

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 15, 2004**

Present: Mayor Dana Williams; Council members Kay Calvert, Marianne Cone, Jim Hier, and Joe Kernan

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jeff Schoenbacher, Environmental Coordinator; Ron Ivie, Chief Building Official; and Patrick Putt, Planning and Zoning Administrator

Stephan Cornelius, art on public property proponent

Absent: Council member Candace Erickson

1. Council questions and comments. Marianne Cone, liaison to Library Board, reported on the progress of the Library expansion. She thanked staff for getting the pre-school space completed and for cleaning up debris at the Rail Trail.

Jim Hier stated that COSAC is discussing the acquisition of the Alice Mining Claim, consisting of approximately 13 acres, acknowledging that major remediation is required in the drainage area. He described the lots proposed for development and the area designated for open space. Mark Harrington further noted that zoning includes HR-1, HRL and Estate and there is some development potential with further platting. The City has filed a large grant request to help facilitate clean-up, but the award is contingent on public ownership of the property. Mr. Hier continued that COOL has changed its name to the Summit Land Conservancy. Kay Calvert requested that the City notify the property owner on Bonanza and Iron Horse to clean up his property.

Joe Kernan reported that he and Council member Erickson attended the Parks Advisory Board meeting. There was discussion of expanding the skate park with the goal of providing more beginner riding areas. However, the survey is showing interest in street skills type features and RAB will be looking to Council for direction. Mr. Kernan added that he and Jerry Gibbs attended the first meeting of the Summit County Solid Waste Advisory Board. The landfill is reaching its capacity and a new cell must be developed or the solid waste transported to an outside facility for disposal. Both approaches are expensive and the County will be seeking mechanisms for funding either option.

Jim Hier interjected that the Planning Commission authorized Mountainlands to replicate the historic buildings on Deer Valley Drive, with the understanding that some architectural elements be reused like the siding. Pat Putt explained that the buildings cannot be structurally repaired and there is a mold issue; the plan must be approved by staff before a permit is issued. . Jim Hier advised that the Park City Mountain Resort Child Care Center project will probably be denied by the Planning Commission, although no final decision was rendered. In response to a question from the Mayor, Jerry Gibbs commented that staff is participating in discussions about the expansion of

the mosquito abatement district. Joe Kernan believes that this year, the Health Department will cover the cost, but may look to certain areas of the county for assistance. The Mayor thanked staff for their efforts on the upper Park Avenue reconstruction project. He discussed the Friends of the Library luncheon and voiced his support of the acquisition of two BMW motorcycles for the Police Department, which he feels is a great addition to the traffic calming effort.

2. Environmental management policy (EMS). As a resident since the 1980s, Mayor Williams explained his familiarity with soils mitigation in Prospector and complimented staff on the excellence of the EMS report. Jeff Schoenbacher explained that the EMS was proposed in 2001 and is a product generated from the stakeholders, US EPA, UDEQ and the City. Implementing a plan is an alternative to the blood study proposed by EPA and it has five main components. The plan contemplates an expansion of the soils ordinance, assessment of properties for risk factors, and field monitoring to measure concentrations of lead on all lots in the capped areas. The latter is of particular interest to EPA as it has wanted some type of data to confirm acceptable levels after capping. Staff feels that the benchmark is achievable and the goal is to sample as many lots as possible the first two years and to proactively prove that the cap is working.

Mr. Schoenbacher added that the next component is education for property owners and an environmental handbook is available. The fourth component addresses disposal assurances. UDEQ was concerned that the tracking process was not adequate and disposal insurance letters will now be required. The last feature of the plan is reporting and an annual report will be produced for the benefit of the regulatory agencies, validating that the EMPS program is being properly followed. Mr. Schoenbacher added that a five-year review of the plan will be conducted with the ultimate goal to de-list the site from CERCLIS.

Ron Ivie continued that the success of testing capped soils is entirely dependent on community cooperation so lots can be accessed, however, testing uncapped lots will be mandatory and not voluntary. There was discussion about advertising the public hearing and informing stakeholders of the upcoming public hearing. The Mayor reported that the cap on his property has recently been tested, and it is still effective. The bio-availability for lead to contaminate humans is minimal because of the lack of pathways. Ron Ivie added that physicians must report elevated levels in patients to the state. The Mayor added that the Health Department provides free blood testing and he believes the EMS program is a great compromise for everyone's interests. In response to a comment from Marianne Cone, it was clarified that there are about 24 properties that will be capped this year and about 65 lots within the area that have not been sampled. According to the plan, these parcels must be addressed by 2006.

From an historical perspective, Chief Building Official Ivie relayed that about half of the samples are acceptable and most other parcels, testing high, typically have small hot areas. He suggested considering designating a soil depository as a public service to the community. Ms. Cone commented that this would be a good time to plant water conservation varieties. In response to a question from Council member Kernan, Mr. Ivie indicated that samplings don't occur every few feet because it is pretty easy to spot problem areas by simply observing the vigor of plant growth. Council supported proceeding with a public hearing and the Mayor indicated that he will work with staff on procuring topsoil for the affected neighborhoods.

3. Review of regular meeting:

LMC amendments. In response to a question from Marianne Cone, Patrick Putt explained that the amendment dealing with set-backs was prompted by a private property owner. The first amendment deals with the General Commercial Zone, which would allow for unenclosed building elements to extend into required side and rear yards in the GC, when certain conditions are met. Primarily, that the rear and side yards abut platted open space, public spaces, or pedestrian areas, and also meet the Uniform Building and Fire Codes. This is intended to provide more flexibility for better architectural design, i.e., the properties along the Rail Trail and Kearns/Bonanza area. He stated that the Planning Commission forwarded a positive recommendation on this amendment.

Another modification to the LMC involves reinstating language in the subdivision code, which was inadvertently omitted with a previous amendment. Mr. Putt explained that the final amendment to the LMC proposed for consideration tonight is a request to allow mechanical equipment in side yard setbacks, which comes to Council with a negative recommendation.

Art vending ordinance. The City Attorney explained that the ordinance is a compromise to balance the City's and art community's interests and distributed the latest updated version. He relayed that about a year ago, there was a request to sell art on Main Street without a permit, which lead to exploring an alternative that would allow the sale of artwork and also respect the artists' freedom of expression. Accordingly, the City looked at Salt Lake City's ordinance, which allows temporary sidewalk displays and sale, which was not supported by Council, staff or the artists. Pocket parks on Main Street were also deemed inadequate and impractical and the favored location is the Park City Library and Education Center campus. Mr. Harrington continued that the intent is to temper an ordinance that honors artistic expression and also serves the City's interest in regulating commercial speech and sale. He emphasized that it is fair to categorize this as a vending or sale ordinance. Licensing is the City's regulatory mechanism and all vendors should be treated alike. However, there will be no fee or

business license, but staff recommends a contact list or registration, adding a sales tax provision, holding a public hearing and moving forward. The City does not intend to actively manage this activity.

Stephan Cornelius, proponent, asked the Council to consider replacing the word, "vending" because in his opinion, it is offensive to artists to "sell" their expressions. He felt that the group will self-police the area and pointed out that registration is not required in Salt Lake. He asked that the text include, *"in order to that we're able to contact you to let you know that there is a problem, it is necessary to have this (registration) in order to regulate and control availability of and access on City property."* Mr. Cornelius also suggested that signs be allowed to delineate the exhibition area and felt that asking artists for their social security numbers on the registration form is inappropriate. The City Attorney explained that this provision was included in an earlier ordinance version and should be stricken. Council concurred. Mayor Williams expressed that the word, "vending" is acceptable to him. Stephan Cornelius felt that the word "acquisition" is more appropriate and discussed his views on *symbols of belief and forms of expression*. See regular City Council minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 15, 2004**

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 15, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Jim Hier, and Joe Kernan. Candace Erickson was excused to attend a Utah League of Cities and Towns meeting in St. George. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; and Patrick Putt, Planning and Zoning Administrator.

II COMMUNICATIONS FROM COUNCIL AND STAFF

None.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

The Mayor invited the public to comment on any matter of City business.

Loose dogs, trash containers, and allowed uses at McPolin Farm. Rosemary Sweeney, Old Town resident, complained about unmonitored dogs and irresponsible pet owners. She stated that she picked up at least 25 feces last weekend, which were quickly replaced. She stopped using her herb garden because she believes the situation creates a health problem. Our trails are in deplorable condition and Ms. Sweeney referred to a Letter to the Editor in the *Park Record* about loose dogs chasing wildlife. Many people she has talked to feel that the dog situation needs the attention of the Council. Bag dispensers, high profile signs noting penalties, are all things that could be considered. She read a letter drafted to Daly Avenue residents urging people to voluntarily clean up after their pets and respect others. Ms. Sweeney also pointed out the large number of trash containers permanently left on the street in the Historic District.

