PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 6, 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, January 6, 2000.

AGENDA

Work Session - City Council Chambers - Lower Level

4:30 p.m.	Council questions and comments
4:50 p.m.	Newspaper racks
	Review of regular meeting
5:20 p.m.	210 Ontario Avenue **(Item to be continued - no discussion)**
5:40 p.m.	State Senator Bev Evans and State Representative Dave Ure

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

Diva Tribute

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF DECEMBER 9, 1999

V PUBLIC 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 & Meridian **(motion to continue)**

VI CONSENT AGENDA

1. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2000

2. Temporary Zoning Ordinance amending Ordinance 99-51, Section 3.30 of the Land Management Code, to allow temporary telecommunications facilities by Administrative Permit

VII RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mayor Pro Tem and Alternate Mayor Pro Tem

2. Appointments to the Employee Transfer and Discharge Appeals Board

VIII ADJOURNMENT

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
JANUARY 6, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the Redevelopment Agency of Park City, Utah will hold a public meeting, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes described below on Thursday, January 6, 2000 immediately following the adjournment of the City Council Meeting.

AGENDA

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF DECEMBER 16, 1999

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2000 meetings and appointing officers of the Board of Directors of the Redevelopment Agency of Park City, Utah

V ADJOURNMENT

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JANUARY 6, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the Municipal Building Authority of Park City, Utah will hold a public meeting, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes described below on Thursday, January 6, 2000 immediately following the adjournment of the Redevelopment Agency Meeting.

AGENDA

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF NOVEMBER 18, 1999

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2000 meetings and appointing officers of the Board of Directors of the Municipal Building Authority

V ADJOURNMENT

PARK CITY WATER SERVICE DISTRICT
SUMMIT COUNTY, UTAH
JANUARY 6, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the Park City Water Service District of Park City, Utah will hold a public meeting, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes described below on Thursday, January 6, 2000 immediately following the adjournment of the Municipal Building Authority.

AGENDA

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETINGS OF JANUARY 14, 1999 AND APRIL 29, 1999

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2000 meetings and appointing officers of the Administrative Control Board of the Park City Water Service District

V ADJOURNMENT

PARK CITY COUNCIL MEETINGS
SUMMIT COUNTY, UTAH
JANUARY 10 AND 11 AND JANUARY 13, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will be holding a retreat at the Sundance Resort on Monday, January 10 and Tuesday, January 11, 2000. The City Council **will not** hold its regularly scheduled meeting on Thursday, January 13, 2000.

Posted: 1/3/00
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 6, 2000

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Alison Kuhlow, Planner; Lloyd Evans, Chief of Police; Tom Bakaly, Director of Capital Projects and Budget

State Senator Bev Evans and State Representative Dave Ure; Andy Bernhard, Park Record; Jeffrey Salberg, attorney for Aerie Home Owners Association

1. **Council questions and comments.** The Mayor welcomed the new Council members. Peg Bodell disclosed that she has received many complaints about the County's new trash collection provider, BFI and noted that the situation is getting worse everyday. City Manager Toby Ross explained that some problems were anticipated and some were not and there was a meeting today for Main Street merchants which was attended by Council member Erickson and Jerry Gibbs, Public Works Director. There were some positive developments in the near term including manual pick-up on the west side of Main Street. BFI will have additional crews to try to solve some problems, but it hasn't provided bins to everyone. Mr. Ross predicted problems for the next month and it will be difficult to assess the success of the service until BFI has had an opportunity to rectify the problems. Ms. Bodell suggested a point person at the City so that citizens feel closer to getting a solution than working with the County or BFI. Mr. Ross emphasized that the City has tried not to own this problem and a City contact could only take a message and pass it on to the County or BFI. He stated that he has talked with Brad Mertz of BFI on a daily basis relaying concerns he has received, and has asked Jerry Gibbs to coordinate with the Summit County Public Works Department to work out logistical issues that may involve Park City. The City staff has not been on the front line of complaints because the City has no leverage with BFI. Some of the problems were identified by the City Council or staff months ago. Without the authority to direct BFI, the City may be raising false expectations for citizens if the City is viewed as being responsible. Ms. Bodell added that she received positive comments about customer service of employees at Public Works, whereas BFI has not done a good public relations job, and citizens are confused about garbage collection being a County service. There is also a health concern because garbage has not been collected. The City Manager believed that G&F made regular collections up until December 31 and the transition on the first was not ideal as it was a holiday which was difficult to staff. There will be a community information sharing session after a couple of weeks of operation when a majority of the problems have been identified. BFI is attempting to collect every area in any form, at least for a few weeks, but the blue containers should be used if possible. Mr. Ross reiterated that the City

has been working with BFI on logistics and there may be risks with an expanded City customer service program. Shauna Kerr felt that a joint meeting with the County Commissioners to express the Council's concerns and support would be more helpful. It would also be helpful for the press to state that this is a County contract. Ms. Bodell thanked the staff and the City Council for providing the new members with as much information as possible and the media for its coverage.

In response to a question from Ms. Kerr about the Millennium, Chief Lloyd Evans reported that there were no Y2K problems and from a police point of view, it was a rigorous Saturday night but nothing extraordinary occurred. He appreciated the Council's and staff's support of the emergency preparedness plan, particularly the Tech Services employees. In response to another question from Shauna Kerr regarding the non-conforming use issue for the Claimjumper for the dumpster locations before the Board of Adjustment, Mark Harrington explained that there was a hearing in early December which was continued to January 4, 2000. The vote supporting the non-conforming use was 2:2 and the motion failed for a lack of a majority and as a result of this gridlock, the motion was denied. The Legal Department will create a record or findings of the proceedings for the court and from that point, the applicant will have 30 days to appeal to the court.

Fred Jones requested numbers for BFI and the County for trash questions or comments from the public. He also suggested that the web site include phone numbers, etc. for the City Council members. Roger Harlan reported that the City Council will be reviewing a memorandum of understanding with the Snyderville Recreation District on January 27. He expressed his appreciation of the hard work associated with the Christmas party and congratulated employees winning awards. He encouraged new Council members to ride with the police on a Saturday night and/or snow removal crews as it is a good orientation. Ms. Erickson reported that she attended the meeting with BFI and the Main Street merchants and felt that BFI is truly making an effort to work with the west side of Main Street and all businesses. She hoped that people will be patient for a couple of weeks as problems are solved. Mark Harrington introduced a new Legal Department employee, Anne Rollings. He reported that Tom Daley has been promoted to Deputy City Attorney and Cindy LoPiccolo from Legal Secretary to Administrative Assistant. Interviews have been completed for the Assistant City Attorney position and he expects to have a decision shortly as there were great applicants.

2. **Newspaper racks.** Planner Alison Kuhlow explained that staff was approached by Council about six months ago about regulating news racks on Main Street because of pedestrian and aesthetic concerns. Since that time, staff has met with the Main Street merchants and a couple of newspaper distributors about options. The main reasons for having regulated newspaper racks include to provide pedestrian access along the sidewalks on Main Street and to meet design guidelines fitting the character of Main Street. She reported that upon completing an inventory of racks on Main Street, found that more than 50% of the news racks on Main Street are free publications. The majority of the racks are located in front of the Summit Watch and at the post office but many racks move overnight. The first staff option is to regulate only new news racks; this

would not result in a great deal of compatibility in the short term. Option two is regulation of new and existing news racks; there would be a time line for existing news racks to comply with the new design guidelines. This would provide greater compatibility in a shorter amount of time. Option 3 is the removal of all news racks on Main Street within a certain amount of time and the City would provide the racks for the distributors. The City could provide the pedestals, the distributors could buy the boxes and the City would maintain the outside case, however, this requires a financial commitment from the City. The fourth option is declining to regulate news racks in Park City. Ms. Kuhlow asked for direction on the options and once a consensus is reached, staff will research associated legal issues and meet with the distributors and Main Street merchants. She felt an ordinance could be implemented in May or June.

In response to questions from Fred Jones, Ms. Kuhlow indicated that currently there are no regulations in place and more research needs to be conducted on the issue of free speech associated with publications with no editorial comment. She added that staff didn't want to get too deep in the legal review because each option is distinct. Mark Harrington interjected that the protection of commercial speech has dramatically increased once an *open public forum* is created. To the extent the City has a history of a public form on Main Street, may confine options. Ms. Kerr understood that it would be in the best interest of the City to move quickly because of potential limitations in regulating commercial speech, but Mr. Harrington felt that the City should move quickly because of the volume of interest of additional vendors. The staff would like this handled within the next six months as opposed to the next 18 months. In response to questions from Roger Harlan about signature racks, Ms. Kuhlow understood that historic districts, in particular, are allowed to regulate color and design compatibility; it is uncertain for the remainder of Park City. Ms. Kerr described hexagonal racks designed around columns and *USA Today* and other publications that generally have their own boxes were available at eye level. The City Attorney explained that if *McDonalds* were to open on Main Street, its 45 foot arches would be prohibited; its application would have to comply with the same regulations imposed in the area.

Ms. Bodell inquired about the use of *gang racks* in other communities, and Ms. Kuhlow cited Chicago and San Francisco. Unfortunately those may not be the best examples as they did not work closely with the newspaper distributors which resulted in law suits against the cities. She emphasized that it is staff's intent to work with the distributors. Ms. Bodell continued that when staff returns to Council, she would like to see comments from the users, publishers and retailers; the distributors may come up with good solutions. Ms. Kuhlow noted that the next step is to meet with the distributors and Main Street merchants and incorporate everyone's goals. Ms. Bodell also suggested a long-term solution -- not just looking at today. Council member Candace Erickson disclosed a potential conflict of interest on this matter as she works for Park City Activity Center and leases space to a number of distributors and removing the racks may increase her income.

The Mayor invited the public to comment. Andy Bernhard, publisher of Park Record, felt that the current situation needs to be addressed; proliferation of the racks is out of control. Most of the *eye sores* are racks for publications who are not local. The racks are not maintained and there is a pedestrian flow problem. As long as the City is willing to work with the distributors, everyone is better served to consider gang, pedestal, or wall mount racks which provides an opportunity to sell a product in reasonable locations while ensuring aesthetics. He emphasized that he will willing to buy the boxes but violations need to be policed continually. Mr. Bernhard volunteered to serve on a committee on this issue. Publishers need good locations and have a responsibility to maintain the look of the Historic District. In response to a question from Roger Harlan, Mr. Bernhard responded that the *Park Record* has eight boxes from the top of Main Street to the Marriott which may be three more than he really needs. The Brewpub, post office, bottom of Main Street, entrance to the Summit Watch are good locations but the sidewalk on the west side is narrow. He pointed out that as soon as a box is placed, others appear at the location and conformity and treating everyone the same is important. Boxes could be purchased by the City and leased to vendors or the City could purchase the pedestal and the vendors could purchase the boxes. There was discussion about competing for positions on the pedestal. Ms. Bodell asked the effect on the *Park Record* if the boxes were eliminated; Andy Bernhard estimated 10% of his business is street sales.

The Mayor indicated that he supports Option #3 (removal of all existing news racks and the City shall provide, for the use of the distributors, at a reasonable fee, appropriately designed news racks within the Historic District). Fred Jones agreed but added that his preference would be that the City not maintain those boxes. Ms. Kerr suggested that there be a provision that no other boxes be installed until all of the existing capacity is exhausted so that the usage is maximized. Roger Harlan asked for a cost estimate for Option #3. In response to a question from Candace Erickson regarding location of boxes, Ms. Kuhlow explained that the next step is talking with the merchants with regard to location and number. The Mayor asked that staff consider the width of the sidewalk for pedestrians. Fred Jones stated that another part of the issue is looking at regulating the rest of the town as some racks are unsightly. There was discussion about installing racks on private property and Mr. Bernhard noted that it is better to charge distributors with the maintenance of their own boxes so that doesn't become a burden to the City.

