



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 30, 1998**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 30, 1998.

A G E N D A

Closed Session - City Council Work Session Room - Main Level

2:30 p.m. Litigation
 Property acquisition

Work Session - City Council Chambers - Lower Level

4:30 p.m. City Council questions and comments
5:00 p.m. Historical Society grant request
 Review of regular meeting
5:10 p.m. Transportation funding
5:20 p.m. Construction mitigation ordinance

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

- I ROLL CALL**
- II PUBLIC INPUT**
- III COMMUNICATIONS FROM COUNCIL AND STAFF**
 - Customer service award
- IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 9, 1998 AND
APRIL 16, 1998**
- V CONSENT AGENDA PUBLIC HEARING**

Ordinance approving the Park Place on Main Street Replat at 205 Main Street, consolidating Lots 1,2, 3, 4 and the southerly 20'-0" of Lot 5, Block 12, of Amended Park City Survey, located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the Park Place on Main Street Replat at 205 Main Street, consolidating Lots 1,2, 3, 4 and the southerly 20'-0" of Lot 5, Block 12, of Amended Park City Survey, located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah
2. Authorization to increase City match to prefund transportation contract

VII PUBLIC HEARING

Ordinance amending Title 11, Buildings and Building Regulations, of the Municipal Code of Park City, Utah to include construction mitigation plan requirements

VIII ADJOURNMENT

Posted: 4/27/98



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 30, 1998**

Present: Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock

Toby Ross, City Manager; Tom Bakaly, Finance Manager; Rick Lewis, Community Development Director; Myles Rademan, Public Affairs Director; Tricia Parish, Enforcement Officer; Ron Ivie, Chief Building Official

Chris Larson and Fred Jones, Planning Commission;

1. **Council questions and comments.** Roger Harlan commended Public Works on its street cleaning efforts. Paul Sincock referred to the Woodside Avenue reconstruction project discussed last week. He asked the City Engineer to include under-grounding utilities in the RFP, so that the cost to residents could be determined. He has heard from interested residents. In response to questions from Paul Sincock, the City Manager described the work being conducted on the golf course parking lot. He relayed that Linda Cook is working on a contract to clean up the old car wash site.

2. **Update on joint meeting with Planning Commission and Historic District Commission.** Planning Commissioner Chris Larson stated that the meeting was held to discuss the concept of a transportation center in Swede Alley. They decoupled the transit center from planning issues on Swede Alley to arrive with a framework of how Swede Alley should be developed in the future. He compared this to the Sullivan Road process. Participants looked at the location, transportation needs in the area and worked through criteria. It was the consensus of the group that a bus station/transportation center is a desired component of lower Swede Alley. There was discussion on a secondary transportation center at the UP&L site with the intent to avoid segregating Main Street. A compatible Swede Alley transportation center included up to six buses with passenger shelters, public restrooms, streetscape improvements, and enhanced pedestrian connections to Main Street. Mr. Larson continued that this included intersection improvements, but members were not sold on the concept of a round-about on Deer Valley Drive, which seemed like social engineering on a larger scale. The Mayor pointed out the potential of the Flagstaff development, and Mr. Larson indicated that a round-about at Deer Valley Drive could be looked at in the future. The components that are currently presented in the intermodal center were not viewed as compatible with Swede Alley. There were components that they would like to see as a part of the Swede Alley Master Plan, i.e., public open space, plaza areas, pedestrian paths, sidewalks, and a streetscape. He pointed out the importance of preserving the view shed of the historic Marsac Mill

wall, the steps up to the Marsac Building, and the Marsac Building itself. They viewed the transportation center as a node and not a hub.

Mr. Larson reported that they did not envision new commercial on the east side of Swede Alley; the west side could support the commercial uses on Main Street but would be only two stories in height. There should be opportunities for green space and enhanced parking. If the transportation center is built, it should replace any displaced parking and should provide parking for its uses. He felt there were two outcomes of the meeting. One is to create conditional use criteria for the Land Management Code as it pertains to Swede Alley. The other is to write a Swede Alley Master Plan. In response to a question from Paul Sincock about commercial development in Swede Alley, Mr. Larson reiterated that the west side would be subservient in nature and architecture to Main Street. It is important to preserve the Main Street experience and not draw away from Main Street and commercial on the east side was not viewed as a good idea. He believed that commercial will occur on the west side, but Swede Alley should have a different look and feel from Main Street.

Planning Commissioner Fred Jones reported that he initiated a discussion to broaden their perspective to a long-term concept. There was agreement among both commissions that the transportation center presents a wonderful opportunity to finally pull together the many years of planning into a comprehensive plan for the long-term vitalization of Main Street and Swede Alley. Swede Alley is not an isolated area and is intricately linked to Main Street; it is very much a part of the future success of Main Street. He emphasized the urgency in studying this now in light of new commercial at Kimball Junction, The Canyons, Park City Mountain Resort, and Deer Valley Resort. There needs to be a focus in Park City to make sure that it is economically viable and attractive to our guests. The Olympics has placed more urgency on this discussion and there needs to be a comprehensive plan. He acknowledged the work completed on studies for transportation and circulation, charettes, general plans, and summer tours. There is a good feel of the constraints and it is time that an action plan is formulated. There needs to be a master plan for Main Street/Swede Alley which would encompass transit facilities, parking, circulation, and public spaces. He recommended that the deadline be August 1, 1998. A task force should be formed to review the existing studies, solicit public participation in the planning process, and develop an outline of a master plan. Recommendations should be submitted at a joint meeting of the commissions and the City Council by mid-July. Mr. Jones felt that the task force should be composed of five people and no more, and the City staff should be available for assistance. There may be a need to hire outside contractors. The task force should include one member from the Planning Commission, HDC, City Council, Main Street Merchants Association, and Chamber/Bureau or the ski resorts. The task force should be formed immediately and the first meeting should be scheduled next week. Mr. Jones stressed that if there is federal money, the City should pursue it, but rather than federal funds driving this project, the reverse should be the case. Park City should plan what it needs and what can be supported, as there is no such thing as free money. He felt the Summer Tour should be directed at Park City and the Leadership 2000 participants should get involved. The Olympic legacy should be the enhancement of the long-term vitality of Park City.

Paul Sincock asked who on the task force will produce renderings for the plan. Mr. Jones responded that staff should be used and it might be necessary to hire a consultant. Chuck Klingenstein pointed out that Resource 2000 may have someone available. He added that this is an important project, but the key component is staff and would like to be informed of staff's availability. The Main Street merchants are uniquely different from restaurateurs, and Mr. Klingenstein suggested that they might want to consider six members. There are more things affecting the local economy than paid parking and the competition is growing; he would like to look at increasing the synergy of economics in the downtown area. Hugh Daniels stated that his concerns are similar -- staffing and funding, and the master plan was discussed at the Council retreat. He feels this should move forward quickly, but staffing and funding needs to be solved. Shauna Kerr suggested that staff workload be reallocated as the planning of Swede Alley is important. Paul Sincock felt it would be productive to hold a concentrated weekend retreat with staff and the task force. Roger Harlan supported the action plan and believed that time is of crucial urgency. He agreed that staff resources need to be reallocated. There may be good ideas from previous studies that may trigger some great thinking. The Mayor summarized that the overall concern is burdening staff, and asked the Community Development Director to reallocate staff time to try to accommodate this important issue and to report back to Council. He thanked Chris Larson and Fred Jones their comments and agreed completely. The Mayor asked Mr. Jones to consider serving as the Planning Commission representative on the task force as well as chairing the committee. The City Manager suggested that Rick Lewis and Myles Rademan meet with Mr. Jones to explore an approach and to determine what projects should be delayed. Mr. Ross pointed out that the selection process could be lengthy if appointments are made by the City Council. Ms. Kerr felt that the Council should not be involved in the selection process and the representative groups should select their participants. Council agreed that restaurants should be represented. Myles Rademan pointed out that the Parks and Recreation Board may want to participant; the Mayor felt that the focus is planning and the Planning Commission and HDC are sufficient. Once the plan is formulated it could be reviewed by the Parks and Recreation Board for comments.

Customer service award. Ms. Kerr read a letter from Denise Payne nominating Pam Evans for the customer service award in recognition of her public relations efforts with the paid parking program. She personally delivered tokens to businesses and handled complaints very well. Ms. Kerr also read comments from Jerry Gibbs commending Ms. Evans' professional manner in handling complaints. Shauna Kerr presented Pam Evans with a trophy and a bonus.

2. Historical Society grant request. Tom Bakaly explained that this is a one-time request which would be funded from the grant contingency fund in the amount of \$6,179. This money would be used for the centennial fire exhibit and a digital archival system. This is also a clean-up item for this year's budget as the Historical Society was overpaid by this amount. Mr. Bakaly added that hey have not spent the money, but have set it aside for these projects. The grants committee met and is in support of this grant. Council agreed to the grant allocation.

3. Review of regular meeting:

Transportation funding. Tom Bakaly explained that the transportation study has encumbered funds to date in the amount of \$561,537. In 1997, the City Council authorized a match amount of \$163,672. The City has received UTA funds in the amount of \$300,000, leaving \$97,865 encumbered over the authorization. Staff is requesting that authorization of this amount be made for this budget year and an additional authorization of \$100,000 for a total of \$197,865 to continue work on the transportation study. There is a letter from the FTA regarding its intent to grant \$450,000. He continued that next week, Council will consider a grants accountant position as well as a project manager in the Public Works Department to assist with grant administration. The Mayor asked the Finance Manager if the Council should move ahead, assuming it will receive the grant, or take a more conservative approach. Mr. Bakaly believed the City Council needs to weigh the risk of proceeding, but the letter from the FTA and conversations he has had with the FTA, lead him to believe that the City will receive the money. The letter surprised him and weighing the risk of delaying the project and losing the funding versus not being reimbursed by the FTA is an analysis Council needs to consider. He stated that staff's recommendation is to proceed as it is believed that the federal funding will be forthcoming. The Mayor asked Mr. Bakaly what he would do if he were a Council member. Mr. Bakaly stated that he would proceed with the caveat that transportation funding is important. In response to a question from Roger Harlan, Mr. Bakaly reiterated that he was surprised by the letter. Hugh Daniels understood that the funds would be allocated from the transportation enterprise fund for FY 1997-98 with a chance that it will be reimbursed. The Finance Manager felt it is more than a chance that the City will receive \$450,000 to offset these costs.