Council member Cone pointed out that the high number of containers left on the street, are probably the result of the many units which are rentals and maintained by property management companies. There was discussion about trash regulations on Main Street. Ms. Sweeney emphasized that she feels BFI is doing a good job and explained that the large blue size can be traded for smaller brown containers. She suggested stronger penalties to encourage compliance.

Ms. Sweeney then discussed allowing weddings at the McPolin Barn. Jim Hier explained the regulations on uses. This policy provides for public events, but not private events like weddings. Mayor Williams invited Ms. Sweeney to discuss the loose dog issue with him.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 1, 2004

Jim Hier, "I move we adopt the work session notes and minutes of the meeting of April 1, 2004". Kay Calvert seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a plat amendment for the Roosevelt Gap Subdivision to combine with the Roosevelt Gap and Snow Park development parcels of the 1995 Deer Crest Settlement Agreement, as amended, a portion of an adjacent state trust lands parcel, and other minor amendments to easements and plat notes, located at 2300 Deer Valley Drive, Park City, Utah – Planner Kirsten Whetstone explained that minor amendments include requests for narrowing and realigning drive easements, the addition of notes regarding development and open space parcels, and timing for public improvements. The Roosevelt Gap parcel is zoned RC-MPD which is resort commercial and the Snow Park Lodge site is zoned RD, which is residential development and subject to the Deer Crest Settlement Agreement. The Roosevelt Gap plat was recorded in Wasatch County in December 1998, and in 1999, Park City annexed this property. A conditional use permit was approved in February 2001 for both Roosevelt Gap and Snow Park and it was recommended to combine both lots into one plat. She explained that Deer Crest Associates has negotiated the conveyance of state trust lands. On March 24, 2004, the Planning Commission approved an amended CUP for the Deer Crest Hotel and rendered a positive recommendation on the plat amendment. She referred to the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance.

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

2. Ordinance amending the Land Management Code Section 15-2.18-3, Lot and Site Requirements (D) 10 and (F) 11 allowing setback exceptions in the rear and side yards of the General Commercial District, amendment to Section 15-7.4-1 (preliminary plat) inserting language that was previously deleted – Pat Putt explained that these two amendments deal with allowing enclosed porches and similar architectural features to extend in the side and rear yards of the GC and the other amendment reinserts language which was inadvertently removed during the last amendment to the subdivision code. This verbiage requires the owner's dedication and consent for recording plats. The Planning Commission forwards a positive recommendation from its March 24 review. Mr. Putt added that there was discussion for allowing mechanical equipment in the side yard setbacks in the HR-1, but the Planning Commission rendered a negative recommendation and it is not included in the draft ordinance before

Council tonight. Hearing no comments or questions from the Council or the public, the public hearing was closed.

3. Ordinance adding Title 4, Chapter 3A, Section 7 to the Municipal Code, regulating vending by artists on public property, and adding "acoustic and unamplified" to Title 4, Chapter 3, Section 7 of the Municipal Code concerning street musicians – The City Attorney pointed out that this matter was discussed during work session. The latest version of the ordinance has been distributed to members of Council and available to the public. The Mayor invited the public to comment.

Stephen Cornelius, proponent, reiterated his concerns expressed in work session, about changing the verbiage, "works of art for sale" to "works of art for public acquisition". Mark Harrington explained that staff feels it's important to call the activity "sales" for the purpose of distinguishing between exhibits and to be clear and consistent with the terminology in the business licensing portion of the Code. Council supported his legal opinion.

In response to another comment from Mr. Cornelius, Mr. Harrington assured him that the recitals are incorporated in the ordinance by way of reference. Mr. Cornelius dissertated on his theory that a group of persons cannot be an original artist and Mark Harrington explained that the wording is intentionally collective for legal purposes and Council again supported the City Attorney's advice. It was agreed to eliminate the social security number requirement. Mr. Cornelius suggested that an indemnification clause be included on the registration form. Jim Hier explained that Council is charged with the substance of the ordinance and these details can be worked out with staff. With no further comments or questions from the City Council or the audience, the public hearing was closed.

VI CONSENT AGENDA

The Mayor invited Tommy Kirkoff to explain T'ai Chi Week. Mr. Kirkoff explained that the Governor signed a resolution declaring the 19th through the 25th as International T'Chi Week n Utah and he is pleased that the Park City will follow suit. He invited the Council and the public to attend demonstrations in City Park to be held on Saturday, April 24. T'Chi is the most popular exercise or practice in the world.

Marianne Cone, "I move to accept the Consent Agenda, Items 1, 2 and 3 and Item 3 with a change to the art in the park ordinance with the amendment to Paragraph C(2)(a) to read name, address, and phone number only". Jim Hier seconded. Motion unanimously carried.

1. Ordinance approving a plat amendment for the Roosevelt Gap Subdivision to combine with the Roosevelt Gap and Snow Park development parcels of the 1995 Deer

Crest Settlement Agreement, as amended, a portion of an adjacent state trust lands parcel, and other minor amendments to easements and plat notes, located at 2300 Deer Valley Drive, Park City, Utah – See public hearing and staff report.

2. Ordinance amending the Land Management Code Section 15-2.18-3, Lot and Site Requirements (D) 10 and (F) 11 allowing setback exceptions in the rear and side yards of the General Commercial District, amendment to Section 15-7.4-1 (preliminary plat) inserting language that was previously deleted – See staff report, work session notes, and public hearing.

3. Ordinance adding Title 4, Chapter 3A, Section 7 to the Municipal Code, regulating vending by artists on public property, and adding "acoustic and unamplified" to Title 4, Chapter 3, Section 7 of the Municipal Code concerning street musicians - See staff report, work session notes, and public hearing.

4. Resolution declaring the week of April 19 – 25, 2004 as "T'ai Chi and Qi-Gong Week in Park City, Utah – Staff recommends approval.

VII ADJOURNMENT

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

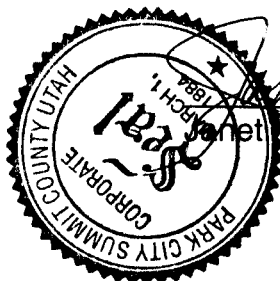
MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Jim Hier, and Joe Kernan. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Marianne Cone, "I move to close the meeting to discuss property". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 4:45 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



City Council Staff Report

Building Department

Author: Jeff Schoenbacher, Environmental Coordinator
Subject: IMPLEMENTATION OF EMS
Date: April 15th, 2004
Type of Item: Legislative

Summary Recommendations:

Review the Soils Ordinance Environmental Management System (EMS) during work session (see document under separate cover). With Council authorization, proceed to schedule a public hearing and adoption of a Resolution that supports the implementation of the EMS.

Description:

Topic:

The Soils Ordinance titled "Landscaping and Maintenance of Soil Cover" found in Chapter 15 of the Building Code 11-15-1 was originally promulgated in 1988 to mitigate areas that were suspect for having underlying mine tailings. Although EPA has consistently given qualified approval to the approach, EPA has periodically sought to strengthen the long-term effectiveness and overall compliance with the ordinance. As a result, in a cooperative effort with the Citizens Soils Stakeholders Group, PCMC, EPA, and the Utah Department of Environmental Quality, an Environmental Management System (EMS) was developed to alleviate the regulatory concerns.

The implementation of the EMS program is intended to protect human health and the environment long-term as well as de-listing the site from the Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database. The EMS program is consistent with Council's Goal #9, sustainable place to live.

Background:

USEPA and the UDEQ have been investigating and evaluating mine sites within the Park City area since the early 1980's. During these evaluations, Silver Creek Tailings Site, now known as Prospector Square was investigated to determine the potential environmental impacts.

Following extensive study, it was agreed that Park City would implement the Landscaping and Soil Maintenance Cover requirements which mandates a 6-inch "clean top soil" cap for affected lots. Park City received United States Congressional support

for the ordinance approach, which resulted in Prospector being removed from Superfund consideration, however the site remains on the CERCLIS database. The ordinance has an action level for capping a lot at a 1000-ppm lead for "vacant property (lot)" and for "occupied property" an action level of 200-ppm lead. The ordinance also requires the maintenance of vegetation and acceptable cover in order to maintain the cap and contain underlying mine related material. The general objective of these measures is to isolate contaminated material from the surface and minimize direct contact. To date 393 properties have been capped within the ordinance soils district.

USEPA and UDEQ concerns with the ordinance are as follows:

- **Definitive data** – both regulatory agencies want data definitive data that reflects the public is not exposed to heavy metals.
- **Long Term Commitment** – the regulatory agencies want assurances that the institutional controls will be in place long-term and that the public is educated on minimizing exposure.
- **Compliance** – lastly the regulatory agencies want assurances that the institutional controls will be complied with in addition to complying with applicable regulations in regards to the management and disposal of soil.

