**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**MARCH 13, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 13, 2008.

**Closed Session**
4:30 p.m. Property

**Field Trip**
5:00 p.m. Silver Star Tour

**Regular Meeting – City Council Chambers**
6:00 p.m.
**I ROLL CALL**

**II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

Legislative update

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

**IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 28, 2008** P. 5 - 23

**V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)***

1. Consideration of an Ordinance approving the Knoll Estates (aka Deer Valley Club Estates) Lots 17 and 18 Amended Subdivision Plat, located at 7888 Aster Lane, Park City, Utah
(a) Public hearing
(b) Motion to continue to April 3, 2008

2. Consideration of approving a request for waiver of planning application fees in the amount of $1,550 to $2,690 - Habitat for Humanity P. 24 - 27

3. Consideration of approval of a Master Festival License for the US Freestyle Championships to be held at the Town Lift Plaza with amplified music through March 27 - 29, 2008 P. 28 - 34
(a) Public hearing
(b) Action

4. Consideration of an Ordinance approving the 279 Daly Avenue Subdivision Plat, an amendment to Parcels 1 and 2, located at 279 Daly Avenue, Park City, Utah
(a) Public hearing P. 35 - 40
(b) Action

5. Consideration of an Ordinance approving amendments to the Park City Municipal Code to amend the Park City Sign Code - Title 12-6-2 relating to alterations of non-conforming signs in the Frontage Protection Zone P. 41 - 48
(a) Public hearing
(b) Action

6. Consideration of an Ordinance approving amendments to the Land Management Code- Title 15-15-1 relating to the definition of Maximum House Size and Title 15-12-2 regarding Planning Commission terms P. 49 - 52
(a) Public hearing
(b) Action

**VI ADDITIONAL DISCUSSION – AGENDA ITEMS**

**VII ADJOURNMENT**

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 03/10/08
See www.parkcity.org

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**MARCH 20, 2007**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, March 20, 2007.

Posted: 03/10/08
See: parkcity.org

**Note: This future meeting schedule is TENTATIVE and subject to change.**
**PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE**

**March 2008**

20 **No meeting**

27 The Yard update
Eden update
Golf Plan for 2008
Consideration of approval of the third amendment to the Park Silly Sunday Market Master Festival License (a) Public hearing (b) Action

**April 2008**

3 **Liza and Roger gone**
Trails master plan - work
Resolution acknowledging Friends of the Library

10 **No meeting**

17 Ordinance approving a plat amendment for 154 McHenry Avenue, Park City, Utah
Consideration of approval of an amendment to the Water Agreement between the City and Talisker Corp, in a form approved by the City Attorney
City Council call-up of a Planning Commission decision of February 13, 2008 regarding an amendment to the technical report for Empire Pass affordable-employee housing to be provided as required by the Flagstaff Development Agreement, as amended - Talisker Corp.
(a) Continuation of public hearing (b) Action

24 PC Heights Annexation
Resolution setting forth a strategic plan for the Park City Ice Arena

**May 2008**

1 Presentation of budget

*3 Move to Miners and Library and Education Center for meetings*

8 **No meeting**

15

22

29

**Pending Items:**

Consideration of an amendment to the Burbs LLC Annexation Agreement/Affordable Housing
Resolution - Trails Master Plan
Carrying capacity/market analysis survey
Wild land interface issues

**PARK CITY COUNCIL WORK SESSION NOTES**
**SUMMIT COUNTY, UTAH**
**FEBRUARY 28, 2008**

**Present:** **Mayor Dana Williams; Council members Candace Erickson; Jim Hier; Joe Kernan; and Liza Simpson**

**Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; Linda Tillson, Library Director; Christine Youngblood, Library Assistant, Heather Reynolds, Library Assistant; Ken Fisher, Recreation Director, and Max Paap, Special Events Manager**

**Chris Cherniak, Library Board Chair; Brent Tippets, VCBO; Sara Pearce, Sundance Institute; Jon Lonn and Michelle Dieterich, Racquet Club Condominium residents; and John Halsey, Little Kate resident**

**1. Council questions/comments.** Joe Kernan asked members if there is an interest to compare the bids for the seismic upgrade when available and the costs associated with building a new facility, because it would be helpful to compare these costs with other capital projects. He also polled members about considering allowing more density on Marsac in exchange for benefits, e.g., if the project brings more people but less traffic. There may be an effective mode of transportation moving people between commercial areas without cars. Mayor Williams acknowledged that if bids come in substantially higher than feasible, alternatives may have to be explored. He stated that members have already decided with a 3:2 decision not to sell the Marsac property, but the issue can be revisited again if a majority would like to reconsider the decision. Candace Erickson expressed her willingness to discuss transportation issues but would not be in favor of selling City property and developing it. She felt this type of proposal conflicts with the direction from the joint work session with the Planning Commission and Historic Preservation Board held yesterday afternoon on preservation of the Historic District. Roger Harlan pointed out that the upgrade may be timely in consideration of the 6.+ earthquake occurring in Wells, Nevada last week and felt that information on alternative modes of transportation would be helpful for him. Mayor Williams acknowledged that transportation improvements increasing ridership like express routes are effective and Jim Hier pointed out that this service is already identified in the short-term transportation plan which recommends a *hub and spoke* approach as opposed to an integrated route system. However, implementation requires additional moving stock which can not be acquired until the bus facility is expanded.

Roger Harlan stated that WALC will be presenting recommendations to the Council shortly and suggested that joint meetings with the Planning Commission and/or Historic Preservation Board be held more regularly. Candace Erickson commented on Friends of the Farm, Envision Utah, and the Summit County Board of Health business. She reported that the People's Health Center will be celebrating their new building accommodated by the IHC project on March 12. She relayed that the results of the air quality study for Park City revealed a corresponding increase in pollutants at high visitor times but readings never exceeded the 35 ppm trigger. Liza Simpson spoke about attending the HPB meeting where establishing process deadlines was discussed; she explained the recommendations which will be forwarded to Council from WALC. Jim Hier reported on issues addressed at the Chamber and interagency meetings and specifically reported on the 7,318 approved unit equivalents in the Jordanelle project area where 900 units have been developed. Water and sewer services will be provided by the Jordanelle Special Service District and there is an affordable housing component. Mayor Williams reported that he received several calls from residents asking for consideration to restrict upper Woodside Avenue to one-way traffic in the winter.

**2. Legislative update.** Gary Hill reported that the water rights forfeiture bill will pass and SB218, restaurant tax bill, is unlikely to pass this session but will probably be raised again next year. The bills have fiscal impacts and may not pass. SB38, transparency in government finance, has been pared down and the state will make local government information electronically available to the public. HB166, minutes bill, requiring that minutes be available 14 days after the meeting, probably will not pass this year but the issue will likely be raised next year. He emphasized that the state mandated building permit number legislation passed and will be effective July 1. The cost to the City may total as much as $20,000 to $30,000 to modify the Eden program for our building permit system. Mr. Hill spoke about legislation relating to assigning liability for construction flaws which is of significant concern. In response to a question from the Mayor, Gary Hill explained elements of the immigration law proposal where the driver license repeal will be removed but the in-state tuition will remain in the bill. There is provision for the General Attorney’s Office to enter into memoranda of understanding with local governments to empower police officers with immigration officer powers. ULCT opposes the police component but is neutral on the remaining provisions of the immigration law draft. Amendments to Utah income tax laws were discussed as well as the negative fiscal impact to the state with the reduction in sales tax on food.

**3. Library update.** Linda Tillson explained that the Park City Library received the highest accreditation as a *mentor library*, performing above and beyond standard requirements. She pointed out the increase in use of services in everything, except computers, primarily due to patrons bringing in their own laptops. Staffing was an issue in 2006 and 2007 but this situation has improved. The library survey will be conducted soon which will be helpful in gaining input from the community to plan for facility needs. Heather Reynolds explained state funded Spanish-speaking programs, the kid’s book club, and outreach efforts with agency groups. Library Board Chairman Chris Cherniak spoke about revising and updating all 17 library policies, ranging from material selection to dogs in the library. He complimented Ms. Tillson and her staff for achieving *mentor* status. Christine Youngblood explained changes to the website which will better integrate the Library with the same City style and will be easier to navigate. There are about 8,000 to 10,000 hits per month and numbers increase every year. Joe Kernan expressed that the cost per visit appears reasonable and the annual report information was helpful. In response to a question from Jim Hier about penalties for non-compliance with reporting requirements, Ms. Tillson explained that the state library certifies local libraries and provides a variety of resources like databases and funding opportunities. Ms. Simpson expressed her appreciation of the internet update making the library's site more compatible with other departments.

**4. Review of Racquet Club feasibility study.** Ken Fisher explained that the Racquet Club was identified as a high priority by the City Council over the past several years, and a Racquet Club subcommittee was formed to study a number of issues relating to the facility. Leisure Visions surveyed the community where top priorities included indoor fitness and exercise facilities, outdoor leisure pool, indoor leisure pool, outdoor tennis courts, indoor lap lanes, and an indoor walking/jogging path. The City entered into a contract with VCBO who developed three conceptual designs which vary in scope and impact. He pointed out that Scheme B contains a leisure pool and lap lanes and explained that the National Ability Center is planning on installing a pool this spring and Basin Recreation is also exploring aquatic programs. It is important to collaborate by not duplicating amenities. Mr. Fisher explained that staff is looking for acceptance of the proposals by Council members so that they can be presented to the community.

Architect Brent Tippets explained that the firm worked with structural, aquatic, and mechanical engineers and an operations consultant to obtain sound information. Through a PowerPoint presentation, he displayed illustrations regarding managing snow loads on roofs, addressing safety problems and meeting ADA requirements. The tennis building has incurred a lot of damage over the years and is not insulated very well. It is VCBO's recommendation to use existing structures and to improve overall efficiency. Mr. Tippets suggested that circulation and management on the site be improved by restricting access to one entrance and pointed out the wasted space devoted to corridors. The building is structurally sound and he feels comfortable moving ahead with any of the schemes. He discussed the leaks in the lap pool which requires further investigation and the pool currently does not meet code. With regard to an expansion to the building, Mr. Tippets pointed out that the site is already maxed out and encroaching in the residential area should be avoided. The Leisure Vision study ranked adult fitness and wellness programs highest and other high priorities relate to the Racquet Club which is the highest used facility.

Mr. Tippets detailed components of schemes through his PowerPoint presentation. He described Scheme A as an abbreviated approach because it has the least impact, maintaining as much of the buildings as possible, rebuilding the administrative offices, adding a splash area, and expanding the fitness area. Scheme B could be a future phase of Scheme A, adding an indoor pool and removing the outdoor lap pool. He explained that Scheme C represents a *clean slate approach*; the only element preserved is the existing gymnasium and all other buildings and pools are replaced. Currently annual operating expenses exceed revenues by $500,000 and Scheme A would decrease operating expenses by $59,000 to $85,000. Mr. Tippets pointed out that utility costs are not included because they are covered by the Public Works budget and are broken out separately. Scheme B projects a $121,000 to $178,000 savings. In response to a question from the Mayor, Mr. Tippets explained that savings represent not only building efficiencies, but offsetting expenses with the assumptions of increased recreation fees and higher enrollment in programs. Scheme C represents the best return but does not include construction costs. Estimates range from $8.8 million for Scheme A, $19.2 for Scheme B, and $23 million for Scheme C. In Schemes A and B, the facility is able to remain open through the construction but Scheme C would require that the facility be closed for a year. Sustainability components can be incorporated and will require more discussion and direction from Council members.

