PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 2, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 2, 2000.

Closed Session - City Council Chambers - Lower Level

2:00 p.m. Property acquisition and litigation

Work Session - City Council Chambers - Lower Level

3:00 p.m. Council questions and comments
3:15 p.m. Policy discussion on City Park and permanent skateboard park
4:00 p.m. LMC - Phase 1
4:30 p.m. Review of regular meeting
- HR-1 and HRL ordinance
- Outdoor music
- SR 224 jurisdictional transfer
- Other meeting questions/comments

5:45 p.m. Break

Regular Meeting - City Council Chambers - Lower Level

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF FEBRUARY 10, 2000

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving the second amended plat of the Hearthstone Subdivision to relocate the driveway location for Lot 2, 950 Aerie Drive Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the second amended plat of the Hearthstone Subdivision to relocate the driveway location for Lot 2, 950 Aerie Drive, Park City, Utah

2. Ordinance accepting public improvements at Canyon Crossing Condominiums, Park City, Utah

3. Ordinance accepting public improvements for Eagle Pointe Subdivision Phases 1 and 2, Park City, Utah

4. Ordinance accepting public improvements for The Cove at Eagle Mountain PUD Phase 1, Park City, Utah

5. Authorization to staff to enter into a contract for library automated software with Data Research Associates in an amount not to exceed $125,000

VII PUBLIC HEARINGS

1. Ordinance approving a comprehensive and substantive rewrite of the Land Management Code, specifically Section 7.1, Historic Residential (HR-1) District, and Section 7.14, Historic Residential Development Low-Density (HRL), to address development on steep slopes, lot and site requirements for new construction and additions, building height measurements, permitted and conditional land uses, and vegetation protection

2. Outdoor music proposal for plaza areas within Park City, Utah

VIII NEW BUSINESS

1. Ordinance approving a comprehensive and substantive rewrite of the Land Management Code, specifically Section 7.1, Historic Residential (HR-1) District, and Section 7.14, Historic Residential Development Low-Density (HRL), to address development on steep slopes, lot and site requirements for new construction and additions, building height measurements, permitted and conditional land uses, and vegetation protection

2. Resolution authorizing the Mayor to execute SR224 Road Transfer Agreement in a format approved by the City Attorney

IX ADJOURNMENT

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 2, 2000

Present: **Mayor Brad Olch; Council members Peg Bodell, Candace Erickson, Roger Harlan, and Shauna Kerr**

Toby Ross, City Manager; Mark Harrington, City Attorney; Linda Cook, Project Manager; Pace Erickson, Parks and Golf Course Superintendent; Matt Twombly, Landscape Planner; Pat Putt, Planning and Zoning Administrator; Kirsten Whetstone, Planner; Alison Kuhlow, Planner; Melissa Caffey, Special Events Manager; and Carol Simmons, Library Director

Planning Commissioners Diane Zimney and Chris Larson; Parks and Recreation Board Chairman George Hull; Jim McMinimee, UDOT

Absent: **Council member Fred Jones**

1. **Council questions and comments.** Shauna Kerr reported that she chaperoned a high school group to our Sister-City, Courchevel, France. The people of Courchevel are very interested in maintaining our relationship and she suggested doing something special for the people of Courchevel during our Olympic celebrations. Ms. Kerr also recommended having a Sister City float in the 4th of July parade in recognition of the visiting delegation in Park City at that time. Candace Erickson noted that she attended the County Commissioner's meeting to listen to a new general plan proposal; she appreciated the *Cop Show* presentation on Tuesday which was very informative. Peg Bodell thanked staff for holding the Old Town garbage collection meetings. She relayed that Myles Rademan did a great job on Channel 8 and invited Council to make appearances. The Mayor reported on the Arts Council meeting and Ms. Bodell described the Arts Council role as not only a granting entity but also a fiscal sponsor. Roger Harlan thanked Nora Shepard for her memorandum on prominent projects in the area.

2. **Policy discussion on City Park and permanent skateboard park.** Linda Cook explained that at the adoption of the City Park Master Plan last year, staff was directed to focus on the development of the elements of the plan. The south end is currently unimproved and it is proposed to install a skateboard park in that location which was reviewed by the Parks and Recreation Board. Ms. Cook posed a number of questions, and Council affirmed that it supported a skateboard park to be located in the south end of City Park. The construction time frame was discussed and Ms. Cook advised that a skate park and incidental components of the facility could be completed in 2000. The Mayor felt that the project should proceed and agreed with Mr. Jones' memo that the conditional use permit application should be scheduled before the Planning Commission as soon as possible. Ms. Kerr expressed concern that if the project is being fast-tracked

that it would be sent to the Planning Commission for an *endorsement* not for a planning review. Linda Cook interjected that this was one of Fred Jones' concerns and explained that the schedule was formulated by working back from a completion date. One of the conditions of the CUP for the temporary skateboard park last year was that there would be a review with the Planning Commission in June 2000. The Planning Commission may entertain a date earlier than June, but it would not gain much additional construction time. She agreed with Fred Jones that there would be a better process for design and construction drawings with the appropriate reviews. Planning Commissioner Diane Zimney related that there should be a hearing so there is neighborhood input about noise and traffic. Roger Harlan emphasized that it is important not to abrogate the Planning Commission process and it was never the intention of the Parks and Recreation Board to fast-track the process. Chris Larson added that he didn't see this as a short-term process and it is important to focus on the master plan rather than getting the skateboard park into the ground. Peg Bodell noted that completion is scheduled for November so it won't be in use this year. The Parks and Recreation Board recommends more community involvement which may require some time, which is an effort she supports. Ms. Cook commented that the Board also supported completing the skateboard park, landscaping and incidental work in 2000. Ms. Bodell agreed that the skate park should be dealt with individually and is anxious to hear from the new Parks and Recreation Board members about their reaction to the master plan. In response to a question from Ms. Cook, Ms. Kerr felt the staff should proceed with the CUP process. In the event this turns into a longer process, she preferred building the project in 2001, have the temporary park available in 2000 because the children of Park City will not be losing anything that way. She emphasized the importance of doing the project properly and following the City's own rules. Ms. Cook interjected that she was unsure when she could halt the project, and Ms. Kerr believed that if the project is taking more time in the Planning Commission review, that it be delayed. Mr. Harlan pointed out that the schedule provides for appropriate hearings and reviews and while this is an aggressive approach, it is feasible. Ms. Kerr stated that she voted against the acquisition of the ramps before a Planning Commission approval last year because the City would be spending money on a project before an approval which does not allow commissions flexibility in their decision-making.

George Hull emphasized that there has been no discussion about short-circuiting the process and the schedule is compressed and ambitious, as there are other City Park projects. The park will probably be committed to the Olympics the next year and it is a good idea to get this done during the next construction season to avoid potential conflicts. In response to a question from Ms. Bodell about a compressed schedule, Mr. Hull indicated that it would make efficient use of staff and the task force. Chris Larson concurred with Ms. Kerr's comments and if Council wants to maintain a tight time line and wants the Planning Commission involved, members needs very clear direction. The Commission members can not be tied to a time line and be expected to do their job properly. There is no developer in town who approaches the Commission and insists that he has to be in the ground by June. He believes that the discussion on traffic circulation and parking could take some time. The community is starting to outgrow the park and can only accommodate so many uses; there will be some hard questions that need to be asked. Mr. Larson reiterated that if Council wants the skate park done on this time frame and in City Park, the Planning Commission needs that direction. Peg Bodell expressed that she is not convinced that the compressed schedule is the answer and the project may take a little longer. Pace Erickson felt that if it is desired to have the skateboard park completed by November, there won't be time for a lot of deviation. Brad Olch added that even if the November 1 date is met, there is a good possibility that it couldn't be used at all this year. The Mayor believed the project should follow the process and move forward accordingly. Roger Harlan reminded Council of the great success of the temporary skateboard park and expressed he would not like this project delayed. Ms. Kerr explained that if the reviews took the length of the summer, it could be built in two months the next spring and the kids wouldn't lose that much. The design and bid process could occur in the following winter. George Hull felt the discussion is being lost with the focus on a completion date when it should be whether or not it is a high priority in the community. The Board is not asking that the kids be skating in November but rather to get the project going because it is a high priority. Ms. Kerr felt that the Council agrees this is a high priority which should be relayed to boards and commissions, but the question framed was whether Council wants it completed in 2000.

Ms. Cook asked if the Council had views about holding competitions and festivals in the permanent facility. The Parks and Recreation Board would prefer not to preclude festivals or competitions and this may come up during the CUP process. Shauna Kerr stated that she views the facility for local kids and didn't see the necessity for competitions especially when the park is so over-utilized. Ms. Bodell added that she shared that concern but after visiting other parks, appreciated the merits of competitions, and would like to have that option open. Pace Erickson interjected that the words *festivals and competitions* may be misleading as the Recreation Department schedules volleyball tournaments sponsored by the City. The opportunity should probably not be precluded. George Hull explained that the Board recommendation was that they not be prohibited as there is a master festival license process and agreed that the park should meet the needs of kids. Ms. Kerr felt that the CUP should address special events with respect to concerns of the Planning Commission including, parking, lights, noise, etc. so that these issues will are reviewed with a master festival license application. Ms. Cook explained that the CUP is very clear about notice and the RFP includes a great deal of public participation in the design. Candace Erickson felt that it is critical to have the skateboarders involved . Ms. Bodell agreed and suggested a public art element as there are artists willing to volunteer for this project. Mr. Harlan added that there should be opportunities for kids to participate and Ms. Bodell suggested that the School District be contacted for ideas. Matt Twombly added that there could be a youth subcommittee for design review and George Hull stressed the importance of the buy-in from the kids; if they are involved in the design, construction and management, it will work. One of the advantages of the temporary park is that some leadership has been identified.

Ms. Cook pointed out that there are a variety of skateboard park designs and the temporary park is described as a street course. She asked if there is something specific that Council would like added or precluded. Ms. Bodell felt that the design should have a variety of features so that the younger skaters are accommodated and it should be compatible with Park City design standards. Linda Cook added that options have funding implications, for instance, the concrete work for half pipes and bowls tend to affect bids tremendously. There is a budget for the south end of City Park. George Hull expressed that the Board has learned a lot about facilities and the combination of a street scene and bowls keeps it interesting for the kids and meets a variety of abilities. Linda Cook added that supervision and design will also be evaluated from the City's risk management staff.

3. LMC - Phase 1. Pat Putt explained that public input should be taken on the HR-1 and HRL zoning amendments and also other elements of the Phase 1 rewrite, including general provisions, non-conforming use, and the off-street sections. The intent of the rewrite is to reorganize the document, clarify and resolve existing inconsistencies, update regulations with the General Plan, make the zoning district sections self-contained and provide graphics wherever possible. The current LMC is cumbersome and the proposed document is designed to be user-friendly. After the Council reviewed Phase 1 in late 1998, it remanded it to the Planning Commission for a number of issues including HR-1 and HRL provisions. In September 1999, the Council adopted a temporary zoning ordinance, adopting the HR-1 and HRL sections so that these standards could be applied to development projects. Prior to the TZO, a project had to meet requirements of the current and proposed codes which was burdensome in these two districts. The TZO expires on March 9, 2000 and there will be a public hearing on the new ordinance tonight.

Pat Putt emphasized that a substantive change to the HR-1 and HRL zones is elimination of the floor area ratio, replaced with a maximum building footprint limitation, and setback and height requirements. The floor area ratio counted square footage on all floors whether it was above or below ground. It was problematic for staff, designers, and property owners and it was concluded that if the square footage is not visible, it shouldn't be an issue as long as the application meets all other code requirements and the Historic District Guidelines. The second significant change is a new process for development on slopes in excess of 30% which will require a conditional use permit to review location, visual analysis, access, grading to minimize retaining walls and cut and fill, the form and scale of the building, volume, and overall building height. The review is context-based, allowing the Planning Commission additional criteria and flexibility for in-fill adjacent to other properties. He pointed out that every lot in Old Town is unique and there needs to be a mechanism to review problems on a case-by-case basis and review applications with neighborhood input. Currently the City notifies adjacent neighbors when development is proposed on a lot, but staff is hearing that these impacts carry beyond those adjacent lots, and the proposed process would look at specific criteria and allow for public input. The Historic District Guidelines permitted. The Planning Commission recommended a revised HR-1 district that focuses on single family development. A conditional use permit is required in the HRL district for nightly rentals.

A public hearing was held on February 24, 2000 before the Planning Commission who forwarded a positive recommendation on the HR-1 and HRL and other sections of Phase 1. Mr. Putt explained Commissioner Hays' concern about promoting commercial parking lots in Old Town

so the wording in the land use table was revised to reflect *residential* uses and under the code there

is a provision for people to apply for common parking structures or garages, which would require CUP approval. With regard to the proposed maximum building footprint size, concerns have been voiced by Peter Barnes and Tom Hurd. The maximum footprint calculation was intended as a tool to provide incentive to combine lots in Old Town. The current code is a disincentive for lot combinations because owners lost 2/3rds of allowed square footage. The Planning Commission capped the maximum footprint at 2,050 square feet which is the area rendered with a three lot combination. At the Planning Commission meeting on February 24, there was discussion that owners will create three-lot combinations and stop there, as it will be the most economically viable option; platting four or ten lots is subjected to the same footprint limitation. Many of these lot combinations occur where it is steep are grading and development are problematic. Staff is inviting resulted in specific plat notes and conditions of approval that limit house size or building pad from going to the Planning Commission. However, they would have to meet all of the steep slope criteria through a staff review. This could also have an impact on the Treasure Hill Subdivision where there were house size limitations. Ms. Kerr interjected that the conditional use process may make buyers leery, and Ms. Whetstone added that Ms. Schneckloft would have to provide extensive house plans at her expense and the seller doesn't always know what the buyer wants to build.

Mr. Putt continued that Debbie Reichter requested that the Planning Commission not require conditional use permits for nightly rentals in the HRL. In 1983, the HRL zoning district was created and nightly rentals were a conditional use permit and in 1987, the LMC was amended across the board and nightly rentals became a permitted use throughout the zoning districts with the exception of light industrial, single family, and the regional commercial overlay zones. It was the Planning Commission's recommendation this be a conditional use. It is proposed that people holding legal business licenses for nightly rentals in the HRL zone would not have to go through the conditional use process and would be operating as a legal non-conforming use. He continued that there wasn't any public comment on any of the other sections of the LMC, but there may be in the upcoming meetings. Mr. Putt relayed that Mr. Plunkett suggested incorporating the language in the HR-2 overlay and HTO zones dealing with screening and noise attenuation into the HCB zone regulations. Mr. Putt explained that staff is recommending taking action on the HR-1 and HRL zoning ordinance. Also, Mr. Svire has a small scale master planned development approval for his house and an accessory apartment in the Treasure Mountain Hill Subdivision. He submitted an application in January for a guest house and the draft amendments no longer permit a guest house in the land use table in HR-1. Ms. Whetstone relayed that she has studied the master plan, she could find nothing that grandfathers a guest house and the underlying zone would be used to determine uses. See regular meeting.

4. Review of regular meeting:

Outdoor music. Alison Kuhlow explained that this matter is scheduled for public hearing purposes. Melissa Caffey explained that staff is proposing a master festival license approach rather than inventing a new practice. If this proposal proceeds, the Arts Council would be the applicant similar to the Deer Valley Concert Series and there would be two committees; one for programming and the other for neighborhood feedback. See public hearing comments.

Library software. Carol Simmons requested that the amount be adjusted on the agenda from $125,000 to $130,000 because of the need for two servers.

SR224 jurisdictional transfer. Toby Ross pointed out that Council briefly discussed taking over SR224 from the Yarrow to the Wasatch County line at its January 20 meeting. With regard to the agreement relating to the connection of signals, if UDOT doesn't link our signals linked in the system, it doesn't have centralized control and in consideration of this may be willing to pay for the connection. There is a maintenance provision and reference to priority status with respect to enhancement funds. In seeking federal enhancement funds, the local criteria would give priority to projects that are adjacent to state highways and the City has asked that for the 2001-2002 funding cycles, that that priority status be retained. After that, the City would lose the priority of having a project next to a state highway. Basic components of the agreement include a grant from UDOT to offset the maintenance costs of $410,000. UDOT would retain the responsibility for maintaining and inspecting the retaining walls. There will be two signalized intersections owned by the City which UDOT will maintain and charge back services to the City for ten years. Since UDOT crews are maintaining signals in the area, they have the ability and equipment, and it makes sense. The hourly labor rate is somewhere between $14 and $18/hour and Mr. Ross understood that there would not be a charge for equipment just labor and parts. UDOT has offered to stripe SR224 at a cost which is anticipated as being the most cost effective. There will be some repair work before the City takes over the road and a truck with a plow will be donated to the City. Mr. Ross emphasized that the City will have on-going maintenance obligations on this stretch of road and has budgeted $120,000 annually for capital and maintenance. Snow-plowing, street sweeping and pot-hole repair is probably more in the neighborhood of $50,000 to $75,000 a year. There is also the issue of access for Brighton Estates residents who may testify tonight, but this has been an on-going issue with UDOT. In taking over jurisdiction, the City would also be taking over liabilities. Mr. Ross reiterated for the benefit of Roger Harlan, that UDOT will be indefinitely responsible for the retaining walls. Ms. Bodell understood that if necessary, UDOT would rebuild the walls and asked if it needed to go to the Planning Commission for approval of materials and design. Jim McMinimee of UDOT believed it would be rebuilt to the original design. He added that UDOT's Chief of Structures has inspected it and believed that repairs fall in the 10 to 15 year range. When it needs to be replaced, Mr. McMinimee believed the City Council would be involved in the design of the project. The front of the wall is only a facade.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 2, 2000

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 2, 2000. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, and Shauna Kerr. Fred Jones was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Frank Bell, Olympic Planning Director; Tom Bakaly, Director of Capital Projects and Budget; Brooks Robinson, Planner; Pat Putt, Planning and Zoning Administrator; Rick Lewis, Community Development Director; and Alison Kuhlow, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

Summit County ice skating rink - Dave Stahle, resident, reported that next Wednesday there will be a County meeting about funding an ice rink at Trailside Park. He encouraged the City to look at this project as an opportunity for a cooperative effort and shared amenity. Given the recreation survey completed last year, ice came in higher than a skateboard park, but emphasized that he is very much in favor of the skate park.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. SLOC - Frank Bell advised that there were minor technical changes in the memorandum of understanding approved by Council last week which have little or no effect on Park City. The changes dealt with the indemnification issue between Salt Lake City and the legislature and references to indemnification have been deleted from the document. The other change deals with an additional option of placing the money in a third-party managed fund that would be acceptable to all parties.

2. Legislative update - Tom Bakaly reported that SB 64 dealing with second home owners property tax was not passed but it will be studied by an interim committee and staff will remain involved. SB 35, government immunity amendment, passed and staff will be researching what the insurance premium impact will be to the City. Mark Harrington added that Representative Ure was helpful in amending a condominium bill, reducing the 100% owner signature requirement for amendments to common area. Some of the older projects were going through significant redevelopment and some owners were making demands in exchange for their signature. The requirement was reduced to 2/3rds which reduces the number of disputes the City is asked to

arbitrate. Tom Bakaly thanked Representative Ure and Senator Evans for their assistance.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF FEBRUARY 10, 2000

Hearing no corrections or omissions, the Mayor requested a motion to approve. Roger Harlan, "I so move". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving the second amended plat of the Hearthstone Subdivision to relocate the driveway location for Lot 2, 950 Aerie Drive Park City, Utah - Brooks Robinson explained that the Planning Commission held a public hearing and forwards a positive recommendation to the City Council on the plat amendment, which will switch a driveway to the other side. Hearing no comments or questions from the City Council or the public, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Roger Harlan noted that the amount under Item 5 should be changed to $130,000. Shauna Kerr, "With that change and correction, I move approval of Consent Agenda Items 1 - 5". Roger Harlan seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

1. Ordinance approving the second amended plat of the Hearthstone Subdivision to relocate the driveway location for Lot 2, 950 Aerie Drive, Park City, Utah - See public hearing and staff report.

2. Ordinance accepting public improvements at Canyon Crossing Condominiums, Park

City, Utah - See staff report.

3. Ordinance accepting public improvements for Eagle Pointe Subdivision Phases 1 and 2, Park City, Utah - See staff report.

4. Ordinance accepting public improvements for The Cove at Eagle Mountain PUD Phase 1, Park City, Utah - See staff report.

5. Authorization to staff to enter into a contract for library automated software with Data Research Associates in an amount not to exceed ~~$125,000~~ $130,000 - See work session notes and staff report.

VII PUBLIC HEARINGS

1. Ordinance approving a comprehensive and substantive rewrite of the Land Management Code, specifically Section 7.1, Historic Residential (HR-1) District, and Section 7.14, Historic Residential Development Low-Density (HRL), to address development on steep slopes, lot and site requirements for new construction and additions, building height measurements, permitted and conditional land uses, and vegetation protection - See work session notes. Pat Putt stated that the Planning Commission forwards a positive recommendation on the HR-1 and HRL sections of Phase 1. General provisions and procedures, non-conforming, and off-street parking sections are also included in Phase 1. Staff has been working with the community and boards and commissions on the comprehensive rewrite and this represents the first several portions. The City Council is being asked to take action on the HR-1 and HRL sections and in addition any input on the other sections of Phase 1. A subsequent public hearing on those sections will be held once the Planning Commission forwards the remainder of Phase 1 to the City Council. He continued that the primary changes to the HR-1 and HRL amendments include the elimination of the floor area ratios in lieu of building controls such as footprint, height and setbacks; steep slope development process; a requirement for CUPs for duplexes in the HR-1 and nightly rentals in the HRL. A public hearing was held before the Planning Commission on February 24 and there were issues forwarded to the City Council including the footprint limitation, steep slope process, and nightly rentals. Candace Erickson disclosed that after reading public input comments and discussing the maximum footprint cap with staff, supports removing the maximum cap. The Mayor invited the public to comment.

Tom Hurd, Park Avenue resident, referred to his letter and restated that bringing the height limitation down to 27 feet is addressing a problem that no one is able to articulate. There might be a good argument that a height limitation is not needed because Old Town is getting to the point where all applications are site specific. There isn't any real reason to bring it down to 27 feet. He had more concerns about the steep slope process and the work session presentation addressed some of those concerns, especially if an applicant has one planner throughout the process. Mr. Hurd felt the footprint formula is good but urged Council to remove the cap so more owners will combine multiple lots, resulting in more architectural diversity in Old Town.

Don Bloxom, designer, stated his concern that the stated purpose of the ordinance is to define development parameters that are consistent with General Plan policies for the historic core. There isn't a comprehensive or cohesive General Plan for the historic core and there should be a model and a map of what the eventual build-out of HR-1 and HRL is to look like; problems may not be addressed like building a transit center at the base of Swede Alley. The proposed amendment creates more layers of process for the average home owner in the HR-1 and HRL districts and it appears that about 75% of the lots will require a CUP process. He emphasized that if you are a *heavy hitter with deep pockets* you can probably fight your way through the process; if not, you probably are not going to be able to build on a great number of the lots which is a deep concern to him. He suggested that things be *cut and dry* rather than based on a subjective decision by a planner. He owns a lot that appears to be unbuildable under this process even though previous homes have been built on steeper lots.

Peter Barnes, designer, stated that he has many philosophical concerns. He questioned the purpose of preserving land uses which is contrary to building a lot on a vacant lot. With regard to encouraging construction of historically compatible structures, this code in many ways makes the majority of historic buildings non-conforming uses. The code doesn't allow people to build something that was built 50 to 100 years ago which defeats compatibility. He acknowledged that he authored the building cap and footprint formula. With regard to prohibition of fences or walls not more than four feet high on corner lots, it is possible to build a wall on downhill lots up to 12 feet that doesn't impact the view to the street. Mr. Barnes questioned the focus on height and emphasized that good design can't be legislated; someone has assumed that a 27 foot high structure is good design while there are great buildings exceeding 27 feet. If criteria is met in the CUP process, a building up to 40 feet may be allowed, and the 27 foot limitation is a big mistake. He pointed out the problems with measuring from final grade and felt that 27 feet is bad enough without adding extra criteria that makes things impossible. An allowable building is 1,000 square feet including a garage, which brings down the house size to about 860 square feet which is unreasonable. It would be better to make everyone go through a conditional use process and let the Planning Commission get completely bogged down so that they realize that they are bickering over trivia that is not relevant. Then the process may change allowing designers to do their job and professional planners can get back to work rather than writing pages of legislation. He pointed out excessive unnecessary language that if stricken, would reduce the volume of the code which may make it more user-friendly. With regard to the process of an application first going to staff, then the HDC, and then the Planning Commission, he questioned if there is respect for the preceding decision. If staff states that the project meets code, why is it before the Planning Commission? Why isn't it just approved; this is making more work for the staff. He discussed the difficulty he experienced trying to make an appointment with a planner. There is a penalty to the property owner if an application is not carried forward at a certain pace, but what about the planners, HDC, or Planning Commission. These are houses not commercial buildings and every other zoning district in town only requires a cursory review. The regulation that the size and configuration of rooms have to be deemed compatible with the historic character in the neighborhood is unreasonable. The Mayor asked Rick Lewis to explain the process for making an appointment with a planner. Mr. Lewis explained and added that Mr. Barnes' experience was very unusual.

