PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
August 17, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 17, 2017.

CLOSED SESSION

2:00 p.m. To Discuss Property, Personnel and Litigation

WORK SESSION

2:45 p.m. Council Questions and Comments

3:00 p.m. – Discuss Proposed Amendments to the Noise Ordinance PAGE 4

3:45 p.m. – Strategic Code Enforcement Update PAGE 22

4:15 p.m. – Water & Energy Conservation Program Update PAGE 29

4:45 p.m. – Transportation System Performance Monitoring Update PAGE 37

5:15 p.m. – Sundance Film Festival - Economic Impact Presentation PAGE 51

REGULAR MEETING

6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

- Construction Report August 2017 PAGE 52
- Plastic Bag Ban Update PAGE 59
- Dog Free Trail Update PAGE 64
- Merge Park City Police Department (PCPD) and Summit County Sheriff's Office (SCSO) Dispatch Centers PAGE 66

III. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 20, 2017, and August 3, 2017 PAGE 75

V. CONSENT AGENDA

1. Request to Approve the First Addendum to the Construction Manager at Risk (CMAR) Agreement in a Form Approved by the City Attorney's Office with Newstar Construction, Inc., in the Amount Not to Exceed $272,473.87 for Phase One of Construction for Woodside Park Phase 1 PAGE 109

2. Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Liquivision Technology, Inc. for the Tank Inspection and Cleaning Project in an Amount of $35,450 PAGE 122

VI. NEW BUSINESS

1. Consideration to Authorize the Mayor to Execute an Interlocal Agreement with Salt Lake County Whereby Salt Lake County Contributes $1,500,000 to the Purchase of Bonanza Flat PAGE 127

(A) Public Input (B) Action

2. Consideration to Authorize the City Manager to Execute an Amendment Which Would Extend to October 31, 2018 the Terms of the October 8, 1991 Water Supply Agreement Between Salt Lake City Corporation and Park City Municipal Corporation, and the March 2, 2016 Amendment to the 1991 Agreement PAGE 138

(A) Public Input (B) Action

3. Request to Approve Ordinance No. 2017-43, an Ordinance Amending Title 2, Administration, Chapter 4, City Administration, Section 14, Recreation Advisory Board, of the Municipal Code of the City of Park City, Utah to Amend the Number of Recreation Advisory Board Members PAGE 145

(A) Public Hearing (B) Action

4. Consideration to Approve Ordinance No. 2017-44, an Ordinance Approving the 277 McHenry Plat Amendment Located at 277 McHenry Avenue, Park City, Utah PAGE 151

(A) Public Hearing (B) Action

5. Consideration to Approve Ordinance No. 2017-45, an Ordinance Amending the Land Management Code of Park City, Utah, Amending Historic Recreation Commercial (HRC) District, Section 15-2.5; Historic Commercial Business (HCB) District, Section 15-2.6; and Defined Terms, Section 15-15; Limiting the Number of Conventional Chain Businesses along Storefront Property Facades in these Historic Districts PAGE 174

(A) Public Hearing (B) Action

6. Consideration to Approve Ordinance No. 2017-46, an Ordinance Amending the Land Management Code of Park City, Utah, Chapter 15-6, Master Planned Developments PAGE 222

(A) Public Hearing (B) Action

7. Consideration to Approve Ordinance No. 2017-47, an Ordinance Amending Municipal Code Title 4, Licensing, Chapter 2, Section 4, License Application, and Section 8, Inspections for Code Compliance PAGE 247

(A) Public Hearing (B) Action

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m.
Posted: See: www.parkcity.org

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that the City Council review and discuss the following proposed amendments to the Noise Ordinance, Title 6 Chapter 3 of the Municipal Code. The Noise Ordinance is in effect across all of Park City Municipal boundaries. Amendments throughout Title 6 Chapter 3 are intended to:

- Address potential constitutional issues within the current code;
- Establish a standard to resolve disputes in different use districts; and
- Make minor changes for clarity, consistency and style.

Staff further recommends that the City Council discuss the more proactive enforcement approach regarding violations and the joint enforcement pilot program to establish consistency of the new enforcement standard. While staff's overall goal is to gain compliance, not necessarily impose sanctions, staff finds that this increased enforcement approach is appropriate in conjunction with the Noise Ordinance amendments. Staff anticipates that the community will have a range of opinions on this level of enforcement, but believes that this is an appropriate and balanced approach to long term noise management within Park City.

Respectfully:

Michelle Downard, Deputy Chief Building Official

City Council
Staff Report

Subject:	**Noise Ordinance, Park City Municipal Code Title 6 Chapter 3**
Author:	**Tricia S. Lake, Assistant City Attorney/Prosecutor**
	Michelle Downard, Deputy Chief Building Official
Department:	**City Attorney's Office, Building Department**
Date:	**August 17, 2017**
Type of Item:	**Legislative**

Summary Recommendation

Staff recommends that the City Council review and discuss the following proposed amendments to the Noise Ordinance, Title 6 Chapter 3 of the Municipal Code. The Noise Ordinance is in effect across all of Park City Municipal boundaries. Amendments throughout Title 6 Chapter 3 are intended to:

- Address potential constitutional issues within the current code;
- Establish a standard to resolve disputes in different use districts; and
- Make minor changes for clarity, consistency and style.

Staff further recommends that the City Council discuss the more proactive enforcement approach regarding violations and the joint enforcement pilot program to establish consistency of the new enforcement standard. While staff's overall goal is to gain compliance, not necessarily impose sanctions, staff finds that this increased enforcement approach is appropriate in conjunction with the Noise Ordinance amendments. Staff anticipates that the community will have a range of opinions on this level of enforcement, but believes that this is an appropriate and balanced approach to long term noise management within Park City.

Staff discussed the amendment recommendations with the Planning Commission and held a public hearing on July 26, 2017 (packet, pg 83). The feedback received included concerns regarding special events, the HVAC exemption and early morning deliveries, among others. Staff's recommendation in response to that feedback is included herein.

Topic/Description:

Noise is a common concern for local jurisdictions. Over the past few years there have been ongoing noise conflicts within Park City between residents and business owners, especially near the Main Street and Park Avenue commercial and residential areas. As development increases, including a trend of mixed use buildings, concentration of structures is compounded and the separation of uses decreases. Recently, the Park City Planning Commission has been discussing noise concerns in coordination with land use applications.

Conflicts with the current Noise Ordinance are in part because—when read in its entirety—the current Noise Ordinance contains numerous sections which have been incrementally

added/amended and now could potentially face challenge(s) as both overbroad and vague. An ordinance does not withstand constitutional scrutiny if a court determines it regulates noise in a manner that encroaches upon citizens' First Amendment rights to free expression, and/or it fails to clearly notify citizens of what constitutes a noise ordinance violation.

The proposed amendments seek to narrowly tailor the time, place, and manner restrictions on noise to balance the City's interest in protecting citizens from unwelcome noise without encroaching on citizens' First Amendment rights to freedom of expression; and the proposed amendments seek to establish objective standards to determine noise ordinance violations and enforcement in compliance with Fourteenth Amendment due process.

Staff reviewed ordinances from other jurisdictions to understand what has been successfully implemented. Much of the verbiage within the proposed ordinance is consistent with Salt Lake City, West Valley City, Ogden and Boulder, CO.

Both the Police Department and Building Department (code enforcement) respond to noise complaints and address violations with an education based approach which allows for verbal warnings prior to escalated enforcement action (criminal or administrative citations).

Background/Analysis:

(1) The proposed Noise Ordinance amendments bring the noise ordinance into compliance with the U.S. constitution.

States are authorized to regulate noise under the U.S. Constitution Tenth Amendment police power. This police power enables states to regulate noise that may harm the health, safety, morals, or general welfare of the public. State police power to regulate noise is extensive; local governments have a substantial interest in protecting its citizens from unwelcome noise.

The Utah Code delegates noise regulation to municipalities. The Utah Code also empowers municipalities to regulate noise through land use regulations or county health codes. However, these extensive police powers have limitations and must be balanced to protect citizens' constitutional rights.

Noise ordinances may be overbroad, encroaching upon citizens' First Amendment rights to free expression. When a government enacts regulations that may cause persons whose expression is constitutionally protected to refrain from exercising their rights for fear of criminal sanctions, the regulation is overbroad and therefore unconstitutional. However, to protect citizens from unwelcome noise, local governments can restrict the time, place, and manner of noise. Such restrictions must (i) be content neutral, (ii) be narrowly tailored to serve the government's interest in maintaining the well-being and tranquility of the community, and (iii) provide alternative channels for communication of information.

Noise ordinances may also be vague, violating citizens' Fourteenth Amendment rights to due process. When a government enacts regulations that fail to put citizens on notice of what is prohibited and are enforced on a subjective ad hoc basis, the regulation violates due process and is therefore unconstitutional.

(a) Potential Constitutional Issues:

(i) The current and proposed Park City Noise Ordinance is content neutral.

When a government adopts a regulation in order to suppress the content of a message, the regulation is unconstitutional. However, if the government enacts a regulation that serves a purpose that is unrelated to the content of the expression, the regulation is considered to be content neutral and withstands constitutional scrutiny.

Park City Municipal Code Section 6-3-1 defines noise disturbances as "any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s)." This definition regulates noise based on the level of sound and not on the content of sound and is therefore content neutral.

(ii) The proposed Noise Ordinance narrowly tailors the noise regulations to time, place, and manner restrictions.

Content-neutral regulations that impose time, place, and manner restrictions on unwelcome noise must do so in a narrowly tailored way that serves the government's interest in protecting its citizens from unwelcome noise. Park City Municipal Code Section 6-3-9 is the most vulnerable to a claim that the section is not narrowly tailored to serve Park City's interest in regulating the time, place, and manner of content-neutral noise. The below three subsections are disjunctive and result in a violation of the noise ordinance if any one of the three standards is exceeded, to wit:

> The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following [subsections] is unlawful:
>
> Subsection (A): On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') or on private property, as to be plainly audible at the property line.
>
> Subsection (B): The noise shall be measured at a distance of at least twenty-five feet (25') from the source of the device upon public property or within the public right-of-way or twenty-five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.

Subsection (C): Hours of restriction are as follows:
Residential—10 pm to 7 am Monday through Saturday; Not before 9 am Sunday
Commercial—10 pm to 6 am—Monday through Saturday

Similar blanket restrictions have been struck down by courts across the country because they are overbroad and potentially restrict protected First Amendment speech. In order to overcome this challenge, the proposed amendments eliminate the language currently contained in Section 6-3-9 and establish content-neutral standards that are narrowly tailored to regulate the time, place, and manner of noise, to wit:

	Monday through Saturday	
Use District	10:00 P.M. – 7:00 A.M. (6:00 A.M. if commercial)	7:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M.
Residential	50 dBA	55 dBA
Commercial	60 dBA	65 dBA
	Sundays	
	10:00 P.M. – 9:00 A.M. (6:00 A.M. if commercial)	9:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M.
Residential	50 dBA	55dBA
Commercial	60 dBA	65 dBA

(iii) The proposed Noise Ordinance is narrowly tailored in time, place, and manner and therefore does not obstruct alternative channels of communication.

When a government regulates content-neutral expression through narrowly-tailored means, the ordinance must leave open ample alternative channels of communication. Park City Municipal Code Section 6-3-9 does not withstand the requirement that alternative methods for communication be available for expressive speech that is restricted in time, place, and manner. Rather, the current regulations prohibit all noise, including potentially expressive speech, in a blanket manner at all times.

The proposed amendments rectify this issue as discussed above because they clearly define time, place, and manner restrictions and allow citizens alternative channels of communication.

(b) The current Park City Noise Ordinance is susceptible to subjective enforcement in violation due process under the Fourteenth Amendment.

(i) The proposed Noise Ordinance more clearly informs ordinary citizens of the conduct required to conform to the law.

When citizens of common intelligence are left to guess at the meaning of an ordinance, the ordinance is considered unconstitutionally vague. This void-for-vagueness doctrine emanates from the Fourteenth Amendment due process clause and requires that a law be defined so that ordinary people can understand what conduct is prohibited.

The proposed Park City Municipal Code Section 6-3-9 deletes the language of Section 6-3-9, removing the terms "excessive" and "unusually loud" from the code while replacing the terms with an objective standard that establishes "Maximum Permissible Sound Levels" that are narrowly tailored to time, place, and manner restrictions, as well as standards to determine the duration and character of the sound. Because noise disturbances are defined in Section 6-3-1 as those that would annoy or disturb "a reasonable person(s) with normal sensitivities," the code language is tethered to an objective standard.

In addition, the proposed Noise Ordinance informs citizens that a violation of the Noise Ordinance is no longer a Class B misdemeanor, but rather, an infraction, which is commensurate to the Utah Code for similar conduct. Infractions carry a fine up to $750.

(ii) The proposed Noise Ordinance establishes and defines the objective standard by which noise violations are measured and enforced.

A vague ordinance that results in arbitrary or discriminatory enforcement violates Fourteenth Amendment due process. While the Supreme Court has determined that enforcing noise ordinances requires the exercise of some degree of judgment, noise ordinances must establish an objective standard that is defined well enough to enable those within their reach to correctly apply them.

As stated above, the proposed Park City Municipal Code Section 6-3-9 establishes "Maximum Permissible Sound Levels," "Correction for Duration of Sound," and "Correction for Character of Sound." These sections describe in detail the process and type of equipment by which noise will be measured, establishing an objective standard by which the noise ordinance will be enforced. Additionally, the proposed amendments specify how disputes that cross use district boundaries will be consistently enforced, as discussed below.

(2) The proposed Noise Ordinance amendments establish a standard to resolve disputes in different use districts.

The proposed Park City Municipal Code Section 6-3-9 clarifies that noise may be "measured at the boundary or at any point within the property affected by the noise." This amendment is intended to address noise reverberating from one location to another, also known as the "canyon effect."

Additionally, the proposed Section 6-3-9 clarifies how the code will be enforced when a noise dispute crosses into another use district: "When a noise source can be identified

and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories."

This proposed amendment will particularly impact the Main Street and Park Avenue areas because of the residential and commercial use district proximity. The proposed amendment puts citizens on notice regarding the standard that will be consistently applied and enforced.

(3) The proposed Noise Ordinance amendments make minor changes for clarity, consistency and style.

Like other parts of the Municipal Code, the Noise Ordinance has evolved over time in response to the City's changing needs and priorities. This piecemeal process can often result in ordinances that are difficult to understand or are inconsistent in style. Review and revision of the whole chapter provides an opportunity to identify various amendments that promote clarity and consistency of the Noise Ordinance without changing its substantive effect.

The ability to request relief from the noise restrictions on the basis of undue hardship by the Building Official for building issues and the Chief of Police for special events and community or private functions or events will remain. Staff finds that this latitude is appropriate and allows staff to consider unique circumstances on a case by case basis.

Enforcement

Park City has developed a strategic enforcement approach. Code enforcement officers and police officers prioritize response to complaints, but also have the ability to adjust priorities and respond to other community concerns as time allows. In this case, staff intends to proactively approach blatant noise concerns. As part of this implementation, staff recommends the following:

- Utilization of staff resources that are already out in the field by recruiting the Special Events and Parking Departments to be conscious of noise and contact code enforcement or Police for blatant violations.
- Training for the Recreation and Planning Department on the Noise Ordinance which will allow them to educate individuals that rent city parks and other properties or have land use questions.
- Increasing the level of enforcement of noise violations to allow for reasonable education (verbal warnings), but escalate the enforcement action to criminal or administrative citations for repeat offenders.
    - Generally, administrative citations will be issued for violations during the standard workday and on construction sites. Criminal citations may be issued to all other non-construction related violations, including evening and weekend violations.
    - As a component of the new enforcement standard, staff will be hosting training on the new noise ordinance for enforcement staff.
    - Staff has started a 3 month joint enforcement pilot program, where code

enforcement will work periodic shifts side by side with public safety to determine best practices in applying the code to specific scenarios. This joint enforcement pilot program will develop consistency between enforcement personnel, any of whom may be called to respond to a noise complaint.

- The goal of the joint enforcement pilot program is to gain compliance, not necessarily impose sanctions. Staff finds that this increased enforcement approach is appropriate in conjunction with the Noise Ordinance amendments.
- During staff's pilot program enforcement shifts thus far, dB levels up to 75 (but averaging at approximately 65 dB) during the evening hours were observed from Main Street businesses, with open front doors, when measures from Main St. Db levels on Park Ave did not exceed 50 dB. In staff's opinion, the dB levels proposed by the ordinance are reasonable and compliance can be accomplished while allowing bars and restaurants to continue operating, but closing the exterior doors past 10:00PM as required within the ordinance.

Planning Commission

During the July 26, 2017 Planning Commission Meeting (Minutes, pg 1), the following concerns and questions were identified:

Question/Concern	Staff's Recommendations
Special Events are Impactful	No changes to Special Events is proposed within these amendments. Council may ask that staff return with a conversation on Special Event approvals.
HVAC	Staff amended the proposed ordinance to read "a permitted and" approved HVAC System.
Early Morning Deliveries (Main St and Park Ave)	Staff will be conducting early morning pilot program shifts to identify concerns and address as appropriate
Sound Carrying	Proposed ordinance 6-3-9 (A) specifies that noise may be measured at the boundary or at any point within the property affected by the noise.
Complicated and Time Consuming for Enforcement Personnel	Specificity within the proposed noise ordinance is a necessary tool in order to address the overbreadth and vagueness of the current noise ordinance.
Specific Noises- Fireworks and Chainsaws	Fireworks and Domestic Power Equipment (chainsaws) are recommended to remain as regulated within the current noise ordinance. This mirrors language from other jurisdictions and has not posed an enforcement or complaint problem to date.
Rotary Park	The Joint Enforcement Pilot Program will include Public Safety, Code Enforcement, Planning, Recreation and Parking for education and elevated enforcement.

Department Review:
The City Attorney's Office has reviewed and analyzed Park City's current Noise Ordinance and relevant law regarding regulation of noise in Utah by local governmental entities, and has consulted with the Building, Planning, Recreation, Parking, Special Events and Police Departments.

Funding Source:
Sound level meters that meet the industry standards for enforcement personnel range in price. Staff has received a quote from a local manufacturer that provides sound level meters to multiple local jurisdictions for enforcement. Both the Park City Police and Building Department will be required to have their own meter accessible in the event of a violation. One decibel meter kit (with the calibrator, printer, carrying case, windscreen and higher degree of accuracy) costs $3,070.00. The cost has been shared between the Police Department, the Building Department and the City Manager's Contingency Fund. No additional funding is being requested.

Consequences of not taking the recommended action:
Denying the request would leave the Noise Ordinance as it is, potentially giving rise to litigation that seeks to overturn the ordinance based on First and Fourteenth Amendment violations; there would continue to be a lack of clarification with regard to the existing conflict between residential and commercial interests in the Main Street and Park Avenue areas. Additionally, staff would have a lack of clarification regarding the desired level of enforcement.

Public Input:
Staff has incorporated the feedback from the Planning Commission Meeting into the proposed ordinance. Additionally, staff has coordinated with the Community Engagement Department to conduct outreach within the City Newsletter, press releases (specifically to the Park Record and KPCW), and social media.

Staff is presenting the noise ordinance at the Main Street Business Alliance Meeting on August 15, 2017 and will provide council with the feedback received at that meeting.

Exhibits:
Exhibit A – Proposed Revised Noise Ordinance (with redlines).

Ordinance No.

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3 OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the livability and viability of Park City, its residents, businesses, and guests is a high priority and a work session was held by the Planning Commission on July 26, 2017 to address potential amendments to Title 6, Chapter 3 of the Municipal Code regarding Park City's Noise Ordinance; and

WHEREAS, Park City has a direct interest in protecting the health, economy, and natural environment of our community by addressing noise pollution while at the same time balancing residential and commercial interests; and

WHEREAS, residential complaints regarding noise pollution are often in conflict with adjacent commercial interests; and

WHEREAS, Park City's Noise Ordinance is subject to constitutional challenges due to overbreadth and vagueness;

WHEREAS, members of the City Council find it in the best interest of the public to clarify the Municipal Code from time to time and specifically in this instance to realistically promote best practices by minimizing conflicts in neighboring commercial and residential zones and to enact sound legislation that is able to withstand constitutional scrutiny, and is able to be consistently enforced and understood.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendments. Title 6 Chapter 3 of the Municipal Code of Park City is hereby amended to include the following:

6- 3- 1. DEFINITIONS.

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given.

(A) **A-WEIGHTED SOUND PRESSURE LEVEL.** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is “dB(A)” or “dBA”.

(B) **AMBIENT SOUND PRESSURE LEVEL.** The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeded ninety percent (90%) of the time based on a measurement period which shall not be less than ten (10) minutes.

~~(A)~~ (C) **CONTINUOUS SOUND**. Any sound that exists, essentially without interruption, for a period of ten minutes or more.

~~(B)~~ (D) **CYCLICALLY VARYING NOISE**. Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

(E) **DECIBEL.** A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as “dB”.

~~(C)~~ (F) **DEVICE**. Any mechanism that is intended to produce, or that actually produces noise when operated or handled.

~~(D)~~ (G) **DYNAMIC BRAKING DEVICE**. A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".

~~(E)~~ (H) **EMERGENCY**. A situation or occurrence, which in the opinion of the City Manager, Chief of Police, Chief Building Official, or City Engineer, presents an imminent threat to the health, safety or welfare of any person, place or property.

~~(F)~~ (I) **EMERGENCY WORK**. Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

~~(G)~~ (J) **EMERGENCY VEHICLE**. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(K) **HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)**. Any system installed on or within a dwelling, facility, building or structure for the purpose of providing heating, ventilation, or air conditioning. HVAC may include furnaces, air exchangers, central air condensing units, evaporative “swamp” coolers, heat pumps, exhaust fans, and other heating and cooling equipment.

~~(H)~~ (L) **IMPULSIVE NOISE**. A noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristic.

~~(I)~~ (M) **MOTOR VEHICLE**. Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, and racing vehicles.

~~(J)~~ (N) **MUFFLER**. An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.

(O) **NINETIETH PERCENTILE NOISE LEVEL**. The A-weighted sound pressure level that is exceeded ninety percent (90%) of the time in any measurement period (such as the level that is exceeded for 9 minutes in a 10 minute period) and is denoted "L90".

~~(K)~~ (P) **NOISE DISTURBANCE**. Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

~~(L)~~ (Q) **NOISE**. Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

(R) **PERSON**. Any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.

~~(M)~~ (S) **PLAINLY AUDIBLE NOISE**. Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

~~(N)~~ (T) **PROPERTY BOUNDARY**. An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

(U) **PUBLIC RIGHT-OF-WAY**. Any street, avenue, boulevard, highway or alley, or similar place, which is owned or controlled by a public governmental entity.

(V) **PURE TONE**. Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB for frequencies of five hundred (500) Hz and above, by (8) dB for frequencies between one hundred sixty (160) and four hundred (400) Hz, and by fifteen (15) dB for frequencies less than or equal to one hundred twenty five (125) Hz.

(W) **REPETITIVE IMPULSIVE NOISE**. Any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at

the “fast” meter characteristic will show changes in sound pressure level greater than ten (10) dBA.

~~(O)~~ (X) **SOUND**. A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

(Y) **SOUND LEVEL METER**. An instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighing networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute (ANSI) publication S1.4-1983 or its successor publication.

(Z) **SOUND PRESSURE**. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(AA) **SOUND PRESSURE LEVEL**. Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty (20) micropascals, denoted LP or SPL.

~~(P)~~ (BB) **STATIONARY NOISE SOURCE**. Any device, fixed or movable, that is located or used on property other than a public right-of-way.

(CC) **TENTH PERCENTILE NOISE LEVEL**. The A-weighted sound pressure level that is exceeded ten percent (10%) of the time in any measurement period (such as the level that is exceeded for 1 minute in a 10 minute period) and is denoted “L10”.

(DD) **USE DISTRICT**. Those districts established by the city zoning ordinance set out at Title 15 of this code, as amended, or its successor title.

6- 3- 8. SPECIFIC NOISE PROHIBITIONS.

The following acts are declared to be in violation of these rules and regulations:

(B) **RADIOS, TELEVISION SETS, ~~TAPE PLAYERS, COMPACT DISC PLAYERS,~~ MUSICAL INSTRUMENTS, AND SIMILAR DEVICES**. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound~~:~~ in violation of Section 6-3-9, or cause a noise disturbance.

~~(1) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible beyond the property boundary of the source; or~~

~~(2) on public property, public rights of way, or private property at any time so as to be plainly audible fifty feet (50') (15.25 meters) from the device.~~ Permits to

exceed the limits of this section may be issued for special events on public property by the Chief of Police~~, Building Official or City Manager upon approval from the agency operating the public property.~~as provided by Section 6-3-11.

6-3-9. NOISE LEVELS

~~The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.~~

(A) ~~On the public right of way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') or on private property, as to be plainly audible at the property line.~~

Maximum Permissible Sound Levels: It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than 10 minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, when measured at the boundary or at any point within the property affected by the noise:

	Monday through Saturday	
Use District	10:00 P.M. – 7:00 A.M. (6:00 A.M. if commercial)	7:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M.
Residential	50 dBA	55 dBA
Commercial	60 dBA	65 dBA
	Sundays	
	10:00 P.M. – 9:00 A.M. (6:00 A.M. if commercial)	9:00 A.M. (6:00 A.M. if commercial) – 10:00 P.M.
Residential	50 dBA	55dBA
Commercial	60 dBA	65 dBA

When a noise source can be identified and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories.

(B) ~~The noise shall be measured at a distance of at least twenty five feet (25') from the source of the device upon public property or within the public right of way or twenty five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A"~~

~~weighing scale. A measurement of sixty five (65) decibels shall be considered to be excessive and unusually loud.~~

Correction for Duration of Sound:

1. It is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) of fifteen (15) dBA greater than the levels set forth for the receiving land use districts in subsection A of this section for any measurement period. Such period shall not be less than ten (10) minutes.

2. Notwithstanding subsection B1 of this section, it is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) greater than (15) dBA above the ambient sound pressure level (L90) of any measurement period. Such period shall not be less than ten (10) minutes.

(C) ~~Hours of restriction are as follows:~~

~~Residential 10 pm to 7am Monday through Saturday~~
~~Not before 9am Sunday~~
~~Commercial 10pm to 6am Monday through Saturday~~

Correction for Character of Sound:

1. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection A of this section shall be reduced by five (5) dBA.

2. Notwithstanding compliance with subsection C1 of this section, it is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance.

6- 3-10. EXEMPTIONS.

The following uses and activities shall be exempt from noise level regulations:

(A) Noise of safety signals, warning devices, and emergency pressure relief valves;

(B) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

(C) Noise resulting from emergency work;

(D) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

(E) Any noise resulting from activities of temporary nature during periods permitted by law for which a license or permit has been approved ~~by the Director~~ in accordance with Section 6-3-11;

(F) Any noise resulting from snowmaking activities at ski areas; and

(G) Any noise resulting from the maintenance of golf courses.

(H) Any noise resulting from snow plowing or removal services.

(I) Ten o'clock whistle.

(J) Noise resulting from a duly licensed and operated Public Outdoor Music Plaza pursuant to Title 4~~, Chapter 8A,~~ of the Municipal Code of Park City.

(K) Noise resulting from the operation of a permitted and approved Heating, Ventilation, and Air Conditioning (HVAC) system, including central air conditioning units, evaporative coolers, or window cooling units, regardless of the time or frequency of operation, provided the system is in good repair and operating within manufacturer's specifications.

6-3-11. RELIEF FROM RESTRICTIONS

~~Requests for relief from the noise restrictions in these rules and regulations may be made by the Building Official as it pertains to building issues and by the Chief of Police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied with by the applicant and failure to do so will cause the relief agreement to be suspended.~~

(A) Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the Building Official as it pertains to building issues and to the Chief of Police as it pertains to special events and community or private functions or events. Any permit granted by the Building Official or the Chief of Police shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation.

(B) The relief requested may be granted upon good and sufficient showing:

(1) That additional time is necessary for the applicant to alter or modify such applicant's activity or operation to comply with this chapter; or

(2) That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and

(3) That no reasonable alternative is available to the applicant.

(C) The Building Official or the Chief of Police may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

6-3-14 ENFORCEMENT

The Police Department ~~and Building Department~~ may, upon discovery or report of a violation or violations of this Chapter, issue a criminal ~~written~~ citation for the violation ~~requiring an appearance in court to answer the charges~~, or may file a report with the City Prosecutor's Office for review and issuance of an information and summons to court to answer the charges.

The Building Department, may, upon discovery or report of a violation or violations of this Chapter, issue an Administrative Code Enforcement (ACE) citation for the violation set out at Title 11, Chapter 19 of this code, as amended, or its successor title.

6-3-15. PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of an ~~class B misdemeanor, pursuant to U.C.A. Section 26-23-6, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor, pursuant to U.C.A. Section 26-23-6, as amended. Each~~infraction. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this _____ day of _____, 2017.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Jack Thomas

Attest:

_____

Michelle Kellogg, City Recorder

Approved as to form:

_____

Tricia S. Lake, Assistant City Attorney

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Park City code enforcement approach is hybrid or strategic code enforcement (as opposed to strictly proactive or reactive). Park City code enforcement is primarily complaint based with limited capacity to be proactive on specific, high priority topics. This form of enforcement has consistently been the case for many years with the intent to gain compliance while not being punitive. Staff has utilized this form of strategic code enforcement to balance and adjust to community concerns and achieve the overall goal of compliance.
The current form of strategic code enforcement has the ability to adjust priorities and phases of enforcement as a result of these concerns and community needs. Staff has implemented a realignment of priorities (focuses on construction mitigation, and geographical areas: #1- Main Street, #2- Old Town, #3- Prospector) and adjusted enforcement aggressiveness to not provide multiple verbal warnings, which resulted in more stop work orders on construction sites and ACE fines. During 2016, staff issued 96 stop work orders in comparison to 84 issued so far in 2017.

Respectfully:

Michelle Downard, Deputy Chief Building Official

City Council Staff Report

Subject: Strategic Code Enforcement Update
Author: Michelle Downard, Deputy Chief Building Official
Department: Building Department
Date: August 17, 2017
Type of Item: Informational

Summary Recommendation

Staff is returning to Council with additional recommended action items for strategic code enforcement with consideration of the feedback discussed at the May 11, 2017 (packet pg. 192) and June 8, 2017 (packet pg. 75) Council Meetings. In addition to staff's regular code enforcement duties, staff's increased efforts thus far have been predominantly focused on construction mitigation. Future recommended action items are focused on addressing the continuing concern of neighborhood conflicts through the CommUNITY Program and de-escalation tactics. Additionally, staff would like to update Council on enforcement efforts related to restricted construction work dates and food truck regulations.

Background

Park City code enforcement approach is hybrid or strategic code enforcement (as opposed to strictly proactive or reactive). Park City code enforcement is primarily complaint based with limited capacity to be proactive on specific, high priority topics. This form of enforcement has consistently been the case for many years with the intent to gain compliance while not being punitive. Staff has utilized this form of strategic code enforcement to balance and adjust to community concerns and achieve the overall goal of compliance.

The current form of strategic code enforcement has the ability to adjust priorities and phases of enforcement as a result of these concerns and community needs. Staff has implemented a realignment of priorities (focuses on construction mitigation, and geographical areas: #1- Main Street, #2- Old Town, #3- Prospector) and adjusted enforcement aggressiveness to not provide multiple verbal warnings, which resulted in more stop work orders on construction sites and ACE fines. During 2016, staff issued 96 stop work orders in comparison to 84 issued so far in 2017.

Analysis

Staff has implemented these additional actions:

- Utilizing Outreach and Education as a Tool
    - Code enforcement staff, in coordination with the Community Engagement, Planning and Police Department, prepared a press release related to a specific concern that arose regarding graffiti and at the Alliance Mine Site; and

    - Staff has communicated specifically conditioned projects to be listed on the Backhoe Report Map and the standard template construction mitigation plan on the Park City website.
- Proactive Presence/Deterrence
    - Staff now has “Code Enforcement” identified vehicles, increasing the visible presence of proactive patrols
- Noise
    - At the July 26 Planning Commission Meeting (packet, pg. 83), staff discussed amendments to the Park City Noise Ordinance as a courtesy to provide opportunity for public comment and Planning Commission input. The amendments are intended to address conflicts in neighboring commercial and residential zones and to enact sound legislation that is able to withstand constitutional scrutiny and is able to be enforced; and
    - Staff has considered the feedback from the Planning Commission Meeting and intends to present the proposed amendments with Council, who is the ultimate decision making authority on any code changes.
- Construction Mitigation Plans
    - Applicable construction conditions of approval, as a result of a prior Planning review, will be delivered to the Building Department for inclusion within the Construction Mitigation Plan at the time of Planning sign off on the permit.
- Staff has researched the Administrative Code Enforcement Fee Schedule and does not currently recommend an amendment to the amount ($100/day) as the fees are generally appropriate for minor code violations and staff has the ability to utilize other, more stringent enforcement tools such as stop work orders, criminal citations (issued by Police) for more egregious violations.

During the June 8, 2017 Council Meeting, there was continuing concern regarding public input related to neighbor conflicts. In order to address this concern, staff recommends launching a CommUNITY Program, similar to the Neighbors Program in Vancouver, Washington, to proactively avoid conflicts before they occur. The CommUNITY Program encourages UNITY within the Community, with neighbors and contractors working with each other. Staff would start by communicating with and recruiting the involvement of the HOA representatives and local contractors who would have active roles in engaging neighborhoods and taking measures to proactively avoid neighborhood conflicts through the implementation of the philosophies listed below. Many times, simple consideration and conversation with neighbors helps achieve a peaceful coexistence. There are always different perspectives on each side of a conflict and the more that people get to know each other on a personal level, the more likely they are to have empathy for each other, be sensitive to how they impact one. The CommUNITY Program participants could determine how to implement these philosophies within their neighborhoods, (like hosting barbeques, having meetings, etc.). The philosophies that staff would introduce periodically would include:

- **Meet your neighbor**. Introduce yourself while walking the dog or when you see moving boxes arrive. Learn your neighbors’ names and regularly say “hello” or

"Good Morning" before there is any need or problem. Just knowing them can prevent conflict.

- **Keep your neighbors informed**. Contact them before undertaking something that might affect them – such as hosting a big party, building a fence, cutting down a tree or getting a puppy. Informing your neighbors ahead of time allows them to make plans or tell you how your project affects them. Getting their input lets you act in a way that avoids problems.
- **Be aware of differences**. Differences in age, ethnic backgrounds, years in the neighborhood, etc. can lead to conflicting expectations or misunderstandings unless we make an effort to talk with and understand each other. Focus on what you have in common with your neighbor.
- **Consider your neighbor's point of view**, literally. How does your compost pile, play equipment or son's car parts look from your neighbors' backyard or windows? Keep areas in others' view reasonably presentable.
- **Be appreciative**. If a neighbor does something you like, tell them! They'll be pleased to hear you noticed the yard work or the new paint job – and it will be easier to talk later if they do something you don't like.
- **Be positive**. If your neighbor does something that irritates you, don't assume it was on purpose. Most people don't intentionally try to create problems. Presume the neighbor doesn't know about the annoyance. If we jump to the conclusion that the other person is the enemy, we decrease the possibility of an easy resolution.
- **Be candid**. If your neighbors do something that bothers you, let them know. By communicating early and calmly, you take a step toward solving the problem. Be tolerant but don't let a real irritation go because it seems unimportant or hard to discuss. Your neighbor won't know the situation bothers you. It may grow worse, or become harder to talk about, as time goes on.
- **Be respectful**. Talk directly with the neighbor involved about a problem situation. Don't gossip; that damages relationships and creates trouble.
- **Be calm**. If a neighbor approaches you accusingly about a difficulty, listen carefully and thank them for telling you how they feel. You don't have to agree or justify your behavior. If you can listen and not react defensively, then their anger subsides, the lines of communication remain open and there is a good chance of working things out.
- **Listen well**. When you discuss a problem, try to understand how your neighbor feels about the issue and why. Understanding is not the same as agreeing, will increase the likelihood of a solution that works for you both.
- **Take your time**. If you need to, take a break to think about what you and your neighbor have discussed. Arrange to finish the conversation later, and then do so. Beginning something and not following through can start a problem or make one worse.
- **Get help when needed**. Communication can resolve conflict, and talking things over is the best way to handle problems and avoid enforcement or the courts. But at times you may need the help of a neutral third party trained in conflict resolution. If it seems that your efforts to communicate with a neighbor are not resolving the issue, do not hesitate to call Community Mediation Services.

Staff is excited to launch the CommUNITY Program, but also recognizes that a cultural shift such as this will take time to have a significant impact and conflicts will still occur.

One of the biggest hardships for code enforcement staff is that by the time they are contacted, frustrations and emotions are already high. This dynamic is difficult and requires a high level of skill to temper. Therefore, we are planning to have code enforcement staffers attend De-Escalation Training provided by Salt Lake City. Salt Lake City is renowned through the State of Utah for its successful application of de-escalation tactics. Members of the public commonly associated de-escalation with high levels of respect, feeling heard, not being afraid, patience, cultural sensitivity, and calmness and space for parties to understand each situation. Salt Lake City identifies legal cases and training practices that guided enforcement officers' decision-making in situations. This training will provide code enforcement staff with additional tools to respond to the difficult situations that they encounter.

Anonymous Complaints

Staff does not recommend facilitating additional anonymous complaints beyond what is already accepted. (Anonymous complaints are currently received via phone, regular mail and form submittals at City Hall without a requirement to identify one's self.) Staff is concerned about facilitating additional anonymous complaints due to the lack of ability for staff to respond to the complainant and provide the responsible party with an ability to respond to their accuser. Staff may not have an ability to enforce due to lack of evidence and ability to ask the complainant for additional details. Additionally, staff wants to ensure that they are not further fueling neighborhood feuds that are not based on valid code violations.

Staff will ensure that complaint submittal forms will note that anonymity is acceptable, but staff is unable to contact anonymous complainants with investigation dispositions or any resulting enforcement action.

Staff believes the provided recommendations to accomplish the goals of compliance, responsiveness to Council and community concerns while not being punitive. In the future, staff anticipates code enforcement to further adjust strategies and priorities as a result of evolving concerns, construction activity fluctuation, seasonal changes and occurrence of special events.

Restricted Construction Dates

In order to alleviate traffic and compounding impacts on neighborhoods, construction during holiday and special events have been restricted through the Construction Mitigation Plans. The exact dates have varied as events have and traffic concerns have evolved. The following dates are the proposed restricted dates for the 2017 calendar year, which staff as adjusted in an attempt to maintain a reasonable balance of construction vs event activity. Staff requests that Council provide feedback on the appropriateness of these dates and if they should be modified.

Contractors maintain the ability to request to work during the dates listed. However, the contractor must describe the scope of work that is proposed to occur in the site and articulate how it will not impact the event, traffic or create noise that would negatively impact others. The work must then be approved by the Chief Building Official.

Currently there are approximately 3,300 active building permits (including building, electrical, mechanical and plumbing). During the Arts Festival 2017, staff received 22 requests to work on Thursday and Friday. Conditions of approval were places on all sites that were approved to work. All 22 sites were approved to work on Thursday, 14 were permitted to work on Friday (Old Town construction sites were not permitted to work). Seven sites requested to work on Saturday, five were approved.

Work Restricted Dates for 2018:

- Sundance Film Festival- January 18-28, 2018
- Martin Luther King – Friday, January 12 after 3pm- Monday, January 15, 2018
- President's Day- Friday, January 16 after 3pm – Monday, January 19, 2018
- Memorial Day- Friday, May 25 after 3pm- Monday, May 28, 2018
- Independence Day- Tuesday, July 3 after 3pm -Wednesday, July 4, 2018
- Pioneer Day Weekend- Monday, July 23, 2018 after 3pm – Tuesday, July 24, 2018 (contractors have had concerns with this specific date)
- Kimball Arts Festival- Friday, August 3, 2018 after 3pm - Sunday, August 6th
- Labor Day- Friday, August 31, 2018 after 3pm - Monday, September 3, 2018
- Halloween- Wednesday, October 31, 2018 after 12pm
- Thanksgiving- Thursday November 22, 2018 - Sunday, November 25, 2018
- Christmas- Saturday, December 22, 2018 – Tuesday, Dec 25, 2018
- New Years- Monday, December 31, 2018 after 3pm – Tuesday, January 1, 2019
- Park Silly Market on Sundays during the summer. During the Park Silly Market all work is prohibited unless otherwise approved.

Food Trucks

Code Enforcement has the responsibility to enforce the business licensing and location of food trucks. Fire safety is reviewed by the Park City Fire Marshal. During the recent 2017 Utah State Legislative Session, the Utah State Code was amended to deregulate the health inspection requirements for Food Trucks. However, the ability to manage their location has not been changed. Under the Land Management Code, "all goods and services must be contained within an enclosed structure" in all zones. Staff has concerns regarding the lack of specificity in the Land Management Code for food trucks. There are mechanisms to allow for outdoor display of merchandise and outdoor dining from the "bricks and mortar" structure. For example, food trucks are allowed under a Special Event Permit and when "catering" a private event. They are also allowed at Construction Sites. They also would be able to apply for a City issued Franchise agreement.

Planning has been researching food truck codes and operations from other cities. Certain cities have provided food truck courts on public property; others restrict them to private property. Planning is considering the possibilities and consequences of specific

language in the Land Management Code to “allow” food trucks use in the General Commercial and Light Industrial Zones, under certain circumstances. (For example- cannot reduce parking spaces, not in Frontage Protection Zone, restroom access and minimum signs.) Planning is also considering the Community Transition zone (i.e. Quinns Junction area) for Food Trucks in support of the recreation fields and ice operations. Food Trucks would not be allowed in the Historic Districts, due to parking and minimum street area and in Residential Zones, except when acting as a “caterer”. Planning has not reached a conclusion regarding food trucks in Recreation Open Space areas.

All of the above will place additional demands on Planning and Code Enforcement staff. Building and Planning are working through the considerations jointly. Planning expects to have a recommendation for new Land Management Code language in 60 days or sooner.

Staff Recommendation

Staff is returning to Council with additional recommended action items for strategic code enforcement with consideration of the feedback discussed at the May 11, 2017 (packet pg. 192) and June 8, 2017 (packet pg. 75) Council Meetings. Staff’s efforts thus far have been predominantly focused on construction mitigation. Future recommended action items are focused on addressing the continuing concern of neighborhood conflicts through the CommUNITY Program and de-escalation tactics. Additionally, staff would like to update Council on enforcement efforts related to restricted construction work dates and food truck regulations.

Funding

No additional funding is needed to accomplish staff’s recommendations.

Department Review

The Legal, Community Engagement, Planning, Executive Department have reviewed this report.

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

After the departure of the program manager, staff met to review the Water & Energy Conservation Program: Management Plan 2017 and the Optimization Study, evaluate program priorities and progress to date, and to create a three year budget plan for the use of the energy surcharge funds.

Optimizing operations and capturing efficiencies while maintaining water quality and level of service remain the program's objectives; with the following identified priorities:

- Conservation
- Pump Station Optimization
- Micro Hydro/ Renewables
- Net Zero Buildings
- Streetlight LED Conversion
- Source Selection/ Source Management
- Leak Detection/ Unaccounted for Water Identification

Financing Opportunities/ Addition Funding Opportunities

Respectfully:

Holly Lopez, Executive Assistant

City Council Staff Report

Subject: Water & Energy Conservation Program Update
Author: Holly Lopez, Executive Assistant
Department: Public Utilities
Date: August 17, 2017
Type of Item: Informational

Summary Recommendation

Staff is providing Council an update on Public Utilities' Water and Energy Conservation Program (WECP). No action is needed.

Executive Summary

After the departure of the program manager, staff met to review the Water & Energy Conservation Program: Management Plan 2017 and the Optimization Study, evaluate program priorities and progress to date, and to create a three year budget plan for the use of the energy surcharge funds.

Optimizing operations and capturing efficiencies while maintaining water quality and level of service remain the program's objectives; with the following identified priorities:

- Conservation
- Pump Station Optimization
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- Net Zero Buildings
- Streetlight LED Conversion
- Source Selection/ Source Management
- Leak Detection/ Unaccounted for Water Identification
- Financing Opportunities/ Addition Funding Opportunities

Acronyms

ASHRAE	American Society of Heating, Refrigerating and Air-Conditioning Engineers
GPM	Gallons per Minute
HVAC	Heating, Ventilation, and Air Conditioning
HAL	Hansen Allen Luce
JSSD	Jordanelle Special Services District
LED	Light-Emitting Diode
PRV	Pressure Reducing Valve
SCADA	Supervisory Control and Data Acquisition
VFD	Variable Frequency Drive
WECP	Water & Energy Conservation Program

The Problem

- Due to the energy intensive nature of pumping water, Park City's Water Department's electricity consumption represents roughly 61% of total Municipal electricity consumption, and roughly 19% of total Municipal energy.
- In September of 2015, Council added Energy as a Critical Priority, and later defined the following goals:
    - Net-zero carbon and 100% renewable electricity for city operations by 2022
    - Net-zero carbon and 100% renewable electricity community wide by 2032
- Public Utilities established the Water and Energy Conservation Program to support the City's 2022 Operations goal.

Background

Date	Item
May 28, 2015	Staff Report: Elevation Based Surcharge (pg 109)
July 16, 2015	Staff Report: Water Surcharge - Energy (pg 20)
September 24, 2015	Council Meeting Minutes: Council adds Energy as a Critical Priority (pg 4)
October 22, 2015	Staff Report: Utility Mitigation Surcharge - Strategy (pg 155)
December 3, 2015	Staff Report: Utility Mitigation Surcharge - Funding (pg 32)
July 21, 2016	Staff Report : Energy Update - July 2016 (pg 13)

Analysis

Overall program update:

Major successes since the last update of the WECP include the completion of the Water System Optimization Study, purchase of Subscriber Solar Blocks, the inclusion of energy efficiency considerations in capital project planning, and the identification of staff roles in program management.

With the completion of the Water Optimization Study and the SCADA replacement project, we are now able to identify a monthly water and energy optimization plan, and analyze data in real time to adjust as necessary to maximize efficiency and minimize water quality upset or unacceptably low tank levels. Water Optimization meetings are held regularly with water quality and distribution staff to review plans and make adjustments.

Public Utilities accounted for the majority of the Subscriber Solar blocks purchased from Rocky Mountain Power. The purchase will provide roughly 900,000 kWh of renewable energy annually, roughly 11% of the departments total electricity usage.

