PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 1, 2003

Present: **Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson; and Jim Hier**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager; Jonathon Weidenhammer, Planner, Michelle Barrus, Special Events and Facilities Coordinator; Colin Hilton, Project Manager; Craig Sanchez; Matt Twombly, Project Manager; Mark Christensen, Grants and Budget Manager; Kent Cashel, Transportation Director; Kim Leier, Human Resources Manager; Kathy Gammel, Water Manager; and Patrick Putt, Planning and Zoning Administrator

Sara Wright, Utah Power/Blue Sky Campaign; Brian Hess, Director of Arts Council; Elizabeth Swank, Arts Council

Absent: **Council member Fred Jones**

1. **Council questions/comments.** Candace Erickson announced that the Library will be celebrating its 10th anniversary in June and asked if there will be conflicts created by upcoming improvements to Park Avenue and City Park. Matt Twombly responded that he will be presenting a contract to Council next week on this project affecting this area. The contractor is aware that the project area has to be in a state where it can be used by the public on the 4th of July and other special events. She continued to address coordination efforts for the celebration, including landscaping enhancements. Ms. Erickson reported on the Board of Health meeting where producing and distributing a brochure to educate the public on the West Nile Virus was discussed. The state will provide services for this health concern. It will also be distributing funds for homeland security for firemen, pubic works personnel, etc., budgeted at $5 million this year, with another $7 million next year.

The Mayor invited representations from the Blue Sky program to address Council. Alison Butz referred to her related memo to Council and introduced Sara Wright, Utah Wind Power Campaign. The City has been asked to recruit 5% of our power users to participate by adding on top of their power bills, a charge of $1.95 per 100 kilowatt hours for the campaign. This doesn't affect the base rate, but is an additional charge and a typical household consumes 700 kilowatt hours. Sara Wright explained that the Campaign is a non-profit group to educate the public about the environmental impacts of electricity and has partnered with Utah Power to assist in promoting the Blue Sky Program. The optional program is designed to cover the incremental cost difference between delivering pollution free wind power and the current electricity mix. In Utah it is 95% coal which is one of the leading sources of industrial air pollution in the country and a major cause of global

warming. The charge also covers administrative costs, and the program is regulated by the Public Service Commission. She discussed the outreach program in Moab where there is about 4% penetration. There was discussion about the potential of the wind power industry economically developing rural communities and Peg Bodell commented that this concept was actually discussed at the National Cities conference. She is pleased that it has reached Utah, but pointed out the challenge of gaining public confidence. Ms. Wright agreed and felt that it is a matter of educating the citizenry on environmental impacts and how to make a difference. She also described improved designs of wind farms and equipment. The City Manager added that the Blue Sky Campaign could be scheduled as a future work session item.

Peg Bodell thanked the Public Works staff for installing benches on Park Avenue and reported on the success of the luncheon at senior citizen center earlier today. The Mayor expressed his appreciation to staff for obtaining an EPA grant in the amount of $345,000 toward the filtration of lead in the Judge Tunnel.

2. **Economic Development Plan.** Jonathon Weidenhammer referred to his staff report, specifically Exhibit A. He explained the three tiered approach of the group including analysis, vision and action plan. A variety of strategies were developed to support individual focus groups and the next step is to establish priorities, based on criteria. Considerations could include economic return on investment, demands on staff time, and consistency with Council goals and the General Plan. With regard to the resort-based economy component, the focus is tourism and strategies include infrastructure and capital improvements, i.e., gathering places, equipment, etc. Others include enhancing transit services and shelters and ensuring an adequate water supply for snow-making. Attractions include supporting a ski inter-connect and using political influence, i.e., monitoring tax revenues, liquor laws. In response to a concern expressed by Mayor Williams about existing real estate for sale, Mr. Weidenhammer clarified that the concept in the Plan is not to promote development of outlying areas but to support inter-local agreements as areas become developed. Peg Bodell felt that establishing criteria is key in examining existing elements and recommending new strategies, which are consistently mentioned throughout the draft. With regard to special events, Alison Butz explained the emphasis is Park City's status as a world-class resort and our economy being tourism. Events help market Park City and she agreed with Ms. Bodell's comments, that the group's recommendations deal with sustaining key core events. The group is recommending appointing a task force to analyze individual events and sources for funding events and another idea is to merge the processes of the City and County. The focus will be attracting new events for summer and then the shoulder seasons.

Mayor Williams pointed out that downtown already has a gathering place at the Kimball Art Center and recommended the City purchasing a mobile stage which may attract event organizers. Ms. Butz stated that this was explored as well as a video board. However, there needs to be a cost analysis and the initial feeling was that fee waivers may

go farther to assist organizations. Peg Bodell acknowledged that an analysis would provide information on the needs of certain event locations and pointed that longevity of an event may be a measure in the criteria.

Michelle Barrus continued that the heritage and cultural group looked at other competing communities and attracting year-round visitors. Added attractions include participatory activities like attending art classes and the Plan contains over 30 ideas which will need to be pared down. In response to a question from Kay Calvert, Ms. Barrus stated that Museum Director Sandra Morrison was part of the group and will continue in the next phase. She would love to have more space in the Old City Hall Building for exhibits and an expansion of the historic home tour. Colin Hilton noted that the collective ideas of the capital project group fell into five proposed strategies. The first was to work toward a balanced transportation and pedestrian infrastructure plan throughout the City. Smart-messaging for available parking was a suggestion. Concepts also included building a new parking structure and park and ride lots, and an inter-connect between ski resorts within town. Widening sidewalks on Main Street to provide opportunities for outdoor dining and gathering areas, and a town green are infrastructure improvements that may attract groups. Promoting displays in the Main Street windows and adding recreation amenities for sporting events and competitions are other strategies. There was a suggestion to add a public golf course and striving to brand Park City as a year-round mountain-resort conference center destination. Lastly, the group acknowledged the importance of the City's involvement to ensure smart-growth in the Quinns Junction area. He emphasized that the next step is to filter these ideas and it is impossible to thoroughly analyze every one of the 60 ideas generated. Kay Calvert asked if there is a real need for another public course. Golf Director Craig Sanchez explained that Vail has a half dozen public access courses and Sun Valley has four. Ms. Calvert stated that there are also water issues. Mr. Sanchez discussed reclaimed water practices and indicated he continues to meet with interested parties on golf. Colin Hilton advised that the Wikstrom Study is being updated which will answer many questions about the need and feasibility of a conference; currently Park City can accommodate only up to a 400 person group. The proximity of the Salt Lake International Airport is very attractive.

With regard to the Main Street component, Mr. Weidenhammer indicated the need to hire a full-time event promoter but there is no budget. The group suggests a private/public partnership including the Chamber, and perhaps using sales tax revenues. The Hyatt-Palma report recommended expanding the Main Street *constituent* group to include City liaisons, business owner, property owner, banker, resident at large and other community leaders so that all interests are represented. Examining the commercial mix and conducting a market analysis may be helpful. Mayor Williams felt that the main theme of the Hyatt-Palma study was *to please the people who live here, so the tourists will go there*. He stated that he hears on a daily basis that Main Street does not have the business mix which caters to locals. Successful businesses on Main Street are supported by local residents and Peg Bodell felt this should be part of the criteria. Mr.

Weidenhammer continued that the economic diversity group recommends a course of action that can be used to generate a vibrant economic future for the entire community by gaining an understanding of our existing blend of commercial mixes, activities and growth opportunities. The last group is recreation which is a sub-group of economic diversity and Matt Twombly reported that the trail system was at the forefront of discussion. Recreation for visitors is more important to the City than the County. Golf and trails are key components to attract summer visitors. Mr. Weidenhammer explained that after priorities are formulated, staff will return to Council with a more defined Plan.

Candace Erickson liked the report but pointed out there are consequences to certain actions. For instance, if Main Street sidewalks are widened, parking spaces will be lost which will have to be replaced; it's a domino effect with financial impacts. Increasing the length of stays may be unrealistic for a huge segment of our visitors, and she suggested incentives to promote multiple stays. She supported the Arts Council's learning vacation proposal scheduled this August and there are many good ideas in the report. The walking historic tours would be wonderful to reinstate. Peg Bodell stated that the Plan suggests change which is difficult for people. Brian Hess, Director of the Arts Council, stated that he served on the arts and cultural committee. Talk of a cultural alliance has been identified by three groups which is progress. Kay Calvet thanked staff and all participants on producing an excellent report.

Colin Hilton asked for direction on criteria. Jim Hier stated that total capital costs need to be estimated as well as the magnitude of the project. It would be helpful to group related events and chart independent elements. Mayor Williams felt a lot could be learned from other mountain communities on their successes; he emphasized he is not interested in annexations or more growth. There are now three major developments which are not being built and we should focus on what we already have. Ms. Erickson encouraged promoting citizens to purchase products in Park City rather than outside the City limits; it could make a big difference and a possible campaign was discussed. Peg Bodell suggested in looking at communities that are successful but may not be mountain resort communities.

Presentation of tentative budget. Mark Christensen referred to the tentative budget distributed to Council, specifically the time line for the program and resource analysis. By June 2003, most of the goals set over the last several years will be met. Council is presented with a balanced budget for 2004; an adjusted budget for 2003, and a plan for 2005. The pay plan is included in this document as well as a re-prioritized capital improvement plan. The budget document has been reformatted and includes the changes recommended by CTAC last year improving the overall budget presentation. A performance measurement program has been implemented and Mr. Christensen commented that this year, there is a change in philosophy, i.e., linking department actions with goals and priorities set by Council. Performance measures link to those goals as well

and it is contemplated that in the future, programs can be quantified thereby assisting budget decisions.

The Grants and Budget Manager stated that the budget totals $71 million of which about $40 million is capital. These funds move forward each year and the capital project matrix and change in priorities were addressed. FY 2004 is a $39.5 million budget, $11 million allocated to capital; FY 2005 is estimated at $35 million. He encouraged Council and the public to contact the Finance Department for information and/or copies of the budget which will be on the website shortly.

Kent Cashel explained that in June 2002, members of City staff were directed by the City Manager to examine the pay plan and define what the pay plan philosophy was, what it is, and what it should be. The group met for six months and covered a variety of topics including attracting and retaining employees, incentives other than pay, communicating benefits to employees, cost-of-living versus pay for performance for certain grades, etc. The group considered how the City uses and assesses bench mark positions and ranges of pay to determine external equity with formally bench-marking resort communities, Summit County, and the Wasatch Front. Mid-managers expressed that the communities used in our comparisons did not reflect the market that we exist in. Another challenge was to determine if the City should develop a more systematic approach to internal equity which is relevant when assigning a position in the pay plan which has no external comparable. Kim Leier explained that bench-marked cities include 23 cities with matching budget dollars or a population of 50,000 or more, i.e., Summit County, Colorado Association of Ski Towns. Kent Cashel continued that the committee concluded that the City should adopt a revised more efficient pay plan process which first recognizes what the City can afford to pay. There was a strong recommendation to maintain as many bench marks as possible throughout the pay plan and Kim Leier stated that 75% of all positions have been bench-marked. Mr. Cashel indicated that the criteria used for internal equity also has quantifiable measures. The strongest message from the task force is that compensation be based on market pay and certain positions are recommended to be adjusted and moved within the plan this year. He felt that the product is a more structured approach and understandable pay plan. Peg Bodell pointed out that bench-mark comparisons may reveal that a City position is overpaid, and the Human Resources Manager explained that in this situation, the position is *redlined* until the market reaches the pay.

In response to a comment made by Peg Bodell, Kent Cashel believed the pay plan has incentives and further clarified that when an employee leaves, the City must recruit in the market and compensation should be budgeted at market level. Mark Christensen added that there is a 2% market stabilization in 2004, which is partially offset be removing bonus lines from the budget. The second year repeats a 2% adjustment and identifies positions which will be reclassified. The Executive Summary frames personnel issues and the reorganization. Ms. Erickson was pleased that Summit County salaries are

now being compared as that information is very meaningful. Ms. Leier thanked employees of the committee who worked very hard on this important issue.

4. Review of regular meeting:

Water conservation and drought plan. Kathy Gammel referred to her staff report and the Ordinance and Resolution scheduled on the agenda tonight. She suggested an amendment in the Ordinance in Stages 2 and 3 which provides more flexibility, *"The Mayor and City Council shall have the discretion to implement any or all of the following rules."* With regard to golf courses, she recommended *prohibit* be changed to *restrict* irrigation of golf courses, City or private in all areas". There was discussion about car washes using recycled water and whether it would be illegal to restrict their operation. The City Attorney explained that municipalities are allowed to implement emergency regulations which will impact certain businesses. The City would first look to restrict non-commercial activities that do not have recycled water systems. Peg Bodell pointed out some cities would include commercial laundromats. She was assured that the penalties and fines are appropriate and legally defensible and Ms. Gammel added that the Water Department will be responsible for enforcement. There was discussion that both *public, private and commercial* and *indoor and outdoor* pools be clearly identified in the Plan. In response to a question from Kay Calvert about requiring laundromats to replace their washers with water efficient models, Mark Harrington explained that would typically be implemented for new facilities. Requiring retrofitting usually involves providing a compliance period so investments could be recovered based on an analysis and our water rate structure itself is an incentive to conserve. Council member Erickson relayed a comment from Fred Jones that the xeriscape garden be someplace visible like Miners Hospital and Gammel agreed and stated that it is planned at the house next to the Fire Station on Park Avenue. Candae Erickson added that Mr. Jones also suggested that Block 3 and/or 4 rates be bumped up a dollar or so to provide for grants as incentives to promote water saving improvements. Ms. Bodell expressed her support for educating Old Town residents about protecting their property in a wildfire interface. The City's fireworks regulations were discussed. There was consensus among Council members to table the Ordinance and Resolution until the discussed modifications are made to the Ordinance.

Extension of letter of intent - ice facility. Colin Hilton explained that the letter of intent has been modified and extended to better refine an inter-local agreement. There was a meeting between the City and Recreation District on April 21 and many of those discussion points are included in the document. The expiration date is now January 31, 2004 with an inter-local agreement date of June 30, 2003. Phases 1 and 2 have been modified to reflect seasonal programming. He read the proposed language regarding the 60/40 payments to cover deficits to begin at the sixth year rather than the second. This version identifies the Lower Canyons lot as the preferred location as well as some

language regarding infrastructure costs. The commitment is $2 million from each entity for a phased project.

Outdoor display of art. Pat Putt explained that this is a proposed Land Management Code amendment which specifies staff review for applications for the outdoor display of art on public property based on non-content criteria, i.e., height, setback, public safety. Next, the application would be reviewed by the City Council where it could be sent to another board. Amendments do not regulate outdoor art on private property, except for building permits for electrical or a foundation. He added that the Arts Council received a draft; the Planning Commission forwarded a positive recommendation. Ms. Erickson pointed out there is no provision for temporary art like ice sculptures and Mr. Putt referred to a general section. Peg Bodell agreed and felt the language should be clear to the reader. Mr. Putt indicated he will return during the regular session with new language. There was discussion of the outdoor art anonymously donated and placed on City property over the years. Mr. Putt explained that there is no intent at this time of spending staff time on this. Elizabeth Swank, President of the Arts Council, expressed support of the amendment.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 1, 2003

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 1, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier. Fred Jones was excused. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michelle Barrus, Special Events Coordinator; Derek Satchell, Preservation Planner; Kevin LoPiccolo, Planner; and Patrick Putt, Planning and Zoning Administrator.

