



**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY, UTAH  
June 30, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 30, 2016.

**CLOSED SESSION**

1:00 p.m. To Discuss Property, Personnel and Litigation

**STUDY SESSION**

3:30 p.m. Affordable Housing Policy Discussion – Joint Meeting with Planning Commission

**PAGE 4**

**WORK SESSION**

5:00 p.m. – Council Questions and Comments

5:15 p.m. – Public Art Advisory Board Policy Update **PAGE 89**

5:45 p.m. – Monthly Transportation Update - State Route 248 Corridor and Safety Improvement Project Update **PAGE 183**

**REGULAR MEETING**

6:00 p.m.

**I. ROLL CALL**

**II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

**Staff Communications Reports:**

Special Events Advisory Committee Update **PAGE 188**

Initiation of Stormwater Utility Fee **PAGE 211**

New Permit Software Update **PAGE 213**

Integrating General Plan into Staff Reports **PAGE 217**

2016 Rain Harvest Program **PAGE 220**

Backhoe Report – June 2016 **PAGE 222**

Library Room Use Report and Policy Consolidation **PAGE 226**

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

**IV. CONSIDERATION OF MINUTES**

Consideration of a Request to Approve the City Council Meeting Minutes from June 9, 2016, and June 16, 2016 **PAGE 253**

**V. CONSENT AGENDA**

1. Consideration to Approve Resolution 15-2016, a Resolution in Support of Local First Utah's Independents Week **PAGE 287**

2. Request to Authorize the City Manager to Enter into an Amendment #1 to the Construction Manager at Risk (CMAR) Contract in a Form Approved by the City Attorney's Office with Hogan and Associates, Inc., for the Guaranteed Maximum Price (GMP) of One Million One Hundred Ninety Three Thousand Ninety Dollars (\$1,193,090) for the McPolin Barn Structural Upgrade, and Also to Waive Building Permit Fees Estimated at Twelve Thousand Six Hundred Fourteen Dollars (\$12,614) **PAGE 291**

**VI. OLD BUSINESS**

1. Consideration of Denying a Plat Amendment at 220 King Road, Second Amended Lot 2, Phase 1, Treasure Hill Subdivision Pursuant to Findings of Fact and Conclusions of Law, in a Form Approved by the City Attorney **PAGE 301**

(A) Public Hearing (B) Action

2. Consideration to Approve Ordinance 2016-29, an Ordinance Amending Title 10, Motor Vehicle, Chapter 1 Section 4.5, Non-Motorized Trail Use, of the Park City Municipal Code **PAGE 350**

(A) Public Hearing (B) Action

**VII. NEW BUSINESS**

1. Consideration to Approve Ordinance. 2016-31, an Ordinance Adopting Title 11, Buildings and Building Regulations, Chapter 21, Utah Wildland-Urban Interface Code, of the Park City Municipal Code **PAGE 356**

(A) Public Hearing (B) Action

**VIII. ADJOURNMENT**

**IX. PARK CITY REDEVELOPMENT AGENCY**

**A. ROLL CALL**

**B. NEW BUSINESS**

1. Request to Authorize the City Manager to Enter into a Professional Service Provider Agreement for the Lower Park Avenue Development of Public Property in a Form Approved by the City Attorney's Office with Elliott Work Group, in the Amount of Seventy Thousand Dollars (\$70,000) for Project Management and Pre-Design **PAGE 361**

### **C. 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](http://www.parkcity.org)



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

This Study Session is a follow-up to the one on April 28 at which Economic and Planning Systems (EPS) presented a final draft of their findings and recommendations (attached as Exhibit A). Staff is requesting further discussion on their recommendations including:

- Add community-based solutions to the existing regulatory incentives (target additional funding in addition to assignment of housing obligations through MPDs and Annexations);
- Expand the applicability and raise the density bonuses available to projects that include affordable housing;
- Modify the employee generation rates to reflect outcome of the local survey of businesses;
- Establish a housing goal in a numeric target;
- Modify the calculation of the in-lieu fee;
- Make the residential portion of the resolution applicable to all residential development;
- Pursue a blended approach to structuring affordability protections, i.e. shared equity in addition to current appreciation caps;
- Establish timing goals for revisions to program policies and amending the housing resolution; and
- Establish priorities for allocation of the \$40MM set aside for affordable housing development between now and 2020.

Staff also requests discussion of additional Housing Program direction, priorities and next steps that arose through numerous past meetings with the Blue Ribbon Housing Commission (BRHC), the Planning Commission, and City Council:

- A need for rental housing;
- Seasonal housing should be addressed by the businesses generating those employees;
- The current LMC already allows for height and density in certain appropriate locations as well as infill opportunities that are not being realized;
- Development opportunities should be prioritized; and
- Staff shall continue to evaluate any and all opportunities to buy, build or act in partnership in order to add to the affordable housing inventory based on evaluation criteria.

**Respectfully:**

Matt Dias, Asst City Manager



## City Council/Planning Commission Staff Report

**Subject:** Affordable Housing Policy Discussion,  
**Author:** Rhoda Stauffer, Housing Program Manager  
Anne Laurent, Director  
**Department:** Community Development  
**Date:** June 30, 2016  
**Type of Item:** Information/Discussion  
Joint City Council, Planning Commission Session

### Summary Recommendation

Staff recommends that City Council and the Planning Commission continue the housing discussion begun on April 28, 2016 as a result of the findings and recommendations prepared by Economic and Planning Systems (EPS). Additionally, staff is looking for discussion on staff proposed housing program direction, priorities, and next steps.

### Executive Summary

This Study Session is a follow-up to the one on April 28 at which Economic and Planning Systems (EPS) presented a final draft of their findings and recommendations (attached as Exhibit A). Staff is requesting further discussion on their recommendations including:

- Add community-based solutions to the existing regulatory incentives (target additional funding in addition to assignment of housing obligations through MPDs and Annexations);
- Expand the applicability and raise the density bonuses available to projects that include affordable housing;
- Modify the employee generation rates to reflect outcome of the local survey of businesses;
- Establish a housing goal in a numeric target;
- Modify the calculation of the in-lieu fee;
- Make the residential portion of the resolution applicable to all residential development;
- Pursue a blended approach to structuring affordability protections, i.e. shared equity in addition to current appreciation caps;
- Establish timing goals for revisions to program policies and amending the housing resolution; and
- Establish priorities for allocation of the \$40MM set aside for affordable housing development between now and 2020.

Staff also requests discussion of additional Housing Program direction, priorities and next steps that arose through numerous past meetings with the Blue Ribbon Housing Commission (BRHC), the Planning Commission, and City Council:

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employees;

- The current LMC already allows for height and density in certain appropriate locations as well as infill opportunities that are not being realized;
- Development opportunities should be prioritized; and
- Staff shall continue to evaluate any and all opportunities to buy, build or act in partnership in order to add to the affordable housing inventory based on evaluation criteria.

### Acronyms

- AMI – Area Median Income
- BRHC – Blue Ribbon Housing Commission
- EPS – Economic and Planning Systems
- HOA – Home Owner Association
- LMC – Land Management Code
- MPD – Master Planned Development
- PCMC – Park City Municipal Corporation
- RUEs – Residential Unit Equivalent (2,000sf)
- SF, sf, or s.f. – square feet

### The Problem

As an international resort community with world class recreational, hotel and leisure service amenities, Park City's job market is dominated by the hospitality and leisure sector. More than 40 percent of all jobs within the city limits are in this sector. In 2014, the average annual income earned in all employment sectors was \$44,052. Wages earned in the leisure and hospitality sector averaged \$27,456 – 38 percent below all jobs.

According to Realtor.com, the median listing price for a home in Park City is currently \$1.52 million, and with the lowest price single family home within the Park City limits is currently in Prospector home priced at \$719,000. For Midway and Heber City, the median listing price is \$345,000 and \$360,000 respectively. For homes in Park City to be affordable to the majority of those employed within City limits, prices would need to range between \$200,000 and \$500,000 (this range covers both affordable and attainable). Today, approximately 80% of Park City's workforce lives outside the city limits. High home prices in Park City not only result in the need to import a high percentage of our community's workforce, it causes problems that range from increased traffic to the risk that Park City could lose vibrancy because of lack of full time residents.

### Background

In early 2015, Council established "Affordable, Attainable and Middle Income Housing" as one of their critical priorities. At the February 2015 Council retreat, a four- pronged, five year work plan was adopted which included Regulatory Tools as one of the program categories. In July 2015, Council approved a contract with EPS to complete a number of reviews and analysis, including: a thorough regulatory review to identify potential barriers to affordable housing development; comparative analysis of the best approach to mitigating the impact of both new construction as well as redevelopment on

affordable housing needs within the community; assessment of the true employee generation formulas for Park City's primary employers; examination of the most effective formula for in-lieu fee calculation; most balanced and equitable trigger mechanism for housing obligations; and assessment of the connection between the impacts generated by development and the housing mitigation required.

EPS began working in September 2015 with a thorough review of the Housing Resolutions beginning in the early 90's and to the current 13-15 document ([Link](#)). Older Resolutions can be found at the following links for comparison purposes: [1993](#), [1999](#), and [2007](#). In November of 2015, EPS presented their initial thoughts and an outline of their work to the Blue Ribbon Housing Commission. Using the BRHC feedback, EPS completed additional analysis and work returning to the BRHC on February 1, 2016 to review an early draft of the Executive Summary of their report.

On April 28, EPS presented a final draft of their findings and recommendations to a joint study session of City Council and Planning Commission. The conversation focused on their recommendations as follows:

1. ***Balance of community-based solutions with regulatory incentives:*** Council has already established a significant community-based solution in the commitment of \$40MM to affordable housing development and purchase by 2020. Staff may request an evaluation of the feasibility of commitment of annual funding sources, however not until after the current resources have been committed to specific projects and units are being produced.
2. ***Expand the applicability and raise the density bonuses available to projects that include affordable housing:*** The planning staff has begun a thorough examination of the LMC to identify opportunities within current code for height and density allowances that can help in future development of affordable housing. Staff recommends including height and density bonuses only in zones and areas of town that do not harm the nature of Park City's small mountain town. Other options that can be considered are accessory or in-law apartments which are allowed in most areas of town, but often prohibited by HOAs.
3. ***Modify the employee generation rates to reflect outcome of the local survey of businesses:*** Staff recommends that the Housing Resolution be amended with employee generation rates that resulted from a survey of local businesses completed by EPS and included in their final draft report.
4. ***Establish a housing goal in a numeric target:*** Staff is in the process of formulating a contract with Jim Wood to complete an updated Affordable Housing Market Assessment. Jim is the Ivory-Boyer Senior Fellow at the Kem C. Gardner Policy Institute of the University of Utah and he has completed past market assessments not only for Park City, but for many jurisdictions throughout the State of Utah. This will help to answer the targeting questions raised and help to establish goals for new units (rental and ownership) as well as size of ideal units.

However, we've learned that in order to answer more elaborate questions, the cost becomes prohibitive. Answering such questions as below involves a lengthier study period and at significantly more cost (one year and over \$100,000):

- what type of product (condo, townhome, single family home with yard) eligible households will buy; and
- what is the optimum goal for percentage of workforce living within the city limits given other options at better prices within a 35 minute drive. Modify the calculation of the in-lieu fee.

5. ***Modify in-lieu fee calculation:*** Staff is recommending that calculation of in-lieu fees be based on current construction costs. It is also recommended that collection of in-lieu fees continue to be considered only for partial unit obligations or in special circumstances.
6. ***Make the residential obligation portion of the resolution applicable to all residential development:*** Staff recommends that a thorough analysis of all pending and likely future development be completed prior to determining if the Housing Resolution applicability should be expanded. One clarification staff would like to make from the April 28<sup>th</sup> presentation is that the City does currently have inclusionary zoning and there is not a beneficial outcome to the housing goal from the resolution versus ordinance discussion that occurred. Utah case law is limited and difficult to assess and recommend the most effective way to expand housing obligations without more in-depth research and analysis. The General Plan identifies the additional growth capacity of Park City to be approximately 2000 housing units and 450 commercial units. It is likely though current development discussions that private/public partnerships and strategic investment of the identified City funding will yield the greatest impact on developing long term affordable housing.
7. ***Pursue a blended approach to structuring affordability protections, i.e. shared equity in addition to current appreciation caps:*** In the next six months, staff will be reviewing program, staffing and budget implications of adding a shared equity program to the housing strategies.
8. ***Establish timing goals for revisions to program policies and amending the housing resolution:*** Staff will bring back proposed amendments to the Housing Resolution in the next 30 to 60 days. The amendments will pertain to: in-lieu fee calculation, target incomes, and updating employee generation numbers. In addition, staff will present an updated affordable housing master plan with annual benchmarks once the Housing Market Study is completed in early Fall.
9. ***Establish priorities for allocation of the \$40MM set aside for affordable housing development between now and 2020:*** Staff has established a decision matrix for analysis of future projects, purchase of property and/or new public private partnerships for affordable housing. The matrix includes such

evaluation criteria as goals for: type of product, mitigation of traffic, overall capital cost and likely subsidy required, meeting overall community sustainability goals and readiness to proceed. Staff continues to evaluate a number of opportunities for purchase of land as well as existing units, housing development on existing city-owned property, and public/private partnerships for development of new affordable/attainable units based on.

