



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 10, 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, February 10, 2000.

Closed Session - City Council Chambers - Lower Level

3:15 p.m. Litigation
 Personnel matters

Work Session - City Council Chambers - Lower Level

4:00 p.m. Council questions and comments
4:20 p.m. Outdoor music update
5:00 p.m. Legislative update
5:20 p.m. Review of regular meeting
 210 Ontario
 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 JANUARY 27,
2000**

V PUBLIC HEARING

Continuation of hearing - Petition to vacate a portion of Ontario Avenue and a request for a plat amendment to combine seven full and five partial lots into four lots of record; Ontario Avenue right-of-way adjacent to Lots 1 - 5, Block 60, Park City Survey and Lots 27 - 32, Block 55, Park City Survey located in the Southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian

VI CONSENT AGENDA

1. Ordinance accepting public improvements for Sandstone Cove Subdivision, Park City, Utah
2. Ordinance accepting public improvements for Silver Pointe Condominiums, Park City, Utah
3. Ordinance accepting public improvements for Gallacher B31 Subdivision, Park City, Utah

VII RESIGNATIONS AND APPOINTMENTS

Reappointment of Lani Furr and Brigitta Wray and appointment of Kris Beer, Dean Schulman, and Peter Tomai to the Parks, Recreation and Beautification Advisory Board for terms expiring January 2003

VIII NEW BUSINESS

1. Ordinance approving the amendment to the Park City Survey, a plat amendment located in Block 53 and Block 60 of the Park City Survey, Park City, Utah
2. Ordinance approving the vacation of portions of Ontario Avenue right-of-way adjacent to Lots 1 - 5, Block 53, Park City Survey and Lots 27 - 32, Park City, Utah
3. Findings of fact and conclusions of law regarding the City Council call-up held on February 3, 2000 of a Planning Commission decision on October 27, 1999 to approve a conditional use permit for the Old Town Guest House, located at 1011 Empire Avenue

IX ADJOURNMENT

PARK CITY COUNCIL MEETING SUMMIT COUNTY, UTAH FEBRUARY 17, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, February 17, 2000.

Posted: 2/7/00
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 10, 2000**

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Lloyd Evans, Chief of Police; Alison Kuhlrow, Planner; Tom Bakaly, Director of Capital Projects and Budget, Mark Christiansen, Analyst; Kevin LoPiccolo, Planner

Michael O'Hara, consultant for Summit County; Randy Barton, proponent of outdoor music Hank Louis, architect; Jim Ivers, applicant

Absent: Council member Fred Jones

1. **Council questions and comments.** Roger Harlan reported that he attended a meeting with staff, a member of the Snyderville Basin Planning Commission, and two members of the Park City Planning Commission regarding the entry corridor on SR224. He is pleased with the understanding and consensus on the definition of open space. Peg Bodell reported on the Historic District Commission meeting she attended. The Mayor encouraged Council members to attend the Rocky Mountain Land Use Institute conference in Denver in March. Roger Harlan commented on the excellence of the conferences. The Mayor relayed that he met with our congressional delegation in Washington D.C. last week about Olympic funding for the transit center, financing for the pipeline from Rockport, funding for the chemical treatment for the Snyderville Basin Sewer Improvement District, and BLM land relating to the air force. He felt that strengthening the City's relationship with federal officials is very productive with regard to Olympic funding and water projects.

Candace Erickson stated that she attended the Summit County Commission meeting and spent time with consultant Mike O'Hara discussing garbage collection. An option discussed for Old Town included using smaller automated containers. BFI is feels strongly about using an automated system as much as possible and it was suggested as using a site in Park City to swap containers. She explained that there still is a question about obtaining two smaller containers in exchange for one large container and whether there would be an additional monthly charge. BFI based its bid on time and number of units dumped and there was discussion at the Commission meeting that a second container only costs \$2.88 not \$10 per month as the balance goes to the recycling effort. It may be possible to work out a more favorable charge for residents for the second container. Ms. Erickson believes that BFI recognizes that there are problems in Park City and is willing to work on them. Shauna Kerr reported that she attended meetings at the legislature regarding Olympic funding and the Public Safety Command unit. There is an agreement between venue and non-venue cities to support repealing the tax on the ticket sales with the understanding that the money will be reallocated to fund the Public Safety Command at an estimated \$13 million.

A percentage of sales for tickets bid on the Internet will also be captured by cities; SLOC will match some of the money and this will also provide a better opportunity for funding from the federal government. Ms. Kerr believed this proposal will have unanimous support from the League of Cities and Towns; she also attended meetings regarding the proposed deferred payment of the \$59 million to cities. Ms. Kerr thanked and recognized Tom and Lee Sedgwick who were picking up litter on Meadows Drive.

Michael O'Hara explained that at Monday's meeting the County Commission decided that the level of service is one container and automated is based on the 90 gallon container, and if it doesn't work, BFI will pick up manually. There is still the option of more containers, but the County is not willing to negotiate that as it is still the objective of the County to have automated service to the greatest extent possible. Manual collection should be carefully limited and it is uncertain if BFI bags will be used. There is a fairness question about someone putting a dozen bags out for manual pick-up. A decision has been made on the color of the smaller containers. Mr. O'Hara explained that he is coordinating with Jerry Gibbs to get a meeting organized in Old Town fairly quickly. Peg Bodell pointed out that there are other areas in town with steep slopes.

2. Outdoor music update. Chief Lloyd Evans explained that staff was directed to explore allowing music in Old Town, including creating a task force. There were several restaurants who through their conditional use permits, hosted outdoor music events and there were concerns expressed by neighborhoods about traffic congestion and noise. In consideration of these issues, Chief Evans asked Council for direction on where outdoor music should or should not be performed in Old Town and whether individual businesses should hold these events.

Ms. Kerr expressed that outdoor music is appropriate in Old Town. Stage locations may be more appropriate in a public forum as the opportunity to regulate it might be better but she is open to opinions from businesses. She pointed out that currently their liquor licenses are tied to these regulations which may not be desirable. Candace Erickson stated that she supports outdoor music and public venues where the type of music can be controlled. The Mayor agreed with these comments and expressed his issue of containment of the sound; public or private would be fine. Peg Bodell stated that outdoor music and entertainment brings a festive atmosphere to our resort community. Ms. Bodell asked the opinion of business owners about regulating outdoor music events. Randy Barton, chairman of the task force, stated that he has talked with all permit holders involved in events last summer, and Mr. Dominic is still interested in retaining the authority to schedule entertainment on a stage near his establishment. Others are interested in what was offered last summer but through a process that wouldn't jeopardize their businesses. Ms. Bodell asked if he has received comments from businesses that don't have permits but are interested in becoming involved. Mr. Barton indicated that he has heard from businesses and neighbors that they are generally in favor of outdoor music. Ms. Bodell felt that business owners who want to control it should present options and is reluctant to commit at this point without more information.

Mr. Barton felt it key for the Council and community to understand is that sound is not a variable that can be controlled easily. Sound is motion in the air and the air permeates the community; the proposal addresses mitigation of sound not elimination. Ms. Bodell understood that Mr. Barton favors City regulation of the *miners' shacks*, rather than the business owners. Mr. Barton felt it is a multi-level decision-making process. The decision that has to be made now if the community is interested in outdoor amplified music near residential areas. The next step is selecting a programming entity for the stages once they are created. There should be one organization in charge of monitoring, scheduling, marketing, and other financial aspects of an outdoor music program.

Roger Harlan voiced his support of outdoor music on public property on a one-year trial basis. Brad Olch reiterated his support of outdoor music but expressed his concern of the over-spill of noise in the neighborhoods. Mr. Barton felt that the key is that this be a public-private partnership much like the pocket parks on Main Street. This is not a sweeping overall change to the noise ordinance but an exception to allow outdoor music at specific monitored locations throughout town. In response to a question from Peg Bodell, Mr. Barton indicated that he hasn't been contacted by upper Main Street businesses. He explained that he has written comments from several residents about this proposal, but most contacts have been made by phone. Peg Bodell requested that he share that information. Chief Evans explained that resident complaints involved continuous noise emanating from businesses. The staff feels that allowing businesses to pull individual permits increases exposure to neighborhoods, rather than controlling outdoor music through public venues with regulations. Ms. Kerr believed that if monitoring music is accomplished through a public process that problems can be resolved quickly and the City is in a better position to intervene. Mr. Barton stated that he is not aware of any other joint partnerships in other resort towns as all but one of the proposed venues is on private property. He added that architect Hank Louis teaches a build and design class at the University of Utah and students are willing to design, construct, and oversee the installation of these temporary structures free of charge. There was discussion about possible venues in Prospector Square and/or Park City Mountain Resort and raising money for programming from surrounding businesses. With regard to complying with decibel levels, Ms. Bodell suggested a bonding requirement. Mr. Barton reiterated that there is no way to eliminate sound from traveling in the area and there will be complaints. The Park City International Music Festival will be ecstatic about what is being proposed. Ms. Bodell felt this is a good project in preparing for the Olympics and timing is very key here. Monitoring sound levels was discussed, and Mr. Barton described limiters on a sound system, but the acoustic design of the stage is the critical mitigating factor. The most difficult instrument to control is drums. Mr. Barton indicated that the students have been cognizant of integrating historical elements of Park City. The models of the stages were displayed and Hank Louis explained that only three will be built and pointed out the selections of the task force. The teams have been working with Spectrum Engineering to refine the designs. The stages are proposed to be located at the Town Lift, the area between Jambalaya and Dynamite Doms, and City Park, and would be installed for the summer and fall. Hank Louis added that they would be built at the University, assembled here and disassembled for the winter. There were suggestions

made of using these shells for Christmas events and the Olympics. The City Manager asked about the level of attenuation behind the stages. Hank Louis explained that they will attempt to reflect all of the sound directly forward which requires heavier materials to deaden the sound. Smaller scale models will be built and tested and it is proposed to work with acoustical engineers at the University. Alison Kuhlow added that the Historic District Commission will review the designs and students have also been talking with the Building Department. Lloyd Evans encouraged the Council to hold a public hearing at some point on this issue as this forum was scheduled for staff direction. Peg Bodell felt that public input should not be scheduled at the end of the process. Hank Louis estimated that materials will range from \$3,000 to \$5,000 a piece.

Alison Kuhlow understood that Council is in favor of outdoor music and has directed staff to look at the venues discussed for Old Town, but was unclear about upper Main Street. Peg Bodell advised that it would probably be prudent to include the upper Main Street merchants in discussions, rather than just the permit holders on lower Main Street. Randy Barton added that he discussed this with Steve Hooker and the only location available was Heber Avenue when the street was closed as there are no other appropriate sites on upper Main Street for this type of venue. Ms. Kuhlow understood that the Council wants the task force explore specific criteria for funding, and management. Staff and the task force should continue working with the students on design and sound mitigation and hold a public hearing. Ms. Kerr expressed that she didn't feel there is a site on upper Main Street that would work, because the canyon is narrower and the sound would reflect to a higher degree. There is a history of complaints about noise in this area and she felt that staff should not spend too much time exploring options there.

3. Legislative update. Tom Bakaly explained that the League is opposed to SB 156, voter approval for property tax, and the bill is currently being held in committee. SB 64, secondary residences, proposes an exemption at \$150,000 as opposed to \$100,000 which is the house bill. The impact to the City would be about \$75,000 in revenue which would be borne by the primary residence tax payers. He referred to Ms. Kerr's earlier comments about the Olympic funding bills and noted that language is not drafted at this point. Mr. Bakaly indicated that the proposed RDA legislation would formalize what Park City is already doing for years with relation to the School District and using tax increment for affordable housing. SB 35, government immunity amendments, was amended to allow cities to levy a mill rate to cover increased caps. HJR 4, a resolution removing the District Court from Park City, has passed the house and is in the senate judiciary committee.

4. Review of regular meeting.

210 Ontario. Kevin LoPiccolo stated that during a work session and a public hearing held two weeks ago, the Council discussed the proposed plat and street vacation. The Council did not discuss the compensation for approximately 5,600 square feet of Ontario Avenue. He explained that based on price and square footage of listed properties in the area, a median of \$29.80 was

reached and calculated at 10%, 13%, and 16%. Even though the vacation will contribute to yard space, the footprint is based on HRL zoning requirements. There is an option that the 2,385 square feet dedicated by Mr. Ivers to the City be deducted from the acquired right-of-way compensation calculation, but staff is recommending 16% at \$26,712.

With regard to the analysis, applicant Jim Ivers pointed out that these are asking prices which may be between 10% and 25% more than the sales prices. He felt an adjustment would be appropriate. With regard to consideration of his dedication, he emphasized that there is real value in having an actual right-of-way as opposed to an easement. The project has merit as there is less density, larger lot sizes, and HRL zoning. In response to a question from Roger Harlan regarding paying top price, Mr. Ivers felt that they would still proceed if that is the case, but he encouraged Council to do the fair thing. Roger Harlan felt that the funds should be used for a broad community purpose. Kevin LoPiccolo added that if Council is not comfortable with the numbers, that he can rework the analysis or hire an appraiser. Mr. Harlan indicated that if the City sells the property, the project becomes possible and there is real value there for the applicant. Mark Harrington advised that Council can convene in closed session to discuss this matter. Peg Bodell asked if an appraiser would have done the analysis differently. Kevin LoPiccolo stated that he did the same analysis conducted for King Road. The appraisers he called advised that the actual selling prices are important but there is no sales information for the past six months. The City Manager further clarified that the process was the same as an appraiser followed on the previous vacation where actual sales information was available and referred to Mr. Ivers' suggestion of a 10% to 25% reduction. Another way of looking at open space values is to look at open space purchases, but the range is dramatic. The incremental values of Old Town lots were discussed.

Findings - Old Town Guest House. Mark Harrington clarified that Council is not remaking the decision by taking action on the findings and conclusions of law, but memorializing the way the decision was made.

The City Council convened in closed session. See Memorandum of Closed Session as a part of the regular meeting minutes.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 10, 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, February 10, 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; and Kevin LoPiccolo, Planner.

