



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
August 2, 2018**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, August 2, 2018.

CLOSED SESSION - 2:30 p.m.

To Discuss Property and Litigation

STUDY SESSION

4:15 p.m. - Social Equity Community Critical Priority Discussion
[Social Equity Staff Report](#)

WORK SESSION

5:15 p.m. - Transit Reorganization Update
[Transit Reorganization Staff Report](#)

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Report

1. Park Silly Sunday Market Mid-Season Report 2018
[PSSM Staff Report](#)
[Exhibit A: PSSM Mid-Season Summary](#)
[Exhibit B: PSSM Mid-Season Measures of Success](#)
[Exhibit C: Background - City Council Reports and Agenda Items](#)

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 12, 2018
[July 12, 2018 Minutes](#)

VII. NEW BUSINESS

1. Consideration to Approve Resolution 21-2018, a Proclamation Declaring the Year of 2018 as "Great Salt Lake Council 100th Scouting Anniversary Year"
(A) Public Input (B) Action
[Boy Scouts Staff Report](#)
[Scouting Resolution](#)
2. Discuss Potential 2018 Treasure Hill & Armstrong General Obligation Open Space Bond
(A) Public Input
[Treasure Hill & Armstrong Bond Staff Report](#)
[Exhibit A: Bond Timeline](#)
3. Consideration to Approve Ordinance 2018-45, an Ordinance Approving the Roadhouse Subdivision located at 1900 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action
[1900 Park Avenue Staff Report and Ordinance](#)
[1900 Park Avenue Exhibits](#)
4. Consideration to Approve Ordinance 2018-46, an Ordinance Amending the Land Management Code of Park City, Utah, Chapter 15-1-18 Appeals and Reconsideration Process and Chapter 15-1-21 Notice Matrix
(A) Public Hearing (B) Action
[LMC Amendments Staff Report and Ordinance](#)
5. Consideration to Ratify the Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in Part for the Appeal of the Historic Preservation Board's Decision Regarding the Relocation and Reorientation of a Significant Structure at 424 Woodside Avenue
(A) Motion to Continue to August 16, 2018
[424 Woodside Avenue Staff Report](#)

VIII. ADJOURNMENT

IX. PARK CITY REDEVELOPMENT AGENCY MEETING

I. ROLL CALL

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

III. NEW BUSINESS

1. Consideration to Approve a Contract with Rocky Mountain Power for Utility Extensions at the Woodside Park Phase 1 Housing Project that Shall Not Exceed \$26,581.00 in a Form Approved by the City Attorney

IV. 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

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Jed Briggs

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section: STUDY SESSION

Subject:

4:15 p.m. - Social Equity Community Critical Priority Discussion

Suggested Action:

Staff is recommending that Council discuss the Critical Priority of Social Equity in facilitated discussion with Kilo Zamora. This is the fifth session that Council has undergone with Mr. Zamora with regards to social equity. This session will focus on the concept of implicit bias.

Attachments:

[Social Equity Staff Report](#)



City Council Staff Report

Subject: Social Equity Community Critical Priority Discussion
Author: Jed Briggs, Budget Operations & Strategic Planning Manager
Department: Budget, Debt, and Grants
Date: August 2, 2018
Type of Item: Study Session

Summary Recommendation

Staff is recommending that Council discuss the Critical Priority of Social Equity in facilitated discussion with Kilo Zamora. This is the fifth session that Council has undergone with Mr. Zamora with regards to social equity. This session will focus on the concept of implicit bias.

Executive Summary

With the creation of Social Equity as a Community Critical Priority staff has refocused efforts in this area and more fully realize the community's vision that City Council has reflected on their discussions of the topic. Kilo Zamora is a Social Change Facilitator and University of Utah instructor. His experience as an advisor to three Salt Lake City Mayors, as Chair of the Salt Lake City Human Rights Commission and as the former Executive Director of Inclusion Center for Community and Justice, makes Kilo uniquely qualified to facilitate this Work Session.

The Challenge and the Opportunity

Equity and inclusion in municipalities is imperative. When not promptly addressed, these issues can grow and become more difficult to resolve. Our community is experiencing a growing concern with regards to inequities, resources, and access. Across the world, women, people of various races and religions, people with different abilities, people living in poverty, youth, seniors, and members of the LGBTQ community face barriers when accessing health, employment, and housing. By applying an equity and inclusion lens that addresses social inequities like gender differences, income disparities, racism, ableism, homophobia, ageism, etc., municipalities can better respond to the aspirations of ALL people. Municipalities play a huge role in shaping and perpetuating the quality of life of their residents. Addressing social inequities to ensure the inclusion of all residents strengthens our town. Equity and inclusion create more sustainable cities where people from all walks of life have the right to, and can participate fully in social, economic, political, and cultural life. PCMC can be a leader in this work, by engaging in many promising practices or programs that make a difference.

Social Equity Goals and Strategic Objectives:

We aspire to be an inclusive, diverse, and equitable community. We define diversity broadly, including but not limited to all races, ages, sexual orientations, gender identification, socio-economic backgrounds, and cultural beliefs. We strive to be a fair and balanced society where everyone can participate and has the opportunity to fulfill

their potential because they have access to healthy, affordable food, transportation, quality education, and living wage jobs. We create unique ways to connect through community gatherings and a variety of communication channels. We strive to understand the needs of those who are underserved or the most vulnerable of our community. We recognize that it is our diversity that is the source of our strength and community foundation as we try to reflect that in all that we do. Please see below to reference the guiding document from which staff is currently working.

Below are the City's goals and objectives with regards to this priority.

Value statement: Recognize our diverse populations within our complete community and strive for equitable public administration of services, justice and social well-being for all. Value and appreciate our differences and embrace our common humanity and contributions as the source of our town's strength.

- 1. Affordability – Identify areas where the City can positively impact the cost of living**
 - a. Facilitate a range of affordable, quality housing opportunities that meet the life-cycle needs of persons at all economic levels
 - b. Support efforts for affordable, quality, and adequate childcare for all who need it
 - c. Strive for accessibility to quality healthcare (vision, mental, dental)
 - d. Continually assess fees and taxes for all socio-economic classes
- 2. Connection – Engage and empower diverse experiences to foster an inclusive, multi-cultural and -generational community**
 - a. Establish comprehensive goals and performance measures that span all of the City's departments that provide services to our diverse populations (internal)
 - b. Provide gathering spaces that connect the services of the community
 - c. Provide services that meet the diverse needs of these populations
- 3. Enhance Communication – Determine the best channels of communication and use them to engage our community members.**
 - a. Reach audience where they are at, whether it be through digital and/or interpersonal communication
 - b. Use diverse platforms and methods to deliver and receive messaging
 - c. Enhance communication between service providers
- 4. Issue Awareness - Identify and address the multi-cultural and generational groups' concerns and interests**
 - a. Identify underserved and/or most vulnerable populations
 - b. Partner with a full range of community groups and stakeholders
 - c. Educate the entire community on issues that matter to underserved populations
- 5. Reflect Community Diversity - Encourage participation and remove barriers in process of local government and community groups**
 - a. Invite all to contribute their voice in the process
 - b. Focus on integration with varying populations
 - c. Serve all demographics

Department Review

The following departments have reviewed this staff report: Legal and Executive.

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Blake Fannesbeck

Submitting Department: Transit

Item Type: Staff Report

Agenda Section: WORK SESSION

Subject:

5:15 p.m. - Transit Reorganization Update

Suggested Action:

Attachments:

[Transit Reorganization Staff Report](#)

City Council Staff Report



Subject: Transit Department Reorganization Update
Author: Blake Fannesbeck, Transit & Public Works Director
Department: Transit
Date: August 2, 2018
Type of Item: Informational

Summary Recommendation

It is the intention of the Transit Department to update Council on the progress that has been made during the planned internal Transit reorganization that began April 11, 2018.

Executive Summary

Services provided by Park City Transit have grown significantly over the past several years. With the rapid growth came growing pains and a realization that the current structure of the department would not be sustainable, especially in the areas of organizational management and operational efficiencies. It was clear that Transit would need to adapt and change from the old ways of operations.

The intent of the reorganization of the Transit Department was to bring about an organizational change that would encourage greater employee engagement through better established lines of communication and by providing more organizational ownership among individual Transit staff members. The changes implemented should create a more collaborative culture where communication is transparent; where individuals can grow and take advantage of opportunities for greater responsibility.

This process began with confidential one-on-one interviews with a vast majority of staff members. This process produced recommendations for change, upon which the overall reorganization plan was built.

The Problem

The Transit Department leadership was seeking a better way of engaging and supporting staff. If the Transit Department was going to continue to meet the rapid growth and change demanded by the growth in the Greater Park City Area then a transit structure that is flexible and can adapt to change was needed.

Background

The Human Resources and Transit Department worked together to hire an outside consultant with deep experience in organizational assessment and reorganizations, to interview a majority of individual Transit staff members. The goal of this highly confidential process was for an independent, unbiased review to be conducted through one-on-one interviews with most of the Transit staff, and used to advise department leadership on how to best engage and support staff.

It is important to note that this internal reorganization includes three areas:

1. Organizational Structure
2. Processes
3. Technology

The first step in this process was the Organizational Structure step. Many of the positions in the new structure have been filled, we are still hiring additional staff and expect to conclude the hiring process by mid-August. There is still much training to be done, especially for new supervisors and for people whose responsibilities have changed.

The Transit team will be implementing new internal processes, and, in some cases, creating formal processes where none existed in the past. The Transportation Planning team and Summit County's Transportation Planning team will be involved in defining and implementing new planning processes. (Transit, Transportation Planning and SC Transportation Planning staff already have a standing biweekly meeting, in addition to special topic focused meetings. It is also important to note that Park City's Transportation Planning team spends at least one full day each week at the Transit Ironhorse facility to increase integration of Transit & Transportation Planning staff.)

The third area of the reorganization is focused on the technology that supports our Transit System. This ranges from a project that is well underway to evaluate and address hardware issues with the system that provides bus location and passenger volume information, as well as redefine our bus app needs and issue a new RFP. Like the organizational structure and process changes, implementation of these technology changes started early in the reorganization process and will continue into the future.

Analysis

Below is the implementation timeline for the Organization Restructure:

Implementation Timeline:

- February & March 2018 – 95 Transit Department Staff interviewed; i.e. drivers, supervisors, managers, and all other internal specialists/support staff.
- Beginning of April – Final report prepared by Richardson Group
- April 11th – New Department Structure rolled out , called “Day One”
- Remainder of April:
 - o Newly formed Evaluation Committee wrote Transit Driver specific evaluation forms for April 2017-2018 evaluation period.
 - o Drivers filled out ‘Interest Sheets’ detailing shift preferences, desired opportunities, broad areas of interest, etc.
 - o Job descriptions created/reviewed for all positions to be hired.
- May & June – New Positions posted, interviewed, & hired:
 - o 7 new Lead Transit Operator positions
 - o Transit Business Manager
 - o Transit Driver II & III full-time positions
 - o Summer seasonal Drivers
 - o Transit Social Media & Marketing Coordinator

- June:
 - o Summer service started June 8th
 - o Park Silly Sunday Market Transit Outreach booth on June 10th & 17th
 - o Leadership course developed and began for Lead Transit Drivers & Supervisors.
 - o Avail system technology and *MyStop* App upgrade June 27th
- July & August – Additional positions posted/interviewed/hired:
 - o Transit Quality Manager & Transit Systems Manager filled
 - o Additional Transit Supervisor position
 - o Teams and Schedules announced upon finalization of team hiring.

Department Review

The City Manager's Office, the City Attorney's Office, Transportation Planning and Transit/Public Works have reviewed this Staff Report.

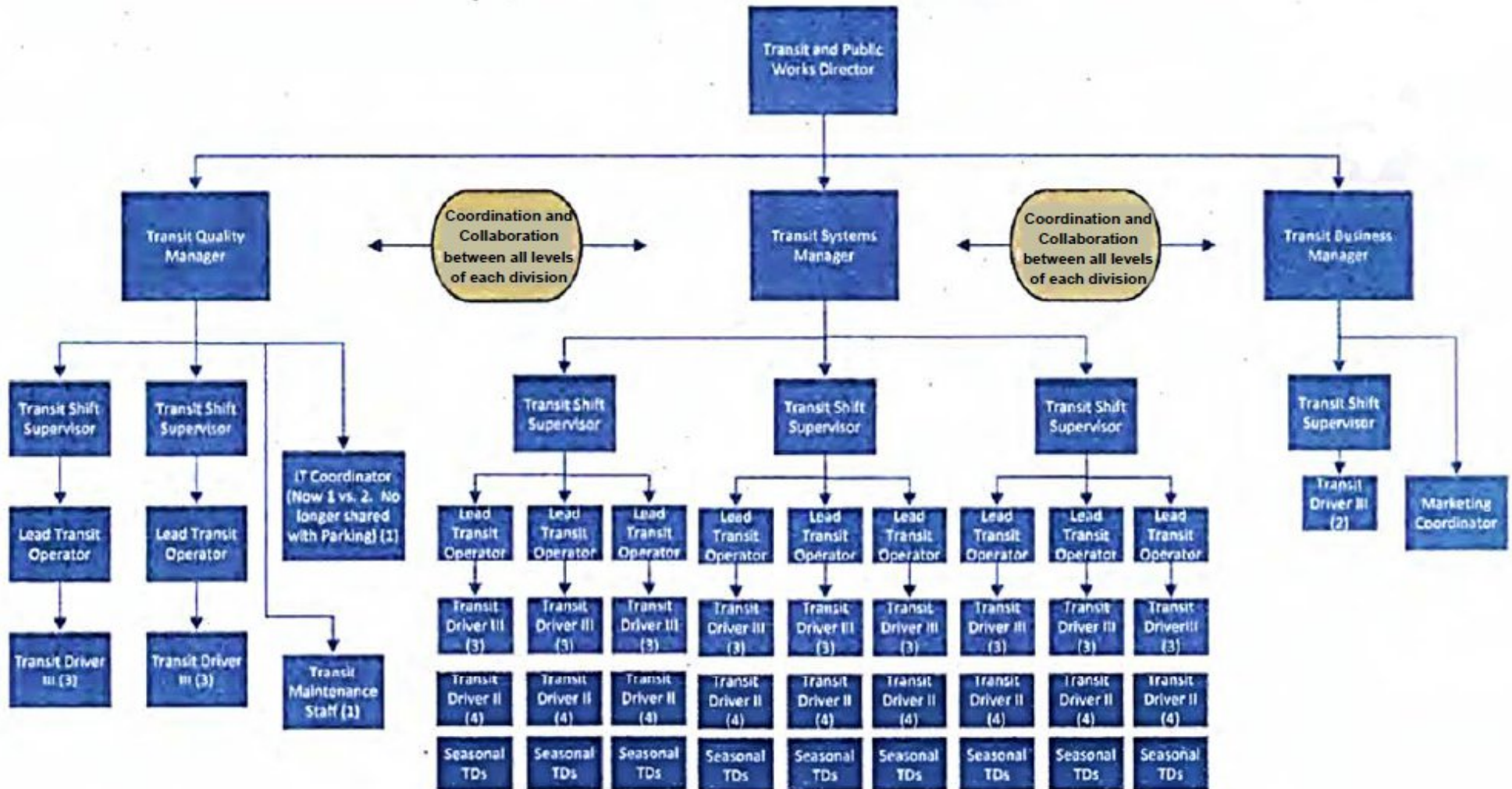
Funding Source

Human Resources and the Transit Department have funded the consulting efforts.

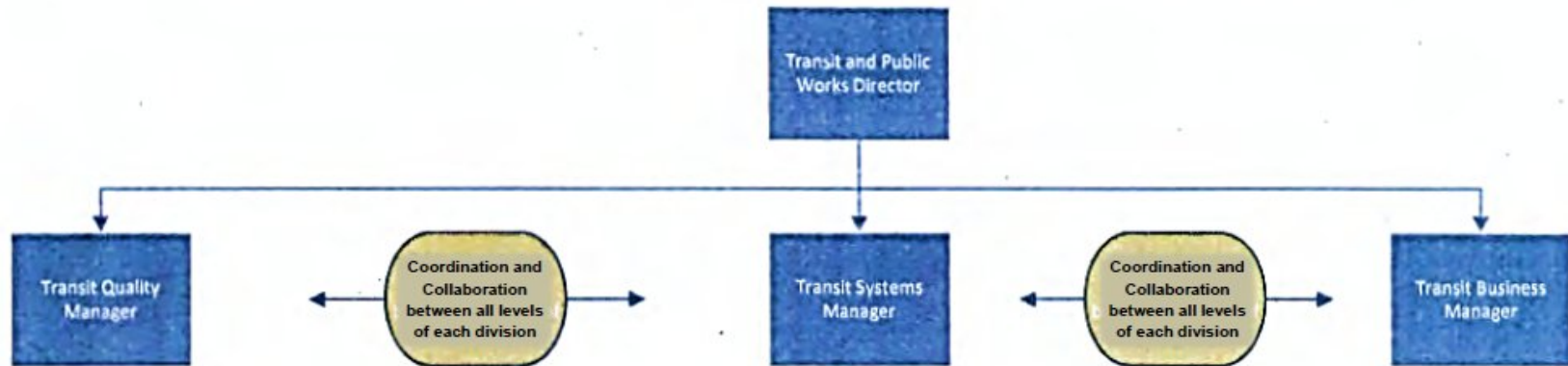
Attachments

A Transit Department Structure April 11, 2018

Proposed Transit Department Structure



Proposed Transit Department Structure



Primary Roles and Responsibilities: Management of staff in division Bus Deep Cleaning Contract Shelter Maintenance and capital projects Ongoing Training Special Events ADA Transit System & Dispatch Transit App (Technology) Collaborative responsibilities with a focus on Division Route Design Safety	Primary Roles and Responsibilities: Management of staff in division Day to Day Route Operations Collaborative responsibilities with a focus on Division Route Design Safety	Primary Roles and Responsibilities: Management of staff in division Public Relations Grants Budget Procurement HR Housing Drug Testing Records Management Collaborative responsibilities with a focus on Division Route Design Safety
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City Council Staff Communications Report

Subject: Park Silly Sunday Market Mid-Season Review
Author: Tommy Youngblood, Special Events Coordinator
Department: Special Events
Date: August 2, 2018
Type of Item: Informational

Summary Recommendation

Staff recommends that the Park City Council review the mid-season update for the 2018 Park Silly Sunday Market based on findings that they are operating consistently with the City Services Agreement and the Level Three Special Event Permit.

Executive Summary

On September 14, 2017, the City entered into three-year City Services Agreement with Park Silly Sunday Market (PSSM) for 2018, 2019 and 2020 seasons. As part of the City Service Contract, a mid-season review to City Council is required. Staff finds the Park Silly Sunday Market has been meeting all of the requirements of the contract. A Background of PSSM can be found as Exhibit C.

The Opportunity

For over 10 years the PSSM continues to be an important part of Park City's cultural identity and event calendar. Its success includes cultivating new, local businesses, and creation of community gathering space. The success of the event has also created impacts that continue to be mitigated, specifically in the Old Town neighborhood and areas surrounding Main Street. PSSM is in compliance based on the current City Services Contract.

Staff continues to mitigate PSSM impacts while striving to maintain Park City's positive economic growth and cultural vitality, and working with the event organizers, local residents and other stakeholders. The following are areas of focus for the mid-season review:

- Market attendance
- Proactive Noise Monitoring
- Sustainability Efforts
- Residential Parking & Transportation
- Working Group

Analysis Summary

Staff finds the PSSM has been meeting all of the requirements and continues to work in coordination with the City and HPCA. The 2018 Mid-Season Review Summary with specifics is included as Exhibit A. The 2018 Mid-Season Measures of Success is included as Exhibit B. A high level summary of these documents are included below:

- **Market Attendance** – Average Market attendance is trending upward; the first nine (9) markets averaged 12,724 in 2017 and 14,859 for 2018 which is an increase of 11%.
- **Proactive Noise Monitoring**– Staff continues to proactively monitor noise from the PSSM venue and stage; to date the levels have been within prescribed limits of its exemption from noise restriction granted by Park City Police Department not to exceed

90 DBA.

- **Sustainability Efforts & Zero Waste Statistics** – Current waste diversion rate is 76% for the first nine (9) markets. Specifics can be found in Exhibit A.
- **Residential Parking & Transportation** - Staff has received minimal complaints from residents of Park Ave regarding temporary residential parking zones. Special Events continues to meet weekly with the Transportation Planning, Police and Parking Services team to address issues immediately. Staff is proactively ticketing the temporary residential zones and monitoring residential areas around the venue. Below are a few additional action items in this area:
 - o On July 27, during a Special City Council Meeting, Council requested that staff begin work on a Resident Permit Parking Program for the Park Avenue area.
 - o The Transportation staff anticipates returning to Council in September for a specific event parking and transportation data analysis discussion.
 - o Staff anticipates returning to Council in November for a complete debrief of the 2018 season; this will include a debrief on parking & transportation.
- **Working Group** - Staff and PSSM continues to request the involvement of HPCA in the working group discussion to communicate and resolve and merchant concerns. The HPCA representative was not at the initial working group meeting held on June 24th but was in attendance on July 15th. The group discussed possible ways to increase activity above 5th Street; PSSM and HPCA continued cooperation on working on the vendor mix; which currently is consistent with expectation of both groups. There was also consensus that the monthly meetings were not as effective as they once were and the group will look at other meeting and information exchange options.

Department Review

The Special Events, Economic Development, Executive, Budget, Legal, Police, Emergency Management, Transportation, Parking Services, Parks, Streets, Parking Services and Transit have reviewed this report, but are working with PSSM to ensure that all mitigation and measures of success are met.

Funding Source

As part of their new Special Service Contract that began in 2018, PSSM will not receive any cash funding for their event this year. Total City Service Fees are estimated at \$73,702. The City will waive \$64,302 plus an additional \$15,000 if PSSM participates in green efforts. It is estimated that at the end of the season, PSSM currently will be invoiced approximately \$3,000 in City Services. Reduced City Service Fees come from the General Fund, and paid City Service Fees will go to the general fund.

Attachments

Exhibit A – PSSM 2018 Mid-Season Review Summary
Exhibit B – PSSM 2018 Mid-Season Measures of Success
Exhibit C - Background - City Council Reports and Agenda Items

Exhibit A - 2018 PSSM Mid-Season Summary

2018 Park Silly Sunday Market Mid-Season Summary

Event Days and Attendance Counts:

PSSM operates 14 markets on Sundays from June 3 through September 23 from 10:00 a.m. to 5:00 p.m. The average attendance for the first nine (9) markets averaged 12,724 in 2017 and has averaged 14,859 per week in 2018. As a reminder, the Market will not be held on the following dates:

- August 5, 2018: in accordance with section B.2.1.A in order to accommodate the Annual Park City Kimball Arts Festival.
- August 12, 2018: in accordance with section B.2.1.B in the Park Silly Sunday Market Service Agreement in order to accommodate the Tour of Utah.
- August 19, 2018: In accordance with section B.2.1.C. No Market Day. While there are 2 Level 1 events approved at both of the resorts on this day, there are no other City approved events on this day.

Parking Rates

- The parking rate of market Sundays was approved in May as \$5 per hour with a daily maximum of \$18 from 8:00 a.m. to 5:00 p.m. Based on feedback after the first two markets, the parking rate was changed to begin at 10:00 a.m. until 5:00 p.m. with the first hour free in China Bridge and has remained this way throughout the rest of the season.

Residential Parking

- Staff continues to receive concerns from Park Ave residents about non-resident vehicles being parked in the residential zones during PSSM. Parking Services and Special Events have continued to monitor the residential zones to ensure that only registered Park Ave resident vehicles are parked in these areas. Parking Services is actively enforcing the zones by issuing tickets to vehicles that are not registered. Residential zones are not available for residents who live outside of Park Avenue area.
- There has been notice of event parking on Chambers Avenue, in the gravel area across from Sandridge and on Rossi Hill; however, to mitigate concerns, Parking Services has started placing residential signage in the area. Staff is continuing to monitor this area each week.
- Additionally, the Special Events Department meets with the Transportation Planning team (Transportation Planning, Police, Parking Services, Streets, Transit and Public Works) weekly to proactively address concerns and coordinate to address challenges quickly.

Transportation Mitigation:

- PSSM continues to host a bike valet located in close proximity to the event, as well as, has continued to secure and pay for supplemental free parking at the High School to offset the demand for parking in Old Town.
- PSSM contracted with Protrans to supplement the City's transit on July 1st, the (3) three shuttles carried a total of 389 people on a direct line between the High School and Park Silly Market. This supplemental transit is also scheduled for September 2nd as historically Miners Day Sunday is the second busiest Sunday in terms of attendance that the Market sees.

Proactive Noise Monitoring

Exhibit A - 2018 PSSM Mid-Season Summary

- Staff has monitored and taken base readings at the PSSM stage and found that all noise ordinance requirements are being met to date in accordance with the noise exemption that has been granted to PSSM. Additionally, staff has not received any noise complaints during the Market. Staff has also monitored individual business that we've had complaints in the past, currently all have been in compliance.

Working Group

- Sunday, June 24; 11:00 a.m. Walk-through, Main Street
 - During this walk through Council Liaisons Peek and Worel were in attendance with PSSM staff and City Staff. HPCA Liaisons were not in attendance. The group looked at the market and discussed vendor mix and market attendance.
- Sunday, July 15; 1:00 p.m. Meet at Transit Center
 - During this walk through Council Liaisons Peek and HPCA Executive Director Michael Barille were in attendance with PSSM staff and City Staff. The group discussed activity above 5th street, parking rates, restructure of monthly meeting and vendor mix.
- Sunday, August 26; 11:00 a.m. Walk-through, Main Street
- Wednesday, September 19; 10:00 a.m. Sustainable Efforts – Field Trip
- Wednesday, September 25; 10:30 a.m. End of Season Debrief, Location TBD

The HPCA representative was not at the initial working group meeting held on June 24th but was in attendance on July 15th. At the July 15th meeting, the working group discussed possible ways to increase activity above 5th Street; PSSM and HPCA continued cooperation on working on the vendor mix; which currently is consistent with expectation of both groups. There was also consensus that the Working Group meetings are not as effective as they once were and the group will work together look at changing the purpose and possibly the schedule of the meetings.

Vendor Mix

PSSM regulates their vendor mix to mitigate for potential of adverse impacts to brick and mortar Main Street businesses. As outlined in the requirements of the City Services Agreement no more than twelve (12) on site food vendors; twelve (12) jewelers or six (6) importers at each market.

PCMC asked for a booth space during 6 Market Sundays for departmental outreach regarding Transit, Ice, Housing, Recreation, Library Services and Sustainability. This outreach gives city departments the opportunity to engage with the general public on various items. PSSM has waived the costs of the booth space for PCMC.

Community Engagement Outreach

Staff and PSSM continue to work in conjunction to notify Old Town residents and the general public of the market activities as well as parking and transportation changes. Additionally, in May Staff brought notices to Old town residents along Park Ave and the area surrounding City Park with door-to-door informational flyers prior to the first day of the market to with parking and impact reminders as well as a direct contact to the Special Events Department if residents have questions or concerns.