II PUBLIC INPUT

Elizabeth Swank thanked the Council and Chief Evans for their increased support of enforcing speed limits in town.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 17, 2003

Hearing no omissions or corrections, the Mayor requested a motion to approve. Peg Bodell, "I move approval of the Minutes of the meeting of April 17, 2003". Kay Calvert seconded. Motion carried.

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

V CONSENT AGENDA PUBLIC HEARINGS

1. Master Festival License for NoMa Festival to be held June 21, 2003 to be held at 1850 Bonanza Drive - Michelle Barrus pointed out that the organizer is now applying as non-profit organization. Another change is that the festival will be located in one parking lot and creating a street crossing between Park City Plaza and the White Pine Touring Building for patrons has been eliminated. Merchants in this area would like to kick off summer to promote businesses in the area; it is hoped that this will become an annual festival. There will be games, activities, cooking demonstrations, sidewalk sales, live music, and food and beer concessions. Ms. Barrus explained that *NoMa* means north of Main, and business owners are looking to become more formally organized as a business

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

2. Ordinance approving a plat amendment for property located at 325 Daly Avenue, Park City, Utah - Ray Milliner explained that the application is to combine two metes and bounds parcels to then be subdivided into two lots of record to accommodate two single family homes. The Mayor invited the Council and audience to comment. Hearing no input, the public hearing was closed.

3. Ordinance approving first amended Malach Replat to adjust the intermediate lot line between Lots A and B of the Malach Plat in Block 32 of the Amended Park City Survey, located at 139 and 145 Woodside Avenue, Park City, Utah - Derek Satchell, Preservation Planner, explained that approval will reconfigure the intermediate lot line to create two equally sized lots of record. This will bring the historic home on Lot A further into compliance with LMC required setbacks. On April 23, the Planning Commission forwarded a positive recommendation by amending staff's recommendation to include the recordation of a three foot side-yard easement for the purpose of snow-shedding and drainage; the easement addresses concerns raised by the adjacent neighbor at 149 Woodside Avenue. The applicant agrees to this condition and in doing so, the staff finds the application to be in compliance with the LMC. The applicant has requested that Finding of Fact #18 be modified to read as follows, *"The applicant agrees to provide the neighbor at 149 Woodside Avenue with a maintenance snow shed and drainage easement within the three foot LMC required side yard setback for Lot B in exchange for not having to increase LMC required basic minimum side yard setback for the proposed development on Lot B"*. The Mayor opened the public hearing.

Linda Morse, adjacent neighbor at 149 Woodside, stated she has no objection to the plat amendment as long as the easement is recorded. She still has concerns about snow shedding and drainage.

Tod Arenson, representing the owners, stated that the easement will be recorded to allow Ms. Morse to tie into their drainage. Every attempt will be made to alleviate snow shedding problems with the building.

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

4. Ordinance approving the amended record of survey for a plat amendment to combine all of Lot 25 and Lot 26 of Block 27, Snyder's Addition into one lot of record located at 1138 Lowell Avenue, Park City, Utah - Kevin LoPiccolo explained that approval will combine two lots into one lot of record to enable building a new dwelling. The Planning Commission forwarded a positive recommendation as conditioned in the ordinance. Hearing no comments, the Mayor closed the public hearing.

5. Ordinance approving the amended record of survey for a plat amendment to combine all of Lot 24 and Lot 25 of Block 28, Snyder's Addition into one lot o record located at 1030 Lowell Avenue, Park City, Utah - Kevin LoPiccolo explained that this action contemplates combining two lots into one to allow the property owner to add on to an existing house. Candace Erickson pointed out the potential for intense construction activity in this neighborhood this summer and Mr. LoPiccolo agreed but added that each project has a construction mitigation plan. The Mayor invited the public to comment; hearing no input, the public hearing was closed.

6. Ordinance - amendment to Chapter 15-4-15 of the LMC - outdoor display of art on City owned public property - Patrick Putt explained that the amendment will help clarify existing practices and eliminates City regulation of outside art on private property. As discussed in work session, Mr. Putt proposed the following language change for Item 2, *"Non-seasonal displays must be designed and created with materials that will withstand weather conditions and the elements"*. The Planning Commission forwarded a positive recommendation and staff also recommends approval, with the modification to Item 2. The Mayor invited public input.

Elizabeth Swank stated that the Arts Council reviewed the draft and is supportive of the Ordinance because it clarifies the procedure. In response to a comment made by Peg Bodell, Mark Harrington recommended the language *non-seasonal* rather than temporary, which would require designating time periods. There are dates in the code designating seasonal lighting displays, which could be used as a guideline. Ms. Bodell indicated that she understands the legal explanation, but felt that the general public may be confused. Ms. Swank agreed. Pat Putt suggested using the description of *permanent displays* and Mark Harrington stated that he would rather use wording, *displays in excess of six months* which is more definitive. With no further comments or questions, the Mayor closed the public hearing.

7. Ordinance amending Title 13, Water Code, of the Municipal Code of Park City, Utah to add a section to provide for reduced water consumption during drought or other emergency - The Mayor invited the public to comment. Hearing no public comment, the public hearing was closed. Jim Hier, "I move that we remove this from the Consent Agenda and continue it to May 22, 2003". Peg Bodell seconded. Motion carried.

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

VI CONSENT AGENDA

Peg Bodell made a correction to the Master Festival License, which was noted by staff. Jim Hier, "I move that we remove Consent Agenda Items 7 and 8 and continue them to meeting of May 22". Peg Bodell seconded. Motion carried. Mark Harrington recommended a motion to approve the balance of the Consent Agenda ackowledging revisions to Items 1, 3, and 6 as discussed. Peg Bodell, "I so move". Kay Calvert seconded. Motion carried.

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

1. Master Festival License for NoMa Festival to be held June 21, 2003 to be held at 1850 Bonanza Drive - See staff report and public hearing.

2. Ordinance approving a plat amendment for property located at 325 Daly Avenue, Park City, Utah - See staff report and public hearing.

3. Ordinance approving first amended Malach Replat to adjust the intermediate lot line between Lots A and B of the Malach Plat in Block 32 of the Amended Park City Survey, located at 139 and 145 Woodside Avenue, Park City, Utah - See staff report and public hearing.

4. Ordinance approving the amended record of survey for a plat amendment to combine all of Lot 25 and Lot 26 of Block 27, Snyder's Addition into one lot of record located at 1138 Lowell Avenue, Park City, Utah - See staff report and public hearing.

5. Ordinance approving the amended record of survey for a plat amendment to combine all of Lot 24 and Lot 25 of Block 28, Snyder's Addition into one lot o record located at 1030 Lowell Avenue, Park City, Utah - See staff report and public hearing.

6. Ordinance - amendment to Chapter 15-4-15 of the LMC - outdoor display of art on City owned public property - See staff report, work session comments, and public hearing.

7. Ordinance amending Title 13, Water Code, of the Municipal Code of Park City, Utah to add a section to provide for reduced water consumption during drought or other emergency - See staff report, work session and public hearing. Ordinance continued to May 22, 2003.

8. Resolution adopting a water conservation plan for Park City, Utah - See staff report, work session comments, and public hearing. Resolution continued to May 22, 2003.

9. Extension and modification of Letter of Intent with the Snyderville Basin Special Recreation District for a Regional Ice Facility - See staff report and work session notes.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier. Fred Jones was absent and excused. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property". Candace Erickson seconded. Motion carried.

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

The meeting opened at approximately 1 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

Economic Development Plan under separate cover

CITY COUNCIL I

DATE:	**May 1, 2003**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Jonathan Weidenhamer**
TITLE:	**Informational**

I. BACKGROUND:

Since the last update economic development update to Council on March 13, 2003, staff has been working on completing the visioning portion of our Economic Development Strategic Plan. At this time, we will offer for discussion, the general strategies identified and potential action items as recommended by our focus groups. Over 70 specific action items have been proposed. We will be seeking to define a process to prioritize these action items and move forward with those that the council find the most advantageous.

The Municipal Economic Development Strategic Plan is following the subsequent process:

I. Analysis (Where are we now?)
- state of the regional economy (strengths/weaknesses)
- external trends and forces (opportunities/threats)
- identify partners
- identify resources

II. Vision (Where do we want to be?)
- present analysis
- define preferred future
    1. identify goals
    2. identify competitive advantages (max strengths/opportunities; minimize weaknesses/threats)

III. Action Plan (How do we get there?)
- identify general strategies
    1. identify action items to implement general strategies

**********this is where we are now ****

- prioritize strategies

IV. Implementation of prioritized action items – A working matrix including the following:
- action item/benefit/responsibility/timeline/cost/resources/obstacles/benchmarks

V. Evaluation/ Periodic update (quarterly or bi-annually)
- Progress update of implemenation of action plan
- Re-prioritization of strategies

Please find a summation of the focus group strategies (Exhibit A). Also, please refer to the report, "Economic Development Strategies and Proposed Action Plans", submitted as a separate document which provides details on the suggested action steps of each focus group (not attached, available upon request).

The City Council has identified making Park City a World Class, Multi-Seasonal Community as one of its high priority goals. The Economic Element of Park City's General Plan states, "Economic considerations play an integral role in the development of every community. Park City's challenge is to remain competitive in the changing recreational market, which provides the vast majority of the

City's municipal revenue, while providing a quality living experience for residents."

The purpose of our Economic Strategic Plan is to clearly identify areas the City will focus its economic enhancement efforts. Defining the role the City should play in the development of our local economy has been the question raised most often during our recent visioning sessions. It continues to remain unanswered and open for discussion. The strategies and proposed action items created by our focus groups provide an extensive array of choices and different roles the City may eventually decide to take action on.

III. ISSUES FOR DISCUSSION:

Staff requests Council's response to the following items:

1. What role should the City play in the development of our local economy? The focus groups have offered a number of thoughtful strategies and numerous action items to support them. It is unreasonable to expect to accomplish all of them. At this time, we need to devise a system or criteria for prioritizing the action items and strategies. What should these criteria be?

2. What entity or group should be responsible for finalizing a prioritized list of action items the City will move forward with?

IV. RECOMMENDATION:

1. To develop a prioritized list of action items, the Council may consider using a criteria/matrix system that would weight the items when compared to a series of criteria. Some possible criteria may be:

- Economic return on investment
- Staff time
- Consistency with Council goals and priorities
- Consistency with Economic Element of General Plan
- 2 year budget cycle
- Balance between focus groups
- Intrinsic, feel good, intangible contribution to town (quality of life) – investments don't always show hard $ return

Example of proposed priority matrix:

Scoring: 1 = lowest or worst; 5=highest or best – Highest score = priority

CRITERIA/STRATEGY	Incentives for retail chain	More public art
Economic return on investment	4	1
Quality of life	2	5
Other strategy	-	-
TOTAL	6	6

2. Staff should continue to work with our task force, council liaisons, and experts at large to find the most appropriate strategies and action items. We should return to Council in mid-June with final recommendations of our findings to Council.

Exhibit A – Summary of Focus Group Strategies

RESORT BASED ECONOMY

To partner with our resorts to facilitate and enhance our tourism (resort) based economy

Strategy 1: Enhanced capital improvements – including long-term water supply (snow-making)
Strategy 2: Facilitate the establishment of more attractions – including an interconnect
Strategy 3: Political influence/intergovernmental relations

SPECIAL EVENTS

To permit and encourage high quality special events in Park City and to maintain Park City's status as a World Class Resort.

Strategy 1: Sustain existing events
Strategy 2: Improve processes for events
Strategy 3: Develop additional funding and marketing sources for events
Strategy 4: Encourage new events

CULTURAL & HERITAGE TOURISM

Develop an overall community strategy to create a great place for visitors and improve the quality of life for our local residents while maximizing economic benefits to Park City.

Strategy 1: Add more attractions to Park City
Strategy 2: Enhance existing attractions
Strategy 3: Create a cultural alliance

MAIN STREET VITALITY

To assure the long-term viability of Main Street as the commercial core of Park City, attracting both residents and visitors.

Strategy 1: Retention and development of existing businesses – including Hyett-Palma recommendation forming a group of stakeholders/leaders as advisory board
Strategy 2: Establish more attractions
Strategy 3: Become more user friendly
Strategy 4: Commercial mix
Strategy 5: Enhanced capital improvements

CAPITAL PROJECTS

To comprehensively evaluate and promote selected capital project ideas that are projected to have a positive economic impact on the greater Park City Region.

Strategy 1: Work towards a balanced transportation and pedestrian infrastructure plan throughout Region
Strategy 2: Add infrastructure features as attraction points
Strategy 3: Add recreation space and facilities for attracting more tournaments and visitations
Strategy 4 Explore the potential of Park City as a year round mountain resort conference center destination
Strategy 5: Promote smart development at the Quinn's Junction area

ECONOMIC DIVERSITY

To decide on a course of action that can be used to generate and ensure a vibrant economic future for the entire community by gaining an understanding of our existing blend of commercial mixes, activities, and growth opportunities available.

Strategy 1: Municipal Strategies
Strategy 2: Facilitate the establishment of more attractions
Strategy 3: Strengthening of Commercial Mix (City-Wide)
Strategy 4: Area Redevelopment (Bonanza-Kearns area)
Strategy 5: Recreation Opportunities as Attractions (see sub-group).

RECREATION (Sub-group of Economic Diversity)

To develop, encourage and promote recreation tourism

Strategy 1: Promote mountain biking
Strategy 2: Develop recreation facilities for events
Strategy 3: Encourage the development of public golf

Budget document under separate cover

Memo

To: Honorable Mayor and City Council
From: Mark Christensen
Date: 4/27/2003

Subject: Budget Presentation

These documents constitute the City Manager's recommended FY2003 Adjusted, FY2004 Budget, and FY2005 Plan for your review. May 1, 2003 Staff will present an overview of the budget in work session. The first budget document or Volume I – Introduction contains an Executive Budget Summary, Introduction, and Policies and Objectives. This section will be the focus for much of the budget meetings in May. The second document or Volume II – Technical Data contains all of the reports, fund summaries, and background information for the budget process.

I will be calling you to schedule two-on-two budget meetings prior to the May 1 work session. Please let me know at that time if you have any preliminary questions or concerns that I can address before Thursday. My goal is to answer the technical questions you may have about the budget before work session so you can spend more time at that meeting focusing on issues as opposed to the technical details of the document. I would appreciate any questions or comments at any time. I can be reached at 615-5181. I look forward to meeting with you over the next few weeks.

DATE:	**May 1, 2003**
DEPARTMENT:	**Special Events and Facilities**
AUTHOR:	**Michelle Barrus**
TITLE:	**NoMa Festival**
TYPE OF ITEM:	**Master Festival License Application**

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for the NoMa (North of Main) Festival, as conditioned, on Saturday, June 21, 2003.

A. TOPIC

Review of the Master Festival License Application, submitted by Centura Development, for the NoMa Festival on Saturday, June 21, 2003.

B. BACKGROUND

Centura Development has submitted an application to hold a festival in the parking lots at Park City Plaza 1890 Bonanza Drive and White Pine Touring 1685 Bonanza Drive. This will take place at Saturday, June 21, 2003. The event would begin at 10 am and create a block party type of event with games and activities, cooking demonstrations, sidewalk sale for merchants, music, food and beer concessions and other entertainment. The event will conclude at 7:00 pm. The purpose of this event is to kick-off the summer season and promote the Prospector area businesses.

C. ANALYSIS

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The NoMa Festival is being reviewed as a Master Festival due to the use of amplified music adjacent to a residential neighborhood and the attraction of large crowds.