In response to a question from Paul Sincock, the City Manager clarified that Hope Bleecker is in charge of the project. When parking reached its pinnacle, the Transportation Director could not handle parking and this project and the Public Works Director temporarily took over the study project. Mr. Sincock felt the management of the project should be consistent. Chuck Klingenstein pointed out the proposal for project accounting and management and felt this funding is appropriate.

At this point in the meeting, the Mayor left and Chuck Klingenstein, Mayor Pro Tem, presided. See regular meeting minutes.

Construction mitigation ordinance. Rick Lewis reported that after the adoption of Phase 1 of the General Plan, staff began requiring construction mitigation plans as part of the approval of conditional use permits, large projects, and plat amendments. There has been about a year's experience with this; existing City codes already provide authority to require construction mitigation elements. The plans have been helpful in addressing concerns prior to permits being issued. The proposed ordinance addresses construction related issues that have not yet been addressed including hours of operation, days of permitted construction, construction restrictions during special events, etc. After the public hearing, staff would appreciate receiving direction from

the Council on any features of the ordinance proposed, and the ordinance would come back to Council for action.

Mayor Pro Tem Chuck Klingenstein explained to the public that this is the work session portion of the meeting, and comments will be welcomed from the public during the public hearing. Tricia Parish, Code Enforcement Officer, suggested that Council review the proposed amendments to Title 11, conduct a public hearing, and provide staff direction. Currently the CMP addresses hours and days of operation which is 7 a.m. to 10 p.m. Monday through Saturday and 6 a.m. to 10 p.m. Monday through Saturday in commercial zones. Hours are 9 a.m. to 10 p.m. on Sundays. It also addresses dust, mud, noise, and trash issues and the noise level allowed in the Code is currently 65 decibels or below. This prevents unmuffled machines from operating, loud music, etc. Trash is currently contained in a dumpster on an approved location and the site must be kept clear from debris. Delivery and excavation vehicles are limited to an approved route to the site, preferably away from residential zones. Parking construction vehicles is designated in the parking section for the purpose of handling steep and narrow areas common in Old Town. She discussed the testing of excavated soil. Temporary lighting plans must be approved by the Community Development Department and information about the contractor must appear on the temporary sign. She continued that stockpiling of materials must occur on site or according to the approved plan. Phasing is necessary for larger projects. Where and the number of vehicles parked is addressed in the parking element of the CMP. If it occurs in the pay or permit areas of Park City, then special fees are attached and a parking plan must be submitted for review and approval by the Public Works Department. If one or more traffic lanes are being blocked, permission from the Chief of Police must be obtained.

Tricia Parish stated that staff would like to discuss different options and their impacts. Options 1A provides that hours and days of construction remain the same and 1B that dog prohibition measures remain the same. Option 2A modifies hours of construction; Option 2B adds dog prohibition provisions to the CMP. Option 3A modifies the days of construction; Option 4 modifies hours and days of construction. Option 5 is a combination of those options. She explained that staff is recommending approval of Options 1A and 1B. The CMP has been an on-going program for over three years and in July 1997, became a policy adopted by the Community Development Department. CMPs are reviewed at the staff level as a part of the building permit process or a condition of a CUP. Most of the elements of the CMP are within the Municipal Code and adding them in a congealed form as an ordinance strengthens it and satisfies the goal mentioned in the General Plan. The goal of the CMP is to mitigate the impacts of construction and encourages one-on-one communication with the affected citizen and the contractor. She emphasized that although construction affects the citizen, limiting the construction hours and days lengthens the time period of that project. Providing the contractor time to finish a project in a timely manner, taking into consideration the unique characteristics of each project, while mitigating the impacts on the citizens, is the goal of the CMP.

Hugh Daniels expressed that he is pleased to see the headway the City has made in the last three years. It appears it is somewhat redundant to add the dog prohibition measures as they are already covered in the County's ordinance. Ms. Parish confirmed that they are, and added that the County ordinance has also been adopted by Park City. Dog prohibition appears as an option at the previous suggestion of a City Council member. Paul Sincock pointed out that he didn't see any differentiation between interior and exterior trades. Some work is noisy, but there aren't complaints against painters, tilers or dry wallers. Ms. Parish felt that breaking work categories down may make CMPs more difficult to enforce and although Council may have not heard complaints about interior construction, it still could be a nuisance with regard to lighting. It would be simpler to keep the hours of operation consistent.

Roger Harlan recognized the decrease in complaints and questioned if it was related to reduced construction activity. Ms. Parish believed that the number of permits issued has declined but construction activity may not have since many occupancy permits have not yet been issued. Ms. Kerr pointed out that there is no prohibition for residents to operate a snow blower or chipper at any time, which is louder than construction noise. It seems that if someone is a contractor, the noise is more disturbing. She felt that the nuisances are being handled adequately through a complaint basis and to further restrict construction draws out projects and adds to the workload of staff. Ron Ivie stated that the Park City Mountain Resort is a mixed commercial residential occupancy area, and obviously if hours of construction are too restrictive, the ski resort may not open in time because the base terminal won't be in service. He pointed out that Deer Valley was allowed to work 24 hours a day on the Snow Park Lodge so it could be back in operation by the time the ski resort opened. This may be a more remote location, but this is the type of situation staff attempts to balance. The problem in Park City is that the building season is short, which creates pressure on some projects. Flexibility on CMPs may create some criticism of staff's discretion, but it is workable and provides an opportunity to get the job done. He explained that part of the reason for the decrease in complaints is a correlation with the decrease in construction, but also contractors are more responsive to the process. Mr. Ivie believed that this proposed ordinance brings together the provisions already in the Code. The City and contractors are better at construction mitigation and there are less neighborhood complaints. However, it will never be totally solved and that is a reality in the community.

Hugh Daniels emphasized that the temporary construction sign requirements should match the provisions of the recently adopted Sign Code. Ms. Parish noted that they are, but the phone number of the Community Development Department will not appear on the sign, in an effort to encourage the citizen and the contractor to communicate first. With regard to the PCMR project referred to by Chuck Klingenstein, Ms. Parish felt that there are many related issues and the CMP provides flexibility. Chuck Klingenstein pointed out that he heard a lot of complaints about construction when he campaigned door-to-door. He believes that the number of complaints has decreased significantly and the construction community has become more educated and has taken a proactive stance. Mr. Parish explained that contractors are encouraged to contact neighbors as part

of the CMP and keeping the line of communication is beneficial. Staff is recommending that the hours and days of construction remain the same. Shauna Kerr felt that contractors have solved many of the problems themselves as she didn't hear comments while she campaigned last fall, but heard them four years ago. Part of the community has also realized that development in Park City is a reality. Chuck Klingenstein felt that the personal element is important, and Ms. Parish pointed out the merits of having the contractor's name and number on the project sign. Mr. Harlan believed that construction is not as great as it was four years ago. Chuck Klingenstein asked what efforts have been made to address construction in Old Town. Ms. Parish explained that the Building Department is becoming involved at an early stage on these projects. Parking is examined in the permit areas, and car pooling is encouraged.

See regular meeting minutes.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 30, 1998**

I ROLL CALL

Mayor Pro Tem Chuck Klingenstein called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 30, 1998. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Rick Lewis, Community Development Director; Kurt Von Puttkammer, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

**IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 9, 1998 AND
APRIL 16, 1998**

Shauna Kerr disclosed that she will be abstaining from voting on the minutes of April 9, 1998 as she was not in attendance. Hugh Daniels, "I move approval of the Work Session Notes and Minutes of the Meetings of April 9, 1998 and April 16, 1998". Paul Sincock seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Abstention - April 9; Aye - April 16, 1998
Chuck Klingenstein	Aye
Paul Sincock	Aye

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving the Park Place on Main Street Replat at 205 Main Street, consolidating Lots 1, 2, 3, 4 and the southerly 20'-0" of Lot 5, Block 12, of Amended Park City Survey, located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - See staff report. Kurt von Puttkammer explained that this was first advertised as the Bamberger Replat, but the correct entry is the Park Place on Main Street Replat. The Mayor Pro Tem invited input from the Council and the public. Hearing none, the public hearing was closed.

VI CONSENT AGENDA

The Mayor Pro Tem requested a motion; Shauna Kerr, "I move approval". Hugh Daniels seconded. Motion carried unanimously.

1. Ordinance approving the Park Place on Main Street Replat at 205 Main Street, consolidating Lots 1, 2, 3, 4 and the southerly 20'-0" of Lot 5, Block 12, of Amended Park City Survey, located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - See staff report and public hearing.

2. Authorization to increase City match to prefund transportation contract - See staff report and work session notes.

VII PUBLIC HEARING

Ordinance amending Title 11, Buildings and Building Regulations, of the Municipal Code of Park City, Utah to include construction mitigation plan requirements - Rick Lewis, Community Development Director, explained that this would consolidate the construction mitigation elements throughout the Code into one document. However, Council may change operation hours or days of operation, and possibly construction during special events. Staff made draft copies of the ordinance available at City Hall and contacted members of the construction industry and contractors who attended an earlier meeting held in March. The Mayor Pro Tem opened the hearing for public comment.

Richard Miller, home owner in Old Town and loan officer in Park City, stated that he asked Council to look at the issue of construction hours several months ago and is pleased that it has come to a public hearing. Most every resident he has spoken to is in favor of reduced construction hours. He proposed earlier to Council the hours of 8 a.m. to 6 p.m. Monday through Saturday as 60 hours of construction is all the residents of the City need to bear. His income relies on the housing industry, however, to live in Old Town in the summer is like living in a "war zone". He is not against construction, but feels that in residential areas noise related construction needs to be limited. Sundays and holidays also need to be considered. He continued that the canyon nature of Old Town makes noise echo, and most people leave their windows open in the summer. If this

raises the cost to build, it should be passed on to the consumer. He felt that the proposed 7 a.m. is too early and his street has eight separate projects coming on line this summer in a two block area. He felt this will create a lot of noise and if the City cannot limit the hours throughout the City, perhaps Old Town could be further regulated where the homes and project sites are much closer together and the noise pollution is extreme. Mr. Miller felt that if dog owners are in compliance with the ordinance, there shouldn't be restrictions for dogs on construction sites. If an individual home owner is performing work on his residence, he shouldn't be restricted to these hours. There could be longer hours from November 1 to May 1, and restricted hours in the summer when people are outside. As a compromise for developers who are already underway and have committed to a sales price not reflecting shorter hours, there could be a special permit to maintain the current hours for this year only. He understood that Council discussed the decrease in complaints in work session, but that's not what has been reported in the *Park Record* as being on the City record. He understood that complaints were up significantly, almost 600% in 1997 from the previous year. As a citizen, he doesn't feel that he should have to attend eight separate Planning Commission meetings to request limited hours on the projects in his neighborhood, but rather the builders should have to request a special permit to extend the hours.

