PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 17, 2003

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning and Zoning Administrator; Brooks Robinson, Planner; Kathy Gammel, Water Manager; and Mark Christensen, Grants and Budget Manager

1. **Council questions/comments.** Candace Erickson reported that she, Peg Bodell and Kay Calvert attended the Utah League of Cities and Towns conference in St. George last week and will share a communications plan with Myles Rademan from that session. She attended a Library Board meeting this week and the Friends of the Library luncheon. BFI has delivered new recycling bins in Park Meadows and curbside service is underway. Peg Bodell thanked the Police Department for making traffic enforcement a priority and producing regular reports for Council. In reference to the manager's report on a community garden and staff's recommendation to pursue neighborhood gardens rather than the Farm, Ms. Bodell requested any updates staff may have as it is a good project. She thanked the City Manager for formulating a policy on the use of the Council Chambers and reported on the message from the keynote speaker at the ULCT conference where bringing civility, integrity and courage to communities was the focus. Ms. Bodell expressed that Council is diligent about these values, which is not the case with the media, who continually seems to stir up non-civility and she felt this is important to recognize. Kay Calvert reported that she learned from the conference that Grades K through 12 have some opportunities to recover dollars, despite the diminished funding from the past legislative session. She added that she received a complaint about a vagrant living on the hillside adjacent to the Rail-Trail; staff will follow-up. Jim Hier encouraged members to attend the celebration for the Flagstaff conservation easement dedication which has been rescheduled to May 3 at the Empire Lodge from 4 p.m. to 6 p.m.

The Mayor reported that he met with Tonya MacKay this week, whose husband is serving in Kawaiit. He pointed out the flag and photo of the MacKays hung in the Council Chambers which will be displayed until he comes home. He read a letter from the HMBA thanking Council for addressing paid parking. It is their goal to make the Main Street areas as user-friendly as possible, view paid parking as a barrier to doing business and are petitioning for the following: (1) eliminate paid parking on Main Street and enforce time limits; (2) designated employee parking areas in Swede Alley (members are willing to participate in the education and enforcement required to discourage employees from parking on Main Street); (3) the cost of enforcement should not be their burden as it is a community-wide issue; (4) there can be a charge for parking during special events assuming that employee parking is made available; and (5) better signs and community education about available parking. By way of this letter, the HMBA formally requested the removal of all paid parking on Main Street as there is quantitative evidence that this has adversely affected businesses and removal is critical to ensure that Main Street will remain a viable and competitive place to do business. The current recommendation from the City Council does not solve the perceptions created by paid parking. The Mayor clarified that attendees of their annual meeting voted, the decision was unanimous and he understood that a petition is forthcoming. Council member Hier emphasized his interest in reviewing the quantitative information referred to in the letter. Tom Bakaly explained that there will be a work session held on this topic on May 8.

2. **Water conservation - vegetation guidelines.** Brooks Robinson explained that a flyer was included in water bills, and the website and Library has information about xeriscaping. The concept of xeriscaping is not intended to eliminate landscaping but to encourage the efficient use of water. He explained the seven principles including: (1) planting and design; (2) creating practical turf areas; (3) selecting low-water requiring plants; (4) enhancing soil; (5) mulching; (6) irrigating efficiently; and (7) maintaining the landscaping properly.

There was discussion about maintaining sprinkler systems and promoting drip irrigation. Through illustration of slides, Mr. Robinson displayed and described water-wise landscaping schemes and pointed out that installing sod may initially be less expensive, but not over the long-term. The City currently has landscape guidelines which are required for MPDs, CUPs, and Historic District applications, but not single family homes. Some projects have limits of disturbance which are noted on the plat, but there is no requirement to use drought tolerant plants in the Land Management Code. If Council decides to pursue amendments, it would likely affect Chapter 5, Architectural Review. Another option is providing incentives and criteria for new developments or retro-fitting landscaping. Mr. Hier stated that the City requires that the area within the limits of disturbance be vegetated for soil stabilization, and that may be the point where drought-tolerant requirements could be effective. There have been allegations about the City *making* people install turf, but planting selections are made by owners. In response to a question from the Mayor, Mr. Robinson explained that permits are not required for landscaping, but for grading. Peg Bodell felt that there should be incentives for developers for new construction and asked if the limits of disturbance provisions need to be amended. Brooks Robinson believed there could be an adjustment in water impact fees when outside irrigation demands are analyzed.

Fred Jones commented that amendments to the LMC would only affect new construction and the bulk of the problem ~~and the real challenge is~~ reducing water use on existing dwellings. He suggested developing an educational program to encourage voluntary replanting drought-tolerant landscaping. Perhaps this could be accomplished by partnering with local nurseries and an event could be planned at City Park to purchase plants. There could also be recognition of patrons of the program. Candace Erickson added that retro-fitting goes beyond landscaping materials; there are design issues and irrigation systems involved, requiring professionals. This is not inexpensive for most people and she agrees with a previous suggestion by the Mayor that a grant program may be needed. Kathy Gammel stated that the water conservation committee is working with the state to produce seminars and several are scheduled in Park City. The committee will present its drought plan on May 1.

Recap:
- Continue to explore incentives for installing drought tolerant landscaping by way of LMC amendments
- Educational program - partnership with local nurseries
- Grant program for changing out landscaping and irrigation systems
- Recommendations from water conservation group back to Council in one or two weeks

3. **Arts Council recommendations for special service contracts.** See staff report. Mark Christensen explained that the recommendation from the Arts Council represents disbursement of the remaining funds for arts of about $16,000. Staff is requesting that once the Arts Council is satisfied with projects, to distribute the remaining 10% that has been withheld to make sure awarded projects are completed. In response to a question from Jim Hier about only granting a portion of the Park City Singers' request, Mr. Christensen explained that the grant request was for $10,000 and the recommended total is $2,500 toward a sound system. Ms. Bodell thanked the Arts Council for its efforts.

Recap: Proceed with staff recommendations.

4. **Review of regular meeting.** There were no meeting questions or comments. A motion to close the meeting was made. See memorandum of closed session in the regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 17, 2003

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 17, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Michelle Barrus, Special Events Coordinator; Derek Satchell, Historic Preservation Planner; Craig Sanchez, Director of Golf, and Brooks Robinson, Planner.

II PUBLIC INPUT

The Mayor invited the audience to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Flagstaff development - Eric DeHaan reported that a neighborhood meeting was held on the sewer line project on Marsac Avenue, as a part of the Flagstaff development. Discussion ensued regarding sidewalks, street sweeping, detours, length of construction, and inconvenience to property owners. The City will be working with the applicant and its engineers to resolve expressed concerns and may return to Council with an encroachment permit. In response to a question from the Mayor about staging, the City Engineer responded that there are four different staging areas at strategic points throughout the job. The lower Sandridge parking lot has been identified as a desired location because of its size and proximity. He clarified that the realignment of Marsac Avenue is not a part of the sewer project, although some of the residents wanted this included in this phase. The timing of the alignment is tied to Flagstaff's affordable housing requirement, which is triggered at 150 certificates of occupancy, rather than at the front end of development. Peg Bodell pointed out safety issues at the intersection and the opportunity to improve the alignment when the street is already torn up. Mr. DeHaan explained that the sewer line project will not affect that section of Marsac Avenue but is east of the road at that point. The developer feels this improvement relates to the affordable housing component, and Mr. DeHaan added that this is still a discussion point.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 27, 2003

Kay Calvert corrected her comment in the discussion of the Historic District Commission. Peg Bodell, "Although they don't contain all the words to my birthday song, I move approval of the Minutes of March 27, 2003". Kay Calvert seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARING

1. Continuation - Master Festival License for Four Winds Adventure Race to be held August 13 - 21, 2003 - Michelle Barrus explained that the public hearing was continued because of the addition of another sponsor to the MFL and the application had to be modified. The Four Winds Adventure Race will start at the Town Lift Plaza and will be in and out of the City during these four days. The event requires minimal City services and there are no significant impacts. Hearing no comments or questions from the City Council or the audience, the public hearing was closed.

2. Master Festival License for Diversity Day to be held on May 31, 2003 - Ms. Barrus explained that this annual event replaces the Cinco de Mayo celebration in City Park. Mountainlands Community Housing felt this should include all diverse and ethnic groups. She pointed out that this occurs at the same time as the skate series, but staff feels there aren't conflicts and actually may be compliment each other. There is a transportation component and the applicant has received permission to use Park City Mountain Resort's parking lot. Peg Bodell expressed her appreciation of the evolution of the event and hoped that by next year, the celebration will be extended into the evening. With no further comments from Council, the Mayor opened the public hearing. Hearing no input, the public hearing was closed.

3. Ordinance approving 502 Woodside Avenue plat amendment to combine all of Lot 46, and the southerly 21 feet of Lot 45 in Block 5 of the amended Park City Survey, into one lot of record located at 502 Woodside Avenue, Park City, Utah - Derek Satchell explained that the purpose of the plat amendment is to accommodate the rehabilitation and conversion of the existing historic dwelling to a permitted duplex use. This project required separate conditional use permits for a duplex use and development on a steep slope. Approval of an Historic District design application is also required. Both CUPs were reviewed and approved by the Planning Commission at its March 26, 2003 meeting and the review of the Historic District design application is pending on the approval of this application, which is recommended. In response to a question from Peg Bodell, Mr. Satchell explained that the applicant received a variance from the Board of Adjustment reducing the required square footage of the lot for a duplex and a variance to maintain the existing non-conforming front yard setbacks from Woodside and the platted but unbuilt 5th Street right-of-way.

The Mayor invited the public to comment. Hearing no input, the public hearing was closed.

4. Amendment to Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah to clarify responsibilities of the Recreation Advisory Board and make technical corrections - Craig Sanchez pointed out a minor correction in the draft and Fred Jones also made a grammatical correction. Hearing no further comments from the

Council, the Mayor opened the public hearing. Hearing no comments from the audience, the public hearing was closed.

VI CONSENT AGENDA

Fred Jones, "I move approval of Consent Agenda Items 1 through 5". Kay Calvert seconded. Motion unanimously carried.

1. Master Festival License for Four Winds Adventure Race to be held August 13 - 21, 2003 - See public hearing and staff report.

2. Master Festival License for Diversity Day to beheld on May 31, 2003 - See public hearing and staff report.

3. Ordinance approving 502 Woodside Avenue plat amendment to combine all of Lot 46, and the southerly 21 feet of Lot 45 in Block 5 of the amended Park City Survey, into one lot of record located at 502 Woodside Avenue, Park City, Utah - See public hearing and staff report.

4. Amendment to Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah to clarify responsibilities of the Recreation Advisory Board and make technical corrections - See public hearing and staff report.

5. Award of Golf Course concession agreement to Riverhorse on the Green - See staff report.

VII PUBLIC HEARING

Continuation - Ordinance approving a four parcel metes and bounds subdivision at Flagstaff Mountain Village, Park City, Utah - Brooks Robinson stated that this was continued at Council's March 27, 2003 meeting to add Condition #7, which addresses concerns of selling individual parcels without having gone through the MPD process. In response to comments made by Council member Jones about this issue, Mark Harrington stated that the legal staff is comfortable with the conditions of approval that the developers have stipulated to, to prevent selling off parcels. Hearing no further comments from the Council or the public, the public hearing was closed.

VIII OLD BUSINESS

Ordinance approving a four parcel metes and bounds subdivision at Flagstaff Mountain Village, Park City, Utah - See public hearing and staff report. Jim Hier, "I move we approve the metes and bounds Subdivision as conditioned and amended in the staff report". Peg Bodell seconded. Motion carried unanimously.

IV ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Fred Jones, "I move to close the meeting to discuss property, personnel and litigation". Peg Bodell seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m.