Analysis:

The implementation of the EMS will seek to fulfill the following objectives:

Strengthen Ordinance

The original ordinance does not contain mandatory deadlines for capping lots with elevated levels of lead. Within this proposal, PCMC strengthens the ordinance with uniform enforcement for all properties within the soils district. This includes the identification of lots with known elevated levels of lead that have not been capped. These properties have been provided with two notices and are required to be capped by December 2004 (Tab 5 of EMS). Also defined within this proposal is making non-compliant property owners subject to Class B Criminal Misdemeanor charges and legal enforcement (Tab 1 of EMS). In addition, property owners are given incentives such as free soil testing for site characterization and cap compliance verification. Finally, the ordinance is strengthened by instituting mandatory sampling for all lots that are **not** known to be capped and requiring a cap for these properties that exhibit elevated levels of lead. Tab 1 contains the revised ordinance that was voted on and approved by City Council on December 11th, 2003.

Annual Curb Side Risk Assessment

The annual risk assessment is a long-term commitment to evaluate properties residing within the soils district for environmental and human health risks. The proposed

assessment will be conducted on an annual basis for specific zones within the district. A component of the assessment will be a voluntary XRF field-sampling event for lots that are capped within each area. The purpose of this sampling is to verify that the cap has adequately contained underlying soils that potentially could be impacted by elevated levels of heavy metals. This data will be archived and evaluated to determine if the ordinance is effective in providing a barrier between residents and the impacted soils.

Public Education

This section is intended to increase lead exposure awareness for property owners within the district and the practices that can be implemented to minimize exposure risk (Tab 6 of EMS). Property owners will also be informed of the underlying levels of lead contained on their lot and the importance of maintaining the cap (Tab 10 of EMS). This is an expansion of the PCMC Ordinance as it covers a broad spectrum of residents as well as outreach to local physicians (Tab 7 of EMS). See Tab 4 of the EMS document for the specific contacts that will be provided with correspondences. An option that has been discussed but not developed is the implementation of a loan program for those owners that may need assistance.

Soil Disposal Assurances

Within this EMS are controls for assuring soils that are being transported outside the soils district are disposed of accordingly. This minimizes the scenario of soils being disposed of improperly. Tab 11 of the EMS document contains the revised Plan Checklist and Item G14 contains compliance with the soils ordinance.

Annual Review and Reporting

The EMS contains annual reporting requirements on the assessment results and reviewing the overall progress of the program after 5 years of implementation.

Department Review:

The content of the EMS has been reviewed and approved by Mo Slam (UDEQ), Ty Howard (UDEQ), Jim Christiansen (USEPA), Council Liaison Mayor Williams, Tom Bakaly (City Manager) Ron Ivie (Building Official), and the Soils Stakeholder Group. The Soils Stakeholders Group is comprised of the following people:

Mayor Williams	Kathy Meyer	Ty Howard (UDEQ)
Tom Bakaly	Tom Ward	Dave Allison (UDEQ)
Lisa Silva Ward	Jim Christiansen (USEPA)	Brent Ovard (Summit Co.)
Sally Elliott	Mo Slam (UDEQ)	Jennifer Chergo (USEPA)

Alternatives:

Approve the Request:

Hold a public hearing and gather public comment and adopt at the next council session on April 22nd, 2004.

Deny the Request:

Keep the current resolution and ordinance. This option would jeopardize the value of the ordinance and the strategy to de-list the site from CERCLIS. The only other option to pursue is the implementation of a blood study.

Delay Implementation:

The implementation of EMS is a product developed by the City, citizens, and agency stakeholders and implementing the program is a step toward the ultimate goal of de-listing. The current objective would be to have the program implemented by May 1st, 2004.

Do Nothing:

Same as item B. No action would result in not having a program to achieve the goal of CERCLIS de-listing. It should be noted that the only other option for achieving CERCLIS de-listing is conducting a full-scale blood study. Of course, the City could always litigate and attempt the de-listing of this site within the courts based on the 1986 SARA Amendment.

Significant Impacts:

- Lots that have not been sampled or characterized are required to do so by 2006.
- Lots with known elevated levels of lead are required to be capped after receiving two notices.
- Annual assessment would be done to assure properties are in compliance and the cap integrity is in place.
- Field sampling of all capped lots to determine if the cap is working as intended (i.e. containing underlying levels of lead).
- Cost to the City from the EMS will be \$65,000.00 in staff time for the Environmental Coordinator and various contracts.
- Staff does not recommend financial assistance or a loan program for the costs incurred by the property owners.

Consequences of not taking the recommended action:

Without making changes the City will not reach the final goal of de-listing Prospector from CERCLIS.

Recommendation:

Hold a public hearing and adopt a resolution that supports the implementation of the attached Soils Ordinance Environmental Management System (EMS). And consider adopting at the next regular council meeting on April 22nd, 2004.

Attachment: Environmental Management System (EMS) Proposal provided under separate cover.



City Council Staff Report

Planning

Author: Kirsten Whetstone
Subject: Deer Crest Hotel Subdivision plat
Date: April 15, 2004
Type of Items: Legislative

SUMMARY RECOMMENDATION:

Staff recommends the Council conduct a public hearing, consider input, and consider approving the Deer Crest Hotel Subdivision plat (being an amendment to the Roosevelt Gap Subdivision plat) based on the findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

DESCRIPTION:

Topic:

Project Name: Deer Crest Hotel Subdivision (amending the Roosevelt Gap Subdivision plat)
Applicant: Deer Crest Associates I, L.C.
Location: 2300 Deer Valley Drive
Proposal: Request to amend the Roosevelt Gap subdivision plat to combine the Roosevelt Gap and Snow Park parcels and include 12,000 sf of State Trust Lands within the development parcel for the Deer Crest Hotel CUP
Zoning: RC-MPD and RD-MPD (Deer Crest MPD)
Adjacent Uses: Ski resort and related uses, condominiums, open space, single-family residences and lots at Deer Crest
Date of Application: January 13, 2004
Project Planner: Kirsten Whetstone

Background

In December of 1998, the Roosevelt Gap subdivision plat was recorded at Wasatch County. In 1999, Park City annexed this property as part of the Deer Crest Annexation. On February 28, 2001 a conditional use permit (CUP) for a hotel development was approved for this site. The CUP included the Roosevelt Gap and Snow Park parcels of the Deer Crest Master Planned Development. These parcels are subject to the 1995 Deer Crest Settlement Agreement, as amended. On July 25, 2001 the CUP was amended by the Planning Commission and in January of 2002 a grading and excavation /shoring permit was issued by Park City for the Roosevelt Gap parcel.

On June 6, 2002, Park City Council approved a plat amendment for the Roosevelt Gap subdivision plat to shift the building pad north by 60' to address setback issues from a State Trust Lands parcel (see Ordinance 02-09, attached as Exhibit B). Also approved were additional minor modifications to the plat, which are also reflected on the current proposed plat amendment, ie. to realign and narrow the private driveway easement and to dedicate as open space, the north-facing evergreen treed slope that was previously part of the hotel development parcel. The June 6, 2002 plat expired prior to recordation.

On January 13, 2004, Deer Crest Associates I, L.C. submitted an application to amend the approved Deer Crest Hotel CUP and to amend the Roosevelt Gap Subdivision plat.

On February 11, 2004, the Planning Commission discussed the proposed project in a work session. On February 25, 2004, the Commission conducted a public hearing and discussed the proposal. No public input was received and the public hearing was continued to the March 10, 2004 Planning Commission meeting. The Commission requested the applicant provide comparison modeling, as was done for the previous approval, for the buildings at Snow Park and Roosevelt Gap and requested the applicants provide additional horizontal and vertical articulation and design details that would provide additional breaks in the perceived building massing at Snow Park. Additional public hearings were held on March 10th and March 24th.

On March 24, 2004 the Commission voted to forward to the City Council a positive recommendation on the proposed plat amendment. At this meeting the Commission also approved an amended Conditional Use Permit for the Deer Crest Hotel that lowered the overall height, reduced building mass at Roosevelt Gap, shifted the footprint to the south, and improved the overall design and configuration of the buildings at the Snow Park site. An appeal of the amended CUP has been filed and will be heard by the Council at a later date. That appeal has no effect on this subdivision plat.

Proposed Amendments to the Roosevelt Gap Subdivision plat

Amendments to the plat include:

- 1) Adding the Snow Park parcel to the existing and recorded Roosevelt Gap Subdivision plat to create a single development parcel for the Deer Crest Hotel. The Roosevelt Gap and Snow Park buildings, as well as the funicular would then be on a single development parcel. Additional parcels are identified as open space parcels. This amendment resolves issues of development crossing lot lines and better identifies those areas to be developed and those areas to be left as open space.
- 2) Adding to the Roosevelt Gap development parcel a portion of an adjacent State Trust Lands parcel (approximately 12,066 sf) that Deer Crest Associates has under contract. This plat amendment is necessary in order to incorporate this parcel into the development parcel for the hotel. This resolves setback issues resulting from shifting the hotel away from the ridge. The State

Trust Lands parcel is also zoned RC and was annexed to Park City with the Deer Crest Annexation. The Deer Crest Settlement Agreement includes this portion of the State Trust Lands within the development parcels.