Rick Lewis referred to the staff report, which breaks down the complaints that were called in by the public, which reflects a substantial decrease. Complaints that the Building Department responded to or that the inspectors observed in the field is where there is confusion. Mr. Klingenstein pointed out that noise complaints have dropped from the public and there haven't been any for complaints filed by the inspectors. In response to a question from Paul Sincok regarding clarification of noise related construction, Mr. Miller replied that this would mean anything involving compressors, power tools, etc. He stressed the early noise created by construction vehicles and machinery on his street this summer, and his desire to stop it.

The microphone battery at the podium failed at this point in the meeting, and many comments were not audible.

Bruce Feyerabend, Bruce Construction, stated that the average carpenter makes about \$32,600 a year which is 50% below the median income and reducing hours would create an economic struggle. Construction workers can't make up days lost because of bad weather. He believed the Summit County ordinance covers dog control adequately. It is his experience that dogs on construction sites don't bother anybody or create accidents. He suggested that the Building Department create a concise and straight forward packet regarding construction rules and regulations that could be handed out to contractors.

Richard Jaffa, contractor, was in support of the current ordinance and objected to restricted hours.

John Pochynok, contractor and member of Summit County Home Builders Association, stated that he posts rules on his construction sites. He doesn't allow dogs on the site unless they are in the vehicle. It is difficult to limit hours, because clients want contractors to work 24 hours a day while the neighbors want an 8 a.m. to 5 p.m. workday. He stressed that Mr. Miller had some good points, but if Council limits hours, this room will be filled Mr. Miller's clients as construction loans have a time limit. He discussed potential liabilities of workers working long hours over an extended period of time. Mr. Pochynok detailed a situation last year when concrete was not delivered to his site on time because other jobs had priority, and he had to rent lights and blankets to complete the job hours later than anticipated. These things are going to happen and contractors should not be penalized, and he added that it is unrealistic to reschedule a pouring. The efforts being made on the part of the City toward CMPs has helped everyone realize that contractors need to be better neighbors. He agreed with Mr. Feyerabend that a hand-out would be helpful and would be willing to work with the City in developing it. Mr. Pochynok agreed that the limits of disturbance fencing is a good idea, but the orange fencing is very unattractive. He suggested that at the landscaping stage there be an intermediate step using less intrusive wiring with flags to mark the boundaries. Mr. Pochynok explained, in response to a question from Chuck Klingenstein, that he posts rules on his sites personally, but it is a recommendation of the Association. Chuck Klingenstein felt the comments made by Mr. Pochynok and Mr. Jaffa about being proactive within the building community and working on a good line of communication with neighbors goes a long way. In response to a question from Roger Harlan, Mr. Pochynok indicated that he has rarely poured concrete on Saturdays or Sundays, except for large commercial projects. Chuck Klingenstein believed on large pours, the Chief Building Official and/or Community Development Director would have the authority to accommodate the project.

Mary Beth Mazoni, Woodside Avenue, described the many construction projects in her neighborhood and relayed that last summer, workers were cutting rock until 10 p.m. in the evening. She finally called the City to complain, and the work ceased. She recognized that there will in-fill development in Old Town, but the needs of residents should be considered and the hours of construction should be reduced.

Diane Mellon, Aerie resident, stated that she was bit in the face by a pit bull at a construction site on the Aerie. She encouraged Council to include dog provisions in the ordinance, prohibiting dogs on construction sites. A child would have died if attacked by this dog.

Richard Peek, Park Avenue resident and contractor, commented that he is comfortable with the construction mitigation plan as presented. He has a commitment to his clients during the week and the only time he has to work on his house is on the weekends and urged Council not to limit his ability to renovate his home.

Frances Umlauf, Aerie resident, stated that Paula Hurd couldn't be in attendance and she agreed to relay her concerns which involve the nuisance of "boom boxes". Chuck Klingenstein

asked if the noise ordinance addresses noise emanating off the premises as it does for restaurants. Rick Lewis believed this would be covered under the noise ordinance.

Carol Fontana, Old Town resident, complained about the irritating beeping noise of construction vehicles backing up at 6 a.m. which echoes throughout Old Town.

Lynn Fueling, Monroc manager, stated that the beeping noise of equipment backing up is a requirement of OSHA as a safety consideration. He emphasized that there are many aspects critical to finishing a good concrete job and daylight hours are important. There are timing issues that have critical financial impacts. They are regulated by federal law about the maximum number of hours allowed for drivers. He supported keeping the current provisions in place.

Mike Jorganson, contractor, relayed the risk of having materials stolen. For instance, if windows are delivered late in the afternoon, there may not be an opportunity to continue working and installing them. He felt that homeowners should not be restricted from working on their homes and supported maintaining the current provisions in place.

Chuck Klingenstein closed the public hearing and invited Council comments. Mr. Klingenstein stated that one area of continuing concern to him is construction in Old Town. Hugh Daniels noted that he has some difficulty with allowing construction until 10 p.m. He agrees that equipment operating at 6 a.m. in Old Town is very annoying. He doesn't know if construction should be prohibited on Sundays as things are much better which is to the credit of the local builders who have worked with staff on CMPs. There is also a need for some flexibility and exceptions, particularly for concrete, but there are probably very few sites requiring an exception after 8 p.m., except for extraordinary circumstances. The commercial areas are allowed to begin working at 6 a.m. which can affect residential areas. He didn't think there needs to be any changes with regard to dog prohibition as the County has an ordinance in place. He suggested consideration of 7 a.m. to 8 p.m. Monday through Saturday in all zones, not excepting the commercial zone to an earlier hour, and Sunday from 9 a.m. to 6 p.m., which is actually an hour longer than currently outlined in the ordinance. This is his preference based on requests from members of the community.

Paul Sincock agreed that 10 p.m. is pretty late. He reiterated that he doesn't have a problem with painting that late, but understood the complexity in distinguishing between interior and exterior trade with regard to ease of enforcement. It may be handled through an exception process by the Building Department. Mr. Daniels repeated his suggestion outlined above. Roger Harlan believed that none of the contractors asked for Sunday. Mr. Fueling stated that occasionally there are concrete pours and Mr. Jaffa noted the difficulty in making up time off caused by inclement weather. Roger Harlan supported giving permission to the Building Department to make exclusions on Sunday construction and is not in favor of allowing the trades to work on Sunday. He clarified that this would include noisy home improvements by home owners. Shauna Kerr pointed out that people could mow their lawns which is just as disruptive. The general consensus of the contractors

seemed that they didn't want to work on Sunday and if they were, it is because of a special circumstance. Roger Harlan interjected that he would allow for a special exception. Ms. Kerr countered that a contractor may not be able to determine that he needs special permit until Saturday evening, when the City offices are closed. No one know days in advance to apply for a permit. Ms. Kerr stated that she supports the staff's recommendation and the City has made great strides in the construction community. Old Town is different with regard to noise because of the canyon effect and narrow streets. She is willing to look at further restrictions in the Old Town area; it could be done by ordinance or individual CMPs. There is no need to include dog prohibition in the ordinance as there is already a Summit County dog control ordinance in place. Chuck Klingenstein asked if separate restrictions for Old Town was possible. Rick Lewis responded that there could be complication of enforcement when there are several projects going on in Old Town with different hours of operation. Ms. Kerr suggested that it be determined by zone and could be done as a zoning amendment. Mr. Lewis felt that this may be more helpful, but the general public isn't familiar with zoning districts.

Chuck Klingenstein verified that the current hours of operation are 7 a.m. to 10 p.m. Monday through Saturday; 9 a.m. to 10 p.m. on Sundays. General commercial can begin as early as 6 a.m. Paul Sincock repeated his position on exterior and interior trades, recognizing there may be difficulties with enforcement but on the other hand there wouldn't be complaints on interior work. Ms. Hoffman suggested language, "*Unless otherwise specified in the conditional use permit of a construction mitigation plan, in all zoning districts throughout the City, construction work which creates noise beyond the property line shall be allowed between the hours of . . .*". She explained that if it is construction work which does not create noise beyond the property line, then it is unregulated. Chuck Klingenstein felt there are two options. Support staff's recommendation to see what the building community can do to work with their neighbors, and the other is to consider special provisions for Old Town. The Community Development Director felt that Old Town could be separated by definition or zone with different hours. Mr. Klingenstein asked the City Recorder to schedule this item sometime in the fall to review its effectiveness. Hugh Daniels preferred an ordinance dealing with all zones. Paul Sincock supported Mr. Daniels recommended hours with the City Attorney's additional language. The Mayor Pro Tem felt it appropriate to discuss this further when staff is prepared to present ordinance options.

VIII ADJOURNMENT

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

* * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Roger Harlan, "I move to close the meeting to discuss litigation and property acquisition". Paul Sincock seconded. Motion unanimously carried.

The meeting opened at approximately 4:30 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting 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







COUNCIL AGENDA REPORT

DATE: April 30, 1998
DEPARTMENT: Administrative Services
AUTHOR: Tom Bakaly, Finance Manager TB
TITLE: Additional Grant Request
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The City Council should approve the use of grant contingency funds for a one-time grant award of \$6,179 to the Historical Society for a Great Fire of Park City Exhibit and development of a Digital Archival System.

DESCRIPTION:

A. Topic: Grant Disbursement

B. Background:

In May of 1996, the City Council adopted a new policy that governs the disbursement of grant funds. This policy is included within the Policies and Objectives section of the recommended 1997-98 Budget. In addition to establishing criteria for determining grant recipients, the policy also established categories in which organizations receiving grants were placed. Each category then gets a portion of the total funds appropriated for grants. The total amount of funds available for grants is a percentage (2.25%) of the General Fund budget for each year.

In anticipation of new organizations or new requests from existing programs, the City Council designated one of the categories as the grant contingency fund. This "reserve" is for organizations, programs or endeavors that arise throughout the year. This request from the Historical Society would fall into the contingency category per City policy.

During May of 1997, as part of the current budget process, City Council formed a Grants Subcommittee to review the additional grant requests and make a recommendation to the City Council. The Grants Subcommittee consists of Council member Daniels, Council member Harlan, and a City staff representative (Tom Bakaly).