Debbie Schneckloth, Old Town resident, addressed the HRL zoning amendment, Title 15, Chapter 2-1-6, which deals with development on steep lots. Structures located on a steep slope of 30% or greater must complete a conditional use process to build a home in excess of 1,000 square feet. The ten criteria listed as a part of the process is impossible to adhere to for someone like her who just wants to sell her property. There are conditions that assume that there are architectural plans which sellers don't usually possess. Ms. Schneckloth stated that she had a buyer under contract in September and because she processed a plat amendment a couple years ago, knew the allowed square footages. However, after looking into the code, the buyer feared that he may be limited to 1,000 square feet on a 7,000 square foot lot and no one wanted to produce architectural plans at this point, and he decided not to buy the property. She continued that she participated in a very extensive two year review process in 1993 which considered many of the elements outlined in the proposed conditional use process. Under the old FARs, the 7,000 square foot lot would have allowed approximately 5,000 square feet which was reduced to 3,000 square feet because of the steepness of the lot which is indicated on the plat. However, this plat note means nothing to a buyer with this code. Ms. Schneckloth suggested an exception to the 1,000 square foot limit which would allow lots which have been subdivided recently to be governed by the square footage allotments on the plat or the subdivision. Many of these issues have been addressed in a previous process and there is still an opportunity for architectural review. Non-owner developers should not be unfairly burdened with these procedures.

Bill Mammen, architect, stated that he was on the HDC that wrote the guidelines for the Historic District and has been working as an architect in Park City since 1973. The proposed code is a giant step backwards and the ordinance in 1973 was better. The limitations in height have come about from changes in personnel in the Planning Department and somehow interpretations of measuring heights have changed. There is nothing wrong with the 28 feet now with 33 feet for sloped roofs, except that the staff didn't know how to read a plan. There are buildings that don't meet the current standards and the code increases the administrative burden by a factor of 100, as every aspect is the design of a house is administered. He continued that there are many architects who decline projects in Old Town because it is too much work and not worth the headache. Accessory and guest houses were allowed on large Old Town lots to break up the massing and now they're being summarily dismissed and those property owners may feel this is a taking of property. People will not buy if they don't know what can be developed, which makes it difficult for both the buyer and the seller.

Pat Sweeney, resident and property owner, addressed the Sweeney master plan adjacent to the HR-1 and HRL zones where conditions were agreed upon a long time ago. It is his opinion that zoning changes in the HR-1 and HRL do not specifically affect the master plan. Mark Harrington referred to several meetings held with Mr. Sweeney who believes that it is the City's position that the master plan is conditional and there will be levels of approval for every phase being developed. In regard to the six lots that have been approved, there are certain parameters and the lots that have been platted were required to have restrictive covenants and this criteria completely conflicts with the new code. Mark Harrington noted that the Sweeney MPD approval has a clause that incorporates application of the code in place at the time of small scale application, but there are certain parameters that provide entitlements. He continued that he can not describe these at this point, but Mr. Sweeney has expressed his due diligence and so has he on behalf of the City. Staff will continue to work with the Sweeneys to assure that his MPD moves forward. In response to a question from Ms. Kerr, Pat Sweeney clarified that some of the lots are more than an acre and under the master plan and the restrictive covenants which were required by the City, a guest house was a conditional use and it is his position that it would still be a conditional use even if the zoning was passed tonight. Mark Harrington added that the exemption discussed earlier would probably cure that problem, but his bigger problem is the Creole Gulch MPD.

Bob Svire, 220 King Road, stated that he owns a lot in the Sweeney Treasure Hill Subdivision. He did not build the maximum on the property, anticipating that he would build a guest house, which is part of the original plan. It was his understanding when he bought the property that massing should be broken up in Old Town, although the City asked that the plan be changed. The change was made and the house was built with an attached garage and now he is concerned he will not be allowed to construct a guest house. The Sweeneys gave the City over 40 acres of land and trails as a part of the subdivision, and now the City wants to take away the right to build a guest house. Mr. Svire understood that this is a separate master plan and not part of the HR-1 district. Pat Putt explained that Mr. Svire constructed an accessory apartment in the main structure. There is a plat note which sets forth a maximum building footprint and the main structure is below that and under the conditional use process, Mr. Svire could apply for a guest house component, but there would be size limitations. In the final recommendation from the Planning Commission rendered for the TZO in September, the land use table was amended to eliminate guest houses in the HR-1 district to reinforce the single family residential character of the neighborhood. It would be a policy decision among Council members to reinstate guest houses in the HR-1. Mr. Kerr emphasized that this is different as it was subject to a master planned development process and not just zoning in the HR-1 zone. Mr. Putt noted that he has investigated this matter thoroughly but is not aware of an entitlement to a guest house. He explained the differences between accessory apartments and guest houses which is size and use. Ms. Bodell felt this is a separate issue and not relevant to the LMC. Mr. Putt explained that this is a change to the land use table and until September 1999, it was a conditional use on lots in the HR-1 zone that were an acre or larger.

Mr. Svire interjected that his lot is 1.4 acres and questioned if other lots in the HR-1 area that are that size. He felt that was the reason the Treasure Hill Subdivision had its own rules and regulations. Mr. Putt pointed out that he is subject to both the subdivision and the HR-1 guidelines and the Mayor encouraged staff to work with Mr. Svire on his application. Mr. Mammen, architect, complained that they were taken off the next Planning Commission agenda because of this issue and expressed his disappointment with the current draft. Mr. Svire read the restrictive covenant limiting one accessory apartment, or one guest house, or one lock-out room in addition to the main residence. The proposal is to eliminate the existing apartment once the guest house is built.

Randall Call, attorney, stated that he didn't agree with the statement that both set of regulations can cover the same property. There is a master plan in place that sets forth certain conditions and the City can not subsequently modify the master plan by changing the zoning and claiming that the more restrictive conditions can change the master plan. He felt this is a taking. Mr. Putt clarified his statement that *both apply;* any entitlement under the MPD would supercede the application of a land use table, but all development criteria, process, and standards of the zone would still apply.

Steve Elrick, 97 King Road in the HRL zone, stated that he has been before the previous Council regarding the requirement for a conditional use permit for new nightly rentals in his zone. The HR-1 zone has steeper streets like Ontario or Prospect where nightly rentals are allowed and the west HRL zone is adjacent to the intermediate loading zone of the Town Lift. Since he built his home in 1987, nightly rentals have been a permitted use in the HRL zone. Park City is a ski resort town and the HRL zone is no different than the rest of Old Town; nightly rentals should be an allowed use and he invited Council comments. Candace Erickson relayed the history of nightly rentals in this zone, and voiced her support of notification to neighbors. Steve Elrick pointed out that the HR-1 zone has smaller lots and it would be more logical to have conditional use permits required there rather than the HRL. Peg Bodell interjected that some residents don't share his support for nightly rentals and the public process would provide an opportunity for the neighborhood to comment; this does not preclude nightly rentals. Mr. Elrick added there is a cost factor for an application. Shauna Kerr emphasized that existing nightly rentals will not have to go through the process, just new nightly rentals and she does not view this as problematic. Mr. Elrick asked why the HR-1 zone isn't changed. Ms. Kerr clarified that nightly rentals in the HR-1 was always a permitted use but not in the HRL where it was inadvertently changed to a permitted use during an amendment to the land use table. There was a request from residents in this zone to change it back to a conditional use and there haven't been requests from owners in the HR-1 zone. In response to a question from the audience, Mark Harrington explained that violations would be handled on a complaint basis.

Pat Putt summarized that there is a draft ordinance that would amend the HR-1 and HRL districts; Council needs to provide direction on the maximum building footprint limitation, exceptions for properties that have gone through a plat amendment or subdivision process, nightly rentals, and whether guest houses should be on the conditional use list in the HR-1 zone.

Peg Bodell expressed her confusion with Mr. Barnes' comments as they were contradictory with regard to regulation. One of the goals is to make the new document user-friendly, but she questioned if the process is more user-friendly which is just as important. The Planning Commission process provides an opportunity to hear from the public. Ms. Erickson asked resident Tom Hurd, who has filed several applications, if the proposed process is easier. Mr. Hurd stated that adding another level of process for steep slopes was of concern to him and it didn't seem to serve any great purpose since this is addressed in any event. After listening to staff's presentation, this may be something people can live with if it is structured so that the applicant knew the standards and could work with the same planner so that reviews are concurrent and consistent. Ms. Erickson expressed that she understood items could be scheduled on a Planning Commission consent agenda. Pat Putt explained that the steep slope process has evolved from a full public hearing process to submitting design plans for staff review of historic district guidelines and the steep slope criteria. The Planning Commission process is an opportunity for public input and it is difficult to reach a balance with all interests. Staff tried to streamline the process to the greatest extent but still allow the public to participate. He agreed with Mr. Hurd that it is best to have a the same planner throughout a project.

With no further comments, Ms Kerr, "I move that we continue the public hearing on all of the matters beside the HR-1 and HRL zones and the things disposed of tonight, to a date to be determined". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

2. Outdoor music proposal for plaza areas within Park City, Utah - Alison Kuhlow explained that this is a public hearing which should be continued. The Mayor invited public input.

Gordon Strachan, resident of Motherlode Condominiums, stated that he supports an active atmosphere and that he enjoys most music. As a resident adjacent to last year's Heber Park, Mr. Strachan encouraged Council to consider outdoor music directed toward acoustic music. He enjoys loud music venues but loud music should not be outdoors in a small area. The Mercato Restaurant across the street from his house provides soft acoustic music. Old Town is a wonderful place for outdoor acoustical music not amplified.

Dominik Lewinsohn, owner of Dynamite Doms, disagreed with Mr. Strachan's comments about acoustical music as drums are much louder than amplified music and decibel levels should be considered. He felt that the programming committee should represent a variety of interests. Since businesses will benefit from the entertainment, they should pay for it and community events should take precedence over other scheduling. He felt that the music should cease at 8 p.m.

The stages will go to another town if the City doesn't follow through which would be a terrible shame. Scheduling days for entertainment should be coordinated and the small businesses on lower Main Street need to draw patrons. He reminded Council of the large number of signatures on the outdoor music petition.

George Williamson, owner of Jambalaya Restaurant, explained that he and Mr. Lewinsohn coordinated the Tuesday night party on the plaza last summer on lower Main Street to stimulate business for themselves and other businesses. It was very successful and more and more businesses wanted to participate. They followed every regulation and Mr. Williamson explained experiences with one complainant and asked *what is going to serve the greater good here*. He emphasized that if people want to live in the Old Town core, there are certain things that have to be tolerated as it is part of the deal. He asked how one person can hold up the wheels of progress; they were drawing people to the area from Salt Lake. Mr. Williamson stated that he has had both acoustic and amplified music which should have reasonable regulations. Music will be the life-blood of summer business and he fully supported the stage idea to bring ambiance and interest into the area. He and Mr. Lewinsohn have proven that outdoor music brings revenue to the town.

Richard Tauver, resident, commented on the acoustic and amplified music issue and warned against regulating how an artist performs. The design of the stages is to control the sound and make it acceptable to everyone. Park City is an international community and music can be a bond for a lot of people who come here. He complimented the architectural group who designed the stages which he described as both functional and artistic.

Pat Sweeney, Old Town resident and part-owner of Town Lift Plaza, stated that he is in favor of outdoor music and it makes sense on a monitored basis. The people involved have been very responsible in approaching this and he urged the City Council to give it a chance.

Roger Harlan stated that he personally favors music and the miners shacks but the final decibel level is unknown. He disclosed that a resident has threatened a lawsuit if outdoor music exceeds the decibel level and there may be no winners here. Ms. Kerr believed the lawsuit will occur whether or not the decibel level is violated. Peg Bodell thanked everyone involved in creating the miners shacks and although great architecturally, they are boring artistically. She didn't believe the City is telling artists how to perform but are providing criteria to work with the entire community. Candace Erickson noted that Council received two other letters that the music be limited to a couple days of the week, not both weekend days/nights, and enforce the cut-off time to 8 p.m. Shauna Kerr felt that it is a lot easier to support outdoor music in Old Town if you don't live there and supports a restricted approach. She felt that amplified music will probably create problems and has mixed feelings about whether the music should be amplified or acoustical. Having it amplified may also lessen the City's ability to defend music in public places. The miners shacks may channel acoustical music and that might be a more palatable first approach rather than going straight to amplified music. George Williamson urged Council not to rule out amplified music but structure or have regulations as in many instances amplification is not the problem. Dominik Lewinsohn pointed out that amplified and acoustic music are different sounds and the problem with acoustic music is the draw for businesses and paying for the entertainment. He asked what will happen next.

Melissa Caffey stated that the public hearing will be continued and staff is proposing that programming fall under a master festival license. There are mitigating factors built into this plan which is on the side of being conservative. There are certain details that need to be worked out, like storage of equipment, etc. She discussed the decibel reading process, but there may be other measures as well. Mark Harrington added that the Legal Department will advise if this should be a legislative code amendment or a master festival license. In response to a question from Ms. Bodell regarding ownership and maintenance of the shacks, Ms. Caffey responded that this issue is still being reviewed by the committee. Ms. Kuhlow reported on the format of the meetings and a plan should be available for review by tomorrow. In response to questions from Mr. Lewinsohn, Ms. Caffey explained that a programming committee would be involved in collecting money from businesses in funding performances and there would be another committee involved solely in neighborhood feedback after each performance. Ms. Caffey emphasized that they are aiming at a May 1 programming deadline. Shauna Kerr, "<u>I move that we continue this hearing to a date uncertain</u>". Roger Harlan seconded. <u>Motion carried</u>.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

VIII NEW BUSINESS

1. <u>Ordinance approving a comprehensive and substantive rewrite of the Land Management Code, specifically Section 7.1, Historic Residential (HR-1) District, and Section 7.14, Historic Residential Development Low-Density (HRL), to address development on steep slopes, lot and site requirements for new construction and additions, building height measurements, permitted and conditional land uses, and vegetation protection</u> - See public hearing comments. The Mayor summarized Council direction to be to eliminate the cap of the footprint, and allow exemptions for plat amendments or subdivisions. The City Attorney emphasized that an applicant taking advantage of a height exception in the steep slope CUP can't also take advantage of the height exception in the steep slope criteria. In response to a question from Peg Bodell about selecting the date 1995, Mark Harrington explained that there needs to be a cut-off date and in choosing a date, staff wanted a time frame that seemed to be consistent with the practice of processing plat amendments on a formalized basis before the Planning Commission and City Council rather than administratively. Ms. Schneckloth understood that the vesting of rights for plat amendments occurs at the time of building, and asked if a buyer of her property could apply for a conditional use permit and go through the new

standards. Pat Putt explained that she is vested for what she has an approval for which is reflected on the recorded plat. Since a building permit application has not been filed, nothing is vested at this point. He believed the buyer could go through the CUP process, but there is a plat note that limits the square footage to 3,000 square feet. Mark Harrington clarified that she could provide a written request to the Community Development Director who would respond in writing that she is exempt from the process and that letter could be shared with the buyer. There is the option for the buyer to go through the process in the LMC in effect at the time of application, or he could proceed with the terms of the exemption. The Council concurred that new nightly rentals in the HRL district should require a CUP. With regard to guest houses, Ms. Kerr stated that she supports guest houses on parcels over an acre. Shauna Kerr, "I move that we approve the Ordinance amending Chapter 7 of the LMC to reflect the four items we talked about". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

2. Resolution authorizing the Mayor to execute SR224 Road Transfer Agreement in a format approved by the City Attorney - See work session notes. The Mayor emphasized that the City Council is considering the merits of the transfer agreement as written and will not address any specific requests at this time. Ms. Bodell referred to the responsibility of UDOT to maintain the retaining wall and asked if UDOT would be willing to seed it or cooperatively plant it with the City. Mr. Mcminimee of UDOT responded that the agreement just speaks to maintenance of the engineered part of the wall. With regard to landscaping, UDOT would probably allow Park City to do that, but introduction of water and/or building above the wall needs technical analysis of the impacts of the engineering properties of the wall. With no further questions or comments from the City Council, the Mayor invited the public to comment.

Joe Butterfield, owner of property in the Bonanza Flats area, expressed concern about the Flagstaff agreement which would not allow any improved amenities or access to surrounding property owners. With Park City taking control of the road, he feared that future improved access for property owners in that area would be restricted.

Rob Powell, owner of property in Park City and Guardsman Pass and member of the Board of Directors of the Brighton Home Owners Association, stated that in principle the transfer of the road is fine, however, there are some concerns. They have worked out access with Park City Mining Company, Deer Valley Resort, and UDOT and would like to see language in the transfer agreement that provides access to them through the realigned road to a parking lot that would be in Wasatch County. Brighton Estates residents would like this issue to be addressed and that Park City accept that kind of language. Without this type of agreement in writing in advance of the transfer of the road, results in the risk of a third route to Park City. He relayed that state law provides that if there are ten permanent residences in that area there needs to be access and plowing. Dr. Powell expressed his concerns about emergency access and felt this also needs to be addressed in the resolution. He believed that the plowing is going to occur and that Park City should consider the amortized $120,000 a year for maintenance and the real costs of plowing the road.

Sean Brown, resident of Brighton Estates, urged Park City to be a good neighbor to Brighton Estates. There were 410 lots platted in 1968 and ownership has been reduced to 170 owners as there is an effort to keep the density down. Paper water rights limit service to about 120 year-round residents. Park City seems to be the only entity that doesn't recognize their right to year-round plowed access. He read an excerpt from Deer Valley's application for a right-of-way encroachment, dated April 4, 1993 from UDOT. "*Should UDOT make the decision to open the roadway in the area to vehicular traffic during the winter season prior to the proposed relocation taking place. The applicant and UPCM will construct such portions of the relocated alignment so that winter traffic would not interfere with the operation of the ski area.*" Mr. Brown pointed out that there are three entities who recognize their right to year-round access via SR224. At the last UDOT Commission meeting, Commissioner Brown acknowledged Brighton Estates concerns. UDOT regulation 90018-3-1 provides that UDOT will provide snow removal services on qualifying state roads, including roads serving tenor more permanent families throughout the winter. He relayed that there are registered voters there and people that consider it their residence *as a state of mind* which could increase the count to 50 to 60 residents. He emphasized that they have a right to plow the road and will.

Paul Peters, attorney for the Dyer, Griswold, and Conaby families in Brighton Estates, stated they are concerned about emergency services. He discussed three injuries and/or emergencies that have recently occurred there that could have been mitigated. People have to weigh what is more important people or ski runs. The state has determined that if those families are near a state highway that they have emergency access. . .that it is plowed. He believes that if this is not recognized by Park City, Wasatch County and Summit County, it will be by a court of law. Even if there is a technical and legal question before Council, he urged members to consider what is right. The home owners have committed to plow the road this winter, hire an emergency service agency and a security firm for the health, safety and welfare of their families. That solution needs to be reconciled with Park City's, UPCM's, and Deer Valley Resort's needs. The Mayor responded that tonight the Council is dealing only with the transfer and is not prepared to deal with the Brighton Estates situation. Mr. Peters stated that about two years ago, plowing first occurred on this road and interfered with Deer Valley Resort's operation and staff's position was that the Council would resist these individuals plowing to their home sites.

Toby Ross advised that if there is a jurisdictional transfer, Council will have to address this issue at some point. A full legal analysis can not be provided tonight and one would be needed to make such a decision. Council has the period between now and November to explore the legal and practical implications with Wasatch County, Deer Valley Resort and the other entities whose input is important as a part of the decision. Some of the requests made by Brighton Estates are requests that require process or third or fourth parties. He continued that Council will have to make a judgment whether to assume the responsibility and liability of this road and subsequent decisions on how to manage it. In deferring a decision on the transfer, some of the advantages to the City are minimized. The Transportation Commission is contemplating an action on March 16 and the City is hopeful of commencing construction on the round-about in April. Shauna Kerr agreed that she is not prepared to discuss this tonight as the resolution authorizing transfer of the road is the action on the agenda, and a meeting on the Brighton Estates' issues has not been properly advertised. Peg Bodell stated that if Mr. Peters is asking Council not to take over the road, that would be different, and is also not comfortable with dealing with their issues tonight. Mr. Peters clarified that the request is that the City will not attempt to stop them from plowing. There is a record that the City is antagonistic toward Brighton Estates' attempt to plow which was communicated to the UDOT Commission who was receptive and understanding about this dynamic. He suggested that Park City invite the Commission to a joint meeting so there can be public input from both sides and this can be addressed. This could be a very adversarial situation which has costs to the City, both monetary and public relations, as well as indirect impacts to Deer Valley and UPCM. The greater cost will be the cost of their lives if they are denied access. He believed that No. 1 of the transfer agreement may bring forth the responsibility and obligation to plow to these ten families on a state highway and that the state will indirectly delegate Park City that duty.

Dr. Rob Powell added that the City Manager represented that the Council would not allow year-round access. He reiterated that the costs of maintaining the road will be high. Mr. Powell alleged that Toby Ross told UDOT that the City will not accept language in the resolution that guarantees rights to access and without that, Brighton Estates will have to take the next step which is to petition for plowing from the state. Park City loses control if they have an agreement with UPCM and Deer Valley for the use of their private road then there is no public road opened year-round to the top of Guardsman Pass. Therefore, the likelihood of a third major route coming into Park City is quite diminished. In transferring the road, without allowing UDOT to write in its resolution the rights of the people on Guardsman Pass, Park City runs the risk of this getting out of control. If everyone works together prior to the transfer of the road, and there is language protecting the rights of the people, the bigger control issue is the third route into Park City. It is important that the language be written in the agreement saving everybody a lot of problems and saving Park City a lot of money.

Jim Mcminimee, UDOT, pointed out that this is a passionate local issue. SR224 is probably the least traveled road in his region and has been on the jurisdictional transfer list for a number of years. It is the type of road that provides access to residents and by definition a road that provides access for residents shouldn't be a state road. These are really local issues. The Transportation Commission is very sympathetic with their rights of access and emergency services, but again these are local issues and the transfer of the road is the right thing to do because local governments have the opportunity to impact solutions. The Transportation Commission recommends that Wasatch County and Park City deal with these issues raised tonight.

Bob Wells, Deer Valley Resort, stated that he has previously agreed to and supports the transfer of the road to Park City. Deer Valley is very opposed to opening the existing road in the winter-time and holds two encroachment permits from UDOT for inclusion of a portion of the road in the ski area. He clarified the quote in Mr. Brown's testimony that should UDOT elect to plow or open the road in the winter-time, that Deer Valley and UPCM would provide a route in substitution for the portion of the road that crosses the Northside Ski Pod. That route is an unimproved construction road that is used in conjunction with the operation of the ski area and is proposed to be part of the ultimate Flagstaff road system and part of the snowmobile by-pass route that is provided today. The permits from UDOT required Deer Valley to provide a snowmobile by-pass route and they have complied. Mr. Wells emphasized that Deer Valley discussed this with everyone, including Brighton Estates, and are interested in a solution. If a decision is made in October, it is very difficult to implement a plan in short of a year or a two year period and this should be considered.

Toby Ross relayed that there have been a number of proposals but nothing being proposed must be resolved before the transfer and the Council would benefit from an in-depth discussion. Nothing being proposed by Brighton Estates is precluded by this transfer. Some of the proposals could not be considered without the involvement of a number of other entities, including other jurisdictions which would require interlocal agreements which take time. He emphasized that the principle interest in acquiring the road is to build a transit center most cost effectively. Peg Bodell referred to comments made about animosity between Park City and Brighton Estates, and pointed out that this is a new Council with no history, and she would like to approach it that way. The Council wants to work with everyone and that takes time. Shauna Kerr added that an action tonight does not preclude discussions from occurring in the future and does not prohibit further dialog. Shauna Kerr, "<u>I move that we approve the resolution authorizing the Mayor to execute the SR224 road transfer agreement in a format approved by the City Attorney</u>". Roger Harlan seconded. Candace Erickson admitted that she knows very little about Brighton Estates and because the transfer doesn't preclude the City from working out these issues, will be supporting the resolution. <u>Motion carried</u>.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

IX ADOURNMENT

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 2 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, and Shauna Kerr. Fred Jones was excused. Staff present were Toby Ross, City Manager; Tom Daley, Deputy City Attorney, and Mark Harrington, City Attorney. Roger Harlan, "I move to close the meeting to discuss property acquisition and litigation ". Shauna Kerr seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

The meeting opened at approximately 3 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

PARK CITY
1884

STAFF REPORT

DATE: March 2, 2000
DEPARTMENT: Leisure Services & Capital Management and Budget
AUTHORS: Linda Cook, Pace Erickson, Matt Twombly
TITLE: Skate Park
TYPE OF ITEM: Information and Policy Direction

SUMMARY and RECOMMENDATIONS: Staff requests that the City Council reaffirm its policy direction concerning the Skate Park and City Park for the issues described below. The Parks Recreation and Beautification Board(PRBB) has reviewed these issues and their recommendations are listed starting on page 8.

POLICY ALTERNATIVE

1) Overall Project Policy: Reaffirm decision to build the skate park at the south end of City Park, select alternate location, combine with related amenities, delay, or terminate the project.

2) Construction Policy: Complete in 2000 or expand project to include other City Park identified priorities (such as Rec Building improvements) which could affect the skate park project management and construction schedule.

