PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 24, 2005

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

Tom Bakaly, City Manager; Tim Twardowski, Assistant City Attorney; Phyllis Robinson, Consultant; and Kent Cashel, Deputy Public Works Director; Colin Hilton, Economic Development Director

Carol Potter, Trails Foundation; Peter Roberts and Elizabeth Swank, Arts Council;

1. **Council questions/comments.** Jim Hier reported on meetings he attended recently including the Chamber/Bureau Board, HMBA, Interagency, and a joint meeting with the School District and the Snyderville Basin Recreation District. Candace Erickson stated that she attended a Library Board meeting and the mayors and councils meeting hosted by the Summit County Commission. The cooperative clean-up day project was discussed and she pointed out that UDOT will be working on Browns Canyon this year. The two-year jurisdictional transfer task force will be meeting in interim committee to decide which roads to *"dump"* on communities and Ms. Erickson urged staff to become involved to protect our interests. Additionally, Road B and C funds will be adjusted per mile. The Canyons/Park West and Sun Peak /Old Ranch Road Intersections are slated for realignment this summer. She also reported on the joint meeting with the School District and Recreation District and urged Council to consider participating in the Summit County Fair parade this summer. Mayor Williams pointed out that the Rotary, Boys and Girls Club, BFI, UDOT and others have committed to Clean-Up Day on May 7 and suggested hosting a community barbecue at City Park for volunteers. He plans on attending the quarterly environmental meeting next week with the legislature, who will be formulating a state renewable energy bill next year. Council member Hier stated that he will be serving on the economic committee relating to the Deer Crest Inter-local Agreement. He pointed out that SB7, tourism bill, didn't actually pass this year because of a minor language change in the draft from the House to the Senate. It will return during special session in final form to be reviewed and adopted.

2. **Sound garden.** Phyllis Robinson stated that this work session is a follow-up to the introduction of this project and to receive some feed-back from Council on the concept as a whole. The sound garden is planned at the south end of City Park adjacent to the skate park. Carol Potter reported that she spoke with neighbors who supported the project and she showed a film on the success of this project in Michigan, specifically with regard to community involvement. It is ideal to have a location where people can drop by and work with the artist to collaborate on building the instruments.

Ms. Robinson relayed that the Art Advisory Board is recommending a $20,000 grant from the public art budget to be used for the sound garden. The total project budget is $36,500 and $5,000 has been received from the Summit Institute, $3,500 in-kind support from Mountain Trails and another donor. The remaining $8,000 will be requested through the restaurant tax application process. She asked Council for feedback on its support of using art funds and the location of the sound garden on City property, as proposed. She commented on the irrigation project proposed in the area this summer and the need to conduct a soil test. Staff resources are tight and she asked Council's priorities with regard to moving this project forward.

Ms. Robinson stated that the arts strategic plan provides for commissioned art which requires approval from City Council; however, this procedure creates a conflict with the normal purchasing policy requiring an RFP process. Tom Bakaly acknowledged that $20,000 triggers an RFP, but rather than issuing a formal RFP, he suggested making reasonable attempts to obtain three quotes. Peter Roberts pointed out associated problems with advertising a concept that is the artist's intellectual property. Carol Potter emphasized that the $20,000 also includes supplies and equipment. Jim Hier suggested that the City purchase the materials, and the City Manager advised that the purchasing policy prohibits splitting apart the bid by way of vendor and supplies. He agreed with concerns associated with intellectual property, but pointed out that there was no public process soliciting ideas for the south-end of City Park. If Council supports moving ahead with this artist, Tom Bakaly suggested that the purchasing policy be amended.

Marianne Cone viewed the artist as more of a facilitator for a community project and pointed out that commissioned art is part of the public art policy. The City Manager explained that there is a capital improvement fund containing $200,000 and the public art advisory board is charged to make recommendations to Council. The public art policy identifies commissioned art but it doesn't contemplate a selection process and he again suggested amending the purchasing policy to allow procurement of commissioned art without a selection process for contractors. In response to a question from Jim Hier, he explained that purchases over $10,000 require obtaining quotes and over $20,000 require an RFP process.

Peter Roberts added that the sound garden will be partially funded with the Brian Hess Memorial Fund and there was discussion about incorporating local artifacts in the piece. Elizabeth Swank spoke about the Art Council's role in fiscally managing projects and offered setting up an account for the sound garden and any service charge could be waived. There was consensus among Council members to proceed with the sound garden project to be located at City Park. Jim Hier recommended that staff draft capital project priorities for Council's review and Ms. Erickson believed that the project may not require City assistance until installation. Phyllis Robinson advised that the sound

garden will require an approved CUP which is contemplated to be administrative. With regard to Mr. Hier's suggestion, it appears that the payment to the artist will be more than $10,000, absent the costs for materials. Jim Hier supported complying with the existing purchasing policy and to begin the advertising process to obtain quotes. Ms. Cone suggested that the $20,000 payment for the artist come from other funding sources and Ms. Robinson pointed out that there will still be $20,000 of public funds allocated to the project. Tom Bakaly felt that staff can get this accomplished if the City pays for materials. Peter Roberts relayed that the artist will be in town next week to answer questions. Discussion ensued about a construction area and the Mayor noted that Jans will be vacating its Main Street location and that area will be available and convenient for residents. Mr. Bakaly reiterated that staff will find a purchasing solution and will only return to Council, if necessary.

3. **Strategic plan for City properties with development potential.** Kent Cashel explained that the City Manager directed staff to formulate a draft strategic plan for properties with development potential, but there was no clear direction from Council or the public for the use of certain properties. After Council input today, a public forum will be conducted to obtain more input, and staff will return in May with a final plan for adoption. A strategic plan would not tie future councils to any particular use, but identifies what the vision is at a point in time. There are hundreds of pieces of City-owned property and the committee set limits of reviewing property larger than one half acre, no open space, and no easements and arrived at 16 properties. He referred to the report, and asked for direction on specific recommendations and whether to broaden the scope of the analysis. Additionally, staff is also looking for direction on the public involvement aspect and is suggesting conducting an open house. Jim Hier expressed his surprise by the size of the North 40 Parcel and asked if it could be used for event parking. Mr. Cashel explained that much of that property is vertical and there is an easement to the north but staff will explore parking options. Discussion ensued regarding the easement and the steepness of the land. Mr. Hier believed the City should focus on a long-term solution for Public Works and not waste money on short-term fixes. Kent Cashel agreed, but at this point, cost effectiveness is more of a timing issue. The required paved area needed at the facility for turning buses was explained.

The Mayor stated that he would like to see the campus at the Library and Education Center remain unimproved and left as an open green space and Council members agreed. Marianne Cone supported moving the historic house from Colman to the Wisnewski lot, as recommended. The Mayor complimented Mr. Cashel on the quality of his report. Candace Erickson agreed with Mr. Hier about investing in permanent improvements for Public Works rather than temporary structures to house equipment. There was consensus to hold an open house. Colin Hilton pointed out that there are three potential uses associated with the old sewer treatment plant, including a fire

station, water treatment, and a neighborhood park, which RAB is considering. It was agreed to present all of the ideas to the public through the open house forum.

4. **Review of regular meeting.** N/A.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 24, 2005

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 24, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Tim Twardowski, Assistant City Attorney; Jonathan Weidenhamer, Planner; Kirsten Whetstone, Planner, Brooks Robinson, Planner; Craig Sanchez, Golf Manager; Kent Cashel, Deputy Public Works Director; and Jeff Schoenbacher, Environmental Specialists.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Mayor's Youth Award - Robert Malcolm – Mayor Williams explained that Robert Malcolm received a Prudential Spirit of Community Award honoring outstanding community service by young Americans. Robert Malcolm explained that last year, when he was in 7th Grade, he conducted a community service project and collected over 800 items of winter clothing. He also created a 501(c) non-profit organization for tax benefits for donors and distributed the items to a variety of organizations. The Mayor commented on the importance of volunteerism and thanked Mr. Malcolm for his contributions to Park City.

2. Signing of conservation easements – Summit Land Conservancy – The Mayor signed easements for five parcels in Round Valley, part of the Rail Trail, and a Rossi Hill parcel. The President of the Summit Land Conservancy thanked the Mayor and Council for including them in preserving these parcels. The citizens of Park City feel strongly about protecting open space.

3. Council disclosures – Joe Kernan disclosed that both Talisker and Park City Corporation are both his customers.

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

The Mayor invited public input.

1. Request from Centura Development - Craig Elliott, Elliott-Mahoney Architecture, discussed changes in the GC District in the Prospector, Kearns and Bonanza areas and felt it is timely to master plan the properties. Centura is talking with other property owners to work toward the redevelopment of the area. He asked the City to facilitate a master plan or charette. Mayor Williams relayed that the Council will be meeting with the Planning Commission on March 31 and he believed members will be open to consideration.

2, Park City Work Force Office - Melissa Finch, Department of Work Force Services, notified the Council that the Park City office will be closed by the end of the year but outreach services will still be offered through its Heber office. A full service office in Park City is prohibitively expensive, but there are many on-line services and applications available to users. The Mayor thanked her for their services over the years.

3. Renewable Energy Conference – Insa Riepen introduced David Bates and thanked Council for its support of the conference which was very successful last year. This year it will be held on April 5 from 8:30 a.m. to 4 p.m. at the Wasatch County Library and Senior Citizen Center in Heber. Mr. Bates spoke about his associated project relating to farming and urged the Council and public to attend.

4. Outdoor display of merchandise – Mike Imonti, Utah Ski and Golf, stated his expressed interest in purchasing the historic National Garage across the street on Park Avenue. He spoke about his interest in renovating the structure to accommodate an expansion of his business and also relayed his construction experience. He referred to the ordinance regulating outdoor displays which allows bicycles, kayaks and canoes. He recently purchased scooters for rent and encouraged Council to redefine the ordinance so that his moped rentals meet criteria. The City Manager responded that there will be a discussion on the outdoor display of merchandise in April. He pointed out that the ordinance contemplates display on private property only while he understood the scooters were located in public parking spaces which would not be allowed even in an expanded ordinance. Joe Kernan asked for an option compensating the City for street parking.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 3, 2005 AND MARCH 10, 2005

Joe Kernan, "I move to approve the work session notes and minutes of March 3, 2005 and March 10, as corrected". Marianne Cone seconded. Assistant City Attorney Tim Twardowski referred to correspondence from Greg Erickson specifically addressing the Quinns Partnership annexation petition. Mr. Erickson requested that Council consider the contents of his letter with respect to adoption of the minutes and inclusion in the record before the City Council. The City Council received copies of that correspondence to consider before adoption of the minutes. Part of the correspondence contained a March 8, 2005, written by Mr. Warren Peterson and addressed to the Park City Council. Staff confirmed with the author of that letter and his associates that it was not delivered on time and was not included on the record of March 10, 2005. Finally after receiving Mr. Erickson's letters, staff listened to an excerpt of the tapes of March 10 and recommends some minor changes to the March

10 minutes which have been distributed to and accepted by Council. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the Silver Star Subdivision, Park City, Utah **(motion to continue to March 31, 2005)** – Kay Calvert, "I move to continue to March 31". Jim Hier seconded. Motion carried unanimously.

2. Continuation of hearing on Ordinance approving a plat amendment and vacation of right-of-way located at 713 Norfolk Avenue, Park City, Utah **(motion to continue to April 7, 2005)** – The Mayor requested a motion to continue. Candace Erickson, "I so move". Jim Hier seconded. Motion unanimously carried

3. Ordinance approving a plat amendment for the property known as Lot 23 and Tract A of the Meadows Estates Subdivision #1A, located at 2858 Estates Drive, Park City, Utah – Jonathan Weidenhamer explained the application and the history of the development. The Planning Commission unanimously forwards a positive recommendation based on the findings in the ordinance. The Mayor opened the public hearing. With no comments, the hearing was closed.

4. Ordinance approving a subdivision to be known as the Knudson Subdivision creating two platted lots from one 6,072 square foot metes and bounds parcel, located at 1301 Park Avenue in Block 24 of the Snyder's Addition to the Park City Survey – Kirsten Whetstone, Planner, explained that the subdivision will create one 3,000 square foot lot and a 2,800 square foot lot. The Planning Commission forwarded a positive recommendation on this application on March 9. With no comments or questions from the Council or the audience, the Mayor closed the public hearing.

5. Ordinance approving the Rosol plat amendment to combine all of Lots 13 and 14, block 9 of the Snyder's Addition, to the Park city Survey into one lot of record, located at 1053 Woodside Avenue, Park City, Utah – Planner Whetstone pointed out the historic house straddles the lot line and this approval of the application will remove the property line to accommodate a remodel. This will create a 3,750 square foot lot and Ms. Whetstone mentioned that encroachments are addressed on the plat. The Planning Commission forwards a positive recommendation, as outlined in the ordinance. The Mayor opened the public hearing. Hearing no input, the hearing was closed.

6. Ordinance approving a rezone of City-owned property in Swede Alley from Historic Residential and Historic Commercial business to Public Use Transitional, and amending the Official Park City zoning Map – Jonathan Weidenhamer, Planner, explained that this is a rezone of multiple City-owned parcels in the Swede Alley area.

The existing zoning is HCB and HR, and the application is to rezone the area to PUT including the area from the Transit Center, south to Grant Avenue, from Swede Alley east to Marsac Avenue. He stated that the purpose of the action is to accommodate planned and funded capital projects including the parking structure and town plaza. This was reviewed by the Planning Commission on March 9 who forwards a positive recommendation. The Mayor opened the public hearing and hearing no comments, closed the public hearing.

7. Ordinance approving the Marsac Parking Structure Subdivision which will combine multiple City-owned metes and bounds parcels located in the Swede Alley area of the Park City Survey into one lot of record – Jonathan Weidenhamer explained that this area was also addressed in Item 6. The application is for a one lot subdivision and it meets all criteria. The Marsac Municipal Building will remain as a non-complying structure because it doesn't meet setback requirements. The Mayor opened the public hearing and hearing no comments, closed the hearing.

8. Ordinance approving the Sernyak Subdivision which will combine three metes and bounds parcels in Block 24 of the Snyder's Addition to the park City Survey into two lots of record, located at 1359 Park Avenue – Planner Jonathan Weidenhamer explained that one lot will front Park Avenue and accommodate a renovated and relocated existing historic single family home. Lot 2 will have frontage on Woodside and will accommodate a new duplex. The Planning Commission held public hearings and forwards a unanimous recommendation to approve. The Mayor opened the hearing and with no comments, closed the public hearing.

9. Resolution amending Section 8.4.4, Golf Fees, of the Park City Fee Resolution and replacing Resolution No. 04-05 in its entirety – Craig Sanchez, Golf Course Manager, explained that approval of the resolution will decrease the resident rate from $33 to $32, extend the resident rate to Basin residents, and implement a reservation policy. In response to a question from Ms. Calvert, he noted that people will be charged 50% of the fee for not canceling tee times. The public hearing was opened, and hearing no input from the audience, Mayor Williams closed the public hearing.

10. Community Impact Board application – Kent Cashel, Deputy Public Works Director, stated that a public hearing is required to file an application with the Utah Community Impact Board, which provides low interest loans for construction of public infrastructure. The City is applying for a $2.5 million loan with a 20 year term at an interest rate of 2.5%. The funds will be used for the construction of the Park Meadows Well treatment plant, Spiro Tunnel antimony treatment, and an upgrade and replacement of deficient distribution system components. The Mayor opened the floor for comments on the application. Hearing no comments or input from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 7". Kay Calvert seconded. Motion carried unanimously.

1. Ordinance approving a plat amendment for the property known as Lot 23 and Tract A of the Meadows Estates Subdivision #1A, located at 2858 Estates Drive, Park City, Utah – See staff report and public hearing.

2. Ordinance approving a subdivision to be known as the Knudson Subdivision creating two platted lots from one 6,072 metes and bounds parcel, located at 1301 Park Avenue in Block 24 of the Snyder's Addition to the Park City Survey - – See staff report and public hearing.

3. Ordinance approving the Rosol plat amendment to combine all of Lots 13 and 14, block 9 of the Snyder's Addition, to the Park city Survey into one lot of record, located at 1053 Woodside Avenue, Park City, Utah – See staff report and public hearing.

4. Ordinance approving a rezone of City-owned property in Swede Alley from Historic Residential and Historic Commercial business to Public Use Transitional, and amending the Official Park City zoning Map – See staff report and public hearing.

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6. Ordinance approving the Sernyak Subdivision which will combine three metes and bounds parcels in Block 24 of the Snyder's Addition to the park City Survey into two lots of record, located at 1359 Park Avenue – See staff report and public hearing.

7. Resolution amending Section 8.4.4, Golf Fees, of the Park City Fee Resolution and replacing Resolution No. 04-05 in its entirety – See staff report and public hearing.

VII NEW BUSINESS

Laws property purchase of 3.92 acres located on SR248 in the amount of $285,000 – Planner Brooks Robinson explained that COSAC is recommending the purchase of approximately four acres of the Laws Property for $285,000. This money will come from the proceeds of the 2002 $10 million open space bond. COSAC met on March 8 and voted unanimously to forward a positive recommendation to purchase the parcel, which falls within the policy of acquiring properties in the entry corridors and adjacent to

existing open space. This is a sizeable amount of money on a per acre basis, but the lots area platted in a subdivision that could have single family homes built on it. This is less than the City paid on a per acre basis for the UP&L parcel. The Mayor invited the public to comment; there was no input. Joe Kernan, "I move we approve the purchase of the 3.92 acres located on SR248 in the amount of $285,000". Marianne Cone seconded. Motion carried unanimously.

VIII OLD BUSINESS

Call-up of the February 9, 2005 Planning Commission approval of a conditional use permit to remove mine soils from Empire Canyon – Planner Brooks Robinson stated that considerable public input was rendered at the March 10, 2005 public hearing and additional mitigation measures were analyzed by staff in preparation for this meeting. Staff has provided additional information on the construction mitigation plan (CMP) relative to the direction of Council with regard to a $10,000 bond for speed control, no trailers, traveling down SR224 but up Royal Street, and additional traffic monitoring. The applicant has set forth a schedule with the reconstruction of Marsac Avenue, which is the phase slated for this summer, including completing the section from the intersection to the Guardsman Pass connector. It is contemplated to conduct the reconstruction and mine waste hauling in tandem with added logistical measures. Mr. Robinson noted that staff tailored the CMP around the reconstruction which will *straighten out* Marsac Avenue and moves it further to the east, making Chamber Street a frontage road. It is felt that at this point, the Daly West site will be dry and ready to move soil and trucks can travel on the new realigned road. He explained that there was existing characterized waste at the Daly West and additional materials from the Flagstaff development area were added. With regard to Condition No. 15 about environmentally sensitive lands and Mr. Kernan's concerns about Richardsons Flats, he stated that the repository is not within or adjoining the site at the Daly West. The EPA regulates the Richardsons Flats repository and currently there are hundreds of thousands of cubic yards of material there and this is miniscule by comparison. Staff recommends affirmation of the Planning Commission's approval, with modified conditions for final adoption by the City Council. If the public hearing is reopened, he encouraged comments to focus on the aspects of the CMP.

Jim Tadison, Vice President of Talisker, expressed his hope that Council will accept this proposal which will alleviate many of the issues raised at the last meeting. Mayor Williams opened the public hearing and reiterated that input should be limited to the CMP.

Ed Brophy, Deer Valley Drive resident, was pleased to learn about the new plan. He asked that speeding be monitored on Deer Valley Drive.

Strike Fongeallaz, Marsac Avenue corridor resident, urged Council to deny the application even with added mitigation measures. It sets a precedent to move waste off the mountain and that was not part of the original agreement. This may be stopped during drainage construction on the Mine Road and would she would like the dates published in advance since she will be chased out of town. Our elected officials should do the right thing. The impacts can not be mitigated and compromise health and safety.

Charles Loyd, American Flag HOA, asked for clarification on the new CMP. Brooks Robinson again explained that added measures include a bond for speed control, temporary staging at Richardsons Flats and Empire Pass, to be approved by the County. There will be manned locations at the Hillside, Guardsman Connector and the round-about. Royal Street will be used for uphill truck traffic and SR224 for downhill. Mayor Williams pointed out that the realignment of the road would have created uphill traffic during that construction phase. Royal Street will not be used for the hauling of the mine waste.

Peter Marth, Hillside Avenue, emphasized the importance of this decision. He urged the Council to focus on the public and professional input provided not on staff's opinion, who is hired to look at this from a technical standpoint. It is Council's job to see it from an emotional perspective. Public input has been against moving the waste and he finds it disingenuous to return with a CMP that ignores whether to move the soil or not. Council has not responded to the public properly.

Maile Buker, Marsac Avenue corridor, thanked Council for reopening the public hearing. She is confident that Council will make the right decision which should reflect the will of the people who are the same people who elected members. The right thing is to deny the application because of the significant impacts that can not be adequately mitigated. The trade-off is too great and the most recent proposal barely makes a dent on the impacts. Although it does lessen the chance of truck accidents, it does nothing for the residential area, Bonanza commercial district and the already congested Kearns Boulevard. The length of time to complete the haul has always been a concern and both projects will be negatively impacted if conducted together. Do the right thing as our elected officials and deny the application.

Nick Kingery, Park City resident, explained that he also voted for the seated Council and pointed out that there is an opportunity to have someone else pay to move the tailings on the hill. He would like to see the soil moved and pointed out that it is not uncommon to only hear comments from the opposition and he urged Council to move ahead.

Norman Anderson stated that he agrees with Mr. Kingery. This is an opportunity and a step in the right direction. He urged Council to uphold the Planning Commission's approval of the CUP.

Ryan Etrum, 64 Ontario Canyon Road, stated that he is opposed to moving the mine waste because of the risks associated with the truck traffic. Something will happen and he doesn't understand the logic if the waste does not need to be moved.

With no further comments, the public hearing was closed and the Mayor invited the Council to disclose exparte communications. Kay Calvert stated that she spoke with Peter Marth, Maile Buker, Betty and Steve Albert, Peg Bodell, Mandy Scully, and Jim Tadison. Joe Kernan relayed that he conversed with Diane Mellon, David Hull, Mandy Scully, Tom Hurd, Maile Buker and Council members, mainly regarding the CUP process and some comments regarding the new CMP. Marianne Cone disclosed that she has had substantive conversations with Maile Buker, Kerry Gee, and an email exchange with Peggy Churchill of the EPA. Jim Hier stated that he exchanged emails with Dan Fetzer and Ruth Gezelius regarding the new proposal and both responded negatively. Candace Erickson relayed that a number of citizens visited her at work and she spoke with Harvey LaPointe about other possibilities. Mayor Williams stated that he apologized to Strike Fongeallaz about comments he made on March 10. He discussed the call-up with Joan Thompson, Kerry Gee, Peggy Churchill, four members of the DEQ, representatives of Talisker, Diane Mellon, Bruce Margolias, Mark Oliver, Harvey LaPointe, and staff.

Marianne Cone stated that she takes this job seriously, cares deeply about this town, and does not want to further impact Old Town residents. She understood from Kerry Gee that the soils at Little Belle, which are considered more toxic, were capped and not moved to Daly West where there are two repositories. In response to a question from Ms. Cone regarding the characterization of the moved soils to the site, Mr. Gee explained that samples were taken, revealing lead and arsenic content, and are documented in reports. All of the material deposited at Daly West was removed from developable residential areas in the former Flagstaff project. The Little Belle and Quincy areas are not residential locations and there will never be any homes constructed on or near these waste piles. Little Belle was covered over the course of a couple of years during Deer Valley's ski expansion from 1998 through 2000. The high readings recorded in the EPA 's and the DEQ's reports were taken from a grab sample taken near the old load-out facility that remains. The capping and covering of those two mine tailings piles are consistent with the requirements in the agreement between UPCM and PCMC, which requires UPCM to reclaim or remediate mine waste sites. Even if EPA decided that the soils do not need to be covered, it doesn't matter because of the existing agreement with the City. Mr. Gee explained that residences can not be built on mine tailings and there are no residential areas contiguous with the Little Belle

or the Quincy mine dumps. There was discussion about placing the soil on the contour of the land, rather than on the most level portion. Council member Cone asked if Anchor is an option and Mr. Gee stated that it is not. The land is not owned or controlled by UPCM and is also located in the conservation area. Brooks Robinson understood that there is provision for existing dumps to remain or to be capped under the development agreement, but the sites can not be used as repositories for additional material. There was discussion about high metal levels, the sampling program and the process for listing Empire Pass on the Hazardous Ranking System. Mr. Gee continued to explain that the soil surface water samples were collected and analyzed and EPA wrote a report. EPA and UPCM entered into a cooperative agreement outlining certain remediation work which must be performed to release the area. Lack of performance will result in listing the site on the Super Fund. Ms. Cone stated that she still feels the burden is too high to move the waste through town and hopes there is an alternative. Kerry Gee reiterated that because UPCM doesn't control the land, Anchor is not a possibility. The Anchor, Quincy, and/or Little Belle mine dumps are not a part of the mining company's cooperative agreement with EPA. In response to a comment made by Joe Kernan, Tim Twardowski explained that arriving at other options is another discussion and is not applicable to the CUP discussion. Council member Kernan understood that Council is hearing this issue to determine if it is legal and not necessarily if the plan is a good idea.

The Assistant City Attorney explained that the application approved by the Planning Commission is a CUP and the primary discussion and input relate to science and alternative locations. The call-up should be a re-examination of the impacts of the use, including the relocation of the mine soils and transportation down the Mine Road, as proposed. The primary question for the City Council to determine is whether or not the identified detrimental impacts of this use can effectively be mitigated, specifically with respect to the CMP. If Council concurs that the CMP is adequate, the CUP is affirmed. If the Council determines that the adverse impacts can not be adequately mitigated through the CMP, then the appropriate action would be to reverse the Planning Commission's approval and deny the application.

Jim Tadison explained to Jim Hier that Anchor is owned by Deer Valley. Kay Calvert acknowledged that truck traffic is a community-wide problem and Brooks Robinson spoke about the challenges with Park City's topography and limited road system, which results in moving dirt when there is construction activity. At this point, however, Park City is almost built out except for the Empire Pass area, the Sweeney Project, and Deer Valley parking lot development. Ms. Calvert again stated that she feels the truck traffic is dangerous throughout town. Jim Tadison emphasized that Talisker is keenly aware of the number of trucks generated and it is in its economic interests to minimize the number of truck movements; empty trucks cost money. He spoke about Talisker's snow-melting machine used last year which eliminated 800 truck trips hauling snow

from Empire Pass, Silver Lake and Bald Eagle. It is also cheaper to melt the snow than truck it down the Mine Road. He assured Council that Talisker will continue to look for ways to minimize impacts and a centralized construction parking is being negotiated with Wasatch County for use of Richardson Flats. This is not a requirement.

In response to a question from Jim Hier about manned stations, Mr. Robinson explained that they are located at Hillside and the Guardsman Connector. Mr. Hier felt it important to include the round-about should there be a run-away vehicle and enhanced enforcement measures proposed should be clearly defined in the conditions of approval. Brooks Robinson pointed out that this is a management issue, but noted that the Chief of Police has committed to the CMP. Mr. Hier emphasized that he feels the projects requires constant monitoring and is unsure who pays for manpower. He stated that relocating dirt is not precedent-setting nor is capping soil, but it does add to our traffic problems. Although this affects many areas, he doesn't recall receiving a complaint from anyone on Kearns Boulevard, for instance. The soil must be moved and Richardsons Flats is a repository owned by the applicant. Kay Calvert agreed that the monitoring should be extensive. Candace Erickson expressed her struggles with this issue and was not in support of hauling until this new proposal was introduced. The fact that the road will be closed for reconstruction, and all other traffic will be going up Royal Street is a good option. She emphasized that Council decisions should not be based on emotions but on law and she feels the letter of the law has been met.