3. State Senator Bev Evans and State Representative Dave Ure. Tom Bakaly introduced Senator Evans and Representative Dave Ure who encouraged Council to contact them regarding issues. Representative Ure indicated that this legislative session may affect education, transportation and the Travel Council budget. Over the last six or seven years, the growth in government has been about 7% while the economy has only grown by 3% to 5%. There is an effort into increased funding for education and hopefully providing more authority to local jurisdictions. This may affect the funds for transportation and roads. There are a couple of bills that he and the Senator are representing which will affect the area. Mr. Ure further explained that one bill relates to the ZAP Tax to be split for third class counties from 50% to 75%. They both are working hard on Soldier Hollow which is a very strong amenity to Park City and Summit County. He discussed protecting the $40 million legacy fund for the Sports Park and Utah Athletic Foundation and putting in place the Sports Advisory Committee to make athletics and events viable in Utah. Hopefully with

Soldier Hollow and the Sports Park, there will be World Cup events after the Olympics. The Mayor asked for clarification on the Travel Council and the potential open space tax issue. David Ure explained that the budget was cut back $200,000 in the first executive appropriation, but felt it could be reinstated. There is also $500,000 legacy money going to the Travel Council for advertising prior to the Olympics. There was discussion about the terminology being misleading. There was discussion about the 1/8 cent tax and the purchase of open space lands while considering the impacts on adjacent jurisdictions. Mr. Ure understood that the bill would allow it to go to a statewide vote. As a member of the Quality Growth Commission, Ms. Kerr indicated the importance of maintaining funding for the Critical Lands Fund and indicated that the same discussions have occurred in the subcommittee regarding adjoining jurisdictions and trying to balance that with the *no net loss* issue. The subcommittee feels that the adjoining jurisdiction should render a letter of consent prior to funding and is recommending this year that there be interlocal agreements so that communities are working together to preserve open space and not to the detriment of an adjoining entity. Ms. Kerr suggested that the Critical Lands Fund be maintained with a portion of the 1/8 cent tax. She again addressed interlocal agreements as something that should be included in legislation.

Peg Bodell asked how the City Council can get its issues across. Mr. Ure suggested that staff get involved in the legislative session and invited the City Council members to personally speak with legislatures about bills. Ms. Bodell asked if there are committees, like the Quality Growth Commission, that the members should participate. Ms. Evans indicated that she will prepare and distribute available state appointments. She added that she can put the City in contact with the key people involved with a bill and assist in arranging appointments. Ms. Bodell requested that the Council be updated on issues in surrounding communities. Ms. Kerr commended Ms. Evans and Mr. Ure about diligently responding to concerns of the City. There was discussion about the difficulty in writing legislation as it may be advantageous for some cities but detrimental for others. Roger Harlan prompted discussion about the merits of the legislative visit last summer to the Park City area. Bev Evans added that the visit was very helpful for the legislators in understanding various communities and this networking effort should be continued. David Ure agreed with Mr. Harlan and felt that a social held during this session and hosted by the same jurisdictions as last summer, may be beneficial. Senator Evans offered to assist in organizing this reception and Peg Bodell added that there are cultural groups in Park City that could participate. The Mayor thanked the Senator and Congressman for their continued interest in Park City.

4. Review of regular meeting:

Temporary zoning ordinance - telecommunications. Alison Kuhlow referred to changes to the draft distributed to the City Council. Under Section O, changes include that special event permits require a master festival license; additional time from two days to five days for set-up and dismantling facilities; and a prohibition of temporary sites in the sensitive lands area. There was a request from the Aerie Home Owners Association requiring a bond in the event facilities were not dismantled within the time frame. Mark Harrington didn't envision that the City would take them down and this is different than bonding for performance, like landscaping. The City has not typically used bonds as a penalty as it creates a tremendous administrative burden. This would be a violation of the permit which could prompt a court action. Ms. Kerr suggesting including a civil penalty within the permit. Ms. Kuhlow emphasized that the antennas cannot exceed five feet above the allowable height in the zone and the telecommunication companies are aware of the height requirement; she added that the extension to five days is reasonable. Ms. Kerr suggested that language be changed for the duration, "plus a maximum of five additional calendar days to enable set-up and take-down". Jeffrey Salberg, attorney, explained that the Association's concern was making sure the facilities are taken down, and he is comfortable with the contractual remedy suggested by the City Attorney.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 6, 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, January 6, 2000. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Shauna Kerr. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Myles Rademan, Public Affairs Director; Bob Stephens, Administrative Services Director; and Jan Scott, City Recorder.

II PUBLIC INPUT

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

1. Signage on Deer Valley Drive and trash collection services - Ed Brophy, resident, stated that for the last ten and a half years he has been working with UDOT on getting one sign changed to another on Deer Valley Drive. The Public Works Department also intervened, but UDOT decided to install a second sign which is identical to the first reduced speed sign. He emphasized the speed and safety problems on Deer Valley Drive and recommended a horizontal sign with *reduced speeds zones ahead* and a arrow pointing right that reads 20 mph and an arrow to the left at 25 mph. The Mayor noted that the City Council will be comprehensively discussing traffic calming at its retreat next week and will consider his suggestion. Mr. Brophy also suggested that the speed limit on Deer Valley Drive be reduced from 45 mph to 35 mph, particularly because of the new intersections in the Town Lift area and he again expressed frustration in dealing with UDOT. He complimented John Lind on his responsiveness to his requests.

Mr. Brophy complained about the distribution of the trash bins by BFI and that BFI doesn't return phone calls. The Mayor agreed that there are major problems and every neighborhood in the City has been impacted. Unfortunately, this is probably going to get worse before it gets better.

2. Trash collection services and parking on Main Street - Mr. Shaffner commented that he is pleased that 50% of the Council membership has changed and reminded new Council members that they swore before the election that they would be independent and approach every department. He felt there is a devastating problem with BFI who is arrogant and not anxious to solve problems; there was no representative from the City during negotiations for this contract. The City Council never represented the public and he spoke with department heads and the City Manager who swore they would take care of this; the old City Council didn't give a damn because they don't go to Main

Street. He complained about garbage sitting on Main Street for a couple of days and the Public Works representative saw it and did nothing and somebody has to be responsible for the City. He complained about the responsiveness of the City Manager. Toby Ross stressed that he didn't promise Mr. Shaffner that the City would pick up garbage on Main Street; what he promised was that he would call BFI who cleaned it up. The City does not collect garbage; the City doesn't have garbage trucks and the City only collects garbage from the trash cans on the sidewalks. Mr. Shaffner responded that this is another excuse. Mr. Ross insisted that he followed through on what he said he would do and the City will continue to monitor services with BFI. Mr. Ross relayed that he also informed Mr. Shaffner that the City was not interested in absorbing the responsibility of collecting garbage and was assured by BFI that the west side of Main Street would be hand-collected.

Mr. Shaffner insisted that parking on Main Street is taken up by construction workers and criticized the City staff for not walking Main Street. He complained that the secretary doesn't put his calls through to the City Manager and again complained about garbage on Main Street and that the Council members don't visit Main Street. There was a heated exchange between Mr. Shaffner and Ms. Kerr and Peg Bodell encouraged Mr. Shaffner to contact her.

3. Welcome - Roger Strand welcomed the new Council members and stated that he was disappointed with Paul Sincock's remarks that the Council should investigate and listen to other members of the City Council and staff and not pay attention to public opinion. He hopes that is not the opinion of other Council members as public opinion should weigh heavily on decisions. He relayed a situation where Roger Harlan and Toby Ross responded to a problem he was having with drilling in Park Meadows. That is what government should be and he complimented Roger and Toby for responding to his problem.

4. Census 2000 - Chris Martinez, Department of Commerce, requested a map of Park City and relayed the history of the census which began in 1790 to determine the number of representatives in Congress. The census will begin April 1 and end in November. He continued there is a long and short form that will be distributed and described their contents; responses are confidential and protected. Census 2000 will count everyone, including the homeless and immigrants and account for people overseas. Mr. Martinez discussed recruiting employees from various ethnic backgrounds.

5. *Park Record* article on sexual discrimination - Roger Click, resident, referred to a letter he distributed to the City Council. He believed that Jay Hamberger wrote a good article about the resignation of Hope Bleecker and the lack of women in top management positions in the City, and felt her response in the paper was nasty.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Diva Tribute - The Mayor presented certificates of appreciation to Thea Henney,

Wendy Fisher, Lisa Needham, Mary Beth Maziarz, and Jeannie Rettos. Shauna Kerr stated that these performers have added so much to the community and one of her goals as a Council member is celebrating and recognizing the *characters* that give our town *character*. Not all Council meetings are fun, and recognizing great citizens is the fun part of the job. She described their performance at the Eccles Center which was very special and gave each of them a bouquet of roses. Mary Beth Maziarz commented that the community showed its support by the great attendance at the Eccles Center which really touched them.

2. Trash collection services - Council member Fred Jones expressed that he agrees with the City Manager that the City shouldn't take over trash collection, but something has to be done about Main Street. Main Street is our economic life blood and until BFI can get this taken care, the City can not afford to have garbage on the street. He believed the City needs to take some action on a temporary basis. The City Manager understood that BFI agreed to manually pick-up Main Street. Ms. Erickson concurred and noted that starting tomorrow, BFI will be on Main Street seven days a week and will manually pick-up on the west side. There are 35 and 50 gallon trash containers that can be automatically collected. She clarified that today's meeting only dealt with commercial pick-up on Main Street and not the residential areas. In response to a question from Peg Bodell regarding residential services, Mr. Ross indicated that he believes BFI and the County will be planning a meeting. He added that he understood that all garbage will be picked up regardless if it is in BFI containers and agreed with the Mayor that BFI is overwhelmed. There will be at least three approaches in Old Town including hand pick-up, small containers, and larger containers but the details have not been resolved. Ms. Bodell stated she would like the citizens to know that the Council is concerned about it and would like to get that message out somehow. The Mayor stated that BFI needs more staff and equipment. Peg Bodell also mentioned that there is confusion about billing, particularly whether condominiums are commercial or residential. She suggested putting phone numbers on the web site.

3. Miscellaneous - Myles Rademan distributed information on the Leadership meeting to be held on January 31 and invited Council to all meetings. Bob Stephens discussed the schedule for interviews with City Council members and the retreat facilitator.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF DECEMBER 9, 1999

Roger Harlan corrected the spelling of names in the minutes. With no further corrections, the Mayor requested a motion to approve. Roger Harlan, "I so move". Brad Olch seconded the motion. Peg Bodell, Candace Erickson, and Fred Jones were not Council members at the time of the meeting and Ms. Kerr disclosed that she was not in attendance. Minutes entered in Official Minute Book for reference.

V PUBLIC 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 & Meridian **(motion to continue)** - The Mayor requested a motion to continue. Shauna Kerr, "I so move". Roger Harlan seconded. Motion unanimously carried.