He explained phasing construction in Schemes A and B and the realignment of the Monitor Drive and Little Kate Road intersection. There was discussion about the restaurant space and that potential rent was not included in projections. Tom Bakaly noted that the purpose of the presentation is to frame the scope of each scheme to then bring to the public. Jim Hier felt it important to present sound cost data and funding sources as a part of the public outreach efforts. Dana Williams felt it important to obtain utility information and expressed the importance of having the facility available to everyone despite ability to pay. Ken Fisher stated that this is the current philosophy but the challenge has been to get the underserved to actually ask for assistance.

Joe Kernan suggested polling the community about prioritizing recreation with other services like streets, transit, etc. and Candace Erickson felt that would be difficult. Jim Hier described infrastructure and health and safety measures as mandatory and feels recreation is optional and the services shouldn't be compared. Joe Kernan referred to previous surveys where basic services ranked lower than discretionary services like recreation. He felt that construction costs should be included in return calculations and Mr. Tippets explained that public recreation costs are formulated without construction costs. Mr. Kernan countered that return on investments is a common consideration and felt that a breakdown of costs per user would be helpful for him. There was discussion about costs increasing with phasing a project. Roger Harlan asked if the plans are consistent with recreation trends and Mr. Tippets felt they are and added that the facility has the potential of involving a broader spectrum of the population in recreation programs. Council members agreed to share the conceptual plans and associated costs to the public for feed-back.

**5. Sundance Racquet Club venue update.** Max Paap explained that staff is seeking input on the supplemental plans relating to Main Street operations and direction on the use of the Racquet Club venue. Staff held two debriefings on the 2008 Sundance and it was felt by both parties that the Festival ran smoothly with regard to screenings, traffic, transit, trash, and snow removal. There were a few incidents but they were handled in a timely and efficient manner. The ten day parking passes for China Bridge and the daily $20 parking fee were monitored and there were very few complaints. When spaces became available, they were opened to the public. Transit numbers substantially increased and there was a marked ridership increase on the Kimball route. Some of the challenges with the event relate to staff time devoted to licensing and monitoring the non-master festival entities that temporarily occupy Main

Street businesses for the 10 day period. Mr. Paap explained that in December 2007, Council directed staff to return to Council to discuss the venue plan at the Racquet Club to review lighting and noise emanating from the east parking lot and Main Street with regard to the parking plan and drop and load zones. A condition of approval was to return to Council on use and screenings at the Racquet Club.

Mr. Paap explained that in 2007, there were issues raised by residents in the east parking lot relating to lighting and noise. In response to complaints, Sundance and staff met several times to review alternatives including relocating the entrance and erecting tents to help mitigate these problems. Sundance substantially modified its tent and parking lot layout to help mitigate these issues and there were very few negative comments brought up in the debriefing discussions. Increased staffing was discussed for the 2009 Festival and staff found that the 2008 supplemental plan reasonably mitigated impacts at the Racquet Club and he asked that Council reconsider the closing time and allow the 2009 Sundance Film Festival to operate like the 2008 Festival. Alternatively, staff recommends that the last screening start at 8 p.m.

Max Paap stated that the drop off zones were again implemented in 2008 because of their success in 2007, but recommended that the program be established one day earlier this year and manned from noon to 8 p.m. on a daily basis. Because of the favorable comments from Sundance and the HMBA and improved parking and circulation, staff is recommending creating the same zones along the east side of Main Street with the same staffing for 2009. He asked for Council direction to prohibit parking on both sides of Main Street for the 2009 traffic, circulation and parking management plan and if Council will reconsider the closing time for the Racquet Club venue next year. In response to a question from Jim Hier, Max Paap explained that a person can park from 11 p.m. to 8 a.m. and pay and display on the west side. Mr. Paap clarified that the drop zones are used for deliveries during the day and transportation during the evening hours. Mr. Hier asked how the 8 p.m. cut-off time could be achieved, and Sara Pearce stated that this is not supported by Sundance because there is a three hour per screening management schedule designed for all screenings at all venues which is coordinated with bus schedules, time to deal with technical issues, etc. Squeezing screenings could have major negative impacts on operations and the potential to produce a *domino effect*. Ms. Pearce reported that she analyzed closing times and on average everything was finished by 10:45 p.m. and the latest film shut down at 11:05 p.m. The majority of time they were less than an hour off of the 10 p.m. noise ordinance standard except for the last night when the closing party is held. The Mayor invited public input.

Jeff Lonn, Racquet Club Condo resident, stated that some of the mitigation measures helped somewhat however they in no way solved the problem of the late night noise after 10 p.m. which continued until midnight a couple of nights. They were counting on the 10 p.m. stipulation to protect them in the future and they are here because Max Paap and Sara Pearce have stated that these measures have solved the problems. How do they know when no one asked them and the Sundance hotline was never set up as promised in December? No wonder they only received one complaint. They only called Ms. Pearce once about loud music because there's nothing much that can be done about crowd noise. The Mayor, Michelle and he have suggested double features, earlier start times, shorter films for the last screening, and holding the party elsewhere which would free up Saturdays and Sundays for films. He referred to Tom Bakaly's comments on the radio about getting Sundance parties out of the Deer Valley neighborhoods, noting that parties do not belong there. Park Meadows is also a residential neighborhood and Sundance did not check with the neighborhood. However, he and Michelle did by polling residents with a petition outlining concerns. He spoke about obtaining 40 signatures out of 44 residents about the use of the Racquet Club venue which was distributed to Council members. Almost no one supports letting Sundance run rampant through this town. The noise ordinance needs to be followed and Sundance should be considerate of neighborhoods.

Michelle Dieterich, Racquet Club Condo resident, stated that she was surprised to meet so many permanent residents with a great range of opinions when conducting the poll. Even volunteers for the event agreed that Sundance should be considerate of the neighborhood while others hoped that Sundance would be wiped off the face of the earth. Ms. Dieterich spoke about the benefits of the films but crowd noise can not be mitigated and the Hollywood-type patrons are partying. People should be out be 10 p.m. and installing signs to quiet the crowd doesn't make a difference. She read Council's job description which is to *preserve the quality of life in Park City*. At 10 p.m., residents should have quiet time and Sundance should be more considerate. They can be there but at 10 p.m., give us back our quiet mountain town neighborhood that's why we live here.

John Halsey, resident living across the street from the Racquet Club parking lot, took the opposite side. He indicated that he is a light sleeper, has three kids and is not impacted at all during the 10 days. He personally feels that Park City is unique and Sundance is very good for the town and should be accommodated. He is not bothered, can't hear it and can't understand why he wasn't polled because of the location of his home across the street. He talked with a couple of neighbors who admitted they signed the petition but were not totally committed and recommended that the Council consider this on a broader scale. Although Park Meadows is residential, the Racquet Club is a large public facility and he supports efforts to keep Sundance here.

Mike Sweeney, business owner, spoke about working at two locations during the Festival and being mindful of noise impacts. There were no complaints about the operations at The Yard; Candace Erickson stated that she received a complaint from a citizen. It was his observation that Sundance was managed very well and when he visited the venue at the Racquet Club patrons seemed well behaved.

Mayor Williams stated that he respects people willing to canvass the neighborhood but felt that reminding the Council of its job is somewhat condescending and describing the Festival as *running rampant* is way overboard he is also sympathetic with residents. The input has become a little more mean-spirited than necessary. He invited comments from Council members.

Candace Erickson stated that she is in full support of the Main Street supplemental plan. She feels strongly that people should be out of the Racquet Club by 10 p.m. but can support keeping the closing party there since it is only one night which is not unreasonable. There are few options for other locations, if any. Joe Kernan thanked them for sharing the petition but also felt that staff and Sundance did a good job at addressing impacts. He pointed out that there are benefits and negatives living near venues and/or amenities. He is comfortable changing the schedule back and allowing Sundance to operate as before. Roger Harlan asked how a 10 p.m. closing time will affect the schedule and Sara Pearce explained the competition which is judged by jurors and the public and has to occur on Friday to prepare for the awards ceremony on Saturday. Adding screenings to Saturday and Sunday may compromise the awards deadline. Sundance would have to begin setting up as early as 7:30 a.m. which may violate the noise ordinance in the morning and attendance would be low if a movie began that early. Discussion ensued on alternatives for scheduling and holding the awards party at the Eccles Center. Roger Harlan did not render a position on the venue question and stated that he is conflicted.

Liza Simpson expressed her support of the Main Street plan but suggested providing some parking spaces on the street every couple of blocks and Max Paap recommended making more spaces available at the beginning of the Festival and release more spaces later, if possible. He explained purchasing spaces and manning the plan. She like Roger Harlan, is conflicted and Ms. Simpson agreed with the comments about the benefits and downsides in living in a resort community. She prefers leaving the awards party at the Racquet Club but is not convinced that starting the last screening at 8 p.m. is impossible operationally. Councilmember Simpson expressed her disappointment that Sundance did not offer alternatives, and the fact that the hotline was never set up and is not convinced that the mitigation measures this year were totally successful. She stated that she supports an 8 a.m. start but keeping the closing party there. Jim Hier fully supports the Main Street plan and the Saturday party at the Racquet Club venue. He recommended that this matter be tabled so that Sundance can further explore the 8 a.m. start time and bring back data. Sara Pearce indicated that she studied this, but didn’t put her research in writing; one main concern is making the competition as fair as possible through consistency in scheduling. Mr. Hier continued to insist that a written analysis be provided for Council’s review.

The Mayor expressed Council consensus to allow the closing party to remain at the Racquet Club. Ms. Pearce expressed her appreciation and asked for the Council’s definition of *10 p.m.* so the analysis is meaningful. Mr. Hier suggested that if the start time is adjusted, the end time is no longer an issue, which may result in a compromise solution.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**FEBRUARY 28, 2008**

## I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 28, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Phyllis Robinson, Public Affairs Manager; Max Paap, Special Events Manager; Ron Ivie, Chief Building Official; and Kent Cashel, Deputy Public Works Director.

## II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that Talisker is one of his recycling customers. Jim Hier requested that the Budget Department provide numbers for snow removal this year as members are asked about this frequently. Tom Bakaly stated that the snow removal budget is about $300,000 and projected costs are estimated at $700,000 but contingencies are in place to cover unanticipated expenses.

## III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

None.

## IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF FEBRUARY 7 AND FEBRUARY 14, 2008

Joe Kernan submitted a minor correction to the work session notes of February 7, "I move, with that correction, to approve the minutes of February 7 and 14". Liza Simpson seconded. Motion unanimously carried.

## V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving the Knoll Estates (fka Deer Valley Club Estates) Lots 17 and 18 Amended Subdivision Plat, located at 7888 Aster Lane, Park City, Utah – The Mayor opened the public hearing advising the audience of the recommendation to continue the item. There was no public input and the Mayor requested a motion to continue to March 13, 2008. Roger Harlan, "I so move". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving a plat amendment for 154 McHenry Avenue, Park City, Utah – Mayor Williams advised that there is a recommendation to continue this item to April 17, 2008, but opened the public hearing. There was no input.

Joe Kernan, "I move to continue to April 17". Roger Harlan seconded. Motion unanimously carried.

3. Economic development grant update and consideration of approval of the third amendment to the Park Silly Sunday Market Master Festival License – Max Paap explained that last year the City Council granted $7,000 in the form of an economic development grant to PSSM and applicant Kimberly Kuehn explained that it was spent on marketing including posters and brochures. Marketing brings more people to Main Street and she mentioned a variety of media promoting the market and thanked members for the grant. Jim Hier asked that PSSM submit a written report which should be a matter of course for reporting on grant monies.

Max Paap explained that the market is planned for June, July, August and September but not October this year, with the exception of Sunday, August 3, 2008, the Kimball Arts Festival. The market opened June 17, 2007 bringing larger crowds than expected and the organizers continued meeting with City staff on a regular basis to plan the 2008 season. Feedback from the merchants and market-goers has been favorable and in November 2007, the HMBA conducted a survey of its membership about a change in hours and the majority indicated a desire to start and end later in the day. He added that vendor participation has been consistent. There have been a few logistical problems with setting up and taking down but these were adequately mitigated. He pointed out discussions with PSSM on providing a dedicated police officer and staff to be present every Sunday. Additionally, the Building Department staffed the event load-in each week and the applicants are aware that staffing costs are their responsibility. Operating hours in 2007 were 9 a.m. to 3 p.m. and the organizers are proposing that the hours be changed to 10 a.m. to 5 p.m. for 2008. In order to accommodate these times, Main Street would be closed between 7$^{th}$ and 9$^{th}$ Streets to vehicular traffic between 6 a.m. to 9 p.m. The Oktober Fest on September 28 would be from 10 a.m. to 10 p.m., requiring a street closure from 6 a.m. to midnight for the one-time event. Mr. Paap explained that another request is to include the closure of 9$^{th}$ Street between Park Avenue and Deer Valley Drive to accommodate additional vendors. Staff recommends that a 12 foot fire lane be maintained at all times of market operation and that adequate signage be installed regarding detour options. The applicant has requested use of the southeast corner of Coalition Park for selected vendors and informational speakers. The Parks Department requested that no temporary shade structures be erected in the park and Mr. Paap emphasized that Coalition Park is designated in the *arts in parks ordnance* and the site would have to be shared with licensed non-market artists. He emphasized that patrons will be directed from SR224/Deer Valley Drive to Marsac Avenue and then to China Bridge with the use of message boards. In 2007, it was felt that China Bridge was underutilized and market-goers were not strolling upper Main Street. A trial sign plan was used for the Oktober Silly Fest with some success.

In 2007, the PSSM approval did not included dedicated City staff and based on the debrief, staff has identified the following resources needed to man the proposed 2008 event. Park City Police Department recommends two officers. Building inspections are estimated at about $3,000 and the cost of Special Events Department staffing is $3,000.

The Parks and Streets Departments have assisted without additional staff. He explained that PSSM submitted a fee waiver for the 2008 market representing the high end of staffing estimates and staff will return with more accurate numbers. Discussion ensued regarding the 9 p.m. street closure and that the 2007 market usually closed at 6 p.m., earlier than the three hours provided for preparing the street to reopen. In response to a question from Candace Erickson, Ms. Kuehn noted that one injury required calling the police but there were no other incidents. The Mayor invited public input.

Ken Davis, HMBA, stated that the organization has not had a chance to analyze the impacts of PSSM. The survey has not been digested and contrary to Mr. Paap's comments, there was not a majority of people asking for the market to open and close later. In fact, more people felt the market should start and end earlier or remain the same. That was a misleading statement and not true. He is still in favor of having the market but there are a lot of issues that have come up last year that need to be addressed. The merchants were initially excited about having something on Sundays to bring people into town and he thought it was going to be a morning market, but as proposed, it will be an all-day event and literally taking business away from the merchants on Main Street. He spoke to as many merchants on upper Main Street as possible, who all complained about business being down on Sundays ranging from 4% to 10%. He read negative comments from the survey about drop in sales, competition, and manufactured goods. Sunday afternoons are prime times for businesses and he believed the market would bring people to Main Street in the morning. He read a long list of markets and morning operating times for different communities and stated that his Sunday business was down 6% because of a decrease in foot traffic. At this point, PSSM is not working for Main Street businesses.

Rayette Belcher, Southwest Indian Traders, 550 Main Street, stated that after speaking with Mr. Davis she discovered a decline in sales. She likes the idea of bringing people to Main Street but does not like the hours and the market is in direct competition even though they sell different merchandise. She wouldn't mind a festival from 9 a.m. to 1 p.m. and pointed out that any new activity on Main Street takes away business from merchants and she is upset because she pays rent and taxes as a year-round business. Maybe it should be held every other Sunday. Merchants have had to cope with the Arts Festival over the years and she pointed out how long it took to figure out setting up the booths back to back.

Mike Sweeney, HMBA, stated that he and Mr. Davis have a different point of view. The HMBA held a lengthy discussion on this and it is not a black and white situation. He felt that there are some businesses that are not doing as well as other businesses on the street, but pointed out the positive comments on the survey which outnumbered the negative. He talked to merchants that didn't realize an increase in profits but felt that PSSM added energy to Main Street. His restaurant tenant saw increased business. The PSSM brings more people to town and it is the responsibility of the merchants to figure out how to get those people into their stores. Lower Main Street has to struggle with lack of foot traffic many more days than the business on the upper portion where there is parking.  There are some people who are not happy but there are others that are very happy and the overall good should be considered.  The event brings positive vibes and he pointed out that there was only one business that took advantage of PSSM and concurrently held sidewalk sales.  The organizers have made an effort to help the merchants on upper Main Street with ideas.  It is incumbent for everyone to work together because this is the silver lining.

Ken Davis named a variety of businesses on upper Main Street who pay rent.

Steve Lund, Village Candy Shop, 314 Main Street, stated that Sundays are his second biggest day and last year his business was down 20%, 28%, and 14% for July, August and September respectively.  His numbers decreased 50% during PSSM's hours and he is also speaking on behalf of Keepsakes, Red Banjo, and Elegante.

Jenny Smith, PCMR and PSSM board member, expressed her support of PSSM because it is about community.  If we want to talk about how events affect businesses, she could highlight the negative impacts of Sundance to the ski resorts, but we have to take a bigger view.  The market is a wonderful opportunity to visit with friends.  She stated that she parked at the China Bridge and walked and there are a lot of people who do that.  The market brings the people here and she agreed with Mr. Sweeney's comments.

Chris Crowley, Park City Arts Festival, stated that he faces the opposite problem in trying to get people down the street during the Arts Festival.  They have resorted to busing patrons to the bottom and forcing them to walk through lower Main Street. Blame is being placed on PSSM for decreased sales and it may be matter of economics; people may not be spending as much money.  PSSM is investing in marketing Main Street and inviting merchants to participate.  He is pleased that lower Main Street businesses are happier and there are nothing but benefits for the rest of the street if they participate.

Rick Anderson, HMBA, stated that this is a tough issue.  The Eating Establishment's business was flat on Sunday while the other days were up which seems to reflect on the market.  He didn't feel this is coincidence.  He supports the market but feels it has reduced strollers on upper Main Street and 33% of his business is walk-ins.  PSSM draws people to lower Main and asking merchants to perform extra work isn't reasonable.  PSSM should make an effort next year to draw people up the street by holding a farmers market in the Brew Pub lot.

Organizer Kimberly Kuehn explained that she has been working with the HMBA since the survey was conducted in November and she targeted every business with negative comments.  She stated that she has visited the Village Candy Shop on several occasions and left Mr. Lund three messages to no avail.  She believes they and the City have arrived at solutions with improved and extensive signage to China Bridge but collaboration is needed.  Ms. Kuehn emphasized that she has proactively visited businesses on a regular basis.  Jewels Harrison, organizer, interjected that the examples given by Ken Davis about hours of other markets in the country relate to farmers market while PSSM falls in the category of a street festival. This is not a true comparison. She spoke about a survey to vendors who desired a change in the hours and there has been a tremendous amount of thought put into this.

Dana Williams suggested that this matter be continued to provide an opportunity for everyone to talk to each other. He stated that he has some concerns. Candace Erickson felt that the market draws foot traffic to lower Main Street. She was unhappy to see luggage and manufactured products as opposed to hand crafts at the market. Discussion ensued regarding closing 9th Street and providing for emergency access; Max Paap described the requirement for maintaining a fire lane. Discussion ensued regarding the Park Avenue bus route.

Jim Hier requested a written plan to channel people up to China Bridge and the Brew Pub parking lot and restricting parking on Park Avenue. He supports a continuation so that a written plan for upper Main Street can be formulated by PSSM. Max Paap feels that more time may be beneficial and the organizers were looking to bring back some information to the vendors. Mayor Williams stated that he disagrees with Councilmember Hier's direction and didn't feel the organizers should have to solve the problems for upper Main Street. He felt that fee waivers need to be closely examined and was concerned about closing the street until 9 p.m. Jim Hier asked them to look at product competition. Jewels Harrison explained that there is no limit on handmade items, but they limit the overall percentage of manufactured products to 20% and are extremely selective and sensitive to the selection of merchandise. Jim Hier noted that this could be a finding. Joe Kernan, "I move to continue this to a date uncertain, perhaps in a month or so, but with enough time to look at additional ideas of benefitting the street and recognize the efforts being done". Candace Erickson seconded. Members agreed to the closure of 9th Street and the use of Coalition Park, but the fee waiver component will be addressed at the continued hearing. Motion unanimously carried.

4. Consideration to authorize the City Manager to execute a Professional Services Agreement with InterPlan Co., in a form approved by the City Attorney, in an amount not to exceed $21,350 for the preparation of an SR-248 Corridor Plan – Kent Cashel explained that this study will consolidate six existing studies and will examine transit, the park and ride and a right-of-way analysis to plan for future improvements. This documentation is required to apply for corridor preservation funds. Expanding the scope of the study was suggested by the Mayor but Mr. Cashel encouraged pursuing the contract as proposed because of time limits and there will be a second phase to bring to the public. Mayor Williams explained the formation of the Coalition of Governments and the consensus among mayors to study SR248. There was discussion about presenting this to WALC. Jim Hier, "I move to authorize the City Manager to execute a Professional Services Agreement with InterPlan Co., in a form approved by the City Attorney, in an amount not to exceed $21,350". Roger Harlan seconded. Motion unanimously carried.