Sustainability Efforts & Zero Waste Statistics

Total Amount of Zero Waste statistics for the first nine (9) Markets are below:

Exhibit A - 2018 PSSM Mid-Season Summary

- Commingled Recycling – 6,110 pounds
- Compost – 4,500 pounds
- Landfill – 3,900 pounds
- Glass - 720 pounds
- Average Diversion Rate – 79 %

PSSM continues to remind attendees to bring reusable bags, and take alternative transportation to the event in their weekly eblasts. The event diversion rate fluctuates throughout the season, PSSM is on target to meet there diversion rate of 80% or better.

City Service Fees & Municipal Funds

Estimated fee waivers for 2018 were \$78,183. Current estimated fees are \$73,702.

A summary of City Service Fees is listed in the chart below.

Departments	Items	End of Season Actual 2017	Estimate of Fees 2018	Current Fees 2018
Parking Department	Parking spaces for 14 days	\$ 22,050	\$ 22,050	\$ 22,050
Police Department	532 Hours	\$ 39,900	\$ 39,900	\$ 39,900
Transit Department	15 Hours	\$ 2,250	\$ 2,250	\$ 2,250
Parks Department	Banner installation	\$ 648	\$ 648	\$ 648
Building Department	Inspections and permits	\$ 4,541	\$ 7,575	\$ 8,694
Special Event Application Fee	Annual Permit Fee	\$ 160	\$ 160	\$ 160
VMS Signs & Barricades	2 VMS/ Electronic Signs	\$ 5,600	\$ 5,600	\$ 0.00
Total Fees		\$ 75,149	\$ 78,183	\$ 73,702

Bollards installation for security protection of the event began on August 15. The cost of this

Exhibit A - 2018 PSSM Mid-Season Summary

program has not been finalized and will be updated at the end of the season report.

Event Coordination

A summary of events that occur on the same day as Park Silly Sunday Market 2018 Season is below. According to section [4A-2-5](#) of the municipal code, staff finds that these events will not duly interfere with each other. Staff will continue to work with organizers of both PSSM and the events as outlined below to ensure traffic and transportation plans run smoothly, as well as, that the organizer of each event is mitigating impacts they cause.

DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
June 17	Kids Adventure Games	Park City Base	8:00 a.m. – 8:00 p.m.	200- 300
June 17	Avalanche Soccer	Quinn’s Sports Complex, Park City School District Fields	7:00 p.m. to 10:00 p.m.	4,500
June 17	Latino Arts Festival	Library Field	3:00.p.m. – 9:00 p.m.	850
July 8, 15	Triple Crown	Quinn’s Sports Complex, Park City School District Fields, City Park	8:00 a.m. – 8:00 p.m.	July 8 – 350 per complex July 15 – 250 per complex
August 26	Walk A Mile In Her Shoes	City Park	8:00 a.m. to noon	150
September 16	Autumn Aloft	Main Street, N40	7:00 a.m. to noon	2,500
September 16	Tour De Suds	City Park	9:00 a.m. to noon	400
August 5, 10, 11, 16, September 2	Big Stars Bright Nights	City Park	5:30 p.m. to 10:00 p.m.	2500
August 2, 9, 18 , 31, September 3	Deer Valley Concert Series	Snow Park Amphitheatre	5:30 p.m. to 10:00 p.m.	2,000 – 5,000
August 3, 4,10, 11,	Deer Valley Music Festival	Snow Park Amphitheatre	5:30 p.m. to 10:00 p.m.	2,000 – 5,000

Staff will report any other events that are not currently known during the end of season review.

Exhibit A - 2018 PSSM Mid-Season Summary

Department Coordination

Staff set meetings with Public Safety as well as Parks and Building Maintenance, and Transportation to ensure that operations with regards to all aspects of the event remain well coordinated. At this time, Staff does not anticipate any changes to the Public Safety or Parks & Maintenance logistics.

Exhibit B – PSSM Measures of Success Mid-Season 2018

Park Silly Sunday Market – 2018 Mid-Season Review Measures of Success		Legend
Requirements		S – Succeeding in meeting Contracted I - In progress / Meeting Requirements U – Unsatisfactory - Not meeting
Vendor Mix		
Importers (allowed per week maximum) i. 2018- 6	Notes: Requirements are currently being met. Four of the first nine markets have had fewer than 6 importers	S
Jewelers (allowed per week maximum) i. 2018- 12	Notes: Requirements are currently being met	S
On-site Food Vendors & Snack food Vendors (per week maximum) i. 2018 - 12	Notes: Requirements are currently being met. At all markets Food Vendors have been at 12 food vendors to date	S
PSSM will invite two (2) HPCA representatives in the jurying of jewelry vendors.	Notes: Requirement was met by PSSM. HPCA was only able to send one representative.	S
PSSM will coordinate three (3) market walkthroughs with the HPCA and PCMC to identify possible conflicts and/or issues with vendor mix.	Notes: - Sunday, June 24; 11:00 a.m. Walk-through, Main Street – Council liaisons were in attendance. HPCA liaison - was unable to attend. - Sunday, July 15; 1:00 p.m. Meet at Transit Center - Sunday, August 26; 11:00 a.m. Walk-through, Main Street - Wednesday, September 19; 10:00 a.m. Sustainable Efforts – Trip - Wednesday, September 25; 10:30 a.m. End of Season Debrief & Review	I
PSSM will provide to the City a list of vendor classification definitions along with preference criteria for vendor mix.	Notes: Requirements have been provided and met.	S
Parking / Traffic / Pedestrian Management		
Create event parking plan i. Identify vendor vehicle with license plate identification. ii. Identify public parking locations both in Old Town/Main Street along with alternative parking areas. iii. Identify locations where parking will be removed to provide space for event and mitigate impacts of event iv. Continue increased communication between departments and PSSM to encourage parking of vendors in suggested vendor locations.	Notes: PSSM continues to work with Staff & private parking garages to park vendors in appropriate areas. A resident parking area has been established and is being enforced along the west side of Park Ave. from 9 th to 13 th Street. Parking Enforcement continues to communicate with the residents to resolve parking concerns during the Park Silly Sunday Market. This increase in fees for parking in China Bridge and other areas is being monitored and complied and will be reported to council at a later date.	I
Work with Special Events and Transit to get out alternate transportation messaging out with: i. Co- messaging with PC Transit Dept. ii. PSSM will create and implement different methods of informing the public (PSA's, print ads) iii. Create and implement a program encouraging non-motorized forms of transportation to the market. ix. Addition of Shuttle Service on expected heavy attendance day – July 1 and Sept 2	Notes: Meeting requirements; PSSMs print, online and radio advertising includes directions for participants to take alternate transportation to the event. Including City transit, bikes or walking to attend.	I
Submit sign Plan to Staff at the time of Supplemental Plan containing the following: i. Locations ii. Size & Type	Notes: Requirements are currently being met	I

Exhibit B – PSSM Measures of Success Mid-Season 2018

iii. Message iv. Placement and removal times		
Work with City to create a pedestrian management plan that addresses the crossings of Heber/Main and Swede Alley	Notes: Requirements are currently being met - Intersection is currently manageable and requires no additional resources.	I
Market Set-Up and Inspections		
a. Weekly notification to staff of footprint or operational changes	Notes: Staff is working with PSSM to ensure that requirements are met.	S
b. Location of interior sponsor signs	Notes: Requirements are currently being met	I
Street Cleaning and Trash Removal		
a. Pre-Meet with City's Street Department to create a street cleaning and trash removal plan	Notes: Requirements are currently being met	I
b. Meet with Street Department two (2) additional times throughout summer to address any issues with plan.	Notes: Will meet during the 2018 Market Season – dates TBD	I
Coordination with PCMC and HPCA		
a. PSSM will schedule monthly "Working Group" meetings from June through September	Notes: - Sunday, June 24; 11:00 a.m. Walk-through, Main Street – Council liaisons were in attendance. HPCA liaison - was unable to attend. - Sunday, July 15; 1:00 p.m. Meet at Transit Center - Sunday, August 26; 11:00 a.m. Walk-through, Main Street - Wednesday, September 19; 10:00 a.m. Sustainable Efforts – Trip - Wednesday, September 25; 10:30 a.m. End of Season Debrief & Review	I
b. PSSM will schedule four (4) market walkthroughs with the "Working Group" within the season.	Notes: PSSM has set dates for the 2018 Working Group.	I
c. PSSM will schedule a weekly market walk through with City representatives	Notes: PSSM and the City have scheduled the weekly meetings.	I
d. PSSM will supply the City Representatives with weekly report containing the following i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. Provide a list of other sustainable efforts throughout the event. v. PSSM to participate in and provide a list of City functions related to Green Event management that they participate in, as well as, a list of non- profits who they provide sustainable mitigation efforts for. vi. PSSM to present a year over year a comparison for sustainable effort comparison in coordination with the City during annual end of season review.	Notes: Requirements are currently being met	I
e. PSSM will supply the City Representatives with an ongoing list of vendor and staff license plates: i. Prior to the start of the June 3 Market. ii. At any time they add license plates to the market throughout the 2018 season. iii. License plate lists should be provided to the City Representative no later than 10:00 a.m. each Sunday.	Notes: Requirements are currently being met.	I
Marketing and PR		
a. HPCA logo on all advertisements & promotions	Notes: Requirements currently being met.	I

Exhibit B – PSSM Measures of Success Mid-Season 2018

b. Engage in cross promotions with Chamber, HPCA, Park City Restaurant association	Notes: Requirements currently being met.	I
c. Media – The HPCA logo and sponsorship credits will be provided in all media placement that the PSSM currently employs, including but not limited to: I. Print ads II. Ads, links or info listings on Utah tourism, business and special internet websites; III. Periodic television coverage; IV. Radio PSAs and promotions; V. Website spots, summer guides, fairs, non-profit organization calendar listings; VI. Email blasts; and VII. Social media, ' if applicable"	Notes: Requirements currently being met.	I
Other Items:		
Quantify Marketing & PR Value	Notes: In progress.	I
PSSM shall present an annual preceding market season. This report will contain the following: i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. List of non-profit groups attending the market v. Advertising information etc. vi. Transportation and parking counts – to be coordinated with PCMC Transportation Services Department	Notes: Requirements currently being met.	I

There are two items that that staff would like to inform Council on outside of the measures as written:

1. Noise Ordinance
 - a. PSSM staff has been reminded that all amplified music and announcements are to be halted prior to 5:00 p.m. in accordance with their contract.
 - b. Staff has monitored the PSSM stages and found that all noise ordinance requirements are being met.
2. Bollard Installation and Construction
 - a. Staff continues to coordinate and inform PSSM of any construction ahead of time that would affect the market or its attendees.
 - b. As of this date the Main Street bollards have been installed and a program for placement and storage is being finalized for use at the market.

Exhibit C – Background - City Council Reports and Agenda Items

<u>Date</u>	<u>Item</u>
November 3, 2016	PSSM 2016 End of Season Review / Minutes – pages 14-15
November 10, 2016	PSSM Contract Extension / Minutes pages 7 -8
April 27, 2017	PSSM 2017 Supplemental Plan Approval / Minutes pages 10 - 11
June 15, 2017	PSSM 2017 Addendum to Supplemental Plan Transportation Alternatives / Minutes – pages 5 -6
August 3, 2017	PSSM Mid-Season Review – Staff Communication
August 31, 2017	PSSM 2017 Addendum to Supplemental Plan – Parking & Transportation Plans
September 14, 2017	PSSM – City Service Agreement Extension / Minutes – Page 12
November 9, 2017	PSSM 2017 End of the Season Review / Minutes – Page 4 & 5
May 3, 2018	PSSM 2018 Supplemental Plan Approval / Minutes – Page 18 & 19

On September 14, 2017 City Council approved City Service agreement with PSSM beginning with the 2018 season expiring in 2020 subject to annual non- automatic renewals. The agreement shall renew for an additional two (2) years for the 2021 and 2022 Markets, provided both parties execute written notice of consent to renew by March 1, 2020. The contracted terms included the following:

- Number of Market Dates - 14 Market Dates, Sundays June 3 through September 23, except for the dates August 5, 12, and 19.
- Financial Contributions - \$15,000 to help offset the cost of PSSMs zero waste efforts which greatly exceed the City's proposed standards. PSSM to be required to participate in City activities and events to help increase other event's sustainable efforts.
- City Service Fees – City to waive \$60,687.55 (or the equivalent of 11 markets), and PSSM to pay for \$16,551.15 (or the equivalent of 3 markets).
- Contract Length – Three year contract, with a possibility to renew the contract for two years after the three year contract ends. This is not an automatic renewal.
- Use Area – Use Areas remain the same as previous and will be reviewed annually with each supplemental plan.
- Performance Measures – Removal of marketing and attendance requirements from 2017, while keeping vendor mix, sustainable and transportation measures for the length of the contract.

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Minutes

Agenda Section: CONSIDERATION OF MINUTES

Subject:

Consideration to Approve the City Council Meeting Minutes from July 12, 2018

Suggested Action:

Attachments:

[July 12, 2018 Minutes](#)

[Additional Materials from Appellant](#)

[424 Woodside Avenue Staff Presentation](#)



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

July 12, 2018

The Council of Park City, Summit County, Utah, met in open meeting on July 12, 2018, at 2:00 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property and litigation at 2:00 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting at 3:45 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

STUDY SESSION

Social Equity Discussion:

Mayor Beerman indicated there were translation services available for this session. Holy Cross Ministries showed a video called "The Day in the Life of an Immigrant. Martha Macomber, who filmed and edited the video, shared that she was told the video would be successful if connections were formed because of viewing it. Further discussion ensued on insights gained from watching the video.

WORK SESSION

Discuss Issuing an RFP for Social Equity Community Convening Services:

Jed Briggs, Budget Manager, reviewed the scope of the proposed RFP for a Social Equity convener. He stated the convener would determine the needs of the community and educate the community; develop a strategic plan with goals, vision, action items and deadlines, and a gap analysis; build a coalition between community members,

government, business, nonprofits and other institutions; and have a PCMC relationship - working on internal initiatives including bias trainings, cultural competency trainings, etc.

Council Member Joyce asked about the timeframe for the convener. Council Member Ware Peek suggested having the responders set a timeline. It was noted that the timeline would be proposed by the responders on Page 7 of the RFP. Council Member Worel thought the requirement of qualifications would look different coming from a person than it would coming from an organization. Briggs stated he would clarify that wording. Mayor Beerman stressed that the critical priorities were areas that would take several years, and he thought the expectation for this convener would be for a long term period. Council Member Henney expressed concern that the community hadn't been properly noticed. He knew there were some that didn't agree with this critical priority, but they weren't at this meeting. Council Member Gerber felt the community knew about this priority but didn't want to come out against it since it was uncomfortable.

Council Member Henney felt more notice should be given so people couldn't say at a future date that they didn't know Social Equity was a priority. Mayor Beerman felt the discussions would continue, but the people couldn't be forced to come in to challenge the legitimacy of the process. He encouraged all in the room to continue discussing Social Equity and encouraging others to voice their opinions.

Briggs indicated the RFP would go out soon and a convener would be chosen in August. The Council was comfortable moving forward with the proposed RFP.

Ice Arena Update:

Amanda Angevine and the Ice Arena Team presented this item. Matt Gunther explained ice was utilized 95% of the time. It was noted the fee reduction program was a great success. Mike Diersen reviewed the back of house operations including refrigeration, heating, showers, etc. LED lights were installed and ice temperatures were increased which resulted in decreased electricity costs. Mayor Beerman noted Diersen went to South Korea to make ice at the Olympics.

Jessica Walker discussed customer engagement at the Ice Arena, and indicated staff was very accessible to the different groups and individuals using the ice. Council Member Joyce asked how many of the energy saving pieces of equipment were funded in this budget year. Angevine stated there were several items that were adjusted to be funded between now and the next few years. She hoped to get the computer system and water system funded this year. Foster noted that City grants were given for projects that could recoup that cost in energy savings.

Council Member Ware Peek praised the report and the efforts of the Ice Team. Council Member Worel asked how many groups from out of town used the ice. Gunther stated

Wasatch High School considered the ice as their home rink and scheduled the less utilized times.

Discuss Land Management Code Amendments for Supplemental Regulations to Accessory Apartments:

Hannah Tyler and Bruce Erickson, Planning Department, presented this item. Tyler reviewed that the City Affordable Housing goal was 800 units by 2026, 220 units by 2020, and noted there would be 139 units by the end of 2019. It was indicated that accessory apartments could be a resource for affordable housing. These units could be created within the house or from an addition to the house. One requirement was that there had to be one parking space per bedroom. Currently, there were 44 accessory apartments and none were deed restricted. She indicated these apartments had been allowed since 1994, but they had not been encouraged up to this point.

Erickson stated a number of HOAs limited or restricted accessory apartments. Tyler and the Affordable Housing team saw three problems prohibiting affordable housing: the rental market was not favorable to people needing affordable housing, the housing stock was primarily built out and aging and the cost of construction was high, and not all properties could provide the minimum parking requirement for an additional unit. Staff's proposal would be to waive the one parking space per bedroom parking requirement. Tyler discussed potential impacts from waiving the requirement, noting there would be cars associated with most accessory dwellings which would impact the neighborhood, especially in neighborhoods where parking was already a problem.

Council Member Worel asked how many accessory apartments were being used as such. Tyler did not know how many units were being used. Erickson estimated they were all being used. Council Member Worel asked if single family homes could have cars parked on the street to which Erickson affirmed.

Council Member Joyce asked how nightly room rentals were regulated. Erickson stated nightly rentals required a business license and inspection. Mark Harrington stated that renting an accessory apartment was regulated differently than renting a room since the apartment was a separate unit. Approvals for accessory apartments were usually given with the building permit. Matt Dias agreed with Harrington and indicated the City still had the right to regulate this type of rental.

Council Member Ware Peek asked how the accessory buildings were being created. Erickson stated some existing homes were attempting to legalize the existing use, but were having problems meeting code. Council Member Gerber asked about the use of a guest house over a garage. Tyler stated it was permitted, but it could not be used as an apartment. Erickson indicated he was looking for ways to remove impediments to accessory apartments, such as the effects of parking on the neighborhood.

Council Member Worel asked if the accessory apartment tenant would have to leave at the owner's request, to which Erickson responded in the affirmative.

Mayor Beerman opened the meeting for public comment.

Pete Stoughton, Christian Center, stated he worked with seasonal workers and the majority were J1 visa holders. He thanked the Council for addressing the housing shortage in creative ways and noted J1 students in the U.S. were not allowed to drive.

David Dorsey stated he purchased a house in Prospector and would like to rent part of it, but he didn't meet the parking requirements. He commented it was easier now to live and work in Park City without the necessity of having a car and he hoped parking would be deregulated. He suggested outreach might encourage others in the community to create more affordable housing with the existing housing stock.

Mayor Beerman closed the public input portion of the meeting.

Erickson displayed a list of impacts to accessory apartments. Council Member Gerber hoped the apartments would be deed restricted and compliance checks put in place. Laurent stated compliance checks were already occurring.

Council Member Joyce felt Planning was asking if more staff time should be spent on the impacts of accessory apartments, and he was against more time being invested in this. He didn't want affordable housing to get a black eye and didn't want to change the code just to promote affordable housing. Council Member Gerber disagreed since she knew others who would build an accessory unit if it weren't for the parking restriction. She asserted 70% of homes sat empty so she didn't see parking as a problem in most areas. Council Member Ware Peek heard many people who expressed interest in accessory apartments as well. She felt this was a great tool for building more affordable housing.

Council Member Worel stated there was an affordable housing crisis and the City needed to do whatever was possible to address the problem. She supported having staff continue to address the impacts to accessory apartments. Council Member Henney agreed with Council Member Worel. Council Member Joyce stated if parking was not thought to be a problem, then staff should remove the barriers.

Erickson clarified the deed restriction would be to keep the apartment affordable. Mayor Beerman stated there was strong support from Council to pursue the accessory apartments and stated staff should come back with a simple list of options to remove the barriers to these affordable units.

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Mark Harrington, City Attorney Michelle Kellogg, City Recorder	Present
None	Absent

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Member Joyce stated he was on the Planning Commission and voted to recommend New Business Item Five for approval, so he would abstain from voting on this tonight.

Staff Communications Reports:

Mid-Season Summit Bike Share Update:

Mid-Season Bike Share Report:

Council Questions and Comments:

Council Members Worel and Ware Peek attended Mountainlands Community Housing tour of affordable housing for Wasatch and Summit County. Council Member Worel attended the Women's Giving Fund Grant Celebration where Big Brothers Big Sisters received a grant. She attended the Leadership picnic. She thanked Julia Collins for her efforts with the ribbon cutting event for the Chambers Trail. She attended the Women in Leadership Treasure Hill hike and noted this group will have a book club event with author Erika Sanchez in September.

Council Member Ware Peek indicated she also attended the housing tour, Chambers Trail ribbon cutting event, and leadership picnic. Additionally, she attended a Shabbat service and the rabbi discussed Social Equity in their community. She commented that she was impressed with Summit County's resolution to denounce the separation of families at the border. Matt Dias reviewed the City's efforts with lobbyist Jim Barker in D.C. Two weeks ago the entire Utah House delegation supported the Dreamers legislation, even though the legislation ultimately failed. He suggested writing a letter to the Utah delegation in support of immigration and/or writing a letter to the Attorney

General. Council Member Henney asked if Park City's support of Summit County's resolution would be productive. Dias stated any and all efforts would be beneficial. Council Member Henney thought a collaborative effort in support of the County's resolution would be nice. Council agreed to send a letter to the Utah delegation as well as pass a resolution supporting the County's resolution denouncing the separation of families at the border.

Council Member Henney indicated he went to the Leadership Alumni party, Mountainlands Community Housing Trust board meeting and tour, and attended the Chambers Trail ribbon cutting ceremony. He thanked staff for their work in enhancing the Chambers Trail for the neighborhood.

Council Member Gerber stated she attended many of the same events mentioned above and thanked staff for organizing a great July 4th celebration, as well as for their work on the July 3rd event.

Mayor Beerman attended the event at Quinn's Junction and noted there was amazing work done by staff on the July 3rd and 4th events. There continued to be meetings on the Arts and Culture District. He indicated the second half of the Armstrong property was available for purchase and Utah Open Lands was fundraising to buy that parcel. The Citizens Open Space Advisory Committee (COSAC) had some funds in reserve to purchase that parcel. He was approached by a group that requested the City tack on a certain amount to the open space bond so this parcel could be acquired and asked if Council supported Rockwood bringing forth a budget option. The Council agreed to look at options.

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

Mayor Beerman opened the meeting for those who wished to address the Council on items not on the agenda.

Angela Moschetta stated she attended the Social Equity session and had concerns with the RFP. She thought a lot of progress had been made in the last couple of years with regard to Social Equity, but felt this process was moving too fast. She agreed with Council Member Henney that many people didn't understand what Social Equity meant and who would benefit. She thought the RFP was loose and too many things were left to interpretation, and indicated the RFP was not clear because the City hadn't identified its own issues and goals with regard to Social Equity. She felt more of an effort should be made in outreach, branding should be discussed, and more groundwork should be done prior to issuing the RFP.

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from June 21, 2018:

Council Member Henney referred to Page 6, Lines 23 and 24, where he asked Roger McClain if the new plant would emit additional noise than the current plant. McClain stated the noise level would be very similar and possibly reduced.

Council Member Gerber indicated that on Page 1, Line 39, she and Mayor Beerman would be attending a CAST meeting in August.

Council Member Worel noted on Page 5, Lines 5 and 6, she suggested the visioning process should include second homeowners as well as those who lived and worked in the City limits.

Council Member Ware Peek indicated the correct spellings for Wendy Fischer and Hadley Dynak and noted that the motion on Page 15, Line 22 was Council Member Ware Worel and asked that the motion identify the correct Council member.

Mayor Beerman referred to Page 2, Lines 31 and 32, and stated he attended the CWC meeting and noted that they were going back to Congress to restart the conversation on the Central Wasatch Conservation and Recreation Area bill, which was intended to put additional protections on the Wasatch Mountains.

Council Member Worel moved to approve the City Council Meeting minutes from June 21, 2018 as amended. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute the First Change Order to the 2018 Water Improvements Project, in a Form Approved by the City Attorney, with Daley Excavators, L.L.C. for an Additional \$139,000, Bringing the Total Project to an Amount Not to Exceed \$817,000:

2. Request to Authorize the City Manager to Execute the Third Addendum to the Construction Agreement for the Park Meadows Country Club East Pond Outlet Upgrades with Beck Construction and Excavation, in a Form Approved by the City Attorney, for Construction Services for an Increase to the Current Contract Amount of \$40,820.25 for a Total Contract Amount Not to Exceed \$168,320.25:

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

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VI) OLD BUSINESS

1. Consideration to Approve Ordinance 2018-37, an Ordinance Approving the Daly Delight Plat Amendment Located at 180 Daly Avenue and 182 Daly Avenue, Park City, Utah:

Hannah Tyler, Planner II, presented this item. Council Member Joyce reviewed the size analysis and stated there were similar things shown, but this was a 70% bigger lot. Tyler stated there were a lot of smaller lots in this area, but not a lot of bigger lots, and noted a road dedication would result from this plat amendment.

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

Council Member Henney moved to approve Ordinance 2018-37, an ordinance approving the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue, Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VII) NEW BUSINESS

1. Consideration to Approve Ordinance No. 2018-38, an Ordinance Approving the 813 Woodside Avenue Plat Amendment, Located at 813 Woodside Avenue, Park City, Utah:

Liz Jackson, Planning Technician, presented this item and indicated there was a request to remove an interior lot line from the property.

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

Council Member Ware Peek moved to approve Ordinance No. 2018-38, an ordinance approving the 813 Woodside Avenue Plat Amendment, located at 813 Woodside Avenue, Park City, Utah. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

2. Consideration to Approve Ordinance No. 2018-39, an Ordinance Approving the 835 Empire Avenue Plat Amendment, located at 835 Empire Avenue, Park City, Utah:

Anya Grahn, Planner II, presented this item and indicated the plat amendment was needed in order to combine one and a half lots of record.

Council Member Joyce stated the last condition of approval was soft. Grahn stated the condition encouraged an encroachment agreement, but if one was not given, this language stated at least there was effort.

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

Council Member Joyce moved to approve Ordinance No. 2018-39, an ordinance approving the 835 Empire Avenue Plat Amendment, located at 835 Empire Avenue, Park City, Utah. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

3. Consideration to Approve Ordinance No. 2018-40, an Ordinance Approving the 1304 Park Avenue Plat Amendment, Located at 1304 Park Avenue, Park City, Utah:

Liz Jackson and Anya Grahn presented this item and Jackson indicated the request was to create a legal lot of record from a metes and bounds parcel. Council Member Worel asked if Condition of Approval Number Four had to occur prior to the plat recordation. Jackson responded in the affirmative and noted that language would be added to the Condition of Approval.

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

Council Member Ware Peek moved to approve Ordinance No. 2018-40, an ordinance approving the 1304 Park Avenue Plat Amendment, located at 1304 Park Avenue, Park City, Utah with Condition of Approval Number Four amended as noted above. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

4. Consideration to Approve Ordinance No. 2018-41, an Ordinance Approving the 1117 Park Avenue Plat Amendment, located at 1117 Park Avenue, Park City, Utah:

Anya Grahn presented this item and indicated the plat would combine one and a half lots into a single lot.

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

Council Member Joyce asked if it was required to rotate the lot by two degrees. Grahn stated it was not required, but the owner had offered to rotate it.