VI CONSENT AGENDA

Peg Bodell referred to the 24 hour notice provision in the meeting resolution and in consideration of better noticing the public, hoped that this is an issue that can be discussed at the retreat. Ms. Kerr explained that this is setting the regular meeting dates and a minimum standard for noticing according to state statute. This is not a Council policy, as the City generally gives more notice. The City Recorder explained that because meetings are weekly, Friday is the soonest an agenda can be prepared and sent to the paper to be published on Wednesday since there are often items continued from a Thursday meeting. Ms. Scott emphasized the importance of publishing an accurate agenda so that it is meaningful and the agenda is posted on Mondays. Peg Bodell indicated that the minimum of 24 hours is a concern to her as citizens should be adequately noticed. Ms. Kerr interjected that the other side is citizens insisting on being scheduled on an agenda and if the standard is too far out, there are complaints about not accommodating requests. In the past the Council tried alternating work sessions and regular meetings, but the lag time was two weeks for someone to get scheduled on an agenda. Peg Bodell stated that this is what she is hearing from the community and felt it should be addressed. Mark Harrington explained that there is a requirement to adopt this resolution at the first meeting and encouraged Council to adopt it now and discuss this matter at the retreat; the resolution can be amended. He suggested that there could be background information furnished regarding how many times the City Council has posted an emergency 24 notice because of a change on the agenda.

Roger Harlan, "I move approval of Consent Agenda Items 1 and 2, with the changes discussed for Item 2". Shauna Kerr seconded. Motion carried unanimously.

1. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2000 - See staff report and preceding discussion.

2. Temporary Zoning Ordinance amending Ordinance 99-51, Section 3.30 of the Land Management Code, to allow temporary telecommunications facilities by Administrative Permit - See staff report and work session discussion.

VII RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mayor Pro Tem and Alternate Mayor Pro Tem - The Mayor

explained that traditionally election results have been used as criteria for appointments and recommended that Shauna Kerr be elected Mayor Pro Tem and Roger Harlan Alternate Mayor Pro Tem. Roger Harlan would become Mayor Pro Tem next year and Fred Jones would be appointed Alternate Mayor Pro Tem. Shauna Kerr, "I move approval". Roger Harlan seconded. Motion carried unanimously.

2. Appointments to the Employee Transfer and Discharge Appeals Board - Mark Harrington reported that this board has not met for 12 years. The Ordinance has recently been amended to comply with state law and requires appointments to be made the first meeting of January. Again, this can be discussed at the retreat and changing appointments can be accomplished. In response to a question from Peg Bodell, the City Attorney explained that an employee is afforded ten days to file an appeal and representatives of staff are voted in by employees. Shauna Kerr and Peg Bodell volunteered to serve as members and Candace Erickson as an alternate member. The Mayor requested a motion to approve. Roger Harlan, "I so move". Fred Jones seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Redevelopment Agency, Municipal Building Authority, and Water Service District meeting convened.

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: January 6, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP ak
TITLE: Regulation of Newsracks on Main Street
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATIONS:

Staff requests the City Council to discuss the options regarding the regulation of newsracks in the Historic District and direct staff to proceed with one or more of the options listed.

A. Topic:

Discuss the options to regulate newsracks within the Historic District. The purpose of regulating newsracks is to promote the public health, safety and welfare through the regulation of placement, appearance, servicing, and insuring of newsracks on public rights-of-way so as to:

(A) Provide for pedestrian and driving safety and convenience;
(B) Restrict the unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;
(C) Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes, and access to locations used for public transportation purposes;
(D) Eliminate newsracks which may result in visual blight on the public rights-of-way, or which may unreasonably detract from the aesthetics used for public transportation purposes;
(E) Maintain and protect the values of surrounding properties;
(F) Reduce unnecessary exposure of the City to personal injury or property damage claims; and
(G) Provide for and maintain the freedom of speech for newspapers or news periodicals using newsracks for distribution.

B. Background:

The proliferation of newsracks throughout Park City has become an increased concern of the City Council and property owners. Currently, Park City has a total of nineteen (19) free and paid publications distributed along Main Street. These newsracks, grouped in nine (9) locations throughout the Historic District, are obtrusive, inhibit pedestrian access and create clutter to the streetscape. Other communities throughout the nation have reacted by limiting the number and placement of such boxes, as well as requiring that they be treated in a uniform manner. Others have removed all newsracks and provided a place, for lease, for newspaper distribution.

However, care must be used in regulating newsracks, because newspapers are protected by the First Amendment guarantee of freedom of speech. Although an outright ban on such boxes would most likely be struck down, unless confined to a special area such as a historic district, other reasonable restrictions may be upheld.

Two recent cases in the First and Eleventh Circuit U.S. Court of Appeals have addressed the issue of City regulations of newsracks on streets. In particular, the courts have addressed whether these types of regulations abridge the newspaper publisher's rights of free speech under the First Amendment. In order to withstand Constitutional scrutiny, the regulation of newsracks must:

1) be content neutral;
2) be in furtherance of a substantial governmental interest;
3) be narrowly tailored to further the government's interest; and
4) leave open reasonable alternative channels of communication.

Per request of the City Council, the Planning Department and City Attorney's office have researched such type of regulation throughout the country as they would relate to Park City's needs. Throughout the preliminary research, Staff met with members of the Historic Main Street Business Alliance and members of the Historic District Commission for input. Hence, listed below are four possible options for the Council's review.

Please note that the following regulations use the definition of newsracks to mean any type of unmanned device placed upon any public right-of-way for the vending of, or free distribution of newspapers or other periodicals.

<u>Option #1:</u> Regulation of only new newsracks, including specific design criteria, for newsracks in the Historic District.

An ordinance outlining basic regulation of new newsracks that lists specific location and design criteria for all new newsracks located within the Historic District. A specific newsrack design type can be chosen by the City Council, or their designee, to ensure compatibility with the existing historic structures in the district. The design types could be pre-fabricated, with no custom design required.

- By adding specific criteria for all newsracks within the Historic District, compatibility of street furniture to the historic structures is ensured and visual clutter is reduced. By regulating only new newsracks, the City would escape the outcry of retrofitting all existing newsracks.
- The cost of a specific newsrack type or style incurred by distributors may generate a negative response.
- There would be very little visual relief from the existing clutter of newsracks along Park City's rights-of-ways when regulating only new newsracks.

<u>Option #2:</u> Regulation of new and existing newsracks, including specific design criteria, for newsracks in the Historic District.

An ordinance outlining basic regulation of newsracks that lists specific location and design criteria for all newsracks located within any of the Historic District. A specific newsrack design type can be chosen by the City Council, or their designee, to ensure compatibility with the existing historic structures in the district. The design types could be pre-fabricated, with no custom design required. This option would include provisions to require all existing newsracks to conform within a certain time period.

- By adding specific criteria for all newsracks within the Historic District, compatibility of street furniture to the historic structures is ensured and visual clutter is reduced. By regulating both new and existing newsracks, the community will consolidate them and minimize the visual clutter caused by the proliferation of independent newsracks.
- The cost of a specific newsrack type or style incurred by distributors may generate a negative response.

Option #3: **Removal of all existing newsracks and the City shall provide, for the use of the distributors, for a reasonable fee, appropriately designed newsracks within the Historic District.**

Many cities have proposed and gone through trial programs where the city constructs newspaper racks for the lease and distribution of newspapers and periodicals.

- This ensures the compatibility, location and design of the newsracks and their surrounding historic context. This option also reduces visual clutter and encourages consolidation of the vendors.
- This option requires a financial commitment by the City to install and construct the newsracks. Custom costs based on individual location requirements. Please refer to Exhibit C for an estimated cost analysis.
- To comply with First Amendment requirements, the lease of the receptacles needs to be a reasonable fee.
- Legal research is required regarding the reduction of distribution sites, and the treatment differences between paid and free publications.

Option #4: **No regulation of newsracks within Park City.**

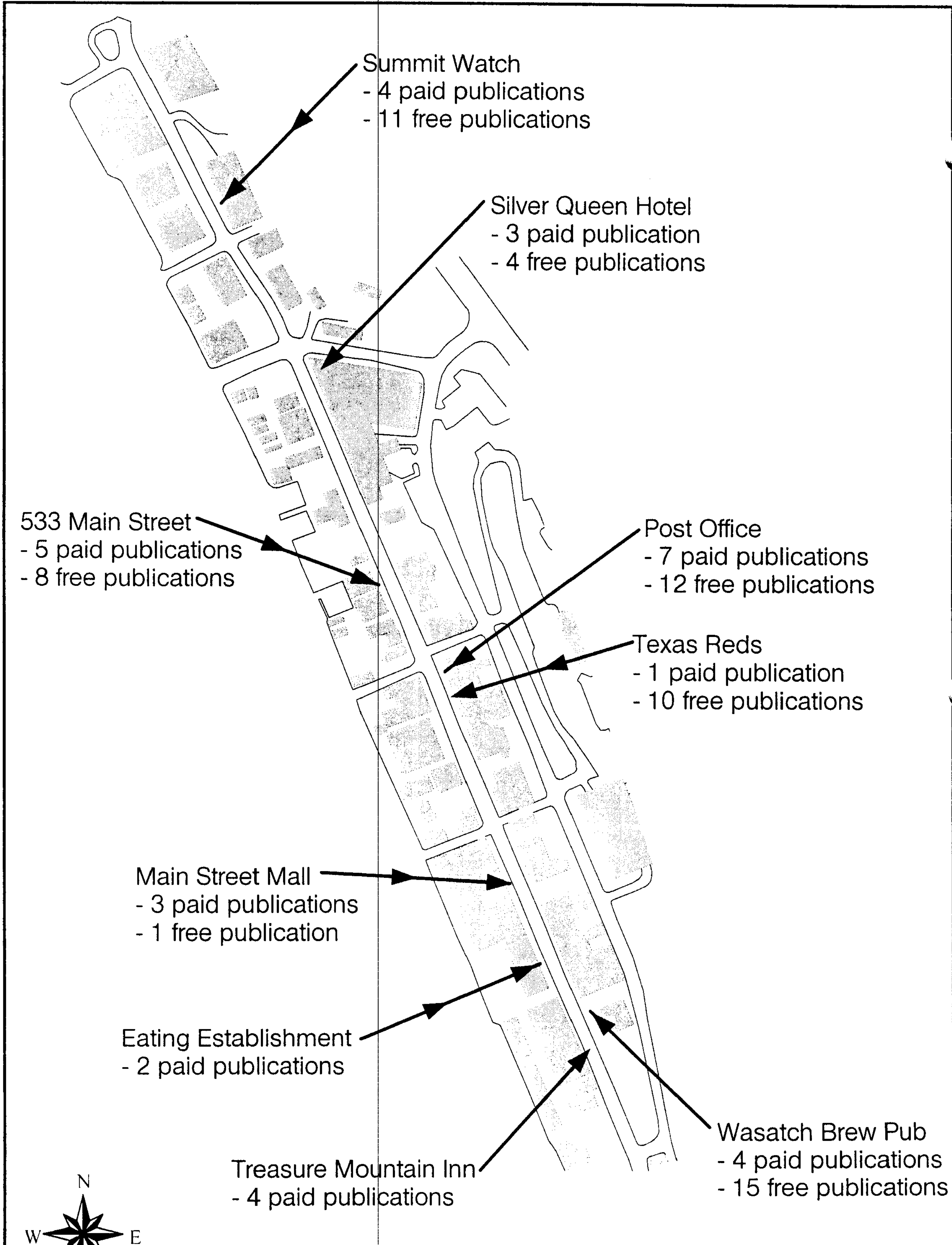
No action would result in the City neglecting its commitment to provide aesthetically pleasing streetscapes. Furthermore, the City cannot ensure adequate pedestrian flow on Park City's rights-of-ways which would eventually be impacted.