The Public Utilities department is currently engaged in the planning and construction effort of several large scale capital projects; Creekside Water Treatment Plant, 3Kings Water Treatment Facility, Quinns Junction Water Treatment Plant upgrades, Public Utilities Facility, and Jordanelle Special Services District (JSSD) water connection

modifications. These projects include in depth analysis of energy efficiency opportunities that may not have occurred prior to this program. Examples are included in the priority updates below.

Along with the completion of the Water System Optimization Plan and the WECP Management Plan, teams and roles have been identified to keep the program moving forward. Our engineering, treatment and distribution managers and members of their staff will work to identify and implement projects and identify resource needs. The executive assistant will work with the engineering, distribution and treatment managers as well as the director to track project progress, report results and update goals. The executive assistant will also work with the Sustainability Department to coordinate data tracking, evaluation and financial opportunities.

Involving staff in the Water System Optimization project and the creation of the management plan has created a culture shift throughout the department. Treatment, distribution and engineering teams have been very supportive and have taken the goals of the program very seriously. Efficiency is a consideration in daily decisions where it may not have been at the forefront prior to the creation of this program.

Individual priority updates:

Water Conservation

- Water Smart Customer Interface
    - All customers receive 6 Water Reports a year by email or through the mail highlighting customized conservation recommendations.
    - Leak alerts, 3,329 detected in the past year, 1,320 automatically alerted.
    - User set consumption thresholds and alerts by text, email, or phone.
    - Hourly usage information.
- Smart Controller rebate program, up to $300 rebate
    - 26 rebates in 2016
- Rain Barrels – partnership with Utah Rivers Council and Summit County
    - $50 per barrel, up to 150 barrels
    - 75 rain barrels to Park City residents in 2016.
- Partnership with Weber Basin Water Conservancy District
    - Conservation garden
    - 11 Home water audits in 2016
    - Additional smart controller rebates
- Billing
    - Conservation rates
    - Year round conservation pricing, where the price per 1,000 gallons of water increases as more water is used
- Education
    - Participation in 4th Grade Water Fair
    - Online conservation tips and resources

Pump Station Optimization

- The Water System Optimization Study was completed
- Rate Schedules for individual pump stations are complete
- Operator education on off peak pumping has been completed
- Controls and Variable Frequency Drives have been installed
- Implemented Hansen Allen Luce (HAL) off peak pumping plan
- Implemented HAL flow paced pumping for VFD pump stations

Distribution system improvements to minimize pressure loss and pumping

- The Lowell pressure reducing valve (PRV) was reduced to 150 gpm to decrease feed from Woodside (higher elevation) tank to Thaynes (lower elevation) tank
- Lower Park Avenue pressure zone was re-prioritized to allow the zone to be filled primarily from Thaynes Tank rather than the Woodside or Neck Tanks, in order to promote efficiency by decreasing vertical pumping of water
- City Park PRV allowed water to flow from Woodside Tank into Neck Tank to supplement supplies during snow making, this was discontinued to decrease overall pumping
- A plan to reconfigure JSSD interconnection to maintain water pressure entering Park City's water system is under way

Renewables

- Subscriber solar program was created and credits have been purchased
- Solar Panels will be installed on the Creekside Water Treatment Plant this fall as part of the Park Meadows and Divide Well reconstruction project
- Future Micro Hydro will be installed on the Judge Tunnel and Rockport pipelines in 2023 and about 2020 respectively
- Onsite solar evaluated on a case by case basis

Net Zero Buildings

- American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Building Audits Completed
- Quinns Junction Water Treatment Plant Optimization
    - LED installation has been completed
    - HVAC system upgrades in progress
        - Updated controls
        - De-stratification fan
        - Solar wall
    - Efficient high service pump installation in progress
    - Batch tank heaters in progress

Streetlight LED Conversion

- Streetlight conversion is 70% complete
- Streets Division has replaced 740 lights with LEDs
- Currently negotiating with Rocky Mountain Power to get their 128 lights changed

Source Selection/ Source Management

- Using information from the Water System Optimization Study, along with current water quality and demands, Michelle and Kyle provide monthly source plans to operators to increase efficiency in the treatment and distribution systems.

Leak Detection/ Unaccounted for Water Identification

- Customer side
    - Residential Water Meter Replacement Pilot Program is underway
        - Randomly selected residential meters (1.5", 1", & ¾") have been tested for accuracy; preliminary results are positive and indicate most of these meters are within AWWA standards for accuracy.
    - Non-Residential Meters
        - Replaced almost all 3" and larger meters that are more than 10 years old over the past 4 years.
        - Moving focus to replacement of 2" meters.
- City system side
    - SCADA Upgrade
        - The System Control And Data Acquisition (SCADA) system has been updated to allow for better control and more information allowing for increased leak detection in the system
    - AMI System
        - Advanced Metering Infrastructure (AMI) is the backbone data collection system for customers and provides the City with hourly data on consumption. This data is fed to the WaterSmart system, and will be paired with the SCADA system in the future to increase leak detection.

Financing Opportunities/ Addition Funding Opportunities

- Projects eligible for Rocky Mountain Power Customer Rebate Program on the CIP projects list have been identified
- Coordinating with Sustainability to submit projects

Capital Improvement Projects Summary:

The following tables list identified capital projects by fiscal year and priority, including cost, potential kilowatt hours saved, and Rocky Mountain Rebate potential where available. This table includes items managed by the Streets Department, as they are part of Public Utilities.

Project	Priority	Project Cost (Energy portion)	Scheduled Const. Date	Status	Potential Annual Energy Reduction	RMP Incentive Available
FY2017						
Pump Station Lighting Fixture Replacement, LED	Net Zero Buildings	$10,000	2016	Complete	30,000 kWh	Yes
City Street Lighting Fixture Replacement, LED *Phase 1* *Phase 2*	Streetlights	 $35,000 $35,000	 2016 2017	 70% Complete	 60,000 kWh 60,000 kWh	 Yes Yes
Spiro WTP, Thiriot Pump Modifications	Pump Station Optimization	$115,000	2017	Complete	138,224 kWh	TBD
Facility Energy Audits *QJWTP* *Pump Stations*	Net Zero Buildings	 $25,000 $0	2017	Complete		 No No
QJWTP, Immediate Building *Interior Lighting Upgrades, LED*	QJWTP Optimization	$18,500	2016	Complete	54,149 kWh	Yes
QJWTP Power Monitors	QJWTP Optimization	$10,000	2017	Complete		No

FY2018						
Creekside WTP *Pump VFDs & UV System Upgrade* *PV Panels*	Pump Station Optimization Net Zero Buildings	 $65,100 $180,000	 2017 2017	 In Progress In Progress	 6,053 kWh 42,000 kWh	 Yes No
QJWTP, Immediate Building *Exterior Lighting Upgrades, LED* *Occupancy Sensors, Lighting* *HVAC System & Control Upgrades* *De-Stratification Improvements*	QJWTP Optimization	 n/a $2,000 $175,000 $10,000		 Not Started Partial In Progress In Progress	 480,000 kWh 	 No No No No
QJWTP Solar Wall System	QJWTP Optimization	$25,000	2017	In Progress	20,160 kWh	No
QJWTP Boothill Pump	QJWTP Optimization	$44,000	2017	In Progress	384 kWh/MG	No
QJWTP Fairway Hills Pump	QJWTP Optimization	$32,000	2017	In Progress	192 kWh/MG	No
City Street Lighting Fixture Replacement, LED	Streetlights					

Phase 3		$10,000	2018	Not Started	30,000 kWh	Yes
Pioneer Tank, Capacity Upgrade	Pump Station Optimization	$150,000	2018	Not Started		
Pump Station Improvements *Motor Efficiency Replacement*	Pump Station Optimization	TBD	2018-2020	Not Started	159,000 kWh	TBD

FY2019						
Pump Station Improvements						
Chatham PV Panels	Renewables*	$7,000	2019	Not Started	4,842 kWh	No
Fairway Hills PV Panels		$7,000	2019	Not Started	4,842 kWh	No
Sandstone Cove PV Panels		$7,000	2019	Not Started	4,842 kWh	No
PCMC-JSSD Deer Crest P.S. Interconnect	Pump Station Optimization	$750,000	2019	In Progress	955,000 kWh	Yes

*If Subscriber Solar is renewed, these PV projects are not possible

FY2020						
Public Utilities Facility						
Micro-Hydro Generator	Renewables	$1,500,000	2020	Not Started	243,200 kWh	TBD
Building Envelope Upgrades	Net Zero Buildings	$2,000,000	2020	Not Started	166,200 kWh	TBD
QJWTP, Immediate Process	QJWTP Optimization					
Air Compressor Receiver Tank		$7,000	2020	Not Started	6,158 kWh	Yes
QJWTP, Near-Term Process	QJWTP Optimization					
PV Thin Film Panels		$75,000	2021	Not Started	15,000 kWh	No
Solar Water Heating			2021	Not Started		No
Air Compressor Receiver Tank		$7,000	2020	Not Started	6,158 kWh	Yes
Membrane CIP Tank Heater Upgrade			2021	Not Started		

Department Review

Public Utilities, Sustainability, Legal and Executive have reviewed this Staff Report.

Funding Source

Water service fees including the energy surcharge.

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

On February 2, 2017, staff presented the Traffic and Transportation Master Plan (TTMP) Annual Report Card to Council. In the corresponding report, staff pointed to the many benefits of benefits of the TTMP Report Card, as presented, but contended that this Report Card could be reimagined in order to communicate the City's progress toward its stated transportation goals to the public in a more effective and engaging way. This report identifies staff's vision for the redesign of the Report Card document as well as the estimated resources and levels of effort required to realize this vision.

Earlier this summer, Council requested this work session to facilitate establishment of intuitive performance measures relating to the City's goals for transportation, a Council Critical Priority, much like the metrics established for the other two Critical Priorities. It should be noted that the 2011 TTMP has established 31 transportation goals and associated indicators, however, this effort is intended to simplify reporting on transportation performance and trends in a way that better reflects the City's adopted transportation goals. Therefore, staff is proposing the following key metrics be established and monitored to evaluate the City's progress toward achieving transportation related goals:

1) Citywide Vehicle Miles Traveled (VMT) - 10% VMT reduction from pre-Olympic levels (i.e. 2001) by 2040 (corresponding to the planning horizon of the 2011 TTMP)
2) Mode Split (a measure of the percentage of travelers using particular types of transportation (e.g. private automobile, transit, biking, and walking)) - Achievement of 20% non-auto mode split for all travel in Park City by 2040
3) Gateway Corridor Average Daily Traffic (ADT) - 10% ADT reduction from pre-Olympic levels (i.e. 2001) by 2040

Respectfully:

Matthew Hartnett, Transportation Analyst

City Council
Staff Report

Subject: Update and Overview on Transportation System Performance Monitoring
Author: Alfred Knotts, Transportation Planning Manager
Julia Collins, Senior Transportation Planner
Matthew Hartnett, Associate Transportation Planner
Department: Transportation Planning
Date: August 17, 2017
Type of Item: Informational/Request for Feedback

Summary Recommendations
Council should review the vision set forth by staff in this report for a more intuitive and illustrative means of communicating the City's progress toward its stated transportation goals to the public. Staff is requesting Council provide feedback on the anticipated update to the Park City Annual Report Card.

Executive Summary:
On February 2, 2017, staff presented the Traffic and Transportation Master Plan (TTMP) Annual Report Card to Council. In the corresponding report, staff pointed to the many benefits of benefits of the TTMP Report Card, as presented, but contended that this Report Card could be reimagined in order to communicate the City's progress toward its stated transportation goals to the public in a more effective and engaging way. This report identifies staff's vision for the redesign of the Report Card document as well as the estimated resources and levels of effort required to realize this vision.

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Acronyms Used in This Report

ADT	Average Daily Traffic
ATR	Automatic Traffic Recorder
TTMP	Traffic and Transportation Master Plan
VMT	Vehicle Miles Traveled

The Problem

Presently, the TTMP Report Card represents the only formal annual update on the City's progress toward its stated transportation objectives. While this Report Card features a wealth of informative transportation performance indicators, it presents little context regarding the process and purpose associated with many of these measures and fails to effectively capture short term trends as well as trends in broader measures that most closely align with the key elements associated with Council's designation of transportation as a critical priority for the City. More simply, while the City's prioritization and approach toward transportation projects play a significant role in shaping our community, the current TTMP Report Card does not adequately communicate that story. Therefore, staff has recommended that the Report Card be completely redesigned in order to more effectively engage and inform a broader audience as to the City's progress toward its stated transportation goals as well as the implications of that process or lack of progress.

Background

On October 6, 2011, City Council adopted the TTMP, which established a vision for the development of a multi-modal transportation system in Park City and the region to the year 2040. The TTMP established an Annual Report Card, a series of measurements of various transportation indicators. The intention of the Report Card was to create a standardized method of reporting on progress toward 31 targets to be achieved by the year 2040. A complete copy of the plan can be found at:
http://52.26.130.11/Home/ShowDocument?id=8296

On February 2, 2017, City staff presented to Council the most recent review of the Annual Report Card and recommended a comprehensive reimagining of the Report Card document to make it a more intuitive and illustrative tool for communicating progress on the City's stated transportation objectives to the public. The Report Card and corresponding staff report can be found at:
http://parkcityut.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2222&Inline=True

Next Steps

Since its report to Council in February 2017, staff has begun to establish a more refined vision for a redesigned transportation reporting document. A look into some of this effort can be found in Exhibits A – C, as detailed in the following sentences. A draft outline of the redesigned Report Card is attached to this report as Exhibit A. In addition, a high-level review of the major performance measures as well as a discussion of how these measures will be collected and calculated is included with this report as Exhibit B. Lastly, staff has also started work on an illustrative sample of its anticipated updated transportation reporting document, a 'Transportation Report on Progress.' An abridged

example demonstrating staff's vision for some of the content and the aesthetic of this report are shown in Exhibit C.

Building on the vision demonstrated in the Exhibits, staff has identified the following next steps:

- Formally relate the selected performance measures to targets, or goals, consistent with the vision identified in the TTMP, establishing these targets or baselines as appropriate with Council feedback
- Park City staff will work with Summit County Engineering and supporting consulting staff in order to better understand the capabilities and utility of the newly created Summit County transportation model as they relate to this project
- Continue to identify any 'data gaps' that may exist and address appropriately in order to ensure we have the data necessary to move forward
- Return to Council with a more refined review of anticipated costs and demands on staff time and identify a timeline for staff's return to Council with the finished product identified in this vision – a complete 'Transportation Report on Progress'

Alternatives for City Council to Consider

1. **Recommended Alternative: Redesign of the Annual Report Card Consistent with Staff Recommendations Detailed in Exhibits A - C**

   Pros
   - The updated method of reporting will be a significantly more intuitive and illustrative means of communicating with a broad audience on the state of progress toward Park City's broader transportation objectives of reducing dependency on the private automobile and best meeting the mobility needs of residents, visitors and employees
   - The updated method of reporting will incorporate additional and more detailed project reviews that will increase its future utility for short-term planning
   - Staff's recommended packaging, or presentation, of this updated method of reporting – a comprehensive 'Transportation Report on Progress' – will serve as an engaging tool with which to better inform the public on the nature and purpose of the transportation projects the City plans and implements

   Cons
   - Additional financial resources and staff time will be required

2. **Null Alternative: Do Nothing to Modify the Existing TTMP Annual Report Card**

   Pros
   - No new additional resources would be required

Cons

- Effective transportation system performance monitoring will continue to be inadequate and meaningful short-term trends would be difficult to determine
- No improvements will be made in terms of more effectively communicating transportation progress to the community

Department Review

This report has been reviewed by the following departments: Executive, Legal, Transportation Planning, and Transit.

Attachments

Exhibit A Outline of Park City's 'Transportation Report on Progress'
Exhibit B Summary of Recommended Transportation Performance Measures
Exhibit C Page Examples for Park City's 'Transportation Report on Progress'

Exhibit A Outline of Park City's 'Transportation Report on Progress'

1. Introduction

- Provides a review of the TTMP and corresponding Annual Report Card
- Explains why Park City Council and staff have adopted this Transportation Report on Progress as a new method of reporting
- Demonstrates the importance of routine transportation performance monitoring
- Describes the Report's organization
- Specifies the frequency with which the Report will be produced and published

2. Transportation as a Critical Priority

- Restates Park City's commitment to implementing progressive transportation solutions
- Reviews transportation goals identified by Council and staff – most notably, those coming out of Council's critical priorities, the TTMP, General Plan and staff's strategic objectives

3. Measuring Our Performance

- Details the process informing the selection of the performance measures featured in the Report, demonstrating relationships between these performance measures and those goals reviewed in the 'Transportation as a Critical Priority' section
- Defines specific goals/baselines relating to the selected performance measures as well as a timeline for achievement indicative of success
- Discusses how these performance measures will be used to inform future decision making

4. Year in Review: 2016

- Summarizes progress made on transportation projects and initiatives since the time of issue of the previous Transportation Report on Progress
- Highlights particularly notable achievements and/or projects relating to the City's transportation goals

5. Progress Toward Our Future

- Provides an overview of the City's progress toward its stated transportation goals by reviewing calculations of those selected performance measures
- Identifies trends in the performance measures in recent years or compared to an established baseline
- Discusses the implications of any observed trends and determines what factors may possibly explain these trends (staff may employ additional, more granular performance measures in order to examine which other factors may be driving these observed trends)

6. Short-Term Action Plan

- Summarizes the City's transportation objectives for the coming year or years

- Discusses what next steps are necessary to address areas that may have potentially been shown in the ‘Progress Toward Our Future’ section to be trending toward non-attainment

Exhibit B Summary of Recommended Transportation Performance Measures

Staff will continue to monitor those measures included in the current TTMP Annual Report Card, but recommend that the performance measures presented in the redesigned 'Transportation Report on Progress' be both fewer in number (than the 31 in the current Report Card) and more intuitively relatable to the City's broader transportation goals of reducing dependency on the private automobile and best meeting the mobility needs of residents, visitors, and employees. In this Exhibit, staff has identified five key measures to feature in its recommended updated method of reporting, the 'Transportation Report on Progress.' A description of each measure, anticipated levels of effort associated with each measure, and the strengths and shortcomings of each measure are detailed below.

Citywide VMT
What it measures: Estimated total vehicle miles traveled in Park City

Methodology: Surveys, traffic counts, regional transportation models

Level of Effort
Data Collection Costs: High
Staff Resources: High

Strengths: A measure of Regional VMT very closely aligns with the City's transportation and energy goals and will facilitate the identification of trends indicative of transportation impacts on both the environment and quality of life at the regional level

Shortcomings: Arriving at reliable measures of Regional VMT will require significant staff effort and, at least initially, outside expertise

Anticipated Goal/Target: 10% VMT reduction from pre-Olympic levels by 2040

Mode Split
What it measures: Estimated mode split for all trips originating or terminating in Park City

Methodology: Surveys, traffic counts, regional transportation models

Level of Effort
Data Collection Costs: Medium-High
Staff Resources: High

Strengths: A measure of Mode Split very closely aligns with the City's transportation goals of reducing dependency on private automobiles and meeting the mobility needs of residents, visitors, and employees and will facilitate the identification of trends relating to the relative attractiveness of the private automobile compared to transit and active modes (e.g. biking and walking)

Shortcomings: Arriving at reliable measures of Mode Split will require significant staff effort

Anticipated Goal/Target: Achievement of 20% non-auto mode split for all travel in Park City by 2040

Gateway Corridor Average Daily Traffic (ADT)
What it measures: Average traffic volumes along each SR-224 and SR-248

Methodology: Automatic Traffic Recorders (ATRs)

Level of Effort
Data Collection Costs: Low
Staff Resources: Low

Strengths: Once the proper infrastructure is in place (ATRs), staff will be able to construct a dataset of Gateway Corridor ADT at very low cost. In addition, this measure will allow staff to evaluate trends in traffic volumes on those highways supporting nearly all trips into and out of Park City, which will be of particular interest when examining the impacts of the City and County's combined efforts on projects such as regional transit improvements and the construction of remote park and ride facilities

Shortcomings: Staff will need to closely monitor trends relating to visitation and population growth in order to best temper any conclusions extrapolated from these ADT data

Anticipated Goal/Target: 10% ADT reduction from pre-Olympic levels on both SR-224 and SR-248 by 2040

***Secondary Measure*: Mobility/Accessibility Metric to be determined**
What it measures: Approximates the level of mobility/accessibility afforded to non-private automobile road and trail users in Park City

Methodology: TBD

Level of Effort
Data Collection Costs: TBD
Staff Resources: TBD

Strengths: TBD

Shortcomings: TBD

Anticipated Goal/Target: TBD

Notes: The intention of this measure will be to evaluate the City's trajectory as it relates to delivering on projects that increase the reliability and connectivity offered by non-private automobile modes. This measure may evaluate elements including, but not necessarily limited to, transit and active transportation infrastructure and services, land use, and Transportation Demand Management incentives. Staff is currently conducting a review of best practices and the reporting methods of peer communities in order to establish an effective measure in this space.

***Secondary Measure*: Funding Metric to be determined**
What it measures: The stability of funding for local transportation projects and initiatives

Methodology: TBD

Level of Effort
Data Collection Costs: TBD
Staff Resources: TBD

Strengths: TBD

Shortcomings: TBD

Anticipated Goal/Target: TBD

Notes: The intention of this measure will be to serve as a public-facing metric with which staff can monitor funding for local transportation projects and initiatives, which directly impacts the City's ability (or inability) to deliver on its stated transportation goals. Staff is currently conducting a review of best practices and the reporting methods of peer communities in order to establish an effective measure in this space.

Exhibit C Page Examples for Park City's 'Transportation Report on Progress'

PARK CITY
1884

TRANSPORTATION
REPORT ON PROGRESS

FALL 2017

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PAGE 9 *Project Spotlight: Summit Bike Share*

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PAGE 13 Short-Term Action Plan

PROJECT SPOTLIGHT

INNOVATION IN MOTION

With 88 pedal assist e-bikes and nine stations, the program saved 9,600 lbs of CO^2 within the first two weeks of operation.

12,000

recorded trips within the first two weeks of Program launch.

SUMMIT BIKE SHARE

Introduced in partnership with Summit County, Park City's electric bike share program represents another critical step toward the City's goals of providing improved regional transportation options and contributing to a more sustainable future.

With nine stations and a total of 88 electric pedal assist bicycles, Summit Bike Share is the first fully electric bike share program in the nation. The program provides commuters and visitors alike with increased opportunity to accomplish short errands, connect to Park City Transit, or simply enjoy the City and County's many great trails and destinations.

Just two weeks after the launch of the program, there have already been over 12,000 recorded trips taken using Summit Bike Share, corresponding to a total CO2 reduction of 9,600 lbs. Come Summer 2018, Park City and Summit County will be expanding on the early successes of the program with a Phase II roll-out.

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Each year, as part of the event debrief, the Sundance Institute presents the results of the economic impact study for the Sundance Film Festival. This study is done by a third party group. Betsy Walace from the Sundance Institute will present the results of the study and answer questions that City Council may have.

Respectfully:

Jason Glidden, Housing Development Manager

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Beginning April and recurring monthly through November, the Community Engagement Liaison provides a “Backhoe Report” outlining Spring/Summer/Fall 2017 construction updates. This report will include both public and significant private projects that will be visible or will impact community members or business owners. The report will be presented to City Council each month; July’s report is the fourth of the season and is presented as a staff communication. This staff communication includes the full Backhoe Report for July.

Respectfully:

Lynn Peek, Community Engagement Liaison

BACKHOE REPORT for August, 2017

To access online: http://www.parkcity.org/government/current-construction-projects

Prepared by: **Lynn Ware Peek**
Community Engagement Liaison
lynn.ware-peek@parkcity.org

OLD TOWN

Lowell Avenue (Park City Mtn south to curve to Empire Ave)

Project began in April 2017, with anticipated completion in fall 2017.
This project will:

- Replace the 50+ year old sanitary sewer line.
- Upgrade the existing water distribution line and water meters to properties.
- Improve drainage in the area.
- Reconstruct the roadway pavement and gutter.

Construction Update:

- Sewer line completion anticipated mid-September. The sewer line construction is over 60% complete as of August 1.
- Water line completion anticipated mid-late-September. Water line over 50% complete as of August 1.
- Crews have placed road base and the new gutter from 13th Street to 12th Street. The road base and gutter work will continue through the rest of the corridor until September.
- After Labor Day, the final concrete work (curb, gutter, and sidewalk) at the Lowell Avenue / Manor Way intersection will begin.
- Paving operations will begin early October.
- Pedestrians and cyclists in the area are asked to use Empire instead of Lowell and obey all construction signs.

Project Details

- Approximate cost: $1.6 million construction costs plus $600,000 in other costs.
- Funding source; Resort City Sales Tax, Snyderville Basin, and Public Utilities.

For further information: Kim Clark; kim.clark@parkcity.org.

1450-1560 Park Avenue Housing Project – Affordable/Attainable Housing

- Construction began in fall 2016, anticipated completion is fall 2017.

- Eight homes are framed and mechanical, electrical, and plumbing installation is nearly complete. Windows installed and drywall work is nearly complete.
- Exterior siding complete mid-August.
- Water and sewer connections completed into Park Ave and water connections now being extended to Sullivan Avenue connector.
- Exterior paint colors and finishes (light fixtures) are being reviewed.
- There will be two one-br units (800 SF), five two-br units (1,120 SF), and one three-br unit (1,300 SF).
- A lottery will be used to select qualified buyers. Lottery applications were due on June 30, and 95 applications were submitted. The selection committee is currently reviewing applications. The lottery process is scheduled for September 12, 2017.

  For construction information: Dave Gustafson; dgustafson@parkcity.org
  For affordable housing information: Rhoda Stauffer; Rhoda.stauffer@parkcity.org

Woodside Park - Lower Park Avenue affordable housing project

- September 2017, proposed construction start, with anticipated completion scheduled for late spring 2018.
- Project is still in design stage.
- Outreach to neighbors initiated.
- The former Park City Fire Station to be demolished in September.
- The project timeline is subject to various stages of the permitting process.

  For further information: Jason Glidden jglidden@parkcity.org

Kimball Garage (Private Project)

- Fall 2016, construction began in fall 2016, with anticipated completion scheduled for late spring 2018.
- Crane will be in place until November 21, unless otherwise approved.
- Contractor required to notify affected owners at least 48 hours prior to any impactful activity, as determined by the Park City Building and Engineering Department.
- Major excavation of project was completed in late July.
- Concrete restructure of the Kimball Garage was completed early August.
- Structural steel was installed to replace the main floor and the roof in early August.
- Work on sub-basement foundation walls began in early August.
- The major utility work affecting roads will start on September 18, the day after the last Park Silly Market. Most of this work will be on Main Street, but there is minor work on Heber and Park. Expect this to last four to six weeks.

  For further information: Michelle Downard; mdownard@parkcity.org

Main Street Sidewalk Replacement - 4th Street to Treasure Mountain Inn

- May 2017, Project began in May 2017, with expected completion in September 2017
- Sidewalk upgrade includes west side of Main Street from 4th Street to the bulb-out in front of the Treasure Mountain Inn.
- Project involves installation of new granite curbs, new water meters, granite pavers within a concrete band, new street lights, new benches, trash cans and removable planters/pots at the bulb-outs.
- The construction is taking place in approximately 100' sections. It will take approximately 2 weeks per section for 6 sections.
- Access to business will be maintained during the construction, but parking will not be available during this period.
- Sidewalks from Treasure Mountain Inn to Grappa will likely not start construction until 2018.
- The sidewalks from Sock City to Burns Cowboy Shop have been completed. Work on the next section of sidewalks (from Sock City to the entrance of TMI) began after the Kimball Arts Festival .
- Approximate project cost $600,000.

For more information: Lynn Ware Peek; lynn.ware-peek@parkcity.org

Main Street Plaza (Brew Pub Parking Lot)

- Construction projected to start in spring 2018, with anticipated completion in summer 2019. Project moving into development of construction drawings.
- Planning approvals have been submitted.
- On June 22, City Council agreed to go ahead with project plans including a one way pass-through street next to Wasatch Brew Pub to be open during events to maintain traffic flow, pavement instead of brick pavers on Main Street, and continued discussion about noise mitigation with neighbors.
- Awaiting analysis of expanded access, circulation & traffic study regarding possible improvements to mitigate impacts on the adjacent, residential neighborhood.
- In the next month Council will have an opportunity to discuss potential uses and/or limitations on uses for the Plaza.

For further information: Jonathan Weidenhamer; jweidenhamer@parkcity.org

Parking Technology Project

- Project began in May 2017, with ongoing rollout through the year.

- Regular stakeholder meetings held and ongoing outreach continues to Old Town merchants/employees.
- China Bridge garage facelift (maintenance work) began.
- Analysis of scope of technology products.
- Contractors are currently identifying branding and signage opportunities for better way-finding.
- Ongoing evaluation regarding structural and preventative maintenance.
- Remote parking at City-owned parcel along Homestake Road in Bonanza Park is being upgraded and will be available for employees of Old Town with regular shuttle service in December.
- Parking management plan will begin December 15, 2017.

For further information: Kenzie Coulson; mckenzie.coulson@parkcity.org

PROSPECTOR AREA

Prospector Ave (Bonanza to Gold Dust lane)

- Postponed until 2018

WATER PROJECTS

Old Town – 4th Street

- Construction begins late August, anticipated completion is mid-October 2017.
- Replacement of water line on 4th Street between Swede Alley and Main Street (between Java Cow and Chimayo), and realignment of Swede Alley/4th Street intersection waterlines in anticipation of next year's Swede Alley water work.
- This stretch was determined to be in need of replacement due to a recorded history of leaks and repairs.
- City Council approved contract on August 3.
- Project Budget: $250,000
- Funding: Water Service Fees

For further information contact Nick Graue, nick.graue@parkcity.org

Park Meadows – Creekside

- Construction began in May 2017, anticipated completion is December 2017.
- Footing and foundation work complete. Above grade work to begin and continue through August. Project is on schedule. Buildings walls are going up.
- The new filtration building will add filtration to the Park Meadows well as required by the Utah division of drinking water.

- The well is under direct influence of surface water. The added filters will round out the existing process consisting of ultraviolet (UV) light and chlorine for disinfection.
- New building will have a covered patio as an amenity to the nearby park.
- The existing well buildings will be demolished in October, and the area will be landscaped.
- Project includes Creekside Park Habitat Restoration, which adds transitional landscaping adjacent to wetlands, landscape buffer in the location of the removed well buildings, storm water low impact development, and additional walkways in the area.
- Construction Contract: $3,426,935.00
- Funding: Water Service Fees

For further information contact Griff Lloyd, griffin.lloyd@parkcity.org

Quinn's Junction Water Treatment Facility

- NEARING COMPLETION
- New improvements are in place, the treatment plant is operational and producing great drinking water.
- Cleanup and project closeout is underway.
- Energy related sustainable improvements are now being installed. These include upgrades to the HVAC system and installation of a solar wall to augment building heating.
- Additional filtration was added to remove total organic carbon (TOC) and manganese from the source water (Weber River). During spring run off or heavy rain events, high concentrations of TOC and manganese are found in the water and have in the past either reduced the production capacity or shut the plant down. These new filters will allow full production during these events.
- Added a back wash tank to better clean the existing and new filters.
- Construction Contract: $3,857,000.00
- Funding: Water Service Fees

For further information contact Clint McAffee, clint.mcaffee@parkcity.org

ROAD PROJECTS

Street Maintenance

- Construction began July 5, anticipated completion is August, 2017.
- 14,267 square yards of seal coating placed along our bike paths in August. These trails include the Rail Trail from Bonanza Drive to Prospector Park, McCloud Creek Trail from Snow Creek to Holiday Ranch, as well as paved paths

along American Saddler, SR 224, and various internal trails around Park City Sports Complex at Quinn's Junction.

- Early August completion of all utility adjustments along streets that received roto-milling and new asphalt in July.
- 105,968 square yards of type II slurry seal coating was placed in early August . The slurry seal is made from emulsified asphalt (a mixture made from oil and fine sand aggregate) and is applied to extend the life of the street. During application, residents will receive a seven-day notice followed by a 24-hour notice. Street side parking will be restricted and access will be limited.
- Slurry seal will take place in areas including Iron Mtn Drive, Thaynes Canyon Drive, Meadows Drive, Old Town streets, Solamere Drive and connecting cul-de-sacs, Little Kate and connecting cul-de-sacs.
- This year's work will include rotomilling and paving of 5.3 lane miles and 12.3 lane miles of slurry sealing.

SR 248 from US40 to SR32

- Repaving began in May, projected completion late August.
- One lane of traffic in each direction will be maintained.
- Crews are currently working near Democrat Alley near Kamas.
- The work zone will be closed to cyclists due to safety concerns with heavy machinery, trucks moving in and out of the work zones, and rough roads.. Cyclists will be detoured to Richardson Flat Road / Browns Canyon Road.

Bonanza Drive to US40

- Questar performing sub-surface utility work. Start anticipated June 1 - complete by October 15.

Further information contact Alfred Knotts: alfred.knotts@parkcity.org

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Park City was the first municipality in Utah to ban certain types and uses of plastic bags. The three stores that are impacted by the ban have replaced the single use plastic bags with paper bags. The Sustainability Department has maintained contact with the stores and aiding in driving the use of reusable bags. The ban was covered by various media outlets, including a piece on KPCW aired July 28, 2017, which reported the negative impacts on stores.

Respectfully:

Celia Peterson, Environmental Sustainability Project Manager

City Council
Staff Communications Report

Subject: Plastic Bag Ban Update
Author: Celia Peterson, Environmental Sustainability Project Manager
Department: Sustainability
Date: August 17, 2017
Type of Item: Informational

Executive Summary

Park City was the first municipality in Utah to ban certain types and uses of plastic bags. The three stores that are impacted by the ban have replaced the single use plastic bags with paper bags. The Sustainability Department has maintained contact with the stores and aiding in driving the use of reusable bags. The ban was covered by various media outlets, including a piece on KPCW aired July 28, 2017, which reported the negative impacts on stores.

Background

Plastic bags have been discussed by City Council for the past nine years. Park City Municipal has promoted and funded reusable bag programs, and enacted the first plastic bag ban in Utah.

- September 18, 2008: Resolution promoting the use of reusable bags (link begins on page 15)
- February 4, 2009: Manager's Report: Colorado Association of Ski Towns (CAST) Reusable Bag Challenge
- October 6, 2011: Staff informational report on Plastic Bags Tax/Ban to Council (link begins on page 3)
- May 9, 2013: Study Session on disposable shopping bags (link begins on page 6) and minutes from the Study Session (link begins on page 132)
- July 11, 2013: Staff report on Reusable Bags Updates and Resolution (link begins on page 11)
- July 25, 2013: Resolution No. 16-13: Reusable Bags Resolution: encouraged the use of reusable bags (link begins on page 41)
- May 11, 2017: City Council unanimously passes Ordinance 2017-21, Ban of the Distribution of Disposable Single Use Plastic Bags (Less Than 2.25 Mil in Thickness) in the Park City Municipal Code (link begins on page 182)
- July 13, 2017: Staff communications update on impacts of Plastic Bag ban

Compliance by stores

Ordinance 2017-21 was focused on retail over 12,000 square feet that sell groceries. The stores impacted are The Market at Park City, Fresh Market, and Rite-Aid.

All three stores have replaced their check-out bags with paper and reusable bags.

Feedback from stores

All communication with PCMC staff undertook both before and after the ban had been with the general managers of the three affected stores.

Staff is in the process of reaching out to store managers again to discuss and learn how to mitigate future complications. So far, store managers were initially receptive to the idea of parking lot signage to remind customers and encourage the use of reusable bags. The Sustainability Department worked with a local sign company to produce 30 signs to be placed throughout store parking lots. The signs were delivered on August 3rd & 4th, 2017.

In a radio report aired July 28, 2017 KPCW had contacted a department manager (erroneously reported as general manager) of one store to report evidence that some customers have not been happy with the ban, and that some plastic shopping baskets had been stolen as customers didn't want to buy a paper or reusable bag.

During recent phone conversations with additional store managers, the following feedback was received by City staff:

- The first week went quite well. Negative customer interactions have increased with time, e.g. during a couple weekends with heavy tourist traffic.
- One store employee receives, on average, 6 complaints per day
- About 1/3 of customers know of the bag ban; about 1/3 have no clue about the bag ban, and about 1/3 don't care about the ban but are shocked to know of it.
- Stores managers want further action by the City to raise awareness

- One store used to go through 2,400 plastic bags per day (equates to 876,000 bags annually). After the ban the store sells on average 700 paper bags and 20 reusable bags.
- In the radio interview, it was reported that one store had experienced customers stealing plastic shopping baskets instead of purchasing paper or reusable bags. Upon inquiry, staff learned that about 20-30 baskets have gone missing so far.
- The bag ban has resulted in considerable slowdown of the bagging process at stores. Paper and reusable bags take more time for store employees to load, and customers ask them to wait while they run out to their car to grab their bags.
- The Market has offered a "bag bank" for many years. The problem has been with supplying the banks with reusable bags. Many people visiting from out of town do not know of the ban, take a reusable bag from the bank, and never return any bags to replenish the supply.
- Fresh meats and chicken products are the most problematic products, as they tend to leak, causing paper bags to break. Note: there is an exemption in the ordinance to allow the use of plastic bags to wrap deli products.
- One store reported $3000 of plastic bag stock that remains.

Staff has reached out to each store to ask the best way to meet with store managers, and will continue to solicit feedback and support the transition to reusable bags.

Feedback from store customers

There have been no complaints from store customers or the public at large received by City staff regarding non-compliance or any other issues.

Feedback from the community at large

Feedback from the community at large has been very good. When the bag ban is mentioned at public events (e.g. at the Park City Municipal talk before the Sundance Outdoor Film Series screening of Chasing Coral), audiences cheer.

Prior to the bag ban, a survey was conducted to gather the public's response to a plastic bag ban, distributed via social media and in an issue of the Park City newsletter, along with other news about the plastic bag ban leading up to the vote by City Council. The survey has remained open, but not promoted recently. As of 8/7/2017, there were 395 respondents total, and 155 from the 84060 zip code. Overall, 85% of respondents support the plastic bag ban. Of respondents from 84060, 82% support the plastic bag ban.

Ongoing tasks

Communications with store managers:
City Staff has been working with the three store managers to gather feedback, encourage the use of reusable bags and relay information regarding the City's plastic bag ban.

Reusable bag bank:
City Staff contacted the local non-profits involved in the initial idea to implement a bag bank, but none had time during the summer months move forward with the idea. City staff will meet with other local non-profits to partner with to find simple solutions to supply reusable bags to the stores (e.g. bag drives with local schools, bring-a-bag to municipal events, drop off at set locations, etc.) These bags will then be offered at stores affected by the plastic bag ban and available for customers to use.

Sponsored reusable bags:
Staff has received feedback about localities that give out reusable bags for free. These bags are paid for by the local Chamber of Commerce and include information on local businesses and events. Staff has contacted Park City's Chamber of Commerce, and at this time they are not interested in providing reusable bags.

Communications with general public:
A email "hotline" for comments and concerns regarding the plastic bag ban has been created. Advertising of this email address was communicated in the latest Park City newsletter. BagBan@parkcity.org

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

In a previous meeting, Council requested information on the proposed 'No Dog' Trail. Staff, in coordination with a small group of the previous Dog Task Force, identified a preferable location for the proposed 'No Dog Trail'. The proposed location is primarily on the city-owned 'Boot Hill' parcel and is accessed from several locations, one being Creekside Park. Creekside Park is designated 'No Dogs' due to the presence of City water wells. The trail may also be accessed from Monitor Drive and The Snow Creek Commercial Plaza.

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager

City Council
Staff Communications Report

Subject: Dog Free Trail
Author: Logan Jones - Trails and Open Space Coordinator
Department: Sustainability
Date: August 17, 2017
Type of Item: Informational

In a previous meeting, Council requested information on the proposed 'No Dog' Trail. Staff, in coordination with a small group of the previous Dog Task Force, identified a preferable location for the proposed 'No Dog Trail'. The proposed location is primarily on the city-owned 'Boot Hill' parcel and is accessed from several locations, one being Creekside Park. Creekside Park is designated 'No Dogs' due to the presence of City water wells. The trail may also be accessed from Monitor Drive and The Snow Creek Commercial Plaza. (Map Below)

The trail, shown in black with green "signage" dots, is centrally located within town and will provide an approximately 1.5 mile 'beginner loop', which may accommodate youth or senior users. The trail will be designed for both hiking and biking use. The trail does cross two private parcels for a very short distance. Staff is working with two landowners to attain legal easements, in which the trail is proposed. The two owners have provided verbal approvals and the trail alignment has been flagged, so representatives can provide final approval. Once final approval is attained, staff will prepare the written agreement.

Staff is hoping to implement the trail project this fall.

Creekside Park

Monitor Drive

Snow Creek Commercial

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff is recommending that the Park City Police Department's (PCPD) Communication Division (Dispatch) merge with the Summit County Sheriff's Office's (SCSO) Communication Center (Dispatch). Staff received direction from Council on Dec. 15, 2016 to proceed with working toward formalizing the necessary agreements with Summit County to make a merger possible. Staff is anticipating the Summit County Council to adopt these agreements on Aug. 30 with the hopes of Park City Municipal Council to adopt the next day on Aug. 31.

Respectfully:

Jed Briggs, Budget Operations Manager

City Council
Staff Communications Report

Subject: Merge PCPD and SCSO Dispatch Centers
Author: Jed Briggs, Budget Operations Manager
Department: Budget Department
Date: August 17, 2017
Type of Item: Informative

Summary Recommendation

Staff is recommending that the Park City Police Department's (PCPD) Communication Division (Dispatch) merge with the Summit County Sheriff's Office's (SCSO) Communication Center (Dispatch). Staff received direction from Council on Dec. 15, 2016 to proceed with working toward formalizing the necessary agreements with Summit County to make a merger possible. Staff is anticipating the Summit County Council will consider adopting these agreements on Aug. 30 with the hopes of the Park City Council considering adopting the agreements the next day on August 31.

Should City Council wish to have a work session on this item prior to considering the agreement for possible adoption, please let staff know during this August 17 City Council meeting.

Executive Summary

- PCPD and SCSO want to merge dispatch centers in order to build efficiencies and enhance communication efforts between the two entities.
- PCPD Dispatch will no longer be able to access state 911 funding for communication equipment and replacement.
- There are some communication issues that have occurred over the years that could be remedied by merging the dispatch centers.
- Staff supports a merger of the two dispatch centers as long as the level of service can be enhanced with formal agreements and the creation of a multijurisdictional board to influence dispatch operations.

Acronyms & Definitions

- **PCPD** – Park City Police Department
- **SCSO** – Summit County Sheriff's Office
- **PSAP** - Public Safety Answering Point: An entity responsible for receiving 911 calls and processing those calls according to a specific operational policy (link)
- **Primary PSAP** (Summit County Sheriff's Office) – A PSAP to which 911 calls are routed directly from the 911 Control Office
- **Secondary PSAP** (PC Police) - A PSAP to which 911 calls are transferred from a Primary PSAP
- **UCA** – Utah Communications Authority: A state agency with the goal of providing a public safety communications network, facilities, and 911 emergency services on a statewide basis

- **911 Advisory Committee** – Review and make recommendations for statewide 911 grant funding

Problem Areas

Receiving 911 Calls Directly

Today, when someone within the Park City limits dials 911, their call is sent automatically to Summit County Dispatch. Before a temporary co-location of the two dispatch centers (started in early July of this year), if the 911 call was for police service within Park City's limits, the call was transferred from Summit County Dispatch to Park City Dispatch. Any 911 calls for medical or fire are transferred to the Fire District, even if they are within the City limits. PCPD Dispatch has never received 911 calls directly from a caller.

Current state law allows 911 emergency calls to be transferred from Summit County to Park City, however there's a possibility, in the future, that the State could eventually preclude Park City and other secondary PSAPs from receiving transferred 911 calls. This would be consistent with legislative intent (demonstrated through the 2016 change in PSAP definition and funding) and the national trend towards regionalization and the consolidation of services to enhance public safety delivery and to more efficiently utilize tax payer funds.

Legislation

In February of 2016 the State Auditor presented a review of statewide 911 surcharges to the State Legislature (link). These are the key findings:

- Any city or town may assess the local 911 fee and operate its own PSAP, though larger PSAPs may be more efficient and effective.
- The local 911 fee is a significant source of revenue for PSAPs.
- 95% of calls for PCPD were non-emergency administrative (i.e., not 911 calls) calls.
- Questioned whether awarding funding to dispatch centers where most calls are administrative satisfied the purpose of the 911 surcharges.
- Pushed for Legislature to consider stipulating a minimum level of capability or service area below which a PSAP should not be created or operated.
- Recommended to restructure 911 distribution revenue to promote efficiency and effectiveness of state 911 system.
- Concluded that it could be more cost-effective use of taxpayer funds to combine PSAPs to reduce needless duplication.

On May 10, 2016 the State Legislature changed the definition of a PSAP to include "direct 911 emergency" calls. The Legislature is not requiring PSAP consolidation, but rather eliminating funding for secondary PSAPs in hopes of regional consolidation. These are the results:

- PCPD will no longer be considered a PSAP (primary or secondary).
- PCPD in the near future will not be able to access statewide 911 grant funding for equipment replacement/updates.

SCSO says they won't transfer 911 calls to PCPD since we're no longer considered a PSAP.

