# PARK CITY COUNCIL MEETING
# SUMMIT COUNTY, UTAH
# APRIL 9, 1998

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 9, 1998.

## AGENDA

**Work Session - City Council Chambers - Lower Level**

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|---|---|
| 3:15 p.m. | Council questions/comments |
| 3:45 p.m. | Rocky Mountain Elk Foundation proposal for Gillmor property |
| 4:10 p.m. | Review of regular meeting |
| 4:50 p.m. | Historic District Commission interview process |
| 5:00 p.m. | Historic District Commission interviews |

**Closed Session - Jury Room - Lower Level**

5:45 p.m. Board Appointment

**Regular Meeting - City Council Chambers - Lower Level**

6:00 p.m.

**I ROLL CALL**

**II PUBLIC INPUT**

**III COMMUNICATIONS FROM COUNCIL AND STAFF**

**IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 19, 1998 AND MARCH 26, 1998**

**V PUBLIC HEARING**

Ordinance approving an amendment to Lot 1, Block 11 of the Park City Survey known as 301 Main Street, Park City, Utah

**VI CONSENT AGENDA**

1. Ordinance amending the zoning map of Park City to adjust zone boundaries and modify zoning consistent with the Development Agreement for the expansion of the Park City Mountain Resort located in Park City, Utah

2. Amendment to Title 12, Signs, of the Park City Municipal Code

3. Ordinance approving an amendment to Lot 1, Block 11 of the Park City Survey known as 301 Main Street, Park City, Utah

4. Award of contract for improvements to 4th Street Stairs and design of 11th Street Stairs

## VII RESIGNATIONS AND APPOINTMENTS

1. Acceptance of resignation of Ken Martz from the Historic District Commission

2. Appointment to Historic District Commission for a term expiring February 2000

## VIII NEW BUSINESS

Request of waiver of Section 6-3-8 of the Noise Ordinance of the Municipal Code of Park City, Utah to allow for amplified music in City Park from 11:30 a.m. to 1:30 p.m. on Saturday, July 18, 1998 for a fund-raiser - Cancer Wellness House

## IX ADJOURNMENT

**PARK CITY COUNCIL**
**SUMMIT COUNTY, UTAH**
**APRIL 10, 1998**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council will be meeting at the Deer Valley Resort and Deer Crest on Friday, April 10, 1998 from approximately noon to 3 p.m. This is an informational meeting; no formal action will be taken.

Posted: 4/6/98

# PARK CITY WORK SESSION NOTES
# SUMMIT COUNTY, UTAH
# APRIL 9, 1998

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

Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Pat Putt, Planning and Zoning Administrator; Frank Bell, Olympic Planning Director; Linda Cook, Project Manager; Jodi Hoffman, City Attorney

Absent: Shauna Kerr

1. **Council questions and comments.** Hugh Daniels pointed out the Venues Cities meeting on Wednesday, April 22 at 2 p.m. He continued that he listened to Planning Commissioner Bruce Erickson's interview on KPCW regarding intermodal centers, and felt that rather than the Planning Commission and Historic District Commission meeting together, it would be beneficial for the Planning Commission, Historic District Commission and City Council to all meet together. The City Manager interjected that what these commissions may want to talk about may not be topics Council would want to discuss. There will probably be a discussion on the pending Historic District Guidelines that might affect Swede Alley and if there are modifications that would be necessary to accommodate this type of facility there. There is also the question of what a transit center may look like. The City Manager explained there is a tentative meeting date of Wednesday, April 29 and staff will meet on Tuesday on this matter. He felt that a joint meeting may be more appropriate when the Planning Commission has a recommendation to render. Mr. Ross explained that there is confusion about the April 30 deadline, which was with the consultant, and has nothing to do with external funding. Mr. Ross felt that discussion on a joint meeting or sequencing of information could be discussed at Monday's meeting. Hugh Daniels stated that it is important for the Planning Commission to understand that transportation is clearly a priority of the Council. He emphasized that he is not willing to give away $10 or $12 million of Olympic funding. The City Manager indicated that the Swede Alley parcel is City-owned but the federal government will pay the City for it.

Chuck Klingenstein felt there may a process problem here with this project. He thought there would be a transportation element that would have guided the intermodal center location and he hasn't heard about Phase 2 of the General Plan, which would include transportation. There is also confusion about the deadline date from the federal government. Mr. Klingenstein felt it may be beneficial to hold a joint meeting. Roger Harlan stated that he and Paul Sincock met with Terry Rookard, the consultant, whose comments where in contrast with those of Commissioner Erickson. He explained that Mr. Rookard had not determined the number of buses and the size of the intermodal center where Commissioner Erickson referred to seven local buses and highway buses. The City Manager felt that Mr. Rookard has some opinions about the program for transit, and

has a clear understanding of the limitations. He felt that the presentation last night before the Planning Commission included all of the possible components of the program, but it left the Commission with the impression that that was the scope of the program. Mr. Ross noted that it is unlikely that all of the program components will fit on one site anywhere. He continued that there was an effort to let the HDC know more about this project, but at this stage, there still isn't a project to review. When a transit center was described to the HDC, it received a fairly negative reaction which riled the curiosity of the Planning Commission. The presentation at the Planning Commission was modified in the hopes of providing transit background and some analysis of the site selection process, but not an actual transit facility. It would be more effective to have the transportation element piggy-back on the technical work of the transportation study. However, there is a draft on the transportation element which was done at the outset of the study and further incorporates the Council's direction on increasing transit ridership. Mr. Ross explained that the circulation component is missing which is dependent on the resolution of the issues with regard to the transit center. The same policies have driven both documents. Chuck Klingenstein stated that as a former Planning Commissioner that it is difficult to make a decision on a plan that is not available. The Commission feels it has to make a decision on whether or not an intermodal center will fit in the Swede Alley area and in the historic context of Old Town. He understood why the Planning Commission and HDC are frustrated and apologized for not providing them with more information. Paul Sincock felt that a diagram of the process would be helpful. Mr. Ross felt that the range of options are broader than the Planning Commission is used to; Mr. Klingenstein added that the problem is that the Planning Commission doesn't have Phase 2 of the General Plan with the transportation element. The City Manager stated that review of the General Plan element can occur at any time, but staff followed Council's direction that the Land Management Code is a priority.

Jerry Gibbs agreed with one comment made by Bruce Erickson and that is that the staff has approached this program from a transit operation standpoint. The long range transit plan being developed will identify the number of buses, routes, and additional service in residential areas. This will determine whether the buses need to come to Old Town or somewhere else, which is an operational issue. He felt that the confusion occurred when Commissioners got into operational issues and concluded it inappropriate that the buses come up to Old Town. The transit center is part of operations and the enhancements, like retail and commercial, are allowed under the federal funding. Mr. Gibbs believed that Council prefers a lot of choices, rather than staff presenting a recommended program with limits.

Pat Putt believed that the majority of the Planning Commission understood the need for a facility near or in Old Town to accommodate the existing transit uses. However, there is a great concern about the intensity, scale, and associated uses of the facility and there is a fear that it will be transit "mall". He felt there could have been more time spent on discussing the facility as opposed to the history of the project. The upcoming meeting will provide an opportunity to answer questions. Mr. Gibbs felt there is a willingness on the part of the Commission to pull together a program that would work in Old Town.

Chuck Klingenstein commented on the City web page and hoped that the Land Management Code and Municipal Code will be on the site. He commended staff on getting the car wash removed from the corner of Kearns Blvd. and SR224. The Mayor thanked Linda Cook for her efforts in getting the Nagano posters framed and hung in the Council Chambers. Roger Harlan congratulated Warren Pretorius' on his tennis pro award. He referred to a report produced by the Snyderville Basin Recreation District regarding activities for kids where skateboarding is very popular. Paul Sincock was pleased to present a $50,000 check yesterday as part of the Historic District Grant Program, as it was very positive experience.

Frank Bell reminded the Council about the extended Olympic meeting on Monday from 11 a.m. to 5 p.m. John Nord from UDOT will be there to discuss highway transportation funding. The Mayor reported that he and Mr. Bell attended a SLOC meeting earlier where John Price was appointed the Board. Ken Bullock and a position for the athletes' representative were made to the Executive Board.

2. **Rocky Mountain Elk Foundation proposal for Gillmor property.** Linda Cook introduced John Pollard, 15 year resident, and Wayne Christensen from the Rocky Mountain Elk Foundation. Mr. Christensen is the field director and has been involved in a number of projects around the state to improve elk habitat. John Pollard stated that he had never seen elk winter in Round Valley in previous years, but feels that their alternatives are being reduced rapidly. Also the sheep grazing has been reduced. He felt that if the habitat could be brought back to its native state, then this winter range could be reestablished, and could hold more elk than it does now. Paul Sincock asked why the area is not natural now. Mr. Pollard stated that when an area is over-grazed, there is a lot more sage brush and less grass and the Elk Foundation has conducted similar projects in other areas of the state. Paul Sincock pointed out that there would be a conflict with sheep grazing there in the summer. Mr. Pollard agreed that there would be a problem depending upon the kind of reseeding project. What needs to be done is yet to be determined. They do not want to approach the Department of Wildlife Resources and arrange for a biologist to study the property if the support from the City is not there for a project like this. Mr. Pollard felt that this fits into what this property should be which is open space and in the summer, the elk go to higher ground. He would like to see interpretive plaques at the entrance of the area and have school tours. Park City has not done a lot for wildlife. Mr. Pollard pointed out that donations made to the Elk Foundation could go directly to this project. The Mayor stated that the City does not own all of the land in Round Valley and Mr. Pollard indicated that he spoke with Rob Morris, an adjacent property owner. Mr. Klingenstein feared that while the City's 600 acres remain open space, there they will be development surrounding the area. Mr. Pollard felt that it may be a matter of putting up with a little inconvenience like having elk in your yard.

Wayne Christensen explained that the Rocky Mountain Elk Foundation is a 501(c)3 international non-profit wildlife conservation organization with about 115,000 members and in Utah there are about 4,200 members. He pointed out the interest in wildlife conservation in Park City.

The Foundation has 112 projects in Utah. There has been $1.7 million generated by volunteers and others and matching dollars totaling $5 million. They are active in creating conservation easements and acquiring land. Mr. Christensen stated that the Foundation is interested in participating in this project. He assured Council that the 600 acres will hold the elk and the herd may grow. He emphasized that the Foundation would not support a project that did not have the Division of Wildlife and the City's approval. He respects Mr. Pollard's request as there is a shocking loss of open space. The Foundation would like to preserve open space and agricultural uses and work well with grazing operations. Livestock grazing can be beneficial to wildlife when done properly. The Foundation has significant means and it is good at developing partnerships and fund-raising. Mr. Christensen indicated that the worst case scenario would be an education and interpretive site where school children can view winter wildlife. The best case scenario would involve habitat enhancement ranging from thousands of dollars to a hundred thousand dollars. The Foundation works with local governments, ranchers, farmers, and businesses and has a track record for success. This project is attractive to them because of the location and he hopes that a partnership can be developed. He pointed out that they concentrate on a species but are holistic on their outlook on the eco-system.

Roger Harlan asked if the Foundation has any experience will rollback taxes. Mr. Christensen responded that grazing may be an option that the City may want to maintain to ensure greenbelt status. Mr. Klingenstein felt that the County Assessor would work with the City on this and he personally is interested in this project. The Mayor didn't feel there is a down-side to this; he encouraged them to pursue this project and deal with the adjacent property owners. Paul Sincock emphasized that 600 acres may sound like a large area, but it is narrow and questioned if animals would conform to the configuration. Mr. Christensen explained that there could be enhancements to hold the herd to the small area. As a fund-raising organization, the Foundation avoids controversy and is looking for permission to take preliminary steps. The Mayor thanked Messrs. Pollard and Christensen and asked them to keep the City Council informed.

**3. Review of regular meeting.**

**Amendment to the Sign Code.** See staff report. In response to comments made by Hugh Daniels about amendments reflected in this draft, Ms. Kuhlow explained that she spoke to Bob Wells of the task force and he was pleased that these changes were made. With regard to the project marketing signs, Mr. Daniels felt that the language was fine except for taking signs down at the time of temporary occupancy, as he understood that is when the project really needs to be marketed. His preference is to allow the signs to remain for an additional six months after receiving the temporary occupancy. He is also interested in a refundable deposit so there is impetus for the developer to make sure the sign comes down. Paul Sincock agreed and supported the deposit. There was discussion about the amount of the deposit and staff suggested $5,000. The City Attorney added that the deposit is an incentive for developers to self-police. It was pointed out that the deposit is for four-plexes and larger projects. Hugh Daniels noted that applications are to be approved by the Community Development Director and suggested that they be handled by the planning staff. Ms.

