



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 21, 1999**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 21, 1999.

A G E N D A

Work Session - City Council Chambers - Lower Level

- 4:20 p.m. Council questions and comments
- 4:40 p.m. Bonanza MPD appeal
- 5:40 p.m. Review of regular meeting
 - Transit review
 - America's Opening MFL

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

- I ROLL CALL**
- II PUBLIC INPUT**
- III COMMUNICATIONS FROM COUNCIL AND STAFF**
- IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF SEPTEMBER 30, 1999**
- V PUBLIC HEARING**
 - 1999 Paratransit Plan Update for Park City, Utah
- VI CONSENT AGENDA**
 - 1. Adoption of 1999 Paratransit Plan Update for Park City, Utah
 - 2. Ordinance approving a record of survey plat for the Cottages on the Park at 1312 Park Avenue, Park City, Utah

3. Corrected deed for Morning Star Estates for Lot 3, Park City, Utah
4. Resolution replacing Resolution No. 28-97, Fee Resolution, in its entirety, amending Section 1.2.3., plan check fees, and adopting a fee for appeals to the Uniform Building Code Board of Appeals
5. Resolution authorizing the Mayor to sign the application for transportation and utility systems and facilities on federal lands and to apply for a BLM grant allowing use of BLM property

VII RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mark D. Harrington as City Attorney
2. Acceptance of resignation of Todd Mather from the Historic District Commission
3. Appointment to the Historic District Commission for a term expiring February 2001

VIII OLD BUSINESS

Marketing plan and entertainment for street dance to be held on November 19, 1999 for America's Opening and World Cup Master Festival License - Park City Mountain Resort

IX ADJOURNMENT

PARK CITY COUNCIL MEETING SUMMIT COUNTY, UTAH OCTOBER 28, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not hold** its regularly scheduled meeting on Thursday, October 28, 1999.

Posted: 10/18/99
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 21, 1999**

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

Toby Ross, City Manager; Mark Harrington, Interim City Attorney; Brooks Robinson, Planner; Hope Bleecker, Transportation Director; Frank Bell, Olympic Planning Director

Jim McNeil, United Concerts and Karen Korfanta, Park City Mountain Resort (PCMR)

1. **Council questions and comments.** Chuck Klingenstein received comments regarding the need for a cross-walk between the skateboard park and the Library. He and Hugh Daniels have been attending traffic calming meetings throughout neighborhoods. He thanked staff for the report on Park Avenue zoning issues. In response to a concern from Mr. Daniels regarding kids wearing helmets while skateboarding, Councilman Harlan believed that protective gear has been ordered by the City which will be stored at the park. Paul Sincock reported on a Recycle Utah meeting and suggested that the new waste management contractor, BFI, be contacted to make a work session presentation. Recycling services will not begin until mid-year 2000, and only in concentrated neighborhoods. This will not put Recycle Utah out of business because of the volume of commercial recycling as well as individuals. The fees being charged businesses will encourage recycling. Roger Harlan pointed out the scrap wood thrown in construction dumpsters that could be used for firewood. The wood could be set aside and used. Paul Sincock noted that Recycle Utah has a *good wood* pilot program and there is a County project where the contractor is being paid a subsidy to separate wood and Recycle Utah then sells the scrap at a discounted price.

2. **Bonanza MPD appeal.** Mark Harrington, Interim City Attorney, explained that this is an appeal of a MPD application for a CUP on Bonanza Drive for an office building. He suggested that Council consider this matter in a *de novo* standard of review, which will allow both the applicant and the staff to introduce additional evidence and for Council to consider current testimony in addition to the record established before the Planning Commission. The actual appeal hearing is scheduled on November 4, 1999. This presentation is to afford Council with a background of the project and the applicant will have an opportunity to respond to questions or provide a general overview. In response to a question from Roger Harlan regarding *ex parte* contacts, Mark Harrington explained that this is technically an appeal and urged the Council to refrain from any *ex parte* contacts and to the extent there are any, to disclose them on the record. This would include discussions with staff, except the City Attorney.

Planner Brooks Robinson, through an illustrated presentation, discussed the location of the project. He emphasized that although the City installed the sidewalk, the applicant was willing to install this improvement. The current zone is Light Industrial (LI), which includes the Wintzer-Crippen buildings, Mercer Automotive, Lost Sock Laundry, North Horse Apartments, Deer Valley Lodging Maintenance, and the Transportation Depot. The purpose clause for the LI zone includes mitigation of problems created by uses and projects are subject to the CUP procedure. Mr. Robinson explained that allowable uses include secondary living quarters, activities for conservation soil, water, wildlife; agriculture; no retail sales; and recreation facilities by a home owners association. Conditional uses include a professional office park and Mr. Robinson pointed out several adjacent existing office uses. Although a realty office could be allowed, it has been discouraged because of parking demands. He continued that parking requirements for this use is five spaces per 1,000 square feet of office space. Initially a two-story office building, parking along Iron Horse Loop, and a housing component on the south side of Iron Horse Loop which did not comply with the LMC were proposed. The parcel has not been subdivided and there were questions about the setbacks from the streets. Bonanza Drive and Lower Iron Horse Loop are property boundaries; both Upper and Lower Iron Horse are private roads. Upper Iron Horse is an easement across the subject property. It was agreed by the Planning Commission to use side yard setbacks from both Upper and Lower Iron Horse Loops at 10 feet. Mr. Robinson continued that the parking plan did not meet criteria of the LMC and the plan was revised to reduce the amount of square footage from two floors to one floor. Fifteen of the 18 spaces are now underground, with the dumpster located under the building as well. Members of the Fireside and Iron Horse Condominium Associations expressed concerns about pedestrian access and the applicant has agreed to install sidewalks. There were also concerns about overflow parking into the condominium projects. Staff felt that the office use was compatible and well mitigated and proposed that the MPD be approved by the Planning Commission. The Commission disagreed with that analysis and directed staff to prepare findings for denial based on turning movements from Bonanza Drive, potential conflicts within the driveway for trash pick-up and service delivery vehicles with pedestrians. There was clarification of the original and revised plans. Mr. Robinson reported that the total floor area is about 3,600 square feet. There is no second floor or loft; it is a one-story building with 14 foot ceilings and underground parking.

Mr. Robinson reiterated that the Planning Commission decided on imposing a side yard setback of 10 feet as opposed to a front yard setback. In the MPD process, there is that latitude in consideration of the amount of open space and the building has a fairly small footprint. It was felt that a front yard setback of 20 feet was not appropriate on all three streets. Chuck Klingenstein expressed concerns about safety precautions with adequate setbacks and Mr. Robinson emphasized that the Chief Building Official has required the necessary measures in constructing the retaining wall and once constructed, there is snow storage space. He added that the roof is flat, which will prevent the snow load from sliding off, and there is a sloping roof element to hide the mechanical features. In response to questions from Roger Harlan, Mr. Robinson noted that staff does not have any concerns with the setback or parking proposals as they comply with the LMC. Mr. Sincock

asked why the building isn't nine feet shorter if there is only one floor. Mr. Robinson explained that the building complies the height requirements of the LMC and if the applicant wants high ceilings, that is allowable.

Ralph Evans, architect, distributed more project information to Council. The application was submitted about two years ago and every use is a CUP in the LI zone. They are willing to not have a real estate office. The planning staff has been disregarded by the Planning Commission which brings this project to the City Council. The uses proposed are legitimate under the LI zoning as the same uses are across the street. Mr. Evans stated that (1) they have a legal right to build on their site; (2) they have met all of the conditions of the LMC ; (3) the project was recommended for approval by the planning staff; and (4) the project was denied by the Planning Commission for spurious findings of fact and conclusions of law, which were very general and did not specifically apply to this site. Additionally, they do not apply to the buildings across the street. He discussed conducting a traffic study and noted that a professional office building is in the low end, i.e., seven cars per 1,000 square feet per hour at peak uses. However, other uses in the LI zone, like a car repair shop, may prompt double the traffic.

Mr. Evans emphasized that the Planning Commission publicly instructed the legal staff to come up with findings of denial. He felt the conclusions of law are spurious because they are not based on findings of fact, but are generated and not real issues. For instance, *the use is not compatible with surrounding structures, uses, and circulation* as the same uses are across the street in the same zone. *The use is not consistent with the General Plan*; the General Plan is based on the flawed findings of Item 15. There are no new roads that have been affected or grades changed and the project is close to the bike path. He felt that they have not been properly dealt with. After the denial, they met again with staff and reviewed traffic counts on Bonanza Drive. He discussed their study, photographing traffic and pedestrian trends, and explained that BFI can pick up their garbage safely so there aren't conflicts. It isn't fair that they should be held to a higher standard of design. All of the other businesses in the area have their trash outside in the parking lots. There was discussion about a loft live-in space which was proposed, but not allowed in the LI zone, and the resulting high ceilings.

Mark Harrington clarified that providing information up-front is intentional so Council is better prepared for the formal hearing. He encouraged the Council to read through the material and to the extent there are procedural questions to contact him. They should refrain from contacting the planning staff as this is technically an appeal. The Council felt a site visit would be helpful.

3. Review of regular meeting.

Transit review. Hope Bleecker reported that the Council appropriated an additional \$70,000 to the transportation system last year which enhanced core service and ridership increased

by 60,000. The Prospector express route was up about 5.2% and there was outstanding performance on the late evening service which was authorized in 1997 to accompany paid parking. That ridership was up 67%. She emphasized that the ridership is out there if the capacity is on the road. Staff is recommending that the same level of transit be maintained. The overnight visitor counts were slightly lower than the previous fiscal year which is another indication of good results. There has been year-round transit in town for about two years and the most significant change is realized in the fall months which is bringing more visitors. The size of the fleet has not increased, but maintenance has because they are operating more. She continued that ridership in 1999 is up 4.69% and there is a slight decrease in operating hours due to securing full-time employees. One of the recommendations of LSC is routing summer service into Old Town which is one of the long-term purposes of the intermodal transit center in Swede Alley. There is a large demand for this service in Old Town and Prospector. Deer Valley ridership has begun to grow and Park Meadows is relatively stable. Park Meadows has minimal summer ridership which increases to about 20% of the total in the winter. Staff will be coming back to Council in January to address rider options to service these neighborhoods. Surveys indicate the desire to have neighborhood service in areas not on the regular fixed bus routes and she discussed deviating some service. In response to a question from Chuck Klingenstein regarding acquiring smaller buses, Ms. Bleecker explained that there will be new buses for the ADA service and within that procurement, there is an option for three additional vehicles. It is recommended that two are purchased.

Ms. Bleecker reported that the City sponsored a lunch at the senior citizens center to discuss the ADA service. The vehicle should be here about March 2000. Mr. Klingenstein suggested that the transit map be included on the City web site.

America's Opening MFL. Frank Bell noted that the City Council approved a MFL for America's Opening street dance which includes the closure of Main Street by 9th Street. The approval was based on the scope of the event last year, with the understanding that staff would come back this week to address PCMR's request to expand the marketing of the event in hopes of attracting a somewhat larger audience. There were meetings with staff last week and an agreement was reached over the sorts of things that would be necessary to host a larger event on Main Street. There is a request to modify a marketing plan to include the Wasatch Front and staff is comfortable with the plan. In response to a question from Chuck Klingenstein about demographics and a target audience of Arrow 101, Jim McNeil of United Concerts responded that it is male or female, age 34 to 54. Frank Bell added that United Concerts has always done a good job in providing security for events and understands the demands of a concert on a public street. Hugh Daniels stated that he has mixed emotions about disclosing the name of the band. Frank Bell explained that there are inherent risks in operating an unticketed event in the public domain, regardless of the entertainment. For the most part, the street dances have been successful. He has no objection to the use of the name of the band and reiterated the real issue are inherent risks of an unticketed event in the public domain that is not confined. Ms. Kerr felt that advertising the name of the group would be helpful in targeting

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City Council Work Session
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the right market. Karen Korfanta explained that advertising will occur in the Salt Lake Tribune and The Deseret News.

See regular meeting minutes.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 21, 1999**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 21, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Interim City Attorney; Pat Putt, Planning and Zoning Administrator; Tom Bakaly, Director of Capital Projects and Budget; Hope Bleecker, Transportation Director; and Melissa Caffey, Special Events Manager.

II PUBLIC INPUT

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

Main Street/Park Avenue zoning issues - John Plunkett, Park Avenue resident, referenced the Bamberger project where the developer was required to replace the trees that were removed and Council required replacement of the trees. He felt that the directives of the Council have not been followed as staff has not worked with neighbors, but privately worked out an agreement with the developer's lawyer. The Mayor pointed out that staff has also been working with Mr. Plunkett's legal counsel on this matter. Mr. Plunkett discussed at length the October 7 landscape agreement and through illustrations, explained that the trees are unacceptable as they are not large enough. The trees are just tiny examples of the two biggest issues that Park City voters are worried about according to the KPCW poll; controlling growth and a general sense that the City doesn't listen to ordinary folks. The best process should be the public process but sometimes developers ignore this process and the Community Development Departments sometimes minimizes it which tends to aid the developers. He commented on the developer not going through a public process to cut down the trees. When this issues was brought to the Council, it reacted well and gave clear direction to the Community Development Department, but then sometime happened behind closed doors that stole the public's second chance. The Department signed a deal for six tiny trees instead of six big ones and guaranteed the developer that he wouldn't face any legal charges. Worst of all, the agreement allows the developer to take out the trees next spring in exchange for planting something else. Mr. Plunkett emphasized that the public has not been well served or listened to. There was also confusion over what landscape plan was approved. Last Monday, the neighbors asked that this issue be made an agenda item for this meeting and that staff deliver a public report and invite public comment, but they were turned down. He wished this was an isolated problem but it appears to be a pattern with a number of developers throughout Park City. He filed a complaint about another developer about 60 days ago and to date, the Community Development Department

has not responded to his complaint or acknowledged receipt, and understands that they are meeting behind closed doors. This is a mind-set that has got to stop. What is the City Council going to do about this. He hoped that Council members will realize that neither the public or the City Council are being listened to by the public servants who are suppose to be working for all of us, the City Manager and his senior staff.

In response to a question from the Mayor, Mr. Plunkett explained that the complaint was against Mr. Ringwood and The Claimjumper property over the parking lot and openings on a commercial building on the Park Avenue side. The Mayor requested responses from staff. Pat Putt, Planning and Zoning Administrator explained that the approved landscape plan included 12 trees plus shrubs to be installed, which was attached to the Letter of Understanding. Staff has not verified the calibers to date on the planted trees and was waiting to inspect it all at once. If the trees are not in compliance, they will be replaced; the landscaping is to be installed by the end of the month. There was discussion about the City paying the cost of up-sizing the trees beyond the plan on the front right-of-way. Paul Sincock understood that the poplars would not be removed during construction of the house. Mr. Putt explained that those trees could be removed as part of the construction, if necessary, however the trees would have to be replaced after the construction or an approved landscape plan by the Historic District Commission. Mr. Plunkett stressed that the developer has succeeded in his strategy; the trees are no longer a problem for him. Mr. Putt countered that the trees will be installed, and the bond will not be released until the criteria in the plan is met. It has never been the intent of the Community Development Department to preclude development of Lot 32; the end objective is to make sure that trees are planted and have sufficient area to grow. If those trees have to come out, the trees would be replaced or the HDC will have an opportunity to review and approve a landscape plan equal to that or more. Mr. Putt explained that the front trees are not shown because of future construction and staging, and it was decided to plant them after the construction of the house. Shauna Kerr asked if the City is holding the bond until the house is completed. Mark Harrington explained that there would be two separate bonds. Ms. Kerr suggested that this bond be held throughout the entire construction process. Ms. Harrington responded that staff will have to review the ordinance. Ms. Kerr explained that the intent of the Council is not to accommodate the development of the lot by tearing down the trees. The landscape bond should be held to assure performance throughout the entire construction, including additional bonds.

