING COMMISSION APPROVED BY THE PLANNING COMMISSION: _____ DATE: _____	ENGINEER'S CERTIFICATE I, _____, Engineer, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public. DATE: _____	APPROVAL AS TO FORM APPROVED AS TO FORM: _____ DATE: _____	CERTIFICATE OF ATTORNEY I, _____, Attorney at Law, do hereby certify that the above described plat is a true and correct copy of the original plat as the same appears in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and that the same has been approved by the Board of Directors of the City of St. Louis, Missouri, and has been caused to be recorded in the office of the Recorder of Deeds for the City of St. Louis, Missouri, and has been caused to be published in the St. Louis Post-Dispatch for the purpose of giving notice to the public. DATE: _____
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EXHIBIT C
 PROPOSED PLAT AMENDMENT

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Office. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Visitor Sign Plan prior to submitting individual sign permits.

December 1, 1999



Ordinance No. 00-23

**AN ORDINANCE APPROVING THE WALK TO SLOPES PLAT AMENDMENT
PHASE 2 TO COMBINE ALL OF LOTS 7, 8, 38 AND A PORTION OF LOT 37 IN
BLOCK 26 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, INTO A
SINGLE PLATTED LOT, LOCATED AT
1243 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of all of Lots 7, 8, 38 and a portion of Lot 37, in Block 26 of the Snyder's Addition to Park City Survey, have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 29, 2000, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on April 12, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 11, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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 Recreational Commercial (RC) zone.
2. The amendment will combine all of Lots 7, 8, and 38 with a portion of Lot 37 in Block 26 of the Snyder's Addition to Park City Survey, into a single lot.
3. The lots are currently vacant, with the exception of several physical encroachments onto Lots

- 7 and 37 by the existing Sweetwater Condominium complex.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot have been adequately addressed and shall be resolved prior to the recordation of this plat.
 5. The plat amendment will reduce density in the area from a maximum building footprint of 844 square feet for each lot (approx. 3,376 sq. ft.), to a combined maximum building footprint of 2,400 square feet.
 6. Fire hydrants are necessary for proper fire protection, and the hydrants must be properly located.

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

SECTION 3. PLAT APPROVAL. The plat amendment to combine all of Lots 7, 8, 38 and a portion of 37, in Block 26 of the Snyder's Addition to Park City Survey, known as Walk to Slopes Plat Amendment Phase 2, is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. No remnant lot created is separately developable.
3. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of any new construction.
4. The existing physical encroachments of the Sweetwater Condominium complex onto the proposed platted lot shall be legally resolved and/or physically removed prior to the recordation of this plat.
5. A ten foot (10') no-build setback easement shall be dedicated on the plat within the first ten feet off of the northern property line between the Sweetwater Condominium complex structure and any future construction on the newly created lot.
6. A ten foot (10') non-exclusive utility and snow storage easement shall be dedicated to the City in the first ten feet off of Empire and Lowell Avenues.
7. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed driveway fronting Empire and Lowell Avenues.
8. This approval shall expire one year from the date of the City Council approval, unless this plat amendment is recorded prior to that date.
9. The applicant shall install a new fire hydrant on Empire Avenue if the existing hydrant is within 5' of any proposed driveway. This work must be accomplished in accordance with current City standards.
10. All Standard Project Conditions shall apply (Please see Exhibit B - Standard Project Conditions).

11. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

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

PASSED AND ADOPTED this 11th 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

PUBLIC HEARINGS

CITY COUNCIL STAFF REPORT

DATE: May 11, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP
TITLE: Regulation of Newsracks on Main Street
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing.

A. Topic

Discuss the proposed Ordinance to regulate newsracks within the Historic District.

B. Background

On April 13, 2000, Staff presented City Council with a draft ordinance regulating newsracks within Park City's Historic District. The City Council provide Staff with comments and suggested modifications to the regulations. At that meeting the City Council heard concerns from the distributors of publications within the area. The distributors requested additional time to review the ordinance and comment. Staff has scheduled this public hearing upon that request to continue taking input on the April 13 draft of the Newsrack Ordinance.

Since the April meeting Staff has been reviewing the ordinances in place in other cities and discussing the programs with other publications who are effected by the existing ordinances. Time has also been spent meeting with Park City's Finance Department to discuss the operation, renewal and collection of lease fees.

Staff will return to the Council in June with possible modifications to the ordinance, designs of the newsracks and estimated costs for purchase and installation.

B. Recommendation

Staff requests Council conduct a public hearing and take input on any new issues. Staff will return to the City Council with designs and any modifications to the Amendment language as requested.

Exhibits

Exhibit A - Draft Ordinance

PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; AND NEWSRACKS

CHAPTER 6 - NEWSRACKS

14-6-1. PURPOSE.

