PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 18, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 18, 1999.

AGENDA

Closed Session - City Council Chambers - Lower Level

3:30 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

4:00 p.m.	Council questions and comments
4:15 p.m.	Olympic international flag pole project
4:30 p.m.	564 Woodside abatement of dangerous building
	Review of regular meeting
4:45 p.m	Housing resolution
5:20 p.m.	Golf fees
5:40 p.m.	Contracts
5:50 p.m.	Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV SPECIAL WORK SESSION NOTES OF FEBRUARY 22, 1999 AND WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 25, 1999

V PUBLIC HEARINGS

1. Affordable housing resolutions:

(a) Resolution amending Resolution No. 7-95, Affordable Housing Guidelines and Standards for Park City, Utah

(b) Resolution adopting Affordable Housing Guidelines and Standards for Park City, Utah

2. Ordinance approving a plat amendment to combine six full lots and four partial lots in Block 65 of the Park City Survey into separate 7,500 square foot lots of record at 355 Deer Valley Drive, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a plat amendment to combine six full lots and four partial lots in Block 65 of the Park City Survey into separate 7,500 square foot lots of record at 355 Deer Valley Drive, Park City, Utah

2. Resolution adopting revised golf fees and repealing and replacing Resolution No. 4-98 in its entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City facilities for Park City, Utah

3. Authorization to staff to enter into an Interagency Contract Agreement with Utah Department of Transportation for the purchase of two paratransit buses providing 20% in matching funds in an amount not to exceed $21,464

4. Authorization to staff to enter into a renewal agreement with USSA for use of the Fitness Center at the Racquet Club

VII ADJOURNMENT

PARK CITY COUNCIL SPECIAL MEETING
SUMMIT COUNTY, UTAH
MARCH 24, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council will hold a special closed session on Wednesday, March 24, 1999 at 2 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purpose of conducing the City Manager's annual personnel evaluation.

Posted 03/15/99
Revised 03/17/99
See parkcity2002.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 18, 1999

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

Toby Ross, City Manager; Myles Rademan, Public Affairs Director; Derek Satchell, Planner; Jodi Hoffman, City Attorney; Ron Ivie, Chief Building Official; Meg Ryan, Planner; Craig Sanchez, Director of Golf; Ken Fisher, Recreation Coordinator; and Hope Bleecker, Transportation Director

Joan Calder, Chamber/Bureau Executive Director

Absent: **Chuck Klingenstein**

1. **Council questions and comments.** Shauna Kerr disclosed that she received calls regarding allowing nightly rentals in the HRL zone. Most were unaware that it was proposed that nightly rentals be maintained in existing structures in the HRL. She stated that she would like to apply for the Quality Growth Commission as a citizen applicant. Hugh Daniels reported that he attended the National League of Cities Conference in Washington, D.C. There is a bill coming forward calling for a point of order on any bill that would preempt local control that has pretty good support and federal administrative regulations that preempt local control. There is a lot of activity on Internet commerce and related sales tax. He referred to an unsigned letter about Deer Valley Resort parking and assumed staff would follow-up. Paul Sincock reported that at the Rocky Mountain Land Institute Conference last week, an interactive land use document was displayed from the city of Henderson, Nevada which is a tremendous tool for users and there was a good presentation on resort communities. There was a cultural arts task force workshop yesterday and SLOC gave a presentation. The task force then brain-stormed cultural and arts ideas for the Olympics. He discussed a tiled geodesic dome project made up of people's faces shown on video by Tom Grim, which could be an Olympic memorial. Mr. Sincock stated that he chided Jay Hamburger of the *Park Record* about some misleading reporting on Flagstaff, and emphasized that when the project was reviewed by the City Council, the developer agreed to reduce the application in Wasatch County from 650 to 250 units and it was not accurate to report that the City approved 750 units.

2. **Olympic international flag pole project.** Myles Rademan explained that the proposal is consideration of a site for a flag pole plaza in the Snow Creek area. The City purchased the car wash parcel in 1997 for about $650,000 and expended about $40,000 in mitigation efforts. With the addition of the adjacent parcel, dedicated by Keith Christiansen, the total site is a little over an acre. The Chamber/Bureau is proposing an international flag pole plaza because of its visibility

and problems with future commercial development there. The parcel was acquired for a number of reasons, and if the City would like to dispose or develop it, an RFP could be prepared. He again emphasized that the City has denied prior development applications. There are two questions: whether this is a potential legacy site; and whether the City wants to enter into an agreement with the Chamber/Bureau to do the planning and fund-raising to be brought back to the City for approval. Paul Sincock stated that he supports open space and a legacy, but felt there should be a process to formulate ideas for the plaza. Joan Calder, Chamber/Bureau Executive Director, responded that they have not proceeded with that component, as the purpose of this meeting is to obtain preliminary approval. If Council is amenable to exploring possibilities for this parcel, she proposed putting together a group of key people whose first task would be to identify elements of a project. She discussed the orb that Mr. Sincock discussed earlier or pavers that the community could support. After recommendations are approved, a design architect could be retained. Ms. Calder again emphasized that if Council is hesitant about this site, they should be looking at other sites, but if not, the process could be initiated.

Ms. Kerr stated that her concern is based on the reason other uses on the site didn't work, which is the complicated intersection. The plaza may attract people who may stop and cause more congestion. Myles Rademan agreed that this is a concern, but the addition of Parcel D provides access to Snow Creek Drive, and he emphasized that there would be no curb cuts from the highway. Everything would be planned and signed for access from the back of the parcel. Ms. Kerr noted that they bought this as open space to avoid traffic complications in the area and feared the City would be creating an attraction that would be worse than the uses it has attempted to extinguish. Ms. Calder agreed that it is a concern and the design would be sensitive to this. Hugh Daniels noted that some of the Council members did not purchase the parcel for open space and felt the traffic concerns could be mitigated. It is an appropriate site for a plaza and Mr. Daniels suggested that local architects and artists be used. Roger Harlan felt that the site would lend itself to some great design features that would tie into the Olympics. Traffic is an issue, but he felt it could be mitigated. Council agreed to proceed.

2. **564 Woodside Avenue - abatement of dangerous building.** Derek Satchell distributed additional photographs of the property. He reported that he was contacted by Tim Lee who expressed interest in purchasing the property from the owner in hopes of rehabilitating it. However, there are no details and Mr. Lee intends to conduct a marketing analysis. In response to a question from Roger Harlan, Ms. Hoffman expressed that the City could purchase the property, attach a conservation easement to it, and sell it, or it can condemn the property. Ms. Kerr asked how readily the property could be saved. Mr. Satchell indicated it would cost at least $200,000 to renovate it, not including the purchase of the property. Chief Building Official Ron Ivie stated that the building could be saved, but it will require a number of things including an owner who cares. The building is presenting a significant risk to the community, and in particular, the neighbor next door, who is having trouble obtaining fire insurance because of the derelict and vacant nature of the structure. He indicated that he could order the nuisance abated, whereby there would be a 30 day

appeal period. The City's first option is always to save a structure, but Mr. Ivie felt the City owes it to the community and the neighbor to abate the nuisance. After a year of effort, saving the building hasn't materialized, although there have been several attempts, but it is very costly. He believes that the City needs to move forward and saving the building requires someone with a "sweat equity" interest. Mr. Ivie explained to Mr. Sincock that the process would involve a court order to proceed. This is policy so that the City is protected as to claim and the court has actually ordered the abatement of the nuisance. He emphasized that abatement doesn't necessarily mean demolition; it means to abate the nuisance so it always leaves the option of repair. The costs would become a tax against the property, if the City abates the nuisance. The City Manager explained that this matter will appear on the agenda next week for action.

3. Review of regular meeting:

Housing resolution. Meg Ryan explained that staff was instructed in December to update the housing resolutions, particularly for City assisted projects and annexations. Options include continue with the current policies, consider some of the staff recommendations, or contract services to another party. Staff is recommending that Resolution No. 7-95 be amended to only apply to projects already approved, and a new resolution be adopted for future projects. In December, Council reaffirmed its goal of maintaining a diverse social and economic community. She displayed slides of the Washington Mill project as part of Deer Valley's mitigation. In 1995, for City assisted projects, the City Council targeted essential service workers, permanent employees, and seasonal employees. Under annexations, the intent was to provide units that targeted employees created by the project, but the resolution is somewhat unclear. She explained that 59% of the Park City population earn less than $50,000. Under the resolution, there is a maximum rental rate which is used in City assisted projects and annexations, and Ms. Ryan asked if this should be continued or should there be more flexibility in negotiations to target populations.

She discussed a table outlining levels of affordability based on income. In 1999, the median income for Summit County was $64,000. The chart also illustrates the ranges of categories and what people can afford. In 1997, the Old Town average price for a single family home was $270,000 and $250,000 in Prospector which precludes many purchasers in town. Rents have risen in Heber and Kamas and Salt Lake vacancy rates have increased over the years. She asked if there should be better clarification of the City's expectations in the resolutions and one recommendation is to provide the City flexibility with individual projects. Another suggestion is to define affordability and to look at setting a maximum threshold for rental and purchase price. The state and federal standard for affordability suggests that not more than 30% of income should be spent for housing. Ms. Ryan discussed the merit of encouraging City assisted projects and setting a cap that would only assist projects that target certain areas. One of the suggestions is that the target be at 100% of the median income or $64,000 which provides the City the ultimate flexibility of targeting within that region of folks. There are still limited options for people who make more than 100% of median with the region. Paul Sincock asked the difference of the average and median income in Summit County. Ms. Ryan indicated that she has not looked at the data outside the City limits.

Ms. Ryan continued that annexations are open-ended and it is suggested that a housing plan be submitted and since 1995, employee generation studies have been provided by developers. Another component is analyzing the wages of those employees and the next step would be to provide units for them. From an administrative standpoint, it would not be a great cost to provide those numbers from staff or the developer. Obviously, some are long-term permanent residents that have different housing requirements than seasonal employees. The preference of the Council in the past is to have on-site units, but there were other areas for negotiation for off-site, acquisition of units, land lease, or in-lieu fees. The proposed resolution delineates a formula for in-lieu fees at the time the project is approved, rather than set numbers. She continued that another option is looking at a way that the developer could help subsidize a mortgage on a project. Currently 10% of the units has been identified as housing mitigation, but staff has found that mitigation ranges in communities. Aspen requires 100% mitigation; others are 60% or 30% of employees generated and Ms. Ryan clarified that Park City requires 10% of the units produced. She explained that employee generation for single family residential has not been quantified, although nightly rentals have been analyzed.

Alternatives for large scale master planned developments, include dedicating a funding source from the General Fund and allocating it toward the production of units. Ms. Ryan added that the second more challenging option is to explore legislative authority for a flat fee for new commercial construction for affordable housing and the third is looking at employee mitigation at the master planned development process. If that is an option, staff is suggesting looking at exemptions for certain size projections, because it probably doesn't make sense for a 10 unit project. In response to a question from Mayor Olch about legislative authority, Ms. Ryan indicated that a 20% inclusionary housing standard has been done in California and New Jersey. Jodi Hoffman interjected that this has been discussed with legislators at a policy level and if a parks impact fee were given up, they would likely allow an affordable housing impact fee. The parks impact fee may have to go anyway, because there may be general taxing authority for open space or parks.

Ms. Ryan stated that the Land Management Code amendments will affect the production or the discouragement of housing and there is an outline of considerations for each zoning district. She urged direction on setting a cap and if other alternatives should be explored. Should the resolution clarify that there is a housing plan, if a generation study should be conducted, the review process, and requirements on projects other than City-assisted and annexation projects. Shauna Kerr pointed out that the City Council is described in places in the resolution as the Housing Authority; designations should be consistent and there should be a definition of the Housing Authority. Hugh Daniels felt that there should be an indication of City Council set policy and provide every option possible for a variety of housing and not set up specific affordable housing areas. Mr. Daniels felt that annexations probably should include but may be broader than employee housing. He is in support of adding a requirement for large scale MPDs, particularly for employees. Ms. Kerr pointed out that there may be instances were the calculation is less than one unit and suggested that the calculation be rounded up to one unit. If housing is impractical on a site, the fee in-lieu should be imposed.

Mr. Sincock felt that in addition to providing 10% of units for employee housing, that a percentage of employees should also be addressed. Jodi Hoffman discussed a fair share concept which mitigates instances where employees who can not afford to live in a community are being passed off to other communities, creating impacts. Another approach is addressing a percentage of employee generation either on or off site. Paul Sincock stated that he supports 10% as opposed to the 100% in Aspen which is extreme. Ten percent is a reasonable requirement for the community's obligation. He doesn't like the idea of indicating maximum rents which will change over time. There was discussion about minimum square footage requirements. Mr. Sincock believed the focus should be the number of people accommodated as opposed to the number of units, and this could determine the size of the units. Setting rental rates is difficult, but if set, should be tied to the median income level by some formula. Meg Ryan felt there could be some language drafted on employee generation as opposed to units produced. Salaries can be identified for a target range and affordability can be determined. Ms. Kerr felt there should be a cap so that existing units will remain available and both tools need to be included. Ms. Hoffman added that there are existing agreements that reference back to the resolution. Paul Sincock emphasized that the formula should be based on the number of people and their salaries. Roger Harlan continued that there should be the greatest degree of flexibility on annexations as there may be unanticipated creative solutions in the future.

Hugh Daniels stated that he is unsure if 10% is the right number. Ms. Ryan noted that one of the suggestions is that the minimum be 10% and if the employee generation is much greater, to increase that number. Ms. Hoffman interjected that if there is flexibility, the City may be accused of selective enforcement. Meg Ryan pointed out there is suggested criteria that could be refined; it is not the intention to leave this issue open-ended. Shauna Kerr asked if there is interest in the affordable housing industry in raising it and added that she is inclined to raising it based on employee generation experienced over the years. Paul Sincock stated that demand to live here drives costs, commercial development, and employees. It also causes development in the County generating employees in our City and the City is mitigating it, and he noted that he has to think this through. Ms. Kerr added that she felt that managers units in the GC should be permitted and not a conditional use. Hugh Daniels stated that he would like residential to remain in the HCB and although there are problems with parking, it is not a huge number, and residential is an important component in the community. Ms. Kerr agreed and felt it would be an opportunity to get one or two additional units and also supported a boarding house. Ms. Ryan understood that Council supported considering MPDs; see public hearing in regular meeting minutes.

Golf fees. Craig Sanchez reported that Council approved a ten year plan three years ago and revenue projections were based on a 50/50 mix of resident and non-resident play. This last season, the mix shifted to about 60% in resident play, and the difference in rates caused a setback in the revenue projections. Staff is requesting an increase of 14.5% or $17.50 to $20 for resident fees; and 8% or $30.50 to $33 for non-resident fees for 18 holes. Comparisons are made with city courses, including Mountain Dell and Wingpoint which are $20 for 18 holes. County courses like Old Mill and Riverbend went from $20 to $22. Wasatch Mountain will remain $20 for 18 holes and South Mountain is $75 and Thanksgiving Point is $55 for 18 holes. Mr. Sanchez explained that these courses don't distinguish between resident and non-resident but most have a weekday and weekend fee. He continued that the golf advisory committee unanimously supported the increase and are in the process of developing a master plan for the course to earmark projects to be funded with the fee revenues. He discussed improvements to the forward tees, reseeding fairways, and cart paths and explained the County Association tag. There was discussion about the word, "replacing" being inadvertently omitted in the resolution title and including it when the Consent Agenda is adopted. Mr. Sanchez invited the Mayor and City Council to the City Show which will be held on Wednesday, March 31 from 3 p.m. to 5 p.m. at the Jim Santy Auditorium.

Contracts:

USSA/Fitness Center. Ken Fisher, Recreation Coordinator, stated that he oversees the Fitness Center and is recommending renewal for another two years with USSA. In January 1997, the City entered into a two-year agreement with USSA and in May 1998, the fitness center was moved from the loft to the renovated racquetball courts. Since then, business has increased and is profitable and new equipment has been purchased this year. He explained that the impacts of USSA's use has been minimal on the fitness center. Part of the agreement allows the Racquet Club to market itself as an official training center which has been key in its promotion. Shauna Kerr suggested that Paragraph 3.1 be stricken as it addresses improvements that were relevant with the first contract. Roger Harlan asked how the USSA's usage has interfered with the public's use. Mr. Fisher explained that the center never had to be closed to the general public. Only six to eight punch cards a month are issued to USSA staff, which is minimal.

UDOT grant for the purchase of two buses. Hope Bleecker distributed brochures on the new buses and stated that the one of the retired buses will be dedicated to the Senior Citizens and the other will serve as a spare. These vehicles will be slightly larger to provide more flexibility and a six to seven month delivery is anticipated.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 18, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 18, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; and Meg Ryan, Planner.

II PUBLIC INPUT

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

Mayor's Youth Council - Jessie Jackson stated that they are selling Easter baskets to raise funds. On May 1, they will also be hosting a costume ball at a $150 per couple and efforts are being made to hold a silent auction. Money is being raised for a teen center and Ms. Jackson discussed a teen assembly program organized by older kids for younger students on a variety of social issues.

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV SPECIAL WORK SESSION NOTES OF FEBRUARY 22, 1999 AND WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 25, 1999

Hearing no corrections or omissions, the Mayor requested a motion to approve. Shauna Kerr abstained from voting on the minutes of February 25, 1999 as she was not in attendance. Roger Harlan, "I so move". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Abstention, February 25, 1999
Chuck Klingenstein	Absent
Paul Sincock	Aye

V PUBLIC HEARINGS

1. Affordable housing resolutions:

(a) Resolution amending Resolution No. 7-95, Affordable Housing Guidelines and Standards for Park City, Utah

(b) Resolution adopting Affordable Housing Guidelines and Standards for Park City, Utah

See work session notes. Planner Meg Ryan explained that staff is requesting consideration of strengthening and clarifying Resolution No. 7-95, which deals with city assisted projects and annexations. Features would include a housing plan to be submitted and a maximum cap on rental and purchase prices. Staff will be bringing back strategies for employee mitigation on projects for master planned developments. Paul Sincock asked if the proposed amendments were sent to UPCM, Deer Valley Resort or Park City Mountain Resort who may come forward with MPD applications. Meg Ryan noted that Deer Crest and Summit County received copies, but she will notify others. The Mayor invited public input.

Phyllis Robinson, Executive Director of Mountainlands Community Housing Trust, stated that other people would like to testify this evening but there is a first home buyers workshop being held simultaneously at the Miners Hospital. She continued that she is in favor of the amendment to the housing standards in Resolution No. 7-95 and the creation of a new resolution. She felt that the proposed changes provide flexibility to tailor proposed housing development for both the employees generated as well as the general needs in the marketplace. This avoids providing housing that is over-saturated by one particular income level and overlooking other needs. When the low income housing tax credit is used, it is already narrowing the window of housing to be built. The Federal IRS Code limits the low income housing tax credit to be used for households earning no more than 60% of their area income. This results in a cap if someone is planning on using that type of federal subsidy on a housing development project. Ms. Robinson added that these projects will generally target households between 45% and 56% of area median income. It is reasonable to expect that if someone is providing rental housing as part of his obligation and using low income housing credits, one market will be served. However, housing is not being created for people earning less than that range or above 60% of area median income. She reiterated that for that reason, she likes the flexibility the amendments provide as the housing types as well as income levels can be negotiated.

Ms. Robinson urged Council to consider setting the income cap at 100% of area median income as opposed to 80%. This gets back to the diversity of housing and a continuum of housing. Most federal and state programs limit the subsidy that can be used to households earning 80% of area median income. In Park City, two school teachers could be close to the 100%, but currently would be excluded in participating in a number of programs. She felt there should be a higher mitigation level as only 60% of employees who work here live here. Although 60% may be too high, 10% is too low. Most commercial developments result in a lot of employees, and some communities use 20%. Employee housing could become a perk for both the labor pool and the employer.

Ginger Tollman, ten-year resident, stated that she supports anything that can be done to expand and accommodate more affordable housing in the community. She relayed her experience of when her income was drastically cut, due to a divorce, and subsequently had to reluctantly face moving her family out of Park City. The community shouldn't have to provide housing for them, but she and her kids had become part of the community over the years, but couldn't afford to live here. She noted that they found a unit, but it was subsequently sold and Mountainlands worked very hard to accommodate them. Luckily, they found a place with a long-term lease and Ms. Tollman emphasized that she knows there are others in similar situations. There is a huge need in the community and again urged Council to support affordable housing.

With no further comments, the public hearing was closed.

2. Ordinance approving a plat amendment to combine six full lots and four partial lots in Block 65 of the Park City Survey into separate 7,500 square foot lots of record at 355 Deer Valley Drive, Park City, Utah - Planner Meg Ryan explained that the Planning Commission forwarded a positive recommendation to the Council after several meetings. There are two duplexes on each lot, creating four units. In response to a question from Roger Harlan, Ms. Ryan clarified that in order to minimize additional curb cuts, the number of access points onto Deer Valley Drive will be explored during the site design review process. Hugh Daniels relayed that he followed this project through the Planning Commission process where it was felt that this was the best result in consideration of the zoning, when in fact, the preference was probably two single family residences. This is another area that should be examined in the Land Management Code amendments. With no further comments from the Council or the public, the public hearing as closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve, including the addition of the wording "and replacing" in Item 2. Shauna Kerr, "I move approval with the note on Item No. 2 that we clarify that all of the existing ordinance, not specifically dealing with golf, is replaced in exactly the same language and with that I move approval of the Consent Agenda of Items 1 through 4". Paul Sincock seconded. Motion carried.

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

1. Ordinance approving a plat amendment to combine six full lots and four partial lots in Block 65 of the Park City Survey into separate 7,500 square foot lots of record at 355 Deer Valley Drive, Park City, Utah - See staff report and public hearing.

2. Resolution adopting revised golf fees and repealing and replacing Resolution No. 4-98 in its entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City facilities for Park City, Utah - See staff report and work session notes.

3. Authorization to staff to enter into an Interagency Contract Agreement with Utah Department of Transportation for the purchase of two paratransit buses providing 20% in matching funds in an amount not to exceed $21,464 - See staff report and work session notes.

4. Authorization to staff to enter into a renewal agreement with USSA for use of the Fitness Center at the Racquet Club - See staff report and work session notes.

VII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Deputy City Attorney; Jodi Hoffman, City Attorney, and Myles Rademan, Public Affairs Director. Bob Richer, Jan Wilking, and Sally Elliott of the Citizens Open Space Advisory Committee were also in attendance. Shauna Kerr, "I move to close the meeting to discuss property acquisition". Paul Sincock seconded. Motion carried.

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

The meeting opened at approximately 4:20 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

Memo

To: Mayor & City Council
From: Myles Rademan, Director of Public Affairs
Date: March 12, 1999

RE: International Flag Plaza on Car Wash Parcel

Background

The city, using RDA monies, purchased the 'car wash' parcel at the intersection of highways 224 and 248 in December 1997, from Zions Bank for $650,000. This .349 acre parcel is zoned GC, with an RCO (regional commercial) overlay and is also situated in the frontage protection overlay zone. The frontage protection overlay zone creates significant development constraints on the parcel. There were a number of development proposals for this parcel prior to the city's purchase, including the Chamber of Commerce's plans to build a visitors center, and a Zions Bank proposal to build a branch bank. These were unfavorably reviewed due to traffic generation and ingress and egress concerns. After acquiring the site from Zions Bank the city expended approximately $40,000 remediating environmental problems and providing basic landscaping on the site.

An additional .675 acre parcel adjacent to the 'car wash' site, designated Parcel D in the Snow Creek MPD, was donated to the city by Keith Christensen, one of the owners of the Snowcreek Commercial Center, in September 1998. This parcel is zoned GC with an RCO overlay and is also partially covered by the frontage protection zone. Various restrictions were imposed by the Snow Creek MPD on this parcel restricting its use to open space and only allowing development through an amendment to the Snowcreek MPD.

The combined 'car wash' and 'parcel D' site is 44,400 square feet, or slightly larger than an acre in size.

Proposal

The Chamber of Commerce with the support of community entities such as the

Park City Rotary Club propose the creation of a permanent International Flag Plaza on the site in a joint venture with the city. The Chamber will spearhead the fund raising necessary to create the park and the city will designate the site for this purpose while retaining ownership. The Chamber has already received a $200,000 Restaurant Sales Tax Grant that can be used for this purpose. Planning and maintenance details need to be worked out.

The Chamber feels that the proposed International Flag Plaza is an ideal use for this site:

- the area is highly visible, but constrained for commercial uses. Commercial development will create traffic, and ingress and egress bottlenecks on S.R. 248 which cannot easily be mitigated,;
- since the site is located at the city's major intersection it will be viewed by virtually everyone entering and leaving Park City, thus creating a lasting and visible legacy;
- the site affords very picturesque views to the south encompassing Park City's mountain backdrop and provides a perfect 'photo opportunity' for visitors;
- the site is isolated by surrounding commercial development but is well suited for 'pocket park' treatment and is located on the city's trails system;
- it is appropriate to create a lasting reminder of Park City's major role in hosting the 2002 Winter Games for generations of residents and visitors.