3) Other minor amendments, as previously approved but not recorded, to realign and narrow the private driveway easement and to dedicate as open space, the north-facing evergreen treed slope that was previously part of the hotel development parcel.

Staff has reviewed the amended plat and finds that the amendments are consistent with the 1995 Deer Crest Settlement Agreement, as amended, and the amended Deer Crest Hotel Conditional Use Permit. Creating one development lot for the hotel with associated open space parcels resolves lot line ownership issues and setback issues. The plat amendment does not decrease the amount of open space associated with the Conditional Use Permit. All applicable plat notes and conditions of approval of the Roosevelt Gap Subdivision plat shall continue to apply.

Departmental Review

The proposed changes were discussed at a Staff Review meeting on February 3, 2004. Issues discussed included snow-shedding, fire protection plans, and utility issues between the applicant and the City, JSSD, and SBWRD. Any access issues that result from revisions to the current driveway location off of Deer Valley Drive, as well as access issues over private easements within the Deer Crest Master Plan, have been addressed by conditions of approval of this plat amendment and the Deer Crest Hotel CUP.

ALTERNATIVES

- Approve the plat amendment as conditioned or amended; or
- Deny the plat amendment and direct staff to prepare findings to support this recommendation; or
- Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one development parcel for the Deer Crest Hotel that meets the requirements of the Deer Crest Hotel CUP and is consistent with the 1995 Deer Crest Settlement Agreement, as amended and the Land Management Code. 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 Deer Crest Hotel as approved by the Deer Crest Hotel CUP, will have setback problems and development crossing property lines.

RECOMMENDATION

Staff recommends the Council conduct a public hearing, discuss the proposed amendments and approve the proposed plat amendment according to the findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

Findings of Fact:

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial (Roosevelt Gap parcel) and RD-MPD, Residential Development (Snow Park parcel), and ROS (Recreational Open Space). The property is subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement, as amended. The property is currently vacant. The property has no frontage on any City street.
2. The property is within Park City Municipal boundaries and lies in both Summit County and Wasatch County.
3. The proposed plat amendment includes the following:
 - a. Combines the Snow Park parcel of the Deer Crest Settlement Agreement with the existing and recorded Roosevelt Gap Subdivision plat to create a single development parcel for the Deer Crest Hotel Conditional Use Permit and incorporates all property associated with the Deer Crest Hotel CUP on one plat.
 - b. Identifies development parcels and open space parcels consistent with the Deer Crest Settlement Agreement and the amended Deer Crest Hotel Conditional Use Permit (February 28, 2001, amended March 24, 2004).
 - c. Adds to the Roosevelt Gap development parcel a portion of an adjacent State Trust Lands parcel (approximately 12,066 sf in area) that Deer Crest Associates is purchasing.
4. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
5. The property is subject to the Deer Crest Hotel CUP, approved on March 24, 2004, which amended the Rosewood CUP, approved on February 28, 2001, amended on July 25 of 2001.
6. On February 25, 2004 the Planning Commission held a public hearing. No public input was received on the proposed plat amendment. On March 10th and March 24th, 2004, public hearings were also conducted.
7. The proposed amendment resolves issues of development crossing lot lines and identifies those areas to be developed and those areas to be left as open space.
8. The Trust Lands Parcel is zoned RC and is included on the Deer Crest Settlement Agreement exhibits as part of the development area. The Trust Lands Parcel is under contract and will be conveyed to Deer Crest Associates upon approval of the Conditional Use Permit. The owner of this parcel is a signature, as affirmation of sufficient interest, on this plat amendment application.
9. The proposed plat amendment does not decrease the amount of open space associated with the Deer Crest Hotel CUP.

Conclusions of Law:

1. As conditioned, the amended subdivision plat is consistent with the Deer Crest Settlement Agreement, the Park City Land Management Code, the General Plan and applicable State law regarding subdivision plats.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned, approval of the amended subdivision plat, 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. Conditions of Approval for the Deer Crest Hotel CUP, as amended and the 1995 Deer Crest Settlement Agreement, as amended, remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
3. The applicant will record the amended subdivision plat at both Summit and Wasatch Counties within one year of the date of the City Council approval. If plat recordation has not occurred within one year's time, this approval and the plat will be void.
4. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
5. A note shall be added to the plat disclosing the fact that the parcel has no frontage on a City street.
6. A revised title report shall be submitted to the City prior to plat recordation for verification of land ownership.
7. Any outstanding issues regarding access for the hotel shall be resolved to the satisfaction of the City Engineer and City Attorney prior to recordation of the subdivision plat.

Exhibits

- A. Amended subdivision plat
- B. Ordinance 02-09

Ordinance No.

AN ORDINANCE APPROVING THE DEER CREST HOTEL SUBDIVISION PLAT, BEING A PLAT AMENDMENT FOR THE ROOSEVELT GAP SUBDIVISION TO COMBINE WITH THE ROOSEVELT GAP AND SNOW PARK DEVELOPMENT PARCELS OF THE 1995 DEER CREST SETTLEMENT AGREEMENT, AS AMENDED, A PORTION OF AN ADJACENT STATE TRUST LANDS PARCEL, AND OTHER MINOR AMENDMENTS TO EASEMENTS AND PLAT NOTES. LOCATED AT 2300 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 2300 Deer Valley Drive have petitioned the City Council for approval of the plat amendment; 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 February 25, 2004, March 10th, 2004 and March 24th, 2004, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on March 24, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 15, 2004, the City Council held a public hearing and approved the plat amendment; and

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

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

SECTION 1. APPROVAL. The plat amendment 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 at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial (Roosevelt Gap parcel) and RD-MPD, Residential Development (Snow Park parcel), and ROS (Recreational Open Space). The property is subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement, as amended. The property is currently vacant. The property has no frontage on any City street.
2. The property is within Park City Municipal boundaries and lies in both Summit County and Wasatch County.

3. The proposed plat amendment includes the following:
 - a. Combines the Snow Park parcel of the Deer Crest Settlement Agreement with the existing and recorded Roosevelt Gap Subdivision plat to create a single development parcel for the Deer Crest Hotel Conditional Use Permit and incorporates all property associated with the Deer Crest Hotel CUP on one plat.
 - b. Identifies development parcels and open space parcels consistent with the Deer Crest Settlement Agreement and the amended Deer Crest Hotel Conditional Use Permit (February 28, 2001, amended March 24, 2004).
 - c. Adds to the Roosevelt Gap development parcel a portion of an adjacent State Trust Lands parcel (approximately 12,066 sf in area) that Deer Crest Associates is purchasing.
4. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
5. The property is subject to the Deer Crest Hotel CUP, approved on March 24, 2004, which amended the Rosewood CUP, approved on February 28, 2001, amended on July 25 of 2001.
6. On February 25, 2004 the Planning Commission held a public hearing. No input was received on the proposed plat amendment. On March 10th and March 24th public hearings were also conducted.
7. The proposed amendment resolves issues of development crossing lot lines and identifies those areas to be developed and those areas to be left as open space.
8. The Trust Lands Parcel is zoned RC and is included on the Deer Crest Settlement Agreement exhibits as part of the development area. The Trust Lands Parcel is under contract and will be conveyed to Deer Crest Associates upon approval of the Conditional Use Permit. The owner of this parcel is a signature, as affirmation of sufficient interest, on this plat amendment application.
9. The proposed plat amendment does not decrease the amount of open space associated with the Deer Crest Hotel CUP.