5. City Council call-up of a Planning Commission decision of February 13, 2008 regarding an amendment to the technical report for Empire Pass affordable-employee housing to be provided as required by the Flagstaff Development Agreement, as amended - Talisker Corp. – City Attorney Mark Harrington explained that a call-up is *calling up* the authority delegated to the Planning Commission. This is not an appeal and the City Council is not limited to the record before the Commission and new testimony can be entertained. It is an administrative matter and not legislative and contacts outside the hearing should be disclosed. Mayor Williams stated that he had a conversation with Mandy Scully from Talisker Corp. today. Jim Hier stated that he also conversed with Mandy Scully relating to arriving at an equitable solution after the issues were debated.

Phyllis Robison made a few minor corrections to her staff report, and specifically pointed out replacing the term *bond* with *trust and agency account*. The Flagstaff Development Agreement requires that affordable housing be built phased with the Certificates of Occupancy (COs) for the unit equivalents, approximately 10% at each phase. The first phase requires 15 affordable housing units with 150 unit equivalents with occupancy permits. At this point, 195.2 COs and Temporary Certificates of Occupancy (TCOs) have been issues; 96 permanent, 92.2 temporary. The finals for the temporaries are expected this summer and are being held up until the landscaping and exterior improvements can be inspected. Staff has consistently counted TCOs toward the overall unit equivalents. Five affordable housing equivalents are complete in Ironwood, Grand Lodge, and Arrowleaf; one unit is under construction at Silver Strike and a unit at Snowberry has conditional use approval. On February 13, 2008, the Planning Commission reviewed Talisker's request for an amendment to the affordable housing technical report to include units under active review in order to fulfill its outstanding affordable housing requirement. She explained that the Planning Commission did not approve the request to qualify these units but offered alternatives which are outlined in the staff report. One is the substitution of COs for all reference to units under construction and the second phase for the affordable housing obligation was increased from 30 to 35 unit equivalents. If the developer is between 151 and 300 Flagstaff unit equivalents, Talisker would be providing 35 affordable units. The Commission approved parameters for the outstanding unit equivalents that would allow the developer to post a financial guarantee for the deficit. The housing technical report identifies a phasing plan and staff's interpretation of this document is that COs and TCOs both count toward required Flagstaff unit equivalents and affordable housing. The affordable housing units should be constructed and further defined by the Planning Commission as also receiving COs. Failure to provide the required number of affordable housing units would result in withholding the permits for the next density increment. Staff met with the developer on several occasions since last spring to advise them of the 150 CO threshold and discuss a plan to meet its obligation. Talisker submitted a pending pre-MPD application in November 2007 to fulfill that initial portion of the obligation, which was continued by the Planning Commission last night. Talisker is also a co-applicant in the Park City Heights Annexation which will provide additional affordable housing units, if approved. Ms. Phyllis stated that neither of these projects are far enough along to provide the City with a determination on the number of affordable housing unit equivalents that could be satisfied on site, because the projects are preliminary and density has not been established. Staff is recommending that Talisker fund into a trust and agency account the amount of $500,000 per outstanding affordable housing unit in order for those units to be counted. One half of the fund would be released at building permit and the other at the CO stage. The intent of the trust and agency account is to provide an incentive to perform in a timely manner.

She referred to six items in the staff report requiring Council direction and a revised phasing and project development plan. Mark Harrington explained that the chart and the narrative in the technical report need to be read together in context and added that the phasing plan needs to be addressed in conjunction with any definition clarifications in the chart.

David Smith, counsel for Talisker, explained that their affordable housing efforts with respect to meeting affordable housing unit equivalents began in the winter of 2005. At that time, Talisker was aware of the obligation and entered into a two year process with the proposal at Quinns Junction in February 2006. Talisker's expectation was that its obligation would be met, but the task force process didn't conclude until the end of 2007 and discussions with staff began to address solutions to the potential shortfall. The solutions were long and varied and under the Development Agreement and Affordable Housing Technical Report there are 11 delineated options for satisfying affordable housing. Early on, Talisker considered the donation of Quinns, but at that point, the City was requesting combining the Quinns site with the PC Heights Annexation, so that option was not pursued. He stated that they considered a swap of parcels between the City for Talisker land but under the Development Agreement, the development of affordable housing would not involve any greater cost to Talisker for construction. In addition, the site would have to be large enough to accommodate all off-site housing needs. For those reasons, that option was not viable. Mr. Smith continued that fee-in-lieu alternatives were entertained as early as April 2006, but the feedback has been consistently discouraged. Talisker and staff evaluated the three sites identified in the technical report, lower Marsac Avenue, upper Marsac Avenue, and upper Daly Avenue and a significant amount of money was spent on technical reports and planning analyses. It was determined that probably the quickest way in getting affordable housing constructed is to select the lower Marsac Avenue site which is pending.

Mr. Smith continued to explain that Talisker then explored the possibility of leasing units in town and subletting them to employees at affordable rates. The problem was finding units meeting affordable housing criteria. Talisker also explored an affordable unit equivalent swap with the Peace House but were later informed that the trade would not qualify under the existing City ordinances in place. Phyllis Robinson clarified that the issue was that the credit would not occur immediately. He noted that about six affordable housing units are built on-mountain and the balance of the build-out in Empire Pass contained affordable housing within the multi-family structures and hotel; the on-site requirements will be satisfied. He assured Council members that Talisker is still pressing forward with the Marsac and the Quinns Junction sites. They were somewhat surprised by the call-up by Council two weeks ago but have taken another look at the technical report and ordinance. Eight or nine affordable unit equivalents could be accommodated on the upper Marsac site. David Smith offered to dedicate the site to the City for development of housing by the City, to satisfy associated obligations. Discussion ensued on the size of the Marsac lot, access, density and whether it could accommodate nine units. Mr. Smith felt that the conveyance would be an immediate solution. There are many people affected by Council's decision, including builders, partners and lenders.

Jim Hier brought up the use of the terms *constructed* and *construction* found in the technical report and Mr. Smith stated that he doesn't have information on this interpretation but does for the word *permitted*. For clarity, Mr. Hier suggested that *construction* means *constructed*. Members agreed. He asked that COs and TCOs be addressed and the Mayor felt they need to be consistently applied. Mayor Williams acknowledged that the task force approach added to the delay and they may have already met their obligation. Jim Hier felt that if a determination is not made now, we will be facing the same question in a couple of months.

The Mayor pointed out that Talisker appears to be acting in good faith, but hasn't satisfied its housing requirement. Candace Erickson believed that if the applicant holds a TCO, it is essentially like having a CO. Jim Hier noted that previous information defined CO as completion and then the term was changed to TCO. If TCO means completed, then there are 196 units completed and 46 units ahead of where we should be. He suggests that CO qualify in the first increment and TCOs in the next phases because of the ambiguity in use of terms, which will provide a couple of additional months to perform. He understood that TCOs expire so there are assurances. Candace Erickson expressed concerns about changing definitions after the agreement was executed. Roger Harlan understood that TCO status has to do with the City not being able to inspect final improvements because of weather conditions; the unit is habitable which should be the measure and the terms are somewhat interchangeable. Mayor Williams noted that the original agreement used the term COs, not TCOs. Jim Hier referred to correspondence from the City to Talisker notifying them of its pending affordable housing obligation where the term CO is used and not TCO. He reiterated his point of the ambiguity for qualifying the first phase. Mark Harrington believed that the decision of using the terms was not intentional and agreed with Mr. Hier that clarifying wording now is reasonable. Talisker could argue that they could have 900 TCOs and not a single CO for affordable housing and be compliant, but that is clearly not the intent. He clarified that reading the document sections together, intent becomes clearer. David Smith stated that when UPCM was engaged in working on the technical report, TCO was not stipulated. Mayor Williams noted that as units are being constructed, affordable housing is being provided by Talisker and discussion ensued regarding consistency in use of terms.

Phyllis Robinson referred to the table specifying the number of affordable housing units required in each phase and sets forth fees-in-lieu paid before the next density increment is permitted. This is interpreted to mean building permits. Staff's recommendation is to remove the reference to building permits and focus on the definitions of COs and TCOs.

This would allow Talisker to pull permits on the next phase. Mr. Smith referred to the Planning Commission minutes where the Flagstaff Development Agreement was being reviewed which supports this approach. Ms. Robinson added that to date, the Building Department has looked at this as final building permit and has not held up pulling excavations, footings and foundations permits. Ron Ivie, Chief Building Official, clarified that one or two permits are being held up until this discussion could be conducted. Jim Hier stated that the developers and contractors impacted by delays in pulling permits are not responsible for the affordable housing and should not be penalized.

He reiterated his prior suggestion of qualifying TCOs for the next 150 increment but applying COs in the first phase. The phasing plan modification was addressed, adding five affordable housing units in the second phase for a total of 35. Mr. Hier felt the requirement should be broader and Ms. Robinson explained her desire to have clear time lines. David Smith felt that if permits are not the issue, there is time to address revisions to the phasing plan which could include the question of the definition of CO. Jim Hier concurred that a revised time line should be established and suggested that a City Council member be assigned to participate in meetings with staff and the applicant and members agreed. Roger Harlan expressed his disappointment that Talisker has not provided required housing in a timely fashion and only found one qualified rental unit. Mr. Smith responded that the exercise may indicate a changing market because Talisker looked for workforce type housing rentals in the peak season with little success.

Joe Kernan supported establishing financial incentives. It was decided that the Planning Commission liaison, Jim Hier, and Alternate Liza Simpson participate in discussions. David Smith referred to Talisker's offer on the Marsac site, providing units immediately. Jim Hier stated that the conveyance does not get anything built unless the City constructs the housing. He prefers that Talisker build the units and constructing them on-site is always an option. Joe Kernan felt that the land has a value that should be considered but all other members were not willing to explore a conveyance. Roger Harlan stated that he supports the fee-in-lieu established at $500,000 per unit. Mr. Hier pointed out that there isn't a direct relationship with actual costs, but the amount is an effective incentive. Joe Kernan felt that the fee-in-lieu should reflect actual construction or subsidy costs and Liza Simpson stated that she is comfortable with the amount and is disappointed that more on-mountain units have not be built. She supports the $500,000 amount as specified in the staff report. David Smith described the $500,000 as *stunning* because it doesn't reflect actual or projected costs of construction. To secure this amount and then be saddled with fronting the construction costs to actually get the housing built seems onerous. Talisker is captive to the entitlement process but probably has more affordable housing underway than any other developer at any time. This extraordinary requirement is way off base. Joe Kernan suggested that Talisker pay the City the interest on $500,000 so it is as expensive as if Talisker were constructing the units. Roger Harlan spoke about the quality affordable housing built on-site at Silver Star which he feels is *stunning.* With regard to Mr. Smith's comment on the entitlement process, Mark Harrington spoke about the opportunity with partnering with the PC Heights proposal. Although the City encouraged this approach, Talisker was not held hostage nor is it certain that obligations would be met according to the time line.