Visits to past Olympic cities demonstrate that a 'signature' gateway statement providing outstanding photo opportunities clearly conveying 'Olympic city status' is very important. Most Olympic cities, with varying degrees of success, have tried to create such an ideal park-like spot. It is felt that with careful planning this site will be ideal for such a purpose, and will serve as a marvelous legacy and needed addition to the city's park system.

Planning Questions & Parameters

A number of questions need to be addressed if this project is to move forward:

1) Does the city envision other potential uses for this site or disposing the site to a private developer? If so, would an RFP to dispose the site be appropriate?
2) How and who will plan the International Flag Plaza? Will this be accomplished

in house, or through an outside design competition, and by through combination of both?
3) What design elements are appropriate on this site? National flags, Olympic flags, plaques commemorating Utah and Park City athletes who compete and win medals in the 2002 and future Olympics, Olympic 'countdown clock', water feature, Olympic flame, benches and other sitting areas, sculptures, landscaping, pavers, etc.
4) How will ingress, egress and parking be addressed, signed and controlled?
5) Who will provide maintenance and upkeep once the site is developed?
6) What public process will govern this project and can time frames be expedited to accomplish the goal of creating an International Flag Plaza prior to the Olympics?

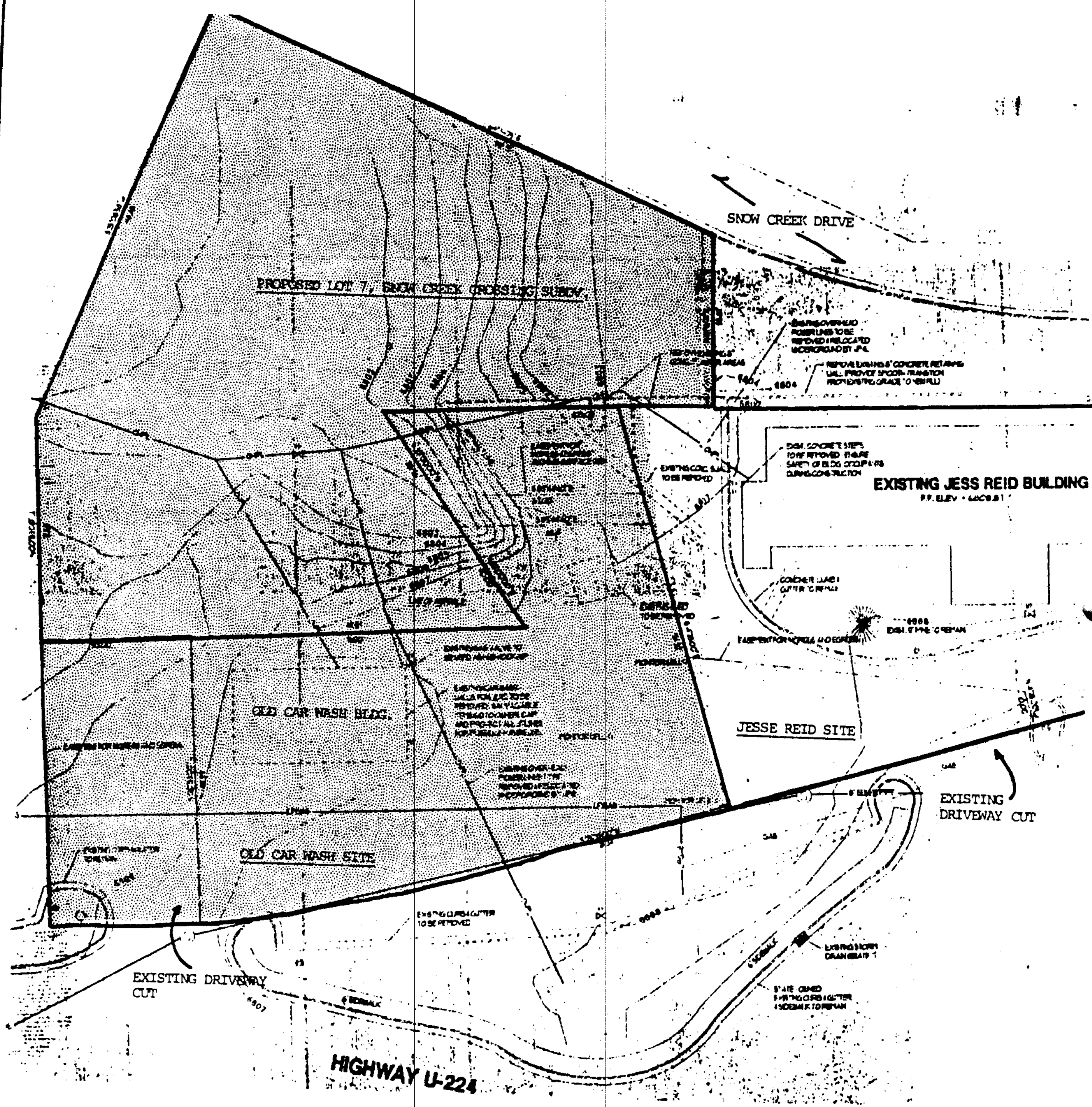
Analysis, Summary & Recommendations

The threshold questions are whether the city wishes to designate this site for an International Flag Plaza and whether it wishes to partner with the Chamber in its creation. If these decisions are affirmative, the Chamber can proceed with detailed planning and fund-raising. It is recommended that due to the high profile of this project the Chamber form a design task force to help them master plan the site.

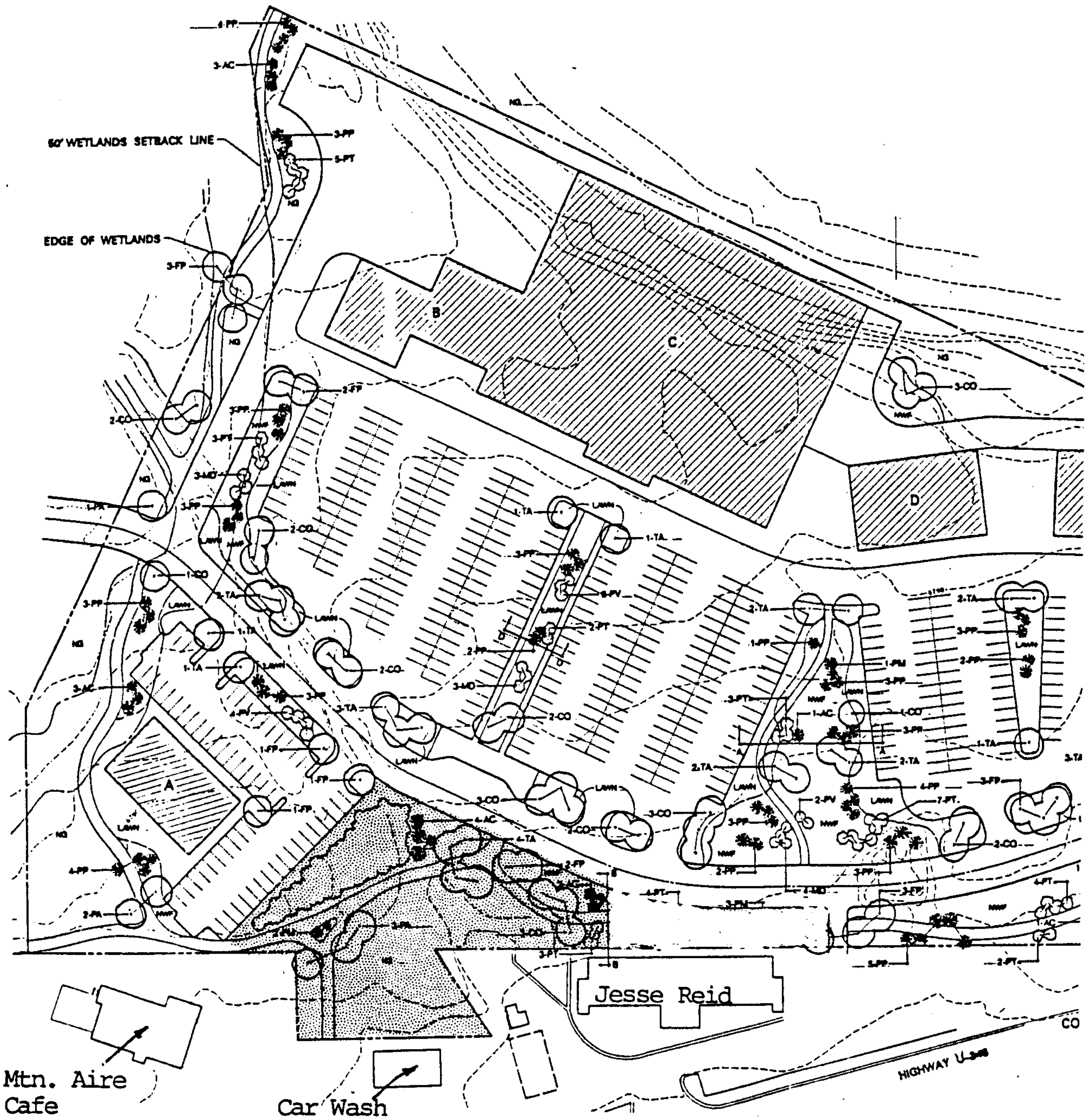
The use of any official Olympic marks and logos must of course be coordinated and approved by the Salt Lake Olympic Organizing Committee. The Chamber will work with the Parks, Recreation and Beautification Board to recommend a number of design options which can then be submitted to the City Council for final selection and approval.

It is further recommend that the city council submit the site designation question to the planning commission for its recommendation on compatibility with the general plan, and then hold a public hearing prior to making a final decision on creating a International Flag Plaza at this location.

Recommendation: It is recommended that the city council discuss designating this site for an International Flag Plaza and if general agreement exists that the project is worth pursuing, it should be referred to the Planning Commission and the Parks, Recreation & Beautification Board for their input and advice.



PROPOSED ZION'S BANK/VISITOR"S CENTER SITE
(SHADED)



WESTERLY PORTION OF SNOW CREEK CROSS MPD;
OPEN SPACE AREA Parcel D (Shaded)

SNOW CREEK CROSSING
Exhibit A - Proposed Subdivision Plat

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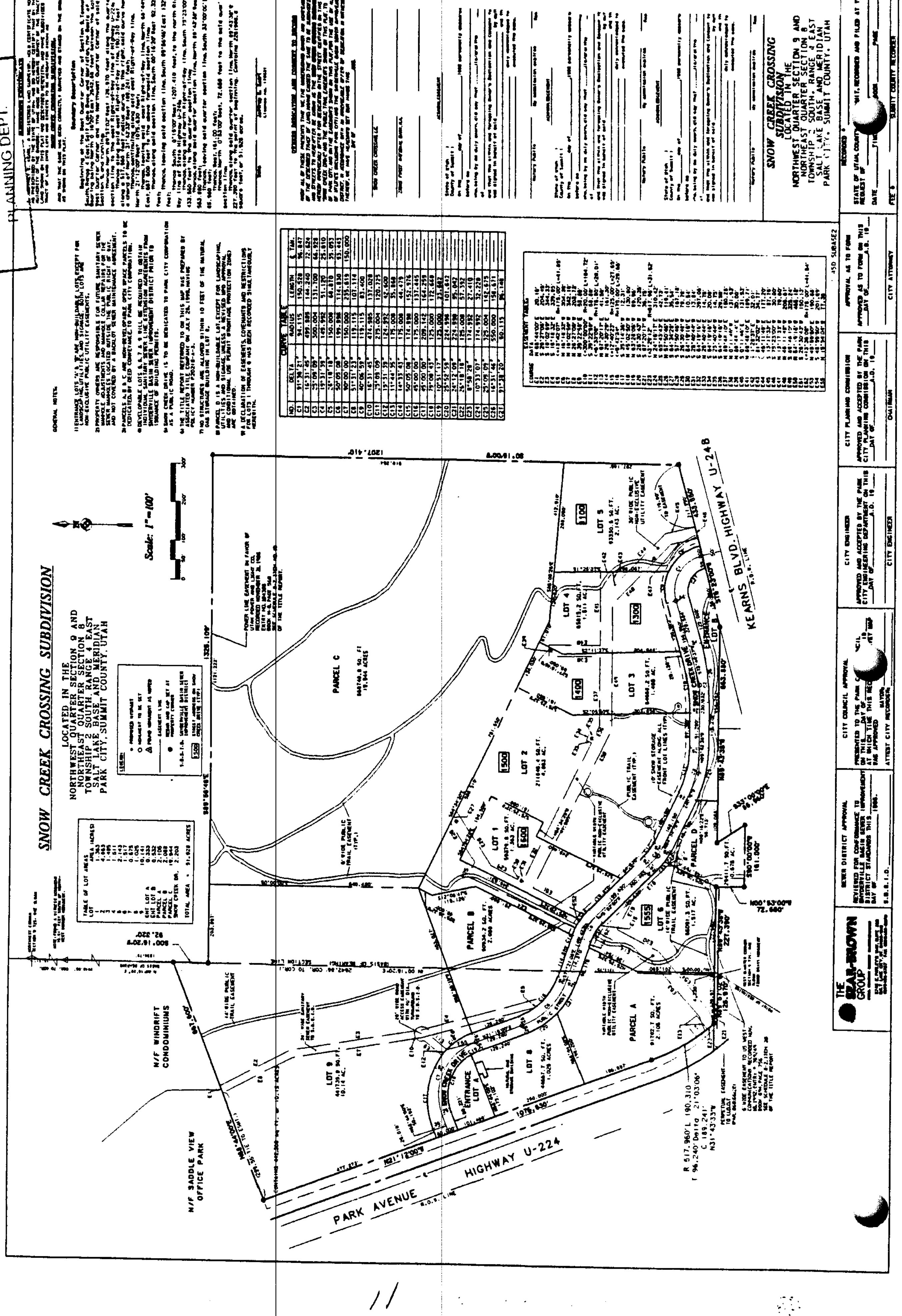

11

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: **March 18, 1998**
DEPARTMENT: **Planning Department**
AUTHOR: **Derek Satchell**
TITLE: **Abatement of a Dangerous Building - 564 Woodside Avenue**
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATIONS: Conduct a work session not scheduled for public input regarding the abatement of a dangerous building located at 564 Woodside Avenue.

A. TOPIC: Staff requests that the City Council conduct a work session to provide direction to Staff regarding the abatement of a dangerous building located at 564 Woodside Avenue.

B. BACKGROUND: Since 1990, the Community Development Department have received numerous complaints from neighbors and adjacent property owners to 564 Woodside, citing it as a public hazard and nuisance. The owner of the endangered property is Mr. David Sengelmann of Boise, Idaho. The owner of an adjacent property to the north of 564 Woodside is Mr. Richard Van Dresser of Atlanta, Georgia. City-owned stairs are located directly to the south of the endangered property.

Mr. Sengelmann been contacted by the City and neighbors on several occasions to remedy the situation involving his abandoned property. The owner filed an application for a Certificate of Appropriateness for Demolition, but was denied by the HDC on November 19, 1990, due to the historic significance of the structure and the lack of sufficient review information requested of the owner. Between 1990 and the present, the City has strived to protect the building from demolition by offering incentives to the owner, as well as to assist the owner in finding potential buyers for the property. Unfortunately, the years of neglect have taken its toll on the historic dwelling and the property now serves as an immediate threat to public safety and welfare.

In February of 1998, the Chief Building Official and Fire Chief were both contacted by Mr. Richard Van Dresser, who expressed his concern that the property at 564 Woodside was of significant danger to him and his adjacent single-family residence. Staff then informed Mr. Sengelmann of the situation involving his property. On April 28, 1998, Mr. Van Dresser contacted the Planning & Building Departments again via letter to inform them of $400 dollars in damage to his adjacent property as a result of apparent snow shed from 564 Woodside Avenue. In response to Mr. Van Dresser's letter, Planning and Zoning Administrator Patrick Putt sent a certified letter to Mr. Senglemann dated May 1, 1998. The letter mentioned various financial assistance incentives available towards the rehabilitation of the dilapidated property, and also to informed Mr.

Senglemann that he may be subject to possible action by the City pursuant to its Uniform Code for the Abatement of Dangerous Buildings.

Numerous telephone calls were then made by Staff during the next several months to Mr. Senglemann in an effort to mitigate this situation. No resolution was reached and Mr. Van Dresser filed a formal code compliance complaint with the Chief Building Official pursuant to the Uniform Building Code for the Abatement of Dangerous Buildings. Upon inspecting the dwelling, the Chief Building Official has confirmed the structural instability of 564 Woodside Avenue and has proceeded to take action for the demolition of the dwelling pursuant to Section 4.15© of the Land Management Code.

C. **ANALYSIS:** The house located at 564 Woodside Avenue was built between 1889 and 1900, as an investment property by James and Esther Cavanaugh. Mr. Cavanaugh was a miner who had come to the United States from Ireland in 1875. His wife, Esther, whom he married in 1878, was also from Ireland. The house is one of one of 69 extant pyramid houses in Park City, and one of eleven true pyramid house. The pyramid house is one of the three most common house types built during the early mining boom period of Park City. Because of the physical condition of the house in 1983, and its architectural contribution to the character of the residential area overall, the house at 564 Woodside was included in the thematic nomination to the National Register of Historic Places. The nomination entitled, "Residences of Mining Boom Era Park City" was recognized on July 12, 1984. The structure is therefore considered to be of historical significance. Outside of negotiating with the owner, and the Historic District Review process, the Planning Department has no other means to make owners maintain their property. The Staff plans to address the issue of demolition by neglect by owners of historic properties in and around Park City in Chapter 4 of the Phase II re-write of the Land Management Code.

D. **ITEMS OF DISCUSSION**

Staff requests the following items be discussed at the Work Session and encourages Council to identify any related issues which they feel have not been addressed.

(1) **Does the Council support the idea of researching the acquisition of the endangered historic property?** The estimated value of the property is approximately $100,000 to $150,000. The preservation low-interest loan fund is another possible alternative that could be utilized with the direction of the Council. However, the program is not currently operational, and the owner has expressed that he is not interested in participating.

(2) **Should the demolition proceed without further negotiation?**

(3) **Should Staff pursue this situation through the "demolition by neglect' procedure which involves the Historic District Commission and Planning Commission?**

(4) **Should demolition occur, how should Staff alert the community and address the Press?**

(5) **How does Council wish Staff to proceed with the current situation?**

E. **DEPARTMENTAL REVIEW:** The proposed situation regarding the abatement of the dangerous building located at 564 Woodside Avenue, as outlined in this staff report, has been reviewed by the Planning Department, Building Department, and is scheduled for discussion by the Historic District Commission at their regularly scheduled meeting on Monday, March 15, 1999.

F. RECOMMENDATION:

The Community Development Department requests that the City Council provide direction to Staff on which, if any, action that Council would like to see implemented.

G. EXHIBITS:

Exhibit A: Location Map
Exhibit B: Plat Map
Exhibit C: Letter from Richard Van Dresser, dated 2/18/98
Exhibit D: Letter from Richard Van Dresser, dated 3/11/98
Exhibit E: Interoffice memo to Ron Ivie, dated 3/17/98
Exhibit F: Letter from Ron Ivie, dated 4/2/98
Exhibit G Letter from Richard Van Dresser, dated 4/28/98
Exhibit H: Letter from Pat Putt, dated 4/28/98
Exhibit I: Historic Tax Photo, circa 1940
Exhibit J: Photos of existing conditions, circa 1983
Exhibit K: Photos of existing conditions, present.

564 Woodside Avenue

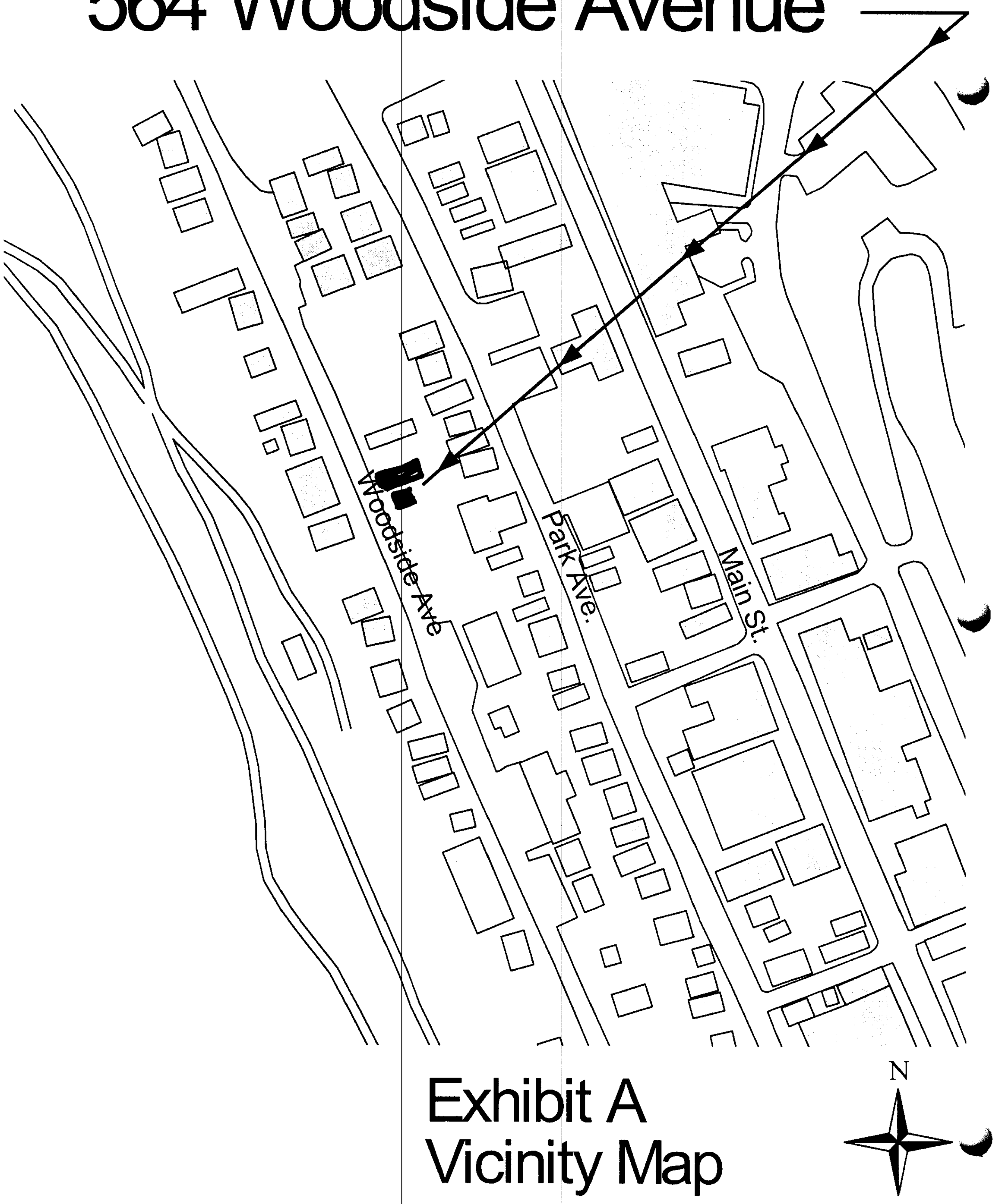

Exhibit A
Vicinity Map

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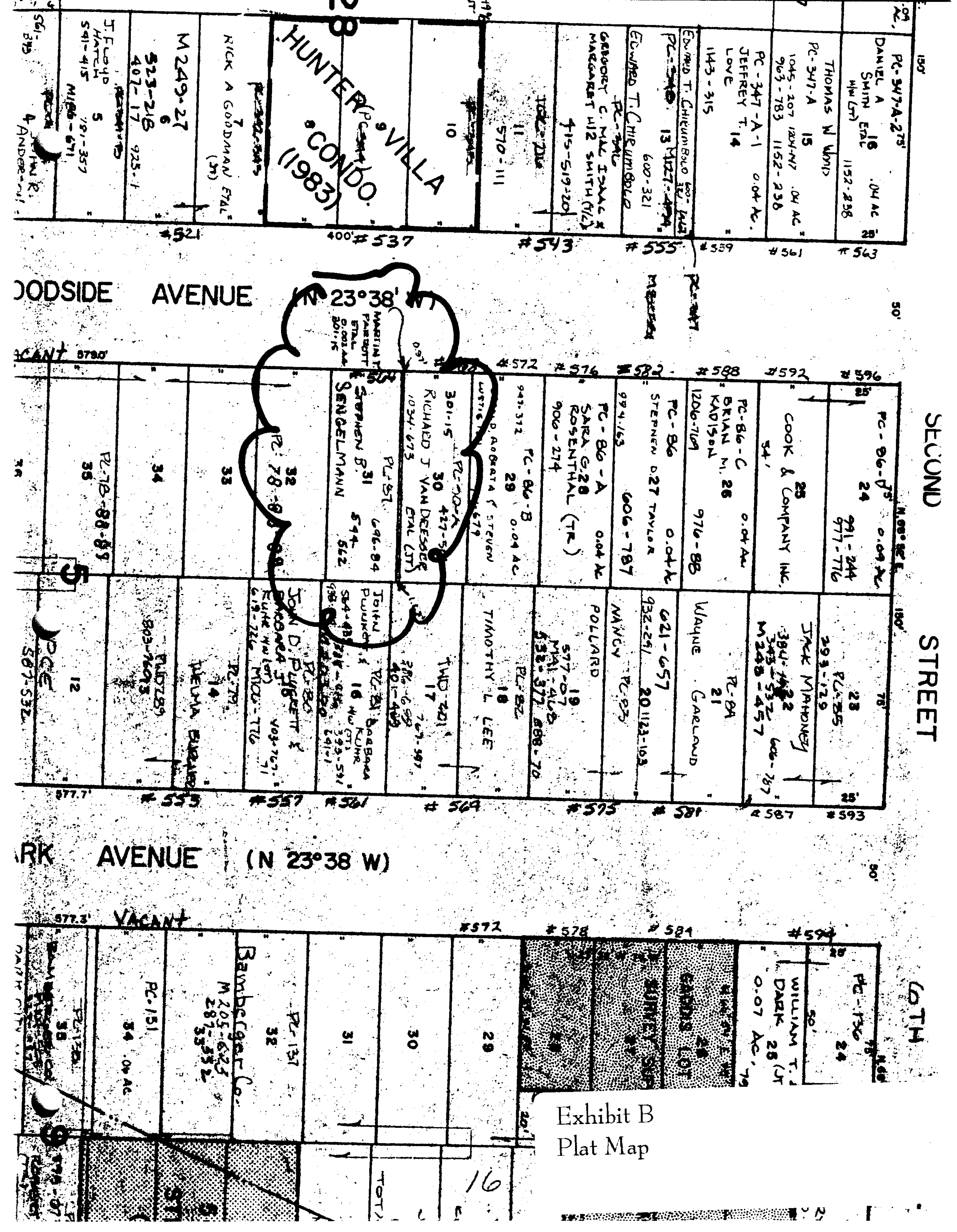

Exhibit B
Plat Map

Richard F. Van Dresser
320 Spalding Gates Ct.
Atlanta, GA 30328
770-698-8770

February 18, 1998

Mr. Ron Ivie, Building Official/Fire Marshall
Park City Municipal Building
P.O. Box 1480
Park City, UT

Dear Mr. Ivie:

Last year, my sons and I and our wives purchased a house at 568 Woodside. We have just completed spending a substantial amount of money extensively remodeling the house, and look forward to enjoying many winter and summer days in Park City in the future.