Hoffman explained that it means the Director, or his designee, and it is expected that it is a delegated task. In response to a question from Paul Sincock regarding reducing the height of the signs from ten feet to seven feet, Ms. Kuhlow explained that this is consistent with the other free-standing signs in town. It was clarified that if a developer wants a six month extension after the temporary occupancy permit is granted, the deposit is made; it is not required.

4. **Historic District Commission interview process.** The City Council reviewed the interview questions and each member selected a question. The Council then interviewed John Hanlon, Melanie Werling, and Lyn Fey and the Mayor announced that a decision would be made and an appointment made at the regular meeting. See regular meeting minutes. The City Council then convened in closed session.

Prepared by Janet M. Scott

# PARK CITY COUNCIL MEETING
# SUMMIT COUNTY, UTAH
# APRIL 9, 1998

## I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 9, 1998. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Chuck Klingenstein, and Paul Sincock. Shauna Kerr was excused. Staff present were Toby Ross, City Manager; Meg Ryan, Planner; Pace Erickson, Parks and Golf Course Superintendent; Melissa Call, Special Events Coordinator; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney.

## II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business; hearing none, the public input session was closed.

## III COMMUNICATIONS FROM COUNCIL AND STAFF

Hugh Daniels stated that he was not in attendance for the Sandridge lot discussion on March 26, but agreed with his fellow Council members' decision and would have voted with the majority.

## IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 19, 1998 AND MARCH 26, 1998

Hugh Daniels disclosed that he will be abstaining from the Minutes of March 26 as he was absent. Chuck Klingenstein, "I move approval of the Work Session Notes and Minutes of the Meetings of March 19 and March 26, 1998". Paul Sincock seconded. Motion carried.

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| Hugh Daniels | Aye - March 19; Abstention - March 26, 1998 |
| Roger Harlan | Aye |
| Shauna Kerr | Absent |
| Chuck Klingenstein | Aye |
| Paul Sincock | Aye |

## V PUBLIC HEARING

Ordinance approving an amendment to Lot 1, Block 11 of the Park City Survey known as 301 Main Street, Park City, Utah - Planner Meg Ryan explained that this project has a prior background. It has had a Planning Commission, HDC, and Board of Adjustment review. This is the last step in the process which would allow an addition in the rear and on the second floor of the building of approximately 1,000 square feet. Staff is working with the applicant on a facade easement. With no questions or comments from the Council or the public, the public hearing was closed.

## VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda, subject to the changes made to the Sign Code during work session. Hugh Daniels, "I move approval of the Consent Agenda with the amendments to Section 2(5) and Section 3(5) of Title 12". Chuck Klingenstein seconded. Motion carried.

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| Hugh Daniels | Aye |
| Roger Harlan | Aye |
| Shauna Kerr | Absent |
| Chuck Klingenstein | Aye |
| Paul Sincock | Aye |

1. Ordinance amending the zoning map of Park City to adjust zone boundaries and modify zoning consistent with the Development Agreement for the expansion of the Park City Mountain Resort located in Park City, Utah - See staff report.

2. Amendment to Title 12, Signs, of the Park City Municipal Code - See staff report and work session notes.

3. Ordinance approving an amendment to Lot 1, Block 11 of the Park City Survey known as 301 Main Street, Park City, Utah - See staff report and public hearing comments.

4. Award of contract for improvements to 4th Street Stairs and design of 11th Street Stairs - See staff report.

## VII RESIGNATIONS AND APPOINTMENTS

1. Acceptance of resignation of Ken Martz from the Historic District Commission - Roger Harlan, "I move acceptance of Mr. Ken Martz's resignation from the Historic District Commission". Chuck Klingenstein seconded. The Mayor indicated that he will be sending a letter of appreciation to Mr. Martz. Motion carried.

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| Hugh Daniels | Aye |
| Roger Harlan | Aye |
| Shauna Kerr | Absent |
| Chuck Klingenstein | Aye |
| Paul Sincock | Aye |

2. Appointment to Historic District Commission for a term expiring February 2000 - The Mayor reported that the Council interviewed three excellent candidates and the decision was very difficult; he thanked everyone who applied. The Mayor asked for a motion to appoint Melanie Werling to serve on the HDC for a term expiring February 2000. Chuck Klingenstein, "I move approval of making the appointment to the Historic District Commission for a term expiring 2000 for Melanie Werling". Paul Sincock seconded. Motion carried.

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| Hugh Daniels | Aye |
| Roger Harlan | Aye |
| Shauna Kerr | Absent |
| Chuck Klingenstein | Aye |
| Paul Sincock | Aye |

## VIII NEW BUSINESS

Request of waiver of Section 6-3-8 of the Noise Ordinance of the Municipal Code of Park City, Utah to allow for amplified music in City Park from 11:30 a.m. to 1:30 p.m. on Saturday, July 18, 1998 for a fund-raiser - Cancer Wellness House - Frances Umlauf, representing the Cancer Wellness House and R. C. Willey, a corporate sponsor. She explained the function of the Cancer Wellness House which is located across the street from the hospital and is always available for cancer patients and their loved ones. The fund-raiser last year involved a marathon and about $8,000 was raised which was given to the Breast Cancer Coalition of Utah. She felt that the marathon was too exclusive and it was decided to open the fund-raiser to the community with a 5K and 10K walk-a-thon and entertainment. Ms. Umlauf asked that the Council consider a waiver of no amplification at the bandstand at Miners Hospital so the Motherlode Band can be heard in a moderate fashion. They don't want to disturb neighbors and the music would occur in the daytime from 11:30 a.m. to 1:30 p.m. At 10 a.m., they have permission to use microphones for announcements. The Mayor disclosed that he is a board member of the Cancer Wellness House and if there is a tie, will not be voting.

Roger Harlan brought up the possibility of other worthy non-profit groups approaching Council with the same request. Ms. Umlauf believed that the Battle of the Bands issue was different as it had the potential of being loud and was to be held in the evening. She doesn't have a problem with any group benefitting if they can use the park to the fullest extent, which includes the pavilion, which was built with taxpayers dollars for events. It is unfortunate that the

Cancer Wellness House has been grandfathered for the use of the park for its fund-raiser, but cannot use it to its best and fullest extent. She hoped that all non-profit groups do well in their mission to raise dollars, as it is important to raise resources for their charities. Ms. Umlauf would like the band heard and appreciated, but not annoying to neighbors.

In response to a question from Paul Sincock, Pace Erickson explained that there are three events allowed to have amplified music including the 4th of July celebration, Miners Day celebration, and the Wednesday Concerts in the Park in the summer. Pace Erickson indicated that there are some complaints and the decibel level has never been measured. The 4th of July and Miners Day celebrations are considered to be community sponsored events and public holidays. The amplified Concerts in the Park series was granted to the Chamber/Bureau by a prior Council who determined that this was community oriented and the performances would be free. Chuck Klingenstein asked how quickly the Parks and Recreation Board can look at the policy for amplified music in the park. Ms. Umlauf pointed out that they have to print their materials quickly. Roger Harlan noted he voted in favor of holding the Battle of the Bands as there is nothing wrong with waiving an ordinance when all of the facts are disclosed, but was voted down 4:1 because it would be precedent-setting. This is a new Council, but he has not changed his mind as this is a worthy event; the dilemma is criteria for approving a waiver. Ms. Umlauf reiterated that they have also been granted grandfathered usage of the park which is not always the case with other groups. This makes a difference in making a determination. In response to a question from Paul Sincock, Mr. Erickson stated that there have been unamplified concerts which have gone well.

Pace Erickson read an excerpt from the ordinance, "No amplified music unless involved with a community special event and then it must be kept to a controlled volume level as not to be a disturbance to other park users, library users, and adjacent residential areas. Public address systems are appropriate with properly scheduled events. City ordinances or nuisance control prevail". There is a task force of citizens looking at the park use policy. He explained that about four years ago, Council asked staff to limit the number of special events in the park so it would be more available to the public and wouldn't turn into a special event venue as the resorts may be better suited for special events. Since that time, there has been a lot of pressure for special events in the park and this subcommittee has been formed to determine an appropriate number of events. This group will be meeting next week to review the ordinance; this will be the second meeting.

Hugh Daniels felt this is different than the Battle of the Bands; he attended the meeting, although he wasn't a Council member at that time. He views this as a great test event for the committee to measure the decibel level of the Motherlode Band which is a mid-range group. The Chamber series has a variety of music which could also monitored. He felt that it is time to look at the park for special events and amplified music. Having the musical group face Deer Valley Drive instead of the residences and selecting the type of music is key to success. He is supportive of this request because it is only for two hours and in the middle of the day, and hoped that this could be a test event. Paul Sincock agreed with Mr. Daniels' comments. Ms. Call asked if it would be for

all events as she books weddings where amplified music is requested. Mr. Daniels wasn't sure if weddings have the same status as a community-wide event. Mr. Sincock felt that the acceptable decibel level at 2 p.m. might be different than 8 p.m. and there needs to be more objective information in the recommendation. He doesn't care if the music is amplified but how loud it is. Hugh Daniels emphasized that he cares whether it is a private or community event. Chuck Klingenstein felt that there should be adjacent neighbors to the park on the task force. Roger Harlan will be supporting the Cancer Wellness House's request for the same reason he voted for the Battle of the Bands as the nature of the event is worthy of suspending the ordinance. This event is also in the daytime. Ms. Harlan stated that he is serving on that committee and it will be difficult to arrive at objective criteria.

Melissa Call, Special Events Coordinator, stated that there are worthy requests but they receive requests every day. She warned that Council may see a rash of requests. Hugh Daniels emphasized that he is looking at this as a one-time test event while the task force deliberates. Hugh Daniels, "I move we approve the Cancer Wellness Center's request for amplified music from 11:30 a.m. to 1:30 p.m. on July 18, 1998 in City Park as a one-time exception of the current policy while the subcommittee reviews the policy on amplified music in the park". Chuck Klingenstein seconded with the clarification that this is a one-time event, not annual, and the Council will not hear any other exceptions until the committee comes up with its guidelines and standards for exceptions to future events. Hugh Daniels accepted the clarification to the motion. Motion carried.

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| Hugh Daniels | Aye |
| Roger Harlan | Aye |
| Shauna Kerr | Absent |
| Chuck Klingenstein | Aye |
| Paul Sincock | Aye |

## IX ADJOURNMENT

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

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

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal

Janet M. Scott

Janet M. Scott, City Recorder

CORPORATE
Seal

PARK CITY
1884

**DATE:** April 2, 1998
**DEPARTMENT:** Executive
**AUTHOR:** Linda Cook LSC
**TITLE:** Report from the Rocky Mountain Elk Foundation - Improving Elk Habitat in Round Valley
**TYPE OF ITEM:** Informational

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**SUMMARY RECOMMENDATIONS:** This item is informational. The Rocky Mountain Elk Foundation is involved in improving areas for elk habitat around the state. Round Valley has become a wintering area for a transient herd. Improved habitat could encourage a wintering resident herd and create viewing and educational opportunities. The field director of the Utah chapter would like to explain similar projects and discuss the opportunities in Round Valley affecting the Gillmor Open Space Reserve. Park City resident John Pollard will also be available to discuss the possible community benefits.

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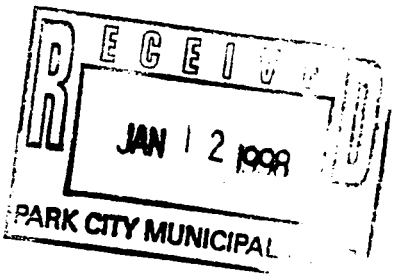
**DESCRIPTION:** Park City resident John Pollard, an active member of the Rocky Mountain Elk Foundation, has been tracking the elk herd in Round Valley. Mr. Pollard contacted the City by letter in January to pursue the idea of improving the habitat in Round Valley, thereby creating a wintering area. The Rocky Mountain Elk Foundation has been instrumental in securing and improving areas throughout the state, and views the Round Valley area as a prime habitat project. The Foundation is particularly interested in the 600 acres the City acquired as open space. A "seeding" project would be necessary to improve native grasses, aspen and forbs that may have been overgrazed by livestock. Mr. Pollard and Bill Christensen, RMEF Field Director envision a winter range that encourages viewing opportunities and educational opportunities that complement open space. Mr. Christensen and the RMEF national organization are interested in exploring the possibility of funding the reseeding project with as much as $50,000. Reseeding could involve intensive burning and or "chaining" to prepare the area. Chaining has been quite controversial throughout the west, though recent studies claim that the practice is ecologically sound. Mr. Christensen will be available to answer questions about similar activities with other projects.

