



**PARK CITY COUNCIL MEETING
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

August 4, 2020

The Council of Park City, Summit County, Utah, met in open meeting on August 4, 2020, at 4:00 p.m. The meeting was a remote, electronic meeting due to the declared public health emergency.

Council Member Henney moved to close the meeting to discuss property and litigation at 4:00 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 5:05 p.m. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Gerber, Henney, Joyce, and Worel

WORK SESSION

Discuss Encroachments in Rights-of-Way and Private Driveways in Platted, Un-Built Rights-of-Way:

Rebecca Ward and Liz Jackson, Planning Department, and John Robertson and Corey Legge, Engineering Department, presented this item. Ward stated the encroachments were limited to roads and trails that were intended for public use. There were different types of encroachments, including heated driveways, landscaping and retaining walls, parking, signs, outdoor dining decks and private driveways in platted, unbuilt rights-of-way. Legge reviewed the standard encroachment agreement the City used and noted it was a revocable license and was recorded at the County Recorder's office, so it attached to the property and was transferred with the deed. This allowed the property owners to improve the area. The bulk of encroachment agreements were for heated driveways. Staff didn't propose changes to this type of permit. Council Member Henney asked what the difference was between a heated driveway and non-heated driveway encroaching the right-of-way. Legge stated the right-of-way extended 10 feet into the property. The difference was on the potential repair cost if the City had to take out part

of the driveway for utility repairs. For heated driveways, the entire driveway would have to be replaced at the owner's cost.

Retaining wall encroachments were normally associated with the driveway. Staff recommended a policy update for landscaping and retaining walls, including prohibiting new landscaping and retaining walls within platted, unbuilt rights-of-way; requiring an encroachment agreement for new landscaping in the right-of-way in order to put property owners on notice that the landscaping could be disturbed at their expense; prohibiting new retaining walls and planters that front a street from encroaching into a right-of-way; and requiring Council approval for these encroachment agreements in the Historic District.

There were encroachments for parking stalls in the right-of-way in the Historic zones, but that code was repealed in 2000. There was currently no code to allow parking stalls and no plan to add code for that purpose.

Jackson stated there were sign encroachment agreements for blade signs on Main Street coming out from the buildings as well as encroachment agreements for outdoor dining decks on Main Street.

Ward explained private driveways in the platted, unbuilt right-of-way and stated the Land Management Code established a Conditional Use Permit (CUP) in 2000 for these private driveways. In February, Council repealed this code. Staff proposed a replacement code. If a property owner had trouble accessing the property, the proposed code would consider vacating the right-of-way. With this process, the Council could consider a cost for vacating the property. The City Engineer would review the application and make a recommendation to the Planning Commission in a public hearing. Council would have final action through an encroachment agreement and the public noticing process would remain the same. She noted some cities charged an annual fee for encroachments in the right-of-way and the funds went into the General Fund.

Council Member Henney struggled with the concept of encroachments at a high level. He thought this was going in the right direction and asked for an explanation why the City would grant encroachments for other reasons than to reach their property. He felt encroachments for retaining walls on steep slopes gave developers a path for more development. Council Member Joyce stated encroachment agreements made sense when building streets for a neighborhood and the steep driveways would come to the road. If there was no agreement then driveways would not be allowed and there wouldn't be anyone wanting to live in the subdivision. He indicated there were some encroachment agreements that were questionable because it looked like the owner was taking the City's land. Council Member Henney asked if every platted property had the right to an encroachment agreement to accommodate building. Council Member Joyce

reviewed that a Maryland company platted the City without being physically present and there were rights-of-way in odd places. These were things that needed to be cleaned up.

Council Member Doilney liked the direction the City was going. Council Member Worel agreed and favored the idea of renting the property to owners encroaching on it. She stated some people were concerned about property owners encroaching on the golf course and asked if that issue would come back for further discussion. Ward stated that issue would come to Council in the fall.

Council Member Joyce asked if thought was given to future uses for unbuilt rights-of-way. Legge stated the Streets Master Plan was outdated. The unbuilt rights-of-way were now being used as utility corridors. There had never been a request to make those into streets because of the grade, although trails had been considered. Council Member Joyce was concerned there would be push back on uses because it was not in the master plan. He knew the City didn't make plans for 20-30 years of potential uses. He asked staff to look at that. He also asked Ward why the first option in considering an unbuilt right-of-way was to vacate it. He thought that should be last option. Ward stated vacating would be the first option for property that had no other access. She also noted some of the rights-of-way didn't lead anywhere or have any purpose, so an evaluation was always performed.

Council Member Henney favored continuing to work on this, but he was concerned the City was creating a mechanism that would allow development for properties that would otherwise not be developable.

Mayor Beerman stated this would come back to a future regular meeting.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney (arrived at 8:10 p.m.) Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel Matt Dias, City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present via technology
Council Member Becca Gerber	Excused

II) APPOINTMENTS

1. Consideration to Appoint the following to the Public Art Advisory Board: David Nicholas to a Second Term Expiring June 30, 2023; Jennifer Gardner and Samantha Osselaer to their First Full Term Expiring June 30, 2023, Lara Carlton and Pamela Bingham to a First Term Expiring June 30, 2023; and Hilary Gilson to Fulfill a Vacant Term Expiring June 30, 2022:

Jenny Diersen indicated there were many applicants for these open seats and six were being appointed or reappointed tonight. She thanked Board member Kathy Kahn who termed out, and stated she worked tirelessly serving the community. Council Member Joyce stated he was happy to see so much interest from the community in participating on the City boards. Council Member Worel noted she was the liaison for this board and stated the board had done a tremendous job in moving public art forward. Council Member Henney thanked Kahn for her service.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Member Worel moved to appoint to the Public Art Advisory Board David Nicholas to a second term expiring June 30, 2023; Jennifer Gardner and Samantha Osselaer to their first full term expiring June 30, 2023, Lara Carlton and Pamela Bingham to a first term expiring June 30, 2023; and Hilary Gilson to fulfill a vacant term expiring June 30, 2022. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Henney stated he received many comments on a house being built in town that didn't meet code. He reviewed that staff, the owner, builder and architect were working to correct the error and asked Council if this should be discussed in a Council meeting. Everitt stated this had been a frustrating project for many, but staff had a solution that would bring the project into compliance. The top of the structure was coming off to meet height restrictions and siding would be added to make it more visually acceptable. He was working on a communication to send to the concerned residents and offered to hold a Zoom meeting with the community to answer questions. Council Member Henney asked if other homes would be seen on the ridge if this particular house had not been built. Everitt thought other homes in the subdivision were prominent, but this one stuck out because it was in a prominent location. Council Member Joyce explained the determination in the ridgeline code. Council Member

Henney felt there was a need for further discussion on this issue. Mayor Beerman noted the next meeting wasn't until September and he suggested having the letter sent out and a Zoom meeting discussion and then see if another discussion would be necessary. Council Member Worel requested a discussion in Council meeting to hear the measures being taken so this didn't happen again. It was indicated this would be on the September 17th agenda.

Council Member Joyce went on a Walk and Talk with Council Member Doilney and staff on Sunday and noted people were out, businesses were activating the street, and those businesses that had activated and found that it didn't work, stopped and found other creative ways to make things work. He stated people were coming to Main Street for breakfast and the street was populated all day. He also was grateful to see the Martinez statue moving forward.

Council Member Worel stated she had talked to a lot of second homeowners and they felt brushed aside and not valued for their contributions. She knew there had been efforts in the past to engage this demographic and make them feel welcomed and valued. She said she would be meeting with this group during August. Council Member Joyce offered to accompany her.

Mayor Beerman discussed the Hideout annexation issue. Summit County filed a temporary restraining order to delay the annexation moving forward and there would be a hearing on that in August. The Governor and senate were in favor of putting this on the agenda for repeal in a special legislative session, but there was pushback from the house. Mayor Beerman stated it should be repealed and brought back in the general session for a good discussion.

Staff Communications Reports:

1. Vibrant Commercial Storefront Code 4-2-15: COVID-19 Impacts on 2020 Second Quarter:

2. Artwork in Memory of Rich Martinez & Mining Legacy:

3. Rent Abatement for Certain City Owned Facilities - August 2020:

Dias stated the rent abatement report left out the Council authorization for not charging interest on late water fees, not sending delinquent accounts to collections, and implementing a 50% reduction in Stormwater charges. The Water Department would run these concessions concurrently with the rent abatements. Staff would return in September for another conversation regarding rent abatement.

Council Member Henney asked if there had been delinquencies on water bills. He also asked about using CARES Act funds for helping people with rent. Dias stated the City could not be reimbursed for rent revenue, but was using that money for supplies, equipment and overtime hours for COVID purposes. Council Member Henney asked how much of a need there was. Dias stated over \$1 million would be spent when everything was accounted for and noted funds were spent in upgrading infrastructure to meet safety standards. Clint McAfee, Public Utilities Manager, stated the water bill delinquency had gone from a normal of 20-30 accounts to 60 accounts.

4. May 2020 Sales Tax Update - General Fund:

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

Mayor Beerman opened the meeting for anyone who wished to submit comments to the Council on items not included on the agenda.

Ed Parigian via Zoom, stated the LMC was the legal document that people must abide by and the architect for Saddleview Way had to abide to it as well. He felt Everitt's review was disingenuous because floor one of the house was above the ridgeline. It shouldn't have gone this far, but it did and it should be corrected. If this issue was let go, a precedent would be set.

Mayor Beerman clarified that a mistake had been made by the City upfront. The architect and builder should have caught it, but they moved forward. The top floor was coming off and it would be in compliance. There would be a discussion in September. The new house plans were compliant. Parigian felt it would not be in total compliance.

V) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from July 29, 2020:

Council Member Joyce moved to approve the City Council meeting minutes from July 29, 2020. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

VI) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute Amendment No. 8 to the Agreement, in a Form Approved by the City Attorney, with Alder Construction Company for 3Kings Water Treatment Plant (3KWTP) Construction Guaranteed Maximum Price Construction Services for an Amount Not to Exceed \$4,855,000.00:

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

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

VII) OLD BUSINESS

1. Consideration to Approve Ordinance 2020-39, an Ordinance Approving a New Zoning District to be known as Park City Land Management Code Chapter 15-2.26, Urban Park District, and a Zoning Map Amendment to Rezone Rotary Park, Creekside Park, Prospector Park, City Park, and the North Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning:

Tate Shaw, Eric Hoffman, Jane Campbell Ed Parigian, Recreation Advisory Board, and Alex Ananth, Senior Planner, presented this item. Shaw reviewed the history of getting this Urban Park District Zone in order to protect the parks around town. Campbell discussed the master plan goal and noted it allowed for trends in recreation over time and also gave protections. Hoffman stated the specified parks were distributed around town as well as the north portion of the golf course. Parigian reviewed the master plan process that allowed for additional protections of park space. The process for changing the plan required five public meetings over a three month period, an affirmative vote of four out of five council members, and a voter referendum where 60% or more of the ballots were in favor of the change. Shaw noted the Planning Commission recommendation was to specify open space setback restrictions as well as the lot and site requirements and height restrictions and stated that was specifically requested because of the senior center that would be built next to City Park. Campbell reviewed that this new zone was compatible with the City's core values. Hoffman indicated he was passionate about preserving these parks for the future.

Council Member Joyce asked why the anemometer and wind towers remained in the code. Shaw stated that option was left in based on possible future need. Mayor Beerman stated there were some small weather stations at the library so that was a current use. Council Member Joyce stated this language allowed for a weather tower with a height exception. He also asked why two sections were left off the golf course. Shaw felt that was an oversight because all the north portion was included in this new zone and noted the back nine would be included at a later date. Council Member Joyce

indicated the south portion of the golf course was not on the proposed zone because part of it was in negotiations for a road, and he thought it was in direct conflict with the goal of this group. Parigian stated it was only 15 feet, but the private property owners could put the road on their property. Ananth indicated it was held back until it was determined if the roundabouts would help prioritize Transit at the base center with turning movements. Shaw stated the original plan was to have the entire golf course, but they were told they couldn't act while current negotiations took place. So they moved forward with the current parcels, which consisted of 104 acres.

Council Member Worel agreed the southern portion of the golf course should be included in the zone. She was also concerned about the proposed conditional use section of the code regarding a childcare center. She didn't understand an allowance for a childcare center. Parigian stated it was directed to the rec center in City Park. Shaw stated the summer camp was a state licensed childcare center, so it was for the specific uses in the code. Council Member Worel asked to incorporate "a public institution for public education" into Number 10 and remove 11. Council Member Joyce wasn't concerned, but he would go along with the change. Council Member Henney was fine with the change as well. Shaw stated the City would always own the land. Both education and childcare were great uses for this since it was at a park. Shaw indicated he would restate Number 10, adding "youth camps and adult clinics." He would also delete Number 11, Child Care Center.

Mayor Beerman opened public hearing. No comments were submitted. Mayor Beerman closed the public hearing.