We have a grave concern, however. Next door, at 564 Woodside, is an old vacant house which appears to have been abandoned for some years. The building is in deplorable condition and is literally collapsing. Because of the size of the lots, the outside wall of the building is only 2 to 3 feet away and is leaning toward our house. Some of the workman noted that the house has actually leaned closer during the time remodeling has taken place.

The house represents a significant danger to anyone who might be nearby, and obviously to our house. If it should fall on our house, or persons nearby, or perhaps accidently catch fire, it would be disastrous and perhaps result in substantial liabilities.

According to public records, the owner is Steven B. Singelmann, 301 N Roadrunner Pkwy., Las Cruces, NM 88011.

We would appreciate you looking at the house as soon as possible to determine whether it could be condemned and demolished.

Thanks very much for your assistance.

Sincerely,

R. Van Dresser

cc. Kelly Gee, Chief of Fire Department

EXHIBIT C
Letter from Richard Van Dresser,
dated 2/18/98

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MAR 16 1998
PARK CITY
PLANNING DEPT

Richard F. Van Dresser
320 Spalding Gates Ct.
Atlanta, GA 30328
770-698-8770

Mar. 11, 1998

Mr. Patrick Putt, Zoning and Planning Administrator
Park City Municipal Building
P.O. Box 1480
Park City, UT 84060

Dear Mr. Putt:

I am writing this letter at the suggestion of Derek Satchell to inform you of my concern about the danger posed by the condition of a house at 564 Woodside. I am enclosing a letter to Derek dated Mar. 2 and a letter to Ron Ivie dated Feb. 18 explaining the situation. Derek informs me that the owner of that house, Steven B. Singlemann, lives at 5564 N. Trivium Place, Boise, ID 83703, according to the tax rolls, and not at the Las Cruces location.

I am also enclosing some photos which show the deplorable condition of the property.

Photo #1 shows the collapsing deck on the back of the building taken through a side window of our house. Photo #2 shows a broken window on the back of the building taken through a side window of our house. Photo #3 is of the front of the building, as much as can be seen above the snow piles. I don't think the attempt to board it up to prevent entry is very effective. Photo #4 is of the front looking down the side next to our house. Note that the building is only about two feet away and is leaning toward our house. Note also the frozen snow pushing against our carport. Photo #5 is of the building in relation to our attached carport. Photo #6 shows clearly the frozen snow from the building's roof pushing against our carport window.

To reiterate, we think the building represents a significant danger to anyone who might be close as well as to our house. Needless to say, it is also a terrible eyesore. We would appreciate your assistance in getting the building condemned to that it can be demolished.

Sincerely,

Dick Vandresser

Enclosures

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MAR 16 1998
PARK CITY
PLANNING DEPT

EXHIBIT D
Letter from Richard Van Dresser, dated 3/11/98

interoffice
MEMORANDUM

to: Ron Ivie
from: Derek Satchell
subject: 564 Woodside Avenue
date: March 17, 1998

I apologize for the delay in getting this information to you. Planning Staff is in receipt of Mr. Van Dresser's complaint against the property located at 564 Woodside Avenue, per the attached letter dated 3/11/98. In short, Mr. Van Dresser desires said property to be demolished because it represents a public hazard and is an eyesoar.

Upon our investigation of the property, planning staff has discovered the following:

- Built c. 1891during the mining boom period.
- Constructed and owned by an Irish immigrant miner (James Cavanaugh, b.1851).
- One of 69 extant pyramid houses in Park City (28 of which are true pyramid houses, others variants of basis type) - this house is a true pyramid house.
- Tax photo circa 1940's illustrates few changes or alterations to the house.
- Building listed on the National Register of Historic Places.
- Completed recent site visit and the house appears to be structurally stable.

Based on our findings, we have determined that the property located at 564 Woodside Avenue is historically significant, and poses no immediate structural danger to the public based on our site evaluation. Staff does recognize the delapidated condition of the deck on the rear of the property (which is non-historic), and would not object to its demolition, should the Building Department find it is an immediate hazard.

We do sympathize with Mr. Van Dresser regarding the apparent snow shed problem to his proerty, caused by 564 Woodside being located so close to his adjacent house. Therefore, Patrick Putt will contact Mr. Van Dresser, and the property owner, in order to investigate other means of mitigating this problem without demolition.

Again, thank you for your patience in this matter.

EXHIBIT E
Interoffice memo to Ron Ivie, dated 3/17/98

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the front of this
of Form 3811.

PARK CITY
1884

STEVEN SENGELMANN
5564 N TRIVIUM PL
BOISE ID 83703

#208-853-8197

April 2, 1998

Re: Snow shedding and leaning of house at 564 Woodside Ave. onto adjacent property

Mr. Sengelmann,

In reviewing the file on your property, at the above mentioned address, the Park City Building Department has noticed several issues that need resolution. In 1994 you obtained a permit for the remodel of this structure. This permit is currently void and no work has been done at the property. In addition the snow shedding from the roof of the building is falling onto an adjacent structure, and the building is starting to lean to the north which could possibly cause damage to the structure on the adjacent lot.

The Park City Building Department requests that you contact at 645-5040 us within 7 days from the receipt of this letter with your plans on how to remedy these situations.

Respectfully,

Ron Ivie
Building Offical

cc: C-58T-98

SS completed on the reverse side?

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "*Return Receipt Requested*" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Steven Sengelmann
5564 N Trivium PL
Boise, ID 83703

4a. Article Number
P619 064 351

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
4-21

8. Addressee's Address (*Only if requested and fee is paid*)

...ved By: (*Print Name*)

...ature: (*Addressee or Agent*)

...Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

EXHIBIT F
Letter from Ron Ivie,
dated 4/2/98

Richard F. Van Dresser
320 Spalding Gates Ct.
Atlanta, GA 30328
770-698-8770

April 28, 1998

Mr. Stephen B. Sengelmann
5564 N. Trivium Place
Boise, ID 83703

Dear Mr. Sengelmann:

Last year, my sons and I and our wives purchased the house at 568 Woodside. We have just completed spending a substantial amount of money extensively remodeling the house, and look forward to enjoying many winter and summer days in Park City in the future.

We understand that you are the owner of the property next door at 564 Woodside.In early March, snow and ice slid off of your roof and significantly damaged the wood and plexiglas enclosure of our carport. Further, we are gravely concerned about the condition of the house inasmuch as it appears to be literally collapsing. The outside wall is only 2 to 3 feet away from our house and is leaning toward our house. Some of the workmen noted that the house has actually leaned closer during the time remodeling has taken place. We think the house represents a significant danger to anyone who might be nearby, and obviously to our house. If it should fall on our house, or persons nearby, or perhaps accidently catch fire, it would be disastrous and perhaps result in substantial liabilities.

I am enclosing a copy of an estimate for $400 for repair of our carport which, I believe, is your responsibility. Further, I would appreciate knowing what steps you will be taking to either rehabilitate the house or otherwise ensure that further damage will not occur to our house in the future.

Sincerely,

Richard Van Dresser

cc. Ron Ivie, Building Official/Fire Marshall, Park City
Patrick Putt, Zoning and Planning Administrator, Park City
Kelly Gee, Chief of Fire Department, Park City

EXHIBIT G
Letter from Richard Von Dresser,
dated 4/28/98

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MAY - 4 1998
PARK CITY
PLANNING DEPT.

PARK CITY
1884

May 1, 1998

Mr. Stephen B. Sengelmann
5564 N. Trivium Place
Boise, Idaho 83703-6170

Dear Mr. Sengelmann:

It has been brought to my attention by the Planning and Building Departments that your property located at 564 Woodside Avenue, in Park City, Utah, has fallen recently into considerable disrepair. By allowing this situation to persist, you may present a risk to the general public and neighboring property owners. Accordingly, you may be subject to possible action by the city pursuant to its Uniform Code for the Abatement of Dangerous Buildings.

I understand that many owners of historic buildings are faced with the expense of bringing their building into compliance with the current building code. However, Park City has developed various programs toward the rehabilitation of its historic buildings that are specifically linked to certain financial incentives. Some of these incentives include matching grants up to $50,000 and federal tax credits towards most rehabilitation work performed on historic buildings. Later this summer, the city is also expecting to offer a low-interest revolving loan fund for threatened buildings within the historic district.

The purpose of these programs is to encourage the continued use or reuse of Park City's historic buildings and structures, as they contribute to the character of this historic nineteenth-century mining town. I highly recommend that you take advantage of these incentives. To resolve your situation and discuss application procedures for any of the aforementioned incentives, please contact me in the Planning Department on (435) 615-5062, or Derek Satchell of my staff at (435) 615-5070.

Thank you for your anticipated cooperation in this matter, and I eagerly look forward to speaking with you.

Sincerely,

Patrick J. Putt
Zoning and Planning Administrator

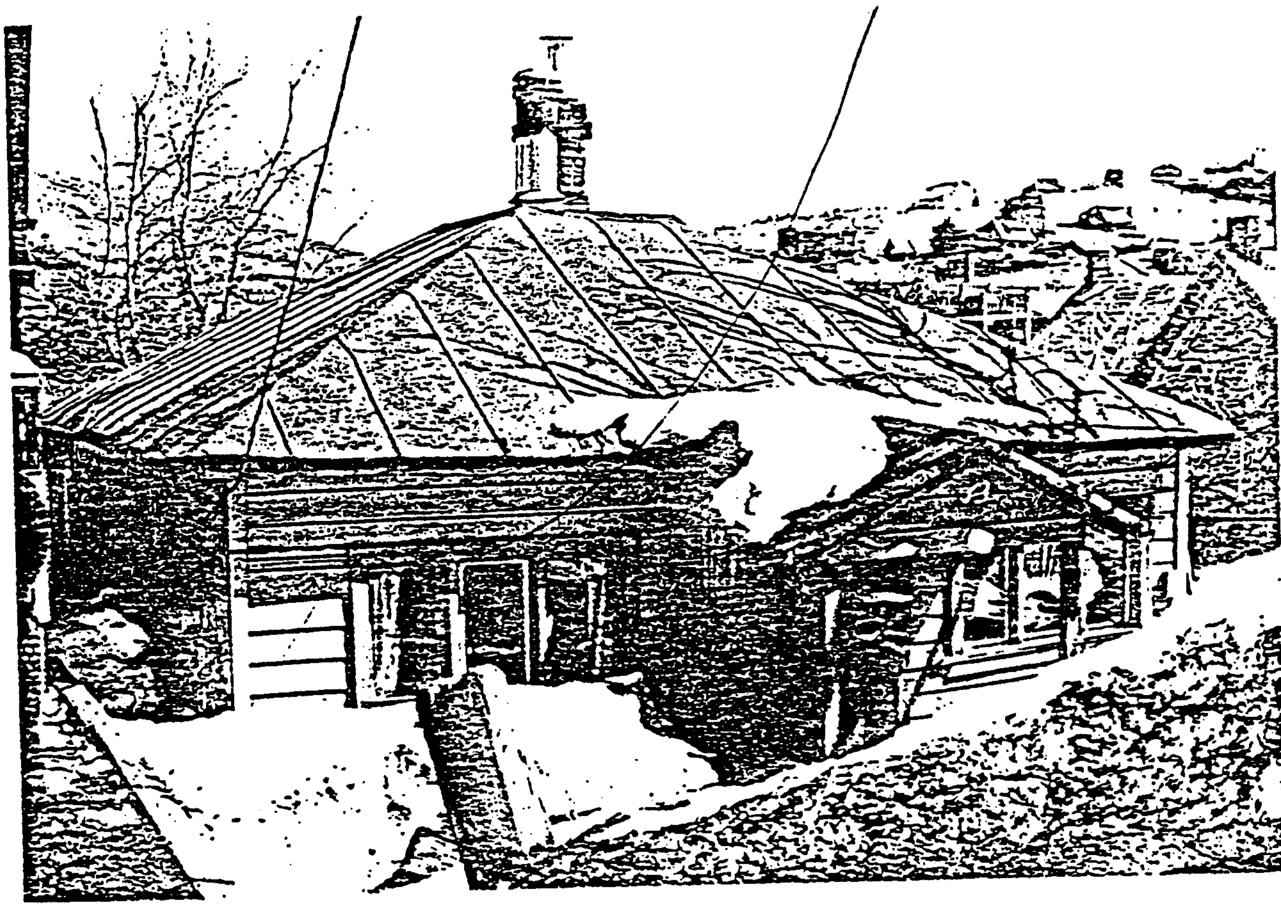
PJP/ds

cc: Ron Ivie, Chief Building Official

EXHIBIT H

Letter from Pat Putt,
dated 4/28/98

EXHIBIT I
Historic Tax Photo, circa 1940



James Cavanaugh House
564 Woodside
Park City, Summit County, Utah

Northwest corner

Photo by Debbie Temme, March 1983
Negative: Utah State Historical Society

EXHIBIT J
Photos of existing conditions,
circa 1983

25

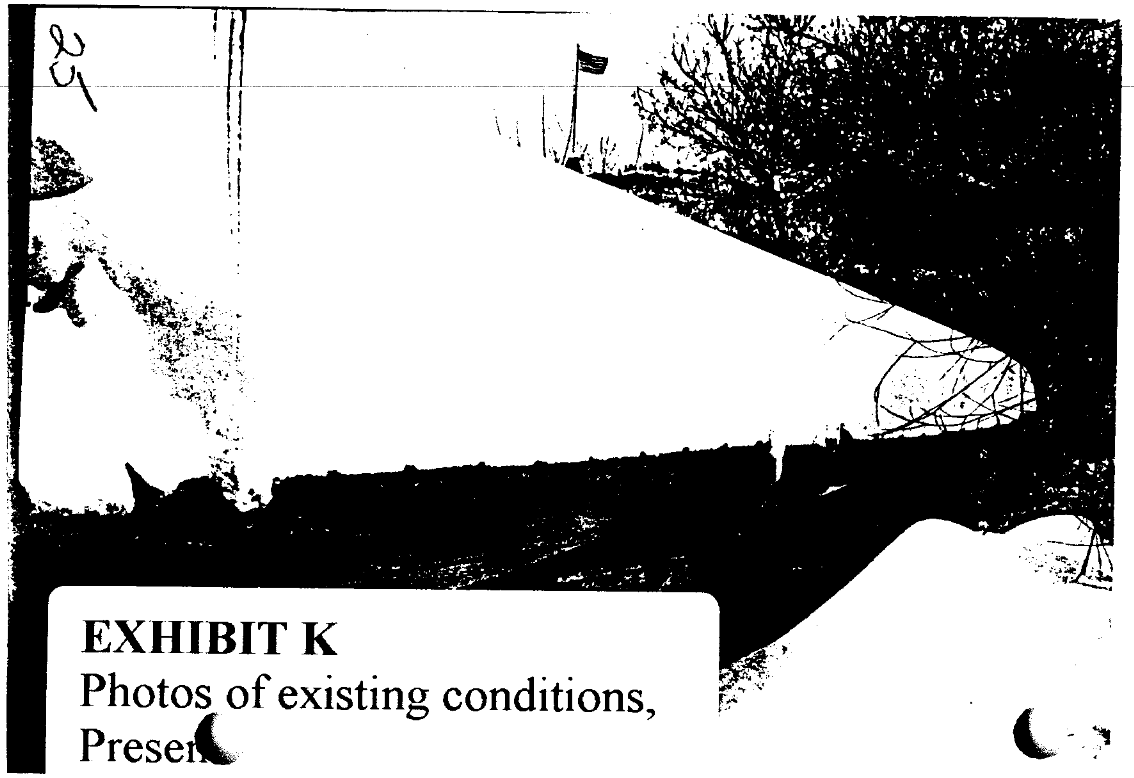


EXHIBIT K
Photos of existing conditions,
Presen

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: March 18,1999
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan MBR
TITLE: Proposed amendments to housing standards 7-95 and creation of new resolution for future affordable housing projects
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review, discuss and provide direction to staff on proposed changes to the Employee Housing Standards. This item is scheduled for work session discussion and an initial public hearing.

DESCRIPTION

A. Item

Proposed amendment to Resolution 7-95 concerning affordable housing guidelines and standards for Park City and adoption of a resolution for standards for new projects.

B. Background

On December 10, 1998 the City Council discussed the concept of updating the Housing Resolution. After discussion the Council directed staff to return with suggested revisions to the Housing Standards outlined in Resolution 7-95.

Resolution 7-95 outlines standards and guidelines for the creation of employee housing within Park City. Over 100 units have ben built since the adoption of this resolution. Resolution 8-95 outlines short- term and long-term goals. Both resolutions were adopted by the Council after recommendations were received from the Housing Advisory Task Force in 1994.

Staff is proposing to amend the current resolution (7-95) to reflect maximum rental rates for projects that are already approved that rely on this standard. A new resolution is proposed for addressing standards all future projects.

The overall objective of the city's efforts to provide housing is based in the Mission statement that was adopted in 1995.

> "Park City is actively committed to fostering a diverse social and economic community in keeping with its unique heritage and equitable ideals. Toward this end and within its financial means Park City will encourage, facilitate and promote a wide range of inclusive housing choices for those who have demonstrated their commitment to the community by living and/or working in it. It is understood that the means to achieve this goal must be equitably shared across jurisdictions and embraced by a wide variety of interested stakeholders. "

The Council re-affirmed this Mission Statement at their December 10, 1998 meeting.

The City staff has learned a great deal since 1995 and with this information we have been better able to refine our goals. Summit and Wasatch Counties have also begun to recognize the issue of Affordability and several restricted units are being developed in the Snyderville Basin and at the Canyons. In Park City, housing projects fall into two categories, those to which the city lends financial participation and those which are required (annexations).

Over the past five years we have been able to collect data that allow us to quantify the need within in our community. We can compile and analyze the need for housing by occupation, salary range and location. We have begun to assemble information that allows us to see at what price and for what incomes units are needed. We can use this information and experience to allow the Council to form policy on who we serve through city programs and through annexations. This information helps us to better serve our targeted market and we can also provide clearer information to the development community on our desired product type and price. It is with these objectives that the proposed amendments to the standards are being brought before you.

The following changes and approaches are proposed for discussion:

1) Clarify standards. Provide clearer information on target market, housing type and offer more creative and specific alternatives to be used in negotiations.

2) Set a definition of Affordability, set a maximum cap on the price of units and revisit the maximum rental guidelines. Are they meeting the need? Is there a better way to achieve our the Council's goals?

3) Require housing plans and an employee generation study for annexations. Provide greater detail on options available to developer and what information will be required by the City. Provides for expanded in-lieu fee alternatives. Discuss ways in which mitigation numbers are set for annexations and for development projects.

4) Discuss ways in which development projects outside of annexations would address employee housing.

The final part of the report addresses ancillary efforts that the Council can consider that will effect the production of affordable housing in the community. Specifically, the staff is referring to the Phase I and Phase II amendments to the Land Management Code.

C. Analysis

Multiple resources are required to provide affordable housing. Employee housing projects in Park City have involved the federal and state governments, Mountainlands Community Housing and Park City Municipal.

Our commitment to the community has been working with the private sector in a way that the other agencies may not be able to and to bring our resources to the table in a way that complements, not duplicates, the efforts of others. We also have the ability to tailor our programs directly to community needs unlike larger bureaucracies. The Council has directed that the city not actively engage in the construction of housing units but leverage our resources and direct those to agencies or developers that will construct and manage the units.

The proposed changes to Resolution 7-95 are directed to strengthen this commitment and to continue our role in working toward equitable solutions in the housing arena.

The proposed amendments offer a process for the review of the housing plans that are negotiated by the City. The intent of Section II is to delineate definitions and the overall process.

Sections III is to provide clearer information on target markets, housing types and to offer more creative alternatives to be used in negotiations. Section IV, dealing with annexations, provides greater detail on options available to developer and what information will be required by the City. An employee generation study would also be required under this process. Review and approval of employee housing components would also be detailed. Staff is recommending that Mountainlands and the Housing Authority act as the final review bodies. None of the proposals outlined above exist in the current resolution.

The foremost changes proposed by staff are:
A) the delineation of a maximum rental and purchase price based on income; and

B) requiring a housing plan for annexations and expanding in-lieu fees alternatives

C) discussion on the ways in which development projects outside of annexations would address employee housing.

1. Recommendation to set a maximum level for Purchase Price and Rentals for both annexations and for city assisted projects.

The proposed amendments would provide a definition for Affordability. The national standard used defines affordable housing as "housing that costs (rent or mortgage plus taxes and utility allowance) 30% or less of gross annual household income." Staff recommends using this definition.

Most jurisdictions then set housing programs to target groups that make at or less than a certain percentage of the median income. For instance federal programs are usually directed towards groups that make less than 80% of the median income (for their region). Our local median income is very high. In 1997 the Summit County (SC) median was $58,000. In 1998 it was $62,400 and in 1999 it is $64,800.

Correspondingly our annual market studies show that 59% of our population makes less than 80% of the SC median income ('97 data) and pay more than 30% of their income towards housing.

Approximately 1,000 residents make at or below 50% of the SC median income. We also know wages based on occupation types and what prices they can afford to rent or purchase housing.

For example, an entry level school teacher earns $31,300. A emergency service worker earns $46,000. A hospitality or service worker earns $19,700. A snowplow operator $40,000. We also know in new developments not only how many but what type of jobs (and average wage) are created through employee generation studies.

1999 Maximum Rent/Purchase Price *(Summit County)*

Income Category	Income	Max. Affordable Shelter Cost (30% of income, less utility allowance)	
		Rent	Own
Less Than 30%	Less than $19,000	Less than $330	Less than $61,000
50%	$19,000 to $32,000	$330 to $650	$61,000 to $104,000
80%	$32,000 to $51,500	$650 to $1,130	$104,000 to $169,000
100%	$51,500 to $64,200	$1,130 to $1,455	$169,000 to $212,000
120%	$64,200 to $77,000	$1,455 to $1,775	$212,000 to $256,000

Notes:
1999 median income is $64,200. AMI increased 7% and 4% in 1998 and 1999.
Max rent includes $150 utility allowance.
Max Own assumes 7.5%, 30-year mortgage with 10% down, and includes provision for real state taxes, mortgage and homeowner's insurance.

Annexations:
Alternatives:
A. Leave the Resolution in place.
B. Contract to Mountainlands the negotiation of agreements with guidelines.
C. Remove the employee housing obligation.
D. Staff Recommendation.
Based on research and the data collected over the past years, the staff suggests that a **maximum level** be set for both purchase prices and rental rates on both city assisted projects and on annexations.

For annexations we recommend setting a maximum cap for employee units for annexations (rent and purchase) at levels that are at 80% of the median income, because that is where the housing study shows the bulk of demand and the need is the greatest. In other words developers cannot construct units that would not be affordable to those that make 80% of the median and below.