Council Member Gerber moved to approve Ordinance No. 2018-41, an ordinance approving the 1117 Park Avenue Plat Amendment, located at 1117 Park Avenue, Park City, Utah. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

5. Consideration to Approve Ordinance No. 2018-42, an Ordinance Approving the 227 Main Street Plat Amendment, located at 227 Main Street, Park City, Utah:

Anya Grahn presented this item and indicated the plat would combine two lots of record into one lot of record. Mayor Beerman disclosed that he owned property adjacent to the property in question.

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

Council Member Gerber moved to approve Ordinance No. 2018-42, an ordinance approving the 227 Main Street Plat Amendment, located at 227 Main Street, Park City, Utah. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

ABSTAINED: Council Member Joyce

6. Consideration to Continue an Ordinance Approving Land Management Code Amendments regarding Setbacks and Yards in Chapters 15-2.1 Historic

Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential-Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms:

Bruce Erickson, Planning Director, requested a continuance to July 19.

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

Council Member Ware Peek moved to continue an ordinance approving Land Management Code Amendments regarding Setbacks and Yards in Chapters 15-2.1 Historic Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential-Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms to July 19, 2018. Council Member Henney seconded the motion.

RESULT: CONTINUED TO JULY 19, 2018

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

7. Consideration of the Appeal of Historic Preservation Board Denial of the Relocation and Reorientation of a Significant Structure at 424 Woodside Avenue:

Mayor Beerman stated the Council would act as a quasi-judicial body and would hear the case de novo. Harrington indicated there were two motions before Council and they could decide those at the beginning of the session. He also explained the principles of the hearing were that both sides would be heard and then a decision would be made.

Council Member Ware Peek disclosed that her brother-in-law owned this property 23 years ago and her spouse might have owned it with him, but that was before she knew him. She noted that she had been inside this house.

Hannah Tyler, Planner II, reviewed this was a Significant Site and it faced Main Street. The current proposal would reorient the structure to face Woodside Avenue, and the owners would lift the structure and remodel it. The only issue being discussed tonight was the reorientation of the structure.

Joe Tesch, attorney, indicated he represented Jon and Heather Berkley, and that the owners and Dina Blaes, an expert on Historic structures, were present. Tesch read the code that indicated Council must favor a land use application unless the land use regulation plainly restricted the land use application. He also noted the code stated the Planning staff was not an advocate of the Historical Preservation Board (HPB), and could only give technical and/or legal advice. He made a motion to strike because the Planning staff report supported the Historical Preservation Board and therefore was adversarial.

Harrington argued that staff was allowed to give professional recommendations, which didn't mean they were advocates for the HPB. With that said, Council did not have to give staff's recommendation any weight because Council could have a de novo hearing. At the hearing, the appellant and staff could give any information they wanted. Tesch asserted the code clearly stated staff was not to be an advocate and he felt the report was advocating for denial.

Council Member Henney moved to deny the motion to strike. Council Member Joyce seconded the motion

RESULT: DENIED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

The second motion by Tesch was to reverse the HPB's decision and Tesch asserted it was not necessary to have a hearing. He felt precedence was set by the approval of 1102 Norfolk.

Harrington stated whether or not the hearing was mandatory, a public hearing was mandatory. Tesch stated that nowhere in the code was this request clearly prohibited.

Council Member Joyce moved to deny the reversal of the Historic Preservation Board's position. Council Member Worel seconded the motion.

RESULT: DENIED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

Tesch indicated there would be a slide presentation and evidence given, and he requested all motions, slides and presentations be included in the record. He objected to having the staff reports supporting the HPB and the findings of fact of HPB in the record.

Dina Blaes disclosed she was a historic consultant for the City in the 1990s and for some years in the 2000s. She stated the appeal focused on the HPB decision. She reviewed that it was Council's responsibility to determine the correctness of HPB's interpretation and application of the plain meaning of land use regulations. She reviewed the proposed improvements and the current hazards with the present location. She indicated the surrounding homes were not historic and the home was not contributing to the area.

Blaes continued her PowerPoint presentation and reviewed the criteria for a Landmark Structure and the criteria for a Significant Structure. She indicated the analysis performed by Ann Oliver was flawed because Oliver analyzed a Landmark Structure and not a Significant Structure. She discussed the unique conditions that would allow a reorientation of a historic structure, including if the historic context of the house had been altered so the reorientation would enhance its historic character, if the relocation would not diminish the physical integrity of the Historic District, if the historical integrity and significance of the historic house would not be diminished by relocation and/or reorientation, and if the potential to preserve the historic house would be enhanced by its relocation.

Blaes noted there were four other structures that had been rotated, relocated and/or lifted on their current sites and they remained on the Historic Sites Inventory as Significant: 1895 Three Kings Drive, 801 Park Avenue, 964 Empire Avenue and 1102 Norfolk. She asserted 424 Woodside would be very similar to these other projects.

Blaes disputed the City's reliance on the 2011 Historic District Design Review (HDDR) and Variance application. She also asserted that the current building was threatened by its present setting with the risk associated with snow accumulation.

Jon Berkley stated he and his wife had a passion for historic homes and they had restored four homes. He bought this house after speaking with someone at the Historical Society who sounded positive as he described his desire to lift and rotate the house. He read a prepared statement from Mark Turnbow, a tenant in this house, who

1 spoke of the hazards to the house from ice and snow accumulation. He also read a
2 comment from Kathryn Deckert who supported this project.

3
4 Tesch stated the City Engineer felt the drainage could be mitigated, but Tesch asserted
5 the snow accumulation could not be mitigated. Tesch stated staff did not represent any
6 side. Harrington clarified staff was allowed to give additional information.

7
8 Hannah Tyler, Planning, Ann Oliver, Historic Preservation Consultant, Nestor Gallo, City
9 Engineer, and Bruce Erickson, Planning Director, were at the table and available for
10 comments. Tyler reviewed the past applications for this site, including a south addition
11 in 1993, a plat amendment combining three existing lots into one lot in 2005, and in
12 2011 height, setbacks and reorientation exceptions were requested, and the HDDR was
13 denied.

14
15 Tyler stated those at the table would rebut all issues presented. Issue #1: The HPB did
16 not err in their analysis of the site. Oliver stated in this case that the structure had to
17 represent the mining area. She stated all the properties, whether Landmark or
18 Significant, would retain their historic characteristics. Significant sites must retain the
19 essential historic form. Oliver noted the only historic characteristics left on this structure
20 were location and to a lesser degree, setting and design. Below street level was the
21 original location, but all the exterior materials on the house had been replaced. In her
22 professional opinion, the reorientation of the house would remove the historic form and
23 the house would need to be removed from the Historic Sites Inventory. She felt the
24 incremental loss of these homes was a big threat to the City.

25
26 Issue #2: Tyler stated the HPB did not err in finding that the proposal did not comply
27 with the current LMC 15-11-13, Relocation and/or Reorientation of a Historic Building of
28 Historic Structure. She indicated all the other relocated homes were approved under a
29 very different code. This was one of the last remaining homes that was below the road
30 and if that was altered it would not be historically preserved. It would eliminate the
31 previous development pattern. She also noted that rotation was not required to replace
32 the windows and porch. Another point was that relocating the structure would lose the
33 historic material since it would become an interior wall.

34
35 Issue #3: The integrity and the significance of the structure would not be diminished by
36 the relocation. Tyler indicated the request did not comply with that requirement because
37 the remaining character defining features of the site would be removed, including the
38 context, setting, and materials. The potential to preserve the building would be
39 enhanced by its relocation was another argument by the appellant. Tyler asserted it did
40 not comply and indicated reorientation was not necessary to restore the structure.
41 Specifically talking about the historical material which was provided by the applicant,
42 she identified that there would be less historical material if the structure was reoriented
43 because some of the original exterior walls would become interior walls, which was not

considered a unique condition in the code. With regard to the assertion that staff relied on the 2011 HDDR application, Tyler noted it was protocol to review the history of the property and that was not an error. The 2011 HDDR application and variance was referred to, but there was no reliance on the findings.

Issue #4 The building was threatened in its current setting because of hazardous conditions and the structure would be enhanced by relocating and/or reorienting it. Tyler asserted the HPB did not err in the assessment since there were no unique conditions. Dave Thacker, Chief Building Official stated the structure was habitable and reorientation would be approved if it was not habitable. He looked at 18 criteria for hazards and none were found. Alliance Engineering noted drainage and snow were hazardous, but those hazards could both be mitigated. Nestor Gallo, City Engineer, explained the drainage for that area and indicated there had never been an insurance claim for damage caused by drainage.

Issue #5: Tyler stated the HPB did not err by not making a determination on the proposed panelization. She stated the request for panelization was withdrawn after the July 19 meeting, so no decision was made.

Mayor Beerman opened the public hearing.

Ruth Meintsma commented on the appellant's appeal and noted the appellant stated the home was visible from cross canyon. Meintsma explained the visibility was impeded by the large structures on each side of the property, but there was a garage at one time which hid the house. She stated the HPB members were not historic purists because they allowed for development while keeping the history where possible. She stated the appeal noted Woodside Avenue was 10 feet higher than it was when the house was built. Her calculations showed the road was one and a half feet higher than in 1941. She noted that the intent was to reconstruct and restore the home, but she felt that reconstruction would bring back a home that no longer existed. She also thought reorientation was plainly restricted. Another claim was that the primary façade was not relevant because the primary façade was not contested; only the primary access. She knew residents over the years that had lived in the home and she never heard complaints on the living conditions. She indicated that on the Main Street side of the house there was an above grade door and windows, and then a porch was added on later, so there was not access on the Main Street side. The tax records showed that the access was on Woodside. There was an argument that a neighboring house abutted the access, but the access was between the two houses.

Meintsma passed out a photograph of the neighborhood and asserted the view from this house was the same as it was historically because the other historic structures were still standing. The backyard was still open space which refuted the appeal language. She urged Council to save what was left of this historic structure. She addressed the request

1 to raise the home to be visible, and stated to raise it two feet was permissible and it
2 would be more visible. The roof form mass and scale was original and hadn't been
3 altered. She stated the 1990 grant was used to reroof, update the electrical, fix straining
4 rafters, and replace windows and siding. In 1993, there was no talk to raise the house.
5 Meintsma thought the appellant's request did not meet the criteria of the code. She
6 discussed other points on the appeal and thanked Council for their consideration.

7
8 Mayor Beerman closed the public hearing.

9
10 Council Member Ware Peek asked if 1102 Norfolk was removed from the Historic Sites
11 Inventory to which it was confirmed that this structure was still on the list.

12
13 Council Member Worel asked if additions to historic homes would have to be
14 subordinate to the existing historic homes to which Tyler affirmed and noted that the
15 1993 addition to this structure was under a different code. Council Member Worel asked
16 which code would apply to the current request for reorientation and relocation. Tyler
17 stated the current code would be used. Harrington rephrased the question which asked
18 how to determine if there was a code that would be compatible to approve the HDDR
19 request to raise and reorient the house. Erickson stated the house being raised and the
20 house being relocated were independently considered and there could be a code
21 compliant HDDR request for these two issues. Harrington reviewed the appellant stayed
22 the other appeal depending on the results of this appeal.

23
24 Council Member Joyce thought people did remodels and revisions on porches and
25 windows and they met the historic requirements. Oliver stated historic homeowners who
26 had original windows and siding were encouraged to keep them. If the windows were
27 installed in the 1970s, owners were encouraged to restore them to the original status.
28 Tyler stated the reorientation would make the structure different and it would not remain
29 in its original form. Council Member Joyce asked why it was important to treat this
30 location as an essential historic form and a Significant Site. Oliver stated this building
31 had very little historic features remaining, and if it was rotated then there would not be
32 anything left. The code stated location was essential historic form. Blaes explained the
33 change in the code in 2005, and essential historic form was intentionally left off of the
34 seven characteristics. The code changed again in 2015 and the essential historic form
35 was still based on the old code. Oliver stated any remaining piece of a historic building
36 should be preserved.

37
38 Council Member Joyce asked if insurance would cover water seepage into the home
39 since most insurance companies didn't cover flood damage. Gallo indicated a claim
40 could still be filed, whether or not there was a payout. Council Member Joyce asked the
41 appellant about their concerns with drainage and snow, and noted every historic house
42 in Park City could say the same thing. Blaes indicated most of the runoff was from the
43 snow piled on the side of the road. If there was a 10 foot setback, the drainage could be

1 addressed. She stated the HPB discussed allowing a setback and then denied it. Tesch
2 noted the window was 18 inches above ground and a steep road ran above the home.
3 In past years, the windows were broken from the snow. Gallo indicated this condition
4 was addressed in the building code. He looked at the property and did not see shifting
5 ground or any other hazards. Jon Berkley indicated the snow had been mitigated by
6 boarding up the window so it wouldn't break.

7
8 Council Member Gerber asked if the relocation could be denied, but allowing a 10 foot
9 setback approved. Erickson stated there could be an application to relocate, but all
10 three requests were combined in this one application. Harrington stated Council could
11 remand the item to submit a new application.

12
13 Council Member Henney asked if the code was changed because of complaints on
14 homes that were reoriented. It was indicated too much material was being lost. Council
15 Member Henney asked if specific line items were added to the code to make it more
16 restrictive and was told that was correct. Erickson stated the items of measurement
17 were the same but the tools of measurement were different. The way it was measured
18 was now stricter.

19
20 Mayor Beerman noted the material lost in this structure and stated he thought the home
21 was buried in the addition and he felt the historic structure should stand out. Blaes
22 stated none of the exterior was original. Erickson stated the argument of historic
23 material were the studs underneath the siding. Jon Berkley felt there would be a gain in
24 material when the addition was removed and the home was reoriented.

25
26 Tesch stated that a denial of this appeal might result in the loss of this house. There
27 were good arguments on each side. The same criteria were used here as were used for
28 1102 Norfolk, but there were stricter ways to measure it. He noted the standard was to
29 apply a land use regulation to favor a land use application unless the land use
30 regulation plainly restricted the land use application.

31
32 Harrington stated the statute clearly limited and established that the relocation and
33 reorientation were restricted unless the criteria were met. He said one approach would
34 have Council ask itself if the HSI would classify the home at the same or higher level
35 after the reorientation and relocation than it was currently designated.

36
37 Council Member Henney asked what the difference was between Landmark and
38 Significant. Council Member Joyce indicated that Landmark was more stringent than
39 Significant. Significant did not mention location, whereas Landmark had location as a
40 requirement. Council Member Henney stated there were certain requests that made
41 sense, but the code was put in place to protect the City. This was done in other places
42 and precedent was set, but a code change was passed in 2015 and he was leaning to

1 staff recommendation. Blaes stated that the code was not different because prior to
2 2015 a reorientation was only done in compelling circumstances.

3
4 Council Member Gerber felt a Significant designation was lowering the bar, and she
5 didn't think the bar should be lowered as much as possible and still hold a designation.
6 She favored denial of the appeal.

7
8 Council Member Ware Peek liked preserving the funkiness in the town. However, she
9 felt if this was denied, there would be a hole where this home currently stood. She
10 wanted to enhance the historic character. At one point, the front faced east so that
11 would be restored. She favored the restoration of the roof, siding, porch and windows.
12 She felt the remodeled structure would enhance the community and if left as is, its value
13 would be diminished.

14
15 Council Member Worel expressed concern for further deterioration of the house due to
16 the snow against the house and favored the relocation and reorientation.

17
18 Council Member Joyce stated the criteria were subjective. There were mitigations to
19 snow load and drainage, and window damage was concerning. He didn't understand
20 why the home needed to be flipped. He felt the house was Significant because it was
21 backwards. He favored denial of the appeal and cautioned against speculation of what
22 would be the fate of the house in the future.

23
24 Mayor Beerman stated the Council would consider remanding part of the application
25 back to the HPB to consider just the relocation and asked the applicant to weigh in
26 since the majority of Council favored denial.

27
28 Harrington stated a third option would be for Council to provide direction to staff to grant
29 the appeal in part for relocation but deny in part as to reorientation, and leave
30 requirements for relocation to staff as HDDR. Erickson and Harrington were comfortable
31 with this option and noted findings would come back to Council for final approval. A
32 motion would have to be a partial grant and a partial denial. Height and setback would
33 need to be determined. Tesch indicated the appellant was willing to stipulate to Option
34 Three as Harrington explained.

35
36 Harrington suggested a motion to direct staff to prepare findings consistent with the
37 comments of the majority of the Council to grant part and deny part the application as it
38 reads to grant relocation and deny reorientation.

39
40 Council Member Joyce moved to direct staff to prepare findings of fact that support
41 denying the right to rotate the house and supporting setting the house back and raising
42 it up consistent with comments from the majority of Council with regard to the appeal of

1 Historic Preservation Board's decision for 424 Woodside Avenue. Council Member
2 Gerber seconded the motion.

3 **RESULT: APPROVED**

4 **AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

5
6 **VIII) ADJOURNMENT**

7 With no further business, the meeting was adjourned.
8
9

10

Michelle Kellogg, City Recorder

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June 4, 2018

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Via Email Only

Mark Harrington
Park City Attorney

Re: Appeal to City Council of HPB decision on 424 Woodside

Dear Mark,

The appeals process under LMC Section 15-1-18 states as follows:

1. Restriction of City Council Members under Subsection G. "The appeal authority [City Council] shall act in a quasi-judicial manner," and "review factual matters de novo, without deference to the land use authority's determination of factual matters." It also states that the City Council in reviewing HPB decisions, it "may exercise only administrative authority."

In light of these directions, it is imperative that the City Council Members do not interact with HPB Members, City Staff (including the City Attorney) or the Appellants or their representatives nor discuss this matter with any interested party other than in an official meeting, on the record when all relevant parties are present.

Since this is a somewhat unique limitation on how City Council Members generally operate, it is Appellants' request that you, in letter form, advise the City Council Members of this requirement. If any City Council Member violates this prohibition, he/she would be subject to a request for recusal, which should be honored. We do not want this to happen.

2. Restrictions on City Staff (including the City Attorney) under Subsection H is entitled "Non-Adversarial Process." In Subsection H.2 it states that City Staff [including the City Attorney] is "not advocates of any party or position" in the appeal. While it only allows Staff to provide technical and legal advice and professional judgment notwithstanding the fact that such advice would [otherwise] lead them to make recommendations.

Obviously, this limitation on City Staff must be honored and City Staff may take no position favoring any party to the appeal but may only give technical (i.e. how to proceed) and legal advice (i.e. whether certain evidence may be considered, how may the Council act, etc.).

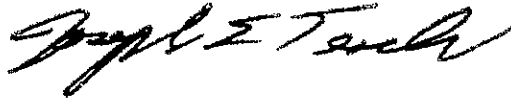
What is very clear is that Staff may not argue or present any argument that the action of the HPB was the correct or the better decision or that one interpretation or finding of fact by the HPB is correct. Remember, this is a hearing on the facts de novo and the City Council may not even give deference to the HPB's determinations.

It is clear from the above that Staff may not file any memorandum opposing Appellants' positions but may only provide technical and legal advice.

As I know you to be a very competent and ethical attorney, I'm confident that you will strictly enforce the above limitations and directions contained in the LMC.

Sincerely,

TESCH LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read "Joseph E. Tesch", written in a cursive style.

Joseph E. Tesch

Cc: Polly Samuels McLean
Stephanie Matsumura
Jon Berkley
Jonathan DeGray
Dina Blaes

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Attorneys for Petitioners/ Applicants

PARK CITY MUNICIPAL CITY COUNCIL

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Telephone: (702) 501-5005
*Owners of 424 Woodside Avenue, Park City,
Utah*

Applicants/ Appellants

v.

**PARK CITY MUNICIPAL
CORPORATION HISTORIC
PRESERVATION BOARD**

Appellee

**MOTION TO STRIKE THE CITY
COUNCIL STAFF REPORT DATED
JULY 12, 2018 CONCERNING THE
APPEAL OF HISTORIC
PRESERVATION BOARD DENIAL OF
THE RELOCATION AND
REORIENTATION OF A SIGNIFICANT
STRUCTURE**

Park City Project Number: PL-16-03369

COMES NOW, Jon and Heather Berkley (the "Applicants" or "Petitioners") by and through their counsel of record, Joseph E. Tesch and Stephanie K. Matsumura of Tesch Law Offices, P.C., and moves the Park City Council ("Council") to strike the Staff Report dated July

12, 2018 (“Staff Report”) concerning the appeal of the Historic Preservation Board (“HPB”) denial of a relocation and reorientation of a significant structure located at 424 Woodside Avenue, Park City, Utah.

INTRODUCTION

Contrary to the actions of our current federal executive branch, we are and always have been a country of law. In this case the law is that “the role of City staff is to provide [only] technical and legal advice and professional judgment to [the] City Council as they [the City Staff] are not advocates for any party or position in a dispute.” Our Park City ordinances also make it clear that this is not an adversarial proceeding.

The Staff Report crosses the line and clearly advocates for the position of the HPB as if it was representing that party in this dispute. Accordingly, it should be stricken.

The Appellants first obtained the Staff Report after it was posted online on Park City’s website the evening of July 9, 2018—less than three business days before the scheduled appeal. In contrast, the Appellants submitted their brief on June 4, 2018 and supplied all available supplemental information on July 6, 2018.

ARGUMENT

The Park City Code Section 15-1-18(H)(2) clearly limits the role of City staff, including legal staff, to the provision of “technical and legal advice and professional judgment” because “they are not advocates to any party or position in a dispute....” The Staff Report extends beyond the provision of technical, legal, and professional judgment in the following respects:

1. Beginning on the page marked as 172 of the Staff Report¹, the Staff includes an entire “Analysis” that contains a “response to each issue” submitted by the Appellants. The Staff’s response to each issue raised in the Appellants’ brief exceeds the provision of “technical and legal advice and professional judgment,” and advocates for the HPB’s position by providing an adversarial response to Appellants’ issue on appeal.

2. On Pages 180-183 of the Staff Report, the Staff:

a. Advocates that Anne Oliver is one of Park City’s own and is well qualified to provide a formal assessment of the proposed Reorientation/ Relocation of the historic home—*This is contrary to the Park City Code because: (i) the Council is required to review factual matters (including the credibility of Ms. Oliver) anew; and (ii) advocates that the HPB was correct in relying on Ms. Oliver’s assessment. The effect of course is to increase her credibility.*

b. Advocates that the HPB did not apply the criteria for Landmark Designation to 424 Woodside Avenue but instead, “agreed with Ms. Oliver’s analysis.”—*This is contrary to the Park City Code because it advocates that: (i) Ms. Oliver’s analysis was corrected under the Park City Code; and (ii) the HPB correctly relied upon Ms. Oliver’s assessment. This is beyond technical advice.*

3. On Pages 187-189 of the Staff Report, the Staff:

a. Advocates that the HPB correctly determined that the proposal did not comply with Park City Code Section 15-11-13(A)(c)(1) through (4)—*The Staff’s arguments in support of this conclusion extends beyond the provision of technical advice and professional judgment advocating for the HPB decision.*

¹ Appellants note that the Staff Report is part of a larger packet of documents for the July 12, 2018 City Council Meeting. The page numbers appear to correspond with all of the pages contained in the Packet, however, for convenience hereafter, Appellants will refer to those pages as “Page X of the Staff Report.”

b. Advocates that the Planning Director and Chief Building Official correctly determined that there were no unique conditions that would warrant the proposed reorientation/ relocation—*This is contrary to the Park City Code because it does not provide any technical advice or professional judgment concerning why there are no unique conditions, but only advocates that the HPB was correct in concluding that there were no unique conditions.*

c. Argues that the reference to prior historic structures that were relocated or reoriented is irrelevant because those projects were approved under different criteria in a prior version of the LMC—*This is an adversarial position in response to the Appellants' arguments and not merely the provision of technical advice or professional judgment.*

4. On Page 189 of the Staff Report, the Staff advocates that the history of the application is necessary and that the HPB was justified in relying upon the 2011 Variance application to deny the Application—*Here, the Staff is advocating that the HPB was justified in relying upon the prior application without any basis in law and beyond the ordinance restriction prohibiting advocating for a position.*

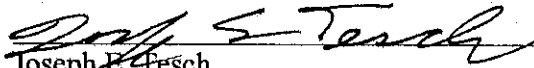
5. On Pages 191-193 of the Staff Report, while the Staff provides some technical advice, it primarily argues that the drainage conditions are not a hazardous condition unique to this property and that even if it were, the proposed solution of installing a drain is the most viable solution—*This conclusion advocates denial of the application on the basis that there may be another alternative solution to address snow or water drainage issues and is beyond the mere provision of technical advice or professional judgment.*

CONCLUSION

Only a blind mouse would be fooled into believing that the Staff Report is not adversarial in nature, in support of the HPB's decision and far beyond the requirement that the Staff's involvement be limited to technical advice. Therefore, if we are to follow our law, the Council should strike the Staff Report in its entirety. In the alternative, the Council should strike all provisions that extend beyond the provision of technical and legal advice and professional judgment and/ or any portion of the Staff Report that advocates for a position.

DATED this 11th day of July, 2018.

TESCH LAW OFFICES, P.C.

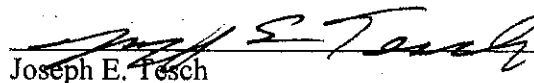


Joseph E. Tesch
Stephanie K. Matsumura
Attorneys for Appellants

SERVICE

Hand Delivered to Planning Department on July 11, 2018.

Delivered by email only on July 11, 2018 to Mark Harrington, Bruce Erickson and Hannah Tyler.



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*Owners of 424 Woodside Avenue, Park City,
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Applicants/ Appellants

v.

**PARK CITY MUNICIPAL
CORPORATION HISTORIC
PRESERVATION BOARD**

Appellee

**MOTION FOR DIRECTED REVERSAL
OF THE HPB'S DECISION**

Park City Project Number: PL-16-03369

COMES NOW, Jon and Heather Berkley (the "Applicants" or "Petitioners") by and through their counsel of record, Joseph E. Tesch and Stephanie K. Matsumura of Tesch Law Offices, P.C., and moves the Park City Council ("Council") to directly reverse the Historic

Preservation Board's ("HPB") Final Action denying the Applicants' application for reorientation and relocation ("Application") of the structure located at 424 Woodside Avenue, Park City, Utah.

ARGUMENT

Park City Code Section 15-1-18(G) states that, "[t]he appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to **favor a land use application unless the land use regulation plainly restricts the land use application.**"

(emphasis added). In other words, this Council is required to review whether the HPB correctly: (1) interpreted and applied the plain meaning of the land use restrictions related to reorientation and relocation found in Park City Code Section 15-11-13 ("Section 15-11-13"); and upon review, (2) interpret and apply Section 15-11-13 to favor the Applicants' Application, unless Section 15-11-13 **plainly restricts** the Application. In this instance, the relevant portions of Section 15-11-13 are Subsections 3.b. and 3.c.

A. Subsection 3.c.

If the reviewing body determines that there are "unique conditions [that] warrant the proposed relocation and/ or reorientation on the existing site," then the proposed project should be approved for relocation and reorientation. Park City Code § 15-11-13. The Park City Code identifies four criteria that constitute unique conditions.¹ In this instance, nothing in Subsection 3.c. of Section 15-11-13 plainly restricts Applicants' proposed Application.