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, and general welfare of persons in Park City in their use of the public rights-of-way through the regulation of placement, appearance, number, size and servicing of newsracks on the public rights-of-way so as to:

- (A) Provide for pedestrian and driving safety and convenience;
- (B) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;
- (C) Provide reasonable access for the use and maintenance of sidewalks, hydrants, and similar appurtenances.
- (D) Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties;
- (E) Reduce exposure of the City to personal injury or property damage claims and litigation;
- (F) Protect the right to distribute information protected by the United States and State of Utah Constitutions through use of newsracks.

14-6-2. DEFINITIONS.

For purposes of this Title the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

- (A) **Distributor.** The person responsible for placing and maintaining a newsrack in a public right-of-way.
- (B) **Fully Enclosed Building.** That portion of a structure contained fully within the exterior walls of a building. The term "fully enclosed buildings" shall not include decks, porches, carports, areas under roof overhangs, or any other area not contained totally within the exterior walls.
- (C) **Newsracks.** Any outdoor self-service or coin operated container, rack or structure installed, placed, located, used or maintained for the display, dissemination or distribution newspapers, periodicals or other printed material.
- (D) **Newsbox.** An individual unit within a Newsrack for distribution of a publication.
- (E) **Person.** An person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.
- (F) **Special Distribution Area.** The Historic District of Park City so designated by the City Council upon findings that the special circumstances of the Historic District require special design, placement and other standards for newsracks.

14-6-3. SPECIAL DISTRIBUTION AREA

- (A) **NOTICING OF SPECIAL DISTRIBUTION AREA.** Within thirty (30) days after the effective date of the ordinance designating a Special Distribution Area the Community Development Department shall establish a date (the "cut-off date") by which application shall be made to the Community Development Department for every Publication proposed to be located within a Special Distribution Area. No application shall be considered that is filed later than the cut-off date established. The Community Development Department shall give notice of the cut-off date by publication once in a newspaper of general circulation in the city not less than thirty (30) days prior to such cut-off date. The Community Development Department shall also endeavor to mail notice of the cut-off date to the owners and/or distributors of newsracks existing as of the effective date of the ordinance designating a special newsrack area; provided however, that failure to provide mailed notice to any person shall not invalidate any action taken pursuant to this section of this Chapter.
- (B) **HISTORIC DISTRICT.** The Historic District, is hereby designated as a Special Distribution Area. As used herein, the Historic District shall be defined by those areas within Park City which are zoned HR-1, HR-2, HRL, HRM, HCB and HRC.

14-6-4. PROHIBITED DISPENSERS WITHIN THE SPECIAL DISTRIBUTION AREA

No Newsrack, other than City owned Newsracks, shall be located, maintained or used within the Special Distribution Area for the distribution of publications, unless within a fully enclosed building. Newsracks installed in violation of this Section shall be impounded per the regulations set forth in Section 14-6-9.

14-6-5. CITY OWNED NEWSRACKS

City owned Newsracks shall be installed within the Special Distribution Areas for the use by permit pursuant to this Chapter.

- (A) **NUMBER OF NEWSRACKS.** (Needs to be discussed)
- (B) **LOCATION.**
- (1) No Newsrack shall be placed, installed, used or maintained within:
 - (a) five feet of any fire hydrant, fire call box, police call box or other emergency facility;
 - (b) five feet of any marked crosswalk;
 - (c) five feet of any driveway;
 - (d) three feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes; and,
 - (2) No Newsrack shall be placed in a location whereby the clear space for the passageway of pedestrians is reduced to less than eight feet;
- (C) **DESIGN.** The design of the Newsrack shall be approved by the City Council and chosen for aesthetic appeal and durability.
- (D) **NEWSBOX.** Newsboxes within a Newsrack shall be assigned to publications as provided in Section 14-6-6 herein.

14-6-6. NEWSBOX PERMITS

Any person desiring to use a Newsbox within a City owned Newsrack shall submit a Newsbox Permit Application to the City. A Newsbox permit shall not be transferable.