Candace Erickson, "I move that we approve the Planning Commission's conditional use permit with the modifications that were made". Kay Calvert seconded. Brooks Robinson clarified the condition with regard to enforcement to read that the Park City Police shall provide constant physical enforcement measures on SR224, Bonanza Drive, and SR248 during the hours of the trucking operation. There will also be an additional flag person with radio contact at the round-bout. In response to a question from Marianne Cone, it was explained that the soils moved to Daly West are above EPA standards. It was clarified for the benefit of Jim Hier that the only soils being hauled out of the Canyon are contaminated and other construction excavations need to be relocated on the mountain. Joe Kernan stated that he is not convinced that the soil needs to be moved and hopes the Council has the ability to sidestep the question and continue the call-up to arrive at a better solution. Mr. Twardowski stated that the call-up needs to be determined on its own merits. Mayor Williams explained that he has been employed as a soil conservation agent, spent five years fighting the EPA as a homeowner in Prospector, and sat on the watershed committee for the past six years. He appreciates the public input and the respectful dialog between everyone. He stated that there is definitive proof that arsenic and zinc from the water shed is infiltrating the water system. We have an opportunity for the first time for someone else to pay for remediation efforts. He stated that he is very concerned that capping the site will not eliminate the problem in the long-term and believes that the water shed will be better

protected by moving the soil. This opinion is shared by Kerry Gee, Jeff Schoenbacher and Chief Building Official Ron Ivie. There is a directive from EPA to mitigate the site and the new proposal is improved. Although Mayor Williams indicated he does not vote, he stated that he supports moving the soil. The Mayor requested a vote on the motion on the floor. Motion carried.

Kay Calvert	Aye
Marianne Cone	Nay
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Nay

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

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

The meeting opened at approximately 4:15 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

Author: **Phyllis McDonough Robinson**
Subject: **Park City Sound Garden**
Date: **March 24, 2005**
Type of Item: **Information/Direction**

Budget, Debt and Grants

Summary Recommendations:
Review information on the Sound Garden project and provide Staff with direction on how to proceed with the Public Art Advisory Board proposal.

Description:

A. Topic:
The Park City Public Art Advisory Board is proposing the construction and installation of a Sound Garden in City Park. In order to accomplish this project, $20,000 from the Art in Public Places account is requested, as well as City support for an $8,000 Summit County Restaurant Tax Grant Application.

B. Background:
The Park City Public Arts Advisory Board is proposing the construction and installation of a Sound Garden in City Park. A Sound Garden is an interactive, community-based sculptural project whose various components all produce sounds. The proposed location is south of the Skate Park on the Poison Creek Trail (in the area jokingly referred to as the "Boo Radley National Forest.") Interaction with the Sound Garden will occur with the use of City Park and the Poison Creek Trail. The Park City Public Art Advisory Board is proposing $20,000 from the Art in Public Place account and submitting an application for $8,000 from the Restaurant Tax Grant program. Park City Municipal Corporation would receive and manage these funds, if awarded. It is proposed for construction Summer 2005.

C. Issues:

Location. The Sound Garden is proposed for City Park, south of the Skate Park. The location is consistent with the Public Art Advisory Board *Art in Park and Trails* option. Specifically "*art parks and art along our city trail system would enhance the value of both. Specifically along the Poison Creek Trail system that would encourage pedestrian activity from City Park to Mains Street. This program could include, but not be limited to sculpture, sound gardens, murals painted inside the four remaining bare tunnels, performance kiosks, etc...*"

25 *Pioneer Day*
28 **No meeting**

August 2005
4
11 **No meeting**
18
25

Pending Items:
Regional bus service SLC - work
Water Service District – Grant of easement from Iron Mountain Associates
Transit Center Land Match Resolution – Gary
CDBG preliminary hearing - July

The concept was presented to the Parks and Recreation Advisory Board on March 1st and received favorable support.
The location is proximate to eight houses. Carol Potter, a board member of the Park City Art Advisory Board has spoken to five of the eight households and received positive responses.

The proposed location is within the Prospector Soils District. Soil testing will be required with potential remediation including capping and/or removal. The proposed location is within a treed and vegetated area. Design and installation will require staff review and oversight to ensure compliance with *Section 15-2.7-6: Vegetation Protection* of the Land Management Code within the Recreation Open Space District. At this point, staff does not know to what extent the project would disturb or remove existing landscaping.

Land Management Code Permit. The display must comply with *Section 15-4-15: Outdoor Display of Works of Art on Public/City Owned Property* of the Land Management Code. The City would be the applicant for the permit because of the proposed use of Public Arts funds for the project. It would require review by the Planning, Engineering and Building Divisions for compliance; Ms. Potter has opined that the project will comply with these requirements. The Planning, Engineering, and Building departments per LMC Section 15-4-15 (B) would perform LMC compliance review.

Funding. The total proposed development budget for the Sound Garden is $36,500. The project has received funding commitments of $25,000: $20,000 from the Public Arts Advisory Board subject to City Council authorization, $5,000 from the Summit Institute and $3,500 in in-kind support from Mountain Trails Foundation and a private individual for tools, trucks and lodging. The remaining $8,000 is requested through the Restaurant Tax Grant Application.

Time Frame. The proposed time frame for construction and installation is Summer 2005. The Artist in Residence will be in Park City three separate weeks between June 15 and August 15, 2005. Restaurant Tax Grant funds must be spent by December 31, 2006.

Ongoing Costs. The ongoing cost of maintenance is unknown at this point. Landscaping maintenance will be required to keep the project area from becoming overgrown with vegetation. In addition, there is the possible cost of repair due to vandalism and/or graffiti. At this point, these are not budgeted expenses for the Recreation Department.

Project Scheduling and Management. The Artist in Residence, Frank Youngman, will be the Project Manager for the design and construction of the project. . He will be on-site for approximately three weeks during the course of the project. Park City Municipal will be required to provide ongoing staff support in the following areas: monitoring and disbursement of City funds as well Restaurant Tax Grant Funds,

should they be awarded; legal review of all documents and liability issues; LMC permit application and review, and oversight for construction and installation (including soils remediation.) This project will be undertaken at the same time as several major City CIP projects including the Ice Rink and Parking Structure.

City Purchasing Requirements. Typically, public art selection and approval Public Art Selection and Approval is conducted through and RFP requires an RFP and in accordance with Park City's purchasing policy. There is the a provision in the Park City Public Art Strategic Master Plan, however, for Commissioned Art. *"From time to time, the Public Art Advisory Board may make a recommendation to City Council to commission a work of art or project at a particular site with a particular theme."* The proposal has identified the Artist in Residence and does not anticipate an RFP process. In this case, the PAAB has identified its Artist in Residence, Frank Youngman, who pioneered the concept of the Sound Garden. While the Arts Policy does not state a RFP process is required under Commissioned Art, this is a e policy is in conflict with the City's general purchasing policy that requires *"all reasonable attempts to obtain at least three written quotations on all purchases of capital assets and services in excess of $10,000."*

Staff is supportive of the Sound Garden concept and requests Council direction on the following items in order to proceed further with the project.

Funding. The Public Arts Advisory Board has recommended $20,000 of funds for this project of the original $200,000 that was budgeted for public art; this would leave a balance of $116,000 after funding this project and the Bus Stop art project. Does City Council support the use of funds for this project as proposed?

Use of City Land . The Sound Garden is proposed for City land. Does City Council wish to direct staff to evaluate this use of the southern end of City Park (or other specific locations) for this project?

Purchasing Requirements. The project is proposed under the Commissioned Art category and not subject to an RFP process. Does City Council wish to consider this piece as Commissioned Art and proceed in commissioning this public art project without an RFP process? To do so may create precedent for other projects.

Project Scheduling and Management. Work on the ThSound Garden, is project, if funded, would occur at during thethe same time frame as several major City CIP projects for which Park Planner Matt Twombly is at least partially responsible: Skate Park Expansion, City Park Irrigation, Farm Parking Lot and Quinn's Recreation Complex. To what extent does City Council wish to commit staff resources and what priority should this project take compared to the current projects?

D. Department Review

Budget, Debt and Grants, Finance, Recreation, Planning, Legal and City Manager have reviewed this staff report.

Recommendation:
Review information on the Sound Garden project, provide City support for an $8,000 Summit County Restaurant Tax Grant Application, and provide Staff with direction on how to proceed with the Public Art Advisory Board proposal.

City Council
Staff Report

Author: **Kent Cashel**
Deputy Public Works Director
Subject: **CITY OWNED PARCELS W/ DEVELOPMENT POTENTIAL**
Date: **March 24th, 2005**
Type of Item: **Discussion\Informational**

Public Works

Summary Recommendations:
Staff requests that City Council provide direction on the attached draft strategic plan for City owned parcels with development potential. Staff will incorporate the direction received into a final strategic plan for Council adoption. The resulting strategic plan would not bind the City to any particular use for a given parcel but would provide more clarity and direction to City Council, Staff and third parties on the intended use of City owned parcels with development potential.

Description:
Background:

The City owns hundreds of parcels of land. The size of these properties range from easements consisting of a few hundred square feet to 30- 40 acre parcels with development potential. This not including thousands of acres of protected open space.

As land with development potential within the area becomes increasingly scarce both the market and strategic value of these parcels rise. Looking forward the City's need for additional administrative offices, operations facilities, and recreation and affordable housing facilities will grow and require real estate to develop these facilities on. The City Manager directed Staff to form a cross functional team in December of 2004 to complete the following five tasks:

- Compile an inventory of City owned parcels with development potential.
- Compile a list of City needs or projects that are currently being considered.
- Develop a draft strategic plan for the use of City owned parcels with development potential.
- Present this draft strategic plan to Council for input and direction.
- Integrate Council and community input into a final strategic plan and present to Council for final adoption.

The City Property Team was formed with the following members:

Patrick Putt	Planning
Rick Ryan	Public Safety
Colin Hilton	Capital Projects & Economic Development
Alison Butz	Special Events
Gary Hill	Budget, Grants & Debt
Ken Fisher	Recreation
Eric Dehaan	Engineering
Kent Cashel	Public Works

Analysis:

The committee determined that it was not within the scope of this effort to develop a strategic plan for each of the hundred of parcels owned by the City. The criteria to determine whether or not a City owned property was included in the draft strategic plan were as follows:

- Raw land.
- Properties of ½ acre or larger.
- No parcels purchased for open space.
- No right of way or easements.

This criterion was not applied in a hard and fast sense but as a general guideline. Sixteen (16) parcels were ultimately included for initial policy consideration. Council has discussed historic structures in the past and only two of those are discussed again here.

To identify City needs or projects that are currently being considered the committee tasked members to interview staff in their respective functional areas and compile these needs and projects. These City needs and projects were then put on a list of potential uses on any property that could be used to develop these projects.

Staff then determined what parcel characteristics would assist in determining feasibility and fit of each identified project. The ten (10) characteristics settled upon are:

1. Location
2. Property Description
3. Ownership (City, MBA, or RDA)
4. Property Market Value
5. Zoning
6. Current Use
7. Identified Potential Uses
8. Environmental Issues
9. Miscellaneous Issues
10. Easements

Tables containing the 10 identified characteristics as well as the committees recommended use for each of the parcels are found below:

Baingo\Wortley # 1 Parcel

Location	Eastern edge of City on north side of SR248.
Description	Approx 8 Acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	RD, ECPZ
Current Use	None
Identified Potential Use	Recreation Use (Identified as potential BMX track). Affordable Housing. Public Works Expansion. Park and Ride.
Environmental Issues	None
Miscellaneous Issues	Utilities (water and sewer) are distant from site
Easements	None
Recommended Use	**Recreation Use:** Given the ECPZ zoning and utility access issues this site presents many development challenges. The committee recommends a recreational use for this parcel. The parcel has been identified as the potential site by the Recreation Advisory Board for a future BMX track. The BMX track planned to be temporarily at the Old Sewer Treatment parcel is currently developed as a concept only. Funding for this project exists in CIP funds.

Baingo\Wortley # 2 Parcel

Location	Eastern edge of City on south side of SR248.
Description	Approx 14 Acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS, ECPZ
Current Use	Public Works Snow\Materials Storage.
Identified Potential Use	Public Works Snow\Materials Storage.
Environmental Issues	Most likely soil contamination.
Miscellaneous Issues	Wetlands protection will be necessary if City chooses to continue snow\materials storage at this site.
Easements	None.
Recommended Use	**Snow Storage.** Proximity to City makes this site invaluable to snow removal efforts as is evident by volume of snow stored there this year.

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Baingo\Wortley # 3 Parcel

Location	Eastern edge of city on south side of SR248 (South side of Rail Trail).
Description	Approx 14 Acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available.
Zoning	ROS, ECPZ
Current Use	None
Identified Potential Use	No projects identified by Staff
Environmental Issues	None
Miscellaneous Issues	Access to site is somewhat limited.
Easements	None
Recommended Use	No current projects identified by Staff

North Forty Parking Area Parcel

Location	West side of PC hill between SR248 and Meadows Drive.
Description	73.5 acres. (Aerial photo attached)
Ownership	Municipal Building Authority (MBA)
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Parking for recreation fields.
Identified Potential Use	Parking for recreation fields, Recreation storage, Right of way for eastern access road into Park Meadows from SR 248, Trade\Sell.
Environmental Issues	Wetlands along west side of parcel.
Miscellaneous Issues	Historic structure on site. Much of site is very steep hillside.
Easements	Osguthorpe Single family easement on north end of parcel.
Recommended Use	**Current Recreation Field Parking.** Current use for parking fills need generated by recreation fields. Parcel has the potential to serve as right of way for an eastern access route into Park Meadows\Fairway Hills area if this route was deemed appropriate at some point in the future.

Old Sewer Plant

Location	East of SR 224 on south side of Holiday Ranch Loop Road between Holiday Ranch Loop Road and Saddle View Way..
Description	Approx 8.45 acres (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Trail along the west side of parcel, Parks and Golf materials storage and staging, Water well and pump house on NE corner.
Identified Potential Use	Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, Public works expansion, trade-sell.
Environmental Issues	Wetlands dissect property in several places.
Miscellaneous Issues	Situated in the flood plain. Old foundations are buried and would likely need removal to prep building site (park site could bury in place).
Easements	Trail
Recommended Use	**Park\Fire Station\Water Treatment Plant** The water treatment plant is a required use along the east side of property (next to the Divide and New Park Meadows wellheads). The Recreation Advisory Board has identified this as a potential site for a neighborhood park and a temporary BMX track. The site's geographic location makes it ideal for the placement of a fire station to provide fire suppression and medical response services to adjacent neighborhoods. The committee believes the packaging of essential water infrastructure, a neighborhood park and a fire station is the optimal identified use of this site. The fire station will provide an on-site security presence for the park and critical water infrastructure. The park provides a softening element for the water infrastructure and fire station. Funding for water projects has been identified and concept design and environmental work are underway. City could negotiate sale\trade\donation of site for fire station. Design and funding of the fire station would be provided by the PC Fire District.

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	Funding for the park exists in the CIP.

Snow creek # 1 Parcel

Location	East Side of SR224 between Post Office and Snow Creek Drive.
Description	Approx 2.5 acre. (Aerial photo attached)
Parcel Market Value	No current appraisal available
Ownership	Lower Park Avenue RDA
Zoning	RDM, FPZ, SLO
Current Use	None
Identified Potential Use	Public Safety Complex, Sell or Trade, Visitor Center
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	Trail, Doherty Ditch
Recommended Use	**Public Safety Complex** Council has directed staff to move forward with design of Public Safety Complex on this site. Committee believes this use of the site is appropriate.

Snowcreek # 2 Parcel

Location	West Side of SR224 directly east of post office west of Dan's shopping center and north of Snow Creek Drive.
Description	Approx 4.0 acres. (Aerial photo attached)
Parcel Market Value	No current appraisal available
Ownership	Lower Park Avenue RDA
Zoning	RDM, SLO
Current Use	None
Identified Potential Use	Affordable Housing.
Environmental Issues	Wetlands along west side of parcel.
Miscellaneous Issues	Providing access to site may be challenging.
Easements	Sewer and road, trail and Doherty ditch easements.
Recommended Use	**Affordable Housing** Given the lack of identified projects for this site, the RDM zoning, parcel proximity to transit and other amenities make an affordable housing project a viable use for this parcel. No specific design or funding for this project has been identified.

Shortline Parcel

Location	Northeast corner parcel at Deer Valley Drive and Shortline Road (south of Public Works directly west of Frontier Bank).
Description	Approx. 1 acre. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	General Commercial FPZ
Current Use	Vacant dirt lot
Identified Potential Use	Public works expansion, trade-sell.
Environmental Issues	Lies within Soil Protection ordinance boundaries (capping mandatory).
Miscellaneous Issues	None identified
Easements	Parking easement for eight spaces granted to Copperbottom Inn along west frontage with Shortline Road. Any project constructed on this site will have to accommodate these spaces.
Recommended Use	**Public Works Expansion\Trade or Sell** This location adjacent to the Public Works facility make a portion of the parcel viable for Public Works expansion. Its immediate location would help control operating costs that would increase with a more distant location. The portion of the property fronting on Deer Valley Drive maybe appropriate to sell fro office\commercial use. Transit in particular has immediate (0-2 years), intermediate, (3-7 years) and long term (7-20 year) needs for expanded equipment storage and maintenance bays. While the Shortline parcel will accommodate immediate and intermediate needs it is not clear that space is adequate to fill long term needs. Staff has developed a conceptual site plan to help visualize how a portion of the site could be utilized to fill Public Works intermediate space needs. (See attached site plan). Additional research may indicate it is a better long term strategy for Transit to seek a new site perhaps in the Quinn's junction area. The committee believes the city should hold this property for a Public Works expansion project and if it is determined an alternate site is more viable then the parcel could be sold or traded to fund that alternate site.

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North Library Parcel

Location	Recreation field located north of City library
Description	Approximately 1 acre (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Recreation field and unregulated parking
Identified Potential Use	Recreation field, small affordable housing project at north end of field.
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	None identified
Recommended Use	**Current Recreation\Affordable Housing.** The committee believes that given the parcels location to transit and other services the parcel is a viable candidate for a small (2-4 units) affordable housing project on the north end of the parcel. This small project would be located at the north end of the parcel leaving space for recreational use (approximately the length of a football field) between the library and housing project. No design or funding for this project has been identified.

Wisnewski Parcel

Location	148 Main Street
Description	Approx. ¼ acre. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	HR-2
Current Use	Vacant dirt lot
Identified Potential Use	Trade\Sell (with relocated historic structure currently located on Colman parcel).
Environmental Issues	None identified.
Miscellaneous Issues	Flood Plain.
Easements	Critical water flow course.
Recommended Use	**Trade\Sell** (with relocated historic structure located on Colman parcel) The committee concurs with the plan for this parcel previously recommended by Staff and the Historic Preservation Board. Given location in historic district relocating structure from Colman parcel will make structure more attractive and improve likelihood outside party would purchase and restore. Funding for the interpretive parks project exists in the neighborhood parks CIP.

Colman Parcel

Location	Located between Hillside Avenue and Swede Alley
Description	Approx. 1 acre (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	HR-1, HR-2
Current Use	Vacant Dirt lot.
Identified Potential Use	Interpretive Neighborhood Park, Green Space
Environmental Issues	Within Soils Ordinance Boundaries (capping mandatory).
Miscellaneous Issues	Flood Plain, Historic Structure on Site, Limited access to site.
Easements	Critical Water Flow Course
Recommended Use	**Interpretive Neighborhood Park\Green Space** The committee concurs with the plan for this parcel previously Staff and the Historic Preservation Board. Given location in historic district, flood plain and limited access to the site make an interpretive neighborhood park\green space a viable and beneficial use. Historic structure on site could be relocated to Wisnewski parcel (just west of Coleman parcel). The sale of the historic structure and parcel could require investor to restore historic structure.

Colman (Prospect Ridge) Parcel

Location	NE corner of Hillside and Main.
Description	Approximately 8.29 acres. (Aerial photo attached)
Ownership	City
Parcel Market Value	No current appraisal available
Zoning	ROS
Current Use	Open Space with trail and small parking area on Prospect drive.
Identified Potential Use	Open Space\Trail.
Environmental Issues	Within Soils Ordinance Boundary.
Miscellaneous Issues	Very steep slope.
Easements	None identified
Recommended Use	**Open Space\Trail.** The committee believes that current use of this parcel as open space\trail is its best and highest use. This conclusion was based upon the slope of the parcel, its natural and visual qualities, and the lack of any other identified projects for the parcel.

Pechnik Parcel

Location	154 Marsac Avenue
Description	Approximately 1500 sq'
Ownership	Main Street RDA
Parcel Market Value	No current appraisal available
Zoning	HR-2
Current Use	None
Identified Potential Use	Sell or trade for use in affordable housing project.
Environmental Issues	Within Soils Ordinance Boundary
Miscellaneous Issues	Very steep slope
Easements	
Recommended Use	**Sell\Trade (for use in affordable housing project).** The committee believes the size of this parcel limits its use in most projects. However its proximity to other privately held parcels makes it a strong sell\trade candidate to be used as part of an affordable housing project.

Pace Parcel #1-3

Location	Summit County south of I-80 east of Rails to Trails. In vicinity where east I-80 enters Silver Creek Canyon.
Description	169.38 Acres (not identified on site map)
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	Trade\Sell (Golf Course) Open Space
Environmental Issues	None identified
Miscellaneous Issues	None identified
Easements	None identified
Recommended Use	**Hold\Sell\Trade** Staff recommends the city continue to explore potential uses for this parcel. The city has recently been approached by a developer concerning the construction and donation of a golf course on this parcel. These discussions are currently in a concept stage only. Prior discussions with the private sector have involved a potential equestrian facility.

Pace Parcel #4 – Tailings Parcel

Location	South side of I-80 at mouth of Silver Creek Canyon.
Description	49.13 Acres (not identified on site map)
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	None identified
Environmental Issues	Soils issues
Miscellaneous Issues	Any construction on this site prior to July 28th, 2036 requires prior written authorization of Standley, Arvill and Pearl Pace as per sales agreement.
Easements	None identified
Recommended Use	**Hold** Given environmental issues and sales agreement limitation on development the sale or development of this parcel will be challenging No City projects have been identified for this parcel.

Braser - Naniloa Parcel

Location	North side of I-80 at mouth of Silver Creek Canyon.
Description	9.51 Acres (not identified on site map)
Ownership	MBA
Parcel Market Value	No current appraisal available
Zoning	Summit County
Current Use	None
Identified Potential Use	None identified
Environmental Issues	Soils issues
Miscellaneous Issues	None identified
Easements	None identified
Recommended Use	**Hold\Sell\Trade** Staff recommends the city continue to explore potential uses for this parcel.

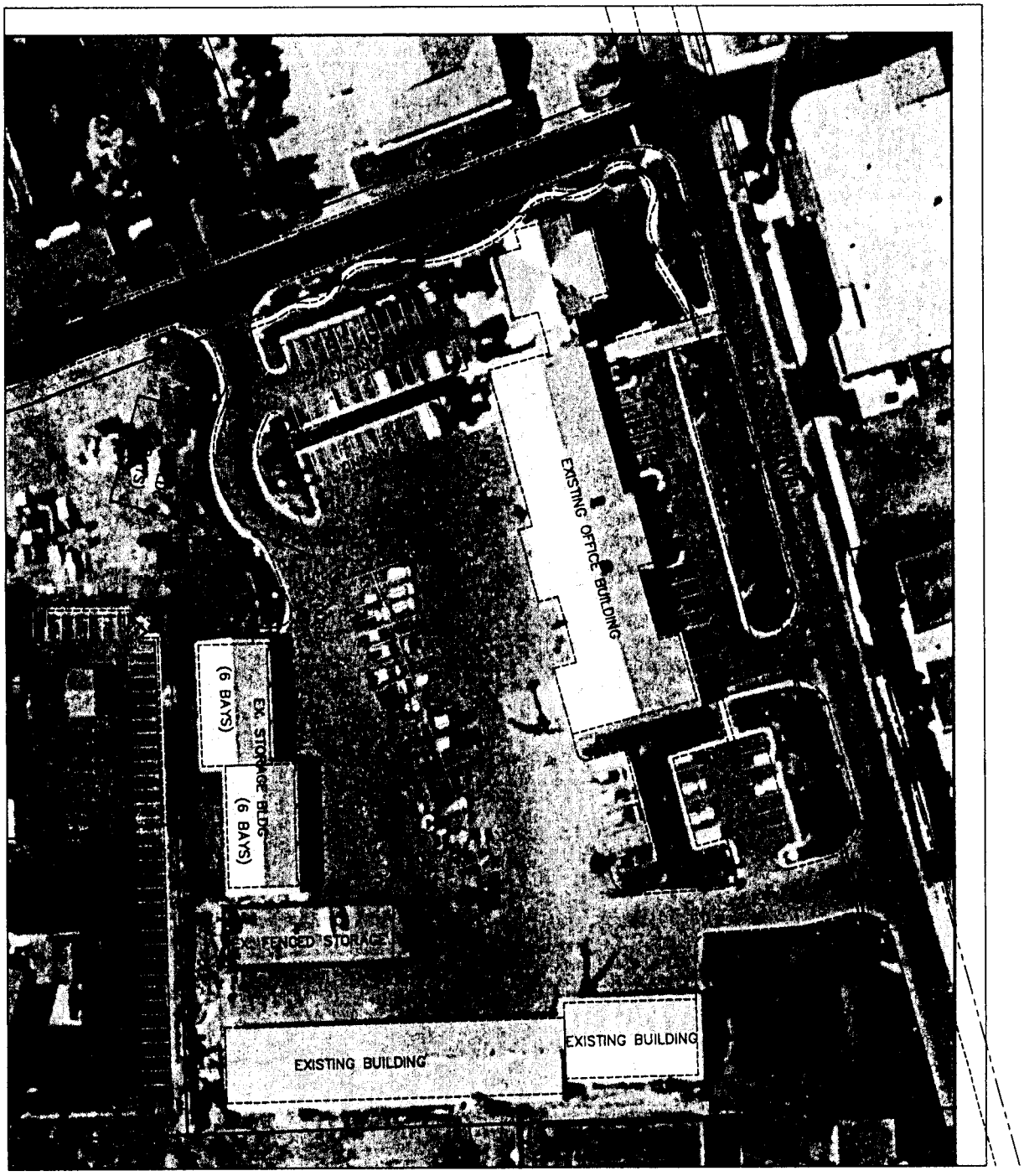
Next Steps:
Staff is in need of specific direction on the following items:

- Does Council wish to focus on a subset of the group of parcels identified here (2-3 parcels) or look at all of the parcels identified in this report?

-What level\type of community involvement would Council like to pursue (e.g., Staff could conduct an open house prior to final adoption)?

Department Review:
This report has been reviewed and commented on by the City Manager, Planning, Engineering, Affordable Housing, Economic Development, Recreation, Budget, Recreation and Public Works.

Recommendation:
Staff requests that City Council provide direction on the attached draft strategic plan for City owned parcels with development potential. Staff will incorporate the direction received into a final strategic plan for Council adoption in May of this year. The resulting strategic plan would not bind the City to any particular use for a given parcel but would provide more clarity and direction to City Council, Staff and third parties on the intended use of City owned parcels with development potential.