Mr. Plunkett felt the Council is worried about the wrong thing. The problem is the size of the trees not whether there is a bond on the 3" trees. Even matured, they will never equal the trees that were there. He discussed a different outcome if the HDC had reviewed the project.

The Mayor understood the complaint from the Plunketts on The Claimjumper to be about refuse and the parking lot. Pat Putt began to respond and Mr. Plunkett interrupted, pointing out that the neighbors who filed the complaint should be involved as well as the party. The City Attorney explained that the claims range from non-conforming use to takings and although Mr. Putt

can clarify the procedure, the issue will have to be dealt with through the Board of Adjustment or some other process. Those statements will have to be on the record, and Mr. Plunkett will receive notice of those procedures. The Mayor directed Mr. Harrington to put something in writing to the Plunketts. Mr. Harrington discussed a GRAMA request from Mr. Plunkett and added that he will provide those records and other information regarding the Ringwood's claims. Ms. Kerr emphasized that as a result of the City's enforcement efforts in response to Park Avenue issues, the City is now facing litigation from The Claimjumper. Mr. Harrington understood there was a GRAMA request from the Claimjumper for copies of ordinances and Council minutes, not the Plunkett's complaint. He stressed the importance of keeping the complaint process in a formal proceeding format. Mr. Sincock noted that he is not concerned about the trees along the property line because a structure will be built, but all of the trees in the right-of-way should be up-sized than originally shown. The City has agreed to pay for that and the trees will be a minimum of 6" caliber. Ms. Kerr felt that staff should measure the trees tomorrow as this was a contractual agreement. Mr. Plunkett complained that taxpayers are going to pay for up-sizing the trees because of an illegal act on the part of the developer.

Mr. Harrington discussed a letter from City Prosecutor Terry Christiansen addressing the nature of the violations of the developer which he will share with Mr. Plunkett.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Tom Bakaly updated the Council on the redesign of a driveway on Deer Valley Drive associated with the round-about intersection project.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF SEPTEMBER 30, 1999

Shauna Kerr made a correction to the work session notes; "I move approval of the work session notes and minutes of the meeting of September 30, 1999, as corrected". Roger Harlan noted that he will be abstaining as he was not in attendance. Paul Sincock seconded. Motion carried.

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

V PUBLIC HEARING

1999 Paratransit Plan Update for Park City, Utah - Hope Bleecker explained that this

program has been in place since 1992 and the City reports to the FTA and UDOT on a regular basis. Park City is required to offer comparable service to persons with mobility impairments who are not able to ride the fixed route service. There are service options that are available within the incorporated area of Park City from 7 a.m. to 10:30 p.m. in the summer and also from 5:30 a.m. until 3:30 a.m. in the winter 365 days a year. She explained that currently there is a large population of senior riders who utilize the service from 9 a.m. to 5 p.m. There is a dispatcher who takes requests from 9 a.m. to 5 p.m. Monday through Friday. Riders can schedule a trip up to 14 days in advance and the City offers a minimum of next day service when rides are scheduled before 5 p.m. There are no trip purpose or medical restrictions and the service is curb to curb. Ms. Bleecker added that users must qualify under the ADA guidelines, however, the City offers a service to senior citizens regardless of mobility impairments. Some new features of the program include an on-call driver bank to service requests for the ADA; the system will be identified as Park City Mobility; and a policy handbook will be delivered to all of the City's clients. She explained that the new vehicles are 13 passenger vehicles with a lift equipped tie down space in the back

With no comments or questions from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve. Paul Sincock, "I so move". Chuck Klingenstein seconded. Motion carried unanimously.

1. Adoption of 1999 Paratransit Plan Update for Park City, Utah - See staff report.
2. Ordinance approving a record of survey plat for the Cottages on the Park at 1312 Park Avenue, Park City, Utah - See staff report.
3. Corrected deed for Morning Star Estates for Lot 3, Park City, Utah - See staff report
4. Resolution replacing Resolution No. 28-97, Fee Resolution, in its entirety, amending Section 1.2.3., plan check fees, and adopting a fee for appeals to the Uniform Building Code Board of Appeals - See staff report.
5. Resolution authorizing the Mayor to sign the application for transportation and utility systems and facilities on federal lands and to apply for a BLM grant allowing use of BLM property - See staff report.

VII RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mark D. Harrington as City Attorney - The Mayor requested a

motion to approve. Chuck Klingenstein, "I approve Mark Harrington's appointment as City Attorney". Roger Harlan seconded. Mark Harrington thanked Jim Carter, Shauna Kerr, Craig Smith, and Jodi Hoffman for providing him with the skills and opportunities to get to this point and hoped that he could carry forward in their tradition in giving the community the quality of public service that the office has in the past. Motion unanimously carried.

2. Acceptance of resignation of Todd Mather from the Historic District Commission - Roger Harlan, "I reluctantly move to accept the resignation of Todd Mather from the Historic District Commission". Chuck Klingenstein seconded. Motion unanimously carried.

3. Appointment to the Historic District Commission for a term expiring February 2001 - Hugh Daniels, "I move to appoint Steve Swanson to the Historic District Commission for a term expiring February 2001". Paul Sincock seconded. Motion carried unanimously.

VIII OLD BUSINESS

Marketing plan and entertainment for street dance to be held on November 19, 1999 for America's Opening and World Cup Master Festival License - Park City Mountain Resort - Melissa Caffey explained that the City Council approved a MFL last week for America's Opening at last year's scale and instructed staff to continue to work with the applicant on a larger event. There was discussion about disclosing the name of the band. The Mayor requested a motion to approve. Chuck Klingenstein, "I so move". Paul Sincock seconded. Motion carried unanimously.

IX ADJOURNMENT

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

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

Prepared by Janet M. Scott



Janet M. Scott
Janet M. Scott, City Recorder



CITY COUNCIL STAFF REPORT

DATE: October 21, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Bonanza Place Office Building Master Planned Development
TYPE OF ITEM: Appeal of Denial by Planning Commission

DESCRIPTION

A. Topic

Owners Ralph Evans, Architect for owners
Location East side of Bonanza Drive between Upper and Lower Iron Horse Loop
Zoning Light Industrial (LI) and Estate (E). Sensitive Lands Overlay on the Estate portion.
Adjacent Land Uses Fireside condos, North Horse apartments, Deer Valley lodging offices, Wintzer industrial park.

B. Background

On September 22, 1999 the Planning Commission approved Findings of Fact and Conclusions of Law to deny the Master Planned Development application for a professional office building. The applicant has appealed the decision to the City Council.

Attached are the staff reports, meeting minutes, and correspondence between staff and the applicant for this project.

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Back-up material delivered under separate cover for City Council members. It is available for review in the City Recorder's Office

PLANNING COMMISSION STAFF REPORT

DATE: September 22, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Bonanza Place Office Building
TYPE OF ITEM: Master Planned Development

SUMMARY RECOMMENDATIONS: Discuss the Finding of Facts and Conclusions of Law and approve and/or amend.

DESCRIPTION**A. Topic**

Owners Ralph Evans, Architect for owners
Location East side of Bonanza Drive between Upper and Lower Iron Horse Loop
Zoning Light Industrial (LI) and Estate (E). Sensitive Lands Overlay on the Estate portion.
Adjacent Land Uses Fireside condos, North Horse apartments, Deer Valley lodging offices, Wintzer industrial park.
Reason for Review Master Planned Developments require Planning Commission Review

B. Background

The Planning Commission held public hearings and discussed this project on June 30, 1999 and on July 28, 1999. On August 25, 1999, the Planning Commission directed staff to prepare findings for denial of this application. The Commission should examine the meeting minutes of the other meetings and deliberate the appropriateness of staff's proposed findings. The applicant has requested an opportunity to respond. The Commission may amend or approve as written the following findings of facts and conclusions of law as necessary to reflect their decision:

Findings of Fact:

1. The 2.4 acre property is located in the Light Industrial (LI) and Estate (E) Districts.
2. The property is located on a steep hillside on a curve on Bonanza Drive in close

proximity to both Upper and Lower Iron Horse Loop and Bonanza Drive intersections and a pedestrian crosswalk.

3. The property is one parcel that has never been properly subdivided.
4. The applicant has submitted a Master Planned Development application for a Conditional Use to construct a professional office building with 3,600 square feet of net leasable office space.
5. The surrounding uses are multi-family residential and commercial businesses.
6. Professional office uses are a conditional use in the Light-Industrial District.
7. Prior planning experience in Park City has shown that allowed Light-Industrial uses, which consist of secondary living quarters, conservation activities, agriculture; and private recreation facilities, generally generate fewer vehicle trips than the conditional uses specified in the Light-Industrial District.
8. As proposed, the professional office use will generate a higher number of vehicle trips and turning movements to and from Bonanza Drive than an allowed Light-Industrial use.
9. On-street parking is not permitted on Bonanza Drive, Upper Iron Horse Loop or Lower Iron Horse Loop.
10. The proposed off-street service deliveries and loading utilize the only vehicular driveway to the entrance and garage and would result in traffic congestion.
11. The proposed refuse collection design utilizes the only vehicular driveway and will necessitate refuse collection vehicles having to back out onto Lower Iron Horse Loop creating potential vehicular and pedestrian conflicts.
12. Planning Commission public hearings were conducted on June 30 and July 28, 1999.
13. Public testimony illustrated the present difficulty with traffic circulation and pedestrian safety at the Bonanza Drive and Iron Horse Loop(s) intersection. Public input was taken that the proposed use would compound the current traffic circulation and safety problems.
14. Public testimony indicated that excess parking from the proposed use will adversely impact adjacent condominium parking.
15. The Land Use Element of the Park City General Plan states the following under "Undeveloped Zoned Land": "Require traffic routing and street design that minimizes grading, minimizes impacts on existing residents, and reduces dependency on the

automobile.”

Conclusions of Law:

1. The use is not compatible with surrounding structures in use and circulation.
2. The use is not consistent with the General Plan.
3. The effects of any difference in use have not been mitigated through careful planning.
4. The proposal does not meet Chapter 10.9 section (a)(2).
5. The proposal does not meet Chapter 10.9 section (h)(12) and (16).

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We find most of the "findings of fact" disputable and they suggest that the Commission is attempting to hold our project to a higher standard than other projects in the greater Park City Area.

OUR SPECIFIC REBUTTAL TO EACH "FINDINGS OF FACT" IS AS FOLLOWS:

1. The 2.4 acre property is located in the Light Industrial (LI) and Estate(E) Districts. Undisputed
2. The property is located on a steep hillside on a curve on Bonanza Drive in close proximity to both Upper and Lower Iron Horse Loop and Bonanza Drive intersections and a pedestrian crosswalk. Undisputed. The steepness of the hill falls within a buildable slope specified in the Land Management Code.
3. The property is on a parcel that has never been properly subdivided. A subdivision plat, prepared by a licensed professional civil engineer, was submitted to the Planning department on August 17, 1999. The application and drawing was submitted per your request.
4. The applicant has submitted a Master Planned Development application for a Conditional Use to construct a professional office building with 3600 square feet of net leasable office space. Undisputed. This use is allowed under the code.
5. The surrounding uses are multi-family residential and commercial businesses. Undisputed. The multi-family residential is already in close proximity to commercial and light industrial uses. This being the case, our professional office building is an allowable use.
6. Professional office uses are a conditional use in the Light-Industrial District. Undisputed.
7. Prior planning experience in Park City has shown that allowed Light-Industrial uses, which consist of secondary living quarters, conservation activities, agriculture, and private recreation facilities, generally generate fewer vehicle trips than the conditional uses specified in the Light-Industrial District. This is a gross generalization which may not have any relevance. Our project could generate fewer vehicle trips than most of the approved Light Industrial Uses. Since you allow secondary living quarters in the Light Industrial zone, as referenced in your statement above, we should also have that right of usage in our project.
8. As proposed, the professional office use will generate a high number of vehicle trips and turning movements to and from Bonanza Drive than an allowed Light-Industrial use. Again, this is gross generalization. "A high number" of vehicle trips is an arbitrary statement. The city traffic engineer has already stated that the roads are not over capacity for the traffic generated by our proposed office project.
9. On-street parking is not permitted on Bonanza Drive, Upper Iron Horse Loop or Lower Iron Horse Loop. Undisputed. On-street parking is not allowed to be considered as required parking according to the Land Management Code. We are not counting any on-street parking as parking for our office parking. We have provided 5 cars per thousand net leasable area as required by your Land Management Code. Based on our experience with other municipalities, the five cars per thousand net square feet for office buildings exceeds the more normal three cars per thousand net square feet used elsewhere and currently being adopted by your new Land Management Code. We do not suggest that the five cars per thousand net square feet be reduced for this project, due to our and your careful planning considerations. Your supplemental requirement for on street parking suggests the project would

Bonanza Place
Office Development
Park City, Utah
9.20.99

PKC

ralph folland evans / architecture, planning, interiors
404 west 400 south salt lake city, utah 84101
telephone 801 363-0777 telecopier 801 363-0969

possibly require 8-10 cars per thousand which is a higher standard than other projects in the City.

10. *The proposed off-street service deliveries and loading utilize the only vehicular driveway to the entrance and garage and would result in traffic congestion. There is no evaluation criteria set forth in the code for service entryways. How many buildings of this scale in Park City have their own entrance for deliveries? This is the Commission's attempt to hold our project to a higher standard than other projects in their jurisdiction, and represents some personal bias against our project on the part of some of the commissioners. It is also debatable that it would create traffic congestion.*
11. *The proposed refuse collection design utilizes the only vehicular driveway and will necessitate refuse collection vehicles having to back out onto Lower Iron Horse Loop creating potential vehicular and pedestrian conflicts. There is adequate turning space to allow for a garbage pick-up vehicle to turn around on site (using the 3 guest parking stalls), and re-enter Lower Iron Horse Loop without backing onto the street. There are many buildings in Park City that have exactly this same scenario (see photos). The refuse collection could be contracted to make collections at the least busy times to minimize vehicular and pedestrian conflicts. We are installing a sidewalk, which has never been provided or required by the city, to allow off-street pedestrian circulation. Customary sidewalk usage requires crossing driveway approaches to most building sites.*
12. *Planning Commission public hearings were conducted on June 30 and July 28, 1999 Undisputed*
13. *Public testimony illustrated the present difficulty with traffic circulation and pedestrian safety at the Bonanza Drive and Iron Horse Loop(s) intersection. Public input was taken that the proposed use would compound the current traffic circulation and safety problems. Public input does not represent professional opinion on the matter. Again the City's traffic engineer reviewed the project and stated that the roads would handle the additional traffic our project generated in a safe manner. We are providing new sidewalks around the perimeter of the property allowing pedestrian traffic to be handled off-street.*
14. *Public testimony indicated that excess parking from the proposed use will adversely impact adjacent condominium parking. No one, including the commissioners, have any way of knowing or proving that this statement is true. Again, the code has a very high parking ratio to accommodate the necessary parking. (5 cars per 1000 square feet of net leasable area) see item number 9 above. The condominium parking lots are not immediately accessible to our property.*
15. *The Land Use Element of the Park City General Plan states the following under "Undeveloped Zoned Land": "Require traffic routing and street design that minimizes grading, minimizes impacts on existing residents, and reduces dependency on the automobile." This statement that you quote is a planning guide for major projects requiring new street design at the perimeter and internal street systems, and does not relate to the small lot development we are dealing with. We have designed our project to meet all existing road configurations and grades. Our "traffic routing and street design" does not effect grading, because we haven't changed or added any roads; it does minimize impact on existing residents, because we are using roads that are still under capacity; and does reduce dependency on the automobile, since the project is across the street from the bike/pedestrian path.*

Bonanza Place
Office Development
Park City, Utah

ralph foland evans / architecture, planning, interiors
404 west 400 south salt lake city, utah 84101
telephone 801 363-0777 telecopier 801 363-0969

The "Conclusions of Law" are also spurious since they are based on contrived findings of fact.