Conclusions of Law:

1. As conditioned, the amended subdivision plat is consistent with the Deer Crest Settlement Agreement, the Park City Land Management Code, the General Plan and applicable State law regarding subdivision plats.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned, approval of the amended subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

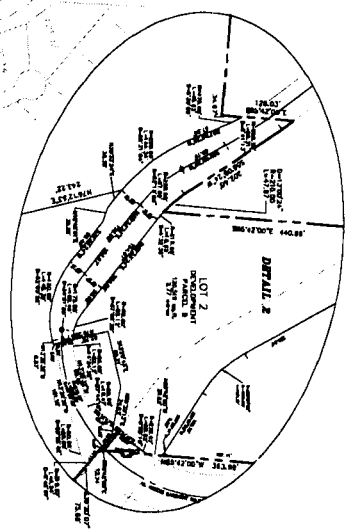
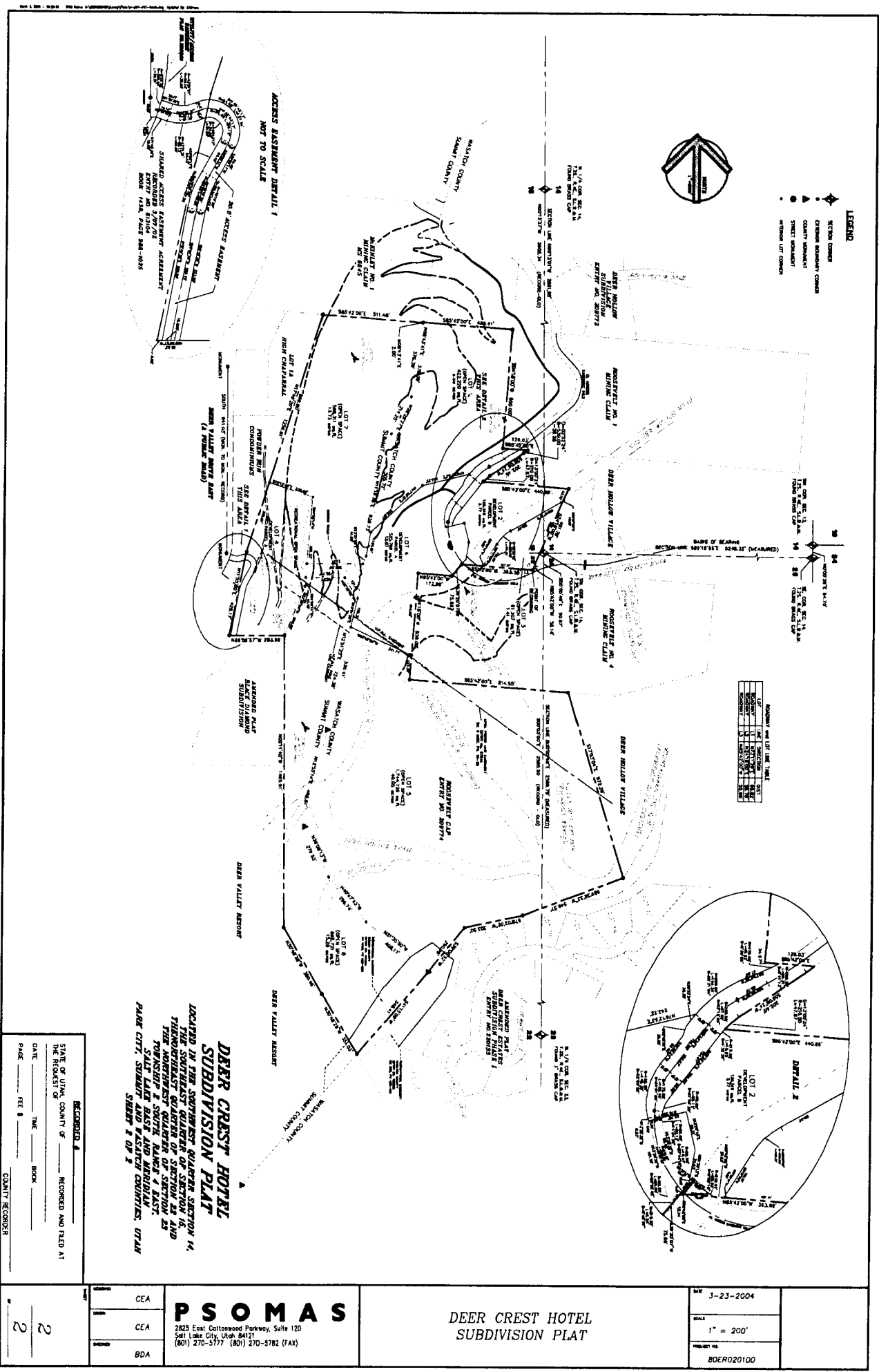
1. Conditions of Approval for the Deer Crest Hotel CUP, as amended and the 1995 Deer Crest Settlement Agreement, as amended, remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land

Management Code, and the conditions of approval prior to recordation of the plat.

3. The applicant will record the amended subdivision plat at both Summit and Wasatch Counties within one year of the date of the City Council approval. If plat recordation has not occurred within one year's time, this approval and the plat will be void.
4. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
5. A note shall be added to the plat disclosing the fact that the parcel has no frontage on a City street.
6. A revised title report shall be submitted to the City prior to plat recordation for verification of land ownership.
7. Any outstanding issues regarding access for the hotel shall be resolved to the satisfaction of the City Engineer and City Attorney prior to recordation of the subdivision plat.

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

PASSED AND ADOPTED this 15th day of April, 2004.



**DEER CREST HOTEL
SUBDIVISION PLAT**
 LOCATED IN THE SOUTHWEST QUARTER SECTION 14,
 THE SOUTHEAST QUARTER OF SECTION 22 AND
 THE NORTHEAST QUARTER OF SECTION 23
 TOWNSHIP 2 NORTH, RANGE 4 EAST,
 SALT LAKE BASIN AND MURDOCK
 PARK CITY, SUMMIT AND KANE COUNTIES, UTAH
 SHEET 1 OF 2

RECORDED & _____
 STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT
 THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____
 PAGE _____ FEE \$ _____ COUNTY RECORDER

CEA CEA BDA	PSOMAS 2825 East Cottonwood Parkway, Suite 120 Salt Lake City, Utah 84121 (801) 270-5777 (801) 270-5782 (FAX)	DEER CREST HOTEL SUBDIVISION PLAT		DATE 3-23-2004
				SCALE 1" = 200'
				REGISTRY # 8DER020100

EXHIBIT B

Ordinance No. 02-09

AN ORDINANCE APPROVING AMENDMENTS TO THE FINAL SUBDIVISION PLAT KNOWN AS THE ROOSEVELT GAP SUBDIVISION LOCATED AT 2300 DEER VALLEY DRIVE, PARK CITY, WASATCH COUNTY, UTAH

WHEREAS, the owners, Deer Crest Development, of the property generally located at 2300 Deer Valley Drive, Park City, Utah and known as the Roosevelt Gap Subdivision, have petitioned the City Council for approval of a final subdivision plat amendment; and

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

WHEREAS, on May 22, 2002, the Planning Commission held a public hearing to receive public input on the proposed subdivision plat amendments and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 6, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed subdivision plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement. The property is currently vacant.
2. The property is within Park City Municipal boundaries and within Wasatch County.
3. The proposed plat amendment shifts the disturbance area north approximately 60' and shifts 450 sf of the building envelop 10' - 15' to the north. Shifting the development boundary transfers approximately 0.67 acres of open space to Development Parcel A.
4. The requested plat amendment does not increase the building footprint, density, building height, intensity of use, parking, or disturbance area from what was approved with the conditional use permit.
5. The plat amendment dedicates 1.39 acres of forested Development Parcel B as open space for a net increase of 0.72 acres of open space.

6. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, from 80' to 32' for a length of 100' adjacent to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
7. The property is subject to the Rosewood CUP, approved in February of 2001, amended on July 25, of 2001.
8. On May 22, 2002 the Planning Commission held a public hearing. There was no public comment on the proposal. The Commission voted to forward to the City Council a positive recommendation to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the Deer Crest Settlement Agreement and Rosewood CUP.

SECTION 3. PLAT APPROVAL. The plat amendments to the Roosevelt Gap Subdivision are hereby approved as shown on Exhibit A, with the following conditions:

4. Conditions of Approval for the Rosewood CUP and the Deer Crest Settlement Agreement remain in full force and effect.
5. Conditions of Approval and existing plat notes pertaining to the Roosevelt Gap subdivision plat remain in full force and effect. A note shall be added to the amended plat referring to all notes on the existing Roosevelt Gap plat.
6. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval as a condition precedent to recordation of the plat.
7. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
8. As a condition precedent to issuance of a footing and foundation permit for the hotel development on these parcels, the applicant shall verify (this may entail re-flying balloons) that the height and location of the roof ridge on the north-west elevation (the portion that is shifted with this plat amendment) comply with the findings of the conditional use permit and are consistent with the conditions of approval of the conditional use permit and the Deer Crest Settlement Agreement.
9. The subdivision plat shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the record of survey shall be considered null and void.

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

PASSED AND ADOPTED this 6th day of June 2002.

Planning Commission Staff Report



Subject: Land Management Code Amendments
Date: April 15, 2004
Type of Item: Legislative

Planning Department

Summary Recommendations:

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and consider approving the proposed ordinance to amend the General Commercial zone and Subdivision regulations.