Council Member Joyce requested that anemometer and wind towers be pulled from Allowed Use Number Seven, Conditional Use Number 16, and Building Height Exceptions Numbers Four and Five. Council Member Joyce also had concerns with the proposed roundabout on the golf course. Mayor Beerman noted a process concern since the proposal went to Planning Commission first. He didn't know if there were alternatives so he suggested approving the rest of the zone and then staff would come back with the remainder of the golf course. Joyce asked if this came to Planning Commission with the entire golf course. Shaw affirmed it did go the Planning Commission twice and they had concerns about the south half of the golf course being left out as well. The south part was left out at the recommendation of the Planning Department. Council asked to hear from staff and the public and requested that this item come back in September. Campbell thanked Council and stated the process was wonderful.

Council Member Joyce moved to continue Ordinance 2020-39, an ordinance approving a new zoning district to be known as Park City Land Management Code Chapter 15-2.26, Urban Park District, and a zoning map amendment to rezone Rotary Park,

Creekside Park, Prospector Park, City Park, and the North Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning to the September 17th meeting and to include the changes requested regarding anemometers and wind towers, the addition of youth camps and adult clinics and the deletion of childcare, and the addition of the entire golf course. Council Member Worel seconded the motion.

RESULT: CONTINUED TO SEPTEMBER 17, 2020

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

2. Consideration to Authorize the City Manager to Sign a Second Addendum to the Professional Services Agreement between Park City Municipal Corporation and Lake|Flato Architects for Additional Architecture and Engineering Design Services, Not to Exceed \$633,000.00, for a Cumulative Contract Amount of \$1,878,000, plus up to \$30,000 in Reimbursable Expenses:

David Everitt, Deputy City Manager, stated this item was the next step that was discussed a few weeks ago. The contract amendment would add to the scope to keep the project moving forward, such as final touches on the Master Planned Development (MPD), interior schematic design, utilities, and putting together the packages for site demolition. This would be the last addendum for this contract. Then there would be a contract for the price of construction. There would also be contracts for demolition services and construction contracts and were major benchmarks toward the goal.

Council Member Worel asked if demolition included soil mitigation. Everitt indicated it did not include soil mitigation, but there was every indication the soils were in good shape because the gas station was onsite. Council Member Worel asked if the gas station was responsible for correcting any damage caused by the tanks. Everitt indicated that would be the case, but the analysis work was completed and there wasn't any damage.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Member Joyce did not want to move forward on bids for demolition until after a discussion took place on transit, housing authority bonds, etc. Everitt indicated he planned on scheduling those discussions with Council soon.

Council Member Joyce moved to authorize the City Manager to sign a second addendum to the professional services agreement between Park City Municipal Corporation and Lake|Flato Architects for additional architecture and engineering design services, not to exceed \$633,000.00, for a cumulative contract amount of \$1,878,000, plus up to \$30,000 in reimbursable expenses. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

3. Consideration to Approve Amendments to the Shop, Dine and Stroll – Main Street Car-Free Special Event Permit, which includes Extending the Event through October 25, 2020 and adding Saturday, August 1, September 5, and October 3, and Special Event Fee Reduction up to \$120,000 in a Form Approved by the City Attorney:

Jenny Diersen, Special Events Manager, stated the Historic Park City Alliance (HPCA) requested to extend this event through the end of October and noted there was an increased fee reduction. She reviewed Council requested to see measures of success for this event. She indicated the majority of participants were restaurants and retail, and she reviewed the results of a survey taken by Main Street businesses. Sales tax revenue was up as well as mobility. Hotel occupancy and food services, entertainment and arts were not back to 2019 levels and were hurting in this economy. She indicated parking lots were almost full on Sundays because of this event. She also reported the trends in Transit ridership was increasing. Traffic on Hillside was increasing so that was being monitored. Police resources had been increasing as well for this event. Staff concluded this event was successful and recommended the proposed amendments.

Council Member Worel indicated there were 67 businesses that responded to the survey and asked how many businesses received the survey, to which Jonathan Weidenheimer thought approximately 200. Council Member Henney thought there was great value in the Walk and Talks. Council Member Joyce thought everything was going well and they weren't really needed. Council Member Henney liked seeing the numbers and thought a staff communications report for September would suffice. He thought Council favored extending this event. Council Member Joyce asked for a staff communications report when sales tax numbers were released as well.

Mayor Beerman opened public hearing. No comments were submitted. Mayor Beerman closed the public hearing.

Weidenhamer asked if the measures of success were adequate and stated he was open to other suggestions to focus on. Council Member Joyce thought it was good that Council had gone on Walk and Talks, and stated he would like to see Transient Room Tax (TRT) revenue including on Vacation Rentals By Owner (VRBO). Erik Daenitz stated that was possible, but the VRBO was not consistently paid on a monthly basis. Council Member Henney asked if there were additional data points that could be looked at. Daenitz indicated he could get sewage data that could help analyze human behavior. Airline traffic was also an indicator. He could include that with sales tax projections in the fall, but noted those were not necessarily related to this item.

Mayor Beerman thanked all staff involved in this event. He felt this set the right tone for having an event that kept people safe. He noted there was an event at the bottom of the street last weekend where masks were not being worn. When talked to, they indicated they would do better this week.

Council Member Henney moved to approve amendments to the Shop, Dine and Stroll – Main Street Car-Free Special Event Permit, which includes extending the event through October 25, 2020 and adding Saturday, August 1, September 5, and October 3, and special event fee reduction up to \$120,000, with the addition of eliminating the Main Street walk-throughs and updating Council via staff communication reports, in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Henney, Joyce, and Worel

EXCUSED: Council Members Doilney and Gerber

VIII) NEW BUSINESS

1. Consideration to Approve One-Time Changes to the 2021 Sundance Film Festival in a Form Approved by the City Attorney:

Jenny Diersen, Special Events Manager, with Betsy Wallace, Tina Graham and Robert Dick, Sundance, presented this item. Diersen stated it was difficult to plan major events in light of COVID-19. Diersen reviewed that Sundance was requesting to reduce the length of the festival from 10 to seven days, January 28-February 3, 2021. They also asked to reduce the use of City property, suspend the requirement to have 70% of festival in Summit County, and reduce transportation requirements.

Wallace stated theatres would only have 25% capacity in order to keep people safe and she hoped the festival would return to a live festival in 2022. Mayor Beerman noted this was not a supplemental plan, but Council was only approving some amendments, with a supplemental plan being presented at a later date. Council Member Joyce asked if this would conflict with other events. Diersen stated no events would conflict, but the World Cup was scheduled to begin on February 4th. Council Member Joyce asked what might be expected to happen on Main Street during the festival. Diersen stated time was needed to figure out what the town would look like for this festival. She thought revenues would be lower, but other businesses might be strong. Wallace stated it was a difficult decision to reduce its footprint and the businesses might only see 25% of normal revenue. She hoped when she came back to Council with the supplemental plan, projections could be firmer. Dick stated they were being upfront and would give updates as they moved forward.

Council Member Joyce indicated businesses were finding creative ways to adapt, and thought they might find ways to work with Sundance sponsors. Council Member Worel

thanked Sundance for making the event work. She asked about the buildings Sundance would need. Wallace stated they were keeping their options open.

Mayor Beerman opened the meeting for public input. No comments were submitted. Mayor Beerman closed the public input portion of the meeting.

Council Member Doilney joined the meeting at 8:10 p.m.

Council Member Worel moved to approve one-time changes to the 2021 Sundance Film Festival in a form approved by the City Attorney. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, Joyce, and Worel

EXCUSED: Council Member Gerber

2. Consideration to Approve Ordinance 2020-40, an Ordinance Enacting Park City Municipal Code Section 9-3-5, Electric Vehicle Charging Stalls:

Johnny Wasden, Parking Manager, stated Council approved 44 parking spaces for charging access on City property in 2019. This code amendment granted enforcement and signage regarding time limits on active charging.

Council Member Worel asked how vehicles would know the rules, fines, etc. when parking in those stations. Wasden stated there would be large signs clearly stating that it was a restricted area for charging. Council Member Worel thought signage should say non-electric vehicles would be subject to some sort of consequence. Wasden stated he would discuss that with Planning and Sustainability.

Council Member Joyce stated China Bridge was full, but most of the charging stations were empty. He asked how people would know where the charging stations were located, and stated ways needed to be found to fill up those stations. Wasden agreed and stated he would look for solutions on Google and GoParkCity app.

Mayor Beerman opened public hearing. No comments were submitted. Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Ordinance 2020-40, an ordinance enacting Park City Municipal Code Section 9-3-5, Electric Vehicle Charging Stalls with direction given to staff regarding wayfinding and informational signage. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, Joyce, and Worel

EXCUSED: Council Member Gerber

IX) ADJOURNMENT

X) PARK CITY HOUSING AUTHORITY MEETING

I) ROLL CALL

Attendee Name	Status
Chair Andy Beerman Board Member Max Doilney Board Member Tim Henney Board Member Steve Joyce Board Member Nann Worel Matt Dias, Executive Director Margaret Plane, Special Counsel Michelle Kellogg, Secretary	Present via Technology
Board Member Becca Gerber	Excused

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

Chair Beerman opened the meeting for public input on matters not on the agenda. No comments were given. Chair Beerman closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve the Third Amendment to Kings Cright-of-way

Housing Mitigation Plan:

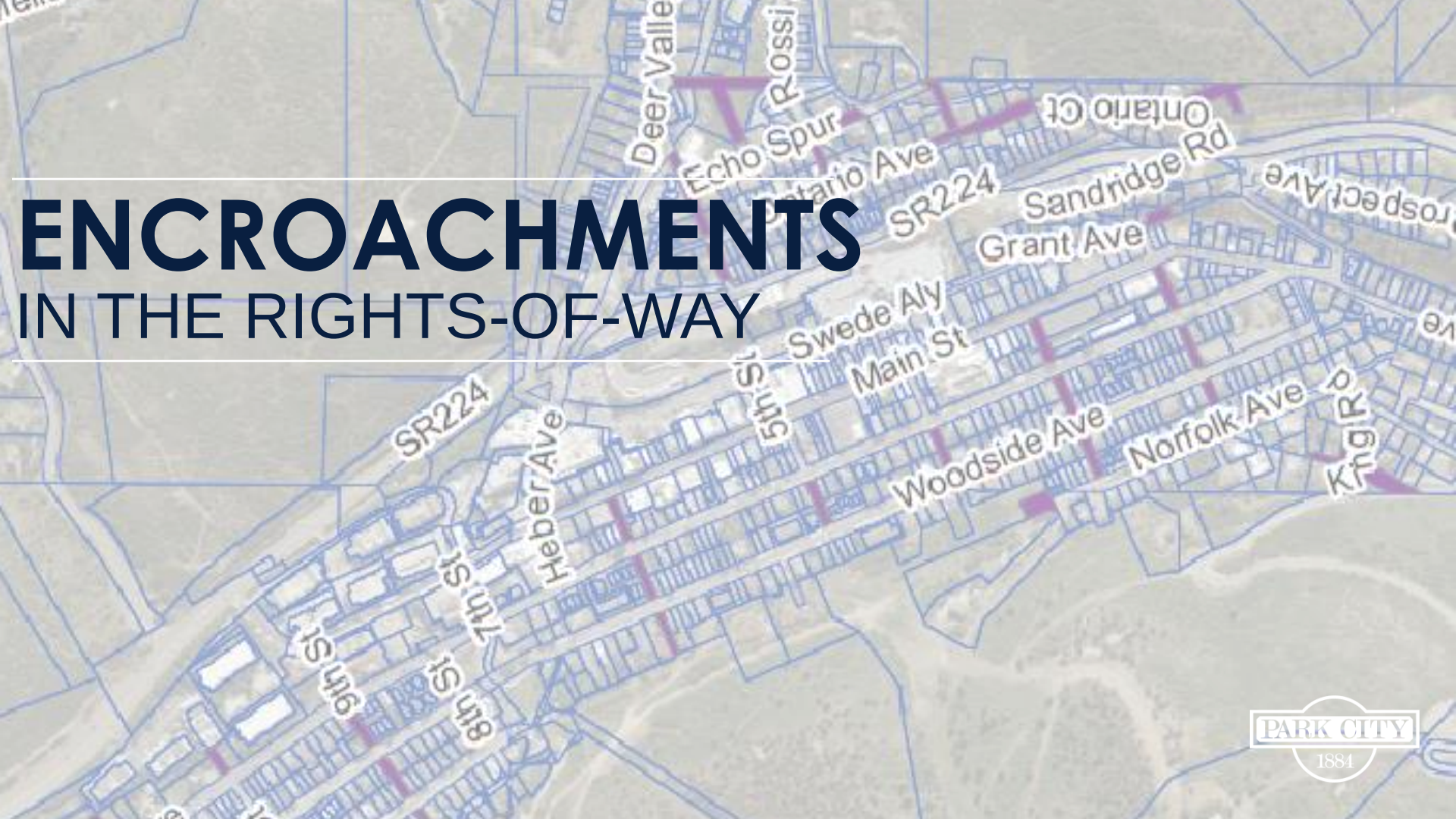
Chair Beerman indicated the applicant had requested that this item be removed from the agenda.

IV) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

ENCROACHMENTS IN THE RIGHTS-OF-WAY



ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

The Planning Commission recommended that Council re-evaluate the current policies regarding encroachments.

December 5, 2019, Council requested that staff complete an inventory of existing encroachments and prepare a work session.

Staff is preparing a Resolution for the Council's consideration for encroachments onto public parks and open space.