- (A) **APPLICATION.** An application for a newsbox permit shall be made to the Community Development Department on a form provided by the City. The application shall contain the name and address of the applicant, the proposed specific location of said Newsbox and shall be signed by the applicant. Separate applications shall be filed for each requested site.
- (B) **REVIEW PROCEDURES.** Complete applications will be reviewed and a decision shall be rendered by the Community Development Department within ten (10) working days from the date of filing the application.
- (C) **ASSIGNMENT.**
- (1) If sufficient space does not exist to accommodate all publications to be placed within one Newsrack, the Community Development Department shall give priority as to that location to Publications as follows:
- (a) First priority shall be publications that are published two or more times a week;
- (b) Second priority shall be given to publications that are published once a week;
- (c) Third priority shall be given to publications that are published less than once per week but more than once per month; and
- (d) Forth priority shall be given to publications that are published monthly or less frequently than monthly.
- If the above process does not resolve the dispute over Newsbox allocation, the Community Development Department shall exclude the tied Publications randomly.
- (2) If the Newsboxes are configured to hold more than one publication, the Community Development Department shall determine the maximum number of shelves there may be in such Newsboxes. Permits shall be issued on a per shelf basis. The fees for the shelves shall be prorated based on the number of shelves covered by a particular permit.
- (3) Those publications requesting assignment in a specific dispenser, who were unable to receive assignment shall be placed on a waiting list.
- (D) **APPEALS.** A permit denial by the Community Development Department may be appealed within ten (10) days of the date of denial to the City Manager or his/her designee. The City Manager or his/her designee shall conduct a hearing within thirty (30) days of the receipt of the appeal. Written notice of the time and place of the hearing shall be given to the applicant, and shall be posted in the official posting locations of the City. The hearing shall be informal, but oral and written evidence may be given by both sides. The City Manager or designee shall render a written decision within fifteen (15) days after the date of the hearing.
- (E) **EXPIRATION.** A Newsbox permit is valid for three years from date of issuance.
- (F) **PERMIT RENEWAL.** Permittees in good standing as of thirty days (30) prior to the expiration of the permit shall be eligible to renew their permits.
- (G) **NUMBER OF PERMITS PER PUBLICATION.** A permit is available for any particular publication for only one Newsbox in each of the Newsracks installed within the Special Dispenser Area. Each publication is allowed a maximum of two thirds the available permits within the Special Dispenser Area.

14-6-7. STANDARDS FOR DESIGN, MAINTENANCE AND DISPLAY OF NEWSBOXES

The newsbox permittee shall abide by the following.

- (A) **DESIGN OF NEWSBOX.** The design of the newsbox shall be approved by the City Council and chosen for aesthetic appeal and durability of the newsbox.

- (B) **INSTALLATION OF SHELVES, DOORS AND MECHANICALS.** The permittee shall install all hardware required for the use of the Newsbox within ten (10) days after receiving a permit from the Community Development Department.
- (C) **IDENTIFICATION.** The newsbox permittee shall supply and affix to its permitted newsbox whatever logo or identifying wording it desires to use to let the public know which publication is within the newsbox. Such identifying device shall be no larger than two inches height by fourteen inches wide and shall be affixed to the face plate of the individual box.
- (D) **MAINTENANCE.** A Newsbox permittee shall maintain the Newsbox face, its interior, and all mechanical works of its individual box, including, without limitation, the window and face plate; the coin mechanism, coin tray, and lock, if any; and the inside shelves.

14-6-8. REVOCATION OF A PERMIT

(A) ABANDONMENT.

1. In the event any Newsbox installed pursuant to this Section does not contain the publication specified in the application within a period of thirty (30) days after the release of the current issue, or if no publication is in the newsrack for a period of more than thirty (30) consecutive days, the City may deem the newsrack abandoned and may remove the Newsbox in accordance with the procedures set forth in Section 14-6-7.
2. In the event a permittee of a Newsbox desires to voluntarily abandon a Newsbox location, such permittee shall notify the Community Development Department in writing not less than thirty (30) days prior to the date such permittee intends to abandon the Newsbox.

- (B) **CITY ACTION.** Upon determination by the Community Development Department that a newsbox has been installed, used or maintained in violation of this Section, a notice to correct shall be issued which shall specify the manner in which this Section is violated and request compliance. Such notice shall state the nature of the violation, the intention to impound the newsbox of the violation shall not be corrected or if a hearing is not requested, and the procedure for requesting such a hearing. The Community Development Department shall notify the permittee by mail, that unless the violation is corrected or a hearing is requested within ten (10) days after the date of the notice, the Newsbox shall be removed and impounded by the City.

- (C) **HEARINGS.** Any person maintaining a Newsbox found in violation of this Section may request a hearing before the Community Development Department Director, or their designee, within ten consecutive calendar days after the giving of such notice of violation. The request shall be in writing, shall state the basis thereof, and shall be filed with the Community Development Department.

The hearing shall be held within ten (10) working days of the filing of the request. At the hearing any person may present evidence or argument as to whether the Newsbox has been maintained in violation of this Section. Within five working days after the close of the hearing, the Community Development Department shall render a decision in writing and shall give such written decision to the person who requested the hearing.

Any person requesting a hearing may, within ten (10) days after the decision was given, appeal such decision to the City Council. The appeal shall be in writing, shall state the basis upon which the appeal is made and shall be filed with the City Recorder. The City Council shall hear the appeal within thirty (30) days of the filing of the request. At the hearing any person may present evidence or argument as to whether the newsrack has been maintained in violation of this Section. The Council shall render a decision no later than its next

regularly scheduled public meeting. Within thirty (30) days after the decision is rendered, the City Clerk shall give notice thereof to the person who made the appeal.

14-6-9. VIOLATION OF THIS CHAPTER

Dispensers of publications placed within the Special Distribution Area in violation of this Chapter shall be removed and impounded by Park City Municipal Corporation in a convenient location. Such notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack, and the procedure for obtaining a post-removal hearing before the Community Development Department, if desired.

14-6-10. SEVERABILITY

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.