3) Competitions or Festivals Policy. The Conditional Use Permit for the temporary skate park does not allow competitions or festivals. Competitions or festivals are likely to be an issue for the permanent skate park CUP.

4) Public Awareness and Operations Policy: Provide direction regarding further public involvement and project awareness as well as operating policies as the City Council deems necessary.

5) Design Policy: Reaffirm prior design recommendations, provide direction concerning additional design possibilities, e.g. bowls, halfpipes, and provide direction with regards to the degree and composition of public participation in the design of the skate park.

BACKGROUND:

Plans to provide a skate park in Park City began about five years ago after the City Trip to Sun Valley, Idaho. The community has expressed interest in the development of a skate park for many years and it has been a high priority of the Parks Recreation and Beautification Board. Appeal has grown measurably since the community listed a skate park as a needed recreational amenity in a survey distributed in January, 1998. The results of the Recreation Survey had a fair response for a skate park, however the survey was responded to mostly by parents and the opinions and desires of the youth may not have been captured. Subsequently, Park City Mountain Resort (PCMR) experimented with a skate park and an independent survey of 10 -16 year old children at Parleys Park Elementary and Treasure Mountain Middle School found that roughly 85% of these children placed a skate park as a top priority. Park City Mountain Resort discontinued their skate park in the resort parking area due to other construction priorities. Following an involved public process and upon obtaining a CUP, the City attempted to fill the void by installing a temporary skate park in a vacant area adjacent to City Park last summer. The Parks and Rec Board, City staff and the City Council consider the temporary skate park one of the successes of 1999. Based on the success and continued demand, the community has demonstrated a need for a permanent facility.

During the prioritization of the City Park Master Plan, and recreational needs from survey responses, the PRBB placed the skate park as the top priority. An ice rink rated high as well and the PRBB looked at combining a skate facility with ice. The feasibility of combining the two was explored, but the disadvantages of combining the uses outweighed the advantages.

The PRBB, staff and many community supporters have considered a number of other possible locations for a skate park facility, whether temporary or permanent, and have concluded that the south end of City Park is the best location. A secondary site at the Racquet Club was explored, however the consideration resulted in 50 to 100 letters opposing the location at the Racquet Club (copies available). The use of a temporary location adjacent to City Park was proposed to relieve the need for a facility in 1999 while a permanent park could be developed for 2000.

The temporary park received a conditional use permit by the Planning Commission on July 14, 1999 and was constructed and opened on Miner's Day weekend. The temporary park was extremely well received by in-line skaters and skateboarders in the community. Word of the park spread quickly with a number of tourists and visitors using the facility. Summer visitors were highly complimentary of the availability and central location. The Leisure Services and Police departments report few, if any, complaints regarding the facility itself. The greatest concern stemmed from the disregard for the use of safety equipment by some users. A grant from the Youth Advisory Council funded $1,500 for helmets and safety gear available to drop-in users, which didn't seem to significantly mitigate the problem. The issue is likely to evolve into a discussion regarding staffing costs to provide supervision of the park by the City.

The temporary park Conditional Use Permit was issued for two years with a mandatory review by the Planning Commission in June, 2000. This review, presumably, will help to refine the skate park concept rather than question the need or wisdom of constructing such a community facility. The adopted City Park Master Plan has identified the location and concept for a permanent park in the south end of City Park. The temporary park is located eighty feet from the recommended permanent site and staff anticipates that the review of the temporary permit will have a significant bearing on the approval of a conditional use permit for the permanent park. Anticipated issues include but are not limited to staffing, parking, traffic and user safety.

Since the City Trip to Crested Butte in 1999, the design concept has expanded to include the possibility of excavated bowls and half-pipes in addition to the existing equipment (designed to be used in the permanent scheme). The design concepts selected will affect the cost of the facility and may require additional earthwork, concrete and labor. The addition of a bowl(s) or half-pipe(s) would create a better park by allowing a separation of uses, dispersed crowd and possible additional uses (such as trick bikes), increase the range of abilities, and attract and provide for a wider age group of users.

ANALYSIS
The Conditions of Approval for the Temporary Skate Park as enumerated in the Conditional Use Permit are stated as follows:

1. The park is approved for temporary use for two seasons starting in August of 1999 subject to the review of June 2000.
2. Hours of operation are prescribed under City Park rules and regulations or dark, whichever is more restrictive.
3. The use will be reviewed by the Planning Commission at a Public Hearing in June of 2000 for compliance with these conditions and for discussion/mitigation of any related impacts.
4. No additional lighting will be added to the site. Landscape bollards may be installed.
5. A building permit is required for the project.
6. Items to be reviewed under the building permit process will be:
   a) The structural integrity of the components (must meet with the approval of the Chief Building Official);
   b) Signs;
   c) Fencing size and materials; and
   d) Provisions for trash.
7. Amplified music will not be allowed.
8. Competitions and festivals will not be allowed.
9. Drop-off parking on Park Avenue will be discouraged.

Staff anticipates that these issues will resurface in the application for the permanent skate park CUP in addition to the current "STANDARDS FOR REVIEW", Park City Municipal Code, Title 15, LMC, Chapter 1-General Provisions. As stated in condition #3 above, the Planning Commission intends to review the temporary skate park for compliance and related impacts prior to issuance of a CUP for a permanent park.

TENTATIVE SKATE PARK SCHEDULE

February 16, Policy Review and Policy Reaffirmation with PRBB.
February 17, Advertise Request for Proposals for Design/Engineering of skate park.
March 2, Policy Review and Policy Reaffirmation with City Council.
March 3-8, Selection of Design/Engineering Firm Proposal.
March 16, City Council Award of Professional Services Provider Contract,
March 16-31, Public Information gathering/Stakeholders meetings for Design with architect.
March 8, Planning Commission work session, informal update based on City Council direction.
April 1-19, Preliminary Design
April 19, PRBB Preliminary Design Review
April 20, CUP Application for skate park Submitted by PCMC.
April 20-May 2, PRBB or Subcommittee Design Modifications and Planning Staff Review.
May 17, PRBB or Subcommittee Preliminary Design Approval
May 24, Planning Commission work session for permanent skate park CUP. No action anticipated
June 1, Begin Construction Drawings, Specifications & Bid Documents.
June 7, Planning Commission Public Hearing Temporary Skate Park CUP Compliance & Impacts. Public Hearing Permanent Skate Park CUP Application.
June 14, (Optional if Necessary) Planning Commission Public Hearing Permanent Skate Park CUP Application. Possible Action
June 21,(Optional if Necessary) Planning Commission Public Hearing Permanent Skate Park CUP Application. Possible Action
June 30, Submit Construction Drawings for Building Department Review.
June 30-July 21, Building Department Review
July 19, Advertise Invitation to Bidders for Construction
August 9, Bid Opening,
August 10, City Council Award of Contract
August 10-17, Legal Review of Contract.
August 17, (Optional if Necessary) City Council Award of Contract
August 24, Notice to Proceed
August 24- October 31, Construction.
November 1, Completion.
November 2, Celebration!!

Outlined below are the overall Pro's and Con's of the project, History of Public Process and discussion of the five policy areas.

PROS	CONS
Greatly Needed Recreational Facility	Perceived Residential Impacts Including: Noise, Traffic, Potential Misuse
Adequate Funds Identified with high priority in the Five-year Capital Improvements Plan	Conditional Use in Estate Zone and proposed ROS Zone
Consistent with the Park City General Plan	Environmental - Soils Mitigation Costs
Broad-Aged Recreational Activity	Frontage Protection Zone
Compatible with Other Park Uses	Park City Neighborhoods Planning Area - Sullivan Road
On Bus Route	Construction Impacts
Adequate Parking	Maintenance Costs
Good Traffic Flow	Risk Management
Helps to Resolve Misuse at Commercial Centers	Staffing Costs and Possible Supervision of Park by City Staff
Diminished Construction Impacts on Critical Circulation Routes	Coordination with Possible Olympics Use of South End City Park
Mitigates Soils per Park City Soils Ordinance	
Increased Pedestrian Connections	
Aesthetic and Landscaping Improvements	
Coordination with Possible Olympics Use of South End City Park	

Public Participation

September 19, 1981	Park City Parks Master Plan Community Workshop 30-40 citizens.
July 15, 1982	Park City Parks Master Plan adopted.
June 1993	Lower Park Avenue Design Study.
October 12-14, 1997	Urban Design Charrette.
January, 1998	Park City Recreation Survey
July 8, 1998	Park City Mountain Resort, CUP Public Hearing for Skate Park
July 22, 1998	Park City Mountain Resort, CUP Granted for Skate Park

September 23, 1998	City Park Stakeholders Meeting
January 20, 1999	PRBB City Park Master Plan Public Hearing.
February 17, 1999	Capital Improvement Program Open House.
March 17, 1999	Parks & Recreation Board Prioritization of Capital Improvements.
March 24, 1999	Planning Commission Update on Improvements to City Park.
May 19, 1999	Parks and Recreation Board Meeting on Skate Park
May 20,1999	City Council Resolution adopting a revised Master Plan for City Park and changing the use designation for the south end from passive to active.
June 24, 1999	City Council Work Session for Skate Park.
June 30, 1999	Planning Commission Work Session for Temporary Skate Park.
July 1, 1999	City Council Authorization to Proceed with temporary skate park project & equipment purchase.
July 7, 1999	Noticed Public Input Meeting on Temporary Skate Park
July 14, 1999	Planning Commission Public Hearing on Temporary Skate Park CUP.
July 28, 1999	Planning Commission Public Hearing & Granting of CUP for Temporary Skate Park.

There has been a considerable amount of public process regarding the recreational needs of the community and the construction of a skate park as the first step in the development of the City Park Master Plan. The pro's of the project far outweigh the con's which can all be addressed through proper design of the facility and the CUP process. The task of providing policy recommendations to promote and fulfill the needs and expectations of the citizens has been the Parks Recreation and Beautification Board's, as an advisory board to the City Council, for many years now. **The PRBB considered the five following policy items for their recommendations to the City Council, their recommendations are presented on page 8:**

1) <u>Overall Project Policy</u>: Reaffirm decision to build the skate park at the south end of City Park, select an alternate site, delay or terminate the project. If the Board directs staff to terminate the project then the rest of the policy recommendation questions are moot. There has been considerable exploration and effort to find an appropriate site for the skate park. Every other site that has been considered has had problems with surrounding compatibility, residential impacts, size constraints, parking and funding.

A skate park in the south end of City Park is compatible with surrounding uses, is adequate in size, adequate parking is already in place, and adequate funds are available through the Lower Park Avenue Redevelopment Project Area. The funding identified for various phases of City Park improvements must be expended on projects in the RDA project area. Should an alternate location for the skate park be selected outside the RDA project area, an alternate source of funding is not readily available. The site for the park provides the least residential impacts as demonstrated by the scores of letters received against the park when the Racquet Club was considered and the handful of negative responses generated by the temporary skate park. Although the South End of City Park provides the least residential impacts, mitigation will be addressed as part of the CUP process and accomplished through proper design of the park.

2) Construction Policy: Complete in 2000 or expand project to include other City Park priorities which could impact the skate park project management and construction schedule. If the Board wishes to incorporate other City Park priorities into this year's construction schedule (all or some of the Phase I improvements), then the schedule to complete the skate park by November of 2000 may not be met. Staff anticipates that any additional City Park projects would be considered separate projects subject to a process similar to that described above. Combining projects with the skate park could jeopardize the CUP approval process and disrupt the skate park construction schedule.

Staff has briefly outlined a schedule for the skate park. Completion of the park by the November 1, 2000 is a very tight time frame, where a conditional use permit will not be issued until after the temporary park review in June. Staff could proceed with additional City Park projects where funding is in place to accomplish them, however, the project management for additional projects would have to be contracted externally. Two City departments have agreed to jointly manage this project for the season. Leisure Services and Capital Management and Budget have representatives to ensure that the public process, CUP application, design, contracting and construction proceed in a timely manner. However, these staff members have been committed to other Capital Improvement Projects to be completed this season as well.

3) Competitions or Festivals Policy. The conditional use permit for the temporary skate park does not allow competitions or festivals. At the time of the conditional use permit for the temporary park, it was determined that the community could abide by this decision as a temporary measure. The Board should make the policy recommendations as to the management practices and use of the recreational facility and staff will clearly convey the recommendations to the Planning Commission and mitigate impacts accordingly.

4) Public Awareness Policy: Provide recommendations regarding further public involvement and awareness that the Board may deem necessary. Staff is presently developing a Construction Information Guide brochure to be distributed to the public. The improvements to City Park including the skate park will be included, however the brochure is not specific to this site. Due to the nature of the site the construction of the skate park should cause very little impact to traffic on Park Avenue. The work will impact thru-traffic on Sullivan Road and pedestrian and bicycle traffic on the bike path through City Park. The Board should recommend any additional measures that may be taken to mitigate construction impacts.

Through the City's standard practice and the CUP process, neighbors will be notified by mail as to the description of the project and public hearing dates and times. The Board should recommend any additional public awareness activities, including meetings, they think are necessary.

5) Design Policy: Provide direction with regards to the design and public participation in the design of the skate park. The Board should provide direction on items that should be included in the design, such as bowls and half-pipes, and the extent to which the design process incorporates public opinion of the design. Staff has drafted a Request for Proposals (RFP) for the engineering/design services of the skate park to help expedite the process. The RFP will be advertised following the Board's meeting on February 16th, unless there is good reason to delay for City Council reaffirmation of the project on March 2nd (See attached draft RFP). The resulting contract for design will require City Council authorization at a meeting tentatively scheduled for March 16th.

The PRBB clearly conveyed their recommendations to Staff for each of the five policy recommendations on February 16, 2000.

1.) The PRBB recommends that the City should build the Skate Park at the South end of City Park consistent with the adopted City Park Master Plan.

2.) The Board recommends concentrating on completing a Skate Park in 2000, and pursuing other Park improvements consistent with their prioritization as soon as time would allow, so that construction of the other improvements can begin early in the 2001 construction season.

3.) The Board strongly recommended that festivals or events should not be precluded from the Skate Park facility.

4.) In regards to Public awareness the Board recommends that a subcommittee be formed with representation from the PRBB, the City Council and members of the general public. The possible role of the subcommittee could include: public meetings, announcements, oversight of design(Item #5), seasonal closure of the park, staffing, events, and attention to questions of user safety and safety equipment. The PRBB would like Council direction about the formation and role of the subcommittee.

5.) The Board recommended looking at all possible design options based on user input so as to provide for all user's ability levels. As in item 4 above Staff should work with the subcommittee in the selection of a design firm and additionally with the public for the design itself.

DEPARTMENT REVIEW:

Leisure Services / Parks Department
Office of Capital Management and Budget

ALTERNATIVES:

Staff recommends that the City Council use the background, analysis sections and the recommendations from the Parks Recreation and Beautification Board included in this report to review the alternatives related to this project for the five policy areas.

SIGNIFICANT IMPACTS:

The significant public involvement, construction and policy impacts of the Skate Park have been discussed in this report. The significant funding impacts are attached in the document titled City Park Master Plan. Four phases of City Park projects were identified by the PRBB. Phase I is fully funded with $600,000 available for the skate park, where approximately $50,000 has been spent on the equipment and paving for the temporary park, and $750,000 available for the projects related to the Rec Building area.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Staff is very concerned with ensuring that this project gets off to the right start. The Parks Recreation and Beautification Board recommended to move forward with the project. At the March 2nd meeting, staff particularly needs policy direction concerning overall project commitment and public awareness. The consequence of not starting construction of the skate park in the 2000 construction season would most likely postpone construction of the park until after the 2002 Winter Olympics due to competition of other projects.

The Parks Recreation and Beautification Board had strongly recommended advertising a request for proposals as soon as possible to help expedite the process of selecting a design firm for the park. The RFP was legally noticed in the Salt Lake Tribune and the Park Record with a submittal deadline of March 6, 2000. The advertisement clearly states that Park City Municipal Corporation reserves the right to cancel the project at any time, for any reason preceding contract award. Should staff be directed to proceed with the project, staff will make a selection of a design firm, and forward the recommendation to enter into a contract with the selected firm at a subsequent City Council meeting, tentatively set for March 16, 2000 in the schedule above.

RECOMMENDATION:

Staff requests that the City Council provide policy direction concerning the five policy issues described in this report.

attachments

PARK CITY MUNICIPAL CORPORATION
REQUEST FOR PROPOSALS
SKATEBOARD PARK DESIGN

Park City is seeking a consulting/design/engineering firm to plan and design a skateboard park to be located in the undeveloped portion of City Park.

Description of the Project:
The scope of the project would include meeting with the public(especially school-aged children) to get input of the users needs and wants and incorporating their concepts into the parks design. The design shall also include reusing existing skatepark equipment and coordination with the vendor of the equipment. Coordination with the major stakeholders is an important component to the design of the park. Candidates should plan to attend, gather information and present at public meetings, Planning Commission public hearings and City Council meetings, estimated at approximately 25hrs, usually in the evenings. The design engineering and construction of the project shall not exceed $500,000. The tentative schedule contemplates publishing an invitation to bidders for construction at the beginning of July.

Required Services:
The work shall include coordination of survey information(survey to be supplied by PCMC in electronic format); utility mapping; schematic design; design coordination and review with City staff , the Parks Recreation and Beautification Board and public; construction drawings (structural engineering to be approved by Park City Building Department) ,probable costs estimate, specifications and bid documents; bidding, bid abstracts and review of Contractor's shop drawings and other specified submittals. Project management will be by the owner.

Proposals Requirements: Interested firms shall provide 8 copies of the following information:
- Name, address and telephone number of consulting firm.
- A narrative of firms' qualifications and relevant experience.
- Scope of services.
- Fee structure.
- An outline of the work schedule.
- Names, titles, experience and telephone number of personnel assigned to the project.
- References from clients of completed projects including names and telephone numbers.

Selection:
Consultants for this project will be selected based on relevant experience, their ability to complete the work in a short time-frame to the City's satisfaction and the cost incurred in so doing. A selection panel will review the proposals based on the information provided. A final selection and professional services contract award will be made by the City Council. Park City Municipal Corporation reserves the right to cancel the project at any time, for any reason preceeding contract award.

Deadline:
The deadline for the proposal submittal is **March 6, 2000**. Respond to: Matthew Twombly, Parks Planner, Park City Municipal Corporation, P.O. Box 1480, 445 Marsac Avenue, Park City, UT 84060. (435) 615-5177.

PARK CITY
1884

Resolution No. 11-99

RESOLUTION ADOPTING A REVISED MASTER PLAN FOR CITY PARK, PARK CITY, UTAH

WHEREAS, a Park City Parks Master Plan was adopted on July 15, 1982, as a guideline for recreation development, and the City Council deems it in the best interest of the community to update the existing plan by recommending amendments that better meet the current and future needs of residents; and

WHEREAS, those changes differ significantly from the existing plan and call for the designation of the south end of the park to be changed from "PASSIVE" use to "ACTIVE" use; and

WHEREAS, the Parks, Recreation, and Beautification Advisory Board held several public work sessions and stakeholder meetings with interested citizen groups on proposed revisions to the City Park Master Plan over several months; and

WHEREAS, public input in support of the revised Master Plan was rendered at a noticed meeting of the Parks, Recreation, and Beautification Advisory Board held on January 20, 1999 and a noticed Capital Improvement Program Open House held on February 17, 1999;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council as follows:

SECTION 1. MASTER PLAN ADOPTED. The attached Exhibit "A", Master Plan for City Park, dated October 1998 and revised November 1998, is hereby adopted by the City Council of Park City, Utah.

(a) Staff is hereby directed to continue with its planning efforts on the City Park Master Plan, and consider the south end of the park for "ACTIVE" uses, as described on Exhibit "A".

(b) Staff is further directed to abide by the all regulations of the City by applying for and receiving appropriate approvals prior to commencing with any improvements to City Park.

(c) The City Park Master Plan is only a conceptual plan, and subject to change. The funding or construction of any specific component of this plan will not occur without City Council approval.

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

PASSED AND ADOPTED this 20th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

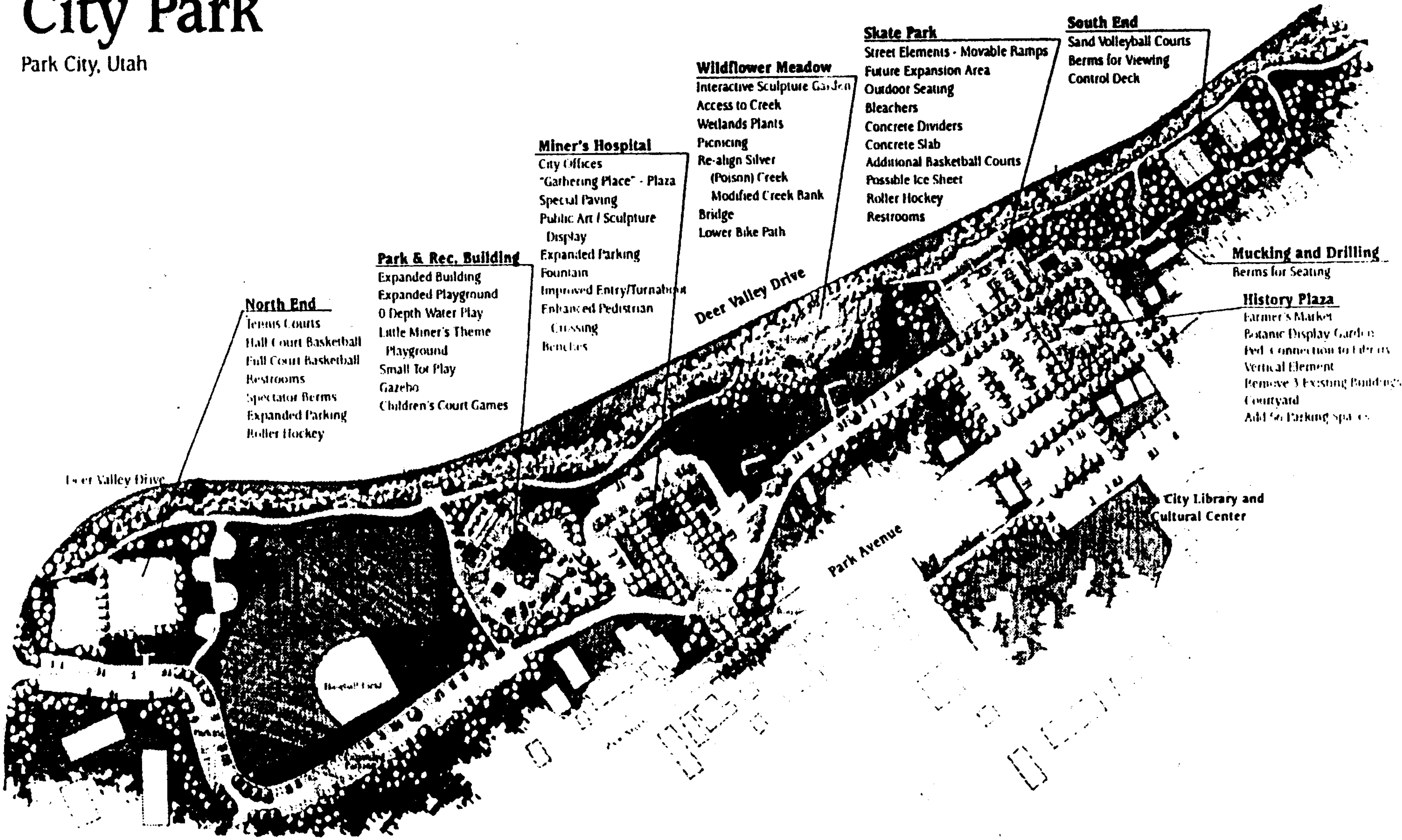
Approved as to form:

Mark D. Harrington, Deputy City Attorney

Conceptual Master Plan

City Park

Park City, Utah



19

Exhibit A
Dated October 1998
Revised November 1998

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 20, 1999

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

Toby Ross, City Manager; Lloyd Evans, Chief of Police; Frank Bell, Olympic Planning Director; Bob Johnston, Leisure Services Director; Nora Shepard, Special Projects Manager; Jerry Gibbs, Public Works Director; Kathy Kelly, Recreation Coordinator; and Tom Bakaly, Finance Director

George Hull, Parks and Recreation Board Chairman; Hank Rothwell, United Park City Mines Company (UPCM); Senator Bev Evans; and Matt Ripkin, Fehr and Peers

1. **Council questions and comments.** Mayor Olch and Hugh Daniels were excused for a portion of the beginning of the work session. Shauna Kerr reported that she attended the interagency meeting last week where environmental issues were addressed. Roger Harlan expressed his concern of a suspect fire of an historic structure on Deer Valley Drive this week. The Chief of Police responded that it is too early to decipher if it was arson and will keep the Council informed about the investigation. Chuck Klingenstein added that the Downtown Transit Center Task Force met this week and the total site has been analyzed as how it ties into the entryway. The Historic Main Street Alliance is making progress. He expressed his frustration that motorists are not stopping for pedestrians at the crossing on Bonanza Drive. Paul Sincock thanked everyone for their phone calls and cards during the past two weeks while he was recovering from injuries from a motorcycle accident. Ms. Kerr asked about the status the old shed on Marsac Avenue; Ms. Ryan indicated that its historical significance is in the process of being determined. Paul Sincock reported on the Olympic Cultural Task Force meeting. Frank Bell reminded Council of a venue cities meeting on Wednesday, May 26.