The City Council met again in closed session at approximately 5 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Peg Bodell, "I move to close the meeting to discuss property". Fred Jones seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

PARK CITY
1884

Memorandum
April 17, 2003

TO: The Honorable Mayor and Members of the City Council

FROM: Brooks T. Robinson, Landscape Architect, Arborist, Planner

SUBJECT: Water wise Landscaping

Utah is the second driest state in the Union (behind Nevada). Water, even during the best years, is a precious commodity. As Park City and the state approach a fifth year of below normal precipitation, the efficient use of water is vitally important. Nearly 70 percent of Park City's water is used for outside irrigation.

During the work session I will be making a presentation on water wise landscaping, also known as xeriscape. Xeriscape is not "Zero-scape" with nothing but concrete and sagebrush but is a landscape that is functional, aesthetically pleasing, and efficient in its use of water. In both new and existing residential landscapes, a number of techniques and systems can be used to make the most of the water we have and still keep yards green and lush. We will look at the seven principles of xeriscape and explore ways to retrofit an existing water intensive landscape to one that is more efficient and drought tolerant.

DATE:	4/17/03
DEPARTMENT:	OCMB
AUTHOR:	Mark Christensen
TITLE:	Arts Special Service Contracts – Second Distribution
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS: The City Council should provide direction concerning the recommendations made by the Park City Summit County Arts Council for the second disbursement of FY2002-03 funds for Arts, Culture and Humanities

DESCRIPTION:

A. **Topic:** Arts Special Service Contract Funds Disbursement schedule

B. **Background:** This last year, the Arts, Culture and Humanities category was appropriated .30% of the General Fund budget. Per current policy, the Park City Summit County Arts Council was designated as the representative organization for the purpose of planning how contract funds will be distributed for arts. Last August, the Arts Council received $14,500 for its Special Service Contract. In November 2002, City Council approved the Arts Council's recommendation to distribute $14,500 to several artists and art organizations it had selected. This left an additional $15,064 available for future distribution. The Arts Council has now completed its special service contract review process and its recommendation for the distribution of the remaining amount is attached (please note: the actual amount the Arts Council anticipates distributing is $16,064. $1,000 from the original distribution of $14,500 was returned to the City after the recipient was unable to implement her program).

Arts Special Service Contract Distribution FY 2003

Total FY 2003 Arts Contract Amount	$	44,064
Special Service Contract Amount	$	(14,500)
November Subgrantee Distribution	$	(14,500)
Reimbursement from Kathleen Haynes	$	1,000
Remainder Available for April Distribution	$	16,064

As previously requested by the Arts Council, 90 percent of the remaining funds for the various artists will be made available immediately. They have asked the City to issue the remaining 10 percent after the projects are completed. Staff is requesting Council approve the total Arts Council recommendation of $16,064. Staff recommends that as the Arts Council forwards its approval for final payments, staff be authorized to issue those payments.

C. **Analysis:** Disbursement of FY 2002-03 special service contract funds for Arts, Culture and Humanities.

D. **Department Review:** City Manager, OCMB, and Legal

ALTERNATIVES:

A. Approve the Park City Arts Council recommendations.
B. Deny the request (in total or partially): This action would most likely necessitate further City Council direction concerning the special service contracts policy and its implementation.
C. Continue the Item: Delaying the requests for more than a few weeks could cause some issues with the projects recommended for funding.
D. Do Nothing: Same as continuing the item.

SIGNIFICANT IMPACTS: Funds for the recommended action are in the special service contracts budget and are available for the recommended projects.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The City Council would need to provide further direction and perhaps make modifications to the current Special Service contract policy. Please note that per Council direction and pending approval of the budget in June, art service contracts will be made directly to organizations and not through the Arts Council. The deadline for next year's special service contract request has passed and all of the attached prior recipients were notified of the new application process to the deadline.

RECOMMENDATION: Approve the recommendations of the Arts Council.

Attachments:
Park City Summit County Arts Council Recommendations for April 1, 2003.

Park City
Summit County
Arts Council

Final Grant Recommendations
April 1, 2003

Applicant	Amount Requested	Project Type	Prior amount Received	Recommended Grant
Adopt-a-Native Elder	$2,500.00	Rug Show/Exhibit	$500.00	$500.00
Arts Kids	$5,000.00	McPolin School	$3,900.00	$0.00
Dori Pratt	$600.00	Historical Photos	$600.00	$0.00
Egyptian Theatre	$10,000.00	Education Outreach	$1,000.00	$2,000.00
Kathleen Haynes*	$1,000.00	Elder Dance	$1,000.00	$0.00
Kimball Art Center	$2,000.00	Student Exhibition	$1,000.00	$500.00
Mountain Town Stages	$6,000.00	Program Expansion	$2,000.00	$2,000.00
Park City Arts & Music Conservatory	$3,000.00	Concert Series	$0.00	$1,500.00
Park City Chamber Music Society	$3,000.00	Concert Series	$0.00	$1,500.00
Park City Film Series	$2,500.00	Advertising	$1,500.00	$564.00
Park City Jazz Festival	$5,000.00	Education Outreach	$0.00	$2,500.00
PC Performing Arts Foundation	$5,000.00	Education Outreach	$2,000.00	$1,000.00
Park City Singers	$10,000.00	Sound System	$1,000.00	$1,500.00
Utah Music Festival	$10,000.00	Education Outreach	$0.00	$1,500.00
Utah Symphony	$3,000.00	PC Performance	$0.00	$1,000.00
Totals	$68,600.00		$14,500.00	$16,064.00

* Kathleen Haynes is returning check

DATE: April 17, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Alison Butz
TITLE: Four Winds USA Supreme Adventure Race
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for the Four Winds USA Supreme Adventure Race, as conditioned, from August 13 through August 21, 2003.

A. TOPIC

Review of the Master Festival License Application, submitted by Four Winds Adventure Institute, for the Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003.

B. BACKGROUND

Four Winds Adventure Institute is coordinating an adventure race which starts and ends within Park City as well as crosses through town during the nine days of competition. The Four Winds Supreme began in 1997 and continues as one of the few races of its kind in the world. Teams of 2 and 4 persons race day and night, over 7-9 days. Teams navigate day and night non- stop in supported and unsupported venues. Activities include: mountaineering; trekking; horseback riding; white water rafting; kayaking and canoe paddling; running; swimming; and mountain biking.

All racers will be expected to adhere to specified racecourse routings as presented to them by the race organization. This is part of the racers' agreement to comply with rules and regulations as dictated and permitted by overseeing agencies who have arranged for passage across lands upon which the race is run. Deviations from racecourse routings are not permitted, and racers could be disqualified or at the very least, penalized for any deviations.

Typical media coverage is through newspaper, magazine, radio and television, local, national and international coverage, and internet and radio reporting. The Four Winds concept of making a part of its race spectator friendly will give greater access to media and spectators. This can translate into greater exposure for race and team sponsors. It is anticipated that Outdoor Life Network will carry programming of race events based on Four Winds Races and participants.

Four Winds is committed to the allocation of a portion of annual race event sponsorship moneys to educational programs for indigenous peoples, based on race locations each year.

C. ANALYSIS

The event organizers have planned a small sponsor celebration to introduce the athletes. The event will occur at Park City Mountain Resort in the Legacy Lodge. The race will begin at

7:30am on Thursday, August 14th, on the town lift plaza. Approximately 500 people, who include racers, support crews, volunteers and staff, will attend the start of the race. The start activities include warm-ups and last minute instructions. The race will begin with a run taking the racers off the town lift, over the Park Avenue bridge and onto the Sweeney Switchbacks. Once the racers leave the Town Lift Plaza they will begin to separate from each other, depending on skill levels meaning that during the remainder of the course the community will only see the single group of racers along the course at one time. The course will extend past Mountain Dell, the Uintas and through the Provo River Valley. The race will conclude at Park City Mountain Resort, and the first racers are anticipated completing the course on August 19th.

At this time there is no significant need for structures. Outfield fences will be installed at each field. An outfield fence is similar to snow fencing which designates the outfield zones for each age group. The outfield fence will have signage from the providing sponsor which will be visible to the players.

There is discussion regarding a concert component at the end of the event. At this time that component is not specified. If, at such time that is planned Staff will return to Council for approval of the modification to the application.

Property Owners

Since the racecourse will cover 350 – 400 miles, it is the race organizers responsibility to work with the various property owners for access across their property. City Staff will continue to work with the applicant to receive property owners' approval in Park City for the racecourse and staging areas.

Event Schedule

Wednesday, August 13	5:00pm – 9:00pm Race Start Celebration – Park City Mtn Resort
Thursday, August 14	7:30am Race Beginning – Town Lift Plaza
Friday, August 15	Racers reach bicycle course in town
Tuesday, August 19	First racers are anticipated to finish at Park City Mountain Resort

Parking and Transportation

Each team will have a support crew carrying extra supplies and gear. Throughout the racecourse checkpoints and staging areas will be designated preventing disturbance to adjacent areas and neighborhoods. At this time the designated staging areas will be at the Town Lift Plaza for the start of the race. Parking requirements for the start of the race can be accommodated by the use of adjacent on-street parking and the Swede Alley parking lots. Due to the early start of the race paid parking on Main Street will not be in affect. Staff will barricade no racer/support crew parking in front of residential homes on Park Avenue to decrease the impacts of the early morning start. The remainder of the staging areas in town and celebrations will occur at Park City Mountain Resort where adequate parking can be accommodated.

Police Services

The racers at the beginning of the race will not be crossing streets so no street closure is required. At the additional times where the racecourse crosses through Park City the racers will be dispersed and will not need assistance when navigating through town.

Building Permits
The applicant will have a few temporary structures for the event. At the start there will be a start gate with banners and at Park City Mountain Resort structures for the finish, medical crew and race registration will be needed.

ALTERNATIVES

1. Approve the Master Festival License, as conditioned by staff, allowing the Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003.
2. Modify the parameters of the event and approve the Master Festival License, the Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003.
3. Deny the Master Festival License, thereby the Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003.
4. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve the Master Festival for the Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003, based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003. The event includes mountaineering; trekking; horseback riding; white water rafting; kayaking and canoe paddling; running; swimming; and mountain biking course, which takes place on portions of trails and streets within Park City The start of the race will be at the Town Lift Plaza and the race will end at Park City Mountain Resort.
2. The parking for the event staff and racers support crew will be accommodated at designated staging areas. No street closures will occur for the event. The conduct of the Four Winds USA Supreme Adventure Race will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The applicant will provide volunteers to man any major street crossings when needed. The Four Winds USA Supreme Adventure Race will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. Staging areas will be designated for parking and transition zones. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses has been approved for this timeframe. Therefore the Four Winds USA Supreme Adventure Race will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

6. The organizer is providing sanitation, and adequate insurance for the event.
7. With the security provisions proposed the Four Winds USA Supreme Adventure Race events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses.
10. The Four Winds USA Supreme Adventure Race is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a World Class Resort which hosts such events as this and to increase the number of events in the Summer.