C. Analysis:

As part of the current FY 1997-98 budget, the Historical Society received a total grant allocation of \$40,000 from the City. The allocation was budgeted into two categories: 1) Historical Society Programs (\$23,200) and; Rent contributions for use of a city-owned facility (\$16,800). Even though the City owns the building occupied by the Historical Society, it must pay off bonds used to purchase and refurbish the building. The grant amount for each category went up significantly when compared to the prior year. Unfortunately, the amount paid directly to the Historical Society for programs included the increase that should have gone to pay the increased debt service on the bonds. Because the City has also paid the correct amount for the bonds, it has overpaid the Historical Society for its programs. The Historical Society should have received a check for \$23,200 and they received and cashed a check in the amount of \$29,379. This constitutes an overpayment in the amount of \$6,179.

In the course of preparing grant allocations for the upcoming new fiscal year, staff discovered this error. Staff contacted the Historical Society and met with the Executive Director, the Board President and Board Treasurer to address the issue. The Historical Society informed staff that they had not spent the additional \$6,179, but had reserved it for a special exhibit coinciding with the 100 year anniversary of the Great Fire of Park City. The Historical Society also informed staff that they intended to use a portion of the money towards the completion of their new digital archival system. Attached is a letter describing these two programs. Staff informed the Historical Society that use of this money would need to be considered by City Council in the context of a grant contingency request in accordance with the City's grants policy.

The Grants Subcommittee has not formally met on this issue. However, staff has contacted the individual subcommittee members, and they seemed to be in general agreement with staff's recommendation. The grants contingency request meets the criteria of the grants policy. There is also a precedent for giving additional "one-time" grant funds to organizations that are already receiving grants from the City. There is currently \$61,103 in the grant contingency fund. Approval of this grant request would bring the total of the grants contingency fund to \$54,924. Because there are no other grant contingency requests at this time, staff anticipates "carrying forward" this amount into next fiscal year. If the grant contingency request for the Great Fire Exhibit and Digital Archival System is approved by City Council, the Historical Society will simply keep the money and staff will make the appropriate accounting entry to record the use of the grant contingency fund.

D. Department Review:

This request has been reviewed by the Finance Division of the Administrative Services Department and the City Manager. The Grant Subcommittee members have been briefed on this issue.

ALTERNATIVES:

1) Approve the staff recommendation: This action would allow for Historical Society to keep the "over payment" and use it for the Great Fire Exhibit and the Digital Archival System.

2) Deny the staff recommendation outright: This action would necessitate requesting the Historical Society to return the \$6,179.

3) Deny the recommendation and decrease the upcoming FY 1998-99 grant amount by \$6,179.

4) Continue the Item: The Historical Society has already begun preparation efforts for the Great Fire Exhibit. Continuing action on this item may delay their decision process on whether to continue with the exhibit.

5) Do Nothing: If City Council decided to do nothing, they would need to direct staff on whether or not collect the \$6,179 over payment. If staff was directed to collect the money, it would basically be the same as denying the request. If staff was directed to not collect the money, City Council would need to revisit the grants policy and discuss the percentage allocation of grant funds and the impact of this action to other grants organizations.

SIGNIFICANT IMPACTS:

Implements the City's grants policy which to date has worked well. Funds for the recommended action are in the grants budget.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Historical Society would need to elaborate on the consequences, but most likely the Historical Society would need to make other arrangements (including cancellation) for their special projects.

RECOMMENDATION:

The City Council should approve the use of grant contingency funds for a one-time grant award of \$6,179 to the Historical Society for a Great Fire of Park City Exhibit and development of a Digital Archival System



April 22, 1998

Tom Bakaly
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

PARK CITY
HISTORICAL
SOCIETY AND
MUSEUM
P.O. BOX 555
PARK CITY
UTAH 84060
801 645 5135

Dear Tom,

I am writing concerning the overpayment to the Historical Society by Park City Municipal in July, 1997 of \$6,000.00. Our budget relies heavily on the support of the City, so we were very pleased to receive such a large increase in funding. The Historical Society Board decided to set aside these funds for special projects, the largest and most important being the celebration and creation of a new exhibit for the museum commemorating the 100 year anniversary of the Great Fire of Park City. The Great Fire was a defining event in Park City's history, one that many predicted the town would never recover from.

These additional funds were also committed towards the completion of our new digital archival system. This state-of-the-art system preserves our historic photo collection while making it more accessible to the residents of Park City. The Board also committed these funds to the development of a walking/hiking tour brochure, featuring the Park City historic homes, which are such an attraction to Park City's visitors. Based on the popularity of the Main Street Historic Tour brochure, the decision was easy to make and something the Board has wanted to pursue but was hindered by lack of funding.

The City has been very good to the Historical Society over the years and our application for retaining this funding or finding another possible source is at your discretion. If these additional funds are not available at this time, we understand and will make other arrangement for our special projects.

Sincerely,

Sandra Morrison
Museum Director

CITY COUNCIL STAFF REPORT

DATE: April 30, 1998
DEPARTMENT: Planning Department
AUTHOR: Kurt von Puttkammer, AIA
TITLE: 205 Main Street - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Staff recommends that the City Council discuss the proposed request, conduct a public hearing and approve the proposed plat amendment to consolidate lots 1, 2, 3, 4, and the Southerly 20'-0" of Lot 5, in Block 12 of the amended Park City Survey.

DESCRIPTION:**A. Project statistics**

Applicant: Park Place on Main Street, Ltd., Anita DeThomas as General partner
Location: 205 Main Street
Proposal: Plat amendment
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Commercial and Residential
Project Planner: Kurt von Puttkammer, AIA
Date of application: May 5, 1997

B. Background

The proposed project is located on Upper Main Street between the Imperial Hotel and Grappas restaurant. Currently, the project site is a Main Street pocket park and is bound to the south by Second Street. Currently, the project consists of four - 25' wide x 75' deep lots and a lot remnant which is 20'-0" wide x 75' deep.

Approximately 15 years ago, the Imperial Hotel was renovated to accommodate sleeping rooms on the southern side of the Hotel abutting the proposed plat amendment. The Imperial Hotel is located approximately on the northern property line of the proposed plat. The City entered into an agreement with the applicant for the use of the subject lots as a Main Street Pocket Park. It was the intent of the agreement that the park improvements will be eliminated when development of the property takes place. The City removed the improvements this fall.

On March 16, 1998, the Planning Commission reviewed this request as a regular agenda item and forwarded a positive recommendation to the City Council. The Historic District Commission is current reviewing the design of the project.

C. Analysis

Staff has evaluated the overall project against the Land Management Code, Section 7.2, Historic Business Commercial, HCB and determined the proposed lot complies with all requisite City codes. This plat amendment request is to combine approximately four and four-fifth typical 25'-0" x 75'-0" lots into one 119'-10" x 75'-0" lot of approximately 8,985 square feet.

The proposed building design is significantly under the maximum allowed height and the applicant has provided additional side and rear yard setbacks. The reduced building mass reduces some of the impacts to the Jefferson House Condominiums located to the west. In addition, the applicant is proposing a landscaped seating area at the south end of the project, adjacent to the Second Street stairs.

The existing Imperial Hotel is located on the northerly property line and has required egress windows on this side. Therefore, any construction on the proposed northerly property line would have an impact on the existing Imperial Hotel. The Uniform Building Code requires egress from any room used for sleeping purposes, as well as light and ventilation requirements. A zero setback for new construction on the proposed northerly lot line would eliminate ventilation and light for the Imperial Hotel. The applicant has provided a 5'-0" wide setback to alleviate this situation. The area will be gated to prevent build-up of trash or other "alley way" type uses.

To the north is the historic Jefferson House. While the applicant has provided additional setbacks to the structure, any impact to this building must be addressed. The foundations of the Jefferson House were constructed prior to current standards and special care is needed to minimize any impacts. A soils report and shoring plan, prepared by a licensed engineer, will be required as a part of the Construction Mitigation Plan.

The applicant is aware of the parking in-lieu fee for building square footage in excess of 1.5 FAR per LMC Section 9.2.9. The fee will be calculated and paid prior to issuance of a final building permit.

D. Department Review

The Community Development Department has reviewed this plat amendment request. The request was discussed at a Staff Review meeting on June 17, 1997. The Community Development Department will request a Construction Mitigation Plan prior to approving building permits.

Water and sewer connections into Main Street will be required and the applicant will need to provide a financial security for these public improvements prior to building permit issuance. In addition, a sewer plan approved by the Snyderville Basin Sewer Improvement District and the City Engineer will be required as part of the Construction Mitigation Plan.

E. Public input

This project was noticed to property owners within 300' of the affected property on August 26, 1997.

A residence from the Jefferson House expressed concerns about the project and attended both the Planning Commission and Historic District Commission meetings (Exhibits D and E).

ALTERNATIVES:

- A. Approve the Plat Amendment, thereby, allowing the 4 4/5 parcels to be combined into one parcel.

- B. Deny the Plat Amendment, thereby, retaining the original parcel configuration.
- C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS:

If the plat amendment is approved as requested, the applicant will be able to proceed with the development approval process.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as requested, the applicant could sell off the lots individually and construct buildings on each lot that may be larger in mass and scale than are larger. Any construction over an existing lot line would require a plat amendment.

RECOMMENDATION:

Staff recommends the City Council conduct a Public hearing discuss whether or not this proposal results in a project consistent with Chapter 15 and successfully mitigate the impacts resulting from the proposed development. Following the discussion, Staff recommends the City Council approve the proposed plat amendment based on the following:

Findings of Fact

1. The property is located in the Historic Commercial Business (HCB) District.
2. The plat amendment combines approximately four and four-fifth typical 25'-0" x 75'-0" lots into one 119'-10" x 75'-0" lot.
3. The proposed lot size, 8,985 square feet, is consistent with the existing ownership patterns along Main Street.
4. The project is located on historic Main Street. On this street, there is constricted access and minimal areas for construction staging. A Construction Mitigation Plan is necessary to mitigate any adverse impacts on the neighboring properties and pedestrians.
5. A financial guarantee is necessary to ensure completion of public improvements.
6. The project is located adjacent to a historic structure constructed prior to the current version of the Uniform Building Code. A Soils Report and Shoring Plan are necessary to minimize any adverse impacts on the historic structure.
7. The conclusions described in this report are based on the preliminary drawings prepared by DMJM Architects and received by the Planning Department on March 11, 1998.
8. The owner has agreed to dedicate a 5' side yard easement for the benefit of the Imperial Hotel.