The organizers are expecting a crowd of 300-500 during the duration of this event. Due to the size of the anticipated crowd and the duration of the event, Satellite parking will be located at the Mtn. Vineyard Church and at the lot directly behind Einstein's by the Rail Trail parking lot. Electronic signs will be used to direct traffic to these parking areas.

Because pedestrians will have to cross Bonanza to go between the two designated festival areas, the organizers plan to use cones/barricades in the middle of the street with "Slow Please. Temporary Crosswalk" painted on them. These will be placed on the street from Mt Chicken to White Pine Touring, with volunteer crossing guards to get people safely across. They would also use oranges flags with the crossing guards.

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

ALTERNATIVES

A. Approve the Master Festival License, as conditioned by staff, allowing the NoMa Festival on June 21, 2003.

B. Modify the parameters of the event, and approve the Master Festival License, allowing the NoMa Festival on June 21, 2003.

C. Deny the Master Festival License, thereby preventing the NoMa Festival on June 21, 2003.

D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for the NoMa Festival on June 21, 2003 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. NoMa Festival will be held in City Park on Saturday, June 21, 2003. The event would begin at 10 am and create a block party type of event with games and activities, cooking demonstrations, sidewalk sale for merchants, music, food and beer concessions and other entertainment. The event will conclude at 7:00 pm.
2. Parking for the anticipated crowd size throughout the duration of the event will be accommodated at the Mtn. Vineyard Church and at the lot directly behind Einstein's by the Rail Trail parking lot. Electronic signs will be used to direct traffic to these parking areas.
3. The events associated with NoMa Festivals will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The crowd associated with the venues will be contained within the designated areas and the areas are of such size to hold anticipated crowds. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety concerns.
5. No other Master Festival or Special Event Licenses have been issued for June 21, 2003. The NoMa Festival will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

6. The organizer is providing adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 7:00 pm.
3. All applicable state and city beer licenses shall be obtained.
4. The applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
5. The applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

PASSED AND APPROVED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Dana Williams

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, City Attorney

CITY COUNCIL STAFF REPORT

DATE: May 1, 2003
DEPARTMENT: Planning Department
TITLE: 325 Daly Avenue Subdivision
TYPE OF ITEM: Legislative; Subdivision Plat

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

PROJECT

Applicant:	James E. Smith
Location:	325 Daly Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential / Open Space
Date of Application:	March 5, 2003
Project Planner:	Ray Milliner

BACKGROUND

The applicant wishes to adjust boundary lines between two meets and bounds parcels located at 325 Daly Avenue to create two lots of record. Each 7,217 square foot lot will then be used to construct either a duplex or a single-family home. The property is currently free of any permanent structures.

ANALYSIS

The property is located in the HR-1 zone, and within zone A of the FEMA Flood Insurance Rate Map, produced by the Federal Emergency Management Agency. The construction of a single family home in the HR-1 zone is an approved use, provided it meets the criteria established in the Historic District Design Guidelines and the requirements of LMC Chapter 15-2.2, A duplex is a conditional use, subject to review by the Planning Commission, in addition to the base requirements of LMC and Historic District Design Guidelines criteria review. Both proposed lots front Daly Avenue with approximately 42 feet of frontage. The first 60 feet of the lots are gently sloped, followed by a steep slope to the rear. Because the lots are within zone A of the Flood Insurance Rate Map, the applicant will be required to submit a flood protection plan to the Building Department prior to the issuance of a building permit for either lot. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements.

DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on April 1, 2003, where representatives from local utilities and City Staff were in attendance. Concerns outlined in the analysis section of this report were raised and discussed.

RECOMMENDATION

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

Findings of Fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 District is a residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. The property is located within zone A of the FEMA Flood Insurance Rate Map.
4. The amendment will adjust boundary lines between two metes and bounds parcels to create two lots of record.
5. There are no existing structures on the property.
6. The construction of a duplex in the HR-1 zone is a conditional use subject to review by the Planning Commission.
7. The minimum lot square footage for a duplex on a lot in the HR-1 zone is 3,750.
8. Each proposed lot will consist of 7,217 square feet.
9. The minimum width of a lot for a duplex in the HR-1 zone is 25 feet measured 15 feet from the front property line.
10. The front width of both lots will be 42 feet, measured 15 feet from the front property line.
11. The depth of each lot will be 164 feet.
12. No remnant lots will be created as a result of this application.
13. Minimal construction staging area is available along Daly Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. A 10-foot snow storage easement shall be dedicated to the City on the front of the two lots.

EXHIBITS

Exhibit A - Proposed Ordinance
Exhibit B - Plat

Ordinance No. 03-

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY LOCATED 325 DALY AVENUE.

WHEREAS, the owner of the property known as 325 Daly Avenue, has petitioned the City Council for approval of a subdivision; and

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

WHEREAS, on April 23, 2003 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to subdivide two metes and bounds parcels into two lots of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 District is a residential zone characterized by a mix of small historic structures and larger contemporary residences.
3. The property is located within zone A of the FEMA Flood Insurance Rate Map.
4. The amendment will adjust boundary lines between two metes and bounds parcels to create two lots of record.
5. There are no existing structures on the property.
6. The construction of a duplex in the HR-1 zone is a conditional use subject to review by the Planning Commission.
7. The minimum lot square footage for a duplex on a lot in the HR-1 zone is 3,750.
8. Each proposed lot will consist of 7,217 square feet.
9. The minimum width of a lot for a duplex in the HR-1 zone is 25 feet measured 15 feet from the front property line.
10. The front width of both lots will be 42 feet, measured 15 feet from the front property line.
11. The depth of each lot will be 164 feet.
12. No remnant lots will be created as a result of this application.
13. Minimal construction staging area is available along Daly Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

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

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

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. A 10-foot snow storage easement shall be dedicated to the City on the front of the two lots.

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

PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

_____

Dana Williams, Mayor

Attest:

_____

Janet M. Scott, City Recorder

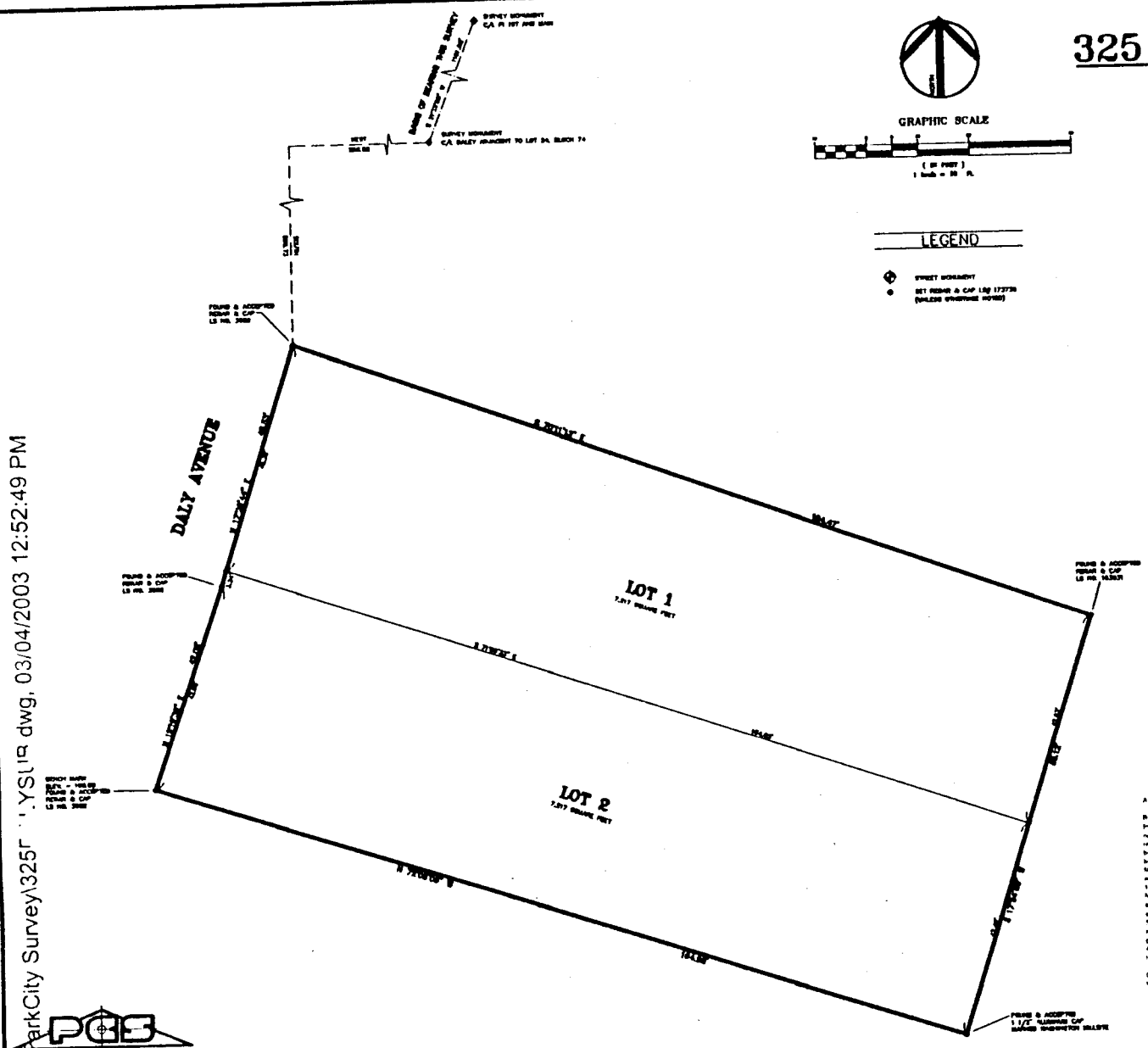
Approved as to form:

_____

Mark D. Harrington, City Attorney

325 DALY SUBDIVISION PLAT

LYING WITHIN SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



LEGAL DESCRIPTION

PAGE 1 of 1

PARK CITY SURVEYING

COUNTY PLANNING COMMISSION

CERTIFICATE OF ATTEST

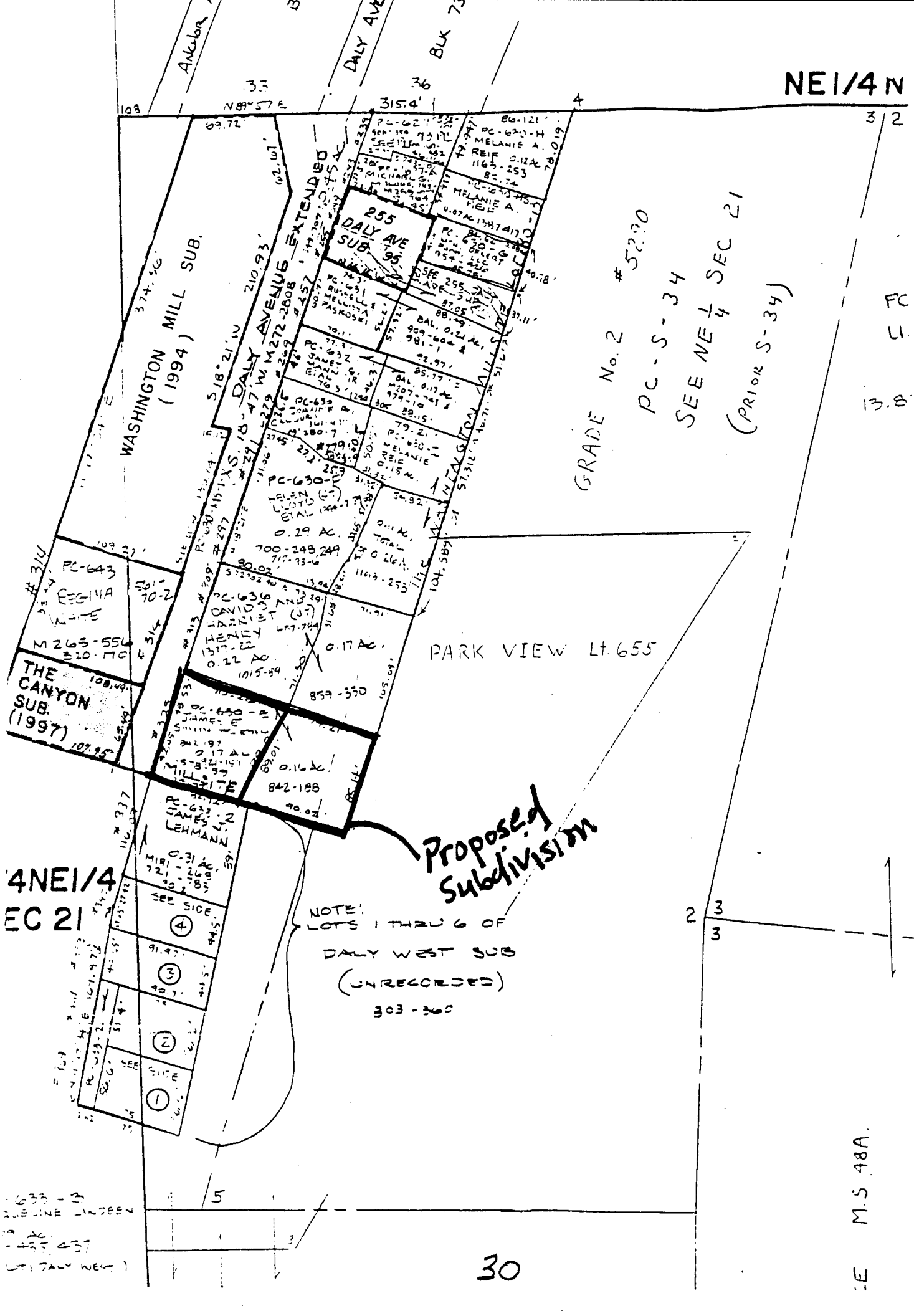
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

ENGINEERS CERTIFICATE

APPROVAL AS TO FORM

COUNCIL APPROVAL AND ACCEPTANCE

RECORDED


NE1/4 N
Anchor
Daly Ave
Blk 73
33
36
N89°57'E
315.4'
103
4
3
2
69.72
62.07
374.56'
WASHINGTON MILL SUB.
(1994)
S18°21'W
210.93'
DALY AVENUE EXTENDED
255 DALY AVE SUB 95
PC-632 JAMES
PC-630 HELEN
0.29 AC.
700-248,249
PC-636 DAVID AND HARRIET HENEY
0.22 AC
PC-633 JAMES E. MILLER
0.17 AC
842-188
0.16 AC
PC-633-2 JAMES L. LEHMANN
0.31 AC.
721-269
PC-643 EGINA
M 263-556
THE CANYON SUB. (1997)
GRADE No. 2
PC-S-34
SEE NE 1/4 SEC 21
(PRIOR S-34)
PARK VIEW Lt. 655
Proposed Subdivision
NOTE: LOTS 1 THRU 6 OF DALY WEST SUB (UNRECORDED) 303-360
SEE SIDE
4
3
2
1
4NE1/4
EC 21
5
30
M.S 48A.

CITY COUNCIL REPORT

DATE: **May 1, 2003**
DEPARTMENT: **Planning Department**
AUTHOR: **Derek Satchell**
TITLE: **139/145 Woodside Avenue (Previously Advertised as 139 Woodside Avenue) - Plat Amendment**
TYPE OF ITEM: **Consent Agenda**

SUMMARY RECOMMENDATIONS: Staff requests that the City Council conduct a public hearing, and consider public input, and approve the plat to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey, as conditioned herein.