II PUBLIC INPUT

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

1. Traffic calming program - Ted Roesner, manager of The Oaks, referred to the neighborhood traffic plan and explained that temporary speed humps and a permanent stop sign were installed on Solamere Drive and The Oaks was contacted after the fact. The Board has requested that they be placed on an agenda to discuss the program and he invited the City Council to an upcoming meeting at The Oaks Clubhouse, 3311 Sun Ridge Drive on Thursday, April 27. It was pointed out that that is a regular City Council meeting date. He continued that the home owners believe that the stop sign should have been installed on South Telemark rather than on the hill. The draft of the plan would have been helpful for their December meeting, but they weren't contacted about the it being made available. He pointed out that there are very few permanent residents on Solamere but they are making traffic calming decisions when it impacts residents living at The Oaks.

2. BFI trash collection contract - Bob Phillips, 455 Park Avenue, commented on the new trash collection program. There was confusion about the collection day and then confusion about pick-up on the other side of the road. He was certain that this has already been brought to Council's attention but felt the way Old Town looks is a source of embarrassment for everyone. The Mayor expressed that the progress is slow in solving these problems but felt BFI is starting to get the message; there is a proposal to trade in the 90 gallon bin for smaller bins. Mr. Phillips added that he preferred the prior vendor who made an effort to pick up debris in the area. He offered the services of UPAPA to help Council solve matters. Ms. Kerr advised that there will be meetings in the Old Town area to obtain input on the contract and felt it important that UPAPA render its comments at those meetings.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Shauna Kerr stated that she will be chaperoning high school students to our Sister-City, Courchevel, France. She suggested that the Miners Hospital be used as a hospitality house for Courchevel visitors during the Olympics. Peg Bodell reported on the Interagency Meeting held this week and the success of the Leadership 101 session. Rick Lewis noted that the Planning Commission concluded its review of the Environmental Element of the General Plan which will be forwarded to the City Council. The City Manager advised special meeting dates and meetings of interest.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF JANUARY 27, 2000

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

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

V PUBLIC HEARING

Continuation of hearing - Petition to vacate a portion of Ontario Avenue and a request for a plat amendment to combine seven full and five partial lots into four lots of record; Ontario Avenue right-of-way adjacent to Lots 1 - 5, Block 60, Park City Survey and Lots 27 - 32, Block 55, Park City Survey located in the Southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian - Kevin LoPiccolo referred to the discussion in work session and offered to answer any questions of Council. The Mayor invited the City Council and the public to comment.

Tony Rampton, attorney for Leslie Miller, stated that he met with Mark Harrington and suggested some language to be inserted in the findings and conditions; he is comfortable with the application. Mr. Harrington referred to the amended version which was distributed to Council today, affecting Findings of Fact No. 17 and Conditions of Approval Nos. 9 and 11. In response to a question from Roger Harlan, Mark Harrington explained that the current proposal for the width of the access road is 20 feet and the drive would have to be reconstructed in the future to meet the City's specifications for additional service to Block 52. Mr. Rampton thanked the City Council and staff for working with his clients. With no further comments, the Mayor closed the public hearing.

VI CONSENT AGENDA

With no questions or comments, the Mayor requested a motion to approve the Consent Agenda. Shauna Kerr, "I so move". Roger Harlan seconded. Motion carried.

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

1. Ordinance accepting public improvements for Sandstone Cove Subdivision, Park City, Utah - See staff report.
2. Ordinance accepting public improvements for Silver Pointe Condominiums, Park City, Utah - See staff report.
3. Ordinance accepting public improvements for Gallacher B31 Subdivision, Park City, Utah - See staff report.

VII RESIGNATIONS AND APPOINTMENTS

Reappointment of Lani Furr and Brigitta Wray and appointment of Kris Beer, Dean Schulman, and Peter Tomai to the Parks, Recreation and Beautification Advisory Board for terms expiring January 2003 - Roger Harlan, "It gives me a great deal of pleasure to make a motion to approve the reappointment of Lani Furr and Brigitta Wray and new appointments of three outstanding citizens, Kris Beer, Dean Schulman, and Peter Tomai". Peg Bodell seconded. Motion carried.

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

VIII NEW BUSINESS

1. Ordinance approving the amendment to the Park City Survey, a plat amendment located in Block 53 and Block 60 of the Park City Survey, Park City, Utah - Kevin LoPiccolo explained that this is a request for a plat amendment and vacation of a portion of Ontario Avenue. As a part of the street vacation, the City Council is encouraged to apply Resolution No. 8-98 and

determine compensation as a part of this application. The plat amendment will combine twelve lots into four lots; six lots which are in Block 60, the remaining six in Block 53. The street vacation request of platted Ontario Avenue right-of-way is parallel to the two blocks and involves approximately 5,600 square feet. As proposed, Lot 1 would gain access off of existing McHenry Avenue, Lot 2 from existing Ontario Avenue, and the remaining lots off of a driveway from Ontario. Mr. LoPiccolo reiterated that in summary, the Council is being asked (1) to act on a plat amendment and if approved, the applicant would be allowed to construct four single family dwellings; (2) to vacate approximately 5,600 square feet of platted Ontario Avenue, and (3) to consider monetary compensation to the City. He referred to the changes in the Findings of Fact and Conclusions of Law explained above.

Shauna Kerr, "I move approval of the Ordinance approving the amendment to the Park City Survey, located in Block 53 and Block 60 of the Park City Survey, Park City, Utah as the conditions have been stated and handed out to us (Council) with the amendments". Peg Bodell seconded. Motion carried

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

2. Ordinance approving the vacation of portions of Ontario Avenue right-of-way adjacent to Lots 1 - 5, Block 53, Park City Survey and Lots 27 - 32, Park City, Utah - Shauna Kerr, "I move approval of the vacation of the portion of Ontario Avenue and the compensation as established by Exhibit F, taking consideration the very artful arguments of Mr. Ivers with regard to the actual selling prices are generally less than listing prices. I would suggest that we apply a discount to that and arrive at a number of \$22,000 as the compensation for this vacated street, and I believe that this is a fair price for Mr. Ivers and fair compensation to the citizens of Park City". Roger Harlan seconded. Motion carried.

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

3. Findings of fact and conclusions of law regarding the City Council call-up held on February 3, 2000 of a Planning Commission decision on October 27, 1999 to approve a conditional use permit for the Old Town Guest House, located at 1011 Empire Avenue - Mark Harrington commented that these were forwarded to the applicant and her attorney and he has not received a

response. Peg Bodell added that Ms. Lovci met with Ron Ivie and are moving along on options to create parking. With no further comments or questions, the Mayor requested a motion to approve. Peg Bodell, "I so move". Shauna Kerr seconded. Motion carried.

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

IX ADJOURNMENT

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

* * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:15 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; and Mark Harrington, City Attorney. Shauna Kerr, "I move to close the meeting to discuss litigation and personnel matters". Roger Harlan seconded. Motion carried. The meeting opened at approximately 4:20 p.m. The City Council met again in closed session at approximately 5:45 p.m. Roger Harlan, "I move to close the meeting to discuss the Ivers compensation". Peg Bodell seconded. Motion carried. The meeting opened at approximately 6 p.m.

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

* * * * *

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

CITY COUNCIL STAFF REPORT

DATE: February 10, 2000
DEPARTMENT: Planning Department and Police Department
AUTHOR: Lloyd Evans, Chief of Police
Alison Kuhlrow, 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

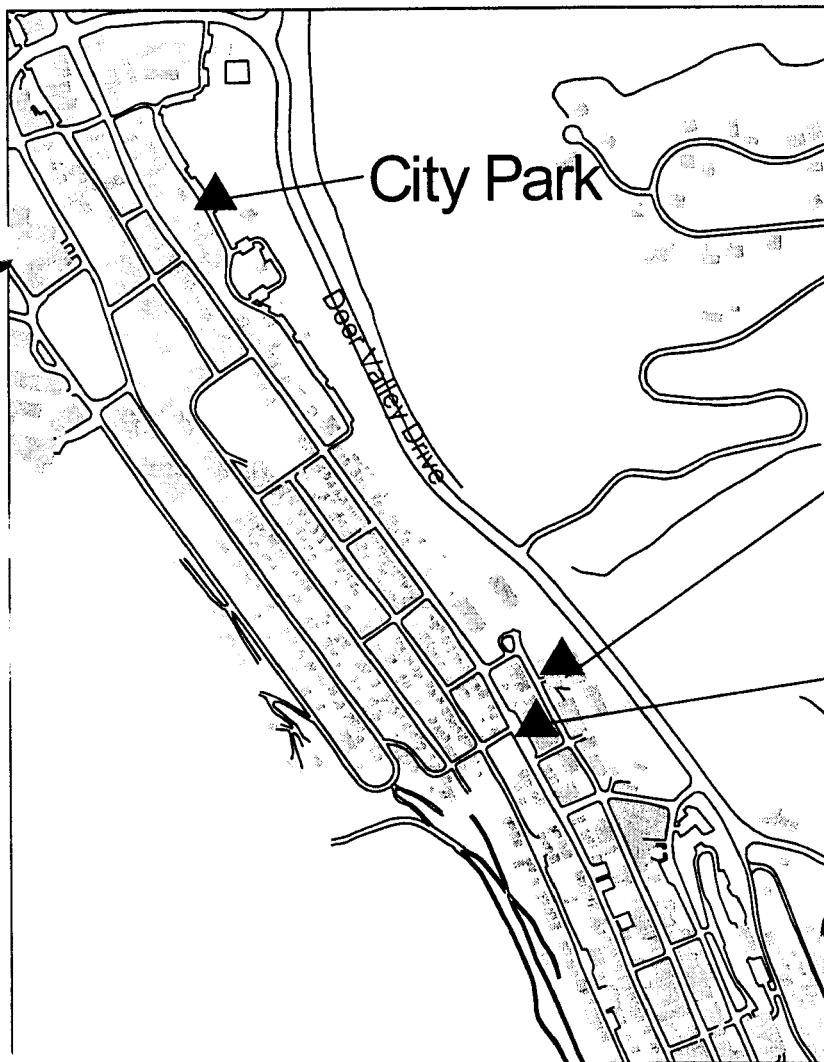
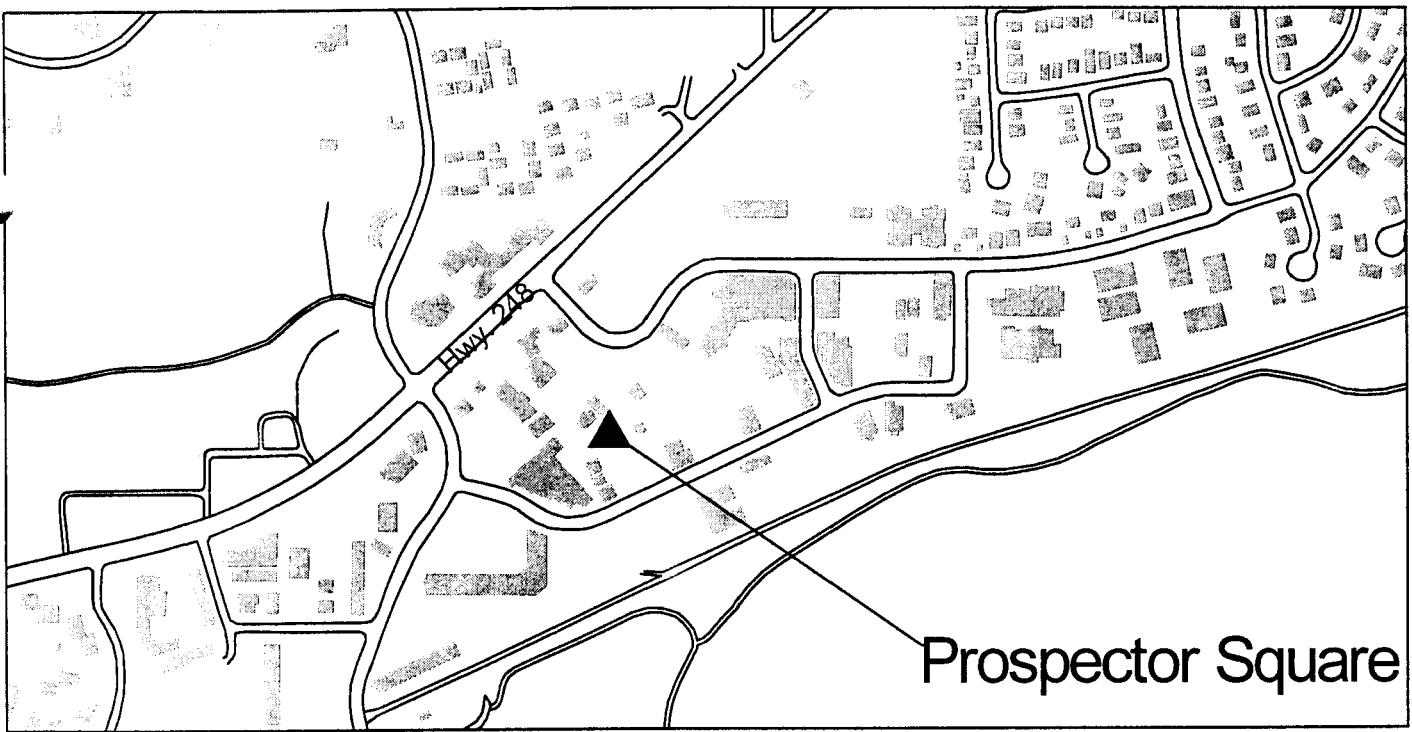
- Does the City Council want to pursue outdoor music events?
- Should individual businesses and restaurants hold outdoor music events?

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



Summit Watch, North End

Town Lift, West Side



Proposed Outdoor Music Venues

*proposed venue sites shown are not to scale



CITY COUNCIL STAFF REPORT

DATE: November 15, 1999
DEPARTMENT: Special Events and Facilities
AUTHOR: Melissa Caffey/Meg Ryan
TITLE: Process for Outdoor Music - Discussion
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATIONS: Provide direction regarding whether or not it wants an outdoor music program and, if so, then consider appointing a workgroup to pursue an appropriate and workable outdoor music program for various locations in Park City.

DESCRIPTION:

A. Topic.

Outdoor Music in designated and appropriate locations in Park City.