We then recommend that an employee generation study be calculated so that we can see how many and what type of employees the project will generate. Then the housing plan can be formulated that sets the unit type, price and configuration that will best meet the need generated by the project. We have employee generation data and average salaries already developed which can be easily calculated by the developer and staff.

Adoption of this alternative would enable staff to set a maximum purchase price for units in a project but the flexibility to work with the developer to create units that will serve the employees created by the project. As proposed this alternative would not constrain the Housing Authority's ability to approve a variety of purchase prices within that project. As each deal is negotiated, a specific mix of units and rents and/or prices can be delineated based on current market data and need. If a project proposes to targeted the lower end of the income level (30% of median and below) the Council could, for example, permit fewer units to be provided. Review criteria for assistance in project approval have been proposed.

Administratively these calculations are not time consuming and the guidelines suggested in the resolution provide staff with clearer direction than currently exists today. This proposal would not add any additional administrative burden on staff.

City assisted projects:
Alternatives:
A. Leave the Resolution in place.
B. Contract to Mountainlands the negotiation of agreements with guidelines.
C. Delete city assistance.
D. Staff Recommendation.
For city assisted projects, an area where staff concludes that we want to be as flexible and helpful as possible, staff recommends setting the maximum cap (for rentals and purchases) at 100% of the median income. The annual housing study which delineates annual need would then be used to negotiate the actual unit type, target market and restriction.

The 100% median criterion was chosen in order to:
1) provide for the most flexibility in negotiations;
2) many other existing programs do not reach the 80-100% median income groups; and
3) there still are options available to those making 120% of median in the city and the basin. (Rosenthal Housing Study 1997)

We are also recommending the elimination of the use of specified rental numbers because they constrain rather than assist us in tailoring the project to the need. The current numbers relate to one portion of the market and are static in that they don't allow the Council the ability to serve a broader range of constituents. We found that the currents rents don't meet the areas where the greatest need exists. That is not to say the current projects do not help us house employees. They do, but only those at or above 70% of the median income. These units will continue to be important inventory in our housing stock but with the way the current resolution is drafted this is the only product we would create.

We have pursued ways to devise ranges of rents and methods with which to relate rents to certain populations. We have concluded that the best method (assuming the goal is to target the assisted project to the current need), would be to set a maximum cap and to use the market data at the time of the application to develop the actual unit price and or rent.

This maximum purchase price can be adjusted in the future if adopted. The annual housing studies would provide data in assisting the council and staff on this issue. Currently there is no limitation on purchase price defined in City policies. This proposal will help to balance out our inventory and broaden the range of housing stock already available to moderate and lower income employees.

We will never entirely satisfy the demand for lower priced units and all the employees generated from a project but we can refine our guidelines in order to ensure that our efforts meet the mark.

These new guidelines will not affect existing city owned units projects as the rent guidelines are already in place. Other projects that rely on the existing maximum rents will continue to do so per Resolution 7-95. If adopted the new system would provide a greater choice to a lower income range.

Administratively the burden for staff would not be any greater than it currently exists and it is the intent of the recommendation to clarify and facilitate processes not burden them.

2. Housing plans for annexation, in lieu fees and mitigation standards

Currently, the resolution calls for ten percent of the unit equivalents in an annexation project to be developed for employee housing. Unit sizes and an in-lieu fee alternative are outlined. The problem with this section is that it does not provide clear direction for the staff or developer on what these employee units should be. Are they for mangers? Are they rental or purchase? Are they for seasonal or permanent workers?
What should the rental or purchase prices be? As discussed above we have developed data that can help us refine this process.

Alternatives:

A. Leave the Resolution in place.

B. Contract to Mountainlands the negotiation of agreements with guidelines.

C. Remove the employee housing obligation.

D. Staff Recommendation

Housing plan

For annexations , we are recommending that a maximum cap on rental and purchase prices be made, (80% of median) and that a housing plan be submitted to the City. The plan would include an employee generation analysis and would be reviewed by Mountainlands Community Housing prior to adoption by the Housing Authority. The employee generation model has been created by the City and would not add an additional cost to the developer.

In Lieu Fee

Currently the resolution allows the developer the option to pay the city a fee instead of producing the housing. The fee is deposited in the Housing Budget and used for housing related activities. The staff suggests broadening the options available to developer if he chooses not to build on site or if it is impractical. The staff suggests including the three alternatives:

1. Allow the developer to satisfy his obligation by entering into an agreement with Mountainlands Community Housing that contributes the amount necessary to finance the subsidy needed by Mountainlands to construct units within the Snyderville Basin school District Boundary.

For example, if Mountainlands buys a unit that cost them $100,000 the unit should only cost $70,000 to meet Affordability standards, then the developer would be responsible for the "gap" or the $30,000. So if the developer has an obligation of ten units and Mountainlands has projects under way they could satisfy their agreement in full (and pay less than the cost to construct) or they could satisfy a part and create some units on site. This strategy allows the immediate satisfaction of the need.

2. Allow the developer to purchase a unit and the city the ability to accept the unit. The City can in turn assign the unit to a housing list member, sell the unit and or assign the unit to a city employee with restrictions.

3. Allow the developer to pay the cost of producing a unit based on the market at the time of the approval. For 1998 the cost of a three bedroom unit, including land, was $166,875 (1465 Park Avenue). Fees could be reduced if paid within the first two years of the project if the payment leveraged the production of additional units.

Mitigation Standard

In Resolution 8-95 the Council also directed the staff to explore ways in which mitigation standards could be set. The employee generation model tells us how many employees are generated by a project. The second step is determining how many employees will actually work in the city and how many will actually need housing. When that number is ascertained then a mitigation number can be set. The staff, with Rosenthal & Associates, are currently working on these next two steps and hope to have final recommendations in place this month. At the time we will return to the Council for discussion and direction.

3. Employee Mitigation standards for new construction outside of annexations

In 1995, Resolution 8-95, the Council directed the staff to research the possibility of creating a system for an Affordability standard for commercial and ski area developments.

Alternatives:
The following three alternatives are suggested for consideration:
1. Dedicate a funding source for general fund dollars and allocate it to the production of new units. For example the Council dedicated $250,000 to the Housing Fund from 1995 to 1997. Those funds have been used to assist Mountainlands, develop housing reports, acquire units for city employees, provide employee mortgage assistance, and help assist in the development of restricted units citywide. (Approximately $100,000 remains to date)

2. Research legislative authority for a flat fee on all new commercial construction based on square footage of project.

3.Include an employee housing component under the Master Planned Development process as outlined in Chapter 10 of the Land Management Code, (LMC) with exemptions for certain projects sizes.

<u>MPD Alternative</u>
The General Plan calls for a diversity of housing stock and price. Chapter 10, Section 10.9(a) 1, of the LMC calls for consistency with the General Plan. Inclusion of a housing component would be in keeping with this criterion.

Currently residential projects of fewer than 4 units and commercial projects less than 5,000 square feet are exempt from the MPD process. An employee housing mitigation standard could be applied to MPD's that would, like annexations, require that an employee generation study be conducted and that housing be provided for a minimum of 10% of the employees generated by the project. This percentage may be refined as staff develops new methodology that will address appropriate mitigation standards.

The Planning Commission could make recommendations on the employee housing mitigation plan and final action would be taken by the Housing Authority on each project. Residential projects of fewer than 50 units or less than 5,000 square feet could be exempt from this requirement. The requirement could always be waived if it were deemed too onerous based on specific review criteria. 50 units were selected based on staff assessment of projects. Other alternatives on unit exemptions can be pursued.

Requirements on projects over 50 units or more than 5,000 square feet would encompass ski area expansions and large condominium projects with a demonstrated employee generation.

Phase II revisions of the Land Management Code have begun and Chapter 10 and 11 (Moderate Income Housing Developments) will be reviewed accordingly. Chapter 11 certainly needs to be revisited to be made consistent with Resolution 7-95. At this time it is anticipated that the entire MPD process may be revised but those discussions are at least six months out. Staff has been working on the changes before you for the last several years and recommends adoption of the housing component at this time with further discussion and refinement <u>fully anticipated</u> in the Phase II LMC process.

<u>Other efforts for consideration in the production of affordable units</u>

The Council is currently considering amendments to Phase I of the Land Management Code that deals with the base zoning for the City. The base zoning will set the tone for the production of affordable housing. Staff recommends that if the Council is in support of allowing mixed use development that encourages the integration of affordable units that they examine the allowed uses in each area.

The following is a zone specific review for your consideration:

1. **HCB** - Historically Main street has had residential uses over commercial. Some units are restricted others are at market rates. Does the Council want to continue those efforts? Do the amendments address this issue? Does parking demands outweigh the benefits of residential uses in the core? In recent actions taken by the Planning Commission second story residential uses have been limited due to concerns over the impact of additional parking demand.
2. **HRI/HRL** - Again historically the Old Town area has been a mix of unit types and prices. Renovations of miners cottages has resulted in gentrification and a loss of lower end units. The accessory apartment ordinance (conditional use) has been in effect for six years and has produced two units. Parking considerations (availability/impacts) have quashed the effectiveness of this ordinance. What mechanisms exist that assist the production of lower end units in Old Town? Could a boarding house be renovated for employee units? The 8 unit Washington Mill project on Daly Avenue has been one of our most successful projects - do the proposed changes allow this to happen again?
3. **SF** - This zone encourages low density and encompasses the Park Meadows, Thaynes and Prospector areas. The accessory apartment ordinance is a permitted use in this zone and has produced 17 units in the last six years. Because parking is more easily accommodate this ordinance appears to have been successful in this zone. Are there other mechanisms for encouraging affordable housing that are appropriate in this zone?
4. **RD/RDM** - These zones encourage high density and include areas along Deer Valley Drive, Snow Park Lodge and the Entry Corridor on Highway 224. The accessory apartment ordinance is a permitted use in this zone. Are there other mechanisms for encouraging affordable housing that are appropriate in this zone?
5. **RC** - This zone is in close proximity to the Park City Resort Area and allows for a high density. What mechanisms are allowed to encourage the production of units in this area?
6. **GC** - This zone encompasses the Prospector area and the Park Avenue area from the Belt Route to the intersection of Highways 224 and 248. This zone allows for a large variety of uses. Should mixed uses be encouraged? Should managers units be permitted uses rather than conditional?
7. **City Owned Projects** - Should city owned projects been subject to the same development parameters as private projects? The Planning Commission has taken the

position that the same development restrictions that apply to the development community should apply to city owned projects.

The staff raises these issues to provide discussion points as you review the proposed changes and conduct public hearings in Phase I and Phase II of the Land Management Code.

D. Department Review

Community Development, Capital and Budget, Administrative Services, Executive and Legal have reviewed the proposed changes.

ALTERNATIVES

A. Leave Resolution 7-95 in place.

B. Implement all or selected portion of Staff's recommendations.

C. Direct staff to conduct further research on selected issues.

SIGNIFICANT IMPACTS:

The proposed changes will set a maximum cap for projects that are assisted by Park City Municipal Corporation and for annexations and will delineate a review process for employee housing plans.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to implement the proposed changes the 1995 guidelines will remain in effect. Developers and staff will continue to negotiate on individual deals. No maximum purchase prices will be set and commercial developments will not mitigate the housing demand created by their projects.

RECOMMENDATION:

Discuss the proposed changes, conduct an initial public hearing and direct staff as to the desired course of action on the following issues outlined above.

EXHIBITS:

Exhibit A - Resolution amending 7-95
Exhibit B - Proposed New Resolution
Exhibit C - Resolution 8-95
Exhibit D- Background data

EXHIBIT A

Resolution No. 99-

~~RESOLUTION REPEALING RESOLUTION NO. 8-93 AND ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH~~

RESOLUTION AMENDING RESOLUTION NO. 7-95 - AFFORDABLE HOUSING GUIDELINES AND STANDARDS

WHEREAS, the City Council has identified affordable housing as an action target in its work program for 1995 through 1996; and

WHEREAS, the City Council has identified affordable housing as an action target in its work program since 1995; and

WHEREAS, the City Council adopted Resolution No. 37-91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, it is the determination of this Council that it is in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, resort or ski area expansions, and other development actions where affordable housing is an issue; and

WHEREAS, the Council has considered standards in other resort communities, housing studies conducted for Park City, Housing and Urban Development Standards, and input from the Affordable Housing Task Force;

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. **Resolution No. ~~8-93~~** 7-95 is hereby amended and the adopted following housing standards and guidelines shall be as follows:

These standards shall apply to all ~~new and~~ outstanding housing obligations as notified per Resolution No. 6-94. Prior agreements on density or configuration shall take precedence over these standards but all rental rate guidelines and time limitations as described below shall apply:

~~1. Minimum Unit Size Standards:~~

~~Studio~~	~~400 square feet~~
~~1 bedroom~~	~~550 square feet~~
~~2 bedroom~~	~~700 square feet~~
~~3 bedroom~~	~~850 square feet~~
~~4 bedroom~~	~~1,000 square feet~~

2. Maximum Rent Guidelines:

Studio	$425
1 bedroom	525
2 bedroom	675
3 bedroom	825
4 bedroom	975

Modifications to the maximum rent guidelines and minimum unit standards may be made based upon such factors as housing configuration (detached) provisions of public benefits, such as shared common living areas, or additional project amenities.

The maximum rent guidelines will be adjusted annually in consideration of the Consumer Price Index (CPI) and Park City Rental Surveys.

~~3. Maximum City Assistance Standard. $5,000 regardless of unit size or configuration.~~

~~4. Limitation Period. 40 years minimum regardless of unit size. First right of refusal and/or option to purchase shall be granted to the City. The City shall have 90 days to respond or assign the above-described rights.~~

~~This limitation period may be reduced based upon the provision of additional public benefits such as preservation of historic structures as negotiated by the City Council.~~

~~5. Requirements for Annexations. Ten percent (10%) of the total project unit equivalent shall be provided as a minimum affordable housing contribution. A two bedroom unit size shall be the minimum standard that will satisfy this requirement. Land donation, or acquisition of off-site, deed-restricted units that meet the minimum standard unit size, shall also satisfy this requirement. The developer may request satisfaction o this obligation through a housing payment that is equivalent to the market cost of construction of a unit.~~

~~The strategy for meeting the housing obligation must be specified prior to issuance of final plat approval. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project. The intent of this Resolution is to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots within the project.~~

~~6. Unit Equivalents for Affordable Housing Obligations (Land Management Code, Section 10):~~

~~Studio~~	~~.50~~
~~1 bedroom~~	~~.75~~
~~2 bedroom~~	~~1.00~~

~~3 bedroom 1.25~~
~~4 bedroom 1.50~~

~~7. Guidelines for Affordable Housing Obligations:~~

~~Studio $ 44,000~~
~~1 bedroom 55,000~~
~~2 bedroom 71,500~~
~~3 bedroom 88,000~~
~~4 bedroom 104,500~~

~~These figures were derived from a recent estimate of the cost of providing a two bedroom unit of affordable housing. These estimates include financing and title costs, land costs, construction costs, and contingency costs. The City Council will reevaluate these figures as market changes occur.~~

~~SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon ratification by the City Council.~~

~~PASSED AND ADOPTED this 16th day of March, 1995.~~

~~RATIFIED this 30th day of March, 1995.~~

~~PARK CITY MUNICIPAL CORPORATION~~

____

~~Mayor Bradley A. Olch~~

~~Attest:~~

____

~~Janet M. Scott, Deputy City Recorder~~

~~Approved as to form:~~

____

~~Mark D. Harrington, Asst. City Attorney~~

SECTION 2. EFFECTIVE DATE.
This Resolution shall take effect upon ratification by the City Council.

PASSED AND ADOPTED this day of, 1999.

RATIFIED this day of , 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch.

Attest:

____
Jan Scott, City Recorder

Approved as to form:

____
Jodi Hoffman, City Attorney

EXHIBIT B

Resolution 99-

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council has identified affordable housing as an action target in its work program since 1995; and

WHEREAS, the City Council adopted Resolution No. 37-91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, in 1994 the City Council convened a Housing Advisory Task Force to review and make recommendations on the City's housing strategies due to the dramatic increase in land costs and a concomitant rise in the cost of all housing in the community; and

WHEREAS, The Housing Advisory Task Force and annual housing studies conducted by the City concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the Task Force and Council targeted the population to be served be these efforts as essential services workers such as police, teachers, fireman, service workers and long time community residents; and

WHEREAS, the out-migration of service and community based workers has resulted in a deterioration of community character and threatens the city's economic success; and

WHEREAS, it is the determination of this Council that it is in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, resort or ski area expansions, and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the Council has considered standards in other resort communities, and those implemented by State and Federal Housing and Community Development Departments and has conducted local rental and residential market studies for Park City, and solicited input from the Affordable Housing Task Force; and

WHEREAS, the cost of providing affordable housing should not be disproportionately borne by any single sector of the community and any solutions should equitably apportion the costs based on impact generation, growth inducement and the underlying goal to provide a cross section of units in our community in order to maintain an healthy economy and diverse population.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted:

Section 2 - Definitions/Applicability

A. Application: These standards shall apply to all new housing obligations as notified per Resolution No. 6-94. Prior agreements on density or configuration shall take precedence over these standards but all rental and for-sale guidelines and time limitations as described below shall apply.

B. Purpose: The purpose of this Resolution is to ensure that there is a reasonable supply of affordable housing to meet the needs of the citizens of Park City in order to maintain the social, economic and political fabric of its community character. The purpose is also to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots or square footage within the project.

C. Definition of Affordability: Housing that costs(rent or mortgage plus taxes and utility allowance) 30 percent or less of the gross household income. (Household means one or more persons living together as a single housekeeping unit)

D. Production of new units: An applicant shall develop or ensure the development of affordable housing units as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical or inequitable pursuant to the Section E.

E. Not Required if impractical or inequitable: An applicant shall not be required to develop or ensure the development of affordable housing units as part of the development if the Park City Housing Authority finds that such development is impractical or inequitable.

a) Impractical. The production of affordable housing shall be considered impractical if it can be demonstrated that:
I) the number of units required is too small to create a viable project; or
ii) if the site location is deemed to be an undesirable location for affordable housing; or
iii) if it is considered more practical and timely for the required units to be pooled with affordable housing units from other projects to create a more viable project off-site.

b) Inequitable. The development of affordable housing shall be considered inequitable if it will result in the applicant bearing a disproportionate portion of the cost of affordable housing in relation to the need for affordable housing. A Needs Analysis shall be conducted every 24 months by the City as part of the Park City Housing Affordability Update in order to assist in this determination. In making this determination the value of land at the proposed site shall be considered.

Section 3. City Assisted Projects

Minimum Unit Size Standards for City Assisted Projects

SRO	200 square feet
Studio	450 square feet
1 bedroom	550 square feet
2 bedroom	700 square feet
3 bedroom	850 square feet
4 bedroom	1,000 square feet

Modifications to the minimum unit standards may be made by the Housing Authority based upon such factors as housing configuration (detached) provisions of public benefits, such as shared common living areas, or additional project amenities

Unit Types for City Assisted Projects

Specific product types shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with site constraints and the market need as outlined in the annual Housing Affordability update published by the City. The following are provided as guidelines on appropriate housing types:

Product	Seasonal	Permanent
½ bedrooms Dormitories Efficiency Apts. (SRO) Single Room Occupancy Studios Acc. Apts.	Rental	
2/3 bedrooms Duplex/Triplex Twinhomes Detached units Condominium units		For - Sale

Maximum Rent Guidelines:

The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

The maximum rent guidelines will be adjusted annually using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:

The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income ($46,400 in 1997). Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

Maximum City Assistance Standard.
$5,000 regardless of unit size or configuration. Land lease or acquisition is also negotiable.

Target Groups
1. Policies and programs should be developed for those who live and work in the Park city area.
2. The Park city area is defined as the park city school district limits which includes Snyderville Basin.
3. While it is recognized that different solutions will be necessary for different groups and that some individuals may fit several groups, the following target groups should be given priority in any city assisted project.

   A."Essential" public and private service workers: Park City School District, Park City Fire District, Park City Municipal Corporation, Synderville Basin Sewer Improvement District
   B. Teachers, fire and safety officers
   C. Municipal employees
   D. Full time (30 hours of employment per week) Park city business employees
   E. A resident of the City for the prior 24 months
   F. An owner or owner's representative of a business within City limits

Limitation Period.
40 years minimum regardless of unit size. First right of refusal and/or option to purchase shall be granted to the City. The City shall have 90 days to respond or assign the above-described rights. Longer terms of limitation may be negotiated on individual projects as directed by the City Council. This limitation period may also be reduced based upon the provision of additional public benefits such as preservation of historic structures or other community benefits as negotiated by the City Council.

Review
The Housing Authority shall review and approve the housing plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Housing Authority may require a bond or

other security approved by the City Attorney guaranteeing compliance with the Plan. Mountainlands Community Housing shall make a formal recommendation to the Council prior to adoption of the plan.

a) Criteria for Review

1. Define the need for units at the time the project is proposed.
2. Define the population served.
3. Define how the plan integrates, not segregates, various product types and income levels.
4. How does Mountainlands Community Housing recommendations relate to the plan?
5. Is the City's participation at least of equal value to the financial commitment made by the developer?

Section 4. Annexations.

Mitigation

Housing for ten percent of total employees generated by the project shall be provided as a minimum affordable housing contribution. A two bedroom unit size shall be the minimum standard that will satisfy this requirement.

Unit Equivalents for Affordable Housing Obligations (Land Management Code, Chapter 10):

SRO of <200sf	.25 UE
Studio of <450sf	.50 UE
1 bedroom >500 <1000sf	.75 UE
2 bedroom >700 <1,200sf	1.00 UE
3 bedroom >1000sf	1.25 UE
4 bedroom >1000sf	1.50 UE

Housing Plan

The Housing Mitigation Plan shall included at a minimum the following components:

1. Employee Generation Study and Requirement Calculations
2. Methods by which the housing is to be provided
3. Unit Descriptions
4. Proposed unit restrictions that will ensure Affordability of units
5. Land Specifications
6. Fee Calculations

An employee generation study shall be utilized to determine the total number of employees generated by the proposed annexation project. The City Council may determine that the mitigation be increased if:

1) the employee generation study for the project shows an unusually high generation of employees, such as restaurant uses and/or hotel; and

2) overall project benefits do not offset the impacts created by the number of employees generated. (Overall project benefits could be tax revenue, community centers, open spaces, reduction in overall density, etc...)

Development Alternatives

On-site location of affordable units is the preferred alternative in satisfying this obligation. Land donation, acquisition of off-site units subject to city approval, and/or financing subsidy agreements with Mountainlands Community Housing, are alternative mechanisms that assist the developer in satisfying this requirement. These alternatives can be used alone or in combination to satisfy this requirement.

Off-site units must be located within the Park City School District boundary. The developer may also request satisfaction of this obligation through a housing payment (in-lieu fee) that is equivalent to the market cost of construction of a unit. The market cost shall be determined by the Housing Authority in the year that the project begins construction.

The in-lieu fee figure can be reduced by the Planning Commission if the payment occurs in the first two years of the development process and results in a partnership that leverages the immediate production or purchase of units..

The strategy for meeting the housing obligation must be specified and executed prior to annexation approval. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project as a Housing Mitigation Plan. Construction of the restricted units shall be concurrent with the development of market rate units.

Review

The Housing Authority shall review and approve the housing mitigation plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Housing Authority may require a bond or other security approved by the City Attorney guaranteeing compliance with the Plan. Mountainlands Community Housing shall make a formal recommendation to the Council prior to adoption of the plan.

a) Criteria for Review

1. Define the need generated by the project in terms of units (rental and for sale) and prices (target levels)?
2. Determine how the plan serves the need generated by the project (unit type/price)?
3. Determine how the housing plan produces units that serve a cross section of the employees generated by the project. Determine the household types that are being served.
4. How does the plan address on site unit location? If none is provided on site is there compelling evidence (density or design) that the project cannot accommodate on-site units?
5. Define how the site plan integrates, not segregates, various product types and income levels?
6. Has Mountainlands Community Housing reviewed the plan? What are the

recommendations?

Maximum Rent Guidelines:
The housing units shall be provided for persons in Park City at or below 80% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

The maximum rent guidelines will be adjusted annually using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:
The housing units shall be provided for persons in Park City at or below 80% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

Unit Types for Annexations
Final product types shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with site constraints and the market need as outlined in the annual Housing Affordability update published by the City. The following are provided as guidelines on appropriate housing types:

Product	Seasonal	Permanent
½ bedrooms Dormitories Efficiency Apts. (SRO) Single Room Occupancy Studios Acc. Apts.	Rental	

2/3 bedrooms Duplex/Triplex Twinhomes Detached units Condominium units		For - Sale

Section 5. Park City Municipal Employee Generation Model For Annexations and Master Planned Developments

Generation Numbers:
Retail: 2.3 employees per 1,000 square feet
Restaurant: 3.6 employees per 1,000 square feet
Hotel: 1.1 employees per 1,000 square feet
Office: 4.4 employees per 1,000 square feet

Estimated Annual Average Earnings:
Retail:
$19,094
Restaurant:
Restaurant and Bar - $25,639
Hotel/Lodging:
Housekeeping/Front Desk - $19,656
Reservations/ Supervisor/Accounting - $22,464
Maintenance - $25,834
Office:
General Clerk - $22,240
Administrative Assistant/MIS - $30,326
Middle Management - $45,900

This data was created by Rosenthal & Associates after a employee generation study was commissioned by Park City Municipal in 1997. The data is based on survey information, interviews with local businesses, Chamber Bureau data, and State Labor information. The estimated annual earnings shall be adjusted annually by adding the annual change in the average Summit County wage for all job types as defined in the Job Service publication, Annual Report of Labor Market Information.