David Smith stated that if permits are not the issue, but rather the phasing plan, these parameters can be worked out with the committee. Talisker's affordable housing is not theoretical but being built. Jim Hier reiterated his desire to arrive at options through the committee process and Mayor Williams stated that the $500,000 per unit fee is exorbitant. The Mayor invited public input.

Ruth Gezelius, resident and former Planning Commissioner, felt that all of the employee and workforce housing should be provided on site. She encouraged revision to the time lines and described the off-site parcels as inappropriate because of high traffic patterns, steep slopes, and impacts to the Historic District. One particular configuration or size is not suitable for all workforce housing. She encouraged working together but not to approve a project too quickly which hasn't been reviewed for compatibility with the Historic District. It is better to err on the side of planning caution and to arrive at an agreement that will work for everyone in the community. She is confused about the terms affordable, employee and work force housing. The concept is that firemen and teachers need housing but everyone needs housing. If only employee housing is provided then only the very rich and employees are left and the middle class will be gone. The agreement is not working as written neither for the applicant or the community.

Jack Coshen, Ironwood Development, stated that he has a building that will be completed this spring and is fearful about his ability to obtain COs. He has buyers ready to move in and it will be catastrophic if Ironwood is help up in the process. This is a very serious situation and they are stuck in the middle.

Tom Bennett, legal counsel for Nakoma, Christopher Homes, The Montage, and East-West, understood that the City will not withhold building permits regardless of the final resolution with Talisker. Jim Hier indicated that his statement is correct. He understood that with the first 150 completed units, final COs will be applied as the measurement. He encouraged Council to get this resolved in a reasonable manner. It is important to provide incentives but there is a line between incentives and punishment. His clients and others are involved in the incentive process, because it got the attention of the other developers who will be keeping close watch on Talisker to perform in an effective way. He thanked Council for devoting time to this discussion.

Jane Patton, Executive Director of Peace House, reminded Council of the adopted affordable housing resolution that provides opportunities to assist the Peace House in obtaining affordable housing and emergency shelter. She urged Council to consider this.

Bill Hummer, 32 Prospect Avenue, felt that Talisker and Evergreen are committed to providing affordable housing and the neighborhood recognizes the need for this type of housing. However, the Marsac site is an historic site and he understood that it would be rehabilitated and restored. As we lose the historic nature of the City, we turn into a ski resort and lose our mining heritage; he spoke about the inflated valuations in the

District. Traffic has increased significantly on Marsac Avenue and may double with the development of Flagstaff. Home owners would have concerns about the Marsac site.

Ron Ivie relayed that there is a serious problem in Park City with regard to dilapidated housing. He agreed with Ms. Gezelius about our varied housing needs and he encouraged Council to take a holistic approach and to make sure that there are clearly defined triggers for staff to apply.

Peter Cook, Evergreen, stated that he is speaking personally and not as a consultant for Talisker. He spoke about the Planning Commission meeting held last night on the Marsac site where the location of affordable housing was debated. He discussed his career in building affordable housing in town which should be addressed rather than blaming people. There are people that want it and people that don't want it and he has fought every type of battle relating to providing affordable housing. He pleaded with Council to formulate an affordable housing objective, and if you truly want leadership, it has to be on both sides. He believes that Talisker has the will to get the housing built but this is a joint venture with the City. Everyone in the room should take some blame. Mayor Williams interjected that he doesn't feel this is about blame or not supporting affordable housing, but about clarifying a development agreement. This is not a bad thing, but a good thing. Mr. Cook felt that the process can be expedited with leadership.

Mark Slettom, PC Heights Annexation task force member, recalled that the City called Talisker to the table which took time to explore. To a great extent, there is responsibility on both sides. The location of the housing on-mountain is of concern to him because there is only one access with the potential to significantly impact traffic, as opposed to locating housing in other parts of town.

Alex Butwinski, resident, agreed with Council members Harlan and Hier and felt that affordable housing needs to be created.

With no further input, the public hearing was closed.

Jim Hier clarified comments from the Planning Commission meeting last night, stating that the Marsac units are not considered on-site. David Smith indicated that this is not Talisker's understanding. He added that if units are built on-site, there may be more cars, but those people will not be traveling during peak commute hours. He suggested that this be continued pending the discussion and meetings on Question No. 6. Since Talisker's is out of sync with the affordable housing plan identified in the housing technical report, an updated plan should be provided to the City by March 31, 2008. He emphasized that members agreed that Liza and he would participate in meetings to develop that plan and work toward a list of options that would potentially be acceptable to the Council and the developer. Mark Harrington incorporated a reference to consensus Council provided on Nos. 2 through 5 of the staff report. Joe Kernan, "<u>I move that we continue the call-up of the Planning Commission decision as framed by Jim Hier's suggestions and Mark Harrington's addition</u>". Liza Simpson seconded. Jim Hier stated that should they reach an impasse, there is the ability to withhold COs or

TCOs in any event, if the conditions are not met. There was agreement to schedule the continuance on April 3, 2008. Motion unanimously carried.

## VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

## VII ADJOURNMENT

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

## MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Environmental Specialist; Bret Howser, Budget Analyst; Jon Weidenhamer, Project Manager; Tom Daley, Deputy City Attorney; Jerry Gibbs, Public Works Director; Gary Hill, Budget Manager; and Kathy Lundborg, Water Manager. Candace Erickson, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried unanimously. The meeting opened at approximately 3 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

## City Council
## Staff Report

| | |
|---|---|
| **Subject:** | **Habitat for Humanity Fee Waiver Request** |
| **Author:** | **Phyllis McDonough Robinson** |
| **Department:** | **Sustainability** |
| **Date:** | **March 13, 2008** |
| **Type of Item:** | **Administrative** |

**Summary Recommendation:**
Consistent with City Municipal Code, Staff recommends that the City Council approve a fee waiver to Habitat for Humanity for planning application fees and direct staff to return with a request for building and/or impact fee waivers when the project has received the necessary entitlements.

**Topic/Description:**
Affordable Housing Fee Waiver

**Background:**
On February 7, 2008 Council approved the donation of city-owned property at 154 Marsac Avenue to Habitat for Humanity (HFH) of Summit and Wasatch County for the development of ownership housing for modest income households. The land transfer is contingent upon HFH receiving all necessary approvals including, but not limited to Subdivision, Planning Commission and Historic District Design Review. Until such time as approvals are received the City retains ownership of the land. Habitat for Humanity is working on a plat amendment, conditional use permit and other required applications for two – four homes.

**Analysis:**
Habitat for Humanity submitted a request for a fee waiver for application and permit fees. Section 11-12-13 of the Municipal Code provides that “any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects.” Section 11-13-4(a) further authorizes the City Council to “waive impact fees for construction of affordable housing, up to $5,000 per unit.” The project, as proposed, is consistent with the Land Management Code definition of affordable housing.

Habitat has been working diligently on the plat amendment and site plan for the parcel. They are preparing to submit the necessary applications for Subdivision and Plat Amendment, a Conditional Use Permit, including a Steep Slope CUP, and Architectural and Design Review. The total cost for these applications is $1,550 if the application is for a two-unit project or $2,690 if the application is for four units.

Staff supports the waiver of fees for this project but is unable to recommend fee waivers beyond the initial required planning application fees at this point. This is simply because the other fees are based on total construction valuation and/or the number of units to be constructed. Until Habitat for Humanity receives approvals from the Planning Commission, it is not possible to calculate the cost of the fees associated with building permits, including mechanical, plumbing, electrical and grading permits, plan check fees, permit issuance fees, or engineering construction inspection fees. The same is true for any potential waiver of Parks and Open Space, Public Safety, Water or and Streets Impact fees. It is anticipated that we will return to Council in early summer with an enhanced fee waiver request.

HFH has already invested significant time and organizational expense in preparing the survey and plat for this property. HFH has received an award of low interest financing from the Olene Walker Housing Loan Fund for this project and is seeking additional grant resources to enhance the project's viability. Staff recognizes HFH's contribution of their own organizational resources to advance this project. A waiver of planning application fees also are appropriate since the City is retaining ownership of the property pending Planning Commission approval of HFH's planning applications.

**Department Review:**
This report was reviewed by Planning, Legal and the City Manager.

**Alternatives:**

A. **Approve the Request:** Council may approve the waiver of planning application fees and direct staff to return with an additional request for fee waivers when the project has received necessary entitlements. This is Staff's recommendation.
B. **Modify the Request:** Council may approve a cap on fee waivers that HFH can apply towards planning and future permit and impact fees.
C. **Deny the Request:** Council may deny HFH's request for fee waivers.
D. **Continue the Item:** Council may continue the item and direct staff to return with additional information or options.
E. **Do Nothing:** Council may elect not to take any action on this request.

**Significant Impacts:**
A waiver of the planning application fees is foregone revenue to the City since they are part of the City's General Fund. Should Council approve a waiver of impact fees in the future these funds would be reimbursed by the Affordable Housing CIP account.

**Consequences of not taking the recommended action:**
Should Council deny the fee waiver request HFH will need to absorb these costs into the project budget which could affect project affordability. Alternatively, HFH will need to seek additional grant support to offset these costs.

**Recommendation:**
Consistent with City Municipal Code, Staff recommends that the City Council approve a fee waiver to Habitat for Humanity for planning application fees and direct staff to return

with a request for fee waivers when the project has received the necessary entitlements.

Attachment A: HFH Fee Waiver Request

Summit and Wasatch Counties

February 12, 2008

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

**Re: Request for fee waiver for units to be built by Habitat for Humanity for Affordable Home Development on Pechnik Parcel**

To: Park City Municipal Corporation

Thanks so much for your approval of the Pechnik Parcel land transfer to Habitat for Humanity - Summit & Wasatch Counties! We really appreciate your support. It is so very exciting for Habitat to be able to build affordable housing within the city limits.

The purpose of this letter is to formally request that the Park City Municipal Corporation consider a fee waiver for the 2-4 units to be built by Habitat for Affordable Home Development on the Pechnik Parcel. The request is pursuant to:

> **SECTION 7. FEE WAIVERS.** Section 11-12-13 of the Municipal Code provides that "any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects." Pursuant to Section 11-13-4(A) of the Municipal Code, the City Council can waive impact fees for construction of affordable housing up to $5,000 per unit.

Habitat for Humanity - Summit & Wasatch Counties is a nonprofit organization dedicated to providing simple, decent, and affordable housing for low-income families in need. We would very much appreciate the fee waiver for each unit to be built.

Please feel free to contact me if you need any additional information or have any questions. We thank you in advance for your kind consideration and look forward to hearing from you soon.