B. Background.

Title 6 of the Municipal Code provides the only current guidelines regarding outdoor music (specifically in relation to noise levels). Exhibit A. The Master Festival Licence process does not address small scale musical events. The Land Management Code does not address outdoor music, but prohibits the installation of outdoor speakers in conjunction with outdoor dining.

During the summer of 1999, the Community Development Department created an administrative permit process for outdoor music that dealt with Main Street business owners. This fall that system was terminated due to noise complaints from nearby residents. After the termination discussions centered around the need for a comprehensive dialogue on the issue and consequently the hope that some process could be established for these types of uses.

C. Analysis.

In October of 1999 Randy Barton submitted a petition (700+ signatures) and a proposal letter to the City Council. Exhibit B. The petition calls for the allowance of outdoor music

that:

1. Does not surpass reasonable decibel levels;
2. Is limited in hours of operation ; and
3. Is mitigated through sound attenuation to the best extent possible.

The proposal calls for discussion on the outdoor music issue and for the creation of portable "Miner Music Shacks" that could be placed at a minimum of four locations around town. The locations would be publically or privately owned but regulated by the City for hours of operation, capacity, and noise levels. The "shacks" would act as sound attenuation devices.

Mr. Barton has suggested that the "shacks" could be potentially financed by a combination of public/private sources and possible Restaurant Tax funds. The deadline for this grant is in the early spring.

D. Department Review

The City Manager, Legal Department, Police Department, CDD, Building Department and Department of Special Events and Facilities have reviewed this Work Session report.

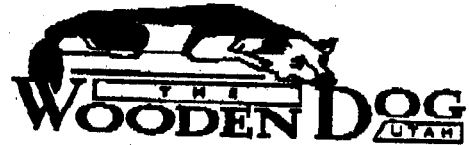
RECOMMENDATION: The staff recommends that the Council discuss the issue and consider convening an Outdoor Music working committee for the purpose of creating a workable process that will accommodate ongoing outdoor music events and meet the needs of both Park City businesses and residents. The Committee will return to the Council and community with specific proposals on the issue. The committee could consist of affected City Departments, (Police, Planning, Building, Special Events) and interested community representatives (Chamber, Mr. Barton, business owners, residents, etc.). Staff recommends that the committee be limited in size for expediency.

EXHIBITS:

Exhibit A -Title 6 Municipal Code

Exhibit B - Randy Barton's Correspondence

The Wooden Dog
P.O. Box 1844
Park City, Utah 84060
Tel (435) 783-5483 Fax (435) 783-5498



January 18, 2000

From: Randy Barton
The Wooden Dog

To: Outdoor Music Group

Music Lovers,

I have had the opportunity to talk to most of you about the future of outdoor music in Park City. I wanted to write down and provide for you the possibilities and issues that need to be resolved in order to move forward. Please review the following and provide me with your input.

1. There is strong support for outdoor amplified music. There are also those who are against this possibility. It is my suggestion that we build stages at certain locations in town to provide for outdoor amplified performances that mitigate and control the negative effects on the surrounding neighborhood. I believe this would be an enormous benefit to our community, improving quality of life and increasing tourism. It would put Park City at the top in hospitality. I know of no other place that offers what we are proposing.
2. We propose that the City Council and City Staff draft and approve an ordinance that would create the allowed use of outdoor amplified performances at certain locations. We are currently proposing the construction of stages at the following locations - Town Lift Plaza, Summit Watch Plaza (possibly two), City Park and possibly Prospector Square and Park City Mountain Resort. All of these stages will be placed in areas that are open to the public and free of charge. Each property owner would need to sign an agreement with conditions to allow the stages to be placed on their property. The property owners would receive no payment or rental for the placement of these structures on their property.
3. Hank Lewis is instructing a class at the University of Utah in Architecture that is a "Design and Build" course. We suggest that these individuals, under Hanks direction, and with input and approvals from; this Outdoor Music Support Group, The City Council, The Historic District Commission and The Planning Commission, would (at no cost whatsoever), design and build the stages. We still need to find donations and/or funding for the materials. Park City would then own the structures and be responsible for any maintenance. We believe these structures should be built as year-round structures to eliminate tear down and storage needs but should also be easy to disassemble and move should the need arise.

4. These stages would be built in two sizes. One size would be for smaller areas - with a stage size of 10' width by 8' depth. One size would be for larger areas - with a stage size of 20' width by 12' depth. All stages would have an elevated stage height of 36". All stages would have a sloped roof and angled side walls. The stages would be similar in design and have a "you know what it is when you see it" feel. All stages would be built with optimal acoustics in mind. All would be equipped with minimal stage lighting. All would be equipped with sufficient power attached to a time clock to control hours of operation. We recommend two twenty amp circuits for the smaller stages and three twenty amp circuits for the larger stages. We recommend that each property owner would pay for the minimal power used but not for it's installation and associated installation costs.
5. The programming and marketing of these stages could be done by a number of entities. The Chamber Bureau would be one logical choice. Each stage could also be programmed by the neighboring businesses. We could also work to create a new organization with this specific task in mind. Once the programming entity is decided upon, funding issues will be determined. Possible funding sources include - neighboring business organizations, The Chamber Bureau, Restaurant Tax, Fund Raisers, Grants and Corporate Sponsors. We also believe the programming organization will need to negotiate and pay musicians and sound engineers a good and fair rate in order to ensure the quality of performances and continued success. Insurance concerns will also need to be solved.
6. We suggest that the hours of operation of these stages be limited from Noon to 8PM. This would be controlled by the time clock mentioned above.
7. Although decibel levels are difficult to correlate to excessive outdoor sound, we believe they may be useful for monitoring of noise level. We feel each performance must have a professional sound engineer to mix and monitor levels. This person would be responsible for maintaining no more than 95db using a "C" weighting when measured 25' from the front of the stage in any direction. This suggestion is definitely subject to change based on actual experience. We may need a separate level for each stage. There would be monetary penalties assessed to the engineer if the volume exceeds that level.
8. Clean-up would be the responsibility of the surrounding businesses and their associations. The group and sound individual will also be responsible for encouraging audience participation in this area. The marketing entity would encourage alternate transportation methods - bike, bus or walk.
9. Signage would also have to go through the approval process. We believe each stage should receive a name and some signage. There should also

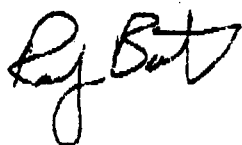
be a "Coming Soon" bulletin board. (As a side note - how about combining a sort of "Community Notices" area for flyers, ride board, personal musings etc? Okay that might be too big of a first step).

10. Problems and other considerations - A. Although we do everything we can to regulate noise, there will be complaints. What options does the city have? We would like this to be an allowed use and complaints would be disregarded, just like a complaint that traffic is too loud would be - there is nothing you can do about it! The fact is however that we want to mitigate, understand all concerns and work together to make this work. We could limit the type of performance, i.e. - no drums, maximum of three performers etc, etc. These limitations however often cause problems - Jazz Drums or Hand drums might work where as Rock and Roll may not - It is definitely a volume concern. I believe if we limit the power available and require DB level monitoring and show a real concern for the neighborhood we should meet our mitigating standard. B. We could limit each stage to no more than three or four performances per week. I also think this places undo restraint on our program. Special weeks or festivals may change that desire. I believe that economic and audience limitations will limit the performances most weeks. C. These structures can be utilized for many functions - town meetings, speakers, youth performances and a variety of other purposes. We need to use that as a positive and work for pluralistic scheduling. One of the main contentious elements may arise from this multi-use format. Certain performers may feel slighted. Neighboring businesses may feel their stage is not receiving the type of performances they would like to see - you know Park City! Everyone has an opinion and it is always the right opinion! D. Hours of operation could be an issue. I see the possibility of Theatrical or verbal staged events in the Park or at other locations that may want a later time - until 10PM.

All of the above is preliminary and subject to discussion, revision, improvement and ridicule. Start thinking and respond with your judicial thoughts.

Thanks!

Randy Barton



To: City Council Members & Park City Staff

From: Randy Barton
The Wooden Dog

Re: Outdoor Amplified Music

This summer I have arranged for musicians and provided the sound amplification for Park City Brewing and Smokehouse and The Town Lift Plaza. We were operating under a special Outdoor Music permit provided by the City. Last week that permit was rescinded due to complaints received from residents (one individual in particular) living near the plaza. We were invited to a meeting at City hall to discuss the complaints and the future of Outdoor Amplified Music. We were given a reprieve by the City and allowed to continue under new restrictions. I now believe that there needs to be a community discussion and a political decision made concerning the future of Outdoor Music in Park City.

I am a believer in the phrase "More Music and Less Talk" but I understand there are strong opinions which swirl around the issue. We live in a beautiful outdoor setting that already provides many opportunities to enjoy music under our sky surrounded by our mountains. Concerts in the Park, Deer Valley with their Concerts, Symphonies and Festivals, Heber Avenue and Pocket Park Concerts, People Make the City, Americas Opening and on and on. I have always felt that Park City, by nature of it's setting and it's people should strive to be an artistic center in the west. I am very proud of the musical line-up and level of quality sound and talent the Town Lift Plaza brought to the community this summer.

When I first saw the development of lower Main street I thought "Oh my, A cutesy Vail like area in an old mining town, what a *GREAT* idea. That area of town has been struggling for viability and identity from the start. If I were a bankruptcy attorney I would take a cue from Lucy and Charlie Brown and open up a "Legal Advise" booth on Main Street. One thing however that I have come to love about "Low-main" is the Plazas - real open space. My hope is to keep Music and Art flowing on these Plazas and create community gathering spaces in old town. I firmly believe that Arts = Business. A strong artistic community will attract locals, visitors and commerce.

It seems that we need to arrive at a true representation of how residents and businesses feel about outdoor amplified music. One person who continually complains should not be allowed to torpedo a wonderful community amenity. I am in favor of Music. I also support established mitigating guidelines such as DB levels, appropriate hours and maximum capacities. Further, I suggest requiring all outdoor music be performed on a Stage with a band-shell that would direct the sound towards the listener and away from the residences - my suggestion would be to build "Miner Music Shacks"!

I know local government has a keen interest in knowing the desires of the citizenry. I hope we can arrive at a method of surveying locals on this issue. I say let the music play.

Sincerely:

Randy Barton
The Wooden Dog

To: City Council Members & Park City Staff

From: Randy Barton
The Wooden Dog

Re: Petition in Support of Live, Outdoor Amplified Music

To all concerned;

This is a petition that has been signed by local residents and business owners as well as visitors to our community. It shows broad support for outdoor amplified music. I submit this document in hopes that it will stir action in allowing outdoor performances. I presented you a previous letter that outlined a few positive proposals. I am unable to attend your regularly scheduled public sessions but would be happy to volunteer my time to work on concrete proposals for the future. I would like to suggest the following as a beginning:

I believe a public/private approach needs to be taken. I would like to see as many as four "Miner Music Shacks" be constructed in Park City at the following locations;

1. Town Lift Plaza
2. Summit Watch Plaza
3. City Park
4. Prospector Square Plaza

This would involve one City property and three private areas. These four spots would qualify as "Live Outdoor Music Venues" which through a Zoning and Permitting process would be allowed to present performances on these stages under strict guidelines for hours of operation, maximum capacities and maximum decibel levels measured at nearby residential property lines.

I realize there are many details that would need to be resolved to make this hope a reality. I also feel that it would be an enormous boost for our community - residents, businesses and visitors. This is an unusual concept that would be a huge amenity to Park City's cultural life.

Sincerely;


Randy Barton
The Wooden Dog

**CITY COUNCIL
STAFF REPORT**

Date: February 10, 2000
Department: Planning Department
Planner: Kevin LoPiccolo
Title: Ivers Plat Amendment/Street Vacation
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and consider adopting the attached Ordinance(s) approving a plat amendment to consolidate lots seven full and five partial lots and a street vacation of platted Ontario Avenue.

A. Topic

Applicant: James & Sandra Ivers
Location: East Side of Ontario Avenue & McHenry Avenue
Zoning: Historic Residential District - HR-L & HR-1
Adjacent Land Uses: Vacant HR-L/HR-1 parcels and Residential structures
Date of Application: January 20, 1998

B. Background

The City Council reviewed this application request at their January 27, 2000 meeting. The Council discussed the replatting of 12 lots into 4 lots of record, and a street Vacation of approximately 5,600 square feet of platted Ontario Avenue. After hearing from the applicant and the attorney representing property owners in Block 52, Council directed Staff to return with the appropriate findings for the plat amendment and street vacation. Council instructed staff that compensation would be discussed at the next meeting. Staff has prepared findings of fact, conclusions of law and conditions of approval, and included a calculation worksheet for the proposed street vacation (See Exhibit F). If Council concurs with the valuation ranges that staff has prepared for the street vacation of Ontario Avenue, staff will prepare the necessary findings of acceptance.

Proposed Project

The applicant has submitted sketch plat/preliminary plat application materials for a replat and subdivision of .41 acres in the HR-L & HR-1 District. The proposed subdivision is located in the vicinity of Thrill Hill, and Mc Henry Avenue, east of existing Marsac Avenue and north of platted and undeveloped Second Street. The project consists of:

1. Replatting 7 full and 5 partial lots of platted Old Town Lots;
2. A request for the City to vacate approximately 5,600 square feet of platted Ontario Avenue;
3. A proposal to dedicate 2,385 square feet of Right of Way to the city (existing Mc Henry Avenue and Thrill Hill);

The proposed plat amendment and street Vacation would create four new lots (ranging in size from 4,700 square feet to 9,250 square feet) for a total of four future single family dwellings. Access to the proposed dwellings that front Ontario Avenue will be from Ontario Avenue with a proposed 20 - foot wide private driveway that will access lots 3 & 4. Access to lot 1 is from Mc Henry Avenue, and lot 2 is accessed from existing Ontario Avenue (Thrill Hill).

The subject property includes both HR-1 and HR-L zoning. The applicant has agreed to apply the most restrictive zoning standards for future development. The HR-L zone requires greater setbacks than the HR-1 zone as well as large lot requirements and limits residential development to single family structures only.