Tonight's work session is limited to encroachments in the rights-of-way.

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Right-of-Way

A strip of land dedicated to public use that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special use.

LMC § 15-15-1

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Encroachments into the Rights-of-Way:

Heated Driveways

Landscaping & Retaining Walls

Parking

Signs

Outdoor Dining Decks

Private Driveways in the Platted, Un-Built Rights-of-Way

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Heated Driveways

Staff-level approval

Allows property owners to install a heated driveway while protecting the City's ability to make improvements within the full width of the Right-of-Way

Since 2007, 355 encroachment agreements have been recorded with the County

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Landscaping & Retaining Walls

Staff-level approval

The City has entered into 28 encroachment agreements for landscaping
and 85 encroachment agreements for retaining walls

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Landscaping & Retaining Walls

Recommended policy:

- Prohibiting new landscaping and retaining walls within platted, un-built Rights-of-Way
- Requiring an encroachment agreement for new landscaping in the Right-of-Way to put property owners on notice that the landscaping may be disturbed at their expense for Right-of-Way improvements
- Prohibiting new retaining walls and planters that front a street from encroaching onto a Right-of-Way
 - Requiring Council approval for encroachment agreements for landscaping and retaining walls associated with a Historic Structure

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Parking

In the 1990s, the Land Management Code authorized the City Engineer to allow encroachments for parking stalls in the Rights-of-Way in the Historic Residential and Historic Residential Development Low-Density Zoning Districts.

These sections were repealed in 2000.

There is currently no code to allow parking stalls to be constructed partially in the Right-of-Way and any future parking stall encroachment would require City Council approval.

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Signs

Staff-level review

16 have been approved

Requires a sign encroachment agreement approved by the City Attorney

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Outdoor Dining Decks on Main Street

Staff-level review for the Administrative Permit with annual Council review for the lease

Rent in the past was based on 30% of the total parking revenue the City could receive under the Main Street Special Use of Public Parking Fee

Rent was waived in 2020

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Private Driveways in the Platted, Un-Built Rights-of-Way

In 2000, the Land Management Code established a Conditional Use Permit and Encroachment Agreement for private driveways in unbuilt Rights-of-Way

Over time, this process became problematic:

- (1) State law was amended over the years to limit Commission discretion on Conditional Use Permit approvals;
- (2) The Commission could approve a Conditional Use Permit, but the Council could deny an encroachment agreement. The process could be long and expensive for applicants.

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Private Driveways in the Platted, Un-Built Rights-of-Way

In February of this year, Council repealed the Conditional Use Process for private driveways in un-built Rights-of-Way

Staff proposes a replacement code

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Replacement Land Management Code § 15-3-5

First consider vacation of the Right-of-Way

Require City Engineer review and recommendation

Retain the Planning Commission's advisory role

Establish final action with the Council through an encroachment agreement

Retain a public notice process

ENCROACHMENTS IN THE RIGHTS-OF-WAY

WORK SESSION

Potential Fees for Encroachments

Some cities charge annual fees for encroachments into the Rights-of-Way, based on the land value set by the county assessor

These fees are added to the City's general fund

Some fees for encroachments like a public bench or an ADA ramp are waived



Urban Park Zoning District

Recreation Advisory Board





History:

How we got here:

- *Recreation Advisory Board Annual Visioning- 2017, 2018, 2019*
 - *Library Field Conservation Easement- March 2017*
- *RAB study and research*
 - *Trends in Cities and Western Communities*
 - *National Forums*
 - *1995 Entry Corridor Plan- McPolin Farm*
- *Discussion and alignment with Planning, Trails and Open Space and Legal*
 - *General Plan, Municipal Code, etc.*
- *City Council support to develop a Local Parks Preservation Master Plan*
 - *Council direction to work with Planning Department to 'clean up' ROS zoning*
 - *Development of a proposed new zone*
 - *Work session with Planning Commission in May 2020*
 - *Positive recommendation from Planning Commission July 2020*

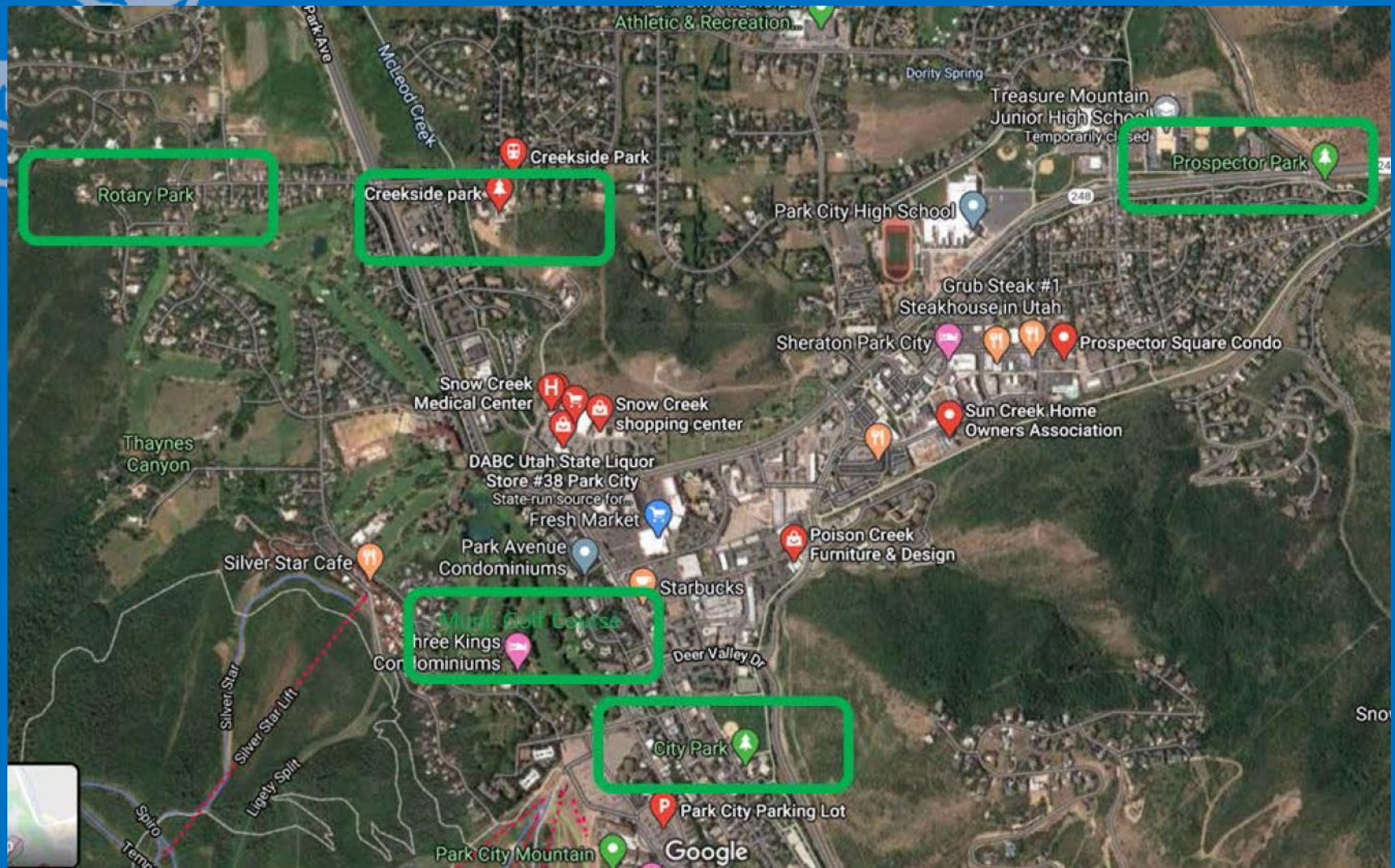


Master Plan Goal:

Local Parks Preservation Master Plan:

- **Allows for trends in Recreation while keeping parks for future generations**
- **Provides additional protections in the case of...**
 - **Sale of the property**
 - **Transfer of the land**
 - **Re-zoning**
- **Ensures a public process allowing the community voice to be heard.**

Locations:





Locations:



Creekside Park



Locations:

Rotary Park





Locations:



Prospector Park

Locations:



City Park

Locations:



Park City Municipal Golf Course





Master Plan Process:

Master Plan Process will allow for additional protections of local park space ensuring that the community voice is heard.

Process:

- **Five public meetings over a three month period**
- **Affirmative vote of 4 out of 5 City Council Members**
- **Voter Referendum- 60%+**



Talking Points:

- As we intended to 'clean up' Recreation Open Space Zoning, it led to the discussion and draft of a new zone...
- UPZ- The Urban Park Zone District:
 - Blend of ROS- Recreation Open Space and POS- Protected Open Space
 - More restrictive and detailed in the nature of use



Proposed Zone District:

Attachment 1

15-2.26 Urban Park District

15-2.26-1 Purpose

The purpose of the Urban Park (UPZ) District is to:

- A. promote the preservation of Historic Buildings, Structures, Sites, or Objects;
- B. preserve the vegetation and habitat of natural Areas;
- C. provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;
- D. establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots;
- E. permit recreational Uses and preserve recreation land;
- F. encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and
- G. encourage sustainability, conservation, and renewable energy.

15-2.26-2 Uses

Uses in the UPZ District are limited to the following:

- A. ALLOWED USES.
 - 1. Conservation Activity
 - 2. Food Truck Locations¹
- B. ADMINISTRATIVE CONDITIONAL USES.¹
 - 1. Trail and Trailhead Improvement
 - 2. Outdoor Recreation Equipment
 - 3. Essential municipal public utility Use, service, or Structure less than 600 sq. ft.
 - 4. Accessory Building, less than 200 sq. ft.
 - 5. Outdoor Event, outdoor music
 - 6. Temporary Improvement
 - 7. Anemometer and Anemometer Towers
- C. CONDITIONAL USES.
 - 1. Essential municipal public utility Use, service, or Structure 600 sq. ft. or greater
 - 2. Accessory Building, 200 sq. ft. or greater, not to exceed 600 sq. ft.
 - 3. Recreational outdoor lighting
 - 4. Community gardens
 - 5. Recreation Facility, Public
 - 6. Recreation Facility, Commercial
 - 7. Golf course
 - 8. Recreational sports field and courts
 - 9. Skateboard park
 - 10. Public and Quasi-Public institution, education, park, plaza, Structure for public assembly greater than 600 sq. ft.
 - 11. Child Care Center
 - 12. Vehicle Control Gates²
 - 13. Surface Parking Area with five (5) or more spaces
 - 14. Telecommunications Antenna³
 - 15. Fences greater than six feet (6') in height from Final Grade
 - 16. Small Wind Energy Systems
- D. PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

15-2.26-3 Lot And Site Requirements

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district, or public Right-of-Way.

A. FRONT, SIDE, AND REAR SETBACK EXCEPTIONS. Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structure, approved Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side, and Rear Setbacks.

15-2.26-4 Building Height

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

A. BUILDING HEIGHT EXCEPTIONS. To allow for a pitched roof and to provide usable space within the Structure, the following height restrictions may apply:

- 1. A gable, hip, Barrel, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- 2. An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- 3. Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- 4. Anemometers and Anemometer Towers used to measure wind energy potential for future Wind Energy Systems may extend above the maximum Zone Height subject to a visual analysis and Administrative Conditional Use approval, see Section 15-2.7-8.
- 5. Wind turbines may extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission of a Small Wind Energy System. Height is measured from Natural Grade to the tip of the rotor blade at its highest point, see Section 15-2.7-9.

15-2.26-5 Related Provisions

- Fences and Walls. LMC § 15-4-2.
- Satellite Receiving Antenna. LMC § 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC § 15-3-3(D).
- Lighting. LMC § 15-3-3(C) and § 15-5-5(J).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC § 15-3-3(E).