A. PROJECT STATISTICS

Applicant:	David & Valerie Gill
Location:	139/145 Woodside Avenue
Proposal:	Plat Amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Historic and Contemporary Residential Buildings
Date of Application:	March 18, 2003

B. BACKGROUND

On March 18, 2003, the Planning Department received a Plat Amendment application by the applicant (David Gill), to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey. Lot A contains an existing historic dwelling. Lot B is vacant. Both lots are under the ownership of the applicant. The purpose of the original plat amendment was to accommodate the non-conforming building footprint (which included a large side and rear addition) in the creation of the two lots. Said additions have since been removed. The applicant's desire at this time is to create two equally sized lots of record, while centering the existing historic dwelling on Lot A, thereby bringing it into compliance with LMC required side yard setbacks. Relocation of the existing historic dwelling (and the proposed improvements associated with the work as decribed under the Historic District Design Review application) was reviewed and approved administratively by Staff on March 19, 2003. A specific condition of approval of that application was the recordation of a plat amendment modifying the intermediate lot line as currently proposed.

On April 23, 2003, the Planning Commission reviewed the proposed plat amendment and conducted a public hearing on the matter. At that time, Staff stated that the Chief Building Official recommended that the Commission consider adding a note to the plat that the LMC required 3' side yard setback for Lot B (located adjacent to 149 Woodside Avenue) include a maintenance, snowshed, and drainage easement. The applicant agrees to such an easement. The purpose would be to address the concerns voiced by the adjoining property owner regarding her limited physical access to an existing utility crawlspace under 149 Woodside Avenue (which maintains a zero lot line side yard

setback). The adjoining property owner (Linda Morse) expressed her support for the amendment, but also reiterated her concerns to the Commission during the public hearing portion of the meeting. No other public input was received. The Commission modified the findings of fact and conditions of approval to reflect the request, and forwarded a positive recommendation to the City Council that evening.

C. ANALYSIS

The applicant is proposing to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey. The existing Lot A contains 3000 square feet, on which an existing historic dwelling is situated. The existing Lot B contains 2644 square feet, which is currently vacant. The proposal will modify the existing interior lot line resulting in both lots having an equal total square footage of 2810 square feet. There are no remnant lots created by this proposal. The proposed plat amendment complies with the HR-1 District regulations as it relates to size and configuration. This proposal does not increase the density on the lot. The proposed 37.5' wide newly created lot is consistent with other lot sizes in the immediate area.

On April 22, 2003, staff and Ms. Morse (adjoining property owner at 149 Woodside Avenue) met with the Chief Building Official to discuss the plat amendment. Ms. Morse's concerns centered on her limited physical access to an existing utility crawlspace under 149 Woodside Avenue, which currently maintains a zero lot line side yard setback with Lot B of the Malach Replat. Additionally, she was also concerned about the potential snowshed and drainage issues that may be created once Lot B is developed. To address her concerns, the Chief Building Official suggested staff include a request to the Planning Commission to provide a note on the plat identifying the northerly 3' side yard setback of Lot B as a maintenance, snowshed and drainage easement. Ms. Morse was satisfied with that suggestion. The applicant agrees to such an easement.

After reviewing the request, the Planning Department finds that the proposed modifications to the existing lots is in compliance with the Land Management Code, and supports the plat amendment. The property owner is pursuing this request under the formal plat amendment process, rather than the administrative lot line adjustment process, because he was unable to provide consent letters from all adjacent property owners.

D. NOTICE

Notice of this hearing was initially sent to property owners within 300' on April 7, 2003, as part of the Plat Amendment procedure. The property was also properly posted and legally noticed at that time. Linda Morse, (an adjacent neighbor at 149 Woodside Avenue), met with staff on April 14 & 22, 2003, to discuss the plat amendment. Ms. Morse's concern was future physical impacts upon her historic house (which maintains a zero lot line side yard setback to the north of Lot B). Additionally, she is concerned about her ability to maintain access to the crawlspace under her house, should Lot B be developed maintaining the LMC required 3' side yard setback. A note on the original Malach Plat states that prior to the issuance of a building permit on Lot B of the Malach

RePlat, the owner shall provide the Chief Building Official and City Attorney with sufficient information and/or all plans necessary to demonstrate that any impacts or reconstruction of the rock retaining wall on Lot B will not adversely affect slope retention, nor the structural integrity of the adjacent historic house at 149 Woodside Avenue. Additionally, the owner of said Lot B must give the owner of 149 Woodside Avenue written notice of any application for development. This note is reflected on the currently proposed First Amended Malach Replat. No further comments were received by Staff.

E. DEPARTMENT REVIEW

The Planning, Building, and Engineering Departments have reviewed this request at a Staff Review Meeting held on April 15, 2003. At this meeting, the request was discussed with representatives from local utility companies and City Staff who found the plat amendment to be in conformance with all requisite City development codes. The City Engineer and City Attorney's Office will review the plat prior to recordation.

ALTERNATIVES

A. Approval of the proposed plat amendment to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey, as conditioned.

B. Deny the plat amendment and retain the original Record of Survey which would prohibit the applicant from altering the existing structure.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in a reduction of Lot A from 3,004.5 square feet to 2,812.5 square feet, and the increase of Lot B from 2,612.5 square feet to 2,812.5 square feet. The proposed request complies with the lot requirements for the HR-1 District.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the applicant will not be able to center the existing historic house on Lot A because of the LMC required setbacks as measured from the jog in the existing intermediate lot line, thereby bringing it into compliance with the LMC.

F. RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and approve the plat amendment to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey, based on the following:

Findings of Fact:

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The property is located in the Historic Residential (HR-1) zone.
3. The property consists of Lot A and Lot B of the Malach Plat in Block 32 of the Park City Survey, having approximately 3,004.5 and 2,612.5 square feet total,

respectively.

4. The existing building on Lot A is historically significant, and currently maintains non-conforming side yard setbacks.
5. Lot B is currently vacant.
6. Bot Lot A & Lot B are under the ownership of the applicant.
7. The applicant is proposing to adjust the existing interior lot line between Lot A & B. The proposed amendment will result in a reduction of Lot A from 3,004.5 square feet to 2,812.5 square feet, and the increase of Lot B from 2,612.5 square feet to 2,812.5 square feet.
8. The applicant is proposing to make necessary structural improvements to the existing historic dwelling, thereby centering the house on the lot, and bringing it into conformance with the LMC required side yard setbacks.
9. The applicant received administrative approval of a Historic District Design review application on March 19, 2003, for the proposed improvements.
10. A specific condition of approval for the Historic District Design Review application states that no building permit will be issued for the project until a plat amendment has been reviewed & approved by the City, adjusting the intermediate lot line in order to accommodate the relocation of the existing historic house on Lot A.
11. No remnant lots are created.
12. The neighborhood is characterized by a mix of historic and non-historic dwellings.
13. The neighbor at 149 Woodside Avenue has expressed concern about future physical impacts upon her historic house (which maintains a zero lot line side yard setback to the north of Lot B).
14. The existing historic dwelling located at 149 Woodside Avenue currently maintains a legal non-complying zero-to-one foot side yard setback adjacent to Lot B of the Malach Replat.
15. Access to a utility crawlspace under 149 Woodside Avenue is found on the south side of the dwelling, within the legal non-complying zero-to-one foot side yard setback adjacent to Lot B of the Malach Replat.
16. Note #3 from the original plat regarding an existing retaining wall and future development on Lot B has been carried over to the proposed replat.
17. The title report for the original Malach Replat, dated March 18, 2003, does not report any specific easements on Lot B benefitting 149 Woodside Avenue (Lot 13 in Block 32 of the Park City Survey).
18. The applicant agrees to providing the neighbor at 149 Woodside Avenue a maintenance, snowshed, and drainage easement within the 3' LMC required side yard setback for Lot B.
19. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on April 23, 2003.

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 building permits may be issued for the administratively approved Historic District Design Review application until the plat amendment has been approved by the City, and duly recorded by the Summit County Recorder's office.
3. All previous and applicable plat notes found on the original Malach Replat shall be reflected on the First Amended Malach Replat.
4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of any dwelling located on Lot A or B.
5. The City Engineer shall review the utility plan, slope, configuration and drainage pattern of any development proposed for Lot A and/or B. No construction, grading, or construction staging is permitted within the Woodside Avenue right-of-way without prior approval of the City Engineer.
6. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.
7. A note shall be added to the plat stating that a maintenance, snowshed, and drainage easement be created within the LMC required 3' minimum side yard setback for Lot B, for the purpose of providing access to the utility crawlspace for 149 Woodside Avenue.
8. This approval shall expire one year from the date of 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 Amendment
Exhibit D - Standard Conditions of Approval
Exhibit E - Draft Planning Commission Meeting Minutes (dated 4/23/03)

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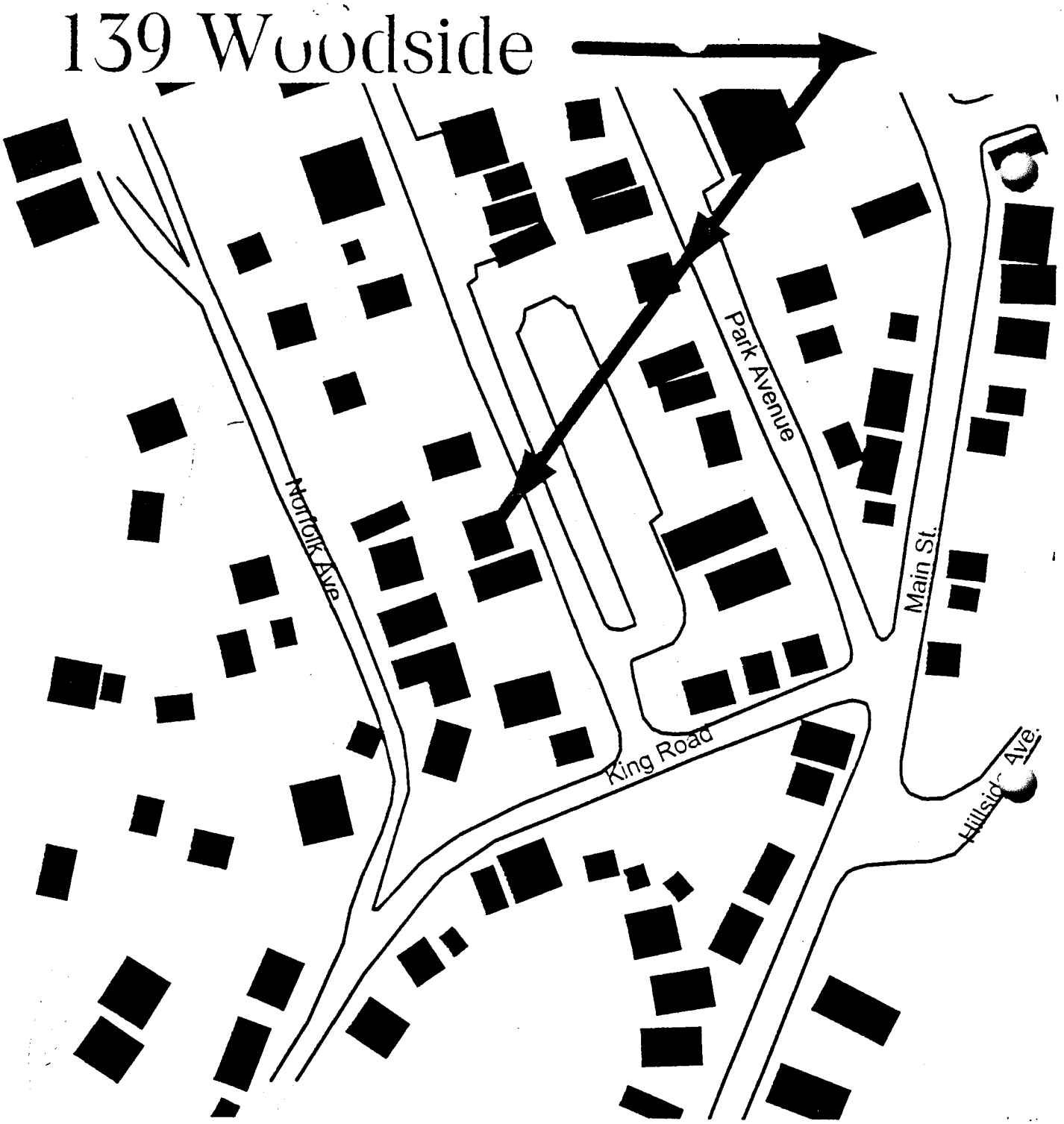
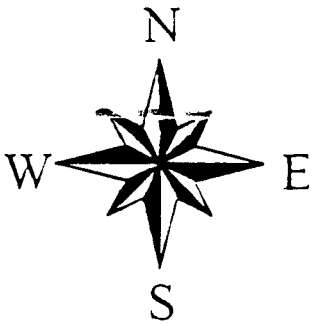
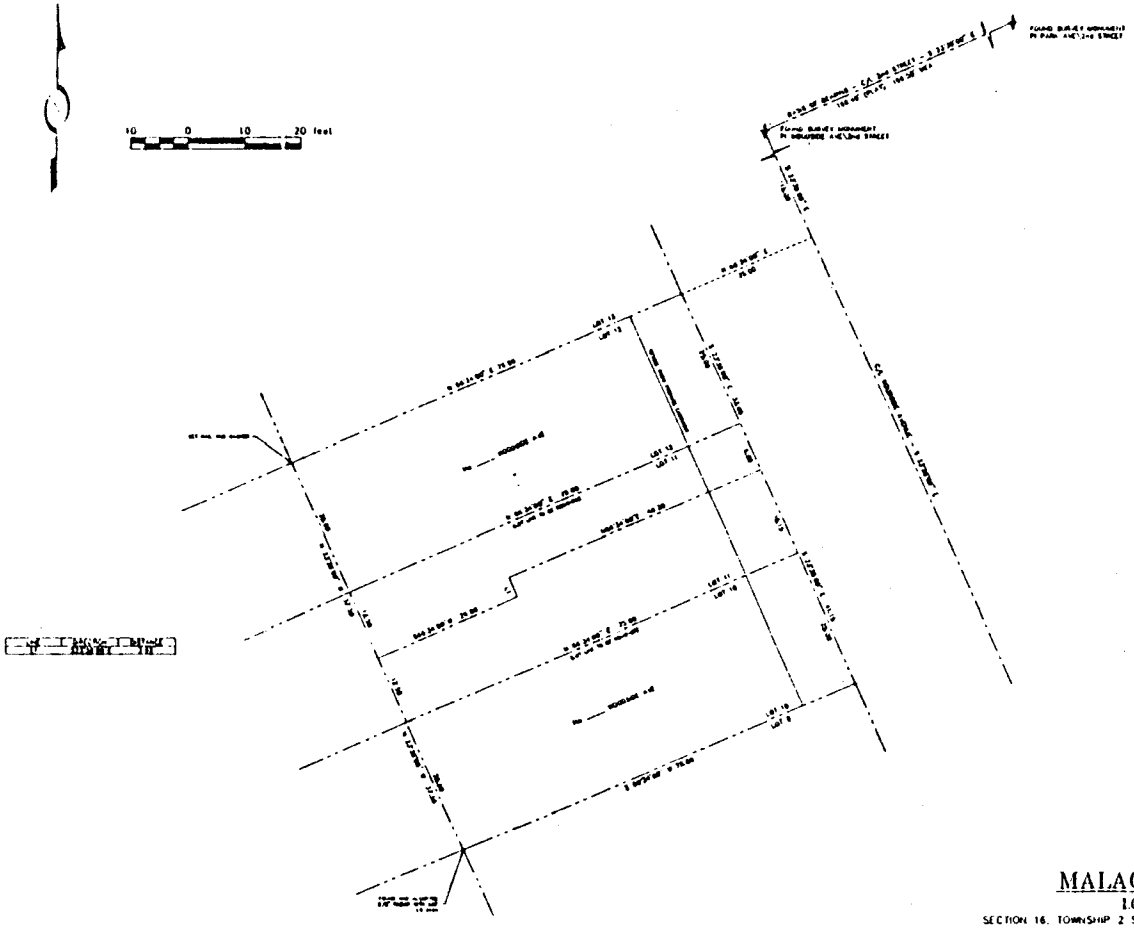