OUR SPECIFIC REBUTTAL TO THE "CONCLUSIONS OF LAW" ARE AS FOLLOWS:

1. *The use is not compatible with surrounding structures in use and circulation.*
The use is compatible with surrounding structures since there are other similar structures in close proximity. Circulation occurs on roads that are under design capacity and are located to service the property we have a right to develop.
2. *The use is not consistent with the General Plan.*
Based on flawed findings in item 15 above. A professional office is a legitimate acceptable conditional use in the Land Management Code of your General Plan.
3. *The effects of any difference in use have not been mitigated through careful planning.*
This statement is erroneous. The project site has had hundreds of hours of careful planning on our part and with the Planning staff since our application in June 23, 1998. The project received recommendation for approval by the Planning staff as of July 28, 1999. Previous Statements by Commission members have recognized that we are providing a quality design, superior to other projects in the area.
4. *The proposal does not meet Chapter 10.9 section (a)(2).*
2. Relationship to Surroundings. The Maser Planned Development's relationship to its surroundings shall be considered in order to avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, ridge line and view corridor intrusion, wetland encroachment, or intrusions on privacy.

In our discussions on this project there has been no objection to building height or bulk, the lack of screening, ridge line or view corridor intrusions, wetland encroachment, or intrusions on privacy. The only perceived adverse impact in this section would be the circulation, which is on roads that are under capacity.

5. *The proposal does not meet Chapter 10.9 section (h)(12) and (16).*
12. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Private internal streets may be permitted if they can be used by police and fire department vehicles for emergency purposes. Width, and cul-de-sac design must accommodate fire fighting apparatus. Bicycle traffic shall be considered and provided for and, where appropriate, connection of the bike and pedestrian system to other city systems shall be addressed. Proper circulation in parking areas in terms of safety, convenience, separation, and screening shall also be considered.
16. Pedestrian traffic shall be addressed in terms of safety, separation, convenience, access to points of destination, and attractiveness.

Paragraph 12 is moot because there are many other projects, now in operation, with exactly the same circulation and safety issues as our project. Paragraph 16 is also moot because we have addressed pedestrian safety with the installation of a sidewalk adjoining every street. The project is also within 50 feet of the bike-pedestrian path. Again this is an unfair attempt to discriminate against our project, and hold it to a higher standard because of the personal biases of some of the commissioners.

Signed,

Ralph Folland Evans

Ralph Folland Evans, FAIA

Bonanza Place
Office Development
Park City, Utah

Ralph Folland Evans / architecture, planning, interiors
404 West 400 South Salt Lake City, Utah 84101
Telephone 801 363-0777 Telecopier 801 363-0969



COUNCIL AGENDA REPORT

DATE: October 21, 1999
DEPARTMENT: Public Works
AUTHOR: Hope E. Bleecker, Transportation Director
TITLE: Transit Service Update
TYPE OF ITEM: Informational

Agenda 10-18-99

SUMMARY RECOMMENDATIONS: Review the Transit Service Ridership Update and the program of service planning activities.

DESCRIPTION:

A. **Topic.** Park City Transit Service Ridership Update.

B. Background.

Staff usually presents an annual update of transit service ridership performance and upcoming milestones for the annual year either in the form of a manager's report or as part of a Council presentation. No action is being requested tonight. Rather, this is an opportunity for the Council to ask questions about the system operation and performance over the last year and review staff's upcoming activities. As we continue to concentrate our efforts on previously recommended system enhancements, we will be coming to the Council often with performance updates. This report focuses on the recent transit system performance and is also an effort to inform the Council of upcoming activities in this fiscal year.

C. Analysis.

FY 99 Service Performance

Generally ridership has improved in all areas of service. Circulator services such as the trolley and Prospector Express continue to remain very strong and ridership on the core service continues to grow as has been previously forecasted in long-range reports. Park City Transit carried 1,271,191 people in FY 99 (July 1, 1998 - June 30, 1999). This is an improvement over the 1,211,543 trips which were recorded in FY 98, or an increase of 4.7%. The Prospector Express grew steadily (5.2%) over FY 98 with a realization of 28,655 passengers in FY 99.

Winter and Summer Season Performance

The amount of service delivered during the winter season over the last two years has ranged between 30,000-32,000 service hours. In the FY 99 winter season, the ridership was just shy of one million riders at 970,000. This is

favorable performance in comparison to FY 98 winter season which registered 912,095 riders. The ridership increase may not necessarily mean that there were more visitors in the FY 99 winter. The 6% increase may be due to advertising and also increased quality of service. A sixth bus was added to the five bus core service rotation to ensure on time performance.

Of note also is the performance of the late night system extensions which were approved in November 1997 (in preparation for paid parking). This service had generally good participation in FY 1998 of 3,839 riders. That number increased in the following year to 11,589 riders, which is an increase of 67%. The sudden increase may be a result of people parking cars elsewhere or leaving them home altogether and riding the bus if it is available. Advertising may have also assisted in this outreach effort.

There are approximately 14,440 hours of service which are provided between April 15 and November 15 (shoulder and summer seasons). Annual year 97 ridership reached 273,326 riders as compared to 308,714 in annual year 98 (an increase of 11.5%). Annual year 99 ridership is approaching the 300,000 mark and is expected to surpass the annual year 98 total. A fairly long term experiment on the Main Street Trolley has proven successful since June 19 and is continuing until November 15. The department has tested late night service hours on the Main Street Trolley until 8 p.m. where it formerly operated only until 5 p.m. during the summers of 98 and 97. Between August 14 and September 17, approximately 20 passengers per hour were realized between 5 p.m. and 8 p.m. This represents good productivity for the three hour extension and it is recommended that the hours be permanently revised in the next budget cycle to include this cost of extended trolley service.

Future Planning Efforts

In addition to the daily tasks associated with system operation and maintenance, the next year will include a planning activities and vehicle procurements such as the following:

- Redesign of the Summer Core Service to Old Town in January 2000
- Design of a new Neighborhood Shuttle Service scheduled for approval in January 2000
- Purchase of two small buses to operate Neighborhood Shuttle (federal funding already awarded)
- Procurement of two new 35' low floor replacement buses (federal funding pending new appropriation)
- Procurement of a second trolley (federal funding pending new appropriation)
- Continue to construct bus shelters
- Development of new bus stop signs

Shift Summer Transit Focus to Old Town - Spring 2000

The current service design calls for all core service buses to travel via the Resort Center throughout the year despite the fact that the center of activity shifts to Old Town following the end of the winter season. This results in indirect trips for many residents and visitors who are traveling between Prospector Square and Old Town. Operating the Prospector Route directly into Old Town will result in more direct trips, increased customer satisfaction, and increased rider ship during the spring, summer, instead of operating via the Park City Mountain Resort. The resort would continue to be served by a combined Park Meadows/Thaynes Canyon route. The service adjustment is expected to have little or no impact on service hours or costs, and no additional vehicles would be required.

Introduce the "Neighborhood Shuttle" - Summer 2000

Analysis of additional service options for residents in neighborhoods of Park City is underway. When the idea of additional options for locals was originally discussed, the Council encouraged use of a deviated response system.

The system would operate with one vehicle on a fixed-route through Park Meadows/Thaynes/Old Town Areas. A thirty minute frequency would be scheduled. The service would also operate through the Prospector Square neighborhood upon demand. Those residents who would catch the shuttle at one of the fixed-route bus stops would pay no fee. Those residents who chose to call into the dispatcher and request a reroute of the vehicle to their residence would pay \$1. The anticipated test should run for a minimum of one year. The estimated capital cost is \$130,000 (80% would be paid by a federal grant.) The estimated operating cost is \$290,000. If the new service were added to the current level of fixed route service, the transportation fund would realize an impact of \$316,000. The drivers and dispatchers have been budgeted into the FY 2001 budget. Staff is running additional analysis to determine whether the fixed-route costs could be offset by the additional service. Staff will be returning to Council for final approval in January.

D. Department Review. This information has been forwarded to the Planning Department, the Public Works Director, the City Manager, and the Office of Capital Management and Budget.

ALTERNATIVES:

- A. Review the Transit Service Update Information Provided in this Report.
- B. Continue the Item.
- C. Do Nothing.

SIGNIFICANT IMPACTS: There are no significant budget impacts of any of the activities defined in this report. The same level of winter service is recommended for the FY 2000 winter season.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: No action is needed, this is an informational report.

RECOMMENDATION: Review the Transit Service Update Information provided in this report. The same level of winter service which was operated in FY 99 will be operated for the FY 2000 winter season.

TRANSPORTATION DEPARTMENT

Passenger Count Comparison

FY 1998 RIDERSHIP	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTALS:
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REGULAR ROUTES	32,526	29,113	16,727	16,244	23,460	133,827	185,365	202,094	215,044	70,134	13,691	22,770	960,995
TROLLEY	7,788	7,107	3,767	4,327	4,910	11,977	8,790	8,311	10,399	6,470	3,150	5,408	82,404
SILVER LAKE	1,590	1,644	912	0	0	7,269	9,583	11,650	12,645	3,293	430	1,017	50,033
PROSPECTOR EXPRESS	0	0	0	0	0	2,424	11,246	6,712	6,515	279	0	0	27,176
EARLY AM SERVICE	0	0	0	0	0	0	81	151	191	58	0	0	481
LATE NIGHT SERVICE	0	0	0	0	0	814	1,179	728	827	291	0	0	3,839
SPECIAL SERVICES	0	71,824	0	0	0	0	9,492	0	0	0	63	120	81,499
SENIOR/PARATRANSIT	436	438	408	484	356	466	352	360	384	418	524	490	5,116

TOTALS:	42,340	110,126	21,814	21,055	28,726	156,777	226,088	230,006	246,005	80,943	17,858	29,805	1,211,543
% of Total:	3.49%	9.09%	1.80%	1.74%	2.37%	12.94%	18.66%	18.98%	20.31%	6.68%	1.47%	2.46%	

FY 1999 RIDERSHIP	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTALS:
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REGULAR ROUTES	35,251	27,319	19,856	18,141	22,462	126,506	187,124	203,556	229,308	68,444	14,629	21,210	973,806
TROLLEY	10,806	8,608	5,545	4,366	6,734	12,768	7,986	8,121	7,568	5,764	3,663	6,628	88,557
SILVER LAKE	2,263	1,851	996	0	1,301	13,701	14,899	21,118	23,750	5,126	0	469	85,474
PROSPECTOR EXPRESS	0	0	0	0	0	3,056	10,473	6,294	7,305	1,527	0	0	28,655
EARLY AM SERVICE	0	0	0	0	25	924	1,379	1,252	1,415	323	0	0	5,318
LATE NIGHT SERVICE	0	0	0	0	85	1,179	4,562	2,367	2,676	720	0	0	11,589
SPECIAL SERVICES	7,740	60,622	350	287	1,122	360	57	117	13	69	193	592	71,522
SENIOR/PARATRANSIT	426	478	404	338	436	636	824	772	772	676	604	504	6,870

TOTALS:	56,486	98,878	27,151	23,132	32,165	159,130	227,304	243,597	272,807	82,649	19,089	29,403	1,271,791
% of Total:	4.44%	7.77%	2.13%	1.82%	2.53%	12.51%	17.87%	19.15%	21.45%	6.50%	1.50%	2.31%	

FY 2000 RIDERSHIP	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTALS:
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REGULAR ROUTES	34,865	25,569	22,188										82,622
TROLLEY	11,217	9,060	5,935										26,212
SILVER LAKE	1,699	1,150	170										3,019
PROSPECTOR EXPRESS	0	0	0										0
EARLY AM SERVICE	0	0	0										0
LATE NIGHT SERVICE	0	0	0										0
SPECIAL SERVICES	8,561	61,102	507										70,170
SENIOR/PARATRANSIT	612	640	888										2,140

TOTALS:	56,954	97,521	29,688	0	0	0	0	0	0	0	0	0	184,163
% of Total:	30.93%	52.95%	16.12%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	

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COUNCIL AGENDA REPORT

DATE: October 21, 1999
DEPARTMENT: Public Works Department
AUTHOR: Hope Bleecker, Transportation Director
TITLE: ADA Paratransit Plan Update
TYPE OF ITEM: Legislative/Public Hearing

[Signature] 10-18-99

SUMMARY RECOMMENDATIONS: The City Council should conduct a public hearing on the 1999 ADA Paratransit Service Update (attached) and adopt the plan.

DESCRIPTION:

A. Topic: Public Hearing and adoption of 1999 ADA Paratransit Plan Update.

B. Background:

Since January 1992, the City has been required to file a series of ADA paratransit updates with UDOT to ensure compliance with the Americans with Disabilities Act (ADA). The City achieved formal compliance in 1995. Since that time, the fixed-route service continued to grow and expand with the addition of early morning and late night services in 1998. Park City has prepared the attached plan in order to comply with the requirement to update the Federal Transit Administration (FTA) that the service is current with ADA efforts.

C. Analysis:

The attached paratransit service plan update includes a progress report of milestones, ridership demand estimates, an estimated operating budget, and reports of significant service changes or deviations from its original plan which was first submitted in 1992. It also includes the draft text of a users guide handbook which has been prepared by staff and will be printed in November.

Service Update

When the senior service was originally established, it was designed not only for elderly and disabled persons, but it also formally allowed seniors (ages 55 and over) to ride regardless of their mobility impairment. This policy has not presented any capacity constraints. Forty clients actively use the service now. Whereas a majority of those clients are mobility impaired, about 50% of them may not qualify under the Americans with Disabilities Act, in which case they would continue to be eligible for service under the City's original policies (weekdays from 9a.m. - 5 p.m. five days per week.) Park City Transit is now in a recertification effort to update its client list and to re-notify ADA eligible clients of the after-hours policies which stipulate service availability during the same days and hours as the fixed-route service.

The service carried an average of 207 (two-way trips) passengers per month in 1997 which increased to 218 per month in 1998. The 1999 ridership has significantly grown and is now averaging 349 passengers per month. The average number of revenue service hours operated are still 2,080 hours. The fully allocated operating costs approximated \$30.81 per revenue service hour during FY 99. An estimated \$13.78 is spent per passenger trip. Park City's active operating fleet is 100% accessible. Two vehicles which were purchased in the mid-80s do not have lifts. They are rarely used in service and are expected to be replaced in 2001. All other major milestones have been accomplished.

On-Call Driver Pool - The Transportation Department will be employing an on-call management system this winter in an effort to ensure delivery of after hours requests for service. Staff is employing this practice because of a recent increase in ridership. After hours requests may grow as the quality of the service improves. Ridership has increased almost 37% over the last 8 months. Instead of hiring new drivers to ensure coverage when a late night supervisor is unavailable, the Transportation Department has trained a temporary bank of on-call drivers to handle evening and late-night service if a supervisor is not available. It is anticipated that if Park City continues to operate with an on-call driver bank, an annual budget of \$10,000 would be needed. Funds for the operation are available in the FY2000 operating budget and will be drawn from the overtime budget line item.

New Vehicles - Park City has ordered two new Ford 13 passenger lift-equipped transit vehicles which will be available in March 2000. The paint scheme is a four color vinyl applique which the riders will be selecting by means of a vote from three available options. The vehicles will be funded by an (80%) Section 5311 funding through UDOT.

D. Department Review: The Office of Capital Management and Budget prepared the financial estimates for this report. Staff has worked with the Legal Department on the submittal requirements. The City Manager and the Public Works Director have also reviewed this document.

ALTERNATIVES:

A. Hold a Public Hearing on the Park City ADA Plan Update and Adopt the Plan: All items included in the paratransit plan update are within the transportation fund budget. This report has been prepared in an effort to inform our local citizens of transit service options which are available to them, and also to keep UDOT and the FTA informed of our paratransit program in Park City. The hearing is required as part of the update effort.