Criteria for Review For Plat Amendment:

Plat amendments require discretionary approval by the City. Pursuant to the twelve criteria in the Land Management Code, Chapter 15, section 1.3 and State Subdivision statutes, the Council must be able to conclude that:

1. **There is good cause for the amendment.**
2. **Neither the public nor any person will be materially injured by the proposed plat amendment.**

Ontario Avenue Right of Way Vacation Request

The applicants have submitted a street vacation petition that requests the abandonment of portions of the Ontario Avenue Right of Way, and a transfer of ownership to the applicants. The total area requested to be vacated is approximately 5,600 square feet. The vacated Right of Way would be allocated to the newly created lots and used for construction, **but the area vacated would not be calculated as part of the maximum setback and building footprint.**

Vacation Policy

In determining the overall benefits of allowing the vacation of a portion of the Ontario Right of Way, the following criteria from Resolution 8-98 should be used:

A. **No increase in density:** The current plan as discussed earlier calls for four houses to be built under the HR-L zoning standards. Four units could be built under a permitted use scenario. Assuming that the applicant were to pull a building permit today, the applicant would be able to pull three permits for the HR-1 zone. The potential of a fourth unit off Ontario would have to go through an Administrative Lot Line Adjustment. A potential fifth lot off Mc Henry could be built if the Board of Adjustment granted a reduction in setbacks and a reduction of lot size to comply with the HR-L zoning standards. The applicant proposes to count the Right of Way into the lot size, **but will not count the area towards the maximum building footprint of the houses.**

B. Consideration: The proposed application requests that the city vacate platted Ontario Avenue (approximately 5,600 square feet). The City Council will need to determine the monetary amount of transferring approximately 5,600 square feet of land area to the applicant. Staff has prepared a calculation sheet (See Exhibit F) identifying a range of percentages of the fair market value of developable lots in the general area. The applicant is proposing a dedication of 2,385 square feet to the city. If the Council determines this dedication as an off-setting benefit, the total area to be considered, for compensation would be 3,215 square feet. Based on what percentage the Council chooses for compensation, the applicant would pay the city that dollar amount for the street vacation of platted Ontario Avenue.

C. Neighborhood Compatibility: In general, the current proposal is consistent with the requirements of the HR-L zone. Building design is required to be consistent with the Historic Design Standards. Stepping and facade articulation will be required to mitigate visual impacts of these four homes. The request for a street Vacation as well as the criteria in Chapter 15 permits the staff to work with the applicant on a design that not only fits the site, but that demonstrates neighborhood compatibility in mass, scale, style and design. No building plans have been submitted pending the outcome of the replatting. Due to the slope on the property, individual home design will go through the Planning Commissions steep slope conditional use permit review.

Public Input

All owners within 300' of the property were noticed. Previous concerns have been resolved through public meetings and signed affidavits from the adjacent property owners in Block 52. A letter was received stating concerns eliminating street access to Block 52. The letter has been attached as Exhibit "E"; and was supplemented by additional testimony at the public hearing.

D. Department Review

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat prior to recordation. The request was discussed at a Staff Review Meeting where representatives from local utilities and City Staff were in attendance.

Alternatives

- A.** Approve the request for a plat amendment and street Vacation along with the prepared findings of fact, conclusions of law and conditions of approval, thereby allowing the replatting of 12 lots into 4 lots of record to allow the construction of 4 single family homes under the HR-L Guidelines.
- B.** Deny the request for the plat amendment and vacation of portions of Ontario Avenue and retain the original Record of Survey and Park City Survey Plat.
- C.** Continue the item and request further evaluation from the Staff.
- D.** Amend Conditions of Approval numbers 9 & 11 to address concerns raised by other Block 52 property owners:
 - 9. Access to Lots 3 and 4 shall be provided by means of a platted maximum 20 foot wide private driveway easement accommodating a 12 foot wide paved private driveway. The

proposed right-of-way dedication shall be eliminated from the plat.

11. A plat note shall be added to the final plat stating that the private driveway provides access to Lots 3 and 4 only, and is not designed for a through street to Block 52. Any future right-of-way dedication or expanded private driveway in this area must meet City Standards and must be approved by the City Council via formal plat amendment.

Significant Impacts

The proposed amendment will result in four lots in the Park City Survey which meet the minimum lot requirement for the HR-L District. The plat amendment does not increase density, but may decrease the potential density allowed if the applicant elected to pursue going to the Board of Adjustment, assuming the BOA granted a reduction in setbacks and a reduction of lot size to comply with the HR-L zoning standards. The Plat Amendment and street Vacation results in greater setbacks for most lots. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, the lot combination results in proposed structures that are compatible in mass and scale with the immediate neighborhood.

F. Recommendation

The Community Development Department recommends approval of the proposed Plat Amendment and street vacation of platted Ontario Avenue, based upon the following Findings of Fact, Conclusions of Law, and Conditions of Approval. The Community Development Department does not recommend allowing the existing 100 year-old streets to be counted as consideration for the Vacation of Ontario Avenue.

Findings of Fact

1. The properties are within the HR-1 & HR-L District. The applicant is applying the HR-L zoning standards to the newly created lots.
2. The plat amendment combines 7 full lots and 5 partial lots into four lots ranging in size from 3,750 square feet to 6,800 square feet.
3. The proposed lot size is consistent with some existing lot sizes in the surrounding area.
4. The majority of this project is on Ontario Avenue with dense residential uses. Minimal construction staging area is available along Ontario Avenue.
5. The site is currently undeveloped.
6. The property owner is applying for a plat amendment to combine 7 full lots & 5 partial lots to construct four single-family dwellings.
7. The applicant is requesting the City vacate approximately 5,600 square feet of platted Ontario Avenue. The applicant proposes to dedicate 2,385 square feet of Right of Way to the city.
8. The Right of Way vacation criteria of Resolution 8-98 includes:
 - (A) There is no increase in density as a result of the vacation of the Ontario Avenue Right

of Way;

- (B) Compensation for the loss of the right-of-way shall be addressed at City Council; and
- (C) The area of the vacated right-of-way is not currently used for public utilities nor planned for such use in the future.

9. As currently platted, a density of up to five single family dwellings could be constructed through an administrative lot line adjustment hearing, and, or Board of Adjustment.
10. Each lot that exceeds 30% slope will be reviewed under a conditional use permit.
11. Resolution 8-98 Street Vacation policy, Sensitive Lands Ordinance is used as a guide to achieve neighborhood compatibility.
12. Trails along the Virginia Mining Claim and Thrill Hill rail bed currently exist and will be accessible for public use.
13. Signed affidavits have been provided from adjacent property owners in Block 52 stating they are not opposed to the street vacation of Ontario Avenue.
14. The neighborhood has built out incrementally over time with structures of varying sizes dispersed across the hill.
15. Based upon development patterns of the neighborhood, development under the proposed plat amendment would not increase density based on the currently platted HR-1/HR-L Lots.
16. Dedication of a ten foot (10'-0") nonexclusive snow storage easement, along Ontario Avenue, is necessary to provide adequate snow removal services.
17. The applicant proposed to dedicate right-of-way off existing Ontario to Second Street. The proposed dedication does not meet City right-of-way standards and therefore is not accepted.
18. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements, and the Right-Of-Way Vacation Resolution.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the plat.

3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements and required landscaping to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
6. All Standard Project Conditions shall apply (See Exhibit H - Standard Project Conditions).
7. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.
8. The portion of Ontario Right-Of-Way vacated may not be used for maximum building footprint calculation.
9. Access to Lots 3 and 4 shall be provided by means of a platted maximum 20 foot wide private driveway easement accommodating a 12 foot wide paved private driveway. The proposed right-of-way dedication shall be eliminated from the plat.
10. City Council approval of the proposed vacation of Ontario is a condition precedent to plat recordation.
11. A plat note shall be added to the final plat stating that the private driveway provide access to Lots 3 and 4 only, and is not designed for a through street to Block 52. Any future right-of-way dedication or expanded driveway in this area must meet City Standards and must be approved by the City Council via formal plat amendment.
12. The proposed 20-foot wide private driveway easement shall remain open for public trail access to the existing rail spur that runs south of existing Thrill Hill via the private driveway. A note on the plat indicating public access to existing trails from the driveway shall be added.
13. During construction of the house on Lot 1, access shall not be blocked from Mc Henry Avenue to the existing trail that is located on the Virginia Mining Claim parcel. A plat note to this effect shall be added to preserve trail access to the Virginia Mining Claims parcel.
14. Payment of the compensation value determined by the City Council, by the applicant, to the City prior to the recordation of the plat amendment.

G. Exhibits

- A. Location Map

- B. Plat Amendment
- C. Vacation Resolution
- D. Affidavits
- E. Attorney's Letter
- F. Compensation Worksheet / Multiple listings of Old Town Lots
- G. Draft Ordinances
- H. Standard Project Conditions

210 Ontario Ave.

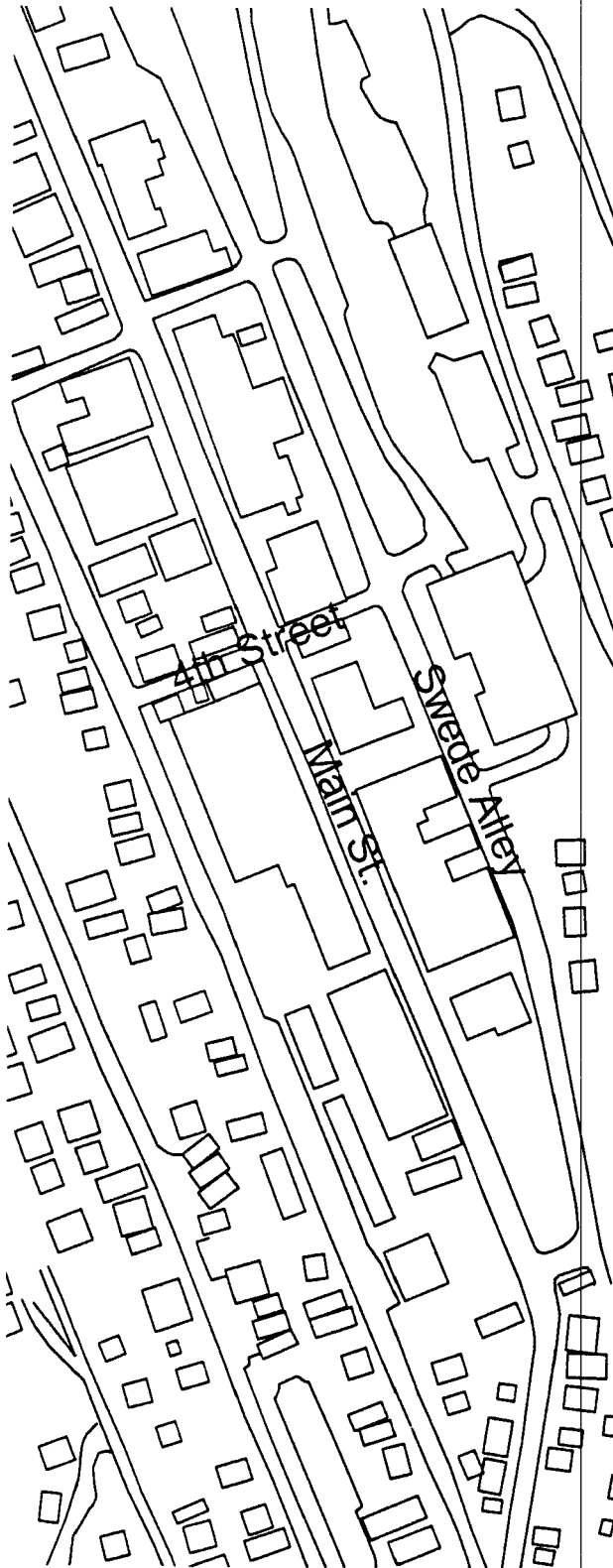
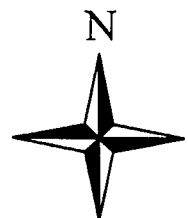
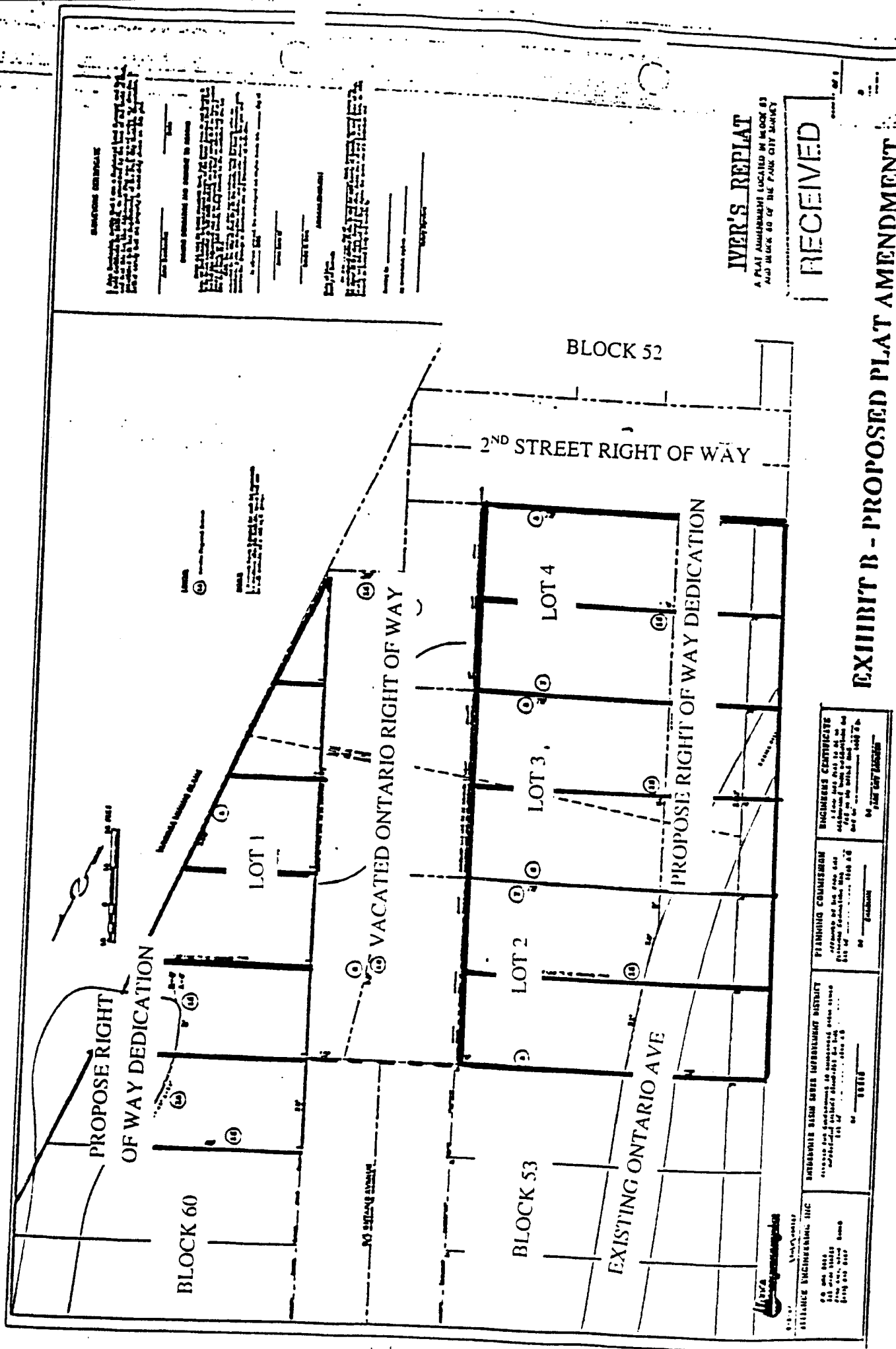


Exhibit A Vicinity Map

40





ENGINEER'S CERTIFICATE

I, the undersigned, being a duly Licensed Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of the City of Toronto.