Independent Calculation. An applicant may submit an application for independent calculation requesting modification to the following:
a) Unit Standards
b) Limitation Standards

c) Unit Equivalents; and
d) In Lieu Guidelines cost calculations

The application shall for independent calculation shall be reviewed by the City Council. If the material in the application demonstrate by substantial competent evidence that there is reasonable basis to modify the standards listed above because of unique circumstances related to the proposed development, the City Council shall approve the independent calculation and make the relevant modification.

SECTION 6. EFFECTIVE DATE.
This Resolution shall take effect upon ratification by the City Council.

PASSED AND ADOPTED this day of, 1999.

RATIFIED this day of , 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Orch.

Attest:

____

Jan Scott, City Recorder

Approved as to form:

____

Jodi Hoffman, City Attorney

EXHIBIT C

Resolution No. 8-95

A RESOLUTION DIRECTING STAFF TO IMPLEMENT A HOUSING ACTION PLAN FOR PARK CITY, UTAH

WHEREAS, the City Council has determined that affordable housing is an important objective of the community; and

WHEREAS, the City Council has determined to strengthen existing affordable housing programs and funding guidelines to provide and encourage the construction of a diverse range of housing units throughout the community; and

WHEREAS, the City Council acknowledges the year long work and dedication of the Housing Advisory Task Force and has incorporated its recommendations on housing strategies for Park City, and;

WHEREAS, the City Council will encourage and facilitate the production of affordable housing units throughout the community but will not directly build affordable housing; and

WHEREAS, the City Council acknowledges that various aspects of the Housing Action Plat may be modified due to fiscal or legal constraints;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City that the following Housing Action Plan be adopted as follows:

SECTION 1. CURRENT IMPLEMENTATION.

- CONTINUE TO OFFER UP TO $5,000 IN FEE WAIVERS AND GRANTS
- MAKE A CONTINUED COMMITMENT TO ALLOCATE AN ANNUAL BUDGET FOR HOUSING
- CONTINUE TO WORK WITH PRIVATE DEVELOPERS AND APPLY FOR STATE AND FEDERAL FUNDS
- SUPPORT SUMMIT COUNTY IN ADOPTING A HOUSING ELEMENT THAT INCLUDES A BROAD CROSS SECTION OF PARTICIPATION AND ALLOWS FOR AFFORDABLE HOUSING RESERVE ZONING DISTRICTS
- UTILIZE EXISTING HOUSING BUDGETS TO:

1. Acquire affordable units for municipal employees for rental, lease, to purchase, or acquisition.

2. Provide municipal employees with mortgage down-payment assistance in the form of low interest equity loans. Promote program to private employers as an example.

3. Develop capacity of non-profit and local low income housing consortiums. Help to create a one-stop housing resource center with rental assistance, tenants' rights and housing market information for use by the community. Possible locations at Miner's Hospital or Library and Education Center.

SECTION 2. DEFINITION. The primary goal of the Housing Action Plan (HAP) is to increase the supply of housing that is affordable to people who live or work in Park City. The HAP outlines a set of goals and describes programs that are designed to meet those goals.

The HAP sets the direction for future work and exploration in the area of affordable housing and in itself does not have any force of law. Each legislative action item will require City Council review and approval prior to its implementation.

The goals have been generally grouped by Council priority but priorities have not been established within groups. Programs will be explored in a sequence to be determined by staff or the City Council. The programs that have the highest probability of producing the greatest results with minimal impact on staff resources will receive preference in implementation.

SECTION 3. HOUSING ACTION PLAN.

NEAR-TERM

1. GOAL: Explore the creation of an Affordable Housing Standard for new commercial development in the City and the existing ski resorts.

2. GOAL: Reactivate the Housing Authority and meet quarterly to review progress and direction of programs and policies. Restructure the Housing Authority as an appointed board instead of the City council and include representation of a Summit County official. Encourage Summit County to adopt a housing element.

3. GOAL: Research and propose for Council review increasing the requirements to provide affordable housing in annexations.

4. GOAL: Consult, cooperate, or contract with non-profit organizations to provide housing services and to enhance their capacity in achieving affordable housing goals.

5. GOAL: Actively involve the other entities suggested by the Task Force (County, ski resorts, etc.) in taking responsibility for affordable housing. Assist the resorts in creating seasonal rental opportunities by encouraging off-season partnerships with the University, Chamber/Bureau, and seasonal municipal employees.

6. GOAL: Research and return to the Council with a plan that would create an affordable housing standard for master planned developments, Chapter 10 and conditional use permits (per Resolution No. 37-91).

7. GOAL: Acquire sites or dedicate City-owned sites for affordable housing projects in cooperation with private developers.

8. GOAL: Explore mechanisms for the financing the acquisition of land for affordable housing sites. Engage public in the process.

9. GOAL: Consider revision to Land Management Code Chapters 10 and 11 to allow the Planning Commission flexibility in reviewing affordable housing projects to consider reductions in open space and parking requirements for resort properties, projects in close proximity to an employment source or other such criteria as specified by the City Council.

LONG-TERM

10. GOAL: Purchase in fee, purchase an interest, or facilitate the purchase of older restricted affordable units and place a deed restriction on utilize housing inventory matrix to track expiration dates on such projects.

11. GOAL: Research and develop a program that would commit additional funds to the Historic District Grant Program earmarked to securing deed restrictions and/or affordability requirements on City assisted rehabilitated units. Expand parameters of current $5,000 per residential unit subsidy to include City-wide rehabilitation projects.

12. GOAL: Explore the creation of an affordable housing standard for all new subdivisions within the City. This standard could be an encouragement of accessory apartments, caretakers' units, deed restrictions, land donation or by producing a like product on site.

13. GOAL: Research how to include new developments that are not in a subdivision, annexation, master planned development, or commercial project into affordable housing solutions. This alternative would more equitably share the costs of providing housing across the entire community.

14. GOAL: Research, pursue, and support new dedicated funding sources for housing at the legislative level like the real estate transfer tax and the restaurant tax. Encourage the

legislature to dedicate permanent funds, not surplus, or discretionary one-time funding for affordable housing programs.

15. GOAL: Educate and disseminate information to the public by conducting an annual housing symposium or in conjunction with a community education program.

<u>SECTION 3. EFFECTIVE DATE.</u> This Resolution shall become effective upon ratification.

PASSED AND ADOPTED this 16th day of March, 1995.

RATIFIED this 30th day of March, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

Evans, Windsor, Milliken and Johnstown, along with Weld County. For more information, contact the Smart Growth Action Center in Denver, Colorado at (303) 866-2353.

Dealing With Internecine Warfare: Councilmember Gil Garcia from Santa Barbara, California, has noted that a social problem has developed as a result of the development industry's tendency to build large scale, homogeneous housing. Such neighborhoods become home to narrow economic and social groups with very singular interests. The result, he says, is akin to "tribal wars." There is little to nothing in common among these neighborhoods and they have little concern about the problems of others. This makes developing a common vision for the community or region extremely difficult.

The answer to this problem of providing housing for people of varying income groups within a single neighborhood, has been feared by some, and determined unmarketable by others. However, several recent studies shed light on the issue. A Harvard University study revealed that it isn't the income level of the community that determines the safety, it's the sense of community. Violent crimes are 40 percent lower in neighborhoods where residents willingly mingle and work together than in those areas where no such interaction takes place.

Village Homes, a mixed-use neighborhood in Davis, California, features housing for a variety of income levels, from 3,000 square foot homes selling for well over $300,000 to rooms available for $100 a month in a co-op house. Over the 20-year life of the project, housing values have inflated over $11 dollars a square foot more than in other area neighborhoods. The increased sales value may be due to the number of neighborhood amenities, but providing housing for a variety of income levels obviously had no negative effect. For more information, contact the LGC at (916) 448-1198.

Including subsidized housing in a neighborhood also does not seem to affect property values. A study in Montgomery County, Maryland and Fairfax County, Virginia revealed no significant difference in price between market rate houses within 500 feet of subsidized housing and those farther away, and no detrimental effect on the prices of homes immediately adjacent to subsidized homes. For more information, contact Innovative Housing Institute at (301) 460-3956.

Estimated 1998 Annual Earnings

Park City Wage & Salary Households

	Total Income		
	Estimated Wages	Dividends, Interest, Gifst & Transfer Payments (5.0%)	Total
Households			
Average Wage and Salary (1.54 FTE)	$37,713	$1,886	$39,598
Minimum Wage Hospitality or Service Worker (1.54 FTE)	16,538	827	17,365
Singles			
Entry Level Teacher (1 FTE)	$26,222	1,311	27,533
City Government			
General Office Clerk (1 FTE)	21,181	1,059	22,240
Bus Driver (1 FTE)	29,137	1,457	30,594
Snow Plow Operator (1 FTE)	33,465	1,673	35,139
Emergency Response Worker (1 FTE)	38,656	1,933	40,589
Full-time Seasonal Employee			
Experienced Ski Area/Off-Season Waitperson (1 FTE)	33,084	1,654	34,738
Mid Level Employee (1 FTE)	23,545	1,177	24,722

Estimated 1998 Annual Earnings by Affordable Housing Income Category

Park City Wage & Salary Households

Employment Type			Affordable Housing income Category	
Job Description	Estimated Income		% of HUD 1998 AMI	income Range
	Annual	Per hour		
Minimum Wage Hospitality or Service Worker (1.54 FTE)	$17,365	$5.42	Less Than 30%	Less than $19,000
PCM - General Office Clerk (1 FTE)	22,240	$10.69	50%	$19,000 to $31,000
Full-time Seasonal (mid Level employee - 1 FTE)	24,722	$11.89		
Entry Level Teacher (1 FTE)	27,533	$13.24		
PCM - Bus Driver (1 FTE)	30,594	$14.71		
Experienced Ski Area/Off-Season Waitperson (1 FTE)	34,738	$16.70	80% or Less	$31,000 to $50,000
PCM - Snow Plow Operator (1 FTE)	35,139	$16.89		
Average Park City Wage and Salary HH (1.54 FTE)	39,598	$12.36		
PCM - Emergency Response Worker (1 FTE)	40,589	$19.51		

Figure 3

1997 Income Distribution *(Park City)*

Income Category	Income	Estimated Number of Households		
		Total	% of Total	% of Total
Less Than 30%	Less than $17,000	617	27%	59%
50%	$17,000 to $29,000	363	16%	
80%	$29,000 to $46,000	349	15%	
Greater Than 80%	More than $46,000	940	41%	41%
Total		2,270	100%	100%

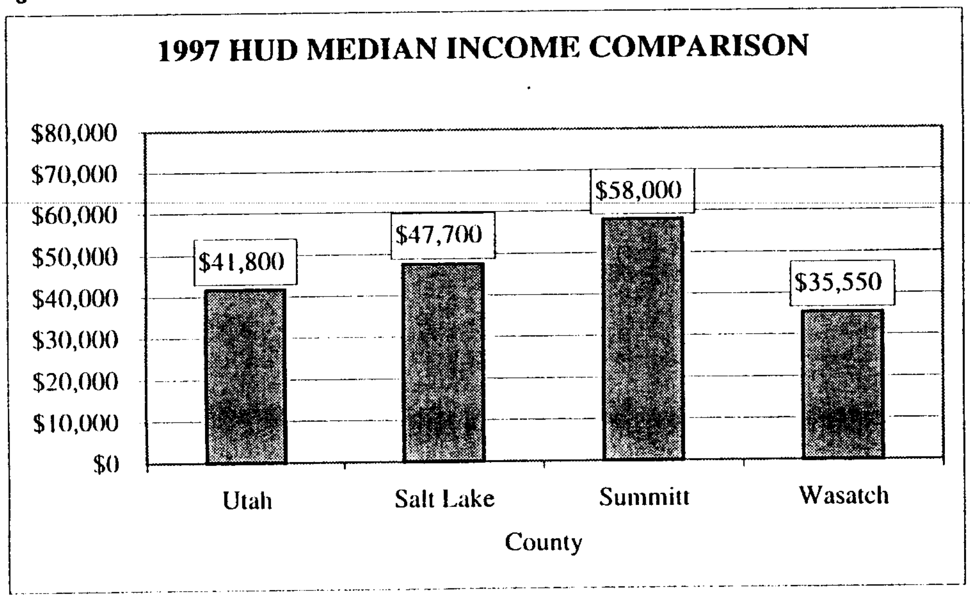
- *Income Category* is % of 1997 Summitt County HUD Area Median Income
- Estimate based on 1997 estimated population and 1996 income distribution

Figure 6

Trend in Rent Increase

	1995	1996	1997	Trend
	(average annual % increase)			
Park City & Snyderville Basin				
Market Rate Units	2.1%	8.9%	(0.2%)	3.5%
Park City Subsidized Units	1.3%	19.8%	4.0%	8.1%
HUD Allowable Rent Increase			3.7%	

Figure 7



Section V. Master Planned Developments

Mitigation

Housing for ten percent of total employees generated by the project shall be provided as a minimum affordable housing contribution. A two bedroom unit size shall be the minimum standard that will satisfy this requirement.

Unit Equivalents for Affordable Housing Obligations (Land Management Code, Chapter 10):

SRO of <200sf	.25 UE
Studio of <450sf	.50 UE
1 bedroom >500 <1000sf	.75 UE
2 bedroom >700 <1,200sf	1.00 UE
3 bedroom >1000sf	1.25 UE
4 bedroom >1000sf	1.50 UE

Housing Plan

The Housing Mitigation Plan shall included at a minimum the following components:

1. Employee Generation Study and Requirement Calculations
2 Methods by which the housing is to be provided
3. Unit Descriptions
4. Proposed unit restrictions that will ensure Affordability of units
5. Land Specifications
6. Fee Calculations

An employee generation study shall be utilized to determine the total number of employees generated by the proposed project. The Planning Commission may determine that the mitigation be increased if:

1) the employee generation study for the project shows an unusually high generation of employees, such as restaurant uses and/or hotel; and

2) overall project benefits do not offset the impacts created by the number of employees generated. (Overall project benefits could be tax revenue, community centers, open spaces, reduction in overall density, etc...)

Development Alternatives

On-site location of affordable units is the preferred alternative in satisfying this obligation. Land donation, acquisition of off-site units subject to city approval, or financing subsidy agreements with Mountainlands Community Housing, are alternative mechanisms that assist the developer in satisfying this requirement. Off-site units must be within the Park City School District boundary. The developer may also request satisfaction of this obligation through a housing payment that is equivalent to the market cost of construction of a unit. The market cost shall be determined by the Housing Authority in the year that the project begins construction.

The in-lieu fee figure can be reduced by the Planning Commission if the payment occurs

PARK CITY 1884

CITY COUNCIL STAFF REPORT

Date: **March 18, 1999**
Department: **Planning Department**
Title: **355 Deer Valley Drive - Plat Amendment**
Type of Item: **Public Hearing**

Summary Recommendations: Conduct a public hearing and consider adopting the attached Ordinance approving a plat amendment to consolidate lots 13, 14, 15, 20,21,22 and ½ lots of 16 & 19 into two separate lots of Block 65.

A. Project Statistics

Applicant:	Zamir Tarmu
Location:	355 Deer Valley Drive
Zoning:	R-1- Residential District
Adjacent Land Uses:	Residential
Project Planner:	Kevin LoPiccolo
Date of Application:	September 15, 1998

B. Background

On February 10, 1999, the Planning Commission voted to forward to City Council a positive recommendation to approve the plat amendment to combine six full lots and four partial lots into two 7,500 square foot lots of record.

The proposed application request is to combine six full lots and four partial lots in Block 65 of the Park City Survey into two separate 7,500 square foot lots. The property is zoned R-1. The lots are located on the north side of Deer Valley Drive near the intersection of Deer Valley Drive and Marsac Avenue. The applicant is proposing two duplexes. The development pattern in the general area of Deer Valley Drive consists of single-family dwellings and multi-family structures.

C. Analysis

Use: The applicant's proposal for two duplexes is permitted in the R-1 District pursuant to the LMC land use table. The R-1 District is a transition zone between the single-family and duplex uses of the HR-1 District and the more intense multi-family developments of the Deer Valley area's RM District. The intent of the R-1 District is to allow the continuation of uses and architectural scale found in Old Town. Staff finds this proposal consistent with this transition area.

Minimum lot size and underlying zoning: As currently platted, the applicant would not be able to obtain a building permit to develop the property without first obtaining an administrative lot-line adjustment, plat amendment, or variance from the R-1 District lot size requirements. The R-1 District requires 2,812 square feet for a single-family unit, 3,750 for a duplex, and 5,625 for a triplex. The property is currently platted into 1,875 square foot lots and remnants thereof.

The plat amendment will create two separate lots of record with the minimum lot size of 7,500 square feet. This will permit the owner to construct two duplexes on each lot. The minimum lot size for a duplex is 3,750 square feet which is permitted under the R- 1 zone.

C. Public Input

All owners within 300' of the property were noticed. Mr. Constable, and several neighbors of Block 65 are concerned that the Tarmu's are not fulfilling their obligations of Block 65 CCR's that restrict lots to Single Family Dwellings only. The applicant/owner is aware of the CCR's, but there is no active Association enforcing the property owners in Block 65.

The Planning Commission debated this issue extensively and ultimately decided to let the underlying zoning control the allowable use for duplexes.

Recommendation:

The Community Development Department recommends approval of the proposed Plat Amendment application to allow the creation of two 7,500 square foot lots of record, based upon the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Finding of Fact:

1. The property is in the R-1 Zone.

2. The subject rear portion property consists of slopes greater than 45%. Construction on such slope involves extensive grading, site disturbance, and construction impacts.

3. Deer Valley Drive is characterized by single-family dwellings, and multi-family structures.

4. Deer Valley Drive is the main entry to the Deer Valley Ski are and is a heavily traveled road.

5. The R-1 Zone is a transition zone between the single-family and duplex uses of the HR-1 District.

6. The plat amendment is necessary to combine the six full lots and four half lots into two 7,500 square foot lots of record.

7. The proposed lot combination will create two 7,500 square foot lots. Minimum lot size for a duplex is 3,750 square feet.

8. The applicant stipulates to all conditions of approval.

Conclusions of Law:

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

2. There is good cause for the amendment.

3. The amended plat is consistent with the Park City Land management Code and applicable State law regarding Subdivision plats.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.

2. All standard Project Conditions shall apply and Land Management Codes shall apply.

3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.

4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.

5. All structures including decks in excess of 30 inches above grade, shall maintain a 75-foot rear yard setbacks.

6. The structures shall be reviewed by Planning staff for conformance with the Historic District Design Guidelines in determining compatibility with the immediate neighborhood in terms of architecture, on-site parking prior to issuance of a building permit. The front yard setbacks for all structures shall be varied.

7. In order to minimize adding additional curb cuts, all attempts shall be made by the property owners/ applicant during the site design review to minimize the number of access points onto Deer Valley Drive. Shared driveway shall be considered.

8. The area comprising the rear 75 feet of the proposed lots may not be included into the overall lot area for the purpose of calculating minimum lot size.

Exhibits:

Exhibit A	Vicinity Map
Exhibit B	Existing Plat Map
Exhibit C	Site Plan
Exhibit D	Roof over Topography
Exhibit E	Proposed Ordinance
Exhibit F	Minutes from February 10, 1999