NORTH

SCALE: 1" = 100'

CONCEPTUAL SITE PLAN
PCMC BUS STORAGE EXPANSION

PCMC | PCMCBUS | 662

REVISIONS

DATE	BY	COMMENTS

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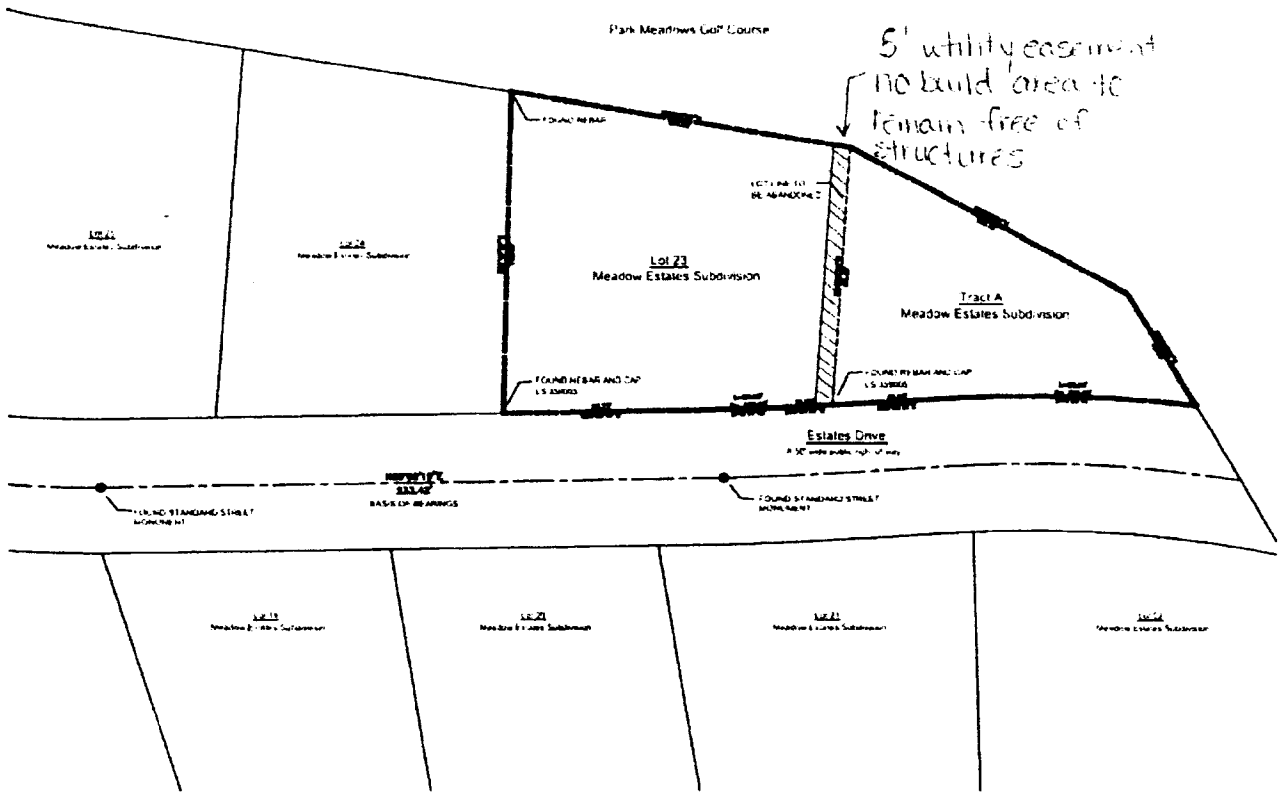


SURVEY NOTE:

SURVEYED PROPERTY DESCRIPTION:

LOT 23 DESCRIPTION:

TRACT A DESCRIPTION:

OWNER DEDICATION AND CONSENT TO RECORD:

SCALE

SURVEYOR CERTIFICATE:

ACKNOWLEDGMENT:

LEGEND

SCOTT MCKAY
LOT LINE ADJUSTMENT PLAT

BEING LOT 23 AND TRACT 'A'
MEADOW ESTATES SUBDIVISION
LOCATED IN SECTION 4, TOWNSHIP 3
SOUTH, RANGE 4 EAST
SALT LAKE BASE and MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Sheet 1 of 1

CITY PLANNING COMMISSION	APPROVALS OWNER	CITY ENGINEER	CITY COUNCIL	APPROVAL AS TO FORM	RECORDED	
						JACK JOHNSON COMPANY

THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HONORING OUTSTANDING COMMUNITY SERVICE BY YOUNG AMERICANS

February 8, 2005

The Honorable Dana Williams
PO Box 1480
Park City, UT 84060-1480

Dear Mayor Williams:

We thought you'd like to know that Robert Malcolm of Park City is today being named one of the top youth volunteers in Utah for 2005, in the tenth annual Prudential Spirit of Community Awards. This is an extraordinary honor; more than 20,000 young people across the country were considered for recognition this year.

As a Distinguished Finalist in this year's program, Robert will receive an engraved bronze medallion at a local ceremony. Enclosed is a copy of the news release announcing the award.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP), constitute America's largest youth recognition program based exclusively on volunteerism. The awards are designed to emphasize the importance our nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities.

We hope you will take advantage of this opportunity to extend your congratulations and encouragement. You also may want to consider inviting your honoree to talk about volunteering and the importance of community service at an upcoming city council meeting, proclaiming a special day of recognition, or issuing an official statement of commendation. Suggested language is included.

You can contact your honoree at:

7090 Pinecrest, Park City, UT 84098-5387, (435) 649-2231

If you would like additional information, please call (973) 802-4568 or write to us at spirit@prudential.com.

Congratulations for having such an outstanding young person in your city.

Sincerely,

Arthur F. Ryan
Chairman and CEO
Prudential Financial

Gerald N. Tirozzi
Executive Director
NASSP

751 Broad Street • 16th Floor • Newark, NJ 07102 • (973) 802-4568 • Fax (973) 802-4718

Megan Jones, 18, of Salt Lake City, a senior at Rowland Hall-St. Mark's School, founded a student volunteer group to raise awareness about AIDS and assist AIDS victims in the community. Megan's group, "Students for AIDS Awareness," has coordinated World AIDS Day programs at their school, baked pies for holiday food baskets, delivered food to AIDS patients in the community, and supported the activities of the Utah AIDS Foundation.

Robert Malcolm, 13, of Park City, an eighth-grader at Treasure Mountain Middle School, organized a winter clothing drive that produced more than 800 coats, boots, hats, gloves and snowpants for disadvantaged families in his community. After forming a nonprofit organization called "Community Donations, Inc.," Robert set up collection boxes, enlisted community support through informational fliers and a newspaper article, and then sorted and distributed the donations to local organizations serving people in need.

Tanielle Tebbs, 15, of Panguitch, a freshman at Panguitch High School, created a presentation to educate her community about Spinal Muscular Atrophy and to raise funds for patient care and research. Tanielle, who lost three infant cousins to this inherited disease, wrote and delivered her "Angels With Names" presentation to school, church and community groups; wrote letters requesting donations; and helped sew 12 quilts that were auctioned at the annual National Families of SMA convention.

Owen Yeh, 18, of Sandy, a senior at Skyline High School in Salt Lake City, conducted a bone marrow registration drive at an Asian American festival to increase the number of potential marrow donors for critically ill Asian Americans. He also helped construct a haunted house to raise money for medical services for third-world children, and organized a summer chess camp for children at local libraries.

"Over the past 10 years, we've seen an incredible number of young Americans who have selflessly devoted their time and energy to helping others in their communities," said Arthur F. Ryan, chairman and CEO of Prudential Financial. "The volunteer work of this year's honorees is as inspiring as any we've seen, and we are honored to recognize the amazing contributions they've made to their neighborhoods, their cities and our nation."

"Year after year I am amazed and humbled by the selfless leadership and generosity demonstrated by these young people," said Gerald N. Tirozzi, executive director of the National Association of Secondary School Principals. "We are proud to recognize young people who fully understand the importance of helping others in need."

- more -

The Prudential Spirit of Community Awards program is supported by National 4-H Council, Girl Scouts of the USA, American Red Cross, YMCA of the USA, Points of Light Foundation, American Association of School Administrators, National Middle School Association, National School Boards Association, Council of the Great City Schools, National School Public Relations Association, and many other national youth and service organizations.

The awards are part of a broad initiative created by Prudential to encourage young people to become involved in community service. Other elements of the initiative include a community leadership training program for high school students, now administered by the Points of Light Foundation; and a variety of educational materials for young people and teachers relating to youth volunteerism.

For information on all of this year's Prudential Spirit of Community State Honorees and Distinguished Finalists, visit www.prudential.com/spirit, or www.principals.org/awards/prudential.cfm.

NASSP – the preeminent organization and the national voice for middle level and high school principals, assistant principals and aspiring school leaders – provides its members the professional resources to serve as visionary leaders. NASSP promotes the intellectual growth, academic achievement, character development, leadership development, and physical well-being of youth through its programs and student leadership services. NASSP administers the National Honor Society™, National Junior Honor Society™, and National Association of Student Councils™.

Prudential Financial companies serve individual and institutional customers worldwide and include The Prudential Insurance Company of America, one of the largest life insurance companies in the United States. These companies offer a variety of products and services, including life insurance, mutual funds, annuities, pension and retirement related services and administration, asset management, securities brokerage, banking and trust services, real estate brokerage franchises and relocation services. For more information, visit www.prudential.com.

# # #

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 3, 2005

Present: **Mayor Dana Williams; Council members, Kay Calvert; Marianne Cone, Candace Erickson; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Chief Lloyd Evans; Breena Hathaway, Public Affairs Assistant, Gary Hill, Budget Manager; Phyllis Robinson, Analyst; Patrick Putt, Planning and Zoning Director

Absent: **Council member Jim Hier**

1. **Council questions/comments.** Kay Calvert disclosed that she received complaints about motorists not stopping for pedestrians at the crosswalk at Albertson's and Chief Lloyd Evans acknowledged these violations. In response to comments made, the City Engineer explained that UDOT only allows pedestrian-operated red lights at signalized intersections. A crosswalk over four lanes of traffic is very challenging and the intersection at Deer Valley Drive is safer to cross. Chief Evans added that people were crossing at this location before the crosswalk was installed and he assured Council that community awareness will be heightened by some enforcement action. Candy Erickson discussed the topics covered in the Recreation Advisory Board meeting, including the sound garden; skate park expansion design, neighborhood parks, temporary dirt bike jumps, and the results of the Racquet Club open house. There was also a recommendation made by a RAB member about naming neighborhood parks and getting the public involved. Dana Williams expressed that the City was well-represented at the White Pine Touring meeting last night which was well-attended and productive.

2. **Legislative update.** Breena Hathaway reported that the $10 million tourism bill passed. Annual funding will decrease by $1 million each year in the hopes that there will be continued growth in tourism dollars. Gary Hill added that the streamline sales tax bill will be studied in the interim as well as redevelopment legislation, which is anticipated to prohibit extensions or expansions of project areas. The amendment to the formation of special service districts, more specifically with regard to under-grounding utilities, failed to pass even though there was no expressed opposition and support from utility companies. He hoped this will be considered as a committee bill next session.

3. **Mountainlands Community Housing Trust contract.** Phyllis Robinson explained that the City received a request from MCHT to amend its contract by removing the outreach program valued at $6,000. While this will create a short-term service gap, staff is recommending the amendment, including and reassigning the $6,000 to the special services subcommittee for further action. In response to a question from Joe Kernan, Ms. Robinson believes the funding is adequate. Tom Bakaly

added that if the funds are unspent, they revert to the General Fund unless earmarked for tenant outreach or other similar services.

4. Public Use Transition District. Patrick Putt explained that a hearing and action are scheduled this evening on this new district for the downtown area, specifically relating to the plaza and parking structure projects. It is meant to address land use for all City-owned properties in the downtown core. These properties include the Marsac Building, China Bridge, Swede Alley parking lots, and Transit Center, which are located in different zoning districts, HR-1 and HCB. The primary concern is that these zoning districts don't aren't equipped to address the types of uses and/or provide adequate public processes for proposed downtown projectswhen projects are proposed. Mr. Putt pointed out that this zone is more restrictive because most uses require conditional use approvals, accompanied with public hearings. As a transition district, it considers residential and commercial interests and allowed uses are public in nature. He reiterated the addition of involving the public through the CUP process; the Planning Commission and staff have forwarded a positiveion recommendation. Mr. Putt discussed passenger tramways, ski towers, and ski lift facilities in the conditional use section and the purpose section introducing the zone.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

PLANNING DEPARTMENT

1881

Planner: Amy Campbell
Subject: 2858 ESTATES DRIVE PLAT AMENDMENT
Date: March 24, 2005
Applicant: Scott McKay, owner
Location: 2858 Estates Drive
Zone: Residential Development (RD-MPD)
Type of Item: Administrative

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

BACKGROUND

On December 3, 2004 the Planning Department received a plat amendment for property located at 2858 Estates Drive. On March 9, 2005 the Planning Commission conducted a public hearing, reviewed the plat amendment, and forwarded a positive recommendation to City Council.

The applicant is requesting a plat amendment to create one platted lot by combining Lot 23 and a metes and bounds parcel, Tract A in Meadows Estates Subdivision #1A. Meadows Estates Subdivision consists of 37 lots and Tract A. Tract A was designated as a temporary cul-de-sac on the plat. Tract A is currently vacant and owned by the applicant, Scott McKay.

ANALYSIS

The property is located in the RD-MPD district and has frontage on Estates Drive. Lot 23 is an existing vacant single family lot. Tract A is a vacant metes and bounds parcel that was designed as a temporary cul-de-sac and not as open space on the plat. The owner of Lot 23 also owns Tract A.

The applicant is requesting a plat amendment to combine Lot 23 and Tract A to create one platted lot for a new single family home. The applicant would like to build a house up to five feet (5') from the current lot line between Lot 23 and Tract A, but not on Tract A. Tract A would remain open with the exception of at grade improvements, such as decks, patios and landscaping.

A five foot (5') utility easement exists inside the east property line of Lot 23. Staff recommends a condition of approval that the utility easement shall be shown on the plat and that structures are permitted to be constructed within the easement area.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The request was discussed at a Staff Review Meeting on January 4, 2005 where representatives from local utilities and City Staff were in attendance. This proposal will not affect the use of the easement for utility purposes.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval as found in the accompanying ordinance.

EXHIBITS

Exhibit A – Proposed plat amendment
Exhibit B – Proposed Ordinance

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY KNOWN AS LOT 23 AND TRACT A OF THE MEADOWS ESTATES SUBDIVISION #1A, LOCATED AT 2858 ESTATES DR, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 2858 Estates Drive, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on March 9, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to combine one lot of record and another adjacent parcel into one lot of record; and

WHEREAS, the City Council held a public hearing and approved the plat on March 24, 2005.

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

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

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

FINDINGS OF FACT:

1. Lot 23 and Tract A of Meadows Estates are located in the Residential Development (RD-MPD) zone.
2. The combined parcels will be used for one single family dwelling.
3. The combined parcels will total approximately 0.485 acres (21,126.6 square feet).
4. The parcels have frontage on Estates Drive.
5. The parcels are vacant.
6. Construction of a single family house on the proposed lot 1 will be an allowed use in the zone.
7. Park Meadows golf course borders the Property on the North side.
8. No remnant lots will be created as a result of this application.
9. The Planning Commission reviewed this item at the March 9, 2005 meeting. A Public hearing was held, and the Planning Commission forwarded a positive recommendation.

CONCLUSIONS OF LAW:

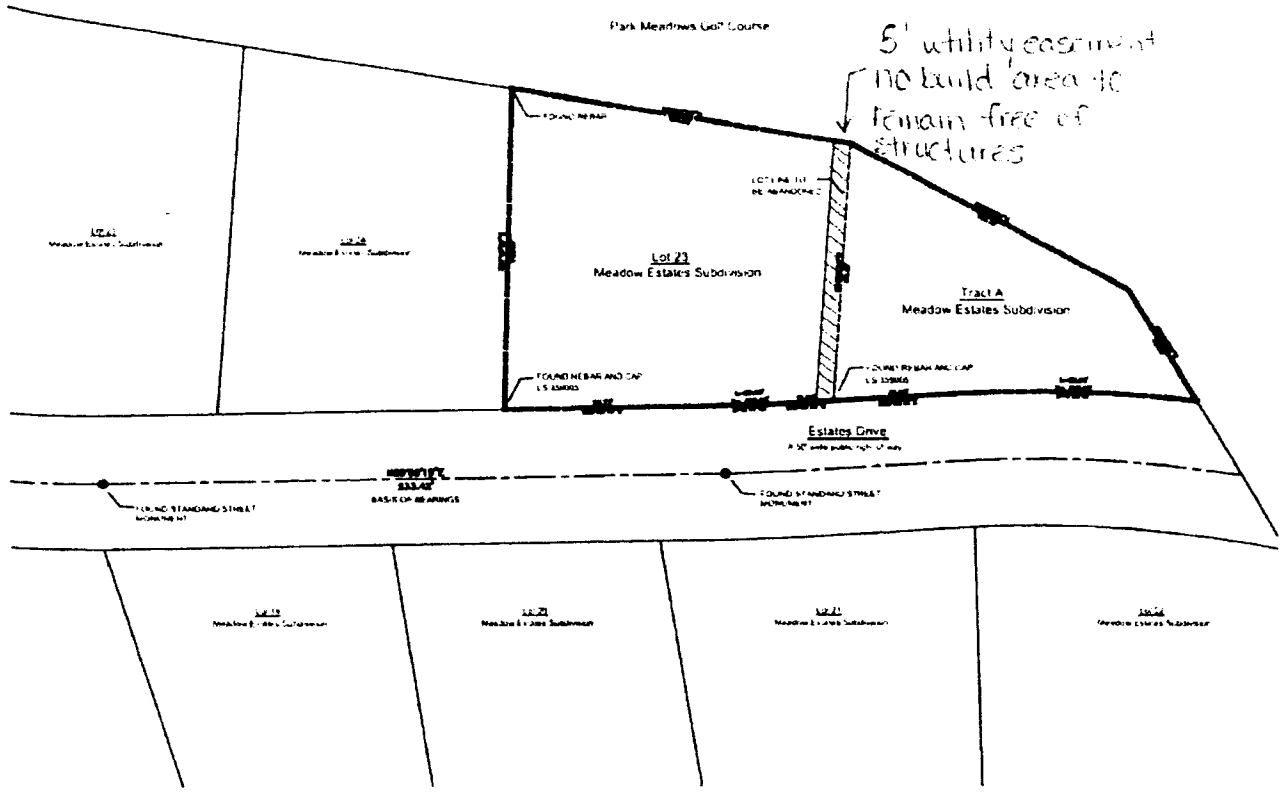
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with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

CONDITIONS OF APPROVAL:

1. Construction of structures shall be prohibited within the utility easement.
2. All Land Management Code setback requirements must be met.
3. The City Attorney and City Engineer review the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. The five foot (5') utility easement existing along the easterly boundary of lot 23 shall be shown on the plat with an accompanying plat note prohibiting the installation, construction, or placement of any structures within the easement area.

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

PASSED AND ADOPTED this 24th day of March, 2005.



SURVEY NOTE:

THE PURPOSE OF THIS SURVEY IS TO COMBINE LOT 23 WITH TRACT A AS SHOWN HEREON. THIS SURVEY MAP VALID WITHOUT VALID SIGNATURE. AS SHOWN HEREON, THE PROPERTY LINE SEPARATING THE TWO LOTS WILL BE ABANDONED THEREBY CREATING ONE PARCEL OF LAND.

SUBJECT PROPERTY DESCRIPTION:

A Parcel of land situated in the Northwest quarter and the Southwest quarter of Section 4, Township 2 South, Range 4 East, more particularly described as follows:

Beginning at the Southwest corner of Lot 23 as shown on that certain map titled "Meadow Estates Subdivision plat, that was filed Feb 04, 2000 in the Office of the Recorder of Summit County, said point also being on the north side of the right of way for Estates Drive as shown on said Subdivision map, thence along said north right of way line, North 89°47'47" West, 65.77 feet, thence along a curve to the left with a radius of 1000.00 feet, through a central angle of 2°06'47" for a length of 36.93 feet, thence North 87°41'00" West, 30.00 feet, thence North 00°00'00" West, 10.00 feet, thence along a curve to the right having a radius of 1000.00 feet, through a central angle of 2°06'47" for a distance of 36.93 feet, thence leaving said north right of way line, North 00°00'00" West, 100.00 feet, thence North 90°00'00" West, 110.00 feet, thence North 00°00'00" West, 100.00 feet, thence North 90°00'00" West, 100.00 feet to the point of beginning.

Containing 0.400 Acres, more or less

Subject property is individually described as follows:

LOT 23 DESCRIPTION:

A Parcel of land situated in the Northwest quarter and Southwest quarter of Section 4, Township 2 South, Range 4 East, more particularly described as follows:

Being Lot 23 as shown on that certain plat map as "Meadow Estates Subdivision plat" recorded August 4, 1988 under File No. 243400 in the Office of the Recorder of Summit County, Utah.

Containing 0.31 Acres, more or less.

TRACT A DESCRIPTION:

A Parcel of land situated in the Northwest quarter and Southwest quarter of Section 4, Township 2 South, Range 4 East, more particularly described as follows:

Being Tract A as shown on that certain plat map as "Meadow Estates Subdivision plat" recorded August 4, 1988 under File No. 243400 in the Office of the Recorder of Summit County, Utah.

Containing 0.270 Acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD:

Known all men by these presents that the undersigned is the owner of the herein described tract of land and hereby causes the same to be combined into one lot, hereafter shall be described and known as "Scotty Lot Line Adjustment".

Dated this _____ day of _____, 2004

_____
Scott McKay, Owner

SCALE 1"=20'

SCOTT MCKAY
LOT LINE ADJUSTMENT PLAT

BEING LOT 23 AND TRACT 'A'
MEADOW ESTATES SUBDIVISION
LOCATED IN SECTION 4, TOWNSHIP 2
SOUTH, RANGE 4 EAST
SALT LAKE BASE and MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Sheet 1 of 1

SURVEYOR'S CERTIFICATE:

I, Jack A. Johnson, do hereby certify that I am a Professional Land Surveyor as that term is defined by the laws of the State of Utah, I further certify that a survey has been made of the land shown on this plat and described hereon, and that the plat is a true and correct representation of the land surveyed and that monuments have been placed in accordance with the requirements of the law.

_____
Jack A. Johnson

_____
Date

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of _____, 2004 personally appeared before me Scott McKay who being duly sworn, did say that the within and foregoing owner's dedication and consent to record was signed by him in the name of the property.

_____ My commission expires _____
Notary Public

LEGEND

● Found monument (as noted)
○ Monument certified (found or set)

CITY PLANNING COMMISSION	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY ENGINEER	CITY COUNCIL	APPROVAL AS TO FORM	RECORDED
Chairperson, Planning Commission	Chairman	Date / Park City Engineer	Mayor / City Recorder	City Attorney	Entry No. / Book / Page / Fee / Time / Date / Recorder

JACK JOHNSON COMPANY

City Council
Staff Report

PARK CITY 1881

PLANNING DEPARTMENT

Author: **Kirsten Whetstone**
Subject: **1301 Park Avenue subdivision plat**
Date: **March 24, 2005**
Type of Item: **Administrative**

SUMMARY RECOMMENDATIONS: Staff recommends the City Council conduct a public hearing, discuss the proposed two lot subdivision plat, consider any input, and approve the subdivision plat according to the findings of fact, conclusions of law and conditions of approval outlined in the Ordinance.

DESCRIPTION

Project Name:	Knudson Subdivision Plat
Applicant:	Gary Knudson, representative of owner Marya, Ltd.
Location:	1301 Park Avenue
Zone:	Historic Residential Medium Density (HRM)

BACKGROUND

The applicant is requesting a subdivision plat to create two platted lots from one 6,072 sf metes and bounds parcel located at 1301 Park Avenue in Block 24 of the Snyder's Addition to the Park City Survey. One lot (Lot 1) is intended to accommodate the existing historic structure located at 1301 Park Avenue. The other (Lot 2) is intended to accommodate an existing non-historic A-frame structure which may be removed or remodeled in the future. Lot 1 would be 3,003 sf in area and Lot 2 would be 2,838 sf in area. On March 9, 2005, the Planning Commission voted to forward a positive recommendation on this subdivision.

ANALYSIS

The property is located in the HRM zone. Future construction on either lot must meet the criteria outlined in LMC Chapter 15-2.4, and the Historic District Design Guidelines. Because the existing home at 1301 Park Avenue is historic, the LMC Section 15-2.4-6 exempts it from various requirements, such as off-street parking requirements, setbacks, footprint, etc. New construction and additions would however be required to meet all required lot and site requirements as stated in Section 15-2.4. A certified survey was submitted showing existing structures and setbacks.

The HRM District requires a minimum of 3,750 sf for a duplex and 2,812 sf for a single family dwelling. Lot 2 meets the lot size requirements for the existing (or future) single family dwelling. Lot 1 is 747 sf less than the lot area required for a duplex. There is sufficient total lot area, if the property is not divided, for a tri-plex, which requires 4,687

sf of lot area, or even a four-plex, which requires 5,625 sf of lot area. Tri-plexes and four-plexes require a conditional use permit in the HRM district.

The historic structure currently consists of 2 dwelling units and is technically a duplex, even though one of the units is only 410 sf. The other structure is a single family dwelling that faces 13th Street. Accordingly, the property can not be subdivided without creating a non-conforming lot for either the duplex at 1301 Park or the A-frame that faces 13th Street. There is only enough total area, if subdivided into two lots, for 2 single family units. One of those units could contain an accessory apartment if the lot owner resides in the apartment or main dwelling and files an application for an accessory apartment. The applicant does not reside on the subject property.

Staff has included a conditional of approval on this plat that it cannot be recorded unless/until the applicant either (a) obtains approval of a special exception or variance application allowing the duplex to exist on Lot 1 despite not meeting the LMC required lot area; or (b) obtains written confirmation from the Chief Building Official that each structure is considered a single family dwelling.

Any trees currently located on site that meet the LMC definition of "Significant Vegetation" are required to remain unless mitigation for any loss of this vegetation is submitted during the design review process, and meets standard practices for mitigation to be determined by the City's Landscape Arborist. There is a large evergreen tree on the north side of 1301 Park Avenue. The owner is interested in replacing this tree with additional trees elsewhere on the property, in order to provide additional off-street parking for 1301 Park Avenue. Staff recommends a tree replacement mitigation plan be submitted for review and approval by the City's Landscape Arborist prior to removing any Significant Vegetation.

The Master Streets Plan requires a 50' right-of-way for Park Avenue. Park Avenue is not a platted street in Block 24 of the Snyder's Addition. The applicant's survey indicates a 3.5 foot encroachment of the existing public sidewalk onto the property. This 3.5 foot strip of right-of-way should be dedicated to Park City in reasonable satisfaction of the road dedication requirement of the Subdivision Ordinance.

NOTICE

Notice of this hearing was sent to property owners within 300'. The property was posted and legal notice was published and posted as required by the Land Management Code.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat as to form and for compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on December 14, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends the City Council conduct a public hearing, discuss the proposed subdivision plat, consider and input, and approve the Knudson subdivision plat according to the findings of fact, conclusions of law, and conditions of approval as outlined in the Ordinance.

EXHIBITS

Exhibit A – proposed Knudson Subdivision plat – 1301 Park Avenue
Exhibit B – existing conditions survey

AN ORDINANCE APPROVING THE KNUDSON SUBDIVISON CREATING TWO PLATTED LOTS FROM ONE 6,072 SQUARE FOOT METES AND BOUNDS PARCEL IN BLOCK 24 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1301 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of 1301 Park Avenue petitioned the City Council for approval of a subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 9, 2005, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 9, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 24, 2005, the City Council held a public hearing and approved the proposed plat amendment; and

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

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

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

Findings of Fact:

1. The property is located in the Historic Residential Medium Density (HRM) zone.
2. The HRM zone is a residential zone characterized by a mix of smaller historic homes and larger condominium developments. This subdivision plat will subdivide one 6,072 sf metes and bounds parcel into two platted lots for two existing structures. Lot 1 will be 3, 003 sf in area and Lot 2 will be 2,838 sf in area. An additional 231 sf is for dedication of right-of-way for an encroaching sidewalk.
3. Lot one would contain the existing historic duplex located at 1301 Park Avenue. Lot two would contain an existing, non-historic A-frame house, which may be removed or remodeled in the future.
4. The proposed Lot 1 will be 3,003 sf and is 747 sf less in area than that required for a duplex structure and proposed Lot 2, is 2,838 sf and is 26 sf larger in area than that required for a single family structure. There is an existing duplex on Lot

1. There is an existing single family A-frame house on Lot 2.
5. The existing home at 1301 Park Avenue is historic. LMC Section 15-2.4-6 exempts it from off-street parking requirements, building setbacks and driveway location standards (not including any new construction).
6. No remnant lots will be created as a result of this application. As conditioned, no non-conforming lots will be created.
7. There is a large existing evergreen tree to the north of 1301 Park Avenue.
8. Each house is required to have individual water and sewer services.
9. Maintenance of a functional street network is fundamental to the public health, safety, and welfare.
10. On March 9, 2005, the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation to approve the Knudson subdivision plat.