DATE OF SURVEY

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

NAME OF ENGINEER

NAME OF SURVEYOR

IVER'S REPLAT

A PLAT AMENDMENT LOCATED IN BLOCK 53 AND MARKED AS OF THE PARK CITY MARKET

RECEIVED

EXHIBIT B - PROPOSED PLAT AMENDMENT

ALLIANCE ENGINEERING, INC. 2000 KENNEDY ROAD TORONTO, ONTARIO M3J 1K7 TEL: (416) 291-1111 FAX: (416) 291-1112	INTERMEDIATE BLM USER INFORMATION SHEET I have read and understand the contents of this form and agree to provide the information requested herein.	PLANNING COMMISSION Approved by the Planning Commission on the _____ day of _____, 2000.	ENGINEER'S CERTIFICATE I have read and understand the contents of this form and agree to provide the information requested herein.
---	--	---	---



Resolution No. 8-98

**RESOLUTION ADOPTING A POLICY STATEMENT REGARDING
THE VACATION OF PUBLIC RIGHT-OF-WAYS WITHIN PARK CITY, UTAH**

WHEREAS, the Municipal Land Use Development and Management Act of the Utah Code ("Act") provides that the City Council may vacate public right-of-ways upon findings of: (1) good cause for the proposed vacation; and (2) that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Act and relevant common law fail to further define "good cause" and allow the local jurisdiction discretion in disposing of public right-of-ways; and

WHEREAS, to help assure the consistent and reasonable application of the Act, the Planning Commission and City Council wish to provide their constituents with some general guidance as to the circumstances in which the City may favorably consider vacating public right-of-ways; and

WHEREAS, this policy statement is not an evaluation of any particular request for vacation, but a general position regarding the terms and conditions in which the City may typically grant a citizen's request to vacate a public right-of-way within the City; and

WHEREAS, nothing herein shall be construed as an abandonment of public right-of-way within Park City; and

WHEREAS, this policy shall not be construed as creating a vested right nor entitlement of any nature with regard to vacation of right-of-way, but shall only be advisory for the Planning Commission and City Council to utilize when exercising their legislative discretion in evaluating the merits of a vacation petition; and

WHEREAS, the Planning Commission and City Council shall continue to evaluate vacation petitions on a case-by-case basis; and

WHEREAS, although the City Council will give significant weight to the Planning Commission recommendation the ultimate decision to vacate or not rests squarely with the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Park City, Utah hereby adopt the following guidelines:

SECTION 1. GOOD CAUSE. The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against the following criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner:

- (a) **No Increase in Density.** Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance. New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code ("LMC") Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.
- (b) **Neighborhood Compatibility.** The proposed shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall review each of the following items when considering compatibility: (1) size and location of the site; (2) traffic impacts including capacity of the existing streets in the area; (3) utility capacity; (4) emergency vehicle access; (5) location and amount of off-street parking; (6) internal circulation; (7) fencing, screening, and landscaping to separate the use from adjoining uses; (8) building mass, bulk, and site plan; (9) usable open space; (10) signs and lighting; (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; (12) provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies; (15) proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC; (16) all proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9; and (17) the Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.
- (c) **Consideration.** Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon

square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.

- (d) **Utility of existing Right-of-Way.** The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the right-of-way, and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Street Master Plan, unless otherwise reduced by the City Engineer.

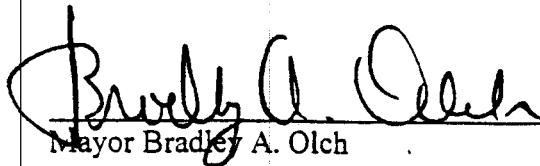
SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council, and Historic District Commission as necessary, are encouraged early in the process for large (greater than five lot) projects and master planned developments, which propose vacation and reconfiguration of public rights-of-way.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

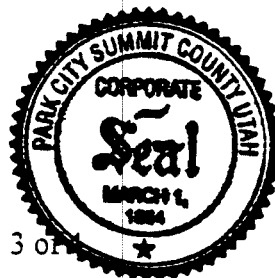
PASSED AND ADOPTED this 9th day of July, 1998.

PARK CITY MUNICIPAL CORPORATION

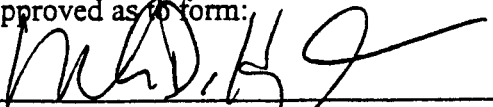

Mayor Bradley A. Olch

Attest:


Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, Deputy City Attorney

AFFIDAVIT OF PAULINE IVERS

STATE OF UTAH

)

)ss.

COUNTY OF SUMMIT

)

I, Pauline Ivers, of 1775 White Pine Canyon Road, Park City, Utah, being duly sworn upon oath deposes and says:

- 1.) I own a partial interest in certain real property on Rossi Hill in Park City, Utah, legally described on Schedule "1" attached hereto.
- 2.) I do not object to the abandonment of platted Ontario Drive, as proposed in the Ivers Plat Amendment. I will not be harmed by the approval of the Ivers Plat Amendment, and I request that Park City approve it.
- 3.) In the event the Ivers Plat Amendment is denied, I reserve the right to object to other requests for abandonment of platted Ontario. This affidavit shall not be used to lessen the importance of any future objection.
- 4.) I also reserve the right to object to any future abandonment of any other platted street. This affidavit shall not be used to lessen the importance of any future objection.
- 5.) This Affidavit is intended to run with the land described herein and to apply to and inure to the benefit of, and bind, my heirs, legatees, devisees, administrators, officials, executors, successors in interest and assigns.

SUBSCRIBED AND SWORN to before me this 21st day of September, 1999.

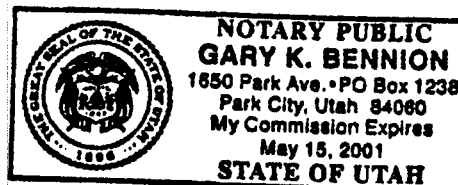
Pauline Ivers

Pauline Ivers

The foregoing instrument was acknowledged before me this 21st day of Sept., 1999, by Pauline Ivers.

Gary K. Bennion
Notary Public

My Commission Expires: 5-15-2001



D.Affidavits

SCHEDULE 1.

Lots 12,16,17 and 18, less R.R. right of way, of Block 52, Park City Survey.

AFFIDAVIT OF MILES M. IVERS

STATE OF UTAH

)

)ss.

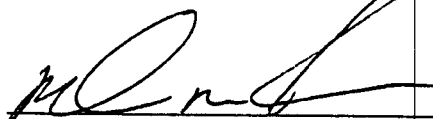
COUNTY OF SUMMIT

)

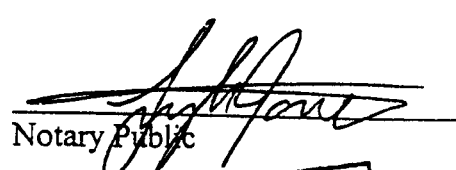
I, Miles M. Ivers, of 7436 Brookhollow Road, Park City, Utah, being duly sworn upon oath deposes and says:

- 1.) I own a partial interest in certain real property on Rossi Hill in Park City, Utah, legally described on Schedule "1" attached hereto.
- 2.) I do not object to the abandonment of platted Ontario Drive, as proposed in the Ivers Plat Amendment. I will not be harmed by the approval of the Ivers Plat Amendment, and I request that Park City approve it.
- 3.) In the event the Ivers Plat Amendment is denied, I reserve the right to object to other requests for abandonment of platted Ontario. This affidavit shall not be used to lessen the importance of any future objection.
- 4.) I also reserve the right to object to any future abandonment of any other platted street. This affidavit shall not be used to lessen the importance of any future objection.
- 5.) This Affidavit is intended to run with the land described herein and to apply to and inure to the benefit of, and bind, my heirs, legatees, devisees, administrators, officials, executors, successors in interest and assigns.

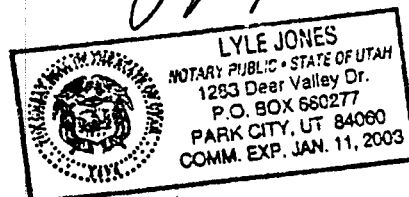
SUBSCRIBED AND SWORN to before me this 21st day of SEPTEMBER, 1999.


Miles M. Ivers

The foregoing instrument was acknowledged before me this 21 day of SEPTEMBER, 1999, by Miles M. Ivers.


Notary Public

My Commission Expires: 1-11-2003



48

SCHEDULE 1.

Lots 12,16,17 and 18, less R.R. right of way, of Block 52, Park City Survey.

J ES. WALDO, HOLBROOK & MCI IOUGH
A PROFESSIONAL CORPORATION

WASHINGTON, D.C. OFFICE
411 CONSTITUTION AVE. N.E.
WASHINGTON, D.C. 20002
TELEPHONE (202) 647-7711
FAX (202) 647-5717

ATTORNEYS AND COUNSELORS
1800 WELLS FARGO PLAZA
170 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84101-1644
TELEPHONE (801) 521-3200
FAX (801) 328-0637
www.joneswaldo.com

ST. GEORGE OFFICE
THE TABERNACLE TOWER BLDG.
SUITE 200
649 EAST TABERNACLE
ST. GEORGE, UTAH 84770-2078
TELEPHONE (435) 628-1627
FAX (435) 628-6225

IN REPLY REFER TO:

Salt Lake City

December 15, 1999

VIA FACSIMILE TRANSMISSION--(801) 435-615-4901

Park City Council
445 Marsac Avenue
Park City, UT 84060

Re: Ivers Plat Amendment

Dear City Council Members:

This office represents Leslie Miller, together with the interests of other adjacent property owners. Ms. Miller, Douglas Middleton and Eric and Patty Siefka own property to the south of the development being proposed by James and Sandra Ivers and to the east of the present intersection of Ontario Avenue and Marsac.

It is our understanding that the Council will consider the Ivers' plat amendment at its regularly scheduled meeting to be held the evening of December 16, 1999. We are advised that the Planning Commission's Staff Report submitted in conjunction with the Ivers application includes a recommendation regarding the abandonment and vacation of a portion of the Ontario Avenue right-of-way. Closure of this right-of-way will effectively foreclose the only remaining access to our clients' properties. Access from the south was previously foreclosed by actions of the Park City Council in annexing the Flagstaff development.

It is not the intent of our clients to jeopardize the approval of the Ivers development. However, it is imperative that the application be modified so as to include provision for the future extension of Ontario Avenue so as to permit future development of our clients' properties to the south. In the absence of such a provision, the vacation of Ontario Avenue would effectively landlock our clients' properties, thereby rendering them economically useless and constituting an unconstitutional taking.

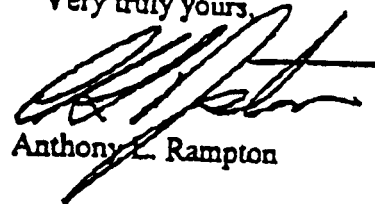
429446v1

EXHIBIT E - ATTORNEY'S LETTER

Park City Council Members
December 15, 1999
Page 2

We would ask that any decision with respect to this application be deferred to allow us the opportunity to meet with you and/or your designated representatives to discuss these matters further. Thank you for your attention to these matters.

Very truly yours,



Anthony L. Rampton

ALR/br

cc: Leslie Miller - via fax (435) 654-7474
David Bernolfo

429496v1

TOTAL P.03

210 Ontario Avenue Compensation Analysis

As of 11/30/99 there were 35 real estate listings for vacant lots within the Historic District. When evaluating the cost of the City right-of-ways Staff calculated the average price per square foot of lots similar in size to the total lot proposed. The area of the lot proposed included the right-of-way requested for vacation.

Listed below are lots which fall within the square footage range of proposed Lots 1- 4. These are lots that have been for sale in the last six months in the general area of the proposal.

Marsac Avenue	5,662 s.f.	\$119,500
Ontario Avenue	3,920 s.f.	\$139,500
King Road	7,405 s.f.	\$220,000
Rossie Hill Drive	5,227 s.f.	\$150,000
Rossie Hill Drive	3,920 s.f.	\$150,000

Average price per square foot is approximately **\$29.80**

Land that has no density value and is essentially "open space" ranges from **10%** to **16%** of the cost per square foot of developable land. The calculations below use the percentage given by the City Council members as a guideline when discussing right-of-way compensation in previous vacation request.

The total area of Ontario Avenue to be vacated is approximately 5,600 square feet. In turn, the applicant proposes to dedicate approximately 2,385 square feet of existing Thrill Hill and McHenry to the City. The total net area is approximately 3,215 square feet to be vacated, if City Council finds appropriate.