2. **Review of regular meeting:**

Parks Master Plan. Bob Johnston stated that this plan was presented to Council a couple of months ago, and staff is requesting formal adoption of the master plan. The use at the south end will be changed from a passive to an active use area. Any improvement will be subject to Council's approval and budgetary considerations. This is the first step to continue with the planning process. George Hull of the Parks and Recreation Board clarified that the request is to approve a modification in the philosophical approach to the park use, with the understanding that uses are expanding but park space is not. Therefore, the traditional less intensive uses of the south-end of the park probably need to give way to more intense uses. The old plan was adopted in 1981.

In response to a question from Shauna Kerr, Mr. Hull explained that last night the Board heatedly discussed exploring the possibility of using the skateboard park also as an ice skating rink. The Board narrowly voted to pursue attention to this option. Roger Harlan explained that the reason the Board was split was because of the possibility that if ice is pursued, this season is lost for the skateboard park. There was discussion about designing this facility for younger beginner skaters. George Hull described this project as more akin to playground equipment as opposed to an athletic facility. The Mountain Resort skateboard park is designed for older more skilled skaters. Paul Sincock understood the project to be a slab of concrete to be used for equipment and refrigerated for ice in the winter. Mr. Hull noted that the ice facility is not well defined and needs to be studied as it is important to assess if it is supported by the community and if the location is suitable. Chuck Klingenstein expressed that he envisioned it to be on a community scale and thinks dual use should be explored. There was discussion about the portable ramps from the resort being used at the schools. Roger Harlan stated he is not opposed to doing a feasibility study but it will be difficult to meet the variety of ice demands at that location. He didn't believe there would be enough financial support in Park City to have two facilities and hates to lose this year's skateboard season. Chuck Klingenstein referred to the feasibility study conducted for the old sewer site location which indicated the City couldn't afford to do it. Shauna Kerr didn't feel the community could support a full-blown ice rink that meets everyone's needs, i.e., hockey, figure skating, recreation, visitors, etc. The community should have recreational, not programmed ice. People already participating in programmed ice are probably willing to continue to commute to rinks. She supported moving forward with a study to determine if ice and skateboarding can work together at one site and readjusting expectations that the City is providing recreational not programmed ice. George Hull noted that is precisely what is envisioned here because of the size of the location. Hockey rinks are very large and expensive to operate and anything in City Park would in no way meet the needs of serious ice users. The Board is envisioning something a little larger than the rink at the resort center. He continued that having a skateboard park built by the end of the season is better than starting to build it next season. Ms. Kerr asked about the time frame for a study, design and construction. Mr. Sincock felt the project is simple as it is providing a concrete slab with refrigeration coils and equipment can be installed at any point. Mr. Hull felt that that is the way it probably would evolve but there should be a plan. Mr. Sincock discussed the failed ice sheet last season and didn't feel a rink is feasible unless there is refrigeration. Mr. Hull explained that the Board's proposal is to determine if it makes sense to proceed and fits with the priorities of the community.

In response to a question from Mr. Sincock regarding the purpose of the resolution, the City Manager explained that the resolution describes policy with respect to the park which modifies what was previously established as policy and a conceptual plan. Ms. Hoffman interjected that it also provides direction to amend the zoning at the south end of City Park for active use. Ms. Kerr asked if having a plan bolsters the City position for imposing impact fees; Ms. Hoffman noted as long as projects are included in the capital improvement plan. Chuck Klingenstein stated that the projects will have to go to Planning Commission and there should be a comprehensive package. He urged ~~the~~ Parks and Recreation Board to be cognizant of costs. The Council is currently considering an increase of the General Fund contribution to the Recreation Fund from $410,000 to $460,000 annually, not contemplating any of the operational aspects associated with the park. Ms. Kerr emphasized the Council's commitment in building a skateboard park.

Contracts. Rick Lewis requested that the City Council continue Item 6 on the Consent Agenda as there is a dispute.

Flagstaff development agreement. Nora Shepard explained that the draft has been available for a couple of days. There should be some discussion on outstanding issues during work session and public input at the regular meeting. Hank Rothwell distributed a memo to the Council members. He highlighted different sections of the development agreement of concern to him. He pointed out that yellow highlighted areas are where current language does not track draft parameters including exclusions and inclusions. Last week, the Council was clear that the agreement reflect parameters and UPCM would support that approach. Mr. Rothwell objected to language relating to employees and agents of UPCM as being parties bound by this agreement. Ms. Hoffman explained that the "employees" issue is technical and probably doesn't need to be resolved at this level and this language is consistent with other agreements drafted on behalf of the City. Ms. Hoffman referred to language in the development parameters that UPCM is granted a large scale master plan development, but that isn't true as it needs to submit many plans first. All of the listed large plan components are necessary and required for large scale master planning. The process last year was expedited and there were plans that needed to be submitted but there wasn't enough time. She felt the logic of it was that until these are submitted and approved, a large scale master plan exists. The drafted language reflects what Council intended not necessarily what was said. Paul Sincock believed this is a significant difference from what the parameters indicate which is that UPCM has a large scale master plan development approval. Hank Rothwell acknowledged that it is significant but would agree to a middle ground that UPCM is granted a large scale master plan, and instead of "prior to construction" agreed to "prior to the submittal of small scale master plans". Ms. Kerr stated that she would be comfortable with that language. There was discussion about the complexity of working through the agreement. The Mayor felt the developer and staff need to work through these issues and come back with a clean draft.

Mr. Rothwell pointed out that Deer Valley objects to being referred to as the developer. UPCM negotiated by giving up density, added open space to come to an agreement with the City. Without knowing what the Land Management Code (LMC) provisions will be is not reasonable, and Mr. Rothwell requested that the development be subject to today's LMC. An alternative is including at least the unit equivalency chart and the definitions of resort support and resort commercial uses which are referred to in the agreement. Ms. Kerr countered that the City treats everyone the same and imposes the current Code at the time of construction. Mr. Rothwell pointed out that in the Park City Mountain Resort development agreement, there was a chart on unit equivalency and a definition of resort support and asked that UPCM be treated the same. Nora Shepard explained that Phase 2 of the LMC revisions address master plan developments, unit

V CONSENT AGENDA

The Mayor requested that Item 6 be removed from the Consent Agenda and continued to next week. Paul Sincock, "I so move". Shauna Kerr seconded. Motion carried unanimously. The Mayor requested a motion to approve the remaining five items. Shauna Kerr, "I so move". Hugh Daniels recalled reading Mr. Jensen's comments in the Planning Commission minutes where the Commission chose not to consider his suggestions. Planner Brooks Robinson added that Mr. Daniels is correct; these issues were brought before the Planning Commission who decided that there should be conformance of parking and setbacks according to the Land Management Code (LMC). Chuck Klingenstein felt that the Planning Commission spends a lot of time on applications and he tends to support its judgment. Motion unanimously carried.

1. Ordinance approving a condominium conversion and final subdivision plat for 510/512 Ontario Avenue, Park City, Utah - See staff report and public input session.

2. Ordinance approving the record of survey plat for the Stein Eriksen Lodge Phase III located at 7770 Stein Way, Park City, Utah - See staff report.

3. Resolution proclaiming May 22, 1999 as Park City Arbor Day - See resolution.

4. Award of contract and authorization to staff to enter into an agreement with Cunningham Construction in the amount of $44,000 for the lower Sandridge Parking Project - See staff report.

5. Award of contract and authorization to staff to enter into an agreement with G-Bar Landscaping in the amount of $77,000 for landscaping the lower Sandridge Parking Project and Peace Park - See staff report.

6. Award of contract and authorization to staff to enter into an agreement with DRD Paving in the amount of $220,484 for the Main Street bulb-out and Miners Park Projects - See staff report. This matter was continued to next week.

VI NEW BUSINESS

1. Resolution adopting a revised master plan for City Park, Park City, Utah - See work session notes and staff report. Paul Sincock emphasized that the master plan is conceptual and it contemplates more active uses in the south end. Paul Sincock referred to minutes of the meetings dealing with the acquisition of property on Park Avenue, adjacent to the park and shown on the master plan. He emphasized that the City did not acquire the property for open space, but to reuse or rent. The dealership will probably have to go, but the office building could be used as a youth or non-profit center and the Offret house could be used for affordable housing and that was the intent

of Council when it was purchased. He doesn't want the record to reflect that because the master plan is adopted, that the properties become part of the plan. Shauna Kerr agreed that the plan shows all three buildings demolished and understood Mountainlands Community Housing received support from the Parks and Recreation Board for exploring saving the house for affordable housing. Ms. Kerr stated that she would also support that effort. Shauna Kerr, "I move approval". Chuck Klingenstein seconded. Motion carried unanimously.

2. Flagstaff annexation - United Park City Mines Company - See work session notes. Nora Shepard explained the short time frame in reviewing the development agreement because of the possibility of a referendum in November. She believed there are only two or three points that need to be worked out between the City and UPCM. Before the Council is not the annexation, but considering the development agreement that will make the annexation occur. An application for annexation was filed in May 1994 and during those five years there have been many revisions to this plan and many work sessions and meetings with the Planning Commission and City Council. The Planning Commission and City Council held public hearings for annexations in 1997 and in the fall of 1998 of the Flagstaff area. On September 10, 1998, the City Council approved the Resolution of Intent to Annex with terms and conditions and a list of development parameters. She explained that the development parameters are being formalized in a development agreement which provides entitlements and outlines obligations on the part of the developer and the City. The parameters adopted in September agreed to annex about 1,750 acres of property which is in Summit County and not currently in the City limits. She explained that the Mountain Village is intended to be a mixed use of residential and commercial resort support and consists of 705 unit equivalents. There are 16 single family lots in Prospect Ridge and 38 single family lots in the Northside Neighborhood. In addition to the entitlements of the development agreement, there are many other requirements and public benefits, including trails, recreation facilities at Richardson Flats, affordable housing, traffic improvements to Marsac Avenue, possibility of a gondola connection from the Historic District, limitations on an application that UPCM has on file with Wasatch County, and infrastructure restrictions into the Wasatch County area.

Ms. Shepard continued that once the development agreement is approved by the City Council and signed, the annexation is in essence approved. The property isn't actually annexed until the plat is recorded. Once that occurs, there are about 20 items outlined in the development agreement, including City processes and often involving the Planning Commission. Once that is done, UPCM can request site specific development approval. The development agreement grants certain entitlements but the application is subject to the normal LMC process and requirements. The Planning Commission review of many of the plans will occur in public meetings and public input will be taken. She continued that the City Council received two written comments from Stan Christensen and Peter Marth.

(a) Public input - The Mayor urged the public to keep comments specific to the development agreement.

From City Council Retreat Information Packet - January 2000

City Park Improvements

Bob Johnston, Pace Erickson, Tom Bakaly, Linda Cook

Issue Description

City Park has not seen any major improvements in the last 10 years. The City Park Master Plan includes:

- Adding basketball courts, both full and half-court;
- Constructing a permanent skateboard facility;
- Relocating the existing volleyball courts to the south end of the park;
- Removing the basketball and volleyball courts behind the recreation building and expanding the children's play area;
- Including a theme playground in the new children's play area;
- Upgrading the bandstand seating; and
- Improving the existing trail and modifying the stream corridor.

Implications

Once implemented, the new park will have addressed many of the issues the Parks, Recreation, and Beautification Advisory Board (PRBB) is currently working on. Improvements to City Park could be constructed in phases and would take several years to complete.

- The total estimated cost is about \$10 million. Currently the balance of the City Park CIP account is about \$1.3 million. Possible sources for additional funds include grants, bonds, the RDA or money from a culture, arts and recreation sales tax.
- The PRBB has established the following "Top Priority" CIP projects: Skateboard Park - estimated at \$600,000; Expanded Playground/Water Park and Recreation Building - estimated at \$750,000;
- "High Priority" projects include: Multi-use trail improvements and stream corridor modifications.

Public Outreach Efforts

- In September 1998, the first stakeholders meeting was held to discuss the community needs and wish list for the park. These meetings have continued.
- The PRBB held a public meeting January 20, 1999 to hear what the community and residents close to the park felt about the revised plan. All the comments were positive.
- In February the revised City Park Plan was presented to the Planning Commission.

Policy Alternatives

- Authorize funding to restructure all of City Park.
- Phase the project as currently planned in the CIP, beginning with the skateboard park and expanded playground/water park and recreation building, thus following the priorities of the PRBB. These priorities should be confirmed with the PRBB since this was done 9 months ago.
- Return to the PRBB with lists of projects and improvements that could be funded with the currently available resources and ask them to re-prioritize their improvements.

Key Decision Points

- Reaffirm whether there should be active recreation use in the south-end of City Park.
- Determine whether the City-wide Recreation Master Plan should be completed prior to beginning improvements in City Park.
- Balance the revised City Park Plan with Planning Commission planning and traffic mitigation goals related to the lower Park Avenue area.

City Park Master Plan

(Based upon March 21, 1999 Preliminary Costs supplied by Parks)

		Est Cost		Funded
Phase 1 (Fully Funded)			$	1,350,000
Skateboard Park	$	600,000		
Park & Rec Building	$	750,000		
Funding Carried to Phase 2 & 3			$	[illegible]
Phase 2 (Fully Funded)			$	1,500,000
Streambank ($225,000) *	$	-		
Bike Path ($375,000) *	$	-		
Park Infrastructure	$	350,000		
Miners Plaza	$	400,000		
Funding Carried to Phase 4			$	[illegible]
Phase 4 (Partially Funded)			$	-
South End Of Park	$	300,000		
North End Of Park	$	500,000		
Unfunded			$	50,000

Total Estimated Cost	$	2,900,000
Total FY 2000 Funding	$	1,350,000
Total FY 2003 Funding	$	775,000
Total FY 2004 Funding	$	725,000
Unfunded	$	50,000

* Funding for this project is contained in Trails Master Plan

Park City-City Park

March 21, 1999 (revised)

Proposed Park Development Phases
& Preliminary Cost Estimates

Bob, In response to our conversation of last week here is a very brief attempt at delineating four possible phases for City Park and some <u>very preliminary</u> lump-sum costs attached to each. I look forward to the opportunity of discussing these further with you and providing more detailed information for you to review. As always, if you need more information or have questions, please call. I broke it up as follows:

PHASE 1-Youth Facilities

1. Skateboard Park

- **a.)** Concrete slab for skateboarding (street course)
- **b.)** Restrooms & equipment storage bldg. (support facilities)
- **c.)** Utilities and lighting
- **d.)** Portable street elements, ramps, bleachers and benches.
- **e.)** Associated landscaping and pedestrian amenities.
- **f.)** Possible overhead fabric shade structure over slab for multi-use as a bandstand.

Approximate Cost: $600,000.00 (Restroom/Storage Bldg. Could be $ 250,000)

2. Park and Recreation Building

- **a.)** 'Little Miners' theme playground and boulder-work.
- **b.)** '0 Depth' water feature ('jumping jets').
- **c.)** Expand existing playground.
- **d.)** Provide little children's playground.
- **e.)** Small amphitheater and paved surface for 'Little Guy' basketball and organized games at rear of existing Park and Rec. Building (and associated site improvements).
- **f.)** Small shelter for parental supervision and observation (gazebo).
- **g.)** Enclosing existing outdoor picnic area (at building)
- **h.)** Landscaping

Approximate Cost: $750,000.00

PHASE 1-Approximate Total Cost:$1,300,000.00

Park City- City Park
Preliminary Cost Estimate
Page 2 March 21, 1999

PHASE 2- Bike path and Stream bank Improvements

1. Streambank Modifications

a.) Remove existing path
b.) Re-grade and modify stream bank (on City Park side) to accommodate proposed lowered asphalt path improvements, stockpile existing plants.
c.) Construct stream meanders, islands, waterfalls and other special stream features.
d) Cap and mitigate contaminated soils.
e.) Restore and enhance stream bank vegetation corridor and other landscaping.
f.) Re-landscape City Park side.

Approximate Cost: $225,000.00

2. Bike Path

a.) Reinstall widened (10") , realigned asphalt path and 'Bump-outs' for benches,
b.) Bollards, seating and viewing.
c.) Re-grade and create berms and restore path connections along path.
d.) Add bridges, bollards, benches, bike path signage.
e.) Path lighting.

Approximate Cost: $375,000.00

PHASE 2-Approximate Total Cost: $ 600,000.00

PHASE 3- Park infrastructure improvements and public spaces

1. Park Infrastructure & Miscellaneous Improvements

a.) Parking improvements and additional parking
b.) Soil capping, site grading and landscaping adjacent to new development in the park
c.) Enhance main City Park entry. Enhance pedestrian access.
d.) Enhance slope and seating at bandstand.
e.) Park furniture, lighting, special features, signage, etc.
f.) Remove "Mucking and Drilling".
g.) Park Landscaping (add'l. berms, planting, etc.)

Approximate Cost: $ 350,000.00

2. Miners Plaza

- **a.)**'Gathering Place'- main plaza at Miner's Hospital
- **b.)** Improved water feature at Miner's Hospital.
- **c.)** Park 'Loop' roadway improvements in front of Miners Hospital (roundabout).
- **d.)** Additional landscaping and site amenities (site furniture, lighting, signage, etc.)
- **e.)** Public sculpture (beneath trees adjacent to new plaza)
- **f.)** Lighting

Approximate Cost: $400,000.00

PHASE 3-Approximate Total Cost: $ 750,000.00

<u>PHASE 4</u>- Park Recreation Elements

1. Construct South End City Park

- **a.)** Cleanup, landscaping, earth sculpturing, remediate contaminated soils.
- **b.)** Restore existing 'Mucking & Drilling" area.
- **c.)** Construct new 'Mucking and Drilling' plaza and associated berms and/or amphitheater seating.
- **d.)** Complete trail connection through south end of City Park
- **e.)** Construct 2- sand volleyball courts and control deck for tournaments.
- **f.)** Lighting

Approximate Cost: $ 300,000.00

2. Revise North End of City Park

- **a.)** Add restrooms and associated utilities.
- **b.)** Remove existing sand volleyball courts.
- **c.)** Make pathway connections, add half-court basketball with berms for spectators, multipurpose paved area for full court basketball and roller hockey.
- **d.)** Screen adjacent properties to the west with landscaping and berms.
- **e.)** Improve park entry at the north end of City Park.
- **f.)** Remediate (cap) contaminated soils.
- **g.)** Landscape Park (north end)

Approximate Cost: $ 500,000.00

PHASE 4- Approximate Total Cost: $ 800,000.00

<u>TOTAL COST PHASES 1 - 4 : $3,450,000.00</u>

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**March 2, 2000**
DEPARTMENT:	**Planning**
AUTHOR:	**Brooks T. Robinson**
TITLE:	**Hearthstone Lot 2**
TYPE OF ITEM:	**Plat Amendment to relocate driveway**

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider any public input, and approve as conditioned or amended.

DESCRIPTION

A. Topic

Owners	Robert Myron
Location	Lot 2 of the Hearthstone Subdivision, Aerie Drive
Zoning	Estate
Adjacent Land Uses	Single Family Homes
Reason for Review	Plat Amendments require Planning Commission review and City Council approval.

A. Background

The Planning Commission held a public hearing on this application at its regular meeting of February 9, 2000 and forwarded a positive recommendation to the City Council.

The property is legally described as lot 2 of the Hearthstone subdivision. It is rectangular in shape and 0.89 acres in size. A drainage easement is located on the front of the lot. The property is bordered by Aerie Drive to the north and south. Lot 1 to the west has a house under construction, lot 3 to the east is vacant. The site is steeply sloping to the south. The front of the lot has a mix of vegetation from sagebrush to gambel oak and a few stands of young aspens.

The approved plat for the Hearthstone subdivision set driveway locations and building pads. As Aerie Drive ascends from Deer Valley Drive to the first switchback, lots 1, 3, 4, and 5 have driveway locations on the uphill corner of each lot. Lot 2 has a driveway location on the downhill corner (southwest).

The proposal for this plat amendment is to relocate the platted driveway location to the uphill (southeast) corner of the lot similar to the lots around it.

B. Analysis

Due to the slope of the lot, the platted location of the driveway is 6'-8' lower than the proposed location. In order for the driveway to reach the building pad and preferred garage location, this additional elevation must be made up with a longer curved driveway that would negatively impact the drainage easement and the view of the lot. A driveway on the southeast corner of the lot can be shorter, straighter and less steep. The drainage retention basin would need to be reconfigured to the satisfaction of the City Engineer. The additional disturbance and loss of vegetation for this reconfiguration will require a revegetation plan.

C. Department Review

This project has undergone an interdepartmental review. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

D. Notice

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

ALTERNATIVES

A. The City Council may approve the application with the conditions stated, or modify the conditions, or

B. The City Council may deny the application and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant impacts by approving this plat amendment. The additional disturbance and loss of vegetation will be mitigated with an approved landscape plan.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The driveway location will remain as platted.

RECOMMENDATION

The staff recommends that the City Council approve the subdivision based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The proposal is for lot 2 of the Hearthstone subdivision and is zoned Estate.
2. A drainage easement is located on the front (south) of the lot and will remain.
3. Driveways and building pads are platted on each lot.
4. The proposed plat relocates the driveway from the southwest corner to the southeast corner of the lot.
5. The new driveway will be less visually intrusive.

Conclusions of Law

1. There is good cause for this plat amendment as the new driveway will be less visually intrusive.
2. The plat amendment is consistent with the Park City Land Management Code, the Hearthstone subdivision and applicable State law regarding subdivision plats.
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.

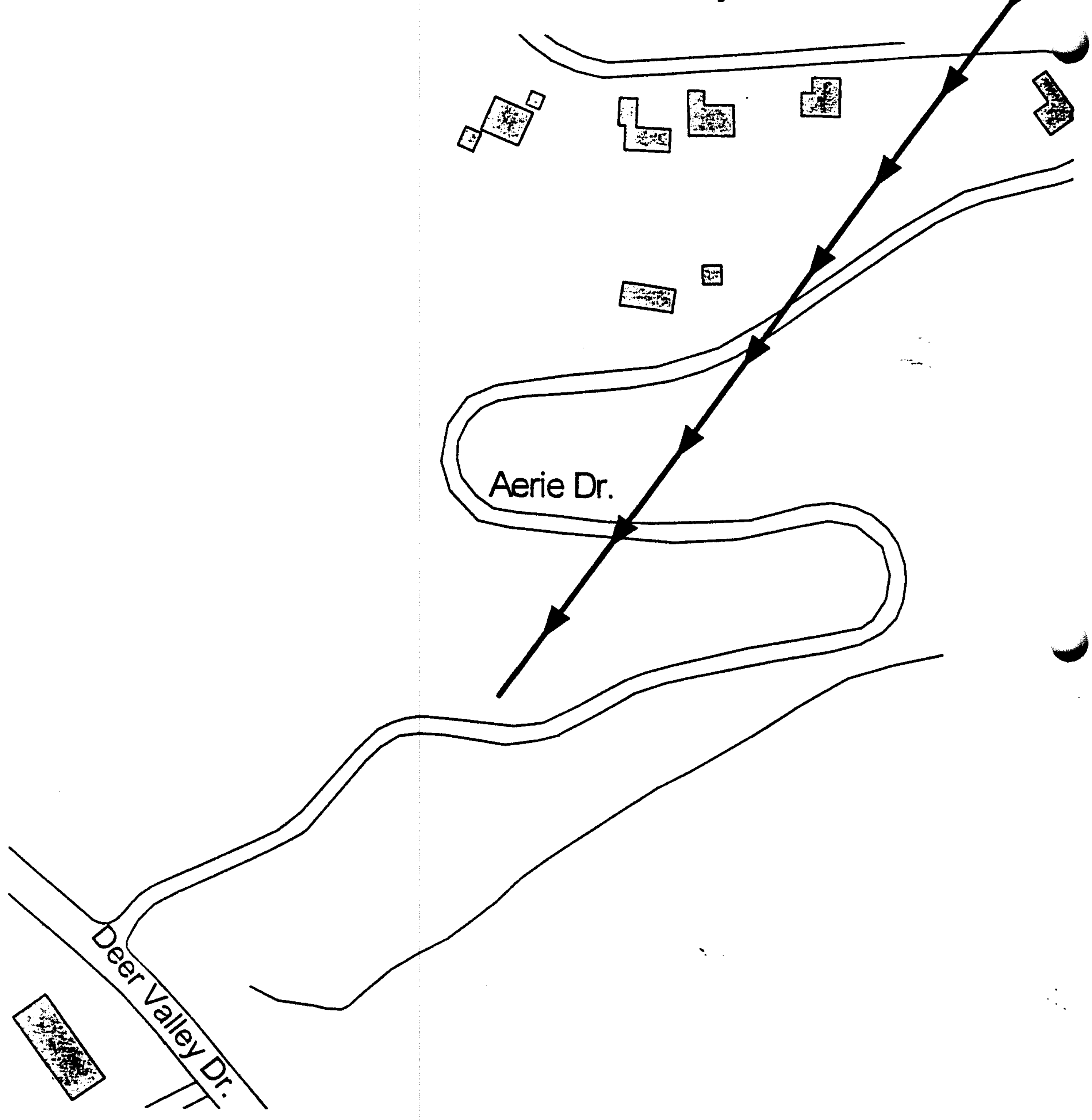
Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The recordation of the plat is required prior to the issuance of a building permit.
3. The drainage retention basin must be reconfigured to the satisfaction of the City Engineer.
4. A revegetation plan is required in conjunction with the reconfiguration of the drainage retention basin.
5. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. All other conditions of approval of the Hearthstone subdivision are in full force and effect.