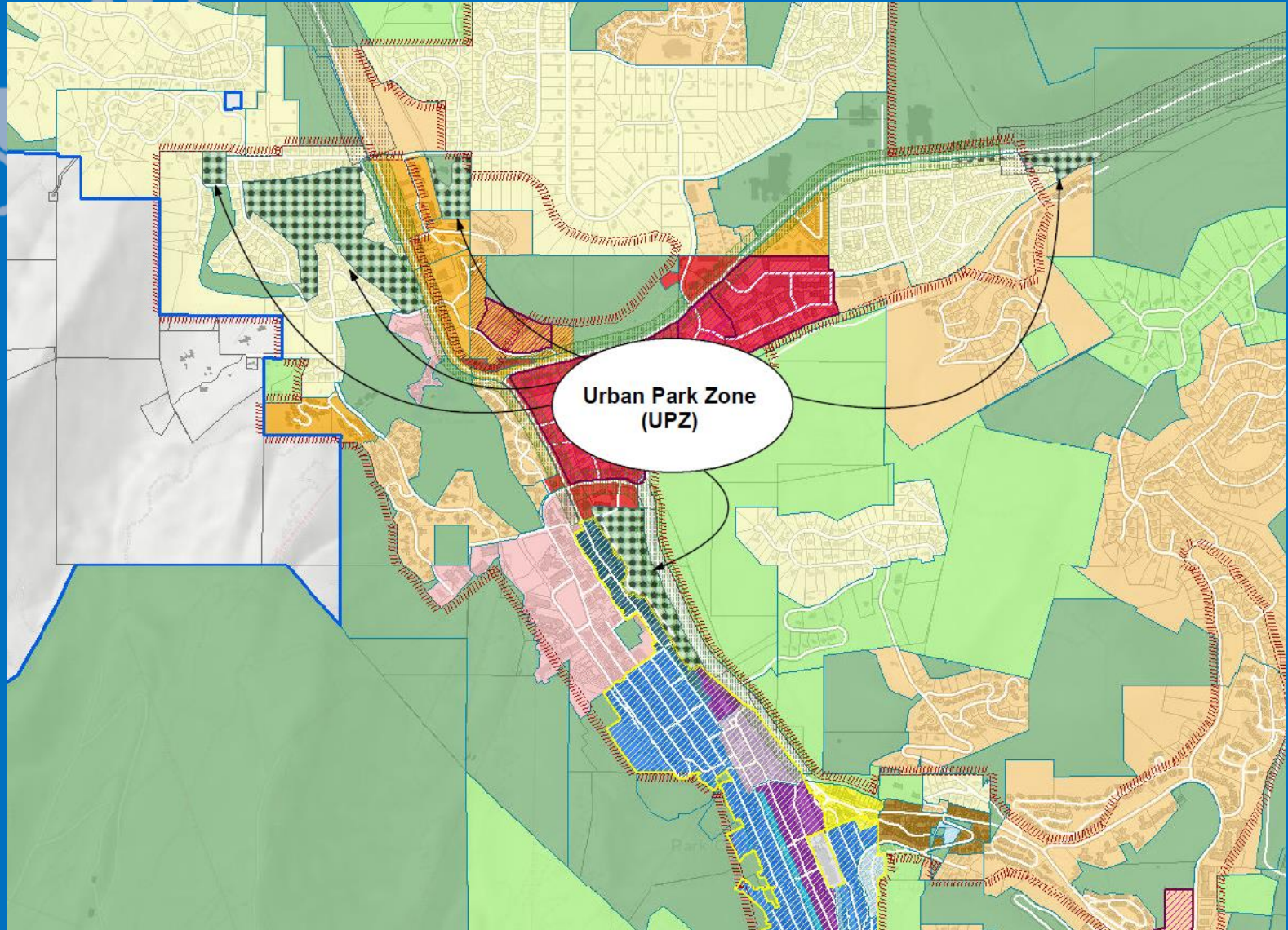
¹ Subject to an Administrative Conditional Use permit

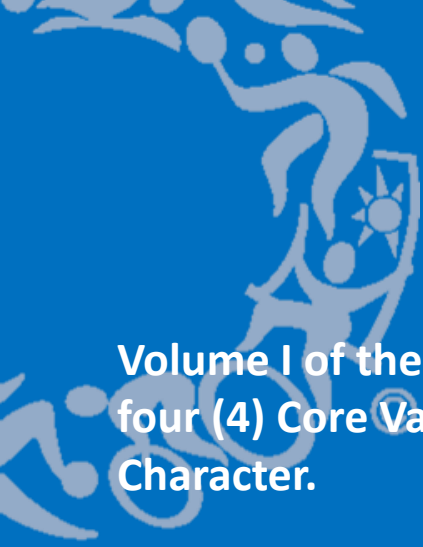
² Subject to Section 15-4-19, Review Criteria For Vehicle Control Gates

³ Subject to Section 15-4-14, Telecommunication Facilities

† The Planning Director or his or her designee, shall upon finding a Food Truck Location in compliance with Municipal Code of Park City Section 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

District Map:





General Plan Compliance:

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character.

Small Town

- *Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. The proposed new Zone and Zoning Map Amendment would help preserve these five (5) City Parks and enable them to remain protected Open Space.*

Natural Setting

- *Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. The proposed new zone and zoning change will maintain the recreational and open space uses of these existing parks.*

Sense of Community

- *Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. The purpose statements of the UPZ zoning district encourages parks, trails, and other recreational uses as well as the preservation and enhancement of environmentally sensitive lands.*



Purpose:

The purpose of the Local Parks Preservation Plan is to reinforce the current Land Management Code with additional measures and means to preserve these open spaces.

The purposes of the UPZ District are to:

- **promote the preservation of Historic Buildings, Structures, Sites, or Objects;**
- **preserve the vegetation and habitat of natural Areas;**
- **provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;**
- **establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots;**
- **permit recreational Uses and preserve recreation land;**
- **encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and**
- **encourage sustainability, conservation, and renewable energy.**



Good Cause:

Staff finds there is:

- Good Cause for the proposed LMC Amendment and Zoning Map Amendments as the new zone will reinforce the importance of the City's General Plan and Municipal Code, which states *"local recreation and open spaces are crucial to the vitality, character and sense of community Park City provides."* A new Urban Park Zone provides additional protection of City Parks and encompasses specific requirements, providing more clarity for the development and implementation of the Local Parks Preservation Master Plan.
- Good Cause for the proposed rezoning of the five (5) recommended parks as these parks represent viable locations with proximity to neighborhoods, play a role in hosting community activities within the City and are each used differently.



Love where
you live



Recommendation:

Staff and Recreation Advisory Board recommends-

- Council consideration for approval Ordinance 2020-39, approving a new zoning district to be known as Park City Land Management Code Chapter 15-2.26, Urban Park District, and a Zoning Map Amendment to Rezone Rotary Park, Creekside Park, Prospector Park, City Park, and the North Parcel of the Municipal Golf Course from Recreation and Open Space to Urban Park District Zoning
- If approved staff will amend the Local Parks Preservation Master Plan to reflect the new Urban Park Zoning District protections and will bring the Plan to the Council for ratification this fall.



Thank You!

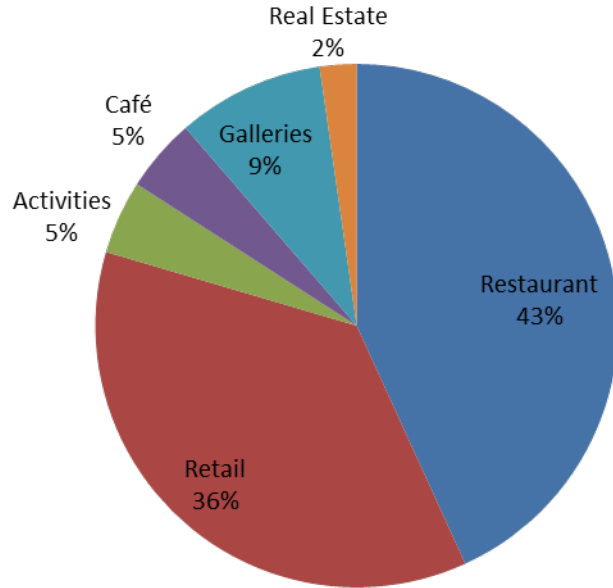


SHOP DINE & STROLL – CAR FREE DAYS

Permit Amendment & Data Update

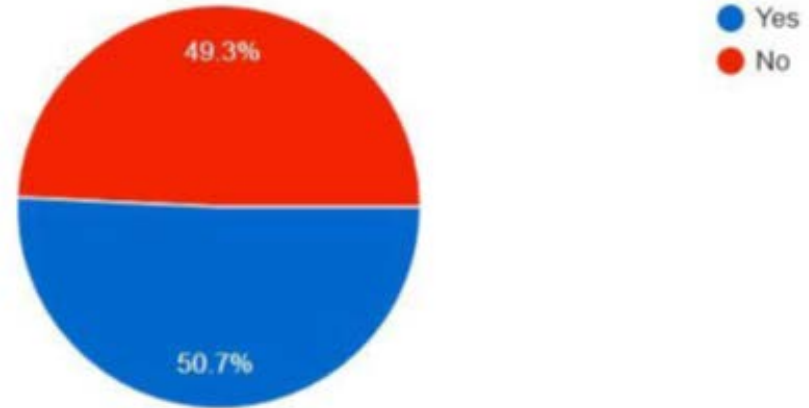
Participants & Sales

Type of Participating Businesses



Can you attribute an increase in sales from car-free Sundays?

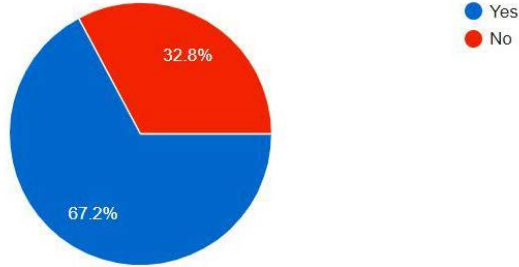
67 responses



HPCA Survey Data

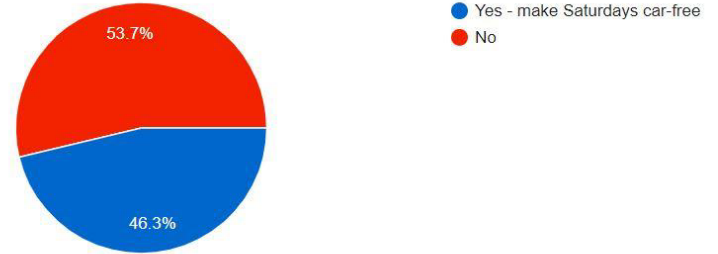
Should car-free Sundays extend past September 6 and go through the fall?

67 responses



Do you support car-free Saturdays through September 6 (extended through the fall if supported in the previous question)?

67 responses



Would re-opening Main Street on Sundays at 5 pm be beneficial to your business?

75 responses

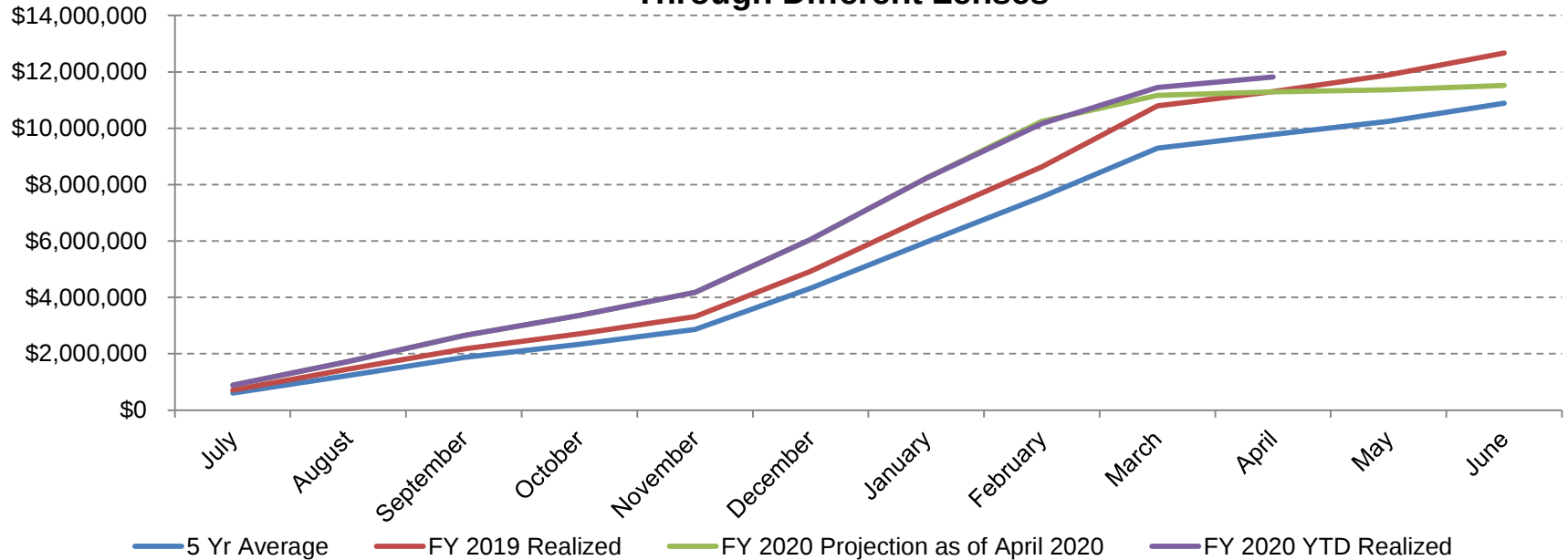


- Trackable digital efforts for Car Free Sunday messaging is out performing HPCA brand awareness.
- Traffic to HPCA website is up 53% overall compared to 2019 (4,000 more visits)

Sales Taxes

Strong Sales Tax revenues in the early part of FY20 dampen the cumulative effect of March through May shortfalls