¹ These criteria include:

- (1) The historic context of the Historic Building(s) and/ or Structure(s) has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic Building(s) and/ or Structure(s) and the Historic District or its present setting; and
- (2) The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and

Indeed, the Planning Director and Chief Building Official already found unique circumstances for reorientation where a similar "significant" historic structure was facing east and impacted by an altered vehicular thoroughfare. *See Determination for 1102 Norfolk Avenue dated February 13, 2015*, attached as Exhibit A; *Photograph of 1102 Norfolk Prior to Reorientation*, attached as Exhibit B. In that case, the Planning Director and Chief Building Official specifically noted that:

- The reorientation of the historic structure to face west towards the road, would "allow it to be the visual focal point of the project;"
- The historic context of the historic structure had been lost given the various changes to the surrounding buildings;
- The historic context would not be diminished because the structure's association with the historic feature was "altered after the original vehicular thoroughfare was abandoned and replaced;"
- The orientation of the structure towards Old Town (east) had a diminished visibility from the existing public right of way (Norfolk Avenue);
- The goals of historic preservation are best served by reorienting the structure to face towards the road and prevent the structure from being visually impaired and consumed by new construction (also allowing greater visibility); and
- "Thereby allowing it greater visibility to be appreciated by the public."

In short, the Chief Building Official and Planning Director found unique conditions on another project with nearly identical conditions (i.e., facing east on an altered vehicular

-
- (3) The historical integrity and significance of the Historic Building(s) and/ or Structure(s) will not be diminished by relocation and/ or reorientation; and
 - (4) The potential to preserve the Historic Building(s) and/ or Structure(s) will be enhanced by its relocation.

thoroughfare). Consequently, this Council, under the requirement that it favor the land use application unless the land use regulations plainly restricts the proposed application, should reverse the HPB's decision to deny the Application because there is no plain restriction under Section 15-11-13 that prohibits the proposed reorientation of the structure.

B. Subsection 3.b.

In order to approve the reorientation and relocation of a historic structure, Subsection 3.b. of Section 15-11-13 requires that, "[t]he Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it." In this instance, there is no written statement from either the Planning Director nor the Chief Building Official that the snow accumulation as well as the water drainage onto the historical structure located ten feet below Woodside Avenue does not constitute a hazardous condition. Indeed, the Planning Director and Chief Building Official only opine that the installation of a drainage system is a viable, alternative method to address possible drainage issues. They do not contest Appellants' engineer's, Michael Demkowicz's, opinion that it is the snow accumulation that causes the hazardous condition. There is no written statements from the Planning Director nor the Chief Building Official concerning the snow accumulation issues given the discrepancy in the height of the historic structure in relation to the heightened location of the road. Moreover, the City Engineer's supplemental report, submitted days before this Council's hearing on the appeal and which includes his opinion that the "existing drainage does not create a hazardous condition," fails to address Engineer Demkowicz's conclusion that the snow accumulation has created a hazardous condition.

There is nothing in Subsection 3.b. of Section 15-11-13 that plainly restricts the reorientation and relocation of the historic structure as proposed by the Applicants. Given that the Council is required by ordinance to favor the Application, the Council should reverse the HPB's decision to deny the Application.

CONCLUSION

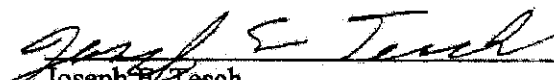
Importantly, the Staff has, up to this point in time, never argued that the ordinance plainly restricts approval of the Application. Instead, in effect, it argues that the HPB correctly exercised its discretion. Of course, the legal standard is that the Council must favor this land use Application under these facts and circumstances.

Moreover, the fact that the Planning Director and the Chief Building Official, regarding 1102 Norfolk Avenue under strikingly similar facts (although the facts regarding 424 Woodside are even more meritorious), is proof that Section 15-11-13 does not plainly restrict this Application. These issues are purely matters of exercise of discretion. City government simply cannot be so arbitrary as to give two thumbs up to 1102 Norfolk while giving two thumbs down to 424 Woodside Avenue.

Based on the foregoing, the Council should directly reverse the HPB's decision to deny the Application for reorientation and relocation and grant Applicants' appeal.

DATED this 12th day of July, 2018.

TESCH LAW OFFICES, P.C.


Joseph E. Tesch
Stephanie K. Matsumura
Attorneys for Appellants

SERVICE

Hand Delivered to Planning Department on July 12, 2018.

Delivered by email only on July 12, 2018 to Mark Harrington, Bruce Erickson and Hannah Tyler.

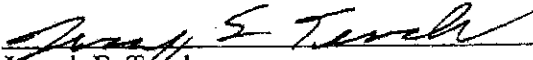

Joseph E. Tesch

EXHIBIT A

February 13, 2015

Casey and Corey Crawford
P.O. Box 3327
Park City, UT 84060

CC: Architect Steven A. Swanson

**NOTICE OF PLANNING DIRECTOR & CHIEF BUILDING OFFICIAL
DETERMINATION**

Project Address: 1102 Norfolk Avenue
Project Description: Planning Director & Chief Building Official Determination
for reorientation of a Significant structure
Project Number: PL-13-02167
Date of Action: February 13, 2015

Action Taken by Planning Director and Chief Building Official:

Pursuant to Land Management Code (LMC) 15-11-13(A), in approving a Historic District or Historic Site Design Review Application involving the relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Significant Site, such as 1102 Norfolk Avenue, the Planning Department shall find the project complies with the following criteria:

- (1) *The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or*
- (2) *The Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or*
- (3) *The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.*

Upon review of the Historic District Design Review (HDDR) for the proposed development of 1102 Norfolk Avenue, the Planning Director and Chief Building Official find that there are unique conditions that warrant the proposed relocation and/or reorientation of the existing building on the existing site.

The Planning Director and Chief Building Official have made this determination based on the following findings of fact and conditions of approval:

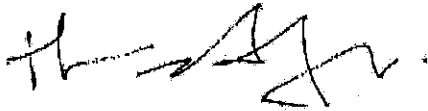
Findings of Fact

1. The property is located at 1102 Norfolk Avenue in the Historic Residential (HR-1) Zoning District.
2. The property consists of Lots 31 and 32 of Block 8 of Snyders Addition to Park City. The entire parcel is 0.09 acres in size.
3. The site is listed on the Park City Historic Sites Inventory (HSI) as "Significant."
4. The Historic Preservation Board received a Determination of Significance Application for this property on January 21, 2014 and determined the site was "Significant" rather than "Landmark."
5. The applicant submitted a Historic District Design Review (HDDR) application on May 21, 2014. The application was deemed complete on January 26, 2015. A public hearing was held on February 9, 2015.
6. The historic structure faces east towards Old Town and was originally accessed by historic Crescent Street, which has since been converted to the 11th Street pedestrian access stairway. The historic structure is currently accessed via a walkway from the 11th Street pedestrian access stairway.
7. The applicant is proposing to rotate the historic structure approximately 180 degrees so that the structure faces west towards Norfolk Avenue.
8. The Planning Director and Chief Building Official have found the following unique conditions that warrant the relocation of the historic structure:
 - a. The reorientation of the historic structure located at 1102 Norfolk Avenue to face west towards Norfolk Avenue will allow it to be the visual focal point of the project. By allowing the reorientation, the historic structure will remain proud of the addition.
 - b. Much of the historic context of the historic structure has been lost. The property is surrounded by 1980s condominiums to the north, 1980s residential structures and one (1) HSI residential structure to the west, and to the south there are five (5) residential structures listed on the HSI and a mixture of 1980s, 1990s, and 2000s residential structures. In total, there are only seven (7) residential structures listed on the HSI of the 35 structures on the Norfolk Avenue block between 10th Street and 12th Street.
 - c. The proposed reorientation will not diminish the historic context that originally existed. The structure's association with historic Crescent Street was altered after the original vehicular thoroughfare was abandoned and replaced by the 11th Avenue pedestrian access stairway. The historic structure is currently the only structure on Norfolk Avenue that is oriented towards Old Town and accessed via pedestrian access stairway. Because of the loss of its association with the historic Crescent Street vehicular thoroughfare, the orientation of the structure towards Old Town has diminished its visibility from the existing public right-of-way (Norfolk Avenue).

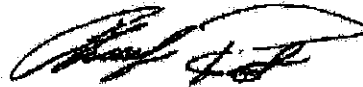
- d. The goals of historic preservation are best served by reorienting the historic structure to face west towards Norfolk Avenue. This will prevent the structure from being visually impaired and consumed by the new construction. The reorientation will emphasize the historically significant structure by allowing it greater visibility to be appreciated by the public as viewed from the existing right-of-way.
- e. Due to the unique configuration of the historic structure oriented east towards Old Town and only accessed via the 11th Avenue pedestrian access stairway, reorienting the structure to the west allows for a rear addition. The orientation of the structures with access via the 11th Avenue pedestrian access stairway is very uncommon in Park City.

If you have any questions regarding this determination, please do not hesitate to contact the Planning Department at 435-615-5060.

Sincerely,



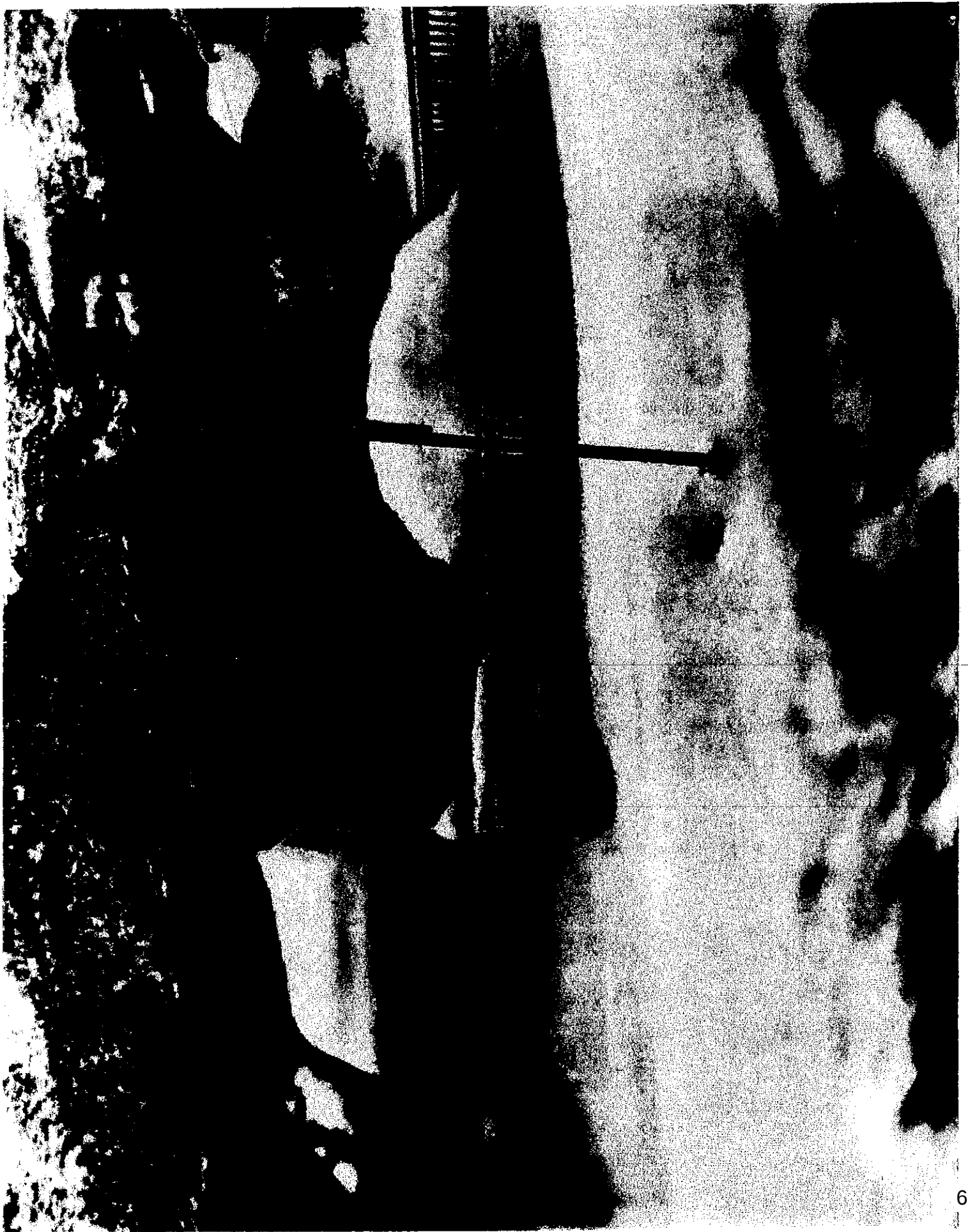
Thomas E. Eddington Jr., AICP, PLA
Planning Director



Chad Root,
Chief Building Official

CC: Hannah Turpen, Planner

EXHIBIT B



Standard of Review
Park City Code § 15-1-18(G)

The City Council must:

1. Review factual matters *de novo* (anew) without deference to the HPB's determination of factual matters; and
 2. Determine the correctness of HPB's interpretation and application of plain meaning of land use regulations, and interpret and **"apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application."**
-

Non-Adversarial Process
Park City Code § 15-1-18(H)(2)

For all appeals before City Council, "the role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as **they are not advocates of any party or position in a dispute**, notwithstanding that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter."

Criteria for Relocation and Reorientation of Historic Buildings

Park City Code § 15-11-13(A)(3)(b) and (A)(3)(c)

The application complies with **one** of the following:

3.b. The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of **hazardous conditions** and the preservation of the building will be enhanced by relocating it;

OR

3.c. The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that **unique conditions** warrant the proposed relocation and/ or reorientation on the existing Site. Unique conditions shall include all of the following:

1. The **historic context** of the Historic Building and/ or Structure **has been so radically altered** that the proposed relocation **will enhance** the ability to interpret the historic character of the Historic Building and/ or Structure and the Historic District or its present setting; and
2. The proposed relocation **will not diminish the overall physical integrity** of the Historic District **or diminish the historical associations** used to define the boundaries of the district; and
3. The **historical integrity and significance** of the Historic Building and/ or Structure **will not be diminished** by relocation and/ or reorientation; and
4. The **potential to preserve** the Historic Building and/ or Structure **will be enhanced** by its relocation.

424 Woodside Avenue



Clerk

Joel's

Project Number: PL-16-03379, 424 Woodside Avenue
Petition for Appellate Review



Introduce Jon & Heather and others representing the applicant at the hearing.
Presenting the petition for Appellate Review of the Historic Preservation Board's
decision on the relocation and reorientation of the historic structure at 424 Woodside
Avenue.

Proposed Preservation and Enhancement

- Make the historic structure the focal point of the project by reorienting it to face west towards Woodside Avenue.
- Lift the historic structure to enhance visibility from the road and prevent it from being visually impaired from the road and consumed by surrounding new construction.
- Restore and maintain historic features of the home.
- Resolve the hazards of snow accumulation from the road and roof.
- At the recommendation of the City Staff, this is a phased application process; approval for reorientation/relocation first.

PC Council, July 12, 2018

PL-16-03379 Appeal

2

The appeal is focused on the HPB's most recent decision, a holistic look at the application that was submitted provides important context for your deliberations.

The application proposed the preservation and enhancement of the historic home in whole, including these elements.

City staff recommended the application be phased so this was the first in a multi-step process.

Standard of Review

Council must:

- Review factual matters *de novo* (anew) without deference to the HPB's determination of factual matters
- Determine the correctness of HPB's interpretation and application of plain meaning of land use regulations
 - When interpreting and applying a land use regulation, the council is required to **"favor a land use application unless the land use regulation plainly restricts the land use application"**

Park City Code §15-1-18(G)

PC Council, July 12, 2018

PL-16-03379 Appeal

3

It never hurts to be reminded of the Standards of Review that will guide your deliberations.

- Review factual matters anew
- Determine the correctness of the HPB's interpretation
 - In doing so, the Council is required to favor...

Relevant Facts



PC Council, July 12, 2018



PL-16-03379 Appeal

4

The procedural history of the application is well-documented in the packet, as is the history and all of the changes that have been made to the building over time, so we're not going to spend time restating those things here.

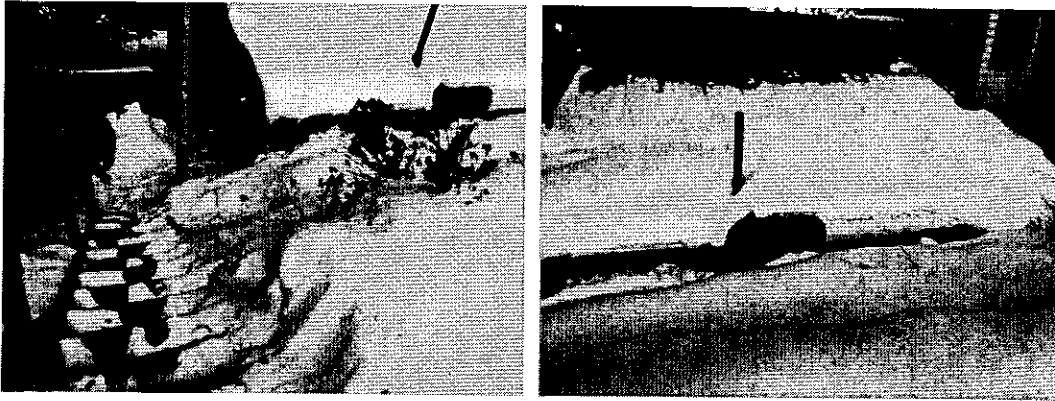
Instead, we'd like to spend a few minutes highlighting some of the relevant facts about the property and the application.

The application calls for all of the non-historic roofing materials to be removed and replaced with historically compatible materials.

All of the non-historic siding will be removed and replaced with historically accurate materials.

All of the windows will be replaced with historically appropriate wood windows.

Relevant Facts



PC Council, July 12, 2018

PL-16-03379 Appeal

5

The hazards caused by where the house sits in relation to Woodside Avenue will be solved.

The property line is the west wall of the house. Snow accumulation against the rear wall is an issue, that the application resolves. The risk of damage from plows throwing snow onto the roof of the house, from the city using the area between the house and the road for snow storage, and the ever-present risk of vehicles exiting the roadway or striking the house will all be resolved.

Relevant Facts



PC Council, July 12, 2018

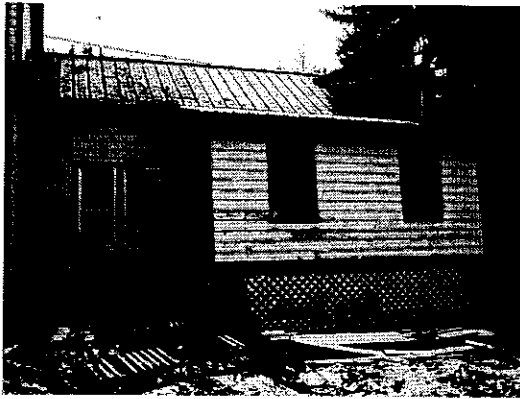
PL-16-03379 Appeal

6

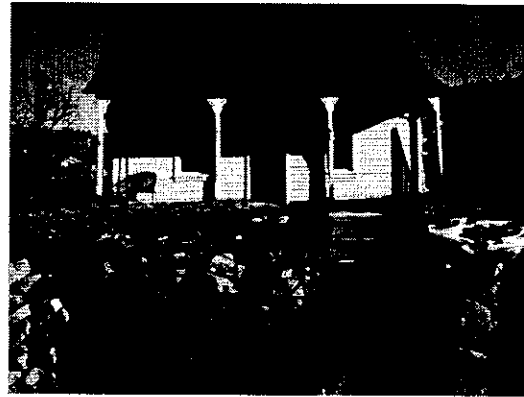
The rear, full-width porch will be restored with historically accurate window openings and placement.

The character-defining feature of the chimney stack will be brought back.

Relevant Facts



PC Council, July 12, 2018



PL-16-03379 Appeal

7

Here on the front of the house, the non-historic porch enclosure will be removed

The historic porch will be restored, much like the example you see here from 147 Ridge Avenue.

The openings on the front façade that have been removed will be restored to their historic appearance and configuration.

Relevant Facts



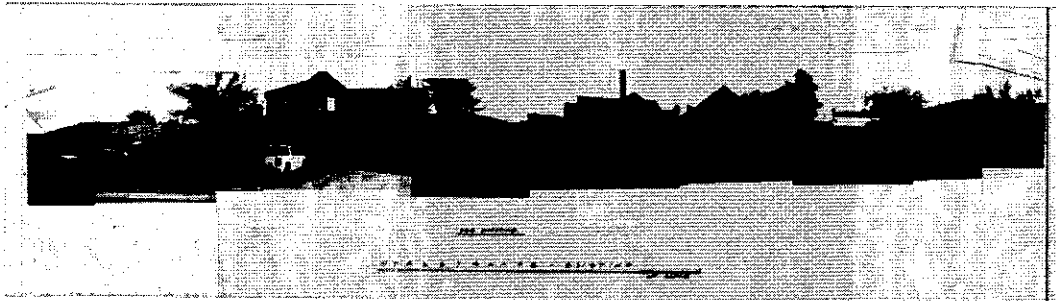
PC Council, July 12, 2018

PL-16-03379 Appeal

8

As we come back around to the Woodside Avenue frontage, you can see the harsh juxtaposition between the historic house and the 1993 addition, as well as how the surrounding development looms over the historic structure.

Relevant Facts



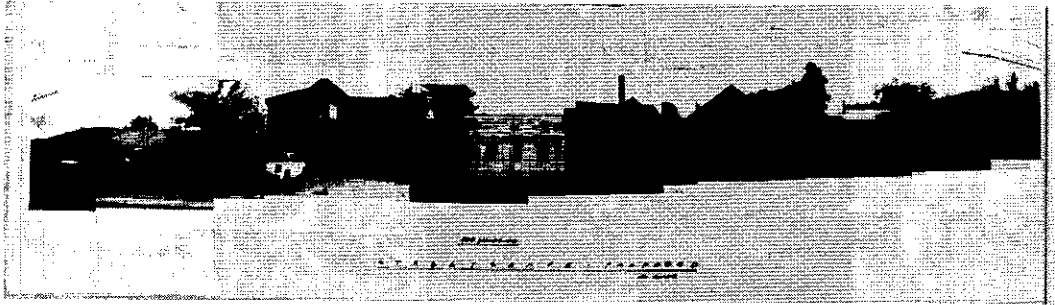
PC Council, July 12, 2018

PL-16-03379 Appeal

9

The project is surrounded by condos or houses built in the 1960s, 1980s, and 1990s and its historic character is not visible from the public right-of-way. It's not contributing to the city's sense of historic significance.

Relevant Facts



PC Council, July 12, 2018

PL-16-03379 Appeal

10

The proposed project will make the historic structure the focal point so that the transition from the historic to the new construction is visually compatible.

Also, the project will strengthen the historical associations within the Historic Residential District because the character of the historic structure will be visible from the public right-of-way.

This context, we feel, is important to understanding the overall goals for the project and now we'll briefly touch on the issues raised in our appeal.

ISSUE #1 Historical Analysis

Landmark Site

- Age of structure
- Historic Integrity: Location, Design, Setting, Materials, Workmanship, Feeling & Association
- Relevance in local, regional or national history

Significant Site

- Age of structure
- Historic Integrity: Essential Historic Form
- Retains certain visual and design characteristics
- Relevance in local, regional or national history

PC Council, July 12, 2018

PL-16-03379 Appeal

11

The first issue is the Historical Analysis. Refer you to page 207 of your packet where this information is provided in a table that compares the criteria side-by-side.

Ann Oliver is a respected preservation consultant, we are not questioning her credentials. She performed a strong analysis but unfortunately used the wrong criteria as the basis for that analysis.

Nowhere in the report are the criteria outlined in the right side of this table mentioned. Only those elements that make up historic integrity for landmark Sites.

I'm emphasizing this so vigorously because the analysis is THE BASIS for nearly every argument on which the HPB based its denial of this application. The effect of this error cannot be overstated.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(1) The historic context of the historic house has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the house and the historic district or its present setting.

PC Council, July 12, 2018

PL-16-03379 Appeal

12

As you know, one of the ways a historic structure can be relocated or reoriented is if unique conditions warrant it. The LMC defines what those unique conditions are and they are listed in the next 4 slides I'll show.

The city's arguments indicate a misunderstanding of difference between historic context and physical context.

Historic context is understood to mean that structures, events, or buildings don't happen in a vacuum but rather reflect larger trends or themes.

The historic context for this property, which is undisputed, is the mining era boom in Park City and all the aspects that reflect that era, including its type as a hall-parlor house, its form as a side gable-roof, its modest size and scale, its construction method and materials, its vernacular architecture.

The ability to interpret all that historic character is lost because its buried in a hole surrounded by modern condos and incompatible structures and has lost a lot of its historic features. Making the historic structure the focal point of the project will enhance everyone's ability to appreciate its historic character.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(2) The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district.

PC Council, July 12, 2018

PL-16-03379 Appeal

13

This is the second component of unique condisitons:

This is a zoning district, not a historic district. A historic district is universally understood in Historic Preservation to be a majority concentration of historic resources located within a contiguous geographic area. HR-1 is a zoning district where the vast majority of properties are not historic.

The overall physical integrity of the district won't be diminished by the reorientation and relocation because the project complies, as confirmed in the staff report, with the setback and height requirements, which are the primary elements that make up the physical integrity of a zoning district.

Historical associations that define the boundaries are only enhanced by the relocation and reorientation because the historic structure will finally be visible as the main element of the of the project and the street scape and, therefor, can convey those associations to the public.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(3) The historical integrity and significance of the historic house will not be diminished by relocation and/or reorientation.

PC Council, July 12, 2018

PL-16-03379 Appeal

14

The third component of unique conditions.

We addressed this issue of historic integrity and significance in an earlier slide.

It should be noted that at least four other structures have been rotated, relocated and/or lifted on their current sites and they remain on the Historic Sites Inventory as Significant; specifically, 1895 Three Kings Drive, 801 Park Avenue, 964 Empire Avenue, and 1102 Norfolk Avenue.

This project is very similar to these other projects.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(4) The potential to preserve the historic house will be enhanced by its relocation.

PC Council, July 12, 2018

PL-16-03379 Appeal

15

The fourth and final element;

Lasting preservation depends on the ability to adapt historic structures for contemporary use while keeping their historic designation and Essential Historic Form. The project as proposed does all of those things.

As it sits now, additions can't be built without causing the structure to lose its historic designation, snow continues to accumulate and damage the west wall, the historic structure continues to be engulfed by the road build-up and ever new construction in the area, and the historic features of the home remain lost.