PARK CITY
1884

EXHIBIT A: VICINITY MAP



SURVEYOR'S CERTIFICATE

LEGAL DESCRIPTION

OWNERS DEDICATION

ACKNOWLEDGEMENT

NOTES

MALACH R E P L A T

LOT LINE ADJUSTMENT

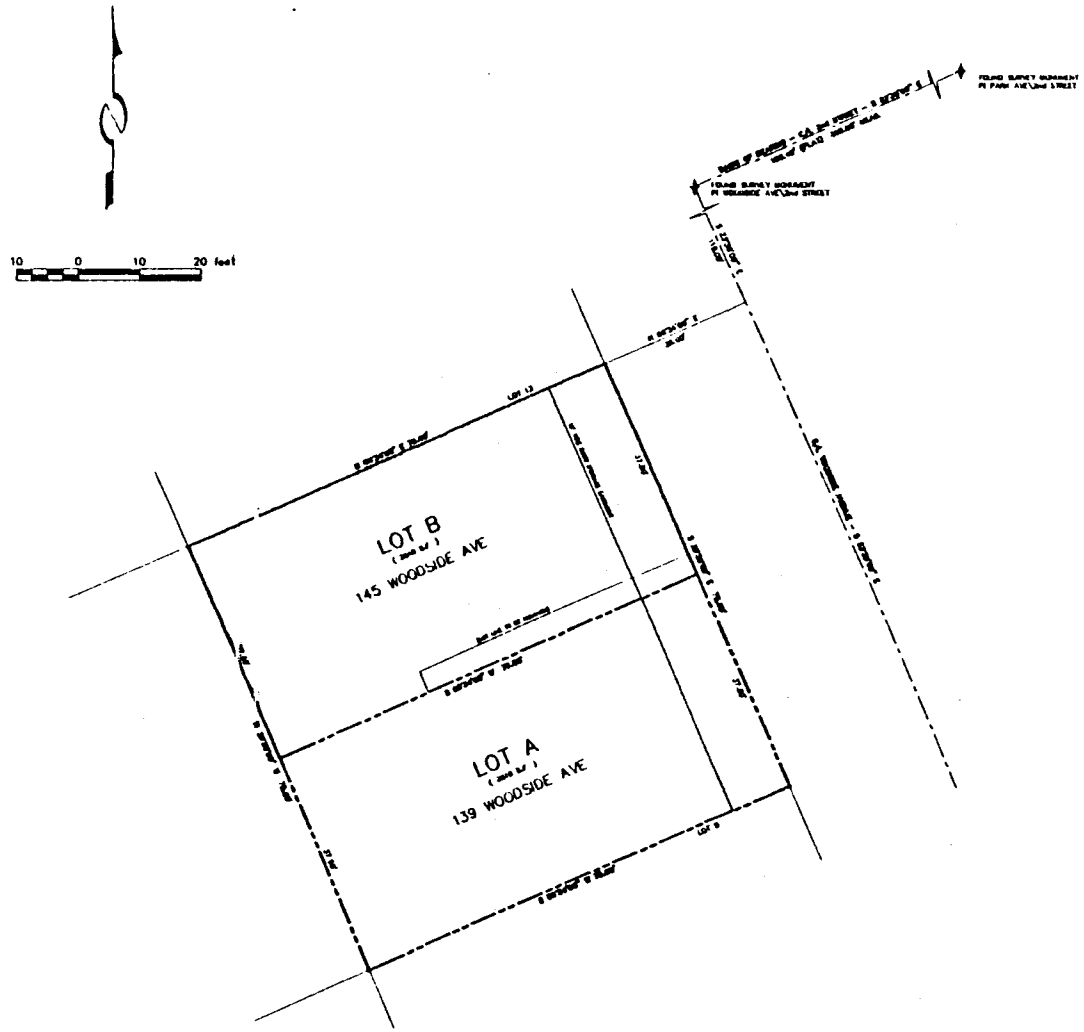
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COMMUNITY DEVELOPMENT DIRECTOR	RECORDED
P.O. BOX 3664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _____, 1997 A.D. BY _____ S.B.S.I.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1997 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 1997 A.D. BY _____ PARK CITY ATTORNEY	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1997 A.D. BY _____ DEVELOPMENT DIRECTOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____

37

Exhibit B - Existing Plat



SURVEYORS CERTIFICATE

LEGAL DESCRIPTION

OWNERS DEDICATION

ACKNOWLEDGMENT

NOTES

FIRST AMENDED

MALACH REPLAT

LOT LINE ADJUSTMENT

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

RECEIVED
PARK CITY PLANNING DEPT.

Exhibit C - Proposed Amendment

Job No: 6-3-03 Y:\PCS\dwg\srv\plat03\060303.dwg PAGE 1 OF

ALLIANCE ENGINEERING INC.	CERTIFICATE OF ATTEST	PLANNING COMMISSION	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2003 A.D. BY _____ PARK CITY RECORDER	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2003 A.D. BY _____ CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2003 A.D. BY _____ S.B.S.I.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2003 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____, 2003 A.D. BY _____ PARK CITY ATTORNEY	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____

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.

7. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by either the Planning Department staff or the Historic District Commission for compliance with the Historic District Design Guidelines.

8. The applicant shall submit a certified Engineer roof over topography assuring that the building height does not exceed what the zone permits.

9. This approval will expire on April 23, 2004, if a building permit has not been issued.

REGULAR AGENDA/PUBLIC HEARINGS

1. 139 Woodside Avenue - Plat Amendment

Planner Derek Satchell reviewed the application for a plat amendment at 139/145 Woodside Avenue. This item was previously advertised as 139 Woodside Avenue but both properties are involved and both properties are under the ownership of the applicant. The applicant is David and Valerie Gill. The property is located in the HR1 Zone and the applicant is requesting to combine the plat amendment for existing Lots A and B of the Malach Plat in Block 32 of the Park City Survey. Lot A currently contains an existing historic dwelling with a non-historic addition to the rear. Lot B is a vacant lot in the Old Town area.

The original plat contained a jogged intermediate lot line which resulted in a slightly larger lot for Lot A, in terms of square footage, than Lot B. The purpose of originally platting this in that fashion was to accommodate an existing addition to the historic

Since that time, the addition has been removed and the applicant wishes to straighten that intermediate lot line in order to make both lots A and B equal in size and proportion.

The Staff has reviewed the applicant's request in accordance with the criteria found in the Land Management Code and requests that the Planning Commission conduct a public hearing, consider public input, and forward a positive recommendation to the City Council to adjust the intermediate lot line separating Lots A and B of the Malach replat as conditioned in the Staff report.

Planner Satchell reported that since the Staff report was written, he has received communication from adjoining property owner, Linda Morris, who expressed concern regarding the impacts of future development on the vacant Lot B. To address that concern the Chief Building Official recommends that the Planning Commission add a condition of approval to their recommendation to City Council that the three foot side yard required setback for Lot B be noted on the plat as a maintenance snow shed and drainage easement to accommodate access for the adjoining property owner at 149 Woodside Avenue.

Commissioner Barth referred to the Staff review meeting on March 18 and a note regarding an accessory unit that could be attached to this property. He wanted to know if this issue has been remedied. Planner Satchell was unsure if that has been remedied in terms of the design. He did know that no building permit has been issued for that project because of that flag.

Chair Larson opened the public hearing.

Linda Morris, an adjoining property owner at 149 Woodside did not object to the replat but she did have concerns regarding access to crawl space under her house. Ms. Morris

requested that the Planning Commission include some type of note to the approval stating that she can have a maintenance access. Ms. Morris addressed other concerns such as snow shedding and drainage. She felt that the notations currently on Lot B, known as the Malach replat, be added to the new replat.

Chair Larson closed the public hearing.

Chair Larson summarized that a conditions of approval should be added as follows:

> That a note be added to the plat such that the three foot side yard setback functions as an easement to the adjacent property owner at 149 Woodside Avenue for purposes of snow removal, drainage, and maintenance and access to the crawl space at 149 Woodside.

Commissioner Erickson suggested adding the following finding of fact:

Administrative Putt requested that the motion clarify that more than function as an easement, an easement shall be provided.

> That access to the historic building adjacent to 149 Woodside Avenue is via Lot B.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 139 and 145 Woodside Avenue in accordance with

the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report with the following addition:

Finding of Fact #16. - That the existing structure on 149 Woodside is adjacent to the property line at proposed Lot B.

Condition of Approval #9 - That an easement for the purposes of snow storage, drainage, and access to the building at 149 Woodside be created within the three foot side yard setback to be created on said Lot B.

Commissioner Powers seconded the motion.

VOTE: The motion passed 4-1. Commissioner Barth voted against the motion.

Findings of Fact - 139 Woodside Avenue

1. The findings discussed in the analysis section of this report are incorporated herein.

2. The property is located in the Historic Residential (HR-1) zone.

3. The property consists of Lota A and Lot B in Block 32 of the Park City Survey, having approximately 3,000 and 2,644 square feet total, respectively.

4. The existing building on Lot A is historically significant, and currently maintains non-conforming side yard setbacks.

5. Lot B is currently vacant.

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

Conditions of Approval:

1. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 7:00 pm.
3. All applicable state and city beer licenses shall be obtained.
4. The applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
5. The applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

ATTACHMENT
A- Approval Letter

PARK CITY
1884

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License:	**____ Special Event X Master Festival**
Event Name:	**NoMa Festival**
Event Date(s):	**June 21, 2003**
Event Location:	**The parking lots at Park City Plaza 1890 Bonanza Drive and White Pine Touring 1685 Bonanza Drive**
Licensee:	**Centura Development**
Contact Person:	**Barb Clark**
Approved By:	**___ Special Events Manager X City Council of Park City**
Approval Date:	**May 1, 2003**

The City Council has approved the Master Festival License for the NoMa Festival to be held June 21, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. NoMa Festival will be held in City Park on Saturday, June 21, 2003. The event would begin at 10 am and create a block party type of event with games and activities, cooking demonstrations, sidewalk sale for merchants, music, food and beer concessions and other entertainment. The event will conclude at 7:00 pm.
2. Parking for the anticipated crowd size throughout the duration of the event will be accommodated at the Mtn. Vineyard Church and at the lot directly behind Einstein's by the Rail Trail parking lot. Electronic signs will be used to direct traffic to these parking areas.
3. The events associated with NoMa Festivals will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The crowd associated with the venues will be contained within the designated areas and the areas are of such size to hold anticipated crowds. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety concerns.
5. No other Master Festival or Special Event Licenses have been issued for June 21, 2003.

6. Both Lot A & B are under the ownership of the applicant.

7. The applicant is proposing to adjust the existing interior lot line between Lot A and B. The proposed amendment will result in a reduction of Lot A from 3,000 square feet to 2, 810 square feet, and the increase of Lot B from 2,644 square feet to 2,810 square feet.

8. The applicant is proposing to make necessary structural improvements to the existing historic dwelling, thereby centering the house on the lot, and bringing it into conformance with the LMC required side yard setbacks.

9. The applicant received administrative approval of a Historic District Design Review application on March 19, 2003, for the proposed improvements.

10. A specific condition of approval for the Historic District Design Review application states that no building permit will be issued for the project until a plat amendment has been reviewed & approved by the City, adjusting the intermediate lot line in order to accommodate the relocation of the existing historic house on Lot A.

11. No remnant lots are created.

12. The neighborhood is characterized by a mix of historic and non-historic dwellings.

13. The neighbor at 149 Woodside Avenue has expressed concern about future physical impacts upon her historic house (which maintains a zero lot line side yard setback to the north of Lot B).

14. Note #3 from the original plat regarding an existing retaining wall and future development on Lot B has been carried over to the proposed replat.

15. The title report for the original Malach Replat dated January 6, 1997, does not report any specific easements on Lot B benefitting 149 Woodside Avenue (Lot 13 in Block 32 of the Park City Survey).

16. The existing structure on 149 Woodside Avenue is adjacent to the property line at proposed Lot B.

Conclusions of Law - 139 Woodside Avenue

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 - 139 Woodside Avenue

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 building permits may be issued for the administratively approved Historic District Design Review application until the plat amendment has been approved by the City, and duly recorded by the Summit County Recorder's Office.

3. All previous and applicable plat notes found on the original Malach Replat shall be reflected on the First Amended Malach Replat.

4. A note shall be added to the plat identifying any recorded easements for access for 149 Woodside Avenue through Lot B.

5. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of any dwelling located on Lot A or B.

6. The City Engineer shall review the utility plan, slope, configuration, and drainage pattern of any development proposed for Lot A and/or B. No construction, grading, or construction staging is permitted within the Woodside Avenue right-of-way without prior approval of the City Engineer.

7. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.

8. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

9. An easement for the purposes of snow storage, drainage and access to the building at 149 Woodside be created within the three foot side yard setback to be created on said Lot B.

Ordinance No. 03-

AN ORDINANCE APPROVING FIRST AMENDED MALACH REPLAT TO ADJUST THE INTERMEDIATE LOT LINE BETWEEN LOTS A & B OF THE MALACH PLAT IN BLOCK 32 OF THE AMENDED PARK CITY SURVEY, LOCATED AT 139 & 145 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lots A and B of the Malach Plat in Block 32 of the Park City Survey, has 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 April 23, 2003, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on April 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 1, 2003, the City Council held a public hearing to receive input on the proposed subdivision; 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 findings discussed in the analysis section of this report are incorporated herein.

2. The property is located in the Historic Residential (HR-1) zone.

3. The property consists of Lot A and Lot B of the Malach Plat in Block 32 of the Park City Survey, having approximately 3,004.5 and 2,612.5 square feet total, respectively.

4. The existing building on Lot A is historically significant, and currently maintains non-conforming side yard setbacks.

5. Lot B is currently vacant.

6. Bot Lot A & Lot B are under the ownership of the applicant.

7. The applicant is proposing to adjust the existing interior lot line between Lot A & B. The proposed amendment will result in a reduction of Lot A from 3,004.5 square feet to 2,812.5 square feet, and the increase of Lot B from 2,612.5 square feet to 2,812.5 square feet.

8. The applicant is proposing to make necessary structural improvements to the existing historic dwelling, thereby centering the house on the lot, and bringing it into conformance with the LMC required side yard setbacks.

9. The applicant received administrative approval of a Historic District Design review application on March 19, 2003, for the proposed improvements.

10. A specific condition of approval for the Historic District Design Review application states that no building permit will be issued for the project until a plat amendment has been reviewed & approved by the City, adjusting the intermediate lot line in order to accommodate the relocation of the existing historic house on Lot A.

11. No remnant lots are created.

12. The neighborhood is characterized by a mix of historic and non-historic dwellings.

13. The neighbor at 149 Woodside Avenue has expressed concern about future physical impacts upon her historic house (which maintains a zero lot line side yard setback to the north of Lot B).