Regards,

Julie Bernhard
Executive Director
Habitat for Humanity, Summit & Wasatch Counties
P.O. Box 682704
Park City, Utah 84068
435.640.5119; bernfam1@xmission.com

## ATTACHMENT A

# City Council
# Staff Report

**Subject:** 2008 US Freestyle Championships
**Author:** Max J. Paap
**Department:** Sustainability- Implementation
**Date:** March 13, 2008
**Type of Item:** Administrative – Master Festival License

**Summary Recommendations:**
Review the Master Festival License application, conduct a public hearing, and approve the license for The 2008 US Freestyle Championships, as conditioned, on March 27 - 30, 2008 to be held at Deer Valley, Park City Mountain Resort, Town Lift Plaza, and Utah Olympic Park.

**Description:**

**Topic:**
Review the Master Festival License Application, submitted by United States Ski and Snowboard Association, for the 2008 US Freestyle Championships on March 27 – 30, 2008.

**Background:**
The United States Ski and Snowboard Association submitted an application in November of 2007 requesting a Master Festival License to hold the 2008 US Freestyle Championships in and around Park City. The Utah Olympic Park will host the Aerials competition on March 27th and Park City Mountain Resort will host the Halfpipe competition on March 28th. Deer Valley will host the Moguls and Dual Moguls on March 29th and 30th. On March 27 – 29, 2008 the Town Lift Plaza will serve as a sponsor venue and awards platform for the athletes and have live musical performances from 6:00 – 7:00 pm on each day. The event would run from 9:00 am to 7:00 pm on Thursday, March 27; from 2:00 pm to 7:00 pm on Friday, March 28; and from 4:30 pm to 7:00 pm on Saturday, March 29, 2008.

The 2008 US Freestyle Championships is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

**Analysis:**
The event organizers have requested to hold their Town Lift events on March 27 - 29, 2008. All events will conclude by 7:00 pm each day. This application is being reviewed as a Master Festival License due to the request for amplified music.

<u>Town Lift Activities</u>
Town Lift activities will be contained within the Town Lift Plaza with set-up beginning at 9:00 am on Thursday, March 27, 2008. Sponsor booths/activities will begin at 1:00 pm, Hospitality/VIP activities beginning at 5:00 and athlete awards will begin at 5:30 pm. The band will play between 6:00 – 7:00 pm on each evening.

<u>Parking</u>
Parking for this event can accommodated in the Town Lift Parking Garage, Pay and Display spaces on Main Street, on-street time limited spaces, or the China Bridge parking structure.

**Department Review:**
All applicable departments have reviewed the 2008 US Freestyle Championships and their comments have been incorporated into the report.

**Alternatives:**
**Approve the Request:**
Approve the Master Festival License allowing the 2008 US Freestyle Championships as described. **This is staff's recommendation.**
**Deny the Request:**
Deny the Master Festival License, preventing the addition of the 2008 US Freestyle Championships to Park City's schedule of events.
**Continue the Item:**
The City Council may continue the discussion in order to receive additional information

**Significant Impacts:**
Park City has held many similar events to the 2008 US Freestyle Championships. The activities will be contained within described venues and will conclude by 7:00 pm.

**Consequences of not taking the recommended action:**
The 2008 US Freestyle Championships would not take place.

**<u>RECOMMENDATION</u>:**
Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the 2008 US Freestyle Championships on March 27 - 30, 2008

based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The 2008 US Freestyle Championships will be held Thursday, March 27 – Saturday, March 29, 2008. The event will last from 9:00 am to 7:00 pm on Thursday, March 27; from 2:00 pm to 7:00 pm on Friday, March 28; and from 4:30 pm to 7:00 pm at the Town Lift Plaza.
2. Parking for the anticipated crowd of 150 people will be accommodated at the Town Lift parking garage Lot or in the existing public parking in and around the venue. The conduct of the 2008 US Freestyle Championships will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with the 2008 US Freestyle Championships will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at the Town Lift Plaza. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. The United States Ski and Snowboard Association submitted their initial application in November of 2007; Park City Municipal Code (4-8-4) requires 90 day review for consideration of a Master Festival License. USSA has met that criteria.
6. There are no other Master Festival and Special Event Licenses that have been granted for March 27 – 30, 2008. The US Freestyle Championships will not substantially interfere with the logistics and venue for any event for which a license has already been granted and with the provision of City services in support of other such events or governmental functions.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. The applicant will work with City Staff to orient the temporary stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for each event.
   (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
   (D) All events shall be open to the public and free of charge.
3. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by March 20, 2008.

**Attachments**

Exhibit A- Applicant's Summary of Activities

Exhibit A-

**PARK CITY MUNICIPAL CORPORATION**
**SPECIAL EVENT AND MASTER FESTIVAL LICENSE**
**EVENT APPLICATION-PART i**
*A completed electronic copy submitted to the Special Events Department*

**Special Events and Facilities Department**
435.615.5150
specialevents@parkcity.org

**APPLICATION FORM**
Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

**EVENT NAME:** 2008 US Freestyle Championships

**EVENT DATE(S):** March 27 - 30, 2008

**EVENT TIME(S):** 9am - 9pm

**EVENT LOCATION(S):** *Please describe in detail the exact location(s)*
Town Lift Plaza

**ANTICIPATED ATTENDANCE: 150 - 250 per day**

**EVENT DESCRIPTION:** *Please describe in detail the activities associated with the event*
**Awards and Marketing Headquarters**

**APPLICANT:** *(name of organization)* United States Ski and Snowboard Association

**CONTACTS**

Event Manager: Mike Henderson
Mailing Address: USSA, 1500 Kearns Blvd, Park City, UT 84060
Phone: 435 647 2014 Fax:435 649 3613
Cell Phone: 435 640 8540
E-Mail: mhenderson@ussa.org

Assistant Event Manager: Konrad X. Rotermund
Mailing Address: 1734 East Browning Ave. SLC, Utah 84108
Phone: 801.558.8618 Fax:866.743.8512
Cell Phone:
E-Mail: konrad@mainstreammarketing.net

**TYPE OF EVENT:** *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
☐ attraction of large crowds, (Over 500)
☐ street closure,
☒ use of City park, building or property,
☐ use of off-site parking facility,
☒ use of amplified music.

☒ **Special Event;**
A private or public event, which creates significant public impacts through:
☐ causes significant public impacts via disturbance, crowd, traffic/parking,
☐ disruption of the normal routine of the community or affected neighborhood,
☐ necessitates temporary business or liquor licensing
☒ event signs, visible from public property
☒ temporary structures

*CITY SERVICES*

- request for street closure(s)? ☐ yes ☒ no
  if yes, then list street(s) and closure time and date:
- request for closure of or access to any public parking spaces? ☐ yes ☒ no
  if yes, then list lot and closure times and dates:
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☐ yes ☒ no

**SALES AND FOOD VENDING**

- will there be beer, wine and/or liquor sales during the event? ☐ yes ☒ no
  if yes, have you filed a *Beer and Liquor License Application* with Park City Finance Department? ☐ yes ☐ no

***if yes, have you filed a* Single Event *or* Temporary Beer Permit *application w/ UDABC?*** ☐ ***yes*** ☐ ***no***

**APPLICATION FEES**

All new applications require a $100 processing fee, all applications for returning events require a $50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

**INSURANCE**

Park City Municipal requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

**City Council**
**Staff Report**

**Author:** Katie Cattan
**Subject:** 279 Daly Avenue Subdivision Plat
**Date:** March 13, 2008
**Type of Item:** Administrative – Plat Amendment

PARK CITY
1884
PLANNING DEPARTMENT

## Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 279 Daly Avenue Subdivision Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance (Exhibit A).

## Topic

| | |
|---|---|
| Applicant: | Joanne Caluori |
| Location: | 279 Daly Avenue |
| Zoning: | HR-1 |
| Adjacent Land Uses: | Residential |
| Reason for Review: | Plat amendments require Planning Commission review and City Council action |

## Background

On November 21st, 2007 the City received a completed application for the 279 Daly Avenue Subdivision Plat. The property is located at 279 Daly Avenue in the Historic Residential (HR-1) zoning district of Park City. The proposed plat amendment combines two metes and bounds parcels (parcel 1 and parcel 2) located at 279 Daley Avenue. The proposal is to remove the property line between the two parcels and create one lot of record. The two parcels are located in a tandem configuration off of Daly Avenue. There is an existing historic single family home on the front parcel. There are no existing structures on the rear parcel.

The plat amendment will create one legal lot of record. No future building plans have been proposed by the applicant. A building permit cannot be issued for construction across a lot line or on a metes and bound parcel.

The Planning Commission heard this application at its regularly scheduled meeting on February 27, 2008, and forwards a positive recommendation. There was no public input.

## Analysis

The proposed plat amendment creates one lot of record within the HR-1 zoning district. Staff has reviewed the proposed plat amendment and found compliance with the following LMC requirements for lot size:

| | LMC Requirement | Proposed Condition |
|---|---|---|
| Lot Area | 1,875 square feet minimum | 8,347 square feet |
| Lot Width | 25 feet minimum | 37 feet |

Staff finds good cause for this plat amendment as two parcels will be combined into one lot of record. The existing historic house will be on a lot of record and not two metes and bound parcels. The existing home will be in compliance with all setback requirements of the Land Management Code. The proposed plat amendment would allow the owner to build an addition onto the home in the future. All future construction must comply with the LMC requirements for the HR-1 zone. Under the current LMC the following site requirements would be allowed on the proposed new lot:

| | Permitted |
|---|---|
| Height | 27' above existing grade |
| Front Setback | 15' minimum |
| Rear Setback | 15' minimum |
| Side Setback | 5' minimum |
| Footprint | 2610 square feet |
| Parking | None required for Historic House |

**Department Review**

On December 11, 2007 this project was discussed at an interdepartmental review meeting. Two issues were raised at this meeting. One concern was that an existing trail traversed through the rear parcel. The survey company confirmed in writing that the trail of concern was not located within the rear parcel and therefore will not be impacted. The second concern raised was snow storage. The applicant amended the plat to provide a ten foot wide snow storage easement along the front property line.

**Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

**Public Input**

No public input has been received at the time of drafting this report.

**Alternatives**

- The City Council may approve the 279 Daly Avenue Subdivision Plat as conditioned or amended, or
- The City Council may deny the 279 Daly Avenue Subdivision Plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the 279 Daly Avenue Subdivision Plat.

**Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

**Consequences of not taking the Suggested Recommendation**

The parcel configuration would remain with two parcels at 279 Daly Avenue. No future construction could take place across the existing lot lines.

**Recommendation**

Staff recommends the City Council review the application, hold a public hearing and consider approving the 279 Daly Avenue subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

**Exhibits**

Exhibit A – Ordinance
Attachment 1 – Proposed Plat

**AN ORDINANCE APPROVING THE 279 DALY AVENUE SUBDIVISION PLAT, AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 279 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of two metes and bounds parcels located at 279 Daly Avenue have petitioned the City Council for approval of the plat amendment; and

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

WHEREAS, there applicant would like to combine the existing two metes and bound parcels into one lot of record; and

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

WHEREAS, the Planning Commission held a public hearing on February 27, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 13, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 279 Daly Avenue Subdivision Plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 279 Daly Avenue Subdivision Plat, as shown in the attachment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 279 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 279 Daly Avenue is two tandem metes and bound parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing parcels into one lot of record.
5. The size of the proposed lot is 8347 square feet.
6. According to the Land Management Code the minimum lot width in the HR-1 District is 25’. The lot width of the 279 Daly Avenue Subdivision Plat is 37.78.