### **Additional Discussion**

Anecdotally there is consensus on the hypotheses and issues listed below. Staff requests further discussion on each item.

- ***Hypothesis: There is a need for rental units.***

There is anecdotal evidence that rental units are needed. The gap in rental units seems to be at a range of incomes. While there are over 300 units serving incomes at 35% to 60% of AMI (annual income of \$31,000 to \$53,136 for a family of 3) there are few to none serving closer to market or 61% to 100% of AMI (annual income of \$54,000 to \$88,560 for a family of 3). Rental units haven't been developed for close to 20 years. There is likely need for units at the entire range of incomes: 35% to 100% of AMI. The market assessment being conducted by Jim Wood will provide data to demonstrate the specific needs as they pertain to rental units. Staff supports and will actively consider rental housing projects and opportunities. The housing funding model will need to be considered as specific project opportunities present themselves as the \$40MM.

- ***Hypothesis: Seasonal housing is the responsibility of businesses generating seasonal employees.***

Meeting seasonal housing needs is difficult due to the nature of units sitting empty for six to eight months out of each year. The pressure on the community has increased in recent years and groups of seasonal workers are renting shared homes and condos throughout the entire region. While the pressure is increasing, the responsibility of providing employee housing should be met by the employers. There are recent new development examples of meeting this need that did not require City subsidy.

- ***Issue: Prioritizing opportunities.***

Staff is recommending that an affordable housing development be implemented with the highest and primary goal being traffic mitigation and not contributing to traffic congestion on Park City roads. All city-owned property and future opportunities for acquisition of land or existing units should be assessed by how much traffic is increased or reduced. For example: units and developable land in close proximity to bus routes, bike trails and walkability routes would be of the highest priority. In addition, staff may recommend future affordable housing development projects that include reduced or shared parking (pay to park, spaces shared with general public, etc.). For such projects, eligibility for rent or ownership could include ownership of no vehicles.

### **Department Review**

The report has been reviewed by the offices of Community Development, City Attorney and Executive.

### **Funding Source**

No funding is needed beyond the funding committed to Affordable Housing programs for the next four years.

### **Summary Recommendation**

Staff recommends that City Council and the Planning Commission continue the housing discussion begun on April 28, 2016 as a result of the findings and recommendations prepared by Economic and Planning Systems (EPS). Additionally, staff is looking for discussion on staff proposed housing program direction, priorities, and next steps.

#### **Recommendations:**

- Revise Housing Resolution as follows: in-lieu fee calculation, target incomes, and updating employee generation numbers.
- Establish an Affordable Housing numeric goal and prioritize City housing funding following results of market study to be completed Fall 2016.
- Actively consider affordable rental projects and purchase of existing housing stock for redevelopment in addition to land purchase and for sale affordable unit subsidies.
- Continue to pursue assessing and implementing projects on the housing pipeline.
- Consider additional incentives in support of affordable housing development.

#### **Next steps are:**

- Prepare a red-lined housing resolution for City Council consideration ASAP.
- Complete the housing market study and present to the Planning Commission and City Council in the Fall 2016.
- Assess and recommend additional incentive based land management code revisions to the Planning Commission and City Council.
- Actively pursue City and private initiative development opportunities through the housing pipeline and evaluation matrix.

### **Attachments**

Exhibit 1 - EPS Draft Final Report

Exhibit 2 – EPS PowerPoint Presentation

*The Economics of Land Use*



## **Draft Report**

# Park City UT Housing Review

Prepared for:

City of Park City, Utah

Prepared by:

Economic & Planning Systems, Inc.

March 29, 2016

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EPS #153048

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## 1.0 EXECUTIVE SUMMARY

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### 1.1 Summary of Findings

The following are the major findings from EPS's work. Each frames the context in which the recommendations are structured.

**1. *The gap between market rate housing and prices affordable to the City's workforce continues to widen.***

- Single-family housing prices have escalated an average of 6.7 percent per year since 2000, even factoring in the recessions. From 2010 to 2015, prices have escalated at 10.7 percent annually from approximately \$990,000 to nearly \$1.5 million for a single-family home. Furthermore, since 2000 condo prices have increased at 5.5 percent per year from approximately \$365,000 to more than \$684,000, although most of this increase is attributable to the escalation of prices before the housing market bubble.
- Median incomes have increased just 1.7 percent annually since 2000, and qualifying income limits have increased 1.9 percent annually since 2000.
- The "affordability gap" has widened more than two-fold from approximately \$375,000 to \$949,000. That is, in 2000 a household earning Park City's median household income (\$65,800) could afford a house at \$180,400 and the average-priced single-family house sold for approximately \$555,000. By 2014, a household earning Park City's median household income (according to the U.S. Census' 5-year estimate of \$89,886) could afford a house at \$365,900 and the average-priced single-family house sold for approximately \$1.3 million.

**2. *There is dwindling inventory of housing affordable to the community workforce.***

- Other studies and needs assessments have also sounded the alarm. There is a dwindling stock of housing affordable to those who work and would live in Park City if they could afford it.
- In 2000, 26 percent of the City's for-sale inventory was valued at less than \$300,000. By 2014, that portion had dropped to 12 percent. Over a shorter period of time, between 2011 and 2014, the portion of for-sale inventory affordable to a household earning median income dropped from 21 percent to 17 percent.

**3. *The existing housing resolution (13-15) applies to less than 50 percent of all residential development activity.***

- Approximately 78 affordable units were built between 2005 and 2011 under the current housing resolution. As these were the units to meet the 15 percent inclusionary zoning requirement, it is estimated that they were based on projects totaling 520 total units. During those 6 years, however, there were 1,100 residential units permitted, indicating that the inclusionary zoning requirement applied to approximately 50 percent of all residential construction.

**4. Had the intent of a previous version of the housing resolution (version 6-94) been followed, nearly double the number affordable units might have been built.**

- Among other things it established, resolution 6-94 expressed the City Council's intent to consider whether the future version of the resolution's housing requirements should apply to residential development of more than two units.

**5. Moving forward, the development pipeline would suggest that there are fewer applications that will apply to the existing housing resolution.**

- According to staff, there are few if any opportunities for future annexation, and only three master-planned developments (MPD) are known. Development is increasingly infill and single-site demolition/rebuild.

**6. Revisions to the housing resolution have focused increasingly on the community's workforce.**

- In a revision to the housing resolution in 1999, the City Council listed that the beneficiaries of such policy should include police, teachers, firemen, service workers, and longtime community residents. By 2006, that had been expanded to include: those who live and work in Park City, "essential" public and private sector service workers (schools, fire, municipal corporation, sewer district), full-time employees of businesses located within city limits, residents of Park City for the past 24 months, owner or owner's representative of a business within city limits, senior citizens, and the physically or mentally challenged. In a subsequent revision, the word "essential" was removed from the public and private sector service workers category.

**7. Moreover, while improvements have been made to the housing resolution, these changes have had decreasing returns given the changing market.**

- Over time, improvements, clarifications, and modifications have been made to the housing resolution, although some of its elements have not; e.g., the per-unit incentive of \$5,000 has not been updated since 1991. MPDs and annexations were more common in the early 1990s than they are now, and they do not provide the same vehicle for affordable housing production they once did.

**8. There are conflicting policy objectives regarding height, view-shed, historic preservation, and open space.**

- As has been pointed out in previous studies, these desirable planning objectives conflict with the objective of achieving greater housing affordability. They all serve to exacerbate affordability conditions and increase prices by generally decreasing the supply of housing.

**9. EPS employee generation survey data for Park City are generally in line with the current factors in the existing housing resolution.**

- The commercial mitigation portion of the current housing resolution bases its mitigation requirement on 20 percent of the 4.4 full-time equivalents (FTEs) generated per 1,000 square feet of commercial space. Based on analysis and vetting of 132 survey responses from Park City employers, the overall rate is currently estimated at 3.9 FTEs per 1,000 square feet for the City.
- The information collected provides sufficient detail to replace the existing types of rates with City-relevant numbers as well as differentiate between, for example, a full-service

restaurant (8.1 FTEs per 1,000 square feet) and a quick-casual or fast food restaurant (6.9 FTEs per 1,000 square feet).

- Many categories were within approximately 20 percent of the current generation rate, such as lodging (0.5 FTEs per room versus the existing 0.6 FTEs); medical profession/health care (2.7 FTEs per 1,000 square feet versus the existing 2.9); finance/banking (2.8 FTEs per 1,000 square feet versus the existing 3.3); education (2.2 versus the existing 2.3 FTEs); and real estate and property management resulted in the same generation rate (5.9 FTEs).
- One category was different by more than 20 percent of the existing generation rates, such as "other professional services" (2.7 FTEs versus the existing 3.7 FTEs).

## 1.2 Recommendations

EPS and its legal consultant, White & Smith, LLC, have worked with City staff and the City Attorney in the development of the findings and recommendations presented here.

Unfortunately, neither the Utah Statutes nor the Utah courts have provided direct guidance with respect to inclusionary zoning or fee-in-lieu programs for cities in Utah. Please be advised that although other courts around the country have taken up issues related to inclusionary housing programs, and while their holdings are somewhat instructive, the current status of known Utah interpretations and standards reflect a more rigorous judicial review and/or legislative reaction may be expected if the program is expanded to otherwise permitted uses.

In addition, Utah's statutory and case law have been consulted, as well as other state sources, including an important advisory opinion from the state's Office of the Property Rights Ombudsman (Advisory Opinion #96, February 28, 2011) for guidance. These have been used as a general reference, but, of course, how a Utah court would interpret the City's current approach or those recommended here is unknown and the City Attorney's input should inform the City's consideration of the recommendations included in this report.

### **1. From a development-based approach, Park City should consider providing additional financial or economic incentives.**

- The City should consider deferring, abating, or granting back some portion of local property taxes to property owners/managers for keeping units in long-term affordability. Financial modeling provided in this report illustrates how this tool would provide value to rental developments as a way to "fund" additional housing without committing new public financial resources.
- The City could decide what level of affordability (e.g., a percent of the affordable workforce wage) and what term (e.g., units remain affordable at specified income level for 15 to 30 years) to require. This technique could be applied to new and rehabilitated rental properties, as well as new developments. (This recommendation needs to be considered within the City's legal authority and Utah statutory limitations..)
- Analysis described in the report indicates that under some conditions, this incentive could be accretive to a project's return on cost. While it is risky to assume that this would be the case for every project, the reality does remain that decreased expenses means greater debt service coverage ratio for a project and better operating performance. In other words, the impact of a property tax abatement (or a mechanism designed to achieve similar results) could make a development project either more feasible or encourage a project to move forward that otherwise would not have.

- As it concerns for-sale housing, the City should consider whether the per-unit fee waiver, currently a part of the existing housing resolution, is worth maintaining. Because the gap between market rate and affordable units is so great (currently estimated at nearly \$950,000), the \$5,000 per unit waiver of fees is not enough to motivate a developer; it is therefore, largely symbolic. At a minimum, the City should consider having a discussion about waiving either 100 percent or some substantial portion of permit and impact fees. (In context, the fee waiver was set at \$5,000 in 1991. In today's dollars, it would need to be approximately \$8,600 to have at least the same value.)
- It should be noted that the Municipal Land Use, Development, and Management Act (Title 10, Chapter 9a, Utah Code Ann.) includes certain requirements related to cities planning for and providing moderate income housing. For example, cities - required to adopt a comprehensive plan - are authorized to address "the protection or promotion of moderate income housing" in their plans (Utah Code Ann. §10-9a-401) and must include a land use element that includes an estimate of its needs with respect to moderate income housing and a plan to reasonably meet those needs (Utah Code Ann. § 10-9a-403(2)). Cities with moderate income housing plan elements must review them biennially to detail actions, efforts, and progress made to meet city's housing objectives (Utah Code Ann. §10-9a-408). Certainly, Park City's longstanding inclusionary housing requirements fall within this planning context, as would reasonable incentives described here and in Recommendation #2.