. The existing historic dwelling located at 149 Woodside Avenue currently maintains a legal non-complying zero-to-one foot side yard setback adjacent to Lot B of the Malach Replat.

15. Access to a utility crawlspace under 149 Woodside Avenue is found on the south side of the dwelling, within the legal non-complying zero-to-one foot side yard setback adjacent to Lot B of the Malach Replat.

16. Note #3 from the original plat regarding an existing retaining wall and future development on Lot B has been carried over to the proposed replat.

17. The title report for the original Malach Replat, dated March 18, 2003, does not report any specific easements on Lot B benefitting 149 Woodside Avenue (Lot 13 in Block 32 of the Park City Survey).

18. The applicant agrees to providing the neighbor at 149 Woodside Avenue a maintenance, snowshed, and drainage easement within the 3' LMC required side yard setback for Lot B.

19. The Planning Commission forwarded a positive recommendation on this plat

amendment to the City Council on April 23, 2003.

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

SECTION 3. SUBDIVISION APPROVAL. The plat amendment to adjust the intermediate lot line separating Lots A & B, of the Malach Replat, in Block 32 of the Park City Survey, known as the First Amended Malach Replat, is approved as shown on Exhibit B, 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 building permits may be issued for the administratively approved Historic District Design Review application until the plat amendment has been approved by the City, and duly recorded by the Summit County Recorder's office.

3. All previous and applicable plat notes found on the original Malach Replat shall be reflected on the First Amended Malach Replat.

4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of any dwelling located on Lot A or B.

5. The City Engineer shall review the utility plan, slope, configuration and drainage pattern of any development proposed for Lot A and/or B. No construction, grading, or construction staging is permitted within the Woodside Avenue right-of-way without prior approval of the City Engineer.

6. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.

7. A note shall be added to the plat stating that a maintenance, snowshed, and drainage easement be created within the LMC required 3' minimum side yard setback for Lot B, for the purpose of providing access to the utility crawlspace for 149 Woodside Avenue.

8. 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 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

_____
Mayor Dana Williams

Attest:

_____
Janet M. Scott, City Recorder

Approved as to form:

_____
Mark D. Harrington, City Attorney

CITY COUNCIL STAFF REPORT

Date: May 1, 2003
Department: Planning Department
Title: 1138 Lowell Avenue
Type of Item: Legislative

Summary Recommendation: Staff recommends that City Council approve the proposed plat amendment to combine all of lot 25 and lot 26 of Block 27, to the Snyder's Addition to Park City into one lot of record.

A. Topic

Owners: Daniel & Sherry Winarski
Location: 1138 Lowell Avenue
Zoning: HR-1
Adjacent Land Uses: Historic Residential
Project Planner: Kevin LoPiccolo
Date of Application: February 27, 2003

B. Application Request:

The proposed application is to combine two full lots in Block 27 of the Snyder's Addition into one 3,750 square foot lot. The minimum lot size for the HR-1 zone is 1,875 square feet. The applicant is proposing to combine two legal lots of record into one lot for a future addition to an existing residence located on lot 26. The lots are located on the east side of Lowell Avenue between Eleventh Street and Twelfth Street. The development pattern in this area consists of single-family Dwellings.

The Planning Commission reviewed this application request and forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.

C. Analysis

The property is zoned HR-1. The proposed plat amendment creates a 3,750 square foot lot and would have access off Lowell Avenue. The minimum lot area is 1,875 square feet for a single-family dwelling and 3,750 square feet for a duplex. The minimum lot width for construction is twenty-five (25) feet, measured fifteen (15') feet back from the front lot line. The proposed plat amendment complies with the Land Management Code, Section 15-2.2-3 (A) Lot Size.

Use: The applicant's proposed use is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses. The applicant is proposing to combine lot 25 & lot 26 into one lot of record to allow an addition to an existing single-family dwelling.

Density: As currently platted, the applicant would be able to obtain a building permit provided that a conditional use permit for steep slope was approved by the Planning Commission to develop lot 25 as a single-family dwelling. This request would be only for an addition to the main dwelling, but will still require a conditional use permit for steep slope.

Criteria for Review:

Pursuant to the Land Management Code and State Subdivision statutes, the City Council must

be able to conclude that:

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

Public Input:
All owners within 300' of the property were noticed. As of the date of this report, no comments have been received.

D. Department Review.
The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat before the plat is recorded.

Significant Impacts:
The proposed amendment will not increase the density of what the zone allows. The lots as currently platted allow for single-family dwellings. With the proposed lot combination, the applicant would eliminate the interior lot line and create one lot of record to construct an addition to the main dwelling. The proposal is consistent with the allowed uses in the HR-1 zone and will not have any significant impacts associated with approving this plat amendment.

E. Recommendation
The staff recommends that the City Council approve the plat amendment for lot 25 and lot 26 of Block 27, to the Snyder's Addition to Park City into one lot of record, based on the following Findings of Fact, Conclusions of Law and Conditions of approval.

Findings of Fact:
1. The property is located at 1138 Lowell Avenue in the Historic Residential (R-1) District.
2. The proposed plat creates a 3,750 square foot lot.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.
4. The applicant is proposing to construct an addition to the existing single-family dwelling.
5. The existing dwelling is located on lot 26.
6. The minimum lot size allowed for a single-family dwelling is 1,875 square feet.
7. The applicant's proposed use (single-family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.
8. The proposed plat amendment will combine all of lot 25 and lot 26 of Block 27, Snyder's Addition into one lot of record measuring 3,750 square feet.
9. The plat amendment will not increase density on the lot.
10. No remnant lot is created.
11. The lots exceed 30% slope.
12. The applicant is required to submit a conditional use permit for steep slope review.
13. The applicant is required to submit a Historic Design Review application for the proposed construction of the single-family dwelling.
14. The applicant stipulates to all conditions of approval.

Conclusions of Law:
1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and

applicable State law regarding subdivision plats.

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
4. The applicant shall submit prior to building plans submittal, a Historic Design Review application and a conditional use permit for steep slope analysis for the addition that will be either approved/denied by the Planning Commission.

F. Exhibits

Exhibit A - Proposed Plat Amendment
Exhibit B - Draft Ordinance

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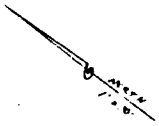
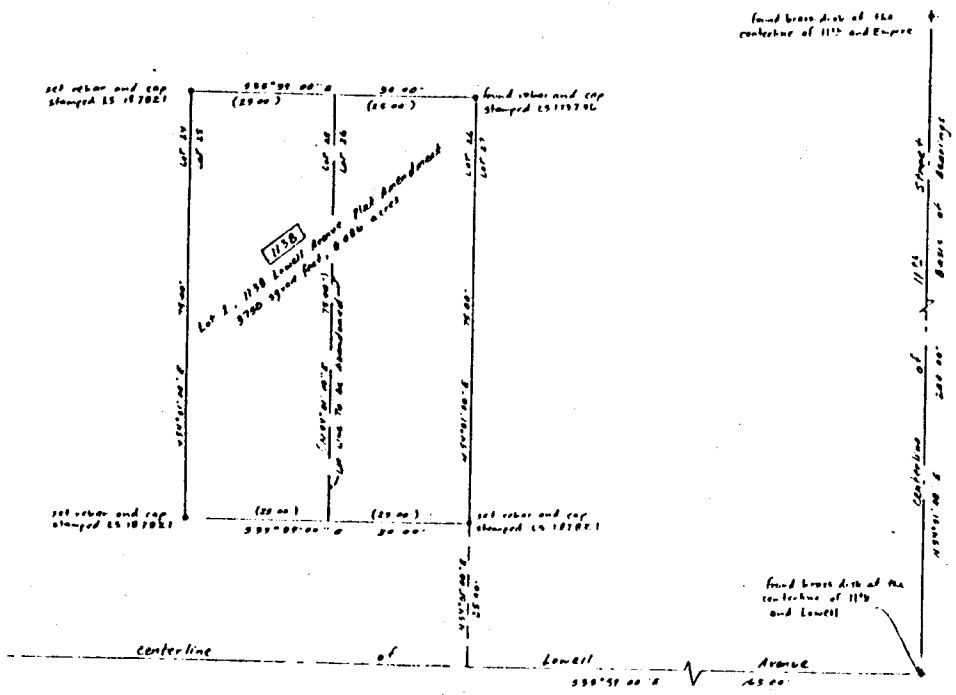
1138 Lowell Avenue Plat Amendment and Record of Survey

Lots 25 and 26, Block 27, Snyder's Addition, Park City





Owner's Consent to Record:

Know all men, by these present, that we, Daniel R. Winarski and Sharon D. Winarski, are the owners of the herein described property, hereinafter to be known as 1138 Lowell Avenue, and hereby, that we have caused this survey to be made, and the plat to be prepared, and we do hereby consent to the recordation of this survey and plat amendment.

Daniel R. Winarski Sharon D. Winarski

Acknowledgement:

State of _____

County of _____

On this _____ day of _____, 2002, personally appeared before me, the undersigned Notary Public, in and for said State and County, Daniel R. Winarski and Sharon D. Winarski, who after being duly sworn, acknowledged to me that they are the owners of the herein described property, and that they signed the above owner's consent to record freely and voluntarily

Notary Public My Commission Expires Residing At

Surveyor's Certification:

I, Jim Thomas, hold license number 187021 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown herein and as described in this survey notes and legal description below

Survey Notes:

1. The basis of bearings is as shown
2. This survey was requested by Daniel and Sharon Winarski
3. Survey monuments were found or set as shown
4. 1138 = street address on Lowell Avenue

Legal Description:

All of Lots 25 and 26, Block 27, Snyder's Addition to Park City, also being located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah.

STATE OF UTAH

October 28, 2002

55

City Council

Approved by the Park City Council on this ____ day of _____, 2002

Mayor

City Recorder

City Planning Commission

Approved by the Park City Planning Commission on this ____ day of _____, 2002

Chairperson

City Engineer

Found to be in accordance with information on file at the Park City Engineer's Office on this ____ day of _____, 2002

City Engineer

City Attorney

Approved as to form by the Park City Attorney on this ____ day of _____, 2002

City Attorney

Snyderville Basin Water Reclamation District

Reviewed for compliance to Snyderville Basin Water Reclamation District standards on this _____ day of _____, 2002.

by: _____

S.B.W.R.D.

Recorded

Number _____ Date _____

State of Utah Time _____

County of Summit Fee _____

Recorded and filed at the request of _____

County Recorder

Surveyed by: On The Map Land Surveying
P.O. Box 3064
Park City, UT 84060
647-9826

Ordinance No. 03-

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 25 AND LOT 26 OF BLOCK 27, SNYDER'S ADDITION INTO ONE LOT OF RECORD LOCATED AT 1138 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners, Daniel and Sherry Winarski, of the property at 1138 Lowell Avenue Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City Record of Survey; and

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

WHEREAS, on April 23, 2003, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Snyder's Addition and forwarded a positive recommendation of approval to the City Council; and

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

WHEREAS, the proposed amendment to the Snyder's Addition allows the owner to combine all of Lot 25 and Lot 26 of Block 27, Snyder's Addition into one lot of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

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

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

1. The property is located at 1138 Lowell Avenue in the Historic Residential (R-1) District.
2. The proposed plat creates a 3,750 square foot lot.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23. 2003 meeting.
4. The applicant is proposing to construct an addition to the existing single-family dwelling.
5. The existing dwelling is located on lot 26.

6. The minimum lot size allowed for a single-family dwelling is 1,875 square feet.
7. The applicant's proposed use (single-family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.
8. The proposed plat amendment will combine all of lot 25 and lot 26 of Block 27, Snyder's Addition into one lot of record measuring 3,750 square feet.
9. The plat amendment will not increase density on the lot.
10. No remnant lot is created.
11. The lots exceed 30% slope.
12. The applicant is required to submit a conditional use permit for steep slope review.
13. The applicant is required to submit a Historic Design Review application for the proposed construction of the single-family dwelling.
14. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

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

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 1030 Lowell Avenue, Block 28, Snyder's Addition to the Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
3. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
4. The applicant shall submit prior to building plans submittal, a Historic Design Review application and a conditional use permit for steep slope analysis for the addition that will be either approved/denied by the Planning Commission.

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

PASSED AND ADOPTED this 1st day of May, 2003

PARK CITY MUNICIPAL CORPORATION

_____
Mayor Dana Williams

Attest:

_____
Janet M. Scott, City Recorder

Approved as to form:

_____
Mark D. Harrington, City Attorney

CITY COUNCIL STAFF REPORT

Date: May 1, 2003
Department: Planning Department
Title: 1030 Lowell Avenue - Plat Amendment
Type Of Item: Legislative

Summary Recommendations: Staff recommends that City Council approve the proposed plat amendment to combine all of lot 24 and lot 25 of Block 28, Snyder's Addition into one lot of record.

A. Project Statistics

Applicant:	David Hood
Location:	1030 Lowell Avenue (Lots 24 & 25)
Proposal:	Plat Amendment
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Project Planner:	Kevin LoPiccolo
Date of Application:	March 11, 2003

B. Background

The applicant proposes to construct one (1) single-family structure on a newly created lot consisting of Lots 24 & 25 of Block 28 in the Snyder's Addition, located in the HR-1 zone. The proposed dwelling will be located at 1030 Lowell Avenue, and will have approximately 2,805 square feet of living area. The applicant submitted an application to the Planning Department for an Administrative Lot Line Adjustment on March 11, 2003. Because the applicant was not able to obtain the adjacent property owners' signatures for an Administrative Lot Line Adjustment, the Planning Commission reviewed this application request and forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.

The proposed application is to combine lots 24 and 25 in Block 28 of the Snyder's Addition into one 3,750 square foot lot. The minimum lot size for the HR-1 zone is 1,875 square feet. The applicant is proposing to combine two lots of record into one lot for the construction of a single family dwelling. The lots are located on the east side of Lowell Avenue between Tenth & Eleventh Street. The development pattern in this area consists of single-family dwellings.

The applicant's proposed use is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses. The applicant is proposing one single-family dwelling with two on-site parking spaces provided. The lot would have access off Lowell Avenue. The minimum lot area is 1,875 square feet for a single-family dwelling. The minimum lot width for construction is twenty-five (25) feet, measured fifteen (15') feet back from the front lot line. The proposed plat amendment at 3,750 square feet and a

lot width of 50 feet complies with the Land Management Code, Section 15-2.2-3 (A) Lot Size.

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

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

Public Input:
All owners within 300' of the property were noticed. As of the date of this report, no comments have been received.

C. Department Review.
The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat before the plat is recorded.

D. Recommendation
The staff recommends that the City Council approve the plat amendment, conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact
1. The proposed application is to combine lots 24 and 25 in Block 28 of the Snyder's Addition into one 3,750 square foot lot.
2. The minimum lot size for the HR-1 zone is 1,875 square feet.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.
4. The minimum lot width for the HR-1 zone is 25 feet.
5. The proposed lot width is 50 feet.
6. The applicant's proposed use (single family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.
7. The lots are located on the east side of Lowell Avenue.
8. The plat amendment will not increase density on the lot.
9. No remnant lot is created.
10. The applicant stipulates to the conditions of approval.