Loss of State 911 Funding

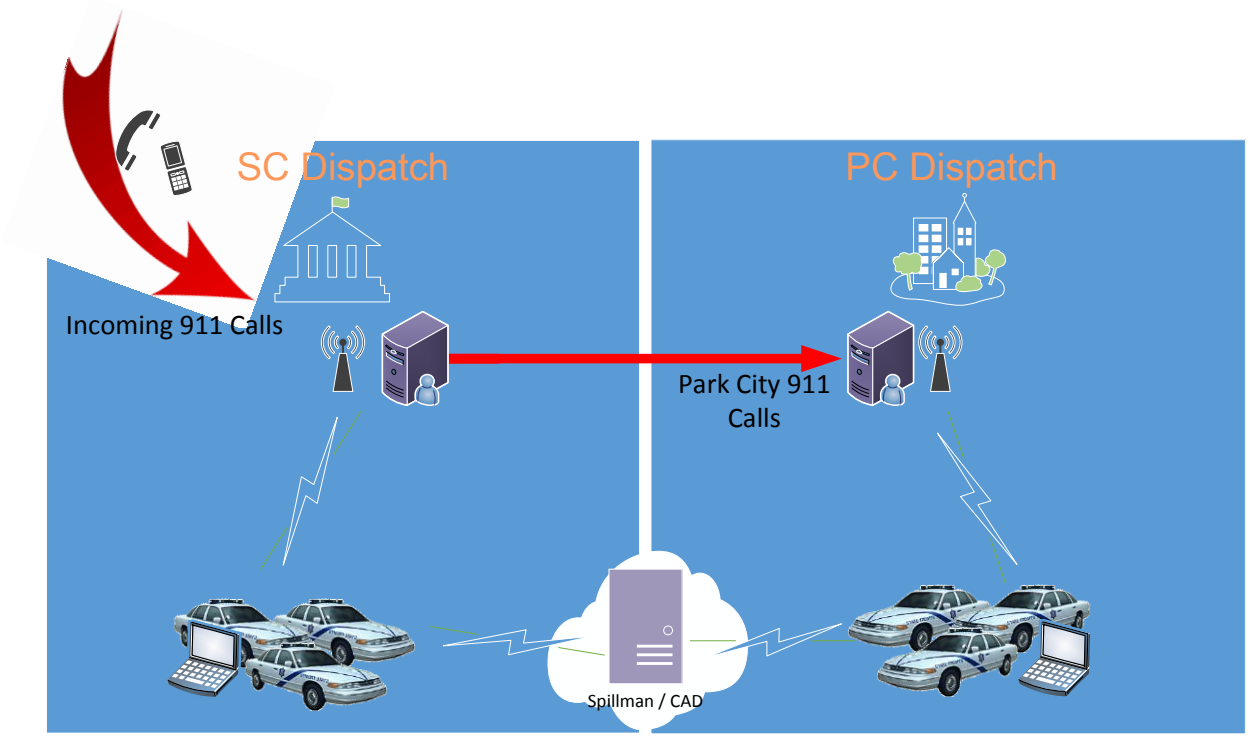
- State Auditor wants to reduce number of PSAPs to reduce "needless duplication." Recommended restructuring state 911 grant funding to only allow primary PSAPs. In a report published in February 2016 the State Auditor said that secondary PSAPs "appear to be inefficient" (link).
- The State Legislature changed the definition of a PSAP that was made effective May 10, 2016. The new law specified that in order to receive state 911 funds a PSAP must receive "direct 911 emergency" calls (link).
- Since 2007 PC Dispatch has received a cumulative total of $376,741 for equipment replacement and maintenance from state 911 funds. The City will no longer have access to this funding as a Secondary PSAP.

There are three pockets of 911 funding that the City could potentially lose out on due to the change in definition of PSAP:

- **E911 Emergency Telephone $.61** (monthly charge per telephone line) – These funds go directly to the primary PSAP. County received $429,028.01 of funding in 2015 for this charge. It's estimated that ~$175k is Park City's share that the City doesn't receive, based off of number of telephone lines. It should be noted, that the County pays $7,200k/year in PC Dispatch's phone bills (data circuits that support the telephone system).
- **Unified Statedwide 911 $.09** – This funding goes into a state pool managed by the Utah Communications Authority (UCA) to upgrade/replace 911 telephone systems. PSAPs can access funds through grant applications. Since 2007 the City has received $376,741 for equipment replacement and maintenance. The City will no longer have access to this funding (link) since we're no longer considered a PSAP.
- **Computer Aided Dispatch $.06** – This funding goes into a state pool managed by Utah Communications Authority (UCA) to upgrade/replace 911 computer systems. PSAPs can access funds through grant applications. The City has never accessed this funding and will no longer have access to this funding.

Communication & Collaboration with County

- **Agreements on established 911 standards/protocols** – Agreeing to set communication standards and protocols takes a lot effort and continual collaboration. Even with established written standards, mistakes or misunderstandings can occur.
- **Miscommunication in transferring of 911 calls** – There have been several miscommunication issues in the past of transferring 911 calls between SCSO and PCPD. Reducing the number of call transfers wherever possible is a goal of both the 911 community as a whole and the Legislators. The fewer transfer of calls, the more efficient the system and in general the higher the level of service provided to the caller. If mistakes happen in a call transfer, it could result in loss of life.



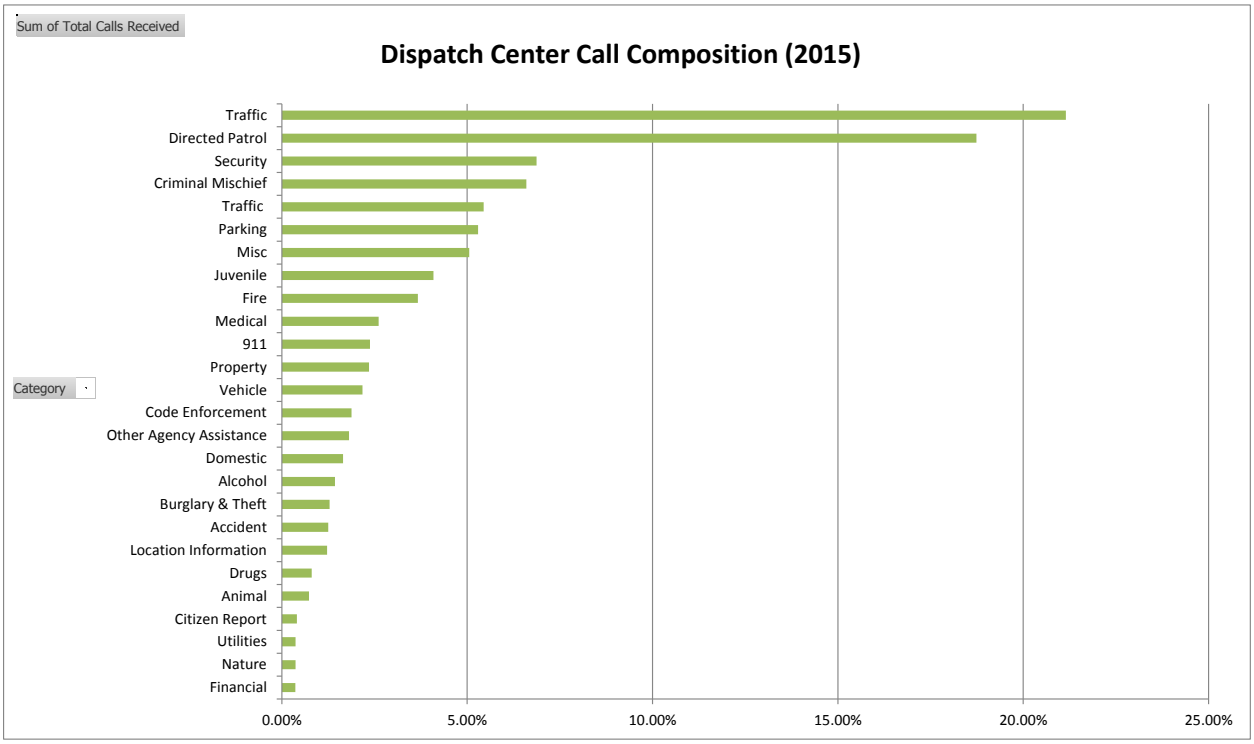
- **Not multi-channel simulcasting** – The County Dispatch does not simulcast all 911 calls to all officers (i.e., Summit County Deputies, Highway Patrol, and PCPD) unless there is a significant event in the County. This means the County Dispatchers must choose which 911 calls get simulcast and which ones go only to the unit that they choose. This can cause confusion and communication issues in dealing with incidents. Simulcasting 911 calls to all officers in the area is left up to the discretion of SCSO and PCPD would like 911 calls that could impact the City to simulcast more frequently.
- **Transferring administrative calls** – Currently PC Dispatch fields a lot of calls (10-15/day) from County residents calling for assistance that actually live in the unincorporated Summit County—they just think they live in Park City. Those calls need to be transferred currently. This happens in reverse with Summit County as well, but less frequently.

Background

PCPD Communication Division (Dispatch)

The Communication Division (Dispatch) places a high emphasis on excellence in customer service to the Park City community. This multi-communications center acts as a liaison between internal municipal divisions, community businesses, city, state, and federal agencies. Communications personnel aid in the City's Emergency Operations Center (EOC). The EOC has gone operational on major events and has been set up on stand-by during major events in case it needed to go operational. The City's Reverse 911 system has proven invaluable in getting messages out to the community. The Reverse 911 has the ability to send updates to residents by phone, fax, page, text, and e-mail. This program serves as an early warning system should the City have a situation the community needs to be notified of such as drinking water concerns, fire or any

public safety issue. Dispatch is instrumental in sending these messages out to the community.



The Dispatch Center last fiscal year had a staff of eight full-time dispatchers and was supervised by a Communications Coordinator. The total budget for Dispatch in FY17 was $968k, which included personnel and materials & supplies. All the dispatchers and their supervisor were paid out of this budget as well as the Police Records Clerk. The Police Records Clerk will not be part of the merge and will need a new supervisor. The Dispatch Center received over 40,000 phone calls of which 23,176 were calls for service in 2015.

Effective July 1, 2017 it was agreed to temporarily co-locate the Park City Police Department (PCPD) and Summit County Dispatch Center (SCSO) personnel at the SCSO. PCPD and SCSO are facilitating this temporary co-location to increase efficiency, public safety, and address some personnel medical leave staffing issues at both centers.

Key Points:

- The 435-615-5500 line was transferred to the SCSO center. The number is being routed to a distinct inbound line in the call center that is designated as the Park City Line on the phone consoles. Dispatchers answer the phone as “Public Safety Dispatch” – and then route the call according to established protocol from the PCPD center console manual.
- 911 calls are no longer transferred between centers – all 911 calls are handled in one location. This saves approximately 1,100 transfers per year and complies with current Utah State legislative intent for E911 funding and PSAP operations.

- SCSO and PCPD dispatchers have participated in a cross training plan for the last several months. Both centers' personnel have become familiar with each other's unique protocols. All dispatchers and supervisors have spent shifts cross training in both centers.
- SCSO and PCPD main radio channels and phones have been patched during low call volume hours (0200-0600) over the past six months to test and coordinate efforts. PCPD have also "patched" centers several times during high volume daytime hours over the past months to test and evaluate. The patch and dispatching efforts have been done from the SCSO. There have been positive results with the testing and Police feels comfortable moving forward with the "patch" full time during temporary co-location.
- Communication center operations and both SCSO and PCPD dispatchers are planned to move back to the PCPD center in the late third quarter / early fourth quarter of 2017. The SCSO center will be remodeled during this time. It is anticipated that the remodel will be completed in late 2017 – 2018 in time for the anticipated dispatch center merger (pending Park City and Summit County Council approval).
- Co-location allows overtime hours and fatigue on dispatch personnel – specifically for the PCPD dispatchers – to be reduced.
- The PCPD center remains operational as a backup center and for use during special events.

Analysis

Even though PCPD and SCSO had kicked around the idea of merging for several years, it wasn't until after the change in Utah State Code that changed the definition of a PSAP that the two entities started to talk more aggressively about the possibility of a merger. Eventually, these discussions were brought up internally and staff began to analyze different scenarios that might address the various issues PCPD Dispatch faces. Criteria were established that focused on several areas including the life safety of the community, the ability to enhance communication and collaboration with SCSO, control of Dispatch operations, sensitivity to current Dispatch staff, technical needs, capital and operating costs as well as political realities.

This led to the establishment of four options that we're taken to Council in the form of "2X2" discussions. These options were as follows:

1. Status Quo – do nothing
2. Primary PSAP
3. Merge Dispatch Centers
4. Hybrid (Consolidated Phone System)

Merge Dispatch Centers Option

On Dec. 15, 2017 Council gave direction for staff to pursue merging the two dispatch centers. There are many benefits for the merge to happen. Specifically if a 911 call comes in or a call involving a major incident, everyone is in the same room and getting the same information and they can take the steps necessary to communicate that for a

proper, rapid response. Being in the same room together also resolves the problem of 'Simulcasting' a call to all officers (i.e., Summit County Deputies, Highway Patrol, and PCPD). Below are some more pros:

Pros

- Solve communication & collaboration issues with County
- Follow the nudges of State to merge dispatch centers
- County very supportive of this option
- Probable operating savings
- Future telephone/computer capital costs paid by County

It has been suggested by SCSO that in order to accommodate the new dispatch staff that the location would need some minimal construction, which the City would contribute to. The current co-location has allowed the two dispatch centers to get comfortable with each other and start to work out any kinks of procedures and protocol. Below is the proposed timeline for the two dispatch center consolidation:

- Aug 17 – PCMC Work Session - Staff Communication on Timeline
- Aug 23 - SC County Work Session – Brief Council on Dispatch plan, get general direction
- Aug 30 – Joint Press Release on Dispatch Consolidation
- Aug 30 – SC County Regular Meeting – Adopt MOU and Interlocal Agreements, get agreement on dispatch console expansion and equipment replacement
- Aug 31 – PCMC Regular Meeting - Adopt MOU and Interlocal Agreements
- Sep 15 – Construction Process Begins
- Oct 1 – Co-locate SC Dispatch at PCMC temporarily
- By Jan 1 – SC adopts budget with new dispatch FTEs; merger and construction is complete at SCSO

Additionally, a multijurisdictional Communications Board comprised of Park City Police administration and Summit County Sheriff administration would be established to address dispatch and personnel issues.

Staff Recommendation

Council Decision

Council is considering the decision on merging the two dispatch centers per Municipal Code: 2-4-8 Departments Created. Staff has worked tirelessly to create two separate agreements: (1) Memorandum of Understanding – Providing for Consolidated Dispatch Service in Summit County and (2) Interlocal Cooperative Agreement – Creating an Advisory Board to the Administrator of the Summit County Communications Center. These agreements include:

- Financial Agreements
- Personnel Transition Plan
- Inter-local Communication & Collaboration Protocols

- Technical Procedures and Protocol
- Creation, Composition, and Structure of Multijurisdictional Board

Staff recommends merging the two dispatch centers. Staff feels like this option best fits the City's needs when taking into account the life safety of the community, the ability to enhance communication and collaboration with SCSO, control of Dispatch operations, sensitivity to current Dispatch staff, technical needs, capital and operating costs as well as political realities.

Staff feels like ultimately a merged dispatch center will enhance the level of service and officer safety in the community as the City works toward more collaboration and communication with Summit County. This approach gives our community the best chance to remain safe now and in the future.

Alternatives for City Council to Consider

1. **Alternative:** Become a Primary PSAP
   Pros: City would still receive 911 calls, but directly from the caller. City would add to operating budget with enhanced revenues.
   Cons: Probably not feasible since many governmental agencies would oppose such an approach.
2. **Null Alternatives:** Status quo
   Pros: City would maintain administrative control over Dispatch.
   Cons: Loss in 911 communications to PCPD dispatch. Loss in 911 statewide grant revenue.

Department Review

The Budget, Legal, and Executive Departments have reviewed this report.

Funding Source

The General Fund pays for Dispatch services currently. Any increases to expenses would need come go through the BFO process. Any decreases (savings) to ongoing expenses would go back to the General Fund and potentially used for other needs within the General fund.

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for the July 20, 2017, and August 3, 2017 City Council meetings. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

July 20, 2017

The Council of Park City, Summit County, Utah, met in open meeting on July 20, 2017, at 2:15 p.m. in the City Council Chambers.

WORK SESSION

Historic Preservation Board Interviews:

Mayor Thomas and the Council interviewed John Hutchings, Rebekka Monson, Erik Bergerud, Ann Alexander Weiner, and Robert "Nate" Anderson, who were applicants for the Historic Preservation Board. They were told a decision would be made in the next few days.

Council Member Gerber moved to close the meeting to discuss property, personnel and litigation at 3:10 p.m. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

Council Member Henney moved to adjourn from Closed Meeting at 4:55 p.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

WORK SESSION

Council Questions and Comments:

Council Member Matsumoto attended the Sewer District Board meeting and reported they continued working on the new building.

Council Member Henney indicated he attended the Historic Park City Alliance (HPCA) meeting, where Kenzie Coulson spoke on the Transportation Plan. He participated in the Electric Bike rollout and noted he saw people using the bikes around town. Council Member Henney asked Clint Daley how the stormwater system handled the last rain storm. Daley and Corey Legge stated this was a unique storm and at some points the downpour exceeded the 10 year occurrence interval standard of .88 inch of rain per hour. The rain was actually falling at 1.38 inches per hour. Daley said the system performed well under the conditions, but there was isolated flooding. Some contributing

factors to the flooding included bark, rock and other landscaping as well as driveway plates that were plugging the gutters. He noted that for the most part, the system recovered quickly.

Council Member Worel stated she was at a Climate Reality session with Council Member Beerman and Celia Peterson, but only one person showed up. She also announced that Mary Christa Smith was chosen as the new Coordinator for Communities that Care. She announced the PC Tots II Open House was scheduled for August 17.

Council Member Gerber stated she attended the HPCA meeting and they thanked the City for proposing the Type 2 CSL restrictions. She also attended the Bike Launch event.

Council Member Beerman stated he attended the Central Wasatch Commission meeting. He also noted that the Bike Share program was a good thing for the City.

Mayor Thomas concurred that the Bike Share Program was off to a good start, and felt that the popularity of bike riding would continue to grow.

Discuss Proposed Amendments to Main Street Parking Fees:

Kenzie Coulson, Parking Supervisor, Julie Dixon, Dixon Resources Unlimited, and Kory Kersavage, Transit Business Manager, presented this item. Coulson stated the proposed fees were in the packet and could be approved at tonight's meeting. She noted outreach for the parking plan had been continuous. Dixon stated the rate schedule was set and other regional locations were studied as parking comparisons. There would be a peak season fee and a non-peak season fee, as well as a day model and a night model. The rate model was structured so that most parking would be in China Bridge Garage, meaning the surface lots would have higher rates than the garage. Parking would be monitored throughout the winter season and then the rates would be reevaluated. Dixon indicated she wanted to make this an affordable solution for people coming downtown.

Council Member Henney stated HPCA members were concerned about the time of day the City would start charging for parking on Main Street. He asked if the time of 11:00 a.m. could be pushed back until the streets started filling up. Coulson stated at 11:00 a.m., the streets were 50% full, and at 1:00 p.m., they were 75% full. Dixon noted this was the lunch crowd so the 11:00 hour was ideal to begin charging for parking. This was not the peak season, and she recommended that numbers should be collected during the peak season (winter) time. The way-finding solution would be integral in the plan, allowing drivers to be able to find cheaper areas to park.

Council Member Henney stated he would like staff to consider pushing the time back in order to give a symbolic gesture for those who drove on Main Street at 11:00 a.m., and

reported that nobody was parked on the street. Dixon expressed concern that the employees for the lunch crowd would take the prime parking spots if the paid parking time was delayed.

Council Member Matsumoto asked if parking would be free during the non-peak season. Coulson stated having free parking during the non-peak season would be very inconsistent and confusing for drivers and employees. Dixon reviewed that she would continue to provide feedback throughout the season so Council could see the change in behavior.

Council Member Gerber felt parking should be charged during the Park Silly Sunday Market (PSSM) and asked if there was a residential contingency plan for snow removal. Coulson stated a validation could be created for residents so they could remove their cars when plows cleared the snow.

Dixon stated the times could be pushed back during the non-peak season, but she recommended keeping it at 11:00 a.m. for now and pushing the time back after data had been collected.

Council Member Beerman agreed with Council Member Henney on pushing the times. He asked about first time meter noticing. Coulson recommended keeping the first notice in place for educational purposes. Council Member Beerman favored having a first warning notice. He also expressed concern that having free parking on Lower Park Avenue would push traffic to residential areas. Coulson stated Engineering was looking at Park Avenue as a larger project, which would include parking, bike lanes, etc. and noted she wanted this project to be done right. Council Member Beerman suggested making Lower Park Avenue a residential parking only area.

3. Discuss Carbon Sink and Sequestration Tool:

Luke Cartin, Environmental Sustainability, stated this discussion would focus on plants that put carbon into the ground. Staff looked at open space to see the total amount of stored carbon and how much of the carbon was getting sequestered each year. Staff used a tool to collect, analyze, and manage the data which would help in the City's net zero efforts. With the analysis, staff would know which areas would be able to store the most carbon, such as areas where alfalfa was grown. He asked if the Council favored using carbon sequestration to further the City's net zero goals.

Council Member Worel asked if the soil ever reached saturation. Cartin stated there was a maximum absorption level, but the City was nowhere near maximum today. Council Member Matsumoto stated alfalfa and golf courses needed water and she asked if that would negate the benefit. Cartin stated water and mowing would offset the benefit but the overall benefit should be positive.

Council Member Gerber asked if a fire would affect the sequestration number, noting this number could be variable. Cartin stated carbon sequestration was stable, but the tool was needed to collect accurate data. The Council supported this approach.

4. Discuss Capital Projects Development Process:

This item was moved to a future meeting.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Michelle Kellogg	City Recorder	Present

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

- **July 2017 Construction Project Update**
- **Quarterly Budget Report: FY2017 Fourth Quarter**

III. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Mayor Thomas opened the meeting for those who wished to address Council on issues not listed on the agenda.

Kendra Wycoff, Peace House Director, introduced herself and stated she was excited to work here and be a part of the community. She looked forward to getting to know Council members and staff.

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from June 29, 2017:

Council Member Beerman moved to approve the City Council meeting minutes from June 29, 2017. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Matsumoto, and Worel
ABSTAINED: Council Member Henney

V. NEW BUSINESS

1. Consideration to Approve a Professional Services Agreement with Lochner Inc. in the Amount of $1,303,751.11 for Engineering and Environmental Document Preparation Services for the State Route 248 Corridor and Safety Improvement Project, in a Form Approved by the City Attorney:

Julia Collins, Senior Transportation Planner, and John Nepstad, Lochner, presented this item. Collins stated that to date, many big projects had been implemented, including e-bikes, electric buses, increased transit service in the region, micro-transit, and now the SR 248 project, which helped the City reach its multi-modal goals. She indicated the single occupancy vehicles on this road had increased. This contract would be for an environmental analysis and engineering studies along this road. She stated the original date for this project was scheduled for 2022 by UDOT and with this contract in place, the project could be pushed up to 2019.

Council Member Beerman was happy to see that the project was moving up to 2019. He asked about the construction process. Collins stated the construction would be phased so the corridor would not be completely shut down. Nepstad stated this project could take a couple of seasons to complete. He noted the point of this contract was to determine what the parameters of the road project would be.

Council Member Henney asked how local funds moved the project timeline. He stated the funds the City used would have been used in the project anyway and the transportation tax was a big help in moving the timeline. Collins indicated this contract would help the project be implemented as soon as federal and state funding was made available.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Worel moved to approve a professional services agreement with Lochner Inc. in the amount of $1,303,751.11 for engineering and environmental document preparation services for the State Route 248 Corridor and Safety

Improvement Project, in a form approved by the City Attorney. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

2. Consideration to Approve a Letter of Intent between Park City Municipal Corporation and the Kimball Art Center, Dated July 6, 2017, in a Form Approved by the City Attorney:

Nate Rockwood, Capital Project Manager, stated he would discuss Items 2-5 on the agenda simultaneously. He reviewed the proposed Arts and Culture District details and stated this project would fit in with the City's Complete Community goal. He stated the City would purchase 5.25 acres for $19.5 million and would close on or before January 31, 2018. The City would need to approve two letters of intent with Kimball Arts Center and Sundance Institute, which would include the partnership planning process for the district. An ordinance would also need to be approved which would establish a 1% Transient Room Tax (TRT). Rockwood stated a bond would be issued to purchase the land, and the TRT tax would pay for the bond and parking infrastructure. The Kimball Arts Center and Sundance Institute would each buy the property for their own buildings, and those proceeds would also be applied to the bond debt. Transit funds would be used to construct a transit hub in that area.

Mayor Thomas opened the public hearing.

Maggie AbuHaidar, board chair of Kimball Art Center (KAC), stated the KAC was in strong favor of being part of the Arts and Culture District. She read a prepared statement supporting this endeavor.

Betsy Wallace, Executive Director, Sundance Institute, stated Sundance was very excited to partner with Park City and KAC. She thanked Rockwood for all his work to make this district happen.

Katy Winegar, Park City Film Series, supported the Arts and Culture District and hoped to be part of planning this programming.

Josh Hobson, expressed concern for the 400 parking spots and encouraged the City to keep the parking underground and out of sight.

Clay Stuard stated he fully supported the vision and objectives of the documents presented tonight. He addressed an article in last week's *Park Record*, and stated this project was bold, but it had been studied for years and the decision had not been made lightly.

Emily Lockland stated she enthusiastically supported this project, especially the affordable housing element of the project. This district would help the young people in the community learn and engage with the arts.

Sadie AbuHaidar indicated she went to art classes at the KAC from a very young age. She was grateful the KAC would be built in such an accessible location.

Ellie Donovan, 12 years old, stated she was accepted in the Young Artists Academy and was excited for the new building.

Hadley Dynak, Executive Director of the Park City Summit County Arts Council, indicated the creation of the Arts and Culture District was visionary and she was in full support. She noted this would be an asset to the entire community. She read a prepared statement supporting this project and explaining the Summit County Arts Council's goals.

Chris Eggleton owned a hotel and was a member of the Chamber and the past president of the Lodging Association. He applauded the efforts in creating this project, but had some objections to the speed and pace of the project. He stated the Lodging Association was not consulted, yet lodging would be funding the project, and it was hard to accept the tax. He noted Mayor Thomas had reached out to the Association since the announcement and he expressed gratitude for the Mayor's efforts to listen to his colleagues' concerns.

Mayor Thomas closed the public hearing.

Council Member Gerber expressed her excitement for this district and partnership with KAC and Sundance. Council Member Worel agreed and felt this would bring amazing things to the community. She thought that as the master planning process evolved, more stakeholders would have the opportunity to participate.

Council Member Beerman stated this district would be a wonderful amenity to the City. He understood the challenges for the Lodging Association, but stressed the timeline was critical for this project and it was necessary to continue as planned. He said this was a big commitment for Sundance and the Lodging Association would like to see Sundance remain in the community. He noted there was discussion on the TRT revenue after the district was paid off. Council Member Beerman indicated there were discussions that funds would be used for marketing and programming. He also hoped to work with the other businesses in the district to find them new locations as the district was constructed.

Council Member Henney stated this area was up for redevelopment and would have happened with or without the City. He thought this was an amazing opportunity to develop this area in a way that would benefit the community.

Council Member Matsumoto commented that she was anxious to approve the Letters of Intent tonight and was grateful for the comments by students in the community. Mayor Thomas thanked staff for their work on making this idea a reality. He also thanked KAC and Sundance for taking a chance with this notion. There was a lot of work ahead, but he hoped the City could be inclusive with the Lodging Association, the Chamber and others in the community to make this a success.

Council Member Matsumoto moved to approve a Letter of Intent between Park City Municipal Corporation and the Kimball Art Center, dated July 6, 2017, in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

3. Consideration to Approve a Letter of Intent Between Park City Municipal Corporation and Sundance Institute, Dated July 6, 2017, in a Form Approved by the City Attorney:

See Item 2 for discussion on this item.

Council Member Gerber moved to approve a Letter of Intent between Park City Municipal Corporation and Sundance Institute, dated July 6, 2017, in a form approved by the City Attorney. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

4. Consideration to Approve Ordinance 2017-34, an Ordinance Establishing the Municipality Transient Room Tax Within the City of Park City, Utah, at One Percent (1%):

See Item 2 for discussion on this item.

Council Member Worel moved to approve Ordinance 2017-34, an ordinance establishing the Municipality Transient Room Tax within the city of Park City, Utah, at one percent (1%). Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

5. Consideration to Approve a Purchase Agreement Between Bonanza Park, L.L.C., a Utah Limited Liability Company, JP'S NEVADA, LLC, a Nevada Limited Liability Company, Maverik Park City, L.L.C., a Utah Limited Liability Company

and Park City Municipal Corporation, for the Bonanza Park East Parcel, Located at Approximately Kearns Boulevard and Bonanza Drive, in a Form Approved by the City Attorney:
See Item 2 for discussion on this item.

Council Member Beerman moved to approve a purchase agreement between Bonanza Park, L.L.C., a Utah Limited Liability Company, JP'S NEVADA, LLC, a Nevada Limited Liability Company, Maverik Park City, L.L.C., a Utah Limited Liability Company and Park City Municipal Corporation, for the Bonanza Park East Parcel, located at approximately Kearns Boulevard and Bonanza Drive, in a form approved by the City Attorney. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

6. Consideration to Approve Resolution No. 20-2017, a Resolution Amending the Fee Schedule, Section 7 - Parking, Meter Rates, Violations, Towing, and Impound Fees:
Blake Fonnesbeck, Kory Kersavage, and Kenzie Coulson, Transportation Department, presented this item. They recommended approving the amended fee schedule as explained in the work meeting. Coulson emphasized the proposed fees were a starting point in the parking plan. Kersavage stated the fee schedule was created in a way so the rates wouldn't take effect until December 15th:

Mayor Thomas opened the public hearing.

Marianne Cirino read a letter emailed to her from Vicki Crosby which opposed the rate increase, saying business would decrease and employee retention would be impossible. Cirino also had problems with the increased parking rates, including the maximum time limits put on parking areas. She put together a shift schedule for employees on Main Street and found the shifts were staggered more than she thought. She stated this program would put a financial burden on businesses and employees. She suggested lower rates to begin with, then raise them after data had been collected and analyzed.

Mike Sweeney stated he attended several of the parking meetings and asserted staff was doing a wonderful job listening and addressing the concerns of the community. He stated the City had to start somewhere and the process would evolve over time.

Mayor Thomas closed the public hearing.

Council Member Worel thanked staff for the thoroughness of the plan. She expressed concern that the fines would not be collected. Coulson stated the City had

approximately $270,000 in uncollected fines, and noted it was City policy not to take offenders to collections. Fonnesbeck indicated when the parking plan was implemented the policy would change and there would be a collections component to the project.

Council Member Gerber thanked Coulson and the Transit team for their work. She noted all the efforts to make this plan succeed. Council Member Matsumoto asked if the Yard parking would be free. Coulson stated it would be free and shuttles would stop there every ten minutes. Fonnesbeck indicated the Guaranteed Ride Home program and the Micro-Transit program could fill in the gaps so employees would be able to get back to their cars if the shuttles weren't running.

Council Member Beerman indicated he supported this parking plan and mentioned all the tools associated with it that would take into account the challenges of the employees. He noted public outreach was tremendous and he appreciated staff's efforts. Council Member Henney expressed appreciation to Coulson for her efforts and her respect for the dissenters as this program was put in place. Mayor Thomas stated the goal was to keep the community from being overwhelmed by cars and traffic, and it was doing everything possible to provide alternatives for people who lived and worked in the community.

Council Member Henney moved to approve Resolution No. 20-2017, a resolution amending the Fee Schedule, Section 7 - Parking, Meter Rates, Violations, Towing, and Impound Fees. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

7. Consideration to Authorize the City Manager to Enter into a Construction Agreement in a Form Approved by the City Attorney with Commercial Restoration Services, in an Amount Not to Exceed $275,620.00 for the Maintenance and Repair of Parking Infrastructure Located at Public Works on Ironhorse Drive and China Bridge Parking Garage:

Kenzie Coulson and Blake Fonnesbeck presented this item. Coulson stated the contract would be for repairing concrete and the water membrane in order to keep the structural integrity of the Public Works and China Bridge buildings. She noted the waterproof membrane on Ironhorse was installed incorrectly and needed to be repaired prior to the winter season.

Council Member Worel asked if the membrane was under warranty. Coulson stated it was not, but this proposed contract would require a warranty on workmanship.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Gerber moved to authorize the City Manager to enter into a construction agreement in a form approved by the City Attorney with Commercial Restoration Services, in an amount not to exceed $275,620.00 for the maintenance and repair of parking infrastructure located at Public Works on Ironhorse Drive and China Bridge Parking Garage. Council Member Beerman seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

8. Consideration to Enter into an Agreement to Purchase a Silver Strike Employee Housing Unit (EHU) Located at 8902 Empire Club Dr. #201, in the Amount of $260,000, in a Form Approved by the City Attorney:

Anne Laurent, Rhoda Stauffer and Jason Glidden, Community Development, presented this item. Laurent stated staff requested that the City purchase this employee housing unit. Since the City entered into an agreement with the owner to pay for part of the HOA fees in order to keep the unit affordable, the desire was to buy the unit, sell it at market rate and put the proceeds into future affordable housing projects.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Henney stated the proposed purchase was a good idea and supported the purchase. Council agreed.

Council Member Henney moved to enter into an agreement to purchase a Silver Strike Employee Housing Unit (EHU) located at 8902 Empire Club Dr. #201, in the amount of $260,000, in a form approved by the City Attorney. Council Member Beerman seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

9. Consideration to Approve a Request from the Property Owner of 2383 Lake View Court to Grant an Amendment to Their Exclusive Horizontal Geothermal Well Easement on City Property to Include Trees and Irrigation, in a Form Approved by the City Attorney:

Anne Laurent reviewed this project had been going on since 2015, when the Council approved an easement so the owners could put in a geothermal well on the condition the ground was restored to its original condition. The owners planted trees in that area and staff determined the privately owned trees were on public property and would need

permanent irrigation. Neighbors complained that the trees were on public property. The owners requested to amend the easement agreement, but staff recommended denial. Mayor Thomas opened the public hearing.

Rick Smail stated his house was behind the trees in question, and when grown to maturity, it would greatly affect his view corridor. He opposed improving public property in order to enhance the adjoining private property.

Mayor Thomas closed the public hearing.

Council Member Henney agreed with Smail. He indicated this was an encroachment that needed to be rectified. Mayor Thomas agreed. Council Member Beerman felt this was an abuse of open space and the trees needed to be removed. Council Member Worel agreed as well. She asked if there was a deadline for removal. Laurent stated the applicant requested 90 days and staff would be flexible.

Council Member Matsumoto moved to deny a request from the property owner of 2383 Lake View Court to grant an amendment to their exclusive horizontal geothermal well easement on city property to include trees and irrigation, in a form approved by the City Attorney. Council Member Henney seconded the motion.

RESULT: DENIED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

10. Consideration to Continue an Ordinance Approving a First Amended Park City Film Studios Subdivision Located at 4001 Kearns Boulevard:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to continue an ordinance approving a First Amended Park City Film Studios Subdivision located at 4001 Kearns Boulevard to a date uncertain. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

VI. ADJOURNMENT

With no further business, the meeting was adjourned.

_____
Michelle Kellogg, City Recorder

PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

August 3, 2017

WORK SESSION

Council Questions and Comments:

Council Member Henney attended the Recycle Utah meeting, where they had an ongoing discussion on toxic materials. An outside company would charge the recycling center to pick up the toxic material. It had proved difficult for the group to budget for this disposal. He requested that if Recycling Utah got into a budgeting bind due to the toxic material disposal, the Council contingency fund be used, and asked if Luke Cartin could discuss this with Recycle Utah to obtain more information.

Council Member Gerber attended the Planning Commission meeting, the Joint Recreation meeting with Council Member Worel, and the Park City Area Lodging Association (PCALA) with Mayor Thomas and Jonathan Weidenhamer, where they discussed the implementation of the Transient Room Tax. She attended the Best of Park City that the *Park Record* put on and noted the MARC won the "Best Fitness Center" and two Park City Police officers, Captain Kirk and Officer Clouse, were nominated as "Best Law Enforcement Officer." She asked if election ballots for Park City could have postage paid. Foster stated that would be a discussion for elected officials. She also requested that the garage and cardboard recycling container down the street be cleaned to reduce the foul smell.

Council Member Worel stated she would not be able to attend the Planning Commission meeting on August 23. Council Member Henney offered to attend in her place. Council Member Worel attended the Arts and Culture steering committee meeting and noted the strategic plan was progressing. She attended the quarterly advisory meeting at Valley Behavioral Health, and met with the State Treasurer, along with Council Member Beerman, where they learned that people could go to www.mycash.utah.gov to see if the state owed them money.

Council Member Beerman indicated the ebike program was amazing and so popular that some of the bikes didn't have time to recharge. He noted he was in the vanguard for the Tour of Utah. He also commented that many residents were concerned about events and traffic in the area during those times.

Mayor Thomas stated he met with the representatives from Courchevel, and noted they were interested in enhancing the exchange relationship with staff. He felt there was a lot to learn from that community. Polly Samuels McLean, Assistant City Attorney, stated she went to France on vacation and visited Courchevel and the people, who were anxious to continue the relationship. Dias stated the next steps in the relationship would be the trade of technical staff. He suggested a trade in the fall or spring would be optimal and noted staff from Housing, Planning, or Trails could be exchanged. Mayor Thomas indicated he went to a groundbreaking for Goldener Hirsch Inn, noting the architect and the Eccles family were present. He attended the Backyard with Council activity. Foster noted Linda Jager was looking for residents who would host the "Council in my Backyard" events. Council Member Beerman suggested moving the events around; having them on the ebus, ebikes, McPolin Barn, etc. Mayor Thomas indicated that he, Foster and Heinrich Deters met with Wasatch County where they discussed water. He also attended the Fire Board meeting, and the PCALA meeting.

Bruce Erickson noted that last night the Historic Preservation Board (HPB) sent a positive recommended to the Planning Commission on the management of flat roofs.

Mayor Thomas acknowledged staff for all their hard work. Council Member Worel stated the installation of the art piece at the MARC would be completed soon.

Discuss Capital Projects Development Process:

Matt Twombly, Project Manager, presented this item. He stated there had been questions on the process for projects, so a task force was created that reviewed and documented the best practices for capital projects and how they aligned with the budget process. Twombly worked with the Budget Department and it was decided the Capital Improvement Project (CIP) process should be phased. He explained this process would break down a budget for each year of the project process. Twombly stated the task force that set the written procedure included Roger McClain, Anne Laurent, Alfred Knotts, Jonathan Weidenhamer and the Budget Department. They identified the different types of projects and the timeline for presenting to Council along the way. He indicated the more the project went to Council, the more expensive the project would become. Council Member Henney thought that the written procedure might help contain the scopes and maintain the original budgets for projects.

Council Member Beerman stated when Council agreed to a scope, it would still return to Council several times. Twombly stated it was imperative that Council was involved with the projects, especially after feedback was received from the community. Foster stated bringing the project to Council made the process more transparent, although, as Twombly related, the projects would become more expensive with each Council presentation. Mayor Thomas stated in order to save money, the greatest attention should be given to the schematic design.

Council Member Henney indicated he was pleased with the written protocol for capital projects and asked if there were other areas in the City where written procedures could be applied. Foster stated that Building permitting would be another area where a written procedure would be helpful.

Council Member Beerman indicated the public usually responded when the City was far into the project. He asked how the community could be involved in the planning process. Weidenhamer stated community engagement was important from the onset. He thought common terminology and the same steps should be used with all projects so the average person would understand.

Alfred Knotts indicated there would be large UDOT projects coming down the pipeline and he stressed that any requests for changes after the scope was set could delay the project for up to three years.

Council Member Henney thought community engagement was essential, and the City should continue going the extra mile to ensure that people knew about the projects the City was working on.

Roger McClain stated he was using the new process for his current projects and it was going very well.

Recreation Advisory Board Interviews:

Mayor Thomas, Council and Ken Fisher interviewed Ed Parigian, Brett Isaacson, and Jane Campbell for the open positions on the Recreation Advisory Board. The applicants were informed a decision would be made in the next few days.

Council Member Gerber moved to close the meeting to discuss property, personnel and litigation at 3:45 p.m. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting at 5:55 p.m. Council Member Matsumoto seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Mayor	Present

Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present

II. APPOINTMENTS

1. Consideration to Approve the Appointment of Cheryl Fox and Jennifer Malherbe for Terms Expiring June, 2020 and Peter O'Doherty to Fulfill a Vacant Term Ending in June, 2019 to the Special Events Advisory Committee (SEAC):

Council Member Gerber moved to approve the appointment of Cheryl Fox and Jennifer Malherbe for terms expiring June, 2020 and Peter O'Doherty to fulfill a vacant term ending in June, 2019 to the Special Events Advisory Committee (SEAC). Council Member Matsumoto seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

2. Consideration of the Following Appointments to the Historic Preservation Board: John Hutchings, Term Expiring May, 2020, Ann Alexander Weiner, Term Expiring May, 2018, and Reappoint Puggy Holmgren and Lola Beatlebrox, Terms Expiring May, 2020:

Council Member Matsumoto moved to approve the following appointments to the Historic Preservation Board: John Hutchings, term expiring May, 2020, Ann Alexander Weiner, term expiring May, 2018, and reappoint Puggy Holmgren and Lola Beatlebrox, terms expiring May, 2020. Council Member Beerman seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Heinrich Deters, Open Space and Trails Manager, stated staff had been monitoring the Bonanza Flat area, and he indicated many people were using the land. He requested

port-o-potties for that area. Foster stated this was an administrative request that was within the budget. If Council had concern, this item could be brought back to a future meeting for further discussion. The Council did not have any concerns.

Staff Communications Reports:

- **Park Silly Sunday Market Mid-Season Review**
- **Neighborhood Traffic Management Program (NTMP) Update**
- **Hillside Soft-Surface Trail Enhancement Update**
- **Debrief of the 2017 Fourth of July Celebration**

IV. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Kathy Dopp requested a wildlife road crossing structure at McPolin Barn, and indicated the request was denied in the Neighborhood Traffic Management Program (NTMP) process. She gave some statistics on the costs of injury and property damage due to wildlife accidents. She read a prepared statement advocating a wildlife road crossing structure.

Council Member Matsumoto asked how the phases of NTMP worked. Corey Legge stated a petition was submitted by local residents and www.change.org and it was denied at Phase I. In Phase II, the committee would discuss the best way to move forward. If a request was denied in Phase II, the community could appeal to Council. There was also a Phase III where the request would be further evaluated by the committee.

Council Member Henney asked if the City could participate in this project since SR 224 was a state road. Legge stated the City would have a part in the decision because it owned the land on both sides of the road, but UDOT would need to participate as well since it was a state road.

Kerri Allardyce stated she was here with some other transportation professionals. She read a letter by Will Clark, Peak Transportation, with regard to the Micro-Transit project, and noted the Council received this letter via email. She then read her own prepared statement, asserting the City was not taking the input from transportation professionals into account with regard to the Micro-Transit project.

Mark Blue stated he was disappointed with the administration for pushing the Micro-Transit program. He was in favor of the ebike program, but didn't think elected officials should be involved in the taxi business. He felt the money would be better spent helping Main Street employees obtain free parking.

Sam Rubin, Four Seasons Concierge, talked about the email from Alfred Knotts with regard to traffic restrictions during Arts Fest. He felt consideration should be given to a properly permitted vehicle. He also expressed concern with the RFP for the Micro-Transit program, and thought the desire of the Council was not reflected in the revised RFP.

Michael Falk stated the new Micro-Transit RFP was a bad business decision and was not feasible. The residents in the community that he talked to said they would not use this form of transportation. He suggested the Council focus on the rampant drug overdose problem in the City. These were the people that really needed help.

V. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 11 and 13, 2017:

Council Member Henney noted he was present for the July 11 meeting. He also requested clarification on Page 12 of the July 13 minutes, that the City would be held to the same standard as developers and would not be granted exceptions.

Council Member Henney moved to approve the City Council Meeting minutes from July 11 and 13, 2017 as amended. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel
ABSTAINED: Council Member Matsumoto for the July 13 minutes

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with MC Contractors, LLC. for the 4Th Street Waterline Replacement Project in an Amount Not to Exceed $217,918:

2. Request to Authorize the Mayor to Enter into a Settlement Agreement Between Daine and Eyreka Smith, Park City Municipal Corporation, and the Silver Strike Home Owners Association (HOA):

Council Member Worel moved to approve the Consent Agenda. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

VII. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2017-40, an Ordinance Amending Municipal Code Title 4, Licensing, Chapter 3, Peddlers and Solicitors Licensing, Section 9, Convention Sales and Commercial Hospitality:

Beth Bynan, Business License Specialist, presented this item. She reviewed the proposed code amendments, including prohibiting vendors from daytime teardowns, increasing the administrative fees, and introducing three different loading permits. She indicated there were challenges because early morning teardowns would create noise and outreach would begin closer to the Sundance Festival. Snow removal would take precedence over load-ins and load outs. She said a key part of these regulations would be enforcement, so an enforcement fee was also proposed to be added to each license. Bynan stated that a $100 payment to Republic Services would also be required before a license would be issued, due to the large amounts of trash generated with the festival. She did not know if the amendments would reduce the number of vendors since they would have to stay at least five days before they could tear down.

Council Member Beerman asked about the bid fee that was collected for the Historic Park City Alliance (HPCA) to be used for trash and recycling. Bynan clarified that the bid fee was collected for HPCA to manage the contract and was strictly an administrative fee, whereas the $100 payment to Republic Services would cover the trash collection.

Mayor Thomas opened the public hearing.

Mike Sweeney commented that the Finance Department was very proactive in reaching out to the community to get feedback on the proposed code amendments. He commended them for their efforts.

Mayor Thomas closed the public hearing.

Council Member Henney asked if the stakeholders were concerned about having an undue burden with these code amendments in place. Bynan stated the different permits would enable some spaces to have both daytime and evening activations from different renters, so those spaces were taken into consideration with the code amendments.

Council Member Gerber stated HPCA was very grateful that the City was implementing the load-in and load out features. She asked if they would be assessed an additional trash fee for those setting up in Prospector. Bynan indicated there would not be an

additional fee. Council Member Gerber asked about recycling. Bynan stated it would be good to give applicants instructions on recycling so more recycling could be utilized.

Council Member Matsumoto was happy to see these amendments, and stated she hoped the local businesses would be able to benefit with these regulations in place. Council Member Worel stated her only concern was the requirement to load out at 4:00 a.m., and indicated she would be interested in hearing feedback from those affected residents. Council Member Beerman asked if the entities would have the same fees no matter what they were giving away; whether it was water, lip balm, etc. Bynan stated that the City could not discriminate based on what was being distributed.

Betsy Wallace, Executive Director of Sundance Institute, remarked that she was grateful for the amendments and thought they would help curb ambush vendors from setting up during the festival.

Council Member Henney moved to approve Ordinance No. 2017-40, an ordinance amending Municipal Code Title 4, Licensing, Chapter 3, Peddlers and Solicitors Licensing, Section 9, Convention Sales and Commercial Hospitality. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

VIII. NEW BUSINESS

1. Consideration to Approve the 2018 Sundance Film Festival Supplemental Plan Amendments, Including Venue Changes and Estimated Costs:

Jenny Diersen, Special Events Coordinator, and Betsy Wallace and Tina Graham, Sundance Institute, presented this item. Diersen stated Sundance proposed changes to the venues by adding the Sports Authority building and the Kimball Arts Center (KAC) and eliminating the upper two floors of the Claim Jumper building. She completed community outreach by going door-to-door in the surrounding area of the Sports Authority building. Much of the feedback was good, but there was concern about parking. Staff was working with the Transportation Department on traffic mitigation. She noted there would be approximately $170,000 in operation mitigation fees.