EXHIBITS
Exhibit A - Location Map
Exhibit B - Current Plat
Exhibit C - Proposed Plat

M:\CDD\BTR\COUNCIL\CC2000\Hearthstone lot 2.wpd

950 Aerie Dr (lot 2)



PARK CITY 1884

Exhibit A
Vicinity Map

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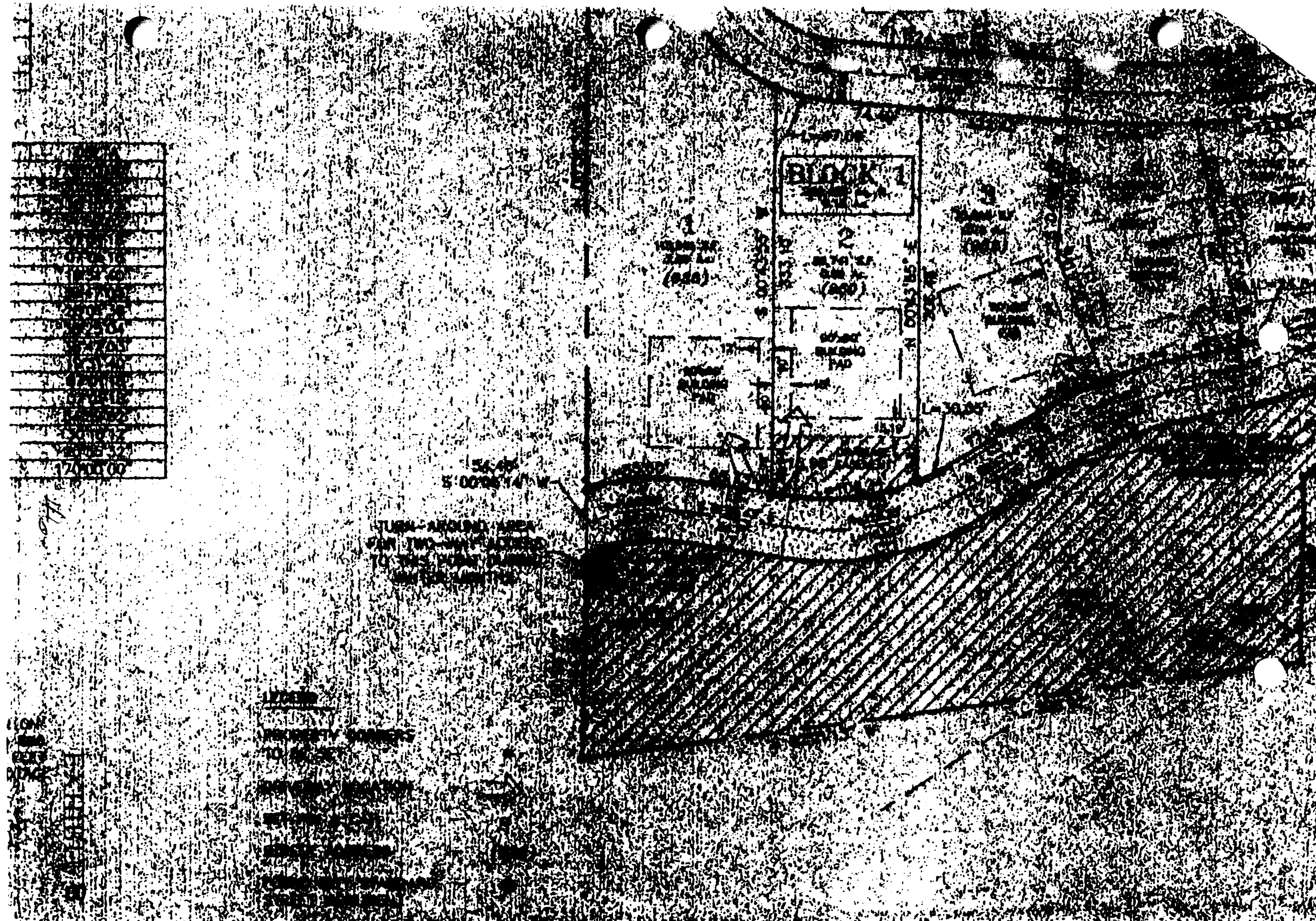
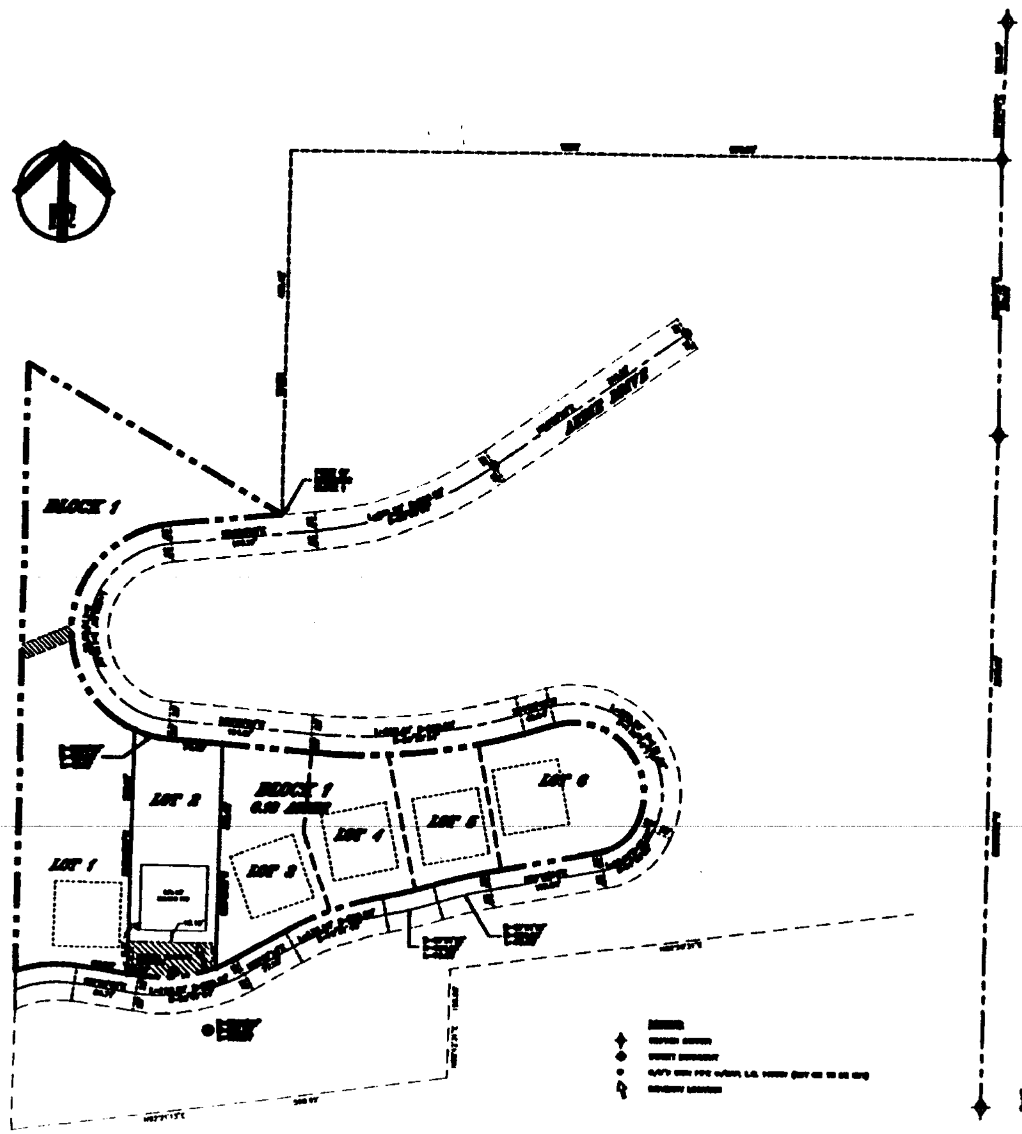


CITY ENGINEER

CITY PLANNING COMMISSIO



RECEIVED
FEB 15 2000
PARK CITY
PLANNING DEPT.

AMENDED PLAT- LOT 2
THE OVERLOOK AT OLD TOWN
AMENDING DRIVEWAY LOCATION
FOR LOT 2, BLOCK 1
LOCATED IN SECTIONS 15, 16 & 10,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE PARK CITY COUNCIL THIS ___ DAY OF ________ 19__ AT WHICH TIME THIS PLAT WAS APPROVED. MAYOR; CITY RECORDER	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ___ DAY OF ________ 19__. CITY ENGINEER	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ___ DAY OF ________ 19__. CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ___ DAY OF ________ 19__. S.B.S.I.D.	APPROVED AS TO FORM ON THIS ___ DAY OF ________ 19__. CITY ATTORNEY	NO. ______ STATE OF ______ COUNTY OF ______ RECORDED AND FILED AT THE REQUEST OF: ______ COUNTY RECORDER

THE JACK JOHNSON COMPANY

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EXHIBIT C

Ordinance No. 20-

AN ORDINANCE APPROVING THE SECOND AMENDED PLAT OF THE HEARTHSTONE SUBDIVISION TO RELOCATE THE DRIVEWAY LOCATION FOR LOT 2, 950 AERIE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of lot 2 of the Hearthstone subdivision located at 950 Aerie Drive, have petitioned the City Council for approval of a second amended subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 9, 2000, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on February 9, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 2, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

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

Findings of Fact:

1. The proposal is for lot 2 of the Hearthstone subdivision and is zoned Estate.
2. A drainage easement is located on the front (south) of the lot and will remain.
3. Driveways and building pads are platted on each lot.
4. The proposed plat relocates the driveway from the southwest corner to the southeast corner of the lot.
5. The new driveway will be less visually intrusive.

Conclusions of Law

1. There is good cause for this plat amendment as the new driveway will be less visually intrusive.
2. The plat amendment is consistent with the Park City Land Management Code, the

Hearthstone subdivision and applicable State law regarding subdivision plats.

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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The recordation of the plat is required prior to the issuance of a building permit.
3. The drainage retention basin must be reconfigured to the satisfaction of the City Engineer.
4. A revegetation plan is required in conjunction with the reconfiguration of the drainage retention basin.
5. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. All other conditions of approval of the Hearthstone subdivision are in full force and effect.

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

PASSED AND ADOPTED this 2nd day of March, 2000 .

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, MAYOR

ATTEST:

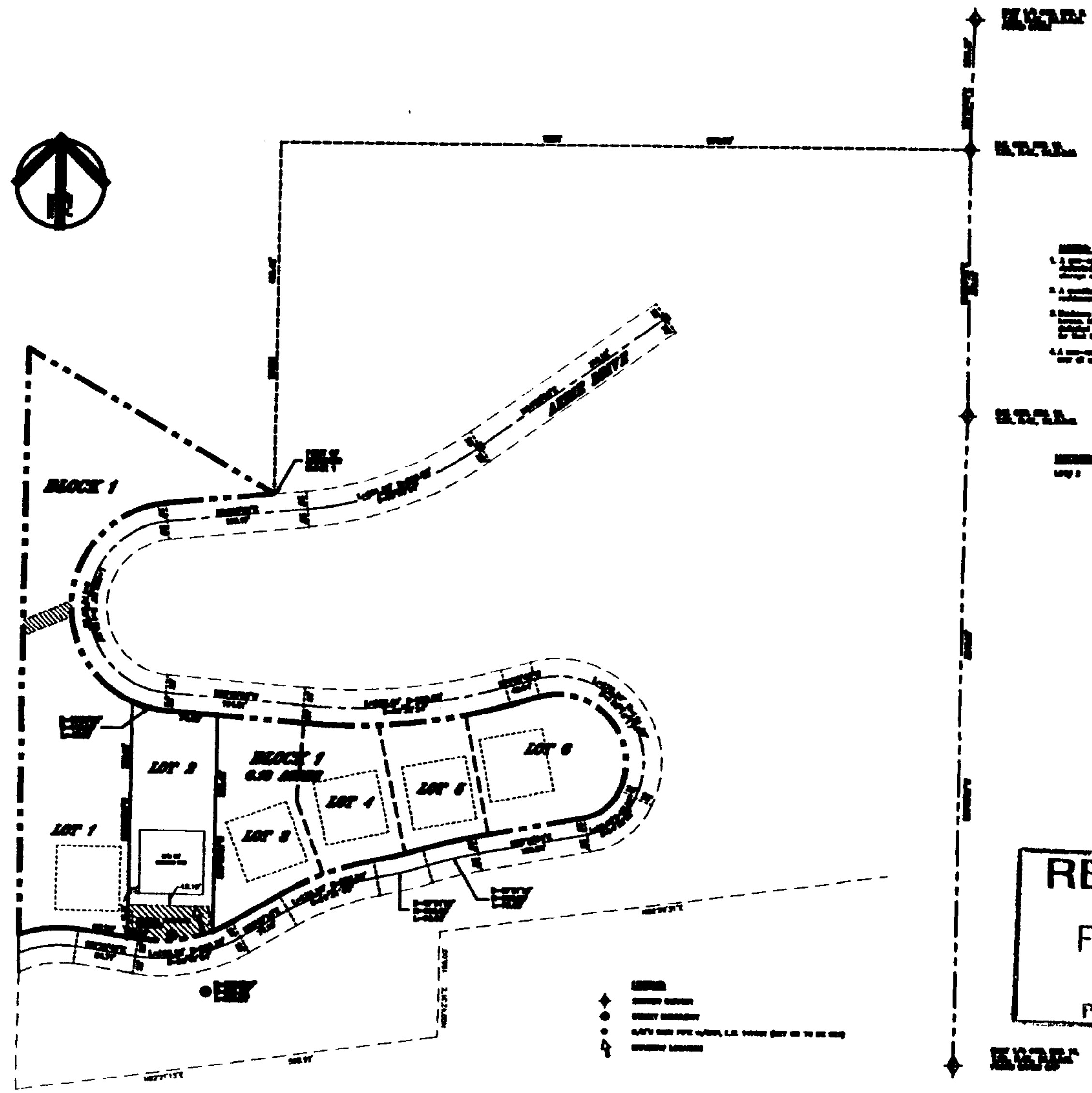
____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney



RECEIVED
FEB 15 2000
PARK CITY
PLANNING DEPT.

AMENDED PLAT- LOT 2
THE OVERLOOK AT OLD TOWN
(FORMERLY KNOWN AS [illegible] SUBDIVISION)
AMENDING DRIVEWAY LOCATION FOR LOT 2, BLOCK 1
LOCATED IN SECTIONS [illegible], TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE PARK CITY COUNCIL THIS ____ DAY OF ________ 19__ AT WHICH TIME THIS PLAT WAS APPROVED. ________ MAYOR ________ CITY RECORDER	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ________ 19__ ________ CITY ENGINEER	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ________ 19__. ________ CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ____ DAY OF ________ 19__. ________ S.B.S.I.D.	APPROVED AS TO FORM ON THIS ____ DAY OF ________ 19__ ________ CITY ATTORNEY	No. ________ STATE OF ________ COUNTY OF ________ RECORDED AND FILED AT THE REQUEST OF: ________ COUNTY RECORDER

THE JACK JOHNSON COMPANY

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PARK CITY
1884

CITY COUNCIL REPORT

Eric DeHaan

DATE: March 2, 2000
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer
TITLE: Acceptance of Public Improvements in New Subdivisions
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Approve the ordinances accepting the public improvements in Canyon Crossing Condominiums, Phases 1 and 2, Eagle Pointe Subdivision, Phases 1 and 2, and The Cove at Eagle Mountain Planned Unit Development (P.U.D.) Phase 1.

DESCRIPTION:

A. Topic: Approval of these three ordinances will transfer ownership of the public improvements in three subdivisions to Park City in an orderly fashion. The projects include Canyon Crossing Condominiums, built on three parcels in Chatham Crossing Subdivision near the end of Wyatt Earp Drive, Eagle Pointe Subdivision, in the vicinity of Mountain Top Lane and Meadows Drive in northwestern Park Meadows, and The Cove at Eagle Mountain near Meadows Drive in northeastern Park Meadows. Guided tours are available by contacting the City Engineer at 615-5075.

B. Background: Canyon Crossing consists of sixty-one multi-family condominiums units. All units are complete. Some of these units are accessed by private driveways, which will not be maintained by Park City. Other Canyon Crossing units are accessed directly from roads in Chatham Crossing Subdivision. When Chatham Crossing finally finishes the construction of its public improvements those improvements, including Euston Drive and Paddington Drive, will come before the Council in ordinance form for acceptance. Chatham Crossing was platted in 1981 but is only now being built out by its developer. The Canyon Crossing developer and the Chatham Crossing developer are not the same, and the Chatham Crossing developer has been put on notice to complete his public improvements this year or the City will use the Chatham Crossing financial security to obtain completion. This completion process is detailed in an agreement entered into by any developer providing a financial security for public improvements in Park City. Even once the public improvements are complete within Chatham Crossing, there will likely be confusion about snow removal on the then-City streets because as is our policy City-wide, Park City won't plow snow until 50% of the lots in Chatham Crossing are built out, which will take several years at the current pace. This background issue is discussed at length not because Canyon Crossing can do anything about it but as disclosure to buyers of units or lots in both Canyon Crossing and Chatham Crossing.

An environmental point of interest: the storm runoff from Canyon Crossing is collected in an off-channel detention basin where silt can settle out before the runoff enters nearby Silver Creek.

Eagle Pointe Phases 1 and 2 contain 41 lots where the lots were platted with frontage on streets in the project, so the snowplowing responsibility clearly lies with the developer until the 50% threshold is met. At the current pace this level of buildout will occur possibly this year. The subdivision construction inconvenienced residents of Mountain Top Subdivision and Risner Ridge Subdivision but staff is not aware of any remaining concerns now that construction is complete. The developer of Eagle Pointe started with one subcontractor and then had to finish the public improvements with a different subcontractor, which is one reason it has taken several years to complete the public improvements. Eagle Pointe includes streets named Mountain Top Lane, Eagle Pointe Court, and Eagle View Court, as well as a segment of Meadows Drive.

The Cove at Eagle Mountain Phase 1 consists of 70 multi-family P.U.D. units on private roads known as Gallivan Loop and Gallivan Court. The units are mostly completed. The Cove also contains a segment of Meadows Drive, a public street. The segment of Meadows Drive in The Cove and the segment of Meadows Drive in Eagle Pointe will be linked during the next phase of Eagle Mountain, thus completing a road plan which had it genesis in the original Park Meadows Master Plan from the early 1980s.

C. <u>Analysis</u>: Sketches of Canyon Crossing, Eagle Pointe, and The Cove are attached. Please be aware that there is no "Parcel 1" at Canyon Crossing, just Parcels 2, 3, and 4. In each development the public improvements were constructed and inspected. No outstanding items remain, although the City retains a financial security in case any failures occur or if any shortcoming is observed within a year. "As-built" record drawings have been submitted for our permanent files.

D. <u>Department Review</u>: The initial approvals of the projects were each undertaken with full public review and input. The necessary plats were each reviewed by Planning, the Legal Department, the Snyderville Basin Sewer Improvement District, and the City Engineer. The construction plans and the as-built water system improvements were reviewed by the Public Works Department. This report has been reviewed through Community Development and Legal. No unresolved concerns remain to the best of our knowledge.

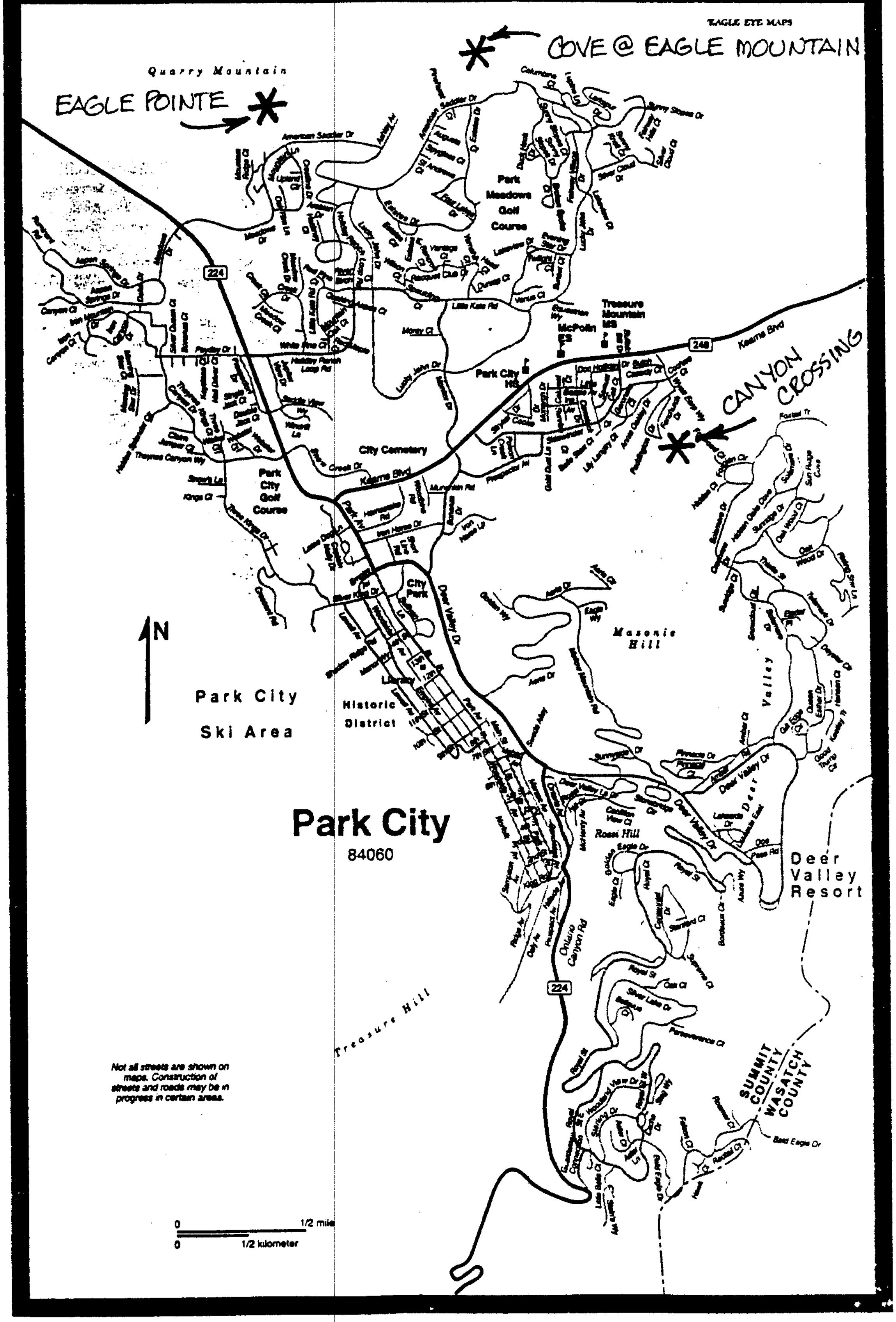
<u>ALTERNATIVES</u>:

A. <u>Approve the Request</u>: Approve the ordinances which accept the public improvements at Canyon Crossing Condominiums, Eagle Pointe Subdivision Phases 1 and 2, and The Cove at Eagle Mountain Phase 1. This action will transfer ownership of the public improvements as described above to Park City in an orderly fashion.

B. <u>Continue the Request</u>: In the event there are concerns on the part of the general public or the City Council, the ordinances can be continued for additional research or information.

<u>SIGNIFICANT IMPACTS</u>: There is no significant fiscal impact on Park City from accepting the public improvements in the three subdivisions, although the workload of most City departments increases somewhat whenever new growth occurs. The impact on our streets department is mitigated by our policy not to plow snow until the subdivision is 50% built out.

RECOMMENDATION: Approve the ordinances accepting the public improvements at Canyon Crossing Condominiums, Eagle Pointe Subdivision Phases 1 and 2, and The Cove at Eagle Mountain Phase 1.