<u>Conclusions of Law</u>:
1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

<u>Conditions of Approval</u>:
1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. All music associated with the start of the event shall not be audible past the property lines, as specified within the Park City Municipal Code's Noise Ordinance.
4. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
5. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Exhibits

Exhibit A - Approval Document

PARK CITY
1884

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License:	**____ Special Event X Master Festival**
Event Name:	**Four Winds USA Supreme Adventure Race**
Event Date(s):	**August 13 through August 21, 2003**
Event Location:	**Town Lift Plaza and Park City Mountain Resort**
Licensee:	**Four Winds Adventure Institute**
Contact Person:	**Dr. Bill Lionberger**
Approved By:	**___ Special Events Manager X City Council of Park City**
Approval Date:	**April 17, 2003**

The City Council has approved the Master Festival License for the Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Four Winds USA Supreme Adventure Race from August 13 through August 21, 2003. The event includes mountaineering; trekking; horseback riding; white water rafting; kayaking and canoe paddling; running; swimming; and mountain biking course, which takes place on portions of trails and streets within Park City. The start of the race will be at the Town Lift Plaza and the race will end at Park City Mountain Resort.
2. The parking for the event staff and racers support crew will be accommodated at designated staging areas. No street closures will occur for the event. The conduct of the Four Winds USA Supreme Adventure Race will not substantially interrupt or prevent the safe and orderl movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The applicant will provide volunteers to man any major street crossings when needed. The Four Winds USA Supreme Adventure Race will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. Staging areas will be designated for parking and transition zones. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, bulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses has been approved for this timeframe. Therefore the Four Winds USA Supreme Adventure Race will not substantially terfere with any other

Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

6. The organizer is providing sanitation, and adequate insurance for the event.
7. With the security provisions proposed the Four Winds USA Supreme Adventure Race events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses.
10. The Four Winds USA Supreme Adventure Race is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a World Class Resort which hosts such events as this and to increase the number of events in the Summer.

Conclusions of Law:

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

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. All music associated with the start of the event shall not be audible past the property lines, as specified within the Park City Municipal Code's Noise Ordinance.
4. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
5. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

PASSED AND APPROVED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

DATE: April 17, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Michelle Barrus
TITLE: Diversity Day
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for a Diversity Day, as conditioned, on Saturday, May 31, 2003

A. TOPIC

Review of the Master Festival License Application, submitted by Mountainlands Community Housing, for the Diversity Day on Saturday, May 31, 2003.

B. BACKGROUND

Mountainlands Community Housing submitted an application for Diversity Day. This will take place at City Park Saturday, May 31, 2003. The event begins at 12 pm with live music, food vendors, sports, and kid's games. The event will conclude at 4:30pm.

As part of this application, the Mountainlands Community Housing has requested the Council review their request for a full fee waiver of estimated City fees. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

C. ANALYSIS

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

The organizers are expecting a crowd of 500 during the duration of this event. Due to the size of the anticipated crowd and the duration of the event, ample parking is available at Park City Mountain Resort where our transit department will shuttle people back to City Park. Electronic signs will be used to direct traffic. They have used this alternative in the past years and current bus routes can accommodate the additional capacity loads.

On May 31, 2003 the first competition of the Skate Series will also take place. Ken Fisher, the Skate Series coordinator has been contacted and does not feel that this event will conflict with the Skate Series based on the criteria in the findings of fact section of this report. With multiple activities going on in the park this day, both organizers feel these events will compliment and benefit one another by bringing more people to City Park and making both events a success. The two events will coordinate with each other to monitor noise levels of music so as to not disturb the adjacent neighborhood.

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

Construction of the basketball courts and the Mawhinney Parking Lot sites will be fenced. Parking will be significantly reduced within City Park so additional parking will be available in the Library parking lot and at Park City Mountain Resort with shuttle service.

<u>Fee Waiver Request</u>
Section 4-8-9 of the Municipal Code provides applicants for Master Festival and Special Event Licenses with criteria to request a waiver for all or a portion of associated fees. The Section further states that fee waiver requests for all new applications be reviewed and approved or denied by the City Council. Eligibility for a full or partial fee waiver shall be determined pursuant to the following criteria, none of which shall be individually controlling. The Mountainlands Community Housing has requested a full waiver of all fees associated with the Diversity Day. Please see text in italics for the Mountainlands Community Housing's response to the criteria.

A. For-profit or non-profit status of the Applicant;
The Mountainlands Community Housing is a non- profit organization
B. Whether the event will charge admission fees;
There is no general admission fee.
C. Whether the event is youth-oriented;
Yes, there will be games geared towards children.
D. The duration of the event;
The event will be held on Saturday, May 31, 2003, from 12:00pm until 4:30pm at City Park.
E. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
The City will receive sales tax from the food vendors.
F. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
The Diversity Day will require building permit, electronic signs, use of transit system (where regular routes will suffice), increase in number of garbage cans. These costs will most likely not be recovered.
G. The season of occurrence; and
The event will take place during Spring
H. Demonstration of hardship by the Applicant.
This is a non-profit event, which is not charging admission fees, and the event is a benefit to the community.

Due to the Applicant's response to the fee waiver criteria, staff recommends a fee waiver.

<u>ALTERNATIVES</u>

A. Approve the Master Festival License, as conditioned by staff, allowing the Diversity Day on May 31, 2003.
B. Modify the parameters of the event, and approve the Master Festival License, allowing the Diversity Day on May 31, 2003.
C. Deny the Master Festival License, thereby preventing the Diversity Day on May

31, 2003.

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

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Diversity Day on May 31, 2003 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. Diversity Day will be held in City Park on Saturday, May 31, 2003 The event begins at 12 pm with live music, food vendors, sports, and kid's games. The event will conclude at 4:30pm.
2. Parking for the anticipated crowd size throughout the duration of the event will be accommodated at the Park City Mountain Resort with a shuttle to City Park. The conduct of Diversity Days will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The event is oriented towards families. The events associated with Diversity Days will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held within City Park with additional parking at the Park City Mountain Resort and a free shuttle service on the transit system back to City Park. The event will not interfere with police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. The Park City Skate Series also has an approved MFL for May 31, 2003. Diversity Day will not adversely impact this Master Festival License, but the events taking place on the same day at essentially the same time would actually benefit one another by brining more people to the park and therefore there events at hand. The graphic separation is provided between these two events by the basketball court construction (formerly the mucking and drilling area). The proposed times are essentially the same. The anticipated attendance does not exceed 1000 for both events combined. There is not a necessity for public personnel at these events and they can share transportation needs with the public shuttle. Because a satellite lot is being used for this event, there is not a concern that parking and traffic will interfere with public health, safety or welfare.
6. The organizer is providing adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The Diversity Day is consistent with making Park City a great place for families to

live by creating an environment that is family friendly.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 4:30 pm.
3. The applicant shall obtain all required building permits.
4. "No Parking" areas within City Park shall be barricaded to ensure the minimum clearance requirement for emergency vehicles is met.
5. The applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
6. The applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

ATTACHMENT
A- Approval Letter
B- Fee Estimate

Attachment A

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ____ Special Event X Master Festival

Event Name: Diversity Day

Event Date(s): May 31, 2003

Event Location: City Park

Licensee: Mountainlands Community Housing

Contact Person: Shelley Weiss

Approved By: ___ Special Events Manager X City Council of Park City

Approval Date: April 17, 2003

The City Council has approved the Master Festival License for Diversity Day to be held on May 31, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Diversity Day will be held in City Park on Saturday, May 31, 2003 The event begins at 12 pm with live music, food vendors, sports, and kid's games. The event will conclude at 4:30pm.
2. Parking for the anticipated crowd size throughout the duration of the event will be accommodated at the Park City Mountain Resort with a shuttle to City Park. The conduct of Diversity Days will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The event is oriented towards families. The events associated with Diversity Days will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held within City Park with additional parking at the Park City Mountain Resort and a free shuttle service on the transit system back to City Park. The event will not interfere with police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. The Park City Skate Series also has an approved MFL for May 31, 2003. Diversity Day will not adversely impact this Master Festival License, but the events taking place on the same day at essentially the same time would actually benefit one another by brining more people to the park and therefore there events at hand. The graphic separation is provided between these two events by the basketball court construction (formerly the mucking and drilling area). The proposed times are essentially the same. The anticipated attendance does not exceed 1000 for both events combined. There is not a necessity for public personnel at these events and they can share transportation needs with the public shuttle. Because a satellite lot is being used for this event, there is not a concern that parking and traffic will interfere with public health, safety or welfare.

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

Conclusions of Law:

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

Conditions of Approval:

1. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 4:30 pm.
3. The applicant shall obtain all required building permits.
4. "No Parking" areas within City Park shall be barricaded to ensure the minimum clearance requirement for emergency vehicles is met.
5. The applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
6. The applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

PASSED AND APPROVED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

ATTACHMENT B

PARK CITY 1884

Estimated Fees

Diversity Day
May 31, 2003

Special Events Department
P.O. Box 1480
Park City, UT 84060
(435)615-5150
Fax: (435) 615-4901

SERVICE DESCRIPTION	Total
Special Events Office	
Application Fee	$100.00
Building Department	
Inspection Fee, $15.00 per hour	$30.00
Streets Department	
Electronic Signs @ $120/day (2 requested, 1 days of use)	$240.00
Barricade Rental, 12 @ .38/per barricade/day	$5.00
Parks Department	
Park Reservation Fee	$35.00
TOTAL	**$410.00**
Proposed Amount Waived	**$410.00**

Any additional items to be reviewed would increase amount.

CITY COUNCIL REPORT

DATE: April 17, 2003
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: 502 Woodside Avenue - Plat Amendment
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Staff requests that the City Council conduct a public hearing, consider public input, and approve the plat to combine all of Lot 46, and the southerly twenty-one feet of Lot 45 in Block 5 of the Park City Survey, into one lot of record, as conditioned herein.

A. PROJECT STATISTICS

Applicant:	Max Von App
Location:	502 Woodside Avenue
Proposal:	Plat Amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Historic and Contemporary Residential Buildings
Date of Application:	February 19, 2003

B. BACKGROUND

On February 19, 2003, the Planning Department received a Plat Amendment application by the applicant (Max Von App), to combine all of Lot 46 and the southerly 21' of Lot 45, in Block 5 of the Park City Survey, into a single lot. It was reviewed and forwarded to the City Council with a positive recommendation by the Planning Commission on March 26, 2003.

The existing structure on the property is historic, but was previously owned and operated as an unpermitted Triplex dwelling. The purpose of the plat amendment is to accommodate the new owner's desire to rehabilitate and convert the existing historic dwelling into a permitted Duplex use. Upon combining said lots, the total square footage of the property will be less than the required minimum lot size for a Duplex use. However, the applicant has received support from the Board of Adjustment on March 4, 2003, for a variance to reduce the LMC required minimum lot size and to maintain the existing non-conforming front yard set backs. Formal action on the variance requests by the Board of Adjustment is scheduled for April 15, 2003.

Rehabilitation and construction of the proposed project will also require Conditional Use Permit for a Duplex use, CUP/Development on Steep Slope, and Historic District Design application review. The CUP applications were reviewed and approved by the Planning Commission at their March 26th meeting. Review of the Historic District Design application is pending the outcome of all aforementioned applications.

C. ANALYSIS

The applicant is proposing to combine all of Lot 46 and the southerly 21' of Lot 45, in Block 5 of the Park City Survey, into a single lot. Lot 46 is a 28'x75' platted Old Town lot fronting Woodside Avenue. The southerly 21' of Lot 45 is under the same ownership, while the remaining 4' is under separate ownership by the adjoining property owner.

There are no remnant lots created by this proposal. The proposed plat amendment complies with the HR-1 District regulations as it relates to size and configuration. This proposal does not increase the density on the lot. The proposed 49' wide newly created lot is consistent with other lot sizes in the immediate area. After reviewing the request, the Planning Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

D. NOTICE

Notice of this hearing was initially sent to property owners within 300' on March 11, 2003, as part of the original Plat Amendment procedure. The property was also properly posted and legally noticed at that time. Several neighbors and adjoining property owners have telephoned Staff to inquire about the proposed work. However, there have been no concerns or objections voiced.