Wallace stated Sundance was excited about this opportunity to have a 25,000 square foot facility that was not on Main Street and felt it was a great addition for the festival. Council Member Worel asked what the Sports Authority building would be used for the rest of the year. Wallace stated she would not want the building to go dark, but they did not have plans for it at the moment.

Council Member Henney stated there was a concern for dark spaces on Main Street but this was a different location. He asked if there was a desire by Sundance to create a vibrant space there. Wallace stated a permanent theatre was not allowed there, so future plans for the building had not been set. Council Member Henney asked about the business response to outreach efforts. John Stephenson stated he walked around the Homestake neighborhood. Most people weren't home, but those that he met were concerned with parking, mostly on the Yard side of the area.

Mayor Thomas opened the public hearing.

Steve Joyce stated parking was a real concern in the Sports Authority parking lot because during Sundance there was a 10 day traffic jam. He requested Council consider the small businesses that were being eliminated by the future Arts and Culture District, noting the community needed gas stations, dry cleaners, etc. Now Sports Authority was a dark space. He was concerned about the businesses that were leaving town.

Bryan Markkanen stated there was a karate studio currently in that space and it was noisy, so he requested some sound barriers to protect the neighbors from the noise. He also proposed that the dark space could be used by KAC.

Mayor Thomas closed the public hearing and stated dark spaces happened from time to time.

Council Member Gerber commented that she understood the street would not be activated this year like it was last year. She favored looking for opportunities to use the building, and thought the KAC or Quincenera parties might be a good fit. She asked if the seats would be fixed. Stephenson stated the seats could be removed.

Council Member Matsumoto stated the space might remain dark for years so she was in favor of using it for Sundance. Council Member Henney indicated this was a good solution for Sundance's need for space. He noted the private sector could do something worse and the City would have no say on how it was used. Mayor Thomas had confidence Sundance would be able to reprogram the space for the balance of the year. Council Member Beerman stated Sundance really needed space and this was a good solution. He thought the sound barrier suggestion was a good one.

Council Member Beerman moved to approve the 2018 Sundance Film Festival Supplemental Plan Amendments, including venue changes and estimated costs. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

2. Consideration to Approve Ordinance No. 2017-41, an Ordinance Approving the Lilac Hill Subdivision-First Amended at 632 Deer Valley Loop Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Anya Grahn, Planner II, presented this item. She stated the previous owner had gone through the plat amendment process and a number of conditions were added. The new owner requested to split the lot into two lots. Frank Watanabe, owner, stated the Historic Preservation Board (HPB) approved the removal of the 1962 addition from the original structure. He met with many neighbors and listened to their concerns about the access onto Rossie Hill Drive, but limiting access to only Deer Valley Loop was infeasible for this property. He was committed to comply with the conditions and noted that the development would conform with the surrounding area. He stated there were two conditions specifically regulating access on Rossie Hill and he was complying with these regulations. Watanabe displayed his project overview.

Council Member Worel asked if there was room to add another driveway onto Deer Valley Loop. It was indicated with the current design, it might exceed the City restriction.

Council Member Beerman asked if a pedestrian stairway was being planned for that area and/or were they willing to participate in that for safety reasons. Matt Cassel, City Engineer, stated a stairway was considered but since it would not connect to anything the idea was dropped. Council Member Beerman didn't think there were any alternatives for pedestrians. Council Member Gerber stated most residents were trying to get to the bus stop so stairs to the bus stop would be helpful.

It was indicated the duplexes were connected underground in order to keep the historic district feel of the area. Discussion ensued on possibilities for the driveway on the lots. Bruce Erickson stated the driveway was not the issue but a symptom of the issue of nightly rentals, snow removal, and other concerns.

Mayor Thomas opened the public hearing.

Diane Bernhardt represented the Save Rossie Hill Alliance. She indicated the Thompson cabin had been there for 117 years. She requested that access be limited to Deer Valley Loop. She quoted the code that stated the purpose of the RM Zone was to limit driveway access. She explained Rossie Hill Drive was an arterial road, and noted the safety hazards on this road. She thought a new driveway cut would set a precedent for future driveway cuts. She requested this be approved with the condition that the only access would be off of Deer Valley Loop.

Allison Kitching stated last fall the residents were told that it was not the time to address the Rossie Hill access issue. They were here tonight to urge Council to limit the access to Deer Valley Loop. She noted the Fire Chief indicated that Rossie Hill Drive would be narrowed in the future, and this was a concern as well.

Mary Wintzer reviewed that Stonebridge had a road cut and she asserted the driveway access wouldn't be seen by drivers. She explained that this was a dangerous road and she requested that Council take this into consideration.

Bob Gurss indicated Allison Kitching gathered 22 signatures on a petition (see attached). He stated he had a difficult time seeing cars from his driveway and he knew that the proposed driveway would have a greater sight problem.

Matt Shire stated last fall the Council was opposed to the Rossie Hill access. He concurred with the public sentiment that if the subdivision was approved, access to Rossie Hill should be denied.

Anita Baird indicated she called that road "the slip-n-slide" and explained the dangers associated with it in the winter.

Mark Kair thanked Council for their time and consideration of this issue. He echoed the sentiments of his neighbors.

Mayor Thomas closed the public hearing.

Council Member Matsumoto said there was no consensus last fall on what the Council decided on this road. She also stated this concept was much more favorable than big multifamily housing units that had access to Rossie Hill. She supported saving the BLM property in the area. Mayor Thomas expressed concern with the driveway onto Rossie Hill. He suggested that the owner consider continuing the item, and changing the lot lines for more possibilities.

Council Member Henney asked what the conditions were that were set in the fall. Grahn displayed the conditions for Council to view, and noted that access was granted to Deer Valley Loop and Rossie Hill Drive. Council Member Henney favored continuing the item. Council Member Worel felt there was a life/safety issue on Rossie Hill Drive. She favored having the applicant work with the Planning Department to look at other options for the driveway. Council Member Beerman stated the road was dangerous, “No Parking” signs were needed along the road, and a staircase was needed as well. He felt safety on the road in the long run needed to be addressed. Council Member Gerber agreed that this item should be continued and they should bring back options for the site.

Council Member Matsumoto asked if other lots that faced Rossie Hill would request access. Grahn stated the BLM owned a major part of the land there. Council Member Henney stated this lot could have access from either Deer Valley Loop or Rossie Hill Drive. Harrington stated that Council approved the 2016 ordinance on this subdivision with access minimized for Rossie Hill. If continuance was desired, clarification should be obtained from the Planning Department on the circumstances around the subdivision approval last fall. A lot that met the requirements should be allowed to develop. Council should be more specific and couldn't ignore what was approved in 2016. If Council prohibited access to Rossie Hill Drive, then it would be necessary to revoke the former ordinance.

Council Member Henney moved to continue Ordinance No. 2017-41, an ordinance approving the Lilac Hill Subdivision-First Amended at 632 Deer Valley Loop pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney to a date uncertain and that a hyperlink be provided to the City Council minutes from 2016 when the original ordinance approving the subdivision was passed, with the hope of coming to a resolution that addresses the concerns of the neighbors, the Council and the applicant. Council Member Worel seconded the motion.

Council Member Matsumoto asked that neighbors on Deer Valley Loop be notified prior to the Council meeting so they would have a say on the proposed additional traffic on their street.

RESULT: CONTINUED TO A DATE UNCERTAIN
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

3. Consideration to Approve Ordinance 2017-42, an Ordinance Amending Park City Land Management Code (LMC) Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Title 15- Chapter 13 Design Guidelines:
Anya Grahn and Hannah Tyler, Planning Department, presented this item. Grahn stated this code amendment reflected historic preservation changes that were made to the State Code. They included giving an appellant the choice of appealing to the Board of Adjustment or to the City Council, the City Council would make the final determination on which sites to list on the Historic Site Inventory, with the recommendation of the HPB, and the Design Guidelines were now being codified.

Council Member Matsumoto asked if the State gave the appellant the choice and if the 30 day limit to appeal was longer than it used to be. Tyler stated these amendments were all State mandated, and noted the appeal timeline used to be 10-14 days. Grahn clarified that if staff denied the request to remove the historic significance, the applicant

could appeal to the Board of Adjustment or to the City Council. The decision could be appealed to the court from there.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance 2017-42, an ordinance amending Park City Land Management Code (LMC) Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15, Chapter 11 Section 10 Park City Historic Sites Inventory; Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Title 15- Chapter 13 Design Guidelines. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

4. Consideration to Approve Park City Shot Ski Event – a Level Three Special Event, on Saturday, October 14, 2017:

Tommy Youngblood, Special Events, noted the event date was changed to October 14 since the following weekend was UEA weekend. He stated the Sunrise Chamber of Commerce requested to sponsor the activity and make it an annual event. HPCA recommended having more crossings on Main Street for pedestrians. It was noted that last year the event had 1091 participants. Youngblood stated the footprint would not be larger than last year since the route would include a U Turn.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to approve Park City Shot Ski Event – a Level Three Special Event, on Saturday, October 14, 2017. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

5. Consideration to Continue an Ordinance Approving Woodside Park Subdivision - Phase I, Located at 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue to a Date Uncertain:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to continue an ordinance approving Woodside Park Subdivision - Phase I, located at 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue to a date uncertain. Council Member Henney seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

6. Consideration to Authorize the City Manager to Execute a Professional Service Agreement, in a Form Approved by the City Attorney, with Golder Associates for the Mine Tunnel Condition Assessment Project in an Amount of $72,672:

Kyle MacArthur, Water Distribution Manager, presented this item. He stated there were 1,200 miles of tunnels and shafts but the City only controlled five miles of the tunnels. There were two part time staff that helped with the mine tunnels, and engineers were needed. Every five years a mining engineer was hired to evaluate the tunnels and make suggestions for keeping the miners safe. This year, the engineers would also identify areas where mitigation could be done in the tunnels for water treatment.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Gerber moved to authorize the City Manager to execute a professional service agreement, in a form approved by the City Attorney, with Golder Associates for the Mine Tunnel Condition Assessment Project in an Amount of $72,672. Council Member Beerman seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

7. Consideration to Approve an Interlocal Agreement for the Process to Nominate a "Wasatch Back Commissioner" to the Central Wasatch Commission Between Park City Municipal and Summit County:

Matt Dias, Assistant City Manager, presented this item and indicated this interlocal agreement would codify who would represent the Wasatch Back at the Central Wasatch Commission (CWC) meetings for the next two years.

Council Member Beerman asked what would happen if one party or the other withdrew from the CWC. Dias stated a discussion would need to take place with the CWC on how to handle the designations going forward.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Worel moved to approve an Interlocal Agreement for the process to nominate a "Wasatch Back Commissioner" to the Central Wasatch Commission between Park City Municipal and Summit County, and to confirm Council Member Beerman, who the Council previously nominated, to that position. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

IX. ADJOURNMENT

X. REDEVELOPMENT AGENCY

I. ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Chair	Present
Andy Beerman	Committee Member	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Excused
Cindy Matsumoto	Committee Member	Present
Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	Secretary	Present

II. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Chairman Thomas opened the public input portion of the meeting for those who wished to speak on items not listed on the agenda. No comments were given. Chairman Thomas closed the public input portion of the meeting.

III. NEW BUSINESS

1. Consideration to Approve the Purchase of 1225 Black Rock Trail, #306-P and 1835 Three Kings Drive, #25-6, Amend the Deed Restrictions to Align with Current Program Guidelines and Goals and Then Sell the Units to Qualified Households:

Rhoda Stauffer, Affordable Housing Specialist, presented this item. She explained there were two deed restricted units that she proposed the City buy in order to update the deed restrictions, which would be approved by Council, and then re-sell the units.

Council Member Worel asked if the units could be included in the lottery. Stauffer thought the process could move quickly enough to allow these units to be included with the other affordable units.

Chairman Thomas opened the public hearing. No comments were given. Chairman Thomas closed the public hearing.

Committee Member Gerber moved to approve the purchase of 1225 Black Rock Trail, #306-P and 1835 Three Kings Drive, #25-6, amend the deed restrictions to align with current program guidelines and goals and then sell the units to qualified households. Committee Member Matsumoto seconded the motion.

RESULT: APPROVED
AYES: Committee Members Beerman, Gerber, Henney, Matsumoto and Worel

XI. ADJOURNMENT

With no further business, the meeting was adjourned.

_____
Michelle Kellogg, City Recorder

22

Save Rossie Hill Historic Open Space

We are opposed to the Rossie Hill driveway access as proposed as part of the PL-17-03494 - 632 Deer Valley Loop - Plat Amendment for several reasons:

1. Rossie Hill Drive is a poorly engineered, sub-par roadway which will soon be narrowed further as part of a planned 2018 City project

2. Rossie Hill Drive is a congested, high traffic road used by vehicles, bicycles, and pedestrians. Rossie Hill Drive is used by residents and visitors from on Rossie Hill Drive, but also residents and visitors from Ontario.

3. The proposed development of 632 DVL provides only minimal parking. Guest, secondary and maintenance parking be forced on to Rossie Hill Road, complicating and congesting an already busy, substandard roadway.
4. A driveway cut on Rossie Hill Drive sets a precedent for additional driveway cuts along Rossie Hill Drive when the Richard Dennis' parcel is eventually developed. Additional road cuts will further complicate this already congested, dangerous, roadway.

To: The Honorable Mayor and City Council of Park City, UT

We the undersigned declare:

1) We support the restoration of the 632 DVL historic mining-era home.

2) Because 632 Deer Valley Loop can clearly and easily be developed with its existing access from Deer Valley Loop, we request that Park City officials approve the PL-17-03494 - 632 Deer Valley Loop - Plat Amendment subdivision **only if driveway access is limited to Deer Valley Loop.**

	Signature	Name	Street Address	email
1	Lance Anderson	Lance Anderson	656 Coalition View	lance@canpango.com
2	Rawia Anderson	RAWIA ANDERSON	656 COALITION VIEW	Rawia@andrsn@gmail.com
3	Mary Demkowicz	MARY DEMKOWICZ	602 SUNNY SIDE DR	mdemkow2@gmail.com
4	Mary C. Wintzer	MARY WINTZER	320 McHenry St.	wintzermc@aol.com
5	[illegible]	Matthew Shier	630 Coalition View Ct	mshier@shierkatz.com
6	[illegible]	William Tew	525 Rossie Hill	wptew1@gmail.com
7	[illegible]	Mark Pyper	~~287~~ 302 McHenry	markpyper@comcast.net
8	[illegible]	Randi Pyper	302 McHenry	Randipyper@comcast.net
9	Patricia Constable	PATRICIA CONSTABLE	287 McHenry	decpjc49@msn.com
10	Morgan Hole	Morgan Hole	310 McHenry St	morgansh@msn.com
11	Bob Bennett	Bob Bennett	355 McHenry ST	bob.bennett.bb@gmail.com
12	Matey Erdos Hole	Matey Erdos Hole	310 McHenry St	matey_erdos@hotmail.com

	Signature	Name	Street Address	email
13	[signature]	Charlie Wintze	320 McHenry	wintzemc@[illegible]
14	[signature]	ALLISON KITCHING	670 DEER VALLEY LOOP #19, PC	ALLISON@KUHL.COM
15	[signature]	PAMELA MAUPIN	525 ROSSIE HILL DR	pmaupin1@gmail.com

16. [signature] Christine Shiebler 638 Coalition View Court Christine@Shiebler.com

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	Signature	Name	Street Address	email
1	[signature]	Cindy Kaiser	638 Coalition View	Snowbirdcind@AOL.com
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	Signature	Name	Street Address	email
1	Elizabeth J Pooley	Elizabeth J Pooley	56 Daly	ejpooley@gmail.com
2	Kristin Gentile	Kristin Gentile	555 Deer Valley Dr	gentile_k@hotmail.com
3	Diane A. Bernhardt	Diane A. Bernhardt	630 Coalition View Ct	diane.a.bernhardt@gmail.com
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	Signature	Name	Street Address	email
1		JEFF CAMP	590 COALITION	JEFF@JEFFCAMP.COM
2		JENN CAMP	590 COALITION	JENNIFER@JEFFCAMP.COM
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DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

The Woodside Park Phase 1 construction project helps to meet City Council's desired outcomes, notably affordable housing. Staff is returning to Council to seek approval for the First Addendum to the Construction Manager at Risk (CMAR) agreement with New Star General Contractors. On March 30, 3017, City Council approved the original CMAR agreement with New Star General Contractors for Pre-construction Services for the Woodside Park Phase 1 project. The scope of the contract consisted of participating in regular design team meetings, site investigations, scheduling, develop methods for the upgrade work, cost estimating value engineering, helping the team with the Historic District Design Review drawings, design and preservation plan, and developing a Guaranteed Maximum Price (GMP) for the project. There have been delays in the completion of the construction drawings which has delayed New Star in completing a GMP for the project. In an effort to prevent further delays in the project, staff is requesting Council approve the First addendum to the CMAR for the first phase of construction. Staff intends to return to Council at a later date to receive approval for the Second Addendum to the CMAR agreement for the final phase of construction that will include the complete GMP for the project and final construction schedule and budget.

Respectfully:

Jason Glidden, Housing Development Manager

RDA
Staff Report

Subject:	**Woodside Park Phase 1 (former File Station Parcel) First Addendum – Construction Manager at Risk Agreement**
Author:	**Jason Glidden**
Department:	**Community Development**
Date:	**August 17, 2017**
Type of Item:	**Administrative – First Addendum – Construction Manager at Risk Agreement**

Summary Recommendation

Review and approve the First Addendum to the Construction Manager at Risk (CMAR) agreement in a form approved by the City Attorney's Office with Newstar Construction, Inc., in the amount not to exceed $272,473.87 dollars for phase one of construction for Woodside Park Phase 1.

Executive Summary

The Woodside Park Phase 1 construction project helps to meet City Council's desired outcomes, notably affordable housing. Staff is returning to Council to seek approval for the First Addendum to the Construction Manager at Risk (CMAR) agreement with New Star General Contractors.

On March 30, 3017, City Council approved the original CMAR agreement with New Star General Contractors for Pre-construction Services for the Woodside Park Phase 1 project. The scope of the contract consisted of participating in regular design team meetings, site investigations, scheduling, develop methods for the upgrade work, cost estimating value engineering, helping the team with the Historic District Design Review drawings, design and preservation plan, and developing a Guaranteed Maximum Price (GMP) for the project. There have been delays in the completion of the construction drawings which has delayed New Star in completing a GMP for the project. In an effort to prevent further delays in the construction of the project, staff is requesting Council approve the First addendum to the CMAR for the first phase of construction. Staff intends to return to Council at a later date to receive approval for the Second Addendum to the CMAR agreement for the final phase of construction that will include the complete GMP for the project and final construction schedule and budget. Staff believes that splitting the GMP into two separate addendums will not increase construction costs, but any delay during a project could affect costs due to changes in the market.

Acronyms

CIP	Capital Improvement Program
CMAR	Construction Manager at Risk
GMP	Guaranteed Maximum Price
HDDR	Historic District Design Review
PCMC	Park City Municipal Corporation

RFP Request for Proposals
RFQ Request for Qualifications

The Opportunity

City Council has identified approximately $40 million to pursue their critical goal of creating affordable housing. In an effort to keep this project moving forward, staff is recommending that an addendum for the GMP be completed to include the first phase of construction. Once construction drawings are completed, the construction manager will be updating the GMP to include the remaining construction costs.

Background

- On August 25, 2016, the City Council directed staff to pursue four single-family homes and four townhomes, each with an accessory apartment on the parcel where the former fire station sits on Park Avenue. The project includes a shared parking lot to the rear at 1364 Woodside. Council additionally asked staff to consider different approaches to construction to better understand the community impact/disruption as well as cost of construction. This project is considered Phase I.
- On October 20, 2016 Council provided direction on the design details of Phase 1 - housing at the former fire station parcel, including (link):
- On December 1, 2016 the City Council provided preliminary direction on the preferred concept for affordable housing on the City property between Woodside and Empire Avenue referred to as Phase II housing (link, p.6). Council was also presented with and overview and analysis of the tradeoffs balancing costs (land & construction), affordability and return on investment/subsidy goals.
- On January 5, 2017 Council approved a contract with EWG to complete design construction documents and administration for Phase 1 (link, p.129).
- During the pre-construction services phase the construction manager working with the design team of EWG and staff will review the proposed schematic design and design development drawings and provide a cost estimate. The cost estimate will help determine a final budget request for FY 2018.
- During the Construction Manager at Risk (CMAR) selection process it was discussed that the four single family homes would not lend themselves toward modular as they are all unique and have different footprints. The schedule would be greatly improved if the project were to be split into phases to build the single family homes first and then the townhouses. If modular is a viable option for the townhouses then the four single family houses can be constructed while the modular is being fabricated. The modular construction would not need to be split in phases. The ability to develop the design to a level that the Construction Manager can verify the cost and scheduling comparisons between the methods will allow for a better decision.
- On March 30, 2017, City Council Approved a CMAR contract with New Star General Contractors for pre-construction services consist of participating in regular design team meetings, site investigations, scheduling, develop methods for the upgrade work, cost estimating value engineering, and help the team with the Historic District Design Review drawings, design and preservation plan. It was expected that at about 90% construction documents the construction manager would develop a

Guaranteed Maximum Price (GMP) for the project. Due to delays in the construction documents, a GMP for the entire project has not been able to be calculated.

Alternatives for City Council to Consider

Staff recommends that City Council approve the First Addendum to the contract with New Star Construction for the demolition of the Fire Station and 1364 Woodside Parcels. Council should consider the following alternatives:

1. **Recommended Alternative:** Approve the First Addendum to the Construction Manager at Risk agreement with Newstar Construction for Woodside Park Phase 1.

   Pros
   a. The development of housing on the Fire Station parcel is the highest priority for development of affordable housing and the award of the contract will enable the team to move the project forward regardless of delays in construction drawings.
   b. The use of a CMAR agreement reduces the amount of liability of the construction from PCMC to New Star General Contractors

   Cons
   a. This would separate the GMP into two separate addendums.
   b. Project done with a CMAR tend to be slightly more expensive than using a low-bid construction delivery method.

2. **Null Alternative:** The City Council could choose not to approve the First Addendum to the CMAR contract to New Star Construction for the Woodside Park Phase 1 project.

   Pros
   a. Would allow the demolition to be part of the GMP
   b. Maximum competitiveness ensured through low bid.

   Cons
   a. Not awarding would likely delay the project;

Analysis

As defined in the City's purchasing policy: Contracts for Professional Services, where the Service Provider is responsible for Building Improvements/Public Works Project (Construction Manager / General Contractor "CMGC" Method) are contracts where the City contracts with a "Construction Manager/General Contractor" which is a contractor who enters into a contract for the management of a construction project when that contract allows the contractor to subcontract for additional labor and materials that were not included in the contractor's cost proposal submitted at the time of the procurement of the Construction Manager/General Contractor's services. The CMGC contract is exempt from competitive bidding. The selection of CMGC contracts shall be based on a documented evaluation process such as a Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The CMGC will

implement all bid packages and subcontractors under a competitive bid requirement as required in the City's purchasing policy. The purchasing policy requires that the Project Manager will attend the award of all subcontracts which meet the threshold requirements in which the State Code (and our purchasing policy) requires a sealed bid if it was bid individually. The proposed CM/GC contract also requires that any competitive quotes for items of work between $15,000 and the State Code amount (approximately $135,000) will use the City's Local Bidder Preference.

The Construction Manager/General Contractor (CM/GC) is also referred to as a Construction Manager at Risk (CMAR) and the terms are interchangeable. The CM/GC construction method is different from the traditional Design-Bid-Build method in that the contractor is brought on board during the design phase as a professional service provider to work with the project team to help reduce construction costs, improve quality control and most importantly improve schedule with early mobilization and phased bidding and construction.

The current CMAR contract is for only for preconstruction services at a cost of $17,250. The recommendation is to approve the addendum to the CMAR contract to include in the scope of service the first phase of construction (demolition, moving historic house at 1333 Park Ave., and the construction of a new foundation for historic home) on the Woodside Housing Project Phase 1 at a not to exceed price of $272,473.87. This not-to-exceed price includes a management fee of $9980.73.

At the point where 90% of construction documents for the project are prepared, the Construction Manager will bid the project consistent with State code and City policies. The Construction Manager will then propose a new Guaranteed Maximum Price (GMP) for the final phase of construction that will include a detailed schedule of work and costs based on the subcontractor bids, General Conditions, Construction Manager's Fee, Bonds and a Contingency. Staff will return to Council for approval of Amendment #2 to the CMAR Agreement to update the GMP that will include construction costs for the final phase of the project. The rest of the GMP would be based on subcontractor bid amounts of which the construction management firm may bid on subcontracts for the work.

Department Review

This report has been reviewed by representatives of Sustainability, Legal, Budget and the City Manager's Office and their comments have been integrated into this report.

Funding Source

RDA Tax Increment Finance Bonds or Related Sales Revenue Bonds

Attachments

Exhibit A – Addendum #1 of CMAR with New Star General Contractors

AMENDMENT NO. 1
TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER

Pursuant to Paragraph 2.2 of the Construction Manager At Risk Agreement between Owner (Park City Municipal Corporation) and Construction Manager (New Star General Contractors), dated April 26, 2017, for construction of the Woodside Park Phase 1, the Owner and the Construction Manager establish a Guaranteed Maximum Price and Contract Time for the Work as set forth below:

ARTICLE I
GUARANTEED MAXIMUM PRICE

The Construction Manager's Guaranteed Maximum Price for the Work, including the estimated Cost of the Work as defined in Article 5 of the Agreement and the Construction Manager's Fee as defined in Article 4 of the Agreement, is two hundred seventy two thousand four hundred seventy three Dollars and eighty seven cents ($272,473.87).

Included in the Guaranteed Maximum Price is the Construction Manager's fee of nine thousand nine hundred eighty dollars and seventy three cents ($9,980.73).

This Price is for the performance of the Work in accordance with the "Guaranteed Maximum Price Proposal" dated July 11, 2017, from New Star General Contractors, and incorporated herein by this reference (the "GMP").

ARTICLE II
CONTRACT TIME

The Construction Manager acknowledges that the Substantial Completion Date is October 1, 2017, and the Final Completion Date of October 15, 2017for the performance of the Work in accordance with the "Guaranteed Maximum Price Proposal" dated July 11, 2017.

PARK CITY MUNICIPAL CORPORATION

_____
Diane Foster, City Manager

ATTEST:

_____
City Recorder's Office

APPROVED AS TO FORM:

_____
City Attorney's Office

OWNER
ADDRESS

_____
Signature

_____
Printed name

_____
Title

STATE OF UTAH)
) ss.
COUNTY OF_____)

On this ____ day of August, 2017, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is the _____ (*title or office*) of New Star General Contractors Corporation by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ *(title)* for New Star General Contractors, a Utah corporation.

_____

EXHIBIT A – Estimate

NEW STAR GENERAL CONTRACTORS

2610 West 2590 South S.L.C., Utah 84119 (801) 972-6227 / FAX 972-6002

WOODSIDE PARK PHASE 1 - DEMO
133 & 1353 P.A., 1364 WOODSIDE AVE.
Park City, Utah

Estimate # 1
Per: AO DESIGN STUDIO - Plans dated 7/11/2016

SCHEDULE OF VALUES

AS OF: 13-Jul-17
TOTAL SF 26,519

SPEC. DIVISION #	DESCRIPTION OF WORK	WOODSIDE PARK PHASE 1 - DEMO Schedule of Values	COST SQ. FT.
01	GENERAL CONDITIONS	51,553.24	1.94
01	WEATHER ALLOWANCE	0.00	0.00
02	EXISTING CONDITIONS	135,661.00	5.12
03	CONCRETE	49,293.95	1.86
04	MASONRY	0.00	0.00
05	METALS	0.00	0.00
06	WOODS, PLASTICS, COMPOSITES	0.00	0.00
07	THERMAL & MOISTURE PROTECTION	0.00	0.00
08	OPENINGS	0.00	0.00
09	FINISHES	0.00	0.00
10	SPECIALTIES	0.00	0.00
11	EQUIPMENT	0.00	0.00
12	FURNISHINGS	0.00	0.00
13	SPECIAL CONSTRUCTION	0.00	0.00
14	CONVEYING EQUIPMENT	0.00	0.00
21, 22, 23	MECHANICAL	5,000.00	0.19
25, 26, 27, 28	ELECTRICAL	5,000.00	0.19
31, 32, 33	SITE WORK	3,010.00	0.11
	OTHER	0.00	0.00
51	WORK ORDERS	0.00	0.00
	SUB TOTAL	249,518.19	9.41
	FEE @	9,980.73	0.38
	SUB TOTAL	259,498.92	9.79
	CONTINGENCY	12,974.95	0.49
	TOTAL	272,473.87	10.27

EXHIBIT B – Demo Breakdown

WOODSIDE PARK PHASE 1 - DEMO

GENERAL CONDITIONS BUDGET
REVISED: 13-Jul-17

	PHASE	DESCRIPTION	QUAN. MAT.	UNIT	UNIT COST	QUAN. SUB	UNIT	UNIT COST	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13-Jul-17	
1	01 31 61	PROJECT MANAGEMENT	0.00		0.00	0.00		0.00	0.00	9,460.00	0.00	0.00	9,460.00	BASED ON 21 HRS PER WEEK
1	01 31 63	FIELD SUPER	0.00		0.00	0.00		0.00	0.00	6,656.00	0.00	0.00	6,656.00	BASED ON 2 MONTHS
1	01 31 66	SITE SUPER	0.00		0.00	0.00		0.00	0.00	17,888.00	0.00	0.00	17,888.00	BASED ON 2 MONTHS
1	01 31 69	SUBSISTENCE	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 31 71	GAS, TRUCKS	2.00	M	500.00	0.00		0.00	1,500.00	0.00	1,000.00	0.00	2,500.00	BASED ON 2 MONTHS
1	01 32 01	Plan Distribution	0.00		0.00	1.00	Allow	250.00	0.00	0.00	0.00	250.00	250.00	ALLOWANCE
1	01 33 23	Submittals / Postage	0.00		0.00	1.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 35 29	SAFETY PROCEDURES	2.00	M	30.00	0.00		0.00	448.00	2,160.00	60.00	0.00	2,668.00	BASED ON 2 MONTHS
1	01 41 23	FEES - BOND	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	DO WE NEED?
1	01 41 24	INSUR.: Owner's Bldr's Risk	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 41 25	INSUR.: Comm's Bldr's Risk	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 41 26	PERMITS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 43 39	MOCK-UPS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 45 23	TESTS & INSPECTIONS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 51 01	SUNDRIES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 51 13	TEMP. ELECTRICITY	2.00	M	140.00	1.00		0.00	0.00	0.00	280.00	0.00	280.00	ALLOWANCE
1	01 51 23	TEMP. HEAT / COOLING	0.00	M	250.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 51 33	TEMP. TELE.	2.00	M	185.00	0.00		0.00	0.00	0.00	370.00	0.00	370.00	BASED ON 2 MONTHS
1	01 51 36	TEMP. WATER	0.00	M	40.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 52 13	CONST. OFFICE TRAILER	0.00	M	750.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 52 14	STORAGE TRAILER	0.00	M	750.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 52 16	FIRST AID FACILITIES	2.00	M	30.00	0.00		0.00	0.00	0.00	60.00	0.00	60.00	BASED ON 2 MONTHS
1	01 52 19	TEMP. SANITARY, TOILETS	2.00	M	360.00	0.00		0.00	0.00	0.00	720.00	0.00	720.00	BASED ON 2 MONTHS
1	01 54 01	EXPEDITER	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 54 16	HOISTING/OPERATOR (Fuel)	0.00	M	450.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 54 19	CRANES/OPERATOR	0.00	M	450.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 54 23	SCAFFOLDING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 54 31	MISC. EQUIPMENT	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 54 41	SMALL TOOLS	0.00		0.00	0.00		0.00	556.24	0.00	0.00	0.00	556.24	
1	01 55 13	TEMP ACCESS ROADS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 55 26	TRAFFIC CONTROL-FLAG PERSON	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 56 21	L.O.D. FENCE	0.00		0.00	1.00	LS	2,120.00	0.00	0.00	0.00	2,120.00	2,120.00	ALLOWANCE
1	01 56 23	TEMP. BARRICADES	0.00	M	140.00	1.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 56 26	TEMP. FENCING	1.00	M	140.00	1.00	LS	4,706.00	0.00	0.00	140.00	4,706.00	4,846.00	WILL HAVE TO BE IN PLACE
1	01 56 31	TEMP. SECURITY - GUARD	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 57 80	*WEATHER PROTECT*	0.00		0.00	0.00	Allow	0.00	0.00	0.00	0.00	0.00	0.00	
1	01 57 85	*SNOW REMOVAL*	0.00		0.00	0.00	Allow	0.00	0.00	0.00	0.00	0.00	0.00	
1	01 58 13	TEMP.PROJECT SIGNAGE	1.00	ALL	350.00	0.00		0.00	0.00	225.00	350.00	0.00	575.00	ALLOWANCE
1	01 71 13	MOBILIZATION	0.00		0.00	0.00		0.00	500.00	204.00	0.00	0.00	704.00	ONE MOB. TRIP
1	01 71 23	CONSTR.LAYOUT-SURVEY	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 73 29	CUT/ PATCHES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 74 13	PROGRESS CLEANUP	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	01 74 19	DUMPSTER	0.00		0.00	0.00		0.00	1,900.00	0.00	0.00	0.00	1,900.00	BASED ON 2 MONTHS
1	01 74 23	FINAL CLEANUP	0.00		0.00	0.00	SF	0.00	0.00	0.00	0.00	0.00	0.00	
1	01 76 00	PROTECT INSTALLED CONST.	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	See DIV 31 for	DEWATERING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	1000		0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
		TOTALS							4,904.24	36,593.00	2,980.00	7,076.00	51,553.24	

WEATHER ALLOWANCE

1		Weather Allowance	0.00		0.00	1.00	Allow	0.00	0.00	0.00	0.00	0.00	0.00	

WOODSIDE PARK PHASE 1 - DEMO

EXISTING CONDITIONS BUDGET
REVISED: 13-Jul-17

	PHASE	DESCRIPTION	QUAN. MAT.	UNIT	UNIT COST	QUAN. SUB	UNIT	UNIT COST	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13-Jul-17	
1	02 41 00	DEMOLITION	0.00		0.00	1.00	LS	46,600.00	0.00	0.00	0.00	46,600.00	46,600.00	GRANT MACKAY/ FIRE STATION DEMO
1	02 41 13	HOUSE MOVING	0.00		0.00	1.00	LS	78,261.00	0.00	0.00	0.00	78,261.00	78,261.00	JWW/ CLAY 1333 PA
1	02 41 16	STRUCTURE DEMOLITION	0.00		0.00	0.00		0.00	0.00	10,080.00	0.00	0.00	10,080.00	1333 PORTCH AND ADDITION DEMO
1	02 50 00	EXPLORITORY DEMO	0.00		0.00	0.00		0.00	0.00	720.00	0.00	0.00	720.00	1333 EXPLORITORY DEMO
1	02 60 00	CONTAM.SITE MATER.REMOVAL	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	02 80 00	FACILITY REMEDIATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	02 82 00	ASBESTOS REMEDIATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	02 83 00	LEAD REMEDIATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1			0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
	TOTALS								0.00	10,800.00	0.00	124,861.00	135,661.00	

WOODSIDE PARK PHASE 1 - DEMO

CONCRETE BUDGET

REVISED: 13 J...17

	PHASE	DESCRIPTION	QUAN. MAT.	UNIT	UNIT COST	QUAN. SUB	UNIT	UNIT COST	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13 J...17	
1	03 00 90	LAYOUT	0.00		0.00	0.00		0.00	0.00	900.00	0.00	0.00	900.00	ALLOWANCE
1	03 15 01	FASTENERS & SUNDRIES	1.00	ALL	250.00	0.00		0.00	0.00	0.00	250.00	0.00	250.00	ALLOWANCE
1	03 15 05	ANCHOR BOLTS	1.00	ALL	250.00	0.00		0.00	0.00	0.00	250.00	0.00	250.00	ALLOWANCE
1	03 15 07	EXP.JNT. FILLER	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 15 13	WATERSTOPS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 20 00	CONC. REINFORCEMENT	2,039.00		1.50	0.00		0.00	0.00	2,276.10	3,793.50	0.00	6,069.60	ALLOWANCE
1	03 20 11	REBAR Safety Caps	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 23 00	PT CABLES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
0		CON.FOOTING	0.00		86.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
0		CON. FORMS	0.00		1.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
0		SPOT FOOTING	0.00		86.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
0		SPOT FORMS	0.00		1.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 31	FOOTING	19.00	cy	114.00	0.00		0.00	0.00	3,150.00	2,166.00	0.00	5,316.00	ALLOWANCE
1	03 31 32	FOOTING FORMS	561.00	sf	2.00	0.00		0.00	0.00	0.00	1,122.00	0.00	1,122.00	ALLOWANCE
1	03 31 61	CON. WALLS	42.00	cy	114.00	0.00		0.00	0.00	15,180.75	4,788.00	0.00	19,968.75	ALLOWANCE
1	03 31 62	WALL FORMS	2,259.00		2.00	0.00		0.00	0.00	0.00	4,498.00	0.00	4,498.00	ALLOWANCE
1	03 31 43	CONC CURBS	0.00		92.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 44	CONC CURB FORMS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 45	RAD CONC WALLS	0.00		92.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 46	RAD CONC FORMS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 47	GANG WALLS	0.00		92.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 48	GANG FORMS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 53	CONC. COLUMNS	0.00		92.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 54	COLUMN FORMS	0.00		1.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 61	SLABS O/G	0.00		90.00	1,100.00	SF	8.00	0.00	0.00	0.00	8,800.00	8,800.00	ALLOWANCE
1	03 31 62	SLAB O/G FORMS	0.00		0.25	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 71	SUSP. SLABS	0.00		115.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 72	SUSP. SLAB FORMS	0.00		0.25	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 74	EDGE FORMS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 75	SHORING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
0	03 31 76	DROP HEAD ADD TO CY 033171	0.00		115.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 78	BEAMS	0.00		115.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 79	BEAM FORMS	0.00		12.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 85	CONC STAIRS	0.00		115.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 86	CONC STAIR FORMS	0.00		2.50	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 87	CONCRETE ... P...	0.00		90.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 31 95	PUMP	0.00		0.00	61.00		20.00	0.00	0.00	0.00	1,220.00	1,220.00	
1	03 37 13	SHOTCRETE - WALL	0.00		125.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 39 00	CONC. CURING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 40 00	PRE-CAST CONCRETE	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 54 13	GYPSUM CEMENT UNDERLAYMENT	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 60 00	GROUTING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 65 11	RUB AND PATCH	0.00		0.00	562.25		0.25	0.00	759.04	0.00	140.56	899.60	
1	03 81 00	SAW CUT JOINTS	0.00		2.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	03 91 00	CONCRETE SUB BUDGET	0.00		0.10	0.00	SF	0.00	0.00	0.00	0.00	0.00	0.00	
		TOTALS							0.00	21,365.89	16,867.50	10,160.56	48,293.95	

WOODSIDE PARK PHASE 1 - DEMO

THERMAL & MOISTURE PROTECTION BUDGET
REVISED: 13-Jul-17

PHASE		DESCRIPTION	QUAN. MAT.	UNIT	UNIT COST	QUAN. SUB	UNIT	UNIT COST	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13-Jul-17
1	07 11 00	DAMP PROOFING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 12 00	BUILT-UP BITUMINOUS W.P.	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 13 00	SHEET WATERPROOFING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 14 00	FLUID-APPLIED W.P.	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 18 00	TRAFFIC COATINGS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 19 00	WATER REPELLENTS (IE: Conc Sealers)	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 21 13	BOARD INSULATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 21 16	BLANKET INSULATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 24 00	E.I.F.S.	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 25 00	WEATHER BARRIERS (Tyvek)	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 26 13	Above-Grade Vapor Retarders	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 26 16	Below-Grade Vapor Retarders	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 27 00	AIR BARRIERS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 31 00	SHINGLES & SHAKES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 41 13	METAL ROOF PANELS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 42 13	METAL WALL PANELS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 46 23	WOOD SIDING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 46 46	MINERAL-FIBER CEMT SIDING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 50 00	MEMBRANE ROOFING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 61 00	SHEET METAL ROOFING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 62 00	SHT.METAL FLASHINGS&TRIM	0.00	LF	1.50	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 65 00	FLEXIBLE FLASHING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 71 23	GUTTERS/DOWNSPOUTS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 72 33	ROOF HATCHES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 72 53	SNOW GUARDS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 81 00	SPRAYED FIREPROOFING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 84 00	FIRESTOPPING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 92 00	JOINT SEALANTS	0.00	LS	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1	07 95 13	EXP.JOINT COVER ASSEMBLIES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
1			0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
		TOTALS							0.00	0.00	0.00	0.00	0.00

WOODSIDE PARK PHASE 1 - DEMO

MECHANICAL BUDGET
REVISED: 13-Jul-17

	PHASE	DESCRIPTION	QUAN. MAT.	UNIT	UNIT COST	QUAN. SUB	UNIT	UNIT COST	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13-Jul-17	
1	DIV. 21 - FIRE SUPPRESSION					0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	21 13 00	F. S. SPRINKLER SYSTEMS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1						0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 22 - PLUMBING					1.00	ALL	5,000.00	0.00	0.00	0.00	5,000.00	5,000.00	ALLOWANCE FOR TERMINATION
1	22 05 01	PLUMBING				0.00		0.00	0.00	0.00	0.00	0.00	0.00	OF EXISTING PLUMBING AND SEWER
1	22 07 00	PLUMBING INSULATION				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	22 10 00	PLUMBING PIPING & PUMPS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	22 30 00	PLUMBING EQUIPMENT				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	22 40 00	PLUMBING FIXTURES				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 23 - HVAC					0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 05 01	HVAC				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 07 00	HVAC INSULATION				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 09 00	INSTRUMENTATION & CONTROL for HVAC				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 11 23	FACILITY NATURAL GAS PIPING				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 20 00	HVAC PIPING & PUMPS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 30 00	HVAC AIR DISTRIBUTION				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 50 00	CENTRAL HEATING EQUIPMENT				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 60 00	CENTRAL COOLING EQUIPMENT				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 83 00	RADIANT HEATING UNITS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 83 18	HYDRONIC SNOWMELT				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	23 84 00	HUMIDITY CONTROL EQUIPMENT				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1						0.00		0.00	0.00	0.00	0.00	0.00	0.00	
		TOTALS							0.00	0.00	0.00	5,000.00	5,000.00	

WOODSIDE PARK PHASE 1 - DEMO

ELECTRICAL BUDGET
REVISED: 13-Jul-17

	PHASE	DESCRIPTION	QUAN. MAT.	UNIT	UNIT COST	QUAN. SUB	UNIT	UNIT COST	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13-Jul-17	
1	DIV. 25 - INTEGRATED AUTOMATION					0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	25 05 01	INTEGRATED AUTOMATION				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1						0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 26 - ELECTRICAL					0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	26 05 01	ELECTRICAL				1.00	ALL	5,000.00	0.00	0.00	0.00	5,000.00	5,000.00	ALLOWANCE FOR TERMINATION
1	26 05 17	HEAT TRACE SYS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	OF EXISTING ELECTRICAL
1	26 41 00	FACILITY LIGHTNING PROTECTION				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	26 51 00	INTERIOR LIGHTING				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	26 56 00	EXTERIOR LIGHTING				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1						0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 27 - COMMUNICATIONS					0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	27 10 00	STRUCTURED CABLING				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	27 20 00	DATA COMMUNICATIONS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	27 30 00	VOICE COMMUNICATIONS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	27 40 00	AUDIO-VIDEO COMMUNICATIONS				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1						0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 28 - ELECTRONIC SAFETY & SECURITY					0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	28 13 00	ACCESS CONTROL				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	28 16 00	INTRUSION DETECTION (Security System)				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	28 20 00	ELECTRONIC SURVEILLANCE				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	28 31 00	FIRE DETECTION & ALARM				0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1						0.00		0.00	0.00	0.00	0.00	0.00	0.00	
		TOTALS							0.00	0.00	0.00	5,000.00	5,000.00	

WOODSIDE PARK PHASE 1 - DEMO

SITE WORK BUDGET

REVISED: 13 Jun 17

	PHASE	DESCRIPTION	QUAN.	UNIT	UNIT	QUAN.	UNIT	UNIT	EQUIP. $	LABOR $	MATERIAL $	SUBS $	TOTAL $ 13 Jun 17	
1	DIV. 31 - EARTHWORK		0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 10 00	SITE CLEARING	0.00		0.00	0.00		0.00	0.00	1,440.00	0.00	0.00	1,440.00	ALLOWANCE FOR GRUBBING FOR FENCE
1	31 23 00	EXCAVATION & FILL	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 23 19	DEWATERING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 25 00	EROSION CONTROL (SWPPP)	1.00	ALL	500.00	1.00	ALL	350.00	0.00	720.00	500.00	350.00	1,570.00	ALLOWANCE. INCLUDES NOI COST
1	31 25 03	SILT FENCE	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	IN LOD FENCE NUMBER 01 16 21
1	31 31 00	SOIL TREATMENT (R..... T..... C.....	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 32 33	SHOTCRETE SLOPE STABILIZATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 41 00	SHORING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 51 00	ANCHOR TIEBACKS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	31 63 00	BORED PILES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 32 - EXTERIOR IMPROVEMENTS		0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 00 00	FASTENERS & SUNDRIES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 12 16	ASPHALT PAVING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 13 13	CONCRETE PAVING	0.00	CY	90.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 13 14	CONC. PAVING FORMS	0.00	SF	1.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 13 72	EXP. JOINT FILLER	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 13 73	CONC.PAV. JOINT SEALANTS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 16 00	CURBS & GUTTERS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 17 23	PAVEMENT MARKINGS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 31 00	FENCES & GATES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 32 11	C.I.P.C.... RET.WALL FOOTINGS	0.00	CY	88.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 32 12	RET.WALL FTG FORMS	0.00	SFFA	1.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 32 13	C.I.P.C.... RETAINING WALLS	0.00	CY	90.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 32 14	RETAINING WALL FORMS	0.00	SFFA	1.25	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 32 23	SEGMENTAL RETAINING WALLS (M.....	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 32 46	BOULDER RET.WALLS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 84 00	PLANT IRRIGATION	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	32 90 00	PLANTING	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	DIV. 33 - UTILITIES		0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	33 10 00	WATER UTILITIES	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	33 30 00	SANITARY SEWERAGE UTIL.	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	33 41 00	STORM DRAINAGE UTIL.	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	33 46 13	FOUNDATION DRAINAGE	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1	33 47 26	STORM DRAINAGE PONDS	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
1			0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	
TOTALS									0.00	2,160.00	500.00	350.00	3,010.00	

MEN	DAYS	MONTHS
1	6	0.27

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Park City operates and maintains 24 water storage tanks in the distribution system and water treatment plants. Outlined in this report is a recommendation for approval of a construction agreement to inspect and clean these tanks over the span of three years.