General Fund - Cumulative Annual Sales Tax Revenues Through Different Lenses

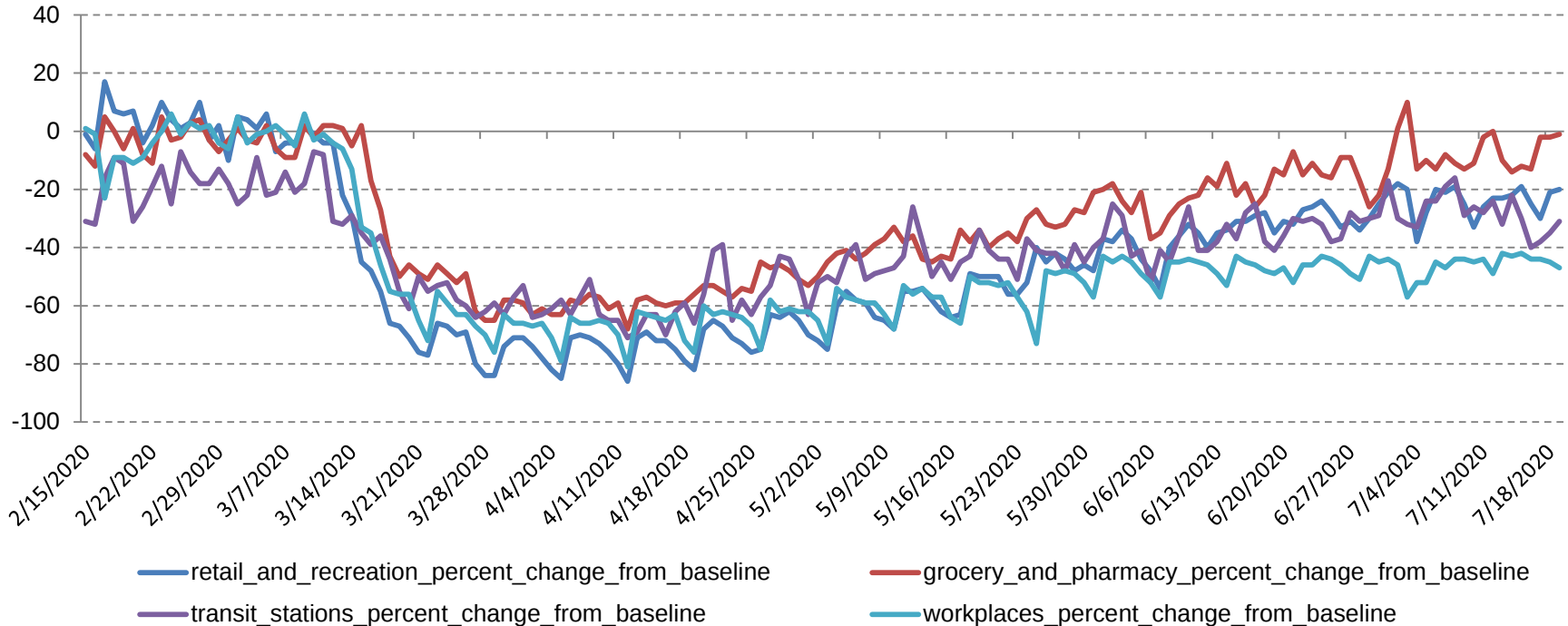


Source: Utah State Tax Commission, Park City Municipal Corporation as of 7/22/2020.

Mobility

Google's COVID-19 Mobility dataset illuminates a continued recovery in movement within Summit County

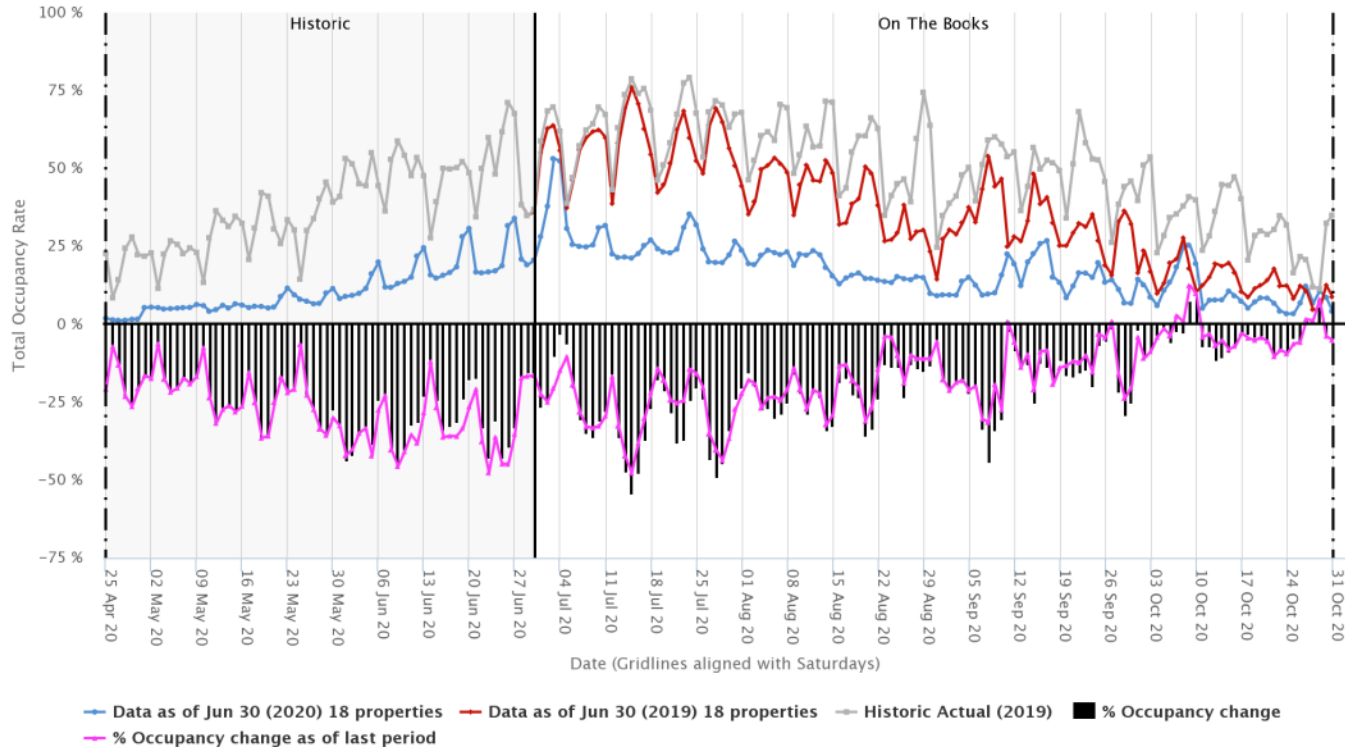
Google Mobility Data - Summit County, UT



Source: Google, Park City Municipal Corporation as of 7/19/2020. These datasets show how visits and length of stay at different places change compared to a baseline. Google calculates these changes using the same kind of aggregated and anonymized data used to show popular times for places in Google Maps.

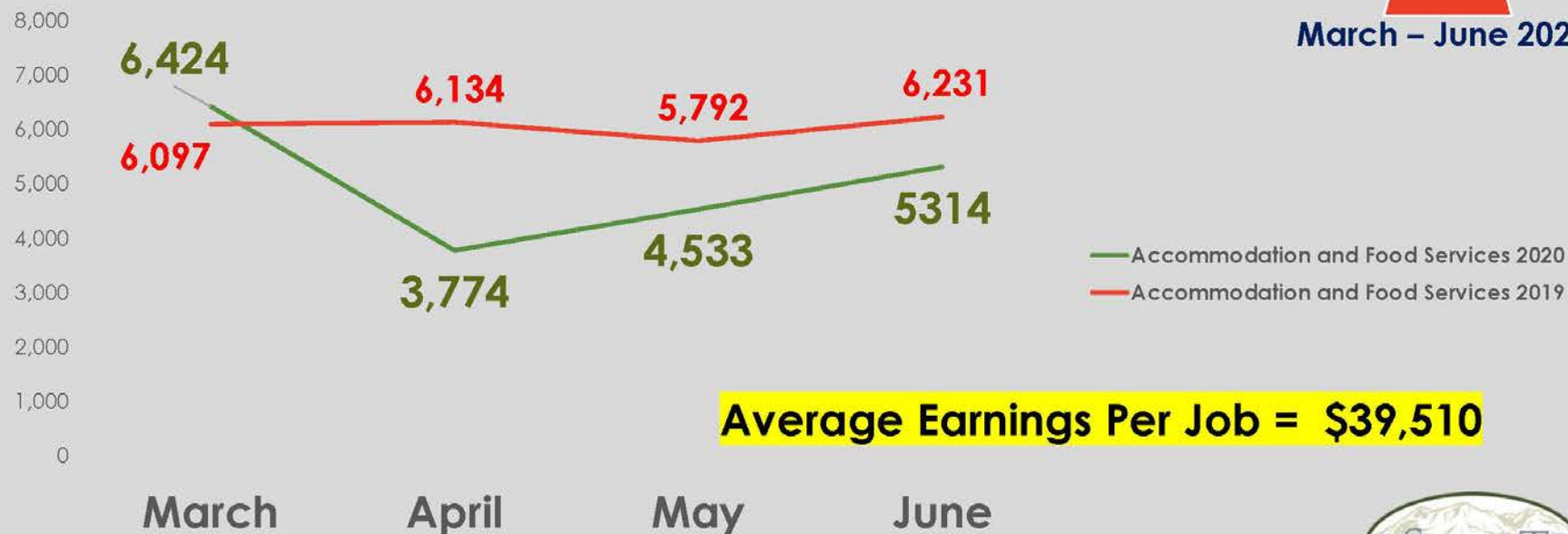
Hotel Occupancy

Park City hotel occupancy trends into July indicate occupancy increasing but below 2019 historical levels



2019 GRP = \$452,716,767

Sector Employment: Accommodation and Food Services



Source: Utah Department of Workforce Services & EMSI



2019 GRP = \$256,580,788

Sector Employment: Arts, Entertainment, and Recreation

-1,275

-44.6%

March – June 2020



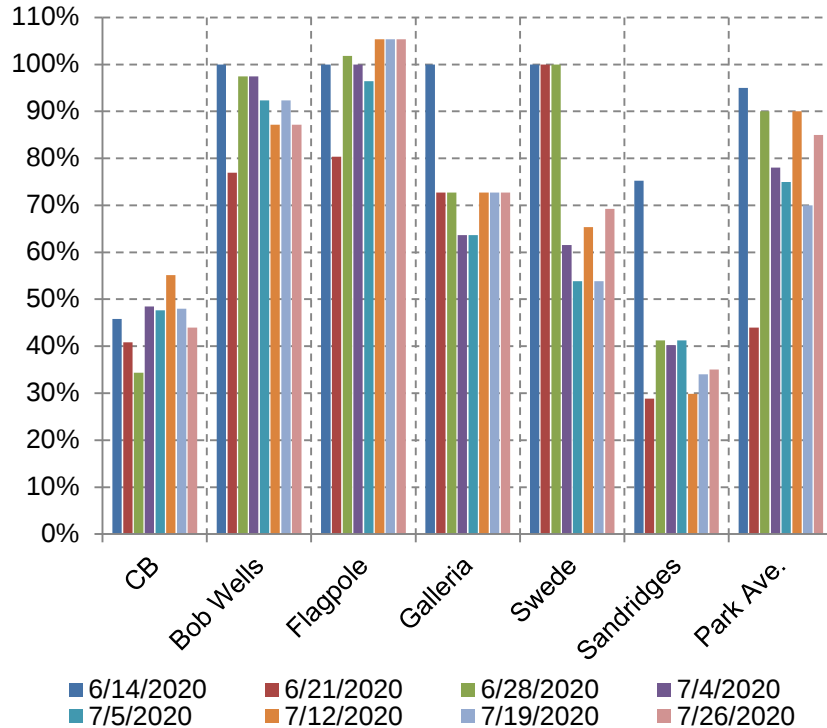
Source: Utah Department of Workforce Services and EMSI