**2. The City should expand the applicability of the density bonus for affordable housing and consider raising the density bonus.**

- Applicability: The density bonus is granted only to MPDs in the City's Land Management Code. Using additional entitlements to motivate a developer to provide affordable housing can be a strong incentive in markets where additional density is particularly valuable. As a matter of policy coverage, EPS believes that the density bonus should be made available to any development that would look for ways to include affordable housing, including commercial and infill developments.
- 10 percent density bonus: The density bonus is frequently the strongest incentive an inclusionary zoning ordinance can offer in any setting where development pressures exceed entitlement. In EPS's experience, an increase in density, while greater efficiencies of land are usually realized (lowering the per-unit costs of land), is still associated with more construction costs. There are two challenges for most communities utilizing this incentive.
- On one hand is calibrating the amount of density, recognizing the marginal costs of construction, so that it has sufficient residual value to motivate a developer to pursue it. On the other hand is calibrating the amount of the "requirement" so that it doesn't eliminate the positive residual value of the density bonus itself. That is, there is value in the density bonus that can be leveraged for additional community benefit (i.e., affordable housing), but it needs to be of sufficient scale so as not to make the density bonus worth pursuing at all.
- Currently, Section 15-6-5(A)(1)(b) allows the Planning Commission to grant a maximum of 10 percent density bonus if a developer proposes an MPD where more than 30 percent of the equivalent units are affordable (or employee) housing. Therefore a developer of a residential MPD in Park City would have two basic choices: comply with the standard 15 percent set-aside requirement, or provide an additional 15 percent affordable housing for 10 percent additional density. It is very unlikely that these two elements have been calibrated such that a developer would be economically indifferent to the two choices –

i.e., they would both yield the same financial return, or even ideally that the financial return of the project with the density bonus is actually higher.

- EPS recommends that the City re-evaluate its motivation for the two factors and discuss to what extent they can be brought into closer economic alignment. For example, a density bonus of 20 to 40 percent may be necessary (depending on the scale of the development and its construction type – wood frame, steel, or concrete) to offset the increased requirement for affordable housing.

### **3. The City should modify the commercial component of the housing resolution.**

- Policy Context: From the perspective of a policy modification, it is always possible to convert this commercial mitigation strategy into an actual commercial linkage program—i.e., using a nexus study to establish fees that are assessed to new non-residential developments on a per-square foot basis by land use categories. EPS believes that the current version of a “commercial mitigation strategy” generally achieves the same outcomes as a commercial linkage program might, and that the magnitude of units built or in-lieu fees collected would be roughly equivalent. Like the survey data collected in this study, a nexus study also collects data to identify the number of FTEs generated by different non-residential land uses. It quantifies the distribution of jobs by occupational category and assigns them to wage levels. The workers (and their households) are distributed by median income categories, from which it can be estimated what portion of all jobs created by the new non-residential development require housing assistance. The fee is calculated as the affordability gap, or the difference between the market rate and price of an affordable housing unit to particular households by median income level. The total affordability gap for the lower-income households is estimated and divided by the total square feet of a development to determine a per-square foot fee.

Generation Rates: The City should discuss the merits of incorporating the new survey-based employment generation rates. It should be acknowledged that this type of basis for calculating employment generation rates is always subject to a margin of error. On one hand, asking employers the number of their full-time and part-time staff relies on the accuracy of the information the person surveyed has available. On the other hand, it relies on the respondent’s knowledge of the total floor area of their space, and in the absence of that (which is very common), the accuracy of this part of the information is reliant on either the respondent’s or the data-gatherer’s ability to accurately gauge the size of the space. EPS made every attempt to fully vet the numbers given to all data-gatherers in the survey work. We cross-checked the square-footage numbers against Summit County Assessor data.

- Mitigation Rate: Aside from the 15 percent residential set-aside requirement, there are a couple other factors that seem to be associated with mitigation of affordable housing need. On one hand is the 20 percent mitigation factor applied to the commercial component; on the other hand is the 34 percent “location substitution” factor identified and both require the mitigation of some portion of the housing demand generated by those uses. In the case of the City’s current resolution, 20 percent appears to have been chosen as a number reflective of the portion of FTE-based households in need of housing assistance, though no documentation is available to confirm this.

In the case of the 34 percent location substitution factor, it appears through research that this number originated from an analysis of 2005 commuting data that identified 34 percent of the City’s jobs were held by City residents. It was held that this was an optimal number to maintain and has been applied to estimates of affordable housing demand since then. In the context of other resort communities, this number is often a

policy-driven factor. Telluride (CO), for example, chooses to require a 40 percent commercial mitigation rate; San Miguel County (CO) requires 15 percent; Vail (CO) requires 20 percent; Jackson Hole (WY) requires 35 percent; and Aspen (CO) requires 60 percent. These rates are not necessarily based on any specific analysis of in- and out-commuting patterns; they are based on community priorities. As such, Park City should engage in a discussion with elected officials about an appropriate “goal” for housing local workers. By way of comparison, if Park City did embark on a nexus study to quantify the jobs-housing linkage for commercial development, this mitigation rate would be a factor developed in the analysis, which then becomes, for communities with such policy, the subject of policy debate and community goals.

- In the end, no matter which direction the City takes on this issues, it needs to have a discussion about what percent of its workforce it believes should live locally and start to frame the analysis of other production goals around it.
- In 2015, the California Supreme Court decided an important case arising from the City of San Jose’s inclusionary zoning ordinance (which is similar to, though not identical to Park City’s housing resolution), and held that the San Jose ordinance was a defensible land use regulatory device and was not an exaction. *See California Building Industry Ass’n v. City of San Jose*, 351 P. 3d 974 (2015). It is not clear, of course, whether a Utah court would concur with the California Supreme Court’s *San Jose* case in the event of a challenge here (see e.g., Property Rights Ombudsman Advisory Opinion #96, February 28, 2011), but in any case, should the City elect to implement Recommendation #3, appropriate nexus, and potentially developer feasibility/benefit, studies should be considered in consultation with the City Attorney.

#### **4. The City should establish a housing goal.**

- At this time, establishing an actual housing goal – i.e. a concrete numeric target, should be the city’s highest priority. The evolution of the city’s current housing resolution, as outlined in Chapter 2, illustrates clearly the city’s intent to prioritize affordable housing, but also illustrates how the City’s statements did not identify actual goals. Also outlined in the report, the closest the city has come to identifying a numeric housing target has been the informally-adopted “location substitution” rate of 34 percent. Research into the root of this factor shows that it may have been based unintentionally on the incorrect ratio of “job-holding residents” to total Park City jobs. Historic in- and out-commuting trends indicate that in 2005, when the location substitution factor was developed, that the ratio of Park City residents working in Park City was actually 15 percent (not 34 percent).
- As a point of comparison, both Jackson Hole and Aspen have adopted housing goals. Aspen has a stated target of housing 60 percent of its workforce locally, and as such, holds its commercial mitigation rate at 60 percent. Jackson Hole also has a stated policy target of housing 65 percent of its workforce locally, although it requires just 35 percent commercial mitigation. EPS recommends that Park City not only engage in a discussion of what it would like the target to be, but whether or not it believes that a modified commercial mitigation rate should or needs to be the only manifestation of that policy goal. That is, even if the City chooses to adopt a high locally-housed workforce target, the City will likely never achieve its goals with future commercial development alone. And if Park City did embark on a nexus study to quantify the jobs-housing linkage for commercial development, this mitigation rate would be a factor developed in the analysis, which then becomes, for communities with such policy, the subject of policy debate and community goals.

- But, as a point of departure, EPS recommends that the City entertain two basic possible housing targets: housing 20 or 25 percent of the city's workforce locally. While this proportion seems lower than the unofficial 34 percent location substitution factor, this is a reasonable, if not optimistic goal for the city to set. Based on projections detailed later in the report, EPS estimates that to achieve 20 percent of the city's workforce living locally would require the production of approximately 860 more housing units specifically for the local workforce. Achieving 25 percent of the city's workforce living locally would require the production of approximately 1210 more housing units specifically for the local workforce. These would be double and triple increases, respectively, in the rate of housing production for local residents (i.e. occupied housing units) and would, therefore, be challenging from a variety of perspectives, including among other things, the capacity of the development community.
- As discussed previously, the Utah courts have not been presented an opportunity to consider the constitutional or statutory standing of an inclusionary housing ordinance in this state, as the California courts recently have. To the extent the same would be considered an exaction in the Utah context, the goals recommended here should reflect the estimated impact of development subject to an amended Park City housing requirement. Nonetheless, establishing a housing goal is important, at the very least, for purposes of meeting the moderate income housing requirements for cities under the Municipal Land Use, Development, and Management Act.

#### **5. The City should modify its in-lieu fee structure.**

- The current housing resolution establishes a structure based on three pieces of information: 1) the median market value per square-foot of 600 to 1,600 square foot units sold in the prior year; 2) multiplied by 900 square feet; and 3) the affordable home sale price for a household earning Park City's workforce wage subtracted from the result. There are a variety of approaches available to governments in structuring an in-lieu fee: 1) the difference between a market rate unit and a deed-restricted affordable unit; 2) a percent of the construction cost; 3) a percent of the maximum affordable sales price; 4) a percent of the land value to construct units elsewhere; and 5) nexus-based fee, which is described in recommendation above.
- Given considerations for complexity versus simplicity of the in-lieu fee's design, considerations for the magnitude of revenues generated, and considerations for the ease in making annual updates, EPS recommends that the City adopt a construction cost methodology for its in-lieu fee structure. This method would rely on only one piece of information for the actual in-lieu fee (construction cost per unit), rather than the current three.
- This per-unit factor could be developed using the City's own development projects of a relevant prototype, such as single-family homes, townhomes, or condos. The methodology would also involve making annual updates, using either the BLS producer price index (PPI) for all residential construction (i.e., for *Material and Supply Inputs to Construction Industries*, which is published annually on a 1½ year lag), or the consumer price index (CPI), which is published by the BLS monthly and without a lag. Either way, the methodology does not rely on collection of magnitudes of MLS or Assessor data each year for updates.
- EPS also recommends that the City consider applying a percentage to this factor, such as 75 percent of the total cost of construction, so as to remove a portion often attributable to land costs.

- As noted previously, consideration of whether or in what manner to restructure the City's in-lieu fee provisions, should include input from the City Attorney and, in particular, the assumed approach being an exaction or land use regulation under the Utah framework.

**6. The City should consider modifying the residential portion of the housing resolution to apply to all residential development.**

- The City should consider applying this portion of the resolution to all residential development. This is based on the review of the intent of the original housing resolution and the focus of subsequent iterations on annexations and MPDs, as well as analysis of historic building permit data, and an understanding of development in the pipeline. That is, it is unlikely that annexations or MPDs will be a majority or even a substantial component of development moving forward, such that the housing resolution as written will continue to be effective.
- For either of the previous options, EPS would recommend that an exemption be structured for projects that are contributing to the City's affordable housing inventory. As such, the exemption could be drawn at units that are priced below a certain affordability mark. For example, in 2014 the maximum affordable purchase price for a household earning 100 percent of median income (\$89,886) was \$359,600. Alternatively, the maximum affordable purchase price for a household earning 150 percent of the Park City workforce wage (\$73,253 for a household of two persons) was \$282,700. Whatever the threshold, EPS recommends that it serve equally as a proxy for the size of units being constructed.
- The implication of this is that all new residential development, large and small-scale projects of all structure sizes would apply. Given that the City has been concerned about recent increases in the number of larger single-family homes (i.e., second homes) that have not been subject to the resolution, it would be in the interest of the City to adopt a mechanism by which these are either subject to a higher mitigation, or that units priced more affordably (or of a smaller size) would be exempt.
- One option available is that the City could consider establishing a residential linkage program, which would establish the nexus between the level of affordable housing demand generated by units at various price points (i.e., proxy for size). There are two methodologies that such an analysis could employ: 1) other resort economies who have traditional residential linkage programs have conducted door-to-door surveys of the actual employment generated by their household (i.e., gardeners, housekeepers, other staff, etc.); and 2) there are a few larger, urban markets that have adopted residential linkage programs that rely on a nexus established on the basis of overall employment (i.e., jobs vis-à-vis household spending patterns). The first method requires primary data collection, and the second relies on input-output modeling factors.
- The other option is that the City keep its existing mitigation structure, but apply it to all new construction or demo-rebuild projects (i.e., no threshold). The fee in-lieu structure would be kept the same, but its outcome would require that smaller projects would be a fraction of a per-unit fee.

- As discussed in Recommendation #3, Recommendation #6 also implicates the City's existing resolution-based approach, which is based on a "Housing Mitigation Plan" proposed by an applicant mostly for annexations and master planned developments. This approach, though untested, generally is regarded as a fair and equitable means of addressing the housing challenges facing Park City. Expanding the inclusionary requirements to all residential development, though clearly advancing the "moderate income housing" directives in the Municipal Land Use, Development, and Management Act, also implicates the questions raised in the advisory opinion and *San Jose* case outlined previously and should be discussed with the City Attorney.