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code
Project Planner: Planning Staff

Background

The Planning Department is preparing amendments to the Land Management Code to address planning and zoning issues that have come up in the past year. Beginning in January of 2004, staff has presented a number of proposals and changes to the Planning Commission and City Council for input and review. Staff is proposing that the Council support changes to the side and rear yard setback exceptions in the General Commercial District and amend Chapter 7.4 to allow previous language that was deleted to be reinserted, and uphold the Commission's recommendation to maintain the current language within the Historic District's side yard setback exceptions.

The Planning Commission reviewed and forwarded a positive recommendation to the Council at their March 24, 2004 meeting to amend the General Commercial District to allow side and rear yard setback exceptions for decks, balconies and architectural overhangs/projections, and to include language that was previously deleted in Chapter 7.4 to be reinserted. The Commission did not support changes to the historic residential zones to allow mechanical equipment in sideyards.

Analysis

As forwarded by the Commission, the Council is acting on two amendments to the Land Management Code, they are as follows: 1) Revisions to the GC zoning district to allow for setback exceptions in the side or rear yard to allow for expansion; 2) Correct a scrivener's error that unintentionally deleted a sentence in the subdivision regulations.

(1) Amendments to the General Commercial Zone

The Planning Commission reviewed a request to allow for setback exceptions in the side or rear yards of the General Commercial District. The rationale behind this request for allowing exceptions into the setback is to provide: 1) expansion or redevelopment of existing commercial buildings that are abutting or adjoining designated open space or public plazas; 2) allow the necessary flexibility for desired architectural interest and variation. Please see exhibit B for proposed language.

(2) Amendments to the Subdivision Code

On May 17, 2001, the City Council approved amendments to the subdivision regulations. The following subsection (d) was inadvertently deleted with adjacent amendments to the text:

15-7.4-1(E)(14)(d) Owners dedication, if any, and consent to record as required by applicable state law.

Staff recommends that this language regarding plat notations, be reinstated in the subdivision regulation of the LMC. Please see exhibit C for proposed language.

Mechanical equipment in the side yard setbacks

The City Council has received a request from a local resident, asking the Council to consider revising the language in Section 15-2.2-3(I)(11) of the LMC (HR-1 zone regarding setback exceptions). This section refers to mechanical equipment as an exception allowed in side yard setback areas.

Section 15-2.2-3(I)(11) reads

"Screened mechanical equipment, hot tubs, or similar structures located a minimum of five feet (5') from the side lot line."

The Planning Commission reviewed this item and a public hearing was held at the January 14, 2004 regular meeting, and again at its March 24, 2004 meeting. It was noted that most single-family homes in the HR-1 zone are relatively small, with few places to place mechanical equipment. However, the Commission argued that narrow side yards place neighbor windows in close proximity to activity occurring within an adjacent neighbor's setback area, and as a result mechanical equipment is not appropriate for the side yard.

Based on this information, the Planning Commission recommended that the City Council decline the citizen request to modify LMC language relating to the appropriateness of mechanical equipment in side yard setbacks.

Department Review

These amendments were discussed at the January 6, 2004 and March 16, 2004 staff review meetings. Where in members of the Planning, Engineering, Building and Legal

Departments were present. Concerns expressed at that meeting have been incorporated into this staff report.

Recommendation

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and consider approving the proposed amendments to the General Commercial zone and Subdivision regulations.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B - Proposed language for GC zone

Exhibit C – Proposed language for Subdivision Regulations

EXHIBIT A

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE SECTION 15-2.18-3 LOT AND SITE REQUIREMENTS (D)10 AND (F)11 ALLOWING SETBACK EXCEPTIONS IN THE REAR AND SIDE YARDS OF THE GENERAL COMMERCIAL DISTRICT, AMENDMENT TO SECTION 15-7.4-1 (PRELIMINARY PLAT) INSERTING LANGUAGE THAT WAS PREVIOUSLY DELETED

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

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to provide design flexibility for desired architectural interest and variation;

WHEREAS, the City Council finds it is in the City's best interest to amend the Land Management Code to enhance the economic viability of the Commercial Districts and to facilitate expansion or redevelopment of existing commercial buildings that are abutting or adjoining designated open space or public plazas;

WHEREAS, the City Council finds it is in the City's best interest to approve an amendment to the Subdivision Regulations to include language that was previously deleted and reinsert the original language.

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

Section 15-2.18-3 Lot and Site Requirements (D)10 and (F)11 allowing setback exceptions on he side or rear yards of the General Commercial District. The recitals above are incorporated herein as findings of fact. Section 15-2.18-3 (D)10 and (F)11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

Section 15-7.4-1(E)(14)(d) Owners dedication, if any, and consent to record as required by applicable state law. The recitals above are incorporated herein as findings of fact, Section15-7.4-1(E)(14)(d) of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

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

EXHIBIT B - Proposed language for GC zone

Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) An unenclosed porch (includes a roof and open on three sides), or similar structure not more than nine (9') feet into the Rear Yard provided the adjoining property is dedicated as natural or landscaped open space and meet minimum Uniform Building Code and Fire Code requirements.

(E) SIDE YARD.

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(F) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

(1) A Bay Window or a chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard. (2) A window well or light well projecting not more than four feet (4') into the Side Yard.

(3) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(4) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.

(5) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) An awning over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) A Fence or wall not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) A driveway leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths or steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(11) An unenclosed porch (includes a roof and open on three sides), or similar structure not more than nine (9') feet into the Side Yard provided the adjoining property is dedicated as natural or landscaped open space and meet minimum Uniform Building Code and Fire Code requirements.

(G) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 45, and 46, and parking Lots A through K as shown on the Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed 2.0. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio. Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

¹²A Fence greater than six feet (6') in height requires a Conditional Use permit.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, Lots 2 to 38, Front, Side and Rear Yards may be reduced to zero feet (0') except for commercial Lots within the Frontage Protection Zone.

EXHIBIT C - Proposed language for Subdivision Regulations

- (9) The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.
- (10) The date of the map, approximate true north point, scale, and title of the Subdivision.
- (11) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.
- (12) Indication of the Use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.
- (13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
- (14) The following notation shall also be shown:
 - (a) Explanation of drainage easements, if any.
 - (b) Explanation of Site easements, if any.
 - (c) Explanation of reservations, if any.
 - (d) Owners dedication, if any, and Consent to Record as required by State Law.
- (15) Any restrictions or requirements necessary to ensure solar Access shall be defined.
- (16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.
- (17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

City Council Staff Report

Author: Mark Harrington, City Attorney
Subject: Art in Parks
Date: April 15, 2004
Type of Item: Public Hearing and Action
- Legislative



LEGAL DEPARTMENT

Summary Recommendations:

Conduct a public hearing and adopt the attached ordinance regarding exhibiting art for sale in the park space north of the Library.

Description:

Topic:

Art exhibit space in the public park north of the Library.

Background:

This matter was previously discussed before City Council on September 25, 2003, July 31, 2003 and March 1, 2004. In response to the March 1 draft, both Brian Hess and Stephen Cornelius provided additional suggestions, which were briefly discussed at the last meeting. Accordingly, the final draft was amended as follows:

1. "Display" was replaced with "Exhibit" for sale.
2. Flexibility was added to allow exhibits to begin in May and October as weather permits.
3. Time was reduced from 8 PM to 6 PM closing (start remains at 8 AM).
4. Days were expanded to include special events and MFLs if no conflict (Stephen had requested Thursdays too, but staff recommends staying with weekends for this trial season).
5. "License" was replace with contact registration. The form will say "Contact List."
6. It was acknowledged that the artists' interests are not mutually exclusive from the "government interests." Stephen had requested use of softer more mutual language but federal constitutional standards require the use of certain terms of art.
7. Rather than limit number of artists, the Ordinance limits the number of 10 x 10 spaces to thirty. Artists may share spaces so long as they are exhibiting their own work.
8. If relocation occurs due to MFL conflict, there must be no reduction in available space.

9. Clarification that artists must comply with sales tax reporting and collection requirements.
10. Monitor parking by staff and flexibility to adopt restrictions as needed.

Analysis:

Council should note that other than initial area designation, parking and relocation due to MFL conflict, there is no staff management of this trial. The intent is to have a self-policed/managed area for use by the artists. If using a tent, artists will have to comply with standard building code requirements. Other than that, the City will just monitor the contact list as necessary and respond to complaints. This is neither a City nor Art Council event. It is simply a designated area for use.

Department Review:

Legal, Special Events, Planning and Library staff have reviewed this matter.

Alternatives:

Approve the Request:

Adopt the Ordinance. This is the recommended action.

Deny the Request:

Direct staff to explore other options, including facilitating and expanding a past program at the Town Lift plaza, or opening up sidewalks and other parks outside of the Historic Districts.

Continue the Item:

Provide direction regarding what change in goal/implementation the Council would like to achieve.

Do Nothing:

Except for approved Special Events or MFLs, outdoor sale of art on public property would remain prohibited.