B. Deny the Request: Not moving forward with the hearing would compromise the City's compliance effort and will significantly jeopardize its reporting strategies.

C. Continue the Item: Continuing the item would adversely impede the public process and reporting schedule with UDOT and FTA. This is an effort to ensure Park City's ADA paratransit service continues to remain in compliance.

D. Do Nothing: This would essentially have the same impact as continuing the item.

SIGNIFICANT IMPACTS: Sufficient funds are budgeted in the Transportation Fund for the increased level of advertisement, capital, and operating expenditure. The City has received an FTA grant for the purchase of the new vehicles referenced in this report.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: If Council does not move forward with the hearing and endorsement of the plan, then staff will not be able to file the update with the FTA and UDOT.

RECOMMENDATION: Hold a public hearing on the City's 1999 Paratransit Plan Update and continue with operating plans as recommended.

PARK CITY MUNICIPAL CORPORATION
1999 PARATRANSIT PLAN UPDATE

PARK CITY MUNICIPAL CORPORATION

1999 PARATRANSIT PLAN UPDATE

I. IDENTIFICATION OF SUBMITTING ENTITY

Entity: Park City Municipal Corporation
Department: Transportation Department

Mailing Address: P.O. Box 1480
Physical Address: 1053 Ironhorse Drive
City: Park City
State: Utah
Zip: 84060

Contact Person: Hope Bleecker
Title: Transportation Director
Telephone Number: (435) 615-5360
FAX Number: (435) 615-4904

II. PROGRESS REPORT ON MILESTONES

Services which are comparable to the fixed route bus service are provided during the same days and hours of the fixed-route services. Service between 9:00 a.m. and 5:00 p.m. Monday through Friday accomodates same day service requests. Next day scheduling is offered for all other hours of service for ADA certified individuals.

Park City was noticed by the Utah Department of Transportation in 1998 outreach efforts of the paratransit service seemed insufficient. Therefore, Park City has prepared the handbook included in this plan and will continue to advertise the service in local papers and in its transit service system map which is published twice annually.

There are no restrictions on trip purpose or number of trips. There are no capacity constraints. There has been no slippage from the 1992 plan nor subsequent updates.

History

November 1992 - Fixed-route- Two accessible cutaway vans were received and are being utilized on Silver Lake portion of the fixed route service.

June 1992 - During summer service periods the two accessible vans along with an accessible coach are utilized on fixed-route services providing accessible fixed-route services every twenty minutes.

September 1993 - Seven (7) new wheelchair lift-equipped coaches were received.

November 1993 - With the one coach that was already on line, a total of eight wheelchair lift equipped buses provided accessible transportation on all fixed-routes.

January 1995 - Placed two additional wheelchair lift equipped coaches into service bringing the total number to thirteen.

April 1996 - CNG lift equipped trolley bus to replaced the old one.

Winter 1996 - Two new 35' accessible coaches to replaced two 1982 Thomas Transitliners.

Winter 2000 - Anticipate two new 20' ADA Paratransit Service Vehicles to replace existing senior bus and backup van.

III. DEMAND ESTIMATES

The demand forecast is attached.

IV. An updated five-year budget is attached.

V. PUBLIC PARTICIPATION

January 1996 - Local radio station continues to broadcast paratransit system public service announcements. The announcements specify that the service is available to residents and visitors. It lists the name of a staff member to call and contact if persons are interested in receiving the service.

January 1996 - Local newspaper continues to run public service announcements in the Park Record. This is done bi-weekly

January 1996 - Public Hearing at the Marsac Municipal Building, 445 Marsac Avenue, was held by the City Council to approve Park City's Paratransit Plan update and hear comments from interested individuals.

January 1996 - Members of the Chrysalis and National Ability Center were contacted to assure they were still aware of the services available and of the scheduled public hearing.

Through continued "Outreach" efforts, total paratransit trips continue to increase.

October 1999 - A compliance update hearing was held on October 21, 1999. This is an ongoing effort on the part of the city to ensure that the service is in compliance.

VI. UNRESOLVED ISSUES

Park City anticipates no unresolved issues at the time of filing.

VII. OTHER ISSUES

There has been no slippage from our 1992 original submittal. There have been no changes in the process used to certify persons for paratransit services. No one has been denied service.

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- Trip purpose
- Hours and days of service for Park City Mobility
- Park City Mobility is fare free!

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About Park City Mobility

What is Park City Mobility?

Park City Mobility is a curb to curb service for senior citizens and disabled persons who are unable, due to a disability, to use the regular fixed-route service. The Americans with Disabilities Act (ADA) was signed into law by President Bush on July 26, 1990. The ADA is civil rights legislation, which requires that persons with disabilities receive transportation service which is equal to those services available to the regular fixed route user. Park City Mobility service is based upon the same days and hours, by route structure, as the regular fixed-route service. According to the ADA guidelines, the basic service is a corridor centered on the fixed route and extending 3/4 of a mile to either side of the route. However, Park City Mobility will serve ADA-eligible people living within municipal boundaries who are outside of the corridor structure on a space available, schedule permitting basis.

What is curb to curb service?

Curb to curb service means we will pick you up at the curb outside of your location, and deliver you back to that same destination. We cannot go inside of your house and we do not take you inside your destination. We provide transportation services only.

What is a P.C.A.?

A P.C.A. (personal care attendant) is a person traveling as an aid to facilitate travel for a person with a disability. P.C. A.s are eligible to ride with a Park City Mobility Client.

How do I know if I'm eligible?

You are eligible if you cannot board, ride or disembark from our regular fixed route buses due to a disability. Also, persons who have a specific impairment-related condition due to a disability which prevents them from getting to or from a fixed-route bus stop. Please note that all Park City Transit fixed-route service coaches are 100 percent wheelchair accessible.

Trip purpose

There will be no restrictions or priorities based on trip purpose.

Hours and days of service for Park City Mobility

Complementary Paratransit service will operate the same hours and days as fixed route service: Monday-Sunday from 7:30 am to 10:30 pm and in the summer, and from 5:30 a.m. to 3:30 am. In the winter.

Park City Mobility is fare free!

Like all Park City Transit services, Park City Mobility is fare free. A sales tax is collected to support transit in the service area. This sales tax is supplemented by Park City Business License fees and grants from the Federal Transit Administration and the Utah Department of Transportation.

Planning Your Rides

How do I book a ride?

To book a ride, call the number on the back of your Park City Mobility Card, Monday through Friday between the hours of 9:00 am and 5:00 pm, always at least one day in advance. If a return trip is requested, be sure to tell the dispatcher when you call. Also, when you book a ride to a doctor's office we need to know how long the appointment will be, so that we can arrange for a operator to pick you up. We will need the following information:

- Your name
- Your pick-up address
- The date of your planned trip
- The time of your appointment
- The complete address of your destination
- Any special needs, such as assistance to and from the vehicle
- Whether an attendant or guest will be riding with you
- Whether a service animal will accompany you
- When you would like to be picked up for your return
- How many stops you will need to make

Please note: Due to increasing demand for this service, the bus will only be able to wait five minutes for you after it arrives.

Response time

Next day service is provided at a minimum. Requests for service will be taken during normal administrative hours which are 9:00 am to 5:00 pm, Monday through Friday. An answering machine is provided to accept requests on Saturdays for Sunday Service and on Sundays for Monday Service. Riders are permitted to place trip requests up to 14 days in advance. This will not preclude Park City Mobility from accepting reservations even further in

advance. Pick-up times will be negotiated with riders to make scheduling more efficient. Changes in requested departure times of up to one hour can be required. Changes beyond an hour must be agreed to by the rider.

Negotiations of pick up times will consider the rider's schedule and desired arrival and departure times. Suggesting a 4:00 pm pick up time knowing that the person works until 5:00 pm is not in keeping with the concept of comparable service.

What time will you pick me up?

The dispatcher is finished scheduling the trips at 5:00 pm. If you have a question about your pick-up time, please before 5:00 pm to inquire.

We ask that you be ready 15 minutes ahead of your scheduled pick-up time in case the operator is there early. Our policy is that we have an hour window to negotiate your pick-up

time. If we are busy at the time you need us, we might have to pick you up earlier than requested, but not more than one hour early.

Do I have to transfer buses?

There may be times that Park City Mobility will take you to the regular fixed route bus, i.e., going to Park Meadows from Prospector. We will take you to the bus, assist you if needed, and meet you at the other end of your bus trip. All Park City Transit buses are wheelchair accessible and as comfortable as our Paratransit buses, and the operators are just as helpful. Many of our operators drive Park City Transit and Park City Mobility Services.

How many rides am I allowed?

There is no limit to the number of trip requests per person within the service area. However, you must book them in advance, so that we can schedule the Operator enough time between destinations.

What is the service area?

The Paratransit Service area will operate on the corridor structure of 3/4 of a mile to either side of the regular fixed route service. Those registered certified ADA eligible persons living outside the 3/4 mile corridor structure will be served on a space available basis and as schedule permits.

Cancelling Your Trips**Do I need to cancel my trip?**

Yes, you need to cancel your trip! Please call the office a day ahead of time to cancel your trip. A pattern of no shows or late cancellations will result in suspension of service.

What is a no show?

A no show is scheduling a trip and then not being there when the Operator is there to pick you up, or not notifying the office at least two hours before your pickup time.

What is a late cancel?

A late cancel is having the Operator arrive for your pick up, and you cancel the trip at that time. It may also be considered a no show.

If Your Service Is Suspended**What does suspension of service mean?**

Park City Mobility has made a commitment to provide specialized transportation services for those eligible persons within the service area. We will make every reasonable effort to accommodate various needs. There may be occasions, however, when individual riders abuse the services of Park City Mobility. When this occurs repeatedly, it may be necessary to deny service to those individuals.

Criteria for denying service

Service may be denied using the following criteria:

No shows-- Not being ready to depart, or not being there when the driver arrives. Three no-shows within a 60-day period can result in a one month suspension of service. However, trips missed by a person for reasons beyond their control shall not be applied toward suspension of service.

Unruly behavior--Behavior which presents danger to the health or safety of other riders or an Park City Mobility employee. Such behavior includes conduct

which is violent, seriously disruptive, or illegal.

What appeals process is available?

If a decision has been made to deny service, the notice of denial sent to the person will include specific reasons for the denial and the procedures for appealing the decision. You may appeal this decision by notifying this office in writing within 60 days after the notification of denial. Service will be provided while the appeal is under hearing.

SYSTEM NAME: Park City Transit/Park City Municipal Corporation

October 1999

EXCEPTION REPORT: MILESTONE SLIPPAGE EXPLANATION***MILESTONE or FULL COMPLIANCE DELAYS:**

1. There have been no milestone slippage or compliance delays

*Note: A narrative explanation, using Form 2, must accompany Table 1, when there is significant milestone slippage. During the 1997-1999 period, "significant milestone slippage" exists (1) when the target date for Plan full compliance is delayed or (2) when individual milestones slip by a year (a full twelve months). This form 2 provides a brief example of such a slippage explanation. If there are no milestone or full compliance delays, no explanation is required, and Form 2 can be omitted. (Attach as many additional sheets to this form as needed; you may put this form on your own wordprocessor)

October 99

SYSTEM NAME: Park City Transit/Park City Municipal Corporation

Table 2

STATE: Utah

CITY: Park City

REVISED 1999-2000 ADA PARATRANSIT PLAN TIMETABLE

1999 - 2000

TARGET DATE

(MM/YY)

ANY REMAINING MILESTONES - JANUARY 2000 UPDATE

No major milestones to report

October 1999

SYSTEM NAME: Park City Transit/Park City Municipal Corporation

Table 1

STATE: Utah

CITY: Park City

1999 ADA PARATRANSIT PLAN TIMETABLE - PROGRESS REPORT

MILESTONE PROGRESS REPORT - as of October 99

DATE?

There are no major milestones to report. The City is in full compliance.

Note: Using Form 2, provide detailed written explanation on milestone slippage greater than one full year (12 months).

SYSTEM NAME: Park City Transit/Park City Municipal Corporation

CITY: Park City

ADA PARATRANSIT DEMAND AND SERVICE ESTIMATES

DEMAND (No. Trips/Year) (One-Way Trips)	Actual		Est.	Est.		Proj.	
	1997	1998	1999	2000	2001	2002	2003
1. ADA Paratransit Trips Provided/Year (ea)	<u>3,488</u>	<u>3,623</u>	<u>4,250</u>	<u>4,500</u>	<u>4,625</u>	<u>4,750</u>	<u>5,000</u>
2. Total Paratransit Trips Provided/Year (ea) (Total ADA and non-ADA)	<u>6,976</u>	<u>7,246</u>	<u>8,500</u>	<u>9,000</u>	<u>9,250</u>	<u>9,500</u>	<u>9,750</u>
3. Total Paratransit Revenue Hours/Year	<u>2,080</u>	<u>2,080</u>	<u>2,288</u>	<u>2,288</u>	<u>2,288</u>	<u>2,288</u>	<u>2,288</u>

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ADA PARATRANSIT SERVICE: Purchased Transportation.4. For 1998, estimate the number of trips on line 1 that were provided by contracted taxi service: NONE5. For 1999, estimate the number of trips on line 1 that our system purchased (contracted out) rather than provide in-house:
(include contracted taxi service from line 4 and other service owned and operated by the contractors) NONE

October 1999

ADA PARATRANSIT BUDGET ESTIMATES
5-YEAR DEMAND AND VEHICLE ESTIMATE

	<u>Actual 1997</u>	<u>Actual 1998</u>	<u>Est. 1999</u>	<u>Proj. 2000</u>	<u>Proj. 2001</u>	<u>Proj. 2002</u>	<u>5-Year Total 97-02</u>
This plan continues to remain in compliance.							
Est. ADA PARATRANSIT DEMAND							
Number of ADA Paratransit Trips/year	3,488	3,623	4,250	4,500	4,625	4,750	25,236
Number of Total Paratransit Trips/year	6,976	7,246	8,500	9,000	9,250	9,500	50,472
No. of ADA Paratransit Trips DENIED (DENIED each year because of capacity constraints/other)	0	0	0	0	0	0	0
Number of Paratransit Vehicles-Vans (rotate through service)	2	2	2	2	2	2	2
Number of Paratransit Vehicles-Buses	15	14	14	15	18	18	18

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Total System Budget Estimates

	Actual 1997	Actual 1998	Actual 1999	Projected 2000	Projected 2001	Projected 2002
ADA Paratransit Expenses***						
Capital	\$ 1,050	\$ 1,015	\$ 980	\$ 3,185	\$ 5,390	\$ 5,355
Operating	\$ 7,293	\$ 7,677	\$ 8,081	\$ 8,485	\$ 8,909	\$ 9,355
Subtotal	\$ 8,343	\$ 8,692	\$ 9,061	\$ 11,670	\$ 14,299	\$ 14,710
Total Paratransit Expenses						
Capital Expenses *	\$ 7,500	\$ 7,250	\$ 7,000	\$ 22,750	\$ 38,500	\$ 38,250
Operating Expenses**	\$ 52,092	\$ 54,834	\$ 57,720	\$ 60,606	\$ 63,636	\$ 66,818
Total Paratransit Expenses	\$ 59,592	\$ 62,084	\$ 64,720	\$ 83,356	\$ 102,136	\$ 105,068

* Capital Cost \$64,000 vehicle Cost/4 Year FTA Useful Life

** Based upon 1999 Costs Driver & On Call \$41,500,Maint \$ 1500, Fuel \$1400,
2800 Hours service 13,500 miles per year, 30% administrative-overhead charge
with 5% inflation factor

*** Based upon 14% ADA Paratransit Ridership

October 1999

SYSTEM NAME: Park City Transit/Park City Municipal Corporation

CITY: Park City
STATE: Utah

Table 7

ADA ACCESSIBILITY: FIXED-ROUTE BUSES

BUSES IN ACTIVE FLEET

1. Total Number of Buses	<u>19</u>	<u>17</u>	<u>17</u>	<u>18</u>	<u>18</u>	<u>18</u>
2. Buses without Lifts/Ramps*	<u>3</u>	<u>3</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>
3. Buses With Pre-ADA Lifts/Ramps	<u>3</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
4. Buses With ADA Lifts/Ramps (meets Part 38 lift specifications) (Note: The sum of lines 2, 3, and 4 should equal line 1)	<u>12</u>	<u>13</u>	<u>15</u>	<u>18</u>	<u>18</u>	<u>18</u>
5. Percent With ADA Lifts/Ramps (sum of lines 3 and 4, divided by line 1)	<u>79%</u>	<u>82%</u>	<u>88%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

*Buses without Lifts or Ramps (1986 models) are not used on scheduled service. They are used as back-up only.