Respectfully:

Kyle MacArthur, Water Operations Team Leader

City Council
Staff Report

Subject:	**Water Tank Inspection and Cleaning Construction Agreement Liquivision Technology Inc.**
Author:	**Kyle MacArthur, Water Distribution Manager**
Department:	**Public Utilities, Water**
Date:	**8/17/2017**
Type of Item:	**Administrative**

Summary Recommendation
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Liquivision Technology Inc for the Water Tank Inspection and Cleaning project in an amount of $35,450.

Executive Summary
Park City operates and maintains 24 water storage tanks in the distribution system and water treatment plants. Outlined in this report is a recommendation for approval of a construction agreement to inspect and clean these tanks over the span of three years.

Acronyms
AWWA American Water Works Association

The Problem
All water systems naturally accumulate sediment in their storage tanks over the course of time. Also, the tanks and their piping, like any infrastructure, deteriorate as they age. Because of this, the American Water Works Association (AWWA) recommends inspecting and cleaning tanks every five years. Tank inspection and cleaning is very specialized work that requires the use of either remotely operated vehicles or certified divers to perform, as well as specialized cleaning and video equipment.

Background
Park City has set water quality goals that are more stringent than industry standards. One of our goals is to clean and inspect the tanks every three years as opposed to the AWWA recommended interval of five years. By doing so, less sediment is allowed to accumulate on the floors of the tanks, and potential issues will be caught earlier.

Some of our water tanks are approaching 60 years old. They are in generally good shape based on past inspections, but will likely require some maintenance work in the near future. The services of the consultant will identify these issues so that we can plan and budget for asset management.

Proposed Consultant Services
The detailed fees for Liquivision Technology, Inc is listed in Exhibit A.

Alternatives for City Council to Consider

1. **Recommended Alternative**

   Pros

   - Improved water quality and removal of sediment in our storage tanks in line with Council's Desired Outcome of "Enhanced water quality and high customer confidence"
   - Identify existing issues with tank conditions and plan for asset management in line with the Desired Outcome of "Adequate and reliable water supply"

   Cons

   - Impact to Water Operations budget

1. **Null Alternative**

   Pros:

   - No impact to Operations budget

   Cons:

   - Continued accumulation of sediment in storage tanks
   - Lack of knowledge of condition of tanks and ability to plan for repair work

Department Review

This report has been reviewed by representatives from Public Utilities, Legal and Executive and their comments have been integrated.

Funding Source

Services for this project are to be funded from the approved Water Operations budget.

Attachments

Exhibit A Fee Summary, Liquivision Technology

FEE PROPOSAL – Attachment A

Fee Proposal: Provide summary price for each category.

WATER TANK INSPECTION AND CLEANING 2017

	Numbers
Total Mobilization and Demobilization 2017	$ 450.
Total Tank Inspection and Cleaning (Bald Eagle)	$ 1600.
Total Tank Inspection and Cleaning (Empire)	$ 1500.
Total Tank Inspection and Cleaning (Sandstone Cove)	$ 1400.
Total Tank Inspection and Cleaning (Neck)	$ 1600.
Total Tank Inspection and Cleaning (Thaynes #1)	$ 1400.
Total Tank Inspection and Cleaning (Thaynes #2)	$ 1600.
Total Tank Inspection and Cleaning (Aerie)	$ 1600.
Total Tank Inspection and Cleaning (Iron Canyon)	$ 1400.
Total Condition Assessment Report Costs 2017	$ included
Total Other Costs 2017 (_____)	$ N/A

WATER TANK INSPECTION AND CLEANING 2018

	Numbers
Total Mobilization and Demobilization 2018	$ 450.
Total Tank Inspection and Cleaning (Spiro WTP Finish #1)	$ 1050.
Total Tank Inspection and Cleaning (Spiro WTP Finish #2)	$ 1400.
Total Tank Inspection and Cleaning (Spiro WTP Raw Wetwell)	$ 1050.

Total Tank Inspection and Cleaning (Boothill #1)	$ 1600.
Total Tank Inspection and Cleaning (Boothill #2)	$ 2000.
Total Tank Inspection and Cleaning (Flagstaff)	$ 1750.
Total Tank Inspection and Cleaning (North Lake Flat)	$ 1400.
Total Tank Inspection and Cleaning (Red Cloud)	$ 1750
Total Condition Assessment Report Costs 2018	$ included
Total Other Costs 2018 (_____)	$ —

WATER TANK INSPECTION AND CLEANING 2019

	Numbers
Total Mobilization and Demobilization 2019	$ 450.
Total Tank Inspection and Cleaning (Fairway Hills)	$ 1600.
Total Tank Inspection and Cleaning (Quarry Mountain)	$ 1500.
Total Tank Inspection and Cleaning (Solamere)	$ 1500.
Total Tank Inspection and Cleaning (Masonic)	$ 1400
Total Tank Inspection and Cleaning (Silver Lake)	$ 1500.
Total Tank Inspection and Cleaning (Quinns WTP Finish Wetwell)	$ 1100.
Total Tank Inspection and Cleaning (Woodside)	$ 1400.
Total Condition Assessment Report Costs 2019	$ included
Total Other Costs 2019 (_____)	$ —
TOTAL FEE, Water Tank Inspection and Cleaning 2017-2019	$ 35,450.

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Park City Municipal Corporation (PCMC) closed on its purchase of Bonanza Flat on June 15, 2017. In addition to using funds from an open space bond, PCMC received contributions towards the purchase price from other public agencies and private donors. Salt Lake County authorized a contribution of $1,500,000 and the interlocal agreement, which is attached to this report as Exhibit "A", memorializes PCMC's acceptance of those funds.

Respectfully:

Michelle Kellogg, City Recorder

City Council Staff Report

Subject:	**Interlocal Agreement between Salt Lake County and Park City Municipal Corporation**
Author:	**Tom Daley**
Department:	**Deputy City Attorney**
Date:	**August 17, 2017**
Type of Item:	**Administrative**

Summary Recommendations

Staff recommends Council authorize the Mayor to execute an interlocal agreement with Salt Lake County whereby Salt Lake County contributes $1,500,000 to the purchase of Bonanza Flat.

Executive Summary

Park City Municipal Corporation (PCMC) closed on its purchase of Bonanza Flat on June 15, 2017. In addition to using funds from an open space bond, PCMC received contributions towards the purchase price from other public agencies and private donors. Salt Lake County authorized a contribution of $1,500,000 and the interlocal agreement, which is attached to this report as Exhibit "A", memorializes PCMC's acceptance of those funds.

Acronyms

PCMC – Park City Municipal Corporation
SLC – Salt Lake City Corporation

Background and Analysis

On June 8, 2017, the Salt Lake County Council voted to allocate $1,500,000 from its Tourism, Recreation, Cultural, and Convention Fund to PCMC's purchase of Bonanza Flat. The contribution was based on Utah Open Lands' commitment to work with Salt Lake County on recreational resource management in Emigration Canyon utilizing land owned by Utah Open Lands in Emigration Canyon. Salt Lake County's contribution was also made in recognition of the incredible value Bonanza Flat provides for its citizenry, both in terms of a unique recreational experience and as part of protecting the watershed affecting a significant portion of the water used in Salt Lake County.

The interlocal agreement commits PCMC to conveying a conservation easement to a qualified entity no later than December 31, 2018. This is consistent with PCMC's expectation.

Department Review:

This report has been reviewed by the City Attorney's Office and the City Manager's Office.

Alternatives:

A. **Approve:**

This is staff's recommended alternative. This interlocal agreement memorializes Salt Lake County's contribution and is required by both Salt Lake County and PCMC to facilitate the use of the funds.

B. **Deny:**

Denying would require PCMC to return the funds to Salt Lake County unless the parties executed another agreement.

C. **Modify:**

Council could request modifications to the terms of the agreement and staff could discuss those changes with Salt Lake County. However, staff thinks the agreement is satisfactory as written.

D. **Continue the Item:**

Council could continue the item in conjunction with a request of staff to discuss modifications with Salt Lake County.

E. **Do Nothing:**

Council could do nothing. This would require PCMC to return the funds to Salt Lake County.

Funding Source:

The interlocal agreement memorializes funds already allocated to the purchase of Bonanza Flat.

Consequences of not taking the recommended action:

PCMC would have to return the $1,500,000 to Salt Lake County or negotiate a new agreement.

Recommendation:

Staff recommends Council authorize the Mayor to execute an interlocal agreement with Salt Lake County whereby Salt Lake County contributes $1,500,000 to the purchase of Bonanza Flat.

Exhibits

Exhibit "A" – Interlocal Cooperation Agreement by and between Salt Lake County for its Parks and Recreation Division and Park City Municipal Corporation.

Exhibit "A"

County Contract No. _____
District Attorney No. 17-09089

INTERLOCAL COOPERATION AGREEMENT

By and between

SALT LAKE COUNTY

For its Parks and Recreation Division

and

PARK CITY CORPORATION

[Bonanza Flat]

This INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into as of this _____ day of _____ 20___ by SALT LAKE COUNTY ("County"), a body corporate and politic of the State of Utah for its Division of Parks and Recreation and the PARK CITY CORPORATION ("City"), a municipal corporation of the State of Utah.

RECITALS:

WHEREAS, the parties are public agencies and are therefore authorized by the Utah Interlcoal Cooperation Act, section 11-13-101, et seq., U.C.A., to enter into agreements with each other which will enable them to make the most efficient use of their powers; and

WHEREAS, City has sought financial support to purchase and protect 1,350 acres of an open space area in the Wasatch Mountain Range known as Bonanza Flat; and

WHEREAS, on June 6, 2017, the Salt Lake County Council approved Mayor Ben

McAdams' request to appropriate $1.5M in TRCC funds to conserve Bonanza Flat; and

WHEREAS, in exchange for funding from the County, the City has agreed to purchase and preserve from development the property known as Bonanza Flat which is more precisely identified in Exhibit A attached hereto.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. The County shall pay the City One Million Five Hundred thousand dollars ($1,500,000) before August 31, 2017.

2. The City shall purchase the property indicated on Exhibit A known as Bonanza Flat on or before December 31, 2017 and shall transfer a conservation easement no later than December 31, 2018 to an authorized holder for purposes of protecting the scenic, natural, and scientific values of the property.

3. TERM. This Agreement shall become effective upon execution and shall terminate on the earlier of the completion of the parties' obligations hereunder.

4. INDEMNIFICATION. Both parties are governmental entities under the Governmental Immunity Act of Utah (the "Immunity Act"), Utah Code Ann. §§ 63G-7-101 to -904 (2014), as amended. Consistent with the terms of the Immunity Act, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts which it commits, or which are committed by its agents, officials, or employees. Neither Party waives any defenses otherwise available under the Immunity Act nor does any party waive any limits of liability now or hereafter provided by law. The parties agree to indemnify each other and hold each other harmless from any damages or claims for damages occurring to persons or property as a result of negligence or fault of their own officers,

employees or agents involved in the matter pertaining to this Agreement. The parties further agree to notify each other of any claims or actions under which one party may have to indemnify the other within thirty (30) days of receiving such claim or action. This section shall survive the termination of this Agreement.

5. AGENCY. No agent, employee or servant of the City or County is or shall be deemed to be an employee, agent or servant of the other party. None of the benefits provided by each party to its employees including, but not limited to, workers' compensation insurance, health insurance and unemployment insurance, are available to the employees, agents, or servants of the other party. The City and County shall each be solely and entirely responsible for its acts and for the acts of its agents, employees, and servants during the performance of this Agreement.

6. AUTHORITY TO BIND. The parties hereto represent that the person executing this instrument on their behalf has the authority to do so and the authority to bind that party.

7. ASSIGNMENT. The County's interest in this Agreement may not be assigned without the prior written approval of the City which approval shall not be unreasonably withheld or delayed.

8. NOTICES. Any notice required or permitted to be given under this Agreement shall be deemed sufficient if given by a written communication and shall be deemed to have been received upon personal delivery, actual receipt, or within two days after such notice is deposited in the United States Mail, postage prepaid, and certified and addressed to the Parties as set forth below:

To the County: Director - Division of Parks and Recreation
2001 South State Street, S4-700
Salt Lake City. Utah 84190

Contracts Administrator
Salt Lake County
2001 South State, Suite, N4-600
Salt Lake City, Utah 84190

9. INTERLOCAL COOPERATION ACT.

A. This Agreement shall be approved by each party, pursuant to Utah Code Ann. § 11-13-202.5 of the Interlocal Cooperation Act.

B. The Parties agree that the provisions of this contract create no new entity and no joint governing board is created or required. However, to the extent that any administration of this Agreement becomes necessary, then the Salt Lake County Director of Parks and Recreation and the Sandy City Director of Parks and Recreation, or their designees shall constitute a joint board for such purpose. No real or personal property shall be acquired jointly by the parties as a result of this Agreement. The County shall not own or maintain any ownership interest in any facilities, including the Utah Freedom Memorial, as a result of this Agreement.

C. The Parties agree that this contract will be entered into, processed, approved, reviewed by an attorney as to legality, and filed in accordance with the provisions and requirements of the Act.

D. A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each party, pursuant to Section 11-13-209 of the Interlocal Act.

E. Each party shall be responsible for its own costs and of any action done pursuant to this Agreement, and for the financing of those costs.

10. Miscellaneous

A. *Applicable Law.* The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

B. *Integration.* This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining thereto.

C. *Amendment.* This Agreement may only be amended by a writing signed by both parties.

D. *Survival.* All agreements, covenants, representations and warranties contained herein shall survive the execution of this Agreement and shall continue in full force and effect.

E. *Waiver.* No failure by any party to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or of such or any other covenant, agreement, term or condition. Any party may, by notice delivered in the manner provided in this Agreement, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party. No waiver shall affect or alter the remainder of this Agreement but each and every other covenant, agreement, term and condition hereof shall continue in full

force and effect with respect to any other then existing or subsequently occurring breach.

F. *Severability.* In the event that any condition, covenant or other provision hereof is held to be invalid or void, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

G. *Counterparts.* This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the District and the County have caused this agreement to be duly executed as of the day and year written first above.

SALT LAKE COUNTY

By: _____
Mayor, Salt Lake County

Date: _____

APPROVED AS TO FORM AND LEGALITY

By: Megan L. Smith
MEGAN L. SMITH
Salt Lake County Deputy District Attorney

PARK CITY CORPORATION

By: Jack B. Thomas

Title: Mayor

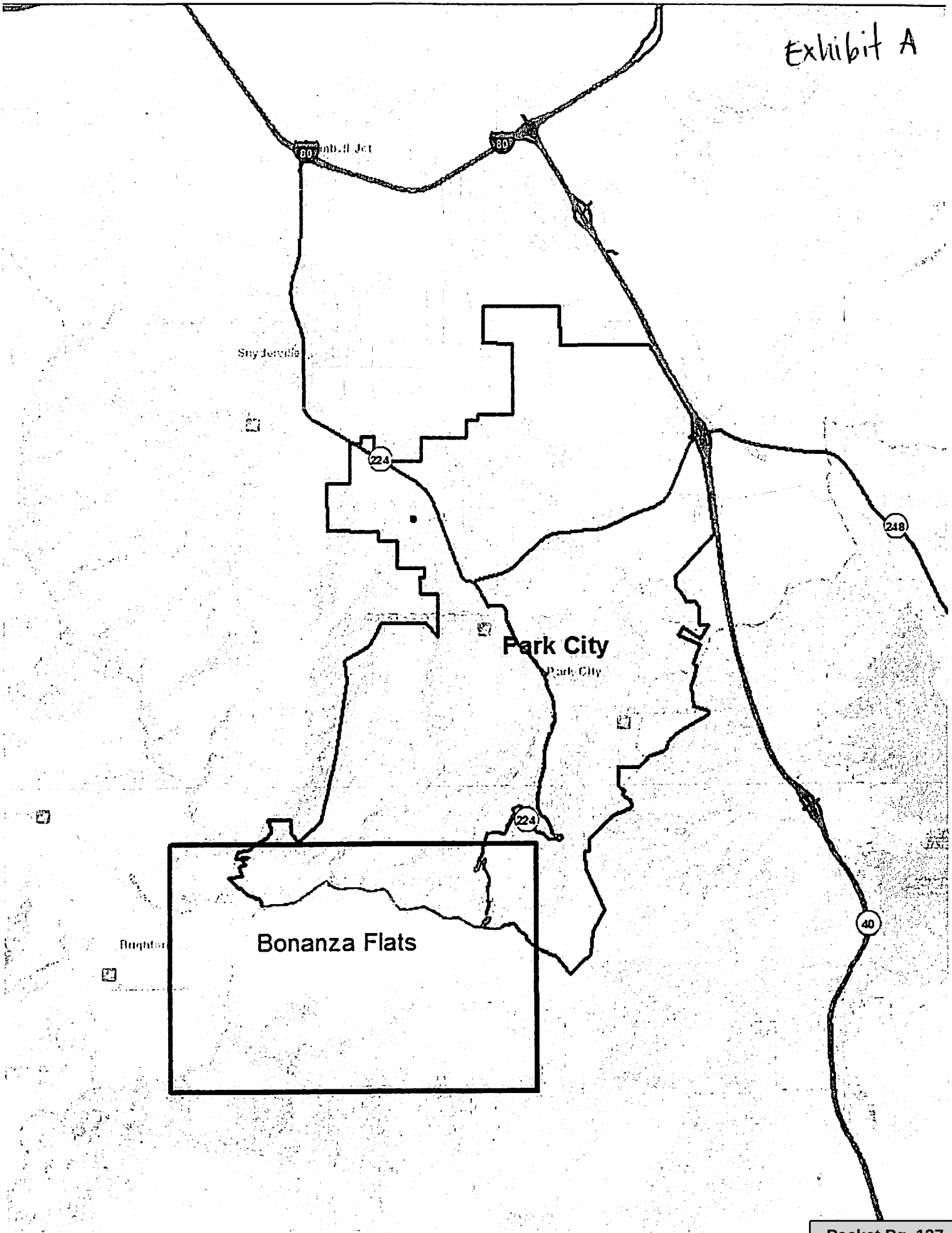
Date: Aug 8, 2017

APPROVED AS TO FORM AND LEGALITY

By: _____
Attorney for Park City

Date: 8/8/17

Exhibit A



DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Under an existing lease agreement, PCMC currently leases Spiro Tunnel water from SLC between May 1st and October 31st. In March of 2016, PCMC and SLC amended that lease agreement to provide for year round use of SLC's Spiro Tunnel water; expanded snowmaking deliveries; and the consideration of possible options for the future use of the SLC Spiro Tunnel Water. The March, 2016 amendment expires on October 31, 2017. The amendment now before Council extends the terms of the March, 2016 amendment to October 31, 2018.

Respectfully:

Hilary Adams, Paralegal

City Council
Staff Report

Subject:	**Amendment to Water Supply Agreement between Salt Lake City and Park City**
Author:	**Tom Daley**
Department:	**Deputy City Attorney**
Date:	**August 17, 2017**
Type of Item:	**Administrative**

Summary Recommendations
Staff recommends Council authorize the City Manager to execute an amendment which would extend to October 31, 2018 the terms of: 1) the October 8, 1991 Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation; and 2) the March 2, 2016 amendment to the 1991 agreement.

Executive Summary
Under an existing lease agreement, PCMC currently leases Spiro Tunnel water from SLC between May 1st and October 31st. In March of 2016, PCMC and SLC amended that lease agreement to provide for year round use of SLC's Spiro Tunnel water; expanded snowmaking deliveries; and the consideration of possible options for the future use of the SLC Spiro Tunnel Water. The March, 2016 amendment expires on October 31, 2017. The amendment now before Council extends the terms of the March, 2016 amendment to October 31, 2018.

Acronyms
PCMC – Park City Municipal Corporation
SLC – Salt Lake City Corporation

Background
PCMC currently leases 1,000 acre feet from SLC's 36% of the water originating from above the 6,600 foot point in the Spiro Tunnel between May 1st and October 31st of each year. The lease agreement was executed on October 8, 1991 and carried an initial twenty-five (25) year term with the option to renew for successive five (5) year periods upon written agreement. PCMC and SLC extended the agreement to 2021, and may agree to extend it for additional five (5) year periods beyond that date. PCMC and SLC are interested in extending the year-round agreement for an additional year while continuing to explore the possibility of a long-term, year-round use agreement. If a year-round agreement is not reached, PCMC and SLC can agree to continue the 1991 agreement that provides for use between May and October. PCMC puts this water to use in its municipal water system.

Key terms of the 1991 Agreement include:

- Replaced and extended a prior lease agreement from 1980
- Lease includes 1,000 acre feet for Park City's use between May 1st and October 31st of each year for 25 years

- Term may be extended for successive 5 year periods upon written consent of both parties
- Take or pay contract (we pay whether we use the water or not)
- Annual price is $30,250 multiplied by 55% of the prior year's Salt Lake Metropolitan per acre foot rate
- For reference, the first year's cost in 1991 was $60,540 and the latest bill for the 2015 period was $153,267 which represents about a 3.9% average annual increase

Analysis:
The March 2016 amendment to the 1991 Agreement expanded the period of use to year round, allowed PCMC to temporarily expand snowmaking deliveries, and memorialized the parties' interest in discussing possible options for the future use of the SLC Spiro Tunnel Water.

The proposed amendment extending the 2016 amendment to October 31, 2018 is attached to this staff report as Exhibit A for Council's review.

Key terms of the March 2016 amendment that would be extended to October 31, 2018 by the amendment currently before Council:

- Enlarges the period of use to a year round basis subject to being surplus to SLC's demand
- Extends term of 1991 agreement one year
- Term may be extended upon the written consent of both parties
- PCMC pays only for the quantity of the water used, times fifty-five percent (55%) of the current "Metropolitan Water Rate"
- All terms of the 1991 agreement remain in effect
- Park City may pursue with the State Engineer a credit for the return flow of this water

Department Review:
This report has been reviewed by the City Attorney's Office and the City Manager's Office.

Alternatives:

A. Approve:
This is staff's recommended alternative. Extending the amendment to the 1991 Agreement would enlarge the period of use to year round, allow PCMC to temporarily expand snowmaking deliveries, and consider possible options for the future use of the SLC Spiro Tunnel Water.

B. Deny:
Denying the amendment would result in PCMC not increasing snowmaking deliveries to Vail Resorts in the short term. Upon consent of SLC and PCMC, the 1991 agreement for summer use of SLC's Spiro water could be extended for successive 5 year periods.

C. Modify:
Council could request modifications to the terms of the amendment.

D. Continue the Item:
Council could continue the item; the existing amendment expires on October 31, 2017.

E. Do Nothing:
Council could do nothing. This option would have the same impacts as denying (if Council does not revisit the item prior to October 31, 2017) and continuing (if Council does revisit the item prior to the October 31, 2017).

Funding Source:
Costs associated with water diverted will be passed onto the user of the water. The cost of preparing and executing the addendum is included in the current approved water operations budget.

Consequences of not taking the recommended action:
SLC and PCMC are in productive discussions regarding SLC's Spiro water. Denying or delaying the amendment would result in PCMC not increasing snowmaking deliveries to Park City Mountain in the short term. Upon consent of SLC and PCMC, the 1991 agreement for summer use of SLC's Spiro water could be extended for successive 5 year periods.

Recommendation:
Staff recommends Council authorize the City Manager to execute an amendment which would extend to October 31, 2018 the terms of: 1) the October 8, 1991 Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation; and 2) the March 2, 2016 amendment to the 1991 agreement.

Exhibits
Exhibit A – Draft Amendment to the October, 1991 Water Supply Agreement between Park City and Salt Lake City regarding the lease of Spiro Tunnel water

2017 Amendment to Water Supply Agreement

This 2017 Amendment to Water Supply Agreement is made and entered into on the _____ day of _____, 2017, by and between Salt Lake City Corporation, a municipal corporation of the State of Utah, (the "**City**") and Park City Water Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated §17A-2-1301 *et seq*., 1953, as amended, (the **"District")**." The City and the District are hereinafter sometimes referred to as a **Party** and collectively as the **Parties**.

WHEREAS, the City and Park City Municipal Corporation entered into a Water Supply Agreement on October 8, 1991, (hereinafter the "Agreement"), which provided for the City to make available to Park City Municipal Corporation of a portion of Spiro Tunnel Water from May 1 and October 31 of each year, provided that such water was surplus to the City's needs; and

WHEREAS, Park City Municipal Corporation has assigned all of its rights, interests and obligations under the Agreement to the District; and

WHEREFORE, on March 2, 2016, the City and the District entered into the Amendment to the Agreement (the "March 2, 2016 Amendment") to extend the term of the Agreement until October 31, 2017 and also make available to the District the City's Spiro Tunnel Winter Water; and

WHEREAS, the City and the District now desire to extend the terms of the Agreement and the March 2, 2016 Amendment, without changing the other terms of the Agreement and the March 2, 2016 Amendment;

NOW, THEREFORE, in consideration of the premises, the Parties agree to amend the Agreement and the March 2, 2016 Amendment as follows:

1. Paragraph 3 of the March 2, 2016 Amendment is hereby deleted in its entirety and amended to state:

Term. The term of this 2017 Amendment shall take effect upon recordation of it by the Salt Lake City Recorder, and shall end on October 31, 2018; provided, however, that the term may be extended upon the written consent of both Parties.

2. Except as provided in this 2017 Amendment, the Agreement and the March 2, 2016 Amendment shall continue in full force and effect in accordance with their terms.

3. Representation Regarding Ethical Standards for Salt Lake City Officers and Employees and Former Salt Lake City Officers and Employees. The District represents that it has not (1) provided an illegal gift or payoff to an Salt Lake City officer or employee or former Salt Lake City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in Salt Lake City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, an Salt Lake City officer or employee or former Salt Lake City officer or employee to breach any of the ethical standards set forth in Salt Lake City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

IN WITNESS WHEREOF, the Parties have caused this 2017 Amendment to Water Supply Agreement to be executed as of the day and year first above written.

PARK CITY WATER SERVICE DISTRICT

_____
Jack Thomas, Chair

Attest:

_____
Michelle Kellogg, City Recorder

Approved as to form:

_____
Thomas A. Daley, Sr., Deputy City Attorney

SALT LAKE CITY CORPORATION

_____
Laura Briefer, Director
Salt Lake City Department of Public Utilities

Attest:

_____
Salt Lake City Recorder
Approved as to form:

_____
E. Russell Vetter, Deputy City Attorney

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Council recently conducted four interviews for the three vacant seats on RAB. Council expressed a desire to appoint all 4 individuals but due to the Ordinance that governs the board they were restricted on their ability to appoint all four.
Council expressed a desire to amend the ordinance to give them greater flexibility. Staff recommends that the ordinance be amended to allow not less than five (5) members and not more than nine (9) members.

Respectfully:

Tate Shaw, Recreation Manager

City Council
Staff Report

Subject: Amendment to Recreation Advisory Board Ordinance
Author: Ken Fisher, Recreation Manager
Department: Recreation
Date: August 17, 2017
Type of Item: Legislative

Summary Recommendation

Amend Section 2-4-14 of the Park City Municipal Code to allow the Recreation Advisory Board (RAB) to consist of not less than five (5) members and not more than nine (9) members.

Executive Summary

Council recently conducted four interviews for the three vacant seats on RAB. Council expressed a desire to appoint all four individuals but due to the Ordinance that governs the board they were restricted on their ability to appoint all four. By adding additional members will allow for more input from the community.

Council expressed a desire to amend the ordinance to give them greater flexibility. Staff recommends that the ordinance be amended to allow not less than five (5) members and not more than nine (9) members.

Acronyms

RAB Recreation Advisory Board

The Problem

City Council recently conducted interviews for vacant seats on RAB. All the candidates that applied were qualified and Council wanted to appoint more seats than what is currently allowed under the current Park City Municipal Code Section 2-4-14.

In order to create flexibility on the number of members on RAB the ordinance needs to be amended.

Background

- The original Parks, Recreation & Beautification Advisory Board had between 8-12 members.
- The RAB was created in 2003 and replaced the Parks, Recreation & Beautification Advisory Board,
- This new RAB board became up to a 7 member board.
- Section 2-4-16 of the Park City Municipal Code currently allows the Library Board to have between five (5) and nine (9) members.

Alternatives for City Council to Consider

1. **Recommended Alternative:**

   Pros

City Council should amend Section 2-4-14 of the Park City Municipal Code to allow the Recreation Advisory Board to consist of not less than five (5) members and not more than nine (9) members.

   a. This will allow greater flexibility when appointing members to RAB

   Cons

As the board membership is increased it may become more difficult to manage.

2. **Null Alternative:** If the ordinance is not amended then the current ordinance will remain which sets the RAB at up to seven (7) members.

   Pros: Board would remain as is and has operated effectively with up to seven (7) members since 2003

   Cons: Limits the ability to appointed qualified individuals because the size of the Board is fixed at up to 7.

Department Review

This report has been reviewed by Recreation, Legal and Executive

Attachment 1: RAB Ordinance

Attachment 1: RAB Ordinance

Ordinance No. 2017-43

AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION, CHAPTER 4, CITY ADMINISTRATION, SECTION 14, RECREATION ADVISORY BOARD, OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO AMEND THE NUMBER OF RECREATION ADVISORY BOARD MEMBERS

WHEREAS, the City Council wishes to amend its advisory board on recreation matters with increased board members to facilitate Council communication, goals, priorities and community input; and

WHEREAS, this board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, AS FOLLOWS:

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. Title 2, Chapter 4, Section 14 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2-4-14 Recreation Advisory Board

There is hereby created a Recreation Advisory Board. The Board shall consist of between five (5) and nine (9) ~~up to seven (7)~~ members, and one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES. Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall serve a term of three (3) years, but shall serve until their successor is appointed. Initially, two (2) appointments each shall be made for one (1) and two (2) year terms, and three (3) appointments shall be made for three year terms. Annually thereafter, appointments shall be for three (3) year terms. Board members shall serve not more than two (2) full terms in succession, however, the initial one (1) year term holders may seek two (2) additional terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to exceed the member's City Council term of office. The City Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be

called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

(B) OFFICERS AND THEIR DUTIES. At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager and the Chairman.

(C) PURPOSE AND DUTIES OF THE BOARD. The purpose and duties of the Park City ~~-~~Recreation Board are as follows:

(1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.

(2) To advise the City Council and staff on parks, recreation and beautification projects as requested by the City Council.

(3) To support and promote the policies and programs of the Library and Recreation Department~~s~~.

(4) To advise and support staff on staff recommended budget priorities concerning parks, recreation and beautification projects and programs.

(5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.

(6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) MEETINGS AND PROCEDURES. The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A. 52-4-5, as amended.

(E) COMMITTEES. Special committees for the study of particular issues be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of the Mayor and City Council Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members. *(Ord. 03-__; Ord. 99-50)*

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

PASSED AND ADOPTED this 17th day of August, 2017.

PARK CITY MUNICIPAL CORPORATION

_____
Mayor Jack Thomas

Attest:

_____
Michelle Kellogg City Recorder

Approved as to form:

_____
Mark D. Harrington, City Attorney

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

The proposed 277 McHenry Plat Amendment seeks to combine the two existing lots located at 277 McHenry Avenue into one lot of record and to formally dedicate Right-of-Way for McHenry Avenue. 277 McHenry is made up of Lot 12 and the north half of Lot 11 within Block 60 of the Park City Survey with the existing house built over the lot lines.

The Planning Commission reviewed this Plat Amendment on July 26, 2017 and forwarded a **positive recommendation** to the City Council with a unanimous vote in favor of this item.

Respectfully:

Tippe Morlan, Planner

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **277 McHenry Avenue Plat Amendment**
Author: **Tippe Morlan, Planner II**
Date: **August 17, 2017**
Type of Item: **Administrative – Plat Amendment**

Project Number:	PL-16-03165
Applicant:	Michael Kaplan
Applicant Representative:	David White, Architect
Location:	277 McHenry Avenue
Zoning:	Historic Residential – Low Density (HRL)
Adjacent Land Uses:	Residential single-family homes
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action.

Executive Summary

The proposed 277 McHenry Plat Amendment seeks to combine the two existing lots located at 277 McHenry Avenue into one lot of record – Lot 1 and Parcel A which is appurtenant to Lot 1 – and to formally dedicate Right-of-Way for McHenry Avenue. 277 McHenry is made up of Lot 12 and the north half of Lot 11 within Block 60 of the Park City Survey with the existing house built over the lot lines.

The Planning Commission reviewed this Plat Amendment on July 26, 2017 and forwarded a **positive recommendation** to the City Council with a unanimous vote in favor of this item.

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider **approving** the 277 McHenry Avenue Plat Amendment located at 277 McHenry Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background

May 3, 2016 – The City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.

November 2, 2016 – The Planning Department received an application for three variances. The application was deemed complete on December 28, 2016. The requested variances were as follows:

1. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet.
2. Allow an accessory apartment with a floor area greater than 1/3 of the floor area

of the main dwelling unit up to 1,166 square feet.
3. Reduce the rear yard setback requirement from 10 feet to 5 feet for the construction of a detached garage and accessory apartment on the eastern portion of the lot.

March 21, 2017 – The Board of Adjustment conducted a public hearing and **APPROVED** a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.

March 21, 2017 – The Board of Adjustment also conducted a public hearing and **DENIED** a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.

May 16, 2017 – The Board of Adjustment conducted a public hearing and **DENIED** a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.

July 26, 2017 – The Planning Commission reviewed the proposed plat amendment and issued a positive recommendation to the City Council with a unanimous vote. There were no comments made by the public at the Public Hearing.

Purpose

The purpose of the Historic Residential Low-Density (HRL) District is to:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

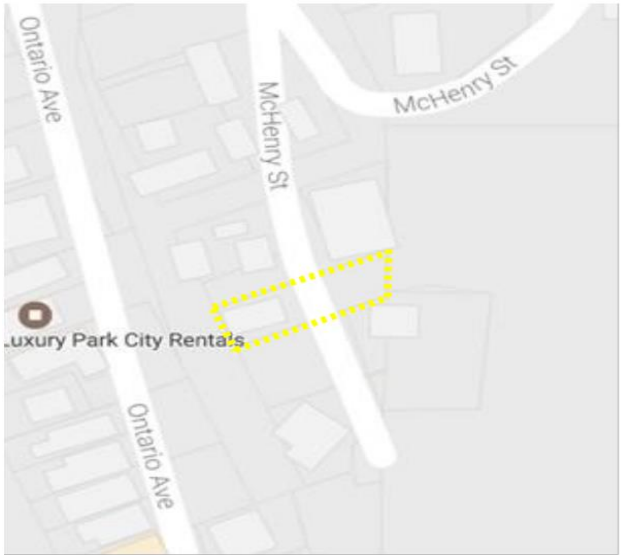
Analysis

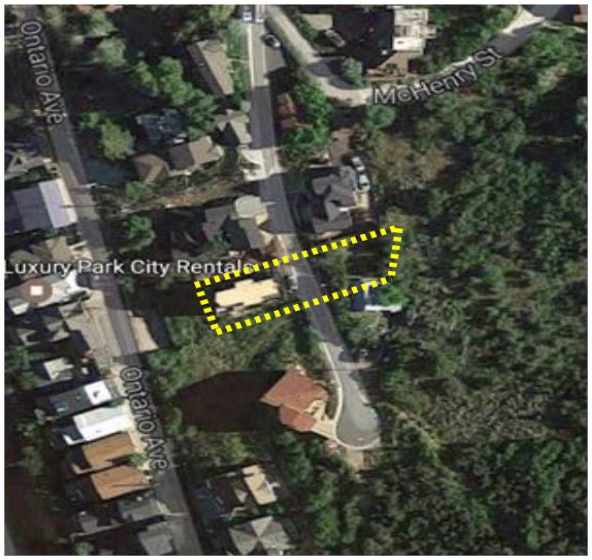
The proposed Plat Amendment combines the existing two (2) lots at this address creating one (1) lot of record — Lot 1 and Parcel A which is appurtenant to Lot . The entire lot is 4,833 square feet in size. The property is located within the HR-L District and consists of all of Lot 12 and one-half of Lot 11 of Block 60 of the Park City Survey. The site is currently occupied by a non-historic, non-conforming duplex which lacks adequate off-street parking with 4 spaces required and 2 provided. Duplexes are not currently allowed in the HRL zone. The Duplex was built in 1973 over the property line

between the two lots. A plat amendment is required prior to any development since the owner may not build over lot lines.

Road Dedication

As part of the plat amendment, the road which bisects the lot – McHenry Avenue – will be formally dedicated to the City. Utah Code § 72-5-104 dedicates streets and roads to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years. McHenry has continuously been used as a public thoroughfare for much longer that the required ten (10) years. The proposed Plat Amendment formalizes this road dedication. The area of road will not be counted toward yard or area requirements pursuant to LMC § 15-7.3-4(I)(2) ("Land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code").





Existing Non-conforming Use

Due to the legal non-conforming duplex use of the existing structure, staff recommends that any approvals for an accessory apartment (which requires a future CUP application) be limited by a condition that the owner return the existing duplex to a single-family dwelling. This would maintain the existing density on the lot.

Because an accessory apartment on a site with an existing duplex would increase the density of the lot, Staff would only support an accessory apartment if the applicant is willing convert the duplex into a single-family dwelling. Should this be the case, Staff recommends placing a deed restriction on the property that indicates that the City approved use would be limited to a single-family dwelling. This would mean all the work converting the existing duplex to a single-family dwelling must be completed and a deed restriction recorded before a certificate of occupancy can be issued. This is included in the proposed plat amendment as a Condition of Approval (see COA 7) indicating that the density cannot increase on this lot.

Approving an accessory apartment addresses the lack of off-street parking on the site. A duplex requires two parking spaces per unit. Currently, two legal, paved off-street parking spaces exist for 277 McHenry. If the accessory apartment is approved with two off-street parking spaces and the duplex becomes a single-family dwelling, then required parking for both uses will be met.

HRL Zone Requirements

An accessory apartment is a conditional use in the HRL zone. The applicant would need to submit a separate conditional use permit (CUP) application if they choose to apply for an accessory apartment. The LMC indicates that: “Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) Bedrooms.” However, the Board of Adjustment has approved a variance to allow an accessory apartment of greater than one third of the primary dwelling size up to 1,000 feet at this location. Additionally, one parking space per bedroom must be provided and nightly rentals are not allowed in the Main house or in the Accessory Apartment. Either the main Dwelling Unit or the Accessory Apartment shall also be occupied by the Owner of the Structure. The Accessory Apartment shall not be sold separately. Compliance with these regulations will be reviewed in further detail at the time of CUP review. Conditional uses are reviewed and approved by the Planning Commission.

A Steep Slope CUP application will need to be filed since it is required for any construction proposed on a slope of 30 percent or greater. A Historic District Design Review application is also required for any new development or renovation proposed at this address since it is in a historic zone district.

The minimum lot area for a single-family dwelling in the HRL district is 3,750 square feet. The proposed lot meets the minimum lot area for a single-family dwelling with a size of 4,833 square feet. The entire lot is proposed to be split into three sections: the west portion with the existing structure (approximately 2,557 square feet) to be recorded as “Lot 1," the east portion with the potential accessory apartment (approximately 1,824 square feet) to be recorded as “Parcel A,” and the road dedication for McHenry Avenue (approximately 452 square feet). Since the road bisects the east and west portions of the lot, this plat amendment should be conditioned upon the lot never being divided or sold separately. Both sides of the road will always be 277 McHenry Avenue.

Based on the buildable lot size of 4,381 square feet (excluding the dedicated road area), the applicant would be entitled to a maximum building footprint of 1,712.2 square feet. The current footprint on the lot is 700 square feet.

Front and rear yard setbacks are determined by lot depth in the HRL zone. The longer the depth of the lot, the greater the setbacks, as shown in Table 15-2.1a:

(E) **FRONT AND REAR YARDS**. Front and Rear Yards are as follows:

TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

The overall depth of the property, including the road at 277 McHenry Ave ranges from 120 feet to 137 feet. However, since McHenry Avenue bisects the lot into two sections and creates two frontages for the property, the setbacks for each side of the lot will be measured separately as if they were two individual lots. The depth of Lot 1, the west portion of the lot, ranges from 66 to 70 feet, and the depth of Parcel A, the east portion of the lot, ranges from 42 feet to 55 feet. Since both sections are under 75' in depth, the minimum front and rear setbacks are 10 feet each.

The minimum lot width allowed in the HRL zone is thirty-five feet (35'). The proposed lot width is thirty-five and a half feet (35.5') for both sections of the lot, meeting this requirement. This width also informs the side yard setbacks which are a minimum of 3 feet on each side and a minimum of 6 feet total. The existing house meets these setback requirements.

Table 1 shows applicable development parameters in the Historic Residential-Low Density District:

Table 1:

LMC Regulation	Requirements
Building Footprint	1,712 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum, 20 feet total for each portion of the lot (Lot 1 and Parcel A) with McHenry Avenue as the front.
Side Yard Setbacks	3 feet minimum, 6 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery […].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate […].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required […].

Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.
Parking	Single-Family Dwelling: 2 per Dwelling Unit Duplex: 2 per Dwelling Unit (4 total) Accessory Apartment: 1 per bedroom

In terms of the existing structure, the lack of parking for a duplex (4 required spaces, 2 provided) and the lot line running through the structure are the only discrepancies found as other standards have been reviewed, and Staff has not found any other issues with the built structures.

Good Cause

Planning Staff finds that there is good cause for this plat amendment finding that the plat amendment will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. The proposed lot configuration cleans up property lines bisecting the existing home and dedicates McHenry Avenue to the City, allowing the property owner to move forward with development which will bring the lot into compliance with LMC requirements.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

Department Review

This project has gone through an interdepartmental review. The Engineering Department has indicated that a utility easement is required on the plat 10 feet from the sewer line located in McHenry Avenue on the uphill side of the road. The Water Department has also indicated that meters are required on both sides of the road.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The City Council may approve the 277 McHenry Avenue Plat Amendment as conditioned or amended; or
- The City Council may deny the 277 McHenry Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 277 McHenry Avenue Plat Amendment.

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

Consequences of not taking the Planning Department's Recommendation
The site would remain as is with a legal non-conforming duplex. The property owner would not be able to expand the structure or apply for a new structure until the lot lines are cleaned up.

Summary Recommendation
Staff recommends the City Council hold a public hearing and **approve** the 277 McHenry Avenue Plat Amendment located at 277 McHenry Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.
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Exhibits
Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Record of Survey
Exhibit C – Aerial Photograph
Exhibit D – County Tax Map
Exhibit E – Applicant's Project Narrative
Exhibit F – Site Photographs

Exhibit A: Draft Ordinance

Ordinance No. 2017-44

AN ORDINANCE APPROVING THE 277 MCHENRY PLAT AMENDMENT LOCATED AT 277 MCHENRY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 277 McHenry Avenue has petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 26, 2017, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on July 26, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on August 17, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 277 McHenry Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 277 McHenry Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 277 McHenry Avenue in the Historic Residential-Low Density (HR-L) District.
2. The property consists of all of Lot 12 and half of Lot 11 of Block 60 of the Park City Survey.
3. On May 3, 2016, the City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.
4. On July 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet.
5. Legal notice was published in the Park Record on July 12, 2017.
6. Adjacent land uses are residential single-family homes.

7. The minimum lot size in the HR-L zone is 3,750 sf.
8. The subject site contains a total of 4,381 square feet, not including the road.
9. The western portion of 277 McHenry is a total of 2,557 square feet and is identified as “Lot 1.”
10. The eastern portion of 277 McHenry is a total of 1,824 square feet and is identified as “Parcel A.”
11. The portion of the lot with the road is a total of 452 square feet.
12. The existing duplex is 2,100 sq. ft. with a footprint of 700 sq. ft. The maximum footprint allowed on the lot is 1,712.2 square feet, based on the total lot area (minus the road). No variance to the maximum footprint has been requested.
13. In the HR-L zone, an accessory apartment is a Conditional Use.
14. The existing Duplex was built in 1973 over two property lines. No building permits could be located.
15. The existing Duplex is a legal non-conforming use in the HR-L zone.
16. Front and rear yard setbacks are 10 feet minimum and 20 feet combined for section of the lot (east and west) measured separately.
17. Two frontages are created with McHenry Avenue bisecting the property.
18. The property on both sides of McHenry Avenue are addressed as 277 McHenry Avenue.
19. Side yard setbacks for both sections of the lot are 3 feet minimum on each side and 6 feet combined. The existing structure and the proposed accessory apartment structure meet the side yard setback requirements.
20. Parking requirements for a Single Family home are 2 spaces per dwelling unit.
21. Parking requirements for a Duplex dwelling is 2 spaces per dwelling unit.
22. Parking requirements for an accessory apartment are 1 space per bedroom.
23. The existing duplex structure has 2 parking spaces which will remain if it is converted into a Single Family dwelling.
24. If an accessory apartment is approved with the 2-car garage (as proposed) and the duplex becomes a single-family dwelling, each unit will comply with all applicable parking requirements.
25. The existing duplex does not meet current parking requirements providing 2 spaces with 4 spaces required.
26. A variance to allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet has been granted to the applicant at the March 21, 2017 Board of Adjustment meeting.
27. A variance to allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,166 square feet at this address has been denied at the March 21, 2017 Board of Adjustment meeting.
28. A variance to reduce the rear yard setback from 10 feet to 5 feet on Parcel A has been denied at the May 16, 2017 Board of Adjustment meeting.
29. The location of the McHenry Road, splitting the subject site in two, does not allow any construction in that same location.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code

and applicable State law regarding Subdivisions.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of both sides of the property.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. A utility easement is required on the plat 10 feet from the sewer line located in McHenry Avenue on the uphill side of the road.
6. McHenry Avenue will be dedicated to Park City Municipal Corporation on the plat.
7. The density cannot increase on this lot. If the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
8. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue. This shall be noted on the plat prior to recordation.