Conclusions of Law:

5. There is good cause for this subdivision plat as it will allow the property owner to sell the houses separately.
6. The subdivision plat as conditioned is consistent with the Park City Land Management Code and applicable State law.
7. Neither the public nor any person will be materially injured by the proposed plat amendment.
8. As conditioned the subdivision plat is consistent with the Park City General Plan.

Conditions of Approval:

The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.

Prior to the receipt of a building permit for any new construction on the lots, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines and the LMC.

The applicant will record the plat at the County within one year of the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

Recordation of this subdivision plat shall not occur unless and until the applicant is able to provide proof of compliance with lot area requirements set forth in LMC Section 15-2.4-4. The applicant's options for such compliance include (a) obtaining approval of a special exception or variance permit allowing the duplex to exist on Lot 2 despite not meeting applicable lot area requirements; or (b) obtaining written confirmation from the Chief Building Official that each structure is considered a single family dwelling.

A tree replacement mitigation plan shall be submitted for review and approval by the City's Landscape Arborist prior to removing any Significant Vegetation on the property, including the large evergreen tree located to the north of 1301 Park Avenue.

Prior to plat recordation a financial security, adequate as to amount in the opinion of the City Engineer and satisfactory as to form in the opinion of the City Attorney,

shall be provided to the City to guarantee that each house shall have individual water and sewer services meeting all requirements of the City and the Snyderville Basin Water Reclamation District.

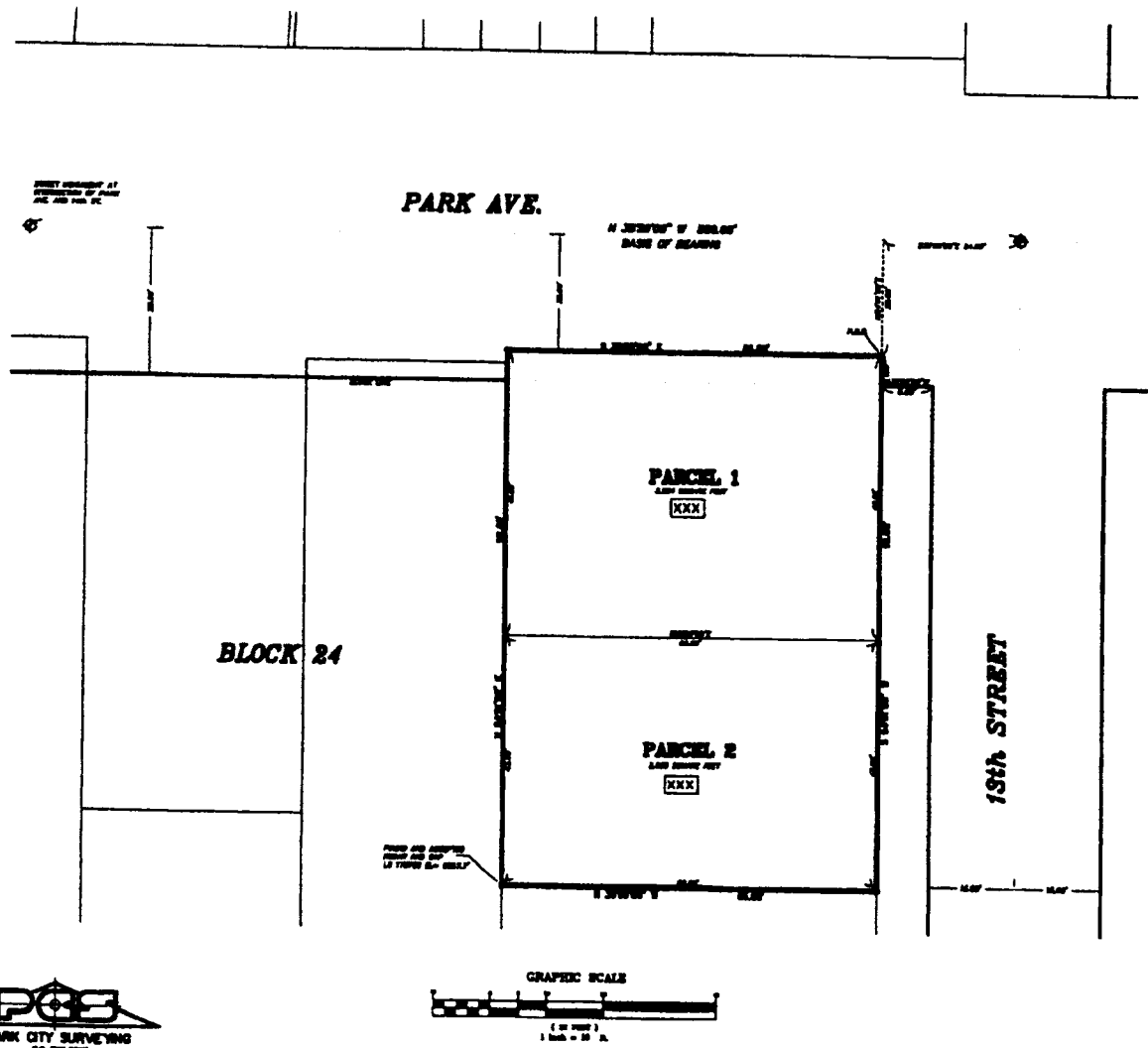
The 3.5' sidewalk encroachment along Park Avenue (66' by 3.5') shall be dedicated as right-of-way to Park City in reasonable satisfaction of the road dedication requirement of the Subdivision Ordinance.

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

PASSED AND ADOPTED this 24th day of March, 2005.

KNUDSON SUBDIVISION PLAT

LYING WITHIN BLOCK 24 OF THE
SNYDERS ADDITION TO
PARK CITY PLAT
SUMMIT COUNTY, UTAH



PCS
PARK CITY SURVEYING

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERING CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED

PAGE 1 of 1

68

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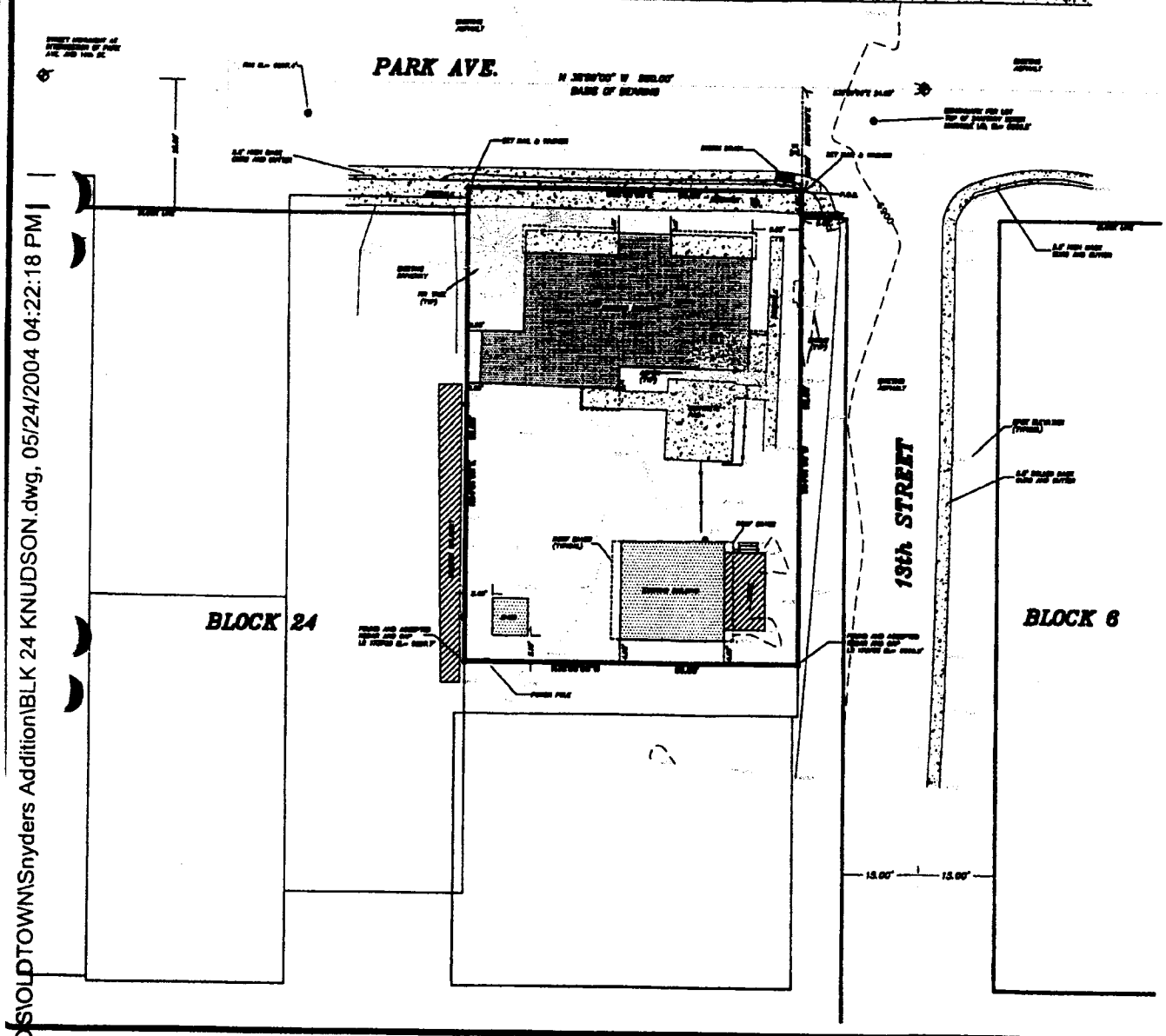
KNUDSON

RECORD OF SURVEY & TOPOGRAPHIC MAP

A PORTION OF BLOCK 24
SNYDERS ADDITION TO THE PARK CITY SURVEY
SUMMIT COUNTY, UTAH



LEGEND

PARK CITY SURVEYING

POHL

APRIL 23, 2004

RECORD OF SURVEY & TOPOGRAPHIC MAP
A PORTION OF BLOCK 24, SNYDERS ADDITION TO THE PARK CITY SURVEY

CARY KNUDSON

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City Council
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author: Kirsten Whetstone
Subject: 1053 Woodside Avenue- plat amendment
Date: March 24, 2005
Type of Item: Administrative

SUMMARY RECOMMENDATIONS: Staff recommends the City Council conduct a public hearing on the 1053 Woodside Avenue plat amendment, take any input, and consider approving the plat amendment according to the findings of fact, conclusions of law, and conditions of approval as outlined in the attached ordinance.

DESCRIPTION

Project Name:	1053 Woodside Avenue plat amendment
Applicant:	Genevieve Maire Rosol
Location:	1053 Woodside Avenue
Zone:	Historic Residential (HR-1)

BACKGROUND

The applicant is requesting a plat amendment to combine all of Lots 13 and 14, Block 9 of the Snyder's Addition to the Park City Survey into one lot of record. An existing house straddles the lot line between Lot 13 and Lot 14. The owner would like to remodel the existing house at some time in the future. The plat amendment would create a single 3,750 sf lot. On March 9, 2005 the Planning Commission forwarded to the City Council a positive recommendation to approve this plat amendment.

ANALYSIS

The property is located in the HR-1 zone. The proposed remodel of the house is an allowed use in the HR-1 zone provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines. The property has access from Woodside Avenue. The proposed lot complies with the LMC regarding lot size, arrangement, general dimensions, as well as access requirements.

The neighboring house on Lot 15 encroaches 1'4" onto Lot 14. An encroachment of the garage at 1053 Woodside onto adjacent Lots 12 and 21 is shown on the existing conditions survey. Any new construction will be required to meet applicable code required setbacks. Staff recommends a condition of approval that an easement be shown on the plat describing the encroachments. Staff recommends a condition of approval that if the encroaching garage is remodeled to increase the garage or floor area, that it be relocated onto the new lot and meet all applicable code required setbacks.

NOTICE

Notice of this hearing was sent to property owners within 300' on February 16, 2005. No public comments have been received.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on February 1, 2005, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing on the 1053 Woodside Avenue plat amendment, consider any input, and consider approving the plat amendment I according to the findings of fact, conclusions of law and conditions of approval as stated in the attached Ordinance.

EXHIBITS

Exhibit A – Proposed Plat Amendment
Exhibit B – Site Survey

AN ORDINANCE APPROVING THE ROSOL PLAT AMENDMENT TO COMBINE ALL OF LOTS 13 and 14, BLOCK 9 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, INTO ONE LOT OF RECORD, LOCATED AT 1053 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of lots 13 and 14, Block 9 of the Snyder's Addition to the Park City Survey, located at 1053 Woodside Avenue, petitioned the City Council for approval of a plat amendment, and

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

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

WHEREAS, the Planning Commission held a public hearing on March 9, 2005 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 9, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 24, 2005, the City Council held a public hearing and approved the proposed plat amendment; and

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

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

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

Findings of Fact:

11. The property is located in the Historic Residential (HR-1) zone.
12. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
13. The amendment will combine all of Lots 13 and14 of Block 9 of the Park City Survey into one lot of record.
14. The proposed lot would consist of 3,750 square feet.
15. The lot has 50 feet of frontage on Woodside Avenue.
16. No remnant lots will be created as a result of this application.
17. A single family residence is located on the property and straddles the property line between Lots 13 and 14.
18. The residence on the adjacent Lot 15 encroaches by 1'4" onto Lot 14.
19. The garage for 1053 Woodside encroaches onto adjacent Lots 12 and 21.

20. Lots 15, 12, and 21 are not commonly owned by the owner of Lots 13 and 14.
21. On March 9, 2005 the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation to approve the plat amendment.

Conclusions of Law:

9. There is good cause for this plat amendment.
10. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
11. Neither the public nor any person will be materially injured by the proposed plat amendment.
12. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.

All new construction shall comply with the HR-1 District Lot and Site Requirements in LMC Section 15-2.2-3.

An encroachment easement shall be shown on the plat identifying the 1'4" encroachment of a portion of the house located on Lot 15, onto Lot 14. Any new construction shall meet all applicable code required setbacks from the encroaching structure.

A note shall be added to the plat requiring the encroaching garage to be relocated onto the new lot, meeting all applicable code required setbacks, if the garage is remodeled to include additional floor or garage area.

No building permits, with the exception of interior remodels, shall be issued prior to final recordation of the plat at the County Recorder's Office.

The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 24th day of March, 2005.

Rosol Subdivision
Snyder's Addition to the Park City Survey
Block 9
Lot Line Amendment

NEW LEGAL DESCRIPTION

All of Lots 13 & 14, Block 9 of Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.
More particularly described as follows:
Beginning at the Northerly corner of Lot 14, Block 9, of said Snyder's Addition to the Park City Survey and running thence S 35°59' E along the Westerly right of way line of Woodside Avenue, 50.00 feet to the Easterly corner of Lot 13 of said Block 9; thence S 54°01' W along the line common to Lots 13 & 13 of said Block 9, 75.00 feet to the Southerly corner of Lot 13; thence N 35°59' W along the line common to Lots 21, 14 & 20, 50.00 feet to the Westerly corner of Lot 14; thence N 54°01' E along the line common to Lots 14 & 15 of said Block 9, 75.00 feet to the point of beginning; containing 0.086 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, Genevieve Maire Rosol, the undersigned owner of the hereon described tract of land to be known hereafter as the Rosol Subdivision, Snyders Addition to the Park City Survey, having caused this Amended Lot Line Plat to be prepared, do hereby consent to the recordation of this Record of Survey Map in accordance with Utah Law.

Also, the owners, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, Parks and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this_____day of _____ 2004.

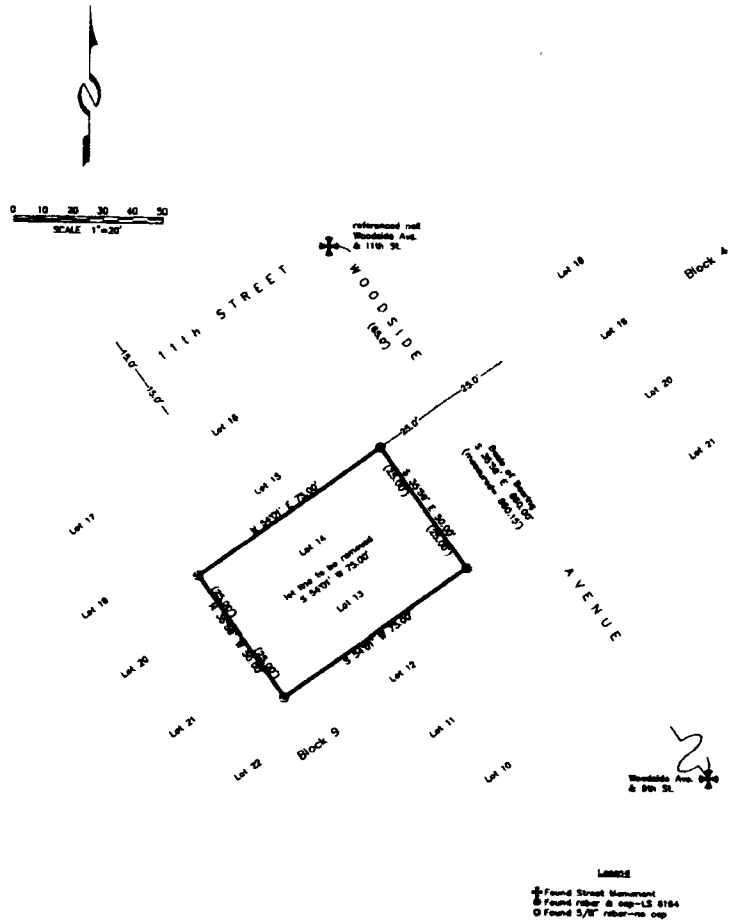
By: _____
Genevieve Maire Rosol

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _____ 2004, Genevieve Maire Rosol personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Genevieve Maire Rosol acknowledged to me that she is the legal owner of the Rosol Subdivision, Snyder's Addition to the Park City Survey as hereon described, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: _____ _____
NOTARY PUBLIC
RESIDING IN _____ COUNTY,_____



NARRATIVE

1. Survey requested by: Genevieve Maire Rosol
2. Purpose of survey: lot line adjustment between adjoining properties.
3. Basis of survey: found property monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Gudgell, Inc., recorded as Entry No. 197765 in the office of the Summit County Recorder. Subdivision of Block 9 from the Map of Snyder's Addition to Park City by R.A. Jones, County Surveyor, dated September 15, 1912.
4. Date of survey: May 18, 2004.
5. Property monuments found as shown.
6. Located in the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of Snyders Addition to the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. See the previous boundary survey by Alpine Survey Inc., on file in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13 & 14, Block 9 of Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; each Lot containing 0.043 acres, more or less.

SURVEYOR'S CERTIFICATE

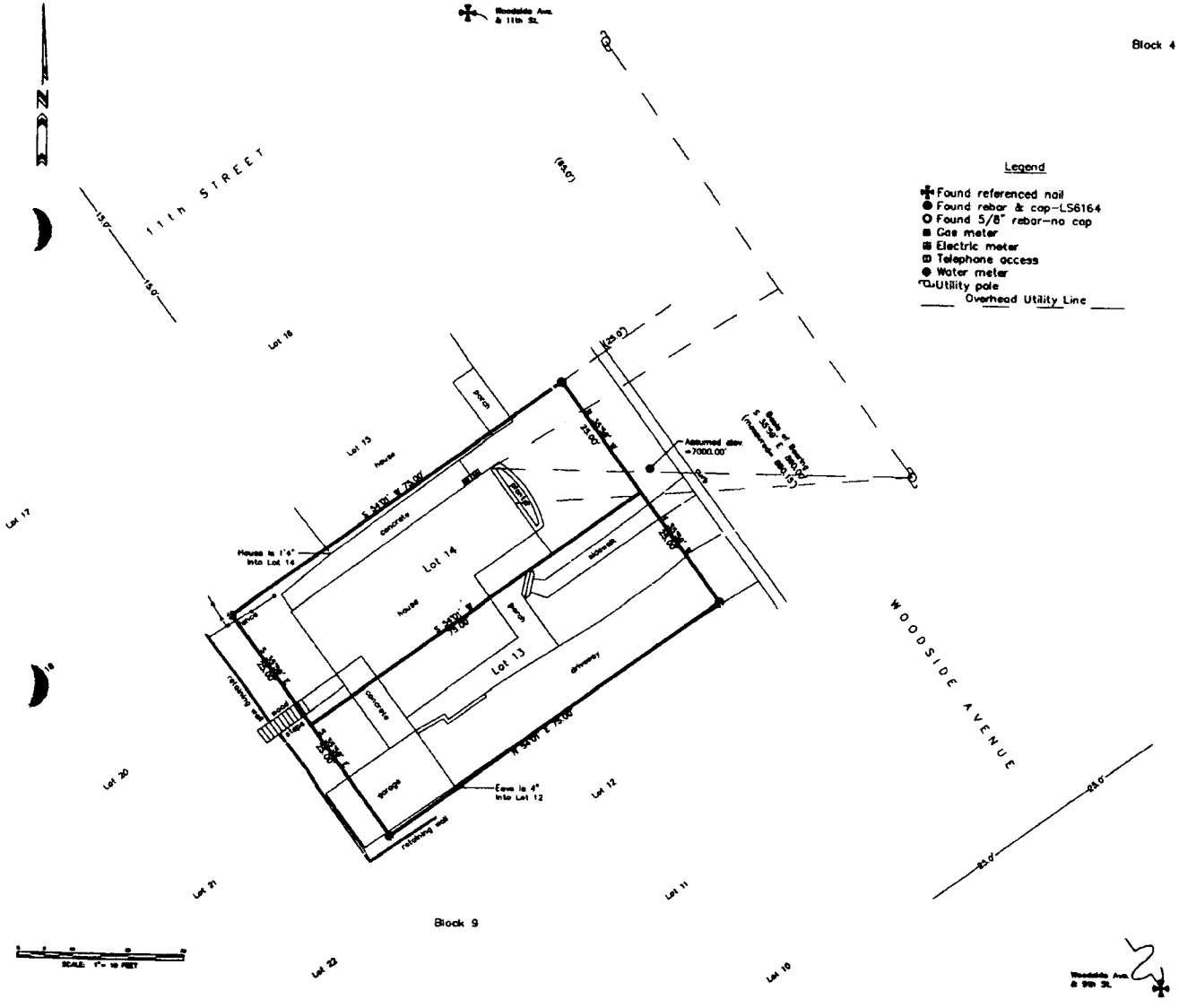
I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

_____ _____
Date J.D. Galley RLS#359005

74

Alpine Survey, Inc. 19 Prospector Dr. Park City, Utah 84060 (435) 655-8016	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
		APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2004 A.D. BY _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2004 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 2004 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2004 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2004 A.D. BY _____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____

Snyder's Addition to the Park City Survey
Block 9, Lots 13 & 14



Legend

- Found referenced nail
- Found rebar & cap–LS6164
- Found 5/8" rebar–no cap
- Gas meter
- Electric meter
- Telephone access
- Water meter
- Utility pole
- Overhead Utility Line

NARRATIVE

1. Survey requested by: Maire Rosal.
2. Purpose of survey: locate the deed description and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: May 18, 2004.
5. Property monuments found as shown.
6. Located in the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of Snyders Addition to the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. An assumed elevation of 7000.00 feet was assigned to the top of the water meter cover on the easterly side of the property, as shown.

LEGAL DESCRIPTION

All of Lots 13 & 14, Block 9 of Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; each Lot containing 0.043 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date

J.D. Galley RLS#359005

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Planner:	**Jonathan Weidenhamer**
Subject:	**PARKING STRUCTURE AND TOWN PLAZA REZONE**
Date:	**March 24, 2005**
Type of Item:	**Legislative**
Applicant:	**Park City Municipal Corporation** **Colin Hilton – Director of Economic Development and Capital Projects**
Zone:	**Existing: Historic Residential (HR-1) and Historic Commercial Business (HCB); Proposed: Public Use Transition (PUT).**

RECOMMENDATION: Staff recommends that the City Council review the proposed zone change, conduct a public hearing and consider approving the rezone application. Staff has prepared a draft ordinance to approve the rezone consistent with the Planning Commission's recommendation.

BACKGROUND

The Planning Commission reviewed this item at the March 9, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve rezone of most of Swede Alley to the newly created PUT District.

Park City Municipal Corporation's Old Town property which includes Marsac City Hall, the China Bridge parking structure, Swede Alley parking lots, and the Old Town Transit Center are currently located in the Historic Commercial Business (HCB) and Historic Residential (HR-1) zoning districts (Exhibit A). Marsac City Hall is a historic structure. It is also a legal non-complying structure in the underlying HR-1 zone as a result of its building height and setbacks. Additionally, the existing China Bridge parking structure is a non-complying use and non-complying structure in the areas where it exists in the HR-1 Zone as a result of its height and setbacks (Exhibit B).

During the spring 2003 City Budget review, City Council instructed Staff to put together a group that would take an overall approach to reviewing capital project needs in the downtown area. The Downtown Task Force findings and recommendations for capital projects and other programming ideas aimed at promoting vitality in the downtown area were fully endorsed by the City Council at a November 20, 2003 City Council Meeting. Staff returned to City Council during the spring 2004 City Budget Review at which time funding was allocated for three major downtown capital improvements: The town plaza; an expansion of the China Bridge parking structure; and a seismic upgrade/remodel of the Marsac City Hall building.

The aforementioned uses and structures are conditional uses in the underlying commercial zoning district (HCB) and generally prohibited uses in the underlying residential district (the HR-1 would allow a Public Institution/ Essential Municipal Public Use as a Conditional Use). The HCB District permits (or conditionally permits) a range of commercial, office, and lodging uses. The HR-1 District is primarily a residential zone.

The rezone from HR-1/HCB the PUT District will allow for the construction of municipal Capital Improvement Projects in the downtown area including the new parking structure, the town plaza, and Marsac Building renovation, subject to conditional use permit and subdivision plat review.

At this time the applicant is requesting application of the new PUT zoning district from approximately the Transit Center south, to the north end of Grant Avenue, and from Swede Alley east to Marsac Avenue (Exhibits C and D). The City's Official Zoning Map would be amended through this process.

ANALYSIS

Consistent with the Economic Element of the General Plan, the City Council has put greater emphasis on promoting the City's resort based economy since the conclusion of the Olympics. Based on economic development visioning sessions and specific task force input, one action item pursued has been providing infrastructure and other capital projects to enhance and promote the downtown corridor.

The intent of the proposed Public Use Transition district is to create a zone generally limited to municipal/public related uses. The proposed zone is a primarily a hybrid of the current HCB zone with a substantially reduced number of allowed and conditional uses. The zone is intended to limit commercial uses and function as a transitional zone between the adjacent Main Street corridor and old town neighborhood. It will allow for ancillary support/ commercial activity through a Conditional Use Permit review process.

NOTICE

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The request was discussed at a Staff Review Meeting on March 1, 2005, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed zone change, conduct a public hearing and consider approving the rezone application. Staff has prepared a draft ordinance to approve the rezone consistent with the Planning Commission's recommendation to City Council. As a legislative act, rezones do not require formal

adoption of findings of fact; the following findings are provided simply to communicate the basis for the Planning Commission's positive recommendation to City Council.