Standard of Review

Council must:

- Review factual matters *de novo* (anew) without deference to the HPB's determination of factual matters
- Determine the correctness of HPB's interpretation and application of plain meaning of land use regulations
 - When interpreting and applying a land use regulation, the council is required to **"favor a land use application unless the land use regulation plainly restricts the land use application"**

Park City Code §15-1-18(G)

PC Council, July 12, 2018

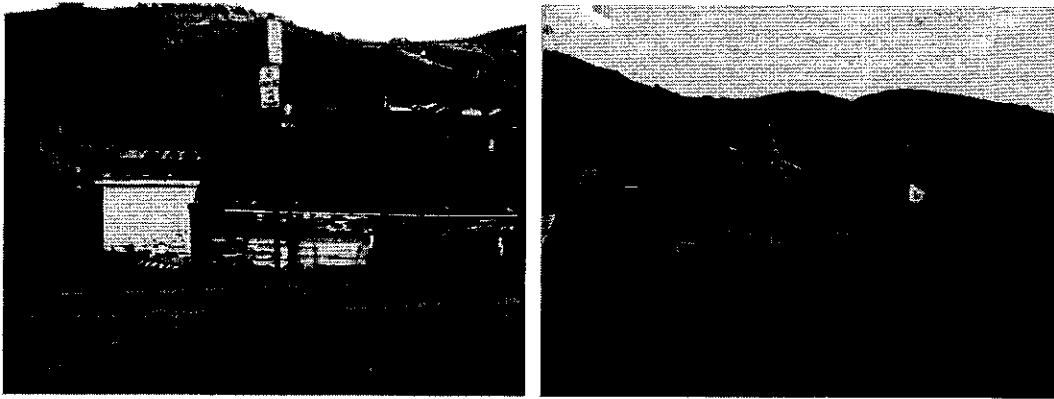
PL-16-03379 Appeal

16

We want to come back to the standard of review because, in this case, it underscores the city's inconsistency in interpreting and applying these standards.

One project, in particular, illustrates a perverse situation where the arguments used in DENYING THIS application are the same as those used by the city to APPROVE another project that is nearly identical.

1102 Norfolk Avenue (2015-2017)



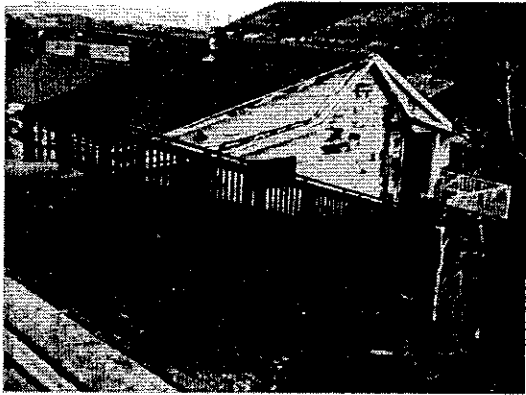
PC Council, July 12, 2018

PL-16-03379 Appeal

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Left = before photo from 2013
Right = after photo from 2018

1102 Norfolk Avenue (2015-2017)



PC Council, July 12, 2018

PL-16-03379 Appeal

18

Located significantly below the roadway of Norfolk Avenue

Limited accessibility

Incompatible alterations over time

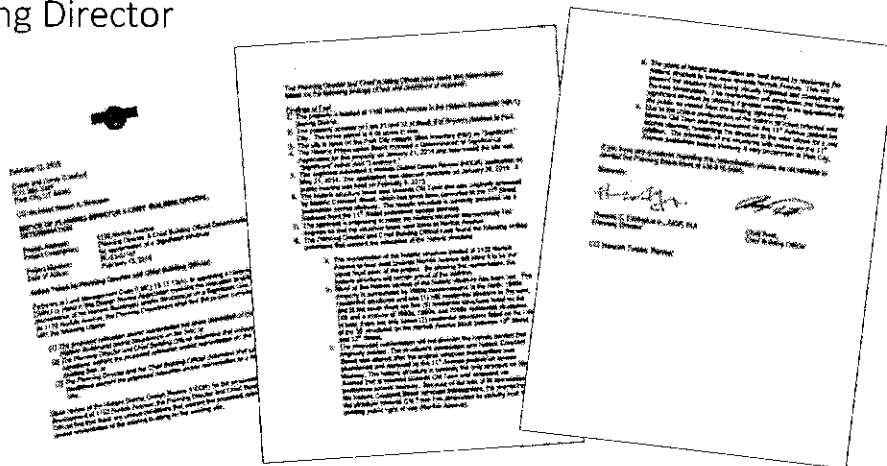
Isolated example of a downhill facing structure

Can't build additions that will extend the structure's useful life as a primary residence or investment property

All the things we're dealing with at 424 Woodside.

1102 Norfolk Avenue

Notice of Determination issued by Chief Building Official and Planning Director



PC Council, July 12, 2018

PL-16-03379 Appeal

19

Dated February 13, 2015 Determining the project meets unique conditions standard and grants the approval to relocate and reorient.

Makes the same arguments found in the letter to the Berkleys in 2017 that are used to deny this application.

The problem is the standard back in 2015 and the standard now are basically the same. The standard did not substantively change.

There are only two differences in the ordinance between then and now.

The first, is that in 2015, the staff could find unique conditions and in 2017 that power is the HPB's with input from the staff

The second is that "unique conditions" is not more specifically defined in 2015 and in 2017, the LMC included the four elements we just discussed.

1102 Norfolk Avenue

Notice of Determination issued by Chief Building Official and Planning Director

7. The applicant is proposing to rotate the historic structure approximately 180 degrees so that the structure faces west towards Norfolk Avenue.

8. The Planning Director and Chief Building Official have found the following unique conditions that warrant the relocation of the historic structure:

- a. The reorientation of the historic structure located at 1102 Norfolk Avenue to face west towards Norfolk Avenue will allow it to be the visual focal point of the project. By allowing the reorientation, the historic structure will remain proud of the addition.
- b. Much of the historic context of the historic structure has been lost. The property is surrounded by 1980s condominiums to the north, 1960s residential structures and one (1) HSI residential structure to the west, and to the south there are five (5) residential structures listed on the HSI and a mixture of 1960s, 1990s, and 2000s residential structures. In total, there are only seven (7) residential structures listed on the HSI of the 35 structures on the Norfolk Avenue block between 10th Street and 12th Street.
- c. The proposed reorientation will not diminish the historic context that originally existed. The structure's association with historic Crescent Street was altered after the original vehicular thoroughfare was abandoned and replaced by the 11th Avenue pedestrian access stairway. The historic structure is currently the only structure on Norfolk Avenue that is oriented towards Old Town and accessed via pedestrian access stairway. Because of the loss of its association with the historic Crescent Street vehicular thoroughfare, the orientation of the structure towards Old Town has diminished its visibility from the existing public right-of-way (Norfolk Avenue).
- d. The goals of historic preservation are best served by reorienting the historic structure to face west towards Norfolk Avenue. This will prevent the structure from being visually impaired and consumed by the new construction. The reorientation will emphasize the historically significant structure by allowing it greater visibility to be appreciated by the public as viewed from the existing right-of-way.
- e. Due to the unique configuration of the historic structure oriented east towards Old Town and only accessed via the 11th Avenue pedestrian access stairway, reorienting the structure to the west allows for a rear addition. The orientation of the structures with access via the 11th Avenue pedestrian access stairway is very uncommon in Park City.

PC Council, July 12, 2018

PL-16-03379 Appeal

20

What is difficult to reconcile in these completely contradictory conclusions is the fact that the arguments used in 2015 to approve are used to deny the application in 2017.

these are the same arguments we've been making from the beginning and are

1. *The historic context of the historic house has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the house and the historic district or its present setting.*
2. *The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district.*
3. *The historical integrity and significance of the historic house will not be diminished by relocation and/or reorientation.*
4. *The potential to preserve the historic house will be enhanced by its relocation.*

ISSUE #3 Reliance on 2011 HDDR & Variance

- Initial staff report of July 19, 2017 referenced analysis from prior HDDR application from 2011
- Applicant objected to the reference to and any reliance upon the 2011 application
- Relying on the decision of a different body (the Board of Adjustment) on a different application applying a different standard of review is legal error and is irrelevant

PC Council, July 12, 2018

PL-16-03379 Appeal

21

We have vigorously argued this point throughout the application process in writing and at public hearings and I won't belabor it here.

ISSUE #4 Increasing requirements in 15-11-13



PC Council, July 12, 2018



PL-16-03379 Appeal

22

The building is threatened by its present setting; particularly during the winter months with the risk associated with snow accumulation. The standard in the LMC, as noted in our appeal, is not one or another plan to mitigate a situation, but rather a recognition that the building is threatened, which was acknowledged by the Chief Building Official earlier this year.

ISSUE #5 Other issues to be addressed by HPB

- Applicants submitted application for entire project
- At the Staff's recommendation, other issues will also need to be addressed by HPB, including but not limited:
 - Lifting
 - Identifying and retaining historic materials
- Phased approval process requires the Applicants to return to HPB several times

PC Council, July 12, 2018

PL-16-03379 Appeal

23

We mentioned at the beginning of our presentation the phased nature of this project and how there are other issues beyond those we've raised here that still need to be addressed. They are listed here and in the materials you've already reviewed.

Understanding where this appeal fits into the larger context, however, we believe helps to support our argument that the HPB erred in its decision to deny the application to reorient and relocate the historic structure at 424 Woodside.

Conclusion

Thank you for your time and consideration

PC Council, July 12, 2018

PL-16-03379 Appeal

24

In conclusion, we are asking you to grant the appeal and reverse the PB's decision.

Thank you of your time and consideration.

Hannah Tyler

From: Hannah Tyler
Sent: Tuesday, July 10, 2018 10:49 AM
To: Council_Mail
Cc: Diane Foster; Mark Harrington; Polly Samuels-McLean; Bruce Erickson; Michelle Kellogg
Subject: PUBLIC COMMENT - FW: hearing for 424 woodside

Honorable Mayor and Council,

Please see the public comment below regarding the Appeal of Historic Preservation Board's Decision at 424 Woodside Avenue. This Appeal is scheduled for this Thursday's meeting (last item on the agenda). I will also provide hard copies of the email at the meeting for your review.

Respectfully,
Hannah

Hannah M. Tyler | Planner
Park City | Planning Department
445 Marsac Avenue | P.O. Box 1480
Park City, UT 84060-1480
(435) 615-5059

-----Original Message-----

From: Deric Hopkins [mailto:dhoppy@comcast.net]
Sent: Monday, July 09, 2018 4:51 PM
To: Hannah Tyler
Subject: hearing for 424 woodside

Dear Hannah—I am unable to attend the hearing for the the redo at 424 woodside. I would like you to know that i am against the purpose project as presented. i do not feel it is a project that lends its self to the area and i understand that it is to be a triplex which is totally unacceptable. parking is all ready a problem on the street and this would only add to it. please enter my vote AGAINST this appeal. thank you—charles hopkins —409 woodside—801-580-4733

424 WOODSIDE AVENUE

Appeal of
Historic
Preservation
Board Denial
July 12, 2018



OVERVIEW

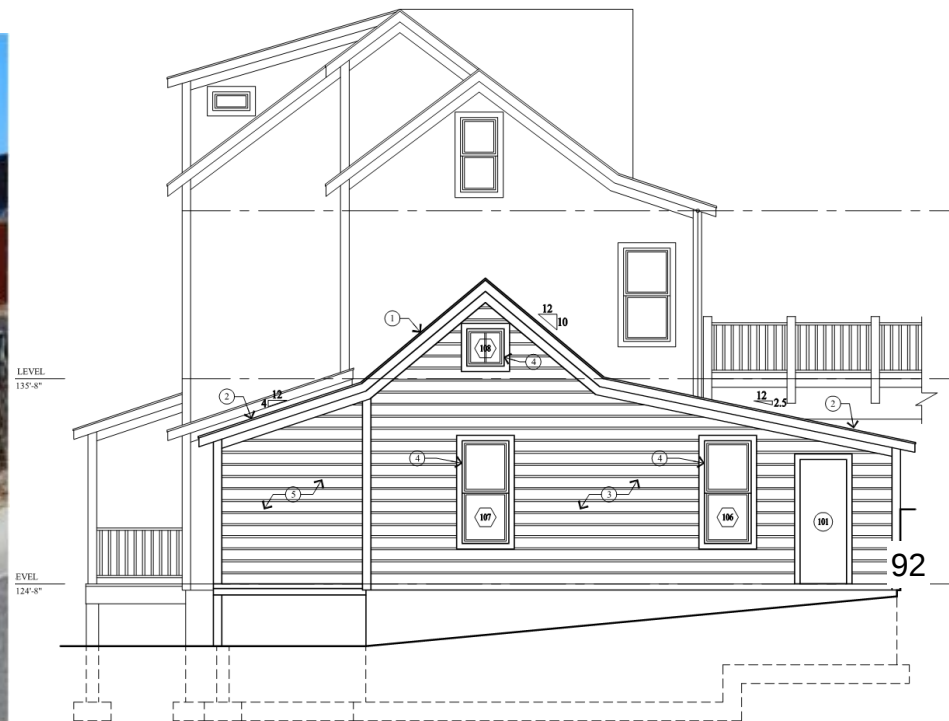
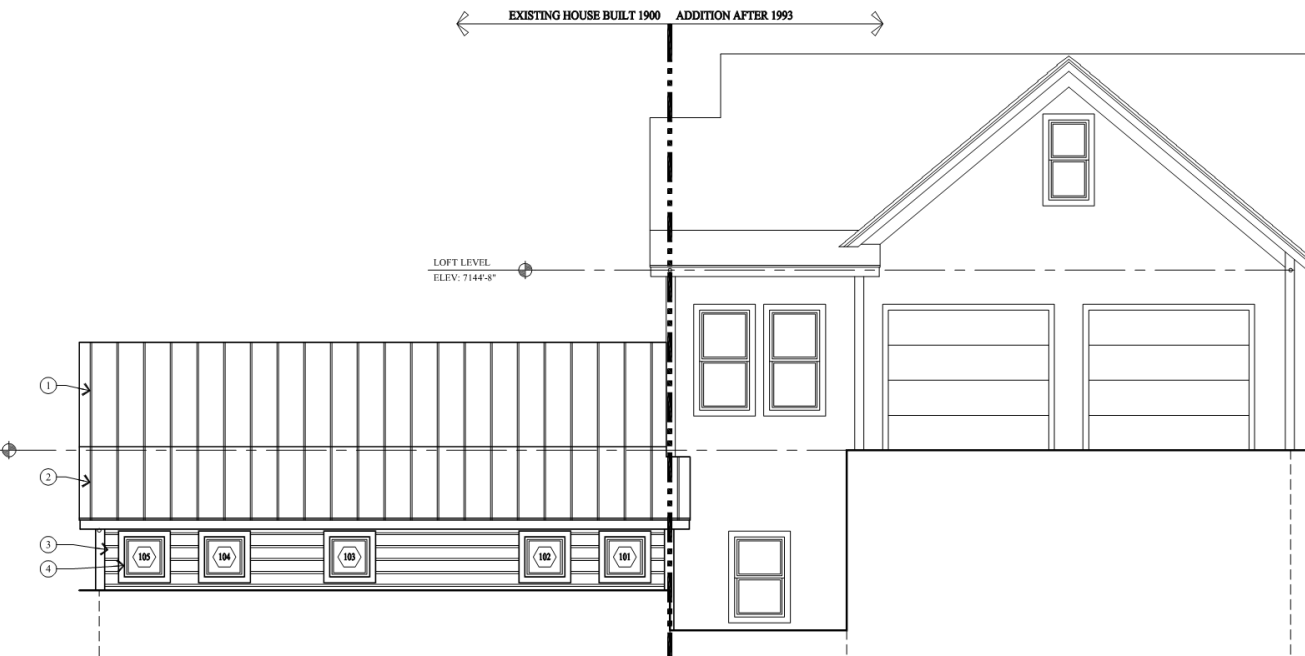
- Significant Site
- The Historic Structure currently faces east towards Main Street.
- Current Proposal:
 - Reorient towards Woodside Avenue
 - Lift the Historic Structure 7 feet 7 $\frac{3}{4}$ inches
 - Panelize the Historic Structure
 - Construct an addition on the new rear
 - Remodel existing Structure(s)
- HPB Determination:
 - Denied with 5 – 1 vote

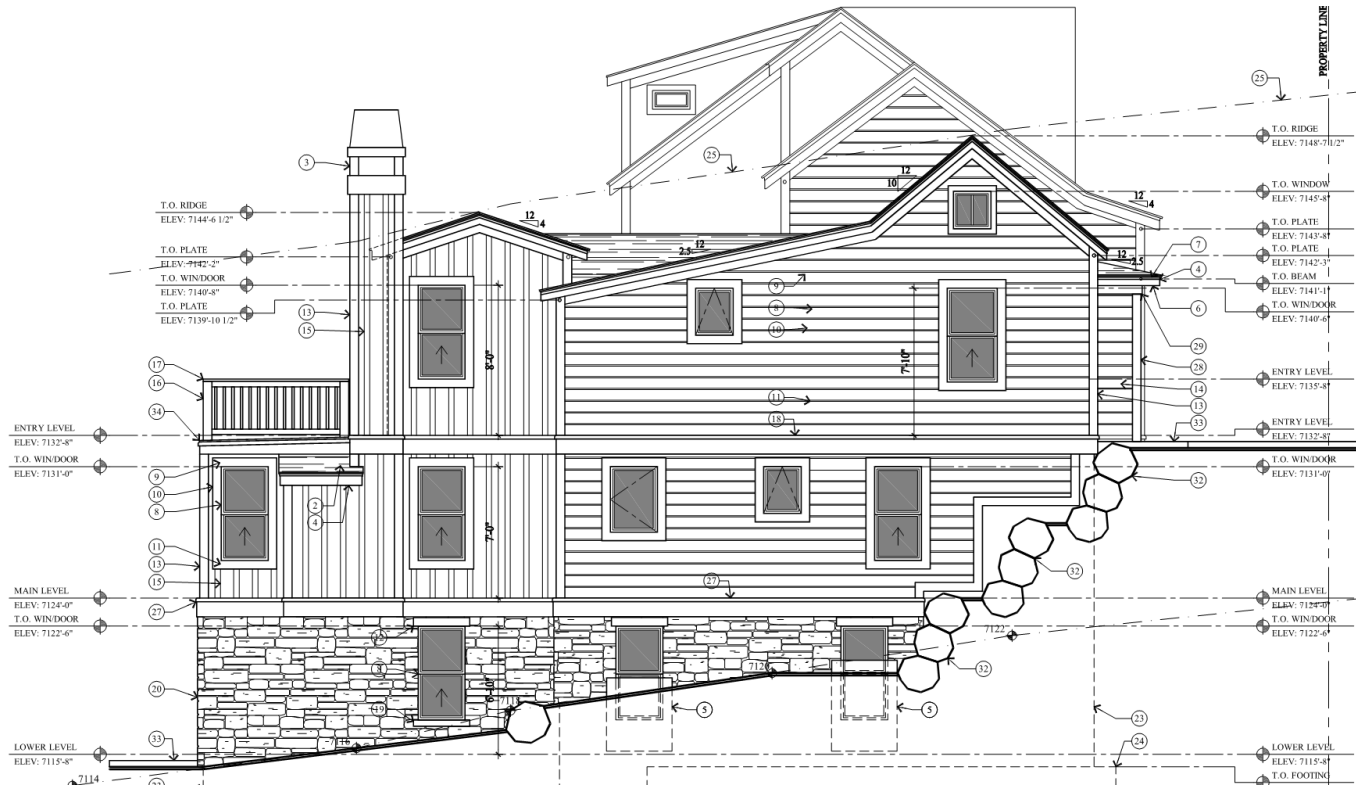
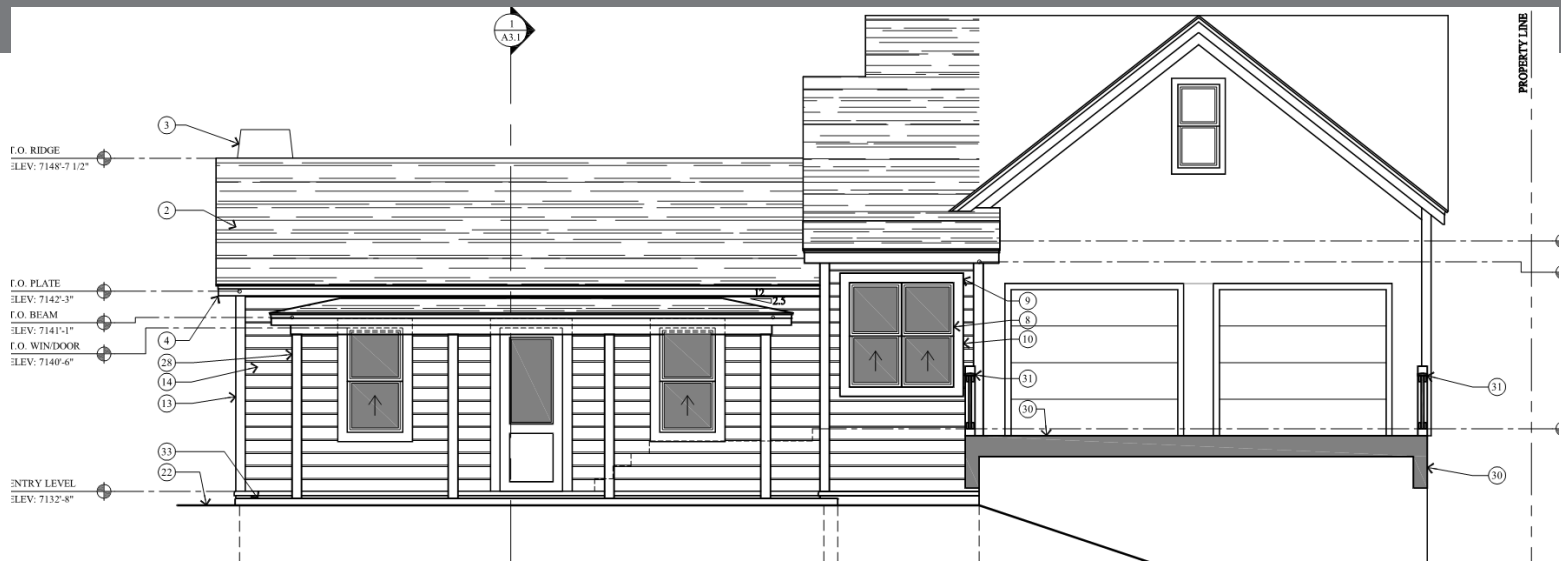


ca. 1941 tax photograph



current photograph





PAST APPLICATIONS

- **1993:**
 - South Addition creates Duplex (garages and living space)
- **2005:**
 - Plat Amendment combining the three (3) existing lots into one (1) Legal Lot of Record
- **2011:**
 - HDDR Denied for reorientation, lifting, addition, and remodel
 - Variance Denied for Height and Setback Exception



STAFF ANALYSIS RE: APPELLANT ISSUE #1

- ***The HPB did not err in their analysis of the site. The HPB did not apply the Landmark Criteria instead of the Significant Criteria.***

Historic Preservation

- Age
- Significance within a historic context
- Integrity to convey that significance in the seven aspects of:
 - Location
 - Design
 - Setting
 - Materials
 - Workmanship
 - Feeling
 - Association

In other words...

LDSMWFA = historic characteristics

All properties, whether Landmark or Significant, will retain historic characteristics.

Landmark (retains most) = Integrity

Significant (retains one or a few) = Essential Historic Form

Essential Historic Form

- LMC 15-15: The physical characteristics [or historic characteristics, or aspects of integrity] of a structure that make it identifiable as existing in or relating to an important era in the past. These physical characteristics include, but are not limited to, the structure's form, roof forms, window and door configuration, and materials [and location, setting, and design].

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property:

Address: 424 Woodside Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: 424-WS-1

Current Owner Name: Heather Berkley

Parent Parcel(s): PC-66

Current Owner Address: 9308 Tournament Canyon Drive, Las Vegas, NV 89144

Legal Description (include acreage): 0.13 acres; LOT 1 424 WOODSIDE AVENUE SUBDIVISION.

2 STATUS/USE

Property Category

- ☒ building(s), main
☐ building(s), attached
☐ building(s), detached
☐ building(s), public
☐ building(s), accessory
☐ structure(s)

Evaluation*

- ☐ Landmark Site
☒ Significant Site
☐ Not Historic

Reconstruction

- Date:
 Permit #:
☐ Full ☐ Partial

Use

- Original Use: Residential
 Current Use: Residential

- *National Register of Historic Places: ☒ ineligible ☐ eligible
☐ listed (date:)

3 DOCUMENTATION

Photos: Dates

- ☒ tax photo:
☒ prints: 1995 & 2006
☐ historic: c.

Drawings and Plans

- ☐ measured floor plans
☐ site sketch map
☐ Historic American Bldg. Survey
☐ original plans:
☐ other:

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
☒ tax card
☐ original building permit
☐ sewer permit
☒ Sanborn Maps
☐ obituary index
☐ city directories/gazetteers
☐ census records
☐ biographical encyclopedias
☐ newspapers
☒ city/county histories
☐ personal interviews
☐ Utah Hist. Research Center
☐ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☐ Park City Hist. Soc/Museum
☐ university library(ies):
☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.
 Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.
 McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.
 Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.
 Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Hall-Parlor / Vernacular style

No. Stories: 1 & 1 ½

Additions: ☐ none ☐ minor ☒ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☐ structure(s), # ____.

General Condition of Exterior Materials:

Researcher/Organization: Dina Blaes/Park City Municipal Corporation Date: November, 08

2 STATUS/USE

Property Category

- ☒ building(s), main
- ☐ building(s), attached
- ☐ building(s), detached
- ☐ building(s), public
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- Date:
Permit #:
☐ Full ☐ Partial

Use

Original Use: Residential
Current Use: Residential

*National Register of Historic Places: ☒ ineligible ☐ eligible
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☐ newspapers
☒ city/county histories
☐ personal interviews
☐ Utah Hist. Research Center
☐ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☐ Park City Hist. Soc/Museum
☐ university library(ies):
☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

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 Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.
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4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Hall-Parlor / Vernacular style

No. Stories: 1 & 1 1/2

Additions: ☐ none ☐ minor ☒ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☐ structure(s), # ____.

General Condition of Exterior Materials:

Researcher/Organization: Dina Blaes/Park City Municipal Corporation Date: November, 08

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Hall-Parlor / Vernacular style

No. Stories: 1 & 1 ½

Additions: ☐ none ☐ minor ☒ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☐ structure(s), # ____.

General Condition of Exterior Materials:

- ☒ **Good** (Well maintained with no serious problems apparent.)
- ☐ **Fair** (Some problems are apparent. Describe the problems.):
- ☐ **Poor** (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- ☐ **Uninhabitable/Ruin**

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Site drops sharply from the finished roadway. Includes mature trees and shrubs.

Foundation: Assumed to be concrete based on an early photograph.

Walls: Clad in wood drop siding and corner boards.

Roof: Side gable with long rear shed extension is sheathed in metal standing seam material.

Windows: Windows include small fixed casement windows on the rear elevation and doubled-hung wood units on the side.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame hall-parlor house has been modified significantly. A 1978 Structure/Site form indicates possible minor additions the original house, but pre-1995 a large addition was constructed to the south. The changes to the original house are minor but the construction of such a large side addition diminishes the site's original character.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has been significantly altered by the construction of a 1 ½ story addition to the south side of the original structure. The addition includes a two-car garage and large paved parking area.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Though the physical evidence from the period that defines this as a typical Park City mining era house--the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes--remain on original part of the house.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, do not effectively convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The Hall-Parlor house form is the earliest type to be built in Park City and one of the three most common house types built in Park City during the mining era; however, the extent of the alterations to the main building diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1900¹

Builder: ☒ Not Known ☐ Known: (source:)

¹ Summit County Tax Assessor.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame hall-parlor house has been modified significantly. A 1978 Structure/Site form indicates possible minor additions the original house, but pre-1995 a large addition was constructed to the south. The changes to the original house are minor but the construction of such a large side addition diminishes the site's original character.