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

PASSED AND ADOPTED this 26th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

_____
Michelle Kellogg, City Recorder

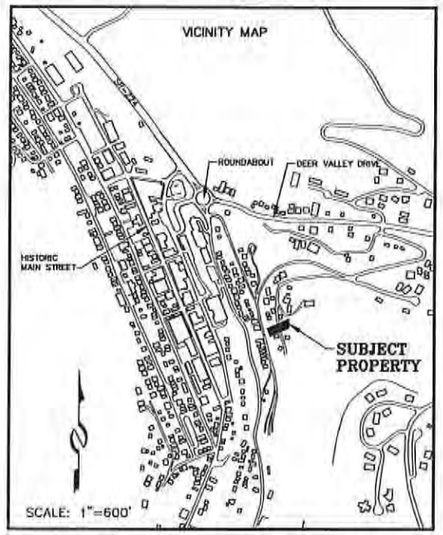
APPROVED AS TO FORM:

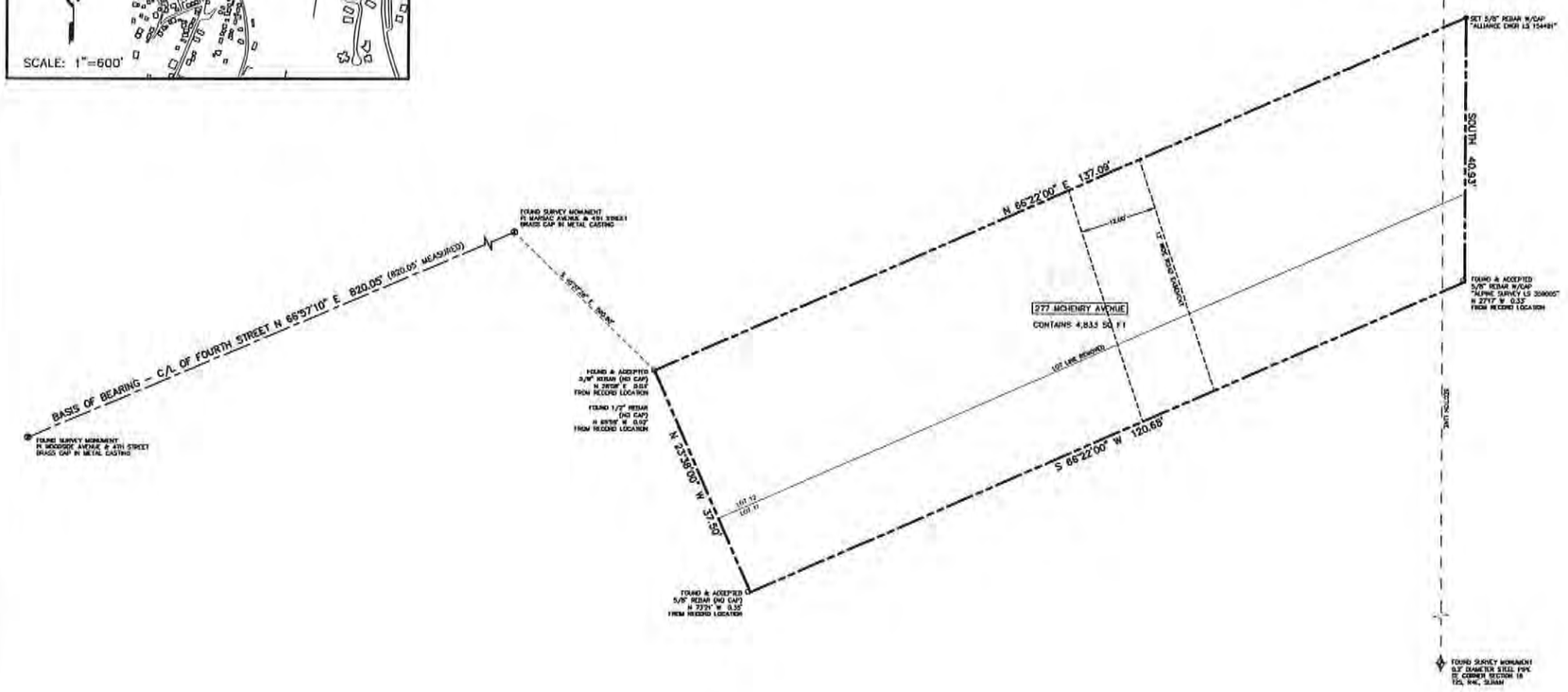
_____

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A - Proposed Plat





REGISTERED LAND SURVEYOR No. 4938739 MARTIN A. MORRISON State of Utah

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of 277 MCHENRY AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

The North 1/2 of LOT 11 and All of LOT 12, BLOCK 60, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Michael Ellis Kaplan, and Michael Ellis Kaplan, Trustee of The MATH Trust dated January 8, 2015, as their interests appear, hereby certifies that he has caused this Plat Amendment to be prepared and hereby consents to the recordation of the 277 McHenry Avenue Plat Amendment.

_____
Michael Ellis Kaplan

_____
Michael Ellis Kaplan,
Trustee of The MATH Trust dated January 8, 2015

ACKNOWLEDGMENT

State of _____)
: ss.
County of _____)

On this ____ day of _____, 2016, Michael Ellis Kaplan personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Michael Ellis Kaplan acknowledged to me that he is the owner of the tract described hereon and Trustee of The MATH Trust dated January 8, 2015, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

_____
A Notary Public commissioned in _____

_____
Printed Name

Residing in: _____

My commission expires: _____

Commission No: _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-____

A COMBINATION OF LOT 12 AND THE NORTH HALF OF LOT 11 IN BLOCK 60, PARK CITY SURVEY

277 McHENRY AVENUE PLAT AMENDMENT

LOCATED IN THE SOUTHEASTE QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

MAY 0 3 2016

10' 0 10' 20'

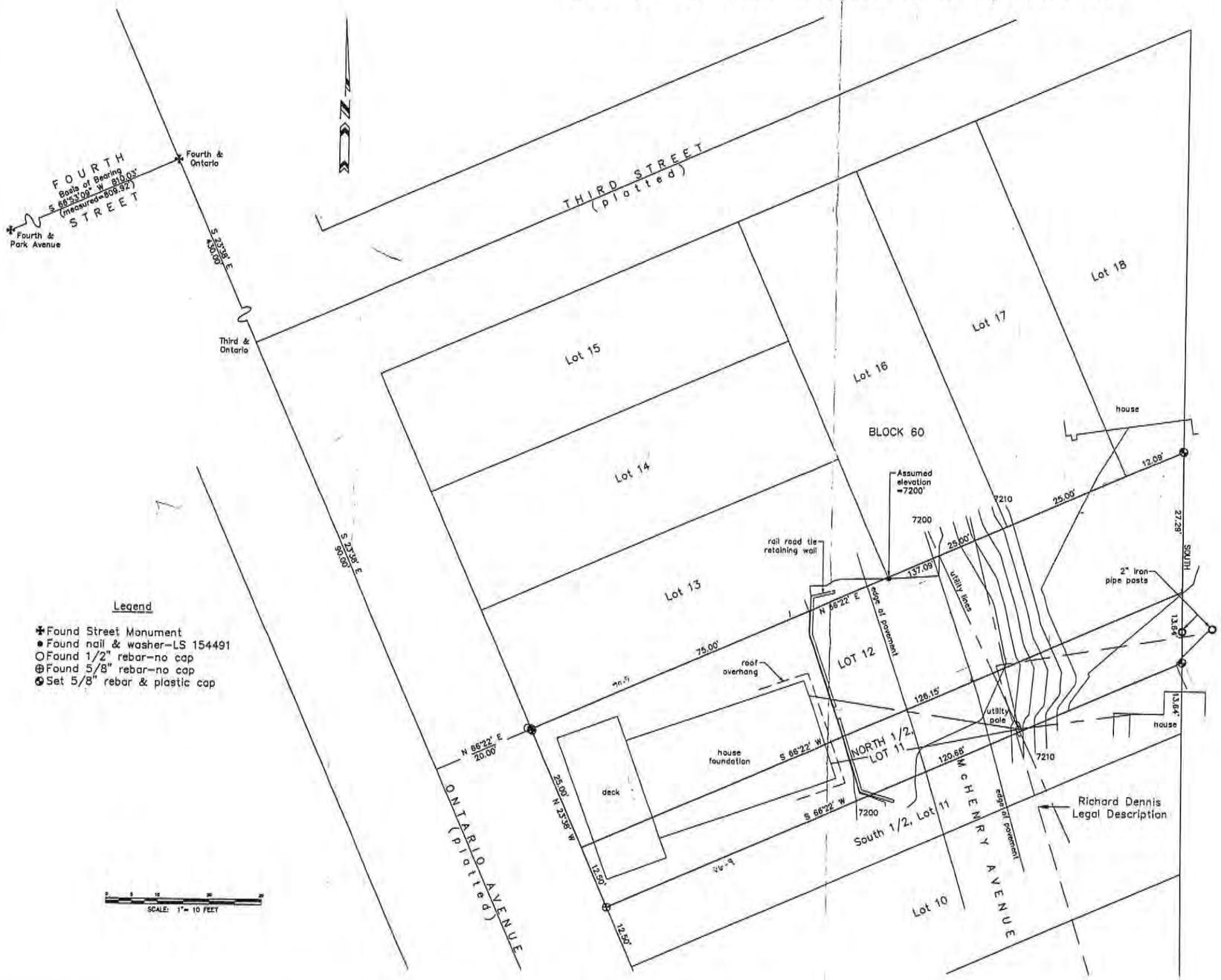
SHEET 1 OF 1

4/28/16 JOB NO.: 4-3-16 FILE: X:\ParkCitySurvey\dwg\srv\plat2016\040316.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2016	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2016	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2016	APPROVED AS TO FORM THIS ____ DAY OF _____, 2016	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2016	I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2016	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE ____ TIME ____ ENTRY # ____
BY _____ S.B.W.R.D.	BY _____ CHAIR	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	BY _____ PARK CITY RECORDER	_____ FEE _____ RECORDER

Park City Survey, Block 60, Lot 12 & the North 1/2 of Lot 11



Legend

- ✠ Found Street Monument
- • Found nail & washer–LS 154491
- ○ Found 1/2" rebar–no cap
- ⊕ Found 5/8" rebar–no cap
- ◉ Set 5/8" rebar & plastic cap

NARRATIVE

1. Survey requested by: Michael Kaplan.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: found Street Monuments, according to the amendment of Sheet #3 of the Park City Monument Control Map by Bush & Gudgell, Inc., on file and of record in the office of the Summit County Recorder.
4. Date of survey: May 31, 2002.
5. Property corners found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. For the previous breakdown of Lot 11 see the record of survey No. S–406 by Alliance Engineering, on file in the office of the Summit County Recorder.
9. The Richard Dennis Legal Description as shown encroaches on the property but has a questionable validity. Further title research is recommended.
10. An assumed elevation of 7200 feet was assigned to the nail and washer in the asphalt street at the southwesterly corner of Lot 16, as shown.

LEGAL DESCRIPTION

All of Lot 12 and the North 1/2 of Lot 11, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit Co. Recorder; containing ±0.11 acres.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

May 29 '05
Date

J.D. Gailey, License No. 359005

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655–8016

MAY 0 3 2016

Exhibit C - Aerial Photograph

RECEIVED
MAY 03 2016

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

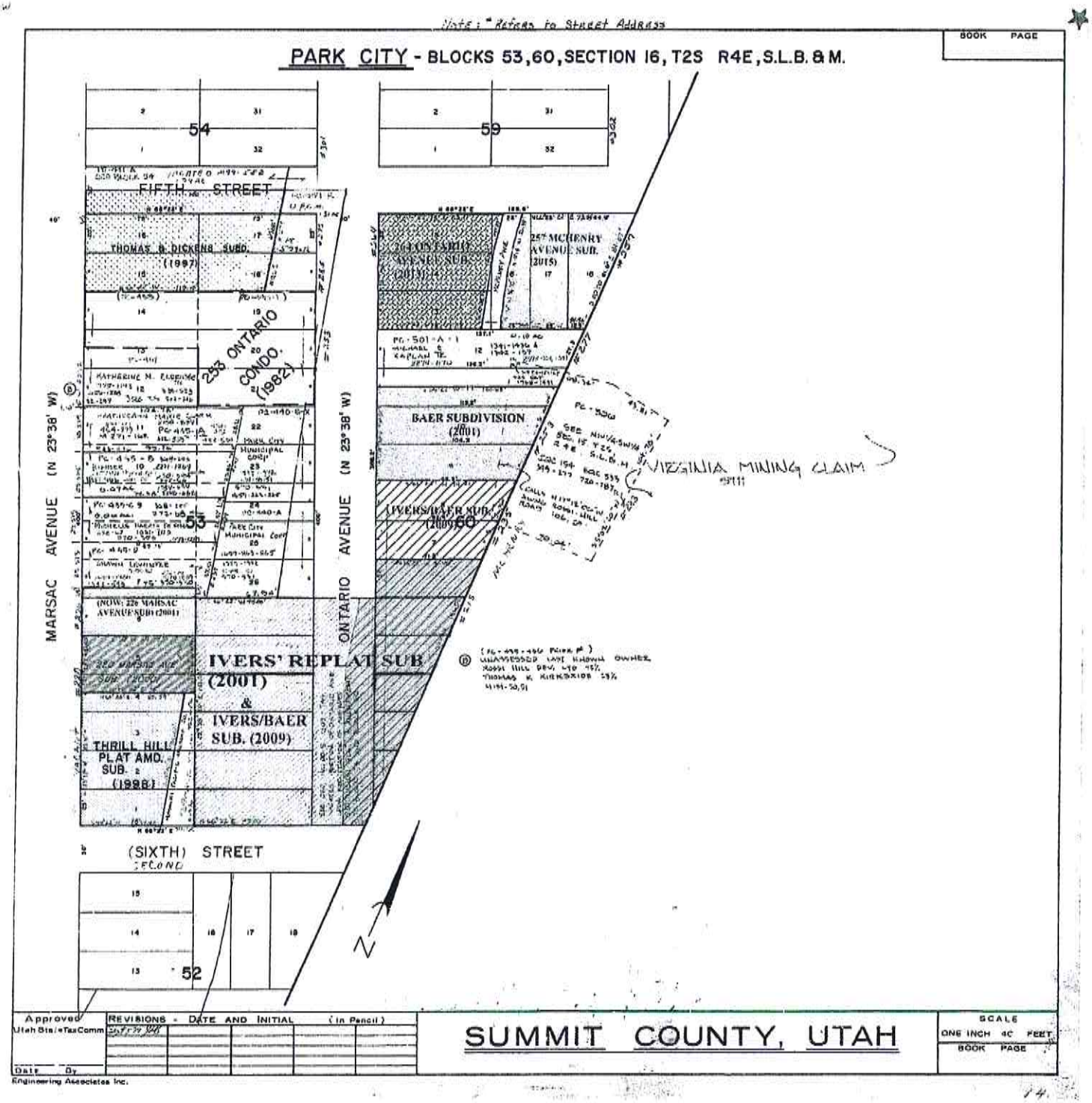
STAFF:
MARSHALL KING
JESSE MORENO

DATE: 4/21/16

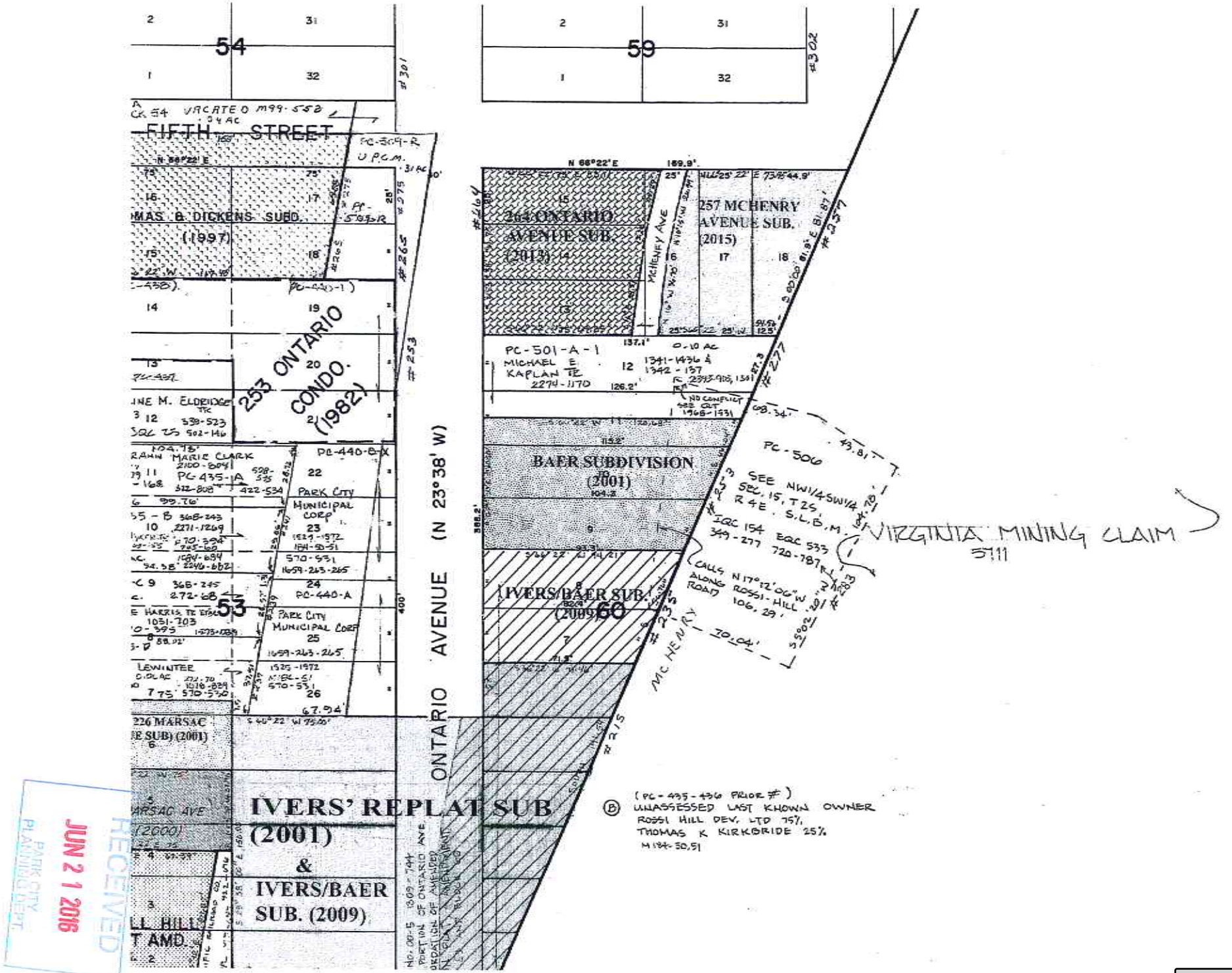
AERIAL PHOTOGRAPH
277 McHENRY AVENUE
BLOCK 60, PARK CITY SURVEY
FOR: MICHAEL KAPLAN
JOB NO.: 4-3-16
FILE: X:\ParkCitySurvey\dwg\Exhibits\277 McHenry-ortho.dwg

SHEET
1

Exhibit D - County Tax Map



RECEIVED
JUN 21 2016


54
59
FIFTH STREET
VACATED M99-552
253 ONTARIO CONDO. (1982)
ONTARIO AVENUE (N 23°38' W)
264 ONTARIO AVENUE SUB. (2013)
257 MCHENRY AVENUE SUB. (2015)
MCHENRY AVE
BAER SUBDIVISION (2001)
IVERS/BAER SUB. (2009)
60
53
IVERS' REPLAT SUB (2001) & IVERS/BAER SUB. (2009)
PARK CITY MUNICIPAL CORP
PC-501-A-1
PC-506
SEE NW1/4SW1/4 SEC. 15, T2S, R4E, S.L.B.M.
VIRGINIA MINING CLAIM 5111
CALLS N 17°12'06" W 106.29' ALONG ROSSI HILL ROAD
MC HENRY
(B) (PC-435-436 PRIOR #)
UNASSESSED LAST KNOWN OWNER ROSSI HILL DEV. LTD 75%, THOMAS K KIRKBRIDE 25%
M 184-30,51
RECEIVED
JUN 21 2016
PARK CITY PLANNING DEPT.

PARK CITY SURVEY, BLOCK 60,
LOT 12 AND THE NORTH HALF OF LOT 11

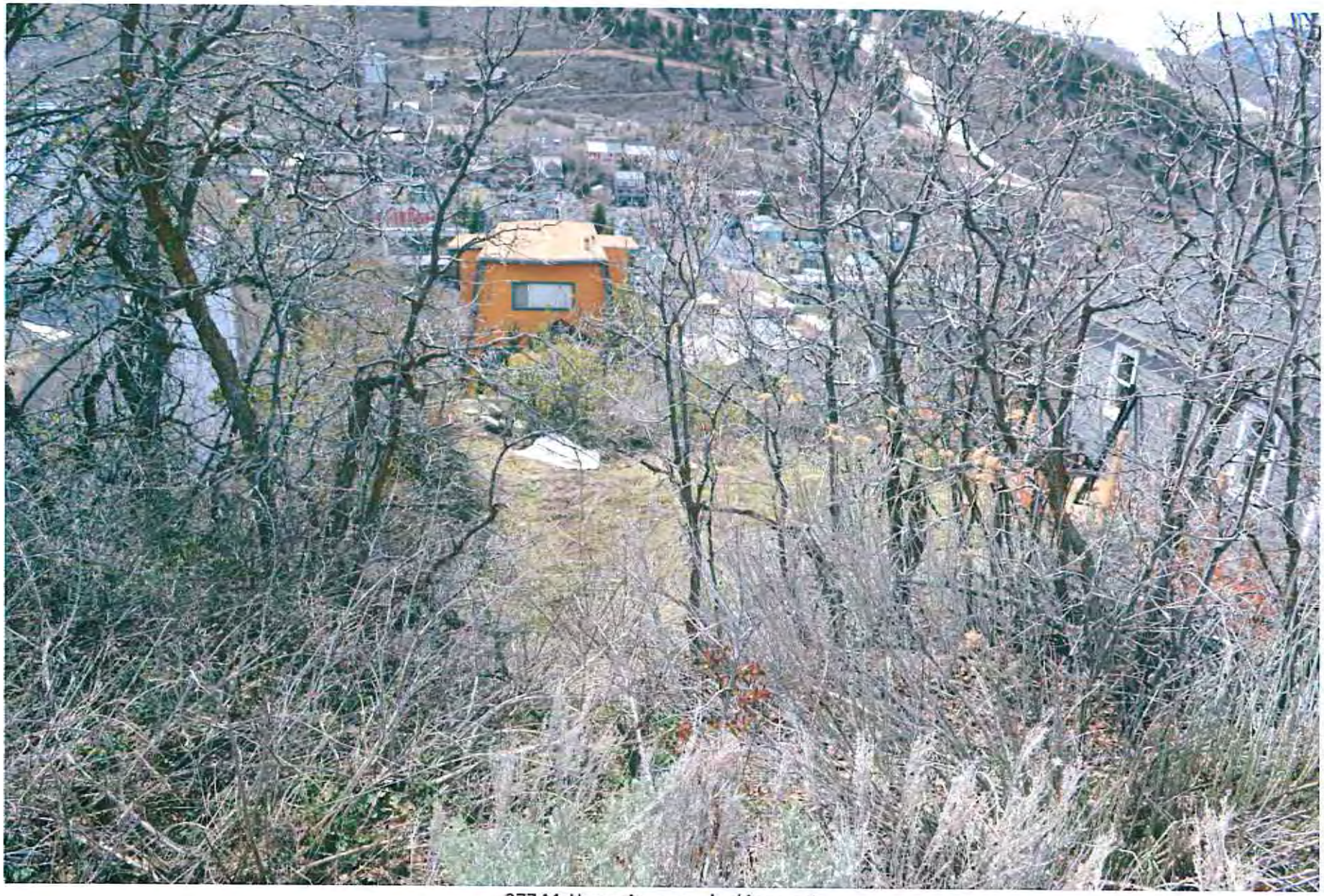
(277 McHENRY AVENUE)

PROJECT INTENT

The property at 277 McHenry Avenue is currently occupied by a duplex on the west side. The east side of the property is vacant and the east and west sides are divided by existing McHenry Avenue. The owner desires to convert the existing duplex into a single family residence and construct a garage with living space above on the east side of the property . The lot line that currently exists between Lot 11 and Lot 12 would be removed to unify the property into one lot of record and an easement would be granted over the currently existing McHenry Avenue.

MAY 0 3 2016
PARK CITY
PLANNING

Exhibit F - Site Photographs



277 McHenry Avenue – looking west

RECEIVED
MAY 03 2016
PARK CITY
PLANNING DEPT

East portion of 277 McHenry Avenue – looking east

RECEIVED
MAY 0 3 2016
PARK CITY
PLANNING DEPT.

277 McHenry Avenue – looking east

RECEIVED
MAY 0 3 2016
PARK CITY
PLANNING DEPT

277 McHenry Avenue – looking southwesterly

RECEIVED
MAY 0 3 2016
PARK CITY
PLANNING

277 McHenry Avenue – looking north

RECEIVED
MAY 03 2016
PARK CITY
PLANNING DEPT.

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

On July 26th, 2017, the Planning Commission reviewed the proposed Land Management Code Amendments to cap Conventional Chain Businesses in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.

Staff proposed a cap on Conventional Chain Businesses of 9 Conventional Chains Businesses in the HRC and 19 Conventional Chains in the HCB - which equates to approximately 20% of the linear feet of the Storefront Property Facades <https://parkcity.municipalcodeonline.com/book?type=ordinances> in each zone.

Planning Commission forwarded a unanimous positive recommendation to cap Conventional Chain Businesses at15% of the linear feet of the Storefront Property Facades <https://parkcity.municipalcodeonline.com/book?type=ordinances> in each zone - which equates to 7 Conventional Chain Businesses in the HRC and 14 Conventional Chain Businesses in the HCB.

Respectfully:

Hannah Tyler, Planner II

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Subject: PL-17-03586 LMC Amendments - Conventional Chain Businesses in the HRC and HCB Zoning Districts
Author: Hannah M. Tyler, Planner
Bruce M. Erickson, AICP, Planning Director
Project Number: PL-17-03586
Date: August 17, 2017
Type of Item: Legislative – LMC Amendment

Summary Recommendations

The Planning Department requests City Council open a public hearing, review and approve the proposed Land Management Code amendments regarding Conventional Chain Businesses along Storefront Property Facades in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.

Executive Summary

On July 26th, 2017, the Planning Commission reviewed the proposed Land Management Code Amendments to cap Conventional Chain Businesses along Storefront Property Facades in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.

Staff proposed to Planning Commission a cap along Storefront Property Facades on Conventional Chain Businesses of nine Conventional Chain Businesses in the HRC and 19 Conventional Chain Businesses in the HCB – which equates to approximately 20% of the linear feet of the Storefront Property Facades in each zone.

Planning Commission forwarded a unanimous positive recommendation to cap Conventional Chain Businesses at 15% of the linear feet of the Storefront Property Facades in each zone – which equates to seven Conventional Chain Businesses in the HRC and 14 Conventional Chain Businesses in the HCB.

Description

Project Name: LMC Amendments regarding Conventional Chain Businesses in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.
Applicant: Planning Department
Proposal Revisions to the Land Management Code

Reason for Review

Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per Land Management Code (LMC) § 15-1-18.

Acronyms in This Report

CCB	Conventional Chain Business
HCB	Historic Commercial Business
HPCA	Historic Park City Alliance
HRC	Historic Recreation Commercial
LMC	Land Management Code

Background

On December 8th, 2016, staff presented a Work Session regarding the Main Street Storefront Enhancement Program Land Use Controls to City Council. The broader Storefront Enhancement Program consists of at least five (5) strategies addressing Main Street vibrancy as directed by the General Plan and zoning designations. The five (5) strategies include:

1. Historic District(s) and Main Street National Register Historic District protections.
2. Design Guidelines for Historic Districts and Historic Sites (Main Street specific).
3. Shared-economy model and cultivation of incubator space(s).
4. Land Management Code (zoning) regulations.
5. Future Redevelopment Agency (RDA) potential.

The LMC implements goals, objectives and policies of the General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community's unique character and values. These proposed LMC amendments were reviewed for consistency with the General Plan. The General Plan outlines Park City's community goals and values as it pertains to Main Street and/or Conventional Chain Business (CCB):

- **Core Value: Sense of Community**
  - It is essential that Park City does not lose its character in order to remain competitive in the tourism industry.

- **General Plan Sense of Community Goals**
  - **12A:** Retain and expand existing Park City businesses.
  - **12B:** Improve the balance of jobs-to-housing ratio in Park City through efforts to attract higher paying jobs and workforce housing strategies.
  - **12C:** Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
  - **12D:** Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique *Park City experience*.

The Land Management Code through the zoning designations of the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) Districts supports the Values and Goals in the General Plan.

The Districts are nearly identical in the Purposes shown below.

(A) Preserve the cultural heritage of the City's original Business, governmental and residential center.
(B) Facilitate the continuation of the visual character, scale and Streetscape of the original Park City Historical District.
(C) Allow the Use of land for retail, commercial residential recreational and institutional purposes to engage and foster the economic and *cultural vitality* (emphasis added) of the City.
(J) Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by encouraging a Business mix that encourages a high level of *vitality* (emphasis added) activity and public / resort-related attractions.

On December 8th, 2016, City Council gave staff direction to complete the following:

1. Amend the Land Management Code (LMC) to limit the allowable storefront width to fifty-feet (50') on the Main Street façade and the Heber Avenue façade of any single business location on Main Street in the Historic Recreation Commercial (HRC) and the Historic Commercial Business (HCB) Districts.
2. Update the Design Guidelines for Historic Districts and Historic Sites to address Corporate Architecture (*in process with the Historic Preservation Board)*.

Staff brought forward the proposed LMC Amendments regarding allowable storefront width to Planning Commission on February 22, 2017 (Staff Report, pg. 93 – Minutes, pg. 7). Planning Commission forwarded a unanimous positive recommendation to City Council. City Council unanimously approved the LMC Amendments on April 27th, 2017 (Staff Report, pg. 102 – Minutes, pg. 7).

The specific sections of the Land Management Code that were amended are listed below:

- LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)
- LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

On May 11th, 2017, the Planning and Economic Development Departments conducted a Work Session with City Council to address potential Land Use controls related to CCBs (Staff Report, pg. 47 – Minutes, pg. 8). City Council gave staff direction to pursue a cap on CCBs in the HCB.

Since May 11th, 2017, staff has met with stakeholders directly, including the Historic Park City Alliance (HPCA), community members, Main Street business owners, Main Street building owners, and members of the real estate community to gather input. The major feedback received by the HPCA was to include the HRC in the calculation and LMC Amendment for the total cap on CCBs. Staff has taken that input and included the HRC in the LMC Amendment upon further review.

On July 26th, 2017, the Planning Commission reviewed the proposed Land Management Code Amendments to cap CCBs in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.
Staff proposed a cap on CCBs of nine CCBs in the HRC and 19 CCBs in the HCB – which equates to approximately 20% of the linear feet of the Storefront Property Facades in each zone. Planning Commission forwarded a unanimous positive recommendation to cap CCBs to 15% of the linear feet of the Storefront Property Facades in each zone – which equates to seven CCBs in the HRC and 14 CCBs in the HCB.

The Planning Commission and members of the Public during Public Comment brought up concerns regarding a "pipeline" system to "vest" CCBs. Staff met internally after the July 26th, 2017 Planning Commission meeting to address these concerns. In addition, staff met with stakeholders prior to this City Council meeting to review staff's latest proposal. For further analysis regarding a "pipeline" system to "vest" CCBs, please reference Section 4. Enforcement.

Below is a chronological list of all Public Meetings regarding the Storefront Enhancement Program:

1. December 8th, 2016 City Council - Work Session (Staff Report, pg. 13 – Minutes, pg. 3)
2. February 22nd, 2017 Planning Commission - Regular Agenda (Staff Report, pg. 93 – Minutes, pg. 7)
3. March 16th, 2017 City Council - New Business(Staff Report, pg. 155 – Minutes, pg. 12)
4. April 13th, 2017 City Council - Old Business (Staff Report, pg. 127 – Minutes, pg. 8)
5. April 27th, 2017 City Council - Old Business (Staff Report, pg. 102 – Minutes, pg. 7)
6. May 11th, 2017 City Council – Work Session (Staff Report, pg. 47 – Minutes, pg. 8)
7. July 26th, 2017 – Planning Commission – Regular Agenda (Staff Report, pg. 187 – Minutes, pg. 37)

Below is a chronological list (via US Postal Service) of the dates Public Notices were mailed to property owners and Affected Entities in the HRC and HCB zoning Districts regarding the Storefront Enhancement Program:

1. February 8th, 2017
2. March 6th, 2017
3. March 28th, 2017
4. June 28th, 2017

Analysis

Since May 11th, 2017, staff has conducted in-depth analysis to quantify a potential cap of CCBs using the current stock of businesses and linear feet of streetscape in the HRC and HCB. From these analyses, staff worked to develop a cap of CCBs that would be

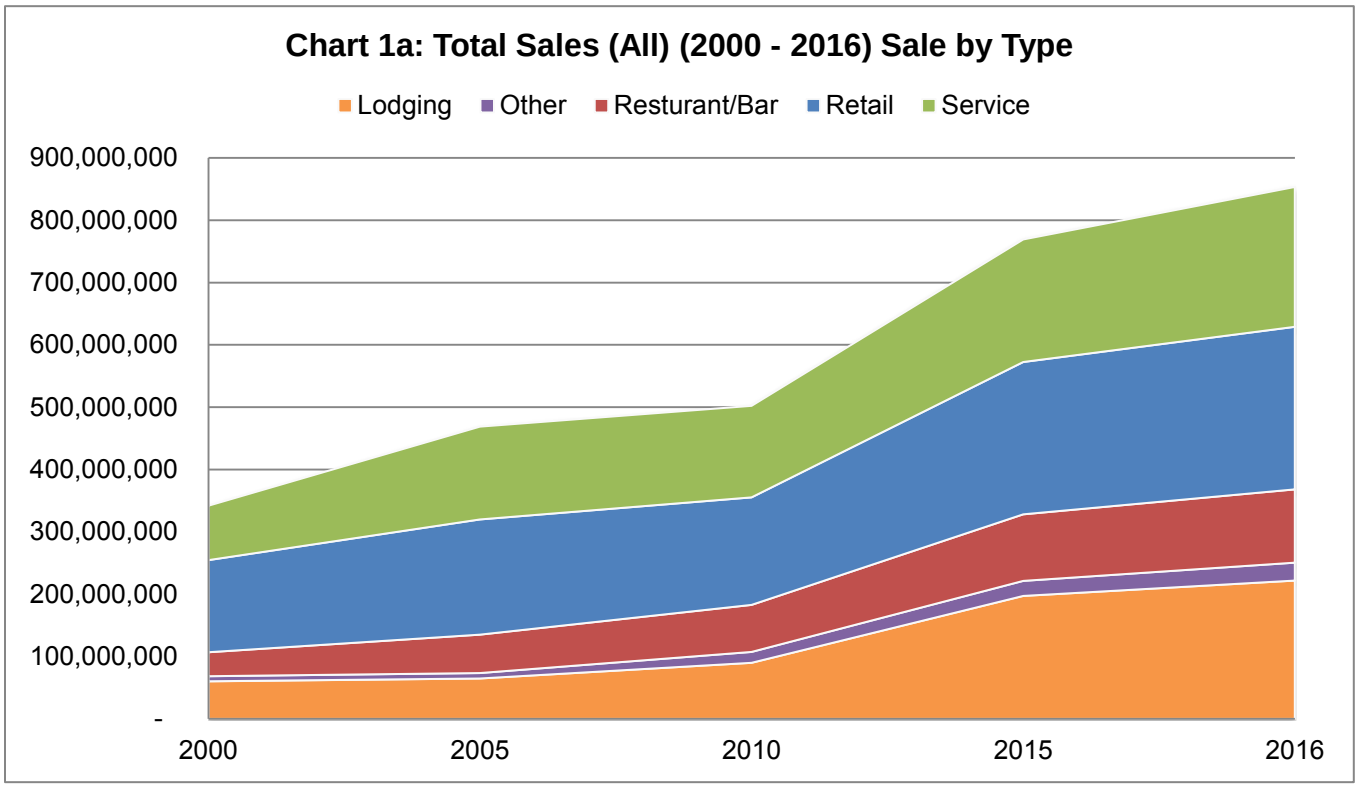
proportionate to the streetscape and foster the desired retail-mix outcomes (i.e. Vibrancy) of City Council, in order to preserve the historic ambience of Main Street. Throughout the process, staff met with stakeholders to discuss the proposed LMC Amendments and quantified cap(s) as they were developed.

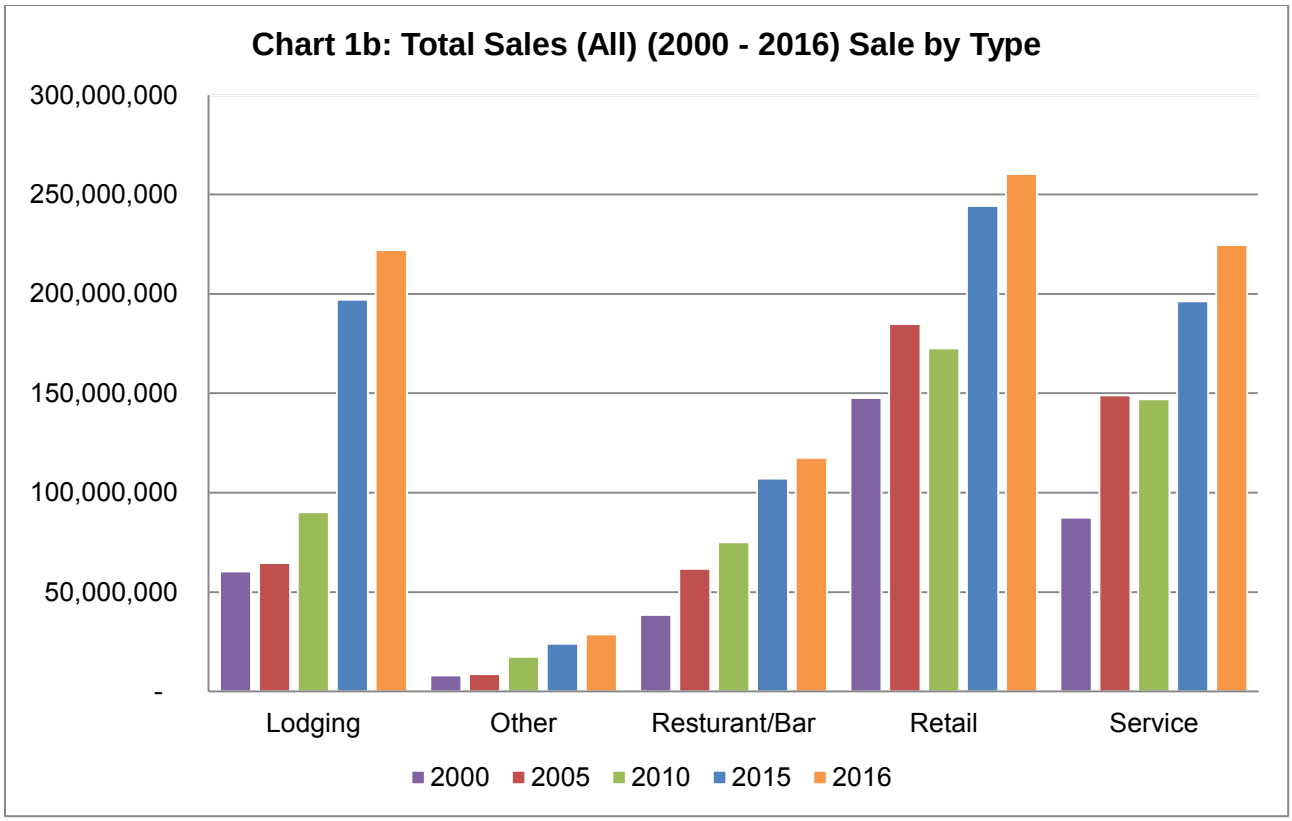
The next chart illustrates the relative change in total sales by use on Main Street in segments of time from 2000 to 2015. Key changes are the growth of the restaurant category. It should be noted that Main Street does not currently have a CCB (restaurant).

In the review of other City's codes, percentages or fixed number limits or caps do not generally appear, so there is no good reference point upon which to judge effects by specific application to the Park City Main Street. In one case (McCall, ID), the restrictions limit their defined CCB to 10%.

CCBs are still permitted in the HRC and HCB even if the cap is reached because CCBs are only regulated in Storefront Property Facades. Maps 1 and 2 identify the areas subject to the CCB cap regulation.

Chart(s) 1a and 1b: Total revenues of Main Street (both HRC and HCB Zoning Districts) over time.





To reach a reasonably appropriate number of CCBs, the Planning Department developed a model using two (2) approaches. First, the Planning Department reviewed the length of Main Street and compared façade widths as a percentage of total street length (including both the HRC and HCB Zoning Districts). This resulted in a staff determination that approximately 80% of the Main Street length could or should remain as non-CCB to maintain the goals of the General Plan and LMC and the historic character of Main Street, as stated earlier.

Second, the Planning Department reviewed the type of business as a percentage of the length of Main Street. Without including the currently operating CCBs, the retail factor would be reduced to closer to the 20% level. Also note that art galleries are considered separately even though this type of business could be considered as “retail” (albeit possible a blend of retail and supplier / wholesale).

Further, in the HRC Zoning District, the factor for restaurants includes the restaurants fronting Park Avenue (High West, Davanza’s, etc.) This accounts for a higher factor of restaurants in the HRC zone.

When viewed on a macro scale, the 80% / 20% factor appears to be functionally reasonable as it generally reflects both the factor of storefronts as a percentage of street length and the factor of type of business as a percentage of street length. The 80% factor represents an approximately four of five storefronts as a non-CCB use. However, the Planning Commission found that lowering the cap to 15% CCBs would

enable a more appropriate geographic distribution of CCBs and better maintain the character of the Historic District. A 15% cap would allow for a reasonable geographic distribution without requiring regulation on specific business locations within Storefront Property Facades.

Planning Commission forwarded a unanimous positive recommendation to move forward with a 15% cap in the HRC and HCB. This means that 85% of the streetscape will not be CCBs which will further preserve the historic atmosphere of the Main Street core (peripheral commercial streets in the HRC and HCB included). Staff finds that the 15% cap on CCBs in the HRC and HCB is consistent with the Goals of the General Plan, Purpose Statements of the HRC and HCB Zoning Districts, and desired outcomes of City Council through the Storefront Enhancement Program.

While percentages and ratios have been used in the analysis process, they are not seen as an appropriate tool for managing the regulations. For this reason a fixed number of CCBs is proposed for each Zoning District in the Main Street core (HRC and HCB). This is a simpler tool and easier for the Planning and Finance Departments to track and regulate. For additional information regarding enforcement, please see Section 4. Process.

Table 1 identifies the current stock of businesses based on Use in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts. The approximate measurements are quantified using linear feet of Storefront Property Facades to gain an understanding of the percentage of the streetscape occupied by each type of business. The calculations do not delineate between CCBs and non-CCBs, rather the purpose of the tables is to gain a better understanding of the retail use mix in the Main Street core (see Maps 1 and 2 for the specific areas used for measurements).
For clarification, the tables throughout this staff report have been organized by color:

- All tables identifying the Historic Recreation Commercial (HRC) Zone will be identified in orange.
- All tables identifying the Historic Commercial Business (HCB) zone will be identified in blue.
- All tables identifying a combination of both the HRC and HCB (aggregate) will be identified in green.

Table :1 Approximate Current Inventories of Uses in Storefront Property Facades:

	HRC		HCB		Aggregate	
	Linear Feet	Percentage of Streetscape	Linear Feet	Percentage of Streetscape	Linear Feet	Percentage of Streetscape
Food Service	507 feet	30%	807 feet	23%	1314 feet	26%
Bar / Entertainment	142 feet	8%	220.5 feet	6%	362.5 feet	7%
Retail	345 feet	21%	1362 feet	40%	1707 feet	34%
Real Estate	30 feet	2%	65 feet	2%	95 feet	2%
Theatre	0 feet	0%	67 feet	2%	67 feet	1%
Hotel	58 feet	3%	18 feet	1%	76 feet	2%
Museum	0 feet	0%	70 feet	2%	70 feet	1%
Government	0 feet	0%	100 feet	3%	100 feet	2%
Religious	0 feet	0%	40 feet	1%	40 feet	0.8%
Art Gallery	50 feet	3%	628.5 feet	18%	678.5 feet	13%
Vacant	495 feet	30%	40 feet	1%	535 feet	11%
Tourist Center	0 feet	0%	18 feet	1%	18 feet	0.4%

A 15% cap will enable future growth for new CCBs in the HRC and HCB while still preserving the Historic character of the Main Street core. A 15% cap on CCBs would approximately equate to one (1) in every six-and-½ (6.5) businesses being a CCB. There are no restrictions on CCBs in any other commercial Zones besides the proposed limit in the HRC and HCB.

As stated previously, the HRC and HCB encourage economic and cultural vitality which staff finds foster a unique experience and garners the goals of the General Plan and Storefront Enhancement Program Implementation Strategy. In addition, staff finds that maintaining a sense of place in the Main Street core through a diversified and unique retail mix will maintain Park City's unique character while also remaining competitive in the tourism industry.