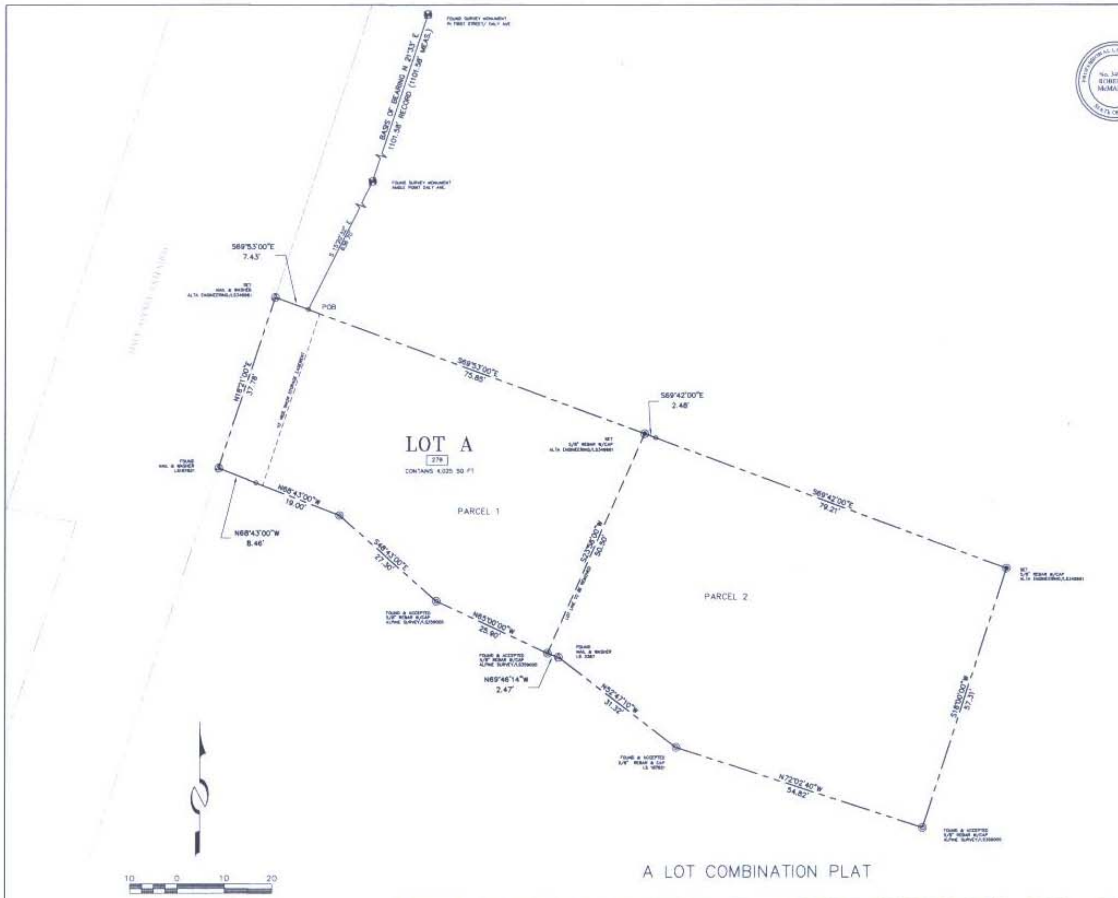
7. According to the Land Management Code the minimum lot area in the HR-1 is 1,875 square feet. The lot area of the 279 Daly Avenue Subdivision Plat is 8347.26 square feet.
8. An existing historic home is located on the front parcel of land.
9. The proposed lot creates a snow storage easement 10 feet wide along the front property line off of Daly Avenue
10. No remnant parcels of land are created by this plat amendment.
11. Access to the lot is from Daly Avenue.
12. No trails exist across the property.
13. All findings within the Analysis section are incorporated within.

Conclusions of Law:
1. There is good cause for this Plat Amendment because it will create one lot of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

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

PASSED AND ADOPTED this 13th day of March, 2008.




A LOT COMBINATION PLAT

# 279 DALY AVENUE SUBDIVISION PLAT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21 TOWNSHIP 2
SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

LEGEND

- SET REBAR & CAP "ALTA ENGINEERING/ LS 349961"
- SET NAIL & WASHER
- FOUND REBAR AND CAP (UNLESS OTHERWISE NOTED)
- FOUND STREET MONUMENT
- STREET ADDRESS

## SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961, as prescribed by the laws of the State of Utah, and that by the authority of the owner(s), I have prepared this Record of Survey of the 279 DALY AVENUE SUBDIVISION. I further certify that this plat is a true representation of said property.

No. 349961
ROBERT J.
McMAHON

________________ Robert J. McMahon

____________ Date

## LEGAL DESCRIPTION

**PARCEL 1:**

Part of the Washington millsite Lot 80-B being situated in Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian in Park City, Summit County, Utah, and being more particularly described as follows:

BEGINNING at an existing fence corner, said point bears South 15°20'32" West 636.70 Feet from a brass cap survey monument in Daly Avenue located opposite Lot 24, Block 74, Park City Survey, Thence South 69°53'00" East along an existing fence line 75.85 feet to an existing fence corner, thence South 23° 58' 00" West 50.50 feet to an existing fence corner; the following two calls being along an existing fence line 1) thence North 65°00'00" West 25.90 feet to an existing fence corner; 2) thence North 48°43'00" West 27.30 feet to an existing fence corner; thence North 68° 43'00" West 19.00 feet to a point that bears South 16° 48' 00" West 38.00 feet from said Beginning Point, thence continuing North 68°43'00" West 8.46 feet to a point on the Easterly Right-of-Way line of Daly Avenue as shown on the dedication Plat thereof recorded September 12, 1983 as entry No. 210640 in the office of the Recorder, of Summit County, Utah; thence North 18°21'00" East along said Right-of-Way thence South 69°53'00" east 7.43 feet to the Point of Beginning.

**PARCEL 2:**

BEGINNING at a point that is South 35°27'00" West 1620.00 feet and South 18°00'00" West 641.00 feet and North 18°00'00" East 294.819 Feet from the Northeast Corner of Section 21, Township 2 South, Range 4 East, said point being on the East boundary of the Washington Millsite, Lot 80-B; thence North 72°02'40" West 54.82 feet, thence North 52° 47'10" West 31.32 feet along the North Boundary of property owned by Rose H. Busio to the Southeast corner of the property belonging to Joanne A. Caluori; thence North 23° 59'00" East 50.50 Feet more or less to the South line of property conveyed in Quit Claim Deed recorded July 18, 1996 as entry No. 458393 in book 979 at page 10 of the official records in the office of the Summit County Recorder; thence South 69°42'00" East 79.21' along said South line to the East Boundary of the Washington Millsite; thence South 18°00'00" West 57.312 feet along said Boundary line to the Point of Beginning.

**LOT A**

BEGINNING on the Easterly Right-of-Way line of Daly Avenue Extended as shown n the dedication plat of Daly Avenue Extended recorded September 12, 1983 as entry No. 210640 on file and of record in the office of the recorder, Summit County, Utah, said point being South 14°41'31" West 407.27 feet and South 18°21'00" West 229.16 feet from a brass cap monument located in Daly Avenue opposite Lot 24, Block 74, Park City Survey; thence South 69°53'00" East, 83.28 feet; thence South 69° 42'00" East, 81.69 feet; thence South 18°00'00" West 57.31 feet; thence North 72°02'40" West, 54.82 feet; thence North 52°47'10" West, 31.32 feet; thence North 69°46'14" West, 2.47 feet; thence North 65°00'00" West, 25.90 feet; thence South 48°43'00" East, 27.30 feet, thence North 68°43'00" West, 27.46 feet to a point on the on the Easterly Right-of-Way of Daly Avenue; Thence along said Right-of-Way North 18°21'00" East, 37.78 feet to the Point of Beginning.

Description contains 8347.26 square feet more or less.

## OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as the 279 DALY AVENUE SUBDIVISION PLAT, does hereby certify that she has caused this Subdivision Plat to be prepared, and I, Joanne Caluori, hereby consent to the recordation of this Subdivision Plat.

ALSO, the owner or his representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this ______ day of

________________ 2007.

________________
Joanne Caluori
Owner

## ACKNOWLEDGMENT

State of Utah
SS.
County of Summit

On this ______ day of ________________, 2007, ________________ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Joanne Colouri acknowledged to me that she is the owner of the herein described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

________________
A Notary Public Commissioned in Utah

________________

Residing at: ________________

My commission expires ________________

JOB NO.: 11-06-02 FILE: \engineering\projects\279 Daly\dwg\279Plat

| ALTA ENGINEERING INC. | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT | PLANNING COMMISSION | ENGINEER'S CERTIFICATE | APPROVAL AS TO FORM | CERTIFICATE OF ATTEST | COUNCIL APPROVAL AND ACCEPTANCE | RECORDED |
|---|---|---|---|---|---|---|---|
| LAND PLANNING . CIVIL ENGINEERING<br>SURVEYING . PROJECT MANAGEMENT | REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ________, 2007 A.D.<br>BY ________ S.B.W.R.D. | APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 2007 A.D.<br>BY ________ CHAIRMAN | I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2007 A.D.<br>BY ________ PARK CITY ENGINEER | APPROVED AS TO FORM THIS ____ DAY OF ________, 2007 A.D.<br>BY ________ PARK CITY ATTORNEY | I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2007 A.D.<br>BY ________ PARK CITY RECORDER | APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________ 2007 A.D.<br>BY ________ MAYOR | STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________<br>DATE ____ TIME ____ BOOK ____ PAGE ____<br>____ FEE ____ RECORDER<br>RECEIVED |

# City Council Staff Report

**Planning Department**

| | |
|---|---|
| **Subject:** | **Land Management Code Amendments** |
| **Author:** | **Kirsten Whetstone, AICP** |
| **Date:** | **March 13, 2008** |
| **Type of Item:** | **LMC Amendments** |

**Summary Recommendations**

Staff recommends that the City Council conduct a public hearing, discuss proposed amendments to the Land Management Code for Chapter 15-12-2 Planning Commission Terms and Eligibility and Chapter 15-15 Definitions, and consider adopting an ordinance to approve these amendments based on the findings of fact and conclusions of law found in the draft ordinance.