The majority of the vacated street will probably remain vacant, but may be used for specific house siting to allow mitigation for height of the building by stepping the mass up the slope.

The dollar figure that has been established is based on averaging five lots within the general area that represents the applicants proposed lot sizes. Since these listings are prepared by the Park City Multiple Listing Service, **the \$29.80 per square foot is based on the listing price not the sale price. Based on the last 6 months, there have been no sales shown by the Listing Service.**

Lot 1

Lot size without the R.O.W.	6,800 square feet
Requested area of vacation	2,450 square feet
Total Lot area with R.O.W. included	= 9,250 square feet

Lot 2

Lot size without the R.O.W.	3,750 square feet
Requested area of vacation	1,250 square feet
Total Lot area with R.O.W. included	= 5,000 square feet

Lot 3

Lot size without the R.O.W.	3,750 square feet
Requested area of vacation	950 square feet
Total Lot area with R.O.W. included	= 4,700 square feet

EXHIBIT F - COMPENSATION WORKSHEET

Lot 4

Lot size without the R.O.W.	3,750 square feet
Requested area of vacation	950 square feet
Total Lot area with R.O.W. included	= 4,700 square feet

OPTION 1 (NO OFFSET OF DEDICATION)

Guideline = 10% of the average price per square foot*

10% of \$29.80 = **\$3.00**

Price for the 5,600 square feet of R.O.W. = **\$16,800**

* The use of 10% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way.

Guideline = 13% of the average price per square foot*

13% of \$29.80 = **\$3.87**

Price for the 5,600 square feet of R.O.W. = **\$21,672**

* The use of 13% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way.

Guideline = 16% of the average price per square foot*

16% of \$29.80 = **\$4.77**

Price for the 5,600 square feet of R.O.W. = **\$26,712**

* The use of 16% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way.

OPTION 2 (DEDICATION FROM APPLICANT - 5,600 S.F. MINUS 2,385 S.F.)

Guideline = 10% of the average price per square foot*

10% of \$29.80 = **\$3.00**

Price for the 3,215 square feet of R.O.W. = **\$9,645**

* The use of 10% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way.

Guideline = 13% of the average price per square foot*

13% of \$29.80 = **\$3.87**

Price for the 3,215 square feet of R.O.W. = **\$12,442**

* The use of 13% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way.

Guideline = 16% of the average price per square foot*

16% of \$29.80 = **\$4.77**

Price for the 3,215 square feet of R.O.W. = **\$15,335**

* The use of 16% of the average price per square foot of developable land was determined by the proposed use of the vacated right-of-way.

3 months

PARK CITY MULTIPLI LISTING SERVICE

Property Type: Vacant Land

CMA Summary Report

Status Group:	# Listings	Avg List Price	Avg List \$/sqft	Avg DOM
Active	35	\$1,589,122.88	\$0.00	225

MLS #	STAT	IP AR S	LOT#	SUBDIVISION	ADDRESS	ACRES	ACCESS	AGY	LISTING AGENT	LIST PRICE	DOM	SALE PRICE	CLOSED
9824745	Active	LS	01	13	PARK CITY SURVEY	255 PARK AVENUE	0.04	Year Round	IGRE	MICHAEL LAPAY	\$99,900	372	
9824746	Active	LS	01	14	PARK CITY SURVEY	255 PARK AVENUE	0.04	Year Round	IGRE	MICHAEL LAPAY	\$99,900	372	
9828730	Active	LS	01	15	PARK CITY SURVEY	470 MARSAC AVENUE	0.13	Year Round	LWII	WILLIAM WINSTIEZ	\$119,500	104	S 2777 R
9823192	Active	LS	01	20	OTHER (AREAS 1-9)	108 PARK AVENUE	0.05	Year Round	COLE	DEBBIE RICHTER	\$130,000	477	
9822001	Active	LS	01	23	PARK CITY SURVEY	427 ONTARIO AVENUE	0.09	Year Round	MOPR	FRED MOORE	\$139,500	243	3-17-00 R
9822378	Active	LS	01	23	SNYDERS ADDITION	LOWELL AVENUE	0.05	Year Round	COLE	SCOTT VULTAGH	\$140,000	557	
9828731	Active	LS	01	23	PARK CITY SURVEY	476 ONTARIO AVENUE	0.04	Year Round	LWII	WILLIAM WINSTIEZ	\$149,800	104	1-14-00 R
9828247	Active	LS	01	10	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$150,000	70	S 2777 R
9828248	Active	LS	01	11	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.09	Year Round	COLE	CRAIG MASTERS	\$150,000	70	3-12-00 R
9827518	Active	LS	01	38	SNYDERS ADDITION	1236 LOWELL AVENUE	0.06	Year Round	COLE	CHRIS "CJ" JOHNS	\$160,000	185	
9827517	Active	LS	01	7	SNYDERS ADDITION	1237 EMPIRE AVENUE	0.06	Year Round	COLE	CHRIS "CJ" JOHNS	\$159,000	185	
9827515	Active	LS	01	1	SNYDERS ADDITION	1203 EMPIRE AVENUE	0.06	Year Round	COLE	CHRIS "CJ" JOHNS	\$180,000	185	
9826660	Active	LS	01	20	MILL SITE RESERVATION	201 RIDGE AVENUE	0.15	Year Round	LWII	ERIC NELSON	\$195,000	329	
9820382	Active	LS	01	9	PARK CITY SURVEY	84 DALY AVENUE	0.14	Year Round	COLE	KURT PETERSON	\$200,000	274	
9824709	Active	LS	01	1/2	PARK CITY SURVEY	350 WOODSIDE AVENUE	0.09	Year Round	COLE	DEBBIE RICHTER	\$200,000	355	
9827513	Active	LS	01	1	MILL SITE RESERVATION	57 KING ROAD	0.17	Year Round	COLE	CHRIS "CJ" JOHNS	\$220,000	185	
9827514	Active	LS	01	3	MILL SITE RESERVATION	83 KING ROAD	0.14	Year Round	COLE	CHRIS "CJ" JOHNS	\$220,000	185	
9703237	Active	LS	01	15	PARK CITY SURVEY	180 PARK AVENUE	0.05	Year Round	COLE	A MADELINE SMIT	\$225,000	776	
9829242	Active	LS	01	1	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$225,000	70	
9828800	Active	LS	01	52	PARK CITY SURVEY	52 KING ROAD	0.14	Year Round	WRLY	JEFF WHITING	\$230,000	99	
9828367	Active	LS	01		WASHINGTON MILL	325 DALY AVENUE	0.33	Year Round	COLE	DEBBIE RICHTER	\$249,000	130	
9829244	Active	LM	01	4	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.10	Year Round	COLE	CRAIG MASTERS	\$260,000	70	
9825735	Active	LS	01	84	PARK CITY SURVEY	84 KING ROAD	0.10	Year Round	COLE	BONNIE PERETTI	\$282,000	318	
9829245	Active	LM	01	6	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$280,000	70	
9829246	Active	LM	01	8	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$280,000	70	
9828243	Active	LM	01	23	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.14	Year Round	COLE	CRAIG MASTERS	\$280,000	70	
9823382	Active	LS	01	21, 22, 23	PARK CITY SURVEY	210 GRANT AVENUE	0.08	Year Round	CBRE	DON GRIFFIN	\$299,000	480	
9824902	Active	LS	01	15, 17, 18	PARK CITY SURVEY	503 WOODSIDE AVENUE	0.04	Year Round	IGRE	DEANNA CARTER	\$449,000	350	
9828456	Active	LS	01	17-1935-43	PARK CITY SURVEY	201 UPPER NORFOLK AVENUE	0.42	Year Round	COLE	HEIDI GATICH	\$539,000	127	

EXHIBIT F - MULTIPLE LISTINGS OF VACANT LOTS

PARK CITY MULTIPLE LISTING SERVICE

Page: 2

Date: 11/30/99

Time: 14:20

Property Type: Vacant-Land

CMA Summary Report

MLS #	STAT	IP	AR	S	LOT#	SUBDIVISION	ADDRESS	ACRES	ACCESS	AGY	LISTING AGENT	LIST PRICE	DOM	SALE PRICE	CLOSED
9928457	Active	LM	01		17-19,35-43	PARK CITY SURVEY	201 UPPER NORFOLK AVEN	0.42	Year Round	COLE	HEIDI GATCH	\$639,000	127		
9927777	Active	LC	01		14,15	PARK CITY SURVEY	760 MAIN STREET	0.09	Year Round	ASHL	STEPHEN SCHIRF	\$775,000	175		
9928690	Active	LS	01		1	OTHER (AREAS 1-9)	200 KING ROAD	0.86	Year Round	LWII	ERIC NELSON	\$1,150,000	326		
9928970	Active	LM	01			OTHER (AREAS 1-9)	TOWNLIFT MIDSTATION SITI	3.75	Year Round	COLE	DENA FLEMING	\$4,485,000	107		
9928971	Active	LM	01			OTHER (AREAS 1-9)	CREOLE GULCH SITE	7.75	Year Round	COLE	DENA FLEMING	\$19,470,000	107		
9928972	Active	LM	01			OTHER (AREAS 1-9)	LOWELL EMPIRE AVENUE	125.00	Year Round	COLE	DENA FLEMING	\$22,660,000	107		

55

Monkus

PARK CITY MULTIPLE LISTING SERVICE

Property Type: Vacant-Land

CMA Summary Report

Page: 1
Date: 11/30/99
Time: 14:23

Status Group:	# Listings	Avg List Price	Avg List \$/sqft	Avg DOM											
Active	35	\$1,588,122.88	\$0.00	225											
MLS #	STAT	TP	AR	S	LOT#	SUBDIVISION	ADDRESS	ACRES	ACCESS	AGY	LISTING AGENT	LIST PRICE	DOM	SALE PRICE	CLOSED
9924745	Active	LS	01		13	PARK CITY SURVEY	255 PARK AVENUE	0.04	Year Round	IGRE	MICHAEL LAPAY	\$99,900	372		
9924746	Active	LS	01		14	PARK CITY SURVEY	255 PARK AVENUE	0.04	Year Round	IGRE	MICHAEL LAPAY	\$99,900	372		
9928730	Active	LS	01		15, 16	PARK CITY SURVEY	470 MARSAC AVENUE	0.13	Year Round	LWII	WILLIAM WINSTEF	\$119,500	104		
9923392	Active	LS	01		20, 21	OTHER (AREAS 1-9)	108 PARK AVENUE	0.05	Year Round	COLE	DEBBIE RICHTER-	\$130,000	477		
9922001	Active	LS	01		23, 24	PARK CITY SURVEY	427 ONTARIO AVENUE	0.09	Year Round	MOPR	FRED MOORE	\$139,500	243		
9922378	Active	LS	01		23	SNYDERS ADDITION	LOWELL AVENUE	0.05	Year Round	COLE	SCOTT VULTAGCH	\$140,000	667		
9928731	Active	LS	01		23, 24	PARK CITY SURVEY	475 ONTARIO AVENUE	0.04	Year Round	LWII	WILLIAM WINSTEF	\$149,500	104		
9928247	Active	LS	01		10	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$150,000	70		
9929248	Active	LS	01		11	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.09	Year Round	COLE	CRAIG MASTERS	\$150,000	70		
9927518	Active	LS	01		38 1/2, 37	SNYDERS ADDITION	1236 LOWELL AVENUE	0.08	Year Round	COLE	CHRIS "CJ" JOHNS	\$160,000	195		
9927617	Active	LS	01		7 1/2 LOT 8	SNYDERS ADDITION	1237 EMPIRE AVENUE	0.08	Year Round	COLE	CHRIS "CJ" JOHNS	\$169,000	195		
9927515	Active	LS	01		1, 11, 25 FT	SNYDERS ADDITION	1203 EMPIRE AVENUE	0.09	Year Round	COLE	CHRIS "CJ" JOHNS	\$190,000	196		
9925660	Active	LS	01		20	MILLSITE RESERVATION	201 RIDGE AVENUE	0.15	Year Round	LWII	ERIC NELSON	\$195,000	329		
9926382	Active	LS	01		9-10	PARK CITY SURVEY	84 DALY AVENUE	0.14	Year Round	COLE	KURT PETERSON	\$200,000	274		
9924709	Active	LS	01		1/2 19/201/	PARK CITY SURVEY	350 WOODSIDE AVENUE	0.09	Year Round	COLE	DEBBIE RICHTER-	\$200,000	355		
9927513	Active	LS	01		1	MILLSITE RESERVATION	57 KING ROAD	0.17	Year Round	COLE	CHRIS "CJ" JOHNS	\$220,000	195	7405	
9927614	Active	LS	01		3	MILLSITE RESERVATION	83 KING ROAD	0.14	Year Round	COLE	CHRIS "CJ" JOHNS	\$220,000	185		
9703237	Active	LS	01		15-16	PARK CITY SURVEY	160 PARK AVENUE	0.05	Year Round	COLE	A MADELINE SMIT	\$225,000	776		
9929242	Active	LS	01		1	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$225,000	70		
9928800	Active	LS	01		52	PARK CITY SURVEY	52 KING ROAD	0.14	Year Round	WRLY	JEFF WHITTING	\$230,000	99	6013	
9926387	Active	LS	01			WASHINGTON MILL	325 DALY AVENUE	0.33	Year Round	COLE	DEBBIE RICHTER-	\$249,000	130		
9929244	Active	LM	01		4, 5	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.10	Year Round	COLE	CRAIG MASTERS	\$280,000	70		
9925735	Active	LS	01		84	PARK CITY SURVEY	84 KING ROAD	0.10	Year Round	COLE	BONNIE PERETTI	\$282,000	319		
9928245	Active	LM	01		6, 7	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$280,000	70		
9929246	Active	LM	01		8, 9	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	\$280,000	70		
9928243	Active	LM	01		23	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.14	Year Round	COLE	CRAIG MASTERS	\$290,000	70		
9923382	Active	LS	01		21, 22, 23,	PARK CITY SURVEY	210 GRANT AVENUE	0.08	Year Round	CBRE	DON GRIFFIN	\$298,000	480		
9924902	Active	LS	01		15, 17, 18	PARK CITY SURVEY	563 WOODSIDE AVENUE	0.04	Year Round	IGRE	DEANNA CARTER	\$449,000	350		
9920456	Active	LS	01		17-1935-43	PARK CITY SURVEY	201 UPPER NORFOLK AVENUE	0.42	Year Round	COLE	HEIDI CATCH	\$639,000	127		

Information Not Guaranteed. The PARK CITY BOARD OF REALTORS Recommends Buyer(s) Verify All Information.