E. DEPARTMENT REVIEW

The Planning, Building, and Engineering Departments have reviewed this request at a Staff Review Meeting held on March 18, 2003. At this meeting, the request was discussed where representatives from local utility companies and City Staff who found the plat amendment to be in conformance with all requisite City development codes. The City Engineer and City Attorney's Office will review the plat prior to recordation.

ALTERNATIVES

A. Approval of the proposed plat amendment to combine all of Lot 46 and the southerly 21' of Lot 45, in Block 5 of the Park City Survey, into a single lot, as conditioned.

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

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

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the HR-1 District, and the lot requirement for a duplex upon pending variance approval by the Board of Adjustment on April 15, 2003. The plat amendment will not increase the density of the lot.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the two Old Town platted lots shall remain and the proposed improvements to the existing historic house (if sold and developed under separate ownership) would be denied.

F. RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and approve the combination of Lot 46 and the southerly 21' of Lot 45, in Block 5 of the Park City Survey, into a single lot based on the following:

Findings of Fact:

1. The findings discussed in the analysis section of this report are incorporated herein.
2. The property is located in the Historic Residential (HR-1) zone.
3. The existing building is historically significant.
4. The existing building was formerly used as a Triplex, which is not a permitted use within the zone.
5. The property consists of 21' of platted Lot 45, and 28' of platted Lot 46. The existing platted width of Lot 46 is larger than standard Old Town platted lots.

6. The remaining 4' of Lot 45 is under separate ownership, prior to the purchase of the subject property by the applicant.
7. The existing building currently maintains an 8' front yard setback, and even encroaches into the Woodside Avenue right-of way (by approximately 2') because of an existing non-historic deck and detached garage.
8. The required front yard setback for a lot in the HR-1 zone having a depth of 75', is ten feet (10').
9. The applicant is anticipating approval from the Board of Adjustment on April 15, 2003, for a variance from the provision of the Land Management Code which requires a ten foot (10') minimum front yard setback for lots having a depth of seventy-five feet (75').
10. The applicant is anticipating approval from the Board of Adjustment on April 15, 2003, is pending for a variance from the provision of the Land Management Code which requires a minimum lot size of 3,750 square feet for duplex uses in the HR-1 zone.
11. The total square footage of the subject property is 3,722 square feet.
12. The proposed project received approval on a Conditional Use Permit (Development on steep slope and for a Duplex use) from the Planning Commission on March 26, 2003.
13. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on March 26, 2003.
14. The proposed project will require Historic District Design review and approval pending the outcome of this plat amendment request.
15. The existing detached non-historic garage and front deck (which currently encroach into the Woodside Avenue right-of-way) will be demolished prior to construction.
16. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.
17. The plat amendment will not increase density on the lot.
18. The neighborhood is characterized by a mix of historic and non-historic dwellings.
19. Several neighbors and adjoining property owners have contacted Staff via telephone regarding the proposed development, but have not voiced any concerns or objection to the project nor the newly created lot.

Conclusions of Law:

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

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Construction of the proposed Duplex Dwelling (as submitted concurrently by the applicant under the pending Plat Amendment application dated 02/19/03; CUP and CUP/Development on a Steep Slope application dated 02/19/03; Variance application dated 02/10/03), including forthcoming Historic District Design Review application, shall require the necessary approvals by the City prior to the issuance of any building permits.
3. A note shall be added to the plat identifying any variances granted by the Board of Adjustment.
4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of the proposed Duplex dwelling.
5. The City Engineer shall review the slope, configuration and drainage pattern of the

proposed driveway fronting Woodside Avenue, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the Fifth Street right-of-way without prior approval of the City Engineer.

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

Exhibits

Exhibit A - Location Map
Exhibit B - Existing Survey
Exhibit C - Existing Plat
Exhibit D - Proposed Amendment
Exhibit E - Board of Adjustment Meeting Minutes (dated 03/04/03)
Exhibit F - Standard Conditions of Approval

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502 Woodside Avenue

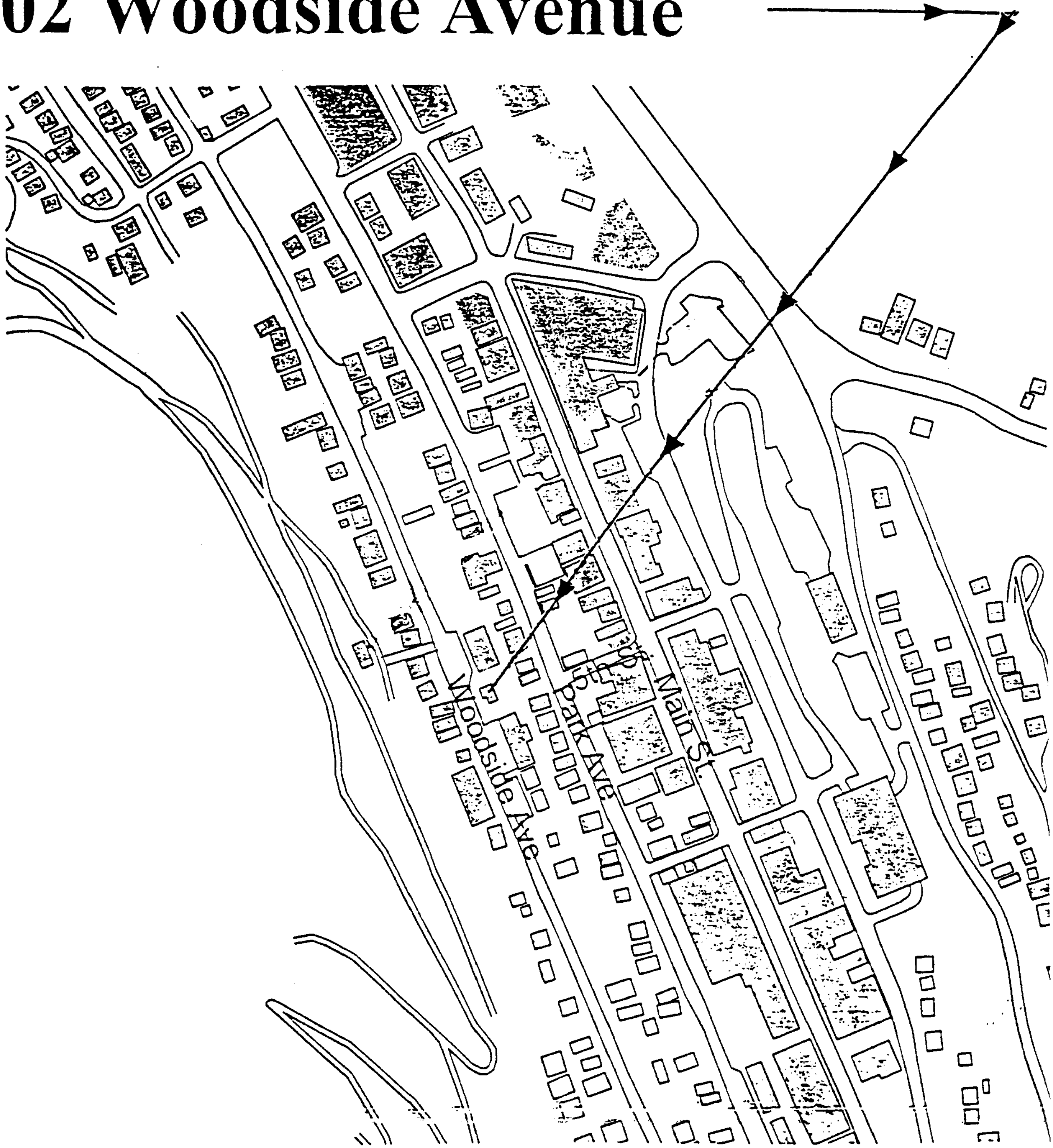
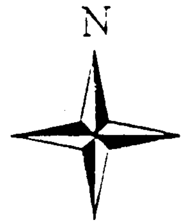