**7. The City should pursue a blended approach to structuring deed-restricted ownership units.**

- There are two common approaches to deed restrictions – shared equity and limited appreciation model. In general, the shared equity model lowers the initial cost of home-ownership for households and offers them the opportunity to own the property in the long run while not necessarily attempting to manipulate the "value" of the property for the sake of keeping it in the affordable inventory. The limited appreciation model, on the other hand, seeks to manipulate the value by arbitrarily setting a price appreciation limit that is sometimes set to 2 or 3 percent.
- Shared equity works well in an environment where considerable magnitudes of new housing are being built. It would be worthwhile engaging city officials in a discussion of how to establish the program so that it could be utilized where effective. Specifically, the shared equity approach means that a borrower purchases a home by providing a downpayment, typically 5 percent, borrows approximately 75 percent of the value of the property and receives a low-interest equity loan of up to 20 percent (or some limit). At the end of the mortgage term or earlier, the equity loan is paid off in full plus 20 percent of the property's value escalation.
- A lower equity loan means less for a household to pay back over time, the larger the equity loan, the lower the "point of entry" for households in need. As such, the City may want to consider this element as a point of leverage to manipulate given market conditions. That is, the City could establish a policy where equity loans are available up to a maximum amount, and the borrower could choose whether or not to take advantage of the full value.
- The challenge with this technique, however, will be that the City effectively cannot lend its credit or make loans. To take advantage of this option, the City will have to explore what third-party entities would be appropriate for administering such a program, such as Mountainlands Community Housing Trust or the Housing Authority. Perhaps the City could work to organize local and regional banks to establish a shared equity loan pool whereby the banks receive Community Reinvestment Act credits or other tax abatement incentives.
- This model may also be worth exploring in a rental (or leasehold) context. Instead of an equity loan to the homebuyer, the City might explore whether it has the resources (i.e., pass through of capital funds) to grant lower interest equity loans to a new rental development in exchange for a portion of the units to be provided as affordable.

- In general, the advantages of the shared appreciation model are that it lowers the barrier to entry for households and gives them an opportunity to buy into the market and build equity at the same pace as the rest of the market. On the other hand, the shared equity model works well in a market that is constantly producing new units. In theory, after the first round of households has purchased such a deed-restricted home and sold it, there is risk that the housing inventory could enter the market-rate inventory unless a fail-safe mechanism is included, such as a first right of refusal for the city.

**8. Define the timing of commercial and residential developments in the scheme of a revised and modified housing resolution.**

- It is important with the modification of existing policy or adoption of new policy that affects land development that a date be selected sometime in the future, at which point all applications received would apply to the revised policies. Depending on the length of time between, for example, permit application and time of construction or site plan and building permit, EPS recommends that, at the time City Council may approve the recommendations governing the housing resolution, a date be chosen that reflects this amount of time and applicable state requirements related to vesting of development rights, as applicable.

**9. The City should establish priorities for allocating the recent \$40 million RDA Fund allocation.**

- Previous Councils have drawn made important, symbolic, but necessary declarations of need, intent, and priorities in the housing resolution. The recent allocation of \$40 million for capital is an important backdrop to such conversations. The City should engage its elected officials, however, in a policy discussion oriented around determining and voicing their concerns, vision, and direction regarding housing priorities.
- That discussion should utilize major analytical findings from this study as guideposts for policy debate, not necessarily as prioritizations or exact magnitudes of need. The analytical findings of this study, and other studies that have preceded it, can be interpreted as a selection of ways to look at this need. As there are multiple methodologies here and developed throughout the years by PCMC staff, there is a need to view these findings through the lens of political priority, perceived urgency, as well as within the context of other City priorities.
- EPS recommends that the City consider the various programmatic ways it might utilize the allocated funds. Programmatic considerations include making some portion of the funds available through a Notice of Funding Availability (NOFA), through which the City could create a competitive environment among both housing developers and service providers for use of the funds. Such a process can leverage the private sector for creative and financially efficient uses of funds.
- Another potential programmatic use of funds could be the acquisition of a strategic parcel of land that the City believes might be valuable in the future as a mixed-use redevelopment, in which the land could be leveraged for a public-private partnership development.
- In addition, some portion of the funds could be allocated to the purchase of existing units that might be appropriate for a shared equity or shared ownership program.

- While the City is not authorized under its accounting rules to make loans (i.e., for the purpose of establishing a mortgage pool or shared equity program), the City should still engage in discussion around who would be an appropriate entity to carry out such a function, how it would be done, and what variety of programs it would offer. It is valuable to consider that the original resolution (37-91) set forth an objective to establish a mortgage pool, working with lenders. While it is not clear from subsequent versions of the resolution whether this concept was ever piloted, it is clear that there are obvious obstacles to doing it today. Furthermore, it does not appear that the Mountainlands Community Housing Trust offers this type of assistance through its various ownership programs.
- In terms of beneficiaries, the City could utilize analysis of affordability conditions from this and other studies to identify magnitudes of need, looking at income level, community workforce contingent, and the type of development typically associated with that type of need. For example, EPS prepared revisions of previous gap analyses as well as a new methodology to estimate magnitude of housing type need by respective income levels of in-commuters.
- Based on the analysis of trends, the City would see more effective results and higher production if it focused more on community-based solutions, such as use of funding mechanism, than relied solely on its housing resolution, which is a development-based approach.
- Funding allocations and incentive programs advance moderate income housing planning requirements, including those in section 10-9a-403(2)(a) and (b) and -408 of the Municipal Land Use, Development, and Management Act.

## 2.0 PROJECT CONTEXT

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### 2.1 Existing Housing Policy

One of the primary objectives of this study is to evaluate the effectiveness of the existing housing resolution. In an effort to understand its evolution, its intent, and in particular, the motivations behind the policy as it stands today, the following section traces the changes in the city's housing policy from its origination in 1991 through today. To formulate more informed recommendations regarding an update to the policy, EPS has looked into the conditions and motivations that warranted the adoption of the resolution, and what how those conditions may have differed from when the current version was updated, and to what extent the current policy is still responsive to the market.

In general, revisions to the housing resolution have focused increasingly on the community's workforce. While improvements have been made to the housing resolution, these changes have had decreasing returns given the changing market. Over time, improvements, clarifications, and modifications have been made to the housing resolution, although some of its elements have not; e.g., the per-unit incentive of \$5,000 has not been updated since 1991. MPDs and annexations were more common in the early 1990s than they are now, and they do not provide the same vehicle for affordable housing production they once did.

#### 2.1.1 Resolution 37-91

In this original version of the resolution, City Council established general policy direction. It established affordable housing as a priority, whereas the Council acknowledged a need to protect and enhance community diversity by encouraging a mix of housing. Specifically, the city noted that it wanted to "assist those members of our community that have demonstrated their commitment to Park City by either their residency and/or work history..." It also acknowledged affordable housing as a housing problem of "national scope." As such, it established a few key components or objectives.

It first of all established a \$5,000 per unit subsidy for projects that imposed resale and occupancy restrictions, giving preference to residents that had lived or worked in community for 3 years. The resolution stated that it should ultimately develop "a program similar to the Historic District Grant Program to encourage the rehabilitation of residential structures for long-term rental or primary occupancy by the owner", establish a private mortgage pool working with lenders, etc., and "consider the need for requiring affordable housing sites as part of all annexation agreements."

#### 2.1.2 Resolution 8-93

The update in 1993 made a few changes, not necessarily to the substance of the policy, but to its specifics. Among the changes, City Council established minimum unit sizes, maximum rents, unit equivalents, in-lieu payments, and a 10% set-aside requirement for annexations.

### **2.1.3 Resolution 6-94**

In 1994, City Council updated some of the “whereas” clauses to the resolution and expanded on its policy discussion and motivations for the policy itself. First, the City stated it would establish affordable as a high priority goal and top priority action item, that a survey of the community indicated that 86 percent of residents said City should encourage affordable housing, and that rapidly rising housing costs was exacerbating the lack of moderate and lower income housing.

As such, the revised resolution established a task force, sought to endorse and assist in the development of a model lease to be used as a standard in subsidized units, implement the Accessory Apartments Ordinance 94-4 to encourage the creation of additional rental units throughout city, and it “express[ed] the council’s intent to consider new housing requirements that may affect: residential development of more than 2 units; commercial buildings; annexations”.

### **2.1.4 Resolution 7-95**

In 1995, the City Council made a few changes to the resolution language, including a reiteration of making affordable housing an “action target” for 1995 and 1996 and noted the dramatic increases in land and housing prices. Among the additions to the policy were the 10 percent set-aside requirement for residential development, a 40-year affordability term for deed-restricted housing, and a covenant in the deed restriction that indicates the City should have the first right of refusal.

### **2.1.5 Resolution 17-99**

The revision in 1999 was the first major and nearly comprehensive expansion to the resolution since its passage in 1991. The City cited numerous studies having been completed annually that have documented the reality that housing prices have consistently outpaced wages of the service sector workers in the resort-based economy. As a result, the task force formed in the 1994 revision and City Council jointly agreed to list the following as targets for the affordable housing policy: police, teachers, firemen, service workers, and longtime community residents. It rationalized the policy changes by indicating that “out-migration of service sector workforce due to these conditions has been detrimental to community character”. The revision also stated a priority for the creation of for-sale, not rental units.

Interestingly, the policy stated that “the cost of providing affordable housing should not be disproportionately borne by any single sector of the community and any solutions should equitably apportion the costs based on impact generation, growth inducement and the underlying goal to provide a cross section of units...”

Among the changes to the resolution were an identification of the types of units desired, maximum rent guidelines (reference to Summit County 100 percent AMI) for rental and for-sale. It also “codified” the target populations as: those who live and work in Park City; “essential” public and private sector service workers (schools, fire, municipal corporation, sewer district), full time employees of businesses located within city limits, residents of Park City for the past 24 months, owner or owner’s representative of a business within city limits, senior citizens, and the physically or mentally challenged. Language regarding the affordability term also was modified.

The most substantial change, however, was the establishment of the policy as it applies to annexations and master-planned developments (MPD). It established that the policy would apply to MPDs of 50 or more units or mixed-use projects of 5,000 sqft or more. It established a 15 percent set-aside, as well as alternatives to satisfying the policy: i.e. it made provisions for a project to satisfy the policy by building affordable units off-site, donating land, acquiring off-site units, or paying a fee in-lieu.

#### **2.1.6 Resolution 10-06**

The next revision also came with some substantial changes. In 2006, the City had just completed its 2005 housing assessment and demand analysis, which had concluded that leisure and hospitality sector would drive demand for affordable housing. The resolution stated that the purpose for the revision was "...to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain Park City's social, economic, and political fabric..."

Among the changes made to the policy, it was the first to contain the employee generation rate chart, which is still used in the most recent version. It established an option for the reduction of employee generation for institutional/non-profit uses up to 50 percent. It established a provision for additions or changes of use, and a section on applicability of resolution to pending developments. It also reworded the critical whereas statement "the cost of providing affordable housing should not be disproportionately borne by any single sector of the community and any solutions should equitably apportion the costs based on impact generation..." It removed the phrase "the cost of providing affordable housing should not be disproportionately borne by any single sector of the community..."

#### **2.1.7 Resolution 20-07**

The following year, a few minor changes were made. These changes added green building requirements to the applicable projects. It added a special needs emergency/transitional housing option as an alternative, and it removed "essential" public and private sector service workers (schools, fire, Municipal Corporation, sewer district) from the list of targeted populations.

#### **2.1.8 Resolution 25-12**

The core of today's applicable policy was refined in the revision in 2012. This version expanded the explanation of the fee in-lieu calculation, removed another category from the target population – i.e. "residents of the city for prior 24 months", and added language regarding the Park City workforce wage.

#### **2.1.9 Resolution 02-15/13-15**

In early 2015, minor language changes were made related to the conveyance of land and affordability terminology. In a subsequent revision later in the year (13-15), the City added a paragraph concerning the fulfillment of affordable housing construction in advance of the obligation.

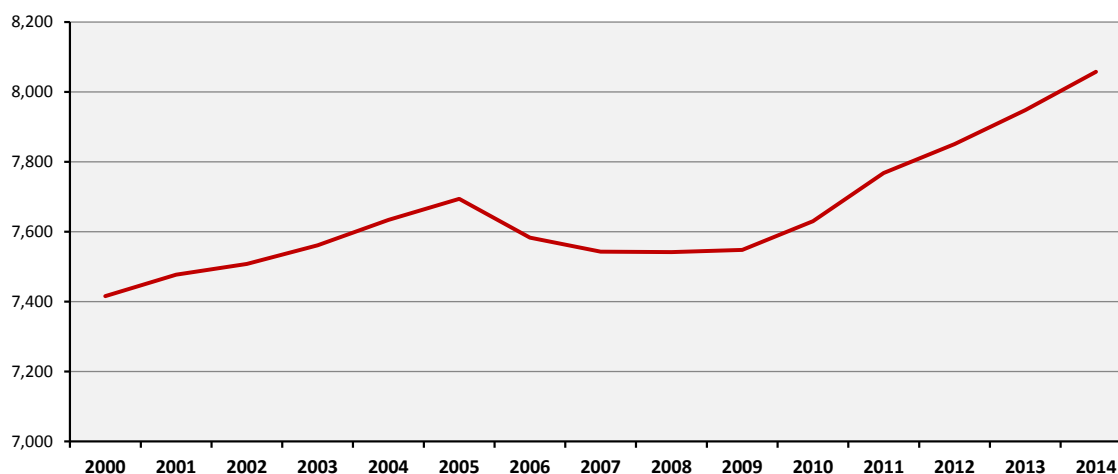
## 2.2 Economic and Demographic Trends

This section of the chapter details the analysis of market trends relevant to housing policy and feasibility evaluation. Some data contained within may be duplicative of other city study documents, while some may be presented here alone. It is this study's objective, however, to provide findings and conclusions based on analysis of relevant economic and demographic conditions and that those trends be documented here.