RECOMMENDATION:

Staff requests that the City Council review the proposed regulation options and provide Staff with input to pursue one or more selected options.

Exhibits

Exhibit A - Location of Current Newsracks
Exhibit B - Inventory of Existing Publications
Exhibit C - Estimated cost of "gang" newsracks



Existing Publications on Main Street

November 1999

	Summit Watch	Post Office	Wasatch Brew Pub	Silver Queen Hotel	Main Street Mall	Texas Reds	Treasure Mountain Inn	Eating Establishment	533 Main Street	**Totals**
* Park Record	1	1	1	1	1		1	1	1	8
* Salt Lake Tribune	1	1					1		1	4
* The Journal			1	1	1	1	1		1	6
* New York Times		1	1							2
* USA Today	1	1	1	1	1			1	1	7
* Deseret News	1	1							1	3
* Wall Street Journal		1					1			2
* Financial Times		1								1
Catalyst	1	1	1			1			1	5
Mountain Times		1	1						1	3
City Weekly		1							1	2
Homes and Land	1		1	1	1	1				5
Homestead		1								1
Homes Illustrated	2	1				1				4
Real Estate Weekly	1	1	1	1						4
Express Home Sales			1							1
Menu Guide		1								1
Thrifty Nickel Ads	1	1	1	1						4
Apartment Guide	1	1	1							3
Apartments for Rent	1		1			1				3
Magic Nickel Ads				1						1
Deals on Wheels			1			1			1	3
LDS Messenger	1		1			1			1	4
Salt Lake Visitors Guide			1			1				2
Home Choice	1	1	1			1			1	5
Employment Guide	1	1	2			1			1	6
Prime Times		1	1			1			1	4
Totals	15	19	19	7	4	11	4	2	13	**94**

* Paid Publications

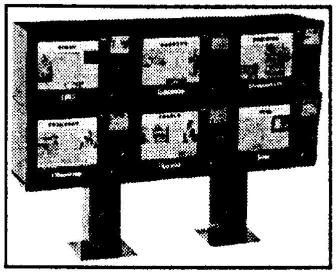
Exhibit B - Inventory of Existing Publications

Estimated Cost of "Gang" Newsracks

The cost below are estimates based on the average of two companies. If the Council wishes to pursue Option #3, estimates for the costs of newsracks will be taken from a more broad range of companies.

<u>Cost Option #1</u>

The following cost is based on a three over three model, as seen below.



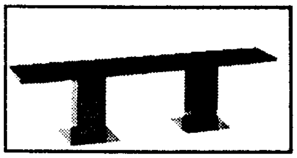
The City will provide pedestals, mounts, racks and mechanicals for each unit or group of units. The approximate cost of each three over three unit is **$1,502.80**.

There is a total of 94 distribution boxes on Main Street. A total of 16 units would be needed to provide the same number of distribution points on Main Street.

The total cost for 16 units is **$24,045**

<u>Cost Option #2</u>

The following cost is based on the pedestals and mounts for a three over three model as seen below.



The City will provide pedestals and mounts for each unit or group of units. The approximate cost of each base unit is **$205.45.**

There is a total of 94 distribution boxes on Main Street. A total of 16 bases would be needed to provide the same number of distribution points on Main Street. The newspaper distributors will need to provide their own racks at an approximate cost of **$320** each.

The total cost, for the City, for 16 units is **$3,287**.

The estimated 16 distribution points on Main Street is determined by the number of existing distribution sites. The number of distribution points the City is required to provide could increase or decrease based upon First Amendment regulations on the discrimination between paid and free publications and the need for some distributors to use a box with an elevator shelf, which takes up the space of two boxes, due to the increase in demand for that particular publication.

Exhibit C - Estimated Cost of "Gang" Newsracks

PARK CITY 1884

CITY COUNCIL
STAFF REPORT

Date: January 6, 2000
Department: Planning Department
Planner: Kevin LoPiccolo
Title: Ivers Plat Amendment/Street Vacation
Type of Item: Legislative/Work Session

Summary Recommendations: Discuss the proposed Vacation of platted Ontario Avenue and a Plat Amendment request to amend the Park City Survey. Staff will return to a subsequent meeting with the Council's recommendation.

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 Planning Commission reviewed this application request many times before forwarding a positive recommendation to City Council at their November 10, 1999, meeting. The Commission 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. The applicant is proposing to dedicate 2,385 square feet of Right of Way to the city. The area to be dedicated is at the terminus of existing Mc Henry Avenue and Thrill Hill. The net area to be considered for compensation would be approximately 3,215 square feet.

The City Council is reviewing a request for a Plat Amendment to the Park City Survey and a street Vacation of a portion of platted Ontario Avenue. In 1998, the Council adopted a Resolution regarding the Vacation of Public Right of Ways within Park City. The criteria has been applied to this Vacation request, but the Council will have to determine the issue of consideration in determining compensation for the loss of Right of Way. Staff has produced a methodology to review the compensation issue and has provide the summary in the analysis section of this report. (See Exhibit J).

The Council previously approved an Ordinance(s) approving an Amendment to the Anchor Development Plat known as 81 King Road Vacation on August 13, 1998. Similar methodology has been used in making a monetary determination for Ontario Avenue (See Analysis section/Exhibit J).

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 (HR-L) for this request to combine the 12 lots into 4 lots of record. 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.

C. Analysis

The property is zoned HR-1/HR-L, Historic Residential. In the HR-L District, single family structures are permitted, provided each lot is at least 3,750 square feet in area and all development standards of the Land Management Code including: height, setbacks, parking, architectural design, building footprint, and neighborhood compatibility are met. **All lots meet the minimum lot size without including the area of the street Vacation.**

Density

As part of the Council's evaluation of whether or not good cause exists to approve the applicant's proposal, it is important to consider the proposal in the context of the purpose of the HR-L & HR-1 Districts. Since the existing parcels have two different zoning designations, the applicant is proposing to apply the HR-L zoning standards which are the more restrictive regulation. The boundary line between the HR-1 & HR-L District cuts through lot 3 of Block 53 and extends east through the southern portion of lot 1 of Block 60.

Under the current property configurations there are 7 lots with HR-L zoning designations with some fragmented HR-1 pieces. The remaining 3 lots in Block 53 (Ontario Ave) are HR-1 and the 2 triangular, substandard lots in Block 60 (Mc Henry Ave) are HR-1.

The proposal based on the HR-1/HR-L Temporary Zoning Ordinance adopted on September 9, 1999: **Lot sizes do not reflect land area of vacation.**

LOT NUMBER	LOT SIZE	BLDG. FOOTPRINT	SETBACKS	
1	6,800 S.F.	1,964 S.F.	F/R SIDES	30 FT. 10 FT. * 12 FT.
2	3,750 S.F	1,519 S.F.	F/R SIDES	20FT. 10 FT. * 12 FT.
3	3,750 S.F	1,519 S.F.	F/R SIDES	20FT. 10FT. 10 FT.
4	3,750 S.F.	1,519 S.F.	F/R SIDES	20FT. 10 FT. * 12 FT.

* Indicates proposed sideyard setback.

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 building footprint.**

The allocation for Lots 1, 2, 3 & 4 proposes to the lot area, add a forty (40) foot by one-hundred-fifty (140) foot portion of the right-of-way, totaling 5,600 square feet between Block 53 and Block 60.

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 request that the city vacate platted Ontario Avenue (approximately 5,600 square feet). The City Council will be reviewing the Vacation of Ontario Avenue regarding monetary compensation. The applicant is proposing a dedication of 2,385 square feet to the city. If the Council determines this as a benefit, the total area to be considered is 3,215 square feet.

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.

Compensation

The calculations that have been used for the proposed Vacation are based on a percentage of the fair market value for developable land. Percentages were developed to find a comparable price for land that does not hold any density, "open space" land. The percentages as figured range from 10% to 16% of the fair market value of a developable lot (Exhibit J).

Vacation for the Right of Way does not increase density or building footprint area by vacating the Right of Way of Ontario Avenue.

- Lot 1 - The Right of Way area will be contained within the sideyard setback for the structure. Portions of the structure may be placed within the vacation, but only to allow greater flexibility in siting the house.
- Lots 2- 4 - The building footprint of the future homes may encroach on the vacated area. It is anticipated that the majority of the vacated street will probably remain vacant, but as with Lot 1, some flexibility may be needed for house siting.

The percentage that staff used in determining the price for the King Road street Vacation was established between 10 - 16% of the fair market value of developable land in Old Town.

Based on sale prices of properties in the general area of vacant lots, staff took properties and found the average price per square foot at $29.80.

Lots	**Area to be vacated**	**10% Average Price Per Square Foot ($29.80) ($3.00)**
Lot 1	2,450 s.f.	$7,350
Lot 2	1,250 s.f	$3,750
Lot 3	950 s.f.	$2,850
Lot 4	950 s.f.	$2,850

$16,800 total amount for the Right of Way for Lots 1 thru 4.

Lots	**Area to be vacated**	**13% Average Price Per Square Foot ($29.80) ($3.90)**
Lot 1	2,450 s.f.	$9,555
Lot 2	1,250 s.f	$4,875
Lot 3	950 s.f.	$3,705
Lot 4	950 s.f.	$3,705

$21,840 **total amount for the Right of Way for Lots 1 thru 4.**

Lots	Area to be vacated	16% Average Price Per Square Foot ($29.80) ($4.80)
Lot 1	2,450 s.f.	$11,760
Lot 2	1,250 s.f	$6,000
Lot 3	950 s.f.	$4,560
Lot 4	950 s.f.	$4,560

$26,880 **total amount for the Right of Way for Lots 1 thru 4.**

Based on each lots portion of vacation, staff broke down the potential compensation in the following manner. Staff would like City Council to establish what percentage should be use when calculating the street Vacation. See Exhibit J for the Compensation Analysis.

The Council based on the current request of vacating a portion of Ontario Avenue should apply Policy 8-98 which outlines the criteria in regards to density, heights, compatibility and monetary consideration, (See Exhibit F).

Right of Way Dedication
The applicant is providing 2,385 square feet of Right of Way to the city. The area that would be dedicated is located at the terminus of existing Mc Henry Avenue and Thrill Hill.

Access Driveway
There is concern from both the Engineering and Building Department regarding emergency access for the Ontario Avenue (Thrill Hill) units, but both Departments may consider allowing a private drive with restricted service to Lots 3&4. A Deed Restriction or note to this effect is added to the final plat stating that the private drive provides access to Lots 3 and 4 only, and is not designed as a through street to Block 52.

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 of block access to the adjacent Block. The letter has been attached as Exhibit K.

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. Adopt the attached ordinance(s) approving the plat amendment/vacation request 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.

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
Staff recommends that the City Council conduct a public hearing, take public input and address the request for a plat amendment and street Vacation for Ontario Avenue. Staff will return at a subsequent meeting with Council's direction, and provide the following Findings of Fact, Conclusions of Law and Conditions of Approval.

G. Exhibits
A. Location Map
B. Plat Amendment
C. Utility Plan
D. Site Grading Plan
E. Sections
F. Vacation Resolution
G. Affidavits
H. Minutes from November 10, 1999 Planning Commission
I. Park City Multiple Listings for Vacant Lots within Old Town
J. Analysis of Compensation
K. Attorney Letter

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210 Ontario Ave.