Conclusions of Law:

1. There is good cause for the amendment in that the parcel combination will result in a lot size consistent with ownership patterns in this area and a building that will be compatible in design

and scale to the surrounding area.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final plat for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. A financial guarantee, for the value of all public improvements (including any road and/or retaining wall) to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
5. A Construction Mitigation Plan, approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created parcels.
6. A Soils Report and Shoring Plan, prepared by a licensed engineer and reviewed and approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created lot.
7. The building project related to this plat amendment shall be constructed in substantial compliance with the drawings approved by the Historic District Commission.
8. The five foot side yard easement for the Imperial Hotel shall be shown on the plat.
9. In addition to the review of the mechanical equipment for location, screening, and paint, the HDC shall require the mechanical equipment to have a noise reduction screening to the extent reasonably feasible.
10. Any encroaching sewer laterals on the site shall be mitigated.

EXHIBITS:

Exhibit A - Proposed plat map

Exhibit B - Location map

Exhibit C - Letter from an adjoining property owner dated September 21, 1997.

Exhibit D - Letter from an adjoining Homeowners' Association dated September 21, 1997.

11/11/11 11:11 AM

1. John Dambrowski, certify that I am a Registered Land Surveyor and that I hold Certificate No. 183951, as prescribed by the laws of the State of Utah, and that this is the last line Adjustment that was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

Lots 1, 2, 3, 4, and the South 20 feet of lot 5; Block 12, Park City Survey according to the official plat thereof on file and of record in the office of the Summit County Recorder.

[illegible]

IN WITNESS WHEREOF, the undersigned set his hand this 11th day of
1987.

State of Utah)
County of Summit)
ss.)
I,)

On the _____ day of _____, 1997, Anita DeThomas personally appeared before me, the undersigned Notary Public in and for said state and county, and said day that she is a general partner at Park Place on Main Street, a California limited partnership, and that the within and foregoing Owner's Declaration and Consent to Record was signed on behalf of said partnership, and said Anita DeThomas duly acknowledged that said partnership assumed the same.

History Public
My commission expires:

RECEIVED

MAY 5 1997

PARK CITY
PLANNING DEPT

LOT LINE ADJUSTMENT PLAT

PARK PLACE ON MAIN STREET

LOCATED IN SECTION 18
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 1

JOHN NO: 01 04 97 1111, \PC5\P\P 010497

P.O. BOX 2584
325 MAIN STREET
PARK CITY, UTAH
84050
(801) 249-9487

ANDERVILL BASIN SEWER IMPROVEMENT DISTRICT

375 MAIN STREET
SAPPA CITY, UTAH 84060
(801) 649-9497

PLANNING COMMISSION
APPROVED BY THE PARK CITY

OF

BY

Published by THE UNIVERSITY OF CHICAGO PRESS
in association with the Board of Directors of the University of Chicago Press

ENGINEERS CERTIFICATE

1997

APPROVAL, AS TO FORM
APPROVED AS TO FORM THIS

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY

_____ 1997 A.D.

COUNCIL APPROVAL AND ACCEPTANCE

BY _____ MAYOR

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FRID
AT THE REQUEST OF

W. CORNER

NOTES:

1. See record of survey for 1973, recorded Summit County, Utah, for record of survey plat

PARK CITY, UTAH
(801) 249-9497

205 Main Street

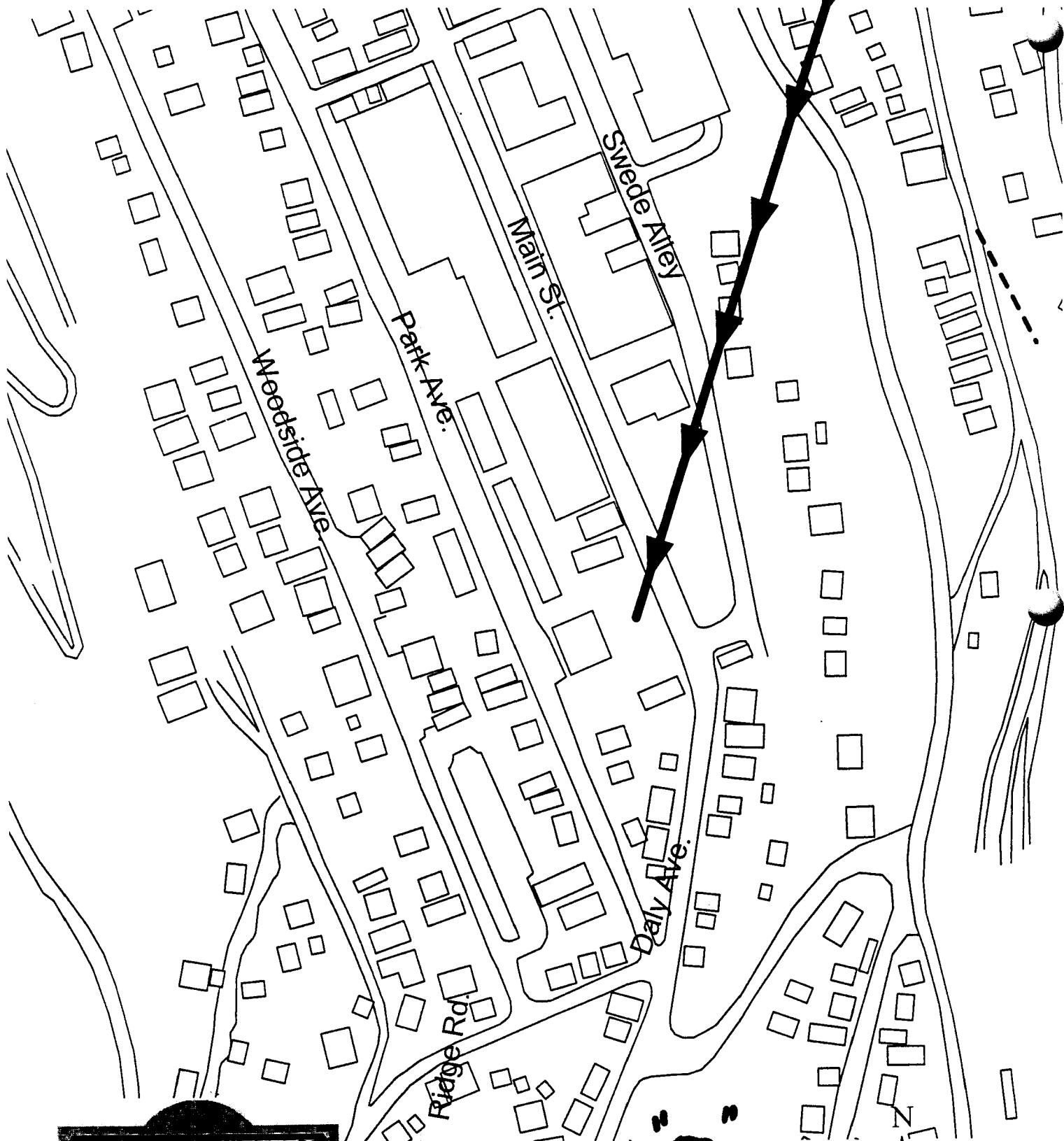
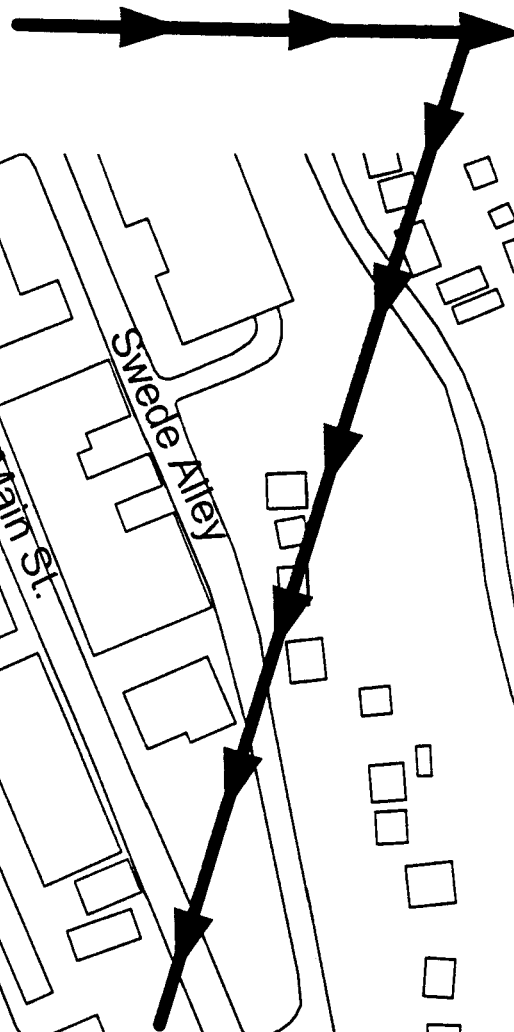


Exhibit - **B**
Vicinity Map



Ordinance No. 98-

**AN ORDINANCE APPROVING THE BAMBERGER REPLAT
AT 205 MAIN STREET, CONSOLIDATING LOTS 1, 2, 3, 4 AND THE SOUTHERLY
20'-0" OF LOT 5, BLOCK 12, OF AMENDED PARK CITY SURVEY,
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
PARK CITY, UTAH**

WHEREAS, the owner, Anita DeThomas, of the property at 205 Main Street, located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Park City, Utah, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on March 16, 1998 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, on April 30, 1998, the City Council reviewed the proposed plat amendment and held a public hearing; 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.

1. The property is located in the Historic Commercial Business (HCB) District.
2. The plat amendment combines approximately four and four-fifth typical 25'-0" x 75'-0" lots into one 119'-10" x 75'-0" lot.
3. The proposed lot size, 8,985 square feet, is consistent with the existing ownership patterns along Main Street.
4. The project is located on historic Main Street. On this street, there is constricted access and minimal areas for construction staging. A Construction Mitigation Plan is necessary to mitigate any adverse impacts on the neighboring properties and pedestrians.

5. A financial guarantee is necessary to ensure completion of public improvements.
6. The project is located adjacent to a historic structure constructed prior to the current version of the Uniform Building Code. A Soils Report and Shoring Plan are necessary to minimize any adverse impacts on the historic structure.
7. The conclusions described in this report are based on the preliminary drawings prepared by DMJM Architects and received by the Planning Department on March 11, 1998.
8. The owner has agreed to dedicate a 5' side yard easement for the benefit of the Imperial Hotel.

SECTION 2. CONCLUSIONS OF LAW.