### 2.2.1 Population Trends

According to the U.S. Census, Park City's population has grown by just 642 permanent residents since 2000, fewer than 50 people per year between then and 2014 (illustrated by **Figure 1**). By comparison, Summit County grew by more than 9,100 over the same period, meaning that Park City captured only 7 percent of the county's growth.

**Figure 1**  
**Population Growth from 2000, 2000-2014**



Source: U.S. Census; Economic & Planning Systems  
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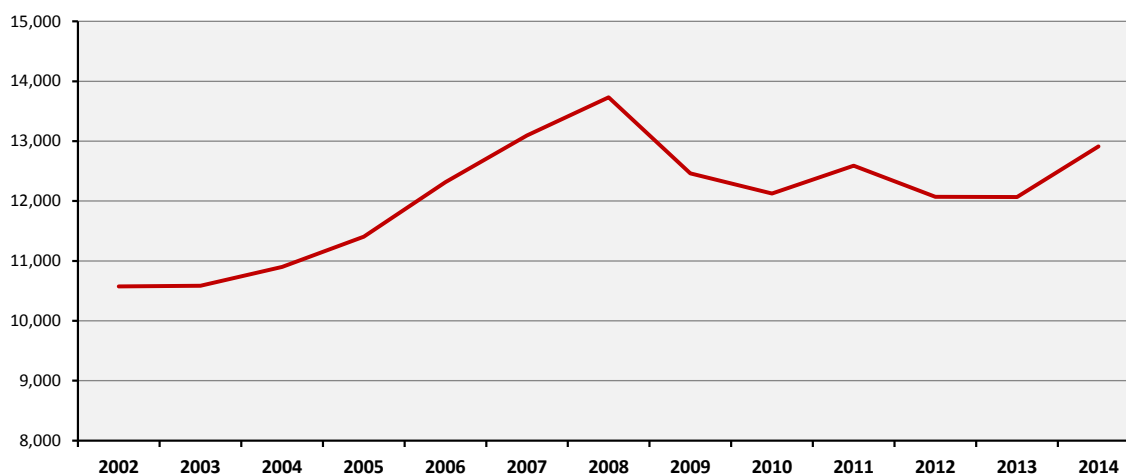
## 2.2.2 Employment Trends

### Park City

**Figure 2** illustrates that Park City's total employment increased from approximately 10,600 jobs in 2002 to slightly more than 12,900 in 2014, a total increase of 2,300 jobs or approximately 195 jobs per year. Employment gains between 2002 and 2008 were more considerable, averaging more than 530 jobs per year. During this time, the arts, entertainment, and recreation sector gained approximately 1,700 jobs; and the accommodation and food services sector gained more than 700 jobs. Among the more modest gains, the retail industry added approximately 300 jobs. The real estate industry added than 120 jobs, and the professional services industry gained approximately 140 jobs.

During the height of the recession (between 2008 and 2009), Park City experienced a net loss of 1,300 jobs primarily in four industries – accommodation and food services (470 jobs), retail (440 jobs), construction (210 jobs), and real estate (190 jobs)

**Figure 2**  
**Park City Employment, 2002-2014**



Source: U.S. Census, LEHD; Economic & Planning Systems

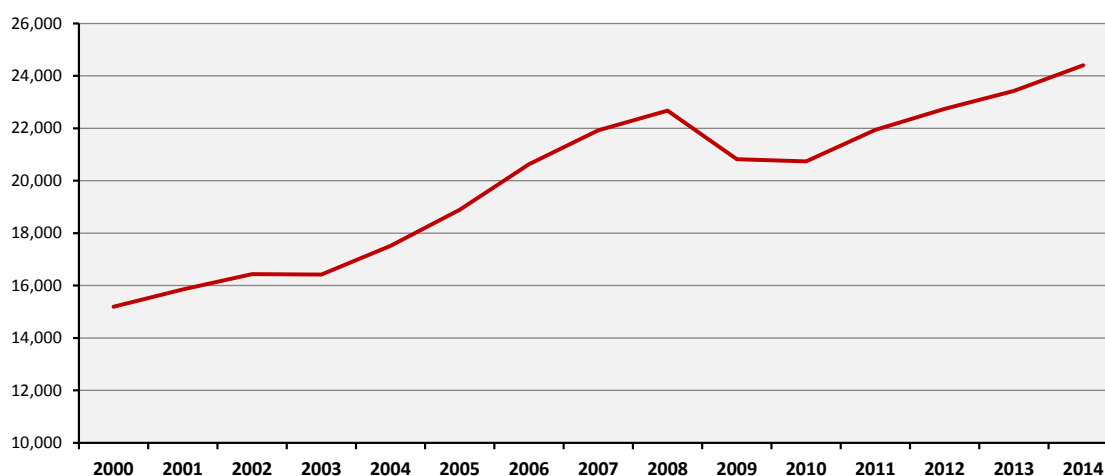
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### Summit County

By comparison, **Figure 3** shows that Summit County's employment increased from 15,200 to approximately 24,400 jobs between 2000 and 2014, a total increase of more than 8,500 jobs or 660 per year. Between 2002 and 2014 (the time period for which Park City's employment data were available), Park City's employment growth accounted for 29 percent of the county's growth. Between 2002 and 2008, Park City's strongest growth years, its share of the county's growth, however, accounted for 51 percent. In the years following the recession, however, the county recovered its employment base more quickly than Park City did. In fact, 68 percent of the jobs losses in the county were from Park City. By 2012, Summit County had regained its pre-recession employment levels.

Overall, between 2009 and 2014, the county gained nearly 3,600 jobs, but Park City's gains only accounted for 13 percent of that. Evidence of that lies in Park City's relative employment levels. In 2002, Park City accounted for 65 percent of the county's total wage and salary employment. And by 2014, Park City's share of employment in the county had dropped to 53 percent.

**Figure 3**  
**Summit County Employment, 2000-2014**



Source: Bureau of Labor Statistics; Economic & Planning Systems

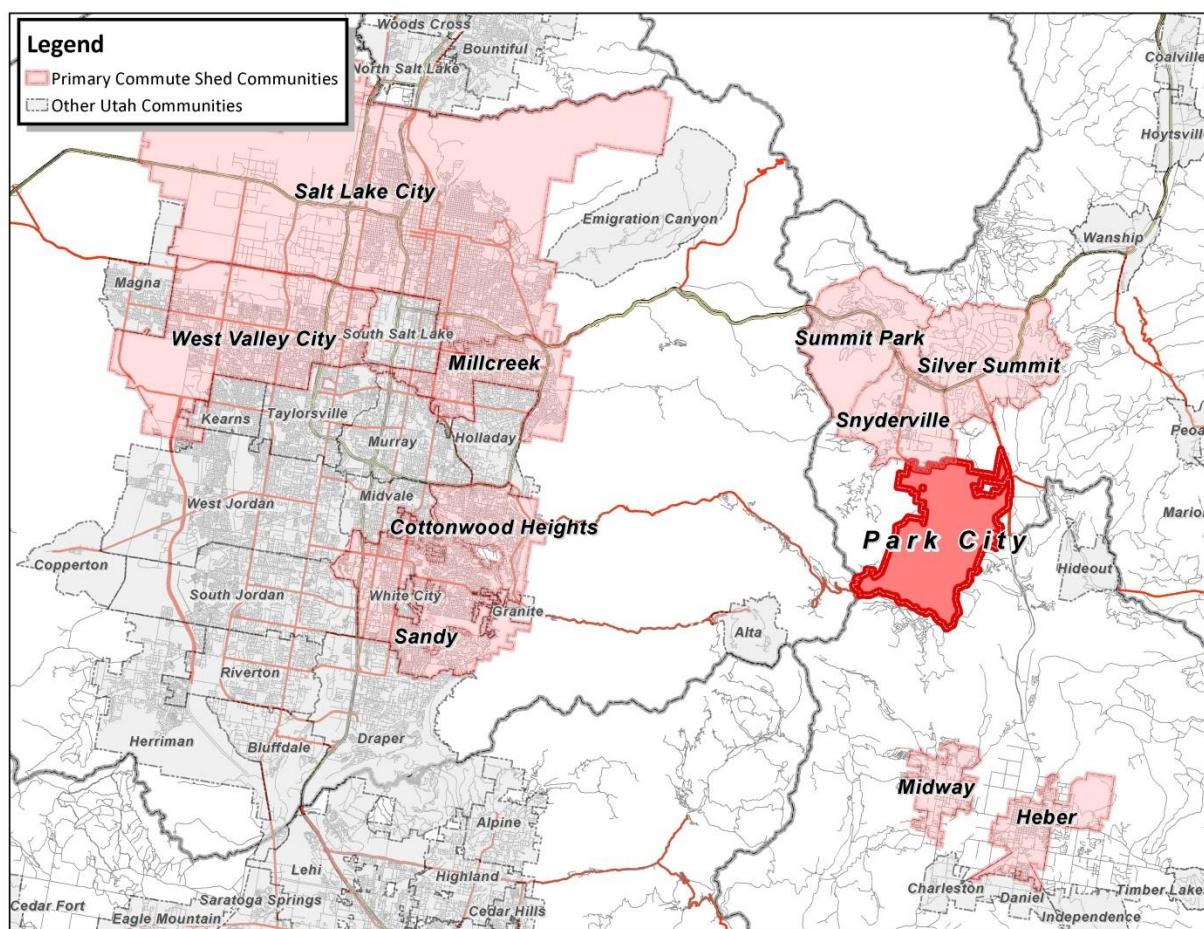
H:\153048-Park City UT Housing Review\Data\153048-Employment- Summit County, Utah- 08-26-2015.xlsm\Sheet4

## 2.2.3 Commuting Patterns

**Figure 4** illustrates the 10 communities that account for Park City's primary in-commuting trade area. Of the city's 12,900 jobs in 2014, more than 10,600 (83 percent of all jobs) of them were held by workers who commuted in from surrounding areas. Nearly 5,800 of the in-commuters (53 percent) live in the 10 commute shed communities.

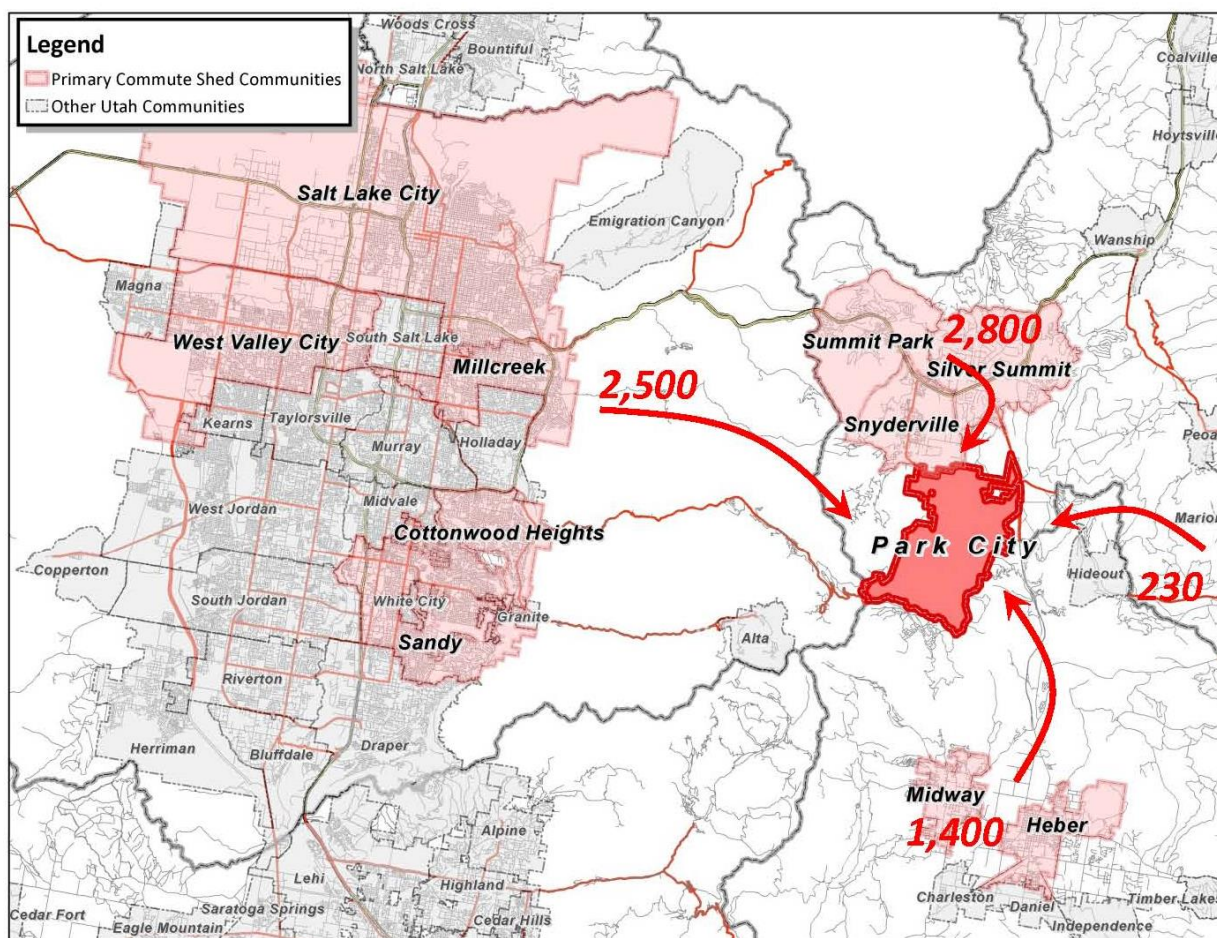
Interestingly, in this analysis of historical data from 2002 through 2014, it was possible to evaluate where the "location substitution" factor may have originated. Although this dataset did not exist until 2009, it does provide researchers with information regarding the number of residents of Park City that were living and working in the City. It is understood that the location substitution factor came from an analysis of 2005 data. In 2005, there were approximately 11,400 jobs in Park City, approximately 1,800 of which were held by locals (15 percent). There were also approximately 3,200 residents in Park City who held jobs either in or outside of Park City (28 percent). It is therefore possible that the 34 percent, within a margin of error, could have been derived from this ratio of "employed residents" to total jobs, rather than "employed residents working in Park City" to total jobs.