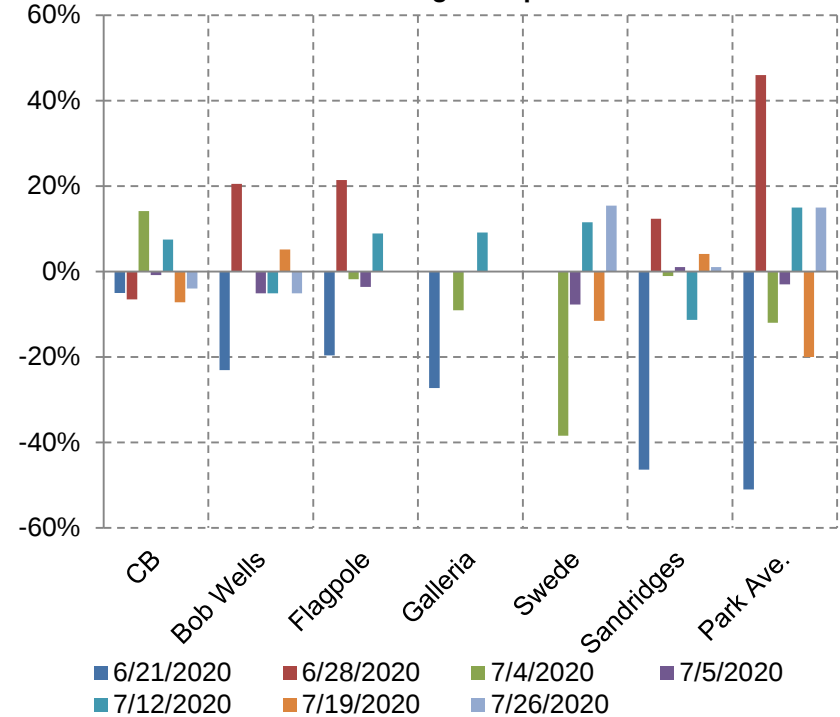
Parking Utilization Over Time

City parking lot utilization measured at 12 pm over time

Park City Parking Lots - % Utilization - 12 pm



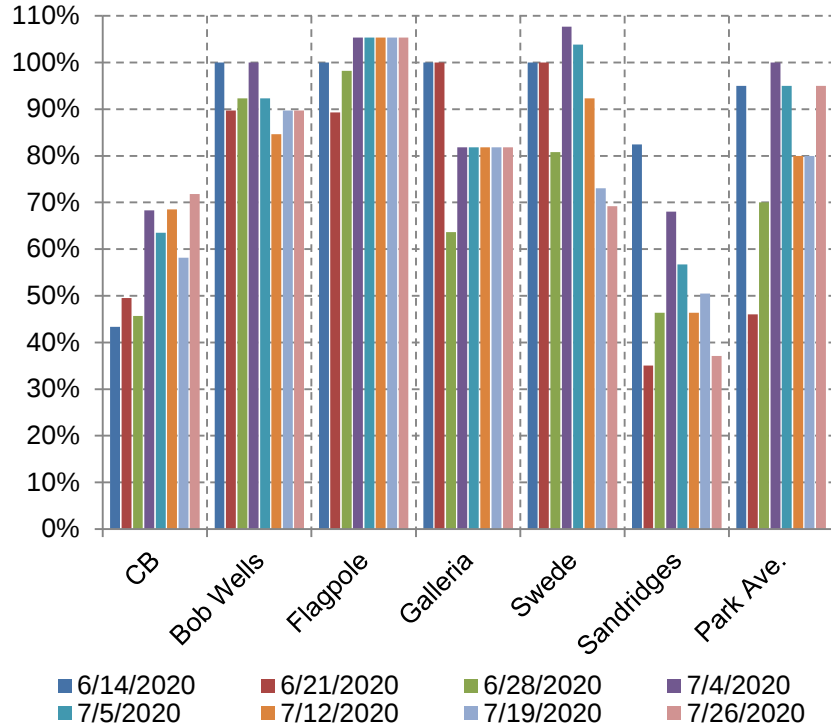
Park City Parking Lots - % Utilization WoW Change - 12 pm



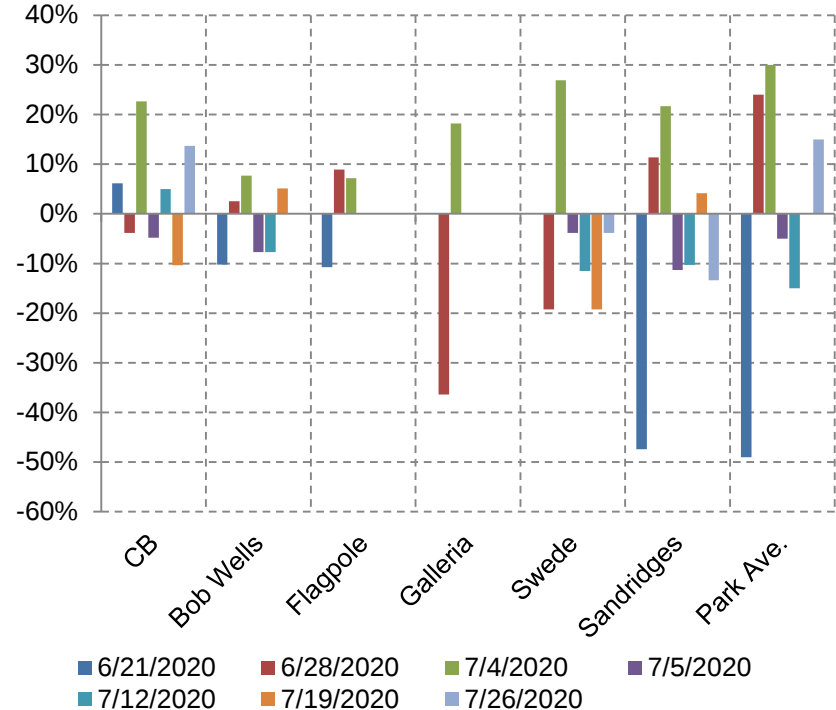
Parking Utilization Over Time

City parking lot utilization measured at 4 pm over time

Park City Parking Lots - % Utilization - 4 pm

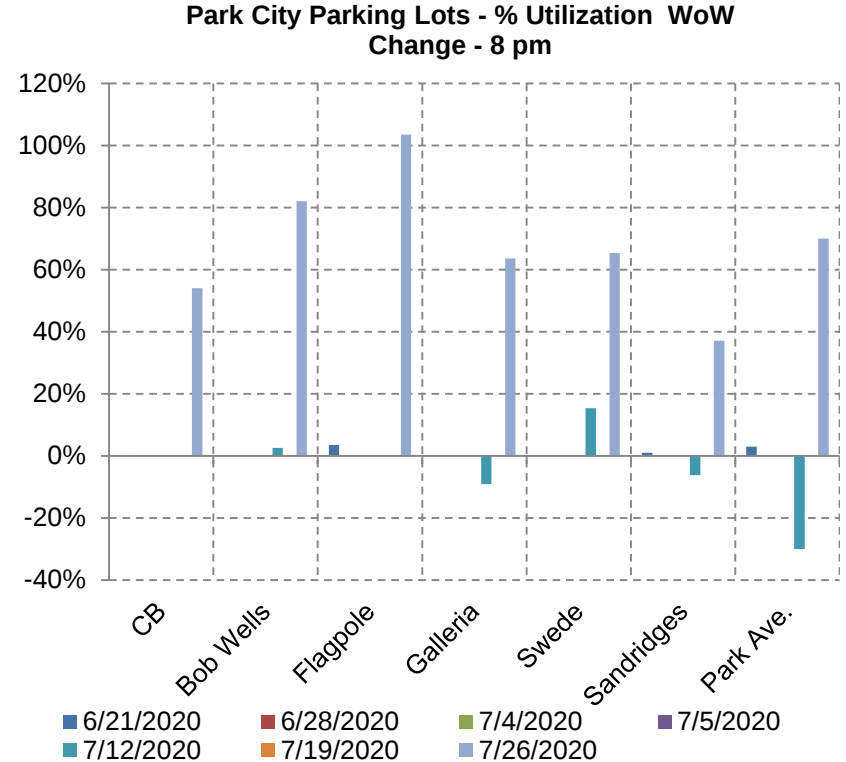
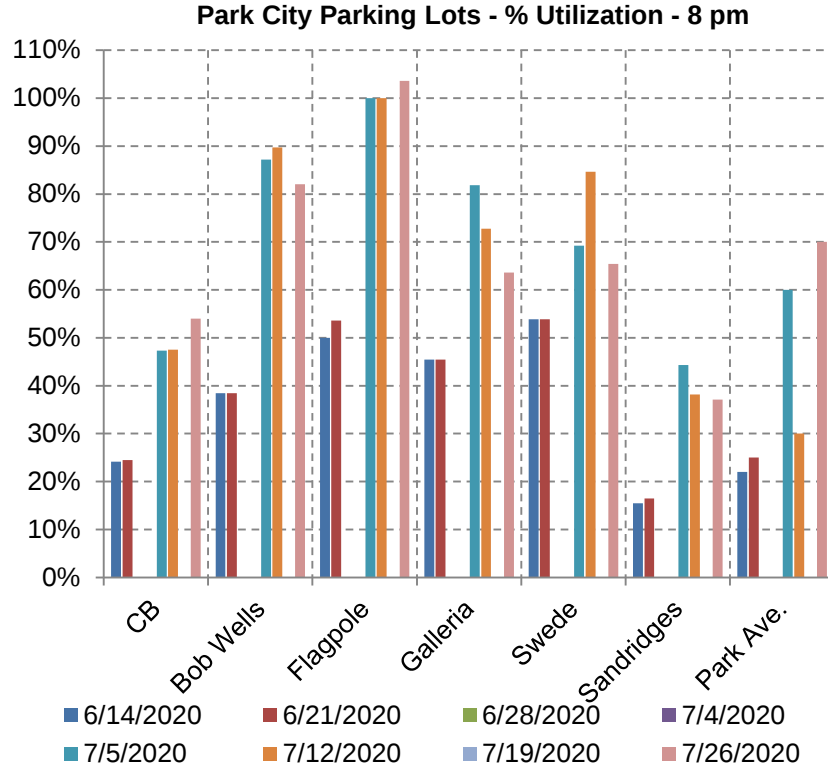


Park City Parking Lots - % Utilization WoW Change - 4 pm



Parking Utilization Over Time

City parking lot utilization measured at 8 pm over time

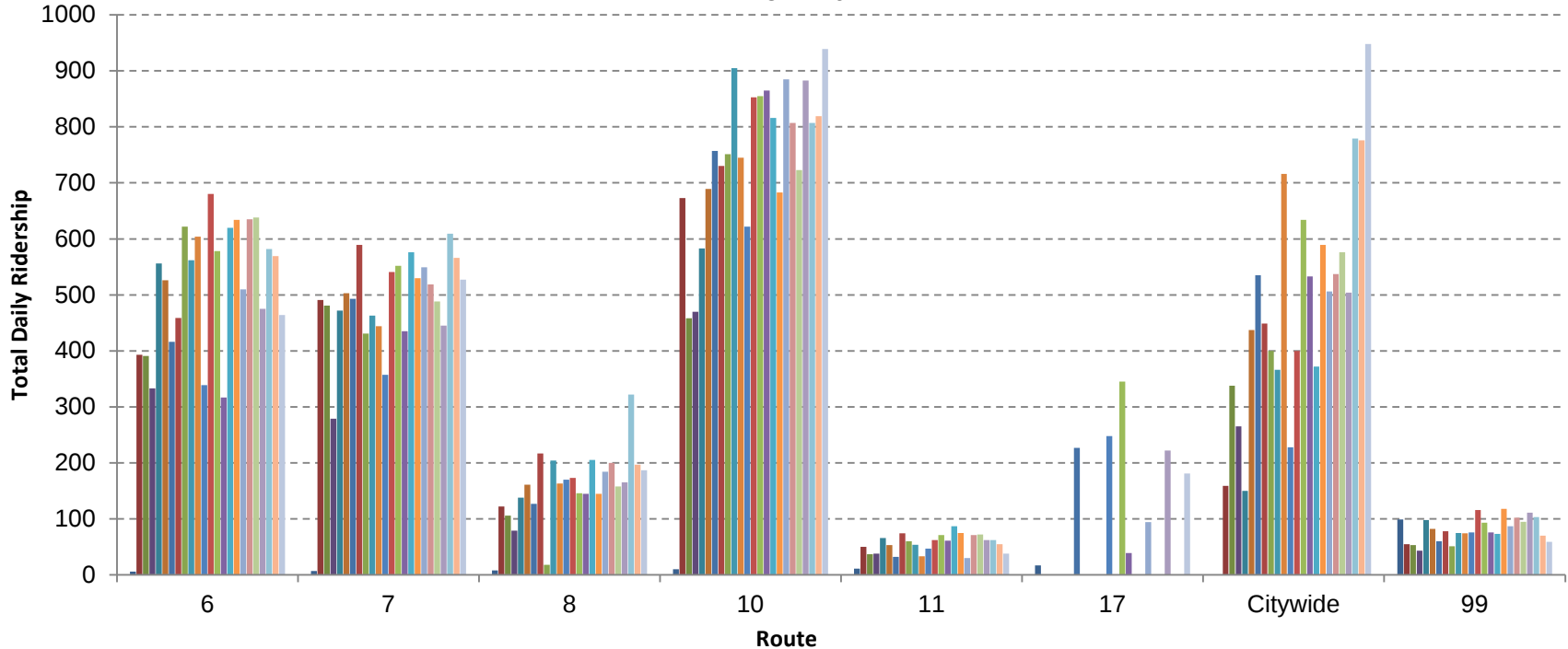


Source: Park City Municipal Corporation, as of 7/26/2020. Note, 8 pm garage count samples are not available for every date displayed.