The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law.

SECTION 3. PLAT APPROVAL.

The plat amendment located at 205 Main Street, is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the final plat for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. A financial guarantee, for the value of all public improvements (including any road and/or retaining wall) to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
5. A Construction Mitigation Plan, approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created parcels.
6. A Soils Report and Shoring Plan, prepared by a licensed engineer and reviewed and approved by the Community Development Department, will be required from the applicant prior to any construction on the newly created lot.

7. The building project related to this plat amendment shall be constructed in substantial compliance with the drawings presented to the Historic District Commission on March 16, 1998.
8. The five foot side yard easement for the Imperial Hotel shall be shown on the plat.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30 th day of April, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

MACDD\KVP\CC\CC98\205MAIN.ORD



DATE: April 22, 1998
DEPARTMENT: Public Works/Administrative Services
AUTHOR: Hope Bleecker/Tom Bakaly TB JEB
TITLE: Transportation Study Funding
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize additional city funding in the amount of \$197,865 for Fiscal Year 1997-98, to meet existing obligations and to allow the continuation of the comprehensive transportation study.

DESCRIPTION:

A. Topic.

Authorization of additional city funding to allow work on the Long-Range Transit Development Plan and Intermodal Facility Design and Analysis to proceed.

B. Background.

On March 6, 1997, the Council authorized a contract with Frederic R. Harris (Harris) to prepare a comprehensive transportation study. The scope of the comprehensive transportation study contained two fundamental elements. A transit development plan was the first component. Several areas were to be explored in this component including: 1) strategic development of the local transit system, 2) trip demands from potential riders in Park City, the Snyderville Basin, and Salt Lake City, 3) traffic problem areas, and 4) pedestrian linkages. The second component was the design and planning of intermodal (the integration of transit and other modes of transportation such as pedestrian, bicycle and automobile) facilities. Included in this element were recommendations for the number, type, and location of transit centers; conceptual identification of project amenities; and an environmental assessment. The actual order of the work changed after the study commenced to better match the schedule for potential funding.

Since receiving the contract, Harris has prepared short and long range transit development plans; reviewed those plans with staff, interest groups, advisory bodies and the City Council; completed an environmental assessment of a site for a downtown transit center; and prepared a partial draft for a transportation element of the general plan. Harris is now in the initial stages of the design process for transit centers on three general sites in Park City including a downtown transit center.

When the Council authorized the contract, the City anticipated receiving \$750,000 in grants from the Federal Transportation Administration (FTA). The grants were expected to pay for 80 percent of the cost of the Harris study which products would include detailed plans for the development of Park City's transit system through 2020 and conceptual design(s) and public review of transit centers. Final designs for transit facilities would require an additional contract. The grants were of two types: \$300,000 planning grant and \$450,000 capital grant which could be spent on design, environmental assessment and acquisition of land. The City was required to fund 20% of the project costs.

While Park City prepared applications for both grants and \$750,000 was "earmarked" for Park City in the 1997 FTA appropriation, Park City has not yet received the capital grant. City staff is currently working with the FTA to incorporate the \$450,000 capital grant in the 1998 appropriation. Presently, prospects for obtaining grants totaling over \$1 million in 1998 appear to be favorable (including the \$450,000 capital grant). Hope Bleecker has worked closely with Don Cover, Deputy Regional Administrator for FTA, to prepare a grant application which would provide funding to reimburse the City for money already spent on the contract, increase the share of money available to the City for planning and augment the money available for the project beyond the current Harris contract. The 1997 FTA appropriation bill includes language permitting reimbursement of costs incurred on projects that are subsequently funded.

The Council authorized staff to enter into a contract for an amount not to exceed \$525,318 plus 3% of the construction contract (estimated to be approximately \$10 million). The City's anticipated expenditure relating to this allocation was approximately \$166,000, most of which the City spent during fiscal year 1997. When City staff recently learned that we have not actually received the capital grant (\$450,000), we realized that we had spent or committed more money than the Council had authorized for the City's match. Harris was notified that the City would not pay for any work on the contract performed after April 17, 1997 unless or until the City Council authorizes additional money or the City receives a grant agreement for the required funds.

C. Analysis.

As a result of the contract authorization, the City entered into a contract with Harris and Harris began working on the project on March 16, 1997. The City incurred the following expenses in fiscal year 1997 (July 1, 1996-June 30, 1997), which relate to work performed on this contract:

PERIOD ENDING	PLANNING EXPENDITURE	CAPITAL EXPENDITURE	TOTAL
MARCH 28, 1997	\$17,122	\$4,832	\$21,954
APRIL 25, 1997	\$29,471	\$10,478	\$39,949
MAY 23, 1997	\$70,897	\$30,872	\$101,769
TOTAL 1997	\$117,490	\$46,182	\$163,672

Harris has performed additional work in fiscal year 1998 (July 1, 1997-June 30, 1998). The City has accrued the following obligations based on the additional work performed:

PERIOD ENDING	PLANNING EXPENDITURE	CAPITAL EXPENDITURE	TOTAL
JUNE 27, 1997	\$79,619	\$38,664	\$118,283
JULY 25, 1997	\$48,581	\$18,980	\$67,561
AUGUST 22, 1997	\$36,552	\$27,771	\$64,323
SEPTEMBER 26, 1997	\$13,156	\$21,532	\$34,688
DECEMBER 26, 1997			\$63,009
ACCRUED THROUGH APRIL 17, 1998			\$50,000 (estimated)
TOTAL 1998			\$397,864
GRAND TOTAL			\$561,537

Therefore, the City has as of April 20, 1998, spent \$511,537 on the Harris contract, and accrued an estimated \$50,000 in "un-billed" obligations. The total current obligations relating to this project are approximately \$561,536.

CURRENT PAYMENTS

TOTAL CURRENT PAYMENTS/OBLIGATIONS	\$561,537
CITY MATCHING FUNDS	(\$163,672)
*AVAILABLE GRANT (FUNDS EXPECTED)	(\$300,000)
*CURRENT UNFUNDED OBLIGATION	=\$97,865

**Funds have encumbered or paid using the Transportation Fund*

REMAINING OBLIGATIONS

TOTAL CONTRACT (Assuming a \$10 million construction budget)	\$833,538
CITY MATCH (to date)	(\$163,672)
AVAILABLE GRANT (FUNDS EXPECTED)	(\$300,000)
CURRENT UNFUNDED OBLIGATION	(\$97,865)
ADDITIONAL WORK TO BE PERFORMED BY HARRIS	(\$272,002)
CITY MATCH (available from 6-97 authorization)	\$3,036
ADDITIONAL CITY FUNDS FOR THE TOTAL CONTRACT	\$366,831
ADDITIONAL CITY FUNDS REQUESTED TO CONTINUE WORK ON TRANSIT PROJECT (in addition to unfunded obligation)	\$100,000

D. Department Review.

The Executive, Finance and Public Works Departments have worked closely together attempting to resolve this issue. The City Manager directed revisions to the grant administration process, shifting responsibility for billings and reimbursements to the Finance Department (the FY 1998-99 budget includes a request for an accountant in the Finance Department to assist with the financial administration of all enterprise funds and a request for a project manager in the Public Works Department to provide administrative support for projects such as the transportation study). With the concurrence of the Finance and Public Works Departments, he also directed that Harris be notified that the City will not pay for any work on the contract performed after April 17, 1997 unless or until the City Council authorizes additional money or the City receives a grant agreement for the required funds. The Finance Manager requested that staff seek immediate authorization for City expenditures in advance of a grant agreement, rather than simply waiting for a grant agreement that would resolve the issue (the current request before the Council). The Transportation Director, Public Works Director, and City Manager worked with FTA on a strategy to reimburse the City for expenditures on the project and to expand funding. Staff believes that the recommendation is a fair balance between the risks of proceeding without formal grant authorization and the risks of delaying the project 60-90 days.

ALTERNATIVES:

A. Authorize Only the Money to Meet Existing Obligations Until Grant Approval.

Council could approve only the money required to meet existing obligations until the City receives an FTA grant agreement. This would limit the City's unfunded exposure to about \$100,000. This would likely result in a 60 to 90 day delay in the project and could affect the City's ability to secure capital funding in 1999. The City may incur some shut-down and start-up

charges under the Harris contract.

B. Authorize Additional City Matching Funds.

Council could approve the money required to meet existing obligations plus \$100,000 in additional City funds for the transportation project. This would increase the City's unfunded exposure to about \$200,000. This alternative will allow the project to move forward without significant delay, but would require rescoping and prioritizing of tasks. This is staff's recommendation.

C. Authorize City Matching Funds for the Full Contract.

Council could approve the use of City funds for the entire Harris contract. This contract totals \$833,538 and includes Phase I, II, III, and IV of this project. The additional authorization needed to fund the City's portion in the absence of the FTA grant is \$366,831 which would be the City's maximum exposure if the City did not receive a grant to reimburse the expenditures. The City would be able to curtail the Harris contract if it appeared that a grant was not forthcoming.

SIGNIFICANT IMPACTS:

The recommended alternative would require authorization of about \$200,000 from the Transportation Fund. The fund has a balance in excess of \$1 million. This alternative would also require Harris and staff to reassess the scope of the project to assure that the critical immediate tasks are completed within the authorization. Some important but less immediate tasks may be delayed. Prior to learning of the funding issue, staff had anticipated the need to reassess the scope and intends to have discussions with Harris regardless of the alternative selected by the Council. The three alternatives define different limits for those discussions. Staff will report back to City Council on the outcome of these discussions.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION:

Alternative A would correct the current mismatch between authorization and obligations. It would not authorize resources to continue planning and design of the transit centers and other transportation projects such as pedestrian and circulation improvements. Harris would likely cease all work on the projects, thereby delaying progress until Park City receives a grant agreement which could come by the end of June. The City may incur some shut-down and start-up charges under the Harris contract which we would not expect to be large. Such a delay could affect the City's ability to secure future capital grants or delay construction of transportation projects. This delay would be less critical if the Council determines not to purchase a transit site on the entry corridor. The Council should seriously consider this option if it does not believe the preferred downtown transit center site is appropriate for additional study.

Alternative C would give staff and the consultants the greatest flexibility in completing the

projects. It would also increase the amount of money at risk of not being reimbursed if grants are not approved. Staff could reduce the risk by closely monitoring the progress of the funding bill and our grant application and returning to the Council if they don't progress as expected.