Findings of Fact:

1. Park City Municipal Corporation owns property in Old Town including Marsac City Hall, the China Bridge parking structure, Swede Alley parking lots, and the Old Town Transit Center. These properties are currently located in the Historic Commercial Business (HCB) and Historic Residential (HR-1) zoning districts.
2. Marsac City Hall is a historic structure. It is also a legal non-complying use and structure in the underlying in the HR-1 zone as a result of its commercial use, as well as its building height and setbacks. The existing China Bridge parking structure is also a non-complying use/structure in the areas where it exists in the HR-1 Zone as a result of its height and setbacks.
3. The Downtown Task Force findings and recommendations for capital projects and other programming ideas aimed at promoting vitality in the downtown area were fully endorsed by the City Council at a November 20, 2003 City Council Meeting.
4. Funding was provided for three major downtown capital improvements during the spring 2004 City Budget Review: The town plaza; an expansion of the China Bridge parking structure; and a seismic upgrade/remodel of the Marsac City Hall building.
5. The three, funded, capital projects and related uses are conditional uses in the underlying commercial zoning district (HCB) and prohibited uses in the underlying residential district (HR-1).
6. The HCB District permits (or conditionally permits) a range of commercial, office, and lodging uses. The HR-1 District is primarily a residential zone.
7. The rezone from the HR-1/HCB to the PUT District will allow for the construction of municipal Capital Improvement Projects in the downtown area including the new parking structure, the town plaza, and Marsac Building renovation subject to conditional use permit and subdivision plat review.
8. At this time the applicant is requesting application of the new PUT zoning district from approximately the Transit Center to the north end of Grant Avenue (north/south) and Swede Alley to Marsac Avenue (east/west) (Exhibit C).
9. The City's Official Zoning Map would be amended through this process.
10. The Planning Commission reviewed the creation of the PUT District in a work session on November 10, 2004 and a public hearing on December 8, 2004. No public comment was received. The Planning Commission forwarded a positive recommendation to City Council to create the PUT District on December 8, 2004. The City Council approved the creation of the new zoning district on March 3, 2005.
11. The intent of the proposed Public Use Transition district is to create a zone generally limited to municipal/public related uses.
12. The proposed zone is a primarily a hybrid of the current HCB zone with a substantially reduced number of allowed and conditional uses.

13. The PUT Zone is intended to limit commercial uses and function as a transitional zone between the adjacent Main Street corridor and old town neighborhood.
14. The Put Zone will allow for ancillary support/ commercial activity through a Conditional Use Permit review process.
15. The PUT Zone allows for the use of a liquor store as a Conditional Use.
16. The Planning Commission reviewed this item at the March 9, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve rezone.

EXHIBITS

Exhibit A.1 - Ordinance
Exhibit A – Existing Zoning Map
Exhibit B – Existing zoning / Existing Conditions
Exhibit C – Area proposed to be rezoned
Exhibit D – Legal Description
Exhibit E – PUT District Language

I:\Cdd\Jon\PlngCom\PC 2005\Zone Change\Rezone - Swede alley cc3.24.05.doc

Ordinance No. 05-

AN ORDINANCE APPROVING A REZONE OF CITY-OWNED PROPERTY IN SWEDE ALLEY FROM HISTORIC RESIDENTIAL AND HISTORIC COMMERCIAL BUSINESS TO PUBLIC USE TRANSITIONAL, AND AMENDING THE OFFICIAL PARK CITY ZONING MAP.

WHEREAS, The Planning Commission reviewed the creation of the PUT District in a work session on November 10, 2004 and a public hearing on December 8, 2004; and

WHERAS, The Planning Commission forwarded a positive recommendation to City Council to create the PUT District on December 8, 2004, and the City Council approved the creation of the new zoning district on March 3, 2005; and

WHERAS, on March 9, 2005, the Planning Commission held a public hearing to receive public input on the proposed rezone of most of Swede Alley to the PUT District; and

WHEREAS, the Planning Commission forwarded to City Council a unanimous positive recommendation to rezone the City-owned property; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 24, 2005; and

WHEREAS, the rezone will relieve the non-complying status of the Marsac Building and China Bridge Parking structure as it relates to height; and

WHEREAS, proper notice was sent, publication of the intent to rezone, and the property was posted on February 23, 2005 according to requirements of the Land Management Code and State Law; and

WHEREAS, the rezone will allow the City to expand the existing China Bridge parking structure; and

WHEREAS, the change from Historic Commercial Business and Historic Residential to Public Use Transitional, is consistent with the Park City General Plan; and

WHEREAS, it is in the best interest of Park City Utah to rezone the City-owned property in Swede Alley from Historic Commercial Business and Historic Residential to Public Use Transitional

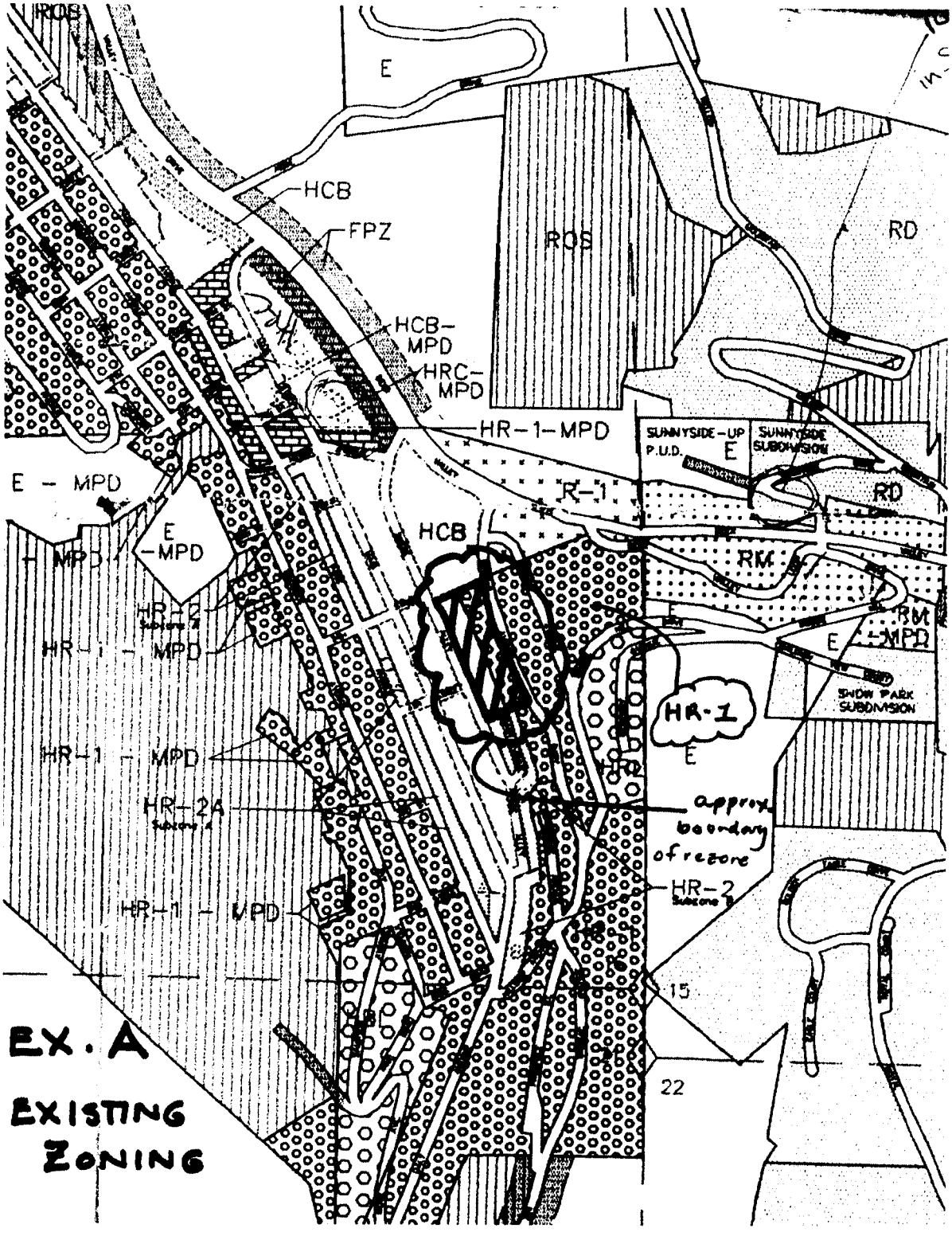
NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. REZONE OF MULTIPLE CITY OWNED METES AND BOUNDS PARCELS IN SWEDE ALLEY FROM HISTORIC RESIDENTIAL AND HISTORIC COMMERCIAL BUSINESS TO PUBLIC USE TRANSITIONAL. The City-owned property in Swede Alley, generally from the north end of Grant Avenue northerly to the Transit Center, and from the eastern edge of Swede Alley, easterly to Marsac Avenue, currently zoned Historic Commercial Business and Historic Residential should be and is hereby rezoned to the to Public Use Transitional District. The property subject to this zone change is described in Exhibit D, and exhibited as Exhibit C, attached. The official zoning map is hereby amended to reflect this zone change.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for this rezone, the rezone is consistent with the Park City Land Management Code, and General Plan, neither the public nor any person will be materially injured by the rezone, and approval of the rezone does not adversely affect the health, safety, and welfare of the citizens of Park City.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 24th day of March, 2005.


ROS
E
HCB
FPZ
ROS
RD
HCB-
MPD
HRC-
MPD
HR-1-MPD
SUNNYSIDE-UP
P.U.D.
E
SUNNYSIDE
SUBDIVISION
E - MPD
R-1
RD
E
-MPD
HCB
RM
HR-2
HR-1 - MPD
RM
-MPD
E
SNOW PARK
SUBDIVISION
HR-1
E
HR-1 - MPD
HR-2A
approx. boundary of rezone
HR-2
HR-1 - MPD
15
22
EX. A
EXISTING
ZONING

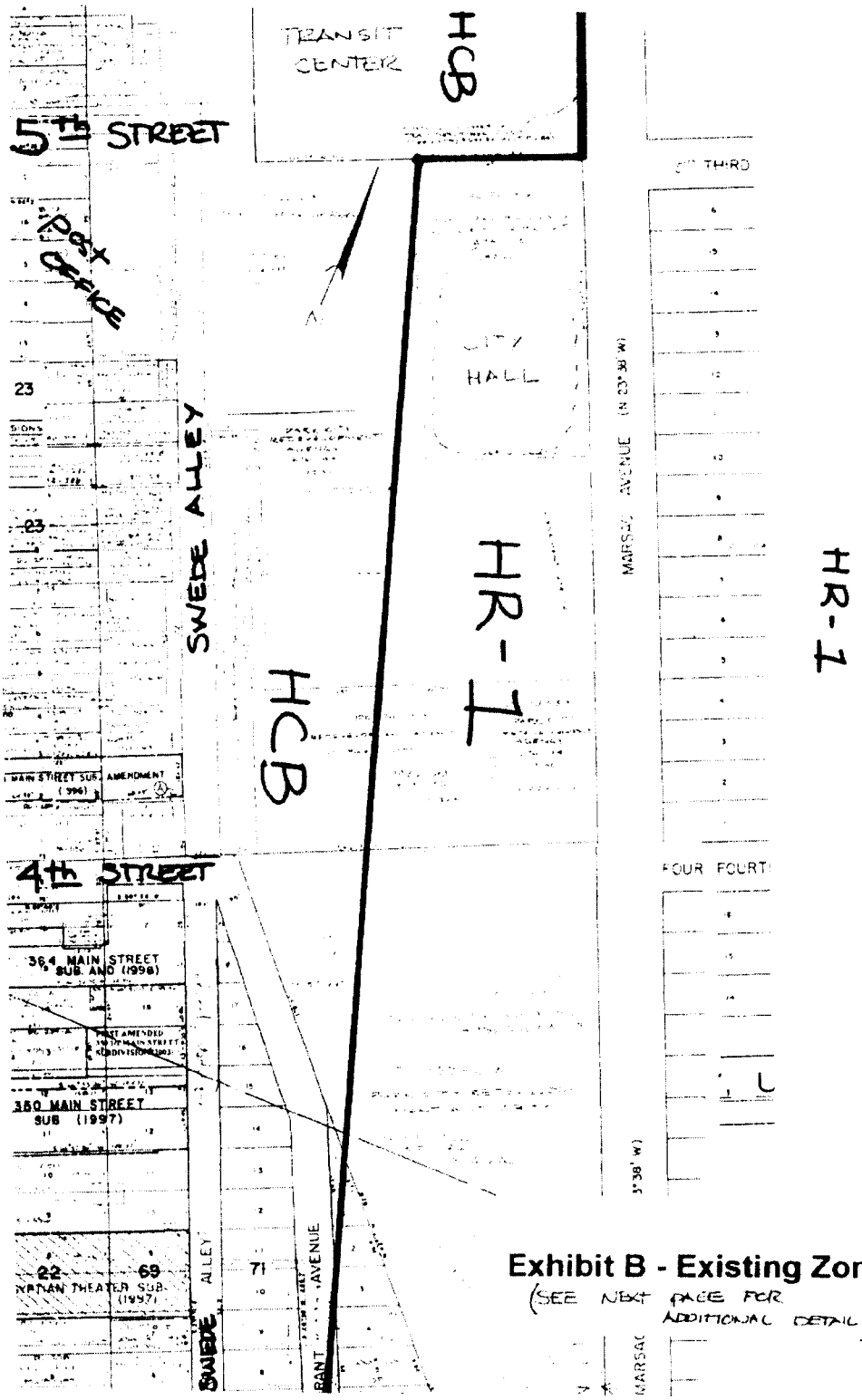
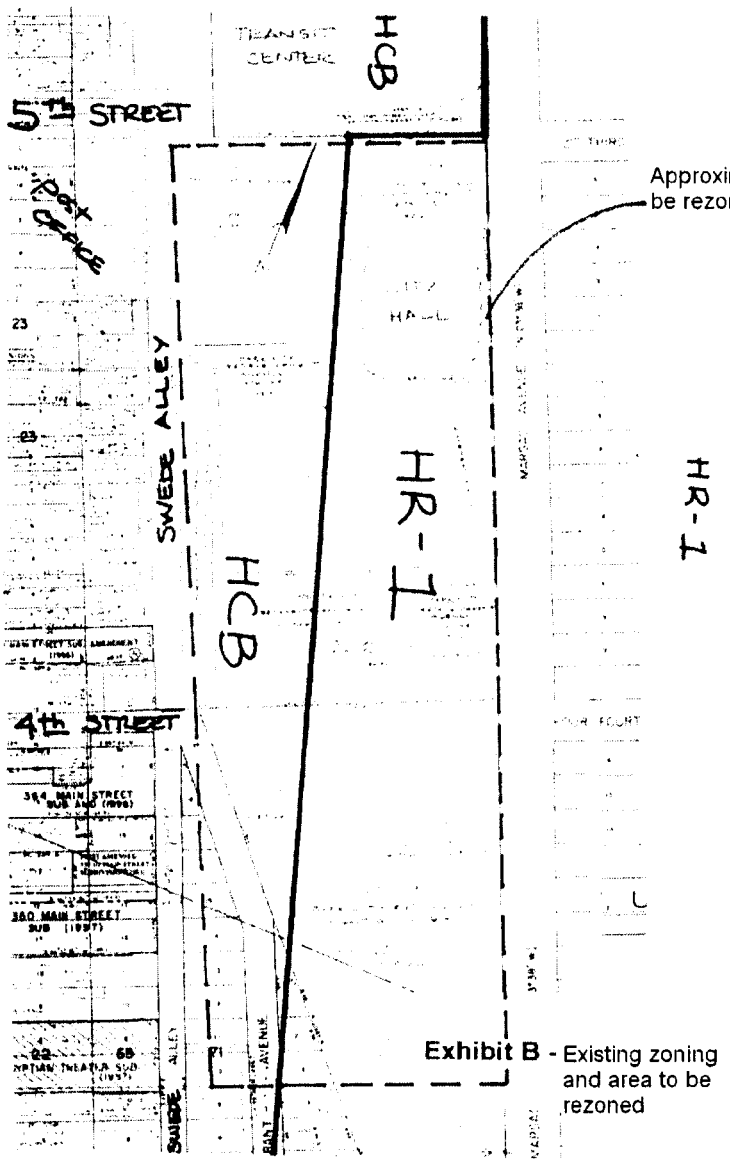
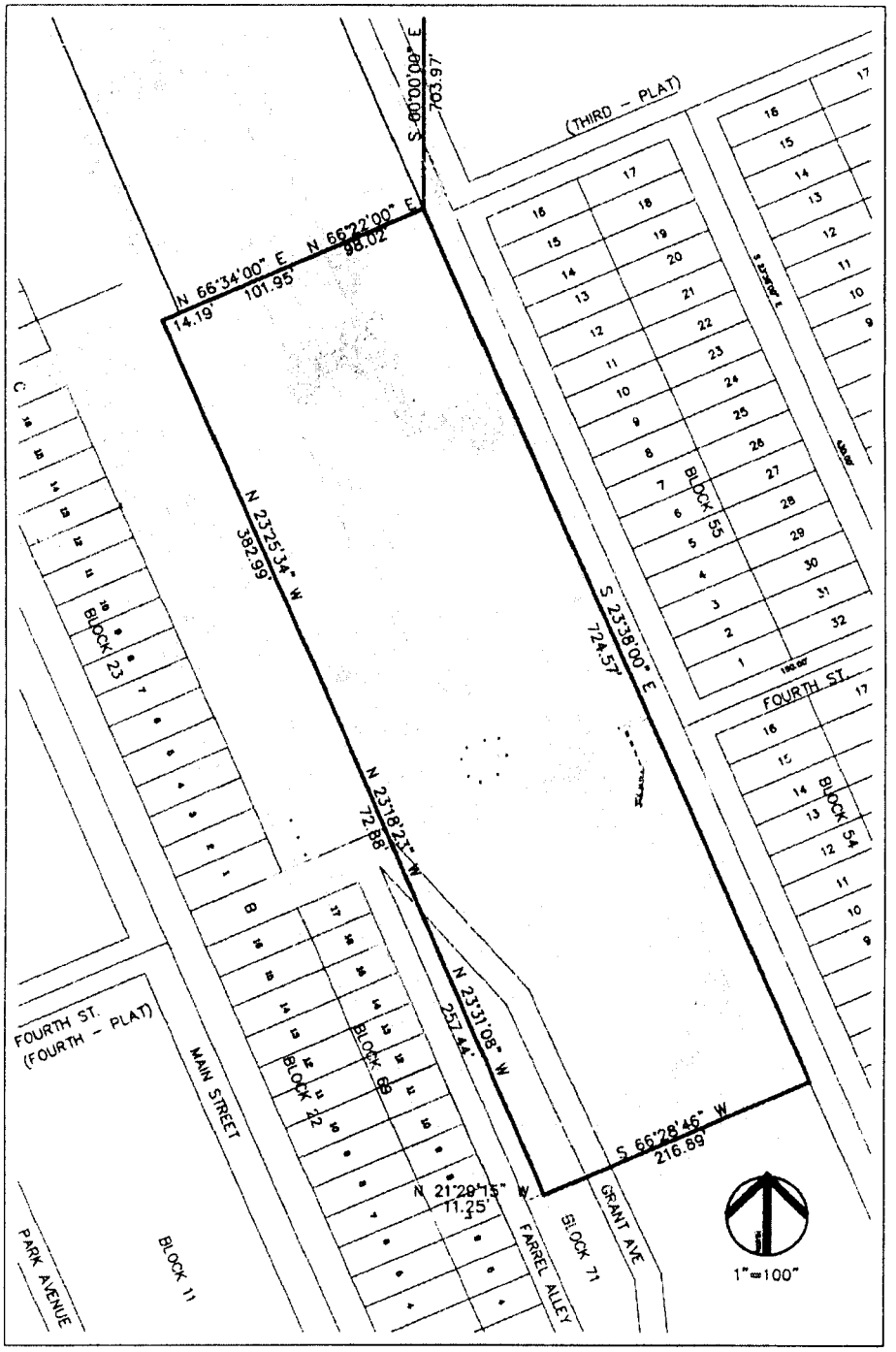


Exhibit B - Existing Zoning

(SEE NEXT PAGE FOR ADDITIONAL DETAIL)


5th STREET
TRANSIT CENTER
HCB
Approximate area to be rezoned
HR-1
HR-1
HCB
SWEDE ALLEY
4th STREET
Exhibit B - Existing zoning and area to be rezoned


S 00°00'00" E
703.97'
(THIRD - PLAT)
N 66°22'00" E
98.02
N 66°34'00" E
101.95'
14.19'
N 23°25'34" W
382.99'
S 23°38'00" E
724.57'
BLOCK 55
FOURTH ST.
BLOCK 54
BLOCK 23
N 23°18'23" W
72.88'
N 23°31'08" W
257.44'
S 66°28'46" W
216.89'
N 21°29'15" W
11.25'
FOURTH ST.
(FOURTH - PLAT)
MAIN STREET
BLOCK 69
BLOCK 22
FARREL ALLEY
BLOCK 71
GRANT AVE.
PARK AVENUE
BLOCK 11
1"=100'

Ex. C

PROPOSED LEGAL DESCRIPTION FOR PARK CITY MUNICIPAL CORP
NEW PARKING STRUCTURE

A parcel located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, also located in the Amended Plat of Park City, on file and of record in the office of the Summit County Recorder, more particularly described as follows;

Beginning at a point which is North 89°58'40" West along the center section line, a distance of 715.93 feet, and South 00°00'00" East a distance of 703.97 feet from the East quarter corner of said Section 16 (a found iron pipe and brass cap), said point also being on the Southeasterly corner of the Plat Amendment and Subdivision for the Marsac Transit Center Replat, on file and of record in the Office of the Summit County Recorder, said point also being on the westerly right-of-way of Marsac Avenue, as shown on the said Amended Plat of Park City, said point being the true POINT OF BEGINNING; thence along said westerly right-of-way of Marsac Avenue, South 23°38'00" East, a distance of 724.57 feet; thence leaving said right-of-way South 66°28'46" West, a distance of 216.89 feet; thence North 21°29'15" West, a distance of 11.25 feet; thence North 23°31'08" West, a distance of 257.44 feet; thence North 23°18'23" West, a distance of 72.88 feet; thence North 23°25'34" West, a distance of 382.99 feet: thence North 66°34'00" East, a distance of 14.19 feet to the southwesterly corner of the said Marsac Transit Center Replat; thence along said Marsac Transit Center Replat southerly boundary North 66°34'00" East, a distance of 101.95 feet; thence continuing along said Marsac Transit Center Replat boundary North 66°22'00" East, a distance of 98.00 feet to the POINT OF BEGINNING.
Containing 156,088 square feet or 3.583 acres, more or less.

3/3/2005 Park City Surveying

Ex. D

Exhibit E – PUT District Language

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.22 - PUBLIC USE TRANSITION DISTRICT

15-2.22-1. PURPOSE. 1
15-2.22-2. USES 1
15-2.22-3. LOT AND SIZE REQUIREMENTS. 2
15-2.22-4. MAXIMUM BUILDING HEIGHT 3
15-2.22-5. ARCHITECTURAL REVIEW 3
15-2.22-6. PARKING REGULATIONS 4
15-2.22-7. MECHANICAL SERVICE 4
15-2.22-8. ACCESS, SERVICE AND DELIVERY 4
15-2.22-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING..5
15-2.22-10. VEGETATION PROTECTION 6
15-2.22-11. SIGNS 7
15-2.22-12. RELATED PROVISIONS 7

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.22 – PUBLIC USE TRANSITION DISTRICT REGULATIONS

Chapter adopted by Ordinance No. 05-12

15-2.22-1. PURPOSE.

The purpose of the Public Use Transition (PUT) District is to:

(A) preserve the cultural heritage of the City's original Business, governmental, and residential center;

(B) allow the Use of land for recreational and institutional purposes with limited commercial support to enhance and foster the economic and cultural vitality of the City;

(C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City town core;

(D) encourage the preservation of Historic Structures within the district;

(E) encourage pedestrian-oriented, pedestrian-scale Development;

(F) minimize the impacts of new Development on parking constraints of Old Town;
(G) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes;

(H) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces;

(I) allow for community input on Development design within the District through the public Conditional Use permit review process; and

(J) to provide a transition between the HCB and the HR-1 Districts for the purpose of providing municipal Uses and public gathering and activity Areas.

15-2.21-2. USES.

Uses in the Public Use Transition District are limited to the following:

(A) **ALLOWED USES**.

(1) Municipal/Institutional Accessory Building and Use 600 sf or less
(2) Conservation Activity
(3) Parking Lot, Public or Private with four (4) or fewer spaces
(4) Public Utility or Essential Services
(5) Public Assembly Uses
(6) Outdoor Events

(B) **CONDITIONAL USES**.

(1) Public and Quasi-Public Institution, Church, School, Post Office
(2) Entertainment Facility, Outdoor
(3) Essential Municipal Public Utility Use, Facility, or Service Structure
(4) Parking Area or Structure for five (5) or more cars
(5) Liquor Store
(6) Commercial Retail and Service, Minor
(7) Outdoor Recreation Equipment
(8) Outdoor Grills/Beverage Service Stations
(9) Restaurant, Outdoor Dining[1]
(10) Restaurant, Café or Deli
(11) Accessory Building or Use greater than 600 sf
(12) Telecommunication Antenna[2]
(13) Satellite Dish, greater than thirty-nine inches (39") in diameter[3]
(14) Temporary Improvement/Outdoor Use
(15) Salt Lake City 2002 Winter Olympic Legacy Displays[4]
(16) Master Planned Developments
(17) Passenger Tramways, ski towers, and ski lift facilities.

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

15-2.21-3. LOT AND SITE REQUIREMENTS.

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[1] Required Administrative Conditional Use permit
[2] See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities
[3] See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas
[4] Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

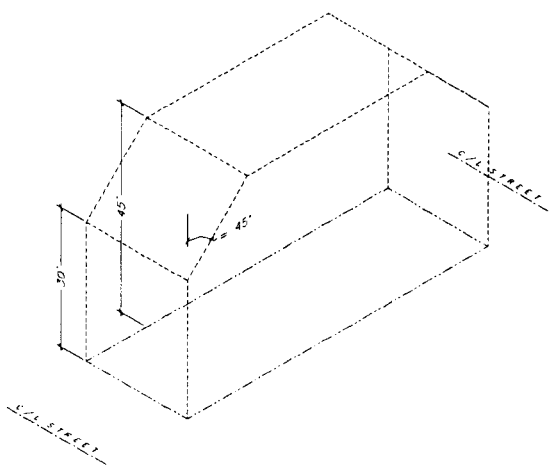
(A) **LOT SIZE**. There is no minimum Lot size in the PUT District.

(B) **FRONT, REAR AND SIDE YARDS**. There are no minimum required Front, Rear, or Side Yard dimensions in the PUT District; however, where new construction abuts a residential zone, the new construction shall meet the required minimum Setback of the abutting zone.

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

15-2.21-4. MAXIMUM BUILDING HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. The maximum Building Height shall be forty-five feet (45') as measured from Existing Grade.



(B) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS**. To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) A church spire, bell tower, and like architectural features may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning and Building Departments.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

15.-2.22-5. ARCHITECTURAL REVIEW.

(A) **REVIEW**. Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-9. Restorations, rehabilitations, adaptive reuses, and additions to Historic Structures within the PUT shall be reviewed by the Planning Department for compliance with the Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS**. When the Planning Department determines that proposed Development plans comply with all LMC and/or Historic District Design Guidelines, the staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the LMC and/or Historic District Design Guidelines.

(C) **APPEALS**. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal staff's determination of compliance to the Planning Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Code provisions violated by the staff determination.

15-2.22-6. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.