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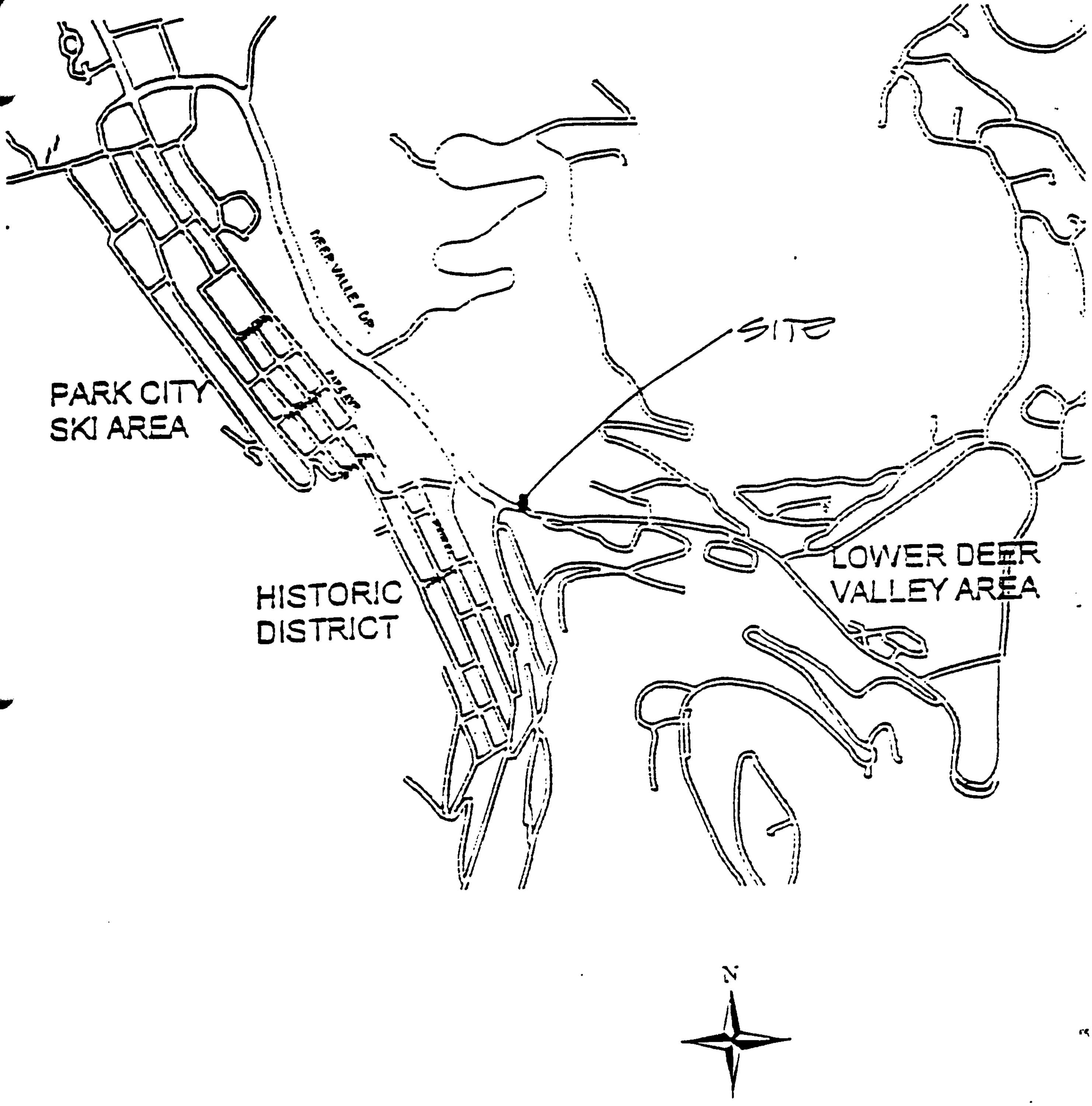
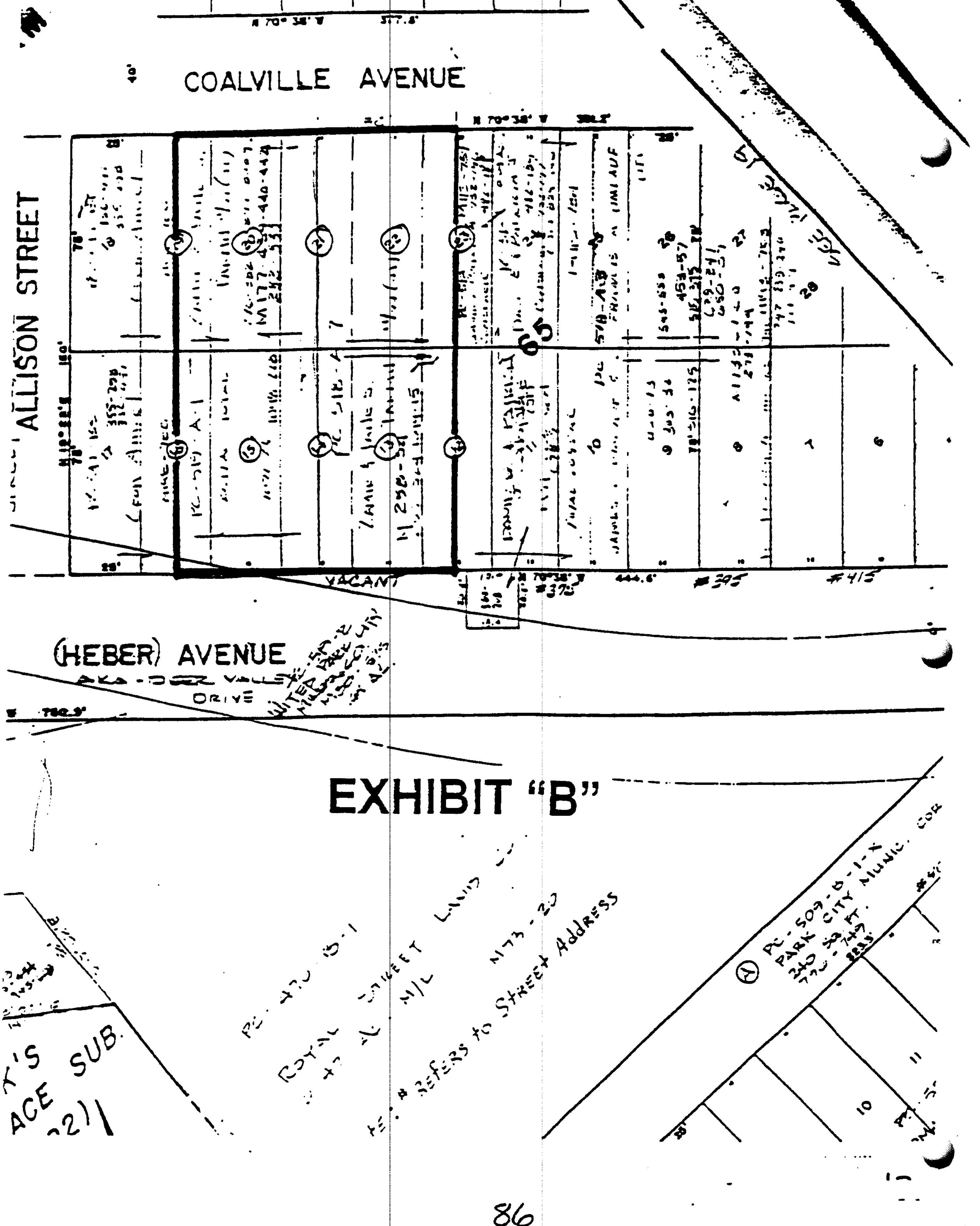
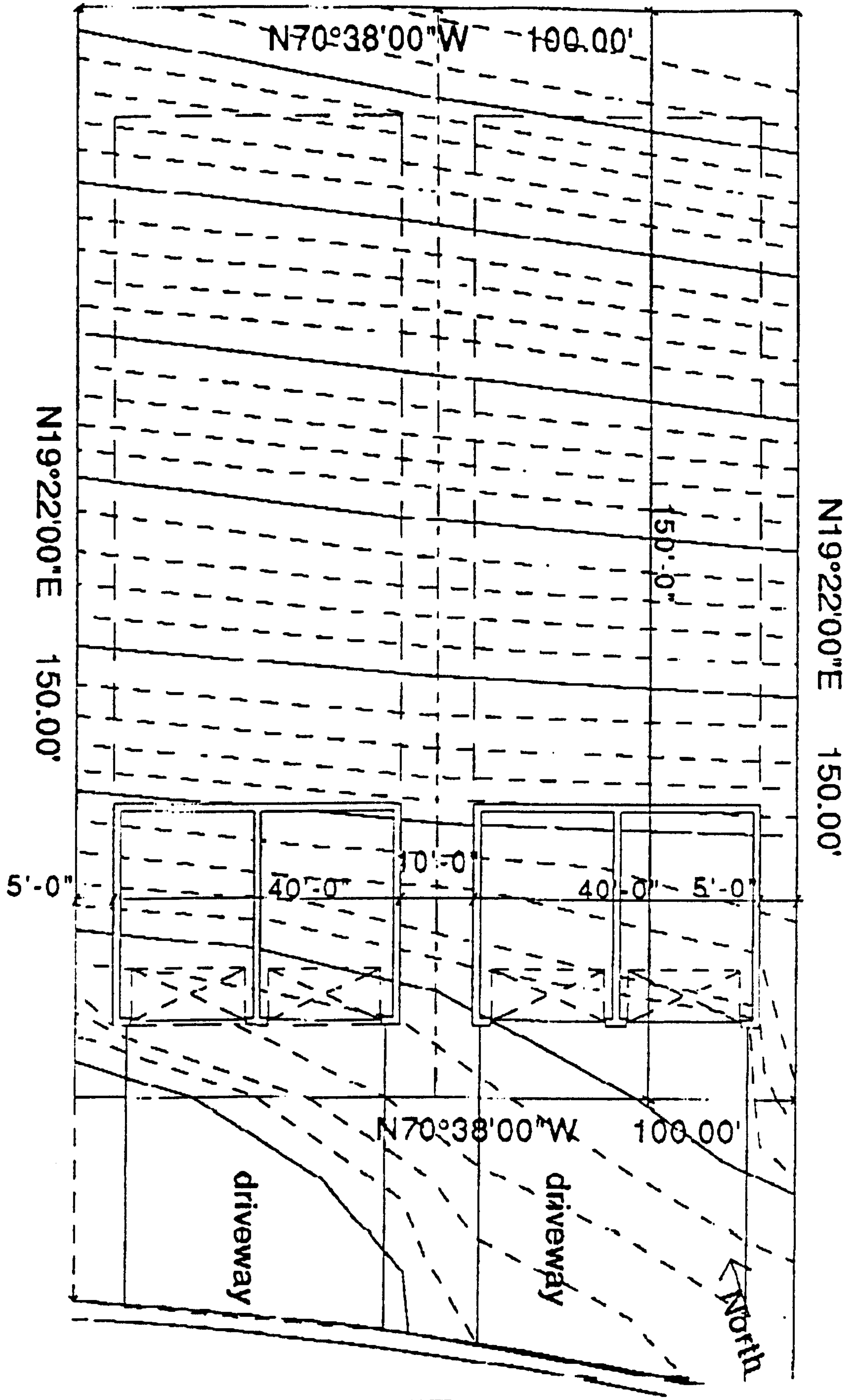


EXHIBIT A - VICINITY MAP



COALVILLE AVENUE
ALLISON STREET
(HEBER) AVENUE
AKA - DEER VALLEY DRIVE
VACANT
#395
#415
REFERS TO STREET ADDRESS
PARK CITY MUNIC. COR

EXHIBIT "B"



DEER VALLEY DRIVE

EXHIBIT C - SITE PLAN

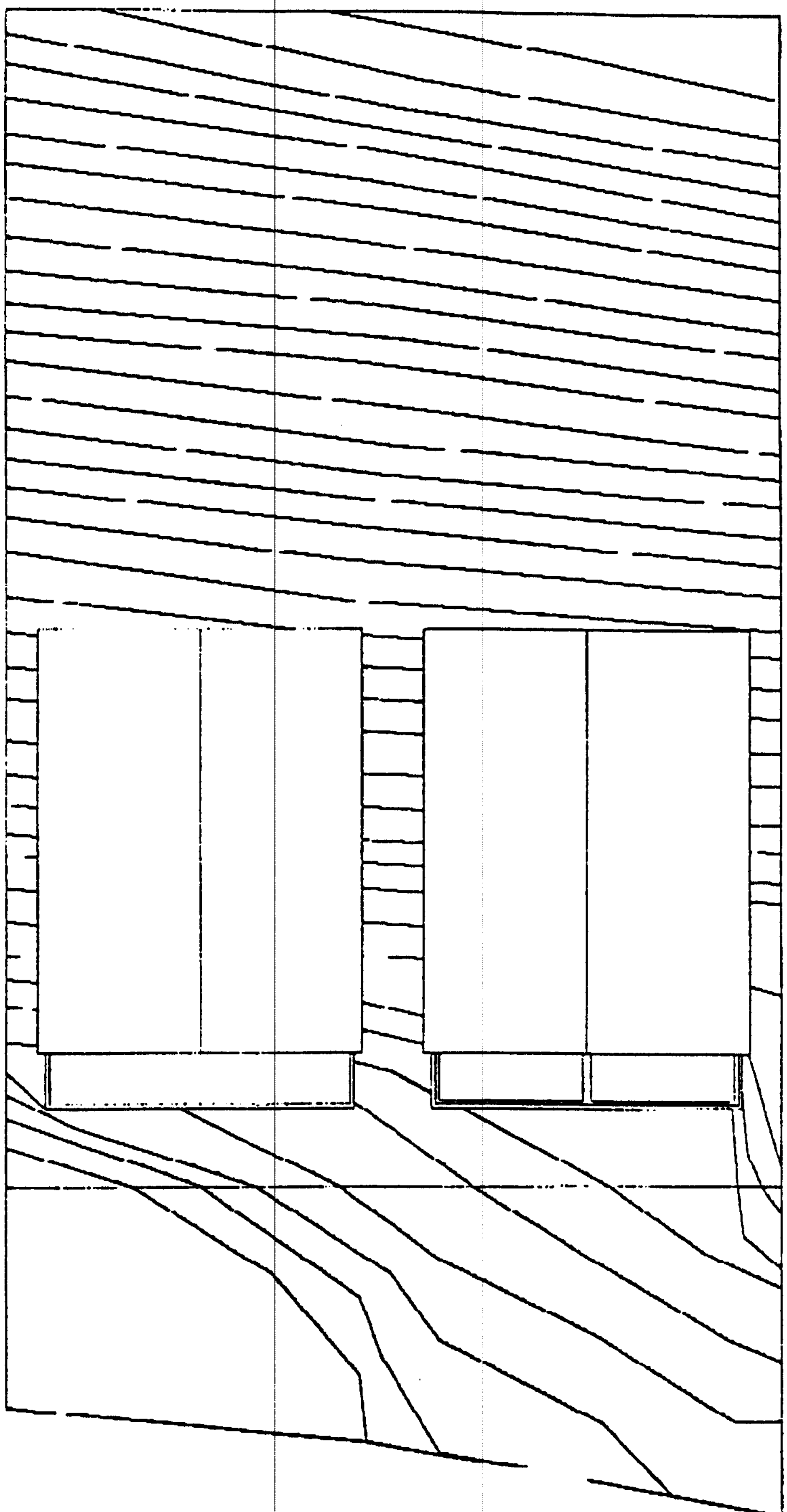


EXHIBIT D - ROOF OVER TOPOGRAPHY

sign area must be submitted to and approved by the Community Development Department or the Planning Commission prior to the issuance of any building permits.

4. Final grading, drainage, utility, storm runoff detention, and erosion control plans must be reviewed and approved by the City Engineer prior to the commencement of construction and issuance of any building permit.

5. All proposed public improvements are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications, and Standard Drawing. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.

6. Any desired modification to the approved plans after the issuance of a building permit must be specifically requested and approved by the Community Development Department in writing prior to execution.

7. This approval shall expire on January 14, 2000, unless construction has commenced as evidenced by the issuance of a full building permit, not just footings and foundation permit.

8. The operation of the spa shall be limited between the hours of 8:00 a.m. and 10:00 p.m.

9. Exterior HVAC units shall not be permitted.

10. Light poles in parking lot shall not exceed 20 feet in height.

11. This project is subject to City lighting standards.

4. <u>355 Deer Valley Drive - Plat amendment to combine six full lots and four partial lots into one</u>

Planner LoPiccolo noted that the Planning Commission has reviewed this application several times. The Staff based its report on the January 13 meeting when the Planning Commission was asked to determine a density count for the applicant as to what would be appropriate on Block 65. There was some confusion at the last meeting regarding the R-1 Zone in the Land Management Code and the CC&Rs which are part of Block 65 and were presented to the Planning Commission. The Staff requested that the Planning Commission forward a positive recommendation to the City Council to allow permitted uses based on the Land Management Code in the R-1

Zone. The applicant is limited to developing only on the front portions of the lots that abut Deer Valley Drive. Restrictions would be placed on Lots 19, 20, 21, 22, and 23, where no development could occur. Permitted uses are allowed which include single-family and/or duplexes. The Staff requested that the duplex setbacks be varied and that the Planning Commission consider the architectural guidelines within the Historic District regarding mirroring a duplicate house. Planner LoPiccolo suggested strengthening the language in Condition 6 to read, "There will be significant variance between the two buildings."

Chair Larson asked if a condition was drafted to address varying the front yard setback. Planner LoPiccolo indicated that one was not and offered to add a condition.

Planner LoPiccolo noted that adjacent uses in the surrounding area range from single-family to multi-family, and the zoning is R-1, which is a transition zone between Old Town and Deer Valley. The property sits along a busy thoroughfare on Deer Valley Drive. The Staff requested input from the Planning Commission regarding options for the applicant. Planner LoPiccolo noted that this matter is scheduled for action this evening.

Commissioner Jones clarified that the rear portions of Lots 19, 20, 21, 22, and 23 are restricted for no development. Assistant City Attorney Mark Harrington preferred to establish a specific rear-yard setback for the new lots for the sake of clarity. He suggested language stating that, "there shall be a no-construction zone of 75 feet encompassing the rear setback."

Commissioner Jones wanted to be sure the back lots would not count toward square footage in terms of density calculations. He referred to Condition 6 and requested that "the design of the duplexes" be changed to read "the design of the structures," because single-family is allowed.

Chair Larson opened the public hearing.

Patricia Constable distributed copies of the plat amendment for Block 65 and discussed its history, the origination of the CC&Rs, traffic and safety issues, and upkeep of owner/resident homes. She noted that the purpose of the CC&Rs was to maintain Block 65 as a highly desirable residential area. The original buyers of the properties were required to sign and agree to the covenants before purchasing. Most of the purchasers were contractors, and current deeds come with a copy of the CC&Rs. The remaining undevelopable land, which further enhances Block

65 as a neighborhood, was donated to the City by Harry Reed. No matter what decision is made this evening, a single-family home will be built on the western edge of the block because it is a lot and a half wide. If two duplexes are built, the neighborhood will consist of five single-family structures, two duplexes, another single-family home, and two duplexes at the end of the street. Ms. Constable stated that the neighbors prefer single homes to duplexes because it is a neighborhood and should remain so. Also, single-family residences tend to attract permanent owners who take better care of the grounds and maintenance of the home. She noted that Deer Valley Drive is a high traffic area where speeding occurs, and pedestrians and bicyclists use the road extensively. She stated that she lives on the blind curve where Deer Valley Loop intersects with Deer Valley Drive, and it is difficult to pull out safely into oncoming traffic. The Marsac/Deer Valley Drive connection creates extensive traffic jams, and with Flagstaff and Deer Crest being developed, it will be difficult to come and go. She believed twin duplexes would double the number of cars pulling into oncoming traffic at an already dangerous section of Deer Valley Drive, and she did not think the situation should be complicated. She suggested utilizing the Land Management Code, Section 15.1.7(b)2 which in part states, "Such private provisions are not inconsistent. If such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed, provided, however, that the City is under no obligation to enforce private covenants." Ms. Constable interpreted that statement to mean that the City cannot enforce CC&Rs, but it can respect them. She referred to other sections in the Code that address the complexity of undue congestion and pedestrian and auto use. She asked why the Land Management Code exists if not to be utilized in such a manner.

David Constable discussed the Land Management Code and issues of neighborhood and site compatibility. He noted that there is 100 feet of frontage with this site, and if two duplexes are built, there will be 80 feet of building or 80 feet of garage showing along the 100 feet, leaving a couple of 5-foot setbacks which effectively maximizes the site. He believed the plan offered garage barrage because there will be 80 feet of garage and 20 feet of side yard setback. He encouraged the Planning Commission to visit the site and envision what 80 feet of garage would look like next to the five single-family homes to the east. This plan would leave 10 feet of separation between the two buildings, and Ron Ivie has indicated that ideally he would like to see 15 feet of separation for snow shedding which this plan does not offer. Mr. Constable felt that most of the issues could be alleviated by specifying two single-family residences, which would eliminate the site problems and work better with the neighborhood. He suggested that a one-and-a-half lot and two-and-a-half lot configuration would offer some mitigation and allow more room to move. He believed a two-duplex situation was too intense for the site and urged the Planning Commission to consider these issues. He believed the Planning Commission was empowered by the Land Management Code to deny approval of the twin duplexes based on these and other concerns expressed.

Chair Larson closed the public hearing.

Chair Larson summarized that the Planning Commission agrees on the issues of setbacks and architectural details. The main issue is whether development should be restricted to single family only, and he was unsure how to get to that point.

Commissioner Jones did not think it was possible to restrict to single family. They are dealing with a zoning district, and to clarify Ms. Constable's comment regarding the Land Management Code and the CC&Rs, he believed the Code indicated that CC&Rs are allowed if they do not conflict with the Code. The underlying zone allows single-family and duplex structures, and the only way to force single family is to enforce the CC&Rs. He noted that the Land Management Code specifically states that the City will not enforce CC&Rs, which leaves no choice but to look at the project from the standpoint of the underlying zoning. He clarified that the Planning Commission is not reviewing buildings at this point, and building approval must go through the building permit process.

Administrator Putt stated that at the building permit stage, snow removal, snow release, and roof and design issues will be addressed.

Commissioner O'Hara agreed with Commissioner Jones and discussed his concern about traffic in the area. He explained that he lives in the area and appreciated the Constables' concerns regarding traffic. He believed neighborhood compatibility allowed single family and duplexes, although he could see other reasons related to traffic for preferring single family or no development at all. He requested that the Staff look at number of curb cuts, shared driveway space, and other forms of traffic mitigation before approving construction on the property. Chair Larson suggested adding a clause to Condition 6 stating that all attempts will be made to mitigate traffic impacts on Deer Valley Drive, which will place that issue under the purview of the Community Development Department for review. Commissioner O'Hara stated that he was satisfied with that solution.

Commissioner Hays found it disheartening that everyone believed there was nothing they could do. She recalled discussions regarding no net increase in density, and she had not seen any comment from the Staff on that issue. Planner LoPiccolo replied that he previously asked the Planning Commission to establish density, which is contrary to what is typically done. They are pursuing a plat amendment to allow a permitted use, and to get a net gain of anything greater than single family, which is permitted, would yield additional density. Commissioner Hays agreed and noted that the applicant signed off to the CC&Rs on his deed which states a single-family home.

Chair Larson explained that the CC&Rs are a private issue between the homeowners.

Administrator Putt stated that the underlying zoning which has existed since the creation of the R-1 zone has been in place and remains to this day. The underlying expectation or uses would be based on the Land Management Code, not the CC&Rs.

Commissioner Hays pointed out that currently the applicant cannot build anything on the property without a variance or administrative lot line adjustment. She believed this meant they had no choice, because anything, including a single-family home, is an increase in density. With all the neighborhood compatibility, traffic, and safety issues expressed, she could not believe the Commission did not have a choice. Planner LoPiccolo explained that neighborhood compatibility is not an issue because there are duplexes in the area which consists of more than Block 65.

Administrator Putt explained that this is somewhat different from other plat amendments the Commissioners have seen in Old Town in the HR-1 zone because, unless they wish to run the risk of a possible takings, they must allow the applicant to aggregate his property to get a minimum lot size that complies with the R-1 zone. If the Planning Commissions accepts that premise, they are left with the responsibility of allowing the applicant to achieve at least the minimum lot size so he can build on his property. Once the minimum lot size is established, they take the next step and look at the underlying uses permitted in the R-1 zone and the existing character of the surrounding neighborhood. He urged the Planning Commission to broaden its scope and not limit the neighborhood definition to Block 65. They should look at both sides of the street and down the street. The Staff looked at the entire surrounding area and saw a mix of single-family, duplex, and larger multi-family structures. Based on that mix, the Staff could not draft a finding they believed was defensible that would limit the uses on this property to single family. If the Planning Commission concurs with the Staff recommendation, he requested that they forward a positive recommendation to the City Council based on revised conditions of approval.

Commissioner Hays disagreed and stated that she could not support the request. She was disappointed that the Planning Commission could not use the Land Management Code to enforce the goals of the community, which are to control growth.

Chair Larson stated that he understood her position and believed the Planning Commission sympathized with her and the neighbors, but they directed the Staff to draft a mechanism under the Land Management Code to restrict single family only and it could not be done.

MOTION: Commissioner Jones moved to forward a POSITIVE recommendation to the City Council for the proposed plat amendment application to amend Block 65 of the Park City survey based upon the findings of fact, conclusions of law and conditions of approval presented in the staff report with language modifications as discussed.

Administrator Putt offered the following language to better clarify some of the conditions.

Condition 5 - "All structures, including decks in excess of 30 inches above grade, shall maintain a 75-foot rear yard setback.

Condition 6 - strike the word "duplexes" and insert the word "structures."

Condition 7 - "The area comprising the rear 75 feet of the proposed lots may not be included in the overall lot area for the purpose of calculating minimum lot size."

Condition 8 - "All attempts shall be made by the applicant and/or property owners during the site design review to minimize the number of access points onto Deer Valley Drive."

Condition 9 - "The front yard setbacks for all structures shall be varied."

Commissioner Jones incorporated the changes into his motion.

Commissioner O'Hara requested that Conclusion of Law 1 be modified to replace "not" with "nor." Commissioner Jones accepted this revision.

Commissioner O'Hara seconded the motion.

VOTE: The motion passed 3 to 1, with Commissioners Jones, O'Hara, and Zimney voting in favor of the motion and Commissioner Hays voting against the motion.

Findings of Fact - 355 Deer Valley Drive

1. The property is in the R-1 Zone.

2. The subject property consists of slopes greater than 45%. Construction on such slopes involves extensive grading, site disturbance, and construction impacts.

3. Deer Valley Drive is characterized by single-family dwellings and multi-family structures.

4. The R-1 Zone is a transition zone between the single-family and duplex uses of the HR-1 District.

5. The plat amendment is necessary to combine the six full lots and four half lots into two 7,500-square-foot lots of record.

6. The proposed lot combination will create two 7,500-square-foot lots. Minimum lot size for a duplex is 3,750 square feet.

7. The applicant stipulates to all conditions of approval.

Conclusions of Law - 355 Deer Valley Drive

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

2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding Subdivision plats.

Conditions of Approval - 355 Deer Valley Drive

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.

2. All standard project conditions shall apply, and Land Management Codes shall apply.

3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, the approval and the plat shall be considered null and void.

4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

5. All structures, including decks in excess of 30 inches above grade, shall maintain a 75-foot rear yard setback.

6. The design of the structures shall be reviewed by Planning Staff for conformance with the Historic District Design Guidelines in determining compatibility with the immediate neighborhood in terms of architecture and on-site parking prior to issuance of a building permit.

7. The area comprising the rear 75 feet of the proposed lots may not be included in the overall lot area for the purpose of calculating minimum lot size.

8. All attempts shall be made by the applicant and/or property owners during the site design review to minimize the number of access points onto Deer Valley Drive.

9. The front yard setbacks for all structures shall be varied.

The Park City Planning Commission Meeting adjourned at 8:15 p.m.

Approved by Planning Commission________________________________

Ordinance No. 99-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO CONSOLIDATE SIX FULL AND FOUR PARTIAL LOTS INTO TWO 7,500 SQUARE FOOT LOTS OF RECORD AT 355 DEER VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owner, Zamir Tarmu, of the property known as 355 Deer Valley Drive, have petitioned the City Council for approval of an amendment to Block 65 of the Park City Survey; and

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

WHEREAS, on February 10, 1999 the Planning Commission held a public hearing to receive public input on the proposed final plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner; and

WHEREAS, on March 18, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, the proposed plat amendment allows the property owner to consolidate six full lots and four partial lots into two separate 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:

1. The property is in the R-1 Zone.

2. The subject property consists of slopes greater than 45%. Construction on such slope involves extensive grading, site disturbance, and construction impacts.

3. Deer Valley Drive is characterized by single-family dwellings, and multi-family structures.

4. Deer Valley Drive is the main entry to the Deer Valley Ski area and is a heavily traveled road.

5. The R-1 Zone is a transition zone between the single-family and duplex uses of the HR-1 District.

6. The plat amendment is necessary to combine the six full lots and four half lots into two 7,500 square foot lots of record.

7. The proposed lot combination will create two 7,500 square foot lots. Minimum lot size for a duplex is 3,750 square feet.

8. The applicant stipulates to all conditions of approval.

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

1. Neither the public nor any person will be materially injured by the proposed plat revision.
2. There is good cause for the amendment.
3. The amended plat is consistent with the Park City Land management Code and applicable State law regarding Subdivision plats.

SECTION 3. CONDITIONS OF APPROVAL. The proposed plat amendment attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. All standard Project Conditions shall apply and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.

4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.

5. All structures including decks in excess of 30 inches above grade, shall maintain a 75-foot rear yard setbacks.

6. The structures shall be reviewed by Planning staff for conformance with the Historic District Design Guidelines in determining compatibility with the immediate neighborhood in terms of architecture, on-site parking prior to issuance of a building permit. The front yard setbacks for all structures shall be varied.

7. In order to minimize adding additional curb cuts, all attempts shall be made by the property owners/ applicant during the site design review to minimize the number of access points onto Deer Valley Drive.