**A. Analysis:** There appears to be no inherent problem with the presence of the elk in Round Valley. Depending upon winter conditions, the elk have wandered in and out of the area over the years and seem to have been tolerated or gone unnoticed entirely. Nor is there necessarily a problem with the City's participation in a project which improves the habitat on publicly owned property. What has yet to be addressed is the impact on adjacent property owners, residential areas, and the proximity to Hwys. 224, 248 and 40 which bound the area. The City is being approached based on the 600 acres in the middle of Round Valley. We would be interested to

know what real or implied liability may be created by encouraging the presence of a resident winter herd, e.g. trespass, predator control or domestic dog control. Beyond that, the remaining concern is the impact on the historic agricultural use of the area. Last year Council approved a limited grazing lease applicable to the 600 acre acquisition in order to avoid rollback taxes due if the property were removed from agricultural use. Though we're talking about opposite grazing seasons, sheep in the summer and elk in the winter, and there is no apparent conflict, the activities required to prepare the area for new vegetation may render the property useless for livestock grazing over one or more grazing seasons. There has been no discussion with the County Assessor's office as to possible exceptions under the Utah Farmland Assessment Act for such property use. The Act subjects the property, parcel by parcel, to the rollback due in the year that the property is no longer under agricultural activity. The City is now into the second of a five year obligation to maintain the property in historic agricultural use or pay the rollback which reduces by one-fifth each year from a total of $115,645.

**SIGNIFICANT IMPACTS:** Staff should seek further information from the County as to whether pursuing this issue would contort the agricultural status of the area. The significant impact would be the rollback taxes due. Other options include funding from the National Elk Foundation to offset any City obligation. Liability issues have not been discussed, but could be significant.

**RECOMMENDATION:** This item does present an opportunity to consider a long-range use of the Gillmor Open Space Reserve. Further, the area is not intensely used in the winter, though cross-country skiing and snowshoeing may increase with wildlife viewing opportunities. Staff recommends exploring the options and possible funding available through the Rocky Mountain Elk Foundation.




January 8, 1998

Mr. Brad Olch
Mayor
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Dear Brad,

As a long time resident of Park City I have spent many hours riding horses, hiking, and cross country skiing in Round Valley. I was thrilled when your efforts culminated in 600 acres being acquired as open space. Your efforts at gaining open space have created a wonderful legacy. I have continued to hike in the area and have discovered that this year due to the combination of heavy sheep grazing being eliminated and a light winter we now have a resident herd of 45-60 elk. I am very interested in seeing Round Valley become a wintering area for elk in even the most severe winters.

I am a Life Member in the Rocky Mountain Elk Foundation whose mission is to work for wildlife by securing or improving habitat. I have consulted with Bill Christensen -Field Director- Utah for the RMEF. He is very interested in seeing a habitat project occur on this property. I have included an article from a past "Bugle" magazine which is the quarterly journal of the RMEF. This article describes a larger but similar project. My goal is to have the City of Park City in conjunction with the Rocky Mountain Elk Foundation do a seeding project (the property has been heavily overgrazed by sheep) that would allow elk and deer to have winter range. A viewing area at the entrance to the National Abilities Center could contain a series of educational plaques describing the project and its goals. Perhaps when the access points are delineated in the future there could be additional informational signage. In addition I can envision field trips where students hike in light winters or cross country ski in heavy winters to view the elk. If you consider this idea to have merit please contact me at your earliest convenience. I look forward to consulting with and coordinating with the various agencys that have legitimate concerns and input in a project such as this. You have led the way Brad and I would like to provide the effort to expand upon your foresight.

Sincerely,

John Pollard

John Pollard
2715 Broken Spoke Way
Park City, UT 84060
649-0066

cc Bill Christensen

January 28, 1998

Mr. Toby Ross
City Manager
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Dear Mr. Ross,

I have been instructed by both Chuck Klingenstein and Roger Harlan to contact you to see if Mr. Bill Christensen -Field Director for Rocky Mountain Elk Foundation could be placed on the agenda to discuss the reseeding effort I introduced via a letter to Mayor Olch. Please contact Mr. Christensen directly so that the meeting may be coordinated with his schedule. His phone number is 801.254.1922.

I have included some background information from our journal that depicts some succesful replanting projects.

Sincerely,

John R. Pollard
2715 Broken Spoke Way
Park City, UT 84060
649-0066

# City Beat

CITY EDITOR Jay Hamburger 649-9014 ext 111

# Elk habitat could be reseeded

## As much as $50,000 might be spent by national organization in Round Valley area

**by Jay Hamburger**
OF THE RECORD STAFF

A herd of elk in the Round Valley area of Park City has drawn the attention of the Rocky Mountain Elk Foundation, a 105,000-member non-profit organization based in Missoula, Mont., that works to increase the habitat of elk.

In an early January letter to Park City Mayor Brad Olch, Park City resident John Pollard, a member of RMEF, asks that the city and RMEF conduct a joint seeding project in Round Valley that, Pollard wrote, would increase the food supply to area elk.

"(Elk) need all the calories they can get, they don't need to be pushed around," Pollard said in an interview.

The herd, which numbers approximately 50 elk, lives in the hills of the Round Valley area when there is a constant food supply, but during the winter when the ground is covered with snow, the elk descend from the hills to find food.

"They stay as high as they can as long as they can eat," Pollard said.

But, Pollard said, much of the grass and vegetation in the area has been diminished because of grazing and other uses.

"The range has changed from its native state due to grazing," Pollard said.

Park City purchased the Gillmor property, which included 600 acres of open space in the Round Valley area near S.R. 248 and Highway 40, in a deal that closed last January.

Bill Christensen, the Utah field director for RMEF, said the organization is concerned that elk in the Round Valley area will wander into residential areas or onto S.R. 248 in search of food.

"We know we have animals there . . . ," Christensen said. "And we don't want them on the highway or in people's backyards."

He said reseeding the area for elk could cost as little as several thousand dollars or as much as $50,000, depending on the amount of seeds and workers that would be needed. The cost could be lowered, Christensen said, if volunteers were used to distribute the seeds. He also said the Utah Habitat Authorization and the Utah Habitat Council could help fund the project.

Pollard, though, also said that RMEF would be instrumental in funding any reseeding project. In addition to reseeding the area, Pollard said RMEF is proposing to construct informational displays in the area that could be used for educational programs.

"This could be a high-profile, right-in-our-backyard project," Pollard said.

Park City Councilman Chuck Klingenstein said the proposed reseeding project, though it is interesting, would be difficult to accomplish because some of the area is private property not owned by the city.

"It's going to be a little more complicated ," Klingenstein said, adding "It's certainly an exciting idea, now we have to see how we can go about it."

**To:** **Honorable Mayor/Members of City Council**

**From:** **Jan Scott, City Recorder**

**Subject:** **Historic District Commission interviews**

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As you will recall, Council reappointed Jim Petrie and agreed to interview all other new applicants including Jennifer Duane, Melanie Werling, and Lyn Fey. Since that time, Jennifer Duane has withdrawn. John Hanlon, a recent Planning Commission applicant, requested that he be considered for the HDC and the Mayor also invited him to be interviewed.

There is time set aside for the City Council to review the interview questions, and 15 minutes for each candidate to be interviewed. After the interviews, a 15 minute closed session is scheduled in the Jury Room, next to the Council Chambers, to select the appointee. The appointment is scheduled on the regular meeting.

***INTERVIEW QUESTIONS***
***Historic District Commission Selection***

*1. How do you view the role as Historic District Commissioner relative to the community, the City Council, and the municipal staff? How would you like to interact with the City Council?*

*2. Describe your position regarding private property rights and how those rights fit within the context of community rights and interests.*

*3. Under what circumstances do you perceive that either you or a member of your firm would have a conflict of interest with your role on the Historic District Commission? What percentage of the issues going before Historic District Commission would you expect to be a conflict of interest for you?*

*4. Why are you interested in serving on the Historic District Commission? What is the major asset you will bring to the Commission if you are selected?*

*5. Please describe your vision of Park City as we enter the next century. What would you like to see the social and economic base of Park City be?*

*6. In your opinion, what is the importance of the Historic District?*

*7. In your own mind, what time commitment to you feel it takes to serve on the Historic District Commission? Do you anticipate interruptions in your personal life as a result of being an elected official? Do you foresee any conflicts of interest with you serving on the Historic District Commission? If so, what are they.*

*8. Have you ever had to make unpopular decisions? Tell me about an unpopular decision you had to make. Whom did it affect? Why did the situation arise? How long did it take you to make the decision? How do you feel you handled it? What did you learn from this event?*

*9. How do you deal with disagreements with others? Have you ever had to change your behavior to work successfully with others?*

*10. Think back to a decision you made on a controversial issue. Describe the process you went through to reach the decision and to what extent did the controversy affect the decision?*

*11. Describe a time when members of a group of which you were a member were at philosophical or personal odds. What did you do?*

*12. Please give us an example from your work experience in which a project of yours was severely criticized and in which you were the subject of personal attack because of your involvement with the project. How did you deal with these situations?*

*13. Do you have specific suggestions for improving County government as it relates to Park City needs, services and funding?*

PARK CITY
1884

# CITY COUNCIL
# STAFF REPORT

**DATE:** April 2, 1998
**DEPARTMENT:** Community Development Department
**AUTHOR:** Megan B. Ryan
**TITLE:** 301 Main Street - Lot 1 and the easterly 25 feet of Lot 32, Block 11
**TYPE OF ITEM:** Public hearing and possible action on plat amendment to the Park City Survey.

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**SUMMARY RECOMMENDATIONS:**

Conduct a Public hearing and consider the Planning Commission's recommendation to the City Council to adopt an ordinance amending the Park City Survey, Lot 1, Block 11, to create one development parcel from one lot and a 25' feet of the easterly portion of a parcel.

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**DESCRIPTION:**

**Applicant:** Steve Deckert, Alliance Engineering for Alan Ross, owner
**Location:** 301 Main Street
**Proposal:** Plat amendment to create one parcel from one lot and a portion of another.
**Zoning:** HCB, Historic Commercial Business and HR-1, Historic Residential and HR-2, Historic Commercial Transitional Zone and HTO, HistoricTransition Overlay
**Adjacent Uses:** Commercial
**Date of Application:** January 23, 1998

**A. Topic/Background.**

The Planning Commission held a public hearing on this item at their March 25, 1998 meeting. The Commission voted to forward a positive recommendation to the Council to adopt the ordinance.

The plat amendment would combine one lot and a portion of another under the same ownership into one parcel. The project site is located in the HCB zone near the Treasure Mountain Inn project and the Third Street stairs. The back portion of the property is located

in the HR-1 District. A plat amendment is necessary to combine the existing parcels to create one development parcel.

The applicant proposes to add an addition to the existing historic structure of approximately 1,095 square feet. A Conditional Use Permit was required for the addition. The Planning Commission and the Historic District Commission reviewed and approved this project in December of 1997 and January of 1998 respectively.

**B. Analysis**

The applicant is requesting to combine one lot and a portion of another lot into one parcel in order to comply with Utah codes. The proposed amendment will allow for an addition to the rear and on the upper story of the existing historic structure. The existing structure shares a common wall with the Meyer Gallery and an encroachment issue exists. The City Engineer and Chief Building Official have requested that the encroachment issue be resolved prior to the recordation of the plat. A condition to this effect has been added to the Final Conditions of Approval.

The applicant has also agreed to execute a façade preservation easement with the City. A condition to this effect has been added to the Final Conditions of Approval.

**C. Department Review.**

The Community Development Department and City Attorney's Office have reviewed this request.

**D. Notice**

All owners within 300' were noticed on March 9, 1998. No comments have been received at the time of this staff report. No comments were given at the public hearing.

**ALTERNATIVES**

- **A. Approve the amendment to the Park City Survey Lot , Block 11, Lot 1 and 25 feet of the easterly portion of Lot 32.**
- **B. Deny the proposed amendments and retain the original recorded lots.**
- **C. Continue the item for further discussion and information.**

**SIGNIFICANT IMPACTS:**

The proposed amendment will create one development parcel. An approximately 1,095 square foot addition is proposed for the site. The building design has been reviewed and approved by both the Historic District Commission and the Planning Commission. Construction on this site will be extremely difficult and a construction mitigation plan will have to be carefully developed.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:**

The proposed addition to the building would not be in compliance with Utah codes and could not be built. The parcel would remain vacant.