Exhibit A
Vicinity Map



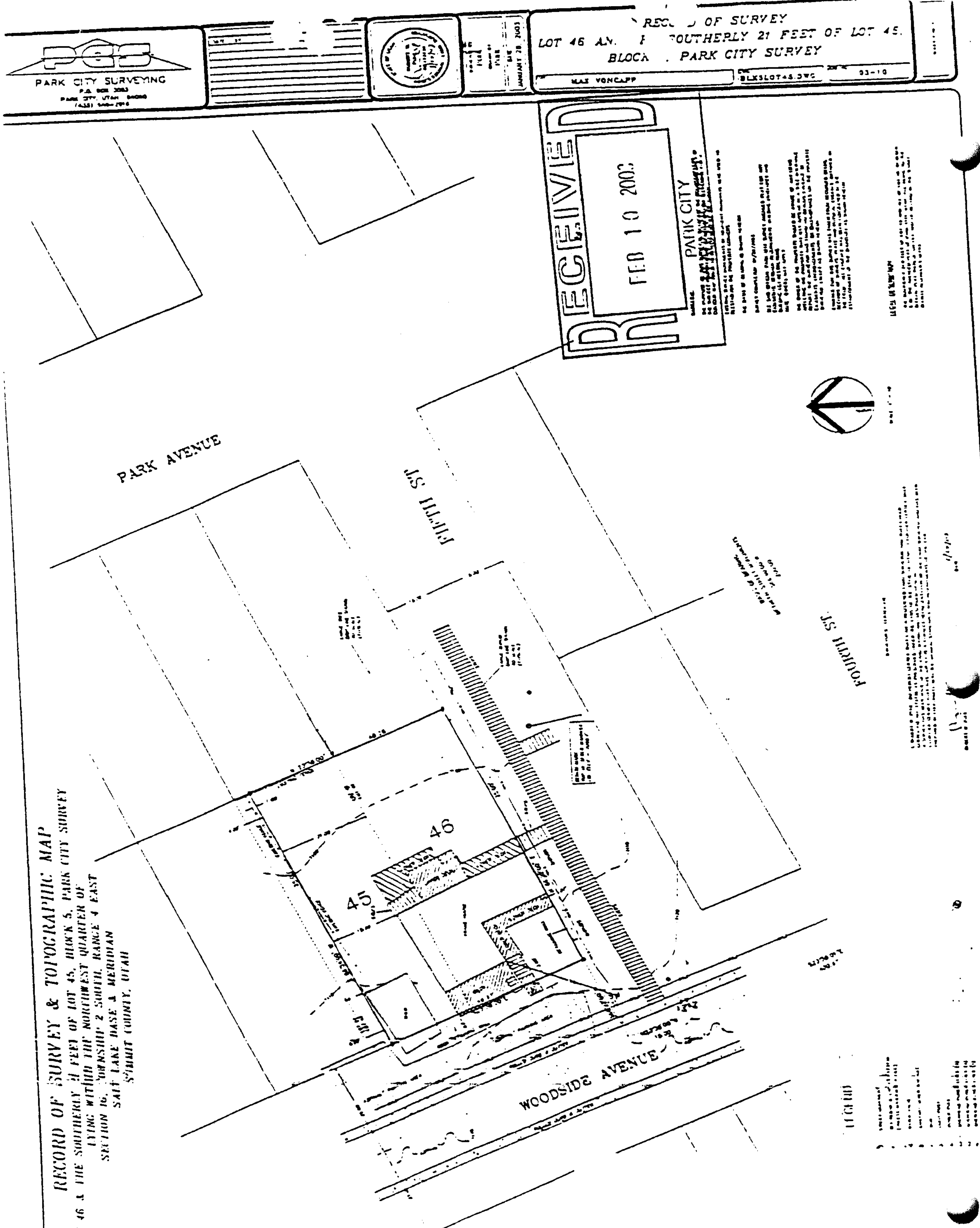


EXHIBIT B - EXISTING SURVEY

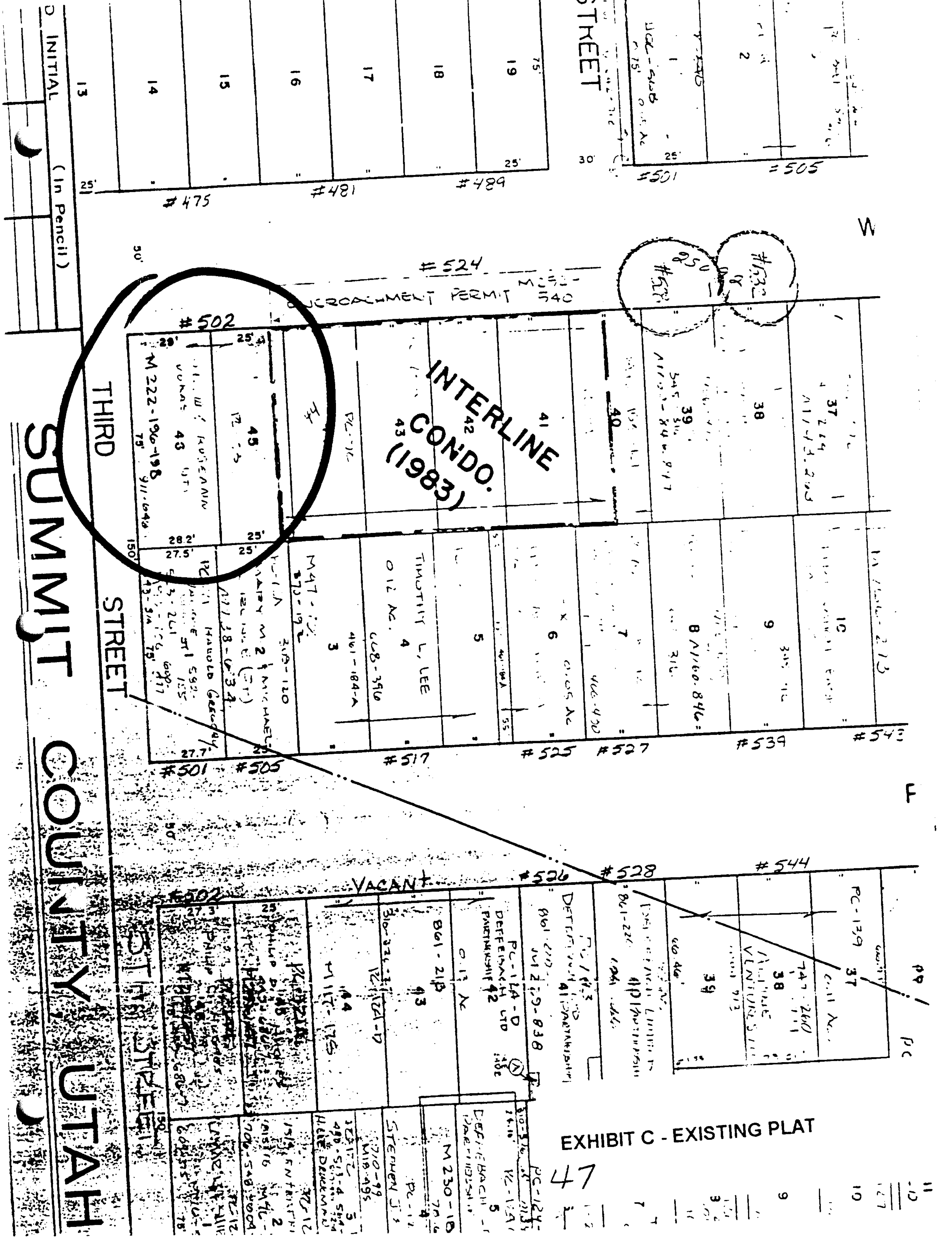
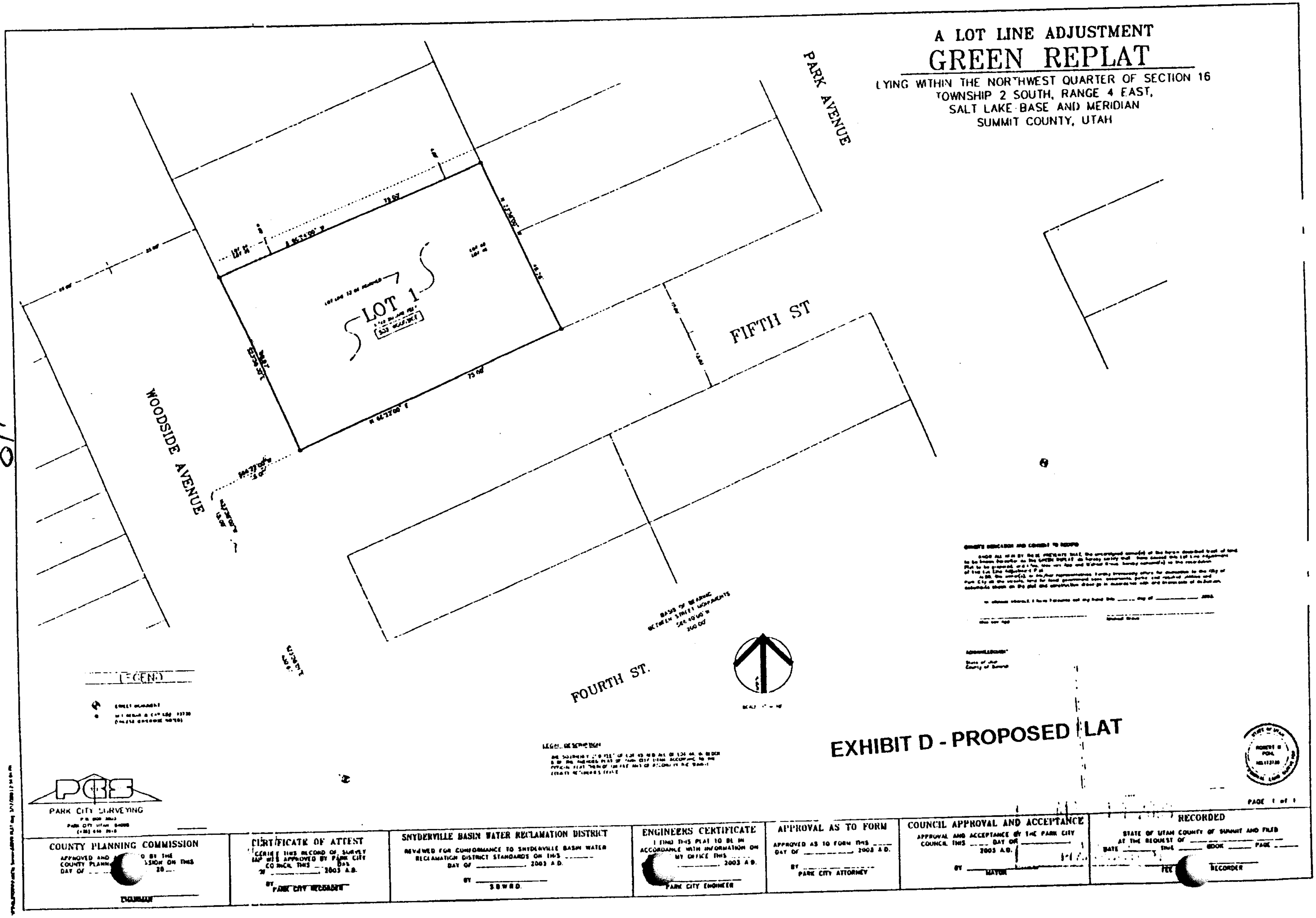


EXHIBIT C - EXISTING PLAT

47


A LOT LINE ADJUSTMENT
GREEN REPLAT
LYING WITHIN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH
PARK AVENUE
FIFTH ST
FOURTH ST.
WOODSIDE AVENUE
LOT 1
73.00
LEGEND
EXHIBIT D - PROPOSED LAT
PARK CITY SURVEYING
COUNTY PLANNING COMMISSION
CERTIFICATE OF ATTEST
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
ENGINEERS CERTIFICATE
APPROVAL AS TO FORM
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
PARK CITY RECORDER
SBWRD
PARK CITY ENGINEER
PARK CITY ATTORNEY
MAYOR
RECORDER
CHAIRMAN
PAGE 1 of 1

DRAFT

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
MARSAC MUNICIPAL BUILDING
MARCH 4, 2003

IN ATTENDANCE: Ruth Gezelius, Tom Sedgwick, Diane Zimney
ABSENT & EXCUSED: Gordon Strachan and Mary Wintzer
EX OFFICIO: Derek Satchell, Preservation Planner
Tim Twardowski, Deputy City Attorney
Patrick Putt, Planning and Zoning Administrator
Sharon Bauman, Administrative Secretary

Ruth Gezelius called the meeting to order at approximately 5:20 P.M. In the absence of Chair Strachan, Ruth Gezelius requested the election of a temporary chairman. Tom Sedgwick nominated Ruth Gezelius, and Diane Zimney seconded the motion which was unanimously approved.

<u>Agenda Item #1</u>
Approval of minutes for meeting of January 21, 2003

MOTION: Tom Sedgwick moved to APPROVE the minutes as submitted. Diane Zimney seconded the motion which was unanimously approved.

<u>Agenda Item #2</u>
502 Woodside Avenue - Request for a variance to the minimum lot size requirement for a duplex in the Historic Residential (HR-1) Zone and to maintain the existing non-conforming front setback - Green LC

not present

Representing the applicants were Max Von App, Sean Marquardt, ~~and Architect Mike Upwall~~.

Preservation Planner Derek Satchell briefly reviewed the request for a variance to the minimum lot size requirement for a duplex in the HR-1 Zone, as well as a request to maintain the existing non-conforming front yard setback for an existing historic, non-conforming building located at 502 Woodside Avenue. He stated the existing structure is a three-story dwelling that was previously used as a tri-plex. It is an historic building and the applicant is seeking to rehabilitate the structure, which will require substantial renovation, and reuse it as a duplex.

Planner Satchell explained that the Staff Report contained Staff's analyzed of each request according to the review criteria outlined in the Land Management Code. Regarding the lot size requirement, Staff was unable to make findings for the following criterion and requested direction from the Board:

1. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

EXHIBIT E - BOARD OF ADJUSTMENT MEETING MINUTES (DATED 03/04/03)

2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same district; and
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other Property in the same district.

Chair Gezelius clarified that the applicant intended to legally combine the lots and noted that the structure is stretched over the two lots.

Planner Satchell stated that the Staff was also seeking direction regarding Criterion 1 in relation to the request to maintain the existing non-conforming front yard setback. He noted it complied with the remaining criterion.

Planner Satchell announced that the applicant had additional information they wished to share with the Board.

Max Von App stated they bought the property last November in a foreclosure sale. They visited the property and noticed that the garage was falling apart and the house was actually tilted downward. Through the process of pulling permits and deciding how to turn it into a nicer property, they decided to restore it to its original look from the street and to move a large second story section to the rear of the house where it wouldn't be seen. In order to do this, they needed to do a lot line adjustment and they also found the lot size was too small for a duplex by approximately 28 square feet.

Mr. Von App commented that the immediate neighborhood was multi-family units and they reasoned that the area needed low cost housing. He stated they could create a large single family residence which would be used part-time, but they hoped to maintain it as a rental, even though they would lose one unit. They wanted to create a structure that was more compatible with historic Park City He stated the Code was established to protect setbacks, but he noted that the stairs to the south were seven feet from their property line and they would not be too close to the neighboring structure on the north. He explained they found themselves in a predicament and came to the Board to see how to proceed.