8. The area comprising the rear 75 feet of the proposed lots may not be included into the overall lot area for the purpose of calculating minimum lot size.

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

PASSED AND ADOPTED this 18th day of March, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, Deputy City Attorney

COUNCIL AGENDA REPORT

DATE: March 18, 1999
DEPARTMENT: Golf
AUTHOR: Craig Sanchez, Golf Course Manager
TITLE: **Fee Increase**
TYPE OF ITEM: Approval

SUMMARY RECOMMENDATIONS

Approve Fee Increase for the Park City Golf Course.

DESCRIPTION

A. Topic:

The Park City Golf Course is requesting approval for a fee increase for the 1999 golf season.

B. Background:

In March of 1996 City Council approved a 10 year fiscal plan designed by Golf Course and City Finance staff. The basis of this plan was to keep Park City Golf Course a fiscally sound enterprise fund. Capital funds were also to be built into this fund for future CIP projects.

The Golf Course is a popular recreational facility for residents and tourists. We have been operating at full capacity for about 10 years. Because of our limited season, revenue from additional users is difficult. With Park City being the only public golf course in town we found the public having difficulty making tee times when we had large tournaments. We are currently undertaking a program to replace most of these tournaments with smaller groups from local lodging association members. This may provide a slight increase in revenues.

During golf season 1995, 49% of our customers were non-resident. They accounted for 63% of our revenues. In 1998 those numbers dropped to 32% of our play, and 47% of our revenue. Because of the significant increase in local play revenue dropped slightly in 1998. The proposed fee increase will compensate for the increase in local play.

C. Analysis

Approval of the proposed fee increase would allow us to continue operating the Golf Course at a profit. It would allow for the development of an operations and maintenance reserve and capital improvements fund.

The philosophy of having reserve funds is to provide money for:

1) any revenue shortfalls.
2) an emergency or disaster.
3) any expenditures in excess of revenues.
4) to finance the ongoing projects involved in the golf course master plan. These might include:
The re-seeding of the fairways.
Building new forward tee boxes.
Improve tee area with new signs, benches, flowers, and markers.
Constructing continuous cart paths.

The fee increase would also give us the opportunity to hire two more maintenance staff. This would bring us up to staffing levels consistent with other public courses in the area.

D. Review

The Leisure Services Department, and the Department of Capital Management and Budget have endorsed this plan.

On March 8, 1999 the Golf Advisory Committee reviewed and endorsed this plan.

ALTERNATIVES

A. Approve the increase.
Staff recommendation

B. Deny the fee increase.

C. Continue the item for further discussion and input.

D. Approve smaller increase.

E. Approve different mix of percentage increases.

SIGNIFICANT IMPACTS

A. Rates for residents would rise by 14%.

B. Rates for non-residents would rise by 8%.

C. Tournament or Lodging access rounds would rise by 33%.

D. Revenues will increase by 12% with the same mix of player rounds.

RECOMMENDATION

Staff recommends approval of the fee increase.

This is an exerpt of the Leisure Services fee resolution, outlining the recitals and the proposed golf fee revisions .

Resolution No. -99

RESOLUTION ADOPTING REVISED GOLF FEES AND REPEALING AND REPLACING RESOLUTION NO. 4-98, IN ITS ENTIRETY FOR LEISURE SERVICES INCLUDING RACQUET CLUB, GOLF, LIBRARY, CEMETERY, PARKS, AND CITY FACILITIES FOR PARK CITY, UTAH

WHEREAS, it is necessary for the City Council to amend fee resolutions from time to time, to reflect current policies and philosophies regarding the increased costs of performing services and providing programs and other public benefits; and

WHEREAS, the City Council finds it in the best interest of the public to adjust golf fees at this time;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah, that Section 4E is hereby amended and the Leisure Services Fee Resolution is hereby adopted as follows:

SECTION 1. PURPOSE AND PHILOSOPHY. Leisure Services Administration, the Park Department and the Library are divisions of Leisure Services supported primarily by tax dollars through the City's General Fund. The Recreation Department, Racquet Club and Golf Course have been established as enterprise funds and should be primarily supported by revenues other than taxes. This policy applies to Recreation/Racquet Club and Golf Course Enterprise funds.

The purpose of this resolution is to establish a level of operations and maintenance cost recovery for programs, activities and facilities, and direction for establishing fees and charges for the use of and/or participation in the programs, activities and facilities offered by the Recreation Department, Racquet Club and Golf Course.

It is the intent of the City to offer its Leisure Services programs, activities and facilities to the entire community. To help offset the cost of providing these services, and since the primary beneficiaries of these services are users, it is appropriate to charge fees that are adequate to fund operation of the facility in line with other like programs.

SECTION 2. COST RECOVERY. It is the intent of the City to recover roughly 80% of the operations and maintenance expenses incurred by the Recreation Department and the Racquet Club and 100% of the operations and maintenance expenses incurred by the Golf Course through sources of revenue other than taxes. The City's cost recovery plan is described in detail in the City's budget document. User fees should not be considered the only source for accomplishing this objective. Revenues may also include:

A. Increases in program participation.
B. Fees charged for non-recreational use of facilities (conventions/special events)
C. Rental income
D. New programs or activities
E. Private sponsorship of programs or activities
F. Public agency grants or contributions.

SECTION 3. ESTABLISHING USER FEES. Fees shall be set at a level which ensures program quality and meets the objectives of the City Council.

A. **Resident Discount**. Those people whose primary residence is within the City limits; are currently paying property tax within Park City; or are holding a valid Park City business license and leasing or renting office space within Park City are entitled to obtain a recreation card. In most circumstances those who qualify for a recreation card will pay lower fees. Those who don't qualify for a recreation card may, for an annual fee, participate in select programs or activities at the resident discount rate for Racquet Club and recreation programs only.

B. **Recreation Program Fees**. The Recreation Department, the Racquet Club and the Golf Course offer a variety of organized programs and activities. Due to the fluctuations in the number of participants and frequent changes in circumstances, program fees are established on a program-by-program basis by dividing the number of projected participants by the estimated program costs. Fees are then published in the Leisure Services quarterly brochure. In most cases, fees will be kept commensurate with fees charged by others providing like service.

C. **Fees for Non-Recreational Activities at the Racquet Club Facility**. The fees charged for non-recreational or special event use will be competitive with the marketplace providing the fees cover a minimum of: a) the costs involved in the production of the event; and b) recovery of lost revenue.

The Racquet Club facility is principally for recreation. Non-recreation activities usually will be charged up to fifty percent (50%) more than the minimum. No fee waivers for non-recreational or special event use will be permitted. However, the City Council may authorize the City to pay all or a portion of the fee in accordance with the master festival ordinance provisions.

D. **Fee Increases**. Recommendations for fee increases may be made on an annual basis. The City will pursue frequent small increases as opposed to infrequent large ones. Staff will be required to provide an annual review and analysis of the financial posture of the Recreation Fund and Golf Course Fund along with justification for any recommended increase. When establishing fees, the City will consider rates charged by other public and private providers as well as the ability of the users to pay.

To establish and maintain the Council's objective of 80% cost recovery, the City Manager will have the authority to annually increase fees up to $.50 or 10%, whichever is greater. Any requested increase over that amount will require Council action.

Fee increases will take place only if they are necessary to achieve the City Council's objective and maintain program quality, and only with the authorization of the City Manager or the City Council.

E. **Discounting Fees**. The Leisure Services Director may, at his discretion, discount fees when:

1. Offering special promotions designed to increase use.
2. Trying to fill non-prime time.
3. Introducing new programs or activities.
4. Playing conditions are below standard due to weather or facility disrepair.

F. **Fee Waivers**. The City intends that no resident under 18 years old or over age 65 be denied the use of any program, activity or facility for reasons of financial hardship. The Leisure Services Director may, at his discretion, waive all or a portion of a fee, or may arrange offsetting volunteer work for anyone demonstrating an inability to pay for services.

SECTION 4. ESTABLISHED FEES AND CHARGES.

A. **Annual City Resident Recreation Card**

$ 5.50 First card per family
5.50 Each card thereafter
5.50 Per card renewal fee

B. **Annual County Resident Recreation Card**

$200.00 First card per family
5.50 Each card thereafter

D. **Racquet Club Fees**

Punch Card Admission. For ease of administration and convenience to users, a punch card system has been established for Racquet Club programs and activities. Tennis court time and drop-in use may be purchased in advance and used when needed. The purchase of a punch card may result in a savings off the regular rate.

Tennis Court Fees. Tennis court fees will now be charged on a per-person rate basis for play as follows:

Hourly Court Fees

	Indoor Singles	Indoor Doubles	Outdoor Singles	Outdoor Doubles
Per-Person Charges:				
Resident discount rate	$ 7.00	$ 3.50	$ 3.00	$ 1.50
Regular rate	14.00	7.00	6.00	3.00
Full Court Charges:				
Resident discount rate	$14.00		$ 6.00	
Regular rate	28.00		12.00	

Drop-in Fees. Drop-in activities may include use of any or all facility amenities, except tennis.

Resident discount rate	$3.50
12 and under	2.00
Regular rate	$6.75
12 and under	4.00

E. **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.

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

Green Fees

Resident 9	$ ~~8.75~~10.00
Resident 18	~~17.50~~20.00
Regular 9	~~15.25~~16.50

Regular 18	~~30.50~~33.00
Off season 9	~~11.75~~13.25
Off season 18	~~23.50~~26.50

Pass Rates

Resident pass	$~~522.00~~600.00
Regular pass	~~702.00~~775.00
Junior/Senior pass	~~260.00~~300.00
Punch pass	~~235.00~~265.00
Senior punch pass	~~220.00~~240.00

Golf Cart Rental

Pull cart 9	$ ~~1.75~~ 2.00
Pull cart 18	~~3.50~~ 4.00
Ride 9	14.00
Ride 18	~~23.50~~ 24.00
Cart pass	~~350.00~~360.00

Range Fees

Small bucket	$ 2.50
Large bucket	5.00
Range pass	~~145.00~~150.00

County - Association Golf Tag $ ~~60.00~~ 75.00

F. **Library Fees**:

The Park City Library Board routinely reviews non-resident fee options and recommends changes. Library services, which are funded by the General Fund, are provided without charge to property owners, residents, and renters within the City's boundaries. Non-resident card fees are charged to those who request borrowing privileges but live outside the City's taxing area.

Non-Resident Card Fees

Family membership	$ 75.00 per year
Temporary membership	20.00 plus $10.00 deposit for a period of 90 days
Student card (Grades 6 - 12)	25.00 per year ($15.00 from student and $10.00 from Summit County)

PARK CITY

1884

COUNCIL AGENDA REPORT

DATE:	March 18, 1999
DEPARTMENT:	Public Works
AUTHOR:	Hope E. Bleecker, Transportation Director
TITLE:	Grant Agreement with Utah Department of Transportation (UDOT) under 1997 Section 5311 Appropriation
TYPE OF ITEM:	Legislative

3/18/99

SUMMARY RECOMMENDATIONS: Authorize execution of a grant agreement in the amount of $107,322 with UDOT to purchase two small buses. The local match required for the project is a not-to-exceed amount of $21,464 (20%).

DESCRIPTION:

A. Topic.
Approval of Section 5311 Grant Agreement with UDOT for purchase of two small buses.

B. Background.
Park City submitted an application to UDOT in 1996 for funds to purchase two small buses under the federal Section 5311 program (formerly Section 18 of the Urban Mass Transit Act). Monies supplied under this federal program are typically used for capital replacement and are awarded to states by the Federal Transit Administration (FTA). They are then apportioned at the discretion of state transportation departments and are awarded, with a few exceptions, to transit properties which serve nonurbanized areas.

C. Analysis.
The 1997 funds made available to Park City under the Section 5311 program will be applied toward the purchase of two 13 passenger vehicles . The vehicles will be similar in appearance to those shown in the attached illustrations. They will be used in Park City's paratransit program and as spare vehicles for existing or planned local circulator services. The procurement is planned to commence immediately and will last seven months from bidding through delivery (April- October 1999). The City will be reimbursed after vehicle delivery. Twenty-one thousand four hundred sixty-four dollars ($21,464)(20%) in local transit funds will be used to supplement eighty-five thousand eight hundred fifty-eight ($85,858)(80%) federal dollars for the purchase.

D. **Department Review**. This proposal has been reviewed by the City Manager, the Director of Capital Management and Budget, and the Finance Manager.

ALTERNATIVES:

A. Authorize staff to enter into a grant agreement with UDOT for Section 5311 funds.
B. Finance 100% of the purchase with local transit dollars.
C. Seek other sources of funding.
D. Do nothing.

SIGNIFICANT IMPACTS:

This authorization results in equipment replacement at one-fifth of the cost of buying the vehicles without federal participation.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Delaying the execution of the attached grant agreement with UDOT will significantly delay the procurement of the vehicles. Currently, there is no indication that Park City's request for new equipment to the FTA may yield 100% funding, nor have FTA funds or other sources become available before these UDOT funds. Therefore, acceptance of the funding for the purchase of two small vehicles is recommended.

RECOMMENDATION:

Execute a grant agreement for up to $107,322 in Section 5311 funds with the Utah Department of Transportation for the purchase of two small buses for the Park City Transit System. The agreement allows for receipt of up to $85,858 in federal dollars which will supply up to 80% of the total purchase price.

2497

RURAL PUBLIC TRANSPORTATION ASSISTANCE
FEDERAL TRANSIT ADMINISTRATION SECTION 18
CODIFIED AS 49 USC §5311
INTERAGENCY CONTRACT AGREEMENT

THIS AGREEMENT made this 23rd day of FEBRUARY, 1999 by and between the State of Utah (hereinafter referred to as "State") acting by and through the State Department of Transportation (hereinafter referred to as "Department") and the PARK CITY MUNICIPAL CORPORATION, a public non-profit organization (hereinafter referred to as "Contractor") acting by and through TOM BAKALY, DIRECTOR OF CAPITAL PROJECTS & BUDGET its duly authorized representative, whose office is located at 445 MARSAC AVENUE, PARK CITY, UTAH 84060-1480.

WHEREAS, Section 18 of the Federal Transit Administration Act of 1964, as amended, provides a formula assistance program to public non-profit corporations for the specific purpose of assisting them in providing public transportation services in small urban and rural areas for purposes such as health care, shopping, education, recreation, public services and employment; and

WHEREAS, the Governor of the State of Utah, in accordance with the Federal Transit Administration (hereinafter referred to as FTA), has designated the Department to evaluate and select projects proposed by public/private non-profit organizations and to coordinate the grant applications; and

WHEREAS, the State and the Contractor desire to secure and utilize grant funds for the transportation needs of the citizens of the State of Utah;

NOW THEREFORE, in consideration of the mutual covenants herein set forth, the State and the Contractor agrees as follows:

Section 1. Purpose of Agreement. The purpose of this Agreement is to provide for the undertaking of transportation services to the general public (hereinafter referred to as "Project") by the Contractor and to state the terms, conditions and mutual understandings of the parties as to the manner in which the Project will be undertaken and completed.

Section 2. Scope of Project. The Contractor shall undertake and complete the Project as described in its Application, herewith incorporated by reference, filed with and approved by the Department and FTA, and in accordance with the terms and conditions of this Contract.

Section 3. Period of Performance. The Contractor shall commence, carry on and complete the Project with all practicable dispatch, in a sound, economical and efficient manner.

Section 4. Cost of Project. The cost of the Project shall be in the amount indicated in the attached project Description and Budget and shall be borne in the manner described therein. The Contractor agrees that it will provide from sources other than federal funds in the amount sufficient, together with the Grant, to assure payment of the actual Project cost. The Contractor shall initiate and prosecute to completion all actions necessary to enable the Contractor to provide its share of the Project costs at or prior to the time that such funds are needed to meet Project costs. The Contractor further agrees that no refund or reduction of the amount so provided will be made at the same time, unless there is at the same time a refund to the State of a proportional amount of the Grant.

Section 5. Purchase of Project Equipment. The purchase of all project equipment financed in whole or in part pursuant to this Agreement shall be undertaken by the Department on behalf of the Contractor, or by the Contractor in accordance with the procedures set forth by the Office of Management & Budget in Title 49 CFR, Part 18, Section 18.36, 49 CFR Parts 567, 661, 663, 665, and FTA Circular 4220. 1B; Third Party Contracting Guidelines. Equipment purchased under this contract shall be identified on Exhibit "A" at the time of delivery and will constitute as the legal description of the equipment purchased under this contract.

Section 6. Use of Project Equipment. The Contractor agrees that the Project equipment and facilities shall be used for the provision of transportation service within the area described in the Project Description for the duration of its useful life. If, during such period, any Project not used in this manner or withdrawn from transportation service, the Contractor shall

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immediately notify the Department and shall dispose of such project equipment in accordance with procedures in Federal Register Title 49 Part 18, Section 18.32 and Utah State FTA Programs Management Plan Section Four.

The Contractor shall keep satisfactory records with regard to the use of property and submit to the Department, upon request, such information as is required in order to assure compliance with this Section and shall immediately notify the Department in all cases where Project is used in a manner substantially different from that described in the Project Description. The Contractor shall maintain in amount and form satisfactory to the Department such insurance or self-insurance as will be adequate to protect Project facilities and/or equipment throughout the period of required use.

The Contractor shall also submit to the Department at the beginning of each calendar year during such period a certification that the Project equipment is still being used in accordance with the terms of this Section and that no part of the local contribution to the cost of the Project has been refunded. During the period of contract performance, the Contractor shall maintain the project equipment and facilities at a high level of cleanliness, safety and mechanical soundness. The Department and FTA shall have the right to conduct periodic inspections for the purpose of confirming proper maintenance pursuant to the Section.

Section 7. Contracts Under This Agreement. Unless otherwise authorized in writing by the Department, the Contractor shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the Department.

Section 8. Records and Reports.

(a) Establishment and Maintenance of Accounting Records. The Contractor shall establish and maintain, in accordance with requirements established by the Department, separate accounts for the Project, either independently or within its existing accounting system, to be known as the Project Account.

(b) Documentation of Project Costs. All charges to the Project Account shall be supported by properly executed invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges, in accordance with the rules and regulations of the Department.

(c) Method of Payment. The Department uses the Letter of Credit procedure with FTA. The Contractor shall submit all original invoices related to the procurement of equipment or services to the Department and the Department will request the federal share from the Denver Regional Treasury Disbursement Center. After the Federal funds are received and properly deposited by the State Treasurer, the UDOT comptroller will request that a two-party check be prepared in the name of the Contractor and the supplier of goods or services.

(d) Reports. The Contractor shall advise the Department regarding the progress of the Project at such times and in such manner as the Department may require including, but not limited to, meetings and interim reports.

The Contractor shall submit to the Department, at such time as may be required, such financial statements, data, records, contracts and other documents related to the Project as may be deemed necessary by the Department.

Section 9. Audit and Inspection. The Contractor shall permit the Department, the Comptroller General of the United States and the Secretary of the United States Department of Transportation or their authorized representatives, to inspect all vehicles, facilities and equipment purchased by the contractor as part of the Project, all transportation services rendered by the Contractor by the use of such vehicles and equipment, and all relevant Project data and records. The Contractor shall also permit the above named persons to audit the books, records and accounts of the Contractor pertaining to the Project. If the Contractor receives over $25,000 in Federal funds from all sources, he shall submit an audit to the Department annually, following the procedures in the Single Audit Act of 1984, Circular A-128.

Section 10. Termination.

(a) Without Cause. The State reserves the right to terminate the Project and cancel this Agreement by written notice from the

Department to the Contractor.

(b) With Cause. The Department may, by written notice to the Contractor, terminate the Project and cancel this Agreement for any of the following reasons:

(1) The Contractor discontinues the use of such vehicles, equipment or facilities during their useful lives for the purpose of providing public transportation services.

(2) The Contractor takes any action pertaining to this Agreement without approval of the Department and which, under the procedures of this Agreement, would have required the approval of the Department.

(3) The commencement, prosecution or timely completion of the Project by the Contractor is, for any reason, rendered improbable, impossible or illegal.

(4) The Contractor shall be in default under any provision of this Agreement.

(c) Action Upon Termination. Upon termination of the Project and cancellation of this Agreement under the provisions of paragraph (a) or (b) of this article, the Contractor agrees to dispose of the Project equipment in accordance with FTA procedures under Title 49 CFR Part 18 and Utah State Programs Management Plan for FTA Sections 16 and 18.

Section 11. Contract Changes. Any proposed change in this contract shall be submitted to the State for its prior approval.

Section 12. Interest of Members of or Delegates to Congress. No member or delegate to the Congress of the United States shall be admitted to any share of part of this contract or to any benefit arising therefrom.

Section 13. Prohibited Interest. No member, officer or employee of the Contractor during his/her tenure or one year thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof.

Section 14. Equal Employment Opportunity. In connection with the execution of this contract, the Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The contractor shall take affirmative action to insure that applicants are employed, and that employees are treated during their employment without regard to their race, religion, color, sex or national origin. Such actions shall include, but not be limited to the following: Employment, upgrading, demotion or transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship.

Section 15. Motor Vehicle Safety and Pollution.

(a) Motor Vehicle Safety Standards. The motor vehicles will comply with the Motor Vehicle Safety Standards as established by the State of Utah.

(b) Commercial Driver License (CDL) Requirement. The Contractor shall require all persons operating project vehicle(s) to adhere to all safety rules set forth by the State of Utah which shall include, but not be limited to, proper commercial driver licensing, as required by Utah/Federal Law.

(c) Motor Vehicle Pollution Requirements. When new motor vehicles are purchased, there shall be obtained from each vendor a certification in writing that:

The horsepower of the vehicle is adequate for the speed range and terrain in which it will be required to operate and also to meet the demands of all auxiliary power equipment.

All gases and vapors emanating from the crankcase of a sparkignition engine are controlled to minimize their escape into the atmosphere.

Visible emission from the exhaust will not exceed #1 on the Ringlemann Scale when measured six inches from the tail pipe with the vehicle in steady operation. When the vehicle has been idled for three minutes and then accelerated to 80 percent of the rated speed under load, the capacity of the exhaust will not exceed #2 on the Ringlemann Scale for more than five seconds, and not more than #1 on the Ringlemann Scale thereafter.

Section 16. Title VI - Civil Rights Act of 1964. The Contractor will comply with all requirements imposed by Title VI of the Civil Rights Act of 1967 (78 State. 252), the Regulations of DOT issued thereunder (CFR Title 49, Subtitle A, Part 21), and the assurance by the Department pursuant thereto.

The Contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The requirements of 49 CFR Part 23 and the Department's U.S. DOT-approved disadvantaged business enterprise (DBE) program, where required, are incorporated in this contract by reference. Failure by the Contractor to carry out these requirements is a material breach of the contract, which may result in the termination of this contract or such other remedy as the Department deems appropriate.

Section 17. Disadvantaged Business Enterprise. The Contractor agrees to facilitate participation of disadvantaged business enterprises (DBE) in accordance with current U.S. DOT regulations at 49 CFR Part 23, including any amendments that may be made to those regulations during the term of this Contract.

Section 18. The Contract shall include all subcontractors entered into pursuant to this Agreement all of the above-required clauses. In addition, the following provision shall be included in any advertisement or invitation to bid for any procurement under this Agreement:

Statement of Financial Assistance

This contract is subject to a financial assistance contract between the State of Utah and the U.S. Department of Transportation.

Section 19. Legal Notification. The Contractor shall attach the following statement to the deed/title of the property purchased or constructed under this contract to constitute legal notification:

> This vehicle/property was purchased in part with Federal funds from the Federal Transit Administration.

Section 20. State Lien. In order to protect the State's interest and establish its right to claim property in the event of a bankruptcy or other creditor action against the Contractor, a security interest lien on all equipment, vehicles, etc., purchased under this contract shall be obtained and properly recorded, showing the Department as the secured party. Vehicle titles shall show the Utah Department of Transportation as First Lien Holder.

Section 21. Non-Discrimination on the Basis of Disability. The Contractor will comply with applicable requirements imposed by Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 USC 790), the regulations of DOT issued thereunder (CFR Title 49, Part 27), and the assurance by the Department pursuant thereto. In addition, all applicable requirements of the Americans With Disabilities Act of 1990, as amended will be complied with by the Contractor.

Furthermore, the Contractor agrees to comply with and assure that any third party contractor under this project complies with all applicable requirements of the Americans With Disabilities Act of 1990, 42 USC, Section 12101 et seq. and 49 USC, Section 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC, Section 794; Section 16 of the Federal Transit Act, as amended, 49 USC, app. Section 1612; and all regulations and any amendments thereto.

Section 22. Special 13(c) (§5333(b)) Labor Protection Warranty. The Contractor hereby agrees to comply with the terms and conditions of the warranty provisions as established by the U.S. Department of Labor and accepts full financial responsibility for any claims awarded by the courts that may occur within the service area of the Project because of the federal financial grant.

Section 23. Resolution of Disputes. The Contractor agrees to establish a process whereby any disputes or conflicts from private providers arising out of the Section 18 program will be properly heard and settled.