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The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places.

The Miner's Test

Landmark

“Wow, there’s my house!”

Significant

“Hey, check it out, I can’t believe what they’ve done to it but I’m almost sure that’s my house.”

424 Woodside Avenue

The only historic characteristics left are location and, to a lesser degree, setting and design.

If it is rotated and lifted 7 feet, will the miner recognize it?

Will the house need to be removed from the Historic Sites Inventory?

STAFF ANALYSIS RE: APPELLANT ISSUE #2

- *The HPB did not err in finding that the proposal did not comply with 15-11-13 Relocation and/or Reorientation of a Historic Building of Historic Structure, specifically (A)(3)(c)(1) through (4).*

LMC 15-11-13

(A)(3)(c) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site. Unique conditions shall include **all** of the following:

- 1) The historic context of the Historic Building(s) and/or Structure(s) has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic Building(s) and/or Structure(s) and the Historic District or its present setting; and

Does not comply:

- *Maintains relationship to earlier setting through its orientation and position on a shallow terrace below street level*
- *The setting is important in the development pattern of the Historic District.*

LMC 15-11-13

(A)(3)(c)(2)The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and

Does not comply:

- *Reorientation/Relocation will diminish the overall physical integrity and the site's association with important development patterns of the Historic District*

LMC 15-11-13

(A)(3)(c)(3) The historical integrity and significance of the Historic Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; and

Does not comply:

- *Will remove the last few historic character-defining features the site retains which contribute to its significance*
 - *Context, setting and materials*

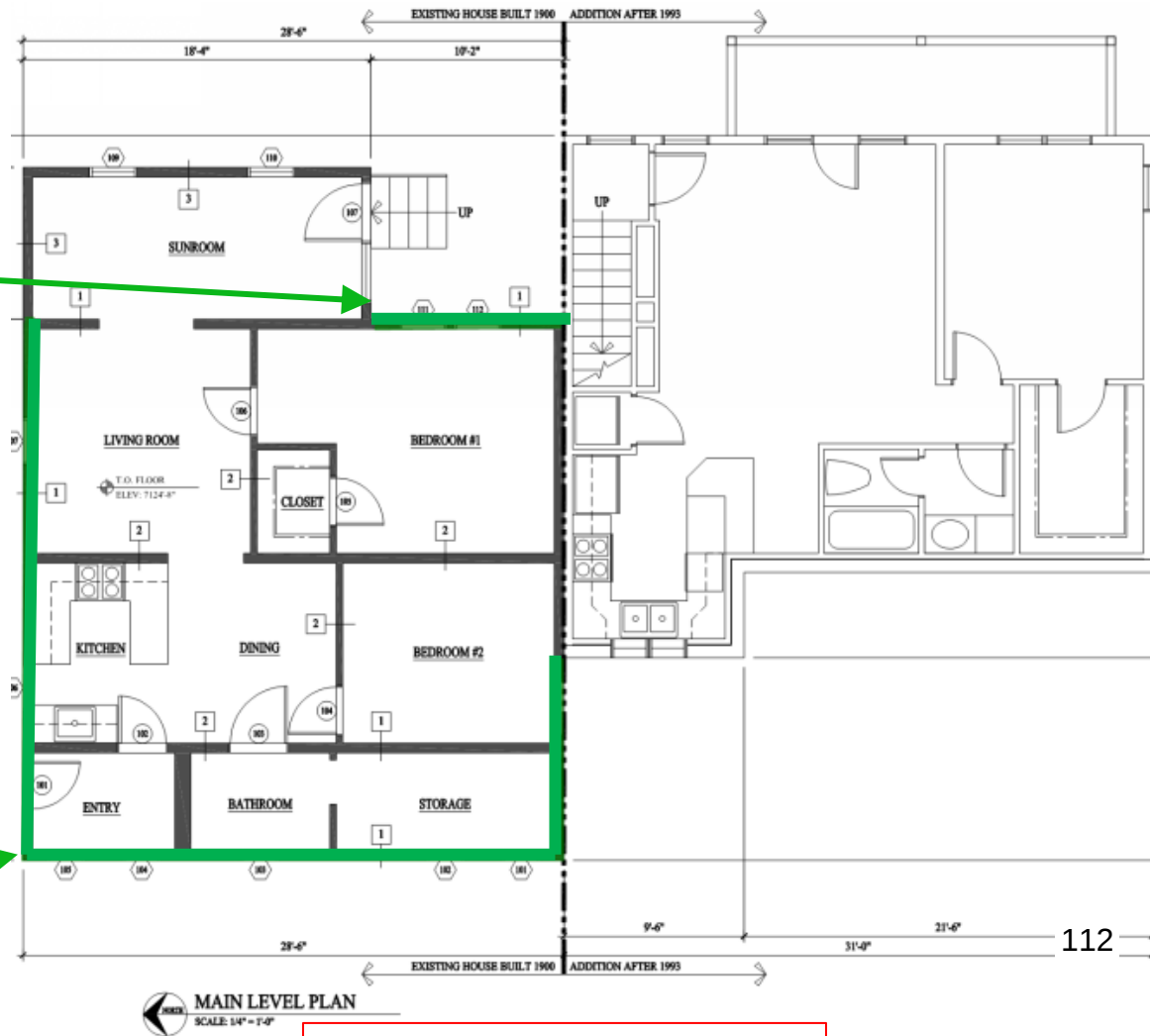
LMC 15-11-13

(A)(3)(c)(4) The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation.

Does not comply:

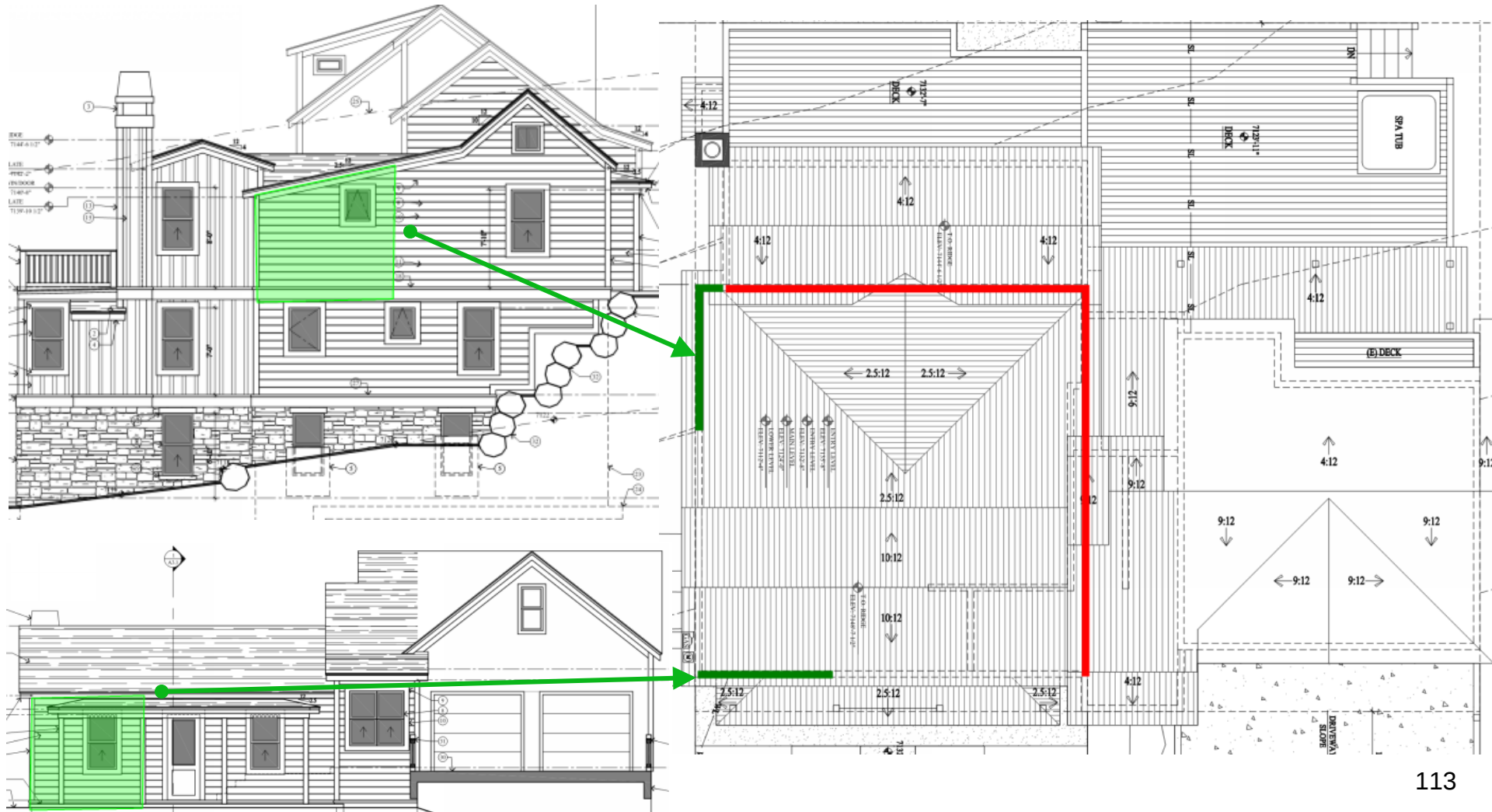
- Restoration can occur without the need for reorientation and further loss of Historic material.
- The applicant can maximize development (maximum footprint, heights, etc.) in current location and siting

Current Structure with Historic Material Identified



Green: Historic Material

Proposal with Historic Material Identified



113

Green: Historic Material Maintained Red: Historic Material Lost

STAFF ANALYSIS RE: APPELLANT ISSUE #3

- ***The HPB did not err when it reference the 2011 HDDR and Variance applications.***
 - Staff provides a detailed site history, including past applications, in the staff reports of all land use applications.
 - Staff included the application history for the HPB staff report like we do for every property.
 - The HPB did not rely on the findings of any previous application.

STAFF ANALYSIS RE: APPELLANT ISSUE #4

- ***The HPB did not err in their assessment and findings that the proposal did not comply with LMC 15-11-13(A)(3)(b).***

LMC 15-11-13

(A)(3)(b) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

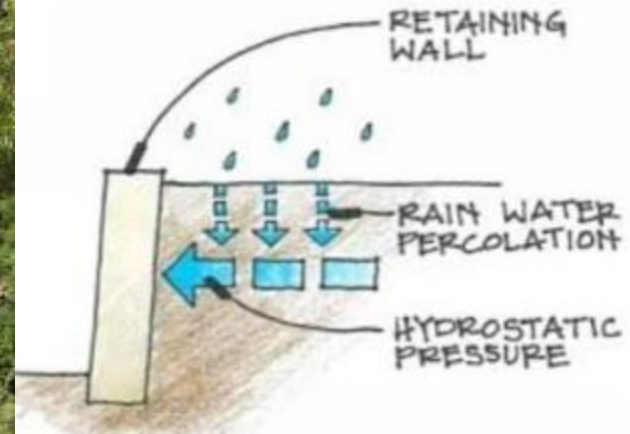
Does not comply:

- *There are no hazardous conditions that cannot be reasonably mitigated in the Historic Structure's current location.*
- *Due to material loss and loss of the site context, preservation will not be enhanced.*

“Hazardous Condition” vs. Dangerous Building

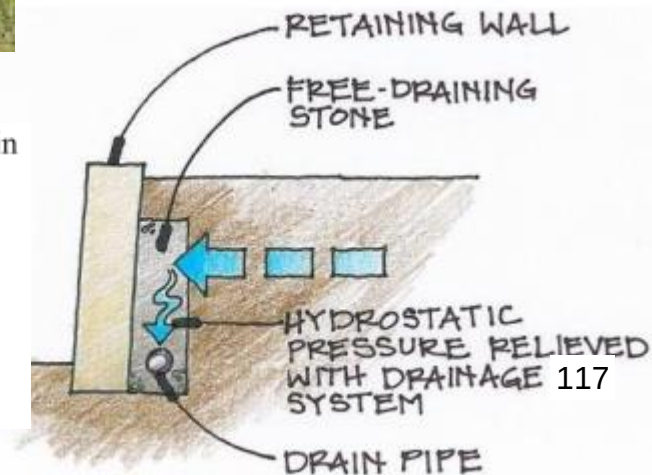
- *Although “Hazardous Condition” is not defined by the building code, the term “Dangerous” which can be used synonymously is defined as:*
 - *“Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:*
 - *The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.*
 - *There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under service loads.*
- *Dangerous Building is any building or structure deemed to be dangerous under the provisions of Section 302 of the Abatement of Dangerous Buildings Code.*
- *Section 302 has 18 criteria which would deem a building dangerous. None of these criteria are descriptive of the 424 Woodside property.*
- *Additionally, section 116.1 of the International Building Code states:*
 - *“...Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be 116 deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section*”

Drainage Damage Repair History



The Rational equation is the simplest method to determine peak discharge from drainage basin runoff. Rational Equation: $Q=c*i*A$
The Rational equation requires the following units: Q = Peak discharge, cfs.

Q = Peak discharge
 c = Weighed runoff coefficient
 I = Rainfall intensity
 A = Drainage Area



Snow Accumulation

- *As noted in the supplemental report from Alliance Engineering a large majority of the snow accumulates on the west facing roof and will fall to the ground as the metal roof warms throughout the day. The concern of falling snow can be alleviated by installing a snow retention system similar to those installed throughout the City. This will retain the snow on the roof and only allow melted snow to drip to the ground when it melts. Once melted a drainage system as proposed in the original engineering letter would be able to deter the water away from the structure.*



STAFF ANALYSIS RE: APPELLANT ISSUE #5

- ***The HPB did not err by not making a determination on the proposed panelization.***
 - After the HPB's July 19, 2017 Continuance, the Project Architect requested that the panelization be removed from the staff report(s).
 - The applicant did not change its request to delay the review of panelization either to staff or the HPB, and never requested a decision on panelization before the HPB.

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Resolution

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve Resolution 21-2018, a Proclamation Declaring the Year of 2018 as "Great Salt Lake Council 100th Scouting Anniversary Year"

(A) Public Input (B) Action

Suggested Action:

Attachments:

[Boy Scouts Staff Report](#)

[Scouting Resolution](#)



City Council Staff Report

Subject: Boy Scouts of America 100th Anniversary Proclamation

Author: Michelle Kellogg and Diane Foster

Department: Executive

Date: August 2, 2018

Type of Item: Legislative

Summary Recommendation

Consideration to pass a resolution proclaiming 2018 as the 100th Scouting Anniversary Year for the Boy Scouts of America "Great Salt Lake Council."

Executive Summary

Boy Scouts of America (BSA) was formed in 1910 and was incorporated in Utah in 1918. The goal of this organization has been to instill moral and ethical values in young people. Over the years, thousands of volunteer hours have been spent by leaders and youth to to serve others in the community.

Staff finds that this resolution and the organization support the community's Critical Priority of Social Equity and also the Top Priority of Citizen Wellbeing, especially in light of the BSA's announcement earlier this year that beginning in February of 2019, the Boy Scouts program for youth ages 11-18 will change its name to Scouts BSA and will, for the first time, welcome girls to join the organization.

Alternatives for City Council to Consider

- 1. Recommended Alternative:** Staff recommends that Council approve a resolution proclaiming the 100th Anniversary of the Great Salt Lake Council of Boy Scouts of America.

Pros

- a. The resolution demonstrates the City's support of the Boy Scouts of America
- b. The resolution promotes volunteerism and the value of children in the community.
- c. Supporting this resolution could result in increased volunteers and awareness in the community.

Cons

- a. No increase in volunteers or awareness for the Boy Scouts of America.

Consequences of Selecting This Alternative

- a. Supporting this resolution will demonstrate that the City values young people in the community.

Department Review

Legal and Executive Departments

Funding Source

There are no commitments associated with this resolution.

Resolution 21-2018

A PROCLAMATION DECLARING THE YEAR OF 2018 AS “GREAT SALT LAKE COUNCIL 100TH SCOUTING ANNIVERSARY YEAR”

WHEREAS, in 1918, the **GREAT SALT LAKE COUNCIL** of Boy Scouts of America was formed as part of the Scouting Movement all across America and the World; and

WHEREAS, beginning with its incorporation on February 8, 1910, the mission of the Boy Scouts of America has been to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law which among other things states the pledge to "do duty to God and our Country and to help other people at all times"; and

WHEREAS, the success of Scouting has been a culmination of many hours of selfless volunteerism by many leaders, and community organizations whose ideas and generosity help shape the lives of many youth; and

WHEREAS, there are currently 333 Cub Scouts and 679 Scouts currently enrolled within 57 Scouting Units in the Park City area; and

WHEREAS, thousands of service hours have been contributed by scouts and leaders to Park City and its residents; and

WHEREAS, the Great Salt Lake Council of the Boy Scouts of America and its corps of dedicated volunteer leaders are providing necessary support to the leaders in the Cub Scout Packs and Boy Scout Troops,

NOW, THEREFORE, The Park City Council hereby proclaims the year of 2018, as 'Great Salt Lake Council Scouting 100th Anniversary Year' and encourages all citizens to join in congratulating the many volunteer leaders, parents, church and community organizations who have generously allowed bringing this values-based program to our young people for the past 100 years, and many more to come.

PASSED AND ADOPTED this 2nd day of August, 2018.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

ATTEST:

Michelle Kellogg, City Recorder

APPROVED TO FORM:

Mark D. Harrington, City Attorney

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Discuss Potential 2018 Treasure Hill & Armstrong General Obligation Open Space Bond
(A) Public Input

Suggested Action:

Attachments:

[Treasure Hill & Armstrong Bond Staff Report](#)

[Exhibit A: Bond Timeline](#)

City Council Study Session Report

Subject: 2018 Treasure Hill & Armstrong GO Open Space Bonds
Author: Nate Rockwood & Matthew Dias
Department: Budget, Debt, & Grants
Date: August 2, 2018
Type of Item: Administrative- Consideration of Bond Parameters

Summary Recommendation

1. Reduce the Treasure Hill bond amount from \$50.7 million down to \$48 million.
2. Provide policy direction on whether to combine the Treasure Hill Bond with the potential Armstrong open space purchase in order to determine a final bond amount and return on August 16, 2018, with a Bond Resolution.

Executive Summary

An additional \$2.7M in reductions are available to lower the Treasure Hill Bond amount to \$48M. The total reductions are now \$16M as a result of delaying and cutting capital projects. The additional \$2.7M in savings:

- \$1.0M – Bond premium;
- \$1.0M – Sale of property/asset; and
- \$700k – Surplus (FY2018 year-end).

At the July 19 Council meeting, considerable public input was provided in favor of combining Treasure Hill and Armstrong into one open space bond. Staff also received feedback that combining the initiatives may cause unnecessary confusion. Subsequently, staff evaluated two pathways that both capitalize on the City's strong financial position, additional debt capacity, and continue to support the acquisition of Armstrong. Staff is confident we can responsibly execute either scenario:

1. Combined Treasure Hill & Armstrong bond for \$48 million:
 - a. All available funding from the open space portion of the Resort Sales Tax (\$3M) is applied immediately to the Treasure purchase.
 - b. The average primary household property tax increases by \$194.00 annually or \$353.00 for a non-primary household over 15 years.
 - c. If Armstrong cannot be acquired ([Utah Open Lands Information](#)), \$3M in GO/property tax debt would not be issued, resulting in a final lower Treasure Bond at \$45 Million.
 - d. This scenario supports purchase of both properties, yet provides maximum financial flexibility in the event that Armstrong is unavailable.
2. Treasure Hill Bond for \$48M:
 - a. The average primary household property tax would increase by \$194.00 annually or \$353.00 for a non-primary household over 15 years, irrespective of Armstrong.
 - b. Separately, Council resolves to support Utah Open Lands (UOL) and COSAC

- to pursue Armstrong with the Resort Sales Tax revenues (\$3M):
- c. Retains the \$3M allocation in reserve for Armstrong unless otherwise directed.

Background

The FY19 budget process included a significant focus on the Treasure Bond amount - between \$50M and \$55M. Council adopted a budget with \$50.7M for Treasure, after identifying \$13.3M from delayed CIP projects and additional Resort Tax revenue.

On July 12, 2018, UOL presented Council with a potential preservation plan of 19 acres owned by the Armstrong's located near Thaynes Canyon Drive. The total cost for Armstrong is \$6M, with a request that the City match contributions up to \$3M. The City would receive dedicated open space land for the contribution and additional conservation easements in partnership with UOL, and prevent the development of 49 single family homes.

Analysis

The following analysis details a \$48M bond scenario using all available open space funding allocated as part of the 10-year additional Resort Sales Tax:

Figures are based on the newly certified 2018 property tax base and the estimated base and bond rates for 2019.

General Obligation Bonds (GO) \$48 Million		
Bond Amount:	\$	48,000,000
Estimated Annual Debt Service:	\$	4,118,467
Rate Needed:		0.000442
Property Tax Increase (City)		22.8%
Amount per \$100,000 of Taxable Value	\$	44
Example of Tax on Average Primary Residence \$799,214		
Home Assessed Value	\$	799,214
Taxable Value (Primary 55%)	\$	439,568
Current Property Tax (City)	\$	850
PT with Increase	\$	1,044
Total Difference (New Tax for Bond)	\$	194
Tax on Business or Second Residence of the same size - \$799,214		
Assessed Value	\$	799,214
Taxable Value (Primary 55%)	\$	799,214
Current Property Tax (City)	\$	1,546
PT with Increase	\$	1,899
Total Difference (New Tax for Bond)	\$	353

Funding Strategy for \$48 million GO bond:

On July 19, 2018, staff presented a potential joint Treasure Hill and Armstrong concept. Council considered the options and asked for additional community input. Council also directed staff to continue to explore additional funding options to lower the bond amount. Staff recommends the additional funding sources to achieve a \$48M bond:

- 1) **\$700K Year-End Surplus:** The City's FY18 surplus is estimated to be between \$600K and \$800K.
- 2) **\$1.0M Asset Proceeds:** The City is in selling land to another local governmental entity for public safety purposes and closing in FY19.
- 3) **\$1.0M Bond Premium:** Bond counsel estimates a minimum bond premium of \$1M for a bond of \$48M or more.
- 4) **\$3.0M Resort Sales Tax:** Allocates all remaining funding from the Resort Sales Tax 10-year plan. This funding source would only be applied to Treasure if Armstrong is unavailable.

Department Review

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

Summary Recommendation

1. Staff is pleased to report back to Council that the Treasure Hill bond can be reduced from the previously determined \$50.7 million down to \$48 million.
2. Provide policy direction on whether to combine the Treasure Hill Open space purchase with the potential Armstrong open space purchase in order to determine a final bond amount and return on August 16, 2018, with a formal Bond Resolution.

Attachments

Attachment A = Proposed Bond Timeline

[July 19, 2018 Staff Report – City Council Meeting](#)

Proposed Treasure Bond Timeline

On August 16, staff will return to Council with a bond resolution for the GO bond amount and ballot initiative language. The following timeline outlines key dates:

- Aug. 16, 2018 Bond Resolution - 75 days prior to election date –Council must approve a resolution submitting the question of the issuance of the bonds to the voters.
- The resolution must include:
 - o The ballot proposition language,
 - o Dollar amount (sizing) of the bonds,
 - o The maximum maturity of the bonds.
- September - The resolution would be followed by a series of public hearings and notices of the bonds in September.
- Between September 24 - October 24 - A voter information pamphlet must be mailed to all city addresses. The voter information would also include the ballot proposition language, dollar amount of the bonds and the maximum maturity of the bonds, as well as the estimated annual property tax impact on a primary, secondary and business property related to the bonds.
- November 6, 2018 - GO Bond Election – Special Election on November 6, 2018 question of the issuance of the bonds to the voters. Bond will need to pass by a simple majority.
- November - March – If the bond passes, proceed with issuance and sale of bonds. Closing by April 1, 2019.

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Laura Newberry

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve Ordinance 2018-45, an Ordinance Approving the Roadhouse Subdivision located at 1900 Park Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[1900 Park Avenue Staff Report and Ordinance](#)

[1900 Park Avenue Exhibits](#)

City Council Staff Report

Subject: Roadhouse Subdivision
Author: Laura Newberry, Planner
Department: Planning Department
Date: August 2, 2018
Type of Item: Legislative – Subdivision

Summary Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Roadhouse Subdivision located at 1900 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Poly Bros. LLC
Location: 1900 Park Avenue
Zoning: General Commercial (GC) and Frontage Protection Zone (FPZ)
Adjacent Land Uses: Commercial
Reason for Review: Plat Amendments require Planning Commission review and City Council approval.

Proposal/Executive Summary

The proposed Roadhouse Subdivision seeks to convert a metes and bounds parcel (SA-224-H) into one legal lot of record. The proposed subdivision creates one lot, approximately 44,866.8 square feet in size. There is an existing restaurant, Squatter's Roadhouse Grill, at this address.

On July 11, 2018, the Planning Commission reviewed the proposed Subdivision and forwarded a unanimous positive recommendation to City Council (see [Planning Commission July 11, 2018 Audio](#)).

Acronyms

CUP Conditional Use Permit
FEMA Federal Emergency Management Agency
FPZ Frontage Protection Zone
GC General Commercial
MS4 Municipal Separate Storm Sewer System

Background

On May 24, 2017, a Conditional Use Permit (CUP) was issued to allow improvements within the Frontage Protection Zone (FPZ). One of the Conditions of Approval (#11) required the applicant submit and record a Subdivision creating a legal lot of record prior to receiving a Certificate of Occupancy for the proposed improvements. For a complete background, see the [Planning Commission Staff Report \(pg. 68\)](#).

The Planning department received a Plat Amendment application to create a one-lot Subdivision at 1900 Park Avenue. On June 12, 2018, the Plat Amendment application was complete.

Analysis

On July 11, 2018, the Planning Commission reviewed the proposed Subdivision and forwarded a unanimous positive recommendation to City Council (see [Planning Commission July 11, 2018 Audio](#)).

The purpose of this subdivision is to convert one existing metes and bounds parcel into one legal lot of record. This subdivision is required as a conditional of approval for the CUP issued for improvements to the existing Restaurant use at this location (see Background section of the [Planning Commission Staff Report pg. 68](#)). The proposed lot will be approximately 44,866.8 square feet.

There are no Lot Size requirements within the GC Zone. The proposed Subdivision meets the requirements of the GC zone, including setbacks and building height.

Table 1: GC Zone Requirements

	GC Zone Setbacks	Proposed Setbacks
Front Setback	20 feet	51 feet
Rear Setback	10 feet	23 feet
Side Setback	10 feet	79 feet

The project is located within the FPZ, which requires all structures to be at least thirty feet from the nearest highway Right-of-Way. The FPZ also requires a CUP for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing CUP for Site improvements and an additional outdoor deck.

Good Cause

Staff finds good cause for this subdivision in that it will convert an existing parcel into a legal lot of record. There are four existing Easements recorded that will also be memorialized through the recordation of this Subdivision. The existing Conditional Use Permit contains a Condition of Approval that the applicant must convert the parcel to a legal lot of record in order to maintain the CUP approval.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18. A

Department Review

This project has gone through an interdepartmental review. The Engineering Department requested several dimensions to be labeled on the Plat to occur during redlines after this application has been approved by City Council. They have also requested a five foot (5') snow storage easement to be added along Park Avenue.