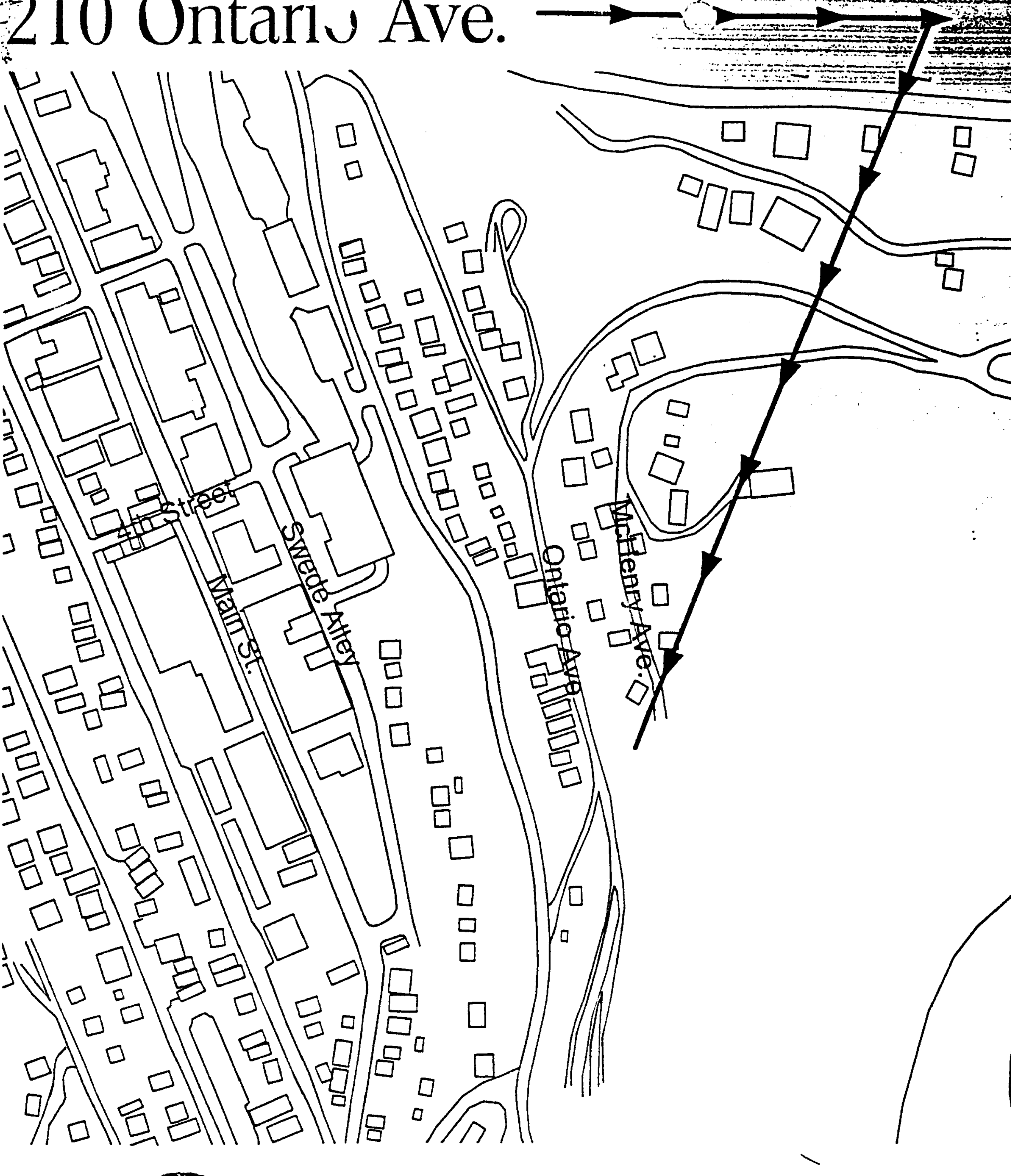
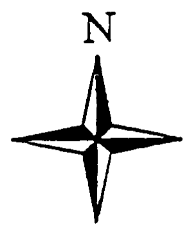


Exhibit A
Vicinity Map



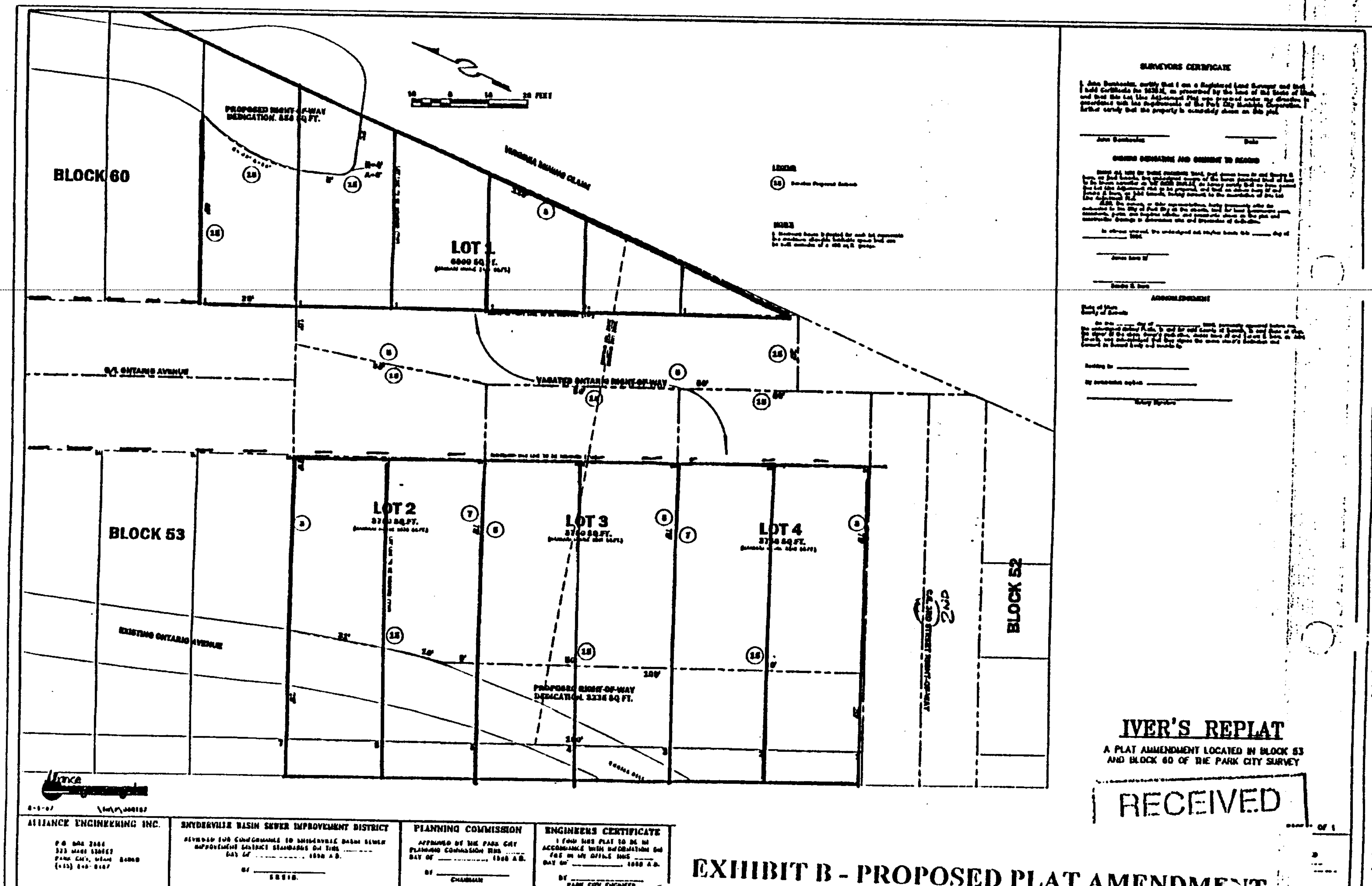


EXHIBIT B - PROPOSED PLAT AMENDMENT

48

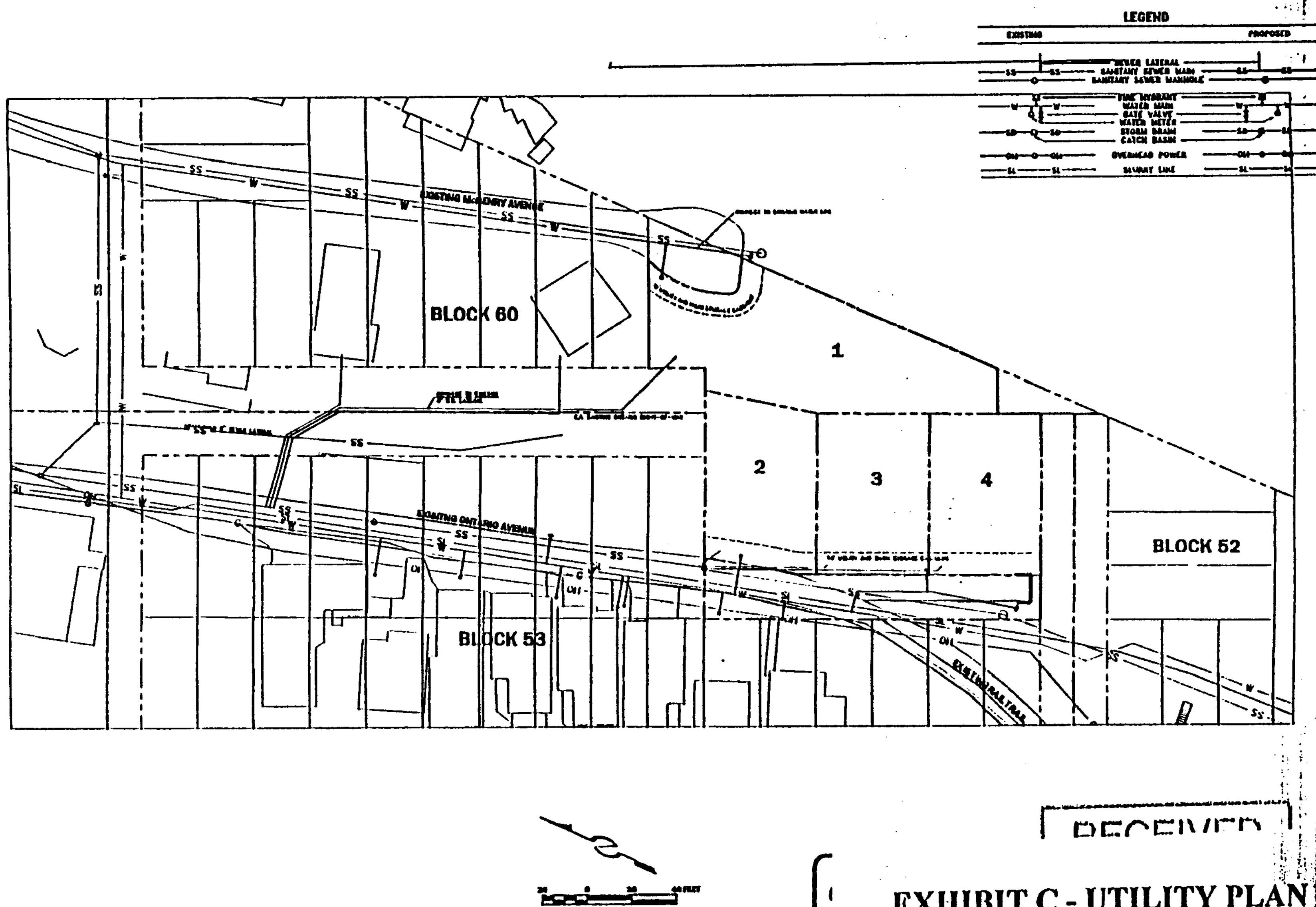


EXHIBIT C - UTILITY PLAN

RECEIVED

PLANNING DEPT.