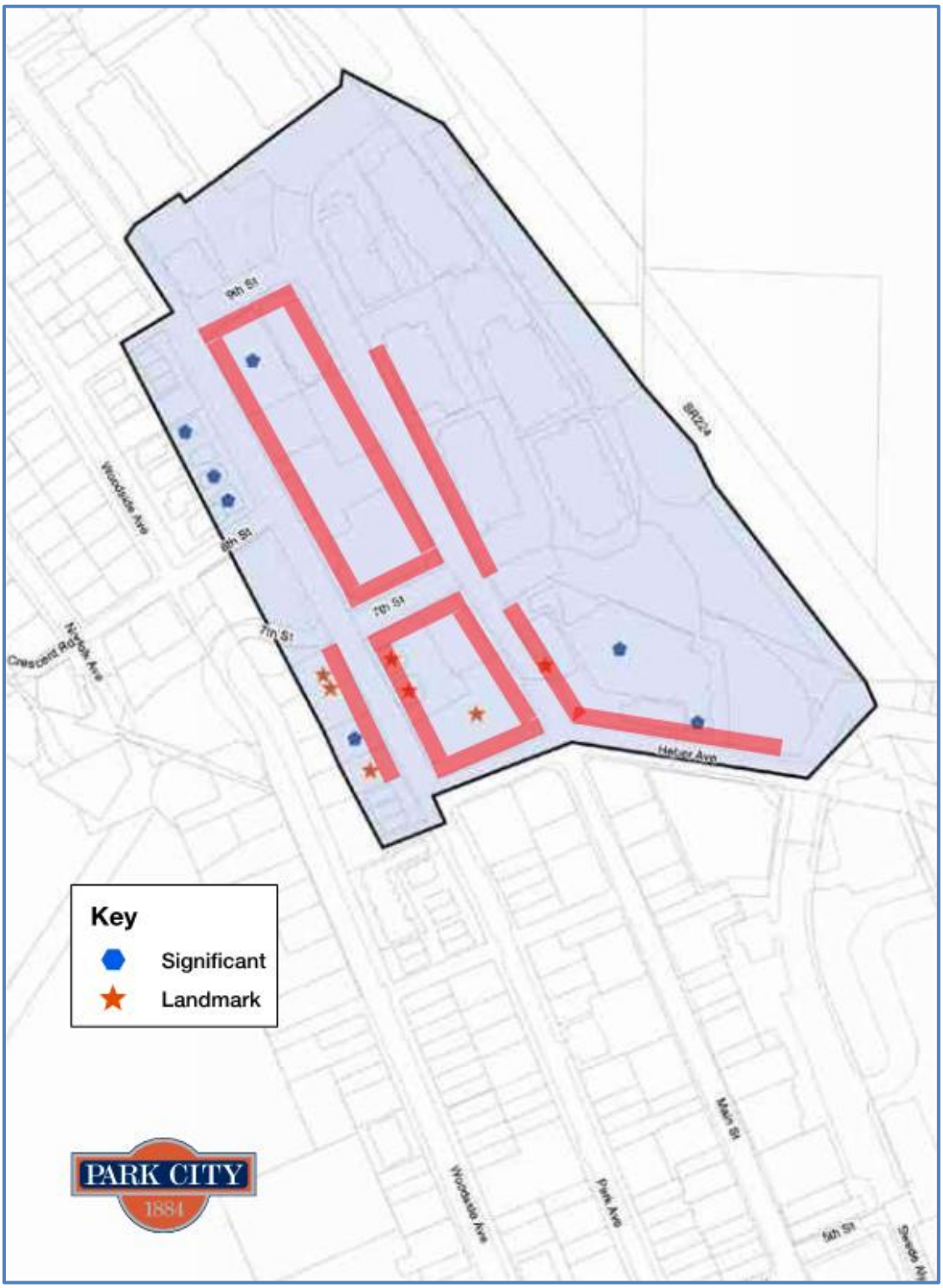
If CCBs were to expand beyond 15% in the Main Street core, staff finds that this would negatively impact the cultural identity and unique character by creating experiences that could be found throughout the United States and worldwide marketplaces and detract

from the historic feel of Main Street. Maintaining a majority of non-CCBs is vital to remaining competitive in the tourism industry by preserving the historic core of Main Street through a distinctive experience for tourists and residents that is unique to Park City.

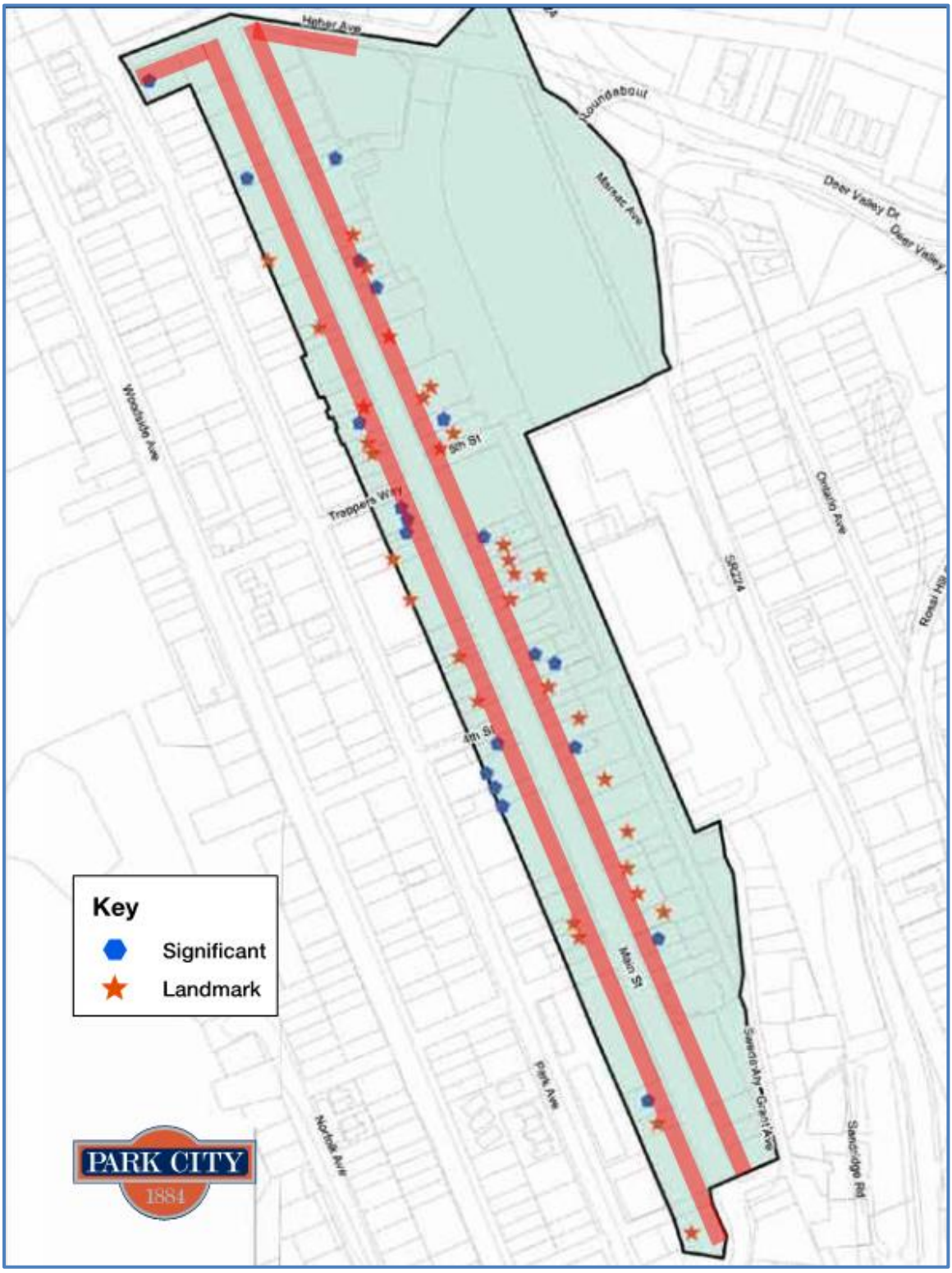
Map 1 and 2 identify the areas of the HRC and HCB zones that were used to formulate the Storefront Property Facades figures and calculations herein. It should be noted that the calculations found herein are only derived from Storefront Property Facades of commercially zoned properties. Streets, sidewalks, patios, decks, articulation, etc. were not used to formulate the figures, although the red shaded area may identify these areas as such.

There are buildings that did not meet the definition of Storefront Property Facades; therefore, those buildings were not calculated. Such businesses that are located in buildings that do not meet the definition of Storefront Property Façade (because the Storefronts are above the “first floor”) include, but are not limited to Mustang (890 Main Street), Vinto (900 Main Street), Buona Vita (804 Main Street), etc.

<u>Map 1</u>: Historic Recreation Commercial (HRC) Zone (shaded red areas identify the subject Storefront Property Facades)



<u>Map 2</u>: Historic Commercial Business (HCB) Zone (shaded red areas identify the subject Storefront Property Facades)



Based on the in-depth analysis and public input, staff has formulated/quantified the following information to develop a cap along Storefront Property Facades of CCBs in each zone (HRC and HCB).

- There are a total of 14[1] CCBs in Storefront Property Facades in the HCB and HRC combined (orange = HRC, blue = HCB).
  1. Harley Davidson
  2. Lulu Lemon
  3. Roots
  4. The North Face
  5. Marmot Outdoor Gear
  6. Overland Sheepskin Co.
  7. Summit Sotheby's
  8. Summit Sotheby's
  9. Berkshire Hathaway
  10. Keller Williams Real Estate
  11. Patagonia
  12. Shirt Off My Back
  13. Rocky Mountain Chocolate
  14. Gorsuch[1]

- There are a total of 13 CCBs in the HCB and 1 CCB in the HRC.
- Tables 2 and 3 identify the approximate current inventory of Storefront Property Facades and CCBs by zone (HRC and HCB). These figures were derived from the areas identified in Maps 1 and 2. Table 4 identifies the aggregate of the HRC and HCB totals.

Table 2: Historic Recreation Commercial (HRC) Zone Approximate Current Inventory of Storefront Property Facades and CCBs:

	All Storefront Property Facades in the HRC	15% of all Storefront Property Facades in the HRC	Current CCBs in Storefront Property Facades	Current Percentage of CCBs in Storefront Property in the HRC/HCB
Linear Feet	1597 feet	240 feet	30 feet	1.88%
Quantity of Storefront Property Facades	26	4	1	3.85%

[1] Staff had previously reported 13 CCBs; however, upon further review it was determined that Gorsuch is in fact, a CCB.

Table 3: Historic Commercial Business (HCB) Zone Approximate Current Inventory of Storefront Property Facades and CCBs:

	All Storefront Property Facades in the HCB	15% of all Storefront Property Facades in the HCB	Current CCBs in Storefront Property Facades	Current Percentage of CCBs in Storefront Property in the HRC/HCB
Linear Feet	3439 feet	516 feet	419 feet	12.2%
Quantity of Storefront Property Facades	117	18	13	11.1%

Table 4: Aggregate approximate current inventories of the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zones:

	All Storefront Property Facades in the HRC and HCB	15% of all Storefront Property Facades in the HRC and HCB	Current CCBs in Storefront Property Facades	Current Percentage of CCBs in Storefront Property in the HRC/HCB
Linear Feet	5036 feet	1008 feet	449 feet	8.9%
Quantity of Storefront Property Facades	143	22	14	9.7%

Using the information gathered from each zone (HRC and HCB), staff identified further metrics to derive an appropriate cap of CCBs that would be proportionate to the streetscape and foster the desired retail-mix outcomes of City Council in order to preserve the historic ambience of Main Street.

Table 5: Average Storefront Property Façade widths utilizing multiple metrics in the HRC and HCB combined:

Metric:	Width (feet)
Average Width of:	
(1) All Storefront Property Facades	33.5 feet
(2) Conventional Chain Business Storefront Property Facades	37.5 feet
Minimum Lot Width:	25 feet
Maximum Storefront Property Façade width per LMC § 15-2.5-3 and LMC § 15-2.6-3	50 feet
Average of all Metrics:	**36.5 feet**

Based on the average of all metrics identified in Table 4, staff finds that rounding the 36.5 feet figure up to 37.5 feet would be most appropriate as 37.5 feet would represent 1.5 lots. Each typical Old Town lot measures 25 feet in width, therefore 1.5 lots measures 37.5 feet (25 feet + 12.5 feet). 1.5 lots are a typical width of properties throughout the Historic Districts where portions of lots have been combined.

Staff then took the 37.5 feet figure and divided that by 15% of the linear feet in each zone to derive an appropriate cap of CCBs. Meaning, staff established an average quantity of CCBs that would occupy 15% of the linear feet of each zone. This would not only be consistent with the existing Storefront Property Façade widths in the HRC and HCB, but would also maintain an appropriate proportion of the street between CCBs and non-CCBs. Tables 6a and 6b articulate staff's recommended calculation that will still allow for additional retail-mix to develop including CCB and those that are not.

Table 6a: Staff's recommended cap of CCBs calculation (long-form) for the Historic Recreation Commercial (HRC) Zone:

15% of all Storefront Property Facades in the HRC	Divided by (÷)	Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet):	Equals (=)	Proposed cap (#) of CCBs
240 feet	÷	37.5 feet	=	**7** (rounded from 6.4)

Table 6b: Staff's recommended cap of CCBs calculation (long-form) for the Historic Commercial Business (HCB) Zone:

15% of all Storefront Property Facades in the HCB	Divided by (÷)	Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet):	Equals (=)	Proposed cap (#) of CCBs
516 feet	÷	37.5 feet	=	**14** (rounded from 13.8)

Table 7a and 7b articulate alternative caps (#s) that were explored using the calculation derived above; however, staff inserted new percentages (%) of the streetscape linear feet.

Table 7a: Alternative cap calculations of CCBs for the Historic Recreation Commercial (HRC) Zone:

20% of all Storefront Property Facades in the HRC	Divided by (÷)	Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet):	Equals (=)	Proposed cap (#) of CCBs
320 feet	÷	37.5 feet	=	**9** (rounded from 8.5)

18% of all Storefront Property Facades in the HRC	Divided by (÷)	Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet):	Equals (=)	Proposed cap (#) of CCBs
289 feet	÷	37.5 feet	=	**8** (rounded from 7.7)

Table 7b: Alternative cap calculations of CCBs for the Historic Commercial Business (HCB) Zone:

20% of all Storefront Property Facades in the HCB	Divided by (÷)	Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet):	Equals (=)	Proposed cap (#) of CCBs
688 feet	÷	37.5 feet	=	**19** (rounded from 18.4)
18% of all Storefront Property Facades in the HCB	**Divided by (÷)**	**Staff's recommended metric to represent 1.5 lots based on Table 4 Average (36.5 feet):**	**Equals (=)**	**Proposed cap (#) of CCBs**
619 feet	÷	37.5 feet	=	**17** (rounded from 16.5)

Based on the metrics and analysis outlined above, staff finds that the following proposed LMC Amendments will foster the goals of the Storefront Enhancement Program and General Plan.

1. LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)
Based on the Planning Commission's input and the calculations outlined in Table 6a, staff is proposing no more than seven (7) Conventional Chains in Storefront Properties of the HRC.

15-2.5-2 Uses
Uses in the HRC are limited to the following:

A. **ALLOWED USES**[10].
1. Single Family Dwelling[5]
2. Duplex Dwelling[5]
3. Secondary Living Quarters[5]
4. Lockout Unit[1,5]
5. Accessory Apartment[2,5]
6. Nightly Rental[5]
7. Home Occupation[5]
8. Child Care, In-Home Babysitting
9. Child Care, Family[3]

10. Child Care, Family Group[3]
11. Child Care Center[3]
12. Accessory Building and Use
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn[4,5]
16. Boarding House, Hostel[5]
17. Hotel, Minor, fewer than 16 rooms[5]
18. Office, General[5]
19. Parking Area or Structure, with four (4) or fewer spaces[5]

B. **CONDITIONAL USES**[9,10].
1. Triplex Dwelling[5]
2. Multi-Unit Dwelling[5]
3. Guest House, on Lots one acre[5]
4. Group Care Facility[5]
5. Public and Quasi-Public Institution, Church, School
6. Essential Municipal Public Utility Use, Facility, Service and Structure
7. Telecommunication Antenna[6]
8. Satellite Dish, greater than thirty-nine inches (39") in diameter[7]
9. Plant and Nursery stock products and sales
10. Hotel, Major[5]
11. Timeshare Projects and Conversions[5]
12. Private Residence Club Project and Conversion[4,5]
13. Office, Intensive[5]
14. Office and Clinic, Medical[5]
15. Financial Institution, without drive-up window[8]
16. Commercial Retail and Service, Minor[8]
17. Commercial Retail and Service, personal improvement[8]
18. Neighborhood Convenience Commercial, without gasoline sales
19. Café or Deli[8]
20. Restaurant, General[8]
21. Restaurant and café, Outdoor Dining[4]
22. Outdoor Events and Uses[4]
23. Bar
24. Parking Area or Structure, with five (5) or more spaces[5]
25. Temporary Improvement[4]
26. Passenger Tramway Station and Ski Base Facility
27. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
28. Recreation Facility, Commercial, Public, and Private
29. Entertainment Facility, Indoor
30. Fences greater than six feet (6') in height from Final Grade[4]
31. Private Residence Club, Off-Site[5]
32. Private Event Facility[5]
33. Special Events[4]

C. **PROHIBITED USES**. Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

[1]Nightly rental of Lockout Units requires a Conditional Use permit
[2]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments
[3]See LMC Chapter 15-4-9 for Child Care Regulations
[4]Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.
[5]Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property; however access, circulation, and lobby areas are permitted within Storefront Property.
[6]See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities
[7]See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas
[8]If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use
[9]No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.
[10] Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in Storefront Properties.

2. LMC § 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB)

Based on the calculations outlined in Table 6b, staff is proposing no more than fourteen (14) Conventional Chains in Storefront Properties of the HCB.

15-2.6-2 Uses

Uses in the Historic Commercial Business (HCB) District are limited to the following:

A. **ALLOWED USES**[11].
1. Single Family Dwelling[1]
2. Multi-Unit Dwelling[1]
3. Secondary Living Quarters[1]
4. Lockout Unit[1,2]
5. Accessory Apartment[1,3]
6. Nightly Rental[4]
7. Home Occupation[1]
8. Child Care, In-Home Babysitting[1]
9. Child Care, Family[1,5]
10. Child Care, Family Group[1,5]
11. Child Care Center[1,5]
12. Accessory Building and Use[1]
13. Conservation Activity

14. Agriculture
15. Bed and Breakfast Inn[1, 6]
16. Boarding House, Hostel[1]
17. Hotel, Minor, fewer than 16 rooms[1]
18. Office, General[1]
19. Office, Moderate Intensive[1]
20. Office and Clinic, Medical[1]
21. Financial Institution, without drive-up window
22. Commercial Retail and Service, Minor
23. Commercial Retail and Service, personal improvement
24. Commercial Neighborhood Convenience, without gasoline sales
25. Restaurant, Cafe or Deli
26. Restaurant, General
27. Bar
28. Parking Lot, Public or Private with four (4) or fewer spaces
29. Entertainment Facility, Indoor
30. Salt Lake City 2002 Winter Olympic Games Legacy Displays[7]
31. Temporary Winter Balcony Enclosures

B. **CONDITIONAL USES**[10,11]:

1. Group Care Facility[1]
2. Public and Quasi-Public Institution, Church, School
3. Essential Municipal Public Utility Use, Facility, Service, and Structure
4. Telecommunication Antenna[8]
5. Satellite Dish, greater than thirty-nine inches (39") in diameter[9]
6. Plant and Nursery stock products and sales
7. Hotel, Major[1]
8. Timeshare Projects and Conversions[1]
9. Timeshare Sales Office, Off-Site within an enclosed Building[1]
10. Private Residence Club Project and Conversion[1,6]
11. Commercial Retail and Service, Major[11]
12. Office, Intensive[1]
13. Restaurant, Outdoor Dining[6]
14. Outdoor Events and Uses[6]
15. Hospital, Limited Care Facility[1]
16. Parking Area or Structure for five (5) or more cars[1]
17. Temporary Improvement[6]
18. Passenger Tramway Station and Ski Base Facility
19. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
20. Recreation Facility, Public or Private
21. Recreation Facility, Commercial
22. Fences greater than six feet (6') in height from Final Grade[6]
23. Private Residence Club, Off-Site[1]
24. Special Events[6]
25. Private Event Facility[1]

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

[1]Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and lobby areas are permitted within Storefront Property.
[2]Nightly Rental of Lock Units requires a Conditional Use permit
[3]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments
[4]Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses
[5]See LMC Chapter 15-4-9 for Child Care Regulations
[6]Requires an Administrative or Administrative Conditional Use permit
[7]Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.
[8]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities
[9]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas
[10]No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.
[11]Within the HCB Zoning District, no more than fourteen (14) Conventional Chain Businesses are permitted in Storefront Properties.

3. LMC § 15-15 DEFINED TERMS

Staff developed the following definition of CCB based on research conducted on other municipal codes. This definition will be the basis for determining if a business meets the criteria of a CCB.

15-15 Defined Terms

(…)

X.XXX CONVENTIONAL CHAIN BUSINESS. Conventional Chain Business is a business, including but not limited to retailers or restaurants, which maintains one or more of the following standardized items which causes it to be substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application:

(i) standardized menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings; or
(ii) a standardized array of products or merchandise; or
(iii) uniform apparel;or
(iv) standardized architectural design, layout of facade, decor or color scheme and/or signs; trademarks, and service marks or logos, or similar standardized features.

(…)

4. Process

Currently, the Planning Department reviews all Business License applications for compliance with the Uses in any given Zoning District for a potential business. Business Licenses are issued through the Finance Department. This process is how Vertical Zoning in the HRC and HCB is regulated. Staff intends to regulate the CCBs using the same analysis method as a part of the Business License application.

Because staff has the current business inventory of CCBs, there will be a tracking system within the Planning Department for staff moving forward. Once a new CCB is issued a Business License, that particular CCB will be added to the tracking system list, thus increasing the quantity. The tracking system list will be kept in the Planning Department and shared with the Finance Department. Once the cap is reached, the burden will be on a perspective Business License applicant to prove that a CCB vacancy has occurred resulting in no active Business License for an "existing" CCB.

The Planning Commission and members of the Public during Public Comment on July 26th, 2017 brought up concerns regarding a timing of "vesting" the business license for a new CCB. Staff interprets the intent of this broad discussion to make sure that the timing of a business license relative to the number of CBB business licenses would not "disrupt" or distort, either the market by either creating an artificial demand or dragging demand down due to the level of risk to receive a business license. Staff also did not want to create an artificial market for "vested" business licenses.

Currently, the Business License process is started when a business is ready to "almost" open their doors to the public. The business license inspection comes after all other inspections (4-way, Certificate of Occupancy), meaning, they would have a completed Building Permit for tenant improvements. At that time, they are eligible to request a Business License inspection and with a passed Business License inspection they could then submit an application for a Business License. Under that process, a CCB would "vest" at the time of the Business Licensee application submittal (after their tenant improvements have been completed).

The above Business License process requires that a commercial space be completely built out, meaning a Building Permit would already be completed and a business would have invested in a commercial space. The concern that was raised was regarding the amount of "risk" that a potential business would take-on to get a Building Permit and have to wait to apply for a Business License with no assurance that a license would still be available at the end of the construction/tenant improvement process.

After the Planning Commission meeting, Finance, Economic Development, Community Development, and the Legal Department met to discuss a vesting system. Staff discussed the following:

- Concerns:

- Administrative Difficulties
- Risk of potential Market Distortion
- City would further its role in the free-market

- Options:

1. Utilize the current Business License process which will not vest CCBs until completion of construction/tenant improvements. This may result in less CCBs in Storefront Property Facades as a potential CCB would not be willing to take the "risk" of waiting for their tenant improvement to complete. This is staff's recommended option. CCBs are still permitted in the HRC and HCB even if the cap is reached because CCBs are only regulated in Storefront Property Facades (See Maps 1 and 2 for Storefront Property Facades). Staff finds that this is most consistent with the desired outcome of the proposed Ordinance and the Storefront Enhancement Program.
2. Create a Planning Director Determination Administrative Permit Application to determine a CCB and tie them to their "under construction" commercial space. This would enable a CCB to get in line on "the list" prior to a Business License submittal, after submittal for a Building Permit. There would likely be a 180 day expiration on the Planning Director Determination. If the Determination expired, the CCB would "lose their place in line on the list." This Planning Director Determination Administrative Permit would require the following:
    - Proof of issued Tenant Improvement Building Permit (must be compliant and up to date with all Building Permit Inspections);
    - Proof of signed Lease or Ownership of Building.

    Staff does not recommend this option as staff finds that a Planning Director Determination Administrative Permit would potentially create an administrative "burden" and may likely create market distortion; however, this is probably the most feasible pipeline, should City Council chose to enact a vesting system. One benefit of this process would be acceleration of construction to meet the 180 day limit, especially if a difficult standard to extend was established.
3. Create a Waitlist for CCBs. This would require that the City hold a Waitlist for future CCBs. Any new space that wanted a CCB would have to refer to the next CCB in line on the City's "waitlist". Staff does not recommend this option as staff finds this will create an administrative "burden" and have the City tied too closely to the free-market.

Staff feels confident that the current Business License application process will regulate new businesses fairly and consistently. Appeals of Business License applications are heard by the City Council.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Department Review

This report has been reviewed by the Economic Development, Finance, Community Development, and Legal Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on July 1, 2017 and July 8, 2017 and published in the Park Record on July 1, 2017 and July 8, 2017 per requirements of the Land Management Code. Notice letters were sent to affected entities and affected property owners on June 28, 2017.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff has noticed this item for public hearings on July 12th, 2017 and July 26th, 2017, conducted by the Planning Commission. In addition, staff met with stakeholders outside of Public Meetings, including the Historic Park City Alliance (HPCA), Main Street business owners, Main Street building owners, and members of the real estate community.

Recommendation

The Planning Department requests City Council open a public hearing, review and approve the proposed Land Management Code amendments regarding Conventional Chain Businesses in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.

Exhibits

Exhibit 1 – Draft Ordinance
- Exhibit A – LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)
- Exhibit B – LMC § 15-2.6-2 Uses in HISTORIC COMMERCIAL BUSINESS (HCB)
- Exhibit C – LMC § 15-15 Defined Terms

Exhibit 2 – General Plan Implementation – Storefront Enhancement Program Impacts
Exhibit 3 – Historic Commercial Business (HCB) Zoning District Boundaries
Exhibit 4 – Historic Recreation Commercial (HRC) Zoning District Boundaries
Exhibit 5 – Main Street National Register District Boundaries
Exhibit 6 – Public Comment
Exhibit 7 – May 11th, 2017 City Council Work Session Staff Report – link (see p.47)
Exhibit 8 – May 11th, 2017 City Council Work Session Minutes – link (see p. 8)
Exhibit 9 – July 26th, 2017 Planning Commission Staff Report – link (see p. 187)
Exhibit 10 – July 26th, 2017 Planning Commission Draft Minutes – link (see p. 37)

Exhibit 1 – Draft Ordinance

Ordinance No. 2017-45

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, SECTION 15-2.5; HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, SECTION 15-2.6; AND DEFINED TERMS, SECTION 15-15

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting uniqueness and historic character in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHERAS, Park City has an interest in the preservation of the integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main

Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or a unique positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, uniqueness and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on July 12, 2017 and July 26, 2017 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____ __, 2017; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

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

PASSED AND ADOPTED this ___ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, Mayor

Attest:

_____
City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

Exhibits
Exhibit A – LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)
Exhibit B – LMC § 15-2.6-2 Uses in HISTORIC COMMERCIAL BUSINESS (HCB)
Exhibit C – LMC § 15-15 Defined Terms

Exhibit A – LMC § 15-2.5-2 Uses in HISTORIC RECREATION COMMERCIAL (HRC)

15-2.5-2 Uses

Uses in the HRC are limited to the following:

D. **ALLOWED USES** [10].

1. Single Family Dwelling[5]
2. Duplex Dwelling[5]
3. Secondary Living Quarters[5]
4. Lockout Unit[1,5]
5. Accessory Apartment[2,5]
6. Nightly Rental[5]
7. Home Occupation[5]
8. Child Care, In-Home Babysitting
9. Child Care, Family[3]
10. Child Care, Family Group[3]
11. Child Care Center[3]
12. Accessory Building and Use
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn[4,5]
16. Boarding House, Hostel[5]
17. Hotel, Minor, fewer than 16 rooms[5]
18. Office, General[5]
19. Parking Area or Structure, with four (4) or fewer spaces[5]

E. **CONDITIONAL USES**[9,10].

1. Triplex Dwelling[5]
2. Multi-Unit Dwelling[5]
3. Guest House, on Lots one acre[5]
4. Group Care Facility[5]
5. Public and Quasi-Public Institution, Church, School
6. Essential Municipal Public Utility Use, Facility, Service and Structure
7. Telecommunication Antenna[6]
8. Satellite Dish, greater than thirty-nine inches (39") in diameter[7]
9. Plant and Nursery stock products and sales
10. Hotel, Major[5]
11. Timeshare Projects and Conversions[5]
12. Private Residence Club Project and Conversion[4,5]
13. Office, Intensive[5]
14. Office and Clinic, Medical[5]
15. Financial Institution, without drive-up window[8]
16. Commercial Retail and Service, Minor[8]
17. Commercial Retail and Service, personal improvement[8]
18. Neighborhood Convenience Commercial, without gasoline sales
19. Café or Deli[8]
20. Restaurant, General[8]

21. Restaurant and café, Outdoor Dining[4]
22. Outdoor Events and Uses[4]
23. Bar
24. Parking Area or Structure, with five (5) or more spaces[5]
25. Temporary Improvement[4]
26. Passenger Tramway Station and Ski Base Facility
27. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
28. Recreation Facility, Commercial, Public, and Private
29. Entertainment Facility, Indoor
30. Fences greater than six feet (6') in height from Final Grade[4]
31. Private Residence Club, Off-Site[5]
32. Private Event Facility[5]
33. Special Events[4]

F. **PROHIBITED USES**. Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

[1]Nightly rental of Lockout Units requires a Conditional Use permit
[2]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments
[3]See LMC Chapter 15-4-9 for Child Care Regulations
[4]Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.
[5]Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property; however access, circulation, and lobby areas are permitted within Storefront Property.
[6]See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities
[7]See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas
[8]If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use
[9]No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.
[10] Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in Storefront Properties.

Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 04-39 on 3/18/2004
Amended by Ord. 06-69 on 10/19/2006
Amended by Ord. 07-55 on 8/30/2007
Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 12-37 on 12/20/2012
Amended by Ord. 16-02 on 1/7/2016

Exhibit B – LMC § 15-2.6-2 Uses in HISTORIC COMMERCIAL BUSINESS (HCB)

15-2.6-2 Uses
Uses in the Historic Commercial Business (HCB) District are limited to the following:

D. **ALLOWED USES**[0][11].
1. Single Family Dwelling[1]
2. Multi-Unit Dwelling[1]
3. Secondary Living Quarters[1]
4. Lockout Unit[1,2]
5. Accessory Apartment[1,3]
6. Nightly Rental[4]
7. Home Occupation[1]
8. Child Care, In-Home Babysitting[1]
9. Child Care, Family[1,5]
10. Child Care, Family Group[1,5]
11. Child Care Center[1,5]
12. Accessory Building and Use[1]
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn[1, 6]
16. Boarding House, Hostel[1]
17. Hotel, Minor, fewer than 16 rooms[1]
18. Office, General[1]
19. Office, Moderate Intensive[1]
20. Office and Clinic, Medical[1]
21. Financial Institution, without drive-up window
22. Commercial Retail and Service, Minor
23. Commercial Retail and Service, personal improvement
24. Commercial Neighborhood Convenience, without gasoline sales
25. Restaurant, Cafe or Deli
26. Restaurant, General
27. Bar
28. Parking Lot, Public or Private with four (4) or fewer spaces
29. Entertainment Facility, Indoor
30. Salt Lake City 2002 Winter Olympic Games Legacy Displays[7]
31. Temporary Winter Balcony Enclosures

E. **CONDITIONAL USES**[10,11].
1. Group Care Facility[1]
2. Public and Quasi-Public Institution, Church, School
3. Essential Municipal Public Utility Use, Facility, Service, and Structure
4. Telecommunication Antenna[8]
5. Satellite Dish, greater than thirty-nine inches (39") in diameter[9]
6. Plant and Nursery stock products and sales
7. Hotel, Major[1]

8. Timeshare Projects and Conversions[1]
9. Timeshare Sales Office, Off-Site within an enclosed Building[1]
10. Private Residence Club Project and Conversion[1,6]
11. Commercial Retail and Service, Major[11]
12. Office, Intensive[1]
13. Restaurant, Outdoor Dining[6]
14. Outdoor Events and Uses[6]
15. Hospital, Limited Care Facility[1]
16. Parking Area or Structure for five (5) or more cars[1]
17. Temporary Improvement[6]
18. Passenger Tramway Station and Ski Base Facility
19. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
20. Recreation Facility, Public or Private
21. Recreation Facility, Commercial
22. Fences greater than six feet (6') in height from Final Grade[6]
23. Private Residence Club, Off-Site[1]
24. Special Events[6]
25. Private Event Facility[1]

F. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

[1]Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and lobby areas are permitted within Storefront Property.
[2]Nightly Rental of Lock Units requires a Conditional Use permit
[3]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments
[4]Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses
[5]See LMC Chapter 15-4-9 for Child Care Regulations
[6]Requires an Administrative or Administrative Conditional Use permit
[7]Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.
[8]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities
[9]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas
[10]No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.
[11]Within the HCB Zoning District, no more than fourteen (14) Conventional Chain Businesses are permitted in Storefront Properties.

Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 02-38 on 9/12/2002
Amended by Ord. 04-39 on 3/18/2004
Amended by Ord. 06-69 on 10/19/2006
Amended by Ord. 07-55 on 8/30/2007

Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 12-37 on 12/20/2012
Amended by Ord. 16-01 on 1/7/2016
Amended by Ord. 16-02 on 1/7/2016

Exhibit C – LMC § 15-15 Defined Terms

15-15 Defined Terms

(…)

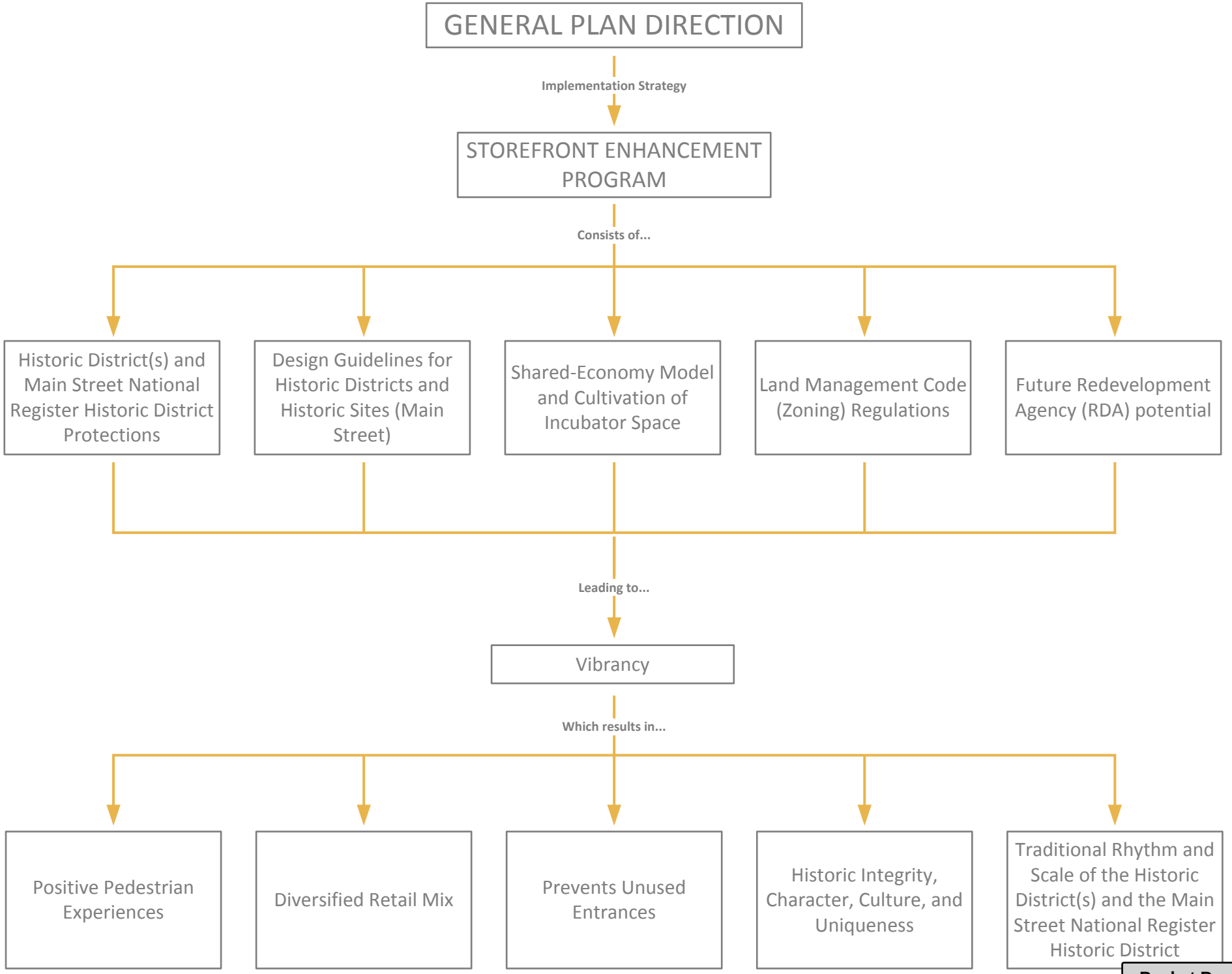
X.XXX CONVENTIONAL CHAIN BUSINESS. Conventional Chain Business is a business, including but not limited to retailers or restaurants, which maintains one or more of the following standardized items which causes it to be substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application:

(i) standardized menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings; or
(ii) a standardized array of products or merchandise; or
(iii) uniform apparel;or
(iv) standardized architectural design, layout of facade, decor or color scheme and/or signs; trademarks, and service marks or logos, or similar standardized features.

(…)

Adopted by Ord. 00-25 on 3/30/2000
Amended by Ord. 02-07 on 5/23/2002
Amended by Ord. 02-38 on 9/12/2002
Amended by Ord. 04-39 on 9/23/2004
Amended by Ord. 05-01 on 1/13/2005
Amended by Ord. 06-86 on 12/21/2006
Amended by Ord. 07-25 on 4/19/2007
Amended by Ord. 07-55 on 8/30/2007
Amended by Ord. 08-07 on 3/13/2008
Amended by Ord. 09-05 on 1/22/2009
Amended by Ord. 09-09 on 2/12/2009
Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 09-14 on 4/9/2009
Amended by Ord. 09-23 on 7/9/2009
Amended by Ord. 09-40 on 11/5/2009
Amended by Ord. 11-05 on 1/27/2011
Amended by Ord. 11-12 on 3/31/2011
Amended by Ord. 12-37 on 12/20/2012
Amended by Ord. 14-57 on 11/20/2014
Amended by Ord. 15-53 on 12/17/2015
Amended by Ord. 16-02 on 1/7/2016
Amended by Ord. 16-15 on 3/24/2016
Amended by Ord. 2016-44 on 9/15/2016
Amended by Ord. 2016-48 on 10/20/2016
Amended by Ord. 2017-09 on 4/27/2017

EXHIBIT 2: General Plan Implementation – Storefront Enhancement Program Impacts



Historic Sites in the HCB Zone

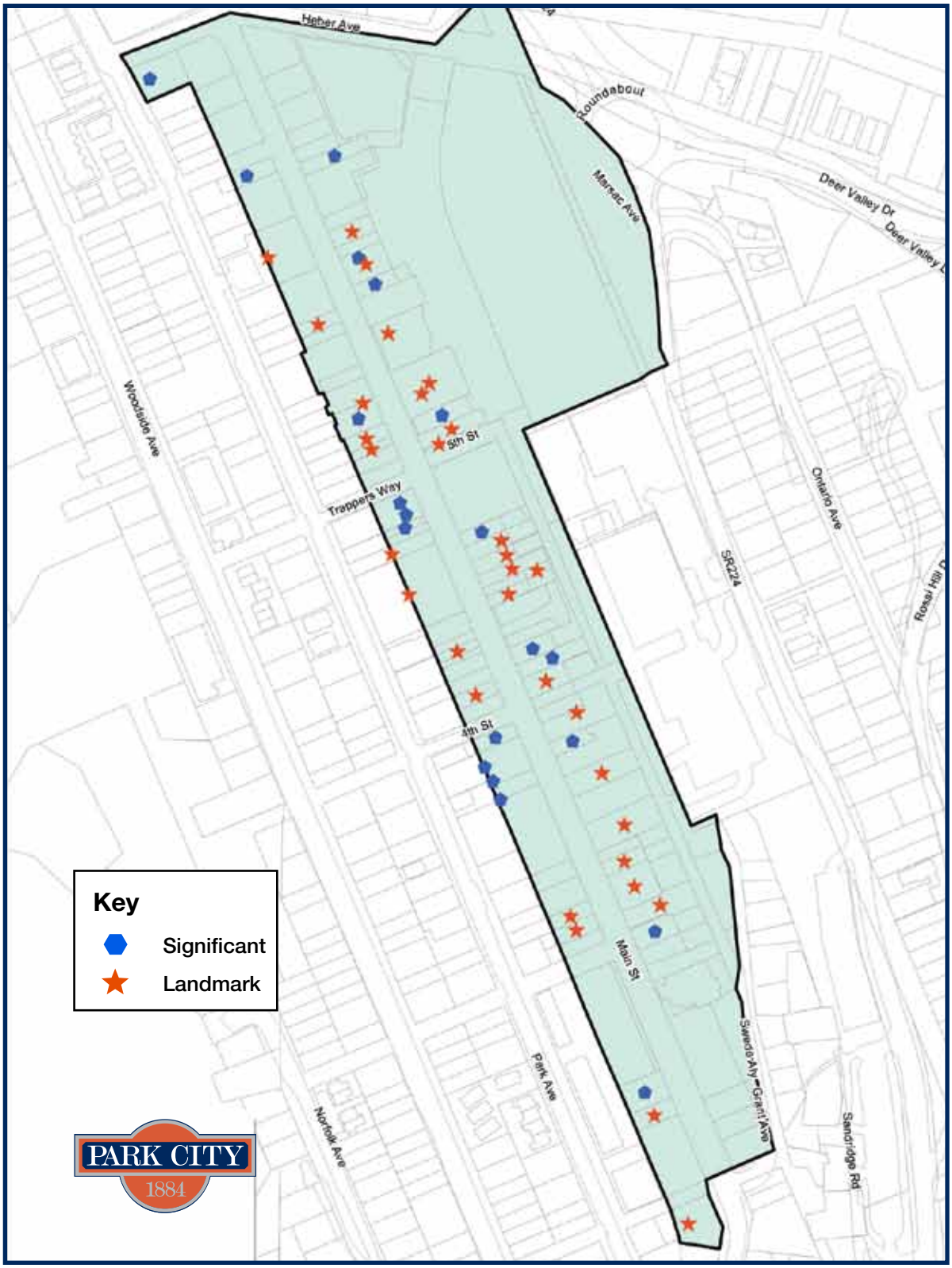


EXHIBIT 4: Historic Recreation Commercial(HRC) Boundaries

Historic Sites in the HR-C Zone

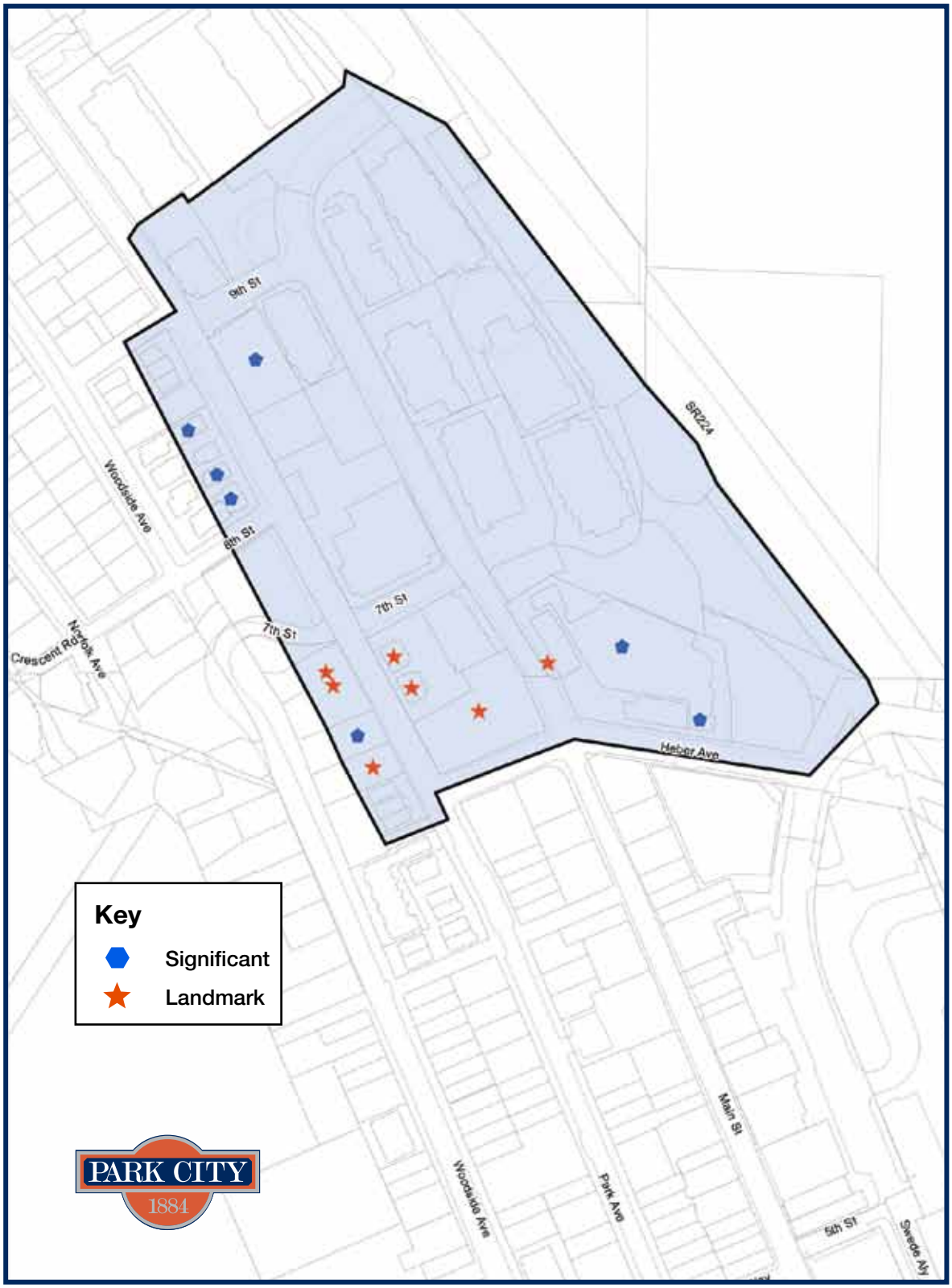


EXHIBIT 5: Main Street National Register District Boundaries

Main Street National Register Historic District

Historic Park City Alliance
Tenant Mix Position Statement

Mission statement:
To promote, enhance and encourage an atmosphere that is beneficial to the businesses of Historic Park City and the community, while informing and building consensus among property owners, merchants and governmental agencies.