For 1999 provide an approximate estimate of the number of boardings where lifts/ramps were deployed on the fixed-route system: 1040

For an average day, can you estimate the total number of persons with any disabilities that use your fixed route service? (Do not include customers who normally use ADA paratransit service.) (Optional): 10

TOTAL "PARATRANSIT" VEHICLES USED BY YOUR SYSTEM *

TOTAL NUMBER IN ACTIVE FLEET	Actual		Est.		Proj.		Proj.	
	1997	1998	1999	2000	2001	2002	2003	
1. All Paratransit - Vans and Minivans *	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	
2. All Paratransit - Buses *	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
3. Paratransit - Sedans/Wagons * (other than taxis)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	

LIFT-EQUIPPED PARATRANSIT VEHICLES

4. Paratransit - Buses, Vans and Minivans *
(with lifts/ramps from lines 1 and 2)

2 2 2 2 2 2 2

CONTRACTOR VEHICLES

5. For 1999, from lines 1 and 2, estimate the number of buses, vans, and minivans, etc., "OWNED" by your contractors that routinely provide paratransit (ADA and non-ADA) for your system. - 0 -

Please estimate 2000 - 0 -

* Please include all your dedicated paratransit vehicles (ADA or non-ADA service combined) used on your system. Include all paratransit vehicles your system owns or leases, as well as vehicles used from your contractors' fleet. Do not include any accessible vehicles used on the fixed route.

YOUR ADA "PARATRANSIT" CUSTOMERS (Table 9)
(Please Make An Estimate Based On Actual Eligibility Determinations)

1. By 1999, how many persons had been certified as ADA paratransit eligible by your system? -??-

By 1999, please project how many people will be certified? -??-

2. Using the 1990 census, what is the total population of your service area? 7,500

3. Of those certified, can you estimate the percent who are ages... (Optional)

0 to 16 years old % 17 to 61 % 62 to 70 % Over 70 %

4. Of those eligible for ADA paratransit, how many are employed? (Optional) N/A

5. Of those ADA paratransit eligible, what percent have as their most limiting or qualifying impairment... (Optional, should total 100%)

Sensory Impairments (Visual, Hearing) N/A %

Mobility Impairments Requiring Adaptive Devices (Devices: Wheelchairs, Walkers, etc.) N/A %

Mental, Cognitive or Developmental Impairments (including Alzheimers) N/A %

Health Impairments (Heart Disease, MS, CP, Arthritis, Kidney Dysfunction, etc.) N/A %

ELIGIBILITY, SIX SERVICE CRITERIA, AND FULL COMPLIANCE DATE

IF NO, EXPECTED
 DATE OF FULL
 COMPLIANCE
 (MM/YY)

IN FULL
 COMPLIANCE
 NOW (Y/N)

COMPLIANCE ITEM

ELIGIBILITY PROCESS

1. Requests for certification being accepted and all aspects of policy (appeals, documentation, etc.) established Y
2. Compliance with companion and personal care attendant requirements Y
3. Compliance with visitor requirements Y

SIX SERVICE CRITERIA

SERVICE AREA

4. Service to all origins and destinations within the defined area (Park City Municipal Limits) Y
5. Coordination with contiguous/overlapping service areas if applicable N/A

RESPONSE TIME

6. Requests accepted during normal business hours on "next day" basis Y
7. Requests accepted on all days prior to days of service (e.g., weekends/holidays) Y
8. Requests accepted at least 14 days in advance Y
9. Trips scheduled within one hour of requested pickup time Y

FARES

10. No more than twice the base fixed route fare for eligible individuals Y
11. Compliance with companion fare requirements Y

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October 1999

SYSTEM NAME: Park City Transit/Park City Municipal Corporation

CITY: Park City

Table 3
STATE: Utah

Page 2

COMPLIANCE ITEM	IN FULL COMPLIANCE NOW (Y/N)	ENQ. EXPECTED DATE OF FULL COMPLIANCE (MM/YY)
12. Compliance with personal care attendant fare requirement	Y	
DAYS AND HOURS OF SERVICE		
13. Paratransit provided during all days and hours when fixed route service is in operation	Y	
TRIP PURPOSES		
14. No restrictions on types of trip purposes	Y	
15. No prioritization by trip purpose in scheduling	Y	
CAPACITY CONSTRAINTS		
16. No restrictions on the number of trips an individual will be provided	Y	
17. No waiting lists for access to the service	Y	
18. No substantial numbers of significantly untimely pickups for initial or return trips	Y	
19. No substantial numbers of trip denial or missed trips	Y	
20. No substantial numbers of trips with excessive trip lengths	Y	
21. When capacity is unavailable, subscription trips are less than 50 percent	Y	

NOTE: Park City Transit/Park City Municipal Corporation began providing paratransit services in 1978 from which time, all of the above criteria were met with the exception of the "Certification of Eligibility" and "Days and Hours of Service" both of which were incorporated into our policies and procedures with the onset of ADA Requirements.

CITY: Park City

ADA PARATRANSIT SERVICE

	Actual 1998	Actual 1999	Proj. 1999
6. <u>SSA Clients.</u> In 1998, estimate the number of trips on line 1, that you provided to clients of local social service agencies (SSA), who prior to the ADA, provided SSA paratransit service for their clients. Provide an estimate for 1999. (Optional)	0	0	0
7. <u>Trip Denials.</u> In 1998, estimate the number of requested ADA paratransit trips that were "denied" because of capacity limitations. (please do not include trips missed because of traffic or vehicle breakdowns, trips negotiated outside the 1 hour window, "no shows," etc.) How many by 1999? (Required)	0	0	0

8. Destinations. Clearly, it is discrimination under the ADA to prioritize trip requests based on trip purpose. However, for 1998, please estimate the percent of trips on line 1 that were for the following purposes: (Optional)

Work Trips	10 %	Food/Shopping	45 %
Dialysis	0 %	Medical Trips	15 %
Educational	20 %	Other Trips	10 %

Note: Percentages above should total 100%

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: October 14, 1999 (October 21, 1999 meeting)
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone, AICP *KAW*
TITLE: 1312 Park Avenue
TYPE OF ITEM: Final Record of Survey plat

SUMMARY RECOMMENDATIONS: Approve as conditioned.

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant: John Riley, owner
Location: 1312 Park Avenue
Zoning: RM- Residential Medium Density (proposed HRM)
Adjacent Land Uses: Single family residences, condominiums, and City Park
Date of Application: July 20, 1999

B. Background

On January 27, 1999 the Planning Commission approved the final subdivision plat for 1312 Park Avenue (Exhibit A). The subdivision plat combined four unplatted metes and bounds parcels into one building lot for four new condominium units and one existing historic structure (Exhibit B). Construction of the new units and re-construction of the existing structure is underway. The property is currently zoned RM, Residential Medium Density. On December 2, 1998 the Planning Commission forwarded a recommendation to the City Council to re-zone lower Park Avenue to HRM, Historic Residential Medium Density.

Architectural review was discussed at the time of subdivision approval and the Commission determined that revisions to the existing historic house and all new construction should be reviewed and approved by the Community Development Department in compliance with the Historic District Design Guidelines. Pursuant to the Sullivan Road access Resolution 30-97,

approved by City Council in December of 1997, the plat was approved with a combination of access to Park Avenue and Sullivan Road. Conditions of subdivision plat approval related to public pedestrian access, architectural design, facade easement for the historic structure, landscaping, and other utility and construction concerns.

The applicant's are requesting a record of survey plat to convert these units to condominiums, in order to sell or transfer title of individual units.

On October 13, 1999 the Planning Commission held a public hearing and voted to forward a positive recommendation to approve the record of survey as conditioned in this staff report.

C. Project Description

Location

The parcel is located on the east side of Park Avenue, between Park Avenue and City Park just south of the fire station. The property is situated between two single family residences on Park Avenue and adjacent to the Coalition Lodge on Sullivan Road. The property consists of one 12, 875 square foot parcel with four detached houses under construction. An existing historic structure is currently being reconstructed. Three units have access off of Sullivan Road and two units have access off of Park Avenue. Several houses share common driveways.

Existing Historic Structure

There is an existing historic single family structure on the parcel which was moved forward on the lot and is being reconstructed. Staff recommends as a condition of approval of this condominium plat, that no certificate of occupancy on any building on the new lot be issued prior to completion of the rehabilitation of the historic structure. This condition is consistent with the final subdivision plat approval.

Utility Plan

A utility plan has been submitted to the City Engineer for review and approval. A 10' snow storage easement along Park Avenue has been provided on the recorded subdivision plat. All construction shall conform to UBC and Fire Code applicable at the time of building permit application.

Landscape Plan

A final revised landscape plan will be submitted prior to recording of the record of survey plat to address re-vegetation of the site and replacement of trees lost during construction and utility installment. The parcel is located within the Prospector Soils and Maintenance area and is subject to the Prospector Landscaping and Maintenance of Soils Ordinance, December 8, 1988.

Access

Resolution 30-97, a Resolution Requiring Conditional Use Review For Limited Vehicular Access On Sullivan Drive--The Access Drive For City Park, was adopted by City Council in December of 1997. This Resolution requires enhanced site plan considerations including increased setbacks and open space, decreased potential density, and pedestrian-scaled elements

such as porches and windows facing the streets in exchange for vehicular access to Sullivan Road. The record of survey plat shall identify a public pedestrian pathway acceptable to the City. Maintenance of the pathway is the responsibility of the Homeowner's Association and reference shall be included in the CC&R's.

Historic Structure

Staff recommends as a condition of approval, consistent with the subdivision plat approval, that reconstruction of 1312 Park Avenue be complete and a facade easement agreement with the City be recorded, prior to issuance of any certificates of occupancy for any of the structures included on this record of survey.

D. Analysis

The condominium record of survey plat will allow the individual units to be sold separately. Staff has no outstanding concerns about the request. No changes to the structure as built are proposed by the applicant. The applicant agrees with the conditions of approval.

E. Public Input

Notice of this amendment and the public hearing were properly published and posted. Letters were sent to property owners within 300' of the property on September 21, 1999. As of the date of this report, staff has not received any input on this final plat from affected property owners. No public input was received at the October 13, 1999 public hearing.

F. Department Review

City staff most recently reviewed this proposal at the August 31, 1999 staff review meeting. Any issues raised have been mitigated through conditions of approval. The City Attorney and City Engineer will review the final record of survey plat and the declaration of covenants, conditions, and restrictions, for compliance with the Land Management Code, Utah State Subdivision law, and all conditions of approval prior to recording of the plat.

ALTERNATIVES:

- A. Approve the final record of survey plat as proposed to allow the five individual units to be sold separately.
- B. Deny the final record of survey plat as proposed, and provide direction to staff and the applicant on acceptable alternatives.
- C. Continue the item and request further evaluation from the City Staff.

SIGNIFICANT IMPACTS

The proposal results in a record of survey plat that allows individual ownership of each unit. Approval of this application will not result in any significant impacts. No external or internal changes to the structure are proposed.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

If the City Council denies the condominium conversion, the property will remain under single ownership.

RECOMMENDATION

Staff recommends that the City Council approve the condominium record of survey for 1312 Park Avenue based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The proposal is consistent with both the Land Management Code and the General Plan in that the RM and HRM zone allows single family structures and condominium ownership on approved lots when all LMC code requirements are met.
3. An historic structure exists on the property.

Conclusions of Law:

1. There is good cause for this condominium plat as the units can be sold separately.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final condominium plat at the County within one year from the date of City Council approval. If recording has not occurred within the one year's time, this approval and the plat will be void.
4. No certificate of occupancy on any building in this subdivision shall be issued prior to completion of reconstruction of the historic structure and recording of a preservation facade easement agreement with City, for the historic structure at 1312 Park Avenue.
5. Prior to plat recording the applicant shall submit to the City for review and approval a final revised landscape plan, consistent with the construction mitigation plan and utility plan, showing how the site will be re-vegetated and landscaped.
6. A 4' wide public pedestrian path connecting Park Avenue to Sullivan Road and a sign indicating the public nature of the path, acceptable to the City, shall be provided on site and delineated on the plat and in the CC&R's.

EXHIBITS:

Exhibit A- Proposed plat

Exhibit B- Location map

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Ordinance No. 99-

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT
FOR THE COTTAGES ON THE PARK
AT 1312 PARK AVENUE
PARK CITY, UTAH**

WHEREAS, the owners, I.S.W. Investment, L.L.C., of the property at 1312 Park Avenue, Park City, Utah and known as the Cottages on the Park, have petitioned the City Council for approval of a record of survey plat; and

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

WHEREAS, on October 13, 1999 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on October 21, 1999 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The proposal is consistent with both the Land Management Code and the General Plan in that the RM and HRM zone allows single family structures and condominium ownership on approved lots when all LMC code requirements are met.
3. An historic structure exists on the property.
4. On October 13, 1999 the Planning Commission held a public hearing on the final record of survey plat for the Cottages on the Park and voted to forward a positive recommendation to the City Council as conditioned herein.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats.

SECTION 3. PLAT APPROVAL. The record of survey plat, known as the Cottages on the Park condominium plat, at 1312 Park Avenue, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final condominium plat at the County within one year from the date of City Council approval. If recording has not occurred within the one year's time, this approval and the plat will be void.
4. No certificate of occupancy on any building in this subdivision shall be issued prior to completion of reconstruction of the historic structure and recording of a preservation facade easement agreement with City, for the historic structure at 1312 Park Avenue.
5. Prior to plat recording the applicant shall submit to the City for review and approval a final revised landscape plan, consistent with the construction mitigation plan and utility plan, showing how the site will be re-vegetated and landscaped.
6. A 4' wide public pedestrian path connecting Park Avenue to Sullivan Road and a sign indicating the public nature of the path, acceptable to the City, shall be provided on site and delineated on the plat and in the CC&R's.

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

PASSED AND ADOPTED this 21st day of October, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Interim City Attorney
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I, Bob Prid, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 72736 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this Record of Survey Map of HANER WOLF LODGE, a Utah Condominiums Project in accordance with the provisions of Sections 57-8-1(1) of the Utah Condominium Ownership Act. I further certify the building and property are shown correctly.

On this _____ day of _____, 1908, personally appeared before me the undersigned Notary Public in and for the said State and County, Steven L. Wainwright, who after being duly sworn, acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Declaration and Consent to Record freely and voluntarily.

[illegible]

On this _____ day of _____, 1998, personally appeared before me the undersigned Justice of the Peace in and for the said State and County, Edward D. Gaudin, who after being duly sworn, represented to me that he is an owner of the heretofore described tract of land and that he signed this above Omer's Dedication and Consent to Reconvert freely and voluntarily.

[illegible]

State of _____ }
County of _____ } ss: _____

LEGEND

_____ of _____ County of _____, ss: On this _____ day of _____, 1988, personally appeared before me the undersigned Notary Public in and for the said State and County, John F. Riley, who after being duly sworn, acknowledged to me that it is in honor of the north described tract of land and that he deeded the above Owner's Easement and

On this _____ day of _____, 1998, personally appeared before me the undersigned Notary Public for the said State and County, John J. Baizant, who after being duly sworn, acknowledged to me that he is an owner of the herein described tract of land and that he signed the above Owner's Declaration and Consent to Record freely and voluntarily.