15-2.22-7. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.22-8. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

15-2.22-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-1(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS**. The following outdoor Uses may be allowed by the City upon the issuance of an Administrative Permit. The Applicant must submit the required Application, pay all applicable fees, and provide all

required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING**. Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS**. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR EVENTS AND MUSIC**. Outdoor events and music require an Administrative Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

15-2.22-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.22-11. SIGNS.

Signs are allowed in the PUT District as provided in the Park City Sign Code, Title 12.

15-2.22-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).

- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

City Council
Staff Report

PARK CITY
1881
PLANNING
DEPARTMENT

Author: Jonathan Weidenhamer
Subject: Subdivision Plat - Municipal Parking Structure
Date: March 24, 2005
Type of Item: Administrative

Recommendation:
Staff recommends that the City Council review the proposed Municipal Parking Structure Subdivision, conduct a public hearing and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant	Park City Municipal Corporation
Location	Swede Alley – North of existing China Bridge Parking Structure
Zoning	Public Use Transitional (PUT)
Adjacent Land Uses	Transit Center, City Hall, Parking Structure, commercial buildings on the west side of Main Street

Background
The Planning Commission reviewed this application at their March 23, 2005 meeting and forwarded a positive recommendation to approve based on the attached ordinance. A public hearing was held.

During the spring 2003 City Budget review, City Council instructed Staff to put together a group that would take an overall approach to reviewing capital project needs in the downtown area. These Downtown Task Force findings and recommendations for capital projects and other programming ideas aimed at promoting vitality in the downtown area were fully endorsed by the City Council at a November 20, 2003 City Council Meeting. Staff returned to City Council during the spring 2004 City Budget Review at which time funding was allocated for three major downtown capital improvements: a town plaza; an expansion of the China Bridge parking structure; and a seismic upgrade/remodel of the Marsac City Hall building.

The City's Capital Projects and Economic Development Department will phase these three major projects. At this time they are finalizing the design for a new parking structure only. This is planned to be built during the 2005 building season. The proposed improvements would cross the existing interior common parcel lines; therefore recordation of the proposed one-lot subdivision is necessary prior to the commencement of construction.

The subject property is a 3.6 acre site located south of the transit center, north of Grant avenue, and between Swede Alley and Marsac Avenue. The site includes multiple City-owned metes and bounds parcels which currently exist as: Marsac City Hall, the China Bridge parking structure, and the Swede Alley surface parking lots. The current zoning is a mix of Historic Commercial Business (HCB) and Historic Residential (HR-1). Staff is concurrently processing a rezone of this area to the newly created Public Use Transitional (PUT) District. The Planning Commission forwarded a positive recommendation to the City Council for this rezone on March 9, 2005. The City Council is scheduled to consider this rezone on March 24, 2005. The rezone from HR-1/HCB the PUT District will allow for the construction of municipal Capital Improvement Projects in the downtown area including the new parking structure, town plaza, and Marsac Building renovation, subject to conditional use permit review.

Analysis
The combination of the multiple city-owned metes and bounds parcels will create one lot of record necessary for anticipated downtown projects. The lot and existing City facilities on the lot meet minimum standards of the PUT District (Exhibit C –site plan), except in areas where City Hall and existing China Bridge parking structure will exist as legal non-complying structures because they do not meet required building setbacks abutting the HR-1 district. The lot arrangement, proposed capital project sites, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.

Department Review
This project has gone through an interdepartmental review. No additional issues have been raised.

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

Recommendation
Staff recommends that the City Council review the proposed Municipal Parking Structure Subdivision, conduct a public hearing and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits
Ordinance
A - Proposed Subdivision Plat
B –Existing lot configuration and area to be subdivided
C – Site Plan

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Ordinance No. 05-

AN ORDINANCE APPROVING THE MARSAC PARKING STRUCTURE SUDIVISION WHICH WILL COMBINE MULTIPLE CITY-OWNED METES AND BOUNDS PARCELS LOCATED IN THE SWEDE ALLEY AREA OF THE PARK CITY SURVEY INTO ONE LOT OF RECORD.

WHEREAS, Park City Municipal Corporation, owners of the multiple parcels in Swede Alley, have petitioned the City Council for approval of a subdivision; and

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

WHEREAS, on March 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to create a one lot subdivision on a parking structure will be built; and

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

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

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

1. The Planning Commission reviewed this application at their March 23, 2005 meeting and forwarded a positive recommendation to approve the application. A public hearing was held.
2. During the spring 2003 City Budget review, City Council initiated a Downtown Task Force to take an overall approach to reviewing capital project needs in the downtown area.
3. These Downtown Task Force findings and recommendations for capital projects and other programming ideas aimed at promoting vitality in the downtown area were fully endorsed by the City Council during the November 20, 2003 City Council Meeting.
4. During the spring 2004 City Budget Review funding was allocated for three major downtown capital improvements: a town plaza; an expansion of the China Bridge parking structure; and a seismic upgrade/remodel of the Marsac City Hall building.
5. The City's Capital Projects and Economic Development Department will phase these three major projects. At this time they are finalizing the design for a new parking structure only. This is planned to be built during the 2005 building season.
6. The proposed parking structure will cross the existing interior common parcel lines. Recordation of the proposed one-lot subdivision is necessary prior to the commencement of construction.
7. The subject property is a 3.6 acre site located south of the transit center, north of

Grant avenue, and between Swede Alley and Marsac Avenue.

8. The site includes multiple City-owned metes and bounds parcels which currently exist as: Marsac City Hall, the China Bridge parking structure, and the Swede Alley surface parking lots.
9. The current zoning is a mix of Historic Commercial Business (HCB) and Historic Residential (HR-1). Staff is concurrently processing a rezone of this area to the newly created Public Use Transitional (PUT) District. The Planning Commission forwarded a positive recommendation to the City Council for this rezone on March 9, 2005. The City Council is scheduled to consider this rezone on March 24, 2005.
10. The rezone from HR-1/HCB the PUT District will allow for the construction of municipal Capital Improvement Projects in the downtown area including the new parking structure, town plaza, and Marsac Building renovation, subject to conditional use permit review.

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

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

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

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Approval of a construction mitigation plan is a condition precedent to the issuance of final building permits.
4. A financial guarantee for public improvements in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer shall be in place prior to plat recordation or building permit.

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

PASSED AND ADOPTED this 24th day of March, 2005.

MARSAC PARKING STRUCTURE SUBDIVISION PLAT

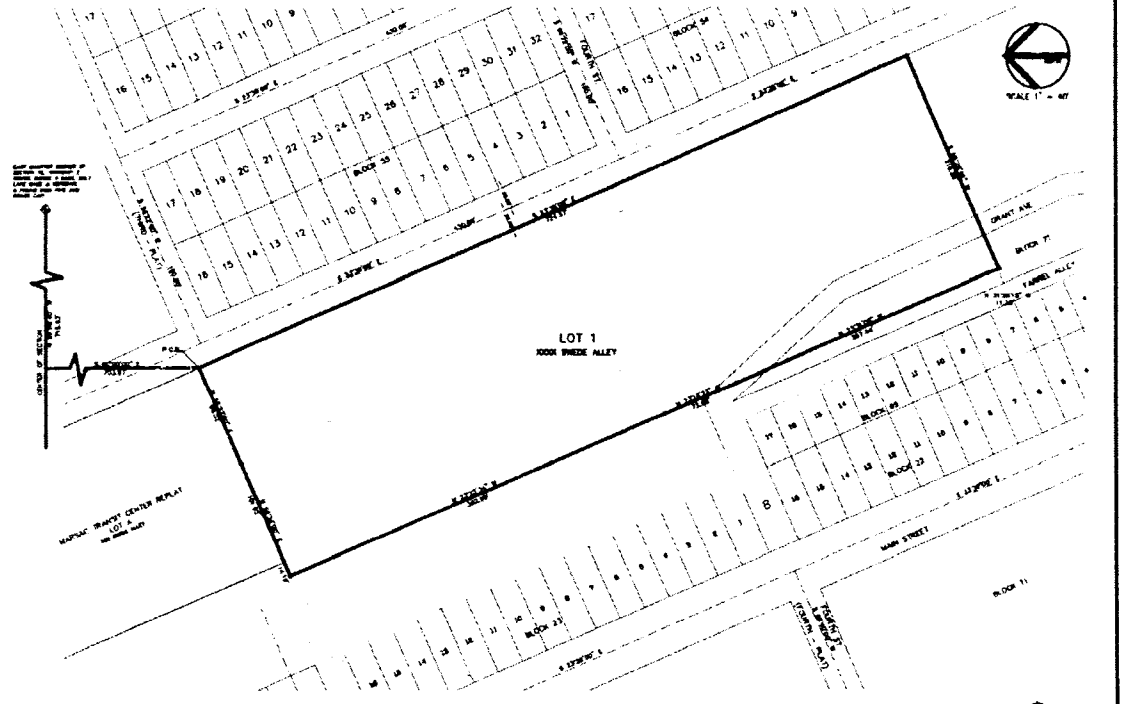
LYING WITHIN A PORTION OF BLOCK 71 AND 72 OF THE
MILLSITE RESERVATION TO THE PARK CITY SURVEY
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

A parcel located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, also together to the Amended Plat of Park City, on file and of record in the office of the Summer County Recorder, more particularly described as follows:

Beginning at a point which is North 00°34'40" West along the center section line, a distance of 713.93 feet, and South 00°00'00" East a distance of 703.97 feet from the East quarter corner of said Section 16 (a found iron pipe and brass cap), said point also being on the Southeasterly corner of the Park Subdivision and Subdivision for the Marsac Transit Center Replat, on file and of record in the Office of the Summit County Recorder, said point also being on the westerly Right-of-way of Marsac Avenue, as shown on the said Amended Plat of Park City, said point being the true POINT OF BEGINNING; thence along said westerly right-of-way of Marsac Avenue, South 23°38'00" East, a distance of 124.57 feet; thence leaving said right-of-way South 66°34'40" West, a distance of 214.88 feet; thence North 21°19'13" West, a distance of 11.25 feet; thence North 23°39'00" West, a distance of 257.44 feet; thence North 23°45'27" West, a distance of 72.80 feet; thence North 23°28'34" West, a distance of 382.99 feet; thence North 66°34'00" East, a distance of 14.19 feet to the southwesterly corner of the said Marsac Transit Center Replat; thence along said Marsac Transit Center Replat westerly boundary North 66°34'00" East, a distance of 121.86 feet; thence continuing along said Marsac Transit Center Replat boundary North 00°28'00" East, a distance of 88.08 feet to the POINT OF BEGINNING.

Containing 136,088 square feet or 3.583 acres, more or less.



LEGEND

SURVEYOR'S CERTIFICATE

PARK CITY SURVEYING

PAGE 1 of 1

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 2005. CHAIRMAN	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____ 2005 A.D. BY _____ PARK CITY RECORDER	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 2005 A.D. BY _____ S.B.W.R.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2005 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____ 2005 A.D. BY _____ PARK CITY ATTORNEY	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____ 2005 A.D. BY _____ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME ____ BOOK ____ PAGE ____ FEE _____ RECORDER

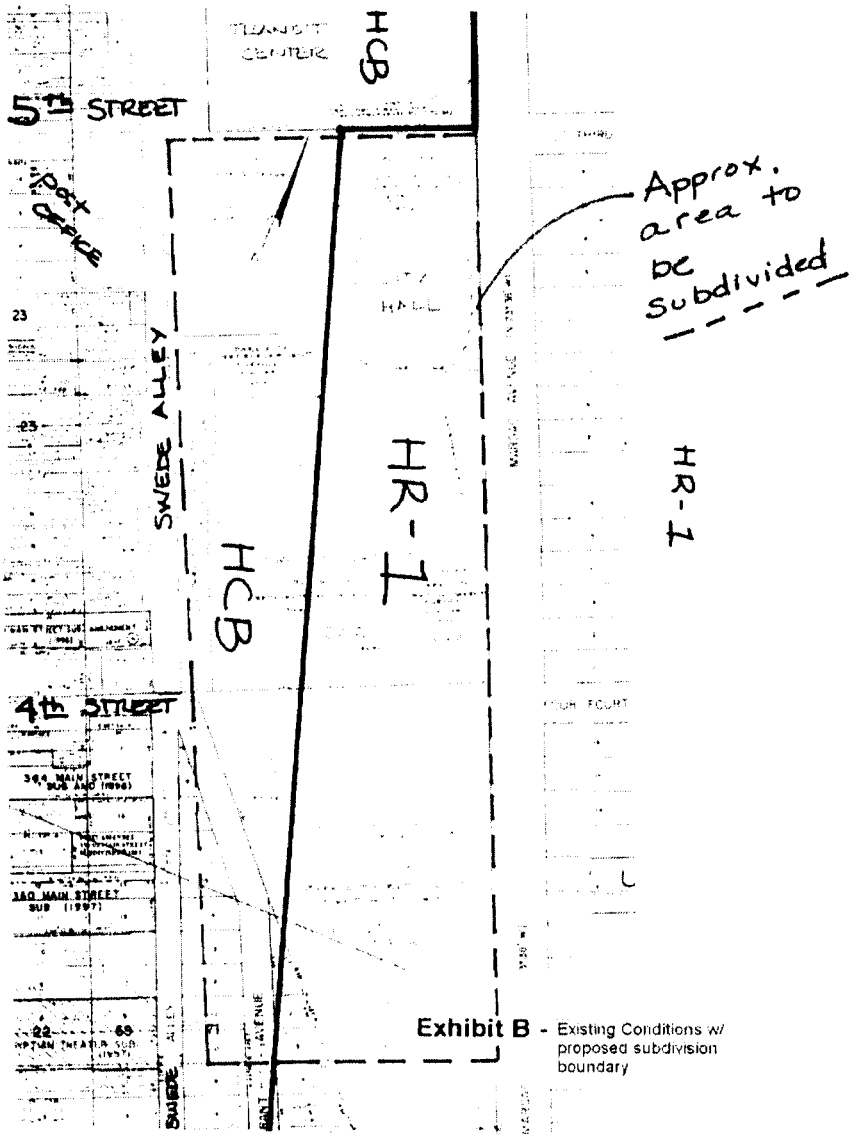


Exhibit B - Existing Conditions w/ proposed subdivision boundary

Exhibit B – Existing lot configuration & area to be subdivided

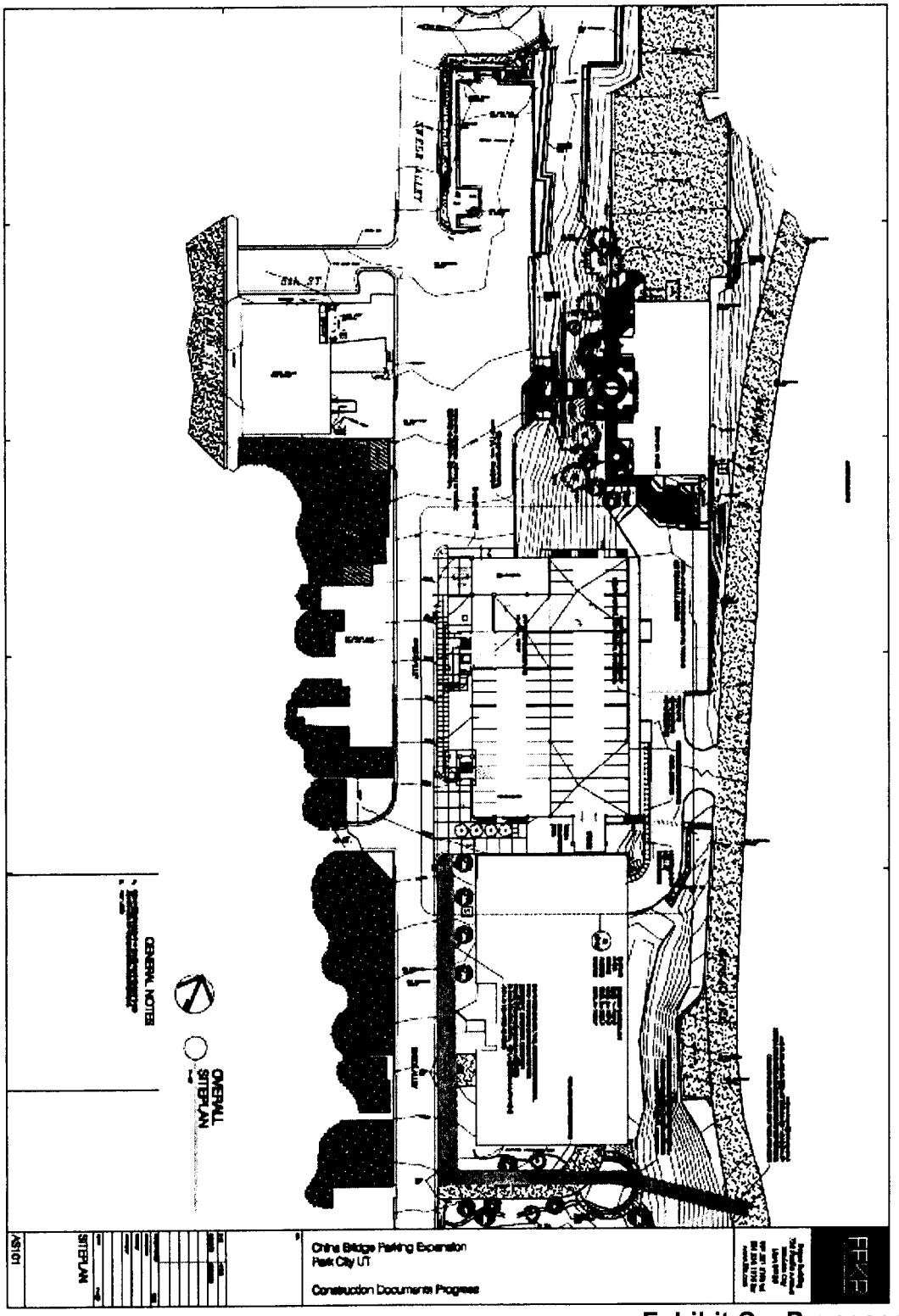


Exhibit C – Proposed Site Plan

Planning Commission
Staff Report

Planner:	**Jonathan Weidenhamer**
Subject:	**1359 PARK AVENUE – SERNYAK SUBDIVISION**
Date:	**March 9, 2005**
Type of Item:	**Administrative**
Applicant:	**Richard Sernyak – Jonathan DeGray, Representative**
Zone:	**Historic Residential – Medium Density(HR-M)**

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

BACKGROUND

The Planning Commission reviewed this item at the March 9, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

This plat amendment received a positive recommendation from the Planning Commission on January 26, 2005. Following the January 26, 2005 Planning Commission meeting, but before presentation to the City Council, concerns were raised by staff related to the proposed site planning. This application creates 2 lots out of 3 metes and bounds parcels. Lot 1 will have frontage on Park Avenue and contemplates a relocation and renovation to an existing historic home. The proposal for Lot 2 is for a duplex to be located on the newly created vacant lot fronting Woodside Avenue.

As staff began to process the design review applications for Lots 1 and 2, a concern specifically relating to access to Lot 1 via Park Avenue was raised. The existing historic home at 1359 Park Avenue (Lot 1), per Section 15-2.4-6 of the LMC, is exempt from off-street parking requirement. At the time of initial presentation to the Planning Commission, it was unclear that the applicant would propose off-street parking, and therefore driveway access from Park Avenue to the renovated historic home. The proposal, in general, is not consistent with the following language from the Subdivision chapter of the LMC:

15-7.3-3. GENERAL LOT DESIGN REQUIREMENTS.

(2) ACCESS FROM MAJOR AND SECONDARY ARTERIAL STREETS. Lots shall not, in general, derive Access exclusively from an arterial or collector Street as defined in the Streets Master Plan. Where driveway Access from an arterial or collector Street may be necessary for several adjoining Lots, the Planning Commission may require that such Lots be served by a combined Access drive in order to limit possible traffic hazard on such Streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or Collector Roads.

Park Avenue is considered a Collector street. An alternative to allowing access to Lot 1 from Park Avenue that staff discussed with the applicant was to require vehicular access to the Park Avenue lot to be via an easement from Woodside Avenue. The applicant was opposed to this. Additional review by the City's internal Staff Review Team provided direction that the proposed renovation to the existing historic home provides ample community benefit to consider allowing access from a Collector road, namely Park Avenue. Prior to Council review, Staff wanted to provide an update of our concerns relating to access, which we consider to be a substantive enough change to warrant additional review by the Planning Commission.

The following is the original Planning Commission report as presented at the January 26, 2005 Planning Commission meeting (Findings of Fact #'s1-6 have been introduced to reflect the information presented above).

BACKGROUND

The applicant is requesting a plat amendment to subdivide 3 metes and bounds parcels into 2 lots (Exhibit A). The parcels sit between Park Avenue and Woodside Avenue, and have frontage on both streets. Currently a historic single family home exists, along with a non-contributory garage/ outbuilding on the parcels. The parcels are directly north of the Fire Station and are heavily vegetated in the front (Exhibit B). The applicant is proposing a relocation and remodel of the historic home onto newly created Lot 1, which will be 3,874 square feet. The other lot will be a vacant lot of 5019 square feet, on which the applicant proposes a duplex.

ANALYSIS

The property is located in the HR-M zone. Construction of a single family house on the proposed lot 1 will be an allowed use in the zone. Construction of a duplex will also be an Allowed Use, provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements – A single family dwelling requires 2,812 s.f., and a duplex requires 3,750 s.f. Because the existing home at 1359 Park Avenue is historic, the LMC Section 15-2.2-4 exempts it from off-street parking requirements (not including lockouts and accessory apartments). It is also important to note that the property sits in a flood zone..

The property has frontage on both Park and Woodside Avenues. Access to the renovated historic home (Lot 1) will be via Park Avenue, and access to the new duplex

(Lot 2) will be via Woodside Avenue. Section 15-7-3(C) of the City's Land Management Code requires that all public improvements through the subdivision process conform with, among other things, the Park City Street Master Plan (SMP).

The SMP was adopted by the City Council in 1984 as a formal recommendation for specific improvements to the City's roads. Please find the following excerpt from the SMP:

> Numerous sections of roadways are located outside of existing, platted rights-of-way owned by the City. These sections are primarily within the older sections of the City and have been used by the public for a long time. Consequently, these streets exist on prescriptive easements. A defined right-of-way for these streets should be secured and the roadways upgraded to the recommended minimum standards. Alternatives for acquiring needed rights-of-way would include trading, requiring dedication prior to development, and the possible purchase of critical sections.

Woodside Avenue, between 13th and 15th Street, is a street located outside of the existing, platted right-of-way. Table II of the SMP indicates that Woodside Avenue requires a 50' right-of-way. The existing pavement width in this location is 23'. Therefore, through a subdivision process in this location, the City Engineer, Eric DeHaan, will request a dedication of 10' to add to the Woodside right-of-way. This will be a condition of approval of this application. The applicant has agreed to this stipulation and the proposed plat reflects this condition.

The metes and bounds parcel at Park Avenue also exists into the Park Avenue right-of-way in what otherwise exists as a sidewalk. The applicant will dedicate 5' of property to the Park Avenue right-of-way in this location. This will be a condition of approval of this application. The applicant has agreed to this stipulation and the proposed plat reflects this condition.

NOTICE

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on January 4, 2005, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in attached ordinance.

EXHIBITS
Ordinance
Exhibit A –Subdivision Plat
Exhibit B – Existing Conditions.

Ordinance No. 05-

AN ORDINANCE APPROVING THE SERNYAK SUBDIVISION WHICH WILL COMBINE 3 METES AND BOUNDS PARCELS IN BLOCK 24 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO TWO LOTS OF RECORD.

WHEREAS, the owner of the three metes and bounds parcels known as 1359 Park Avenue, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on January 26, 2005, and March 9, 2005 the Planning Commission held a public hearings to receive public input on the proposed plat amendment. On March 9, 2005 they forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove two lot lines and create one lot line, thereby reducing three metes and bounds parcels into two legal lots of record; and

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

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

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

22. This project received a positive recommendation from the Planning Commission on January 26, 2005. Following the January 26, 2005 Planning Commission meeting, but before presentation to the City Council, concerns over access to Lot 1 was raised by the City Engineer. The access issue warranted additional Planning Commission review.
23. The proposals consistency with the language from the LMC Section 15-7.3-3. General Lot Design Requirements as it relates to allowing access from a Collector Street was in question.
24. Park Avenue is a Collector Street.
25. Off-street parking and driveway access from Park Avenue to the historic home located at 1359 Park Avenue is contemplated. At the time of initial presentation to the Planning Commission, it was unclear that the applicant would propose off-street parking, and therefore driveway access from Park Avenue to the renovated historic home.
26. Off-street parking and driveway access from Woodside Avenue to the newly created duplex lot (Lot 2) is also contemplated.
27. Renovation to the existing historic home provides ample community benefit to consider allowing access from a Collector road, namely Park Avenue.
28. The Planning Commission reviewed this item at the March 9, 2005 meeting. A Public hearing was held. No public comment was received. The Planning

Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

29. This application is for a plat amendment to subdivide 3 metes and bounds parcels into 2 lots.
30. The parcels sit between Park Avenue and Woodside Avenue, and have frontage on both streets.
31. Currently a historic single family home exists, along with a non-contributory garage/ outbuilding on the parcels.
32. The applicant is proposing a relocation and remodel of the historic home onto newly created Lot 1, which will be 3,874 square feet. The other lot will be a vacant lot of 5019 square feet, on which the applicant proposes a duplex.
33. The property is located in the HR-M zone.
34. The parcels are heavily vegetated in the front.
35. Renovation of the historic home on the proposed lot 1 will be an allowed use in the zone. Construction of a duplex will also be an Allowed Use, provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines.
36. The LMC Section 15-2.2-4 exempts the historic home from off-street parking requirements (not including lockouts and accessory apartments).
37. The property sits in a FEMA designated flood zone.
38. The property has frontage on both Park and Woodside Avenues. Access to the renovated historic home will be via Park Avenue, and access to the new duplex will be via Woodside Avenue. Section 15-7-3(C) of the City's Land Management Code requires that all public improvements through the subdivision process conform with, among other things, the Park City Street Master Plan (SMP).
39. Woodside Avenue, between 13th and 15th Street, is a street located outside of the existing, platted right-of-way. Table II of the SMP indicates that Woodside Avenue requires a 50' right-of-way. The existing pavement width in this location is 23'. The City Engineer, will request a dedication of 10' to add to the Woodside right-of-way. The applicant has agreed to this stipulation and the proposed plat reflects this condition.
40. The metes and bounds parcel at Park Avenue also exists into the Park Avenue right-of-way in what otherwise exists as a sidewalk. The applicant will dedicate 5' of property to the Park Avenue right-of-way in this location. The applicant has agreed to this stipulation and the proposed plat reflects this condition.
41. Properly designed streets are prerequisite to public health, safety, and welfare.
42. No remnant lots will be created as a result of this application.

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

5. There is good cause for this plat amendment.
6. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
7. Neither the public nor any person will be materially injured by the proposed plat amendment.

8. As conditioned the plat amendment is consistent with the Park City General Plan.

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

The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

Prior to the receipt of a building permit for any new construction on the vacant lot (Lot 2), the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.

The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

The applicant shall dedicate the necessary street rights-of-way on the plat pursuant to the Park City Streets Master Plan. Said dedications shall be: 10' to add to the Woodside right-of-way; and 5' to the Park Avenue right-of-way.

No footing and foundation or full building permits can be issued for construction on Lot 2 until the historic home is relocated onto a permanent foundation on Lot 1 and is inspected and approved by the Building Department. The inspection shall consist of the contractor notifying the Planning and Building Departments that the renovated historic building has been reinstalled on the new foundation and that verification of this is requested.

No Certificate of Occupancy shall be granted for any structure on Lot 2 until the relocated and renovated historic house has been granted a Certificate of Occupancy on Lot 1.