**RECOMMENDATION:**

Staff recommends that the City Council conduct a public hearing, consider public input and consider the Planning Commission's recommendation to approve the proposed amendment to the Park City Survey, Lots 1 and 25' of the easterly portion of Lot 32, Block 11 based on the following findings and conditions:

Findings:

1. The parcel is located in the HCB, HR-1, HR-2 and HTO zoning districts.
2. The revision will combine one lot and a portion of another into one parcel in order to allow one structure to be built on the site that complies with State subdivision law.
3. Any impacts resulting from this amendment have been mitigated through the Historic District design review process and the Planning Commission review for a conditional use permit.
4. The existing historic structure shares a common wall with the adjacent property owner at 303 Main Street known as the Meyer Gallery.
5. The structure was built over 50 years ago, is historic and contributes to the historic character of Historic Main Street.

Conclusions of Law:

1. There is good cause for the revision as the Planning Commission and Historic District Commission have approved a Conditional Use Permit for an addition to the Historic Structure and have carefully examined the design and resulting impacts form such an addition.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

Conditions:

1. City Attorney and City Engineer review and approval of the amended plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
2. A common party wall agreement in a form approved by the Chief Building Official must be executed or recorded prior to or concurrent with recordation of the plat.
3. The owner shall execute a preservation façade easement in a form approved by the City Attorney for the building and record the easement with the plat amendment.
4. If the amendment is not recorded within one year of the City Council approval date, this approval shall become null and void.

**Exhibits**

**Location Map**

**Exhibit A - Proposed plat**

**Exhibit B - Draft Party Wall Agreement**

# 301 Main St.

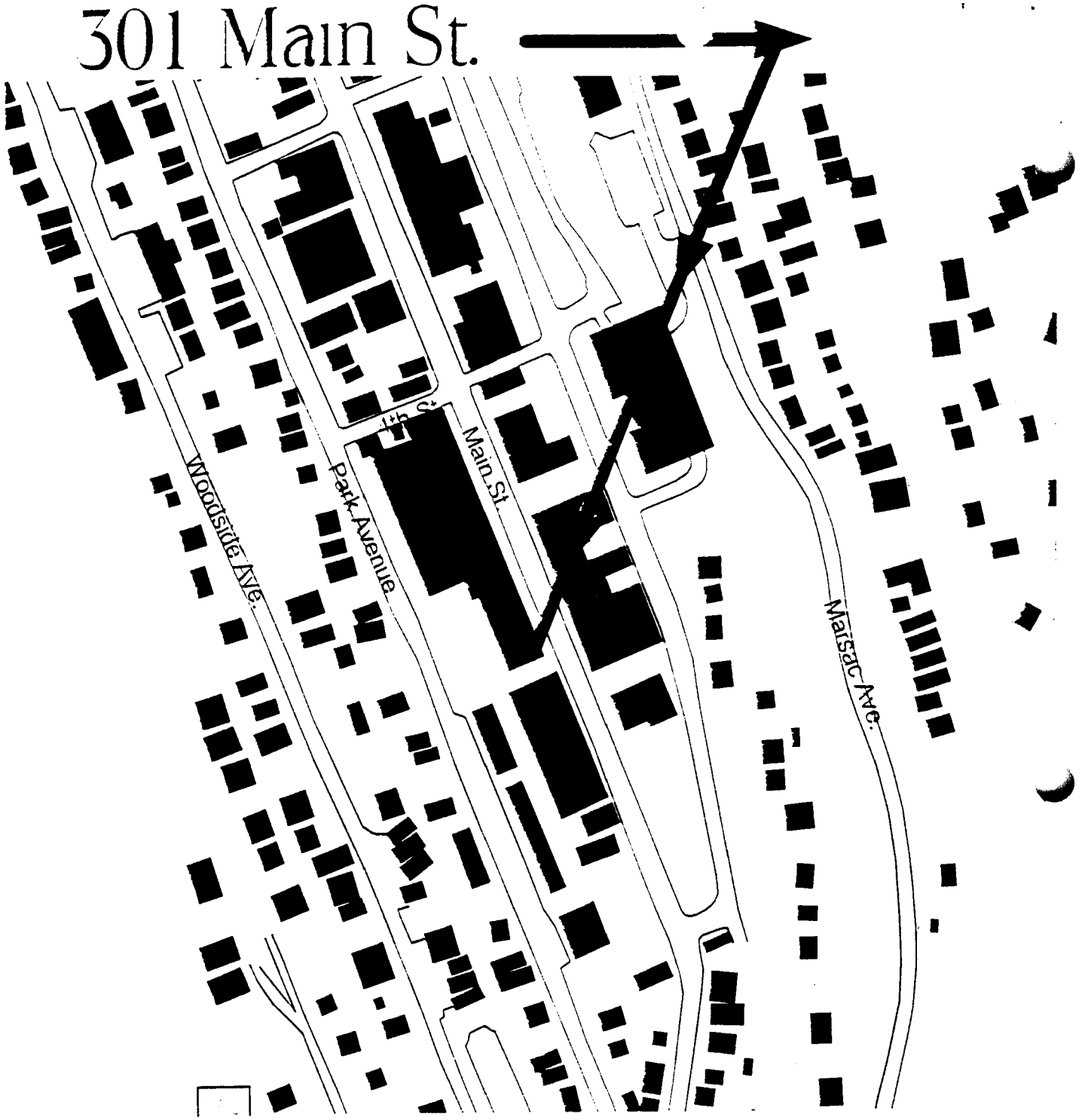


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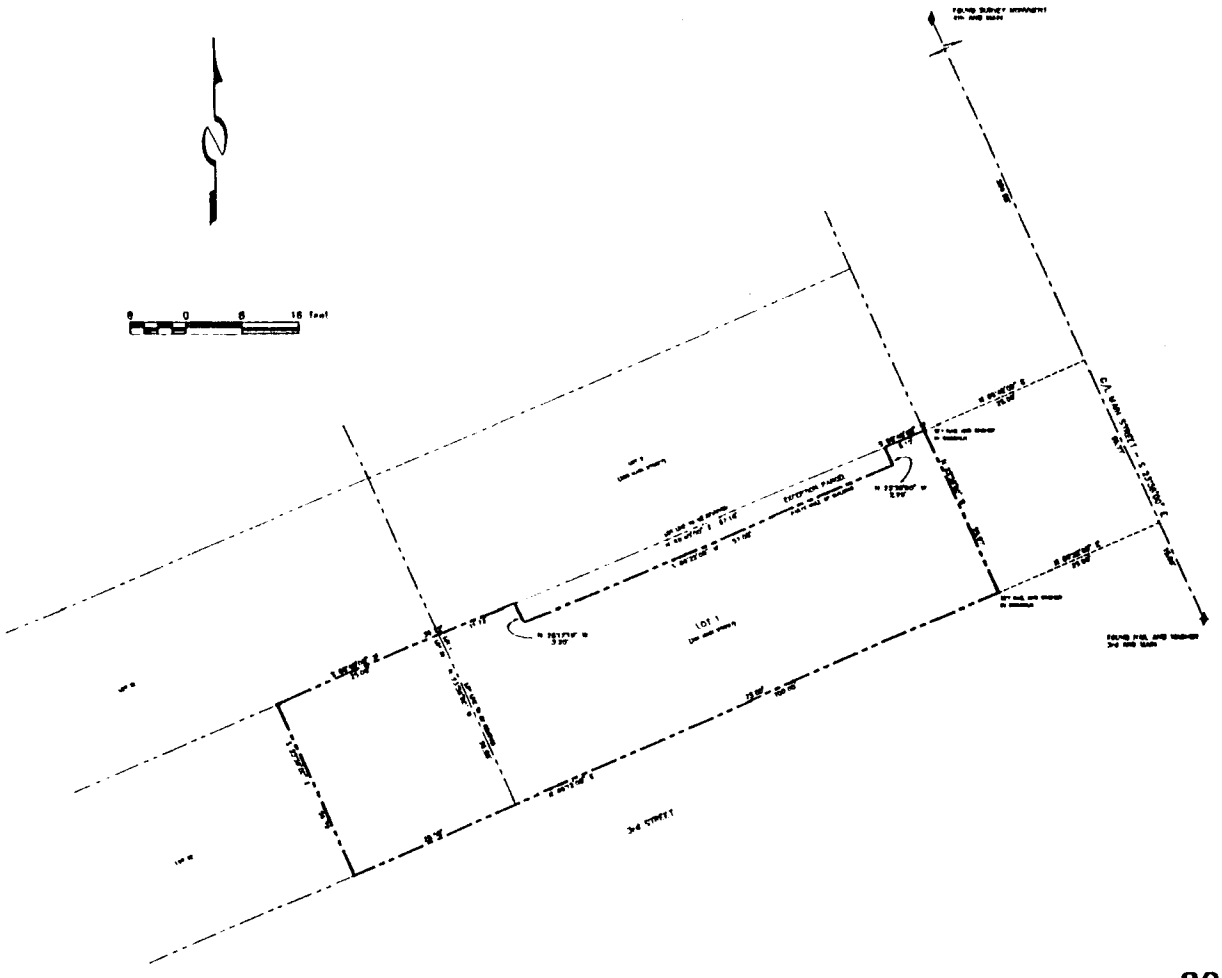
Exhibit A - Proposed plat




SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

JOHN FLOOMBEE L.S. 163931 — DATE

LEGAL DESCRIPTION

ALL OF LOT 1 AND THE EASTERLY 25 FEET OF LOT 30, BLOCK 11, AMENDED PLAT OF PARK CITY SURVEY, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

EXCEPTING THEREFROM THE FOLLOWING

Beginning at a point South 89° 59' 00" West 4.16 feet from the southeast corner of Lot 1, Block 11, Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder, said point also being on the northerly line of said Lot 1 and on the Easterly line of an existing building and running thence along said lines of building South 73° 39' 00" West 3.70 feet to a point being the projection of the southerly side of a party wall connecting the said and the next building to the West; thence along said party wall South 16° 21' 00" East 57.00 feet to the southerly line of said building; thence along said southerly line of said building North 73° 39' 00" East 3.70 feet to the southeast corner of said building; thence along the southerly line of said building North 16° 21' 00" East 57.00 feet to the Point of Beginning.

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned owner of the herein described tract of land to be hereafter known as 301 MAIN STREET REPLAT, hereby grant and convey to the Park City Municipal Corporation all the easements as shown on the plat and hereby consent to the recordation of this record of survey. Also the undersigned, or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets, and the land designated public improvements, parks, and remaining utilities and easements shown on the plat and authenticated hereon in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____, 19__.

Jon Ross

ACKNOWLEDGMENT

State of _____ )
: ss.
County of _____ )

On this _____ day of _____, 1997, personally appeared before me the undersigned Notary Public in and for said state and county Jon Ross, duly sworn, acknowledged to me that he is the owner of the herein described tract of land and he/she signed the above Owners Dedication and Consent to record freely and voluntarily.

Notary Public

Commission expires _____

NOTES

1. The street address of the property is 301 Main Street.
2. See record of survey plat 487, recorded Summit County Utah, for record of survey plat.
3. Bearings are from GPS with the UTAH COORDINATE SYSTEM 1983 unless otherwise noted.

# 301 MAIN STREET REPLAT

## LOT LINE ADJUSTMENT

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

PAGE 1 OF 1

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 010398 Y:\SRV\SRV98\PCS: | | | | | | | |
| ALLIANCE ENGINEERING INC.<br>P.O. BOX 2664<br>125 MAIN STREET<br>PARK CITY, UTAH 84060<br>(435) 649-9467 | SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _____, 1998 A.D.<br>BY _____<br>DISTRICT | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 1998 A.D.<br>BY _____<br>CHAIRMAN | ENGINEERS CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1998 A.D.<br>BY _____<br>PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS _____ DAY OF _____, 1998 A.D.<br>BY _____<br>PARK CITY ATTORNEY | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 1998 A.D.<br>BY _____<br>PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 1998 A.D.<br>BY _____<br>MAYOR | RECORDED<br>STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____<br>DATE _____ TIME _____ BOOK _____ PAGE _____<br>FEE _____ RECORDER |

RECEIVED
JAN 23 1998
PARK CITY
PLANNING DEPT.