State of _____)
 County of _____) ss:

State of _____)
County of _____) ss:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY BRIGHTON ARCHITECTURAL GROUP.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL UNIT EXTERIOR WALLS ARE 0.5 FEET THICK, ALL GARAGE LEVEL WALLS ARE .75 FEET THICK.

4. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF "COMMONS".
6. BENCHMARK: SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.
7. ALL FLOOR ELEVATIONS ARE ABOVE SEA LEVEL.
8. UNLESS OTHERWISE INDICATED, ALL BUILDING RES TO PROPERTY LINE ARE PERPENDICULAR.
9. 0000 INDICATES STREET ADDRESS.
10. THE COITTAGES ON THE PARK HOUSEMARTER'S ASSOCIATION SHALL BE RESPONSIBLE

RECORD OF SURVEY MAP

JUL 20 1999

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

109 MO 1-2-98 CME: \001\EX\01\00128;

**PARK CITY
SURVEYING, INC.**
P.O. Box 3003
PARK CITY, UTAH 84060

VIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER
IMPROVEMENT DISTRICT STANDARDS ON THIS _____
DAY OF _____ 1999 A.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
OF 1888 A.D.

APPROVAL AS TO FORM _____
 APPROVED AS TO FORM THIS _____
 DAY OF _____ 1998 A.D.

CERTIFICATE OF ATTEST
 I HEREBY CERTIFY THIS RECORD OF SURVEY
 MAP WAS APPROVED BY PARK CITY
 COUNCIL THIS DAY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____ 20____

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED

AT THE REQUEST OF _____

(435) 649-2018

A

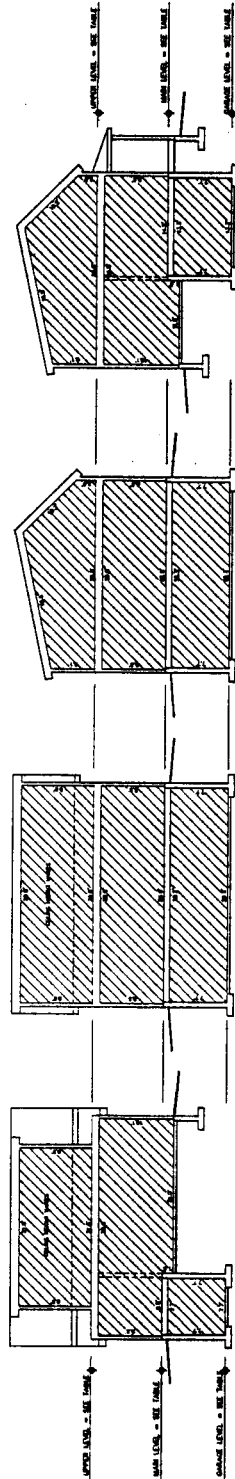
AD

PARK CITY ATTORNEY

2

BY _____

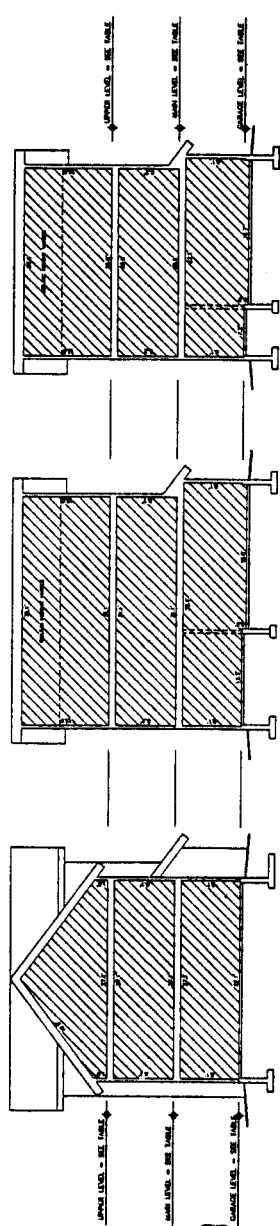
1



SECTION "A-A'"
UNIT 1312

SECTION "B-B'"
UNIT 1312

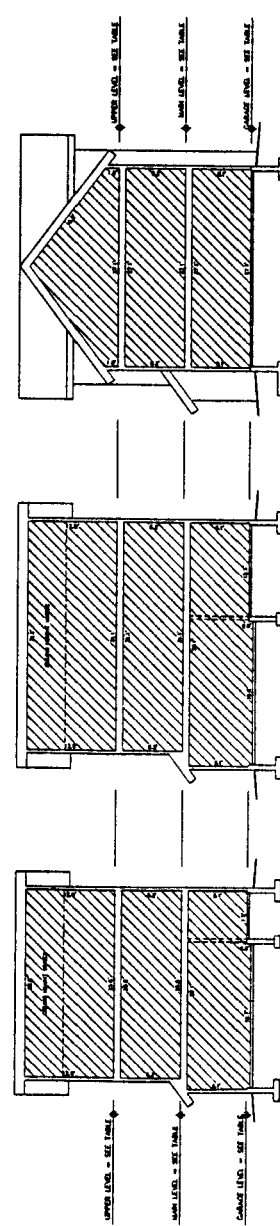
SECTION "C-C'"
UNIT 1312



SECTION "A-A'"
UNITS 1307 & 1315

SECTION "B-B'"
UNITS 1307 & 1315

SECTION "C-C'"
UNITS 1307 & 1315

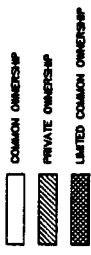


SECTION "A-A'"
UNITS 1311 & 1316

SECTION "B-B'"
UNITS 1311 & 1316

SECTION "C-C'"
UNITS 1311 & 1316

RECEIVED
JUL 20 1999
PARK CITY
PLANNING DEPT.



LEGEND
S.F. REPRESENTS SQUARE FEET
F.P. REPRESENTS SQUARE FEET

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	1307	1311	1312	1315	1316
UPPER LEVEL	648	648	481	648	648
MAIN LEVEL	654	654	762	654	654
GARAGE LEVEL	791	791	845	791	791
TOTAL	2115	2115	1908	2115	2115

FLOOR ELEVATION TABLE

UNIT NUMBER	1307	1311	1312	1315	1316
UPPER LEVEL	6914.02'	6917.02'	6918.02'	6914.02'	6917.02'
MAIN LEVEL	6908.02'	6907.02'	6909.02'	6908.02'	6907.02'
GARAGE LEVEL	6900.02'	6900.02'	6900.02'	6900.02'	6900.02'

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY BRANTON ARCHITECTURAL GROUP.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL UNIT EXTERIOR WALLS ARE 0.5 FEET THICK, ALL GARAGE LEVEL WALLS ARE 0.5 FEET THICK.
4. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
6. DIMENSIONS: SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.
7. ALL FLOOR ELEVATIONS ARE ABOVE SEA LEVEL.
8. UNLESS OTHERWISE INDICATED, ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR.
9. [Symbol] INDICATES STREET ADDRESS.
10. THE COTTAGES ON THE PARK HOMESITE'S ASSOCIATION SHALL BE RESPONSIBLE FOR ALL COMMON SANITARY SEWER LATERALS.

THE COTTAGES ON THE PARK

RECORD OF SURVEY MAP

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE UNINCORPORATED AREA OF PARK CITY, SALT LAKE BASIN AND KENDALL PARK CITY, SALT LAKE COUNTY, UTAH
Recorded conforming to the Subdivision of Condominium Tract and Lateral



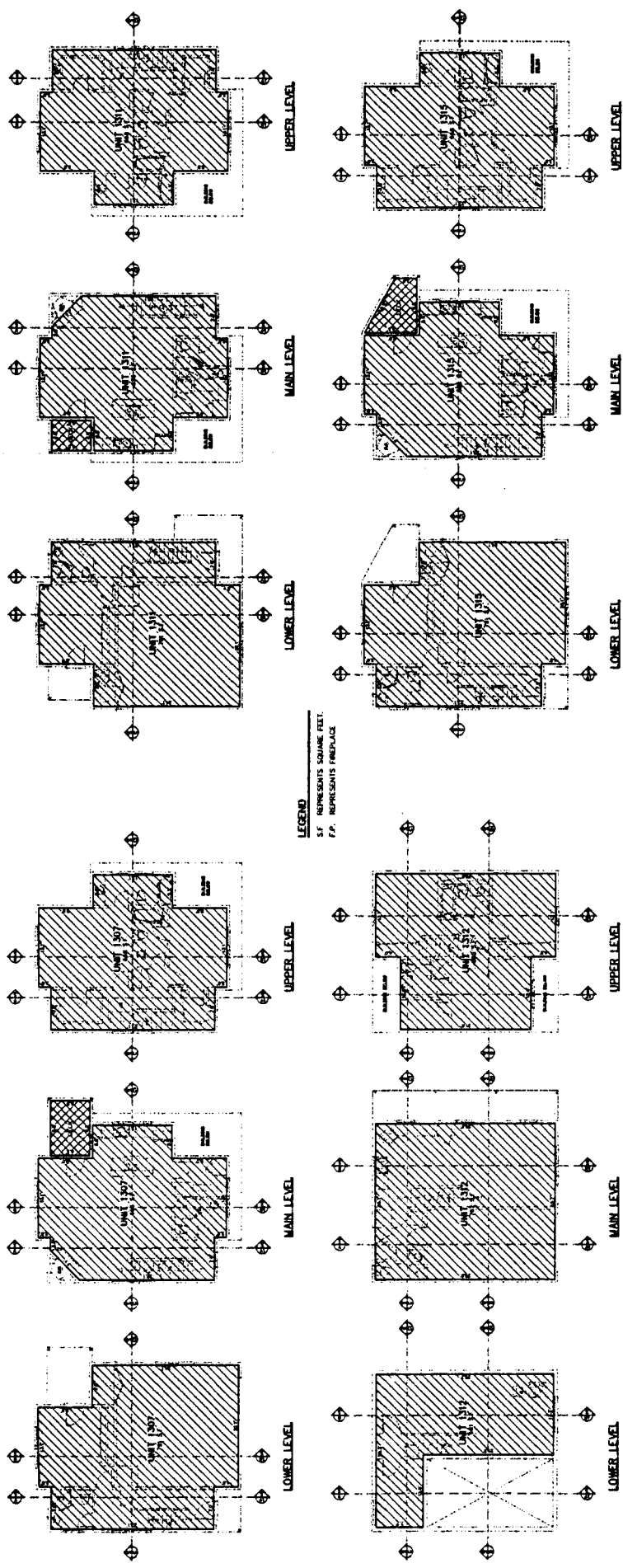
SHEET 3 OF 3

RECORDED

STATE OF UTAH COUNTY OF SALT LAKE
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

RECORDER

JOB NO. 3-7-99 VALEY, D. CORPS



NOTES:

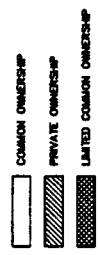
1. THE UNIT ELEVATIONS SHOWN ON THIS MAP WERE COMPILED FROM ARCHITECTURAL DRAWINGS PROVIDED BY BENTON AND BENTON, GROUP.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL UNIT EXTERIOR WALLS ARE 6.5 FEET THICK. ALL GARAGE LEVEL WALLS ARE 12.5 FEET THICK.
4. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
6. BENCHMARK: SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.
7. ALL FLOOR ELEVATIONS ARE ABOVE SEA LEVEL.
8. UNITS OTHERWISE INDICATED, ALL BUILDING ARE TO PROPERTY LINE ARE PERPENDICULAR.
9. [DASHED] INDICATES STREET ADDRESS.
10. THE COTTAGES ON THE PARK HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR ALL "COMMON" SANITARY SEWER LATERALS.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	1307	1311	1312	1315	1316
UPPER LEVEL	648	648	481	648	648
MAIN LEVEL	656	656	762	656	656
LOWER LEVEL	791	791	656	791	791
TOTAL	2115	2115	1900	2115	2115

FLOOR ELEVATION TABLE

UNIT NUMBER	1307	1311	1312	1315	1316
UPPER LEVEL	6416.02'	6417.02'	6416.02'	6416.02'	6417.02'
MAIN LEVEL	6408.05'	6409.05'	6408.05'	6408.05'	6409.05'
LOWER LEVEL	6400.00'	6401.00'	6400.00'	6400.00'	6401.00'



THE COTTAGES ON THE PARK

RECORD OF SURVEY MAP

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASIN AND KIRKLAND PARK CITY, SALT LAKE COUNTY, UTAH

Prepared in accordance with the Utah Condominium Act, Utah Code Ann. Title 66, Chapter 10, Section 10-101.

SHEET 2 OF 3

RECORDED

STATE OF UTAH COUNTY OF SALT LAKE
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____

FILE: VILEY/CORP2

RECEIVED
JUL 20 1999
PARK CITY
PLANNING DEPT.



1312 Park Ave

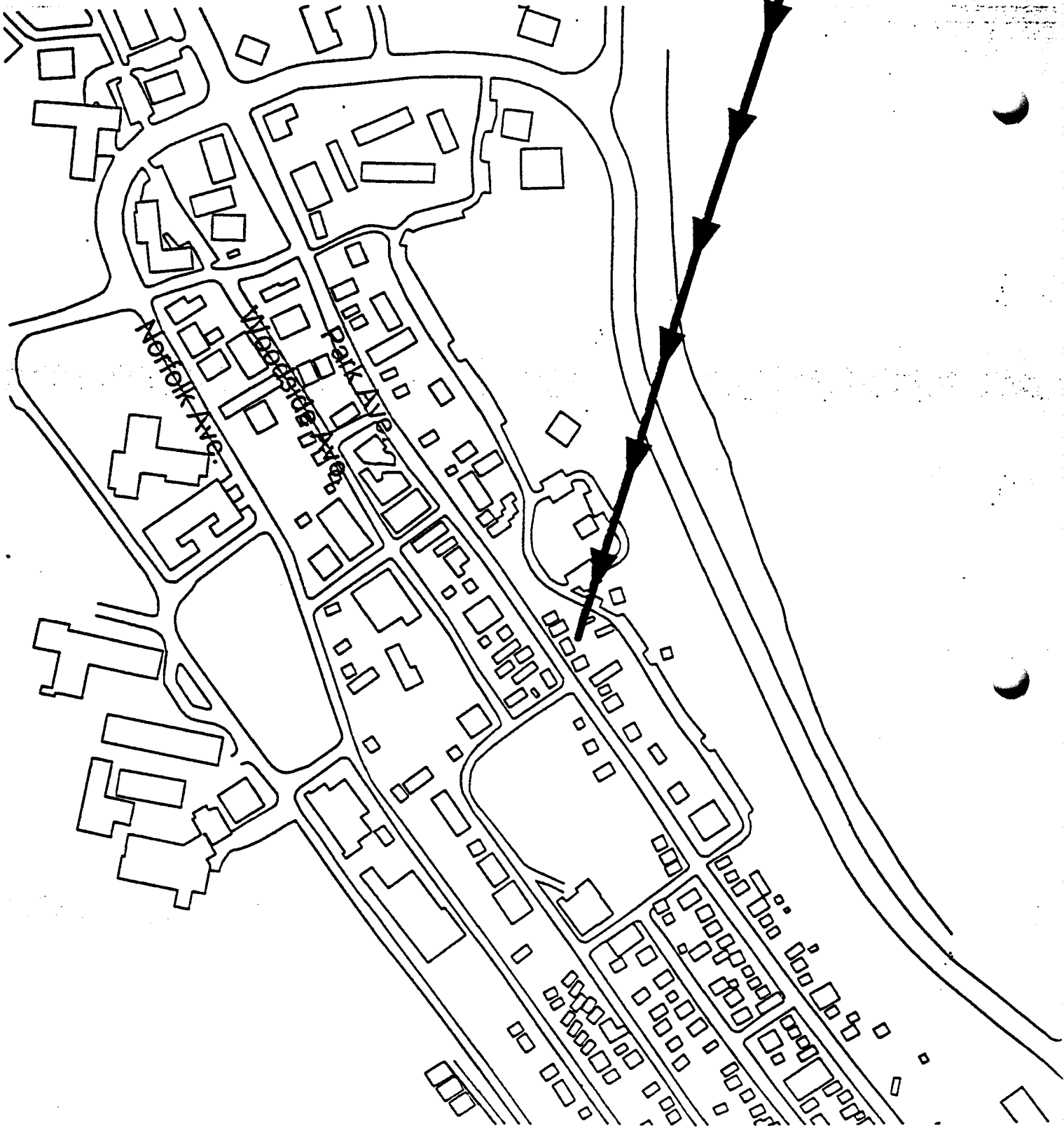
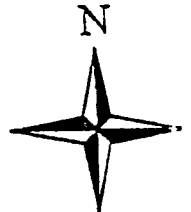


Exhibit - B
Vicinity Map





DATE: 11/18/99
DEPARTMENT: Legal
AUTHOR: Mark Harrington *MH*
TITLE: Authorization of Corrective QCD Lot 3, Morning Star Estates
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Authorize the Mayor to execute a Quit Claim Deed ("QCD") in a form approved by the City Attorney for Lot 3, Morning Star Estates (see Exhibit A)

DESCRIPTION:

A. Topic:

Water tank parcel legal description overlap.