PROJECT LOCATION MAP

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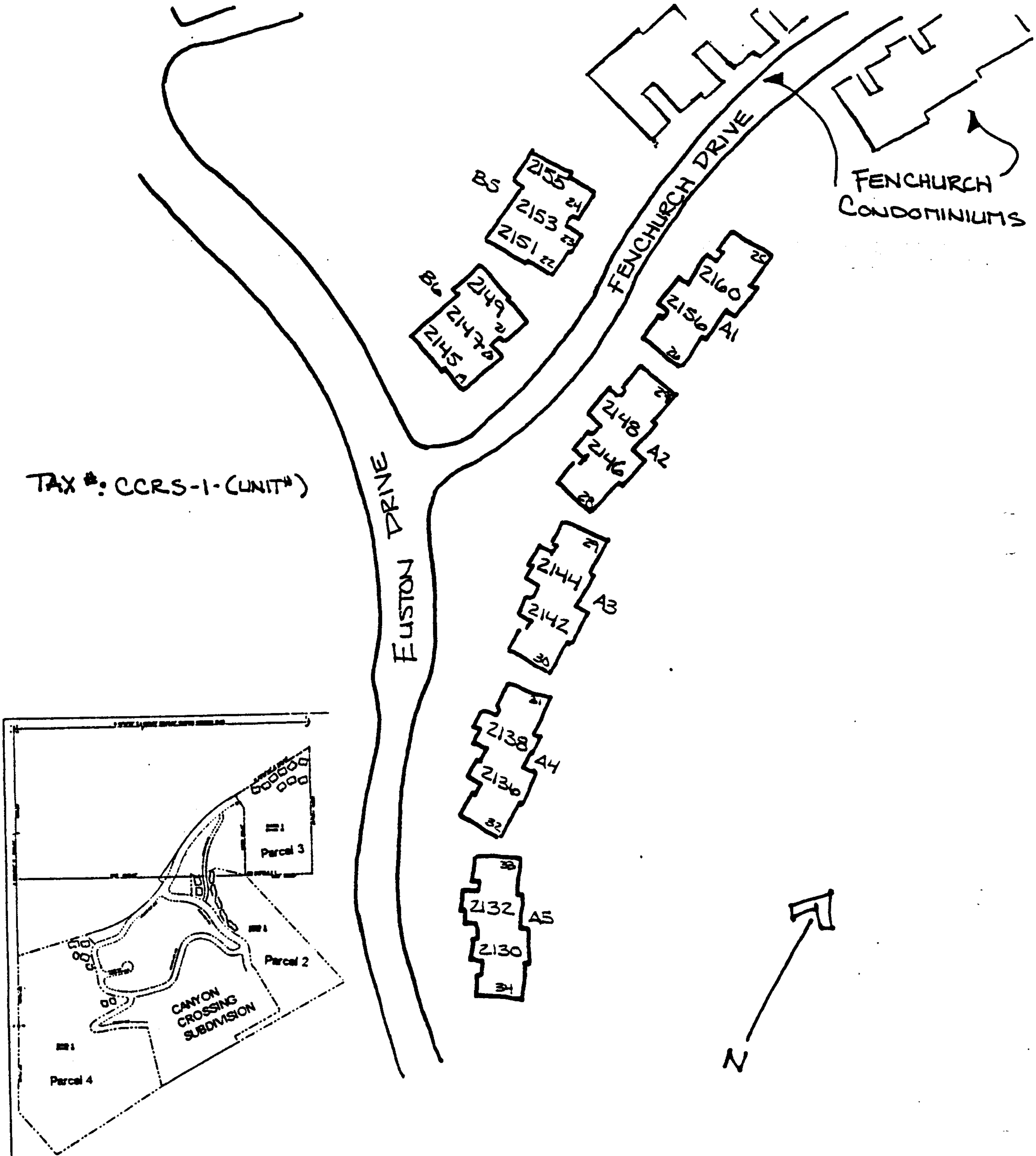
Canyon Crossing Condominiums

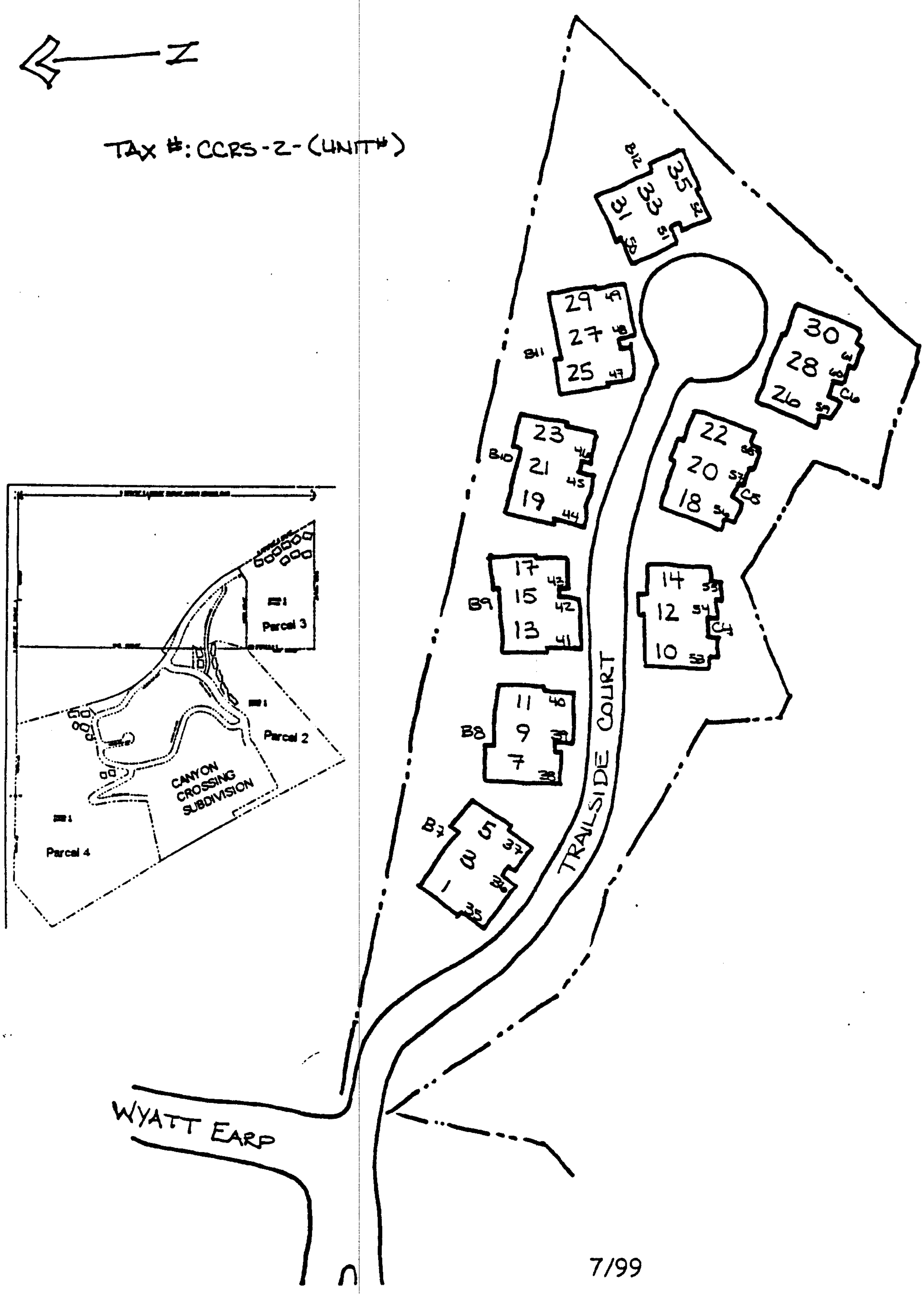
Parcel 2



7/99

CANYON CROSSING CONDOMINIUMS
PARCEL 3

TAX #: CCRS-2-(UNIT#)

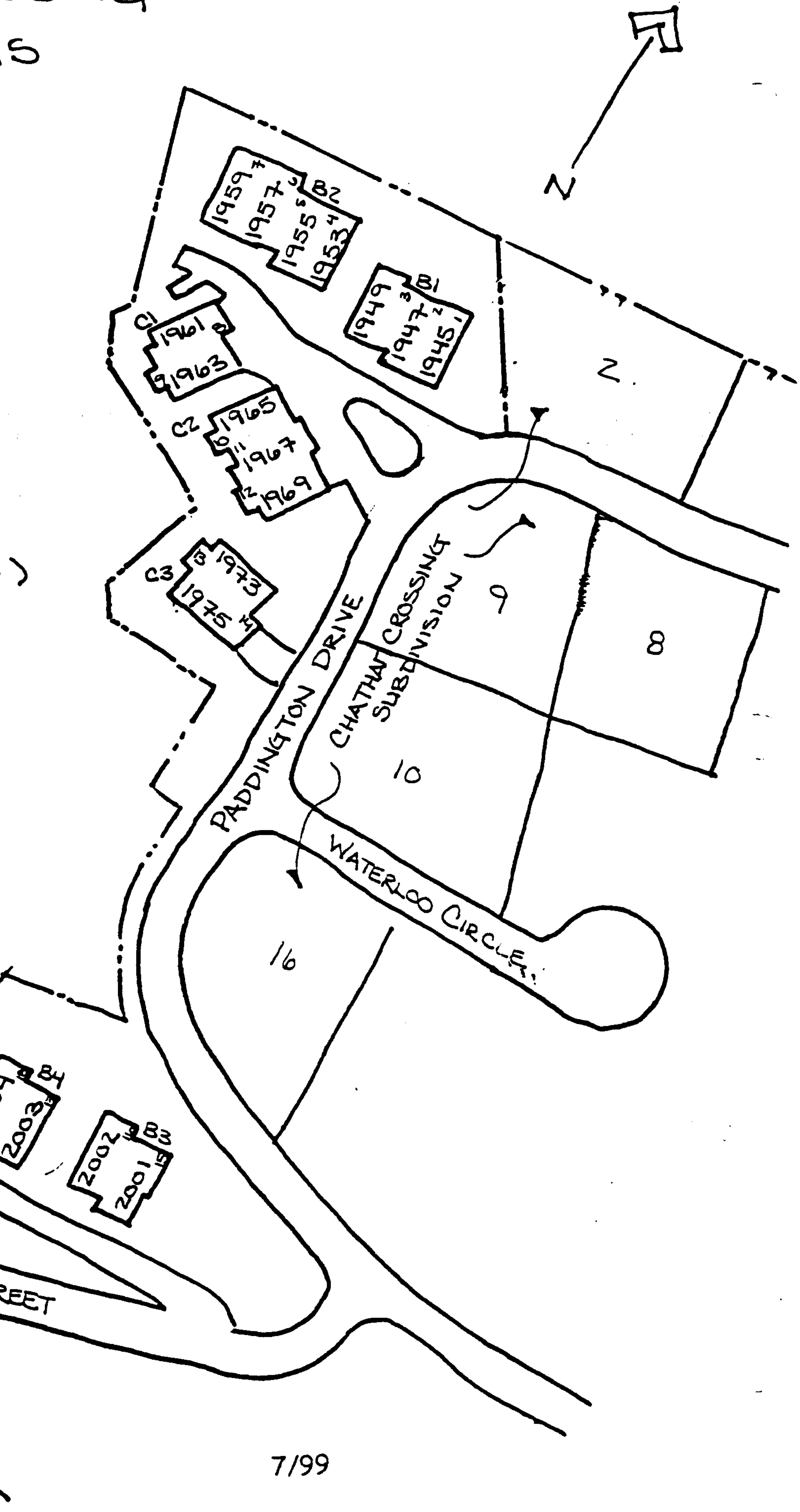


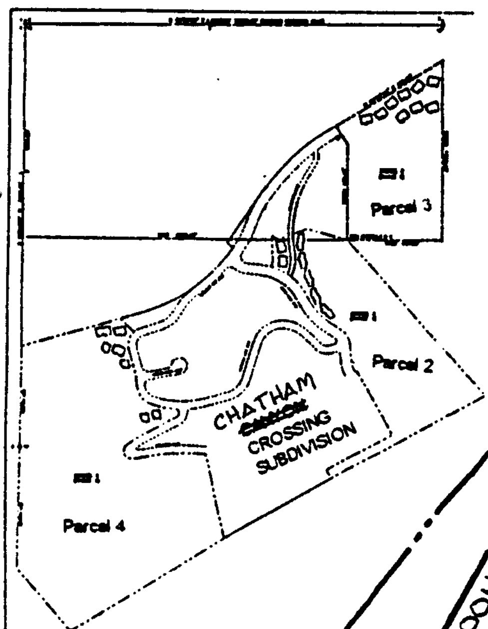
7/99

CANYON CROSSING CONDOMINIUMS

PARCEL 4

TAX #: CCRS-1-(UNIT #)

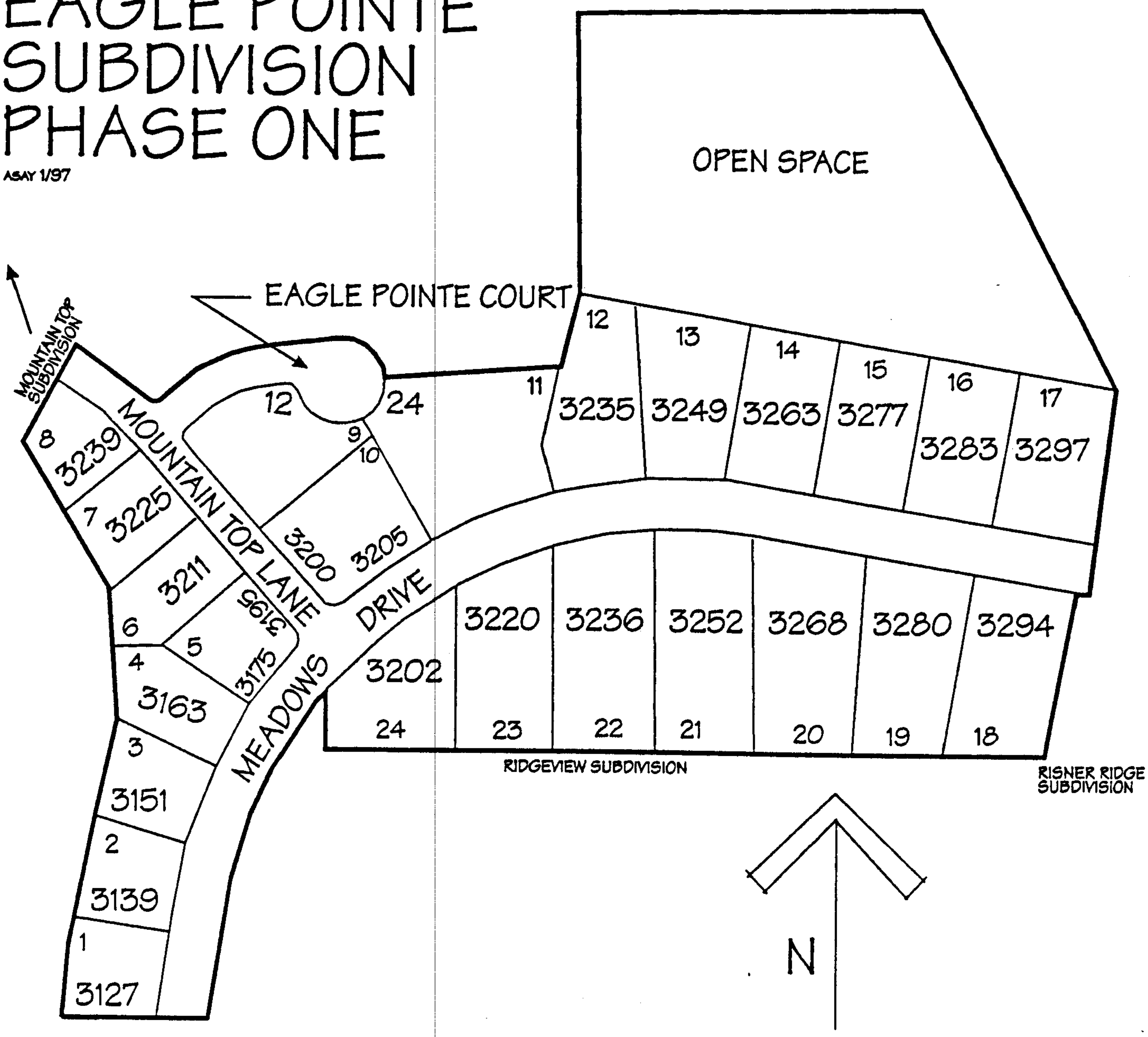




7/99

EAGLE POINTE SUBDIVISION PHASE ONE

ASAY 1/97

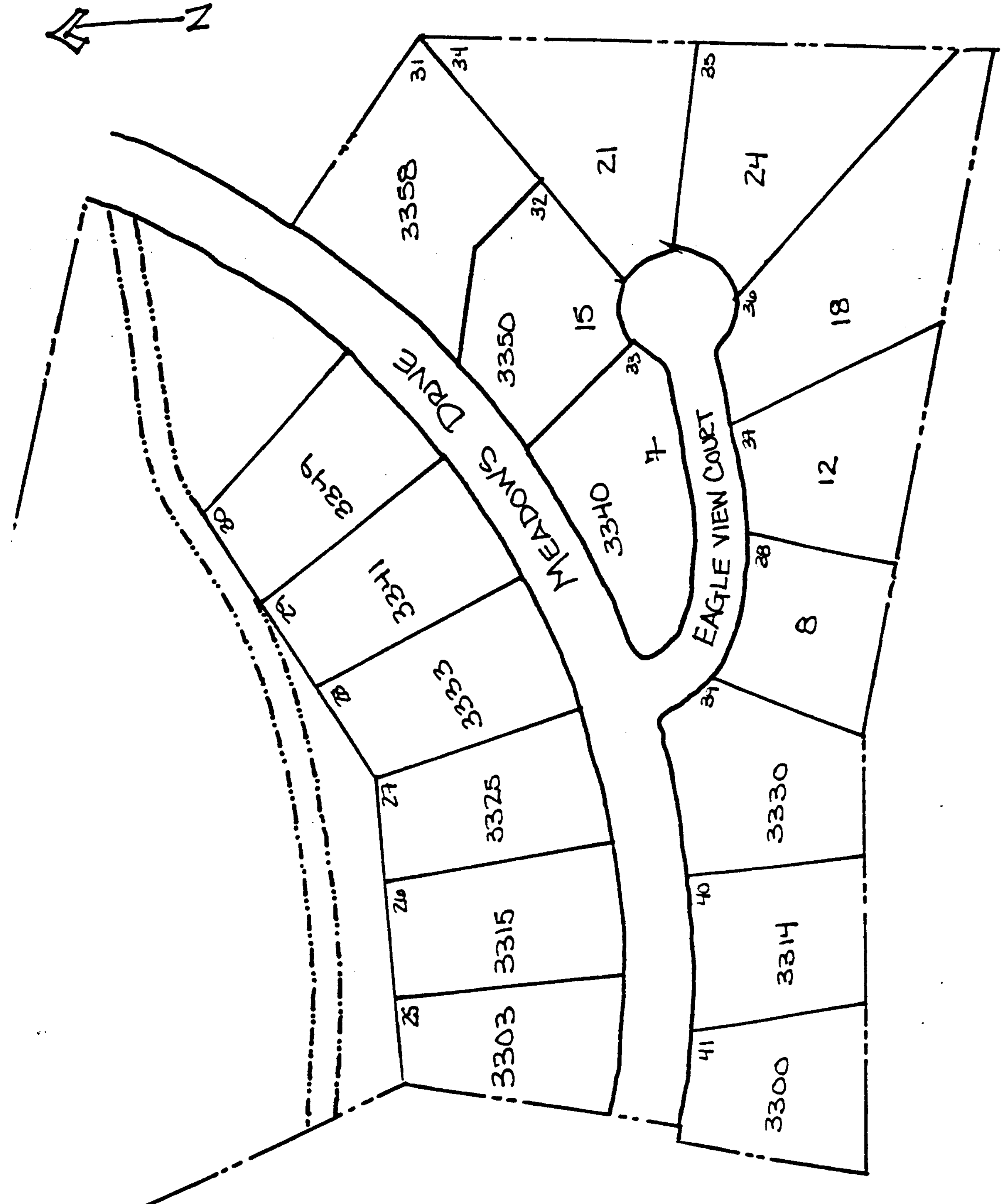


TAX #: EP-1-(LOT #)

RD-MPD

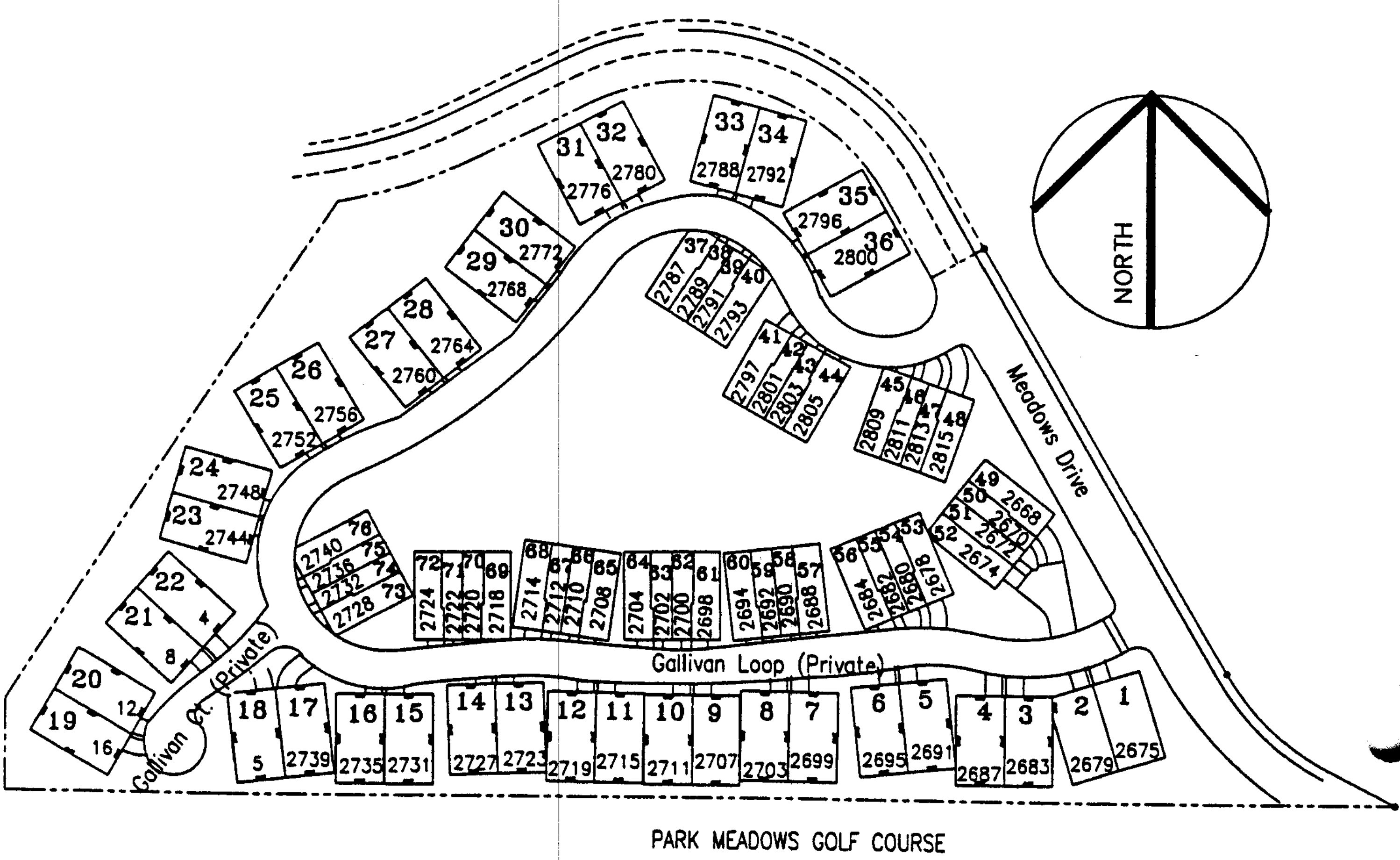
EAGLE POINTE PHASE II

TAX #: EP-II-(LOT #)



7/99

The Cove at Eagle Mountain – Phase I



CEM-1-(Unit #)

RD-MPD

7-97

19 – Unit Number

2707 – Street Address

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

ORDINANCE NO. 00-___________

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS AT CANYON CROSSING CONDOMINIUMS

WHEREAS, Canyon Crossing Condominiums was approved by the Park City City Council on August 27, 1998; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including storm drains, a water distribution system, fire hydrants, and trail connections; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within Canyon Crossing were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Canyon Crossing which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance.

SECTION 2. FINANCIAL GUARANTEE. To guarantee the public improvements, Park City shall hold the remaining financial guarantee of $18,112.50 for a period of one year. Separate financial guarantees for grading disturbance and for landscaping will be handled per City ordinance.

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

PASSED AND ADOPTED THIS ______DAY OF ____________, 2000.

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, Mayor

ATTEST:

____

Janet M. Scott, City Recorder

Approved as to Form:

____

Mark D. Harrington, City Attorney

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

ORDINANCE NO. 00-____________

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS AT EAGLE POINTE SUBDIVISION PHASES 1 AND 2

WHEREAS, Eagle Pointe Subdivision Phases 1 and 2 were approved by the Park City City Council on September 14, 1995, and July 18, 1996, respectively; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the streets known as Meadows Drive, Mountain Top Lane, Eagle Pointe Court, and Eagle View Court; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within Eagle Pointe Subdivision Phases 1 and 2 were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at Eagle Pointe Subdivision Phases 1 and 2 which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance.

SECTION 2. SNOWPLOWING. Park City is not yet accepting snowplowing responsibilities pending construction and legal occupation of homes on 50% of the lots within each subdivision plat. Until such level of occupancy occurs, the responsibility for snowplowing rests with the developer.

SECTION 3. FINANCIAL GUARANTEE. To guarantee the improvements, Park City shall hold the remaining guarantee of $184,360.50 (Phase 1) and $203,222.50 (Phase 2) for a period of one year after the adoption of this Ordinance.

SECTION 4. EFFECTIVE DATE This ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS _____ DAY OF ____________, 2000.