Transportation Ridership Over Time

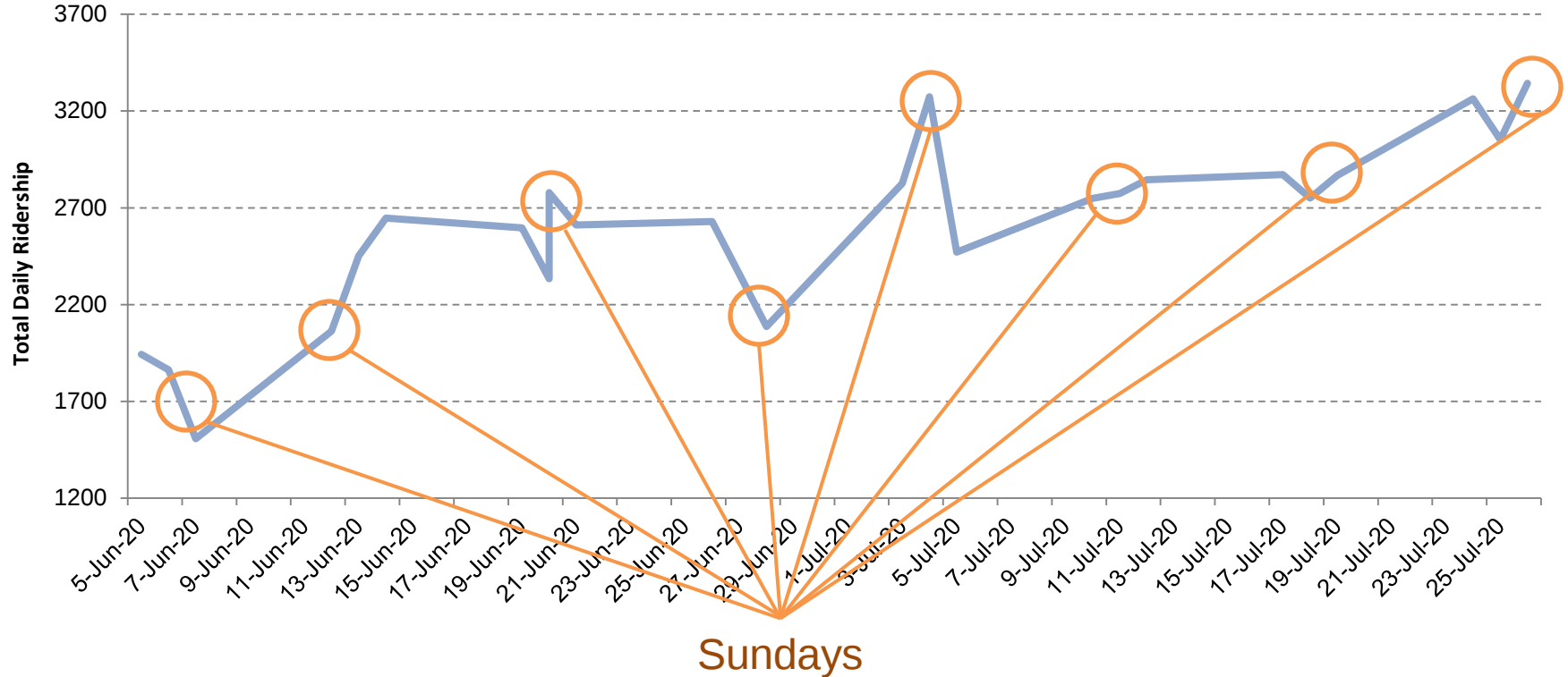
City transportation system ridership by route

PCMC Transit - Ridership Counts by Route
June Through July 2020



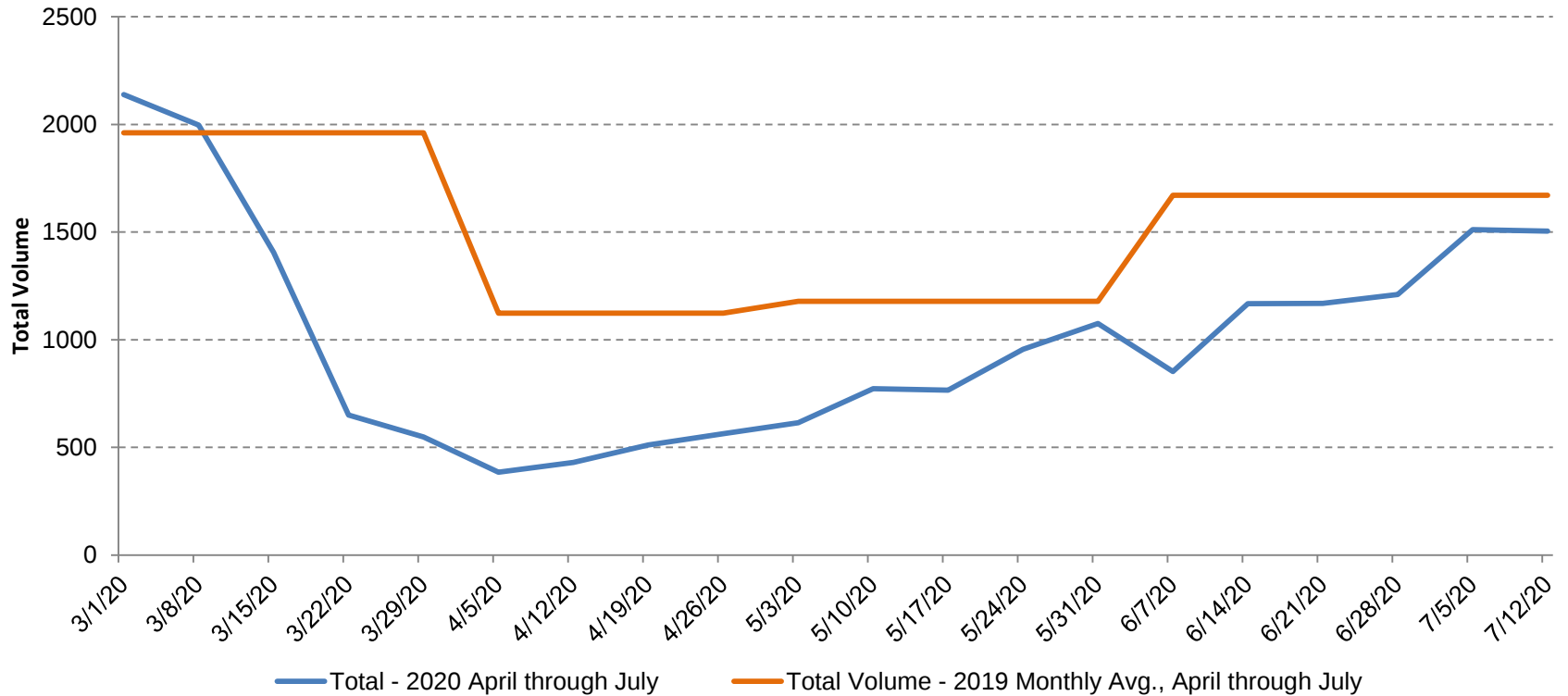
Transportation Ridership Over Time

PCMC Transit - Total Daily System Wide Ridership Over Time
June Through July 2020