B. Background:

The City has a water tank parcel in the Morning Star Estates. A legal description included in the deed for the water tank mistakenly overlaps the boundary of Lot 3 within Morning Star Estates. This QCD releases all City interest in Lot 3 and has no effect on the water tank.

C. Analysis:

Approval of the QCD is necessary to enable the current owners of Lot 3 to sell the lot. The deed overlap creates a cloud on their title.

D. Department Review:

The Legal Department and City Engineer reviewed this claim.

ALTERNATIVES:

A. Approve the Request:

This is the recommended action.

B. Deny the Request:

See below for consequences.

C. Continue the Item:

If the Council wants more information, it should remove the item from the consent agenda and continue to a work session meeting.

SIGNIFICANT IMPACTS:

There are no significant impacts resulting from the QCD.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The owners may likely attempt to take formal legal action. Until the matter was resolved, their title to the property would remain unclear.

RECOMMENDATION:

- ◆ Authorize the Mayor to execute a QCD in a form approved by the City Attorney for the property described in Exhibit A in exchange for \$10 and other good and valuable consideration.

WHEN RECORDED MAIL TO:

2711 GALLIVAN LOOP,
PARK CITY UT 84060

QUIT CLAIM DEED

PARK CITY MUNICIPAL CORPORATION

grantor

of PARK CITY

County of SUMMIT

State of

UTAH

hereby QUIT CLAIM(S) to

ANTHONY ROGER MOORE and PHYLLIS MOORE

grantee

of PARK CITY

County of SUMMIT

State of Utah

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

DOLLARS

the following described tract of land in SUMMIT

County,

State of Utah, to-wit:

ALL OF LOT 3, MORNING STAR ESTATES SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT
THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE

WITNESS the hand(s) of said grantor(s), this
Signed in the presence of

day of

A.D. 19

PARK CITY MUNICIPAL CORPORATION

STATE OF UTAH

COUNTY OF SUMMIT

)
) ss.
)

On _____,
before me, _____, personally appeared
duly sworn did say, that he is the said _____ who being by me
of PARK CITY MUNICIPAL CORPORATION

_____ Company, and that the within and foregoing instrument
was signed in behalf of said corporation by authority of a resolution of its
board of directors and said _____ duly
acknowledged to me that said corporation executed the same.

My Commission Expires:

NOTARY PUBLIC
RESIDENCE AT:



CITY COUNCIL REPORT

DATE: October 14, 1999
DEPARTMENT: Community Development
AUTHOR: Ron Ivie, Chief Building Official
TITLE: Building Plan Review Fee Resolution
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council review, amend as necessary, and adopt the resolution updating the Park City Building Plan Review Fee Schedule to comply with Utah Code Annotated, Section 10-9-107.

DESCRIPTION:

A. Topic: The attached resolution amends the current Building Plan Review Schedule which was adopted in 1995 and brings the Schedule into compliance with the current Utah Code.

B. Background: The 1999 Utah Legislature passed a bill limiting the amount a municipality can charge for reviewing and approving plans. A city's plan check fee may not exceed the lesser of: (a) the actual cost of performing the plan review; or (b) 65% of the amount that the city charges for the building permit fee for that building. In addition, plan check fees for review and approval of "identical plans" are limited to a nominal fee that reasonably reimburses the city only for time spent and expenses incurred.

In order to determine, as closely as possible, the actual cost of conducting building plan reviews the Community Development Department contracted with Rosenthal & Associates to conduct an analysis of the department's costs for performing plan check services. The direct expenses for providing the service includes personnel, equipment, supplies, and indirect costs include accounting personnel, administration, legal, building maintenance, and other overhead costs.

Calculations indicate that on average, 65% of the total building permit fee is approximately 18% less than our actual costs. Per Utah Code, the City is required to charge the 65% fee. The attached analysis and executive summary verifies that in order to collect 100% of our actual cost it would be necessary for us to raise our current fee.

C. Analysis: The Community Development Department, after reviewing the analysis provided by Rosenthal & Associates, recommends that we continue to charge a fee for building and plan reviews based on a ratio of 65% of the building permit fee. In order to comply with the provision governing fees for identical plans, the department also recommends that plan check fees for identical plans be

charged at a rate of \$54.26 per hour rather than the typical 65% of building permit fee. This hourly rate was determined taking into account direct and indirect costs for performing the service and complies with the newly adopted law.

ALTERNATIVES:

A. Approve the Request: Review and adopt the resolution as presented, or review and amend the resolution prior to adoption.

B. Do Nothing: Take no action.

SIGNIFICANT IMPACTS: In order to be in compliance with legislation recently adopted by the state, the City should, at a minimum, accept the study performed by Rosenthal & Associates and note that on average we currently collect about 18% less for plan check services than the study indicates our direct and indirect costs would warrant.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The City would not be in compliance with the State legislation regulating the maximum amount that can be charged for plan check review.

RECOMMENDATION: Staff recommends that the City Council accept the plan check cost of services analysis from Rosenthal & Associates and adopt the attached resolution updating the plan check fee schedule.

Exhibits

Exhibit A - Proposed Resolution

Exhibit B - Utah Code 10-9-107 and Rosenthal Study



Resolution No. __-99

**A RESOLUTION REPLACING RESOLUTION NO. 28-97
FEE RESOLUTION IN ITS ENTIRETY, AMENDING SECTION 1.2.3,
PLAN CHECK FEES, AND ADOPTING A FEE FOR APPEALS
TO THE U.B.C. BOARD OF APPEALS**

WHEREAS, it is necessary to update the fee schedule to reflect the changing costs of performing services and providing public benefits; and

WHEREAS, Park City adopted a building plan review fee in 1995; and

WHEREAS, it is necessary to amend the City's plan check fees in order to comply with recently amended Utah Code Annotated, Section 10-9-107; and

WHEREAS, the City has conducted an analysis of building plan reviews and has determined that the actual cost of performing such plan reviews exceeds 65% of the building permit fee; and

WHEREAS, the City Council desires to recover fees for appeals made to the U.B.C. Board of Appeals in an amount that is reasonable and/or directly proportionate to the actual cost of providing such services; and

WHEREAS, pursuant to statutory authority, Park City is authorized and desires to enact and amend its fee schedule;

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

SECTION 1. AMENDMENT. Resolution No. 28-97 is hereby replaced in its entirety, by the schedule attached as Exhibit A, which includes the addition to Section 1.1.14 of a fee for appeals to the U.B.C. Board of Appeals and amendments to Section 1.2.3, Plan Check Fees.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on November 1, 1999.

PASSED AND ADOPTED this 21st day of October, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit A - This attachment is an excerpt reflecting the amendment. The entire fee resolution is not included.

Banners over public property	35
Banners on city light standards	100
Temporary construction signs	20

1.1.12 Satellite Receiving Stations \$50

1.1.13 Annexation

10 acres or less	\$1,000
Over 10 acres, but less than 100 acres	2,000
Over 100 acres, but less than 300 acres	3,000
Over 300 acres, but less than 500 acres	4,000
Over 500 acres	5,000

FISCAL IMPACT ANALYSIS

Applicant must pay city for performing Fiscal Impact Analysis: \$1,000

1.1.14 Appeals Fee The following administrative fees, which will include processing costs for mailing notice and postage, shall apply:

Appeals of Planning Commission and/or Historic District Commission conditions \$100

Appeals to the U.B.C. Board of Appeals 100

Appeals of staff interpretation of Land Management Code regulations or
Historic District Guidelines/Design Guidelines 50

1.1.15 Refund of Withdrawn Planning Applications - In the case of a withdrawal of an application, the associated fee shall be refunded, less the actual cost for professional services rendered by city staff.

1.2 Building Fees

1.2.1 Impact Fee Schedule Impact fees are now located in the Park City Municipal Code, Title 11, Chapter 13.

1.2.2 Building Permit

Total Valuation	Free
\$1 and up	3/4 of 1% (.75%) of the total valuation of construction as hereinabove described with a minimum fee of \$15. Any additional fees will be as otherwise outlined in Section 304 and Table 3A of the Uniform Building Code.

1.2.3 Plan Check Fees

On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit of two hundred dollars (\$200.00) for up to three (3) units or 3,000 square feet of commercial area; five hundred dollars (\$500.00) on buildings up to six (6) units or 6,000 square feet of commercial area; and buildings over this, one thousand dollars (\$1,000.00). The deposit shall be credited against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

Fee 65% of the building permit fee

a. Deposit. On buildings requiring plan checks at the time of building permit application, the applicant shall pay a deposit of two hundred dollars (\$200.00) for buildings up to three (3) units or 3000 square feet of commercial area; five hundred dollars (\$500.00) for buildings up to six (6) units or 6000 square feet of commercial area; and one thousand dollars (\$1000.00) for buildings in exceeding six (6) units or 6000 square feet of commercial area. The deposit shall be credited against the plan check fee when the permit is issued. This deposit is non-refundable in the event permits are not issued.

b. Fee. Except as otherwise provided herein, the plan check fee shall be equal to sixty-five percent (65.0%) of the building permit fee for that building. The plan check fee for identical plans shall be charged at a rate of \$54.26 per hour of total Community Development staff time. As used herein, "identical plans" means building plans submitted to Park City that: (1) are substantially identical to building plans that were previously submitted to and reviewed and approved by Park City; and (2) describe a building that is: (A) located on land zoned the same as the land on which the building described in the previously approved plans is located; and (B) subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

1.2.4	<u>Security to Secure Code Required Landscaping</u>	\$1,000
1.2.5	<u>Mechanical Permit</u>	ISSUANCE FEE
		\$10.00

In Addition:

Furnace	\$10.00
Suspended Heater & Vent	10.00
Wall Heater & Vent	10.00
Floor-Mounted Heater & Vent	10.00
Cooling, Absorption	8.00
Boiler or Compressor 3 HP/up 36,000 BTU	10.00
3 to 15 HP/36,000 BTU to 180,000 BTU	15.00
15 to 30 HP/180 BTU to 360,000 BTU	20.00

10-9-107. Limit on plan check fees.

(1) A municipality may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:

- (a) the actual cost of performing the plan review; and
- (b) 65% of the amount the municipality charges for a building permit fee for that building.

(2) (a) For purposes of this Subsection (2):

(i) "Identical plans" means building plans submitted to a municipality that:

(A) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and

(B) describe a building that is:

(I) located on land zoned the same as the land on which the building described in the previously approved plans is located; and

(II) subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

(ii) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(A) verifying that building plans are identical plans; and

(B) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans referred to in Subsection (2)(a)(i).

(b) Subject to Subsection (1), a municipality may impose and collect only a nominal fee for reviewing and approving identical plans.

History: C. 1953, 10-9-107, enacted by L. 1999, ch. 169, § 1.

Effective Dates. - Laws 1999, ch. 169 became effective on May 3, 1999, pursuant to Utah Const., Art. VI, Sec. 25.

PARK CITY MUNICIPAL CORPORATION

BUILDING DEPARTMENT

PLAN CHECK COST OF SERVICE ANALYSIS

Prepared for
Park City Municipal Corporation
June 1999

EXECUTIVE SUMMARY

This report summarizes analysis to quantify the cost of providing Building Department plan check services.

The cost of plan check service exceeds the amount that the City charges for service – calculated as 65% of building permit cost – by \$98,418 (a shortfall of about 18%). Actual fee revenue in 1998 (the most recent year for which data is available) was \$453,414, slightly less than the calculated maximum of \$456,900.¹

The cost of plan review was estimated as part of an analysis to define the overall cost of Building Department services. Plan review accounts for about one-third of the department's budget. Field inspections is about 45%. Ordinance enforcement, Licensure and Fire Inspections is about 17%, and Administration about 5%.

The cost of providing service, for all city departments including the Building Department, includes direct expenses – personnel, equipment, supplies, etc. – and indirect costs – services such as accounting, personnel, administration, legal, building maintenance, and other. This analysis includes both direct and indirect costs.

Plan review is accomplished by the Building Department and by the Planning and Engineering Departments. Each of these devote a certain amount of staff time and resources to the plan review function. Direct costs are estimated by means of interview with department supervisors and staff to identify the concentration of time attributable to each function. Indirect costs are calculated by means of "indirect cost multipliers", defined in the *Park City Municipal Corporation Indirect Cost Analysis*. (Indirect cost multipliers are summarized in the Technical Reference section of this report.)

Net revenue from plan check fees is summarized as follows:

Figure 1

Building Dept. Cost of Service Analysis	
<i>Plan Check Fee Revenue Summary (1998)</i>	
	Plan Review
Cost of Service	
Building Department	\$392,870
Engineering Department	158,962
Planning Department	Not Included
TOTAL	551,832
Maximum Plan Check Fee Revenue	\$456,900
Actual Fee Revenue	\$453,414
Net Loss	(\$98,418)

¹ 1998 building valuation was \$93,722,987. 65% of 0.75% is \$456,900.

EXECUTIVE SUMMARY

The cost of service in Figure 1 includes Building and Engineering Department expenses, but not Planning Department costs, which are not now, but may in the future be, offset by new fees collected by the Planning Department. Planning Department resources devoted plan review amount to about \$331,850. Engineering Department costs do not include that part of their plan review function which is offset by Engineering Department fee revenue. (The Engineering Department collects fees for services which in part, include plan review.)

Figure 1 shows that the cost of providing plan check services is about \$550,000. Actual fee revenue is about \$450,000. Actual fee revenue is less than 65% of building permit cost. Figure 1 shows information for 1998. The Chief Building Official in Park City advises that this cost/revenue relationship, the relationship between the cost of service and net fee revenue, is typical of prior years and is expected to continue in the future.