39

ORDINANCE NO. 98-___

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 1 , BLOCK 11 OF THE PARK CITY SURVEY KNOWN AS 301 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 301 Main Street petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on; and

WHEREAS, it is in the best interest of Park City to approve the amendment, and

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The amendment to Park City Survey, Lots 1 , Block 11, is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1.The parcel is located in the HCB, HR-1, HR-2 and HTO zoning districts.
2.The revision will combine one lot and a portion of another into one parcel in order to allow one structure to be built on the site that complies with State subdivision law.
3. Any impacts resulting from this amendment have been mitigated through the Historic District design review process and the Planning Commission review for a conditional use permit.
4. The existing historic structure shares a common wall with the adjacent property owner at 303 Main Street known as the Meyer Gallery.
5. The structure was built over 50 years ago, is historic and contributes to the historic character of Historic Main Street.

Conclusions of Law:

1 . There is good cause for the revision as the Planning Commission and Historic District Commission have approved a Conditional Use Permit for an addition to the Historic

Structure and have carefully examined the design and resulting impacts form such an addition.

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

Conditions:

1. City Attorney and City Engineer review and approval of the amended plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
2. A common party wall agreement in a form approved by the Chief Building Official must be executed or recorded prior to or concurrent with recordation of the plat.
3. The owner shall execute a preservation façade easement in a form acceptable to the City Attorney for the building and record the easement with the plat amendment.
4. If the amendment is not recorded within one year of the City Council approval date, this approval shall become null and void.

SECTION 2. This ordinance shall take effect upon publication.

DATED this the 9th day of April , 1998.

PARK CITY MUNICIPAL CORPORATION

_____

Bradley A. Olch, Mayor

ATTEST:

_____

Jan Scott, Deputy City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, Assistant City Attorney

EXHIBIT B

**WORKING DRAFT**
**For Discussion Purposes Only**
**BRUCE H. SHAPIRO, P.C.**
**Date: January 15, 1998**

# PARTY WALL AGREEMENT

This Party Wall Agreement is made and executed this ___ day of January, 1997 and between Jupiter Investments, Ltd. ("Jupiter") and Gerri Meyer and Darrel Meyer (collectively "Meyer").

## RECITALS

A. Jupiter is the owner of real property situated in Summit County, Park City, State of Utah, described as follows:

B. Meyer are owner's of real property situated in Summit County, Park City, State of Utah, described as follows:

C. There is a wall dividing the property to which Jupiter and Meyer share common traits and the Parties desire to set out their common rights thereto;

NOW, THEREFORE, THE UNDERSIGNED, in order to protect each and every purchaser, his or her successors and assigns, of either property, the following rights on said premises are hereby created;

1. Party Wall Declaration. There exists a Party Wall between each of the parties structure on their respective property. Neither Owner may interfere with the Party Wall to the detriment of the other, or do anything to their structure that will weaken it. The Common Party Walls shall not be removed, remodeled, damaged or changed in any manner whatsoever by other Owner.

2. Maintenance of Party Wall. The cost of maintaining the Party Wall shall be born by the respective owner on his or her side of the wall.

RECEIVED
JAN 28 1998
PARK CITY
PLANNING DEPT.

3. Damage to Party Wall. In the event of damage or destruction of said wall from any cause, other than the negligence of either party thereto, the owners shall as joint expense, repair or rebuild said wall. If either party's negligence shall cause damage to or destruction of said wall, said negligent party shall bear the entire cost of repair or reconstruction. If either party shall neglect or refuse to pay his or her share, or all of such costs in case of negligence, the other party may have such wall repaired or restored and shall be entitled to have a lien on the premises of the party so failing to pay, for the amount of such defaulting party's share of the repair or replacement costs.

4. Location. Neither party shall alter or change said Party Wall in any manner, interior decoration excepted, and said Party Wall shall always remain in the same location as when erected.

5. Covenants Running With Land. The covenants hereby created are and shall be perpetual and construed as covenants running with the land, and each and every person accepting a deed to any of the subject property shall be deemed to accept said deed with the understanding that each and every other purchaser is also bound by the provisions herein contained, and each and every purchaser, by accepting a deed shall thereby consent and agree to be bound by the covenants herein contained to the same extent as though he or she had signed this instrument.

6. Assignment. This Agreement and all of the provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. Construction. This Agreement shall not be construed against the party preparing it, and shall be construed without regard to the identity of the person who drafted it or the party who caused it to be drafted and shall be construed as if all parties had jointly prepared this Agreement and it shall be deemed their joint work product, and each and every provision of this Agreement shall be construed as though all the parties hereto participated equally in the drafting hereof; and any uncertainty or ambiguity shall not be interpreted against any one party. As a result of the foregoing, any rule of construction that a document is to be construed against the drafting party shall not be applicable.

8. Entire Agreement. This instrument constitutes the entire agreement between the parties with respect to the transactions contemplated herein and supersedes all previous written or oral negotiations, commitments and writings and cannot be altered or otherwise amended except pursuant to an instrument in writing signed by each of the parties hereto.

9. Attorney Fees. In the event any action or proceeding is brought by any party, against any other party, to enforce the provisions of this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorney fees, whether such sums are expended with or without suit, at trial or on appeal.

10. Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original. Further, each of the parties shall be entitled to rely on facsimile transmissions for purposes of establishing the execution and delivery of this Agreement by the other parties.

11. Cumulative Remedies. The rights and remedies of the parties hereto shall be construed cumulatively, and none of such rights and remedies shall be exclusive of, or in lieu or limitation of any other right, remedy or priority allowed by law.

12. Waiver of Breach. Any waiver by either party of any breach of any kind or character whosoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of, or consent to any subsequent breach of this Agreement.

13. Signing. Each person who signs this Agreement warrants that he/she does so with the full and legal authority to execute this Agreement on behalf of the respective parties of this Agreement.

14. Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable or invalid provision shall not affect the other provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned has executed this declaration the day and year first above written.

JUPITER INVESTMENTS, LTD.

By: _____
Its: _____

_____
Gerri Meyer

_____
Darrel Meyer

PARK CITY
1884

# CITY COUNCIL REPORT

**DATE:** April 1, 1998
**DEPARTMENT:** Planning
**AUTHOR:** Nora Seltenrich
**TITLE:** PCMR Zone Boundary Adjustment
**TYPE OF ITEM:** Zoning Map Change

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**SUMMARY RECOMMENDATIONS:**
Approval of Zone Boundary Adjustments

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**DESCRIPTION:**
**A. Topic.**

PROJECT STATISTICS

| | |
|---|---|
| Project Name: | PCMR Zone Boundary Adjustment |
| Owners: | Powdr Corp. |
| Location: | Park City Mountain Resort |
| Zoning: | Recreation Commercial/ Recreation Open Space |
| Adjacent Land Uses: | Ski Resort |
| Project Planner: | Nora Seltenrich |

**B. Background.**

On June 25, 1997, the Planning Commission approved the a Large Scale Master Planned Development for the Park City Mountain Resort. A condition of that approval is that a zone boundary modification be processed to reflect changes necessary to accommodate the Master Plan. In addition, the existing zoning of Recreation Commercial needs to be modified to include the MPD designation as outlined in the Development Agreement and the Large Scale Master Planned Development. A public hearing on the change in zoning was held before the Planning Commission on February 25, 1998 and there was no public input. The Planning Commission forwards a positive recommendation on the changes. The City Council held a public hearing on March 26th and there was no public input.

Zone Boundary Adjustment - There are three areas of land which are currently zoned Recreation Commercial (RC) and are being proposed to be rezoned to Recreation Open Space (ROS). The three parcels total 12.21 acres. No development is proposed on these areas in the approved Large Scale MPD. There is a 1.38acre parcel which is currently zoned Recreation Open Space and is proposed to be modified to Recreation Commercial - Master Planned Development (RC-MPD) to accommodate the development of Building A in the Master Plan.

MPD Designation - The areas in the Master Plan which were zoned Recreation Commercial, but are now subject to the Large Scale Master Plan are being rezoned to Recreation Commercial - Master Planned Development.

**D. Department Review.**

The proposed changes in zoning are consistent with the Master Planned Development Approval and the Development Agreement. They have been reviewed and are recommended by the Community Development and Legal Departments.

**E. Recommendation**

The staff and Planning Commission recommend approval of the proposed Zone Boundary Adjustments.

M:\CDD\NLS\1998\PCMR\REZONECC.SR

**AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY TO ADJUST ZONE BOUNDARIES AND MODIFY ZONING CONSISTENT WITH THE DEVELOPMENT AGREEMENT FOR THE EXPANSION OF THE PARK CITY MOUNTAIN RESORT LOCATED IN PARK CITY, UTAH**

WHEREAS, a Large Scale Master Planned Development has been approved by the Park City Planning Commission on June 25, 1997 and the City Council granted a height variation for the MPD on August 21, 1997;

WHEREAS, the Master Plan approval requires that a zone boundary between the Recreation Commercial Zone and the Recreation Open Space Zone be adjusted to accommodate the structures as approved;

WHEREAS, the zone boundary adjustment results in an increase in the area zoned Recreation Open Space;

WHEREAS, the Master Planned Development Approval also requires the existing zoning to be modified to add the "MPD" designation referencing the approved Large Scale MPD;

WHEREAS, the Planning Commission held a public hearing on the proposed rezone on February 11, 1998 and the City Council held a public hearing on March 26, 1998;

WHEREAS, it is in the best interest of Park City to amend the Official Zoning Map of the City and the rezone is consistent with the General Plan as proposed;

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

SECTION 1. Zoning Map Amended. The Zoning Map of Park City is hereby amended to change the zone boundary of the Recreation Open Space Zone and Recreation Commercial Zone as depicted on Exhibit A.

SECTION 2. Effective Date. This ordinance shall take effect upon publication.

DATED this 26th day of March, 1998

PARK CITY MUNICIPAL CORPORATION

_____

BRADLEY A. OLCH, MAYOR

ATTEST:

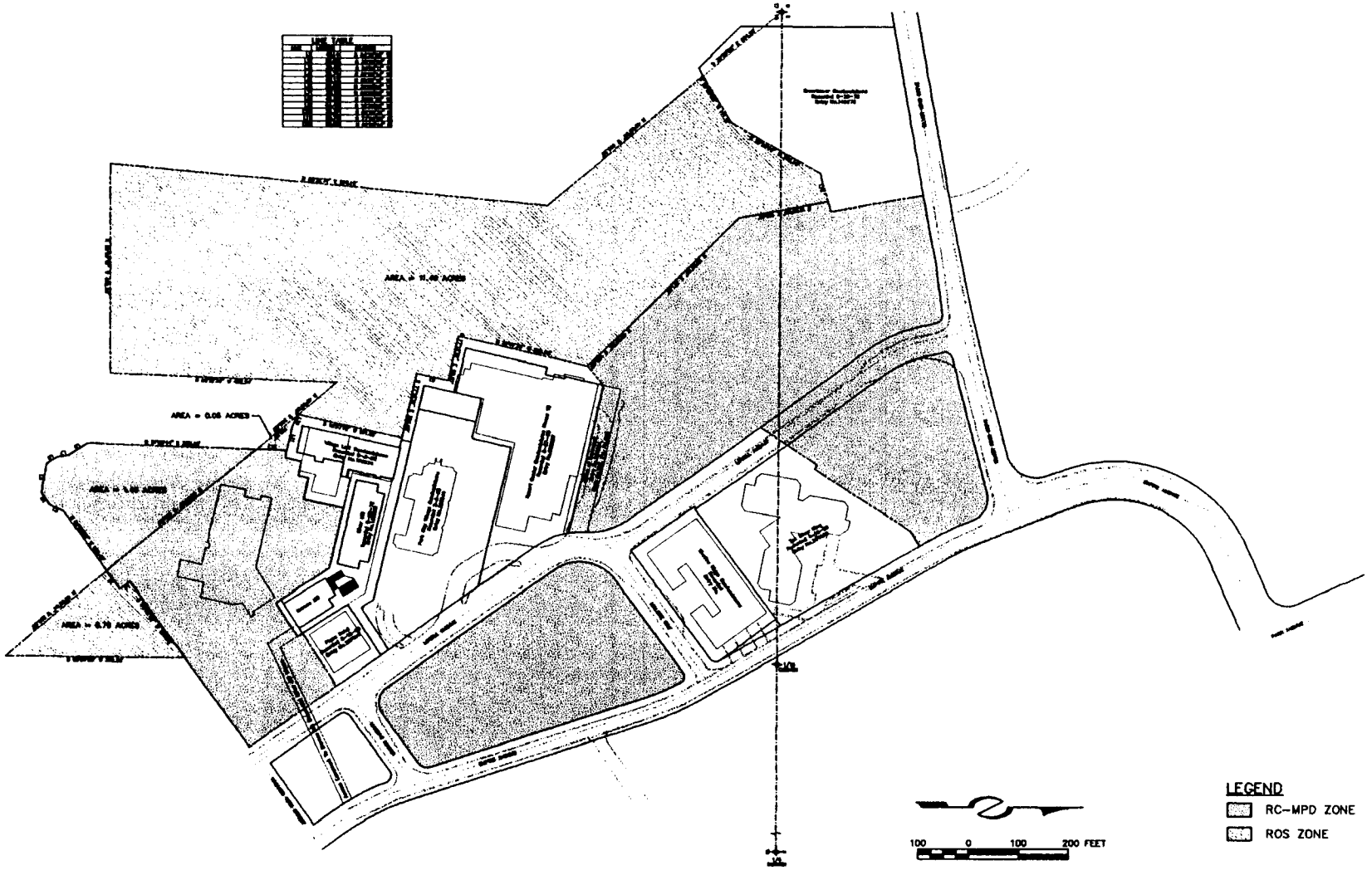
_____

Jan Scott, City Recorder

APPROVED AS TO FORM:

_____

Jodi Hoffman, City Attorney




| | | | | |
|---|---|---|---|---|
| Alliance | REVISED: | STAFF: J. DEMKOWICZ D. CARDWELL | PAGE 1 OF 1 | PARK CITY MOUNTAIN RESORT RE-ZONE EXHIBIT |
| | | DATE: 4-1-97 | | FOR: PARK CITY MOUNTAIN RESORT |
| | | | | JOB NO.: 9-12-96 FILE: \PCMR\ZONING |

PARK CITY
1884

# CITY COUNCIL STAFF REPORT

**DATE:** April 9, 1998
**DEPARTMENT:** Planning Department
**AUTHOR:** Alison Kuhlow
**TITLE:** Amendment to Title 12, Signs, of the Park City Municipal Code
**TYPE OF ITEM:** Consent

---

**SUMMARY RECOMMENDATIONS:**
Staff requests that the City Council adopt the attached Ordinance amending Section 12-10-2(C), Construction/ Project Marketing Signs, and Section 12-9-2(G)(5), Free-Standing Signs, of the Sign Code, Title 12 of the Municipal Code of Park City.

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**A. Topic:**
Proposed amendment to Title 12, Signs, of the Municipal Code.

**B. Background:**
The City Council held a public hearing regarding the proposed changes to the Sign Code on February 19, 1998 and March 5, 1998. At that time, public comments were taken and the bulk of the proposed revisions were adopted. Staff was given direction on several issues and asked to revise text within the code in relation to Construction and Project Marking Signs (P.M.S).

The amendments before you tonight are directed at:
1. New language for Construction and Project Marketing Signs,
2. an amendment to the zoning restrictions for free-standing signs that would allow them within the RDM and RCO zoning districts, and;
3. clarification on Directory Signs and Real Estate Open House Signs.

**C. Analysis:**
Staff received a letter from Bob Wells on March 31, addressing issues which he felt were left outstanding. Staff reviewed the letter (Please see Attachment B) and has addressed the three points below.

(1) Request to add Master Planned Developments (MPD) and Conditional Use Permits (CUP) to the list when specifying zoning restrictions for individual sign types.
MPD's and CUP's are not separate zoning districts, but specific uses within a zoning district. When referring to setbacks, height, signs and other site specifications an applicant would look at the zoning

for the parcel for the site specifications. MPDs and CUPs are uses within a zone and therefore staff has not incorporated the MPD and CUP text within the Zoning Restrictions since they are not zoning districts.

(2) Directory Signs.
Staff has added language within the current amendment to modify the first sentence regulating Directory Signs to include commercial and *residential* multi-tenant projects.

(3) Open House Signs
Staff has added language within the current amendment to modify the language for Open House Signs. The Code now reads, "Real Estate Signs in conjunction with an open house shall be displayed *off premise* only immediately prior to and during the open house and shall be removed at sundown."

Project Marketing Signs
The following text regulating Construction and Project Marketing Signs is a result of the issues discussed between Council, Staff and the public, at the previous public hearings. The regulations allow for the initial marketing of projects during their construction. Staff redefined the time period which originally required the Project Marketing Sign to be removed upon the installation of the permanent sign for the project. The Project Marketing Sign can now remain until the last temporary certificate of occupancy is issued for the project. Temporary certificates of occupancy are issued per building by the Building Department. Once a temporary certificate of occupancy is issued for a building the units are available to be occupied. Only minor issues are left outstanding, such as the lighting, railings, and landscaping and are covered under the issuance of final certificate of occupancy.

© **Construction/Project Marketing Signs**. Because of the unique need to identify construction projects clearly for material suppliers, deliveries, and construction workers, temporary construction signs are permitted subject to the following regulations. The sign will be separated into two sections; one portion of the sign will be limited to the Construction Information and the other portion will be limited to the real estate information to allow for the initial marketing of projects during construction.

(1) Size. Residential projects containing four (4) or more dwelling units, and/or commercial projects containing four thousand (4,000) square feet or more of commercial floor area, are allowed one Construction/Project Marketing Sign on the property in conjunction with a project under development or construction. The total sign area of the Construction/Project Marketing Sign shall not exceed thirty (36) square feet in area, but shall be divided to allow sign area for construction and real estate information. The sign area identifying real estate information may not exceed twenty four (24) square feet in area. The construction information is limited to a total sign area of twelve (12) square feet.

(2) Height Limit. Construction/Project Marketing Sign may not exceed seven (7) feet in vertical height from the ground at the point where the sign is located. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(3) Number of Signs. One (1) Construction/Project Marketing Sign is permitted per project.

(4) Setback and Orientation. Temporary signs on construction sites may not be closer than

twenty (20) feet to the curb line, or edge of pavement if there is no curb, of the street on which the project fronts, which is the street providing access to the project. If that twenty (20) foot setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but not more than ten (10) feet outside of the construction limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or sideyard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way. No portion of the sign may extend above the barricade or fence.

Construction/Project Marketing Signs must be located in a manner that does not obstruct the view, for normal passenger vehicles, of adjoining streets from the driveway of the site to the adjoining street.

Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the Community Development Director, may grant an exception to the sign setback standards, but not the size or street orientation standards. In no event may Construction/Project Marketing Signs, subject to the setback requirements, be placed within the public right-of-way.

(5) Zoning Restrictions. Construction/Project Marketing Signs are permitted in all zoning districts.–Upon project final approval by Staff, Planning Commission, or City Council, the Project Marketing Sign shall be installed for a time period of six (6) months. If a grading or building permit is not issued by the Building Department withing six (6) months of the approval date, the Project Marketing Sign shall be removed. If a grading or building permit is issued by the Building Department within six (6) months of the approval date, the Project Marketing Sign is permitted until such time as the last temporary certificate of occupancy is issued for the project. If the sign was removed, it shall be reinstalled upon the issuance of a grading permit and shall remain until the list temporary certificate of occupancy is issued for the project.

If at any time during a phased project the sign is removed, it may reinstalled as long as there is an open building permit for the project, and the last temporary certificate of occupancy has not yet been issued.

(6) Content. A Construction/Project Marketing Sign may identify a new development, the contractor, builder and/or financial institution and may include a plat map and real estate information. A Construction Sign may not contain sale prices.

(7) Design. Construction/Project Marketing Signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Construction/Project Marketing Signs, because of their larger size and the increased risk of disruption nearby, shall be mounted on at least two (2) four inch by four inch (4" x 4") posts with back bracing, or such other means that comply with the Uniform Sign Code's standards for installation. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.

(8) Illumination. Illumination of Construction/Project Marketing Signs is prohibited.

Although the proposed regulations for Project Marketing Signs require additional Staff time in tracking the time lines for each Project Marketing Signs, Staff is confident that the new regulations will result in better initial marketing for construction projects without cluttering the City's rights-of-ways with signs.

On April 2 staff received a letter from Kim McGuire, Attachment B, in regards to the proposed language on Construction/Project Marketing signs. Mr. McGuire believes that the temporary sign should stay up past the issuance of the last temporary certificate for at least a period of six months. The staff does not support this option but will make any corrections at the direction of the Council.

**RECOMMENDATION:**
The Planning Department requests that the City Council approved the attached ordinance based on the following findings with the following conditions;

**D. FINDINGS OF FACT:**

1. A uniform sign code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

2. It is in the best interest of the community to develop standards for Project Marketing Signs so that there is consistent criteria for review of sign applications and the community has clear notice of the Sign Code standards; and

3. The City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying business locations, to facilitate traffic regulation, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

4. The Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Sign Code;

**CONCLUSIONS OF LAW:**

1. The proposed ordinance is consistent with the Park City Land Management Code, the General Plan and State and Federal requirements.

**EXHIBITS:**
Exhibit A - Proposed Amendment to the Sign Code Section 12-10-2(c)
Exhibit B- Letters

# ATTACHMENT A

**Ordinance No. 98-**

**AN ORDINANCE AMENDING AND REORGANIZING THE SIGN CODE, TITLE 12 OF THE MUNICIPAL CODE OF PARK CITY**

WHEREAS, a uniform sign code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of sign applications and the community has clear notice of the Sign Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying business locations, to facilitate traffic regulation, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

WHEREAS, the Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Sign Code;

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

**SECTION 1. AMENDMENT TO CHAPTER 12, SECTION 12-9-2(C), OF THE MUNICIPAL CODE OF PARK CITY.** Title 12, Section 12-9-2(C), of the Municipal Code of Park City is hereby amended to read as follows and table of contents adjusted accordingly.

© **Directory Sign**. Directory Signs shall be permitted to provide information for commercial and residential multi-tenant projects.

**SECTION 2. AMENDMENT TO CHAPTER 12, SECTION 12-9-2(G)(5), OF THE MUNICIPAL CODE OF PARK CITY.** Title 12, Section 12-9-2(G)(5), of the Municipal Code of Park City is hereby amended to read as follows and table of contents adjusted accordingly.

(5) Zoning restrictions. Free-Standing Signs may be allowed in the commercial zones GC, RM, RDM, and RC. Free-Standing Signs located in the Frontage Protection Zone or the HBC Zone require a Conditional Use Permit.

**SECTION 3. AMENDMENT TO CHAPTER 12, SECTION 12-10-2(C), OF THE MUNICIPAL CODE OF PARK CITY.** Title 12, Section 12-10-2(C), of the Municipal Code of Park City is hereby amended to read as follows and table of contents adjusted accordingly:

© ***Construction/* Project Marketing Signs ~~TEMPORARY SIGNAGE FOR CONSTRUCTION PROJECTS~~**. Because of the unique need to identify construction projects clearly for material suppliers, deliveries, and construction workers, and to allow for initial marketing, temporary construction ~~project entry~~ signs are permitted subject to the following regulations:

~~Temporary *Construction* Signs are to be may not be installed upon prior to granting of conditional use permits by the City for the project the Sign pertains to and or upon prior to the issuance of footing and foundation permits on permitted uses which do not require conditional use approval. On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the Sign, the Sign must be removed until permits are issued. Temporary project Signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the Sign may remain so long as construction continues on the project's initial construction. If a permanent Sign is constructed on the site, all temporary signage must be removed. When a project is owned by one party and units are being marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a Sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This Sign would be in lieu of standard real estate Signs. Until a Sign Permit is approved by the Community Development Department and issued by the Building Department. *The sign may then be displayed no more than one year from the date of issuance.* Project Identification Signs are permitted subject to the following regulations:~~

(1) Size. *Residential* projects containing four (4) or more dwelling units, and/or commercial projects containing four thousand (4,000) square feet or more of commercial floor area, are allowed one Construction/Project Marketing Sign on the property in conjunction with a project under development or construction. The sign will be separated into two sections; one portion of the sign will be limited to the Construction Information and the other portion will be limited to the real estate information to allow for the initial marketing of projects during construction. ~~*Three (3) square feet of signage area is allowed for each residential unit, provided that in no event may*~~ *The total sign area of the Construction/Project Marketing Sign shall not exceed thirty (36) square feet in area, but shall be divided to allow sign area for construction and real estate information.* The sign *area* identifying real estate information may not exceed ~~thirty-two (32)~~ twenty four (24) square feet in area. *The construction information is limited to a total sign area of twelve (12) square feet.*

~~are allowed one Construction/Project Marketing Sign on the property in conjunction with a project under development or construction. *Two (2) square feet of signage area is allowed for each one thousand (1,000) square feet of commercial floor area, provided that in no event may* The sign area may not exceed twenty four (24) square feet in area.~~

(2) Height Limit. Construction*/Project Marketing Sign* may not exceed ~~ten (10)~~ seven (7) feet in vertical height from the ground at the point where the sign is located. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

(3) Number of Signs. One (1) Construction/Project Marketing Sign is permitted per project ~~access point~~.