Chair Gezelius asked how much parking they would be able to provide for a duplex if they were granted the variance. Sean Marquardt stated they understood the existing dwelling was exempt from parking requirements, but explained that a two-car, tandem carport was included in their plans. Mr. Von App added that there are currently five parking spaces in front of the structure, and their changes would move the garage back and they would gain an extra parking spot over what they currently have.

Sean Marquardt commented they favored a duplex was the duplex because photos of the old house show a front door and an additional door, which indicated it had been used as a multi-family dwelling.

Architect Mike Upwall added that research from UP&L's early records showed that it had always had two meters.

Board Members did not have any other questions and Chair Gezelius suggested they review and discuss each of the criterion. The criterion and Board comments are listed below:

Request for reduction of minimum lot size

1. Literal enforcement of Land Management Code would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the Land Management Code.

Chair Gezelius stated an unreasonable hardship can be defined if we lose every historic structure in town. She felt these lots were impacted by new and incompatible structures surrounding them, which creates a hardship for these lots that the neighbors don't have because they have different types of property. She stated it was a hardship that could justify an exception in order to have a restoration more than an historic home and to rid the neighborhood of an eyesore. She felt this lot bore the burden of property lines that were shifted over time and she viewed that as a hardship resulting from what happened around them. In addition, several years ago this property would have been eligible for a duplex. She emphasized that a variance for construction of a *new, non-historic duplex* on these lots would not be approved; however this could be justified because of the historic home.

Board Member Diane Zimney stated that with the proposed plans for renovation of the historic structure the request was absolutely justified. She did not have any issues, especially for a less intensive use.

Board Member Tom Sedgwick agreed and had no comments.

Mr. Von App commented that he did not know the property had been downzoned. Chair Gezelius explained it was ~~a change in the Land Management Code~~. She stressed that they applied under today's rules and if the lot was vacant and it was a new application, they would not receive a variance.

2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same district.

Chair Gezelius viewed this as similar to other situations all over town where lot sizes are irregular because plats were off and building was done with respect of the law.

> 3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same district.

Chair Gezelius stated this proposal was better than most of the condominiums in the adjacent neighborhood which are very intensive uses, as long as the Board can justify parking on the site for the intensity of use that is being planned. She noted that all the other people in the neighborhood were allowed to develop.

Member Zimney stated that the change in use would resolve any parking issues.

Member Sedgwick asked if the Staff had received any objections. Planner Satchell responded there had been no public input.

<u>Request for maintaining existing non-conforming front yard setback</u>

Speaking from experience, Chair Gezelius cautioned the applicants to plan accordingly if they were going to live that close to a street and to consider plexiglass window inserts to keep gravel from breaking windows.

> 1. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code.

Chair Gezelius stated this was not out of line with how many other historic homes were built close to the street and stressed that if this were a *new home, a variance in the setback would be totally unacceptable.*

Planner Satchell stated Staff sought direction as to whether or not they should bring the application back to the Board for possible action at the next available meeting. The Board Members all agreed that they should. Chair Gezelius commended Staff for a thorough review at the pre-application phase.

At 6:00 P.M. Tom Sedgwick moved to ADJOURN. Diane Zimney seconded the motion which was unanimously approved.

Planning and Zoning Administrator Patrick putt advised the Board that Staff was anticipating a new appeal regarding Lot 3 in the Aerie.

Date: ____________________

Accepted by: ______________________________
Chairman

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.

2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.

5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.

6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

Standard

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

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.

13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.

17. No signs, ~~permanent or temporary~~, may ~~be constructed~~ on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

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

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17. No signs, ~~permanent or temporary~~, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 03-

AN ORDINANCE APPROVING 502 WOODSIDE AVENUE PLAT AMENDMENT TO COMBINE ALL ~~OF LOT~~ OF LOT 46, AND THE SOUTHERLY 21 FEET OF LOT 45 IN BLOCK 5 OF THE AMENDED PARK CITY SURVEY, INTO ONE LOT OF RECORD LOCATED AT 502 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of all of Lot 46, and the southerly 21 feet of Lot 45 in Block 5 of the Park City Survey, has petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 26, 2003, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 26, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 17, 2003, the City Council held a public hearing to receive input on the proposed subdivision; and

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

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

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

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

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

3. The existing building is historically significant.

4. The existing building was formerly used as a Triplex, which is not a permitted use within the zone.

5. The property consists of 21' of platted Lot 45, and 28' of platted Lot 46. The existing platted width of Lot 46 is larger than standard Old Town platted lots.

6. The remaining 4' of Lot 45 is under separate ownership, prior to the purchase of the subject property by the applicant.

7. The existing building currently maintains an 8' front yard setback, and even encroaches into the Woodside Avenue right-of way (by approximately 2') because of an existing non-historic

deck and detached garage.

8. The required front yard setback for a lot in the HR-1 zone having a depth of 75', is ten feet (10').

9. The applicant is anticipating approval from the Board of Adjustment on April 15, 2003, for a variance from the provision of the Land Management Code which requires a ten foot (10') minimum front yard setback for lots having a depth of seventy-five feet (75').

10. The applicant is anticipating approval from the Board of Adjustment on April 15, 2003, is pending for a variance from the provision of the Land Management Code which requires a minimum lot size of 3,750 square feet for duplex uses in the HR-1 zone.

11. The total square footage of the subject property is 3,722 square feet.

12. The proposed project received approval on a Conditional Use Permit (Development on steep slope and for a Duplex use) from the Planning Commission on March 26, 2003.

13. The Planning Commission forwarded a positive recommendation on this plat amendment to the City Council on March 26, 2003.

14. The proposed project will require Historic District Design review and approval pending the outcome of this plat amendment request.

15. The existing detached non-historic garage and front deck (which currently encroach into the Woodside Avenue right-of-way) will be demolished prior to construction.

16. The amendment will combine all of said lots into a single lot of record to allow for the proposed development of the property. No remnant lots are created.

17. The plat amendment will not increase density on the lot.

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

19. Several neighbors and adjoining property owners have contacted Staff via telephone regarding the proposed development, but have not voiced any concerns or objection to the project nor the newly created lot.

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

SECTION 3. PLAT AMENDMENT APPROVAL. The plat amendment to combine all of Lot 46, and the southerly 21 feet of Lot 45 in Block 5 of the Park City Survey, known as the 502 Woodside Avenue Plat Amendment, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat

recordation.

2. Construction of the proposed Duplex Dwelling (as submitted concurrently by the applicant under the pending Plat Amendment application dated 02/19/03; CUP and CUP/Development on a Steep Slope application dated 02/19/03; Variance application dated 02/10/03), including forthcoming Historic District Design Review application, shall require the necessary approvals by the City prior to the issuance of any building permits.

3. A note shall be added to the plat identifying all variances granted by the Board of Adjustment.

4. A note shall be added to the plat stating that no accessory apartment(s) shall be permitted as part of the proposed Duplex dwelling.

5. The City Engineer shall review the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue, as well as the utility plan for the future building. No construction, grading, or construction staging is permitted within the Fifth Street right-of-way without prior approval of the City Engineer.

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

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

PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

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Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

Council Agenda Report

Date: April 17, 2003
Department: Recreation and Library
Author: Craig Sanchez
Title: AN ORDINACE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO CLARIFY RESPONSIBILITIES OF THE RECREATION ADVISORY BOARD AND MAKE TECHNICAL CORRECTIONS
Type of Item: Legislative

Summary recommendation: Council should review the changes to 2-4-17 of the Municipal Code, and adopt the amendments as drafted.

Description:

A. Topic: An ordinance amending Title 2, Chapter 4, Section 17 of the Municipal Code of Park City, Utah to clarify responsibilities of the Recreation Advisory Board and make technical corrections.

B Background: On March 13, 2003 Council approved an ordinance amending Title 2, Chapter 4, and Section 17 of the Municipal Code of Park City Municipal. This amendment dissolves the Parks, Recreation, and Beautification Board, and rewrites Section 17 in its entirety to create a new Recreation Advisory Board. New terms, membership purpose, procedures, and sub-committee responsibilities were defined. On March 26th the Mayor, Council representative, Staff, and former members of the Board discussed the changes adopted on March 13. During the discussion there were some language changes brought up by this group in regards to the approved ordinance. On April 3, 2003 these items were also discussed by Council. In order to clarify the ordinance, Council also had some changes, and additions to the ordinance.

C. Analysis: Changes to the Municipal Code include the following: See attachment

1. 2-4-17 paragraph one: The Board shall consist of up to seven (7) members,
2. C , 2, deleted.
3. C, 4, beautification deleted.
4. C, 6, and initiate added, beautification deleted.
5. E. problems deleted, issues added
6. E. delineate changed to delineated.

7. Section A: term of service, initial one year term servers may serve an additional two terms.

D. Review: This report and the attached proposed ordinance were reviewed by the City Manager, City Attorney, and Acting Recreation Manager.

Alternatives:

After review of this report, Council should consider the following alternatives;

1) Adopt the ordinance as drafted.

2) Deny the adoption of the ordinance as drafted.

Recommendation: Adopt the ordinance amending Title 2, Chapter 4, Section 17 of the Municipal Code.

Ordinance No. 03-__

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES

WHEREAS, Utah Code Annotated ("UCA") § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA ' 11-2-2 gives cities the authority to organize and play sports and other recreation activities ; and

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

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

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

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

SECTION 2. AMENDMENT. Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2- 4-17. RECREATION ADVISORY BOARD CREATED.

There is hereby created a Recreation Advisory Board. The Board shall consist of up to seven (7) members, and one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) **TERM OF SERVICE, REMOVAL AND VACANCIES.** Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City

Council. Each Board member shall term~~s~~ of three years, but shall serve until their successor is appointed. Initially, two appointments shall be made for one and two year terms, and three appointments shall be made for three year terms. Annually thereafter, appointments shall be made for three year terms. Board members shall serve not more than two full terms in succession, however the initial one year term holders may seek two additional terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to succeed the member's City Council term of office. The Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the un-expired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

(B) <u>OFFICERS AND THEIR DUTIES</u>. At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager and the Chairman.

(C) <u>PURPOSE AND DUTIES OF THE BOARD</u>. The purpose and duties of the Park City Recreation Advisory Board are as follows:

(1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.

~~(2) To advise the City Council and Staff on parks, recreation and beautification projects as requested by the City Council.~~

(3) To support and promote the policies and programs of the Library and Recreation Department~~s~~.

(4) To advise and support staff on staff recommended budget priorities concerning parks, and recreation ~~and beautification~~ projects and programs.

(5) To serve as liaison between the community and public agencies on parks, and recreation ~~and beautification~~ issues within Park City.

(6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) MEETINGS AND PROCEDURES. The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A.52-4-5,as amended.

(E) COMMITTEES. Special committees for the study of particular issues ~~problems~~ may be appointed by the Chairman, with the advice and consent of Mayor and City Council to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members. *(Ord. 03-__; Ord. 99-50)*

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

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Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

Council Agenda Report

Date: April :7, 2003
Department: Recreation and Library
Author: Craig Sanchez
Title: Lease agreement for on-course food and beverage concessions at the golf course.
Type of Item: Lease agreement

Summary recommendation: Approve lease agreement with Riverhorse on the Green for on-course food and beverage concessions.

Description:

A. Topic: Lease agreement for on-course food and beverage concessions at the golf course. (Lease is attached.)

B. Background: For the last several years, during the hotel construction, the golf course has entered into the food and beverage concession lease on a yearly basis. With the main lodge of the hotel nearing completion, staff feels it is the opportune time to enter into a multi-year lease. The concession operates from a golf cart, which tours the course, serving players. In the past, the concession has also included a snack bar, adjacent to the golf shop. Now the Riverhorse on the Green has rights for any food and beverage concession within 100 feet from the hotel property line, so the snack bar was not included as a part of the request for proposal. The loss of the snack bar also means that there is no storage space for concession product for the snack cart.