56

PARK CITY MULTIPLE LISTING SERVICE

Page: 2

Date: 11/30/99

Time: 14:23

Property Type: Vacant Land

CMA Summary Report

MLS #	SVT	TP	RS	LOT#	SUBDIVISION	ADDRESS	ACRES	ACCESS	AGY	LISTING AGENT	LIST PRICE	DOM	SALE PRICE	CLOSED
992846	Active	LM	0	1-19,35-43	PARK CITY SURVEY	201 UPPER NORFOLK AVEN	0.12	Year Road	COLE	HEIDI GATCH	\$639,000	127		
992777	Active	LC	0	1,15	PARK CITY SURVEY	260 MAIN STREET	0.09	Year Road	ASHL	STEPHEN SCHIRF	\$775,000	175		
992583	Active	LS	0	1	OTHER AREAS -9	209 KING ROAD	0.08	Year Road	WILL	ERIC NELSON	\$1,150,000	326		
992892	Active	LM	0		OTHER AREAS -9	TOWNLIFT MDTATION SITI	3.05	Year Road	COLE	DENA FLEMING	\$4,485,000	107		
992891	Active	LM	0		OTHER AREAS 1-9	CREOLE GULCH SITE	7.35	Year Road	COLE	DENA FLEMING	\$19,470,000	107		
992892	Active	LM	0		OTHER AREAS 1-9	LOWELL EMPIRE AVENUE	25.00	Year Road	COLE	DENA FLEMING	\$22,680,000	107		

Status Group:	# Listings	Avg List Price	Avg List \$/Sqft	Avg Sale Price	Avg Sale \$/Sqft	Avg DOM
Sold	1	\$117,000.00	\$0.00	\$124,000.00	\$0.00	252

The average property sold for 99.1% of the listed price.

MLS #	SVT	TP	RS	LOT#	SUBDIVISION	ADDRESS	ACRES	ACCESS	AGY	LISTING AGENT	LIST PRICE	DOM	SALE PRICE	CLOSED
982478	Owned	LS	0	7	PARK CITY SURVEY	300 WOODSIDE AVENUE	0.14	Year Road	COLE	DEBBIE RICHTER	\$125,000	252	\$111,000	19-AUG-1999
982477	Owned	LS	0	8 + 1/2 19	PARK CITY SURVEY	366 WOODSIDE AVENUE	0.06	Year Road	COLE	DEBBIE RICHTER	\$150,000	252	\$137,000	19-AUG-1999

Ordinance No. 00-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY,
A PLAT AMENDMENT LOCATED IN BLOCK 53 AND BLOCK 60 OF THE PARK
CITY SURVEY, PARK CITY, UTAH**

WHEREAS, the owners of the property known as James and Sandra Ivers, owners of Lots 1-5, Block 60 and Lots 27-32, Block 53 of the Park City Survey, have petitioned the City Council for approval of a revision to the final 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 November 10, 1999 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on November 10, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 10, 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 record of survey and plat amendment.

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The properties are within the HR-1 & HR-L District. The applicant is applying the HR-L zoning standards to the newly created lots.
2. The plat amendment combines 7 full lots and 5 partial lots into four lots ranging in size from 3,750 square feet to 6,800 square feet.
3. The proposed lot size is consistent with some existing lot sizes in the surrounding area.
4. The majority of this project is on Ontario Avenue with dense residential uses. Minimal construction staging area is available along Ontario Avenue.
5. The site is currently undeveloped.
6. The property owner is applying for a plat amendment to combine 7 full lots & 5 partial lots to construct four single-family dwellings.

7. The applicant is requesting the City vacate approximately 5,600 square feet of platted Ontario Avenue. The applicant is proposing to dedicate 2,385 square feet Right of Way to the city.
8. The right-of-way vacation criteria of Resolution 8-98 includes:
 - (A) There is no increase in density as a result of the vacation of the Ontario Avenue right-of-way;
 - (B) Compensation for the loss of the right-of-way shall be addressed at City Council; and
 - (C) The area of the vacated right-of-way is not currently used for public utilities nor planned for such use in the future.
9. As currently platted, a density of up to five single family dwellings could be constructed through an administrative lot line adjustment hearing, and, or Board of Adjustment.
10. Each lot that exceeds 30% slope will be reviewed under a conditional use permit.
11. Resolution 8-98 street vacation policy, Sensitive Lands Ordinance is used as a guide to achieve neighborhood compatibility.
12. Trails along the Virginia Mining Claim and Thrill Hill rail bed currently exist and will be accessible for public use.
13. Signed affidavits have been provided from adjacent property owners in Block 52 stating they are not opposed to the street vacation of Ontario Avenue.
14. The neighborhood has built out incrementally over time with structures of varying sizes dispersed across the hill.
15. Based upon development patterns of the neighborhood, development under the proposed plat amendment would not increase density based on the currently platted HR-1/HR-L Lots.
16. Dedication of a ten foot (10'-0") nonexclusive snow storage easement, along Ontario Avenue, is necessary to provide adequate snow removal services.
17. The applicant proposed to dedicate right-of-way off existing Ontario to Second Street. The proposed dedication does not meet City right-of-way standards and therefore is not acceptable.
18. The applicant stipulates to all conditions of approval.

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

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements, and the Right-Of-Way Vacation Resolution.

SECTION 3. PLAT APPROVAL. The amendment to the Park City Survey Plat, a plat amendment to Block 53 and Block 60, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the plat.
3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements and required landscaping to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
6. All Standard Project Conditions shall apply (See Exhibit H - Standard Project Conditions).
7. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.
8. The portion of Ontario Right-Of-Way vacated may not be used for maximum building footprint calculation.
9. Access to Lots 3 and 4 shall be provided by means of a platted maximum 20 foot private driveway easement accommodating a 12 foot wide paved private driveway. The proposed right-of-way dedication shall be eliminated from the plat.
10. City Council approval of the proposed vacation of Ontario is a condition precedent to plat recordation.
11. A plat note shall be added to the final plat stating that the private driveway provide access to Lots 3 and 4 only, and is not designed for a through street to Block 52. Any future right-of-way dedication or expanded driveway in this area must meet City Standards and must be approved by the City Council via a formal plat amendment.

12. The proposed 20-foot private driveway easement shall remain open for public trail access to the existing rail spur that runs south of existing Thrill Hill via the private driveway. A note on the plat indicating public access to existing trails from the driveway shall be added.
13. During construction of the house on Lot 1, access shall not be blocked from McHenry Avenue to the existing trail that is located on the Virginia Mining Claim parcel. A plat note to this effect shall be added to preserve trail access to the Virginia Mining Claims parcel.
14. Payment of the compensation value determined by the City Council, by the applicant, to the City prior to the recordation of the plat amendment.

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

PASSED AND ADOPTED this 10th day of February, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

AN ORDINANCE APPROVING THE VACATION OF PORTIONS OF ONTARIO AVENUE RIGHT OF WAY ADJACENT TO LOTS 1-5, BLOCK 53, PARK CITY SURVEY AND LOTS 27-32, BLOCK 52, PARK CITY, PARK CITY, UTAH

WHEREAS, the City Council voted on February 10, 2000 to amend the Park City Survey Plat, a plat amendment to the Park City Survey, located at Block 53 and 60 of the Park City Survey, Park City, Utah, and the owners of that plat, James and Sandra Ivers, have petitioned the City Council to vacate portions of the Ontario Avenue Right Of Way (please refer to Exhibits B); and

WHEREAS, the applicants have compensated the City for the loss of the right-of-way, in the amount of \$ _____; and

WHEREAS, the vacation request was properly noticed and posted according to the requirements of the State Code of Utah; and

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

WHEREAS, the Planning Commission held a public hearing on November 10, 1999, to receive input on the proposed vacation;

WHEREAS, the Planning Commission, on November 10, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 10, 2000, the City Council held a public hearing to receive input on the proposed vacation; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The properties are within the HR-1 & HR-L District. The applicant is applying the HR-L zoning standards to the newly created lots.
2. The plat amendment combines 7 full lots and 5 partial lots into four lots ranging in size from 3,750 square feet to 6,800 square feet.
3. The proposed lot size is consistent with some existing lot sizes in the surrounding area.
4. The majority of this project is on Ontario Avenue with dense residential uses. Minimal construction staging area is available along Ontario Avenue.

5. The site is currently undeveloped.
6. The property owner is applying for a plat amendment to combine 7 full lots & 5 partial lots to construct four single-family dwellings.
7. The applicant is requesting the City vacate approximately 5,600 square feet of platted Ontario Avenue. The applicant is proposing to dedicate 2,385 square feet Right of Way to the city.
8. The right-of-way vacation criteria of Resolution 8-98 includes:
 - (A) There is no increase in density as a result of the vacation of the Ontario Avenue right-of-way;
 - (B) Compensation for the loss of the right-of-way shall be addressed at City Council; and
 - (C) The area of the vacated right-of-way is not currently used for public utilities nor planned for such use in the future.
9. As currently platted, a density of up to five single family dwellings could be constructed through an administrative lot line adjustment hearing, and, or Board of Adjustment.
10. Each lot that exceeds 30% slope will be reviewed under a conditional use permit.
11. Resolution 8-98 street vacation policy, Sensitive Lands Ordinance is used as a guide to achieve neighborhood compatibility.
12. Trails along the Virginia Mining Claim and Thrill Hill rail bed currently exist and will be accessible for public use.
13. Signed affidavits have been provided from adjacent property owners in Block 52 stating they are not opposed to the street vacation of Ontario Avenue.
14. The neighborhood has built out incrementally over time with structures of varying sizes dispersed across the hill.
15. Based upon development patterns of the neighborhood, development under the proposed plat amendment would not increase density based on the currently platted HR-1/HR-L Lots.
16. Dedication of a ten foot (10'-0") nonexclusive snow storage easement, along the built portion of Ontario Avenue, is necessary to provide adequate snow removal services.
17. The applicant proposed to dedicate right-of-way off existing Ontario to Second Street. The proposed dedication does not meet City right-of-way standards and therefor is not accepted.
18. The applicant stipulates to all conditions of approval.

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

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements, and the Right-Of-Way Vacation Resolution.

SECTION 3. PLAT APPROVAL. The amendment to the Park City Survey Plat, a plat amendment to Block 53 and Block 60, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
3. The portion of Ontario Right-Of-Way vacated may not be used for maximum building footprint calculation.
4. Payment of the compensation value determined by the City Council, by the applicant, to the City prior to the recordation of the plat amendment.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication. This street Vacation will be effective upon recordation of the plat.

PASSED AND ADOPTED this 10th day of February, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

EXHIBIT H - STANDARD PROJECT CONDITIONS

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.



CITY COUNCIL REPORT

DATE: February 10, 2000
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer
TITLE: Acceptance of Public Improvements in New Subdivisions
TYPE OF ITEM: Administrative

Eric DeHaan

SUMMARY RECOMMENDATIONS: Approve the ordinances accepting the public improvements in Silver Pointe, Gallacher B31, and Sandstone Cove Subdivisions

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 Silver Pointe on Rossie Hill east of Ontario Avenue, Gallacher B31 on upper Norfolk Avenue, and Sandstone Cove in northern Park Meadows west of Mountain Top Lane. Guided tours are available by contacting the City Engineer at 615-5075.

B. Background: Silver Pointe was approved in late 1998 and early 1999. As part of the approval, the developer of Silver Pointe built a portion of Rossie Hill Drive connecting Ontario Avenue to McHenry Avenue. Although no homes are built yet in Silver Pointe, the newly-completed portion of Rossie Hill Drive provides the flattest access to Ontario Avenue and is regarded as a substantial public benefit. The road includes utilities, gutters, minor storm runoff improvements including siltation control, and asphalt paving.

Gallacher B31 Subdivision was approved by the Planning Commission and City Council in 1997. Gallacher B31 (a reference to Block 31 in the historic Park City Survey) consists of only three lots formed from several historic platted lots, so the public improvements are limited only to water meter vaults and related road repairs. However, Gallacher B31 is notable because it represents one of the first developments to implement intensive construction mitigation under the City's guidelines. Located on narrow Upper Norfolk, all the utilities were installed in a coordinated manner to minimize the impact on the adjacent residents. Actual home construction is underway, and the house contractors are cooperating reasonably well with neighbors and service providers, given that the City street is one lane wide.

Sandstone Cove Subdivision is the result of an annexation in 1997 which approved the 16 lot subdivision and also designated much of Quarry Mountain as recreational open space, protected from all building activity. By approving the ordinances, Park City will be accepting the cul-de-sac known as Sandstone Cove, which consists of utilities, gutters, storm drain systems including detention and siltation control, and asphalt paving. Sandstone Cove also includes a water pump station (housed in the attractive entry building) and a 250,000-gallon buried water tank, all of which are part of the public improvements. Park City is not accepting any landscape maintenance around the entry building.

C. Analysis: Sketches of Silver Pointe and Sandstone Cove are attached, as are ordinances for Silver Pointe, Gallacher B31, and Sandstone Cove. All of the public improvements were inspected by the City Engineer, in some cases utilizing consulting City inspectors. All of the public improvements meet City standards, although in each case there is a one-year warranty period for the public improvements which commences with Council approval of the attached ordinances. This financial guarantee provision is contained in Section 15.3 of Park City's Land Management Code, which reads in part:

...the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and grade of all public improvements is in accordance with the City approved construction plans for the subdivision ... Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedures ... A performance guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below the twenty-five percent (25%) retainage ... of the principal amount until completion.

Our policy is to retain 25% of the financial guarantee for one year to protect the general public of Park City against failures in the developer's work. The attached ordinances reflect those amounts.