(4) Setback and Orientation. The Construction/project Marketing sign on construction sites may not be closer than twenty (20) feet to the curb line, or edge of pavement if there is no curb, of the street on which the project fronts, which is the street providing access to the project. If that twenty (20) foot setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but not more than ten (10) feet outside of the construction limits of the disturbance. In the HCB Zone, and the Prospector Commercial Subdivision, and other areas ~~*which*~~ *that* have been

approved or zoned with no setback or sideyard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way. No portion of the sign may extend above the barricade or fence.

Construction/Project Marketing Signs must be located in a manner that does not obstruct the view, for normal passenger vehicles, of adjoining streets from the driveway of the site to the adjoining street.

Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the Community Development Director, ~~*or some member of that department, so authorized,*~~ may grant an exception ~~*of*~~ *to* the sign setback standards, but not the size or street orientation standards. In no event may Construction/Project Marketing Signs, subject to the setback requirements, be placed within the public right-of-way.

(5) Zoning Restrictions. ~~Temporary~~ Construction/Project Marketing signs are permitted in all zoning districts. Upon project final approval by Staff, Planning Commission, or City Council, the Project Marketing Sign shall be installed for a time period of six (6) months. If a grading or building permit is not issued by the Building Department withing six (6) months of the approval date, the Project Marketing Sign shall be removed. If a grading or building permit is issued by the Building Department within six (6) months of the approval date, the Project Marketing Sign is permitted until such time as the last temporary certificate of occupancy is issued for the project. If the sign was removed, it shall be reinstalled upon the issuance of a grading permit and shall remain until the list temporary certificate of occupancy is issued for the project.

If at any time during a phased project the sign is removed, it may reinstalled as long as there is an open building permit for the project, and the last temporary certificate of occupancy has not yet been issued.

~~*Project Identification Signs are to be may not be installed upon prior to the granting of conditional use permits by the City for the project the sign pertains to. and or upon*~~ ~~the issuance of footing and foundation~~ ~~*permits. on permitted uses which do not require conditional use approval.*~~ ~~On conditional uses, if the footing and foundation permits have not been taken out within six (6) months of the erection of the sign, the sig*n must be removed until permits are issued. Temporary construction Signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a subsequent phase is commenced during that time, the sign may remain so long as construction continues on the project's initial construction. If a permanent sign is constructed on the site, all temporary sign~~*sage*~~ must be removed. When a project is owned by one party and units are being marketed, but the time limit is beyond the 30 days after a certificate of occupancy is issued, the Community Development Director may authorize the temporary placement of a sign which is subject to the limitations of this section, except that it may be displayed for a period of 90 days. This sign would be in lieu of standard Real Estate Signs.~~

(6) Content. A Construction/Project Marketing Sign may identify a new development, the contractor, builder and/or financial institution and may include a plat map and real estate information. *A Construction Sign may not contain sale prices.*

(7) Design. ~~Temporary and yard~~ Construction/Project Marketing Signs~~, excluding construction~~

~~project entry signs,~~ shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. *Construction/Project Marketing* Signs, because of their larger size and the increased risk of disruption nearby, shall be mounted on at least two (2) four inch by four inch (4" x 4") posts with back bracing, or such other means that comply with the Uniform Sign Code's standards for installation. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that he entire message area of the sign is contained on the sign face itself.

(8) Illumination. Illumination of Construction/Project Marketing Signs is prohibited.

**SECTION 4. AMENDMENT TO CHAPTER 12, SECTION 12-10-2(D)(4), OF THE MUNICIPAL CODE OF PARK CITY.** Title 12, Section 12-10-2(D), of the Municipal Code of Park City is hereby amended to read as follows and table of contents adjusted accordingly.

(4) Setback and Orientation. Temporary signs are permitted in any zone, provided that they are located a minimum of twenty (20) feet back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty (20) foot distance would be within a structure, the sign may be within three (3) feet of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(I) and 12-8-1(m). On vacant lots, where there is no structure, the sign shall maintain the twenty (20) foot setback from the street.

Real Estate Signs in conjunction with an open house shall be displayed *off premise* only immediately prior to and during the open house and shall be removed at sundown.

**SECTION 5. FINDINGS OF FACT.**

1. A uniform sign code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

2. It is in the best interest of the community to develop standards for Project Marketing Signs so that there is consistent criteria for review of sign applications and the community has clear notice of the Sign Code standards; and

3. The City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying business locations, to facilitate traffic regulation, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

4. The Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Sign Code.

**SECTION 6. CONCLUSIONS OF LAW.** The City Council hereby concludes that the proposed amendment is consistent with the Park City Land Management Code, General Plan, and State and Federal requirements.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of April, 1998.

PARK CITY MUNICIPAL CORPORATION

_____
Bradley A. Olch, Mayor

ATTEST:

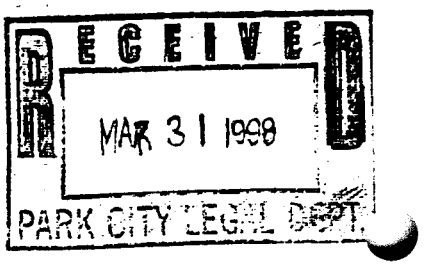
_____
Jan Scott, City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, Deputy City Attorney

Exhibit B

DEER VALLEY®




Executive Offices

March 27, 1998

Jodi Hoffman
City Attorney
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

Re: New Sign Ordinance

Dear Jodi:

At the March 19 meeting of the City Council during which the new sign ordinance was adopted I raised a few questions where I did not think closure was occuring in the ordinance or where I felt clarification was desirable. Megan and Allison responded to these but as I have reviewed them again I still think that I am correct and that there are some technical errors that need correcting. They include:

1. Item 1 on the enclosed memo. The ordinance specifically calls out the zoning districts in which each category of sign is allowable. There is no provision anywhere in the ordinance that deals with signage in master planned developments in zoning districts that are not included in the ordinance specified districts. Meg indicated that this could be dealt with in the MPD or CUP processing in master planned developments. However, I find nothing in the Land Management Code generally or in Chapter 10 dealing with MPDs that addresses this or that would override a prohibition in another ordinance. If the answer was to solve the problem in the Land Management Code the result would be a different type of processing than the principally administrative processing provided for signage in the new ordinance. I don't see why an addition to the allowable zoning districts for the different categories of signage that would permit

1

**Public Comments**
Letter from Bob Wells,
Deer Valley Resort Company

that category of signage in approved Master Planned Developments in other zones would be objectionable.

2. Item 5 on the enclosed memo. The introductory sentence under Directory Signs in the new ordinance reads "Directory Signs shall be permitted to provide information for commercial multi-tenant projects." Sections 5 and 6 under Directory Signs deal with both commercial and residential multi-tenant projects. One or the other of these has to be wrong and since items 5 and 6 deal with all multi-tenant projects I assume that the introductory sentence is incorrect.

3. Item 7 on the enclosed memo. The ordinance is in conflict with respect to Real Estate Signs and real estate Open House Signs. Real Estate Signs are limited to one per property in the ordinance. Temporary Open House Signs for real estate are exempted from the prohibition of portable signs in Chapter 7 but they must comply with Section 12-10-2(D) which would include the limit of one per property and would also include the requirement of being on premises. The discussion at the meeting as I heard it was that the intent was to allow Open House Signs, limited to three per open house and they did not have to be on premises. However, this was not included in the adoption motion.

Thanks for your time.

Sincerely,

DEER VALLEY RESORT COMPANY

By _____

Bob Wells

March 19, 1998

To: Mayor and Park City Council
From: Bob Wells - Park City Chamber / Bureau Board of Directors

The Chamber / Bureau Board of Directors thanks you for taking many of our recommendations into account in arriving at a new sign regulation ordinance. We would like to take this last opportunity to submit comments in several areas where our recommendations have not been incorporated into the proposed ordinance or where we think there is a need for clarification.

1. Many categories or signs are limited to certain zone districts, principally the commercial zone districts. There is no provision to allow these signs in Master Planned Developments in other zone districts that include commercial activity. Examples include Awning and Canopy Signs, Changeable Copy Signs, Display Boxes, Entrance / Exit Signs, Free Standing Signs, Hanging and Projecting Signs, Luminous Tubes, Menu Signs, and Umbrella Signs.

2. Subdivision Signs are indicated as prohibited in the RD zone where most residential subdivisions are located, e.g. Park Meadows, Thaynes, Deer Valley, etc. Is this intended?

3. Subdivision signs are prohibited in setback areas. Many or most subdivisions do not contain common areas and the only location available might be on an individual lot with the permission of the owner. Most often the residence will be built to the front setback line. What is wrong with a subdivision sign being located within a setback area so long as it is far enough behind curb to allow for snow storage?

4. We proposed a formula for total sign area based on lineal feet of building(s) that was intended to overcome a burdensome limitation on larger complexes, but with a maximum limitation of 5% of building facade. The formula has not been incorporated into the proposed ordinance but it is provided that the Community Development Director can allow signage up to 5% of the building facade. We appreciate this discretion being at the staff level and hope or recommend that this will evolve into a policy that will be relatively liberal as opposed to limiting.

5. The first sentence under Directory Signs limits use to commercial multi-tenant projects. The remainder of the regulations refer to either commercial or residential diretories. We assume that the intent is not to limit to commercial and that the introductory sentence should be modified. A Directory Sign is limited to 20 sf and in a multi building project all directories are combined for purposes of the total 20 sf limitation. We feel that this is too limiting. Perhaps a compromise if there are multiple buildings in a project would be to limit the individual directories to 10 sf but not place the overall 20 sf limitation on the total.

April 2, 1998 **BY FAX:655-9810**

City Council Members
Park City Municipal Corporation
P.O. Box 1480
Park City. UT 84060

Attn: Alison Kuhlow
Re: Sign Ordinance Revisions
Project Marketing Signs

Dear City Council Members:

I have reviewed Planning Staffs revised sign ordinance as it pertains to Project Marketing Signs and agree that it reasonably and fairly addresses the issues of 1) pre-construction marketing and 2) marketing of phased projects.

However, the proposed ordinance continues to unreasonably restrict the marketing of projects when marketing is most appropriate. The proposed ordinance still requires that the sign come down upon issuance of the temporary certificate of occupancy for the last constructed unit.

It is precisely at this moment that the project is most at risk: the construction debt is maximized and the costs of carrying the project (interest costs) are at the maximum. It is also precisely at this moment that the project is most marketable: the project is readily accessible for the first time, all of the construction debris is gone, and the project is brand new and most appealing. Accordingly, it is precisely at this moment that good marketing is most required.

If you feel that allowing the sign to remain for one full year after the issuance of a temporary CO is too long, then please consider a 6-month period with an extension if circumstances dictate.

It is imperative that the ordinance allows for an extension if circumstances warrant one. This extension could be administrative upon appeal to the Community Development Director, or the process could include the Planning Commission or the City Council. If you do not provide for an extension process, then Due Process could preclude the City from doing what is necessary during problem times. The U.S. economy will certainly be in recession sometime again.

**Public Comments**
Letter from Kim McGuire
Pine Inn Partners/Trail's End at Deer Valley

Please consider all of the above. What is the point of approving an ordinance that is obviously flawed at its inception? Thank you for your consideration.

Sincerely,

Kim R. McGuire, General Partner
Pine Inn Partners/Trail's End at Deer Valley

PARK CITY

**DATE:**
**DEPARTMENT:** Public Affairs
**AUTHOR:** Matt Twombly MT
**TITLE:** Fourth Street Stairs Reconstruction
**TYPE OF ITEM:** Award of Construction Contract

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**SUMMARY RECOMMENDATIONS:** Staff requests direction to proceed with the reconstruction of the Fourth Street Stairs. Staff recommends that Council accept a reasonable construction bid, and direct staff to proceed with award of contract and the tentative construction schedule.

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**DESCRIPTION:** Staff and Alliance Engineering have proceeded with the design and production of construction documents to reconstruct the Fourth Street Stairs between Park Avenue and Woodside Avenue. The project completion date is July 31, 1998. The advertisement to bidders was legally noticed on February 28 and 29, 1998 and the sealed bids were opened on March 31, 1998. The apparent low bid is for $60,793 by Spectrum Construction. The second low bid was from Theide Construction Corporation for $91,771.