C. Analysis: Staff put out a request for proposal for this concession. The proposals were to address: rent, logistics for product storage and delivery, menu, and pricing. Four proposals were received:

1) Riverhorse on the Green: proposed rent of $500 per month plus 5% of gross for group functions. This would generate approximately $4000-$4500 in rent for the season. They have on-site storage for product and a menu and pricing similar to past year's concession.

2) The Pigpen Saloon proposed $4500 rent for the season. They proposed operating out of their facilities at Park City Mountain Resort and storing products there. The menu was similar to last year, the pricing slightly higher.

3) Avalanche Concessions: proposed rent of $300 per month plus 10% of gross for group functions. This would generate approximately $3800-

$4800 in rent for the season. They proposed off site product storage and preparation. Menu and pricing was similar to past year's concession.

4) Scott Dickson: $1100 per month rent. This would generate $6600 in rent for the season. He would require storage space at the golf course, which does not exist at this time.

The selection committee, which was comprised of Craig Sanchez, Golf Course Manager; Bob Rudd, Head Professional; and Denise Payne, Administrative Assistant, selected Riverhorse on the Green. The revenue sharing aspect of the group functions will mean that the course and the restaurant will have an interest in each other's success in the group functions. The on-site storage will work well logistically, and ensure that product is available on a timely basis for customers.

D. Review: This report was reviewed by the City Manager, and City Attorney.

Alternatives:

1) Approve lease with Riverhorse on the Green.
2) Approve lease with Riverhorse on the Green with changes.
3) Deny lease with Riverhorse on the Green.
4) Direct staff to come back to Council with other options.

Recommendation: Staff recommends approval of the lease with Riverhorse on the Green.

CONCESSION AGREEMENT
PARK CITY GOLF COURSE

This Agreement is made and entered into as of this ____ day of ____________, 2003, by and between **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City") and **RIVERHORSE ON THE GREEN**, ("Concessionaire").

WITNESSETH:

WHEREAS, the City owns an area known as Park City Municipal Golf Course [hereinafter "Golf Course"] which is open and available to the residents and visitors of Park City for recreation; and,

WHEREAS, the City desires to have available on the Golf Course food and beverage refreshment available to the users of the Golf Course; and,

WHEREAS, Concessionaire desires to sell food and beverage refreshment on the Golf Course; and,

WHEREAS, Concessionaire agrees to conduct said food and beverage refreshment business in a professional manner pursuant to the terms and conditions herein set forth,

NOW, THEREFORE, in consideration of the covenants and agreements of the respective parties herein contained, the parties hereto do hereby agree as follows:

1. **Description of Concession**. During the term of the agreement, the Concessionaire will be granted the non-exclusive right, on the Golf Course, to operate a food concession business, serving food and beverages to patrons of said Golf Course. The scope of service shall be as specified in the proposal attached hereto as "Exhibit A" unless otherwise specified herein.

2. **Term**. The term of this Agreement shall be for the 2003 through 2005 Golf Season, this agreement will be for 3 years.

3. **Rent**. Concessionaire agrees to pay the City as rent for the use of the premises the sum of Five Hundred Dollars ($500.00) per month beginning opening day and on the first day of the each month during the term. The rent shall be paid to the Park City Municipal Corporation, Park City Golf Course, P O Box 2067, Park City UT 84060. The rent shall be pro-rated for any partial month. Any payment not made within fifteen (15) days of due date shall automatically bear

interest at the rate of eighteen (18) percent per annum from the date payment became due. Daily closings because of weather will not affect this monthly rent.

4. **Commission**. Concessionaire agrees to pay as commission on tournament banquets and any on-site catering the sum of 5% of gross sales less the sales tax payable on sales from Golf Course booked events. Payment for the banquet will be made by the tournament sponsors to Concessionaire. Concessionaire shall supply detailed financial information on the banquet or catering and shall pay Golf Course's commission each month with the rent payment.

5. **Accounting**. Tenant shall provide City with an accurate accounting of their operation by November 15, 2003, to include the following information:

(A) The actual number and dates of banquets catered by Concessionaire.

(B) Total gross receipts from sales.

(C) A profit or loss statement.

6. **Authorized Use**. Concessionaire may sell beer, provided that Concessionaire secures proper licenses and complies with all federal, state and municipal laws and ordinances. Sales or service of beer or any other alcoholic beverage is governed by Paragraph 19 below.

7. **Payment of Taxes and Other Assessments**. Concessionaire shall pay all taxes and other assessments for its business during the term of this concession agreement. Concessionaire shall pay all sales or other taxes assessed on the operation of the concession business.

8. **Insurance and Indemnity**. The Concessionaire covenants and agrees to indemnify, hold harmless and defend the City, its agents and employees from all fines, suits, claims, demands, and actions of any kind including attorneys' fees and nature by reason of any and all of its operations hereunder and agrees to assume all the risk in the operation of its business hereunder and is solely responsible and answerable in damages for any and all accidents or injuries to persons or property.

Concessionaire agrees to maintain a comprehensive general liability insurance policy naming the City as an additional insured satisfactory to the City, protecting both the Concessionaire and the City against public liability, products liability and property damage. Concessionaire is required prior to the execution of this agreement, to furnish to the City a certificate of insurance certifying coverage in the following minimum amounts:

A. Public Liability
Each person - $1,000,000
Each occurrence - $2,000,000
This shall include but not be limited to products liability.

B. Property damage
Each Occurrence - $250,000

Said Certificate of Insurance shall name the City as an additional insured and shall provide that the City shall receive 30 days written notice of cancellation.

Concessionaire shall also carry a policy of dramshop liability insurance in an aggregate amount of at least ($1,000,000.00) per person and ($500,000.00) per incident or occurrence or a greater amount if required by the State of Utah.

Concessionaire shall also carry and provide proof to the City of payment of Workman's Compensation premiums for all employees.

9. **City Liable only for Negligence**. Except where caused by City's negligence, City shall not be liable for any failure of water supply, natural gas supply, or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains, or any subsurface area or from any part of the building or buildings or for an interference with light.

10. **Nondiscrimination**. Concessionaire agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or handicap in its hiring practices, services or operation of its business hereunder.

11. **Waiver of Covenants**. It is agreed that the waiver of any of the covenants of this concession agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein contained.

12. **Hours of Operation**. The Concessionaire will have the concession open for business to the public during the season the Golf Course is open to the public. The exact dates and hours the concession will be open by the Concessionaire are the same as those for the Golf Course operation.

13. **Type of Operation**. Concessionaire agrees to maintain and operate the concession in a first-class manner and will keep the premises in a safe, clean, orderly and inviting condition at all times. The concession is to be operated as a convenience to the Golf Course patrons, therefore all food, drinks, beverages, confections and other items sold or kept for sale under the concession will be of high quality and pure. All food and merchandise kept for sale will be subject to inspection by the City. The service will be prompt, sanitary, courteous and efficient.

14. **Concessionaire's Employees**. The Concessionaire will agree to retain an active, qualified, competent and experienced employee at the concession to supervise the concession operations. The Concessionaire agrees to be an Equal Opportunity Employer and will hire qualified employees without regard to religion, creed, color, sex, age, national origin or handicap status. The employee must be authorized to represent and act in behalf of the Concessionaire.

The Concessionaire's employees will be clean, courteous, efficient, and neat in appearance. The Concessionaire will not employ any person or person, in or about the premises who shall use improper language or act in a loud, boisterous or otherwise improper manner. The Concessionaire agrees to dispense with the services of any employee whose conduct the City feels is detrimental to the best interests of the City.

15. **Laws, Ordinances, Etc**. The Concessionaire will obey all the laws, ordinances, regulations, and rules of the federal, state, county and municipal governments which may be applicable to its operations. The Concessionaire will further agree to follow recommendations of the County Board of Health.

16. **Garbage Disposal**. The Concessionaire will provide and use suitable covered receptacles for all garbage, trash, and other refuse on or in connection with the concession. Piling of boxes, cartons, barrels, or other similar items in an unsightly or unsafe manner, on or about the

Golf Course or surrounding premises, will not be permitted and must be removed daily to designated dumpster.

17. **Quality, Price and Product Control**. The Concessionaire will serve and dispense first-quality foods and products in adequate portions, at prices which are reasonable and comparable to those maintained at other similar food dispensing concessions in Park City and Summit County.

18. **Alcoholic Beverages**. Concessionaire may only sell beer or wine coolers which have an alcohol content of 3.2% or less and all beer or wine coolers must be distributed or dispensed by the Concessionaire in cans or bottles packaged by the manufacturer. Additionally, Concessionaire must comply with all federal, state and municipal laws and ordinances relating to alcoholic beverages, beer or liquor. Prior to any beer sales, Concessionaire must obtain the appropriate Park City beer license(s) and provide proof of the required Dramshop coverage.

19. **Party at Fault**. In the event either party shall enforce the terms of this concession by suit or otherwise, the party found to be at fault by a court of competent jurisdiction shall pay the cost and expense thereto including reasonable attorney's fees.

20. **Failure to Perform Covenant**. Any failure on the part of either party to this concession to perform any obligation hereunder and any delay in doing an act required hereby shall be excused if such failure or delay is caused by any strike, lockout, governmental restriction or act of God, or any similar cause beyond the control of the parties so failing to perform. To the extent and for the period that such cause continues, save and except under the provisions of this paragraph, shall not excuse a non-payment of rent hereunder on its due date.

21. **No Assignment Without Prior Consent**. The covenants and agreements contained within this license shall apply to the benefit of and be binding upon the parties hereto and shall not be assigned without the prior written consent of the City.

22. **Time**. Time is of the essence of this concession and every term, covenant, and condition herein contained.

23. **Paragraph Headings**. The paragraph headings as to the contents of particular paragraphs herein are inset only for convenience and are in no way to be construed as part of such paragraphs or as a limitation in the scope of the particular paragraph to which they refer.

24. **Notices**. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing by United States mail, postage prepaid and registered and addressed to the below-listed address of the party or to such other address as the parties may from time to time designate in writing.

Park City Municipal Corp. City Attorney P O Box 1480 Park City UT 84060	Riverhorse on the Green DBA Jerry Gilomen PO Box 682005 Park City, UT 84068

25. **Entire Agreement**. This Agreement constitutes the entire and only agreement between the parties and it cannot be altered except by written instrument, signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above-written.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Lucinda J. LoPiccolo, Deputy City Recorder

Approved as to form:

____
Timothy C. Twardowski, Assistant City Attorney

RIVERHORSE ON THE GREEN, DBA

____

Jerry Gilomen, Managing Member
Riverhorse on the Green, DBA
PO Box 682005
Park City, UT 84068

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this day of , 2003, before me, the undersigned notary, personally appeared Jerry Gilomen personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he signed it voluntarily for its stated purpose as Managing Member for Riverhorse on the Green, a DBA.

____

Notary Public
My commission expires:

K:\ADMIN\CC\Cc03\packets\RiverhorseLease2003.wpd

EXHIBIT A
SCOPE OF SERVICES

1. **Description of Food and Beverage service:**

   a. Service Provider shall perform the food and beverage concession for Park City Golf Club. The Service Provider shall provide on course food and beverage to the golfing public, on golf course property. On course concession service will be conducted with a food and beverage cart. Items for sale shall include beer and wine coolers having an alcoholic content of 3.2% or less, and non-alcoholic beverages, snack foods, and sandwiches. Service Provider can set up a satellite building for food and beverage on golf course or Hotel property. Service Provider can set up a BBQ area in this space.

   b. Service Provider warrants that all equipment used during its performance of this agreement is reliable and serviced to avoid major breakdowns during the golf season.

   c. Service Provider shall be in close communication with golf course manager to ensure quality service. Service Provider shall be in close communication with golf course manager in regards to seasonal hours of operation.

   d. Service Provider can use suppliers picked at their discretion. Prices can be set by Service Provider, golf manager will approve pricing before seasonal operations begin.