**Figure 4**  
**Park City Commute Shed**



**Figure 5** illustrates the magnitude of in-commuting from the 10 primary commute shed community areas. From the north, approximately 2,800 workers are commuting in from Summit Park, Silver Summit, and Snyderville. From the west, approximately 2,500 workers are commuting in from the five primary commute shed communities (Salt Lake City, West Valley City, Millcreek, Cottonwood Heights, and Sandy) as well as other cities in the Salt Lake City metro area. From the east, approximately 230 workers are commuting in from Kamas and Francis. From the south, it is estimated that approximately 1,400 workers are commuting in primarily from Midway and Heber, but also includes Lehi and Orem further south near Provo. According to the analysis of the U.S. Census's LEHD data, there are an additional 3,700 workers commuting in from other cities (not identified in the data) in any direction.

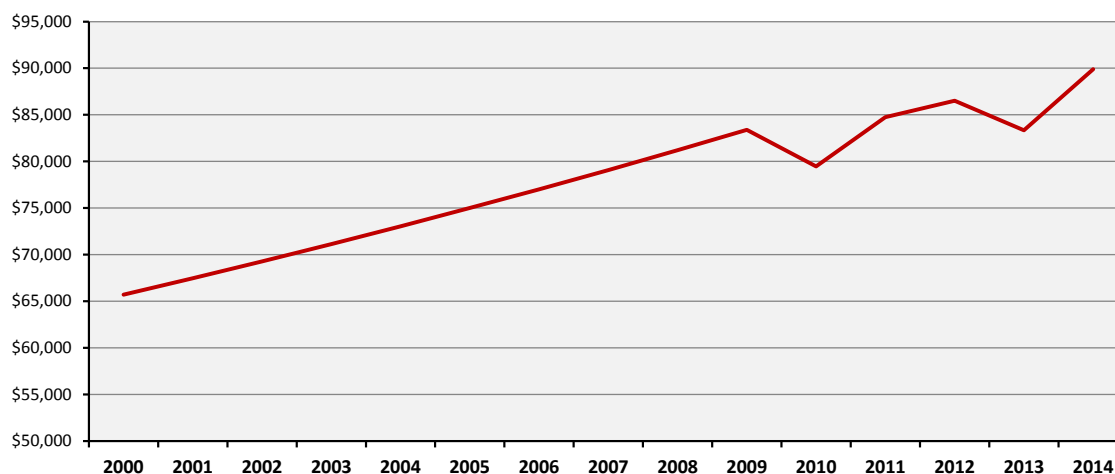
**Figure 5**  
**Park City In-Commuting, 2014**



## 2.2.4 Household Incomes

According to data collected from the U.S. Census, the household median income in Summit County, which accurately represents the income levels of Park City, increased from \$65,700 in 2000 to approximately \$89,900 by 2014, an average 2.3 percent per year. During the same time, the consumer price index (CPI) measured for all western urban consumers, increased also at approximately 2.3 percent per year. As a result, the median income of households actually declined by 0.6 percent per year, adjusted for cost of living increases, implying that household purchasing power actually declined during this time

**Figure 6**  
**Summit County Median Household Income, 2000-2014**



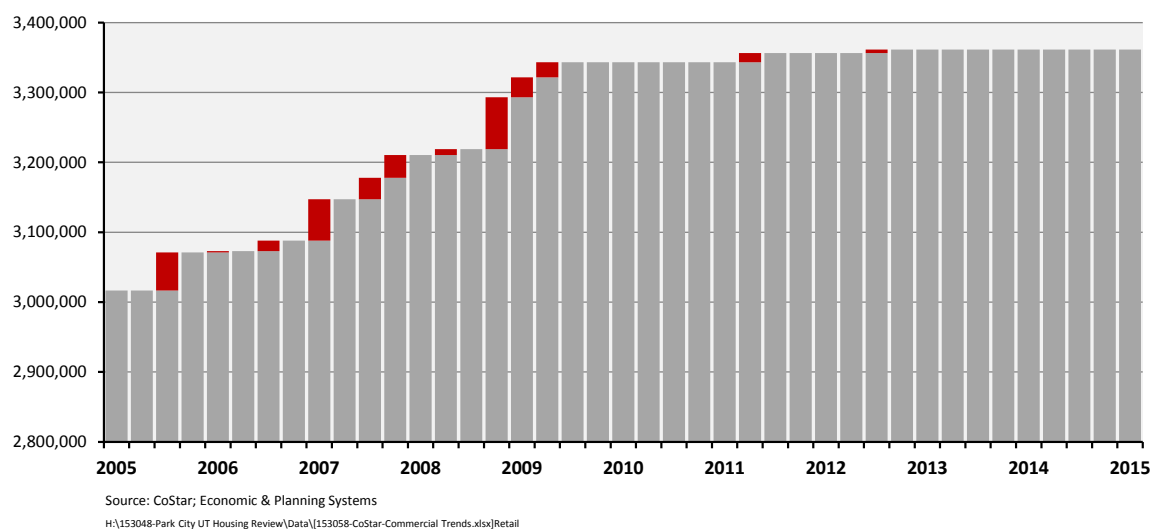
Source: U.S. Census, 5-year ACS; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Incomes.xlsx|TABLE i - Incomes

## 2.2.5 Commercial Growth

### Retail

Between 2005 and 2015, approximately 345,000 square feet of new retail space has been added to Park City's inventory, 95 percent of which (326,000 square feet) was added before 2010 –i.e. during the boom years. Following the recession, just 18,000 square feet was added through the 3<sup>rd</sup> quarter of 2015. According to the data collected from CoStar, vacancy rates fluctuated between four and eight percent during the years of inventory growth, but have stabilized at around four and five percent since then. Currently, the vacancy rate is approximately 4.5 percent. Typically, vacancy rates below five percent (coupled with the recent increase in lease rates from about \$23 per square-foot NNN to \$26 per square-foot) indicates that demand for new space exists.

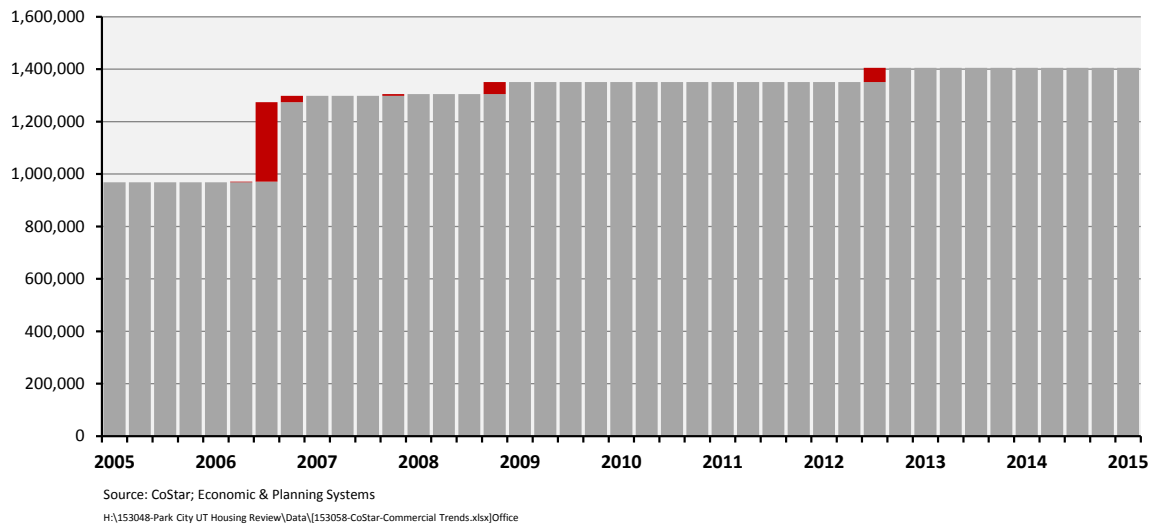
**Figure 7**  
**Retail Inventory Growth, 2005-2015**



## Office

Between 2005 and 2015, approximately 345,000 square feet of new retail space has been added to Park City's inventory, 88 percent of which (303,600 square feet) was added before 2010 –i.e. during the boom years. Following the recession, just 54,000 square feet was added through the 3<sup>rd</sup> quarter of 2015. According to the data collected from CoStar, vacancy rates fluctuated between four and eight percent throughout the data period. Currently, the vacancy rate is approximately 5.6 percent. Based on the analysis of Park City's employment data, the fluctuation in vacancy rate is attributable to the periodic losses of office users

**Figure 8**  
**Office Inventory Growth, 2005-2015**



## 2.3 Housing Market

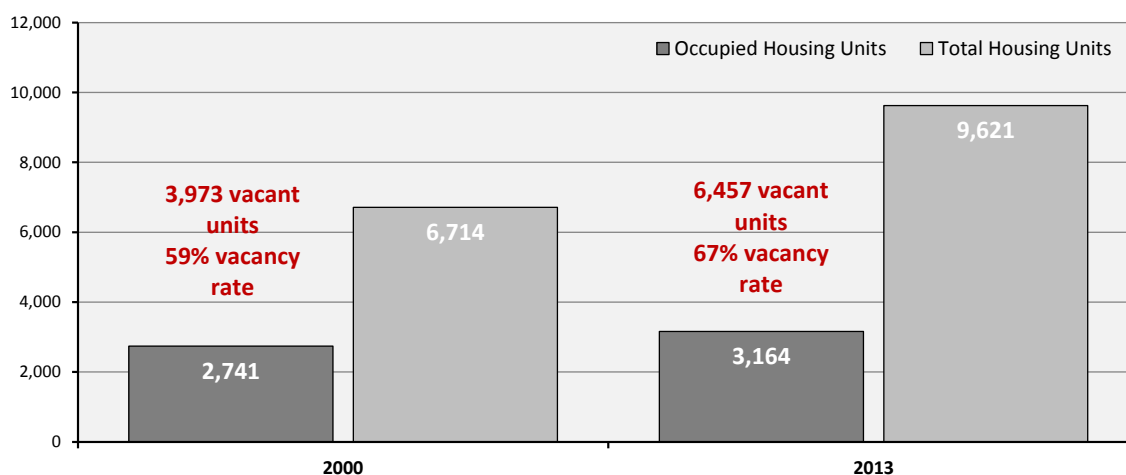
There is dwindling inventory of housing affordable to the community workforce. Other studies and needs assessments have also sounded the alarm. More importantly, there is a dwindling stock of housing affordable to those who work and would live in Park City if they could afford it. This section of the report provides information and grounding in the relevant housing market trends that look at the supply from an affordability perspective.

### 2.3.1 Housing Inventory

The housing inventory in Park City increased 43 percent between 2000 and 2013, or a total of 2,900 units, from approximately 6,700 to 9,600 units. As mentioned previously, the population of the city grew by just 642 permanent residents between 2000 and 2014, fewer than 50 people per year. **Figure 9** illustrates this juxtaposition. The large growth in vacant housing units and the small growth in permanent resident population indicates that very little of the city's housing inventory expansion benefited anyone wanting to live in the community as a part of the growing local workforce.