Planning, Building, and Engineer Department approval of a complete relocation and renovation plan for the historic structure at 1359 Park Avenue is a condition precedent to the issuance of any grading or building permits.

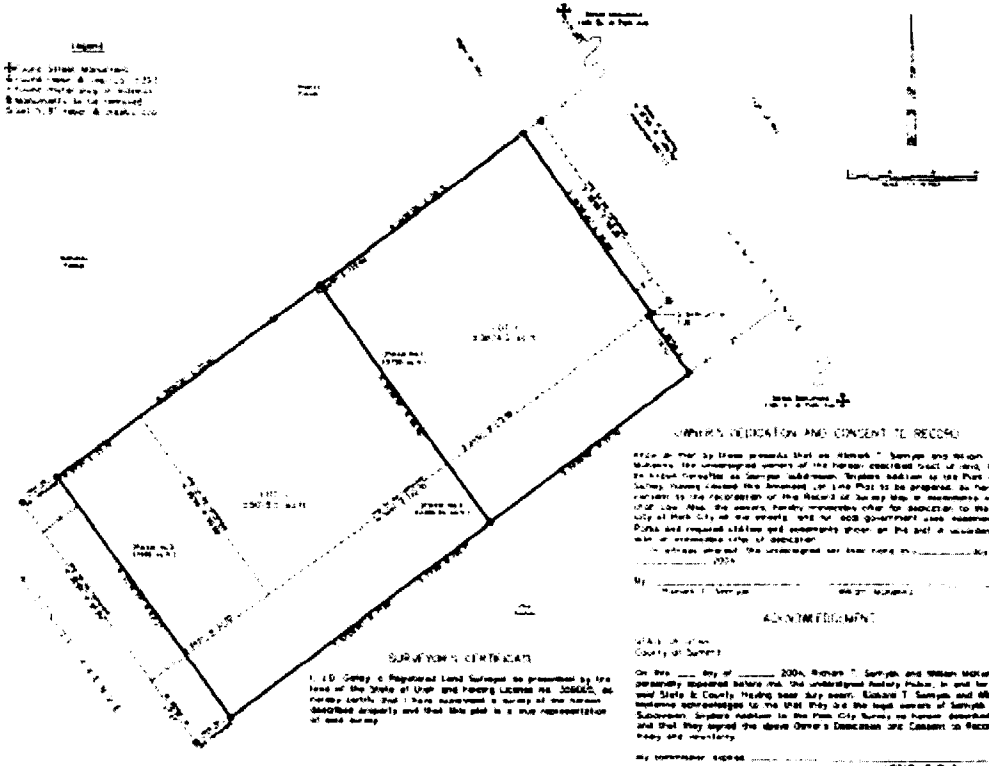
No basements are allowed on either lot.

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

PASSED AND ADOPTED this 24th day of March, 2005.

Sernyak Subdivision
An Amendment to Block 24, Snyders Addition to the Park City Survey

Ex. A



LEGEND

NARRATIVE

SURVEYOR'S CERTIFICATE

OWNER'S DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGMENT

NOTARY PUBLIC

Alpine Survey, Inc

PLANNING COMMISSION

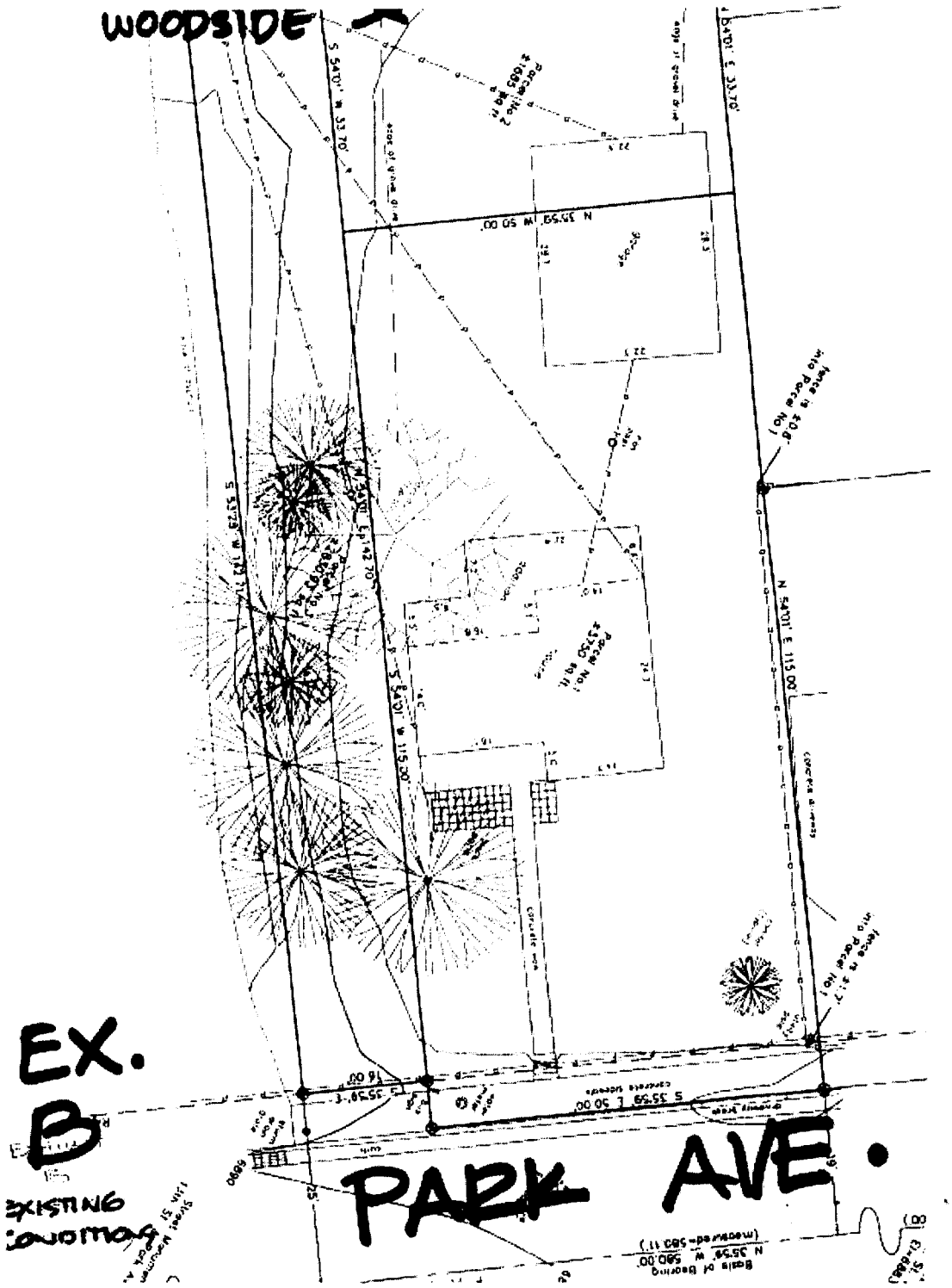
ENGINEER'S CERTIFICATE

APPROVAL AS TO FORM

CERTIFICATE OF ATTEST

COUNCIL APPROVAL AND ACCEPTANCE

RECORDED


WOODSIDE
EX.
B
EXISTING
PARK AVE.

Author: Craig Sanchez
Subject: Golf Course Fee Resolution
Date: March 24, 2005
Type of Item: Legislative

Summary Recommendation:

- Approve a new resident rate of $32
- Extend the resident rate to Snyderville Basin Residents
- Approve reservation policy

Topic:
Golf Course fee resolution.

Background

On February 17th, staff presented Council with an update of the City Golf Fund. The analysis centered on measures to provide the course with sufficient funding for capital improvements. One of the principle findings was that the majority of the course's patrons are from the surrounding area, including the Snyderville Basin. Topics of discussion on the 17th included extending the resident rate to the Snyderville Basin, the City's season pass policy, and other revenue-generating measures. In preparation for the discussion on March 10th, Council directed staff to explore the impacts of the following:

- Extension of the resident rate to the Snyderville Basin;
- Lowering the resident rate to $31; and
- Offering 27 additional season passes (for a total of 75) at $990

In addition, Council requested that staff return on the 10th with a discussion focusing on anticipated expenditures. This would be the basis for determining the appropriate resident rate. Items for discussion were to include:

- A monthly budget for the departments in the Golf Fund;
- A comparison of expenditures and revenues with golf industry standards;
- Discussion points for a Season Pass lottery policy; and
- A detail of interfund transfers and charges for services;

Analysis

On March 10th staff presented further analysis on these topics to Council. Direction given to staff in these areas was:

- Extend the resident rate to residents of Snyderville Basin.
- Reduce the resident rate to $32.
- Implement a new Reservation Policy.
- Create a monthly budget for the golf course.
- Expenditure reductions.
- Comp policy.

Extend the resident rate to residents of Snyderville Basin. This will be for all households within the Park City School District boundaries.

Reduce the resident rate to $32.00. This is a decrease of $1.00 per 18 holes. This will be the regular season resident rate for 18 holes of golf.

Implement a new reservation policy. Reservations can be made one week in advance. A valid credit card will be required to make tee time reservations. Golfers can cancel tee times up to 24 hours in advance of the tee time with no penalty. Cancellations made less than 24 hours prior to tee time or reservations that are "no shows" will be assessed a fee of 50 percent of the total green fee rate for that reservation. This fee will be charged directly to the credit card on file. Staff will communicate this policy to each person making a tee time reservation, post the policy on site and on the reservation website.

Create a monthly budget for the golf course. The key to the proposed revenue and expenditure plan is to stay within budgeted expenditures and to reduce costs in a timely manner if revenues are not meeting expenses. Per Council direction, Staff has created a proposed monthly budget for both the Golf Pro Shop and the Golf Maintenance departments.

Expenditure reductions. Staff will reduce expenditures focusing on the personnel line of the golf shop.

Comp rounds. The majority of comp rounds are played by golf course personnel. As this policy affects these employees, management feels their participation is necessary in developing a new policy. A new administrative policy will be discussed and implemented once staff is brought in this spring. It is a customer service benefit for staff to play our course to answer any questions or concerns about the playability of our course. The IRS does not require this to be reported as income as it is work related.

Other proposed solutions were put on hold to allow staff to provide analysis on the policy changes that are made for the 2005 golf season. The main topic was the season pass policy. Staff was given direction to not make any changes to the season pass policy at this time. However, Council will reconsider this policy for the 2006 season.

Department Review:

The City Mangers Office, the Budget, Debt, and Grants Department, Public Works Department, and the Recreation – Library Department have reviewed this report.

Alternatives:

- **Approve the Request:**
- **Deny the Request:** This would keep all rates and policies at their current le

- **Continue the Item:** Council could continue the item and direct staff to provide further information at a future date.
- **Do Nothing:** Council could choose to do nothing. This would have the same effect as alternative B.

Significant impacts:
If changes are not made to current revenue and or expenditure levels, the golf operation will not be able to fund capital replacement at a level necessary to maintain an acceptable level of play.
Hotel Construction could cause impacts to levels of play.

Recommendation:
- Approve a new resident rate of $32
- Extend the resident rate to Snyderville Basin Residents
- Approve reservation policy

RESOLUTION AMENDING SECTION 8.4.4. GOLF FEES OUTLINED IN EXHIBIT A OF FEE RESOLUTION NO. 04-05 AND REPLACING RESOLUTION NO. 04-05 IN ITS ENTIRETY

WHEREAS it is necessary to update the fee resolution to reflect the current costs of conducting business and performing services and/or to acknowledge policies regarding participation in recreation programs by Snyderville Basin residents; and

WHEREAS, the City Council held work sessions on February 17 and March 10, 2005 to consider reducing the resident rate, extending the same resident rate to Basin citizens, establishing a reservation policy, and implementing a contingency plan if revenues are not met by expenditures; and

WHEREAS, a public hearing was held before the City Council on March 24, 2005; and

WHEREAS, the City Council deems it in the best interest of the City to reduce green fees and in consideration of regional cooperative efforts, to extend resident fees to citizens residing within the boundaries of the Park City School District;

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

SECTION 1. FEE SCHEDULE AMENDMENTS. An amendment to Section 8.4.4 is hereby adopted as outlined in Exhibit A, and Resolution No. 04-05 is hereby repealed in its entirety.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 24th day of March, 2005.

EXHIBIT A – EXCERPT FROM FEE RESOLUTION

8.4.4 Golf Fees

The Park City Municipal Golf Course is an 18 hole course and 6,743 yards in length. The fees listed below are established fees, however they may be altered for certain types of tournament play. To receive a resident discount, the recreation card (which must have a City resident designation) must be presented to the golf starter. ~~Season~~ passes are available only to those who possess a locals card. Playing conditions on the course may vary due to weather constraints, particularly early and late in the season. The Golf Pro may, at his discretion, discount the established fees in order to encourage use of the course when playing conditions are less than optimum **and to implement a reservations policy to recoup foregone revenue resulting from breached tee times.**

Regular Season- Memorial Day through September
Off-Season- Pre-Memorial Day, October and November

Resident Season Pass*	$990
~~Non-Resident Season Pass~~	~~$1,200~~
Junior Pass	$425
Jr./Sr. Punch Pass	$275
Non-Resident Punch Pass	$375
Corporate Pass	$2,850
Park City and Snyderville Basin resident 18 Hole	~~$33~~ **$32**
Park City and Snyderville Basin resident 18 Hole with Cart	~~$47~~ **$46**
Non-Resident 18 Hole	$43
Non-Resident 18 Hole with Cart	$57
Resident 9 Hole	~~$16.50~~ **$16**
Resident 9 Hole with Cart	~~$23.50~~ **$23**
Non-Resident 9 Hole	$21.50
Non-Resident 9 Hole with Cart	$28.50
Resident Off-Season 18 Hole	$23
Non-Resident Off-Season 18 Hole	$26
Small Range Bucket	$3
Large Range Bucket	$6

***Season passes are "grandfathered" and available only to those who purchased a pass the prior year.**

City Council Staff Report

Author: Kent Cashel, Deputy Public Works Director
Subject: Community Impact Fund Board (CIB) Funding Application
Date: March 24th, 2005
Type of Item: Public Hearing

Public Works

Summary Recommendations:
Hold the required public hearing to solicit comment regarding the size, scope and nature of the City's funding application to the Utah Community Impact Board.

Description:
Background:

Staff, with the assistance of Hansen, Allen and Luce Engineers, has recently completed an updated Water Master plan which identified the capital projects necessary to ensure the City's water system can service current and future water demands. The capital projects identified create the need for $10-12 million dollars in additional debt financing over the next five years.

The Utah Community Impact Fund Board is a program of the State of Utah which provides low interest loans and or grants to political subdivisions of the state (e.g., cities) which are or may be socially or economically impacted, directly or indirectly by mineral resource development on federal lands. Public facilities such as water infrastructure are eligible for CIB funding. The CIB will fund projects up to a maximum of $2,500,000.

Occasionally jurisdictions outside the CIB boundaries are eligible to apply for loans. Funds are currently available for which Park City is eligible to apply. Although there is no guarantee of an award, staff believes that an application for water infrastructure would be seriously considered.

Analysis:

Interest charges on CIB loans are generally about 2 percentage points below market rates. Staff plans to file an application with the following terms:

Loan Amount: $2,500,000 (maximum CIB loan amount)
Loan Term: 20 Years
Interest Rate: 2.5%

Estimated annual payments: $160,400
Use of loan proceeds: funds will be utilized to assist in financing the following water quality and distribution projects:

1. Park Meadows water treatment plant.
2. Spiro Tunnel Antimony treatment.
3. Upgrade or replacement of deficient distribution system components.

Source of repayment funds: Water Fund

If the City is successful in this application as Staff estimates an annual savings of approximately $32,000 in financing costs (as compared to a market rate loan) or approximately $550,000 in present value over the term of the loan.

Staff is filing a loan application only at this time and is not requesting Council authorization to enter into a loan agreement. If this application is approved by the CIB Staff will return to Council in early summer 2005 with more detailed information regarding the loan and to request authorization to enter into a loan agreement with the CIB. At that time, Council will have gone through a detailed review of the Water fund that will address the relationship of expenses, water fees and debt as part of a comprehensive strategy for funding the city's water needs.

A. Department Review:
(This report has been reviewed by the City Manager's office, the Office of Budget, Grants and Debt, and Public Works.

Recommendation:
Hold the required public hearing to solicit comment regarding the size, scope and nature of the City's funding application to the Utah Community Impact Board.

City Council
Staff Report

Subject: **"LAW'S property" acquisition**
Date: **March 17, 2005** PUBLIC AFFAIRS
Type of Item: **Administrative**

Summary Recommendations: Authorize the purchase of the approximately 3.92 acre "Law's properties" off of S.R. 248 for $285,000 by warranty deed and in a form approved by the Legal Department using proceeds from the $10 million open space bond passed in 2002.

Description: Denny and Clorine Law own several platted lots and easements totalling approximately 3.92 acres in a subdivision approved by Summit County many years ago off S.R. 248. This land is adjacent to city-owned property acquired from the Edward Gillmor estate to the north and city-owned open space to the south. (see map)

Topic: Open space purchase as recommended by COSAC

Background: Summit County approved a 10 lot residential subdivision many years ago (mid 1970's) in the S.R 248 entry corridor. Several of these lots have been used for storage (wood and vehicular) over the years, and the City has made offers to purchase all the lots of record for open space, but the asking price was always too high. Recently, the Law family approached the City with an offer to sell their properties which include approximately three platted lots and associated access easements.

Analysis: COSAC at its March 8, 2005 meeting voted unanimously to forward a positive recommendation to the City Council to purchase this 3.92 acre parcel for $285,000. Over the years a number of the original 10 parcels were acquired by the Utah Department of Highways when they widened the S.R. 248 corridor, and the City has on several occasions contacted the remaining owners to determine their willingness to sell the their parcels, each of which is 'grandfathered' with the potential to construct a single family home. To date none of the remaining owners expressed an interest in selling their lands as open space for an amount deemed appropriate by COSAC. No utilities are presently available into these lots, but a dirt road from S.R 248 exists to access them.

With the purchase of this property, which includes essentially three buildable lots, only three additional lots will remain in private hands. Park City presently owns land dedicated as open space to the north and south.

Department Review: Public Affairs, Legal, Planning, City Manager

Alternatives:

Approve the Request: Purchase the parcel using open space bond monies.

Deny the Request: This parcel will be offered for sale on the private market in the neighborhood of $400,000, and eventually a number of single family homes could be built.

Continue the Item: The owners wish to conclude this transaction as soon as possible, and are only offering the City a reduced price because the land will be maintained as permanent open space.

Do Nothing: The lots will be offered for sale on the private market.

Significant Impacts: It has been COSAC's recommendation to preserve as much of the Round Valley/Quinn's Junction corridor as permanent open space as financially feasible. This 'willing seller' would like to see this parcel remain permanently open and while the cost per acre is high compared to other open space purchases in the area it is deemed a reasonable price because it is already platted and approved as building lots.

Consequences of not taking the recommended action: The parcel will mostly likely be privately sold and developed.

Recommendation: City should purchase the approximately 3.92 acre "Laws' properties" for $285,000 via warranty deed using proceeds from the $10 million open space bond passed in 2002, in a form to be approved by the Legal Department.

REAL ESTATE PURCHASE CONTRACT

THIS AGREEMENT is made and entered into this _____ day of March, 2005, by and between **CLORINE N. LAW AND DENNY B. LAW, CO-TRUSTEES OF THE CLORINE N. LAW TRUST, DATED MARCH 1, 2002** (referred to hereafter as "Sellers") and **PARK CITY MUNICIPAL CORPORATION**, a municipal corporation and political subdivision of the State of Utah (sometimes herein referred to as the "City" or "Buyer"), in consideration of the promises and covenants of the parties as set forth below:

1. PROPERTY. Sellers are the owners of 100% of the undivided interests in the undeveloped real property commonly referred to as The Law Parcels, all of which is located in Summit County, State of Utah. Attached as Exhibit A is a legal description of the property which is subject to review and verification by the surveyor and title company. The property and all of the Sellers' interests therein shall be referred to collectively hereafter as the "Property".

2. COUNCIL APPROVAL. Buyer can commit to purchase the Property only after formal approval of the City Council following public notice. If Council fails to approve of this Contract, this Contract shall be null and void. Buyer agrees to schedule this proposed acquisition for City Council action at the first available regular Council meeting that allows sufficient time to satisfy any applicable public notice requirements.

3. SURVEY. At Buyer's sole discretion and expense, a survey of the Property may be completed by a licensed land surveyor to determine the boundary lines of the Property, a legal description, and the actual acres in each parcel. The surveyor shall examine the County records, as well as the legal descriptions attached hereto, and as necessary refer to the Summit County records, recognizing that the intent of this Agreement is to convey all of the patented mining claims owned by the Sellers in this area.

4. PURCHASE PRICE. The Purchase Price is TWO HUNDRED EIGHTY FIVE THOUSAND DOLLARS ($285,000.00).

5. METHOD OF PAYMENT. The Purchase Price shall be paid in cash at the Closing, which shall be no later than March 31, 2005, following the execution of this Real Estate Purchase Contract by all parties and approval by the City Council.

6. CLOSING. The Closing shall take place on or before March 31, 2005 and shall occur only when all of the following have been completed:

A. Buyer and Sellers have signed and delivered to each other or to the escrow/closing office all documents required by this Agreement by written escrow instructions or by applicable law.

B. Any monies required to be paid by Buyer in accordance with the purchase contract shall have been delivered by Buyer to the escrow/closing office in the form of collected and cleared funds.

C. Any monies required to be paid by Sellers at the Closing and approved by Sellers shall be deducted from the purchase price. Sellers and Buyer shall each pay one-half (1/2) of the fee charged by the escrow/closing office for its services in the settlement/closing process. Taxes and assessments for the current year shall be prorated at Closing as set forth herein. Prorations described in this Section shall be made as of the date of Closing, which shall also be the date upon which possession shall be transferred.

D. The escrow/closing office shall prepare a Settlement Statement and provide a copy to each of the parties to this Agreement at least two (2) days prior to Closing.

E. The City Council of Park City has approved the purchase of the Property via this Agreement at a duly noticed public meeting, pursuant to Paragraph 2 herein.

The transaction shall be considered completed and "Closed" when the following have been completed: (i) the above-referenced documents have been completed and signed; (ii) the applicable Closing documents have been recorded in the office of the Summit County Recorder; and (iii) all sums due Sellers have been paid to Sellers in good and sufficient funds in accordance with instructions from Sellers.

7. POSSESSION. Sellers shall deliver physical possession of the Property to Buyer upon Closing.

8. TITLE INSURANCE. At the time of Closing Sellers shall pay for a standard coverage owner's policy of title insurance insuring Buyer in an amount equal to the purchase price.

9. SELLERS' DISCLOSURES. Sellers shall provide to Buyer the following documents, which are collectively referred to as the "Seller's Disclosures":

A. A Commitment of Title Insurance shall be supplied within ten (10) days of execution of this Agreement by all parties.

B. There are no leases affecting the property and none will be entered into prior to Closing.

C. Sellers are not aware of any claim or other conditions relating to building or zoning code violations.

10. CONTRACT DEADLINES. Buyer and Sellers agree that the following deadlines shall apply to the contract:

A. Evaluations and inspections deadline: March 28, 2005

B. Settlement deadline: March 30, 2005

11. BUYER'S RIGHT TO CANCEL BASED UPON EVALUATIONS AND INSPECTIONS. Buyer's obligation to purchase under this contract is conditioned upon Buyer's approval of the physical condition, inspection of the Property, and is conditioned upon Buyer's approval of any specific tests or evaluations of the Property that Buyer may perform. Buyer's obligation to purchase is conditioned upon Buyer's approval of the content of the Sellers' Disclosures referenced in Paragraph 9 above. Buyer shall complete evaluations and inspections, including but not limited to the Sellers' Disclosures, on or before March 28, 2005. If the Buyer determines that the Sellers' Disclosures or Buyer's Inspections are unacceptable, Buyer may no later than March 30, 2005, either: i) cancel this Contract by providing written notice to Sellers; or ii) provide Sellers with written notice of objections. If by March 30, 2005, Buyer does not cancel this Contract or deliver a written objection to Sellers regarding the Disclosures and Inspections, the Disclosures and Inspections shall be deemed approved by Buyer. If Buyer provides written objections to Sellers, Buyer and Sellers shall have seven (5) calendar days after Sellers' receipt of Buyer's objections (the "Response Period") in which to agree in writing upon the manner of resolving Buyer's objections. Sellers may, but shall not be required to, resolve Buyer's objections. If Buyer and Sellers have not agreed in writing upon the manner of resolving Buyer's objections, Buyer may waive such objections and proceed to closing, or cancel this Contract by providing written notice to Sellers no later than three (3) calendar days after expiration of the Response Period, whereupon this Contract is canceled.

12. DEED RESTRICTIONS. The following deed restrictions shall be included in the deed which shall be delivered by the Sellers on or before the date of Closing:

A. Open Space Deed Restriction. The following restriction shall appear on the deed conveying the property to Buyer:

> The property described in this deed is conveyed subject to a restrictive covenant effective as of the date of this deed; that the above-described property shall be maintained in perpetuity as open space, in perpetuity as an undeveloped park and recreational land; that no improvements be placed on the property except those which are consistent with the preservation and protection of the natural amenities; and that the conditions of the above-stated restrictions may be enforced by any person or organization consistent with the maintenance of open space and the objectives set out in this restrictive covenant.

13. SELLER'S WARRANTIES AND REPRESENTATIONS.

A. Condition of Title. Sellers represent that Sellers have the title to the property and, subject only to title exceptions disclosed in the Commitment for Title Insurance and accepted or waived by Buyer, or that would be revealed by physical inspection of the Property, will convey good and marketable title to Buyer at Closing. Sellers shall convey title by Warranty Deed, with such warranty applying only to each Seller's respective undivided interest. Buyer agrees to be responsible for taxes, assessments, utilities, and other services provided to the Property after Closing. Sellers shall cause to be paid out by Closing all mortgages, trust deeds, judgment, mechanics liens, tax liens, and other assessments of any kind occurring prior to Closing.

B. Condition of the Property. Sellers acknowledge that there are no buildings or other improvements on the Property, except as disclosed, and that on the date Sellers deliver physical possession to the Buyer the natural condition and landscaping of the Property will be in the same general condition as they were on the date of this Agreement.

14. CHANGES DURING TRANSACTION. Sellers agree that from the date of acceptance until the date of Closing, no leases shall be entered into for the Property and no substantial alterations or improvements to the Property shall be made or undertaken and no new encumbrances shall be made to the Property.

15. AUTHORITY OF SIGNERS. The individuals signing this Agreement in behalf of Park City shall, by their signatures on this document, acknowledge and assure that they have proper authority to enter into this Agreement and sign the appropriate documents.

16. COMPLETE AGREEMENT. This Agreement, together with its addenda, any attached exhibits and Sellers' disclosure, constitutes the entire contract between the parties and supercedes and replaces any and all prior negotiations, representations, warranties, understandings and contracts between the parties.

17. DISPUTE RESOLUTION. The parties agree that any dispute arising prior to or after Closing related to this Agreement shall first be submitted to mediation. The dispute shall be submitted to mediation through a mediation provider mutually agreed upon by the parties. Each party agrees to bear its own cost of mediation. If the mediation fails, other procedures and remedies available under this contract shall apply. Nothing in this section shall prohibit any party from seeking emergency equitable relief pending mediation.

18. DEFAULT. If Buyer defaults, Sellers may either elect to retain the earnest money deposit as liquidated damages or to return it and sue Buyer to specifically perform this Contract or pursue other remedies available at law. If a Seller defaults, in addition to return of the earnest money, Buyer may elect to accept from the defaulting

Seller only a sum equal to the earnest money deposit as liquidating damages or may sue Sellers to specifically perform this Contract or pursue other remedies available at law. If Buyer elects to accept liquidated damages, the defaulting Seller agrees to pay the liquidated damages to Buyer upon demand.