Conclusions of Law
1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

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

Conditions of Approval

1. The City Attorney and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS:

Exhibit A - Proposed Plat Amendment
Exhibit B - Draft Ordinance

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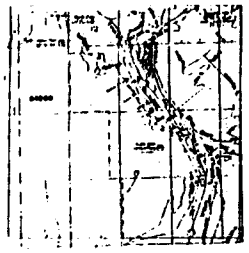
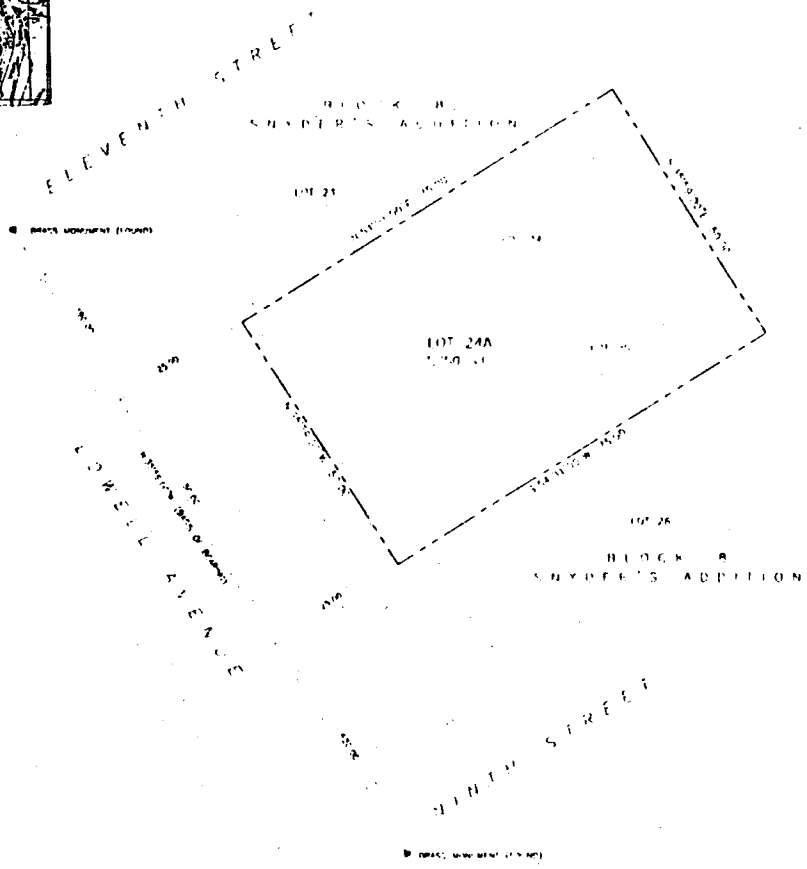
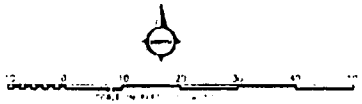
PLAT AMENDING LOTS 24 AND 25, SNYDER'S ADDITION
PARK CITY, UTAH

LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN



VICINITY MAP





LEGEND

SURVEYOR'S CERTIFICATE

I, Patrick C. Alvey, do hereby certify that I am a Registered Civil Engineer and Land Surveyor, and that I hold certificate No. 4909 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described herein, and that the description correctly describes said land surface.

BOUNDARY DESCRIPTION

All of Lots 24 and 25, Block B, Snyder's Addition, Park City, Utah according to the official Plat on file in the office of the Summit County Recorder, lying within Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

DATE _____ Licensed Land Surveyor

CERTIFICATE OF CONSENT TO RECORD

Know all men by these presents that we the undersigned Owners of the above described tract of land have caused a survey to be made and this Record of Survey Map to be prepared and do hereby consent to the recordation of the Map. The Owners or their representatives hereby irrevocably offer for dedication to Park City, Summit County, State of Utah, all the streets, and for local government uses, easements, parks and required utilities and easements shown on the Subdivision Plat and construction plans in accordance with an irrevocable offer of dedication.

In witness whereof we have hereunto set our hands this _____ day of _____ A.D.

OWNER/SUBDIVIDER _____

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT } SS

ON THE _____ DAY OF _____ A.D. 20 _____ PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF SUMMIT _____ WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE OWNER OF THE TRACT OF LAND DESCRIBED AND SHOWN HEREON AND THAT THE WITHIN CONSENT TO RECORD WAS SIGNED, FREELY AND VOLUNTARILY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC

MY COMMISSION EXPIRES _____

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VanWagoner and Associates
ENGINEERING & PLANNING
PARK CITY, UTAH

CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT APPROVAL	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 20 _____ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 20 _____	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 20 _____	REVIEWED FOR CONFORMANCE TO THE JUNDERWOOD BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS _____ DAY OF _____ A.D. 20 _____	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20 _____	STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____

Ordinance No. 03-

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 24 AND LOT 25 OF BLOCK 28, SNYDER'S ADDITION INTO ONE LOT OF RECORD LOCATED AT 1030 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owner, David Hood, of the property at 1030 Lowell Avenue Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City Record of Survey; and

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

WHEREAS, on April 23, 2003, the Planning Commission held a public hearing to receive public input on the proposed amendment to the Snyder's Addition and forwarded a positive recommendation of approval to the City Council; and

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

WHEREAS, the proposed amendment to the Snyder's Addition allows the owner to combine all of Lot 24 and Lot 25 of Block 28, Snyder's Addition into one lot of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

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

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

1. The proposed application is to combine lots 24 and 25 in Block 28 of the Snyder's Addition into one 3,750 square foot lot.
2. The minimum lot size for the HR-1 zone is 1,875 square feet.
3. The Planning Commission forwarded a positive recommendation to the City Council at their April 23, 2003 meeting.
4. The minimum lot width for the HR-1 zone is 25 feet.
5. The proposed lot width is 50 feet.

6. The applicant's proposed use (single family dwelling) is permitted in the HR-1 District pursuant to the LMC Section 15-2.2-2 (A) Allowed Uses.
7. The lots are located on the east side of Lowell Avenue.
8. The plat amendment will not increase density on the lot.
9. No remnant lot is created.
10. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

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

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 1030 Lowell Avenue, Block 28, Snyder's Addition to the Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 1st day of May, 2003

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Dana Williams

DATE: May 1, 2003
DEPARTMENT: Planning Department
TITLE: Revisions to Chapter 15-4-15 of the Land Management Code, Outdoor Display of Art on City-Owned/Public Property
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Approve ordinance amending Section 15-4-15 of the Land Management Code: Outdoor Display of Works of Art.

A. Topic: Amendments to Land Management Code relating to Outdoor Display of Works of Art.

B. Background and Analysis: The Land Management Code, Section 15-4-15: Outdoor Display of Works of Art, sets forth regulations pertaining to the outdoor installation and display of works of art. Section 15-4-15 currently applies to art work on both public and private property. Per the current Code, outdoor displays of art are processed as Administrative Conditional Use Permits. Action on applications for the outdoor display of art is taken by staff. Outdoor displays of art that are proposed within the Historic District are reviewed by the Historic District Commission. Recent public discussions and input from the City Council regarding the need for clarity in the existing outdoor display of public art has prompted the proposed amendments.

Staff has prepared an amendment to the outdoor display of art regulations that involves:

* Staff review of proposals for the outdoor display of art on City-owned/public property for non-content related criteria including height, setback, and building code/public safety;

* City Council taking final action on proposals for the outdoor display of art on City-owned/public property (as property owner); and,

* Council discretion to refer proposals for the outdoor display of art on City-owned/public property to the Planning Commission or other advisory commission/board for input prior to Council taking final action.

The proposed amendments will only apply to the display of art on City-owned/public property. Outdoor displays of art on private property will now be processed as permitted uses and only reviewed by the City for compliance with height, setback, and building code/public safety requirements.

The Planning Commission held a public hearing on the proposed amendments on April 9, 2003. No public comment was received. The Planning Commission forwarded a

unanimous positive recommendation on the proposed amendments to Council at the conclusion of the hearing.

D. Review: The proposed amendments have been reviewed by the Planning, Building, Engineering, and Legal Departments. A copy of the draft amendments have been forwarded to the Brian Hess, Executive Director of the Park City/Summit County Arts Council.

E. Alternatives:

1. Approve amendments as recommended by Staff and Planning Commission.
2. Modify amendments to address specific public and/or Council concerns.
3. Deny proposed amendments.

F. Significant Impacts: Approval of the proposed amendments will clarify the outdoor display of art process and provide Council with flexibility to obtain input from its commissions/advisory boards. The amendments will only apply to the display of art on City-owned/public property. Outdoor displays of art on private property will be permitted uses. If the amendments are not approved, City Staff will continue to process outdoor displays of art applications as administrative conditional use permits. Applications for the outdoor display of art within the Historic District will continue to be reviewed by the Historic District Commission.

RECOMMENDATION

Staff requests that Council hold a public hearing, discuss and modify as necessary, the proposed amendments pertaining to the outdoor display of art on City-owned/public property as forwarded by the Planning Commission. A draft ordinance is attached to this memorandum for possible Council action.

EXHIBITS
Exhibit A - Proposed Ordinance
Exhibit B - April 9, 2003 Planning Commission Minutes

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Ordinance No. 03-

AN ORDINANCE AMENDING CHAPTER 15-4-15 OF THE LAND MANAGEMENT CODE

WHEREAS, a Land Management Code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of applications for public display of works of art on public property and the community has clear notice of the Land Management Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to encourage and accommodate the placement and enjoyment of public works of art, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations;

WHEREAS, the Council has identified public displays of art as an important economic element in Park City;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

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

SECTION 1. AMENDMENT TO CHAPTER 15-4-15 OF THE PARK CITY LAND MANAGEMENT CODE The recitals above are hereby incorporated herein as findings of fact. Chapter 15-4-15 of the Land Management Code of Park City is hereby amended to read as follows:

~~**15-4 -15. OUTDOOR DISPLAY OF WORKS OF ART.**~~

~~The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor display of works of art is an Administrative Conditional Use permit subject to the criteria of this Section and the Conditional Use permit criteria of LMC Chapter 15-1-10 (E). Approved outdoor displays of works of art may be exempt from Municipal Code Section 12-9-1(r) provided such displays meet the following criteria:~~

~~(A) The location and work of art must be reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed by the Historic District Commission.~~

~~(B) The display must be of a permanent nature and able to withstand the elements if located outside.~~

~~(C) The City accepts no liability in case of damage or theft.~~

~~(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.~~

~~(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.~~

~~(F) A Building Permit may be required in situations requiring installation of a base and/or electrical connections.~~

~~(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.~~

~~(H) All works of art shall meet the Setbacks and height limitations of the zone.~~

~~(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 15-5.~~

15-4-15 OUTDOOR DISPLAY OF WORKS OF ART ON PUBLIC/CITY-OWNED PROPERTY

(A) POLICY AND PURPOSE. It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain Public/City-Owned properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, a resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA**. The Outdoor Display of Works of Art on City-Owned Property shall be reviewed by the Planning, Engineering, and Building Divisions for compliance to the following criteria.

(1) The display must comply with the height and setback requirements of the zoning district where it is located.

(2) The display must be designed and created with materials that will withstand the weather conditions and the elements.

(3) The display must comply with all applicable building codes.

(4) In cases where the City is not the owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one (1) square foot, may be attached to the work or its support base.

(6) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public rights-of-way, including sidewalks, or pedestrian and vehicular areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(I) Lighting.

(C) **CITY COUNCIL REVIEW.** Upon compliance with all criteria set forth in this section, the City Council shall review and take Final Action on all requests for the Outdoor Display of Works of Art on City-Owned Property. The City Council may seek a recommendation on requests for the Outdoor Display of Works of Art on City Owned Property from the Planning Commission, Arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking Final Action. The City and the applicant shall execute all necessary agreements prior to installing any approved public art on City-owned/public property.

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

PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Dana Williams

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, City Attorney

M:\PAT\COUNCIL\CC03\OutdoorArtOrd.wpd

DATE: April 25, 2003
DEPARTMENT: Public Works
AUTHOR: Kathy Gammell
TITLE: Water Conservation and Drought Plan
Drought Ordinance
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt the Drought Ordinance as part of the City's Water Code and adopt the "Water Conservation and Drought Management Plan" by resolution; or provide changes in the plan and/or ordinance for future Council consideration.

DESCRIPTION:

A. Topic. "Water Conservation and Drought Management Plan", Drought Ordinance

B. Background.

Utah is enduring a fifth year of drought with the possibility of cut-backs in ground water rights and the possibility of lower yield from Park City's seven existing sources. A "Water Conservation and Drought Management Plan" will provide direction for conservation efforts and for responding to emergency reduction in Park City water consumption in the event of uncontrollable water shortages.

The Drought Ordinance provides the ability to enforce proposed actions that are defined for different stages of water shortage severity as outlined in the "Water Conservation and Drought Management Plan."

C. Analysis

"Water Conservation and Drought Management Plan"

Water Conservation

The water conservation portion of the plan addresses two critical elements of water conservation.

1. Reduce consumption through consumer education and awareness.
2. Maximize operational efficiency to reduce system losses.

Efforts to address each of these elements are outlined in the plan.

Drought Management

The drought management portion of the plan provides tools for taking immediate pre-determined action when conservation efforts are not adequate to protect the priority needs of Park City residents. Priority needs are defined in the plan as 1) health and safety of Park City's residents; 2) economic well-being of the community; 3) lifestyle (i.e. landscaping).

The Drought Ordinance

The Drought Ordinance addresses 3 different levels of water shortage severity and the associated actions for each level. It also identifies associated penalties that may be imposed for violation of the water restrictions of the ordinance. As a companion to the ordinance, the drought management portion of the plan helps guide the Mayor, Council and/or staff in determining the appropriate stage of reduction.

Department Review. The Water Conservation and Drought Management Plan and Drought Ordinance has been reviewed by the City Manager, Public Works, and Legal Departments.

ALTERNATIVES:

A. Adopt the "Water Conservation and Drought Management Plan", and/or "Drought Ordinance" as presented.

B. Direct staff to incorporate changes into the Plan and/or Ordinance and return for approval at a future Council meeting.

C. Do Nothing.

SIGNIFICANT IMPACTS:

Adoption of the Drought Ordinance will provide Council with the tools to enforce actions to reduce water consumption.

Adoption of the "Water Conservation and Drought Management Plan" will provide Council's support and/or direction for staff's water conservation efforts.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Violation of the different stages of water reduction will not be enforceable by law and penalties cannot be imposed.

RECOMMENDATION: Provide approval of the plan and ordinance or changes that will be acceptable for approval in a future Council meeting.

Ordinance 03-

AN ORDINANCE AMENDING TITLE 13, WATER CODE, OF THE MUNICIPAL CODE OF PARK CITY, UT, TO ADD SECTION TO PROVIDE FOR REDUCED WATER CONSUMPTION DURING DROUGHT OR OTHER EMERGENCY

WHEREAS, Utah is entering the fifth year of a severe drought cycle; and

WHEREAS, the raw water supplies of the City of Park City are at their lowest recorded level and are in immediate danger of not being fully replaced or renewed in the foreseeable future at the current usage by consumers; and

WHEREAS, water conservation is required for maintenance of a sustainable water supply to immediately preserve and protect the public health of the citizens of Park City and its water users; and

WHEREAS, the declaration of drought emergency and the imposition of mandatory water conservation measures are in the best interest of the citizens of Park City for the immediate preservation and protection of their health, safety, and welfare.

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

Section I. Amendment. Title13 of the Municipal Code of Park City is hereby amended to add Section as follows:

13-1-27. WATER USE DURING PERIODS OF DROUGHT.

(A) **OBJECTIVE.** The objective of this section is to establish authority, policy and procedure by which the Park City Water Service District and Park City Municipal Corporation will act during periods of water shortages.