Significant Impacts:

Staff and interested parties have focused on a positive and proactive approach to addressing this issue. Mutual goals of effectively using limited public space and promoting art and culture have driven the effort so far. Staff believes the Library area can be utilized with minimal impacts.

Consequences of not taking the recommended action:

No action will likely result in a challenge to existing City vending restrictions.

Recommendation:

Conduct a public hearing and adopt the Ordinance.

Ordinance No. 04-__

AN ORDINANCE ADDING TITLE 4, CHAPTER 3A, SECTION 7 TO THE MUNICIPAL CODE, REGULATING VENDING BY ARTISTS ON PUBLIC PROPERTY, AND ADDING "ACOUSTIC AND UNAMPLIFIED" TO TITLE 4, CHAPTER 3, SECTION 7 OF THE MUNICIPAL CODE, CONCERNING STREET MUSICIANS.

WHEREAS, Park City desires to allow artists who wish to exhibit and sell their artwork on City-owned property the opportunity to do so; and

WHEREAS, in allowing artists to exhibit and sell their artwork on City-owned property, Park City wishes to protect its and its citizens' legitimate and important governmental interests, such as, preventing visual blight, addressing aesthetic concerns, allowing reasonable access and sight easements to businesses and residences, allowing for the free flow of traffic, both pedestrian and vehicular, preventing and limiting the exposure of Park City's citizens to unwanted, unwelcome, and unsolicited messages, without an avenue of escape; and

WHEREAS, Park City acknowledges that these strong compelling governmental interests, although certainly shared by the artists, compete with the private interests of artists and others such as freedom of expression, access to limited public space, and the commercial interests of artists; and

WHEREAS, Park City wishes to balance these competing interests in a manner consistent with the constitutional protections of the United States and Utah Constitutions; and

WHEREAS, pursuant to U.C.A § 10-8-29, Park City desires, in reasonable time, place, and manner regulations codified herein, to balance those interests, and thereby protect the health, safety, and welfare of the citizens and guests of Park City, preserve the quality of life, preserve the property values and character of the neighborhoods surrounding City-owned property, as well as provide artists with the opportunity to exercise their constitutional rights; and

WHEREAS, Park City further desires to makes it laws clear and concise, and therefore wishes to add "acoustic and unamplified" before "musical instruments" in Section 4-3-7 of the Park City Municipal Code to clarify what type of music a street musician may perform when granted a street musician license; and

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

SECTION 1. FINDINGS: The Council finds that:

1. Under Park City's Licensing code, a new provision should be added to address the process for obtaining registration to exhibit artwork for sale on Available City Property;
2. The new section is appropriately added as Title 4, Chapter 3A, Section 7 as "Art Exhibit for Sale on Public Property";
3. The new Title 4, Chapter 3A, Section shall provide the process by which an Artist may apply for and obtain registration to exhibit his or her Artwork, as defined therein, on Available City Property, as defined therein;
4. In Title 4, Chapter 3, Section 7 "Street Musicians," the words "acoustic and unamplified" shall be inserted before "musical instruments" to clarify for the public and for street musician applicants that only acoustic and unamplified music is covered under a street musician license.
5. The recitals above are hereby incorporated as findings by the legislative body of Park City.

SECTION 2. AMENDMENTS TO TITLE 4 OF THE MUNICIPAL CODE. Title 4 is hereby amended by adding Chapter 3A, Section 7 "Art Exhibit for Sale on Public Property," and by adding "acoustic and unamplified" before "musical instruments" in Chapter 3, Section 7, "Street Musicians"; as follows:

4-3-7. Street Musicians. Persons playing acoustic and nonamplified musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefore shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon payment of the license fee set forth in the Fee Resolution and no license shall be granted for more than ten (10) consecutive days at a time.

4-3A-7. Art Exhibit For Sale on Public Property

It is the purpose and object of this Chapter that the City establishes reasonable and uniform regulations governing the registrations and manner of operations of Artists using Available City Property in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and registration of Artists within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from adverse secondary effects, while providing to those who desire to exhibit their works of art for sale the opportunity to do so. This Chapter also aims to prevent and control the

adverse effects of Artists who exhibit their artistry in public places, including without limitation, creating visual blight and aesthetic concerns; blocking reasonable access and sight easements to businesses; preventing the free flow of vehicular and pedestrian traffic in the city's narrow, historic Main Street sidewalks; and forcing citizens to be exposed to unwanted and unwelcome messages, with no avenue of escape. These strong substantial and compelling governmental interests compete with public and private interests in freedom of expression and the private commercial interests of artists and the interests of the public. Therefore, the City desires, in reasonable time, place, and manner regulations codified in this Chapter, to balance those interests, and thereby protect the health, safety, and welfare of the citizens and guests of Park City, preserve the quality of life, and preserve the property values and character of the surrounding neighborhoods.

(A) **Definitions.** For the purpose of this Chapter, the following words shall have the following meanings:

(1) "Art" means original works of fine art, graphic art and aesthetic objects produced by the licensee. It shall not include (1) any artwork produced by any person other than the Artist displaying the artwork; (2) any artwork purchased or taken on consignment and held for resale, or (3) any clothing..

(2) "Artist" means the creator of the Art who exhibits his or her own Art for sale. Artist does not include Street Musician licensed under Section 4-3-7.

(3) "Available City Property" means the green space directly north of the City Library which is situated on 1255 Park Avenue, Park City, Utah, owned and operated by the City, and alternatively pursuant to subsection H(1) below, City Park.

(4) "Exhibit" means display for sale (including taking future orders) or with the intent or expectation to receive valuable consideration.

(B) Exhibit for Sale on Sidewalks Prohibited.

No Artist may Exhibit for sale his or her Art on public streets, sidewalks, or public property other than specifically designated Available City Property as set forth in this Chapter. It is unlawful to Exhibit Art for sale on publicly owned sidewalks. Furthermore, it is unlawful to Exhibit Art for sale without a license under this Chapter or Chapter 8, in park strip areas, pocket parks, and City-operated or otherwise public parks.

(C) Terms and Conditions.

(1) Registration Required.

Any person or groups of person intending or expecting to receive valuable consideration for the Exhibition of Art shall be registered with the City as an Art Vendor before such Exhibit. The registration shall be valid each weekend Friday thru Sunday, and all holidays or Special Events or Master Festivals, for a trial season from May 28, 2004 until October 1, 2004. The Special Events Manager may shorten or extend the season due to weather by giving notice to the registered Artists and the City Council.

(2) Application for Registration.

An application for registraton to use Available City Property for the Exhibit of Art for sale shall be filed with the Finance Department upon a form provided by the Finance Department, which shall include the following information:

(a) The name, address, telephone number, date of birth, and social security number of the applicant;

(b) The names, address, and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's Art;

(c) A brief description of the type of Art to be displayed for sale.

(3) Application Fee.

The City Council hereby waives all fees for the one season trial period.

(4) Registration List. The Finance Department shall forward the registration to the Special Events manager. Use of space by a licensee within Available City Property shall be subject to the designation of the City's Planning and Zoning Administrator in accordance with the standards set forth in Section 4-3a-7(H).

(5) Denial/Revocation. In addition to the reasons set forth in Section 4-2-9 of the Park City Municipal Code, the Finance Department may revoke or deny an Artist Vendor registration for failure to meet any of the conditions or requirements herein.

(6) Appeals of Denial. denial by the Finance Department may be appealed with five (5) days to the City Manager or the City Manager's designee by written notice of appeal. The notice of appeal shall be filed with the City Recorder. The City Manager or his designee may consider the appeal based upon the written submissions. However, for good cause shown, the City Manager or his designee may also hear oral evidence and argument. The City Manager or his designee shall consider the matter using an error of law standard of review.

(D) Use of Property/Hold Harmless.

By way of application to the City, all Artists accept the Available City Property "as is" and the City makes no representations regarding fitness for particular purpose or otherwise regarding the suitability of said property. Anyone using Available City Property for Art Exhibit shall indemnify, defend, and hold the City and its officers and employees harmless for any loss or damage, including attorney's fees, arising out of the use of such property. This obligation shall not extend to any claims for loss, damages, or injury sustained by any person or persons, to damage to property, or to expenses, including reasonable attorney's fees, incurred thereby, resulting from actions or omissions not within the artist's reasonable control or to the acts or omissions to act by the City, its officers and employees, or other third persons.

(E) Number and Spacing of Artists Per Available City Property.

The maximum number of Exhibit areas for artists that may Exhibit at the same time on any Available City Property is thirty (30), unless otherwise determined by the Special Events manager upon a finding of no harm or interference with the open space nature of the area, and upon giving notice to the City Council.

(F) Location Restrictions.