PARK CITY MUNICIPAL CORPORATION

____
Bradley A. Olch, Mayor

ATTEST:

____
Janet M. Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

ORDINANCE NO. 00-___________

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT THE COVE AT EAGLE MOUNTAIN
PLANNED UNIT DEVELOPMENT (P.U.D.) PHASE 1

WHEREAS, The Cove at Eagle Mountain Planned Unit Development (P.U.D.), Phase 1, was approved by the Park City City Council in 1997, with an amendment in 1998; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including a portion of Meadows Drive, sidewalks, storm drains, and a water distribution system; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements within The Cove at Eagle Mountain P.U.D. Phase 1 were installed in accordance with the ordinances in effect at the time of plat recordation and have been duly inspected by the City Engineer.

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

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer all public improvements at The Cove at Eagle Mountain P.U.D. Phase 1 which were intended for City ownership, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance.

SECTION 2. FINANCIAL GUARANTEE. To guarantee the improvements, Park City shall hold the remaining guarantee of $82,047.50 for a period of one year.

SECTION 3. SNOWPLOWING AND LANDSCAPE MAINTENANCE. The City street known as Meadows Drive is accepted for purposes of snowplowing because it is a main collector road serving other neighborhoods. Park City accepts no responsibility for landscape maintenance of any type at The Cove at Eagle Mountain P.U.D. Phase 1.

SECTION 4. EFFECTIVE DATE This ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS _____ DAY OF ____________, 2000.

PARK CITY MUNICIPAL CORPORATION

____
Bradley A. Olch, Mayor

ATTEST:

____
Janet M. Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

PARK CITY
1884

DATE: **February 25, 2000**
DEPARTMENT: Library/Leisure Services
AUTHOR: **Carol Simmons, Library Director**
TITLE: **Authorization to enter into a Contract for a Library Automation System**
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

Authorize the Library to enter into a contract with Data Research Associates, Inc. (DRA) for a new automated system for the Library.

Award the contract to DRA in a form to be approved by the City Attorney, in an amount not to exceed $130,000.

DESCRIPTION:

A. Topic:

Replacement of the Library's current automated system with DRA's TAOS system.

B. Background:

The Park City Library automated its operations in 1987 using Datatrek, Inc. Several additional components of the system, including Report Generator in 1992, Databridge in 1995, and most recently an upgrade to a Windows environment (GLAS in November 1998) were implemented in order to enhance the system's performance and functionality. However, inherent problems with the current version of GLAS software have caused almost daily system failures in spite of rigorous system testing, enhancements, patches and vendor attempts to achieve corrective measures. The program vendor, EOS International, has been unable to make significant progress in rendering their product fully functional.

Therefore, in the spring of 1999, the Library decided to pursue funding for a new automated system. A request was made through the City's CIP budget process to authorize $75,000 in matching funds to a grant application made in the fall of 1999 to the LSTA (Library Services and Technology Act) Council for $50,000. A preliminary survey of available products conducted at the ALA Annual Conference in July 1999 produced at least 3 systems capable of meeting the Library's needs. All three vendors were invited to Park City to give demonstrations of their products, and the Library continued to receive information from a wide variety of suppliers. The Library Director and several staff members conducted site visits to libraries using the 3 vendor products, and much valuable information was obtained during these visits and in later conversations with these libraries.

In December of 1999, the LSTA Council recommended an award of $47,750 to the Park City Library in what turned out to be a very competitive grant application process. The Park City Library received funding for a much higher percentage of our request than any other applicant, due to the quality of our application and our presentation to the Council on December 1.

On December 10, 1999 the Library posted a Request for Proposals for a Client/Server Integrated Library System on the City's website and advertised this RFP in the Salt Lake Tribune and Park Record. The RFP was reviewed and approved by both the City's Technical Services and Legal departments. The deadline for responses to the RFP was December 27, 1999. Three vendors responded to the RFP: Data Research Associates, Inc. (DRA), The Library Corporation (TLC) and SIRSI, Inc.

These 3 proposals were evaluated by a selection committee composed of Carol Simmons, Library Director; Barbara Spruill, Reference and Computer Services Librarian and Project Director; Rod Daughtee, Network Administrator for the City's Technical Services Department; and Marydee Ojala, Library Board Member and editor of E-Content magazine. Proposals were evaluated using the following criteria, which was stated in the evaluation section of the RFP:

Product design and ease of use
Current customer satisfaction
Financial strength of company
Compliance with RFP specifications
Product support and reliability
Vendor's ability to meet proposed schedule
Cost of future upgrades
Expansion capacity of system proposed
Training and documentation proposed
Cost flexibility

After extensive evaluation of the 3 proposals in January 2000, the committee unanimously chose Data Research Associates, Inc. to provide the Library's new automation software and hardware, contingent on the successful negotiation of a contract. The proposed contract is attached, and has been reviewed and approved by both the City's Technical Services and Legal Departments.

C. <u>Analysis</u>:

The Library has gone through a very careful and thorough process in crafting this project to meet the Library's current and future needs. We were successful in obtaining grant funds for 40% of the project, and the other 60% is committed through the City's CIP budget. The LSTA grant does stipulate that all funds for this project must be expended by September 30, 2000. All costs associated with this project will be covered by these commitments, with the exception of a replacement server covered under the Computer Replacement Fund. The Library created a committee to review hardware and software options for the Library and to evaluate responses to our RFP. A vendor has been found that will satisfy all the requirements of the RFP and allow for future growth as well as provide an exceptionally high level of customer service.

D. Department Review:

This proposal has been reviewed by the City's Technical Services and Legal departments.

ALTERNATIVES:

1. Approve Request - Authorize the Library to enter into a contract with Data Research Associates, Inc. in the amount stated above.

2. Deny Request - Continue with the current software system.

3. Continue Action - Continue action if more information is needed.

SIGNIFICANT IMPACTS:

The Library has not been able to expand or enhance library services due to the instability of our current automation program. Two major goals outlined in our technology plan for the library cannot be realized due to the limitations of GLAS: 1. Conversion to full MARC (Machine Readable Cataloging) records and 2. Web access to our catalog. We currently import full records from OCLC (Online Cataloging Library Center) but can offer library patrons only minimal cataloging data. Our timetable for establishing a Web presence for the Park City Library has been postponed because of problems with GLAS. We have noted patron frustration when searching our four public access stations and we are critically aware of the demand for remote access to the library's holdings.

The library processed 87,518 circulations transactions and received 156,675 patron visits in the last fiscal year. A viable automation system is critical to our efficient operation and to patron satisfaction. We realize that replacing our current system is essential if we are to provide an urban level of service demanded by our patron population. This project will affect every patron of our library from the resident user within the library's jurisdiction to the non-resident, visitor, and remote users who will be able to rely upon our information offerings. Of the 6,117 residents of Park City, 4,535 (74%) hold active library cards. An additional 690 patrons hold nonresident cards along with a substantial number of temporary patrons who represent the visiting population using our services. Estimates of city population project over 8,400 residents by the year 2010, which means that the library should be prepared to serve approximately 2,000 new resident library patrons within the next ten years.

RECOMMENDATION:

Authorize the Library to enter into a contract for a new automated system for the amount stated. Award the contract to DRA in a form to be approved by the City Attorney, in an amount not to exceed $130,000.

PARK CITY
1884

PLANNING COMMISSION STAFF REPORT

DATE:	**February 28, 2000 (March 2, 2000 Meeting)**
DEPARTMENT:	**Planning and Legal Departments**
AUTHOR:	**Patrick Putt** PAT
TITLE:	**LMC Re-Write Phase 1; HR-1 and HRL Zoning Districts; General Provisions/Procedures, Non Conforming Uses and Off-Street Parking.**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Conduct a work session and public hearing on specific chapters of the Land Management Code re-write, including the HR-1 and HRL Zoning Districts, General Provisions/Procedures, Definitions, Districts and Regulations, Non Conforming Uses and Off-Street Parking.

The Planning Department recommends that Council adopt the attached ordinance adopting the amendments for the HR-1 and HRL Districts. Staff further recommends that Council keep the public hearing open for the remaining sections of Phase 1.

A. **Background**. The Planning Department and the Planning Commission are in the process of revising the Land Management Code. Phase I consists of General Provisions/Procedures, Definitions, Zoning Districts and Regulations, Non Conforming Uses, and Off- Street Parking. The general philosophy of the rewrite is to:

*reorganize the document structure;
*clarify and resolve existing inconsistencies;
*update regulations to be consistent with the General Plan;
*provide self-contained (user-friendly) chapters;
*make the document easier to read; and
*provide graphics and illustrations.

The Planning Commission forwarded a positive recommendation on Phase 1 in December 1998. Council has conducted work sessions on Phase 1 and remanded portions of the draft back to the Planning Commission for additional revisions.

On September 9, 1999 Council adopted a temporary zoning ordinance (Ordinance 99-36) for the HR-1 and HRL Districts. The purpose of the TZO was to allow property owners the opportunity to obtain building permits under the new regulations pending final adoption of the amendments. The TZO expires on March 9, 2000.

On February 23, 2000, the Planning Commission forwarded a positive recommendation on specific revised elements of the LMC Phase 1 rewrite to Council. These sections include:

* HR-1 and HRL Zoning Districts;
* General Provisions/Procedures;
* Definitions;
* Non Conforming Uses; and
* Off-Street Parking.

A Planning Commission public hearing for the remaining portions of the LMC Phase 1 rewrite is scheduled for March 22, 2000.

The Planning Department recommends that Council take public comment, make any necessary modifications, and adopt the proposed HR-1 and HRL amendments. A draft ordinance adopting the HR-1 and HRL revisions is attached to this report. If the proposed HR-1 and HRL amendments are not adopted by March 9, development projects in the HR-1 and HRL Districts will be required to also meet the old LMC requirements until such time as the final amendments are adopted.

No Council action on the General Provisions/Procedures, Definitions, Districts and Regulations, Non Conforming Uses, and Off-Street Parking sections is requested at this meeting. The Planning Department recommends that Council take public input on these sections and direct Staff to make any necessary changes. Additional public input and possible Council action will be scheduled once the Planning Commission forwards a recommendation on the remaining Phase 1 sections.

B. Issues For Council Discussion. In addition to discussing issues raised during the public hearing, Staff recommends that Council specifically review the following issues:

1. Proposed HR-1 and HRL District Amendments. The primary changes to the HR-1 and HRL Zoning Districts include:

* elimination of the Floor Area Ratio (FAR) in the HR-1 and HRL Districts. Building size is proposed to be controlled via height, setback, and building footprint limitations;

* development of a steep-slope development conditional use permit process for development of houses over 1000 square feet in size located on slopes in excess of 30% in the HR-1 and HRL Districts. The proposed CUP review criteria include provisions for the location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, and building height.

* amendment to the HR-1 land use table to require a conditional use permit for duplexes (previously an allowed use).

* amendment to the HRL land use table to require a conditional use permit for nightly rentals in the HRL District.

Planning Commission and Public Comments on Proposed HR-1 and HRL Amendments. Listed below are several comments received at the February 24, 2000 Planning Commission public hearing:

Parking in the HR-1 and HRL Districts: Commissioner Karri Hayes expressed a concern that the HR-1 and HRL amendments as drafted allow for parking areas with 5 or more spaces to be considered via a CUP application. Ms. Hayes asserts that a commercial public parking area should not be allowed in the HR-1 and HRL Districts.

To address this concern, Staff has modified the HR-1 and HRL land use tables to identify that "residential" parking areas or structures with 4 or fewer spaces are permitted uses and that "residential"parking areas or structures with 5 or more spaces are a conditional use. Commercial parking areas or structures are not permitted in the HR-1 or HRL Districts.

Maximum Building Footprint Size: In lieu of a Floor Area Ratio *(FAR)* to determine house sizes in the HR-1 and HRL Districts, the LMC amendments regulate house size by means of maximum building height, setbacks, and maximum building footprint sizes. The proposed HR-1 and HRL amendments include a formula which specifies maximum footprint sizes which are a function of lot area *(i.e. 840 s.f. for a 25' x 75' lot; 1519 s.f. for a 50' x 75' lot; and 2050 s.f. for a 75' x 75' lot).* For larger lots, greater the setbacks and open space are required.

As drafted, the largest achievable building footprint is 2050 square feet, i.e. the maximum building footprint for a three-lot property. If a property owner combined four (4) or more lots, the maximum building footprint permitted is remains at 2050 square feet. The purpose for the Planning Commission limiting the maximum building footprint to a three-lot equivalent was to prevent large, potentially incompatible, structures from being constructed in Old Town.

Peter Barnes noted that one of the reasons the building footprint formula was developed was to create an incentive for individuals to combine small *(usually difficult to develop)* Old Town lots into larger lots resulting in less density. A maximum building footprint which is capped at 2050 square feet *(a three lot area equivalent)* will lessen the incentive to replat in excess of three lot combinations.

Staff recommends that Council discuss eliminating the 2050 square foot maximum building footprint and not having a specific building footprint cap. Although it is possible that a property owner could request to combine numerous lots into one large lot to achieve a bigger structure, in doing so, greater setbacks and more open space would be mandated by the maximum building footprint formula. The aforementioned lot combination would result in less potential density and the resulting structure would still be reviewed pursuant to the necessary LMC and Historic District review process.

<u>Steep-Slope Conditional Use Permit Process</u>:

a. **<u>Versus HDC Review</u>:** Tom Hurd stated that the steep-slope conditional use permit process appeared to duplicate the Historic District design review process and should be eliminated. The Planning Department and Planning Commission developed the steep-slope CUP process to address issues which are typically not part of the Historic District Commission purview such as height and volume, access grading and slope retention techniques. The CUP process is also intended to provided better notice to the neighborhood by means of the 300-foot CUP notice requirement. Historic District design review notice for residential construction is only mailed to adjacent property owners. The Historic District design review process is intended to address the separate issues relating to architectural design issues and historic compatibility.

Each residential construction project in Old Town has its own unique physical limitations and potential neighborhood impacts. The proposed CUP process offers the best chance for context-based, site-specific solutions for development on difficult lots. Although the Council may eliminate or revise the steep-slope CUP process as it deems appropriate, Staff recommends the process be adopted.

b. **<u>Versus recent Plat Amendment/Subdivision Process</u>:** Debbie Schneckloth, an Old Town resident, stated that she received a plat amendment for her Sampson Avenue property in 1995. Due the site, access, and topographic limitations of the property, her plat amendment was approved with specific house size limitations as well as requirements for construction staging, parking, grading, erosion control, and vegetation protection. Ms. Schneckloth contends that the proposed CUP process limits her ability to sell her property due to the fact that a future buyer will be required to go through a CUP process to address several of the issues she feels were resolved during her 1995 plat amendment review. Ms. Schneckloth requests that an exception be granted for situations such as her's where plat amendment conditions of approval limit house size, grading, etc.

In considering this request, the Planning Department has concerns relating to duplicative processes. However, the CUP process is more detailed and designed for analysis of building specific plans which are not typically reviewed during the plat amendment process. The Planning Department asks that Council discuss this matter. Should Council seek an alternative, Staff suggests it consider incorporating the following exemption into the steep-slope CUP process:

<u>Exception.</u> In conjunction with a Subdivision or Plat Amendment, several property Owners have undergone a review process comparable to that listed in the Conditional Use section below and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Community Development Director may exempt an allowed residential Structure in excess of one thousand square feet (1000 sq. ft.) from the Conditional Use process in section (B) upon finding the following: a) the Lot resulted from a Subdivision or Plat Amendment after January 1, 1995; and b) the conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and c) the conditions of approval or required Plat notes include a requirement for Community Development Department review of grading, excavation, erosion, or similar criteria in section (B) below, prior to Building Permit issuance. The findings shall be in writing, filed with the Owner and City Planning file, and shall state that the maximum house size and all other applicable regulations continue to apply (the Owner is not vested for the maximum).

c. <u>HRL Nightly Rentals</u>: Debbie Richter, property owner on King Road, asked that nightly rentals be permitted as allowed uses in the HRL District. At the direction of the previous Council, the HRL amendments were modified to require a conditional use permit for a nightly rental in the HRL district. Any legally-established nightly rental which existed prior the adoption of the new code will be allowed to continue as a nightly rental use. This amendment is consistent with the original HRL district uses. The HRL district was created by way of Ordinance 83-13 on August 26, 1983. Nightly rentals and lockout rooms were conditional uses at that time. In January 1987, the LMC was amended allow nightly rentals as permitted uses in all zones except the LI, SF, and RCO. Inasmuch as three members of the current Council did not take part in the HRL nightly rental discussion, Staff recommends that this issue be reviewed again.

2. <u>Comments Relating to the General Provisions/Procedures, Definitions, Districts and Regulations, Non Conforming Uses, and Off-Street Parking Amendments</u>: No public comment was received on these sections. The Planning Commission had no additional changes in forwarding a positive recommendation on these portions of the Phase 1 rewrite.

3. **<u>Additional Public Comments:</u>** John Plunkett addressed the Planning Commission a recommendation that criteria relating to service deliveries, screening, noise attenuation, commercial access currently found in the HR-2 and HTO zones be added to the HCB district regulations. Staff stated that it would work with Mr. Plunkett on these amendments.

C. <u>Recommendation:</u> The Planning Department recommends that Council take public comment, make any necessary modifications, and adopt the proposed HR-1 and HRL amendments.

No Council action on the General Provisions/Procedures, Definitions, Districts and Regulations, Non Conforming Uses, and Off-Street Parking sections is requested at this meeting. The Planning Department recommends that Council take public input on these sections and direct Staff to make any necessary changes. Additional public input and possible Council action will be scheduled once the Planning Commission forwards a recommendation on the remaining Phase 1 sections.

Ordinance No. 2000-

AN ORDINANCE APPROVING A COMPREHENSIVE AND SUBSTANTIVE REWRITE OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, SPECIFICALLY FOR SECTION 7.1, HISTORIC RESIDENTIAL (HR-1) DISTRICT, AND SECTION 7.14, HISTORIC RESIDENTIAL DEVELOPMENT LOW-DENSITY (HRL), TO ADDRESS DEVELOPMENT ON STEEP SLOPES, LOT AND SITE REQUIREMENTS FOR NEW CONSTRUCTION AND ADDITIONS, BUILDING HEIGHT MEASUREMENTS, PERMITTED AND CONDITIONAL LAND USES, AND VEGETATION PROTECTION. AS PART OF THE COMPREHENSIVE REWRITE OF THE LAND MANAGEMENT CODE THESE SECTIONS ARE RENUMBERED AND INCLUDED IN THE BODY OF THE MUNICIPAL CODE AS FOLLOWS: THE HRL SECTION BECOMES TITLE 15, CHAPTER 2.1 AND THE HR-1 SECTION BECOMES TITLE 15, CHAPTER 2.2.

WHEREAS, protecting the health and safety and preserving the historic integrity in residential areas of the Historic District are values of the community and identified goals of the City Council; and

WHEREAS, the City Council enacted amendments to the Land Management Code dealing with height and floor area ratios in December 1995, but further directed staff, the Historic District Commission, and Planning Commission to explore solutions to mitigate the mass and scale of new development in the Historic District and to develop regulations to ensure compatibility with existing historic structures; and

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to clarify and resolve existing inconsistencies; update regulations to be consistent with the General Plan; add graphics and illustrations; render the LMC document more user friendly; and, specifically in the HR-1 and HRL Districts, address development on steep slopes in the Historic District, review lot and site requirements for new construction and additions, review building height measurements, review permitted and conditional land uses, and add regulations related to protection of significant vegetation; and

WHEREAS, on September 9, 1999 the City Council adopted a temporary zoning ordinance to establish interim zoning standards for the HRL and HR-1 Districts; and

WHEREAS, the temporary zoning ordinance will expire on March 9, 2000; and

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, including one on September 22, 1999 and the latest on February 23, 2000; and

WHEREAS, the Planning Commission forwarded a recommendation to the City Council on Chapter 1- Provisions and Procedures, Chapter 2- Definitions, Chapter 12- Non-conforming Uses, Chapter 13- Off-street Parking, and the HR-1 and HRL Zoning District sections to review the minutes and consider Commissioners' and the public's comments from the February 23, 2000 meeting, including a concern about parking lots in the HR-1 and additional language specifying that additions to Historic Structures be subordinate to the original structure in design, mass, and scale; and

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on February 25, 1999 and March 2, 2000 and finds it in the best interest of the residents of Park City, Utah to amend the Land Management Code with regulations that maintain the essence of the Historic District while safeguarding quality of life for its residents;

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

SECTION 1. AMENDMENT TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7.1 is hereby deleted and replaced by proposed LMC Title 15, Chapter 2.2 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 7.1 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 2.2 shall be defined in accordance with the pending revisions to the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7.14 is hereby deleted and replaced by proposed LMC Title 15, Chapter 2.1 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 7.14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 2.1 shall be defined in accordance with the pending revisions to the LMC, Title 15, Chapter 15.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication or March 9, whichever occurs first.

PASSED AND ADOPTED this 2nd day of March, 2000

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____
Jan Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

City Council
Park City Municipal Authority

Peter Barnes
PO Box 682292
Park City
UT 84068

Dear Councilor

Ref: Land Management Code Revisions, HR-1 and HR-L.

The purpose of this letter is to provide technical background and hopefully, clarity with regard to a specific element of the LMC. The sections of the code governing the allowable size of buildings within the HR-1 and HR-L districts will be my specific concern here.

As you are aware Code revisions back in 1995 (Ord.95-65) began a sequence of events, of which the most positive was the formation of a "design forum". The main purpose of this body was to re-examine design controls within the Historic district.

One of the chief concerns of the group addressed the question of how to encourage property owners to combine lots (typically 25'x75') into larger parcels rather than develop individual shotgun houses. It was proposed that the, then Floor Area Ratio (FAR), was a disincentive to combine lots, and this proposal was subsequently accepted by both the Planning Commission and City Council.

In order to address this issue I devised a formula to calculate an allowable building footprint (FP). This was intended to provide greater encouragement to owners of multiple lots to re-plat into larger parcels, by permitting the creation of larger homes than previously allowed. In addition to the building footprint a building pad area was defined larger than the footprint in order that the location of the building could be adjusted in order to suit site conditions. Prior to the adoption of the footprint calculation, storage rooms, utility, mechanical rooms and the like created a reduction in habitable square footage, as the area of these rooms would be deducted from the allowable [illegible]. (I will explain at another time why this results in more cars being parked in the street.) It was the intent of the footprint calculation that these utility spaces could expand into uninhabitable areas (e.g. below the garage slab on downhill lots, or at the rear of the garage on uphill lots) without impacting the above ground mass of the building. Do not forget other restrictions such as height limits still apply.

In accepting and adopting the formula in the temporary zoning ordinance the Planning Commission and City Council appeared to understand the above reasoning. However, perhaps being unfamiliar with the self imposed limit of the formula the Planning Commission erred in capping the footprint at 2050 sq ft. More significantly the cap on the building pad can be demonstrated to be a huge mistake. This belief can best be demonstrated by the following examples:

A graph of the footprint formula is enclosed and demonstrates the following,

Maximum allowable footprint	3 273.8 sq ft
Corresponding lot area	17 794 sq ft
Open space ratio	81.6%

For comparison, the old FAR for a lot of this size would be 6 463 sq ft plus an allowance of an extra 400 sq ft for a garage. (Total max floor area 6863 sq ft). In this case there is no requirement for this area to be built over more than one story, whilst height limits generally prevent buildings from being over two stories. The footprint of this building would therefore lie between 6863 sq ft and 3 432 sq ft, with equivalent open space ratios of 61.4% and 80.7%.

In actual fact the footprint cap of 2050 sq ft equates to a lot area of 5625 sq ft. This produces an open space ratio of 63.6%. If the owner of the larger parcel above wished to maximize the development potential, it would make more sense to subdivide the parcel into three. Not only would this reduce the open space surrounding the building footprint but also consideration of the driveways and parking requirements should adequately demonstrate the need to encourage the first scenario rather than the second.