While the typical snow storage easement is ten feet (10'), the Engineering Department has determined that a five foot (5') easement would be sufficient and would not encroach into the existing parking spaces. The property is subject to Municipal Separate Storm Sewer System (MS4) Requirements and is located within the Federal Emergency Management Agency (FEMA) Flood Zone X (See Exhibit G).

Notice

On June 27, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on June 23, 2018, according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives for City Council to Consider

- The City Council may approve the Roadhouse Subdivision, located at 1900 Park Avenue; or
- The City Council may deny the Roadhouse Subdivision, located at 1900 Park Avenue, and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Roadhouse Subdivision, located at 1900 Park Avenue, and request additional information or analysis in order to make a recommendation; or
- The City Council may remand the Roadhouse Subdivision, located at 1900 Park Avenue, to the Planning Commission with specific direction.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

The subject property would remain as one metes and bounds parcel, and the existing commercial building would remain, but the proposed site improvements under the CUP could not occur.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Roadhouse Subdivision and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Attachment 1 – Proposed Subdivision

Exhibit B – Existing Survey

Exhibit C – Aerial Photograph

Exhibit D – Existing Plat

Exhibit E – Applicant’s Project Description
Exhibit F – Site Photographs
Exhibit G – FEMA Map

Exhibit A – Draft Ordinance

Ordinance No. 2018-45

AN ORDINANCE APPROVING THE ROADHOUSE SUBDIVISION LOCATED AT 1900 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1900 Park Avenue has petitioned the City Council for approval of the Subdivision; and

WHEREAS, on June 27, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 23, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on July 11, 2018, to receive input on subdivision; and

WHEREAS, the Planning Commission, on July 11, 2018, forwarded a unanimous positive recommendation to the City Council; and,

WHEREAS, on August 2, 2018, the City Council held a public hearing to receive input on the subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roadhouse Subdivision located at 1900 Park Avenue.

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

SECTION 1. APPROVAL. The Roadhouse Subdivision, 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 1900 Park Avenue.
2. The site consists of one metes and bounds parcel located south of the Snow Creek Crossing Subdivision.
3. There are four existing easements that will be memorialized with recordation of this Subdivision.
4. The property is in the General Commercial (GC) District.
5. The property is in the Frontage Protection Zone (FPZ).
6. The property is within the FEMA Flood Zone X.
7. There is an existing commercial building at this location.

8. On June 27, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on June 23, 2018, according to requirements of the Land Management Code.
9. The City received a Plat Amendment application for the Roadhouse Subdivision on May 18, 2018. The application was deemed complete on June 12, 2018.
10. The proposed plat will create a one-lot subdivision measuring approximately 44,866.8 square feet in size.
11. The existing building was constructed in approximately 1977.
12. The existing commercial building is currently used as a restaurant, which is an allowed use in the GC district.
13. In the GC District, the minimum front yard setback is twenty feet (20'). The existing building is located at least fifty-one feet (51') behind the front property line.
14. In the GC District, the minimum rear yard setback is ten feet (10'). The existing building is at least twenty three feet (23') from the rear property line.
15. In the GC District, the minimum side yard setback is ten feet (10') on each side. The existing building is at least seventy-nine (79') from the side property line.
16. In the FPZ, all structures shall be at least thirty feet from the nearest highway Right-of-Way. The existing structure is at least fifty-one feet (51') behind the nearest highway Right-of-Way.
17. In the FPZ, a Conditional Use Permit is required for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing Conditional Use Permit for site improvements and an additional outdoor deck which will comply with all Setback requirements.
18. The Transportation Planning Department identified a Public Trail that runs along the south and southeast boundaries of the Lot. The applicant shall grant and record a Public Trail Easement along the existing trail.
19. The proposed Subdivision will not cause undo harm to adjacent property owners.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Subdivision.
2. The Subdivision 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 Subdivision.
4. Approval of the Subdivision, 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 Planner, 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 subdivision 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 and an extension is granted by the City Council.

3. A five foot (5') wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
4. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lot.
5. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
6. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
7. A ten foot (10') wide public snow storage easement is required along the public street frontage of the Lot and Parcel.
8. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
9. No certificate of occupancy shall be issued on the proposed improvements until recordation of this plat.
10. The property is subject to MS4 storm water requirements, and a MS4 permit is required for all land disturbance activities.
11. An eight feet (8') wide Public Trail Easement for trail access shall be granted along the south and southeast boundaries of the Lot prior to Plat recordation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 2nd day of August, 2018.

PARK CITY MUNICIPAL CORPORATION

MAYOR ANDY BEERMAN

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

Attachment 1 – Proposed Plat

A detailed map of the area around the subject property. The map shows several streets: Saddle View Way, Snow Creek Drive, Park Avenue (SR-225), and Park City Golf Course. The subject property is highlighted with a thick black outline. Other features include a north arrow, a scale bar (1 inch = 500 feet), and various building footprints and green spaces. The map is oriented with North at the top.

KNOW ALL MEN BY THESE PRESENTS that, Poly Bros. LLC, a Utah limited liability company, owner of the herein described tract of land, hereby certifies that it has caused this subdivision plat to be made and hereby consents to the recordation of this subdivision plat.

ACKNOWLEDGMENT

On this _____ day of _____, 2018, Tim T. Polychronis personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, said that he is the Manager of Poly Bros. LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the ROADHOUSE SUBDIVISION.

Commission No:

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, together with easements, hereafter to be known as ROADHOUSE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Beginning at the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 89°44'00" East 227.39 feet along the section line; thence South 0°33'00" East 72.65 feet; thence East 50.00 feet; thence South 0°33'00" East 93.99 feet to a point on a 523.70 foot radius curve to the right (center bears North 37°50' West of which the central angle is 50°31'22"); thence along the arc of said curve 461.79 feet; thence South 80°57'22" East 134.45 feet to the point of beginning.

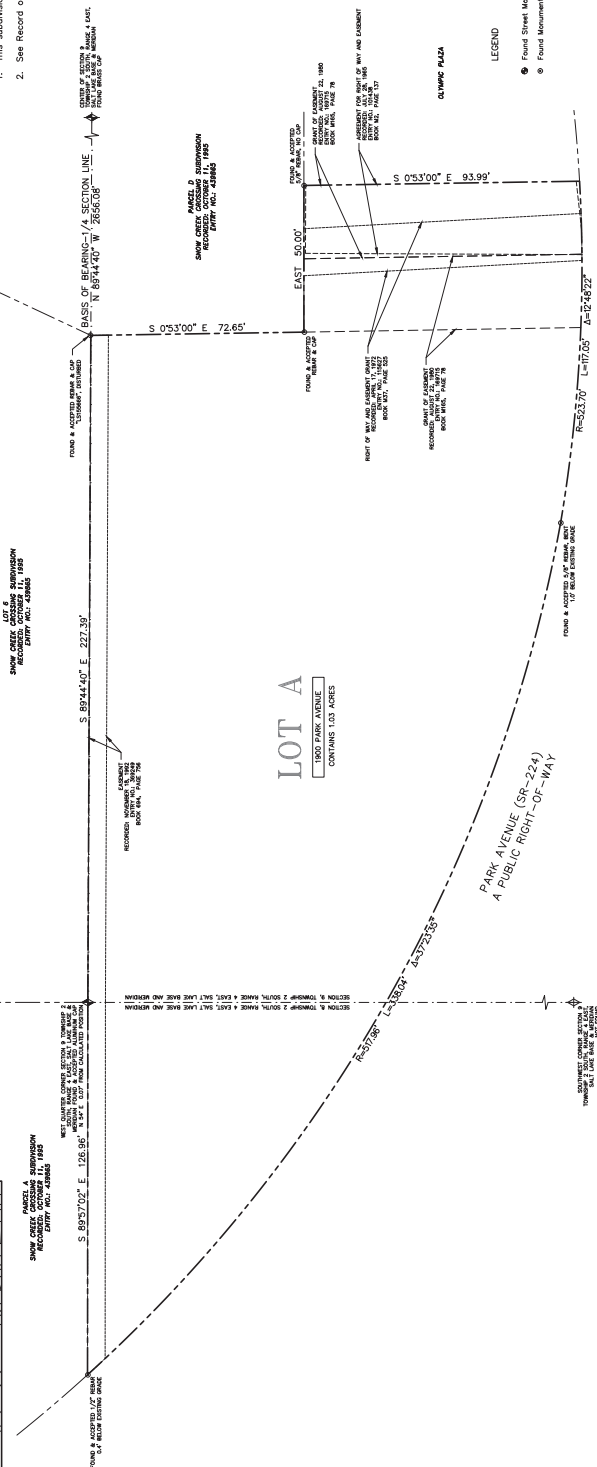
Less and excepting therefrom those portions conveyed to Utah Department of Transportation in that certain Special Warranty Deed recorded November 29, 1991 as Entry No. 350762 in Book 6636 at Page 23 more particularly described as follows:

A parcel of land in fee for the widening of State Route 224 known as Project No. 060, being part of an entire tract of property situate in the Northwest quarter of the Southwest quarter of Section 9 and Northeast quarter of the Southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as

Beginning at a Northwest corner of said entire lot, which point is 134.5 feet deep distance (146.72 feet southeast distance) North 89°57'09" West from the East quarter corner of said Section 8; thence South 89°57'09" West along the arc of a 222.96 foot radius curve to said Section 8; thence Southwesterly and Easterly 474.57 feet along the arc of a 222.96 foot radius curve to the point on the left (Note: Tangent to said curve at its point of beginning bears South 42°15'06" East); thence North 82°11'12" West 89.00 feet to a point of tangency with a 517.96 foot radius curve to the right; thence Westerly and Northwesterly 350.12 feet along the arc of a 517.96 foot radius curve to the Northern boundary line of said entire tract; thence North 89°57'02" West along the arc of said project on file in the office of the Utah Department of Transportation, to the official

NOTES

1. This subdivision plat is subject to the Conditions of Approval in Ordinance 2018-_____.
2. See Record of Survey S-_____ in the Summit County Recorder's Office.



ROADHOUSE SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8
AND THE SOUTHWEST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 18-4-18 FILE: X:\Prospector\dwg\ar\pld2018\180418.dwg

(435) 644-4467



CONSIDER ENGINEERS LAND PLANNERS SURVEYORS
322 Main Street P.O. Box 2664 Park City, Utah 84002-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018

BY _____ S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018

BY _____ CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018

BY _____ PLANNING CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2018

BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018

BY _____ MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018

OF _____

BY _____ PARK CITY RECORDER

FEE _____ TIME _____ DATE _____ RECORDER _____ ENTRY NO. _____



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
1 Main Street P.O. Box 3004 Port Of Spain TRINIDAD AND TOBAGO

Exhibit B – Existing Survey

I, Charles G. Gault, do hereby certify that I am a Professional Land Surveyor and that I hold certification No. 72408831 as prescribed under the laws of the State of Utah. I further certify that a license for this survey has been made under my direction of the lands shown on described heretofore. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in accordance with generally accepted industry standards for accuracy.

1. Field work for this survey was completed June 7, 2018.
2. The purpose of this survey was to create a supplemental Existing Conditions and Topographic Map to a previous Revised Survey by this surveyor as required by Fort City Municipal Corporation for the preparation of a subdivision plat.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. Elevation: Sanitary Sewer Mainline, Elev=6611.1' as shown.

STAFF:
CHARLES GALAT
RYAN BETZ
CHIP TOMSUDEN
TOM LUND

DATE: 6/12/18

Allstate Engineering Inc.
(415) 649-9400
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
122 West Street P.O. Box 1044 San Jose, CA 95128

Exhibit C – Aerial Photograph



(408) 644-4447

STAFF:
MARSHALL KING
PHOTO SET

2022 Photo Set
© 2022 Allstate Realty, Inc. All Rights Reserved

DATE: 5/4/18

AERIAL PHOTOGRAPH
SQUATTER'S ROADHOUSE GRILL
1900 PARK AVENUE

FOR: SALT LAKE BREWING CO., LC

JOB NO.: 18-4-18

FILE: K:\Prospect\veg\Plot\Enb\enb\Squatter's Roadhouse\Squatter's -ortho.dwg

SHEET
1
OF
1

Exhibit D – Existing Plat

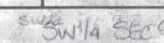


Exhibit E – Applicant’s Project Description

**Subdivision Plan Application - Project Statement/Scope of Work
Exhibit A**

April 25, 2018

Park City Planning Department
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Project Applicant:
Squatters Roadhouse Grill
1900 Park Avenue
Park City, UT 84098

Project Statement:

In 2006, Squatters Roadhouse Grill took over and renovated the old Mount Air Café, anchoring the northern entry corridor into Park City. Positioned within the Frontage Protection Zone a Conditional Use Permit was required for the renovation and was approved by the Planning Commission.

Then, in 2017 some upgrades were in store for a second outdoor dining patio, secondary entry/exit and a remodel/expansion of an existing restroom. Since the scope of work lies within the frontage protection zone once again a Conditional Use Permit was applied for and Approved by Park City Planning Commission on 5-24-17, Application No. PL-17-03528.

One of the Conditions of Approval for the Proposed Improvements is to create a new one-lot subdivision plat from the current metes and bounds parcel. Salt Lake Brewing Company on behalf of the property Owners, Poly Bros., LLC, is filing this application.

Exhibit F – Site Photographs

Subdivision Plan Application – Parcel Photographic Documentation

April 25, 2018

Park City Planning Department
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Project Applicant:
Squatters Roadhouse Grill
1900 Park Avenue
Park City, UT 84098

Exhibit D Item No. 6;
Photographic Views of Existing Parcel:



Figure 1a – project south elevation



Figure 1b – project south panoramic elevation



Figure 2a – on site project west elevation



Figure 2b – project west elevation



Figure 3 – on site project north elevation



Figure 4 – on site project east elevation

Exhibit G – FEMA Map



AREA OF MINIMAL FLOOD HAZARD
Zone X

49043001917C
eff. 3/16/2006
CITY OF PARK CITY
490139

0.2 PCT ANNUAL CHANCE FLOOD HAZARD
Zone X



MAP PANELS ☐ Digital Data Available ☒ No Digital Data Available ☒ Unmapped	OTHER AREAS ☐ NO SCREEN ☒ Area of Minimal Flood Hazard Effective LOMRs ☐ Area of Undetermined Flood GENERAL STRUCTURES --- Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall	SPECIAL FLOOD HAZARD AREAS ☐ Without Base Flood Elevation Zone A, V, X, Y, Z ☒ With BFE or Depth ☐ Regulatory Floodway Zone A	OTHER FEATURES ☐ 0.2% Annual Chance Flood of 1% annual chance flood depth less than one foot or areas of less than one square foot ☐ Future Conditions 1% Annual Chance Flood Hazard Zone X ☐ Area with Reduced Flood Risk due to Levee. See Notes. Zone X ☐ Area with Flood Risk due to Levee Zone X	20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation ☐ Coastal Transect ☐ Base Flood Elevation Line (BFE) ☐ Limit of Study ☐ Jurisdiction Boundary ☐ Coastal Transect Baseline ☐ Profile Baseline ☐ Hydrographic Feature	20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation ☐ Coastal Transect ☐ Base Flood Elevation Line (BFE) ☐ Limit of Study ☐ Jurisdiction Boundary ☐ Coastal Transect Baseline ☐ Profile Baseline ☐ Hydrographic Feature
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Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Anya Grahm

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve Ordinance 2018-46, an Ordinance Amending the Land Management Code of Park City, Utah, Chapter 15-1-18 Appeals and Reconsideration Process and Chapter 15-1-21 Notice Matrix
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[LMC Amendments Staff Report and Ordinance](#)

City Council Staff Report



Subject: Land Management Code Amendments
Author: Anya Grahn, Historic Preservation Planner
Department: PL-18-03870
Date: August 2, 2018
Type of Item: Legislative – Land Management Code Amendments for Appeals and Notice Matrix

Summary Recommendation

Staff recommends that the City Council review the proposed Land Management Code (LMC) Amendments to address Chapter 15-1-18 Appeals and Reconsideration Process as well as update Chapter 15-1-21 Notice Matrix to reflect the 30 day appeal period for Historic District Design Reviews (HDDR). This LMC amendment is consistent with the LMC Amendments adopted as [Ordinance 2017-42](#) in August 2017 that reflected changes in state law that went into effect on May 9, 2017.

Executive Summary

Staff is proposing to amend the Land Management Code (LMC) to revise Chapter 15-1-18 Appeals and Reconsideration Process to reflect that the appellant may choose to have City Council hear the appeal, rather than the Board of Adjustment (BOA). Staff is also proposes to amend Chapter 15-1-21 Notice Matrix to reflect the 30-day appeal period for 30-day appeal period on Historic District or Historic Site Design Reviews. These LMC amendments are consistent with the LMC Amendments adopted as [Ordinance 2017-42](#) in August 2017 that reflected changes in state law that went into effect on May 9, 2017.

Description

Proposal:	LMC amendments to update Appeal and Reconsideration Process to reflect the appellant's choice between City Council and Board of Adjustment as an appeal body as well as the Notice Matrix to reflect 30-day required appeal period for Historic District Design Reviews (HDDR).
Applicant:	Planning Department
Location:	Historic Zoning Districts [Historic Residential Low-Density (HRL); Historic Residential 1(HR-1); Historic Residential 2 (HR-2); Historic Residential-Medium Density (HRM); Historic Recreation Commercial (HRC); Historic Commercial Business (HCB)]; sites designated as Historic but outside the H-Districts
Reason for Review:	LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Acronyms

Board of Adjustment	BOA
Historic Residential Low-Density	HRL
Historic Residential 1	HR-1
Historic Residential 2	HR-2
Historic Residential-Medium Density	HRM
Historic Recreation Commercial	HRC
Historic Commercial Business	HCB
Land Management Code	LMC

Proposal

Staff is proposing to amend the Land Management Code (LMC) to revise:

- Chapter 15-1-18 Appeals and Reconsideration Process to reflect that the appellant may choose to have City Council hear the appeal, rather than the Board of Adjustment (BOA).
- Chapter 15-1-21 Notice Matrix to reflect the 30-day appeal period for 30-day appeal period on Historic District or Historic Site Design Reviews.

Background

The background of these LMC changes has been outlined in the July 11, 2018, Planning Commission report [see [Staff Report \(starting page 68\)](#) and [Audio](#)]. The Planning Commission unanimously forwarded a positive recommendation to City Council to approve these LMC amendments as revised to read:

15-1-18 Appeals And Reconsideration Process

(E) TIMING. All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority, which is a decision by Staff, regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, in which case the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. If the appellant chooses to have the City Council hear the appeal, the appellant must specify this in writing at the time the appellant submits the appeal. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Purpose

The Purpose of [LMC 15-5-5 Architectural Design Guidelines](#) is to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme. The proposed LMC amendments further these goals while seeking to find a balance between aesthetics and Solar Energy Systems, in part, to permit the City to achieve SolSmart Gold designation for our community.

Analysis

Staff has outlined our analysis of this topic in the July 11, 2018 Planning Commission [Staff Report \(starting page 68\)](#). The specific redlines to the LMC, as amended by Planning Commission, are outlined in the attached ordinance.

Process

On June 27, 2018, legal notice of a public hearing was posted in the required public spaces, on the Utah Public Notice website, and published in the Park Record. The Planning Commission continued the item on the June 13, 2018 meeting.

Department Review

Planning, Legal, and Executive Departments have all reviewed and provided input on this topic and staff report.

Notice

On June 27, 2018, legal notice of a public hearing was posted in the required public spaces, on the Utah Public Notice website, and published in the Park Record. The Planning Commission continued the item on the June 13, 2018 meeting.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The public hearing for these amendments was properly and legally noticed as required by the LMC. No public input has been received as of the date of this report.

Summary Recommendations

Planning, Building, Legal, and Executive Departments have reviewed this report.

Attachments

Exhibit A – Proposed Ordinance

Exhibit A – Proposed Ordinance

Draft Ordinance 2018-46

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, CHAPTER 15-1-18 APPEALS AND RECONSIDERATION PROCESS AND CHAPTER 15-1-21 NOTICE MATRIX

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 Utah state legislature made changes in 2017 that impacted the treatment of historic resources, including the required public noticing for such actions; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals and implementation of the General Plan; and

WHEREAS, June 23, 2018, legal notice was published in the Park Record as required by the Land Management Code; and

WHEREAS, the Planning Commission conducted a public hearing at the regularly scheduled meeting on July 11, 2018, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing at its regularly scheduled meeting on August 2, 2018; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1 (General Provision and Procedures), Section 15-1-18. The recitals above are incorporated herein as findings of fact. Section 15-1-18 of the Land Management Code of Park City is hereby amended as redlined (see Attachment A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1 (General Provision and Procedures), Section 15-1-21. The recitals above are incorporated herein as findings of fact. Section 15-1-21 of the Land Management Code of Park City is hereby amended as redlined (see Attachment B).

PASSED AND ADOPTED this 2nd day of August, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment A

15-1-18 Appeals And Reconsideration Process

- A. **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have the City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.
- B. **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.
- C. **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.
1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
 - b. Follow complex oral and written arguments and identify key issues of local concern.
 - c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
 - d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.
2. **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the “City Council” in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

D. **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
3. Any City official, Board or Commission having jurisdiction over the matter; and
4. The Owner of the subject Property.

E. **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority, which is a decision by Staff, regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. If the appellant chooses to have City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

- F. **FORM OF APPEALS.** Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.
- G. **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters. The appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. City Council, when acting as an appeal body for appeals of Historic Preservation decisions, may exercise only administrative authority.
- H. **NON-ADVERSARIAL PROCESS.** For all appeals before City Council, and any Board or Commission, the following shall apply:
1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
 2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
 3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent,

coherent and experienced advisers outweighs any claims of bias by the applicant.

- I. **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.
- J. **CITY COUNCIL ACTION ON APPEALS.**
 1. The City Council, with the consultation of the appellant, shall set a date for the appeal.
 2. The City Recorder shall notify the Property Owner and/or the Applicant of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.
 3. The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
 4. Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.
- K. **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Sections 15-1 -12 and 15-1-18 (K) herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.
- L. **NOTICE.** There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal. Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; notice of all appeals to City Council, reconsiderations, or call-ups shall be given by:

1. Publishing the matter once at least fourteen (14) days prior to the first hearing in a newspaper having general circulation in Park City;
2. Mailing courtesy notice at least fourteen (14) days prior to the first hearing to all parties who received mailed courtesy notice for the original action.
3. Posting the Property at least fourteen (14) days prior to the first hearing; and
4. Publishing notice on the Utah Public Notice Website at least fourteen (14) days prior to the first hearing.

M. **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

N. **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

O. **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

P. No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

Attachment B
[15-1-21 Notice Matrix](#)

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)			
ACTION:	POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY:	MAILING:	PUBLISHED (IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):
Zoning and Rezoning	14 days prior to the first hearing before Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 14 days prior to the first hearing to each Affected Entity and to each Property Owner whose property is at least partially within the area to be zoned or rezoned.	14 days prior to the first hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 14 days prior to the first hearing to each Affected Entity.	14 days prior to the first hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 14 days prior to the first hearing to each Affected Entity.	14 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
Master Planned Developments (MPD)	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing.

Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up and Reconsideration	14 days prior to the date set for the appeal, reconsideration, or call-up hearing (See Section 15-1-18).	Courtesy mailing 14 days prior to the appeal, reconsideration, or call-up hearing, to all parties who received mailed notice for the action being appealed (See Section 15-1-18).	14 days prior to the date set for the appeal, reconsideration, or call-up hearing (See Section 15-1-18).
Conditional Use Permit	14 days prior to the first hearing before the Planning Commission.	Courtesy mailing 14 days prior to the first hearing before the Planning Commission, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the first hearing before the Board of Adjustment.	Courtesy mailing 14 days prior to the first hearing before the Board of Adjustment, to owners within 300 ft.	14 days prior to the first hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the first hearing before the CAD Hearing Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board, to Property Owners within 300 ft.	14 days prior to the first hearing before the Historic Preservation Board.
Determination of Significance	14 days prior to the first hearing before the Historic Preservation	Courtesy mailing 14 days prior to the first hearing before the	14 days prior to the first hearing before the Historic Preservation

	Board.	Historic Preservation Board to property owners within 100 feet.	Board.
Historic Preservation Board Review for Material Deconstruction	14 days prior to the first hearing before the Historic Preservation Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board to property owners within 100 feet.	14 days prior to the first hearing before the Historic Preservation Board.
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required. Second Posting: For a 10 <u>30</u> day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	First Courtesy Mailing: To Property Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated. Second Courtesy Mailing: To Property Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 <u>30</u> day period after which	If appealed, then once 14 days before the date set for the appeal.

		the Planning Department's decision may be appealed.	
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	- - - - -	Required mailing to Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	- - - - -
Lot Line Adjustments: Between 2 Lots without a plat amendment	10 days prior to Final Action on the Property. Other posted legal notice not required.	Courtesy mailing to Property Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from all adjacent Owners.	No published notice required.
Preliminary and Final Subdivision Plat Applications	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.
Condominium Plats	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.
Condominium Plat Amendments	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.
Subdivision Plat Amendments	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.

Implementing an Amendment to Adopted Specifications for Public Improvements that Apply to a Subdivision or Development		The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.	
Vacating or Changing a Public Street, Right-of-Way, or Easement	14 days prior to each hearing before the City Council on or near the Street, Right-of-Way, or easement in a manner that is calculated to alert the public.	Required mailing to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement at least 14 days prior to the hearing before the City Council.	14 days prior to the hearing before the City Council.
Extension of Approvals	Posted notice shall be the same as required for the original application.	Mailed notice shall be the same as required for the original application.	Published notice shall be the same as required for the original application.
1) For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application. 2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed. 3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. 4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. 5) All days listed are the minimum number of days required. Appendix A – Official Zoning Map (Refer to the Planning Department)			

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Hannah Tyler

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: NEW BUSINESS

Subject:

Consideration to Ratify the Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in Part for the Appeal of the Historic Preservation Board's Decision Regarding the Relocation and Reorientation of a Significant Structure at 424 Woodside Avenue
(A) Motion to Continue to August 16, 2018

Suggested Action:

Attachments:

[424 Woodside Avenue Staff Report](#)

City Council Staff Report

Subject: 424 Woodside Avenue
Author: Hannah M. Tyler, Planner
Project Number: PL-18-03901
Date: August 2, 2018
Type of Item: Ratification of Findings of Fact for the Appeal of Historic Preservation Board Denial of the Relocation and Reorientation of a Significant Structure

Summary Recommendations

Staff recommends the City Council ratify the Findings of Fact for the Appeal of the Historic Preservation Board's Denial of the Relocation and Reorientation of a Significant Structure at 424 Woodside Avenue.