The Planning and Zoning Administrator, in designating areas within Available City Property, shall take into consideration the interests (i) of providing artists reasonable opportunities for self-expression, (ii) of providing reasonable opportunities for the public to experience the artists' work, (iii) of the public to peaceably enjoy the intended open space of the City's parks, and (iv) of adequately maintaining park vegetation and properties. No Artist may Exhibit Art for sale within Available City Property except within areas designated by the Planning and Zoning Administrator.

(1) Special Events. No Artist shall Exhibit Art for sale within one hundred feet (100') of the boundary of a location in a Special Event or Master Festival License issued by the City under Title 4, Chapter 8 of the Park City Municipal Code. However, during Special Event or Master Festivals, Artists may Exhibit at a location included in a Special Event or Master Festival License if the Special Event or Master Festival Licensee grants written permission. Furthermore, the City expressly reserves the right to relocate Artists in a manner that does not diminish exhibit capacity to other Available City Property during the period of a Special Event or Master Festival.

(2) Exception. The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing persons to temporarily Exhibit Art for sale, or conduct outdoor sales on public property, or other such areas as the City may deem appropriate, pursuant to Park City Municipal Code Section 4-3-10, or during Special Events or Master Festivals. Special Event and Master Festival vendors shall not be governed by this section, but shall be governed by Title 4, Chapter 8 of the Park City Municipal Code.

(G) Space Restrictions. No Artist may Exhibit Artwork for sale directly on the surface of any City facility or structure, including sidewalks or on top of a trash receptacle. No Artist's Exhibit may exceed five feet in height from the ground or ten feet by ten feet in area, including a tent or other structure. Exhibits should be off the ground in a manner so as not to damage the lawn or other vegetation. No artist shall use any area other than the area immediately beneath the surface of the display area for the storage of items for Exhibit. Artists may have a container for tips. Set-up shall not occur prior to 8:00 a.m. each day. All Artwork, stands, and other equipment, associated debris and structures shall be removed from Available City Property no later than 6:00 p.m. each night. All Artists should park their cars across the street in the old Mahwinney lot, or City Park. Upon finding parking conflicts, the Special Events manager may temporarily designate and/or prohibit parking at certain locations.

(H) Rights Granted. The approval of any location for use by Artists shall not be construed as granting the user any property right or interest to or in any property owned by the City. The rights granted by this Chapter are subject to the provisions of this chapter and other applicable law. Artists exhibiting their art shall be present at all times when on Exhibit. No agent, employee, or other representative shall sell any artwork of an Artist.

(I) Violaton/Removal. If at any time the City determined that an Artist's use of Available City Property or the Exhibit placed thereon is not in compliance with the requirements of this Chapter or other applicable law, a civil notice of such violation shall be issued to the artist by an authorized City official. If, after receipt of such citation, an Artist fails or refused to remove any such Exhibit in violation, the City may, after consultation with the City Attorney or his/her designee, impound such Exhibit. Although prior notice of such impoundment shall not be required, the City shall take reasonable

efforts to promptly notify the Artist following impoundment. The owner of any impounded Exhibit shall be responsible for the expense of removal and storage of such Exhibit. If the owner fails to reclaim the impounded Exhibit and pay the expenses of removal and storage within thirty (30) days after notice of impoundment, the Exhibit may be deemed unclaimed property and may be disposed of pursuant to law.

(J) **Emergency Removal.** In the event that a City official or the City police or Fire department determines that an Artist's use of Available City Property or the Exhibit placed thereon constitutes an immediate physical threat to public life, safety, or health, the Exhibit may be removed from the City immediately, without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material exhibited by the Artist.

(1) **Notice and Hearing.** In the event of such emergency removal, the City shall immediately contact the Artist or his/her representative if the Artist has filed with the City's Finance Department the name, address, and telephone number of the Artist's representative whom the City may notify or contact at any time regarding the Artist's Exhibit. The City shall inform the Artist or his/her representative of the removal and the reason(s) therefore. If requested by the Artist or his/her representative, the City shall hold an expedited hearing before the City Manager or his/her designee to determine whether the removed Exhibit constituted an immediate threat to the public's life, safety, or health. In the event that the City Manager or his/her designee determines that the Exhibit did not constitute such an immediate threat, the City shall forthwith, at its own expense, replace the Exhibit at its location.

(2) **Appeal.** The Artist or his/her representative may appeal any decision or order to the Mayor or the Mayor's designee. Any appeal shall be filed in writing within ten (10) days of the decision with the City Recorder and shall specify the basis for appeal. The Mayor or the Mayor's designee may consider the appeal based on written submissions; however, for good cause shown, the Mayor or the Mayor's designee may also hear oral evidence and argument.

(K) **Penalties.** Any violation of this Chapter shall constitute a civil violation and may subject the Artist to revocation, suspension, or non-renewal of a rights granted hereunder by the City. Three or more violations within a one-year period shall constitute a Class "B" misdemeanor.

(L) **Sales Tax.** All Artists are responsible for individually filing all necessary reporting forms and sales tax in accordance with state law.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

To the Honorable Mayor of Park City:

Greetings !!!

Once again, at the Declaration of the State Governor, we are gearing up preparation to celebrate this year's "World Tai-Chi and Qi-Gong Week in Utah" that promotes Health, Peace, Healing, and Reconciliation - as we did last year.

As Chairperson, I would like to petition the City Mayor, to designate the Day of April 24, 2004 as "World Tai Chi and Qi Gong Day in Park City". Few other Cities in the County have have been requested to participate for this weeklong celebration already (Sandy, West Valley, Holladay, Salt Lake City, and Draper) which culminates on Saturday morning (April 24) at the University of Utah Marriott Center Plaza to join the International Community in celebrating "World Tai Chi and Qi Gong Day". Over 600 Cities in over 70 Countries will join us on this occassion (please refer to this website for more details: www.WorldTaiChiDay.com).

In return, each Participating TaiChi School in Utah will adopt a City and a High School as beneficiary. As a gesture for this celebration, the Participating TaiChi School will offer their services for 'Free' during the preceeding 2-weeks of said "World Tai Chi and Qi Gong Week in Utah". This could be in a form of a Seminar, Sub-a-Class (ie.PE, Dance/Drill classes), and Special Qi-Gong Group Session for Kids that are suffering from Attention Deficit Disorder/Hyper-Active, Sleep Disorder, and Asthma.

During this weeklong celebration, as we did last year, we will have a General Assembly in each designated/adopted High School. This Community Event will be attended by Students, Faculty Members, Parents, Community Leaders, and Residents. Details of these events will be provided soon.

We therefore ask the City Mayor for an audience to receive the City Proclamation as well as invite the Mayor to speak and address the Community in the morning of Saturday (9am), of April 24, 2004 at the designated High School in Park City.

Should you decide to mail a copy of the Proclamation ahead of time, my mailing address is: Arnell Bertumen c/o TaiChiME4Health 908 East Rosebud Court, Draper UT 84020

Attached is a text copy of the Governor's Proclamation for your information and reference.

I look forward to your positive reply.

Thank you and God Bless.

Sincerely yours,
Arnell O. Bertumen
Certified Instructor, Tai Chi for Diabetes
Founder, "TaiChiME4Health" and "TaiChiMEutah"
Chairperson, "World TaiChi and QiGong Week in Utah"
Emailto: TaiChiME_Utah@yahoo.com
Weblink: www.TaiChiME.NET
Phone: (801)572-1292
Work: (801)269-2496

Resolution No.

**RESOLUTION DECLARING THE WEEK OF APRIL 19 - 25, 2004
AS "T'AE CHI AND QI-GONG WEEK IN PARK CITY, UTAH**

WHEREAS, Tai-Chi and Qi-Gong, an ancient Chinese aerobic form of exercise, are a series of individual dance-like movements linked together in a continuous, rounded, smooth-flowing sequence; and

WHEREAS, Tai-Chi and Qi-Gong teaches inner strength while toning muscles, increasing flexibility, and boosting immune power; and

WHEREAS, Tai-Chi and Qi-Gong naturally and safely allow people to learn and experience the benefits of being able to concentrate and channel internal healing energy towards mind and body, and helps individuals achieve Tai-Chi and Qi-Gong's four key elements of Balance, Posture, Breathing and Concentration; and

WHEREAS, World Tai-Chi and Qi-Gong Week seeks to elevate public Health Awareness, Peace, and Reconciliation by exposing the art to as many people as possible; and

WHEREAS, Utah's World Tai-Chi and Qi-Gong Week celebration includes dignified demonstrations of the art, as well as free workshops by different Tai-Chi and Qi-Gong schools in Utah for interested individuals and groups;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby declare the week of April 19 - 25, 2004 as:

T'ai Chi and Qi-Gong Week in Park City, Utah,

in conjunction with the worldwide celebration of the "World Tai Chi and Qi-Gong Day" and the United Nations' "World Health Day", and encourage citizens to participate in this observance.

PASSED AND ADOPTED this 15th day of April, 2004.