Accordingly, the number of vacant, for seasonal use or for rent, however, increased by 63 percent or nearly 2,500 units during the same time. In fact, the net increase in vacant units accounted for 85 percent of the overall net increase in units. The balance of owner and renter households remained relatively unchanged at approximately 60 percent owner households and 40 percent renter households. The only change that did occur within the two types of households, however, was within the distribution of households by income. The number of renter households increased by approximately 190. Among those, there was a decrease of 10 in households earning less than \$75,000 and an increase of 200 in households earning more than \$75,000.

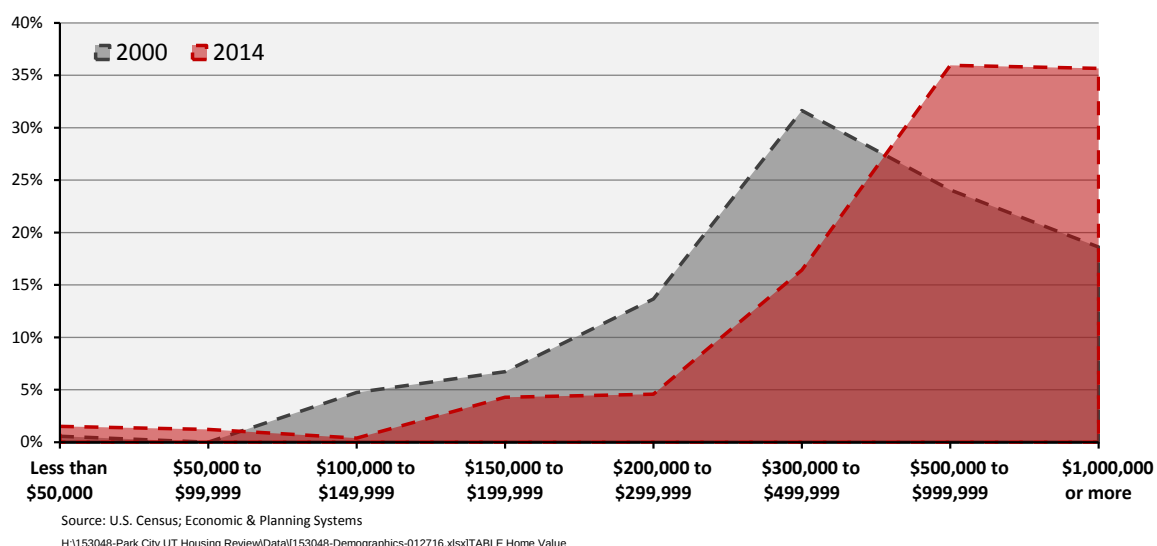
**Figure 9**  
**Total and Occupied Housing Units, 2000 and 2013**



Source: U.S. Census; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Demographics-012716.xlsx|TABLE Occupancy

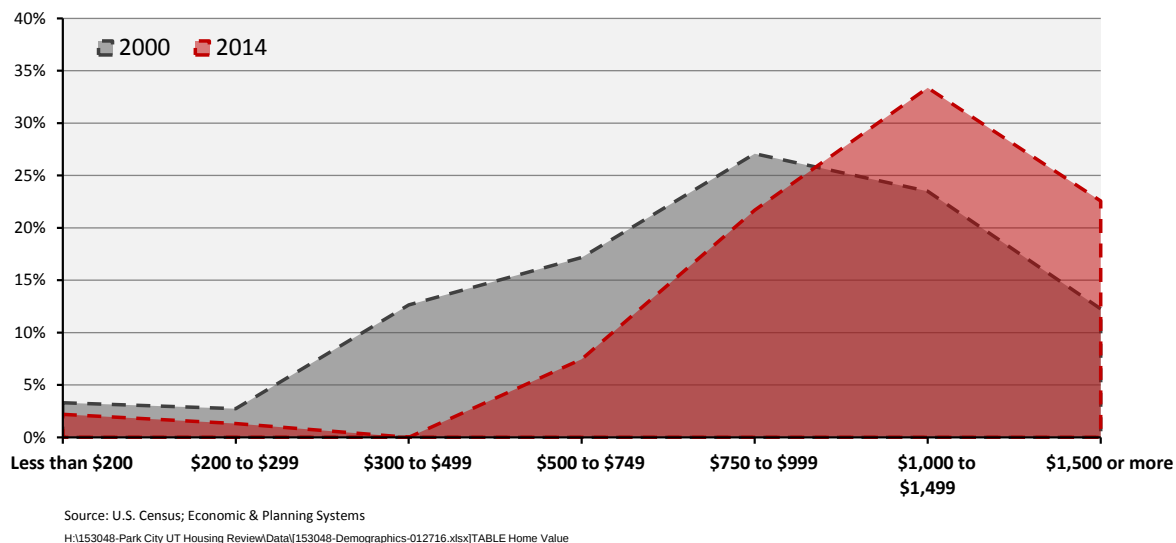
Between 2000 and 2014, **Figure 10** illustrates an aggregate decrease of 31 percent in housing valued between \$100,000 and \$500,000. It also illustrates that housing valued between \$500,000 and more than \$1 million increased by 29 percent. In 2000, 26 percent of the City's for-sale inventory was valued at less than \$300,000. By 2014, that portion had dropped to 12 percent.

**Figure 10**  
**Owner Occupied Housing Units by Value, 2000 and 2014**



**Figure 11** illustrates a 30 percent decrease in rental units available at less than \$1,000 per month and a 30 percent increase in the portion of rental units priced above \$1,000 per month.

**Figure 11**  
**Renter Occupied Housing Units by Gross Rent, 2000 and 2014**

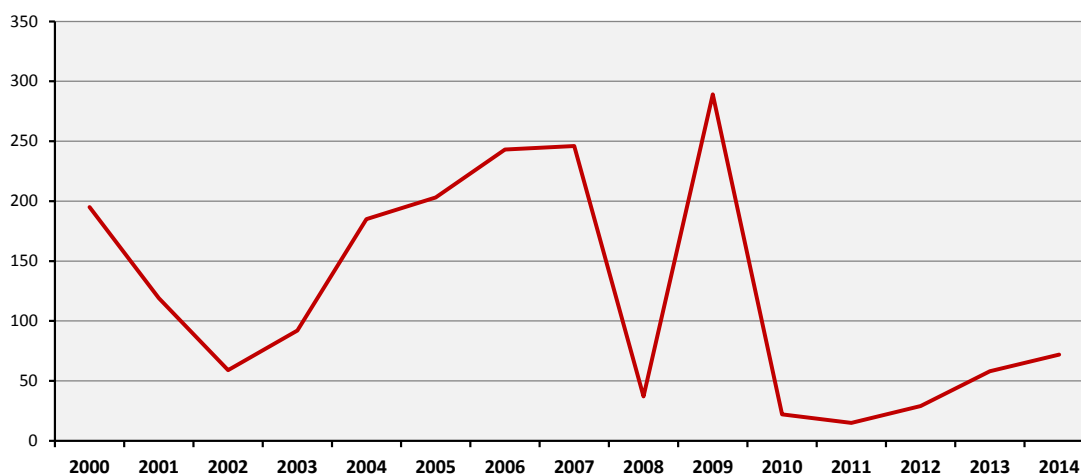


### 2.3.2 New Construction

Between 2000 and 2014, nearly 1,900 single-family and multi-family units were permitted, according to data collected from both the U.S. Census and Park City's building department.

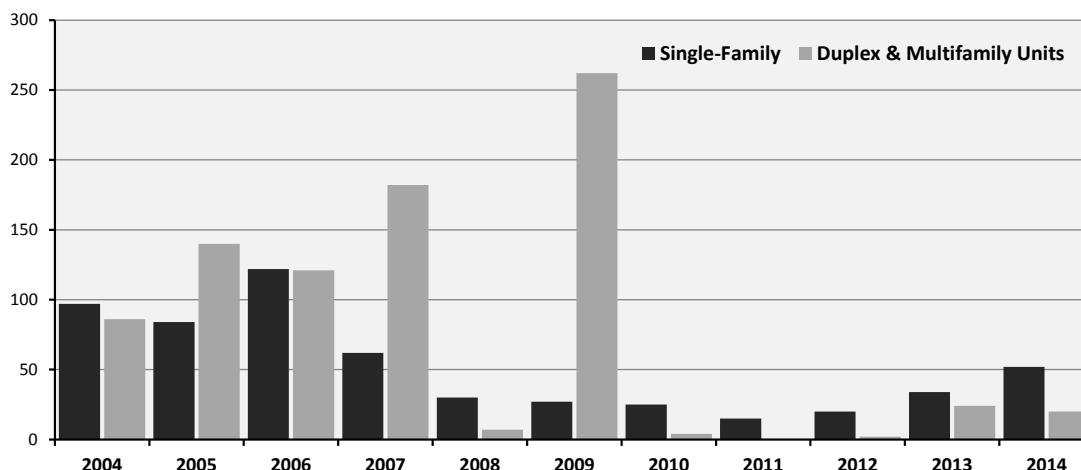
**Figure 12** illustrates the magnitudes of activity by year. In the recession at the beginning of the past decade, activity dropped from 200 to approximately 50 units by 2002. Indicative of the housing boom, unit construction rose to 2007 and peaked in 2009 with the construction of a large multifamily project. Since 2009, however, construction activity has been below average, climbing only to approximately 70 units in 2014. Moving forward, the development pipeline would suggest that there are fewer applications that will apply to the existing housing resolution. According to staff, there are few if any opportunities for future annexation, and only three master-planned developments (MPD) are known. Development is increasingly infill and single-site demolition/rebuild.

**Figure 12**  
**Residential Construction Activity in Units, 2004-2014**



Source: U.S. Census C-40; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Permit Data.xlsx\TABLE 1 - Permit Summary

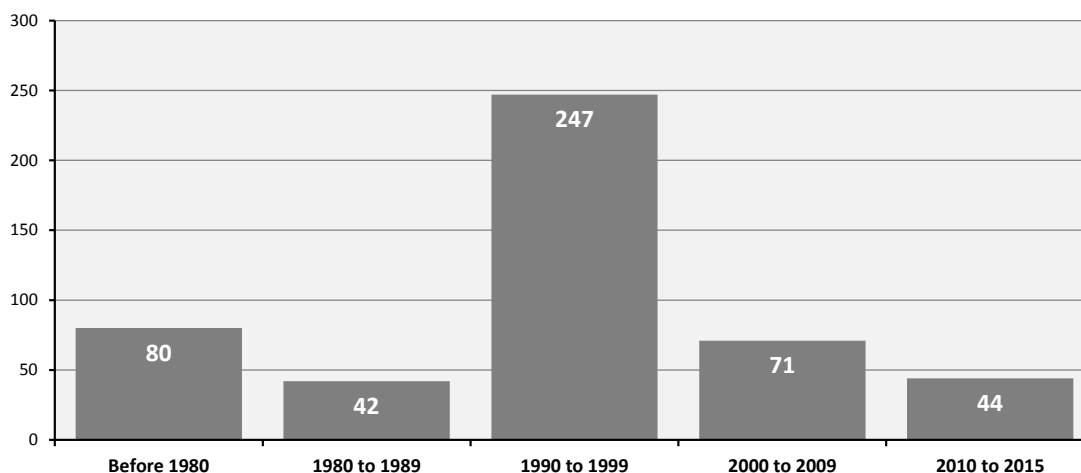
**Figure 13**  
**Residential Construction Activity in Units, 2004-2014**



Source: U.S. Census C-40 Data; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Permit Data.xlsx\TABLE 1 - Permit Summary

**Figure 14** illustrates historic affordable housing development in Park City since 1978. In total, there have been 484 units of affordable housing built since 1978, averaging approximately 13 units per year. This includes the construction of inclusionary zoning units, which occurred from 1996 onward, totaling 135 units up to 2015 (not including those units that were expected to begin construction during late 2015 or after). This also includes the development of LIHTC units, a total of 312 units built all before 2000. According to city staff, there are an additional 269 affordable units in the development pipeline, a number which has been pulled into the analysis of housing needs in a later section of the report.

**Figure 14**  
**Historic Affordable Housing Development**



Source: Park City Municipal Corporation; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-City Affordable Housing Total Production.xlsx\TABLE 1 - Affordable Units

An analysis of the city's overall residential construction activity data and affordable housing construction data, it appears that the inclusionary zoning requirement of Resolution 13-15 applied to approximately 50 percent of all residential construction between 2005 and 2011 – years for which complete data in both series were available. Approximately 78 affordable units were built between 2005 and 2011 under the current housing resolution. As these were the units to meet the 15 percent inclusionary zoning requirement, it is estimated that they were based on projects totaling 520 total units. During those 6 years, however, there were 1,100 residential units permitted.

Based on the review of the housing resolution's evolution, had the intent of Resolution 6-94 been followed, it is likely that more than double the number affordable units might have been built. Among other things it established, resolution 6-94 expressed the City Council's intent to consider whether the future version of the resolution's housing requirements should apply to residential development of more than two units. The largest concern, however, is that Resolution 13-15 is projected to apply to a smaller and smaller portion of all residential development in the future. According to staff, there are only three MPDs in the pipeline for which the existing housing resolution would apply. Moreover, it is projected that there will be little to no opportunity for the housing resolution to apply to annexations.