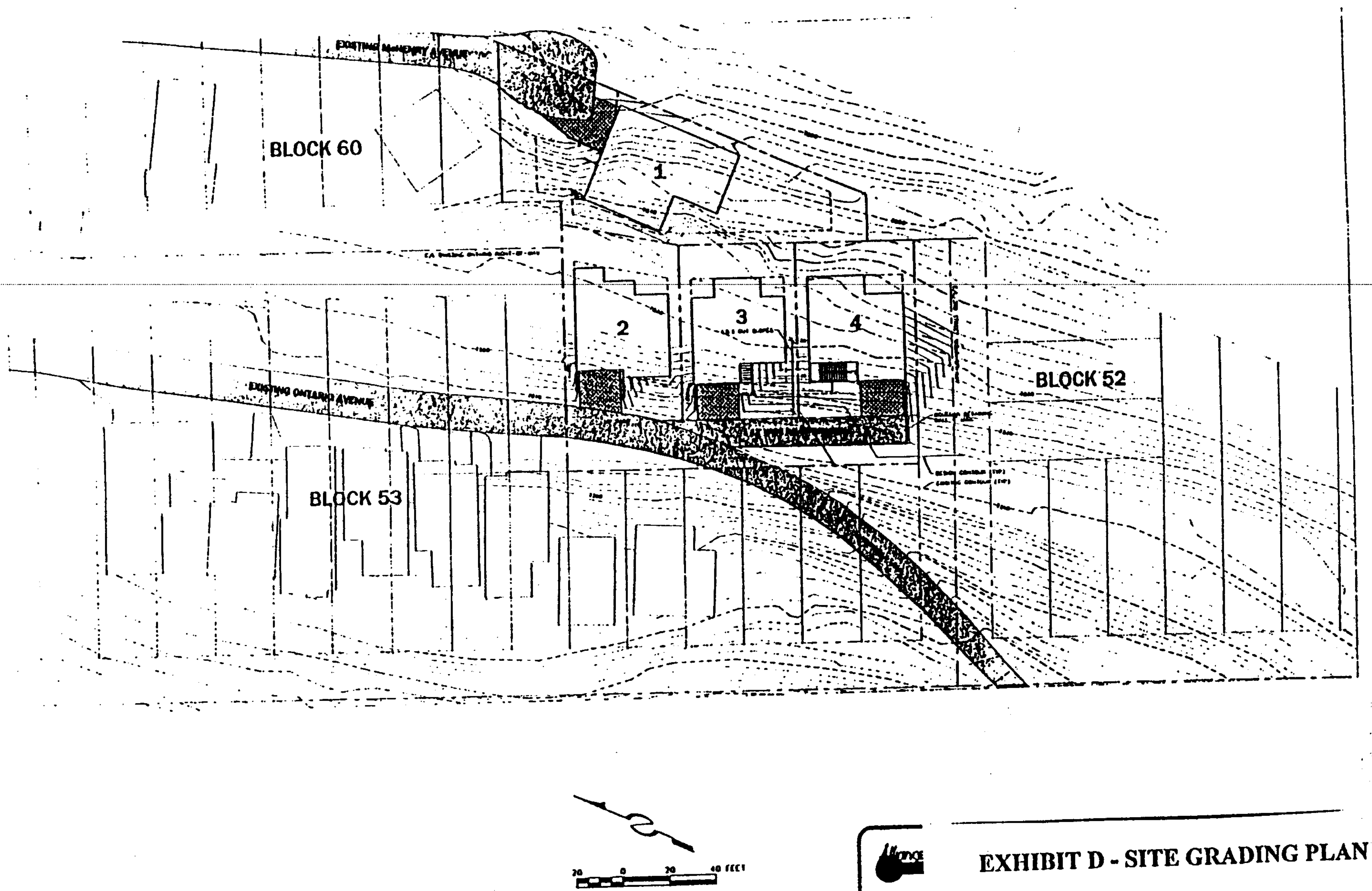
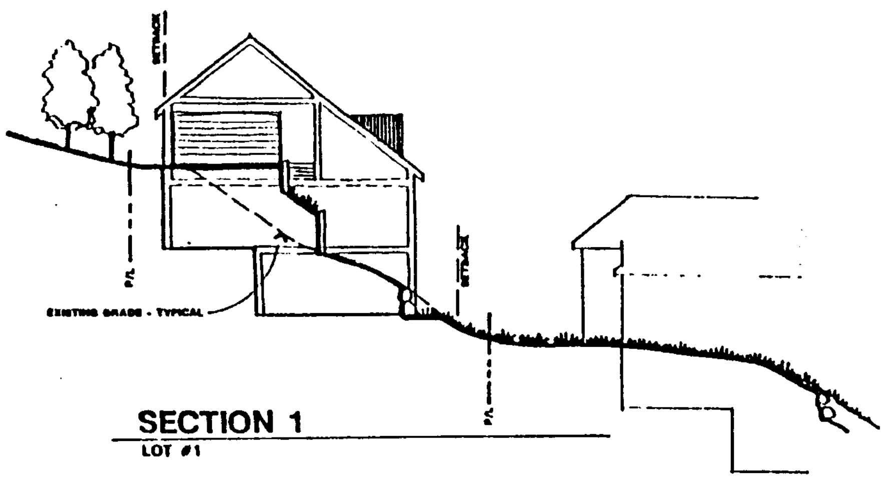
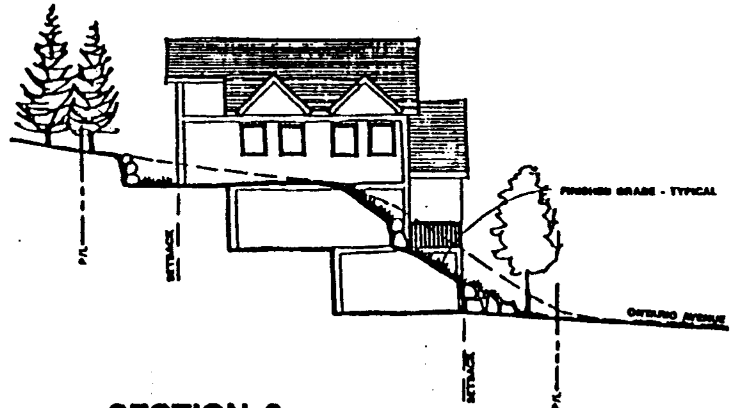


EXHIBIT D - SITE GRADING PLAN

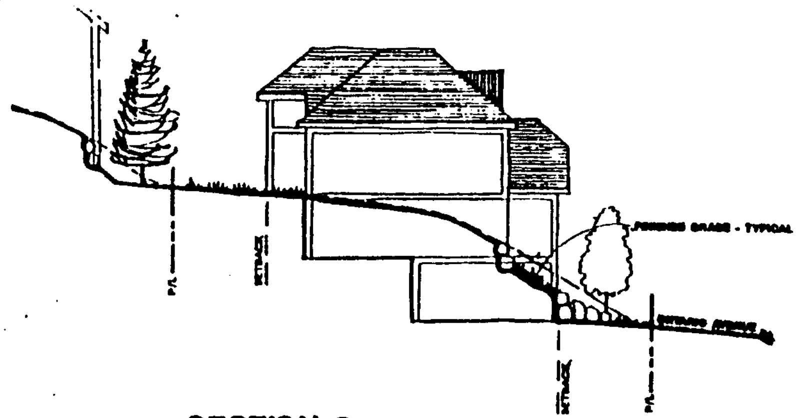
51



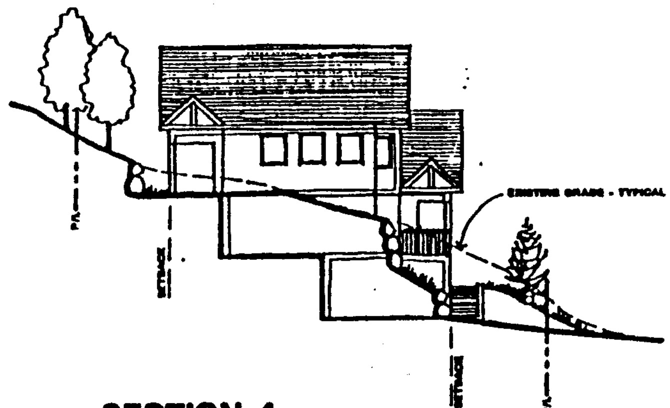
SECTION 1
LOT #1



SECTION 3
LOT #3



SECTION 2
LOT #2



SECTION 4
LOT #4

IVERS REPLAT

EXHIBIT E - SECTIONS

PARK CITY 1884

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 while 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

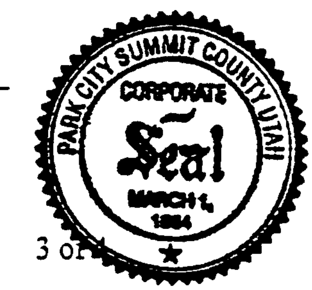
Bradley A. Olch

Mayor Bradley A. Olch

Attest:

Janet M. Scott

Janet M. Scott, City Recorder



54

Approved as to form:

Mark D. Harrington, Deputy City Attorney

55

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, devises, 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

NOTARY PUBLIC
GARY K. BENNION
1650 Park Ave.•PO Box 1238
Park City, Utah 84060
My Commission Expires
May 15, 2001
STATE OF UTAH

EXHIBIT G - AFFIDAVIT

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, devises, 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

LYLE JONES
NOTARY PUBLIC • STATE OF UTAH
1263 Deer Valley Dr.
P.O. BOX 680277
PARK CITY, UT 84060
COMM. EXP. JAN. 11, 2003

SCHEDULE 1.