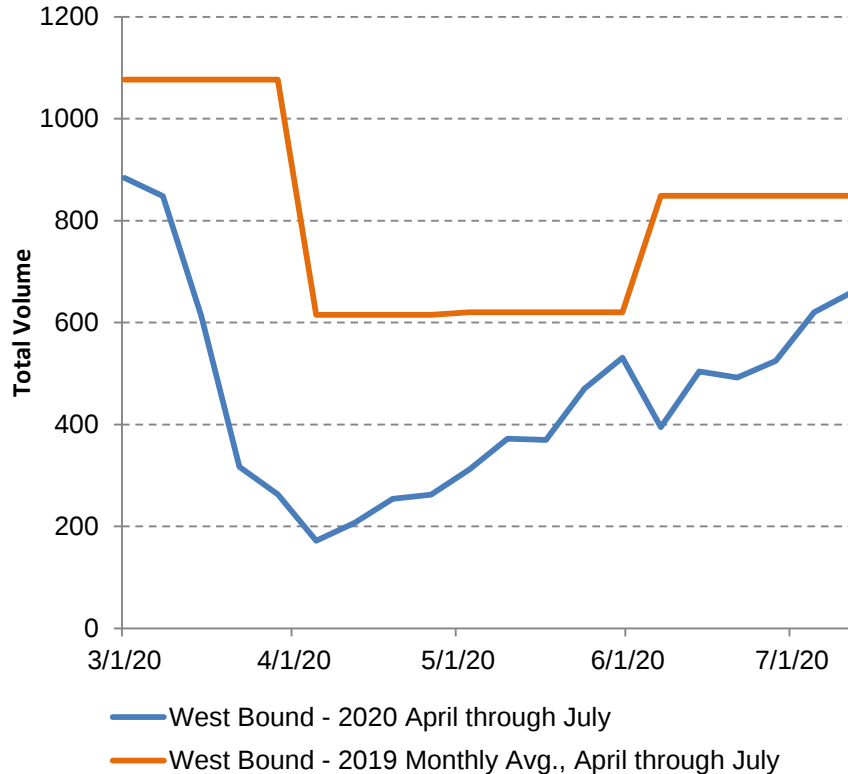
Traffic – Hillside Avenue

Traffic Volumes on Hillside Avenue - Total Volume

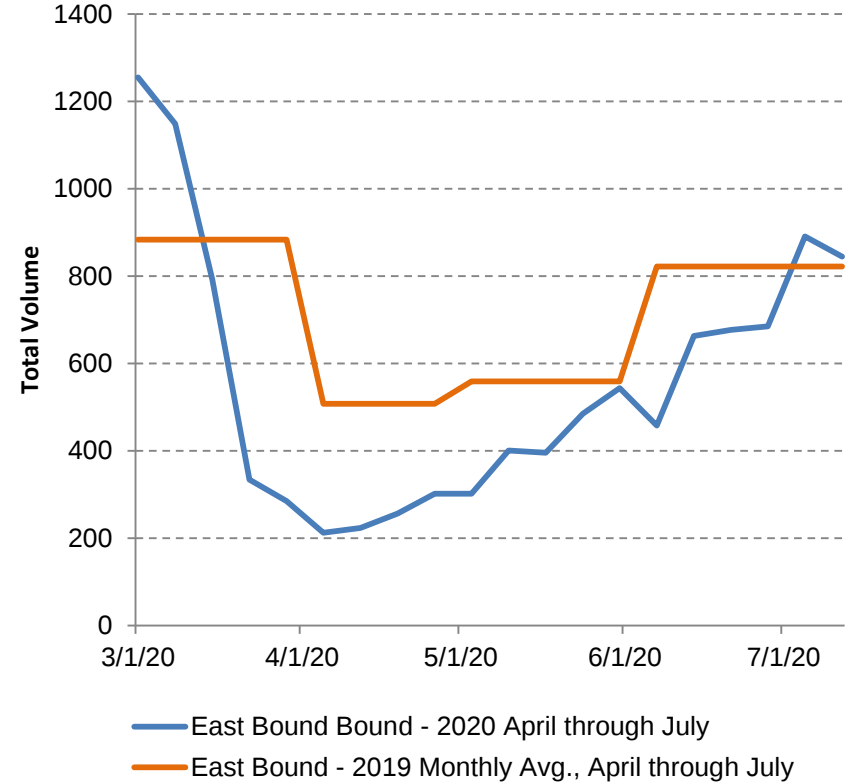


Traffic – Hillside Avenue

Traffic Volumes on Hillside Avenue - West Bound

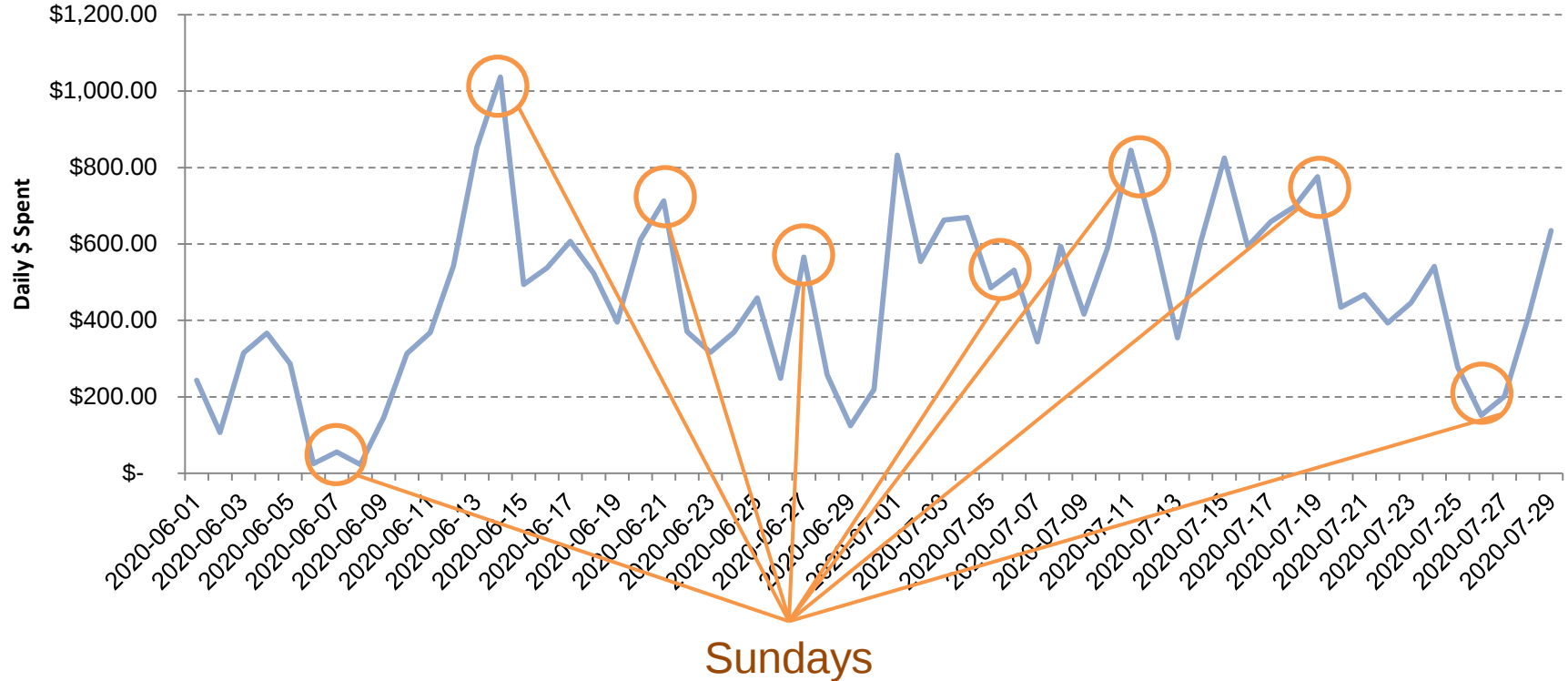


Traffic Volumes on Hillside Avenue - East Bound



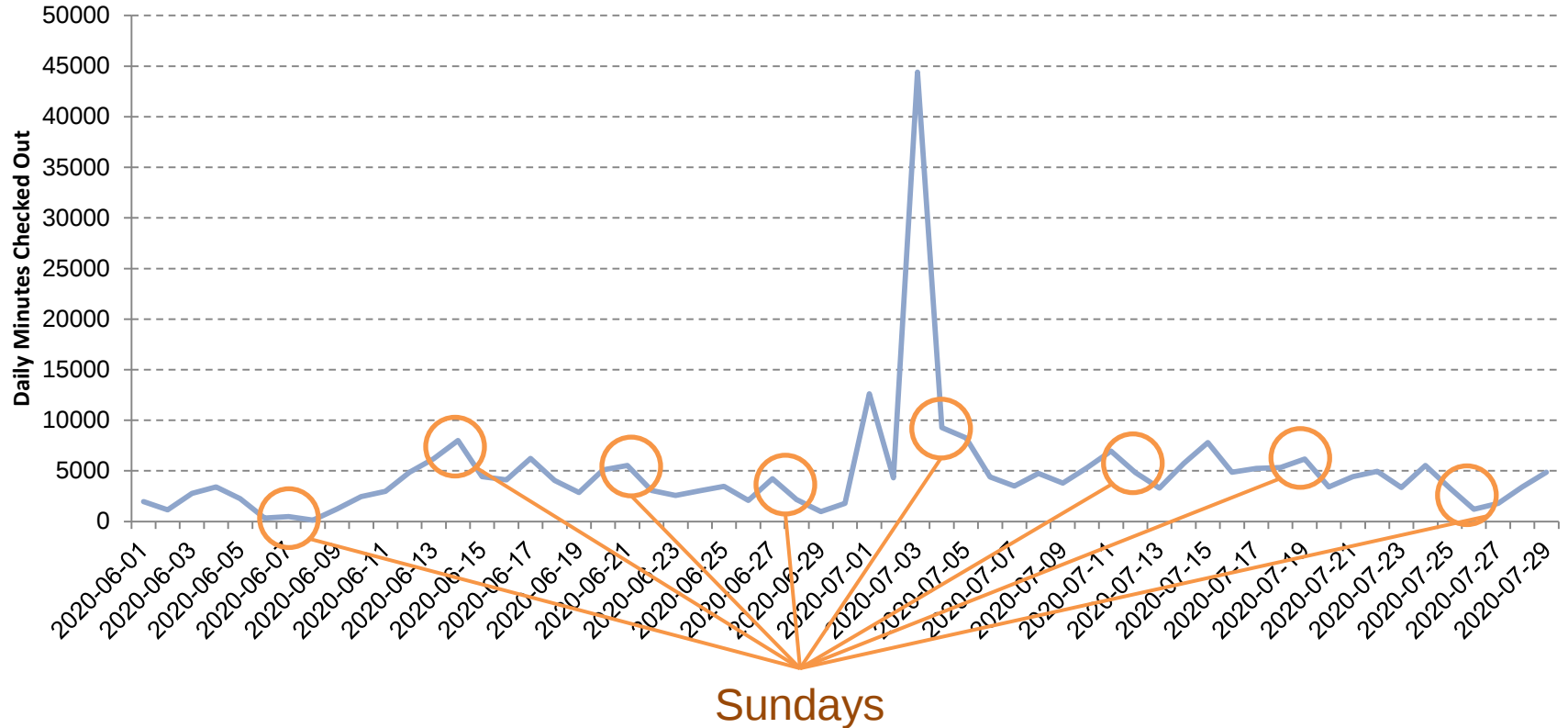
Summit Bike Share Ridership Over Time

Summit Bike Share - Rides Originating from Park City Locations
Total Daily \$ Spent - June Through July 2020



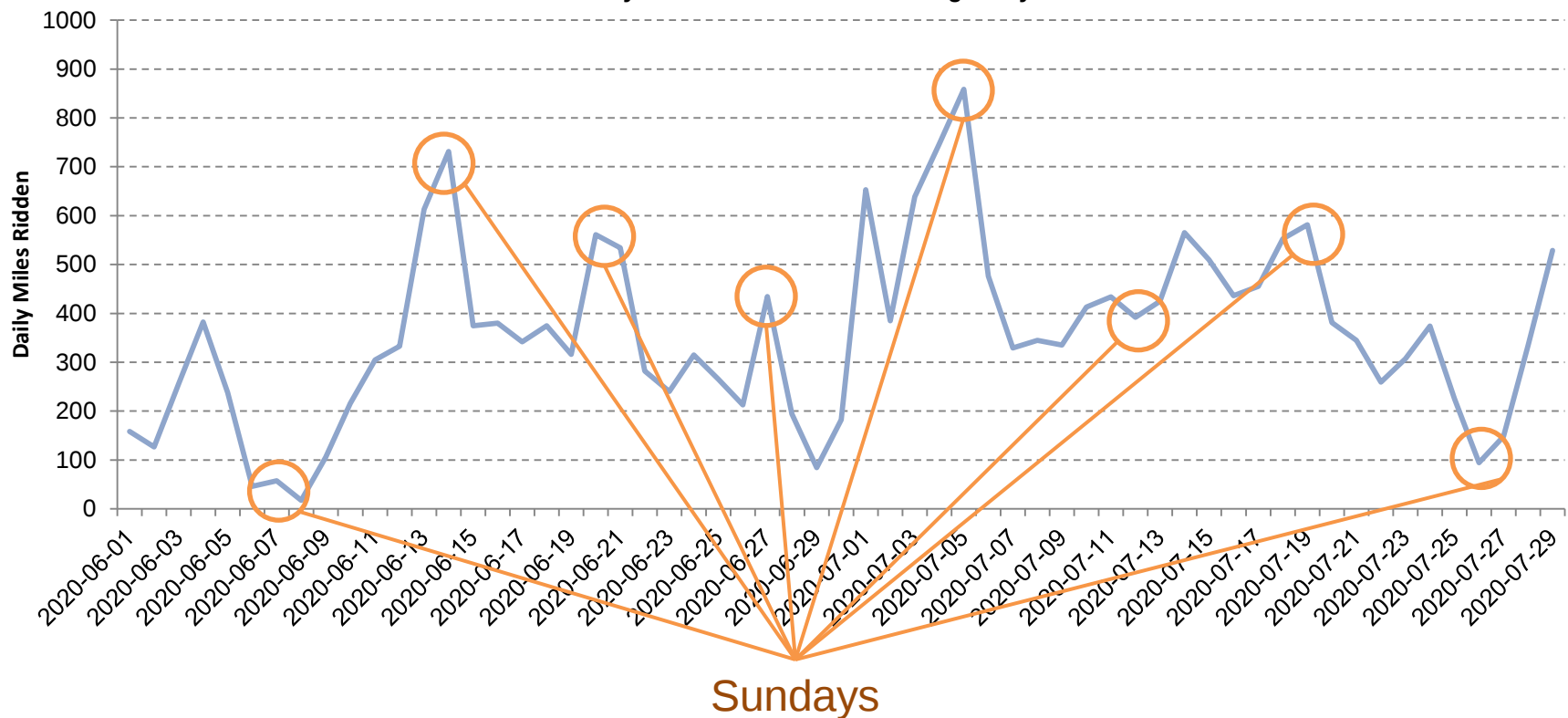
Summit Bike Share Ridership Over Time

Summit Bike Share - Rides Originating from Park City Locations
Total Daily Min. Checked Out - June Through July 2020



Summit Bike Share Ridership Over Time

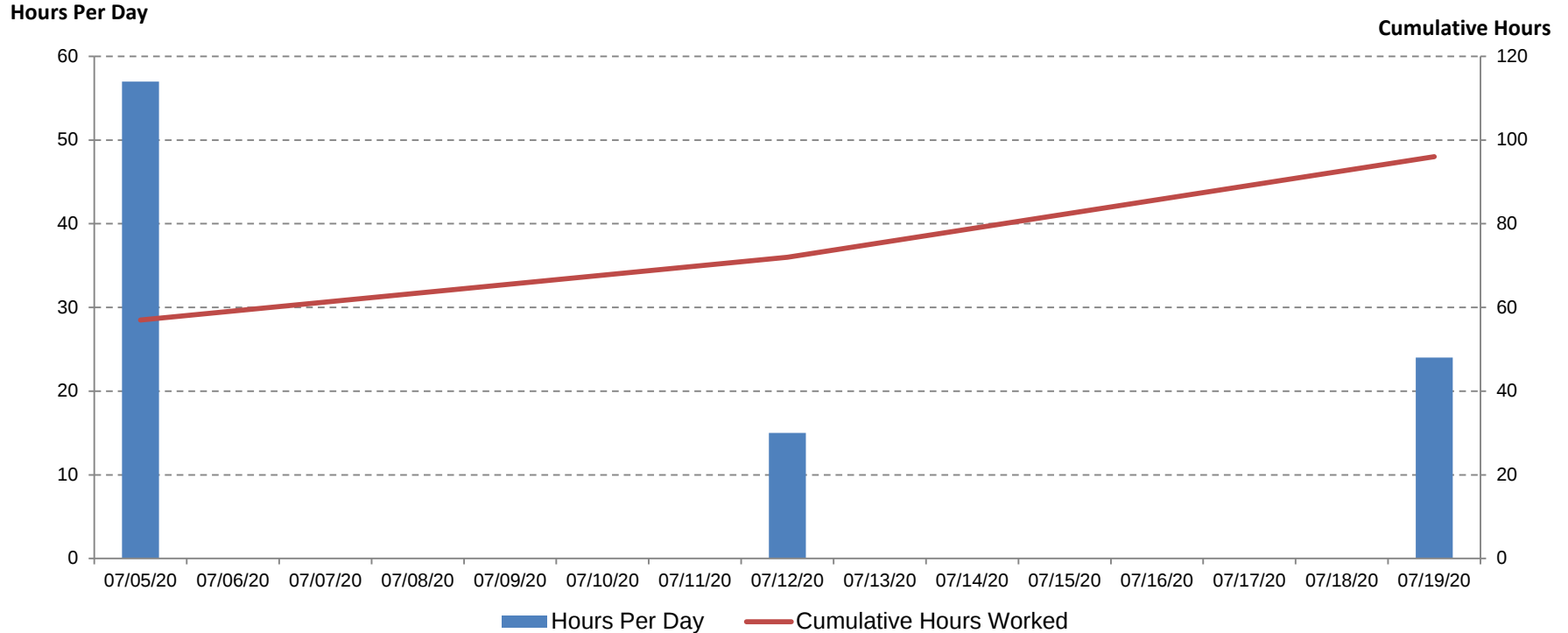
Summit Bike Share - Rides Originating from Park City Locations
Total Daily Miles Ridden - June Through July 2020



Source: Summit Bike Share, Park City Municipal Corporation, as of 7/29/2020.

PCPD Resources – July Main Street Sundays

PCPD Pedestrian Main Street Sundays - Hours Worked - July 2020



Source: Park City Municipal Corporation, as of 7/19/2020. Note, these hours are reflective of PCPD officers only. Additional outside agencies contributed 21 hours on 7/5/2020.

Conclusion & Recommendation

Conclusion – The event is successful. However, not all businesses are recovered and many are still in a very fragile state. We – both City and HPCA – are doing what we can to support local businesses and community.

Recommendation - Approve changes to Shop, Dine and Stroll - Main Street Car Free Days.

- Additional Saturdays – (August 1) September 5 and October 3
- Extend Sundays to October 25
- Increase SEFR limit to \$120,000
- Provide direction on continuing Main Street walkthroughs
- Provide direction on returning to Council monthly for updates



APPROVAL OF CHANGES TO SUNDANCE FILM FESTIVAL 2021



SUMMARY RECOMMENDATION

Sundance anticipates a very reduced Festival scope for 2021 as compared to normal. They are taking all precautions to ensure measures for health, safety and welfare are paramount, while balancing fiscal impacts to the organization and event.

Sundance request the following changes to the 2021 Sundance Film Festival for one year due to Covid 19 impacts:

1. Reduce Festival from 10 days to 7 days.
2. Change dates of the Festival from Jan 21 – 31, to Jan 28 – Feb 3.
3. Reduce the Use of City Property to include Park City Library;
 - Staff will work with Sundance to permit the Ray.
4. Suspend requirement to hold 70% of the Festival in PC/Summit Co.
5. Reduce transportation requirements, Sundance will not be responsible to paying for and provide transit services to mitigate impacts.

Sundance Institute and staff need time to work through operational details before returning to Council. Sundance is unable to continue planning without Council first approving the reduced scope and changed dates.