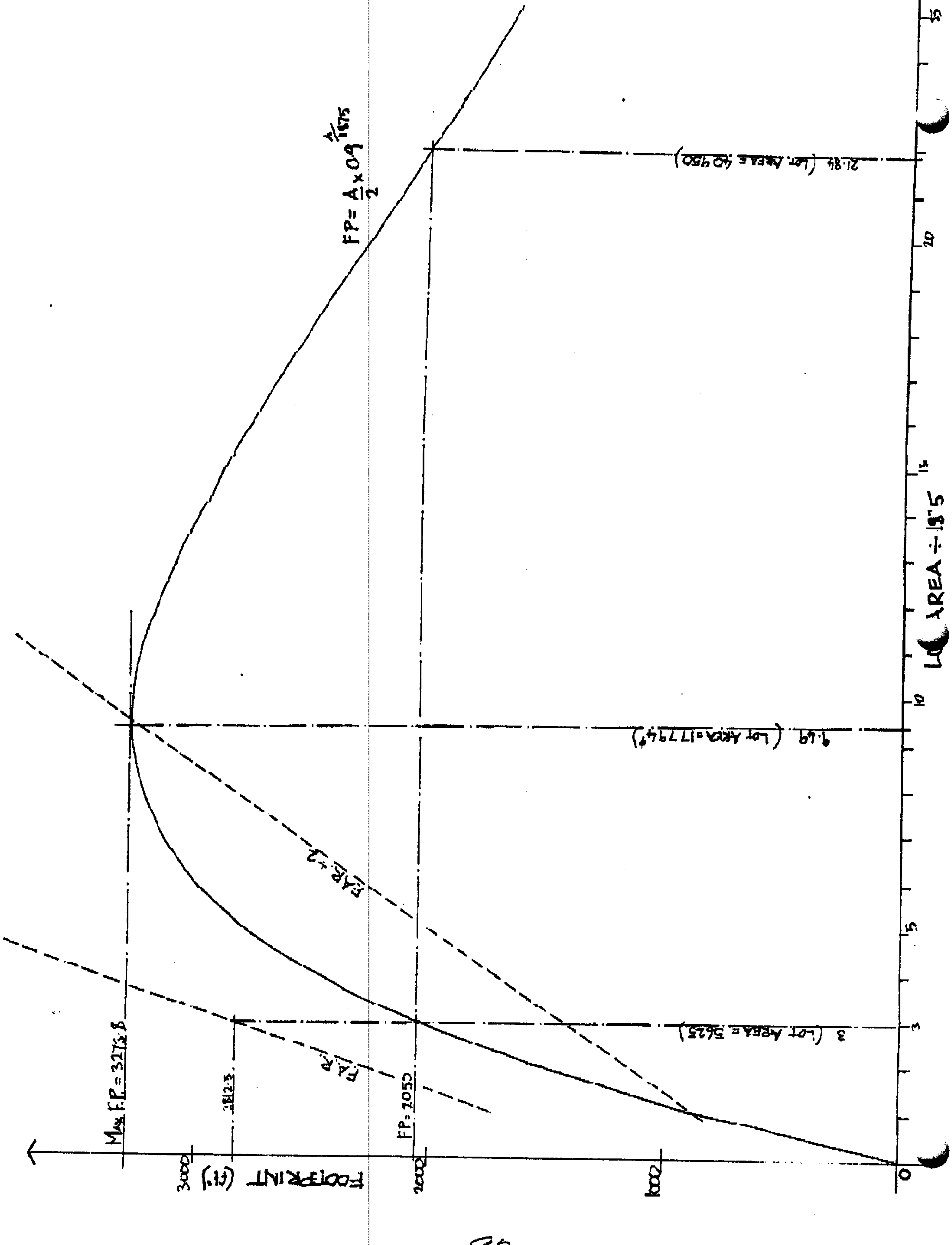
Whilst the above demonstration may seem simplistic it is not as unusual as it may seem. My second example is taken from an actual subdivision request currently in process.

The owners wish to re-subdivide a parcel of land in order to build a single-family dwelling. The portion of land upon which they wish to build their home has an area of 27 000 sq ft. Current schematics show various options with footprints ranging from 2 100 to 2400 sq ft. Under the designed formula the allowable footprint would be [illegible] sq ft This obviously gives a comfortable margin for design flexibility and would allow the mass of the building to be broken down into smaller perceived volumes. The remaining 82% of the parcel (89% as designed) would remain open. Currently however the cap of 2050 sq ft creates a compromised design that uses a greater proportion of two story spaces in order to satisfy the owner's wishes. The owners have considered abandoning their own needs for a home in the area and see no reason why the parcel should not be divided into four lots each with maximum development potential. Indeed from their point of view the regulations appear to encourage this result.

With regard to the building pad area little explanation should be required. A limit on the building pad has no effect on the building footprint it simply limits the ability to address the physical constraints of the site. As you are all aware, arbitrary limits without due regard to access, slope, aspect, prospect, site vegetation, drainage et cetera will only create unnecessary headaches for the future. If you doubt this ask why the entire historic plat is so unsatisfactory. Could it have something to do with imported rules and arbitrary numbers overlaying the natural topography? This would naturally lead me on to height limits but I suspect I have exhausted your patience by now, so I will simply thank you for consideration of the above material. If you wish to discuss anything further please call me at 435 336 2593.

Yours etc.

Peter Barnes



FP = $\frac{A}{2} \times 0.9^{A/13.75}$
LOT AREA ÷ 13.75
FOOTPRINT (ft²)
Max F.P. = 3275.8
2812.5
FP: 2050
F.A.R.
F.A.R. ÷ 2
21.84 (LOT AREA = 40950)
9.49 (LOT AREA = 17794)
3 (LOT AREA = 5625)
0
1000
2000
3000
5
10
15
20
25

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: March 2, 2000
AUTHORS: City Staff
TITLE: Outdoor Music
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS:

Staff requests that City Council conduct an initial public hearing on the proposal to allow outdoor music venues within the City.

A. opic

The General Plan states that Park City should be defined by a vibrant, active, but intimate downtown that serves as an informal meeting place for its citizens and a destination of tourists. Outdoor music, either associated with a business or at a public gathering area, meets that intent.

B. Background

On February 10, 2000, the City Council discussed outdoor music and its appropriateness within the City. At the meeting Randy Barton, lead member of the Outdoor Music Workgroup appointed by the City Council, presented an option where specific venues would be placed within the City. The venue sites would be equipped with temporary stages designed to mitigate noise. These venues would be managed under one organization which would schedule performers for the venues and could enure compliance with noise requirements. Please refer to Attachment A, February 10, 2000 City Council Report for more information on the proposed option.

City Council requested that Staff schedule public hearings regarding outdoor music in order to receive comments during the beginning of this process.

Since February 10, 2000, the Outdoor Music Workgroup has been meeting to address specific management and noise mitigation issues. The workgroup will present its findings at a future City Council Meeting.

E. Recommendation

Staff requests Council conduct a public hearing in order to hear from the public prior to finalizing any recommendations to the City Council.

Exhibits

Exhibit A - February 10, 2000 City Council Staff Report

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: February 10, 2000
DEPARTMENT: Planning Department and Police Department
AUTHOR: Lloyd Evans, Chief of Police
Alison Kuhlow, Planning Department
TITLE: Outdoor Music
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATIONS:

Staff requests that City Council review past practices for allowing outdoor music, provide Staff direction regarding outdoor music, and if necessary review the proposed option for allowing specific outdoor music venues.

A. Topic

The purpose of regulating outdoor music as well as noise is to secure and promote the public health, comfort, convenience, safety, welfare and the peace and the quiet of the residents of the City.

Outdoor music, either associated with a business or at a public gathering area, meets the intent of the Park City General Plan. The General Plan states that Park City should be defined by a vibrant, active, but intimate downtown that serves as an informal meeting place for its citizens and a destination of tourists.

B. Background

In the summer of 1999, the Community Development Department, along with the Police Department, reviewed and approved outdoor music at several restaurants under Section 6-3-11 of the Noise Ordinance's granting relief from the regulations for special events. The approved events were conditioned to require the sound levels on all amplified sound equipment to remain at a reasonable level as not to unduly disturb the surrounding neighborhood. Although the outdoor music venues were so conditioned, the Community Development Department received complaints from neighboring property owners, and therefore discontinued the outdoor music permits.

In September of 1999, public input was taken before the Council and at that time Council recommended the formation of an Outdoor Music Group. However, no action was taken by the City, therefore an additional effort was made getting 710 signatures showing support for outdoor music. These signatures were given to City Council and at that time a work session was scheduled to discuss these issues further.

At the November 15, 1999, City Council Meeting, Melissa Caffey requested direction from City Council regarding whether or not it wants an outdoor music program, and if so, then appoint a workgroup to pursue an appropriate and workable outdoor music program for various locations in Park City. At that meeting Council's comments focused on the workgroup's need to include as many people as possible, but to also to ensure that adjacent owners be able to enjoy their property without noise disturbance.

Since the November meeting, Randy Barton, lead member of the task force, has met with a variety of community members and City Staff to help formulate an option for allowing outdoor music. The option has been included within this staff report.

C. Analysis

1999 Music Permits

Before the exploration of the option formulated by the task force, Staff requests comments from the City Council with regarding the permits issued during the summer of 1999. That year permits were issued for music events at Jambalaya/Dynamite Dom's, Town Lift Brew Pub, Blind Dog Grill and Heber Avenue Park, which was sponsored by the HMBA. A majority of these permits were issued in association with these businesses and required the patrons to purchase menu items in order to use their outdoor furniture. If the Council wishes to allow individual businesses to hold outdoor music events, Staff recommends adding language to the City Ordinance that would allow for such events and establish the criteria for the permit issuance, requirements of the business holding the event, enforcement responsibility and penalties for violations.

The permits issued in 1999 caused an additional workload for the Police Department and Planning Department to issue the permits and to respond to complaints from adjacent neighbors. The conditions of the permits also place the responding officer in a difficult position requiring them to determine if the music was at a reasonable level, with no specific guidelines to help the police officer make that determination.

Staff's recommends not allowing music at restaurants and businesses due to the permitting and enforcement problems, along with conflicts which will occur when adjacent businesses schedule music at the same time.

Task Force Option

As a result of Staff's recommendation to not allow music at restaurants and businesses, the task force has developed an option where specific venues would be selected and programmed for outdoor music for the duration of the summer and fall. The venues are not associated with one particular business. Instead the venues were selected where there is a common gathering area or plaza. The proposed venue areas could possibly include the Summit Watch Plaza, Town Lift Plaza, and Prospector Square. Concerts in the park would remain as previously scheduled, however the task force would like to include the venue when discussing the mitigation of neighborhood impacts.

The proposed venue sites are in proximity to residential neighborhoods, and the addition of outdoor music at these sites has a potential for disrupting the resident's enjoyment of their property. The task force has acknowledged that issue and propose the temporary construction of stages which, as designed will direct the sound toward the audiences.

Hank Louis, local architect, has involved his University of Utah Architecture class to help solve the noise disturbance associated with outdoor music. They have sketched preliminary drawings and built study models with the help of Jim Fullmer, principal at Spectrum Acoustical Engineering. If Council pursues the option to allow a limited amount of venues, and it is decided that the stages, which they call "Miner Music Shacks", will mitigate the noise, the students, as part of their class would construct the shacks at no cost. The music shacks are being designed to consider the following:

- size of the venue
- performance space
- historical references incorporated in the design
- sight line for audience
- acoustic design elements

The students have had discussions regarding the placement of their structures in other Cities, and have formulated alternate plans if Park City does not wish to use the stages. Preliminary massing models will be presented at the meeting.

The Chamber of Commerce supports the investigation of outdoor music venues, and has stated its ability to help schedule the events. At this time the Chamber of Commerce has not offered financial support for the venues.

If Council directs Staff to proceed with the option as developed by the task force, further discussions will need to occur regarding maintenance of the shacks, programming and funding by neighboring businesses and associations of the venues.

D. Alternatives

1. Adopt modifications to the Noise Ordinance to allow issuance of permits for restaurants and businesses. By allowing each restaurant and business to obtain a permit, they would have the ability to draw customers to their establishments by providing a festive atmosphere. In turn, if businesses within close proximity have events at the same time conflict will occur. Enforcement of any guidelines will increase workload for the Police Department and the more permits issued the more additional time will be needed to ensure compliance.
2. Adopt modifications to the Noise Ordinance to allow outdoor music at a limited number of venues. Require the venues to be in public common area to prevent one business drawing a benefit from the event. By limiting the number of venues, workload for the Police Department would be less than in alternative #1.
3. Direct the Task Force to pursue other options for regulating outdoor music.
4. Do not allow outdoor music.

SIGNIFICANT IMPACTS

By allowing outdoor music at any venue there will be impacts to adjacent property owners. It is the task force's intention that by limiting the allowed decibel level for the noise and providing the Miner Music shacks, a majority of the noise impacts will be mitigated. It is the task force's recommendation that a professional sound engineer be available at all performances to be responsible for the mixing and monitoring of sound levels. The regulations adopted will also require additional staff time, especially by the Police Department. Council may want to consider other options for sound enforcement such as contracting a sound enforcement officer.

The use of decibel meters for enforcement of criminal violations of the noise ordinance may require specific training and certification of employees of the police department or other departments so they are able to testify in court as expert witnesses to the proper operation and maintenance of the device.

ISSUES FOR DISCUSSION

- Does the City Council want to pursue outdoor music events?
- Should individual businesses and restaurants hold outdoor music events?

E. Recommendation

Staff requests Council to discuss the issues presented and direct staff to proceed with one of the alternatives listed in Section D.

Exhibits

Exhibit A - Proposed venue locations
Exhibit B - November 15, 1999 City Council Staff Report
Exhibit C - Letters to City Council from Randy Barton

PARK CITY
1884

DATE: February 23, 2000
DEPARTMENT: Executive/OCM&B
AUTHORS: Toby Ross/Tom Bakaly
TITLE: Highway 224 Policy Update
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt a resolution that authorizes the Mayor to execute a Road Transfer Agreement in substantial conformance with the agreement attached.

DESCRIPTION:

A. Topic: Consideration of transfering jurisdiction of State Route 224 (SR224) from the Utah Department of Transportation (UDOT) to Park City.

B. Background: On January 20, 2000, the City Council discussed the Old Town Transit Center and related issues including the possible transfer of a portion of SR224 from UDOT to Park City. Council supported this transaction in concept while requesting further information on maintenance costs. The roadway being considered for transfer is SR 224 from the intersection with SR 248 at the Yarrow to the Wasatch County line (Park Avenue to Deer Valley Drive to Marsac Avenue to Guardsman Pass). City and UDOT staff members met several times to develop a road transfer agreement. Some details remain. The Utah Transportation Commission is scheduled to consider the Agreement at its meeting on March 16. The draft Road Transfer Agreement (Agreement) includes the following terms:

- UDOT will provide a grant of $410,000 to partially offset the additional maintenance costs associated with the jurisdictional change. While the City is free to lend this money to the Old Town Transit Center project, the grant will be structured so that the City will still be eligible for reimbursement for the construction cost of the transit center from FTA.

- UDOT will remain responsible for the maintenance, repair or rebuilding of the retaining walls on the east and west side of the transferred road. UDOT also agrees to inspect and survey the walls prior to execution of the agreement and present the findings to the City. A mandatory inspection schedule will be attached to the Agreement. Park City, in return, will limit irrigation and development above the retaining walls to protect the wall.

- The Transferred Road includes two signalized intersections. UDOT will inspect and repair the signals before the transfer. The signals will be linked to UDOT's Transportation Operation Center. UDOT will also be responsible for the on-going maintenance of said signals according to a fee and inspection schedule. Additionally, the agreement allows Park City to manually override the signal at the intersection of SR224/Park Avenue and Kearns Boulevard/SR248.

- UDOT will complete one additional cycle of striping of the Transferred Road at no charge to the city. In the future, UDOT will stripe the Transferred Road at an agreed upon fee reflecting UDOT's cost.

- UDOT will also complete the prescribed sealing work scheduled for 2000. After this construction season, UDOT will give the City the opportunity to participate in UDOT's maintenance contract at cost.

- To partially offset increased maintenance costs, UDOT will provide the City with one ten-wheel truck with hydraulic plow upon successful completion of an inspection; selectively continue some limited maintenance; and repair some road defects.

C. <u>Analysis</u>: Historically, Park City has resisted assuming jurisdiction of state roads primarily to avoid maintenance costs. Over the last couple of years, the Council has become sensitive to some of the disadvantages of state jurisdiction over major components of the City's circulation system. Specifically, the timing and design of road improvements and the normal operation of these facilities is largely dictated by UDOT. While our recent working relationship with UDOT has been good, their processes can be cumbersome and unresponsive to local needs. Additionally, the Planning Commission and City Council have spent years devising growth management controls and urban design standards that could be undermined by insensitive treatment of the state highways.

While the Agreement offers several benefits to Park City the transfer raises several issues.

- The City will have to assume the costs of maintaining the roadway. The annualized costs are about $120,000. These costs are offset to some degree by the one-time monetary contribution of $410,000 and of equipment and services valued at about $70,000 and by additional Class C Road funds of about $15,000 per year.

See Exhibit A.

- Some property owners in the Brighton Estates area of Wasatch County would like winter and emergency access to their property expanded. They may be concerned that Park City would reduce or delay access to their property. Park City doesn't propose to reduce public access; the road would remain public with the upper stretch seasonally closed. Private access rights would be maintained. The City has no plans or requirement in the agreement to expand winter access by plowing or allow plowing beyond where UDOT currently plows. The primary responsibility for emergency services rests with agencies in Wasatch County and nothing in this agreement would change that. UDOT has no current plans to expand access SR 224 to Wasatch County. However, state policies would require UDOT to maintain year-round emergency access if the resident population in Brighton Estates reached a certain threshold. Park City would not have the same requirement.

- *Enhancement Projects* (i.e. trails, landscaping) located along state highways enjoy priority status for federal grants. UDOT has indicated (not specified in Agreement) that City projects along this road that would be completed before 2002 would retain the same priority. After that, the projects would have no such priority. The Kimball Junction pedestrian overcrossing will likely take most of the enhancement funding for the next few years.

- The agreement offers a fair measure of legal protection, but the City will be assuming some additional liability that cannot be fully shifted to UDOT.

D. Department Review: The City Engineer, Public Works Department, City Attorney, Office of Capital Management and Budget and City Manager participated developing a list of *City Interests* that were presented to UDOT. Most, but not all, of those interests are reflected in the Agreement.

ALTERNATIVES:

A. Approve (or Amend and Approve) the Request: Council could direct staff to enter into an agreement with UDOT to transfer ownership of SR224 (from SR248 to Guardsman Pass) and begin the processes outlined in the Road Transfer Agreement. Modifications to the agreement may be possible. Staff would continue to fine tune the agreement based on Council's direction and subject to UDOT/Transportation Commission approval.

B. Deny the Request: Council could deny the request to take ownership of SR224 and direct staff to discontinue negotiations concerning transfer of the road in question.

C. <u>Continue the Item</u>: Council could direct staff to continue research on a road transfer agreement with UDOT. The Transportation Commission is scheduled to consider this item on March 16, would probably be willing to continue the item if future agreement appears possible. The Transportation Commission meets monthly. The Transit Center project would benefit from a decision before bids are awarded. The bids are due in early March with the award expected in late March.

D. <u>Do Nothing</u>: Council could direct staff to contact UDOT and inform them that no action will be taken at this time. The effect would be similar to continuing the item.

<u>SIGNIFICANT IMPACTS</u>: The City will have to assume the costs of maintaining the roadway. The annualized costs are about $120,000. These costs are offset to some degree by the one-time monetary contribution of $410,000 and of equipment and services valued at about $70,000 and by additional Class C Road funds of about $15,000 per year. These costs are offset to some degree by other non financial provisions of the Agreement and by the additional control Park City will have over its circulation plan.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u>: All but the recommended action would result in the road remaining in UDOT jurisdiction, at least for the short term. It is probable that the section of SR224 in question will be eventually transferred to Park City. The terms of a future transfer are unknown. The $410,000 grant associated with the Agreement would be used initially to partially fund the Transit Center. Without the Agreement another source of funding would be required.

<u>RECOMMENDATION</u>: Adopt a resolution that authorizes the Mayor to execute a Road Transfer Agreement in a form approved by the City Attorney.

Resolution No.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A ROAD TRANSFER AGREEMENT BETWEEN PARK CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION.

WHEREAS, Sections 72-4-102, 72-4-103, 72-4-104 of the Utah Code Annotated 1953, as amended authorize the Transportation Commission to approve deletions from the state highway system between general sessions of the state Legislature; and

WHEREAS, the Utah Department of Transportation (UDOT) has prepared a plan indicating the portions of roadways residing within the limits of and/or affecting the roadways of the City; and

WHEREAS, UDOT has determined that SR224 no longer meets the requirements of the State System of Highways, but SR224 should still serve as a seasonal, public road, and

WHEREAS, Park City is interested in assuming jurisdiction of the road only under certain defined circumstances, including compensation for maintenance set forth in the attached document known as "Road Transfer Agreement"; and

WHEREAS, the Road Transfer Agreement depicts all conditions and parameters pertinent to the transfer of a portion of SR224;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council as follows:

SECTION 1. AUTHORIZATION TO EXECUTE. The Mayor is hereby authorized to execute the Road Transfer Agreement with UDOT in a form approved by the City Attorney.

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

PASSED AND ADOPTED this 2nd day of March, 2000.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

ROAD TRANSFER AGREEMENT

THIS AGREEMENT is made and entered into on this ___ day of ___________, 2000, by and between the **Utah Department of Transportation** ("UDOT"), and the Authorized Officials of **Park City Municipal Corporation,** a Utah municipal corporation (the "City"), (collectively, the "Parties").

WITNESSETH:

WHEREAS, Sections 72-4-102, 72-4-103, 72-4-104 of the Utah Code Annotated 1953, as amended, authorize the Transportation Commission to approve deletions from the state highway system between general sessions of the state Legislature; and

WHEREAS, UDOT has prepared a plan indicating the portions of roadways residing within the limits of and/or affecting the roadways of the City; and

WHEREAS, UDOT has determined that SR224 no longer meets the requirements of the State System of Highways, but SR224 should still serve as a public road; and

WHEREAS, Park City is interested in assuming jurisdiction of the road; and

WHEREAS, the attached map known as "**Exhibit A**", depicting the pertinent portion of stated plan is hereby incorporated into this Agreement,

NOW THEREFORE, based upon fair and mutual consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

1. UDOT hereby designates that portion of SR224 depicted in **Exhibit A**, as attached hereto and incorporated herein (hereinafter "Transferred Road"), will come under the City's jurisdiction, to henceforth be included as a portion of the City's road system with jurisdiction and maintenance responsibility defined henceforth. UDOT warrants that such Transferred Road has been duly dedicated to public use and UDOT is the government agency with jurisdiction of said road.

2. City accepts the Transferred Road as part of the City's road system and will assume and control the maintenance responsibility of said road, except as otherwise stated in this Agreement, upon execution of this Agreement, and payment of the grant defined herein. UDOT agrees that it will provide a grant to the City in the amount of Four Hundred Ten Thousand Dollars ($410,000.00) to partially offset the additional maintenance costs associated with the jurisdictional change.

3. UDOT agrees to be responsible to maintain, repair, rebuild or replace the retaining walls as may be required, as depicted in **Exhibit A**, on the east and west side of the Transferred Road. UDOT agrees to inspect and survey the walls and present the findings to the City prior to execution of this Agreement. A mandatory inspection schedule is set forth in **Exhibit B** as attached hereto and incorporated herein. City agrees to limit development and irrigation above the retaining walls, such limits to be mutually reviewed and approved by the parties.

4. The Transferred Road includes two traffic signals as shown on **Exhibit A**. UDOT agrees to inspect and repair both traffic signals affected by this Agreement prior to execution of this Agreement. Additionally, UDOT agrees to be responsible for on-going maintenance of said signals according to a fee and inspection schedule as shown on **Exhibit C, Signal Maintenance Agreement**.

5. The City agrees to allow UDOT to keep both signals linked to UDOT's Transportation Operating Center. UDOT and the City shall enter a signal operating agreement which provides the City with the ability to manually override UDOT's signal at the intersection of SR224/Park Avenue and Kearns Boulevard/SR 248 as shown on **Exhibit C, Signal Maintenance Agreement**.

6. UDOT agrees to complete one additional complete cycle of striping of the Transferred Road at no charge to the City. Following the completion of this cycle, UDOT at the City's request, will invoice stripe the Transferred Road at an agreed upon fee to reflect UDOT's labor and materials, or in the event a third party contract is used, the direct costs of such contract.

7. UDOT agrees to complete that certain prescribed seal coat work pending for 2000. After the 2000 construction season, the City will contact UDOT concerning the City's desire to participate in major UDOT maintenance projects in the vicinity of the Transferred Road (i.e., the chip seal project scheduled for 2002). This will be done in order to provide City the opportunity to participate in UDOT's contract at cost.

8. UDOT further agrees to make the repairs shown on **Exhibit D**, which include the repair of inlet boxes and associated concrete damage, and two asphalt failures at locations shown on **Exhibit D.**

9. As additional consideration for the City's increased maintenance costs, UDOT agrees to give the City one (1) ten-wheel truck (7 ½ yard) with a 12 foot hydraulic plow. City agrees to accept the truck upon the vehicle's successful completion of a Utah State Safety inspection.

10. UDOT clearly and unequivocally agrees to indemnify and to hold the City and its agents,

employees, and officers, harmless from and shall process and to defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the UDOT's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the UDOT or others; and provided further, that nothing herein shall require UDOT to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The provisions of this paragraph shall specifically apply to, but are not limited to, all claims arising out of design and construction of the road, and any environmental/hazardous waste claim arising out of the action/inaction or negligence of UDOT. Nothing herein shall waive either party's rights, procedural requirements or defenses under the Utah Government Immunity Act, UCA Title 63, Chapter 30. The provisions of this paragraph shall survive the termination or expiration of this Agreement

11. This Agreement may be modified with the mutual written consent of the parties hereto, as may be necessary in the public interest.

12. If the Legislature fails to approve this transfer, the City shall return all funds and equipment to UDOT, less funds expended in good reliance upon this Agreement necessary to the maintenance and right of way/intersection improvements, and reasonable wear and tear on the equipment.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the day and year listed above.

UTAH DEPARTMENT OF TRANSPORTATION

By: ______________________________

Title: ______________________________

Attest:

____

PARK CITY MUNICIPAL CORPORATION

By: ______________________________

Title: ______________________________

Attest:

____
City Recorder

Approved as to Form:

____
City Attorney