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

3 months

PARK CITY MULTIPLE LISTING SERVICE

--

Property Type: Vacant-Land **CMA Summary Report**

Date: 11/30/99
Time: 14:20

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

MLS #	STAT	TP 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		
9928730	Active	LS 01	15 16	PARK CITY SURVEY	470 MARSAC AVENUE	0.13	Year Round	LWII	WILLIAM WINSTE/	$119,500	104	5 [illegible]	
9823392	Active	LS 01	20 21	OTHER (AREAS 1-9)	108 PARK AVENUE	0.05	Year Round	COLE	DEBBIE RICHTER-	$130,000	477		
9822001	Active	LS 01	23 24	PARK CITY SURVEY	427 ONTARIO AVENUE	0.09	Year Round	MOPR	FRED MOORE	$139,500	243	3970	
9822378	Active	LS 01	23	SNYDERS ADDITION	LOWELL AVENUE	0.05	Year Round	COLE	SCOTT VULTAGGI	$140,000	557		
9928731	Active	LS 01	23 24	PARK CITY SURVEY	475 ONTARIO AVENUE	0.04	Year Round	LWII	WILLIAM WINSTE/	$149,500	104	1742	
9929247	Active	LS 01	10	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.12	Year Round	COLE	CRAIG MASTERS	$150,000	70	5277	
9929248	Active	LS 01	11	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.09	Year Round	COLE	CRAIG MASTERS	$150,000	70	3920	
9927518	Active	LS 01	38 1/2 37	SNYDERS ADDITION	1236 LOWELL AVENUE	0.06	Year Round	COLE	CHRIS "CJ" JOHNS	$160,000	195		
9927517	Active	LS 01	7 1/2 LOT8	SNYDERS ADDITION	1237 EMPIRE AVENUE	0.06	Year Round	COLE	CHRIS "CJ" JOHNS	$169,000	195		
9927515	Active	LS 01	1 11.25 FT	SNYDERS ADDITION	1203 EMPIRE AVENUE	0.06	Year Round	COLE	CHRIS "CJ" JOHNS	$190,000	195		
9926660	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		
9824709	Active	LS 01	1/2 19201/	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		
9927514	Active	LS 01	3	MILLSITE RESERVATION	83 KING ROAD	0.14	Year Round	COLE	CHRIS "CJ" JOHNS	$220,000	195		
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 WHITING	$230,000	99		
9928367	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	$260,000	70		
9925735	Active	LS 01	84	PARK CITY SURVEY	84 KING ROAD	0.10	Year Round	COLE	BONNIE PERETTI	$262,000	319		
9929245	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		
9929243	Active	LM 01	23	OTHER (AREAS 1-9)	ROSSIE HILL DRIVE	0.14	Year Round	COLE	CRAIG MASTERS	$290,000	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	563 WOODSIDE AVENUE	0.04	Year Round	IGRE	DEANNA CARTER	$449,000	350		
9928456	Active	LS 01	17-1935-43	PARK CITY SURVEY	201 UPPER NORFOLK AVEN	0.42	Year Round	COLE	HEIDI GATCH	$639,000	127		

EXHIBIT 1 - PARK CITY MULTIPLE LISTINGS OF VACANT OLD TOWN LOTS

PARK CITY MULTIPLE LISTING SERVICE

CMA Summary Report

Property Type: Vacant-Land

MLS #	STAT	TP 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	260 MAIN STREET	0.09	Year Round	ASHL	STEPHEN SCHIRF	$775,000	175		
9925890	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	$22,680,000	107		

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. Theses 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 to the City. The total net area is approximately 3,215 square feet to be vacated.

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 <u>listing price</u> not the <u>sale price</u>. Based on the last 6 months, there have been no sales shown by the Listing Service.**

<u>Lot 1</u>

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

<u>Lot 2</u>

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

<u>Lot 3</u>

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 J - ANALYSIS OF COMPENSATION

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

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.

J ES, WALDO, HOLBROOK & MCI IOUGH
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS
1500 WELLS FARGO PLAZA
170 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84101-1644
TELEPHONE (801) 521-3200
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www.joneswaldo.com

WASHINGTON, D.C. OFFICE
411 CONSTITUTION AVE. N.E.
WASHINGTON, D.C. 20002
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FAX (202) 547-5717

ST. GEORGE OFFICE
THE TABERNACLE TOWER BLDG.
SUITE 200
249 EAST TABERNACLE
ST. GEORGE, UTAH 84770-2978
TELEPHONE (435) 628-1627
FAX (435) 628-5225

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 Middelton 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.

429496v1

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

PARK CITY
1884

DATE: January 6, 2000
DEPARTMENT: City Manager
AUTHOR: Jan Scott, City Recorder
TITLE: Mayor Pro-Tem Appointments and Meeting Dates
TYPE OF ITEM: Administrative/Legislative

SUMMARY RECOMMENDATIONS: Appointing a Mayor Pro Tem and Alternate Mayor Pro Tem at the regular meeting, and adopting resolutions setting forth meeting dates for the City Council and its related agencies are recommended actions.

DESCRIPTION:

A. Topic: These are both housekeeping matters. Setting regular meeting times, place and dates is a requirement of the state code.

B. Background: Historically, tenured members of the City Council have been appointed as Mayor Pro Tem and Alternate Mayor Pro Tem. The regular meeting time of 6 p.m. has been in place since January 1986; prior to that, it was 5 p.m.

C. Analysis: N/A.

D. Department Review: N/A.

ALTERNATIVES:

A. Approve the request.

B. Deny the Request: The Council certainly has the discretion to change the manner of appointing the Mayor Pro Tem or to change the meeting time, place, or date. However, it is required to adopt meeting dates by resolution.

C. Continue the Item: These items could be continued, but it is recommended that these actions take place at the beginning of the year.

RECOMMENDATION: See summary recommendation.

Resolution No. 1-00

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR MEETINGS OF THE CITY COUNCIL OF PARK CITY, UTAH FOR 2000

BE IT RESOLVED by the City Council of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Park City Council shall be held on Thursdays at 6 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah. Regular meetings are open meetings, where agenda items are scheduled for public hearing and/or action. The time may change if it is felt appropriate to schedule issues of general interest at a time that may better accommodate the public. Meetings may be canceled when there is no pending business, no quorum, or the regular meeting date falls on a holiday.

The schedule for City Council meetings in 2000 are as follows:

January 6, 13, 20, 27	July 6, 13, 20, 27
February 3, 10, 17, 24	August 3, 10, 17, 24, 31
March 2, 9, 16, 23, 30	September 7, 14, 21, 28
April 6, 13, 20, 27	October 5, 12, 19, 26
May 4, 11, 18, 25	November 2, 9, 16, 30
June 1, 8, 15, 22, 29	December 7, 14, 21, 28

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific date, time, and location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the City's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present.

No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND ADOPTED this 7th day of January, 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
1884

Resolution No. RDA 1-00

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2000 MEETINGS AND APPOINTING OFFICERS OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF PARK CITY, UTAH

BE IT RESOLVED by the Redevelopment Agency of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Redevelopment Agency shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the Agency's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. SPECIFIC MEETING DATES. The schedule for Redevelopment Agency meetings in 2000 are as follows:

January 6, 13, 20, 27	July 6, 13, 20, 27
February 3, 10, 17, 24	August 3, 10, 17, 24, 31
March 2, 9, 16, 23, 30	September 7, 14, 21, 28
April 6, 13, 20, 27	October 5, 12, 19, 26
May 4, 11, 18, 25	November 2, 9, 16, 30
June 1, 8, 15, 22, 29	December 7, 14, 21, 28

SECTION 6. APPOINTMENT OF OFFICERS. The officers of the Board of Directors of the Redevelopment Agency of Park City, Utah shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 6th day of January, 2000.

PARK CITY REDEVELOPMENT AGENCY

____
Chairman Bradley A. Olch

Attest:

____
Janet M. Scott, Secretary

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY
1884

Resolution No. MBA 1-00

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2000 MEETINGS AND APPOINTING OFFICERS OF THE BOARD OF DIRECTORS OF THE MUNICIPAL BUILDING AUTHORITY OF PARK CITY, UTAH

BE IT RESOLVED by the Municipal Building Authority of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Municipal Building Authority shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given indicating the specific location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the Authority's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. SPECIFIC MEETING DATES. The schedule for Municipal Building Authority meetings in 2000 are as follows:

January 6, 13, 20, 27	July 6, 13, 20, 27
February 3, 10, 17, 24	August 3, 10, 17, 24, 31
March 2, 9, 16, 23, 30	September 7, 14, 21, 28
April 6, 13, 20, 27	October 5, 12, 19, 26
May 4, 11, 18, 25	November 2, 9, 16, 30
June 1, 8, 15, 22, 29	December 7, 14, 21, 28

<u>SECTION 6. APPOINTMENT OF OFFICERS</u>. The officers of the Board of Directors of the Municipal Building Authority of Park City, Utah shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 7th of January, 2000.

PARK CITY MUNICIPAL BUILDING AUTHORITY

____
Chairman Bradley A. Olch

Attest:

____
Janet M. Scott, Secretary

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY
1884

Resolution No. WSD 1-00

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2000 MEETINGS AND APPOINTING OFFICERS OF THE ADMINISTRATIVE CONTROL BOARD OF THE PARK CITY WATER SERVICE DISTRICT

BE IT RESOLVED by the Water Service District of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Water Service District shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the Water Service District's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. SPECIFIC MEETING DATES. The schedule for the Water Service District meetings in 2000 are as follows:

January 6, 13, 20, 27	July 6, 13, 20, 27
February 3, 10, 17, 24	August 3, 10, 17, 24, 31
March 2, 9, 16, 23, 30	September 7, 14, 21, 28
April 6, 13, 20, 27	October 5, 12, 19, 26
May 4, 11, 18, 25	November 2, 9, 16, 30
June 1, 8, 15, 22, 29	December 7, 14, 21, 28

SECTION 6. APPOINTMENT OF OFFICERS. The officers of the Administrative Control Board of the Park City Water Service District shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 6th day of January, 2000.

PARK CITY WATER SERVICE DISTRICT

Chairman Bradley A. Olch

Attest:

Janet M. Scott, Secretary

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: **January 6, 2000**
DEPARTMENT: **Legal Department and Planning Department**
TITLE: **Amendment to the Temporary Zoning Ordinance for Telecommunication Facilities**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS:

Consider a request to amend the Temporary Zoning Ordinance for Telecommunication Facilities to add a section regulating temporary Telecommunications Facilities.

DESCRIPTION:

A. Topic: Land Management Code ("LMC") Chapter 8.30.

B. Background: On December 6, 1999, City Council adopted a Temporary Zoning Ordinance (TZO) requiring all telecommunication facility applications be reviewed by the Planning Commission. The original ordinance provided for *administrative* conditional use permits (CUP) for telecommunication towers to be processed by the Planning Staff, unless the criteria specified in the ordinance were not met, in which case the application would be heard by the Planning Commission as a full-blown CUP, with a public hearing.

Prior to the TZO the Community Development Department processed several applications without resulting in negative impacts nor public reaction, but one application created this request. The neighbors wanted the City to stop reviewing any applications for telecommunications administratively and requested the formal CUP process so that the public would be informed of any applications and given an opportunity to comment at a public hearing.

This proposed amendment to the TZO is a result of a request by the telecommunication industry to install temporary telecommunication facilities for events such as the Sundance Film Festival. As the TZO is currently written, all telecommunication facilities would need to submit an application for Planning Commission review.

C. Analysis:
Staff has drafted an amendment to the TZO listing criteria for temporary telecommunication facilities which allows them to be approved administratively, instead of a required review by the Planning Commission. The criteria for approval are listed below.

Time. Permits will be issued for the duration of the special event plus two (2) days. In no event will a temporary administrative permit for temporary telecommunications facilities be issued for a period greater than thirty (30) days.

Height. The height of the antenna may not be greater than five (5) feet higher than the zoning height for the zone in which the antenna is placed, as stated within the Land Management Code.

Zoning. Temporary antennas are prohibited in the following zones: RD, E, SF, SF-N, RDM, R-1, HR-1, HR-2, HRL, ROS, and RM.

Permission. Temporary telecommunication facilities' permit applications shall be accompanied by written permission from the property owner.

Staff has also added criteria regarding antennas used during Drive Tests. A drive Test is where the telecommunication companies erect an antenna, usually for a period less than one day, to test a potential site. The previous ordinance did not address this type of antenna. Staff has added a general requirement of a written notice to the City for this type of use.

The amendment to the TZO is drafted to comply with Utah Code 10-9-404 concerning temporary zoning regulations. The council must make a **finding of compelling, countervailing public interest** to amend the adopted TZO.

D. Issues for Discussion.
Staff has drafted the zoning regulations for temporary antennas based upon the area in which freestanding telecommunication facilities are allowed. Due to the temporary nature of the antennas within the proposed amendment, the City Council may wish to allow the temporary facilities in more zoning districts.