19. ATTORNEY'S FEES AND COSTS. In the event of litigation or binding arbitration to enforce this contract, the prevailing party shall be entitled to costs and reasonable attorney's fees, including mediation expenses.

20. NOTICES. All notices required under this Contract must be: (a) in writing; (b) signed by the party giving notice; and (c) received by the other party or parties agent not later than the applicable date referenced in this Agreement.

21. RISK OF LOSS. All risk of loss to the Property, including physical damage or destruction of the Property or its improvements, due to any cause except ordinary wear and tear and loss caused by taking in eminent domain, shall be borne by Sellers until the transaction is closed.

22. TIME IS OF THE ESSENCE. Time is of the essence regarding the dates set forth in this Contract. Extensions must be agreed to in writing by all parties. Unless otherwise explicitly stated in this Contract: (a) performance under each Section of this Contract which references a date shall absolutely be required by 5:00 PM Mountain Time on the stated date; and (b) the term "days" shall mean calendar days and shall be counted beginning on the day following the event which triggers the timing requirement (i.e., Acceptance, receipt of the Sellers' Disclosures, etc.). Performance dates and times referenced herein shall not be binding upon title companies, lenders, appraisers and others not parties to this contract, except as so otherwise agreed to in writing by such non-party.

23. FAX TRANSMISSION AND COUNTERPARTS. Facsimile (fax) transmission of a signed copy of this Contract, any addenda and counteroffers, and the retransmission of any signed fax shall be the same as delivery of an original. This Contract and any addenda and counteroffers may be executed in counterparts.

24. ACCEPTANCE. "Acceptance" occurs when Seller or Buyer, responding to an offer or counteroffer of the other: (a) signs the offer or counteroffer where noted to indicated acceptance; and (b) communicates to the other party or to the other party's agent that the offer or counteroffer has been signed as required.

25. OFFER AND TIME FOR ACCEPTANCE. Sellers offer to sell the Property on the above terms and conditions. If Buyer does not accept this offer by 5:00 P.M. Mountain Time on March 21, 2005, this offer shall lapse.

BUYER'S SIGNATURE

_____Date:_____Time:_____
Park City Municipal Corporation
By: Thomas B. Bakaly, City Manager
445 Marsac Avenue
Post Office Box 1480
Park City, Utah 84060-1480

THE LATER OF THE ABOVE OFFER DATES SHALL BE REFERRED TO AS THE OFFER REFERENCE DATE

ACCEPTANCE / COUNTEROFFER / REJECTION

CHECK ONE:

ACCEPTANCE OF OFFER TO PURCHASE: Sellers Accept the foregoing offer on terms and conditions specified above.

COUNTEROFFER: Sellers present for Buyer's Acceptance the terms of Buyer's offer subject to the exceptions or modifications as specified in the attached **Addendum No.___**.

SELLERS' SIGNATURES

_____Date:_____Time:_____
Clorine N. Law
Co-Trustee of the Clorine N. Law Trust, Dated March 1, 2002

_____Date:_____Time:_____
Denny B. Law
Co-Trustee of the Clorine N. Law Trust, Dated March 1, 2002

REJECTION: Sellers Reject the foregoing offer.

SELLERS' SIGNATURES

_____Date:_____Time:_____
Clorine N. Law
Co-Trustee of the Clorine N. Law Trust, Dated March 1, 2002

_____Date:_____Time:_____
Denny B. Law
Co-Trustee of the Clorine N. Law Trust, Dated March 1, 2002

City Council Staff Report

Author:	**Brooks T. Robinson**
Subject:	**Mine Waste removal Conditional Use Permit**
Date:	**March 24, 2005**
Type of Item:	**Administrative**

PLANNING DEPARTMENT

Summary Recommendations:
The Planning Department, along with the Chief Building Official, City Engineer, and the City Environmental Specialist, recommend the City Council discuss the Mine Waste removal Conditional Use Permit and the Construction Mitigation Plan, and: 1) affirm the Planning Commission approval of the Conditional Use Permit; and 2) modify the Planning Commission approval to approve the Construction Mitigation Plan as written or amended. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Council's consideration.

Topic:

Applicant	**United Park City Mines Company**
Location	**Pod B-2, Village at Empire Pass**
Zoning	**Residential Development (RD) and Recreation Open Space as part of the Flagstaff Annexation Area**
Adjacent Land Uses	**Deer Valley Resort, other potential development parcels of Pod B-2 at Empire Pass.**

Background:
The City Council called up the CUP approval on February 17 for a *de novo* review. On March 10, 2005, the City Council held a public hearing and took extensive public comment. The public hearing was closed and the Council CONTINUED the item with direction to staff and the applicant to consider additional mitigation measures. The focus of this report is to provide several clarifications on topics addressed by the Council and to discuss the specifics of the Construction Mitigation Plan. Please see the March 10 staff report for additional background and analysis relating to the Conditional Use Permit.

Analysis:
A Conditional Use is defined as "a land use that, because its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts" (LMC section 15-15-1.52). The land use, in this case, is the excavation and removal of regulated mine-related waste and subsequently impacted soil. The primary potential impact is in the safe routing of the truck traffic and whether

this impact can be adequately mitigated.

A Conditional Use Permit is evaluated on the fifteen criteria listed in the Land Management Code (below) for compliance with the four Standards for Review listed in Park City Municipal Code section 15-1-10(D). These standards are:
(1) The Application complies with all requirements of this LMC;
(2) The Use is compatible with surrounding Structures in Use, scale, mass, and circulation;
(3) The Use is consistent with the Park City General Plan, as amended; and
(4) The effects of any differences in Use or scale have been mitigated through careful planning.

Clarifications
The fifteen Criteria for Review on a Conditional Use Permit are based on the actual Use undergoing review and the Site on which this Use is proposed. Councilmember Kernan questioned whether the Environmentally Sensitive Lands criterion (#15 below) would apply to the Richardson Flat site. The answer is no; the Use is the excavation of mine-related materials and the Site for the Conditional Use is the Daly West area. Richardson Flat is not within or adjoining the Site and is located outside of Park City's municipal boundaries. In addition, the Richardson Flat repository already contains hundreds of thousands of cubic yards of material under the regulation of the EPA and UDEQ.

> (15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

Another misconception appears to be the nature of the Daly West site. There was already a significant amount of regulated mine waste at Daly West as noted by the EPA. The consolidation of the regulated waste from the other development areas (pods A, B-1, other parts of B-2) was located at Daly West because of the existence of large amounts of regulated waste already there. The removal would not only take the consolidated material but would also excavate the material that has been at Daly West for many years (see Exhibit A illustrating a cross section through the Daly West site). The EPA required the removal of the material from the development areas for the expressed purpose of "reducing the potential for human contact" yet the repository site in Daly West is almost wholly within the development pod (excepting less than an acre that is in the Conservation Easement). In order to meet this EPA standard the repository would appear to have to move out of the B-2 pod anyway or the development area would need to be shifted.

Much has been made about the amount of dirt to be moved, 59,000 cubic yards. For context, the Chateaux removed nearly 150,000 cubic yards or 15,000 truck loads, Black Diamond nearly 100,000 cubic yards, Lodges Building F (on a flat site without an underground garage) 13,000 cubic yards, and any good sized house with a 3,000-4,000 square foot footprint excavates nearly 10,000 yards. The City's Transit Center hauled 2,000 truckloads of material out of town. The Deer Valley Master Plan, which is nearly

built-out, included 2,110 residential units in a variety of housing types. This equates to a tremendous amount of dirt (in the millions of cubic yards) that gets moved from one place to another. In the twenty-plus years of the Deer Valley construction there has been one truck fatality on the Mine Road when the driver got lost, turned around and wasn't in the right gear. There have been no pedestrian fatalities and minimal property damage relative to the amount of traffic. Certainly, a considerable amount of the dirt was placed within ski runs over the years and not all went down either SR 224 or Royal Street.

Finally, properly operated trucks drive downhill slowly by being in the correct gear, not by using their brakes.

Construction Mitigation Plan (CMP)

Within the criteria for evaluating a CUP, the question for the Council is whether or not the traffic impacts can generally be mitigated. The applicant will be continuing the reconstruction and realignment of State Route 224 from the Hillside intersection south to the Guardsman Connector in the summer of 2005. Due to the amount of snow in the Daly West area, UPCM will begin the road work prior to the proposed mine waste hauling. At the time that the hauling commences, SR 224 will be generally closed to vehicular traffic from Hillside Avenue south, as anticipated with the UDOT permit. Local traffic from the roundabout to Hillside would be allowed. UPCM proposes to allow only the marked trucks to and from the Daly West site and the vehicles associated with the road work to pass through the construction area. All other traffic will be diverted to Royal Street. If the Council so chooses, additional trucks may be used for the hauling operation in order to expedite the operation.

It should be noted that CMPs for all the other Empire Pass projects currently require that downhill construction trucks use Royal Street.

The following Construction Mitigation Plan requirements are in addition to and may supersede the standard CMP requirements of the City Building Department (attached as Exhibit B). Because the City Council is specifically reviewing the CMP, staff recommends that CMP be approved as written or amended if the City Council affirms the approval of the Conditional Use Permit.

- All hauling will be routed on State Route 224, Bonanza Drive, and State Route 248 to Richardson Flat and shall occur only during the period of the reconstruction of SR 224.

- Hauling hours will be limited to 10 hours a day, Monday through Saturday. No trips are allowed on Sundays. The current construction hours allowed by the City is from 7am to 9pm on Monday through Saturday and 9am to 6pm on Sunday. Grading at the Daly West site may continue on Sundays and within the City's normal construction hours if necessary.

- Eight trucks will be used each day for the hauling operation. Each truck will be equipped with trailer or "pup".
- A staging area at a location to be approved by the Chief Building Official, will be set up and monitored.

- All trucks will receive a full vehicle inspection by the Highway Patrol prior to being used on the project. The Highway Patrol and Park City Municipal will provide training of drivers. All drivers will be trained regarding the route, speed control on grades and location and use of the truck ramp.

- Drivers without documentation certifying completion of safety training and trucks without current vehicle inspection reports will not be allowed to proceed down the canyon.

- Load weight will be controlled based on some calibrated loads that will be weighed at the commencement of the job. The Utah Highway Patrol will spot check weight requirements at the staging area. Loads will be tarped to prevent inadvertent loss of material. All loads will be inspected before leaving the site to insure that all loose material is removed from the outside of the vehicle. All personnel will be trained on proper material handling procedures.

- The job site will be manned by a full-time project supervisor that will be responsible for inspecting all trucks and drivers to insure that only approved equipment and drivers will be used. Loads will be logged by time, truck and quantity and a report will be issued to the City on a weekly basis. The job site supervisor will be provided a phone that will allow him to be in direct contact with the City's personnel who will monitor the job.

- Trucks will be uniquely identified by the use of magnetic signs prominently displayed.

- All trucks will be properly equipped with mufflers and use proper fuels to prevent any significant regulated emissions.

- Compliance with the City's noise ordinance with respect to use of engine brakes will be required.

- All loads will be required to stop at the brake check area located just above the steep grade in the canyon.

- The Park City Police agree to enhance enforcement measures on State Route 224.

<u>Other Mitigation Measures suggested by Council</u>
At the public hearing on March 10, the Council suggested several other mitigation measures for consideration. As noted at the beginning of this discussion on the CMP,

State Route 224 will be reconstructed this year from the Hillside intersection south to the Guardsman Connector. At the time of this road closure, only the vehicles associated with the reconstruction and the identified mine waste haulers will be allowed on SR 224, south (uphill) of Hillside Avenue.

- Bonds for speed control. The Council asked if the applicant could post a bond as a disincentive to speed. This would be a private contract between the City and the applicant. Each violation of the posted speed would not only get a moving citation, but the bond would be reduced by a specified amount. For example, a bond of $10,000 would be posted and each violation would reduce the bond by $500. Once the bond is reduced to zero, the project is stopped until a new bond is posted.
- Temporary staging at Richardson Flat. Staff and the applicant have discussed a temporary vehicle staging area at Richardson Flat for construction workers of Empire Pass. As this land is within Summit County's jurisdiction, any approvals would need to come from the County. Having a vehicle staging area and shuttle service would reduce the number of construction vehicles traveling through the City to Empire Pass. Construction parking is very limited at all the construction sites and this would be beneficial to the applicant and their developers.
- No trailer pups behind the trucks. Each pup is half the size of the trucks and would increase the number of trips and the length of the operation by one third. It is not the weight of the trucks but the use of appropriate gearing that gets a truck safely downhill. Staff recommends that pups be allowed to expedite the operation.
- Down SR 224, up Royal Street. Again, with the concurrent reconstruction of SR 224, staff recommends that all related truck traffic use SR 224 for both directions. All other vehicular traffic will be on Royal Street.
- Traffic monitoring. With the road project, flaggers will be stationed at Hillside and near the Guardsman Connector. Signs will be located at the roundabout directing through traffic to Royal Street.

Alternatives

1. The City Council may affirm the Planning Commission's approval of the Conditional Use Permit for Mine Waste removal as conditioned or amended and approve the Construction Mitigation Plan as written or amended; or
2. The City Council may overturn the Planning Commission's approval the Conditional Use Permit Mine Waste removal and direct staff to make Findings for this decision. Denial of this CUP would require that the location of the repository at the Daly West area be zoned to accommodate a landfill, which is not currently allowed within any zoning district in the City. Therefore, staff would need to return to the City Council for amendments to the Land Management Code to allow the necessary Land Use and zoning; or
3. The City Council may continue the discussion on the Conditional Use Permit for the Mine Waste removal.

Significant Impacts
There are significant fiscal and environmental impacts from this application as discussed in the previous staff report.

Recommendation
The Planning Department, Building, and Engineering Departments recommends the City Council open the public hearing for the Mine Waste removal Conditional Use Permit, discuss the item and affirm the Planning Commission approval of the Conditional Use Permit and approve the Construction Mitigation Plan as written or amended. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Council's consideration.

Findings of Fact:
1. The Mine Waste removal Conditional Use Permit is located in the ROS and RD-MPD zoning districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. This project fulfills an obligation of the Mines Soils Hazard Mitigation Plan (Exhibit 1 of the Flagstaff Mountain Resort Large Scale Master Plan).
4. The Daly West location resides within the Judge Tunnel Drinking Water Source Protection zone, which the city is required to protect and manage.
5. It is estimated that 59,000 cubic yards of material will be moved. Using standard trucks with a "pup" trailer, this will necessitate 3,900 trips. The Planning Commission recommended a schedule of using 8 trucks (instead of 6), 10 hour days (instead of 8 or 12), six days a week with Sundays off. The current construction hours allowed by the City is from 7am to 9pm on Monday through Saturday and 9am to 6pm on Sunday. This schedule, based on conditions, will take 7 weeks.
6. The removal and placement of the material outside of Park City's municipal boundaries at Richardson Flat (intersection of SR 248 and US 40) will be regulated under a Removal Action Work Plan for Empire Canyon and is part of the closure plan for Richardson Flat, both administered by the US Environmental Protection Agency.
7. The waste entering this unit will exhibit lead and zinc levels ranging from 27 to 171,000 ppm (USEPA Health Based Risked Standard 400 ppm) and arsenic (carcinogen) ranging from 63 to 29,200 ppm.
8. UDEQ has recently drafted a fish advisory for Silver Creek due to elevated arsenic levels found in fish tissue. By allowing a landfill source with arsenic levels approaching 29,200 ppm, the City and applicant may be exposed to additional regulatory scrutiny for a waste that was not generated by the City.
9. The Daly West area has a significant volume of regulated waste on site. Additional soils have been stockpiled on the Daly West site from other development areas within Empire Pass.

10. The route for the hauling will be State Route 224, Bonanza Drive and State Route 248 to Richardson Flat.
11. Royal Street has very tight-radius turns, with two very tight hairpin curves. This would pose a hazard to oncoming traffic due to the inability of trucks to stay in their lane. Royal Street has no truck escape lane, nor is it maintained by UDOT. Further, it is simply longer than is the Mine Road route, increasing the accident risk, and trucks using Royal Street would pass more residential units than the Mine Road, primarily along Deer Valley Drive between Royal Street and the Roundabout.
12. Landfills are not allowed in any zoning district within the City.
13. State Route 224 south of Hillside Avenue will be reconstructed during the spring and summer of 2005. It is anticipated that UDOT will require the road closure as was the case in 2004 for the reconstruction from the roundabout to Hillside.
14. The Planning Commission held public hearings and took testimony on December 8, 2004 and February 9, 2005 and approved the Conditional Use Permit.
15. The City Council called up the Planning Commission action and held a *de novo* review on March 9, 2005. The public hearing was closed an the discussion continued to March 23, 2005.
16. The staff discussion and analysis from the March 10, 2005 staff report and the report above is incorporated herein.

Conclusions of Law:

1. The CUP is consistent with the Flagstaff Mountain Resort Master Planned Development, Exhibit 1 Technical Report, and the Park City Land Management Code.
2. The CUP is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. A Construction Mitigation Plan is hereby approved. In addition to the standard requirements of any CMP (attached), the following elements are required:

    - All hauling will be routed on State Route 224, Bonanza Drive, and State Route 248 to Richardson Flat and shall occur only during the period of the reconstruction of SR 224.

    - Hauling hours will be limited to 10 hours a day, Monday through Saturday. No trips are allowed on Sundays. The current construction hours allowed by the City is from 7am to 9pm on Monday through Saturday and 9am to 6pm on Sunday. Grading at the Daly West site may continue on Sundays and within the City's normal construction hours if necessary.

    - Eight trucks will be used each day for the hauling operation. Each truck will be equipped with trailer or "pup".

- A staging area at a location to be approved by the Chief Building Official, will be set up and monitored.

- All trucks will receive a full vehicle inspection by the Highway Patrol prior to being used on the project. The Highway Patrol and Park City Municipal will provide training of drivers. All drivers will be trained regarding the route, speed control on grades and location and use of the truck ramp.

- Drivers without documentation certifying completion of safety training and trucks without current vehicle inspection reports will not be allowed to proceed down the canyon.

- Load weight will be controlled based on some calibrated loads that will be weighed at the commencement of the job. The Utah Highway Patrol will spot check weight requirements at the staging area. Loads will be tarped to prevent inadvertent loss of material. All loads will be inspected before leaving the site to insure that all loose material is removed from the outside of the vehicle. All personnel will be trained on proper material handling procedures.

- The job site will be manned by a full-time project supervisor that will be responsible for inspecting all trucks and drivers to insure that only approved equipment and drivers will be used. Loads will be logged by time, truck and quantity and a report will be issued to the City on a weekly basis. The job site supervisor will be provided a phone that will allow him to be in direct contact with the City's personnel who will monitor the job.

- Trucks will be uniquely identified by the use of magnetic signs prominently displayed.

- All trucks will be properly equipped with mufflers and use proper fuels to prevent any significant regulated emissions.

- Compliance with the City's noise ordinance with respect to use of engine brakes will be required.

- All loads will be required to stop at the brake check area located just above the steep grade in the canyon.

- The Park City Police agree to enhance enforcement measures on State Route 224.

- Bonds for speed control. The applicant will post a $10,000 bond for traffic violations by its drivers in a form approved by the City Attorney. This would be a private contract between the City and the applicant. Each violation of the posted speed would not only get a moving citation, but the bond would be reduced by a specified amount. Each violation would reduce the bond by

7. Control of Dust & Mud will be controlled daily. Gravel will be placed in the egress and ingress areas to prevent mud and dirt from being tracked on streets. Water will be on site to prevent dust. Comments:_____

_____

8. Noise will not be above 65 decibels which violates the noise ordinance and will not be made outside the hours of operation. Comments:_____

_____

9. Grading & Excavation will be during hours of operation and trucking routes may be restricted to prevent adverse impacts.
Cubic Yards to be removed:_____ Destination:_____
Comments:_____

10. Temporary Lighting if used, will be approved by the Planning Department. Comments:_____

_____

11. Construction Sign will be posted on site and in a location that is readable from the street. The sign will not exceed 12 square feet in size and 6 feet in height. The lettering will not exceed 4 inches in height and will include the following information: Contractor name, address, phone number and emergency contact information. Comments:_____

_____

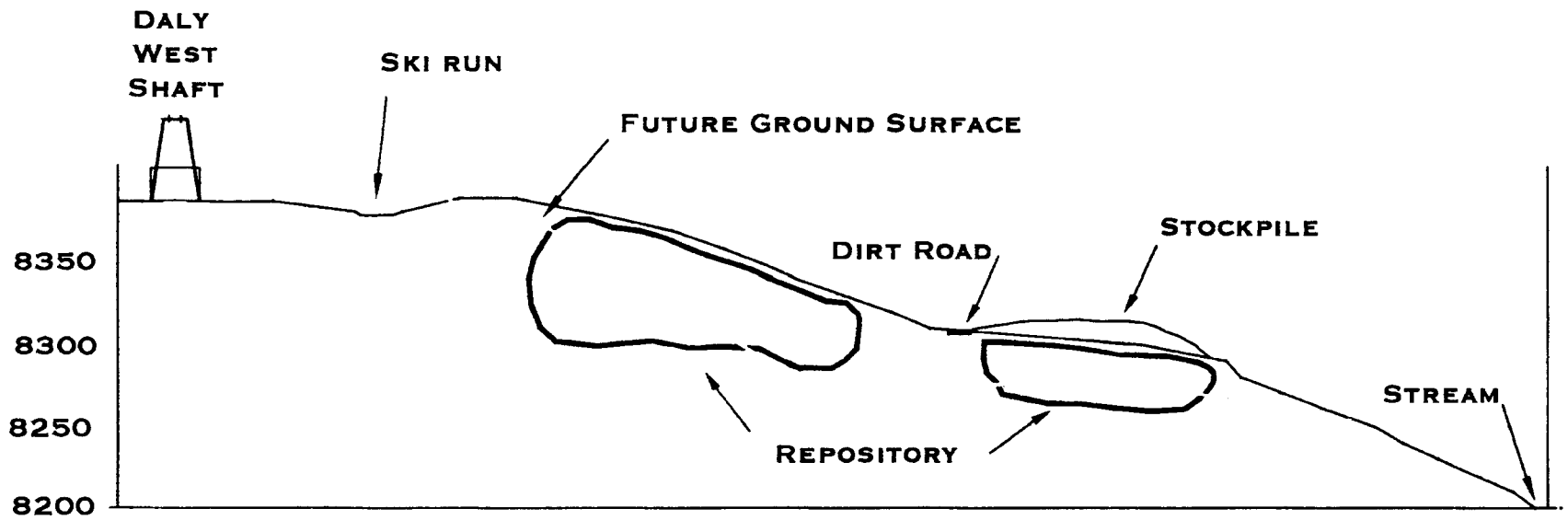
12. Other Issues: Dogs will be prohibited from construction site. Information will be provided to neighboring property owners to help them be aware of project and to keep the lines of communication open. Comments:_____

13. Erosion Control: Storm Water Management Plan - Attachment A - will be reviewed, signed and attached to this construction mitigation plan. Comments:_____

_____

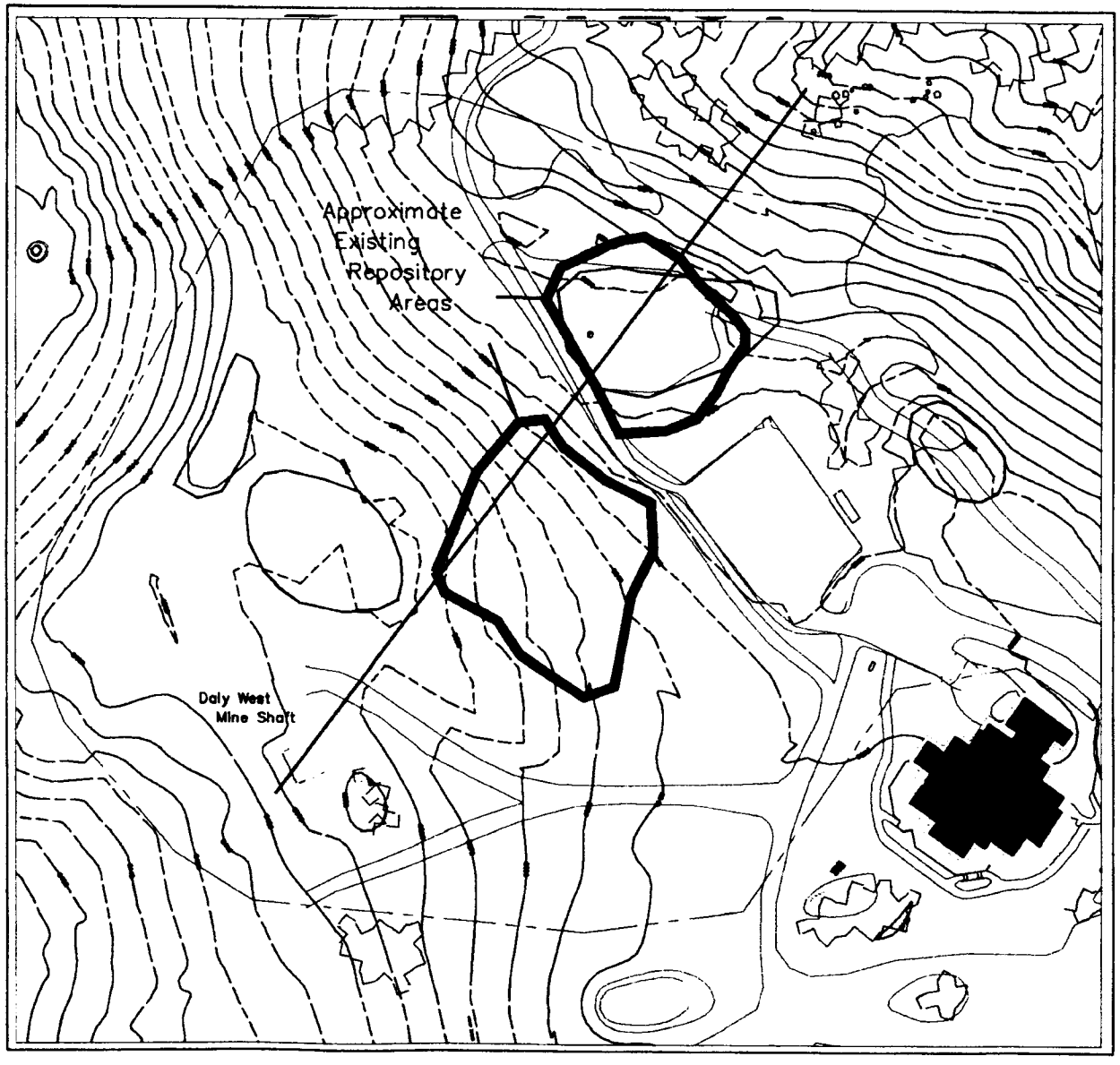
Contractor Signature:_____ Date:_____

Approved By:_____ Date:_____



UNITED PARK CITY MINES

CROSS SECTION THROUGH REPOSITORY



UNITED PARK CITY MINES COMPANY

DALY WEST AREA
REPOSITORY LOCATION

$500. Once the bond is reduced to zero, the project is stopped until a new bond is posted.

- The applicant shall use all reasonable efforts to create temporary staging at Richardson Flat. Staff and the applicant have discussed a temporary vehicle staging area at Richardson Flat for construction workers of Empire Pass. As this land is within Summit County's jurisdiction, any approvals would need to come from the County. Having a vehicle staging area and shuttle service would reduce the number of construction vehicles traveling through the City to Empire Pass. Construction parking is very limited at all the construction sites and this would be beneficial to the applicant and their developers. If a staging area is not possible at Richardson Flat, a construction parking plan must be approved by Building and Planning Departments.

- Traffic monitoring. With the road project, flaggers will be stationed at Hillside and near the Guardsman Connector. Signs will be located at the roundabout directing through traffic to Royal Street.