(B) **STAGE ONE DROUGHT.** The Public Works Director, or his or her designee, may determine in his or her sole discretion that Stage One of a drought exists. The Public Works Director shall immediately thereafter implement measures to reduce water consumption by Park City Water Service District customers by fifteen percent (15%). During Stage One, staff will strongly encourage voluntary reductions in water consumption to achieve Stage I goals that are outlined in the City's "Water Conservation and Drought Management Plan".

(C) **STAGE TWO DROUGHT.** The Park City Mayor, or his or her designee, may determine in his or her sole discretion that Stage Two of a drought exists. The

Mayor shall immediately thereafter declare that measures shall be implemented to reduce water consumption by Park City Water Service District customers by thirty percent (30%). During Stage Two, the following rules shall be in effect:

(1) Restrict lawn and landscape irrigation to every third day watering schedules with up to a thirty percent (30%) reduction in clock time.

(2) Prohibit sidewalk and driveway washing.

(3) Prohibit commercial ornamental fountains.

(4) Prohibit car washing unless done at a commercial car wash that recycles water.

(5) Restrict the filling and refilling of outdoor swimming pools.

(6) Prohibit the irrigation of golf courses, City and private owned.

(7) Prohibit restaurants from serving water unless requested by customers.

(8) Restrict landscape watering at City facilities and parks.

(9) Restrict use of water in City operations.

(10) Require local hotels and motels to request their customers conserve water during their stay.

(11) Increase the intensity of the public awareness programs. Provide water supply shortage information at public meetings, City festivals, etc.

(12) Monitor progress of water use reduction efforts by tracking weekly water production.

(13) Place graph of water use compared to target use goal in the City's web page and publish in local newspaper.

(14) Prohibit customers from installing or planting new laws by seed or sod.

(15) Prohibit fire hydrant uses not related to public health and safety.

(16) Provide information on how to protect trees and shrubs during drought.

(17) Distribute information on 'do it yourself' household audit procedures for conserving water.

(18) Check utility billing records to find extremely high water users and investigate for leaks.

(19) Insert notices in customers water bills if water use has not decreased.

(20) Use City personnel to monitor for compliance. Impose penalties for customers who violate restrictions.

(21) Implement temporary drought irrigation rates as incentive to reduce water use. A percentage increase could be applied to each of the existing blocks in the rate structure as recommended by the Public Works Director and approved by City Council.

(D) **STAGE THREE DROUGHT**. The Park City Mayor, or his or her designee, may determine in his or her sole discretion that Stage Three of a drought exists. The Mayor shall immediately thereafter declare that implement measures to reduce water consumption by Park City Water Service District Customers by fifty percent (50%). During Stage Three, the following rules shall be in effect:

(1) Implement all Stage Two actions.

(2) Allocate water use for all users based on customer's previous year indoor use or billing class average indoor use.

(3) Prohibit all outdoor lawn and landscape watering.

(4) Prohibit water use in all ornamental fountains and ponds.

(5) Prohibit new connections to City water distribution system.

(6) Prohibit car washing.

(7) Prohibit filling or refilling of private and public swimming pools.

(E) **NOTICE**. The Public Works Director in the case of a Stage One Drought and the Mayor in the case of a Stage Two or Stage Three Drought shall provide notice of his or her declaration of drought stage as follows:

(1) Notice shall be published in a newspaper of general circulation in the Park City community at least once each week during the period of drought;

(2) Public Service Announcements shall be made on a radio station broadcasting in the Park City community at least once each day during the period of drought; and

(3) Written notice shall be posted at all government buildings.

(F) **ENFORCEMENT**. Upon a first violation of this ordinance, in addition to any fine imposed pursuant to Section 28 of this Title, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to be responsible for the violation or its correction shall be provided with notice. Said notice shall describe the violation and order that it be corrected within such specified time as the Public Works Director determines is reasonable under the circumstances.

If the violation is not corrected within the proscribed time, the Public Works Director may order the disconnection of water service to the violating property subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(G) **RECONNECTION**. A fee of $50 shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be $200 for the second reconnection and $300 for any additional reconnections.

13-1-2~~7~~8. **PENALTY**.

All violations of this Title, except those set forth in Sections 13-1-23, shall be a Class B misdemeanor, punishable by a fine not exceeding one thousand dollars ($1,000) and incarceration not exceeding six (6) months. Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of one thousand dollars ($1,000).

Section II. **Effective Date**. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

_____

Resolution No.

RESOLUTION ADOPTING A WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN FOR PARK CITY, UTAH

WHEREAS, the health, safety and economic well-being of the Park City citizenry is of the utmost concern and priority of the City Council; and

WHEREAS, Utah is entering the fifth year of a severe drought cycle; and

WHEREAS, planning for water conservation and drought management is important to ensure availability of water to meet priority needs of Park City residents; and

WHEREAS, a written plan for water conservation and drought management will provide direction for City Council and staff to quickly respond to water shortages

NOW, THEREFORE BE IT RESOLVED:

SECTION 1. ADOPTION OF PROGRAM AND POLICY. The Mayor and City Council hereby adopt Exhibit A, the Water Conservation and Drought Management Plan outlining associated goals, objectives, and policies.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED May 1, 2003.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Dana Williams

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Mark D. Harrington, City Attorney

Exhibit A
Conservation Plan
under separate cover

DATE: May 1, 2003
AUTHOR: Colin Hilton
TITLE: Regional Ice Facility - Extension and Modification of Letter of Intent (LOI) with SBSRD
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: City Council is requested to approve an updated and modified Regional Ice - Letter of Intent between Park City Municipal Corporation and the Snyderville Basin Special Recreation District (SBSRD).

DESCRIPTION:

A. Topic: Extended and Modified Letter of Intent with SBSRD for a Regional Ice Facility

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

The City and SBSRD both passed bonds in November of 2001. Prior to the bonds passing, the City and SBSRD informed the public that it was their intent to jointly develop a "large regional ice facility that would serve both communities." The City's voter information packet went on to state, "It is likely that if resources are combined, the facility will have a year-around indoor rink and a seasonal outdoor rink." In addition, in September of 2001, the City Council passed a resolution that stated, "The City will make all best efforts to create a multi-jurisdictional task force and work with the Snyderville Basin Recreation District to develop an ice facility in the greater Park City area." Since the passage of the $4 million City bond, the City has been working with the SBSRD to jointly develop an ice facility.

On January 17, 2002, the City and SBSRD approved a letter of intent for the joint development of an indoor ice facility and the possible phased construction of an adjoining outdoor ice rink. On June 6, 2002, the City Council and the Snyderville Basin Special Recreation District extended the letter of intent until December 31, 2002 so that an inter-local agreement governing the management, construction and operation of the ice facility could be adopted. The letter of intent narrowed the focus of the project to just an indoor ice facility. The letter of intent also identified the SR 224 corridor as the possible location for the ice rink.

On December 17, 2002, the City Council and SBSRD updated the Letter Of Intent (LOI) and extended its life to May 1, 2003. It was hoped that an Inter-local Agreement would be adopted prior to that date. The LOI updated the Regional Ice Committee's recommendation to phase in the development of the ice rink to ensure that the capital

budget did not exceed the $4 million in bond proceeds. The LOI also reflected the desire of the SBSRD and the City to have the rink located along the Highway 224 transit corridor. This language does not preclude other sites, but does indicate that parties have a preference for the Highway 224 corridor.

On April 3, 2003 City Staff reviewed the status of the RIC Committee's planning efforts at a City Council work session. Included in this update was a review of the proposed terms of an Inter-Local Agreement between PCMC and the SBSRD. As efforts continue to be worked through to finalize the Inter-local Agreement, Staff requests an extension to the current LOI prior to the May 1, 2003 expiration.

C. <u>Analysis</u>

Notable modifications made to the current LOI are:

1) LOI expiration date to 1-31-2004

2) Proposed Inter-local Agreement (ILA) be completed by 6-30-03

3) Modified descriptions of Phase I and Phase II facility operations

4) Potential operating deficit to be handled under the following terms:

> "Parties shall contribute to the Authority an amount equal to one-half (50%) of the Authority's Net Operating Deficit for the subject fiscal year. The timing of such payments shall be as reasonably requested by the Authority's Governing Body. Beginning in year six, operational deficits will be split between the parties based on acceptable means of tracking by local user zip code, but in no case will it exceed a 5% annual incremental increase to either party, and will not exceed 60%: 40% in favor of either Party under governance of the Regional Ice Authority. Users identified as residing outside the boundaries of the District and City will be excluded from the calculation"

5) Designation of Lower Canyons Lot for preferred ice rink location. December 15, 2003 as the date required to be completed with the land acquisition at this site.

6) Inclusion of agreed upon targets of RVMA dues exemptions, shared parking easements, and exemptions from road infrastructure costs.

The updated LOI also includes a continuation of these items:

1) Continued desire to plan this facility jointly with the SBSRD

2) Financial capital commitments of each Party to the tune of $2 million each

3) Taking a phased in operational/construction approach to ensure financial

goals

D. Department Review: This report and Modified Letter of Intent has been reviewed by the City Manager's Office and the Legal Department.

ALTERNATIVES:
A. Approve the Letter of Intent
B. Deny the Request: Direct Staff to discontinue efforts to implement a joint ice facility.
C. Continue the Item

SIGNIFICANT IMPACTS: The Letter of Intent states that the City and the SBSRD intend to each contribute $2 million in bond money to the project.

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

RECOMMENDATION:
The City Council is requested to approve the extended Letter of Intent between the City and the Snyderville Basin Recreation District for the development of a regional ice facility.
Attachments:

A) Letter of Intent

Snyderville Basin Special Recreation District and Park City Municipal Corporation Regional Ice Facility Letter of Intent
April~~December~~, 2003~~2~~

Purpose

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

1. SBSRD and PCMC have each secured and committed funding in the amount of $2 million for the purpose of constructing an Olympic sized ~~outdoor~~ ice facility. It is the intention of both Parties to initially build a facility within the $4 million dollar capital budget.

1.1. The parties agree that ~~the phase I scope~~ initial construction is proposed to include a minimum of a 100' x 200' ~~seasonal~~ ice rink, insulated pavilion roof (to allow for future enclosure) bleacher seating (200-300 concrete tiered, plus slab space to allow for temporary bleacher seating for 300-400). ~~Phase I~~ The minimum enclosed building elements are proposed to include locker rooms (2 team, 1 ref/family), restrooms (# determined per building code for 600), concession area for skate rentals and sharpening, entry vestibule/ticket sales/warming area, food and pro shop "flex space," mechanical and zamboni storage, meeting/party room(s) and two offices.

1.2. Phase I operations will be defined as "seasonal ice use operations from November to March with Summer event / dry floor use from April to October."

1.3 Phase II operations will ~~then d~~be defined as "year round ice use." Phase II shall be preceded by a thorough analysis of demonstrated year-round demand, the anticipated marketability of year round ice time, the ability to generate the capital to construct necessary Phase II upgrades, and the ability to present a business plan for year round operations that is acceptable to the Parties.

~~1.2.1.~~ 1.3.1. The Parties acknowledge that an acceptable business plan will incorporate traditional revenue sources (user fees, program fees, concessions) and may include endowment fund proceeds and a level of operational deficit funding approved by the

Parties.–

1.2.2. If necessary, during the first five fiscal years of operation, each of the Parties shall contribute to the Authority an amount equal to one-half (50%) of the Authority's Net Operating Deficit for the subject fiscal year. The timing of such payments shall be as reasonably requested by the Authority's Governing Body. Beginning in year six, operational deficits will be split between the parties based on acceptable means of tracking by local user zip code, but in no case will it exceed a 5% annual incremental increase to either party, and will not exceed 60%:40% in favor of either Party under governance of the Regional Ice Authority. Users identified as residing outside the boundaries of the District and City will be excluded from the calculation.

~~The parties further agree that it is appropriate for dry floor activities to be scheduled May through October in the pavilion area. (Ex: films, farmers' market, trade shows, dog shows, outdoor food and beverage functions). It is the intention of both Parties to initially build a facility within the $4 million dollar capital budget and operate the first two fiscal years under the Phase I operational approach.~~

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

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

4. A joint budget of consultant fees, and other anticipated direct expenses, will be set in an amount not to exceed $15,000, as detailed in section 9, below. Each party agrees to pay $2 million towards construction of the facility. The budget may be amended by approval of both parties.

5. The Parties agree that a rink location along the Highway 224 transit corridor is most desired. SBSRD and PCMC further agree that the preferred site location be the identified County property located within the ~~Lower~~ Canyon's Lower Village provided that a parcel of land is dedicated by Summit County no later than December 15, 2003. ~~will jointly participate in the site selection process. The parties agree that a rink location along the Highway 224 transit corridor is most~~

~~desired~~.

5.1. SBSRD and PCMC agree that prior to acceptance of the land dedication in The Canyons Lower Village, the Parties will structure agreements to provide certain assurances to the "Regional Ice Authority," a Utah interlocal entity contemplated by the Parties, as follows:

5.1.1. The Regional Ice Authority will be exempt from any dues of the Resort Village Management Association.

5.1.2. The Regional Ice Authority will be guaranteed an easement to formalize the intent of "shared parking" uses in the Canyons Lower Village.

5.1.3. The Regional Ice Authority shall be exempt from all or any part of cost sharing for construction of the Lower Village Road infrastructure improvements.

5.2. SBSRD and PCMC further agree on a general project timeline that ~~will provide~~ anticipates completion of planning approvals and design development within nine months of plat recordation, and projected occupancy no later than twelve months following notice to proceed to the contractor.~~and engineering no later than January 1, 2004, construction to begin April 1, 2004, and projected occupancy December 1, 2004.~~

6. SBSRD and PCMC have established a Regional Ice Committee (RIC), consisting of five representatives from each entity, that shall continue to meet monthly, and more frequently as needed through project completion. Tasks of the RIC will include making recommendations to both PCMC and the SBSRD regarding use of consultant services, final site selection, and the development of an Interlocal Cooperative Agreement for Regional Ice facility for the parties to establish a separate political subdivision to be known as the "Regional Ice Authority"

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

8. Best efforts will be made by both agencies to receive and consider public comment prior to final location decisions and design, recognizing that the design will drive short and long term programmatic uses of the facility.

9. SBSRD and PCMC acknowledge that use of contract consultants will expedite essential elements of early planning. Consultants will be jointly hired and supervised by SBSRD and PCMC staff

with input from RIC for project specific tasks. Initial tasks have been identified as follows:

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

9.2. Independent Capital Project Consultant – site selection and RFP. The RIC has used independent capital project consultants to advise on site selection and conceptual site and building design at a cost of $12,172.50. Projected planning budget expense (ref. Point 4), is $15,000.

~~10.~~10. Independent Capital Project Manager: The RIC recommends an independent capital project manager be jointly contracted to represent the parties' interests in communications with the Regional Ice Authority, the project architect and construction contractor. It will be the project manager's responsibility to ensure project completion on time and on budget.

11. By ~~April~~June 30~~1~~, 2003, the RIC will propose an Interlocal Cooperation Agreement for conditional approval by SBSRD and PCMC. The parties to the agreement are proposed to be SBSRD and PCMC. Execution of the Interlocal Agreement will be conditioned upon plat recordation, title search, and parcel dedication. The term of this letter of intent will expire on January 31, 2004. ~~MayDecember 1, 2003.~~

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

13. The Interlocal Cooperation Agreement will establish provisions for the structure of long term facility management, operations and maintenance. Operations and Maintenance cost recovery goal is 100%.

13.1. -

Acknowledgment:

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Park City Municipal Corporation

Acknowledgment:

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Snyderville Basin Special Recreation District