There is a public single-track back country trail at Sandstone Cove that is worthy of special attention. Built by Troy Duffin, the trail connects the south cul-de-sac at Mountain Ridge with the switchback on the Quarry Mountain Radio Transmitter access road, above Mountain Top Subdivision. Hikers and mountain bikers on the trail enjoy sweeping views to the east, south, and southwest.

D. Department Review: The initial approvals of the three 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.

ALTERNATIVES:

A. Approve the Request: Approve the ordinances which accept the public improvements at Silver Pointe, Gallacher B31, and Sandstone Cove subdivisions. This action will transfer ownership of the public improvements as described above to Park City in an orderly fashion.

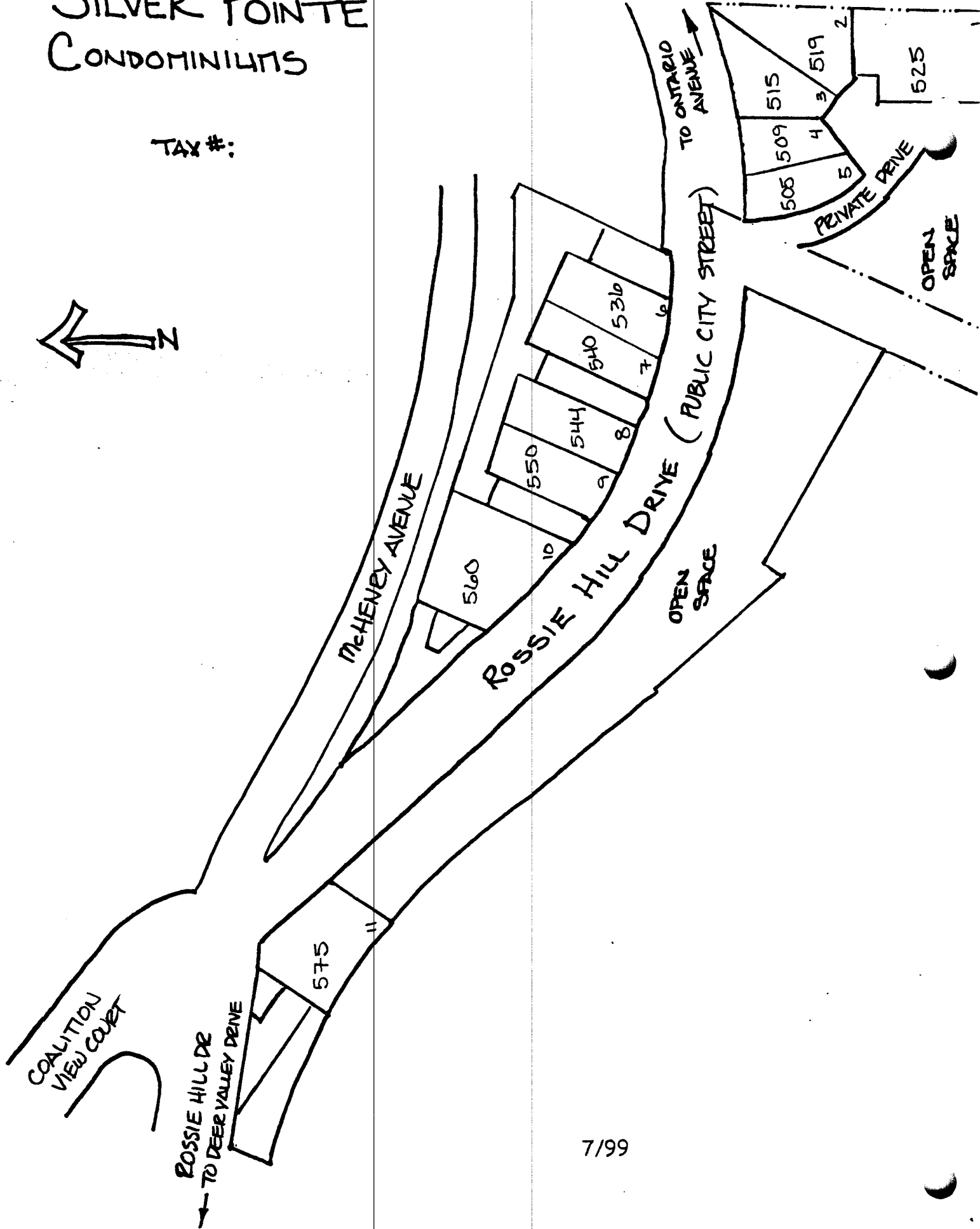
B. Continue the Request: In the event there are concerns on the part of the general public or the City Council, the ordinances can be continued for additional research or information.

SIGNIFICANT IMPACTS: There is no significant fiscal impact on Park City from accepting the public improvements in the three subdivisions, although the burden on 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 Silver Pointe, Gallacher B31, and Sandstone Cove Subdivision.

SILVER POINTE CONDOMINIUMS

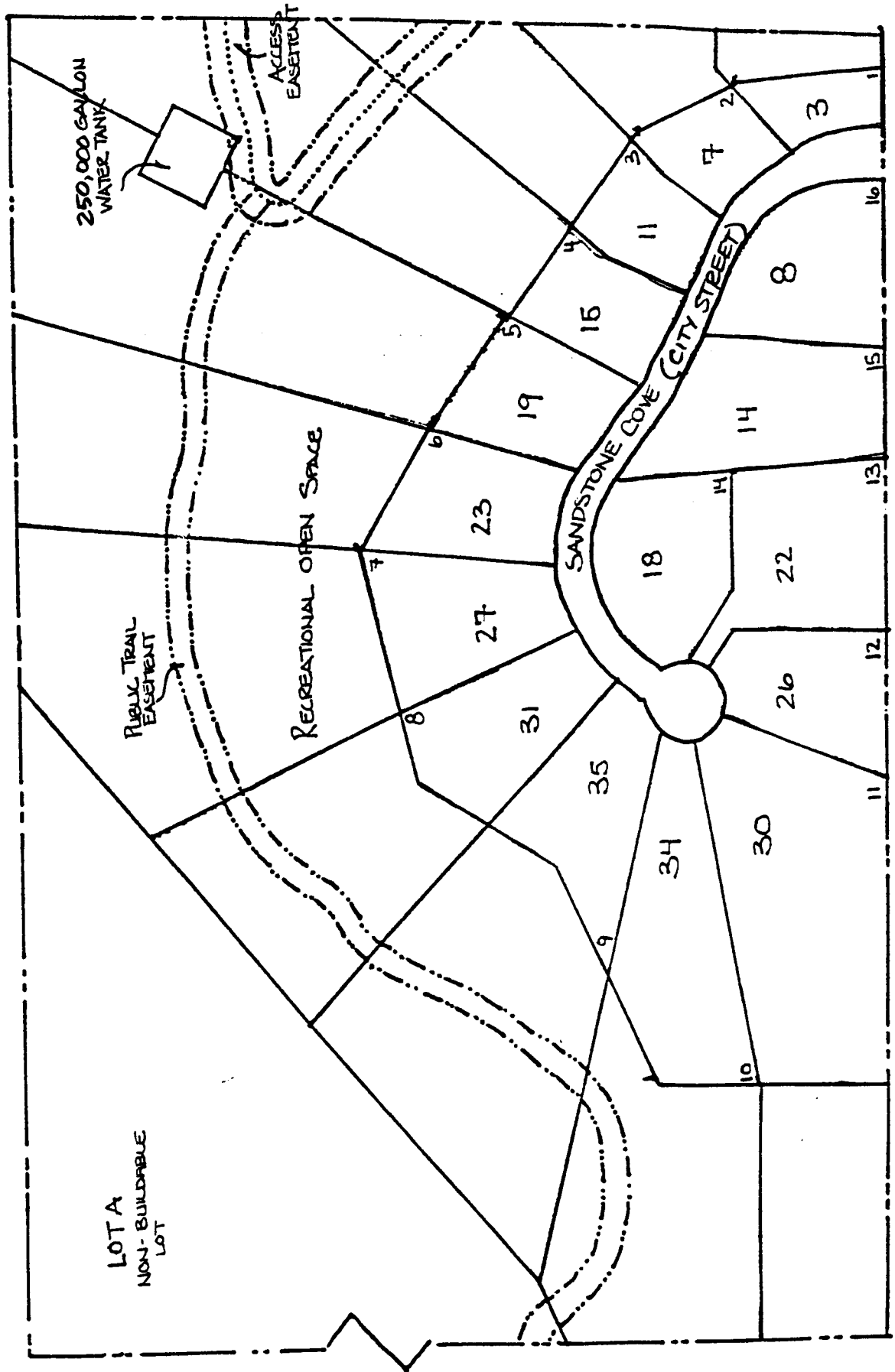
TAX #:



7/99

SANDSTONE COVE SUBDIVISION

TAX #: SSC (LOT #)



7/99

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 SILVER POINTE CONDOMINIUMS

WHEREAS, Silver Pointe Condominiums was approved by the Park City City Council; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including portions of Rossie Hill Drive, 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 Silver Pointe Condominiums 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 Silver Pointe Condominiums 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 financial guarantee of \$37,399.50 for a period of one year.

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 GALLACHER B-31 REPLAT

WHEREAS, Gallacher B-31 Replat subdivision was approved by the Park City City Council on September 25, 1997; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including portions of 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 Gallacher B31 Replat subdivision 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 Gallacher B31 Replat Subdivision 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 \$3,000.00 for a period of one year.

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 SANDSTONE COVE SUBDIVISION

WHEREAS, Sandstone Cove subdivision was approved by the Park City City Council in 1997; and

WHEREAS, construction of the public improvements has been accomplished by the developer, including the street known as Sandstone Cove, trails, 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 Sandstone Cove subdivision 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 Sandstone Cove Subdivision 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 \$142,384.37 for a period of one year.

SECTION 3. SNOWPLOWING AND LANDSCAPE MAINTENANCE. The City street known as Sandstone Cove is not yet accepted for purposes of snowplowing because fewer than 50% of the buildable lots within Sandstone Cove are built out or are in progress. Park City accepts no responsibility for landscape maintenance of any type at Sandstone Cove, especially near the entry building.

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



COUNCIL AGENDA REPORT

DATE: February 7, 2000
DEPARTMENT: Legal
AUTHOR: Mark Harrington, City Attorney *mt*
TITLE: Old Town Guest House Conditional Use Call-Up: Findings of Fact and Conclusions of Law
TYPE OF ITEM: Quasi-Judicial

SUMMARY RECOMMENDATIONS: The City Council should review the draft findings and conclusions and adopt them, with changes as necessary, to reflect the basis of the Council's decision to over-turn the Planning Commission.

DESCRIPTION:

A. Topic: Old Town Guest House Conditional Use Call-Up.

B. Background:

On February 3, 2000, the City Council voted 3-2 (with the Mayor breaking a 2-2 tie) to reverse the Planning Commission's approval of a CUP amendment for 2 additional bedrooms with waived parking. Please refer to last week's packet for background material.

C. Analysis:

Draft findings and conclusions are attached. These serve as the record of the Council's decision in the event of an appeal to District Court. Please review them carefully and if they reflect your decision, adopt them by motion.

D. Department Review: This report has been reviewed by the Community Development Department, the Legal Department and the City Manager's Office.

E. ALTERNATIVES:

1. Adopt the Findings of Fact and Conclusions of Law as Drafted.
2. Modify and Adopt the Findings of Fact and Conclusions of Law.
3. Continue the Item: Continuation will delay the applicant's appeal period and should be avoided.
4. Reconsider: LMC Section 1.16(i) provides for reconsideration upon an affirmative vote of a majority of the Council prior to adoption of the Findings of Fact and Conclusions of Law.

RECOMMENDATION: The City Council should review the draft findings and conclusions and adopt them, with changes as necessary, to reflect the basis of the Council's decision to overturn the Planning Commission.

BEFORE THE CITY COUNCIL OF PARK CITY

Old Town Guest House,	)	
Deb Lovci	)	FINDINGS OF FACT, CONCLUSIONS
Applicant	)	OF LAW AND ORDER REVERSING
V.	)	PLANNING COMMISSION
	)	
Park City Planning Commission	)	
	)	

This matter, having come for de novo hearing upon Call-Up by City Council, with the applicant appearing without representation, and with the City Council advised by the City Attorney; and having reviewed the files and records herein, and having heard argument from concerned parties on February 3, 2000 and having been fully advised in the premises, the City Council enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT:

1. The original Conditional Use Permit ("CUP") was granted on October 9, 1991. The minutes and Findings and Conditions of Approval are incorporated herein.
2. The Planning Commission approved an amendment to the CUP for 2 additional bedrooms and 2 additional waived parking spaces on October 27, 1999. The minutes and Findings and Conclusions are incorporated herein.
3. The Planning Commission's decision was called up by the City Council in accordance with Land Management Code Section 1.16 (e).
4. In addition to the evidence presented to the Planning Commission, the applicant further supplemented the record on call-up via oral testimony. Additional public testimony was also heard. The Council has reviewed the additional evidence and the records and files of the City, and further finds as follows:

- A. Alternatives for parking do exist, particularly on the north side where parking could be added without damaging the vegetation on

the south side. All alternatives for other parking have not been explored nor exhausted.

- B. The applicant failed to remove storage items from the garage to enable full use of the two spaces for parking.
- C. The applicant has not met the burden of proof to show that the use of the historic structure is not economically feasible without the parking waiver.
- D. The Planning Commission erred in utilizing parking within the public right of way in the calculation of available parking for the CUP.

CONCLUSIONS OF LAW:

1. The requirements of Land Management Code Section 7.1.7(g) have not been met.
2. Existing signage at the premises does not meet Land Management Code Section 7.1.7(f).
3. The original CUP was for 2 bedrooms, with parking waived for 2 spaces.
4. The requirements of Land Management Code Section 1.13(f) have not been met.
5. The Planning Commission erred in entering its finding of facts # 10, 12, 14 and 15, and conclusions of law #1-4.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the conditional use application for 2 additional bedrooms with waived parking is DENIED. The applicant shall remove the signs stating "Parking for Old Town Guest House Guests Only" adjacent to Empire Avenue. The applicant may re-apply for the additional 2 bedrooms with the necessary off-street parking provided.

Dated this 10th day of February, 2000.

Bradley A. Olch, Mayor