RECOMMENDATION:

Council should authorize the money required to meet existing obligations (\$97,865) plus \$100,000 additional City funds for the transportation project. This will allow the transportation project to move forward without significant delay, but will require rescoping and prioritizing of tasks.



**U.S. Department
of Transportation
Federal Transit
Administration**

**REGION VIII
Colorado, Montana,
North Dakota, South Dakota,
Utah, Wyoming**

**Columbine Place
716 S. Green Street
Suite 650
Denver, Colorado 80202-5120
303-844-3242
303-844-4217 (FAX)**

**Mr. Jerry Gibbs, P. E.
Public Works Director
Park City Municipal Corporation
1053 Iron Horse Drive
P.O. Box 1480
Park City, Utah 84060-1480**

April 27, 1998

Dear Mr. Gibbs:

This letter summarizes our recent conversations regarding our continuing efforts to advance planning and capital projects, in support of the 2002 Olympic Winter Games, within the Park City area.

Planning activities already underway have been or will be funded with a combination of Federal Transit Administration (FTA) formula and discretionary funds, utilizing pre-award authority. Pre-award authority permits a grantee to incur costs for planning and capital projects prior to grant award, without prejudice to possible future Federal participation in the cost of the project, provided all other Federal requirements have been met.

The FTA's recent approval of a Finding of No Significant Impact (FONSI) for the Old Town Intermodal Terminal, pursuant to the National Environmental Policy Act (NEPA), represents a milestone in the development of this project which, with the addition of other projects, is being included in the City's revised grant application to be forwarded to the FTA in the near future.

We look forward to the continuation of our productive working relationship and commit our continued support and technical assistance, as we move forward to complete these important projects.

Please feel free to contact me at any time for any assistance the City may require.

Sincerely,

Donald D. Cover

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: April 30, 1998
DEPARTMENT: Community Development Department
AUTHOR: Patricia Parish \ Tommy Youngblood
TITLE: Amendments to Title 11, Building and Building Regulations,
of the Park City Municipal Code
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests that the City Council conduct a Public Hearing on the proposed amendments to Title 11 (specifically Section 11-14), Building and Building Regulations, of the Park City Municipal Code. Staff recommends that the City Council discuss the proposed amendments and give direction as to the preferred course of action.

DESCRIPTION:

A. Topic:

Proposed amendments to Title 11 of the Park City Municipal Code.

B. Background:

For the past 3 years, it has been a City Council and Planning Commission goal to mitigate the negative impacts of construction encountered by the citizens while not over-burdening the construction industry. Since July 1997, the Building Department has required Construction Mitigation Plans as part of the Building Permit process and, when required, as conditions of Master Planned Developments, Subdivisions and Conditional Use Permits. The following elements of construction are addressed in each plan:

- hours of operation
- parking
- deliveries
- stockpiling of materials and staging
- construction phasing
- trash management and recycling
- control of dust and mud on streets
- noise
- grading and excavation
- disposal of excavated material and transport route
- temporary lighting
- construction sign requirements.

Many of the required items already exist in the Municipal Code.

Currently, the Building, Planning and Engineering Departments review and approve the Construction Mitigation Plans. The Public Works Department reviews and approves any paid parking areas and requires payment of such application and permits (e.g. a Building Permit on Main Street that necessitates blocking off some parking spaces). The addition of these requirements lengthened the permitting and inspection process. The Community Development Department received funding for an additional Staff member whose responsibilities include review and approval of Construction Mitigation Plans, and monitoring the compliance of such plans. Patricia Parish was hired in this capacity in September of 1997.

C. Analysis:

Current Construction Mitigation Plan policy individually addresses the impacts of each project. Some of the recent public issues that the City Council have brought to the attention of the Community Development Department are : (a)hours of operation, (b)days of operation and (c)handling of dogs at construction sites.

The Community Development Department sponsored a contractor's meeting on March 4, 1998. During that meeting, the Construction Mitigation Plan policy was explained in depth. Some of the comments that were made by contractors after the presentation have been included (see Attachment "B"). It is the opinion of the Community Development Department, that most of the contractor's construction impacts can be resolved by working with them on a case-by-case basis, using the current flexibility built into the Construction Mitigation Plan format. Official public complaints (refer to above paragraph) have been sparse in numbers (see Attachment "A"). Contractors have questioned the fairness of putting restrictions, such as limiting hours on the building industry alone and not other businesses in Park City.

The City Council has recently been contacted concerning dogs at construction sites. Summit County Animal Control has an ordinance in place (see Attachment "C") which prohibits the presence of a dog at an active construction area. They currently patrol such areas and are in charge of apprehending any offending canines after appropriate warning to their owner, if possible.

D. Department Review:

The Community Development Department, which includes the Building Department, the Engineering Department, and the Planning Department, has been involved in all aspects of the formulation of the Construction Mitigation Plan. The plan has been recently revisited by the various departments. The Public Works Department has been involved in creating a paid parking and permit application. This will be included, as well as receipt of any fees paid, in the parking element of the submitted plan.

ALTERNATIVES:

A. Approve the Request As Stated:

Option #1A: Hours and Days Will Remain the Same

Consider adopting the amendment to Title 11 of the Park City Municipal Code. The construction hours and days of operation will remain the same.

Option #1B: Dog Prohibition Measures Will Remain the Same

Summit County Animal Control will continue to enforce their ordinance prohibiting the presence of dogs at active construction sites.

B. Amend the Plan:

Option #2A: Modify Hours

Modify construction hours of operation in all zones. One example would be: 7AM to 6PM, Monday through Friday, and 9AM to 5PM on Saturday and Sunday.

Option #2B: Dog Prohibition Added to the CMP

Prohibition of dogs at construction sites will be added as part of the Construction Mitigation Plan. Summit County Animal Control will continue to enforce their applicable ordinance.

Option #3: Modify Days

Eliminate and/or restrict construction on : (a) a chosen day (e.g. Sunday), (b) during special City-wide events, and (c) State and Federal holidays, with certain exclusions. Those exclusions would be: State, Federal and Municipal projects, and smaller, homeowner-type projects (e.g. painting, landscaping, decks, interior work on single family residences, additions not involving materials and supply deliveries, survey work, etc.).

Option #4: Modify Hours and Days

Modify construction hours of operation and restrict days of construction, with or without exclusions.

Option #5: Combinations

Various combinations of the above options.

SIGNIFICANT IMPACTS:**Option #1A: Hours and Days Will Remain the Same**

Since July of 1997, the Community Development Department has incurred the following:

- addition of a Staff member
- additional Staff time used to enforce the Construction Mitigation Plan policy
- additional time in the plan check process

These impacts will vary with the number of Building Permits issued and the scope of the projects.

Option #1B: Dog Prohibition Measures Will Remain the Same

Continue to allow Summit County Animal Control to enforce their ordinance prohibiting dogs at construction sites. There is no added burden or consequence.

Option #2A: Modify Hours

Restricting hours of construction would lengthen the overall time frame of most projects. A change in schedule for the Community Service Officers and Building Inspectors may be necessary to enforce the changes. Additional budget considerations associated with Staff and schedules may become necessary. Based on the additional considerations and impacts to the City and its citizens, Staff does not recommend this option.

Option #2B: Dog Prohibition Added to the CMP

If an issue arises involving a dog at a construction site, Summit County Animal Control will still need to be called in. Including it as part of the Construction Mitigation Plan does nothing but put

another step in the inevitable course of action that must be taken by the Inspector or other involved party. Due to the increase in animal training, equipment and paperwork that would be incurred by the Building Department, Staff does not recommend this option.

Option #3: Modify Days

The restriction of days of construction would lengthen the overall time frame for projects and increase enforcement requirements of the Building Department, as well as other effected departments. An increase in budget and scheduling changes will be incurred. Staff does not recommend this option.

Option #4: Modify Hours and Days

(Same as Option #3) If Municipal projects are not excluded from this modification or restriction, then the City budget must allow for an increase in cost for those projects. State and Federal projects do not fall under the jurisdiction of the Municipal Code. Staff does not recommend this option.

Option #5: Combinations

Various impacts related to the specific combination.

RECOMMENDATION:

The City Council should review all the information presented in this report, as well as any public comment, and give direction as to a preferred course of action. Staff recommends that the City Council approve Options #1A and #1B.

ATTACHMENTS

Attachment A - Tallied Complaints

Attachment B - Concerns from Contractor's Meeting

Attachment C - Ordinance 100-1-12 from Summit County Animal Control

Amended Sections of Title 11, Park City Municipal Code

Attachment "A"

Complaints Called in by Public

	<u>Trespass</u>	<u>Noise</u>	<u>Mud</u>	<u>Trash</u>	<u>LOD</u>	<u>Parking</u>	<u>Hours of Construction</u>	<u>Total</u>
1996	4	1	5	5	5	5	0	20
1997	6	2	2	10	9	2	2	33
1998	3	0	3	0	0	2	1	9

Complaints Filed by an Inspector

	<u>Trespass</u>	<u>Noise</u>	<u>Mud</u>	<u>Trash</u>	<u>LOD</u>	<u>Parking</u>	<u>Hours of Construction</u>	<u>Total</u>
1996	0	0	11	4	7	3	0	25
1997	3	0	38	29	74	12	0	156
1998	10	0	23	9	9	19	0	70

Notes:

- These complaints represent official, logged-in complaints that have been kept of record with the Building Department.
- The complaints only represent construction-related complaints.
- This information was compiled on March 20, 1998.

Attachment "B"

Concerns expressed at the Contractor's Meeting, March 4, 1998

1. Concern that the excavated dirt's location is part of the requirements of the Construction Mitigation Plan; even if not in Prospector Soils area.
2. Amend LOD line to taking into consideration excavating and the increased number of truck trips.
3. Consider a 1 to 2 foot landscaping easement along LOD fence. It is very difficult to landscape right up to the LOD fence.
4. Permitted projects are vested for any changes in the Code, if a complete application is in place at the time of the change.
5. Platted limits of disturbance area and building pad amendment processes.
6. How to handle deliveries? Contractor should reverse positions with the Building Dept. and the Community and take into consideration their point of view on this.
7. Restricting Sunday and holiday construction. This will impact small projects as well as impact working around adverse weather conditions.
8. Restrictions on construction before and after the Olympics. What will they be? How long will they be in place?
9. If construction shuts down on Sundays and holidays, so should other businesses.
10. Contractor could vary construction hours and work on making them more seasonal.
11. Mud on streets is sometimes impossible to prevent. Compliance has been good among most contractors.
12. If more regulations are placed on construction, then there will be more delays, more cost, and less and less people that can afford to live here. This could be a barrier to affordable housing. The time line of construction is longer.
13. Contractors want more noticing of public meetings that effect contractors.
14. Contractor / Plan Checker should make the excavator aware of any shoring requirements for a deep cut. Shoring plans should be on approved plans.