Figure 1 includes both direct and indirect costs. These are summarized as follows:

Figure 2

Building Department of Cost of Service Analysis

Building Department Cost of Service (1998)

	Plan Review	Field Inspections	Ordinance Enforcement	Licensure	Fire Inspection	Administration	Total
Building Department							
Direct Costs	\$308,623	\$429,052	\$141,929	\$21,211	\$11,749	\$20,377	\$932,941
Support Service Multiplier	1.27	1.27	1.27	1.27	1.27	1.27	
Indirect Costs	84,247	117,121	38,743	5,790	3,207	5,562	254,671
Effective Total Cost	\$392,870	\$546,174	\$180,672	\$27,001	\$14,956	\$25,939	\$1,187,612
Engineering							
Direct Costs	\$110,381	\$120,279					
Support Service Multiplier	1.44	1.44					
Indirect Costs	48,581	52,937					
Effective Total Cost	\$158,962	\$173,217	\$0	\$0	\$0	\$0	\$332,179
Planning							
Direct Costs							
Support Service Multiplier							
Indirect Costs							
Effective Total Cost							
TOTAL	\$551,832	\$719,390	\$180,672	\$27,001	\$14,956	\$25,939	\$1,519,791

EXECUTIVE SUMMARY

The direct cost of service for the Building and Engineering Departments is summarized as follows:

Figure 3

Building Department of Cost of Service Analysis						
<i>Building Department Direct Cost of Service</i>						
	Plan Review	Field Inspections	Ordinance Enforcement	Licensure	Fire Inspection	Total
% of FTEs	27%	48%	19%	3%	1%	2%
Department Total	\$308,623	\$429,052	\$141,929	\$21,211	\$11,749	\$932,941
Resource Allocation						
% of Total	33%	46%	15%	2%	1%	2%

Figure 4

Building Department of Cost of Service Analysis						
<i>Engineering Department Direct Cost of Service</i>						
	Public Utilities	Site Work		Building inspections		Admin
		Plan Check	Field Inspections	Plan Check	Field Inspections	
% of FTEs	13%	23%	30%	13%	13%	10%
Department Total	\$49,450	\$90,326	\$111,307	\$50,766	\$46,817	\$390,331
Resource Allocation						
% of Total	13%	23%	29%	13%	12%	11%

Figure 4 includes the cost of all Engineering Department services. It shows about \$30,711 more in direct plan check expense than does Figure 2 (the basis for this analysis). The reduction in Figure 2 is accounted for by the fact that the Engineering Department charges a fee for plan check and other services on unplatted lots, which is offset by Engineering Department Fees. These costs are not included in this analysis. (According to the City Engineer these services amount to about one-third of the resources devoted to Plan Review.)

TECHNICAL REFERENCE

Figures 5, 6 and 7 show Resource Allocation Tables from the Park City Municipal Corporation Indirect Cost Analysis. These are the basis for defining the direct cost of service. They are derived from interview information with department supervisors and staff. They are further discussed in the Indirect Cost Analysis.

Figure 5

RESOURCE ALLOCATION		Plan Review	Field Inspections	Ordinance Enforcement	Liscensure	Fire Inspection	Department Administration	Budget Total (FY 1999)
BUILDING INSPECTION								
Average Concentration of Staff Time								
Administrative Secretary (1)		25%	35%	5%	15%	5%	15%	100%
Secretary (1)		25%	35%	25%	10%		5%	100%
Secretary 1 (1)		45%	50%		5%			100%
Community Services Officer (2)				100%				100%
Building Inspector (2)		6%	94%					100%
Senior Building Inspector (2)		6%	94%					100%
Plan Check Coordinator (1)		100%						100%
Plan Check (1)		100%						100%
Chief Building Official (1)		20%	40%	15%	5%	10%	10%	100%
Contract Building Inspector (1)		10%	90%					100%
Allocated Personnel Cost		\$202,727	\$355,394	\$113,144	\$17,098	\$9,987	\$16,852	\$715,202
Allocated FTEs		3.5	6.3	2.5	0.4	0.2	0.3	13
% of FTEs		27%	48%	19%	3%	1%	2%	
Other Budget Items								
Materials -- Supplies -- Services		\$15,007	\$27,030	\$10,563	\$1,509	\$647	\$1,293	\$56,050
Utilities		2,442	4,398	1,719	246	105	210	\$9,120
Software		5,355	9,645	3,769	538	231	462	\$20,000
Computer		2,597	4,678	1,828	261	112	224	\$9,700
Professional Consulting		65,000						\$65,000
Equipment		1,821	3,279	1,282	183	78	157	\$6,800
Capital Outlay		8,568	15,432	6,031	862	369	738	\$32,000
Interfund Transfer		5,106	9,196	3,594	513	220	440	\$19,069
Sub-Total		\$105,896	\$73,658	\$28,785	\$4,112	\$1,762	\$3,525	\$217,739
Estimated Resource Allocation		\$308,623	\$429,052	\$141,929	\$21,211	\$11,749	\$20,377	\$932,941
% of Total		33%	46%	15%	2%	1%	2%	

TECHNICAL REFERENCE

Figure 6

RESOURCE ALLOCATION		Public Utilities Inspection	New Development				Department Administration	Budget Total - FY 1998	
			Site Work		Building Permits				
			Plan Check	Field inspections	Plan Check	Field inspections			
ENGINEERING		Average Concentration of Staff Time							
		City Engineer	15%	40%		25%		20%	100%
		Staff	10%	65%		25%		0%	100%
		City Engineer	15%	32%	8%	20%	5%	20%	100%
		Staff	10%	13%	52%	5%	20%	0%	100%
		Allocated Personnel Cost	\$17,632	\$33,054	\$34,945	\$18,949	\$14,999	\$16,212	\$135,792
		Allocated FTEs	0.3	0.5	0.6	0.3	0.3	0.2	2.0
		% of FTEs	13%	23%	30%	13%	13%	10%	
		Other Budget items	\$31,817	\$57,271	\$76,362	\$31,817	\$31,817	\$25,454	\$254,539
Estimated Resource Allocation		\$49,450	\$90,326	\$111,307	\$50,766	\$46,817	\$41,666	\$390,331	
% of Total		13%	23%	29%	13%	12%	11%		

TECHNICAL REFERENCE

Figure 7

RESOURCE ALLOCATION		PLANNING DEPARTMENT															Department Administration		Budget Total - FY 1998
Average Concentration of Time		New Development							Regulatory			Planning							
		Conditional Use Permits	Plats & Condominiums	MPDs	BOA Variances & Non-Conforming Use	Re-Zone	Annexation	Landscape Plan Limits of Disturbance Review	Sign Permits	Administrative Review	Historic District Review	Affordable Housing	General Plan	Ordinance Development & Revision	Planner On-Call & Public Information				
Nora		2%	1%	10%		2%	20%		5%	10%		30%	10%	0%	100%				
Pat		2%	3%	6%		2%	2%	2%	5%	5%			10%	0%	60%				
Renee		2%	3%	6%		2%	2%	2%	10%	5%			5%	45%	20%				
Mag		2%	4%	7%	1%	1%	1%	1%	5%	5%		30%	15%	15%	25%				
Kirrin		10%	15%	30%	15%	1%			4%	10%			13%	15%	100%				
Allison		20%	20%					20%	20%	14%			20%	15%	100%				
Planner (vacant)								75%	50%	25%				15%	100%				
Brooks			10%						14%					15%	100%				
Intern		5%	10%	5%	5%				40%	5%	5%	5%		15%	100%				
Islem		5%	10%	5%	5%				50%	5%	5%			15%	100%				
Kevin		20%		50%					20%					15%	100%				
Contract Planner									9%	90%				15%	100%				
Allocated Personnel Cost		\$38,375	\$51,432	\$68,979	\$12,085	\$4,553	\$10,719	\$47,930	\$19,521	\$94,165	\$69,462	\$22,643	\$20,293	\$45,286	\$26,909	\$607,002			
Allocated FTEs		0.6	0.9	1.1	0.2	0.1	0.3	0.8	0.4	1.9	1.6	0.4	0.5	0.7	0.6	1.1			
% of FTE		6%	8%	10%	2%	1%	2%	7%	3%	17%	14%	3%	5%	7%	5%	10%			
Plan Commission		5%	40%	20%	100%		5%				90%	10%	90%	30%		100.0%			
BOA																100.0%			
HDC																100.0%			
Consulting																100.0%			
Resource Allocation																			
Personnel Cost		\$38,375	\$51,432	\$68,979	\$12,085	\$4,553	\$10,719	\$47,930	\$19,521	\$94,165	\$69,462	\$22,643	\$20,293	\$45,286	\$26,909	\$607,002			
Other Department Costs (allocated by % of FTE)		3,212	4,640	5,812	1,071	408	1,275	3,824	1,886	9,713	7,903	1,785	2,651	3,722	2,830	5,083			
Plan Commission, BOA, HDC		1,250	10,000	5,000	2,240	0	1,250	0	0	0	3,420	0	0	0	7,880	0			
Consulting		0	0	0	0	0	0	0	0	0	0	6,900	62,100	0	0	69,000			
Total		\$42,837	\$66,072	\$79,791	\$15,395	\$4,961	\$13,243	\$51,774	\$21,407	\$103,878	\$80,784	\$31,327	\$83,044	\$56,888	\$29,738	\$77,986			
Resource Demand (% of Total)		6%	9%	10%	2%	1%	2%	7%	3%	14%	11%	4%	11%	7%	4%	10%			

TECHNICAL REFERENCE

Figure 8 shows the components of Effective Total Cost. Effective Total Cost includes direct costs and indirect costs.

It shows that the Building Department for example, receives services from other city departments in the amount of about \$227,660 . The cost of support for the Engineering Department is about \$111,788 and for the Planning Department is about \$570,873 .

Figure 8

Fund	EFFECTIVE TOTAL COST OF SERVICE	Fiscal Year 1998 Budget	Building Inspection	Engineering	Planning
USE OF RESOURCES	11 Building Inspection	\$928,568	\$928,568	\$0	\$0
	11 Building Maintenance	602,839	22,505	8,182	18,722
	11 Business License Admin.	46,113	0	0	0
	11 City Council	117,626	8,378	2,188	8,671
	11 City Manager	309,276	22,028	5,753	22,800
	11 Community Devp Admin.	154,993	30,999	30,999	92,996
	11 Elections	4,000	0	0	0
	11 Engineering	390,331	0	390,331	0
	11 Finance	389,454	24,138	10,486	27,852
	11 Human Resources	429,711	34,869	8,904	34,345
	11 Insurance	53,000	3,285	1,427	3,790
	11 Leadership 2000	50,000	0	0	0
	11 Legal	452,051	2,802	1,217	274,463
	11 Leisure Services Admin.	229,277	386	141	321
	11 Library	430,485	0	0	0
	11 Olympics	30,000	1,424	372	1,474
	11 Parks, Cemetery, Walks	934,424	789	308	629
	11 Planning	763,127	0	0	763,127
	11 Police	1,980,941	0	0	0
	11 Public Affairs	245,493	0	0	0
	11 Public Works Admin.	196,886	134	131	4
	11 Special Meetings	15,000	1,068	279	1,106
	11 Street Maintenance	1,618,488	0	0	0
	11 Tech Services - Data	212,395	13,979	6,266	22,108
	11 Tech Services - PC Support	212,395	15,030	4,675	30,520
	11 Tech Services - Telephone	424,791	26,409	11,479	30,477
	11 Venture Fund	75,000	0	0	0
	51 Water Billing	81,973	0	0	0
	51 Water Operations	1,670,795	0	0	0
	54 City Recreation	497,929	0	0	0
	54 Racquet Club	628,138	0	0	0
	54 Tennis	354,429	0	0	0
	54 WSCY	243,459	0	0	0
	55 Golf	1,043,518	0	0	0
	57 Transportation	2,201,686	0	0	0
	62 Fleet Services	713,185	19,436	18,981	594
	TOTAL	\$18,731,776	\$1,156,228	\$502,119	\$1,334,000
Cost of Support Services			\$227,660	\$111,788	\$570,873

TECHNICAL REFERENCE

The cost of plan check services provided by the Planning Department is not included in this analysis. Preliminary analysis of Planning Department costs, summarized in Figure 9 below, suggests that plan review cost is about \$331,850. Some of these costs are now billed by the Planning Department and recouped as fee revenue. Some are not, but may be charged as additional fees in the future.

Figure 9

Building Dept. Cost of Service Analysis		
<i>Plan Check Services by Planning Department</i>		
	Proportion of Function Devoted to Plan Review	Total Cost
Landscape Plan Limits of Disturbance Review	100%	\$51,774
Sign Permits	25%	5,352
Administrative Review	100%	105,878
Planner On-Call & Public Information	25%	7,435
Total Direct Costs		170,438
Support Service Multiplier		1.95
Indirect Costs		\$161,412
Effective Total Cost		\$331,850



DATE: October 21, 1999
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Park Meadows Tank Access
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt a resolution authorizing the Public Works Department to file an Application for Transportation and Utility Systems and Facilities on Federal Grounds and to apply for a grant of right-of-way across the Bureau of Land Management property.

DESCRIPTION:

A. Topic: Access to the Park Meadows water tank.

B. Background: In 1991 Park City built a water tank on the Osguthorpe property located south of Fairway Hills. Access to this location is gained through a road built by the Osguthorpe family for their farming and grazing activities. The road is approximately ten (10) feet wide by five hundred and fifty (550) feet long and crosses Bureau of Land Management (BLM) property immediately north of Route 248. It has been in existence in its current location for more than 20 years.

In 1984, the BLM leased the property over which this road travels to Park City for approved uses as specified in the Park City Parks Master Plan. This lease apparently was related to the creation of Prospector Park. There are several utility easements and mining claims on the BLM parcel.

C. Analysis: The BLM recently notified Park City that Park City did not have an easement the scope of which allowed access to the water tank. Park City is not able to assert a prescriptive right to use the road against the Federal Government, and the BLM will not allow D. A. Osguthorpe to assign his right to use the road to Park City. Therefore, Park City is required to file Standard Form 299 - the Application for Transportation and Utility Systems and Facilities on Federal Grounds - setting forth its use of the road.

After the BLM approves our application, Park City will be required to file a request for a grant to use the right-of-way. The Salt Lake City BLM field office does not anticipate any obstacles to approving the application or issuing the grant.

D. Department Review: The Legal, Engineering and Public Works Departments have reviewed this request.

ALTERNATIVES:

A. Approve the Resolution authorizing the Public Works Department to file an Application for Transportation and Utility Systems and Facilities on Federal Grounds and to apply for a grant of right-of-way across the Bureau of Land Management.

B. Delay approval of the resolution:

C. Deny the request for approval:

D. Do Nothing:

SIGNIFICANT IMPACTS: Filing the above-referenced application identifying our range of use and thereafter requesting a grant for the use of the road will bring Park City into compliance with BLM regulations. The recommended action will allow staff to meet and formalize the use of the existing roadway.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: BLM could require Park City to find an alternate access.

RECOMMENDATION: Approve the resolution authorizing the Public Works Department to file an Application for Transportation and Utility Systems and Facilities on Federal Grounds and to apply for a grant of right-of-way across the Bureau of Land Management.



Resolution No. -99

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE
APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS
AND FACILITIES ON FEDERAL LANDS AND TO APPLY FOR A BLM
GRANT ALLOWING USE OF BLM PROPERTY**

WHEREAS, Park City built a water tank on property owned by the Osguthorpe family south of the Fairway Hills subdivision and north of Utah State Hwy 248; and

WHEREAS, Park City accesses the water tank by using a road which travels north off of Hwy 248 to the Osguthorpe property; and

WHEREAS, a portion of that road is on property owned by the Bureau of Land Management; and

WHEREAS, the Bureau of Land Management requires users of access roads across public land to file an Application for Transportation and Utility Systems and Facilities on Federal Lands; and

WHEREAS, Park City's Public Works Department has completed the application; and

WHEREAS, the BLM requires the Park City Council to pass a Resolution authorizing the filing of the application and a subsequent request for a grant which would allow use of the property;

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

SECTION 1. AUTHORIZATION. The Park City Council authorizes the Mayor to sign the Application for Transportation and Utility Systems and Facilities on Federal Lands and the subsequent request for a grant which would allow use of the property..

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

PASSED AND ADOPTED this day of , 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

MEMORANDUM

October 18, 1999

To: Honorable Mayor/Members of City Council

From: Jan Scott, City Recorder

Subject: America's Opening MFL

The staff report will be delivered before Thursday's meeting, but later this week. It will be faxed to you as soon as it is available.