CITY COUNCIL STAFF REPORT

DATE: April 17, 2003
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Flagstaff Mountain Village, Metes and Bounds Subdivision of Four Parcels

SUMMARY RECOMMENDATION: Conduct a public hearing, consider any public input, and consider staff's recommendation to approve the metes and bounds subdivision as conditioned or amended.

DESCRIPTION

Applicant	United Park City Mines Company and East West Partners
Location	Flagstaff Annexation area "Pod A", aka Flagstaff Mountain Village
Zoning	Residential Development-MPD
Adjacent Land Uses	Open Space, Deer Valley Resort
Reason for Review	Subdivisions require Planning Commission review and City Council approval.

A. Background

On January 24, 2003, the City received an application for a subdivision of part of the area called Pod A, now known as the Flagstaff Mountain Village (FMV). This initial application was for four lots in the southeast quadrant of the FMV. After considerable discussion between the applicant and Staff, on February 19th an amended application under Utah Code Section 10-9-806 was filed to expedite processing the subdivision without a concurrent Master Planned Development.

The Planning Commission initially discussed this application on February 26th (work session notes, Exhibit B). The Planning Commission held a public hearing on March 26, 2003 and forwards a **positive recommendation** to the City Council.

The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities. The Flagstaff Mountain Resort is located in the RD-MPD and ROS-MPD Districts.

The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

B. Analysis

Utah Code Section 10-9-806 allows subdivisions of less than ten lots to occur without the necessity of a subdivision plat if the following conditions are met:
1. Planning Commission recommendation;
2. Document has a certificate of approval from the legislative body or designated official;
3. The subdivision is not traversed by proposed streets and does not require dedication of any land for a street or public purpose; and
4. The lots meet the requirements of the zoning ordinance.

Staff has reviewed the request under Utah Code Section 10-9-806 and finds that this application complies with these requirements if the attached conditions are agreed to by the applicant. No density is assigned to any of the parcels by approving this subdivision. A Master Planned Development application must still be approved in order to assign density and finalize the lot layout. No construction will be allowed on the preliminary lots without subsequent MPD aprrroval and final subdivision plat approval. There are streets proposed in the parcels but they are private. There are also future dedications required, particularly utility easements and other reasonable dedications that will be required in the MPD and future subdivision, that this approval does not effect. A condition of approval clearly states that the City is not waiving any ability to require such dedications, including those for public purposes, prior to approving any development on the parcels, and that all requirements of the Development Agreement and applicable zoning and subdivision requirements of the Land Management Code remain in full effect.

Simply put, this preliminary subdivision vests no development rights with the applicant except the ability to transfer and/or encumber the parcels for financing purposes without running afoul of state and local subdivision requirements.

C. Department Review

This project has gone through an interdepartmental review. The City Attorney and City Engineer will prepare the Certificate of Approval in accordance with City Council final action.

D. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

A. The City Council may approve the metes and bounds subdivision as conditioned or amended; or

B. The City Council may deny the metes and bounds subdivision; or

C. The City Council may continue the discussion with direction to the staff and applicant.

SIGNIFICANT IMPACTS

As conditioned, there are no significant impacts with this application.

RECOMMENDATION

Staff recommends that the City Council open the public hearing, consider any public input, and consider staff's recommendation to approve the metes and bounds subdivision based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The property is located within the Flagstaff Mountain Annexation at Pod A, also known as the Flagstaff Mountain Village. The property is zoned Residential Development - RD-MPD. The property is vacant.
2. The subdivision is for less than ten lots. The subdivision creates four metes and bounds parcels as described in the attachments to the 2/19/03 application letter.
3. No density is assigned to any parcel and no uses or other development rights are vested in the applicant by virtue of this approval.
4. The Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 approved on June 24, 1999 and the Land Management Code govern the development parameters of the parcels.
5. There are streets proposed in the parcels but they are private. There are also future dedications required, particularly utility easements and other reasonable dedications that will be required in the MPD and future subdivision, that this approval does not effect.
6. The parcels meet the zoning requirements of the RD-MPD zone, subject to the conditions of approval.
7. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council on March 26, 2003.

Conclusions of Law:

1. There is good cause for this subdivision.
2. As conditioned, the subdivision is consistent with the Park City Land Management Code, the General Plan and Utah Code Section 10-9-806.

3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the subdivision.
2. The applicant will record the metes and bounds subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the subdivision will be void.
3. The City is not waiving any ability to require reasonable and legal dedications, including those for public purposes, prior to approving any development on the parcels, and that all requirements of the Development Agreement, large scale MPD with associated Technical Reports, and applicable zoning and subdivision requirements of the Land Management Code remain in full effect
4. No construction will be allowed on the preliminary lots without subsequent MPD approval and final subdivision plat approval.
5. The applicant shall disclose these conditions to any subsequent purchaser or holder of any security instrument on the parcels.
6. The City Attorney shall prepare a Certificate of Approval reflecting these Findings, Conclusions and Conditions of Approval.
7. Except as provided below in this paragraph, all of Lots L-1, L-3 and L-4 (as identified on the recorded metes and bounds subdivision approval for the subdivision) shall be owned by the same owner or group of owners, and as such Lots L-1, L-3 and L-4 are conveyed, any such conveyance shall convey all such three Lots to the same owner or group of owners. The foregoing restriction with respect to the common ownership of Lots L-1, L-3 and L-4 shall continue until, with respect to any such Lot, subsequent MPD approval and final subdivision plat approval for any such Lot is obtained from the City. At such time as MPD approval and final subdivision plat approval is collectively (or as otherwise specified by a City approved phasing plan) obtained from the City with respect to all of Lots L-1, L-3 and L-4, then the new individual Lots may be conveyed and owned separately.

EXHIBITS
Exhibit A - 2/19/03 Application letter for metes and bounds subdivision.

M:\Brooks\COUNCIL\Council 03\Flagstaff Pod A subdivision (rev).wpd

February 19, 2003

By Hand Delivery

Mark D. Harrington, Esq.
Park City Municipal Corporation
445 Marsac Ave.
P.O. Box 1480
Park City, Utah 84060

Re: ***Application by United Park City Mines Company for Approval of Metes and Bounds Descriptions for a Portion of the Flagstaff Mountain Property Located in Park City, Utah ("Property")***

Dear Mr. Harrington:

This letter shall serve as an application for approval pursuant to Utah Code Section 10-9-806 ("Application"). By this Application, United Park City Mines Company ("United Park") is seeking approval from Park City Municipal Corporation (the "City"), without the necessity of recording a subdivision plat, to record in the Summit County Recorder's Office instruments containing metes and bounds descriptions of a 19.48 acre portion (the "Property") of the real property commonly referred to as Pod A in the Development Agreement for Flagstaff Mountain dated June 24, 1999 (the "Development Agreement"). If this Application is approved, the recorded instruments would divide the Property into four parcels (the "Parcels") and would include a 2.09 acre parcel, a 7.54 acre parcel, a 4.11 acre parcel, and a 5.74 acre parcel. A map and the legal descriptions for each of the Parcels is attached to this Application at Tab A and Tab B respectively.

The Property is located in the Flagstaff Master Planned Development, is zoned RD-MPD and is subject to the Development Agreement. The Property is not located in a subdivision and is not actively used at this time. The Parcels are not traversed by the mapped lines of a proposed street shown in the general plan and do not require the dedication of any land for street or other public purposes. In addition, each Parcel meets the frontage, width, and area requirements of the RD-MPD zoning and does not require a variance from those requirements. The form of the proposed instrument for recording is attached to this Application at Tab C.

United Park, by this Application, is not seeking any density determination or development rights and acknowledges that the approval of this Application by the City in no way confers any density or development rights with the respect to the Parcels. Further, United Park acknowledges that in order to obtain such rights the developer of each of the Parcels will be required to submit and obtain from the City subdivision plat and MPD application approval in full compliance with the Park City Land Management Code and the Development Agreement. United Park is the fee title owner of the Property.

Based on the forgoing, United Park respectfully requests that the Planning Commission recommend and that the City Council approve this Application pursuant to Section 10-9-806 of Utah Code. If additional information or documentation is required, please contact me at any time at 435-649-8011.

Thank you for your time and consideration.

Sincerely,

UNITED PARK CITY MINES
COMPANY, a Delaware corporation

By:
Hank Rothwell, President

List of Attachments

Attachment A – Map of Parcels
Attachment B – Legal Descriptions of Parcels
Attachment C – Form of Instrument

515141.1

Ordinance No.

AN ORDINANCE APPROVING A FOUR PARCEL METES AND BOUNDS SUBDIVISION AT FLAGSTAFF MOUNTAIN VILLAGE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at Flagstaff Mountain Village have petitioned the City Council for approval of the Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 26, 2003, to receive input on the proposed metes and bounds subdivision;

WHEREAS, the Planning Commission, on March 26, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 17, 2003, the City Council held a public hearing and approved the proposed metes and bounds subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the metes and bounds subdivision.

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

SECTION 1. APPROVAL. The metes and bounds subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located within the Flagstaff Mountain Annexation at Pod A, also known as the Flagstaff Mountain Village. The property is zoned Residential Development - RD-MPD. The property is vacant.
2. The subdivision is for less than ten lots. The subdivision creates four metes and bounds parcels as described in the attachments to the 2/19/03 application letter.
3. No density is assigned to any parcel and no uses or other development rights are vested in the applicant by virtue of this approval.
4. The Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 approved on June 24, 1999 and the Land Management Code govern the development parameters of the parcels.
5. There are streets proposed in the parcels but they are private. There are also

future dedications required, particularly utility easements and other reasonable dedications that will be required in the MPD and future subdivision, that this approval does not effect.

6. The parcels meet the zoning requirements of the RD-MPD zone, subject to the conditions of approval.
7. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council on March 26, 2003.

Conclusions of Law:

1. There is good cause for this subdivision.
2. As conditioned, the subdivision is consistent with the Park City Land Management Code, the General Plan and Utah Code Section 10-9-806.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the subdivision.
2. The applicant will record the metes and bounds subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the subdivision will be void.
3. The City is not waiving any ability to require reasonable and legal dedications, including those for public purposes, prior to approving any development on the parcels, and that all requirements of the Development Agreement, large scale MPD with associated Technical Reports, and applicable zoning and subdivision requirements of the Land Management Code remain in full effect
4. No construction will be allowed on the preliminary lots without subsequent MPD approval and final subdivision plat approval.
5. The applicant shall disclose these conditions to any subsequent purchaser or holder of any security instrument on the parcels.
6. The City Attorney shall prepare a Certificate of Approval reflecting these Findings, Conclusions and Conditions of Approval.
7. Except as provided below in this paragraph, all of Lots L-1, L-3 and L-4 (as identified on the recorded metes and bounds subdivision approval for the subdivision) shall be owned by the same owner or group of owners, and as such Lots L-1, L-3 and L-4 are conveyed, any such conveyance shall convey all such three Lots to the same owner or group of owners. The foregoing restriction with respect to the common ownership of Lots L-1, L-3 and L-4 shall continue until, with respect to any such Lot, subsequent MPD approval

and final subdivision plat approval for any such Lot is obtained from the City. At such time as MPD approval and final subdivision plat approval is collectively (or as otherwise specified by a City approved phasing plan) obtained from the City with respect to all of Lots L-1, L-3 and L-4, then the new individual Lots may be conveyed and owned separately.

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

PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

ATTACHMENT A