**Topic**

| | |
|---|---|
| Project Name: | LMC Amendments |
| Applicant: | Planning Department |
| Proposal: | Revisions to the Land Management Code- Chapter 15-12-2 to amend the Planning Commission term expiration and Chapter 15-15 Definitions to include a definition for Maximum House Size. |

**Background**

The Planning Department is preparing annual amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year and to address specific LMC issues. The first of these amendments are proposed to two Chapters as follows: 1) Chapter 12-2 regarding expiration of Planning Commission terms and 2) Chapter 15-15 to add a definition for Maximum House Size. On February 27, 2008, the Planning Commission conducted a public hearing and discussed the proposed amendments. There was no public input. The Planning Commission forwarded a positive recommendation to City Council with an amendment to the Ordinance to state that the term expires on Wednesday, rather than on Monday.

**Analysis and Discussion**

Amendments to Chapter 12-2- Planning Commission Terms and Eligibility

Staff recommends the Commission discuss amending Chapter 12.2 to revise the Planning Commission term expiration date from the second Monday in February to the 2$^{nd}$ Wednesday in July. This is consistent with the City Council direction to appoint boards and commissions in July and is consistent with the Planning Commission meeting dates. The new term will begin the 2$^{nd}$ Wednesday in July.

Amendments to Chapter 15-15- Definitions

Staff recommends the Commission discuss amending Chapter 15-15 to add the definition of maximum house size. The term maximum house size has been utilized regularly on subdivision plat notes, such as the Hearthstone plat. The Planning

Commission provided direction to staff, on November 28, 2007, to use the measurement of Gross Floor Area. To be consistent in the application of measuring maximum house size it is recommended that the following definition be added to Chapter 15-15 of the Land Management Code:

15-15-1.140 Maximum House Size. A measurement of Gross Floor Area.

Gross Floor Area is defined in the Land Management Code as follows:

15-15-1.94 Floor Area, Gross. The area of a building, including all enclosed areas designed for human occupation. Unenclosed porches, balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum area of 600 square feet, are not considered floor area. Basement area below final grade is not considered floor area.

**Department Review**

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department.

**Notice**

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

**Public Input**

A public hearing is required to be conducted by the Planning Commission and City Council prior to adoption of these amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. Staff has not received any public input regarding these amendments at the time this report was prepared. The Planning Commission conducted a public hearing on February 27, 2008, and there was no input on this item.

**Alternatives**

- Conduct a public hearing on the above described LMC amendments and approve the amendments as presented, or as amended at the hearing.
- Conduct a public hearing and deny the amendments and direct staff to prepare specific findings for this action.
- Continue action on the LMC amendments to a date certain.

**Significant Impacts**

There are no fiscal or environmental impacts on the City as a result of these amendments.

**Consequences of not taking the Suggested Recommendation**

Not taking the suggested recommendation will leave the LMC unchanged and may result in lack of clarity regarding calculations for Maximum House Size, a term that is found on several recorded plats. Planning Commission terms would continue to expire on the 2nd Monday in February.

**Recommendation**

Staff recommends that the City Council conduct a public hearing, discuss proposed amendments to the Land Management Code for Chapter 15-12-2 Planning Commission Terms and Eligibility and Chapter 15-15 Definitions, and consider adopting an ordinance to approve the LMC amendments based on the findings of fact and conclusions of law found in the draft ordinance.

**Exhibits**

Ordinance
Exhibit A- LMC Section 15-12-2 Terms and Eligibility of Members
Exhibit B- LMC Section 15-15-1 Definitions

**Draft Ordinance**

**AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO ADDRESS REVISIONS TO SECTION 15-15-2 TERMS AND ELIGIBILITY OF MEMBERS AND SECTION 15-15 DEFINITIONS**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to the Land Management Code to address administrative and substantive revisions;

WHEREAS, Chapter 12- Planning Commission identifies the terms and eligibility of Planning Commissioners and the City desires to amend the expiration date from the second Monday in February to the second Wednesday in July, consistent with City Council direction to appoint boards and commissions in July.

WHEREAS, Chapter 15- Definitions provide clarity of meaning for words used in the Land Management Code and amendments to existing definitions are necessary to clarify terms that appear on recorded plats that are not currently defined in the code. The term Maximum House Size is found on several subdivision plat notes. The City desires to clarify this term by including a definition for this term in the code;

WHEREAS, these amendments are changes identified during the 2007 annual review of the Land Management Code;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at it's regularly scheduled meeting on February 27, 2008, and forwarded a recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 13, 2008; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

<u>SECTION 1. AMENDMENT TO CHAPTER 12.2 OF THE LAND MANAGEMENT CODE</u>. Chapter 12.2 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 12.2 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 15-15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 13th day of March, 2008

## EXHIBIT A

## TITLE 15 - LAND MANAGEMENT CODE

## TITLE 15 - LAND MANAGEMENT CODE (LMC)
## CHAPTER 12 - PLANNING COMMISSION

*Chapter adopted by Ordinance No. 01-17*

**15-12-1. PLANNING COMMISSION CREATED**.

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

*(Amended by Ord. No. 06-35)*

**15-12-2. TERMS AND ELIGIBILITY OF MEMBERS**.

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Wednesday ~~Monday~~ in ~~February~~ July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

**15-12-3. GROUNDS FOR REMOVAL**.

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY REPRESENTATION**.

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

**15-12-5. AUTHORITY**.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

**15-12-6. CHAIRMAN**.

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding

## EXHIBIT B

**Lumen**. A measurement of light output or the amount of light emitting from a Luminaire.

15-15-1.138. **Luminaire**. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type**. A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90º).

(B) **Luminaire, Fully Shielded**. Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Partially Shielded**. Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

15-15-1.139. **Master Planned Development (MPD)**. A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

15-15-1.140. **Maximum Extent Feasible**. The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining “Maximum Extent Feasible”.

15-15-1.141 Maximum House Size. A measurement of Gross Floor Area.

15-15-1.141. **Model Home**. A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

15-15-1.142. **Neighborhood Convenience, Commercial**. Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

15-15-1.143. **Nightly Rental**. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

15-15-1.144. **Non-Complying Structure**. A Structure that:

(A) legally existed before its current zoning designation; and

(B) because of subsequent zoning changes, does not conform with the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.

# City Council Staff Report

**Subject:** Sign Code Amendment
**Author:** Brooks T. Robinson
**Date:** March 13, 2008
**Type of Item:** Legislative - Sign Code Amendment

PARK CITY 1884
PLANNING DEPARTMENT

## Topic

Project Name: Sign Code Amendment
Applicant: Planning Department
Reason for Review: Municipal Code revisions require City Council action.

## Background

The Planning Department is preparing annual amendments to the Land Management Code (LMC) and the Municipal Code to address planning and zoning issues that have come up in the past year and to address specific issues. The LMC issues are discussed in another report. This item relates to the Sign Code, which is Title 12 of the Park City Municipal Code.

The Frontage Protection Zone does not allow any structure within thirty feet (30') of the nearest highway Right-of-Way (LMC 15-2.20-4(A)). All construction activity, including signs, in the setback area between thirty and one hundred feet from the nearest right-of-way line requires a conditional use permit (LMC 15-2.20-4(B)). There are existing non-complying structures within the FPZ that were built prior to the enactment of the Frontage Protection Zone that are in need of being replaced and updated. Due to existing conditions not all locations have the ability to conform to the required 30 foot setback. A recent proposed renovation to the Snow Country condominium sign falls under these conditions. Snow Country was built prior to the enactment of the Frontage Protection Zone regulations and has no ability to place a sign at the conforming 30 foot setback as the parking lot is built at the property line. The existing wood sign was falling apart and the homeowners have proposed a sign that in all other respects is compliant with the Sign Code. Staff is recommending additional language be added to the Non-Conforming Chapter of the Sign Code regulations.

## Analysis

Amendment to Chapter 12-6-2 alterations of Non-Conforming Signs

Staff recommends discussion from the City Council for amending Chapter 12-6-2 to add the following language: "Free-standing non-conforming signs in the Frontage Protection Zone (FPZ) that were built prior to the enactment of the Frontage Protection Zone may be reconstructed at the sign's existing location so long as the said sign complies with all other regulations of the Sign Code."

Without the requested change, property owners will be able to repair existing non-conforming signs, but not substantially update or reconstruct the signs. The amendment allows signs to be aesthetically updated with a complete reconstruction so long as the degree of non-conformity is not expanded. The size, height, materials, lighting and other elements of a sign must meet current standards of the sign code. While this amendment reflects a change in policy away from one that favors removal, the amendment conforms to recent practice of facilitating updates to existing free-standing signs such as the Municipal sign at the corner of Heber and Deer Valley Drive, the Deer Valley Resort sign at the roundabout between Marsac Avenue and Deer Valley Drive, and the Mountain Vineyard sign along Kearns Boulevard.

**Department Review**
These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the City Manager and Legal Department.

**Notice**
Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

**Public Input**
A public hearing was not required to be conducted by the Planning Commission. Staff presented this report as a staff communication/informational item to the Planning Commission on February 27. The Commission did not provide any further input or objections to the proposed change. The City Council must conduct a public hearing prior to adoption of this amendment. Other than Snow Country condominiums, who obviously support the change, staff has not received any public input regarding this amendment at the time this report was prepared. The Snow Country condominium association who will be affected by this amendment is prepared to replace their sign with a new sign in the same location as the old one.

**Significant Impacts**
There are no fiscal or environmental impacts on the City as a result of this amendment.

**Exhibits**
Ordinance Amending Title 12-6-2 Alterations of Non-Conforming Signs

**AN ORDINANCE APPROVING AN AMENDMENT TO THE MUNICIPAL CODE OF PARK CITY, UTAH, TO REVISE SECTION 12-6-2 ALTERATIONS OF NON-CONFORMING SIGNS**

WHEREAS, the Park City Municipal Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, Title 12- Sign Code allows for alterations of non-conforming signs for the purpose of maintaining the sign in its original condition;

WHEREAS, the Planning director has determined that some signs in the Frontage Protection Zone may remain in the same location as long as those signs meet all other regulations of the Sign Code; and

WHEREAS, the Planning Staff informed the Planning Commission at its regularly scheduled meeting on February 27, 2008 of the proposed sign code amendment during staff communications; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 13, 2008; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Municipal Code to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO TITLE 23, CHAPTER 6, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY. Section 12-6-2 is hereby amended to read as follows:

> Free-standing non-conforming signs in the Frontage Protection Zone (FPZ) that were built prior to the enactment of the Frontage Protection Zone may be reconstructed at the sign's existing location so long as the said sign complies with all other regulations of the Sign Code.

The entirety of section 12-6-2 is attached as Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

**EXHIBIT A**

## 12- 6- 2. ALTERATION OF NON-CONFORMING SIGNS.

Non-conforming signs may be maintained and repaired in accordance with Section 12-6-3 of this Title, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming sign that change the size, use, color, lighting, or appearance of a non-conforming sign are considered structural alterations and shall be brought into full compliance with the standards of this Code. Free-standing non-conforming signs in the Frontage Protection Zone (FPZ) that were built prior to the enactment of the Frontage Protection Zone may be reconstructed at the sign's existing location so long as the said sign complies with all other regulations of the Sign Code.