Attachment "C"

26 **100-1-12: PLACES PROHIBITED TO DOGS**

27 1. It shall be unlawful for any person to take or permit any dog, whether loose or on a leash
28 or in arms, in or about any establishment or place of business where food or food products are sold
29 or displayed, including but not limited to, restaurants, grocery stores, meat markets, and fruit or
1 vegetable stores.

2 2. It shall be unlawful for any person keeping, harboring, or having charge or control of any
3 dog to allow said dog to be within the following described area:

4 (a) Any water shed area so designated by ordinance or otherwise legally appointed,
5 either now existing or to be defined in the future.

6 (b) Any construction site of a building, building improvement, road, utility, or other
7 construction site during any time when actual construction or excavation activity is taking
8 place.

9 3. This section shall not apply to dogs provided for in section 7(2).



**TITLE 11 - BUILDING AND BUILDING
REGULATIONS**

CHAPTER 1 - DEFINITIONS

11- 1- 1. DEFINITIONS.

(A) **APPEAL** - a request for a review of the Building Official's interpretation of any provision of this Title or a request for a variance.

(B) **APPROVED TOPSOIL** - New topsoil is required to be tested and cannot exceed the following: lead 200 ppm; as determined by testing a representative sample at a state certified laboratory using the method described in Mine Tailings, below. Results reported as received [not dry weight].

(C) **AREA OF SHALLOW FLOODING** - a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

(D) **AREA OF SPECIAL FLOOD HAZARD** - the land in the floodplain within a community subject to a one percent

or greater chance of flooding in any given year.

(E) **BASE FLOOD** - the flood having a one percent chance of being equaled or exceeded in any given year.

(F) **CONSTRUCTION SITE** - The property, whether fenced or unfenced, involved in the construction of any building or structure as shown on the approved site plan, and such additional contiguous area owned or controlled by the owner of contractor of the project that is used for construction related work or activities such as staging, material storage, equipment storage, soil stock piling and similar activities.

(G) **CONSTRUCTION WORK** - The performance of any labor, delivery of any materials, operation of any power tool or motorized equipment on any construction site.

(H) **CONSTRUCTION MITIGATION PLAN** - A plan that is submitted to the Chief Building Official that includes mitigation details on site specific projects.

the fee payer shall prepare and submit to the Director an Independent Fee Calculation for the Impact Fee(s) associated with the Development Activity for which a Building Permit is sought. The documentation submitted shall show the basis upon which the Independent Fee Calculation was made. The Director is not required to accept any documentation which the Director reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Director's consideration of an Independent Fee Calculation.

(B) Any fee payer submitting an Independent Fee Calculation shall pay an administrative processing fee, per calculation, of \$100.

(C) Based on the information within the Director's possession, the Director may recommend, and the City Manager is authorized to adjust, the Impact Fee to the specific characteristics of the Development Activity, and/or according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(D) Determinations made by the Director pursuant to this section may be appealed subject to the procedures set forth herein.

CHAPTER 14 - REGULATING HOURS OF WORK AND STORAGE OF MATERIALS AND EQUIPMENT ON CONSTRUCTION SITES

11-14- 1. POLICY.

It is the policy of Park City to require construction activity on buildings to occur entirely within an approved space, including the storage of materials and equipment, and also accumulation and disposition of construction related refuse.

11-14- 2. FENCING OF PUBLIC RIGHT-OF-WAY.

In those zones which permit construction of buildings up to property lines or within five (5) feet of property lines, leaving a very limited or no setback area, the building official may permit construction fences to be built across sidewalk area where there are sidewalks, or into the parking lane of the street where there is no sidewalk. Where street width will permit, in the judgement of the building official, the construction fence shall also provide a temporary sidewalk area, which may be built in the parking lane of the street. Any sidewalk built as a part of a construction site fence must be covered with a structural roof which complies with Chapter 44 of the 1991 Uniform Building Code as adopted. or its successor provisions in later editions of the Uniform Building Code as they are adopted by the City. The

- Uniform Building Code requirements for construction of a temporary sidewalk may be reduced or waived by the Building Official where conditions will not permit the full four (4) foot width. The location of fencing within the public way and the determination of whether to require sidewalk shall be made by the Building Official, subject to review

TITLE 11 - BUILDINGS AND BUILDING REGULATIONS

Page 11-30

by the City Manager. In the event that changes in parking regulations are required by the construction of such a fence, the Police Chief is authorized to post signs prohibiting or otherwise regulating parking in the area adjoining the construction site.

11-14- 3. CONSTRUCTION CONFINED TO APPROVED AREA.

All construction work, including the storage of construction materials, supplies, temporary offices, tools, machinery, trash containers and construction vehicles shall be confined to the approved area at all times, except as follows:

(A) Delivery trucks may Park outside the approved areas for a period not in excess of one hour for the purpose of loading or unloading materials and equipment. On Main Street, Heber Avenue and Swede alley delivery trucks are subject to the additional requirements of Title 9, Parking Code, which regulates delivery vehicles in these locations.

(B) Cranes, concrete pumps and similar equipment that cannot be placed within the approved area because of space or access limitations on the site, shall not block traffic lanes on the streets without first having given the Police Department twenty-four (24) hours written notice of the intent to block the street and receiving written permission to block the street from the Police Chief or his designee. The notice of intent shall designate the duration of the blockage and its location. The Chief of Police has the authority to make temporary changes in parking regulations to keep traffic blockage to a minimum.

11-14-4 CONSTRUCTION MANAGEMENT PLANS

A construction mitigation plan shall be required to be submitted and approved by the Community Development Department, for all building permits with the exception of minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address:

1. Hours of operation

The Construction Mitigation Plan shall specify the anticipated daily construction start and finish times. The hours of construction activity is regulated in Section 11-14-5 for normal construction activity. Construction activity occurring outside of the times specified in Section 11-14-5 may only be allowed by Special Permit issued by the Building Official or the City Engineer.

2. Parking

Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Restrictions in paid or permitted parking areas require the Public Works Department to review and approve a parking plan. This shall also include anticipated temporary parking (e.g. delivery vehicles, large equipment parking).

3. Deliveries

Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a

common materials storage and staging site may be required.

4. Construction Phasing

Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

5. Trash Management and Recycling

Construction sites shall provide adequate storage and a program for trash removal. Construction materials recycling bins are encouraged on sites with adequate room for separation of materials.

6. Control of Dust and Mud on Streets

A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

7. Noise

Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the City Code.

8. Grading and Excavation

Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

9. Construction Sign Requirements

A sign, indicating the name of the party responsible for the construction project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed 12 square feet in size, six feet in height and shall have a letter type of 4".

Information on the sign shall include, at a minimum:

*Name, address and phone number of contractor

*Name, address, and phone number of person responsible for the project

*Phone number of party to call in case of emergency

*Phone number of Community Development Department. No additional fee is required for this sign. Real estate information is not permitted on this sign.

11-14-5-4. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

(A) All construction sites, including duplexes, single family homes and remodeling projects, shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. It shall be unlawful to permit accumulated debris, litter, or trash on any construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the

TITLE 11 - BUILDINGS AND BUILDING REGULATIONS

Page 11-32

container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

(B) All construction sites shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees = two toilets and so on).

11-14-6-5. HOURS OF WORK.

~~In the Historic Residential (HR-1), Historic Transitional Overlay (HTO), Residential Development (RD), Residential Development-Medium Density (RDM), Residential (R-1), Residential-Medium Density (RM), Recreation Open Space (ROS), Estate (E), Historic Residential Development Low-Density (HR-L), Single Family (SF), Single Family-Nightly Rental (SF-N), Historic Residential Low Intensity Commercial Overlay Zone (HR-2) and Regional Commercial Overlay (RCO) Districts; In all zoning Districts throughout the City construction work shall be allowed between the hours of _____ a.m. and _____ p.m. Monday through Friday. Construction shall be allowed in all zoning districts throughout the City between the hours of _____ a.m. and _____ p.m. on Saturdays, and between the hours of _____ a.m. and _____ p.m. on Sundays. it shall be unlawful for any person to perform or cause to be performed any construction work on any construction site under his control or at which he is employed between the hours of 10:00 p.m. and 7:00 a.m. of the following day, or before 9:00 a.m. on Sunday. In all other zones, it shall be unlawful to perform~~

~~or cause to be performed construction work between the hours of 10:00 p.m. and 6:00 a.m. of the following day. On _____, and in some circumstance, Special Events, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:~~

~~*Interior work on individual single-family home construction or addition projects not involving materials and supply deliveries~~

~~*Construction of decks, patios, landscape walls less than 4 feet in height, and fences on individual single-family lots~~

~~*Non-mechanized exterior painting on individual single-family residences~~

~~*Landscaping on individual single-family residences~~

~~*Survey work not involving grading or use of power equipment to cut vegetation.~~

The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

Special Event Regulations

The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events. Construction sites and activity with the

potential of impacting the preparation for the 2002 Winter Olympic events in the City will be restricted as necessary beginning in January 2001 through March 2002.

**11-14-7-6. RELATIONSHIP TO
UNIFORM BUILDING CODE.**

This Chapter shall be construed as being supplemental to the Uniform Building Code as adopted. The technical requirements of the Building Code are not altered by this Chapter and to the extent there is any conflicting provision between this Chapter and the Uniform Building Code, the more restrictive provision shall apply. The Building Official shall have the authority to alter specific technical requirements of Chapter 44 of the Uniform Building Code (1991 Edition) to suit unique circumstances which might arise within Park City due to site specific conditions or narrow or steep streets.

**11-14-8-7. ENFORCEMENT AND
PENALTIES.**

This Chapter shall be primarily enforced by the Building Official, with the assistance of the Police Department. When probable cause exists to believe a violation has been committed, the Building Official may issue a stop work order on any construction project until the violation is eliminated or the court finds that no violation exists. Persons violating this Chapter individually or through their employees are guilty of a Class "B" misdemeanor.

**CHAPTER 15 - PARK CITY
LANDSCAPING AND MAINTENANCE
OF SOIL COVER**

11-15- 1. AREA.

This Chapter shall be in full force and effect only in that portion of Park City, Utah which is commonly known as that portion which is depicted in the map below.