Background

On July 12, 2018 the City Council reviewed the Appeal of the Historic Preservation Board's Denial of the Relocation and Reorientation of the Significant Structure at 424 Woodside Avenue. City Council directed staff to return with Findings of Fact denying the Reorientation of the structure 180 degrees towards Woodside Avenue and approving the Relocation of the Significant Structure at 424 Woodside Avenue ten feet (10') to the east. ([Staff Report](#) - see *New Business Item #7* and minutes are in this meeting packet)

PROPOSED ORDER GRANTING THE APPEAL IN PART TO APPROVE RELOCATION, AND DENYING THE APPEAL IN PART TO UPHOLD THE HISTORIC PRESERVATION BOARD'S DECISION REGARDING REORIENTATION:

Findings of Fact:

1. The applicant of the HDDR application, Jon and Heather Berkley (represented by Jonathan DeGray, Architect), proposed to Reorient the Historic Structure towards Woodside Avenue (west). The primary façade of the Historic Structure currently faces towards Main Street (east), and the applicant is proposing to reorient the building 180 degrees towards Woodside Avenue. The applicant also requested to relocate the structure ten feet (10') to the east in order to comply with the Front Yard Setback.
2. The Duplex Dwelling located at 424 Woodside Avenue is listed as "Significant" on the Park City Historic Sites Inventory (HSI).
3. The property is located in the Historic Residential (HR-1) zone.
4. The Historic Structure faces towards Main Street in that the original primary entrance faces east. In 1993, a 700 square foot (SF) addition was constructed to the south of the Historic Structure to create the Duplex Dwelling Use.
5. In 2005 a Plat Amendment was approved creating a 75 foot wide lot by combining three (3) existing lots into one legal lot of record. The Historic Structure straddles two (2) of the three (3) lots that were combined.

6. Historically, the Historic Structure was associated with a network of pedestrian paths on the east side of the structure that connected the residence to Main Street.
7. On November 16, 2016, the applicant submitted a HDDR Application for the subject property. The project scope of the HDDR subject to the application before the HPB included: Reorient (rotate) the Historic Structure so that the primary entrance faces Woodside Avenue (west) and Relocate the Historic Structure ten feet (10') to the east in order to comply with the minimum Front Yard Setback.
8. After working with the applicant on the required materials for their submittal, the current HDDR application was deemed complete on March 2, 2017. Between March 2, 2017 and the first HPB meeting on July 19, 2017, staff provided the applicant with redline comments and re-reviewed new plans addressing those comments once submitted by the applicant.
9. The Historic Preservation Board held a public hearing and continued this item on July 19th, 2017.
10. The Historic Preservation Board held a public hearing and continued this item on October 4th, 2017.
11. The Historic Preservation Board held a public hearing, discussed the item, and continued this item on December 5th, 2017.
12. The Historic Preservation Board held a public hearing and continued this item on February 7th, 2018.
13. The Historic Preservation Board held a public hearing, discussed the item, and continued this item on March 7th, 2018 in order to facilitate a site visit at the request of the applicant.
14. The Historic Preservation Board did a site visit, held a public hearing, discussed the item, and continued this item on April 4th, 2018.
15. On April 16, 2018, the applicant submitted a supplemental engineer's report detailing the existing conditions of the site and possible solutions to those existing conditions.
16. The Chief Building Official and City Engineering Department provided an analysis of the applicant's supplemental engineer's report. The Chief Building Official and City Engineering Department's analysis found that Option 1 is a valid option supported by City Staff.
17. On April 16, 2018, a letter was submitted by Joe Tesch.
18. The Historic Preservation Board held a public hearing, discussed the item, and Denied the Relocation and Reorientation of the Historic Structure at 424 Woodside Avenue with a 5 to 1 vote on May 2, 2018.
19. On May 22, 2018, staff issued a Denial Letter for the HDDR application.
20. On June 4, 2018, the City received an application for an appeal of the Historic Preservation Board's decision for the Relocation and Reorientation of the Historic Structure at 424 Woodside Avenue. On June 15, 2018, the Appellant provided supplemental information. This application was accepted within 30 days of the Final Action of the HPB.
21. The Appellants provide five (5) Issues:
 1. The HPB erred by relying upon a historical analysis that incorrectly applied the wrong criteria associated with landmark sites instead of the criteria for a significant site.

2. The HPB erroneously concluded that the application did not meet the criteria set forth in the LMC 15-11-13(a)(3)(c)(1)-(4).
 3. The HPB erred when it referenced, incorporated, and relied upon the 2011 HDDR application and request for Variance.
 4. The HPB (and Planning Director and Building Chief) erred by increasing the requirements set forth in LMC section 15-11-13(a)(3)(b) that imposed a standard of reasonable mitigation.
 5. The HPB erred by failing to make a determination on the proposed panelization.
22. On June 28th, 2018 notice was mailed to property owners within 100 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on June 28th, 2018 according to requirements of the LMC.
 23. On July 12, 2018 the City Council reviewed the appeal, held a public hearing, and directed staff to return with findings of fact denying the Reorientation of the structure 180 degrees towards Woodside Avenue and approving the Relocation of the Significant Structure at 424 Woodside Avenue ten feet (10') to the east.
 24. The Historic Structure was constructed ca. 1886. The Park City HSI identifies the Historic Structure as significant to the Mature Mining Era (1894-1930).
 25. Originally, the Historic Structure was a hall-parlor type single-family dwelling with a side-gabled roof; it was built on a relatively steep slope that was terraced toward the rear of the house (the Woodside Avenue side) to provide a more level building lot.
 26. The Historic Structure first appears on the 1889 Sanborn Fire Insurance Map as a wood-framed and wood-sided house originally faced east, providing a view over Main Street. Physical evidence and the 1889 Sanborn map indicate that it had a small shed-roofed wing on the south end of the rear (west) side but no front porch.
 27. By 1900, the original shed-roofed wing had been extended across the rear (west) side.
 28. In 1907, the Sanborn Map indicates that a formal front porch was added to the east side, further defining it as the primary façade, at the same time that a secondary entry porch was added to the west side. The house retained this configuration through 1930.
 29. The principal façade was composed of a central doorway flanked by a window on each side. Woodside Avenue was present to the west but, access to the house was via a footpath leading north from Fourth Street behind the Park Avenue houses, and then a short staircase leading up to the east façade. The orientation of houses along the uphill (west) side of Woodside was uniformly east-facing, while orientations along the downhill (east) side was mixed, with some facing the street and others the canyon.
 30. By 1941, a second shed-roofed addition had been built across the west side, incorporating the 1907 rear screened porch and essentially filling the terrace between the rear wall of the house and the retaining wall so that the eave was nearly at grade. The front porch had been removed and asbestos shingles had been applied over the original wood siding by this time.
 31. Asbestos shingle siding was noted on the 1957 tax appraisal card, which also documents the absence of an east porch.

32. The 1968 tax appraisal card indicates that a porch had been rebuilt across the east façade.
33. Between 1978 and 1993, the east façade was modified by the addition of a sunroom across the north two-thirds, covering the original doorway and north window.
34. The east façade of the Historic Structure is the “front”. This is supported by the traditional design of a central entrance door flanked by two (2) windows. This is a common style of architecture seen throughout Park City. The “rear” of the Historic structure is the west façade. This is represented by its traditional form created through additions throughout the Historic period.
35. The front façade has a front door entrance; however, a utility entrance is also located on the northwest corner of the structure in the rear enclosed porch addition. This was also a common occurrence in houses throughout Park City (examples include the side-enclosed porches at 1057 Woodside Avenue and 811 Norfolk Avenue). This utility entrance was often the entrance used by members of the household as a “mud room” so that the front entrance (on the front façade) remained clean.
36. Both entrances typically would have been used throughout the Historic Period; it would have simply depended on what the occasion was. After work in the mines, one would have used utility entrance on the northwest corner of the structure in the rear enclosed porch addition. If the home owner was having guests over, the front façade entrance on the east side of the structure would have been used.
37. The proposal for Reorientation does not comply with Design Guideline B.3.2 as the original orientation and grade of the historic building would not be retained. The relationship to the street and the orientation of the Historic Structure facing Main Street are important in conveying the history of the Historic District and this Significant site.
38. The proposal for Relocation does comply with Design Guideline B.3.2 as the relationship to the street and the orientation of the Historic Structure facing Main Street would be maintained, thus still conveying the history of the Historic District and this site.
39. The proposal for Reorientation does not comply with Design Guideline E.1. because the reorientation of the Historic Structure will diminish the integrity and significance of the site and its context. The Historic Structure at 424 Woodside retains its original orientation and therefore retains that aspect of integrity. The original orientation to the east and its siting on a small terrace below the street is important in conveying the site’s significance. And although much of the original setting has been lost, including adjacent historic houses, footpaths, staircases, and open space, the house at 424 Woodside retains its relationship to that earlier setting through its orientation and position on a shallow terrace below street level. The property is one of the few reminders of the historic development pattern on a part of the street where much of it has been lost, and is thus important in maintaining a district-wide sense of the historic setting. The context of the Historic Site has not been so radically altered that its unique developmental history cannot be recognized.
40. The proposal for Reorientation does comply with Design Guideline E.1.1 as the Design Review Team has determined that the integrity and significance of the

historic building will not be diminished by relocating the structure ten feet (10') to the east in order to allow for drainage installation on within the property boundary.

41. Bullet points 1 and 2 of the "Side Bars" for E.1.1 are not applicable to the proposal as there are no encroachment issues and the structure is not currently threatened by demolition.
42. The proposal would comply with Design Guidelines E.1.2 through E.1.5 as these would be mitigated through proper construction techniques and documentation processes.
43. The proposal complies with LMC 15-11-13(A)(1)(a) and 15-11-13(A)(1)(b) as the applicant has submitted a plan for relocation and Structural Engineer's report. The Historic Structure would remain structurally sound when it was reattached to a new structure in the new location.
44. LMC 15-11-13(A)(2) is not applicable as the structure is designated as "Significant" on the Park City Historic Sites Inventory.
45. The proposal does not comply with LMC 15-11-13(A)(3)(a) as the Historic Structure is currently structurally sound and is not threatened by demolition.
46. The proposal for Reorientation does not comply with LMC 15-11-13(A)(3)(b) as the Planning Director and Chief Building Official did not find that reorienting the structure would solve any hazardous conditions that were threatening the Historic Structure. The Planning Director and Chief Building Official found that any hazardous condition (like drainage) could be reasonably mitigated without reorienting the structure; however, relocation could allow for the installation of a drainage system on site; therefore the proposal for Relocation does comply with LMC 15-11-13(A)(3)(b).
47. The proposal for Reorientation does not comply with LMC 15-11-13(A)(3)(c) as (1) the reorientation will not enhance the ability to interpret the historic character of the Historic Building; (2) the reorientation will diminish the overall physical integrity of the Historic District; (3) the historic integrity and significance would be diminished by the reorientation; and (4) the potential to preserve the structure would not be enhanced.
48. The proposal for Relocation of the Significant Structure ten feet (10') to the east does comply with LMC 15-11-13(A)(3)(c) as (1) the ability to interpret the site will remain unchanged; (2) the proposed relocation will not diminish the overall physical integrity; (3) the historic integrity will not be diminished; and (4) the potential to preserve the structure will be enhanced by the relocation.
49. At the conclusion of the hearing before City Council on July 12, 2018, the applicants stipulated to the partial grant and partial denial of the appeal as ordered herein, provided they were allowed to amend their HDDR application to proceed with staff review of a design application consistent with relocation but not reorientation of the structure as referenced herein.

Conclusions of Law:

1. The proposal does not meet the criteria for reorientation pursuant to LMC 15-11-13 Reorientation and/or Relocation of a Historic Building or Historic Structure.
2. The proposal meets the criteria for relocation pursuant to LMC 15-11-13 Reorientation and/or Relocation of a Historic Building or Historic Structure.

Order

1. The appeal of the Historic Preservation Board's Denial of the Reorientation of the Historic Structure at 424 Woodside Avenue is denied. The decision of the Historic Preservation Board for Reorientation is upheld.
2. The appeal of the Historic Preservation Board's Denial of the Relocation of the Historic Structure at 424 Woodside Avenue is granted. The decision of the Historic Preservation Board for Relocation is reversed. The May 22, 2018 staff Denial Letter for the HDDR application is hereby vacated. The applicants are hereby given thirty (30) days to amend their HDDR application to reflect the approval herein and proceed with staff review of the amended application in accordance with 15-11-12 of the LMC.

Council Agenda Item Report

Meeting Date: August 2, 2018

Submitted by: Jason Glidden

Submitting Department: Community Development

Item Type: RDA

Agenda Section: NEW BUSINESS

Subject:

Consideration to Approve a Contract with Rocky Mountain Power for Utility Extensions at the Woodside Park Phase 1 Housing Project that Shall Not Exceed \$26,581.00 in a Form Approved by the City Attorney
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Rocky Mountain Power Contract Staff Report](#)

[RMP Contract - Woodside Park Phase 1](#)



RDA Staff Report

Subject: Rocky Mountain Power – Utility Extension Contract

Author: Jason Glidden

Department: Community Development

Date: August 2, 2018

Type of Item: Administrative

Summary Recommendation

Staff recommends that the Redevelopment Agency approve the contract with Rocky Mountain Power for utility extensions at the Woodside Park Phase 1 Housing Project that shall not exceed Twenty six thousand, five hundred eighty one dollars (\$26,581.00) in a form approved by the City Attorney.

Executive Summary

- The Woodside Park Phase 1 construction project supports City Council's critical goal of affordable housing.
- To meet the needs of the project, upgrades to the electrical system are needed.
- The Administrative Policy for Contracting & Purchasing Policy states that any contract more than \$25,000 must be approved by City Council.

The Opportunity

City Council has identified approximately \$40 million to pursue their critical goal of creating affordable housing. In an effort to utilize these funds as efficiently as possible, staff is recommending a fee waiver be granted.

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.
- On January 5, 2017 Council approved a contract with EWG to complete design construction documents and administration for Phase 1.
- On March 30, 2017, City Council Approved a Construction Manager at Risk (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.
- On August 17, 2017 the First Addendum to the CMAR Agreement in a Form Approved by the City Attorney's Office with New Star Construction, Inc., in the Amount Not to Exceed \$272,473.87 for Phase One of Construction for Woodside Park Phase 1.

- On January 4, 2018, Council approve the Second Addendum to the CMAR Agreement with New Star Construction, Inc. in an Amount Not to Exceed \$4,923,910.55.
- Staff met with representatives from Rocky Mountain Power to discuss the power infrastructure upgrades that would be needed in order to complete the Woodside Park Phase 1 affordable housing project. These upgrades are needed the site is going from two buildings to five buildings. Where more housing units will exist in this area than there were in the past, additional wiring and meters need to be installed.
- Upgrades included new power distribution onto the project, removal of all overhead lines and installation of underground power lines with connections to all homes associated with the project along with household directly to the north of the project.
- Rocky Mountain Power is contributing \$6k to this upgrade project.

Alternatives for City Council to Consider

- 1. Recommended Alternative:** Staff recommends that City Council approve the contract with Rocky Mountain Power for utility extensions at the Woodside Park Phase 1 Housing Project that shall not exceed Twenty six thousand, five hundred eighty one dollars (\$26,581.00) in a form approved by the City Attorney.

Pros

- a. Helps to support City Council's Affordable Housing goal of 800 units by 2026.
- b. Allows for the electric updates needed for the project.

Cons

- a. Takes revenue away from City's Housing fund.

- 2. Null Alternative:** City Council could choose to not approve the contract.

Pros –

- a. Does not take money away from the City's Housing Fund.

Cons –

- a. The electrical upgrades that are needed for the project would not be completed.

- 3. Other Alternatives?** Council could choose to amend the contract by making changes to the current design.

Pros –

- a. Allows for potential cost reduction.

Cons –

- a. May not get all the upgrades needed for the project.

Department Review

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

Funding Source

The Woodside Park Phase 1 Affordable Housing Project is funded with Redevelopment Authority Tax Increment Finance Bonds or Related Sales Revenue Bonds. Building fees are received into the General Fund and help to pay for Building Department services.

Attachments

A Rocky Mountain Power – Utility Extension Contract



July 18, 2018

6280 N. SILVER CREEK DR. PARK CITY, UTAH 84098 (435) 655-7813

Park City Municipal Corporation
Attn: Dave Gustafson
PO Box 1480
Park City, UT 84060

Re: Electric Utility Extension to your property at: Woodside Park Subdivision
Park City, UT

Mr. Gustafson,

Enclosed please find three contracts, which pertains to our proposed electric extension to your Subdivision.

- Please sign and date the page 4 of all three copies of these contracts, and return all three of these contracts, at your earliest convenience. This contract is good for 90 days from date of contract.
- Please, sign and date the bottom of the included "Electric Service Requirements Agreement". Please return all three agreements.
- Please submit to me, the requested amount of \$ 26,581.00.
- After all of these documents are returned, our "Operations Manager", will execute each document with her signature. An original signed copy will be returned to you by mail.

Please feel free to contact me if you have any further questions. (435) 655-7813

Sincerely

R Duane Layton
Journeyman Estimator
Park City Area

cc. file

SUBDIVISION DISTRIBUTION SYSTEM CONTRACT
between
ROCKY MOUNTAIN POWER
and
PARK CITY MUNICIPAL CORPORATION

This Subdivision Distribution System Contract ("Contract"), dated July 20, 2018 is between Rocky Mountain Power, an unincorporated division of PacifiCorp ("Company"), and **Park City Municipal Corporation** ("Customer"), for an electrical **Distribution System** for Customer's development to be known as Woodside Park (the "Development"); located at or near 1350 Woodside Ave, Park City, Utah, for 8 lots or parcels within the Development.

Company's filed tariffs (the "Electric Service Schedules") and the rules (the "Electric Service Regulations") of the Utah Public Service Commission ("Commission"), as they may be amended from time to time, regulate this Contract and are incorporated into this contract. In the event of any conflict between this Contract and the Electric Service Schedules or the Electric Service Regulations, such schedule and rules shall control. They are available for review at Customer's request.

1. **Delivery of Power.** Company will provide 120/240 volt, single-phase electric service, within the Development, to the lot lines of said lots or parcels.
2. **Extension Costs.** Company agrees to invest \$6,000.00 (the "Extension Allowance") in improvements (the "Improvements") related to the Distribution System, and Customer agrees to pay Company the estimated construction costs in excess of the Extension Allowance ("Customer Advance") in the amount of \$26,581.00, of which Customer has paid \$0.00 for engineering, design, or other advance payment for Company's facilities. **The balance due is \$26,581.00.**
3. **Customer Obligations.** Customer agrees to:
 - a) Provide legal rights-of-way to Company, at no cost to Company, using Company's standard forms. This includes rights-of-way on Customer's property and/or adjoining property and any permits, fees, etc. required to cross public lands;
 - b) Prepare the route to Company's specifications;
 - c) Comply, and pay for any costs necessary to comply, with all of Company's tariffs, procedures, specifications and requirements; and,
 - d) Repair, or pay for the repair of, any damage to Company's facilities except damage caused by the negligence of Company.

4. **Underground Facilities.** If service is provided by an underground line extension, Customer will provide, or Company will provide at Customer's expense, all necessary trenching and backfilling, and will furnish and install all distribution transformer pads and other equipment foundations, conduit and duct required by Company. Company may abandon in place any underground cables installed under this Contract that are no longer useful to Company.

Customer also agrees to:

- a) Establish final grade for routing of circuits, placement of transformer pads, vaults, junction boxes and other underground facilities as required by Company;
- b) Install and maintain property lines and survey stakes;
- c) Install all Customer provided trench, conduit, equipment foundations, or excavations for equipment foundations within the legal rights-of-ways; and,
- d) Make no permanent surface improvements, except curb and gutters, before Company completes installation of its facilities.

Customer warrants that all Customer provided trench and excavations for equipment foundations, and Customer installed conduit and equipment foundations are installed within legal rights-of-way, and conform to the specifications in Company's Electric Service Requirements Manual, and other specifications as otherwise provided by Company. In the event Customer fails to comply with the foregoing, Customer shall be liable for the cost to Company for relocating the facilities within a legal right-of-way, acquiring right-of-way for Company facilities, repair or replacement of improperly installed conduit or foundations, and paying costs for damages that may arise to any third party as a result of Company facilities being located outside of a legal right-of-way.

If any change in grade, property lines, or any surface improvements require Company to change its facilities, or causes additional cost to Company, Customer agrees to reimburse Company for such change or cost. The provisions of this paragraph 4 shall survive the termination of this agreement.

5. **Effective.** This Contract will expire unless Customer:

- a) Signs and return an original of this Contract along with any required payment to Company within ninety (90) days of the Contract date shown on page 1 of the Contract; and
- b) Is ready to receive service within one-hundred fifty (150) days of the Customer signature date at the end of this Contract.

6. **Special Provisions: None**

7. **Design, Construction, Ownership and Operation.** Company shall design, construct, install, and operate the Improvements in accordance with Company's standards. Company will own the Improvements, together with Company's existing electric utility facilities that serve or will serve Customer. Construction of the Improvements shall not begin until (1) both Company and Customer have executed (signed) this Contract, and (2)

all other requirements prior to construction have been fulfilled, such as permits, payments received, inspection, etc. Any delays by Customer concerning site preparation and right-of-way acquisition or trenching, inspection, permits, etc. may correspondingly delay completion of the Improvements.

Company warrants that its work in constructing and maintaining the Improvements shall be consistent with prudent utility practices. **COMPANY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTY OF MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE, AND SIMILAR WARRANTIES.** Company's liability for breach of warranty, defects in the Improvements, or installation of the Improvements shall be limited to repair or replacement of any non-operating or defective portion of the Improvements or Company's other electric utility facilities. Under no circumstances shall Company be liable for other economic losses, including but not limited to consequential damages. Company shall not be subject to any liability or damages for inability to provide service to the extent that such failure shall be due to causes beyond the reasonable control of Company.

No other party, including Customer, shall have the right to operate or maintain Company's electric utility facilities or the Improvements. Customer shall not have physical access to Company's electric utility facilities or the Improvements and shall engage in no activities on or related to Company's electric utility facilities or the Improvements.

8. **Governing Law; Venue.** All provisions of this Contract and the rights and obligations of the parties hereto shall in all cases be governed by and construed in accordance with the laws of the State of Utah applicable to contracts executed in and to be wholly performed in Utah by persons domiciled in the State of Utah. Each party hereto agrees that any suit, action or proceeding in connection with this Contract may only be brought before the Commission, the Federal courts located within the State of Utah, or state courts of the State of Utah, and each party hereby consents to the exclusive jurisdiction of such forums (and of the appellate courts therefrom) in any such suit, action or proceeding.
9. **Remedies; Waiver.** Either party may exercise any or all of its rights and remedies under this Contract, the applicable Electric Service Regulations, the applicable Electric Service Schedule and under any applicable laws, rules and regulations. No provision of this Contract, the Electric Service Regulations, or the applicable Electric Service Schedule shall be deemed to have been waived unless such waiver is expressly stated in writing and signed by the waiving party.
10. **Attorneys' Fees.** If any suit or action arising out of or related to this Contract is brought by any party, the prevailing party or parties shall be entitled to recover the costs and fees (including, without limitation, reasonable attorneys' fees, the fees and costs of experts and consultants, copying, courier and telecommunication costs, and deposition costs and all other costs of discovery) incurred by such party or parties in such suit or action, including, without limitation, any post-trial or appellate proceeding, or in the collection or enforcement of any judgment or award entered or made in such suit or action.

11. **Waiver of Jury Trial.** TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.
12. **Entire Agreement.** This Contract contains the entire agreement of the parties with respect to the subject matter, and replaces and supersedes in their entirety all prior agreements between the parties related to the same subject matter. **This Contract may be modified only by a subsequent written amendment or agreement executed by both parties.**

PARK CITY MUNICIPAL CORPORATION

By X signature
X NAME (type or print legibly) X TITLE
X DATE

Customer's Mailing Address for Executed Contract

Dave Gustafson
ATTENTION OF
PO Box 1480
ADDRESS
Park City, Utah 84060
CITY, STATE, ZIP

ROCKY MOUNTAIN POWER

By _____ signature
Cindy Christoffersen Manager
NAME (type or print legibly) TITLE

DATE

Rocky Mountain Power's Mailing Address for Executed Contract

6280 N Silver Creek Dr
ADDRESS
Park City, Utah 84098
CITY, STATE, ZIP

ELECTRIC SERVICE REQUIREMENTS AGREEMENT

Customer Name/Location/ Park City Municipal Corporation / Woodside Park, Park City, Utah / **Req #** 6432775

Load Information *(Commercial Customer Load Sheet required for commercial customers) :*

Service Panel Size: _____ / Sq. Ft.: _____ Motor/Heat Pump/A.C. Size: _____
 Temporary service required: No ☒ Yes ☐ (Fee of \$ 115.00 will appear on first monthly billing)

General Information:

- Line Extension Policy Explained: ☒ Customer to call for locates ☒ N/A ☐
- Customer will accept \$250 Contract Administration Credit: Yes ☐ No ☐ Decide Later ☐ N/A ☒
- Route (including poles, trench route & equipment locations) Staked out and / or explained: ☒

Trench & Conduit *(Note: customer to install non-metallic 'poly' pull rope, 2,400lb test minimum for all conduit installations) :*

- Customer to Install: Trench ☒ Conduit ☒ Vault ☐ Company to Install: Trench ☐ Conduit ☐ Vault ☐
- Primary Trench Dimensions _____ 48" _____" deep X _____ 12" _____" wide
- No. Of runs Primary Conduit required _____ 1 _____ Diameter _____ 3 _____" (Schedule 40 Gray Electrical Grade PVC)
- Number of primary sweeps 90° _____ 6 _____ 45° _____ Radius _____ 36 _____" Steel/Fiberglass ☒ PVC ☐ (factory-made only)
- Secondary/Service Trench Dimensions _____ 24 _____" deep X _____ 12 _____" wide
- No. Of runs Secondary/Service Conduit required _____ 1 _____ Diameter _____ 3 _____" (Sch. 40 Gray Electrical Grade PVC)
- No. Of secondary/service sweeps 90° _____ 2 _____ 45° _____ Radius _____ 36 _____" Steel/F.G. ☒ PVC ☐ (factory-made only)
- Riser Location marked on pole ☐ N/A ☒
- Vault excavation: _____" w X _____" l X _____" d (from final grade) Vault spec provided ☐

Meter Base to be installed by Customer *Location set as shown below on sketch (no variation without estimator approval) :*

- Underground fed ☐ Overhead fed ☐ Treated Customer Meter Pole Length(if required)
- Manual Link Bypass / Safety Socket Required ☐ C.T. Enclosure required ☐ Dimensions: _____
- Specifications or drawings provided:

Before Service Can Be Provided *(call us at _____ to inform us of your progress on the following) :*

- Tree Trimming Required to be done by: Customer ☐ Company ☐ N/A ☒
- Electrical Inspection required *(customer to contact City, County or State permitting office)* ☐
- Right of Ways required & explained ☒ N/A ☐
- Contract or Letter of Agreement required and explained ☒ N/A ☐
- Trench and conduit to be inspected ☒ *(call (435) 655-7802 for trench inspection-24 hrs notice min)* N/A ☐
- Other information needed from customer before design can take place: _____

Sketch & Notes

This project as designed requires the following quantities of 90 degree fiberglass or ridged steel conduit elbows.

6 - 3" 36" radius 90 degree elbows – Primary – Fiber Glass

1 - 3" 36" radius 45 degree elbows – Secondary - PVC

Additional elbows may be required due to terrain, or field inspection.

Note: Any changes to this agreement must be communicated to the Estimator. Your estimate is good for 90 days. If you request changes to the estimate, or if it must be recreated after cancellation, the Company may require a non-refundable re-engineering fee (minimum of \$200), payable in advance.

R. DUANE LAYTON
 Rocky Mountain Power

X

 Customer or Representative Date