E. Department Review: The Legal Department and Planning Department have reviewed this matter.

ALTERNATIVES:
A. Approve the amendment to the TZO as attached as EXHIBIT A. This is the action requested by the telecommunication companies.

B. Adopt a modified TZO. The Council may decide to alter the terms of the proposed amendment to the TZO. In which case, it should direct staff accordingly. One option would be to modify the zones in which temporary facilities may be placed.

C. Continue the Item. If the Council wants more information, it should request such additional data and continue the item. Applications received until adoption of the amendment to the TZO would be processed under the current code (approval by the Planning Commission), unless otherwise directed by Council.

D. Deny the request for the Amendment to the TZO. All applications for temporary telecommunication facilities would require approval by the Planning Commission.

SIGNIFICANT IMPACTS: The amendment to the TZO should survive legal scrutiny, but may subject the City to additional scrutiny from the state legislature and the League of Cities and Towns. Allowing for the administrative approval of temporary facilities would decrease time and staff resources required to process the applications

RECOMMENDATION: Consider the request to adopt an amendment to the TZO allowing temporary telecommunication facilities to be processed administratively as a Conditional Use Permit by the Planning Department.

Exhibits
Exhibit A - Amendment to the Temporary Zoning Ordinance

PARK CITY
1884

Ordinance No.

TEMPORARY ZONING ORDNANCE AMENDING ORDINANCE NO. 99-51, SECTION 8.30 OF THE LAND MANAGEMENT CODE, TO ALLOW TEMPORARY TELECOMMUNICATIONS FACILITIES BY ADMINISTRATIVE PERMIT

WHEREAS, telecommunications providers desire to locate telecommunications facilities within boundaries of Park City Municipal Corporation; and

WHEREAS, the City Council desires to establish a process for permitting such telecommunications facilities within Park City while providing for public participation in such process via notice and public hearings; and

WHEREAS, the City is in the process of comprehensively re-writing the Land Management Code ("LMC") and the final adoption of amendments is delayed pending new recommendations from the Planning Commission;

WHEREAS, the state legislature has enabled cities to adopt Temporary Zoning Regulations, without a formal public hearing, for a period not to exceed six (6) months (Utah State Code, Section 10-9-404); and

WHEREAS, it is in the best interest of Park City and for the protection of health, safety and the general welfare of its citizens to allow public participation in the telecommunications facility permitting process;

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

SECTION 1. FINDINGS: The Council finds that:

1. The current Section 8.30 of the Land Management Code permits administrative review and approval of telecommunications towers without need for pubic hearing;

2. Prior applications for telecommunications towers in Park City have aroused significant public interest and attracted considerable, valid public input that may not have otherwise been considered under the current ordinance;

3. There is a compelling, countervailing public interest to immediately change the ordinance to contain a public condition use permit process.

SECTION 2. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8.30 is hereby deleted and replaced by amended Chapter 8.30 attached hereto as Exhibit A. Defined terms in Chapter 8.30 shall be defined in accordance with the pending revisions to the Land Management Code.

SECTION 4. PERIOD OF LIMITED EFFECT. This temporary zoning ordinance shall be effective, pursuant to U.C.A. Section 10-9-404, for a period no longer than six months.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this 6th day of January, 2000.

PARK CITY MUNICIPAL CORPORATION

ss. Original Signed
Mayor Bradley A. Olch

Attest:

ss. Original Signed
Janet M. Scott, City Recorder

Approved as to form:

ss. Original Signed
Mark D. Harrington, City Attorney

EXHIBIT A

8.30 TELECOMMUNICATION FACILITIES. The intent of this section is to ensure that telecommunications facilities are compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and public health and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate such facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and, to the best extent possible, provide screening from adjacent property owners. The installation of these devices is governed by the following regulations.

(a) Permit Required. The installation of telecommunication shall be deemed a conditional use and subject to the conditional use review process pursuant to Section 1.13 of the Land Management Code and the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a conditional use permit and a Building Permit from the City. Plans of such facility shall be submitted with each Telecommunications Application. In addition to the criteria in Section 1.13, all applications must meet the criteria in subsections (f)—(i) herein, as applicable.

(b) Definitions.

1. **Antenna.** Transmitting or receiving device used in telecommunications that radiates or captures radio signals.

2. **Co-location.** The location of wireless communication facility on an existing structure, tower or building in a manner that precludes the need for that wireless communications facility to be located on a free-standing structure of its own.

3. **Roof Mounted Antenna.** An Antenna or series of individual Antennas mounted on a roof, mechanical room or penthouse of a building.

4. **Wall Mounted Antenna.** An Antenna or series of individual Antennas mounted against the vertical face of a building or chimney. A wall of face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

5. **Temporary Antenna.** Transmitting or receiving device used in telecommunications that radiates or captures radio signals for a time period of less than thirty (30) days.

6. **Drive Test Antenna.** A temporary antenna which is used for field testing of telecommunications signals and possible locations but does not provide telecommunications services to customers.

(c) Submittal Requirements. A complete application shall include the requirements as stated within the Telecommunication Facility Application available in the Community

Development Department.

(d) Compliance with other Laws. Such structures shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a conditional use permit for tower construction.

(e) Towers Located on City Land. In addition to obtaining a conditional use permit, applicants for towers located on City owned land shall pay to the City fair compensation in an amount determined by the City Council.

(f) Conditional Use Standards for Telecommunications Facilities

1. **Freestanding Antennae.**

i) Zoning. Free Standing Towers are prohibited in E, SF, SF-N, RD, RDM, R-1, HR-1, HR-2, HRL, ROS and RM zones.

ii) Height. The proposed height of the facility shall be within the height requirement for the zoning district in which it is placed.

iii) Setbacks. Any part of an Antenna tower shall be setback from the street line or any other lot line of the lot on which it is located a distance of not less than the height of such tower.

iv) Location. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance would result in less visual impact of the site and surrounding area. The effectiveness of visual mitigation shall be evaluated by the Planning Department, taking into consideration the site as built.

v) Fences. Fences in conjunction with a telecommunication site shall be reviewed under the same guidelines as fences constructed within Park City under the Land Management Code. There will be no exceptions to fence materials permitted within the zone. If the application proposes the use of a fence, the Planning Department will require landscaping to mitigate the visual impacts.

vi) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The towers and associated equipment shall incorporate materials and colors present in the context of the surrounding area. The intent of this provision is to minimize, to the greatest extent possible, the visual contrast between the towers and the existing built and natural environment.

Unless otherwise required by the F.C.C. and the F.A.A., towers shall be light gray in color. The pole, where appropriate, shall be earthtone colors in keeping with the Park City Design Guidelines. Camouflaged towers shall be designed in a manner to blend with the existing built and natural environment.

vii) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

2. **Roof or Wall Mounted Antennae.**

i) Zoning. Roof or Wall Mounted Antennae are permitted in all zones subject to the criteria herein.

ii) Height. Antennas or similar structures may extend up to five (5) feet above the specified maximum height limit of the zoning district.

iii) Location. The Antennas shall be located on the structure in areas where such location would provide the least visual impacts from the street and adjacent properties.

iv) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The Antennas attached to buildings or structures, where appropriate, shall match the color of the structure to which they are attached.

v) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

(g) Co-location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one (1) tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each tower. The application shall include any existing or approved, but unbuilt, communication towers within the transmission area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the communication towers;

2. Geographic service area requirements;

3. Mechanical or electrical incompatibilities;

4. Inability or ability to locate equipment on existing communication towers; and

5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the communication tower.

(h) Accessory Buildings. Applications for accessory buildings shall be reviewed through the building permit process and conditional use review process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.

(i) Signs. Signs shall only be permitted if they are related to the health and safety of the general public.

(j) Abandonment. The property owner shall be responsible for the removal of unused communication towers within twelve (12) months of cessation of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(k) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of telecommunications receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of wireless communication receivers are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the communication Antenna within the common area has been granted as a part of the permit application filed with the City.

(m) Appeal of the Conditional Use Denial. Appeals shall be pursuant to Section 1.16 herein.

(n) Technical Necessity Exception. If the application does not meet the criteria as stated in Section (f) the applicant may apply to the Board of Adjustment for a Technical Necessity Exception. The Board of Adjustment shall review the application pursuant to the Special

Exceptions criteria provided herein at Section 5.6(d). The Board of Adjustment approval must be received prior to Conditional Use Permit approval pursuant to Section 1.13 by the Planning Commission.

(o) Temporary Permits. Anyone seeking permits for temporary antennas in conjunction with special events is required to submit an application to the Park City Planning Department. The application will be reviewed by the Planning Department based on the following criteria:

1. Time. Permits will be issued only for the duration of the special event plus two (2) days. In no event will a temporary administrative permit be issued for a period of greater than thirty (30) days.
2. Height. The height of the antenna may not be greater than five (5) feet higher than the zoning height for the specific zone where the antenna is placed, as stated in the Park City Land Management Code.
3. Zoning. Temporary antennas are prohibited in the following zones: RD, E, SF, SF-N, RDM, R-1, HR-1, HR-2, HRL, ROS and RM.
4. Permission. Temporary antenna permit applications shall be accompanied by written permission from the property owner.

If the above criteria are met, the Planning Department shall grant a temporary administrative permit for the facility.

(p) Temporary Antennas for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit a written letter of intent to the Park City Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period greater than one day. Drive tests shall be limited to testing functions only and shall not be used for telecommunications services to customers. Drive tests on City property also require Planning Department approval and exectuion of the City's standard drive test agreement.

DATE: January 3, 2000
DEPARTMENT: Human Resources
AUTHOR: Kim Leier, Human Resources Manager
TITLE: Council appointments to the Employee Transfer and Discharge Appeal Board
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: As of the first council meeting of the new year, Council is to appoint two members and an alternate to serve on the Employee Transfer and Discharge Appeal Board for one year.

DESCRIPTION:

The Employee Transfer and Discharge Appeal Board (ETDAB) consists of two appointed council members, an alternate to serve in their absence, three elected employees and an alternate from all employees represented. This appointment is in accordance with Utah State code.

A. Background:

In November of 1999, council approved the establishment of ETDAB according to Section 2-6-2 within Title 2, Chapter 6 of the Municipal Code in conjunction with revisions to Personnel Policies and Procedures.

B. Analysis:

The ordinance approving the establisment of ETDAB was passed by Council in November 1999. The appointment of council members must be made during the first regular council meeting of each year. The election of staff to serve on the ETDAB is currently underway. The ETDAB only meets when and if a formal appeal challenging a transfer or discharge is filed by a City employee. The ETDAB consists of two Council members and three full-time, regular City employees.

C. Department Review:

Legal Department
Human Resources

ALTERNATIVES:

A. Approve the Request:

Council is being asked to appoint two members and an alternate based on prior approval of

ETDAB.

B. Deny the Request:
Denying the request is not an option as prior approval has already been made.

C. Continue the Item:
This action needs to take place during the first regularly scheduled council meeting of the new year.

SIGNIFICANT IMPACTS:
There are no significant impacts. This action coincides with the council liaison appointments to other boards and committees regularly occurring in January of each year.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Failure to make the required appointments would leave the City out of compliance with policies and procedures.

RECOMMENDATION:
The City Council should appoint two members and an alternate to serve on the Employee Transfer and Discharge Appeal Board for one year to stay in compliance with Park City and Utah State Code.