Section 24. Licensing. The Contractor shall comply with State Motor Vehicle regulations in properly licensing all vehicles purchased under this contract. Exempt plates cannot be issued to private non-profit organizations. If vehicles are found to be licensed, registered, or titled improperly, all costs to conform to the State Motor Vehicle Regulations shall be borne by the Contractor.

Section 25. Insurance. The Contractor shall comply with all applicable motor vehicle laws, and will secure a certificate of insurance covering each project motor vehicle which shall demonstrate that the Contractor has obtained all insurance required by State law and, when applicable, Federal law. The following is considered minimum allowable per vehicle:

1. Bodily Injury Liability
2. Property Damage Liability
3. Collision
4. Comprehensive
5. Uninsured Motorist
6. No Fault

This insurance will continue uninterrupted throughout the period of required use.

Section 26. The Contractor hereby agrees to indemnify and save harmless the State of Utah, the Department and their officers, agents and employees from and against any and all loss, damages, injury, liability and claims therefore, including claims for personal injury or death, damages to personal property and liens of workmen and material men, howsoever caused, resulting directly or indirectly from the performance of this agreement by the Contractor.

IN WITNESS WHEREOF: This Agreement has been executed by the State acting by and through the Department, who has caused the seal of his office to be affixed hereto, and the Contractor by and through a duly authorized representative has executed this Agreement effective the day and year first above written.

CONTRACTOR: PARK CITY MUNICIPAL CORPORATION

NAME: Tom Bakaly

BY: T Bakaly

TITLE: Director of Capital Programs + Budget

****

UTAH DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR APPROVAL:

By:________________________________

Manager, Transit Plans/Programs
Lowell C. Elmer

APPROVED AS TO FORM
ATTORNEY GENERAL

APPROVED:

By:__________________________

Program Development Director
Linda T. Hull

CONTRACT ADMINISTRATOR:

By:____________________________

Date:______________

EXHIBIT A

III. ESTIMATED CAPITAL BUDGET FOR TRANSPORTATION PROJECT (FFY97):

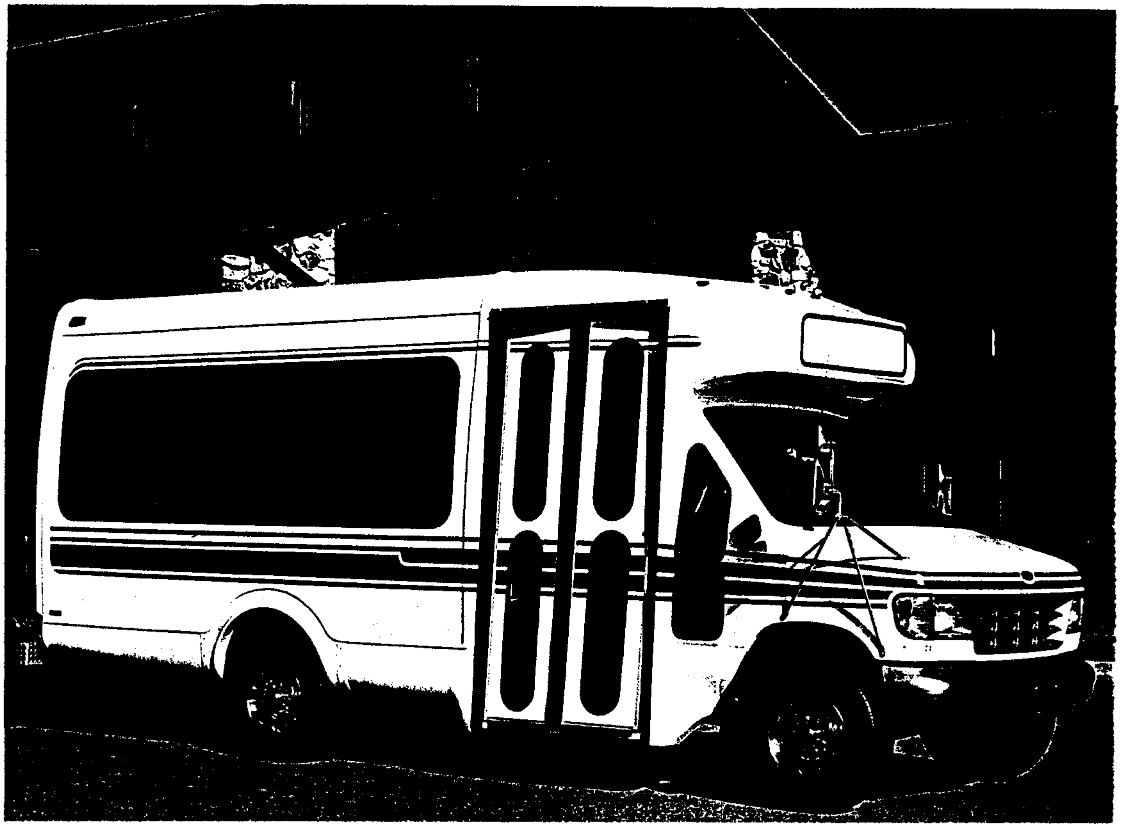
ESTIMATED VEHICLE COST:	NUMBER	UNIT COST	TOTAL
5 - 9 Passenger Van, Suburbans			
10 - 16 Passenger Vehicle	2	$53,661	$107,322
17 - 24 Passenger Vehicle			
Transit Bus (up to 30 adult passengers) N.G. Trolley			
(over 30 adult passengers)			
Vehicle Rehabilitation (Major Drive Train Only)			
Delivery and Preparation Cost Per Vehicle			
Total Estimated Vehicle Cost			
ESTIMATED COST FOR RELATED EQUIPMENT:			
Wheelchair Lifts			
Wheelchair Ramps			
Radio Equipment			
Air Conditioning			
Other Equipment (Describe) Seating			
Total Estimated Cost for Related Equipment			
ESTIMATED COST OF OTHER FACILITIES:			
Passenger Shelters			
Construction, Renovation of Facilities			
Total Estimated Cost of Other Facilities			
Total Estimate			
CONTINGENCIES (5%)			
Total Estimated Cost of Project			$107,322
FEDERAL GRANT REQUESTED (80% OF PROJECT)			$ 85,858
LOCAL CONTRIBUTION (20% OF PROJECT)			$ 21,464

Aerotech

ElDorado National

STARTRANS™

CANDIDATE SERIES

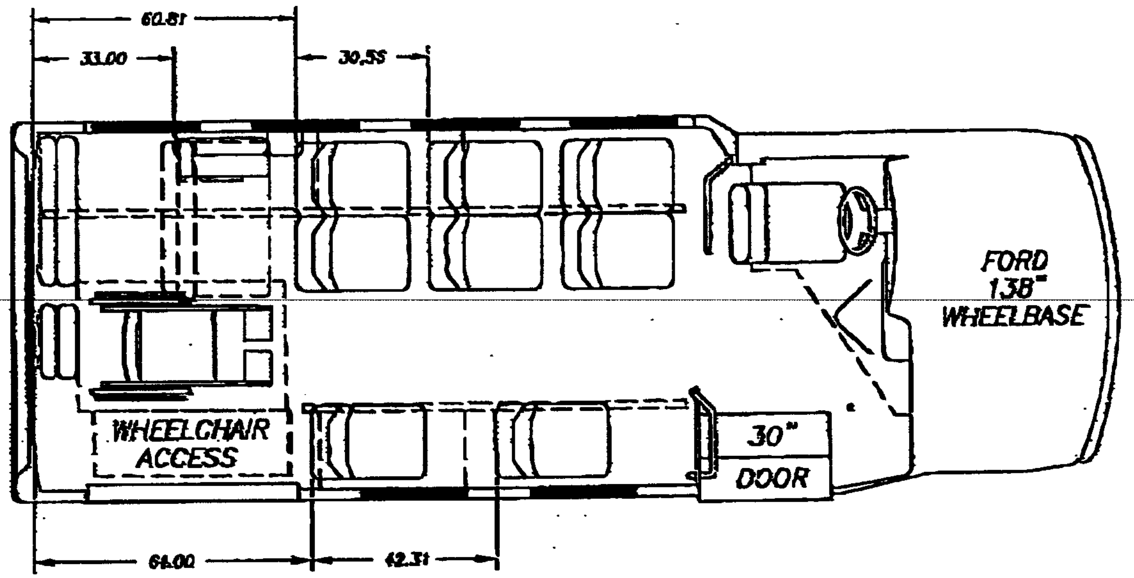


Candidate Series Shuttler

You don't need a CDL (Commercial Driver's License) to drive the StarTrans Candidate Series, just your regular operators license is required. This single wheel, 20' model with its narrowed width can provide efficient service for a variety of transit needs. Its smart appearance combined with Supreme's talent in comfort planning create a bus that runs with a lot of pride. And when you carefully review the standard and optional features available in equipping your durable StarTrans Candidate, you can be certain you'll have a model that fits your needs.

Candidate Series ParaTransit Buses

You can see that Supreme paid special attention to the needs of the handicapped when you review the planning that's built into this Candidate Series ParaTransit bus. The large double doors make wheelchair entry and exit easy. With all the comfort planning, the bus puts on a smart exterior appearance that adds a touch of pride while performing its en route duty.



NEXT ASSY.: NONE
SUPERCEDES: NONE
DO NOT SCALE DRAWING
MARK PART NUMBER AND REVISION ON ALL PARTS

THIS DRAWING IS THE PROPERTY OF ELDORADO NATIONAL COMPANY, A THOR INDUSTRIES COMPANY, AND IS NOT TO BE DUPLICATED OR USED IN ANY WAY DETRIMENTAL TO THEIR BEST INTEREST.

REV.	BY	DATE	DESCRIPTION	ER NUMBER
-	TSM	01/28/98	RELEASE TO PRODUCTION	

TOLERANCE UNLESS SPECIFIED
FRACTIONS ± 1/16
DECIMALS .00 ± .06
ANGLES ± 1 DEG.

DRAWING INFORMATION
DRAWN: NORRIS
CKD.:
DATE: 01/28/98
SIZE: A
SCALE: 1/42
WT.:

ENC
304 AVENUE B
SO. INDUSTRIAL AREA
SALINA KS. 67401
ELDORADO NATIONAL CO. A THOR INDUSTRIES COMPANY

TITLE:
1997 AEROLITE 21 Schetky
30" ENTRY DOOR / WC DOOR (REAR)
MAT'L SPEC.
"OLD LONG BODY"/ 141" SW
PART NUMBER
97AL2110-MC01
PAGE
1 OF 1

PARK CITY
1884

Council Agenda Report

DATE: March 10, 1999
DEPARTMENT: Recreation
AUTHOR: Ken Fisher, Recreation Coordinator
TITLE: **Renewal of USSA Contract**
TYPE OF ITEM: Contract

SUMMARY RECOMMENDATIONS:

Approve renewal of USSA Contract for the Fitness Center

DESCRIPTION:

A. Topic:

The Racquet Club is requesting approval to renew the contract with The United States Ski & Snowboard Association (USSA).

B. Background:

In January of 1997, PCMC entered into a two year contract with United States Skiing to loan PCMC approximately thirty eight (38) pieces of fitness equipment. In return the Racquet Club would operate a fitness center and become an Official Training Site for United States Skiing.

In May of 1998, the Racquet Club moved the fitness center from its original location in the Loft to its current location in the renovated racquetball courts. The improved location has been well received by Racquet Club patrons.

C. Analysis:

As part of the agreement with USSA, coaches and athletes have been able to use the fitness center, gym and pool at no charge. Their use has had a minimal impact.

The use by USSA Administrative staff has also been minimal . We have issued them an average of eight punch cards a month. A change in this area is proposed for the agreement. The agreement had a requirement for the USSA Sports Science Department to provide training and assistance to the Racquet Club staff for a minimum of 100 hours per year. We credited USSA

$50 for each hour of training that Racquet Club staff received towards purchase of the punchcards. This proved to be too many hours, so the new agreement changes the hours to 40.

The Fitness Center has become a profit center for the Racquet Club with over $36,000 in revenue while keeping expenses at $30,000 (includes $4,700 of new equipment purchases) for FY 99, year to date.

The agreement with USSA has worked well for the Racquet Club. We have had the benefit of a Fitness Center with minimal capital investment by the city. The marketing of the club has also benefited by saying that we are an Official Training Center of USSA. As part of the agreement we have been able to use the USSA logo on staff clothing and in advertising the Racquet Club.

D. Review:

This plan has been reviewed by the Legal Department and the City Manager and has their endorsement. USSA has also approved the changes.

ALTERNATIVES:

A. Approve the renewal of the USSA contract

B. Deny the renewal

C. Further modify the contract.

SIGNIFICANT IMPACTS:

The renewal of this contract would mean the Fitness Center remains status quo and that the Racquet Club may remain an Official Training Center of the United States Ski & Snowboard Team.

Termination of the agreement would mean that the City would then have the option of first refusal for leasing or purchasing the equipment from USSA. Another option would be to not offer a fitness center at the Racquet Club.

TRAINING CENTER AGREEMENT

This Agreement is made and entered into this _____ day of January, 199~~7~~9, by and between United States Ski~~ing~~ and Snowboard Association, ("USSA") whose principle offices are located at 1500 Kearns Blvd., Building F, P.O. Box 100, Park City, Utah 84060, and Park City Municipal Corporation ("PCMC") , located at 445 Marsac Avenue, P.O. Box 1480, Park City, Utah 84060.

Recitals

A. ~~U.S. Skiing~~USSA is the National Governing Body for the sports of skiing and snowboarding in the United States of America. It is recognized by the United States Olympic Committee ("USOC") and International Ski Federation ("FIS") as the sole sanctioning and governing body for Olympic-eligible and FIS-eligible skiing and snowboarding in the United States.

B. PCMC operates a public ~~racquet~~athletic club located at 1200 E. Little Kate Road in Park City, Utah ("Racquet Club").

C. USSA and PCMC desire to create a high caliber ski and snowboard athletic training facility (hereinafter "the Fitness Center") to be located within the Racquet Club premises for the use, enjoyment and benefit of the general public, USSA, its affiliates, employees, coaches and athletes.

NOW, THEREFORE, for and in consideration of the mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

1. **Term and Termination.**

1.1 The term of this Agreement shall be a period of two (2) years from the effective date hereof.

1.2 PCMC shall have the first right to negotiate an additional 2 year extension.

2 **Obligations of USSA.**

2.1 USSA shall provide on loan to PCMC approximately thirty~~-eight~~ (3~~8~~0) pieces of strength training equipment (hereinafter "the Equipment") subject to the provisions and restrictions set forth herein. USSA shall retain sole ownership of such Equipment. A list of the Equipment is attached as "Exhibit A."

2.2 USSA shall cause its Sports Science Department to provide ~~a minimum of~~

~~100 hours per year of~~ training and assistance to the Racquet Club staff as requested for up to 40 hours per year, for the following purposes:

2.2.1 Use of the Equipment and development of fitness programs (such as the "Ski Fitness Program" already developed by the U.S. Ski Team) for the general public involving the Equipment and the Facility; and

2.2.2 Providing information on fitness, nutrition, ski fitness tips, etc. for publication in the Racquet Club's regular publication, "Play Magazine," and for Racquet Club informational flyers.

2.3 USSA shall cooperate with the Racquet Club staff to create opportunities for joint social functions with U.S. Ski Team athletes, staff and the public, including youth opportunities when U.S. Ski Team members are in the Park City area and are available for such functions. USSA shall not be obligated to require the attendance of any U.S. Ski Team coaches or athletes, but shall use its best efforts to encourage their attendance at and participation in such functions.

2.4 Upon termination of this Agreement, PCMC shall have an option of first refusal to either secure the donation, lease or purchase of the Equipment. USSA shall not otherwise donate, lease or sell the Equipment without first giving PCMC thirty days written notice to exercise its option of first refusal herein. This option shall terminate one year after termination of this Agreement. If PCMC does not exercise the option granted herein, USSA shall move the Equipment from the Facility at its cost. The value of the Equipment shall be independently determined by a mutually agreed upon industry representative, such as a CAMSTAR sales representative.

2.5 USSA shall provide to the Racquet Club staff on an annual basis a list identifying all current athletes, coaches and staff eligible for free or special fee memberships pursuant to section 3 below. USSA shall provide Racquet Club staff with a monthly update of the list as changes in team membership and employment occur.

Approved (initials): U.S. Skiing _______ PCMC_______

2.6 USSA shall provide to the Racquet Club a license, substantially in the form of Exhibit B attached hereto, to use the name and marks of the U.S. Ski Team.

2.7 USSA and any of its athletes, coaches, staff or other eligible participant or program under paragraphs 3.4, 3.5, 3.6, and 3.7 ~~and 3.8~~ below shall not interfere with any other patron of the Racquet Club, the access to other spaces within the building or obstruct parking for or the entrances to those other spaces in any way. PCMC shall have the right to require USSA to take reasonably necessary mitigation measures for any participant, program or activity that interferes with the normal day-to-day operations of the Racquet Club. If such measures are not complied with, PCMC may prohibit any such future programs or individual participation.

2.8 USSA agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or disability in its hiring practices, services or operation of its programs hereunder.

3. **<u>Obligations of PCMC.</u>**

3.1 PCMC shall provide a room for the Fitness Center consisting of finished space at the Racquet Club ~~as shown on "Exhibit C"~~ for the placement and use of the Equipment. PCMC shall, at its cost, make any reasonably necessary improvements to the Fitness Center as mutually agreed by PCMC and by the United States Olympic Committee or USSA fitness expert to render the facility reasonably suitable for the purposes contemplated in this Agreement. Improvements shall be limited to cosmetic and other similar improvements such as new paint or wall coverings, flooring, electrical outlets, etc.

~~3.2 PCMC shall pay or reimburse the cost of moving the Equipment from Colorado Springs, Colorado to the Facility. USSA shall secure a moving truck (at such reduced cost as it is able to negotiate) through Hoggan Health Industries.~~

3.~~3~~2 The Racquet Club staff shall create fitness programs incorporating the Equipment, and offer such programs to the general public at rates to be

Approved (initials): U.S. Skiing ______ PCMC______ determined by PCMC.

3.~~4~~3 PCMC shall cooperate with USSA in the scheduling of dryland training camps for USSA coaches and athletes, and shall ensure that the Fitness Center and Equipment are reserved to the exclusive use of USSA coaches and athletes during such times, not to exceed four 3-hour blocks per month and subject to availability, operational hours and scheduled classes. The parties understand and agree that such dryland training camps may occasionally necessitate the closure of the Fitness Center to the general public. PCMC shall not levy any charges for use of the Fitness Center against USSA or any of its coaches or athletes in connection with such dryland training camps, unless otherwise agreed.

3.~~5~~4 PCMC will provide free membership to each U.S. Ski Team athlete and coach which shall include access to the Fitness Center, pools, aerobics classes (a fee will be charged if such classes are full but the instructor is willing to accept more participants), gymnasium, and locker rooms, subject to availability, operational hours and scheduled classes. Tennis~~/racquetball~~ courts and programs and spinning are not included. PCMC may give priority to regular customers in classes or programs offered to a limited number of participants. PCMC shall provide photo identification membership cards to each such athlete certified as eligible for such privileges by USSA. Memberships shall expire with the termination of team membership or this Agreement, whichever occurs first.

3.~~6~~5 PCMC shall provide free ~~memberships~~access to the Fitness Center and locker rooms only, subject to availability, operational hours and scheduled classes, to all U.S. national team members of Winter National Governing Bodies, as recognized by the United States Olympic Committee (currently Bobsledding, Luge, Speed Skating, Figure Skating, Curling, Biathlon and Ice Hockey). To the extent crowding occurs, as determined by PCMC, PCMC may limit free access of team members to specific hours of operation. PCMC may give priority to regular customers in classes or programs offered to a limited number of participants. ~~Memberships~~Access rights shall expire with the termination of team membership or this Agreement, whichever occurs first.

Approved (initials): U.S. Skiing _______ PCMC_______

3.~~7~~6 PCMC shall provide USSA ~~a credit of $50 per hour for each hour of training services provided in Paragraph 2.2 above. Such credit may only be drawn on by USSA for the purchase of~~ Staff Punch cards for its staff (individual only, not family members) at the same rate as PCMC employees participating in the PCMC "Wellness Program" ~~(Currently, each punchcard shall contain 20 punches and cost $25).~~ Staff Punchcards shall entitle their holders to use of the Fitness Center, free-swim, aerobics classes drop-in gymnasium and locker rooms, subject to availability, operational hours and scheduled classes. One punch shall entitle the holder to use: 1) any combination of the Fitness Center, drop-in gym or free swim; OR 2) one aerobics session. Racquet Club staff shall maintain a monthly accounting of the value of service provided by USSA under paragraph 2.2. and Punchcard uses by USSA, and make such information available to the PCMC Finance Department and USSA.

3.~~8~~7 The Racquet Club staff and USSA will create opportunities for the U.S. youth developmental programs affiliated with the Winter National Governing Bodies, as recognized by the United States Olympic Committee, to use the Fitness Center, gymnasium, pools and locker rooms at the Racquet Club for an annual fee of $175 per participant. Use must be under the supervision of the participant's coaches. Access times will be negotiated quarterly with the Racquet Club staff. USSA shall provide PCMC an annual list of eligible programs. ~~Memberships~~Access rights shall expire with the termination of team membership or this Agreement, whichever occurs first.

3.~~9~~8 PCMC shall not make any reference to the United States Olympic Committee or utilize any Olympic marks, symbols or terminology in any of its publicity, promotion, advertising and marketing materials for the Racquet Club, unless otherwise authorized to do so.

3.~~10~~9 PCMC may, but shall not be obligated to, add additional pieces of exercise equipment to the Equipment located within the Fitness Center.

3.~~11~~10 PCMC shall provide qualified staff members to supervise the Fitness Center and the use of the Equipment during its operational hours. If platform equipment is included among the Equipment, the Racquet Club staff shall ensure such is used only by members of the U.S. Ski and Snowboard Teams under the supervision of a USSA coach or trainer, and not by members of the general public.

3.~~12~~11 PCMC shall provide daily janitorial service for the Fitness Center, and regular maintenance service for the Equipment.

4. **Insurance and Indemnity.**

4.1 USSA shall indemnify and hold PCMC and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against PCMC arising out of, in connection with, or incident to the use of the Fitness Center by any of its athletes, coaches, staff or other eligible participant or program under paragraphs 3.4, 3.5, 3.6, and 3.7 ~~and 3.8~~ above and/or USSA's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the PCMC, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of USSA; and provided further, that nothing herein shall require USSA to hold harmless or defend PCMC, its agents, employees and/or officers from any claims arising from an intentional tort or the sole negligence of PCMC, its agents, employees, and/or officers. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement. USSA shall, at it's expense, carry a policy of general liability insurance, including professional liability, in an amount of at least One Million Dollars ($1,000,000) per person and Two Million Dollars ($2,000,000.00) per incident or occurrence. USSA shall also provide Workers Compensation Insurance as per the State of Utah required limits. A certificate of insurance stating that PCMC shall receive thirty (30) days written notice of cancellation shall be provided to PCMC on or before the effective date of this Agreement, and maintained continuously during the term of the Agreement.

Approved (initials): U.S. Skiing _______ PCMC_______

4.2 PCMC shall be responsible for the Equipment while it is in PCMC's possession. PCMC shall maintain appropriate property insurance to cover any loss or damage to the equipment caused by fire or other disaster. PCMC shall not be liable for normal wear and tear of the Equipment nor any damage caused by the negligence of USSA or any eligible participant or program conducted pursuant to paragraphs 3.4, 3.5, 3.6, and 3.7 ~~and 3.8~~ above. If the damage or destruction to the Racquet Club shall be so extensive as to require the substantial rebuilding, the effect of which may require removal of USSA's operations from the premises, either PCMC or USSA may elect to terminate this Agreement by written notice to the other within thirty (30) days after occurrence of such damage or destruction.

5. <u>Miscellaneous Provisions</u>

5.1 No waiver or failure to act with respect to any breach of this agreement shall be deemed a waiver with respect to any subsequent breach, regardless of its similarity to a previous breach.

5.2 Neither party may assign or transfer any part of this Agreement to any third party without the other party's prior written approval.

5.3 Without limiting the foregoing, for purposes of any obligation in connection with this Agreement, USSA shall not be deemed to be a partner, joint venturer or agent of PCMC or any third party.

5.4 This Agreement may be executed in counterparts, and photostatic and facsimile copies of executed signature pages shall be fully binding.

Approved (initials): U.S. Skiing _______ PCMC_______

PARK CITY MUNICIPAL CORPORATION

By:______________________________

Name:____________________________

Title:____________________________

Attest:

City Recorder:_____________________

Approved as to Form:

City Attorney:_____________________

Approved (initials): U.S. Skiing _______ PCMC_______

UNITED STATES SKIING

By:______________________________

Name:____________________________

Title:_____________________________

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ___ day of _____________, 199_, personally appeared before me __________________, who being duly sworn, did say that he/she is the __________________ of United States Ski and Snowboard Association, and acknowledged to me that the preceding lease was signed on behalf of said company, by their authority and he/she acknowledged that the company did execute the same for its stated purpose.

____
NOTARY PUBLIC

H:\LEGAL\MH\AGREE\SKITEAM.99