Position Statement Goal: Protect the sense of place and the distinctive character of Historic Park City to attract locals and visitors promoting continued prosperity over the long-term.

The Historic Park City Alliance (HPCA) supports Park City Municipal Corporations' (PCMC) efforts to legislatively establish protections for the HCB and HRC portions of the Historic Business District by Amending Land Management Code Sections 15-2.5 and 15-2.6 and definitions in 15-15; establishing a not to exceed threshold for the prevalence of formula / chain businesses in the HCB and HRC. The HPCA is a member based non-profit established to procure key services and promote the economic health of member businesses in Park City's historic core. In support of our mission we have been working in conjunction with Park City's Economic Development and Planning Staff, business and property owners, and our members for the last several years to examine a variety of policy, legislative, and economic development tools aimed at supporting the businesses in our district through land use policy (collectively the Storefront Enhancement Program) that recognizes the district's historic character as our most distinct competitive advantage. The HPCA therefore supports amending the aforementioned sections of the Land Management Code for the following reasons:

1. In an increasingly homogenized world, communities that have preserved their distinctive historic character have an economic edge. They are far better able to attract visitors and prosper over the long term.
2. The member businesses and property owners of the HPCA strive to provide a diverse menu of authentic products, services, and experiences in a manner that preserves, augments, and features Park City's rich architectural, cultural, and entrepreneurial history.
3. Our membership believes that there is great economic and cultural value in preserving the historically relevant architectural character, scale, and the authentic customer experience in our core business district.
4. There is sufficient observational evidence that chains tend to follow one another into new markets which has the potential to squeeze out independent businesses and initiate wholesale transformation of entire business districts. These changes can happen suddenly and irreversibly, erasing years of investment and effort by local businesses to protect the economic value associated with our history. Our membership broadly supports efforts to prevent a dynamic where the districts' primary economic drivers, historic character, the authenticity of experience for visitors, and the local context of the goods and services offered is not diluted.
5. An over proliferation of chain businesses, products, signage, or service interactions will result in customers who tune out. Historic Commercial Districts that fail to offer unique and authentic experiences will lose the ability to differentiate themselves from other communities or web based

shopping experiences. The HPCA supports preserving and enhancing Park City's best competitive advantage.

6. The HPCA wishes to preserve the long term economic benefits of both the "multiplier effect" from local patrons and businesses spending to support one another and the marketing power of a historically authentic experience.

Qualifications:

- The HPCA is primarily a business owner / operator based organization and view the economic health of the district through that lens. However, our members businesses who double as property owners have also registered their support for the position outlined herein as a positive long term approach.
- Regardless of the ultimate vote on this ordinance the HPCA supports continued study and dialog about what makes for unique and successful historic business districts in destination markets including examples of tenant mix data that has led to positive economic AND experiential outcomes.

From:	eric nelson
To:	Jonathan Weidenhamer; Hannah Tyler; Bruce Erickson; Jan Wilking; Hans Fuegi; MICHAEL KAPLAN; Myles Rademan
Subject:	Main Street
Date:	Tuesday, June 20, 2017 11:57:48 AM
Attachments:	Scan0067.pdf

Guys: Great meeting.

I have included an article on chain stores. It talks about the neighborhood of Hayes Valley in San Francisco and how the chain store ban has triggered very high end retail that doesn't cater to the neighborhood. This is just one article out of 3 or 4 that came to a similar conclusion. There is some negatives that have also surfaced in Nantucket and Carmel but these are very wealthy communities. Not quite the same as Park City but something to ponder.

After thinking about this here are comments:
1. It seems like most of the communities that now have some chain store regulation have limited their chain stores to 15% to 23% of the store fronts. I would suggest a limit of 20% of the store fronts as chains which comes to about 20 to 22 stores out of 100 plus. Real estate companies should be eliminated from the list. Under your definition I am suggesting the ability to have 10 more chain stores on the street.

2. I would also suggest if Main Street hit the chain store limit, whatever it is, you give yourself an out. You might consider a quick conditional use process once you do hit your max. The last thing you want is to deny a Landlord the ability to rent his space.

3. There are 100's of chain stores that would be a great fit for main street.

4. It seems that the chains are bringing people and money to the street. When you have 10 to 14 chain stores doing half the business on the street that tells you something. Our visitors obviously like those stores. The argument that visitors want something they can't get at home isn't always the case. There are plenty of great chains that are local in nature that our visitors never see at their homes. Gorsuch and Overland are perfect examples. Their stores are located in 2 or 3 states.

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a. You have vacancy
b. You have very high end stores. People that can afford the rents.

6. This chain store limit will not lower rents. I can't find an example where a chain store restriction has reduced rents.

7. Finally, the City has done nothing to help the retail community. From the 205 Main mistake to the Brew Pub Lot Mistake (my view. will do nothing to enhance business) to the 50 linear foot ordinance to the parking rules. Combine this with higher rents and CAM fees every year and minor increases in sales. Its tough doing retail on Main Street Park City.

That's it. Good luck with your decision.

From: MICHAEL KAPLAN
To: Jonathan Weidenhamer; eric nelson; Tim Hennev; Michael Barille; Alison Kuhlow (alison@visitparkcity.com)
Cc: Myles Rademan; Hans Fuegi; Jan Wilking; Bruce Erickson; Hannah Tyler
Subject: Re: Main Street
Date: Tuesday, June 20, 2017 3:11:44 PM

Hi All,
I agree with the sentiment that we have created a well-functioning insightful group. Special thanks to Bruce, Jon, and Hannah for your hard work and to Tim for sitting-in with us.
Thank you Eric for your letter today.
As I mentioned yesterday, I also agree with the figure of "a cap of 20% of the retail spaces in the historic district allowed for chain/formula business/tenants." Special attention should be given to our definition of what constitutes a chain and the fact this ordinance only applies to the limited geographic area of historic Old Town.
Instead of the language "real estate firms being excluded" from the list (of total retail spaces) I suggest language something like "the currently nonconforming grandfathered office spaces are excluded" in that count.
I hope we can get together soon to talk about issues such as vibrancy/dark buildings, the Brew Pub lot (I agree with Eric and others it should have a retail component, most especially a convenience store (drive pedestrian traffic to the top of Main and an amenity to the neighborhood)), Sundance issues, the high-end residential units, etc.
I will be out of the country for the next month but can be reached via email.
Thanks again, -Michael

Michael E. Kaplan M.I.M., A.L.M.

From: Jonathan Weidenhamer <jweidenhamer@parkcity.org>
Sent: Tuesday, June 20, 2017 1:10 PM
To: eric nelson
Cc: Myles Rademan; Hans Fuegi; MICHAEL KAPLAN; Jan Wilking; Bruce Erickson; Hannah Tyler
Subject: Re: Main Street

Thanks Eric.
Ok if I send to Tim and the rest of City council? Would u like this to be part of the public record?

Sent from my mobile phone.
On Jun 20, 2017 11:57 AM, eric nelson <enelson1213@gmail.com> wrote:
Guys: Great meeting.

I have included an article on chain stores. It talks about the neighborhood of Hayes Valley in

San Francisco and how the chain store ban has triggered very high end retail that doesn't cater to the neighborhood. This is just one article out of 3 or 4 that came to a similar conclusion. There is some negatives that have also surfaced in Nantucket and Carmel but these are very wealthy communities. Not quite the same as Park City but something to ponder.

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That's it. Good luck with your decision.

From: Hans Fuegi
To: Jonathan Weidenhamer; "eric nelson"
Cc: Myles Rademan; "MICHAEL KAPLAN"; "Jan Wilking"; Bruce Erickson; Hannah Tyler
Subject: RE: Main Street
Date: Thursday, June 22, 2017 9:35:17 AM

Jonathan,
One thing you may want to consider adding to your recommendations to city council is a provision to lift the restriction on chain stores if vacancy in the affected district rises above a certain percentage (15%?). Vacancy on historic Main Street has been extremely low over the recent past, even during the economic downturn. It would take a substantial change in circumstances or economy for the vacancy numbers to reach the above percentage.
Hans

From: Jonathan Weidenhamer [mailto:jweidenhamer@parkcity.org]
Sent: Tuesday, June 20, 2017 1:10 PM
To: eric nelson
Cc: Myles Rademan; Hans Fuegi; MICHAEL KAPLAN; Jan Wilking; Bruce Erickson; Hannah Tyler
Subject: Re: Main Street

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That's it. Good luck with your decision.

Virus-free. www.avast.com

From:	Tim Henney
To:	dj brooks
Cc:	Council Mail; Bruce Erickson; Hannah Tyler; Polly Samuels McLean
Subject:	Re: Retail restrictions on main street
Date:	Sunday, May 21, 2017 9:19:35 AM

Thanks DJ. I'll forward your comment to the Planning department and it will become part of the public record now that the Planning Commission will be looking into possible guidelines/restrictions.
Best,
Tim Henney
On behalf of Park City Council

Sent from my iPad

> On May 21, 2017, at 9:12 AM, dj brooks <djbrooksjr@gmail.com> wrote:
>
> Dear County Council:
>
> I am against restrictions on retailers on main street.
>
> DJ Brooks
> 3433 Meadows Dr
>

August 3, 2017

City Council of Park City
445 Marsac Avenue
Park City, UT 84060

Dear Council Members,

Thomas Cooke approached us in the fall of 2015 about becoming a Ben & Jerry's Franchisee in Park City. We reviewed some preliminary information about his background and about the city, and then engaged Thomas in our franchise candidate selection process. We consider this "Discovery Process" to be rigorous, as both we and our candidates have a strong vested interest in determining if we are the right fit for each other. Not only do we consider business acumen and experience, but also a passion for our progressive values.

The vast majority of our business is selling pints, but we build Scoop Shops because they are a shining beacon of everything Ben & Jerry's. Through linked prosperity, locally owned and operated shops can create economic opportunity for franchisees, their families, their scoopers, and their vendors. They can and should have a positive impact on their communities, and they can create loyal Ben & Jerry's customers for life. It takes talented entrepreneurs and the right locations to make this happen, which means we need to be selective, and thus grow at a slower pace than others in the business.

At the conclusion of the Discovery Process, we felt confident that Thomas's solid business background and dedication to making the world a better place would lead him to become a terrific franchisee, along with his equally strong business partner Hap Seliga. Further, we were thrilled with the opportunity to develop a shop in such a distinguished destination as Park City. Thomas and Hap's ideas to focus their community involvement on support for the Mountain Trails and with youth bike and ski clubs seems like a perfect match for the city.

Going into the site selection process, we all knew that Main Street was the most desirable, and possibly only desirable spot for us to launch in the market. It took Thomas and Hap a lot of diligence and patience to reach the point where they are today, with the opportunity to secure a lease in a prime location in this highly competitive market, which we have approved them to move forward with. We all have become concerned though, with the proposed ordinance on banning or limiting national "chain stores" in the Historic Recreation Commercial District (HRC), and the Historic Commercial Business District (HCB).

Certainly we can understand the motivation behind this effort; local character is an important element to an attractive tourist destination as well as to a great city in which to reside. At the same time, not all "chain stores" are created equal. Some national brands own and operate their establishments, with profits flowing to the company headquarters. Franchised businesses like Ben & Jerry's create local earnings for a local owner-operator, which could be further invested into the local community. We prefer our shops to be in thriving downtowns vs. in cookie-cutter stand-alone buildings. We use sustainable materials in our shop design, and we highlight local scenery in our signature cow murals to emphasize the local setting. Further, Ben & Jerry's franchise agreements require our Franchisees to

Eric S. Thomas • Franchise Development Manager • Ben & Jerry's Franchising, Inc.
30 Community Drive, South Burlington, VT 05403 • 802-923-2431 • eric.thomas@benjerry.com

integrate socially responsible activities into their businesses. We see this responsibility to the local community as a critical part of doing business the Ben & Jerry's way. We are confident that Thomas and Hap will continue to make a positive impact on Park City through their Ben & Jerry's Scoop Shop, and they look forward to the opportunity to share their ideas during the permitting process.

At the very least, we are seeking the certainty that if Thomas and Hap sign a lease, they will be able to operate a Ben & Jerry's franchised shop in that space. Competition for the real estate is fierce and they are in lease negotiations now; it's unlikely that they could stall the negotiations very long without losing the location. Once locked into a long-term lease, they would face stiff penalties if they were unable to open the Ben & Jerry's shop and had to exit the lease; a situation like that could be financially devastating. A mechanism by which they could secure the right to operate ahead of a potential ordinance would be ideal. Barring that, under an ordinance limiting "chain stores," a mechanism to expeditiously secure the ability to operate their desired business prior to signing a lease would be necessary.

We are eager to bring ice cream euphoria and our unique business model to Park City, and we look forward to some good news for Thomas and Hap. Please let me know if you have any questions that I can help answer about Ben & Jerry's Scoop Shops.

Best regards,

Eric S. Thomas
Franchise Development Manager

CC: Thomas Cooke, Hap Seliga

Eric S. Thomas • Franchise Development Manager • Ben & Jerry's Franchising, Inc.
30 Community Drive, South Burlington, VT 05403 • 802-923-2431 • eric.thomas@benjerry.com

To: Park City Council
From: Economic Development Ad Hoc Committee
Date: August 14, 2017
Re.: Chain/Formula Businesses Recommendations

As you may be aware our ad hoc group, comprised of members of the business, commercial real estate, academic, and property owners, communities together with City staff (Economic Development, Legal, Planning and recently Licensing departments), have had a series of recent meetings and discussions concerning the growth of chain stores onto Main Street. Tim Henney has also sat in on several meetings. We are very impressed with the hard work the City staffers have devoted to this issue and their interest in reaching out to the business community.

In general, we are pleased with the results of the above. We do have some additional recommendations which we have brought up to staff during our meetings:

- The overall percentage of allowed chain stores should be raised from 15% to 20% as 15% is too low (i.e. currently at a 15% limit, historic Main Street would only be allowed one more chain retailer). An alternative solution would be to remove 'office spaces' from the count of chains (currently non-conforming "grandfathered" real estate offices are included in the chain store tally).
- We strongly suggest a provision be included in the new ordinance allowing for an annual review as economic realities will change with time.
- Purchasers of *existing* chain retail businesses should have the right to continue operating under that chain store license (providing the business name, primary product lines), etc. remain unchanged) and not trigger the necessity of obtaining a new chain license.

We appreciate your consideration of these important points.

Very truly yours,

Hans Fuegi, Michael Kaplan, Eric Nelson, and Jan Wilking

DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

On August 9th, 2017, the Planning Commission reviewed the proposed Land Management Code regarding Master Planned Development Applicability in the Historic Residential-Medium Density (HR-M) Zoning District. The Planning Commission forwarded a unanimous positive recommendation.

Respectfully:

Michelle Kellogg, City Recorder

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Subject:	**Master Planned Development Applicability in the HR-M Zoning District and Setbacks**
Author:	**Hannah M. Tyler, Planner**
Project Number:	**PL-17-03661**
Date:	**August 17, 2017**
Type of Item:	**Legislative – LMC Amendment**

Summary Recommendations

The Planning Department requests City Council open a public hearing, review and approve the proposed Land Management Code Amendment to Chapter 6 regarding applicability of Master Planned Developments in the HR-M Zoning district.

Executive Summary

On August 9th, 2017, the Planning Commission reviewed the proposed Land Management Code regarding Master Planned Development Applicability in the Historic Residential-Medium Density (HR-M) Zoning District.

The Planning Commission forwarded a unanimous positive recommendation.

Description

Project Name:	LMC Amendments regarding Master Planned Development Applicability in the Historic Residential-Medium Density (HR-M) Zoning District. Also, LMC Amendments addressing minimum Setbacks for Master Planned Developments less than one (1) acre in size.
Applicant:	Planning Department
Proposal	Revisions to the Land Management Code to allow, but not require Master Planned Development applications in the Historic Residential-Medium Density (HR-M) Zoning District for projects that contain Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents, or Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents. Also revisions to allow the Planning Commission to determine the Setbacks for MPDs less than one (1) acre in size.

Reason for Review

Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per Land Management Code (LMC) § 15-1-18.

Acronyms

HRM Historic Residential-Medium Density Zoning District
LMC Land Management Code

Background

The Park City General Plan was adopted in 2014. The General Plan establishes broad policies that guide land use regulations within the Land Management Code. Through the 2009 community visioning process, four (4) Core Values were composed for the Community:

- Small Town
- Sense of Community
- Natural Setting
- Historic Preservation

The General Plan builds on these Core Values by establishing Goals, Objectives, and Strategies to accomplish the intent of the document – to provide a blueprint for future growth within the community. Staff has been working to implement changes to the LMC that will carry out the Goals of the General Plan.

In this case, staff is proposing to make amendments to the Land Management Code to allow, but not require Master Planned Development applications in the Historic Residential-Medium Density (HR-M) Zoning District for projects that contain Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents, or Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents.

The specific sections of the Land Management Code that staff proposes to amend is listed below:

- LMC § 15-6-2 Applicability in Master Planned Developments
- LMC § 15-6-5 MPD Requirements in Master Planned Developments

The catalyst of the proposed LMC amendment is derived from two (2) sources:

1. General Plan implementation
2. Staff's professional analysis of past and pending projects as they fit into the long range planning goals of the community.

On July 26th, 2017, Planning Commission reviewed the pending ordinance, held a public hearing, and continued the proposed ordinance to the August 9th, 2017 Planning Commission meeting (see Exhibit 1). On August 9th, 2017, the Planning Commission reviewed the proposed Land Management Code Amendment and forwarded a unanimous recommendation.

Analysis

The proposed LMC amendment was reviewed for consistency with the General Plan. The General Plan outlines Park City's community goals and values as it pertains to development in the Historic District(s), affordable housing, sense of community, and

future growth. Staff has included the applicable General Plan Core Values, Goals, Objectives and Strategies below:

- **Core Value: Small Town**
    - **Goal 1:** Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods.
        - **Objective 1A:** Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity.
        - **Objective 1C:** Primary residential neighborhoods should encourage opportunities to enhance livability with access to daily needs, including: a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home business, minor office space, and other uses that are programmed to meet the needs of residents within the neighborhood and complement the existing context of the built environment.
            - **Community Planning Strategy 1.4:** Prioritize a range of lot sizes and housing density within new subdivisions in primary residential neighborhoods.
            - **Community Planning Strategy 1.8:** Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.
- **Core Value: Natural Setting**
    - **Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the *Natural Setting*.**
        - **Objective 4E:** Collaborate with neighborhoods to create small parks or passive open space areas.
            - **City Implementation Strategy 4.11:** Enhance the citywide parks and recreation system with safe pedestrian and bicycle connections between public parks, recreation amenities, and neighborhoods.
- **Core Value: Sense of Community**
    - **Goal 7:** Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents.
        - **Objective 7A:** Increase diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive housing opportunities.
        - **Objective 7B:** Focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods.
            - **Community Planning Strategy 7.2:** Revise zoning codes to permit a wider variety of compatible housing types within Park City neighborhoods.
- **Core Value: Historic Character**

- **Goal 15:** Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
    - **Objective 15B** Maintain character, context and scale of local historic districts with compatible infill development and additions.
    - **Objective 15E:** Encourage adaptive reuse of historic resources.
        - **Community Planning Strategy 15.7:** Encourage pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes.
        - **Community Planning Strategy 15.8:** Periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.

In addition, the Land Management Code through the zoning designations of the Historic Residential-Medium Density (HR-M) Zoning District and Master Planned Developments supports the Values and Goals in the General Plan. The purposes of LMC 15-2.4 HRM and LMC 15-6 Master Planned Development support the General Plan as it pertains to the proposed LMC Amendment in the following applicable Purpose statements:

HRM applicable Purpose statements:

A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,
B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
C. encourage the rehabilitation of existing Historic Structures,
D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
E. encourage Affordable Housing,
F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas

MPD applicable Purpose statements:

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed

use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

A. complement the natural features of the Site;
B. ensure neighborhood Compatibility;
C. strengthen the resort character of Park City;
D. result in a net positive contribution of amenities to the community;
E. provide a variety of housing types and configurations;
F. provide the highest value of open space for any given Site;
G. efficiently and cost effectively extend and provide infrastructure;
H. provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
I. protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
J. encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
K. Encourage opportunities for economic diversification and economic development within the community.

Staff has found that while the Purpose Statements of HRM and MPD Chapters are aligned, the MPD Applicability is too limiting for the HRM Zoning District to encourage such development that fosters the goals of the General Plan and Purpose Statements of the HRM and MPD Chapters of the LMC.

Staff is proposing to lower the MPD Applicability threshold in the HRM Zoning District to accomplish the goals of General Plan, Historic Districts, and Master Planned Developments. Staff finds that this will create a better link between Old Town and the resort base while also encouraging compatible infill in the Historic District and opportunities for affordable housing. This will also give Planning Commission the opportunity to review larger projects in the Historic District that they would otherwise not have the authority to review.

Past and pending projects have been proposed in the HRM Zoning District that are below the Applicability threshold of a standard Master Planned Development (10 Lots or 20,000 square feet). In the Historic District, the threshold of a standard Master Planned Development is typically not met as most projects are infill in the higher Density area of Park City and land is scarcer. However, staff finds that there are projects proposals of a scale that is larger than what is typically seen in the Historic Districts, yet smaller than MPD applicability thresholds; therefore, staff and some applicants would have desired a Master Planned Development review rather than individual Historic District Design Review (HDDR) applications[1].

The HRM Zoning District is the entrance to the Historic District with the Park Avenue entryway corridor. The HRM Zoning District is also a transition zone for Old Town as it

[1] To clarify, HDDR applications would still be required for any development within the Historic Districts in addition to a Master Planned Development application.

moves into the resort base developments at Park City Mountain. There is a broad mix of uses between the resort base developments (multi-family, commercial, etc.) and the HRM Zoning District (single-family, duplex, multi-family, etc.). Staff finds that enabling MPD submittals for smaller scale developments in the HRM would encourage development that is mindful of the important transition to the resort base, the historic integrity of Old Town, and the City's affordable housing goals.

Enabling MPDs of smaller scale may encourage affordable housing as market-rate MPDs have an affordable housing requirement. Because there is design and site planning flexibility within the MPD process, the affordable housing requirement may not deter a market-rate applicant from applying for an MPD because of the design flexibility that may be provided as a part of the MPD review with Planning Commission. In addition, affordable housing projects may enter the MPD process with the same design flexibility which would create more holistic projects with additional neighborhood amenities through the open space requirements, neighborhood contextual review, and site planning criteria.

As is noted in the Purpose statements of the MPD Chapter, the MPD Process "can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood." Staff finds that allowing a holistic review of "larger" Historic District projects would enable more creativity and compatibility in the Historic District. Currently, staff would review individual HDDR applications for individual parcels rather than also reviewing a "larger" development which could include multiple parcels. Staff finds that the MPD process would enable more oversight for development in the Historic Districts while fostering the Goals of the General Plan.

Staff is proposing to not allow Height Exceptions through the MPD process so as to maintain the design integrity of the Historic District and to promote compatible infill.

For clarification, MPD applications are currently required in the HRM Zoning District for projects containing a minimum of ten (10) Lots, or ten (10) Residential Unit Equivalents, or Hotel or lodging projects with more than ten (10) Residential Unit Equivalents; however these are rarely applied for because of the lack of undeveloped land (or available redevelop-able land) left in the Historic District.

In addition, staff found that the current MPD Requirements did not specify the required Setbacks for MPDs less than one (1) acre in size. Staff finds that the default Setback of 25 feet (25') may not be appropriate for every MPD that is less than one (1) acre in size because this may take up a majority of the buildable area. As a result, staff is proposing that the Planning Commission determine the Setbacks for MPDs less than one (1) acre in size; however, the Setbacks may not be less than the minimum requirement of the subject Zone.

Based on this analysis, staff is proposing the following LMC Amendment to LMC § 15-6-2 Applicability and LMC § 15-6-5 MPD Requirements in Master Planned Developments.

LMC § 15-6-2 Applicability in MASTER PLANNED DEVELOPMENTS (MPD)

15-6-2 Applicability

(…)

B. Allowed but not required.

1. The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts for:
    a. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or

    b. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or

    c. New Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.
2. The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) Zoning Districts only when the HR-1 or HR-2 zoned Properties are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.

3. The Master Planned Development process is allowed, but is not required in the Historic Residential-Medium (HRM) Density Zoning District for:

    a. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents, or

    b. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents.

    Height exceptions will not be granted for Master Planned Developments within the HRM Zoning Districts. See Section 15-6-5(F) Building Height.

4. The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District and is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(…)

LMC § 15-6-5 MPD Requirements in MASTER PLANNED DEVELOPMENTS (MPD)

LMC § 15-6-5 MPD Requirements

(…)

(C) **SETBACKS**.

1. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels ~~greater than~~ one (1) acre or larger in size. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') for MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.

2. For parcels less than one (1) acre in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB, Districts, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.

3. For parcels less than one (1) acre in size and located outside of the HRM, HR-1, HR-2, HR-L, HRC, and HCB, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission and shall be no less than the zone required Setback.

4. ~~In some cases, that Setback may be increased~~ In all MPDs, for either the perimeter setbacks or the setbacks within the project, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements.

5. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(…)

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Department Review

This report has been reviewed by the City's Engineering and Legal Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on July 12, 2017 and July 26, 2017 and published in the Park Record per requirements on July 8, 2017 and July 22, 2017 of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff has noticed this item for public hearings on July 26th, 2017 and August 9th, 2017, conducted by the Planning Commission and a public hearing on August 17th, 2017 to be conducted by City Council.

Summary Recommendations

The Planning Department requests City Council open a public hearing, review and approve the proposed Land Management Code Amendment to Chapter 6 regarding applicability of Master Planned Developments in the HR-M Zoning district.

Exhibits

Exhibit 1 – Ordinance Amending MASTER PLANNED DEVELOPMENTS (MPD) 15-6
Exhibit 2 – Historic Residential-Medium (HRM) Density Zoning District Boundaries

Exhibit 1 – Draft Ordinance

Ordinance No. 2017-46

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, CHAPTER 15-6, MASTER PLANNED DEVELOPMENTS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in using Master Planned Development provisions to preserve the character of Historic residential Development and commercial Development in the Historic Districts.

WHEREAS, the Purposes of the Historic District Zones encourage and promote: minimizing visual impacts of the automobile and parking by encouraging alternative parking solutions; development of pedestrian friendly residential streets in Use, scale, character and design that is compatible with the community's housing, transportation, and historic preservation objectives; encourage Development that minimizes the number of driveways; Affordable Housing; and Development that provides a transition in Use and scale between the Historic District and the resort Developments.

WHERAS, the Universal Guidelines of the Park City Design Guidelines for Historic Districts and Historic Sites encourage and promote: the use of a site as it was historically: retention of historic materials and elements: construction of new additions or exterior alterations that maintain the essential historic form of a historic property and do not destroy historic materials: scaling and height of new structures that follow the predominant pattern of the neighborhood; building and site design that respects the existing topography, character-defining site features, existing trees and vegetation, and minimizes cut, fill, and retaining walls.

WHEREAS, the Purposes of the Master Planned Development provisions align with the Purposes of the Historic District Zones and the Universal Guidelines of Park City Design Guidelines for Historic Districts and Historic Sites, specifically: ensure neighborhood Compatibility; strengthen the resort character of Park City; provide a variety of housing types and configurations; provide opportunities for the appropriate

redevelopment and reuse of existing structures/sites and maintain Compatibility with surrounding neighborhood; protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community; and encourage opportunities for economic diversification and economic development within the community.

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 15 that states, “Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.” Objective 15B states “Maintain character, context and scale of local historic districts with compatible infill development and additions.” Community Planning Strategy 15.7 states “Encourage pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes.” Community Planning Strategy 15.8 states “Periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.” Community Planning Strategy 16.2 states “Create opportunities for affordable and attainable housing in neighborhoods adjacent to and along Main Street that support local businesses.”

WHEREAS, Park City has an interest in the preservation of the integrity of the Historic Districts as it relates to the historic feel and character, traditional rhythm and scale, and National Register Historic District designations. The Historic District reflects the history of Park City.

WHEREAS, residential Development and commercial Development in the Historic Districts that do not foster neighborhood Compatibility may have a negative effect upon the overall economy and vitality of the Historic Districts in terms of satisfaction of visitor and resident experience, economic development, and National Register Historic District designations; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on July 26, 2017 and August 9, 2017 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on August 17, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the Historic Districts; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-6 Master Planned Developments. The recitals above are incorporated herein as findings of fact. Chapter 15-6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

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

PASSED AND ADOPTED this ___ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, Mayor

Attest:

_____
City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-6-2 Applicability in MASTER PLANNED DEVELOPMENTS (MPD)
Exhibit B – LMC § 15-6-3 MPD Requirements in MASTER PLANNED DEVELOPMENTS (MPD)

Exhibit A – LMC § 15-6-2 Applicability in MASTER PLANNED DEVELOPMENTS (MPD)

15-6-2 Applicability

A. **Required**. The Master Planned Development process shall be required in all Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

1. Any Residential project with ten (10) or more Lots.

2. Any Residential project with ten (10) or more Residential Unit Equivalents (20,000 square feet).

3. Any Hotel or lodging project with ten (10) or more Residential Unit Equivalents (20,000 square feet).

4. Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.

5. All projects utilizing Transfer of Development Rights Development Credits.

6. All Affordable Housing MPDs consistent with Section 15-6-2 herein.

B. **Allowed but not required**.

1. The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts for:
   a. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or

   b. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or

   c. New Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.

2. The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) Zoning Districts only when the HR-1 or HR-2 zoned Properties are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.

3. The Master Planned Development process is allowed, but is not required in the Historic Residential-Medium (HRM) Density Zoning District for:

   a. Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents, or

b. Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents.

Height exceptions will not be granted for Master Planned Developments within the HRM Zoning Districts. See Section 15-6-5(F) Building Height.

4. The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District and is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

C. **Not Allowed**. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above or as specifically required by the City Council as part of an Annexation or Development Agreement.

Adopted by Ord. 02-07 on 5/23/2002
Amended by Ord. 04-08 on 3/4/2004
Amended by Ord. 06-22 on 4/27/2006
Amended by Ord. 10-14 on 4/15/2010
Amended by Ord. 11-12 on 3/31/2011
Amended by Ord. 13-23 on 7/11/2013
Amended by Ord. 15-36 on 6/25/2015

Exhibit B – LMC § 15-6-5 MPD Requirements in MASTER PLANNED DEVELOPMENTS (MPD)

15-6-5 MPD Requirements

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

A. **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

a. **EXCEPTIONS**. The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

a. Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

b. Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

c. Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

B. **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS**.

1. The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

    a. The Area of below Grade parking in the HR-1 and HR-2 Zoning Districts shall not count against the maximum Building Footprint of the HR-1 or HR-2 Zoned Lots.

    b. The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

    c. The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

    d. The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

C. **SETBACKS**.

1. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels ~~greater than~~ one (1) acre or larger in size. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') for MPD applications one (1) acre or larger to the zone required Setback if it is necessary to provide desired architectural interest and variation.

2. For parcels less than one (1) acre in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB, Districts, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.

3. For parcels less than one (1) acre in size and located outside of the HRM, HR-1, HR-2, HR-L, HRC, and HCB, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission and shall be no less than the zone required Setback.

4. ~~In some cases, that Setback may be increased~~ In all MPDs, for either the perimeter setbacks or the setbacks within the project, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements.

5. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

D. **OPEN SPACE**.

1. **MINIMUM REQUIRED**. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) Zoning Districts, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

   For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

2. **TYPE OF OPEN SPACE**. The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other

similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

E. **OFF-STREET PARKING**.

1. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

    a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

    b. A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

    c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

    d. An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

    e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

    f. Provisions for overflow parking during peak periods.

    The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

2. The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

    a. Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

    b. Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or

redevelopment of Structures and Sites;

c. Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

F. **BUILDING HEIGHT**. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;

3. There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

4. The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;

5. The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic

Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building Height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

G. **SITE PLANNING**. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

1. Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

2. Projects shall be designed to minimize Grading and the need for large retaining Structures.

3. Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

4. Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

5. Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

6. The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

7. It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-

up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate.

The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers. The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

8. The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

9. Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

H. **LANDSCAPE AND STREET SCAPE**. A complete landscape plan must be

submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5(M) LANDSCAPING.

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

I. **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

J. **EMPLOYEE/AFFORDABLE HOUSING**. MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

K. **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

L. **MINE HAZARDS**. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

M. **HISTORIC MINE WASTE MITIGATION**. For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

N. **GENERAL PLAN REVIEW.** All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

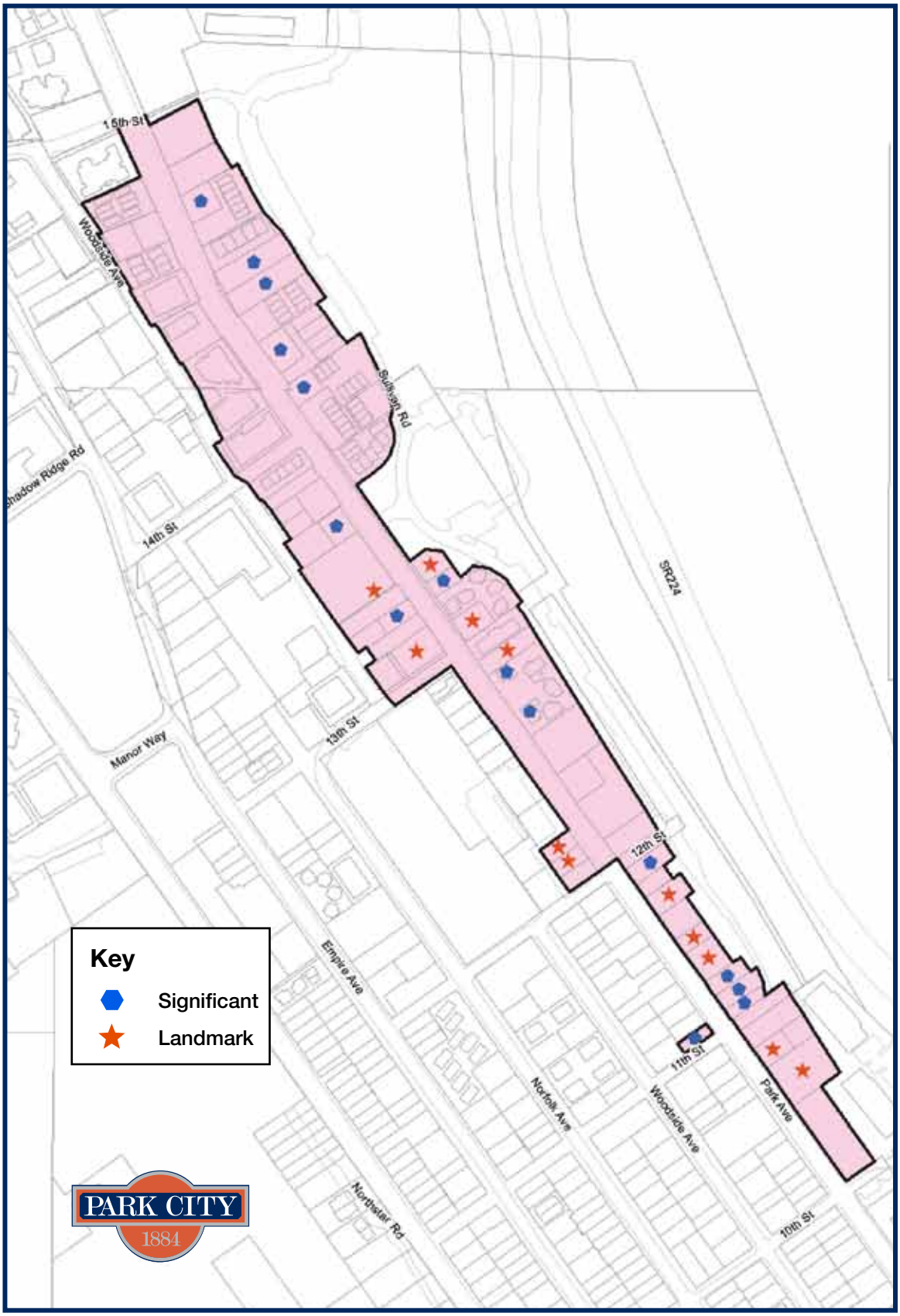
O. **HISTORIC SITES**. All MPD Applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.

Adopted by Ord. 02-07 on 5/23/2002
Amended by Ord. 04-08 on 3/4/2004
Amended by Ord. 06-22 on 4/27/2006
Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 10-14 on 4/15/2010
Amended by Ord. 11-05 on 1/27/2011
Amended by Ord. 11-12 on 3/31/2011
Amended by Ord. 13-23 on 7/11/2013
Amended by Ord. 15-36 on 6/25/2015
Amended by Ord. 2016-44 on 9/15/2016

Exhibit B: Historic Residential-Medium (HRM) Density Zoning District Boundaries

Historic Sites in the HR-M Zone



DATE: August 17, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff believes that addressing the Business License application process is a high priority for the following reasons;

- Current code describing the application process is vague and unclear to applicants as to when they are able to apply for their Business License.
- Current code does not describe or define the Business License Inspection or when it may be scheduled.
- Accepting applications without a passed Business License Inspection creates difficulties with assessing the correct fees and also can compromise life safety standards.
- Defining a clear process for applicants to follow to obtain their Business License is critical for applicants and staff alike.
- Proposed amendments to the Land Management Code prompted a need to address this portion of the Licensing Code.

Respectfully:

Beth Bynan, Business License Specialist

City Council
Staff Report

Subject: Business License Application Process
Author: Beth Bynan, Business License Specialist
Department: Finance
Date: August 17, 2017
Type of Item: Legislative

Summary Recommendation

Staff recommends amending Title IV of the Municipal Code to render a clearer application process for business license applications, including specific language on when a potential business is eligible to apply for a business license.

Staff recommends clarifying the language for when a business is eligible to apply and removing any exception to the requirement for a passed Business License Inspection at time of Business License application and payment. This will facilitate the application of correct fees, ensure life safety standards are in place and that Code compliance is achieved.

Executive Summary

Staff believes that updating the Business License application process is a high priority for the following reasons;

- Current code describing the application process could be clearer to applicants as to when they are able to apply for a Business License.
- Current code does not describe or define when the Business License Inspection may be scheduled, which is a prerequisite to a license.
- Accepting applications without a passed Business License Inspection creates difficulties with assessing the correct fees and also can compromise life safety standards.
- Defining a clear process for applicants to follow to obtain their Business License is critical for applicants and staff alike.
- Proposed amendments to the Land Management Code prompted a need to address this portion of the Licensing Code.

Background

In reviewing the licensing code in conjunction with proposed changes to the Land Management Code to address Conventional Chain Businesses, staff recommends updating the process for acquiring a business license to make it clear.
Specifically, the application process was difficult for applicants to understand regarding timing of applying. The current Code requires a passed Business License inspection from the Building Department prior to application- which typically occurs after completion of any construction or tenant improvements. The Code, however, allows the

Chief Building Official to make an exception if deemed necessary to this requirement. However, when this has exception has been granted, a number of problems have subsequently developed such as:

-Incorrect calculation an assessment of fees

-Premature issuance of local consent to accommodate applicants ahead of proper licensing has led to poor follow-through from applicants to return to obtain a passed Business License Inspection. Many times, after receiving the State Liquor License from the DABC, the business begins operating without a passed inspection or valid Business License creating life safety concerns.

Alternatives for City Council to Consider

1. Recommended Alternative:

Approve the attached Ordinance to amend sections 4.2.4 and 4.2.8 of the Municipal Code to define, refine and clarify the Business License application process.

Pros

a. The Business License Application process will be well-defined and clear to applicants.
b. Applicants will know in advance when they are eligible to schedule a Business License Inspection.
c. Applicants will know in advance when they are able to apply for a Business License.
d. Staff will be able to accurately assess fees associated with recorded measurements from the Business License Inspection at time of application.
e. Staff can ensure that life safety standards are in place and that Code Compliance has been achieved at time of application.

Cons:

a. Applicants wishing to apply for a liquor license will not be allowed to apply in advance of a passed Certificate of Occupancy, Letter of Competition or passed Business License Inspection, potentially delaying the opening of the business.

2. Null Alternative: Maintain the status quo, do nothing.

The Chief Building Official will maintain the authority to grant an exception to the passed Business License Inspection, if deemed necessary, and allow businesses to apply for a business license.

Pros:

a. In the case of extenuating circumstances, there will be a process for a business to apply without a passed Business License Inspection.

Cons:

a. The application process will remain unclear to applicants as to when they are eligible to apply for a license.
b. Fees will not be assessed correctly and won't accurately reflect the different types of square footage in the space.
c. a business may have a distorted understanding of the approval to apply vs. the approval to operate- some businesses may begin operating without having passed the Business License Inspection, creating a life safety concern.

Department Review
Finance, Planning, Building, Sustainability, Legal, Executive

Attachments
Proposed Ordinance
EXHIBIT A: Red line Code changes

Ordinance No. 2017-47

AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 4, LICENSING, CHAPTER 2, SECTION 4 LICENSE APPLICATION & SECTON 8 INSPECTIONS FOR CODE COMPLIANCE

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, the City Council finds that it is in the public interest to inspect businesses with a physical location within City limits to ensure compliance with building, fire, municipal and health codes, and

WHEREAS, the City Council finds that it is in the public interest to correctly assess licensing fees at time of application, and

WHEREAS, proposed changes to the Land Management Code compels prompt clarification on the Business License application process, and

WHEREAS, the Finance Department wishes to make the Business License Application Process clear and understandable to all applicants, and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City and the general public,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 4, Licensing, Chapter 2, Section 4, LICENSE APPLICATION and Chapter 2 Section 8 INSPECTIONS FOR CODE COMPLIANCE to be amended and read as outlined in Exhibit A.

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17rd DAY OF AUGUST, 2017.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Jack Thomas

Attest:

_____

Michelle Kellogg, City Recorder

Approved as to form:

_____

Mark D. Harrington, City Attorney

Exhibit 1

4-2-4 License Application

All Business License Applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation and Code compliance. A Business License Inspection will only be scheduled if:

a. A Certificate of Occupancy has been issued by the Building Department; or,
b. A Letter of Completion has been issued by the Building Department; or,

c. There is already an existing licensed business occupying the space and a building permit is not required to accommodate the new business.

Applications for business licenses shall be made in writing to the ~~Director~~ Finance Manager or his or her designee. Each application shall include the:

a. ~~state the~~ name of the applicant,
b. the location of the business, ~~if any,~~
c. payment of the applicable ~~the~~ fee and tax to be paid~~,~~ based on the information recorded on the Business License Inspection,
d. the name and address of the local business agent ~~residing in Park City~~ who is authorized to receive service of process and any communication regarding applicant's license,
e. state sales tax reporting number,
f. copy of the Business License Inspection report showing Passed,
g. state contractor's license number, if applicable,
h. ~~and~~ state real estate broker's license number, if applicable,
i. other ~~and shall contain such additional~~ information, as ~~may be~~ needed, for the purpose of guidance of the ~~Director~~ Finance Manager in issuing the license. ~~All applications, with the exception of those engaging in business within City limits without a physical address or as exempt by state law, must be accompanied by a completed inspection form provided by the City that proves substantial code compliance for the property. The Chief Building Official or designee may grant an exception to the requirement for a completed inspection with the application in limited circumstances such as when a certificate of occupancy has not been yet granted or when the space is converted for another occupancy. A pre-inspection prior to application will be required when such exception is granted. No business license will be issued until the final inspection post application is approved.~~

Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the ~~Director.~~ Finance Manager or his or her designee. License application forms shall be prepared and kept on file by the ~~Director~~ Finance ~~or his or her designee~~Department.

4-2-8 Inspections For Code Compliance/Notice Of Infraction/License Revocation/Complaint Filed By City Attorney

A. **INSPECTIONS FOR CODE COMPLIANCE**. Prior to applying for a license under this Title for a new business not previously licensed at that location, or an existing business with a change of square footage, use or location, the applicant shall be required to have the prospective place of business inspected prior to application by the ~~appropriate departments of the City~~Building Department, and if necessary other government agencies ~~or other governmental agency~~ to ensure compliance with building, fire, municipal and health codes. ~~unless a different inspection process is otherwise required in this Title~~. ~~The Chief Building Official or designee may grant an exception to the requirement for a completed inspection with the application in limited~~

~~circumstances such as when a certificate of occupancy has not been yet granted or when the space is converted for another occupancy. A pre-inspection prior to application will be required when such exception is granted. No business license will be issued until the final inspection post application is approved.~~

B. **NOTICE OF INFRACTION**. No license can be applied for until the required inspection reveals that the prospective place of business is in substantial compliance with the building, fire, and health codes. If during the inspection process any code infractions are found, corrections shall be made and a re-inspection scheduled within a reasonable period as identified by the inspector or Chief Building Official not to exceed thirty (30) calendar days.

C. **RE-INSPECTIONS**. If a re-inspection is not scheduled within the specified time frame, a new inspection will be required. Once a property is deemed in substantial compliance with all applicable codes, the inspection will be valid for sixty (60) calendar days unless otherwise identified by the inspector or Chief Building Official. In addition to the business license fees, all new businesses or business locations shall pay an inspection fee as set forth in the rate tables in effect at the time of application. A re-inspection fee may be assessed if more than two (2) inspections are required by the City to meet code compliance. The City may take up to ten (10) business days to complete the licensure process. Prior to the approval/issuance of any business license, additional or repeat inspections may be required for locations as identified during the inspection process.

D. **PERIODIC INSPECTIONS AND LICENSE REVOCATION**. Existing places of business licensed within the City may be inspected periodically by departments of the City for compliance with building, fire, municipal and health codes. Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business. Written notice shall be given by the ~~Director~~ Finance Manager or his or her designee to a licensee upon the finding of any code infractions which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such infractions, the failure of which shall result in the revocation of the license by the Director or his or her designee and may require the premise be evacuated due to immediate life safety hazards.

E. **STAMPED FLOOR PLANS REQUIRED FOR CHANGE OF OCCUPANCY**. Floor plans stamped by a design professional will be required if there is a change of occupancy in an existing business.

F. **COMPLAINT FILED BY CITY ATTORNEY**. The ~~Director~~ Finance Manager or his or her designee may request the City Attorney to file a complaint for non-compliance with the required standards against any applicant or any licensee who conducts business without a license or continues to conduct business beyond the time limits provided in this section.

Amended by Ord. 13-29 on 9/5/2013
Amended by Ord. 14-50 on 10/2/2014