**A. Analysis:** The apparent low bid for $60,793 is $31,000 less than the second low bidder and $48,000 below the Engineer's estimate. This raised the question of whether or not the contractor can perform. Staff has requested information to further justify Spectrum's figures. Spectrum Construction could not justify their figures and it was determined that they could not perform to the contract as bid. The second low bid is from Theide Construction Corporation for $91,771.

**B. Department Review:**
Building Department and Building Inspector
Planning and Engineering
Public Works and Building Maintenance
Legal

**ALTERNATIVES:**

**A. Approve the Request:** Award the construction contract to Theide Construction for $91,771, and direct staff to proceed with the reconstruction of the Fourth Street Stairs consistent with prior instructions.

**B. Deny the Request:** This alternative appears to be an option if construction bids are unreasonably high as determined by the Council. Should Council decide not to award a contract to reconstruct the Fourth Street Stairs, the present stairway will remain in its present condition

which is potentially hazardous to the public that they service.

C. **Continue the Item:** The bids may require more extensive analysis than time allows in the April 9th meeting. If this is the case, there is no set time before the bids expire. The consequence of continuance may impact the present construction schedule.

**SIGNIFICANT IMPACTS:**

Fiscal

There is currently a total of approximately $187,500 available in applicable Old Town Stairs accounts: $5,500 in the Old Town Stairs MBA; $128,000 in the Old Town Stairs Main Street RDA; $54,000 in the Old Town Stairs CIP.

Other

The existing stairs would not be usable until completion, which is set for July 31, 1998. There are new stairs on 3rd and 5th Street which would provide adequate temporary access.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:** In the event that Council determines the bids to be unreasonably high then the design and bid process would need to begin anew and greatly impact the construction schedule.

If Council decides not to pursue the project, the existing stairway would remain in their present and potentially hazardous condition.

**RECOMMENDATION:** Staff requests that Council review the reasonableness of the bids and consider awarding the contract, so that the tentative construction schedule can be met. Staff recommends that a reasonable bid be approved, with direction to proceed with award of contract.

PARK CITY

**DATE:**
**DEPARTMENT:** Public Affairs
**AUTHOR:** Matt Twombly MT
**TITLE:** Eleventh Street Stairs Reconstruction/ Construction
**TYPE OF ITEM:** Award of Professional Services Provider Contract

---

**SUMMARY RECOMMENDATIONS:** Staff requests direction to proceed with the design, engineering and management of the reconstruction/ construction of the Eleventh Street Stairs. Staff recommends that Council accept a reasonable engineering service provider proposal, and direct staff to proceed with award of contract and the tentative schedule.

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**DESCRIPTION:** Since Council's determination that the Old Town Stairs were to be a high priority, Staff has proceeded with the prioritization of the remaining Old Town Stairs to be reconstructed or constructed. Staff determined that the Eleventh Street Stairs between Woodside Avenue and Norfolk Avenue should be the next set to be reconstructed.

Staff suggests that at this time the City should concentrate on repair of existing stairs and delay the construction of new stairs. To provide an economy of means to the engineering process Staff requested proposals for design and engineering on all three blocks of stairs for the entire right of way, and in addition the bidding and management of the block of stairs between Woodside and Norfolk to be reconstructed this season.

**A. Analysis:** With both Engineering Service Provider's experience and performance record being equal, the determining factor in regards to selection is price. Evergreen Engineering submitted a proposal of $23,780 as compared to Alliance Engineering who submitted a proposal for $21,000 for the same proposed scope of work.

**B. Department Review:**
Building Department and Building Inspector
Planning and Engineering
Public Works
Legal

**ALTERNATIVES:**

**A. Approve the Request:** Award the engineering service contract to Alliance Engineering for $21,000 and direct staff to proceed with the design and engineering of the three blocks of Stairs within the Eleventh Street right of way and the bidding and management of the reconstruction of the stairs between Woodside and Norfolk consistent with prior instructions.

**B. Deny the Request:** This alternative appears to be an option if engineering services bids are unreasonably high as determined by the Council. Should Council decide not to award a contract for the design, engineering, bidding and management to reconstruct/ construct the Eleventh Street Stairs, the existing stairway will remain in its present condition which is potentially hazardous to the public that they service.

**C. Continue the Item:** The proposals may require more extensive analysis than time allows in the April 9th meeting. If this is the case, there is no set time before the proposals expire. The consequence of continuance may impact the present construction schedule.

**SIGNIFICANT IMPACTS:**

Fiscal

There is currently a total of approximately $76,500 available in various Old Town Stairs accounts: $17,000 Old Town Stairs RDA; $5,500 Old Town Stairs MBA; and $54,000 in the Old Town Stairs CIP. We are only awarding the design contract at this time. Actual construction would be funded by the lower Park Avenue bond proceeds.

Other

The existing stairs would not be usable during construction, which is tentatively set for the period of time from July through October 1998.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:** In the event that Council determines the bids to be unreasonably high then Staff would need to remove a portion of the work and request new proposals on the new scope of work. If Council decides not to pursue the project, the existing stairway would remain in their present and potentially hazardous condition.

**RECOMMENDATION:** Staff requests that Council review the reasonableness of the proposals and consider awarding the contract, so that the tentative construction schedule can be met. Staff recommends that a reasonable proposal be approved, with direction to proceed with award of contract.

PARK CITY
1884

**DATE:** April 6, 1998
**DEPARTMENT:** Facilities and Special Events
**AUTHOR:** Melissa Call
**TITLE:** City Park Amplified Music Request
**TYPE OF ITEM:** Policy Exception

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**SUMMARY RECOMMENDATIONS:** That Council deny this request until such time as the current policies regarding amplified music in City Park are revisited, or until the Parks, Recreation and Beautification Board and City Council adopt new, broad-spectrum policies regarding amplification of music in the Park.

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**A. Topic:**

Request for amplified music in City Park for a special event.

**B. Background:**

For the past several years, it has been City Council's policy to allow amplified music in City Park only under certain circumstances: 1) for the Park City Chamber Bureau's community Concerts in the Park on Wednesday nights and 2) for "public holidays" such as Miners Day , 4th of July and Christmas in the Park. This issue arose again a few years ago when it was requested that there be allowed a "Battle of the Bands" in City Park. It was decided at that time that only during the above-mentioned events would amplified music be allowed and the "Battle of the Bands" exception was denied.

**C. Analysis:**

The Cancer Wellness House is requesting that amplified music be allowed for its Walk-a-thon and community celebration between the hours of 11:30 am and 1:30 pm on July 18. Although the event seeks to provide amplified music only for two hours, this does present some philosophical questions Council may want to consider: 1) The Miners Hospital Community Center receives many requests from tenants leasing space at the community center for weddings, parties and receptions to allow amplified music in the area surrounding the Miners Hospital, which is currently not allowed outside, 2) Groups renting the north and south ends of City Park for reunions, parties, BBQs, etc. are currently not allowed amplified music at their functions, and, 3) The Parks Department receives an increasing number of requests for large special events in

City Park and routinely denies associated requests for amplified music in order to reduce neighborhood impacts.

The Parks Department is in the process of revising its Parks fee structures and policies. A committee comprised of staff, Chamber members, Parks and Rec Board and City Council liaison is currently considering philosophical and financial issues, especially with regards to "large" special events and those requesting amplified music. This might present an opportunity to review the amplified music issue as well. It is staff's concern that, while we feel there are valuable events such as the Cancer Wellness event which might warrant allowing some amplified music, this might set a precedent that could have significant negative impacts on the amplified music policy, competing uses in City Park, and adversely affect neighboring residents.

**D. Department Review:**

This topic has been discussed with both the Special Events Committee and Parks Departments.

**ALTERNATIVES:**

**A. Allow only this event an opportunity to host amplified music in City Park as part of its celebration.**

**B. Do away with the amplified music restriction altogether and allow amplified music in City Park.**

**C. Allow a certain number of large events per year to have amplified music in City Park and provide some sort of lottery or other criteria to determine who, what and when amplified music would be allowed.**

**D. Continue the item until such time as Council decides to revisit the amplified music in City Park issue.**

**D. Deny the request and uphold the current policy as it stands.**

**SIGNIFICANT IMPACTS:**
**Altering the current policy could significantly impact area residents and set a precedent for other amplified music requests.**

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:**
An exception for this event could cause many groups to apply to Council for a similar exception.

**RECOMMENDATION:**
Deny the above request until such time as City Council decides to make changes in the current policy.

# Cancer Wellness House

*Mickey Adams-Grames*
*M.L. Adams & Associates*

*Pamela J. Atkinson, V.P.*
*Intermountain Health Care*

*Deborah Bayle*
*American Red Cross*

*Colleen Bryan*
*Red Butte Gardens & Arboretum*

*Andrea M. Burke, R.N.*
*Salt Lake County Medical Society Alliance*

*Arlene G. Chemers, S.P.H.R. O.C.M.*

*Bonnie J. Dew, R.D., C.D.*
*National Black Leadership Initiative Against Cancer*

*Richard Frame, M.D.*
*American Cancer Society*

*N. Patricia Freston, Ph.D.*
*NPS Pharmaceuticals, Inc.*

*Don Gobel*
*Browning Arms*

*Irwin Goodman, Ph.D.*
*Community Representative*

*Mary C. Gordon, Esq.*
*Holme Roberts & Owen L.L.P.*

*David M. Hilbig, S.P.H.R. O.C.M.*

*Laurie Hofmann*
*Junior League of Salt Lake City*

*Gordon Jack, C.P.A.*
*Jack & Company*

*Patrick J. Johnson, M.P.A.*
*Utah Health Policy Commission*

*Anne Loeser*
*American Express*

*Karen McArthur, M.S., M.M.*
*McArthur Consulting*

*Robert Montgomery, M.D.*
*Utah State Senator*

*Dick Nourse*
*K.S.L.*

*Chieko Okazaki*

*Bradley A. Olch*
*Mayor, Park City*

*Sr. Alice Mary Quintana, C.S.C.*
*Catholic Diocese of Salt Lake*
*Holy Cross Ministries*

*Alene M. Russon, R.N., M.S.N.*
*Salt Lake Regional Medical Center*

*Joseph V. Simone, M.D.*
*Chair Professional Advisory Committee*
*Huntsman Cancer Foundation*

*Lily Smith*
*Utah State Medical Society Alliance*

*Christine St. Andre*
*University of Utah Hospitals and Clinics*

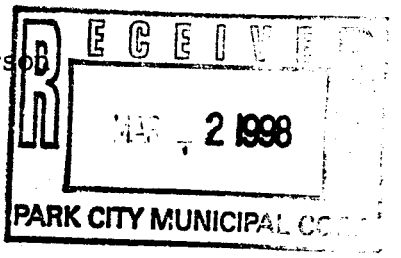
*Lynn Tempest*
*Community Representative*

*Kay Waxman*
*Chairman of the Board*

*Doreen Weyland*
*Patient Advocate*

Tika Beard
Executive Director

February 30, 1998




Ms. Jan Scott
Park City Council Agenda Chairperson
P.O. Box 1480
445 Marsac Avenue
Park City, UT 84060

Dear Ms. Scott:

Melissa Call, Special Events P.C., asked me to contact you to have you put our agenda on the City Council Appointment Calendar so we may have a chance to go before the Council with our issue. We have an upcoming event benefitting the Cancer Wellness House. Said event has been approved by all the necessary city agencies as of today's date. We're hosting a 5K & 10K Walk-A-Thon, Bar-B-Que and Music Day to raise money for a Cancer Wellness House here in Park City. In fact, our Mayor, Bradley Olch and others from the community serve on the Board of Directors of CWH, Salt Lake. Our day is planned as a community event, offering a fun-filled day for families and friends from Park City and the surrounding areas. No alcohol will be served.

The Motherlode Band, headed by Parkite Dana Williams, has volunteered the services of his band to play for a couple of hours mid-day from approximately 11:30 a.m. until 1:30 p.m. on Saturday, July 18, 1998 at the Miner's Hospital Bandstand. We are seeking permission from Council to amplify the band to a reasonable decible level so the music can be appreciated but not be annoying to residents and/or businesses. Enclosed is information on the Cancer Wellness House should Council like to see it. I await to hear from you regarding a scheduling date needed to seek authorization from Council to amplify the music in the Bandstand at Miner's Hospital parkgrounds. My telephone number is 655-9949. Thank you for your assistance.

Very truly yours,

Frances M. Umlauf
Chairperson

Enclosure

59 South 1100 East
Salt Lake City, Utah 84102
Phone: (801) 236-2294
Fax: (801) 236-2164