**Table 1**  
**Residential Building Permits, 2015**

| Permit Type                | No. of Permits | Average (2015) |                       |             |             |              | Total (2015) |             |             |
|----------------------------|----------------|----------------|-----------------------|-------------|-------------|--------------|--------------|-------------|-------------|
|                            |                | No. of Units   | Built Square Feet [1] | Valuation   | Permit Fees | Fee Per Unit | No. of Units | Square Feet | Permit Fees |
|                            |                |                |                       |             |             |              |              |             |             |
| Single Family              |                |                |                       |             |             |              |              |             |             |
| Single Development         | 43             | 1              | 4,589                 | \$713,689   | \$29,599    | \$27,988     | 46           | 197,336     | \$1,272,744 |
| Master-Planned Development | 5              | 1              | 1,932                 | \$347,432   | \$19,897    | \$19,897     | 5            | 9,661       | \$99,485    |
| Average   Total            | 48             | 1              | 3,261                 | \$530,561   | \$24,748    | \$23,942     | 51           | 206,997     | \$1,372,230 |
|                            |                |                |                       |             |             |              |              |             |             |
| Multifamily                |                |                |                       |             |             |              |              |             |             |
| 4 Plex                     | 1              | 4              | 5,237                 | \$903,879   | \$65,762    | \$16,441     | 4            | 5,237       | \$65,762    |
| Affordable Housing         | 1              | 9              | 11,703                | \$1,658,526 | \$99,661    | \$11,073     | 9            | 11,703      | \$99,661    |
| Condominium                | 3              | 23             | 59,146                | \$9,479,765 | \$489,347   | \$21,862     | 70           | 177,438     | \$1,468,040 |
| Duplex                     | 1              | 2              | 11,222                | \$1,781,912 | \$66,999    | \$33,499     | 2            | 11,222      | \$66,999    |
| Mixed Use                  | 1              | 4              | 3,404                 | \$1,275,123 | \$67,474    | \$16,868     | 4            | 3,404       | \$67,474    |
| Average   Total            | 7              | 8              | 18,142                | \$3,019,841 | \$157,848   | \$19,949     | 89           | 209,004     | \$1,767,936 |
|                            |                |                |                       |             |             |              |              |             |             |
| Accessory Structure        | 1              | 1              | 1,320                 | \$196,390   | \$5,597     | \$5,597      | 1            | 1,320       | \$5,597     |
| Average   Total            | 1              | 1              | 1,320                 | 196,390     | 5,597       | 5,597        | 1            | 1,320       | 5,597       |
|                            |                |                |                       |             |             |              |              |             |             |
| Commercial                 | 2              | 2              | 9,714                 | \$1,311,209 | \$120,329   | \$118,183    | 3            | 19,427      | \$240,658   |
| Average   Total            | 2              | 2              | 9,714                 | 1,311,209   | 120,329     | 118,183      | 3            | 19,427      | 240,658     |
|                            |                |                |                       |             |             |              |              |             |             |

[1] "Built Square Feet" includes residential square feet and finished basement, where applicable

Source: Park City Dept. of Building Safety; Economic & Planning Systems

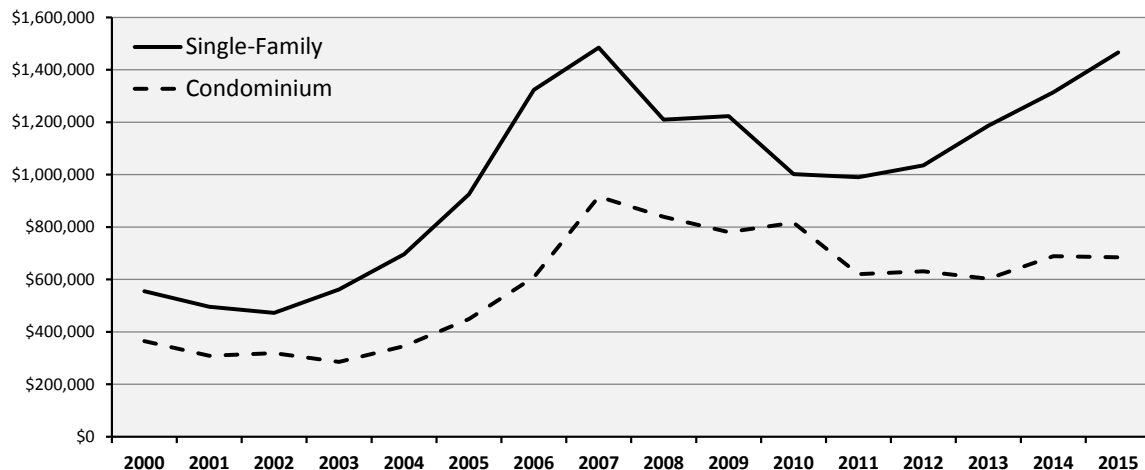
H:\53048-Park City UT Housing Review\Data\53048-Building Permits 2015.xlsx\TABLE

### 2.3.3 Housing Sales Trends

Between 2000 and 2015, the average sales price of a single-family home increased from approximately \$555,000 to nearly \$1.5 million, an escalation of 6.7 percent per year. During the same period, the average sales price of a condominium increased from \$365,000 to \$684,000, or 4.3 percent annual average growth. Between 2000 and 2007 alone, single-family home prices escalated at 15.1 percent per year, and condominium prices increased by 14.0 percent per year.

By comparison to other resort markets, average sales prices in Park City did not seem to fall as far. From the sales pricing peak to point of inflection, single-family home prices dropped 33 percent (between 2007 and 2011) before starting to rise again. Based on analysis of comparable resort markets EPS has completed in the past, during the same time period, Aspen's overall market pricing fell by more than 60 percent, Telluride and Mountain Village prices dropped more than 50 percent, Vail's average prices dropped 55 percent, and Northstar/Truckee's average pricing fell also by more than 50 percent.

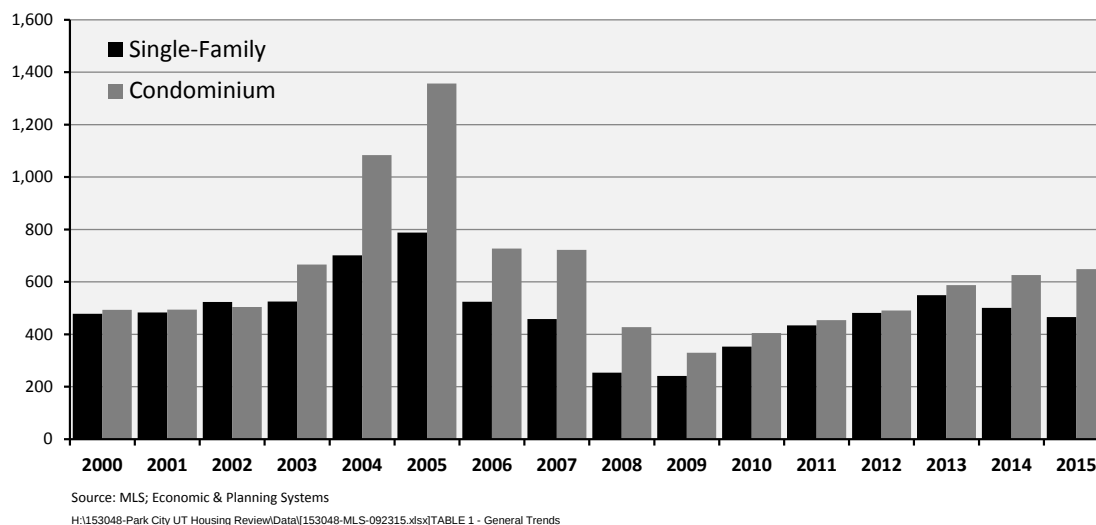
**Figure 15**  
**Average Sales Prices in Park City, 2000-2015**



Source: MLS; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-MLS-092315.xlsx|TABLE 1 - General Trends

**Figure 16** illustrates the volume of sales for single-family and condominiums between 2000 and 2015. Overall, single-family sales averaged approximately 485 per year during this time, with the highest volumes occurring in 2004 and 2005. Lower volumes occurred during the recession and for several years after, but volumes have only recently returned to their overall averages. In fact, the volume of sales in 2015 is extrapolated from the sales data collected through September 2015 and is estimated to be a lower volume than 2014. On the other hand, the estimated volume of sales for condominiums is slightly higher than the overall average for 2015.

**Figure 16**  
**Indexed Average Sales Prices in Park City, 2000-2015**



## 2.4 Housing Affordability

The definition of housing affordability lies at the intersection of housing costs and household incomes.<sup>1</sup> This section provides a juxtaposition of the housing purchase price that is affordable to a household earning the area median income (AMI) against median housing price levels for Park City and the surrounding communities.

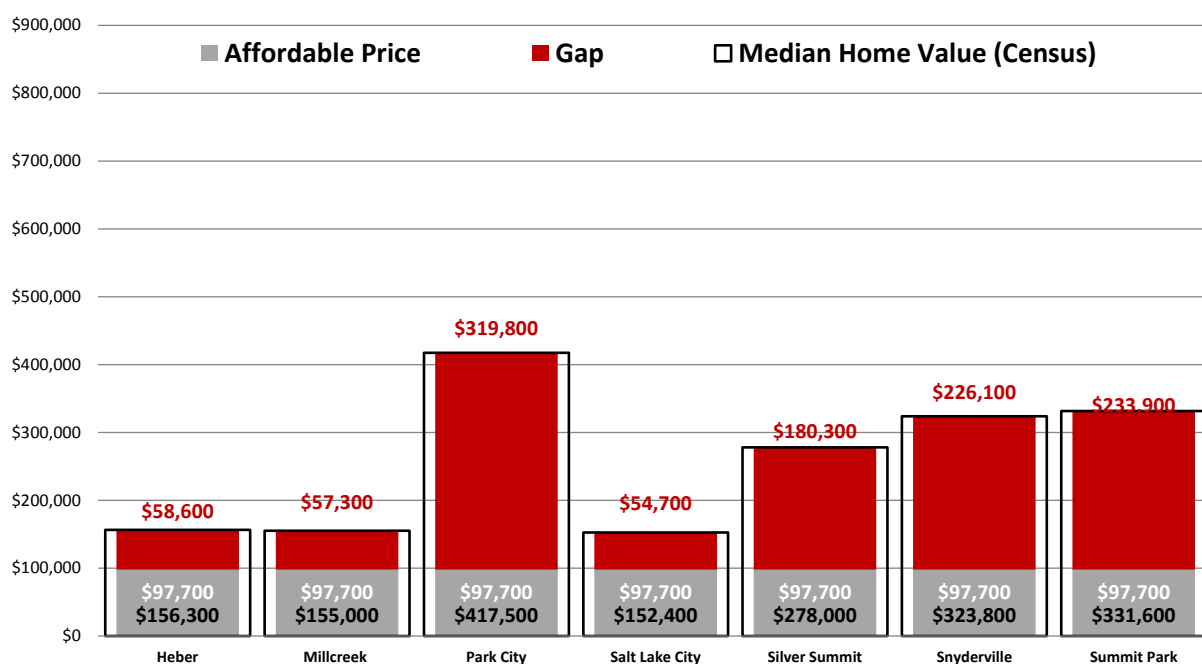
<sup>1</sup> Affordability is defined as a household spending no more than 30 percent of its income on housing, including payments on principal, interest, taxes, and insurance. EPS has calibrated affordability metrics for this project average lending terms and conditions for each time period evaluated, 2000 and 2013. For 2000, the assumptions are: 8 percent mortgage interest rate; 30-year fixed rate mortgage, 5 percent downpayment; property taxes, insurance, and a factor for HOA dues collectively total approximately \$330 per month. For 2013, the assumptions are: 5 percent mortgage interest rate; 30-year fixed rate mortgage, 5 percent downpayment; property taxes, insurance, and a factor for HOA dues collectively total approximately \$500 per month.

## 2.4.1 Affordability Gaps

This last section of the chapter deals with the difference between the median home value in Park City and its commute shed and the price of a home that would be considered affordable to a household earning the regional median income. The two graphics below illustrate affordability conditions in 2000 and in 2015. **Figure 17** illustrates the average price of homes sold in Park City and the surrounding commute shed communities in 2000.

In Park City, the median home value was approximately \$417,500. Silver Summit, Snyderville, and Summit Park were also relatively more affordable, ranging between \$278,000 and \$332,000. On the other hand, median home values in Heber, Mill Creek, or Salt Lake City were considerably more affordable. In 2000, a household working regionally and earning the regional median income, estimated at \$40,240, could afford a home priced at \$97,700. This implied that the gap between the median home value in Park City and what this household could afford was \$319,800. In other communities, that gap was not as wide, estimated at around \$55,000 to \$59,000 in Heber, Millcreek, and Salt Lake City.

**Figure 17**  
**Affordability Gap by Regional Standards, 2000**

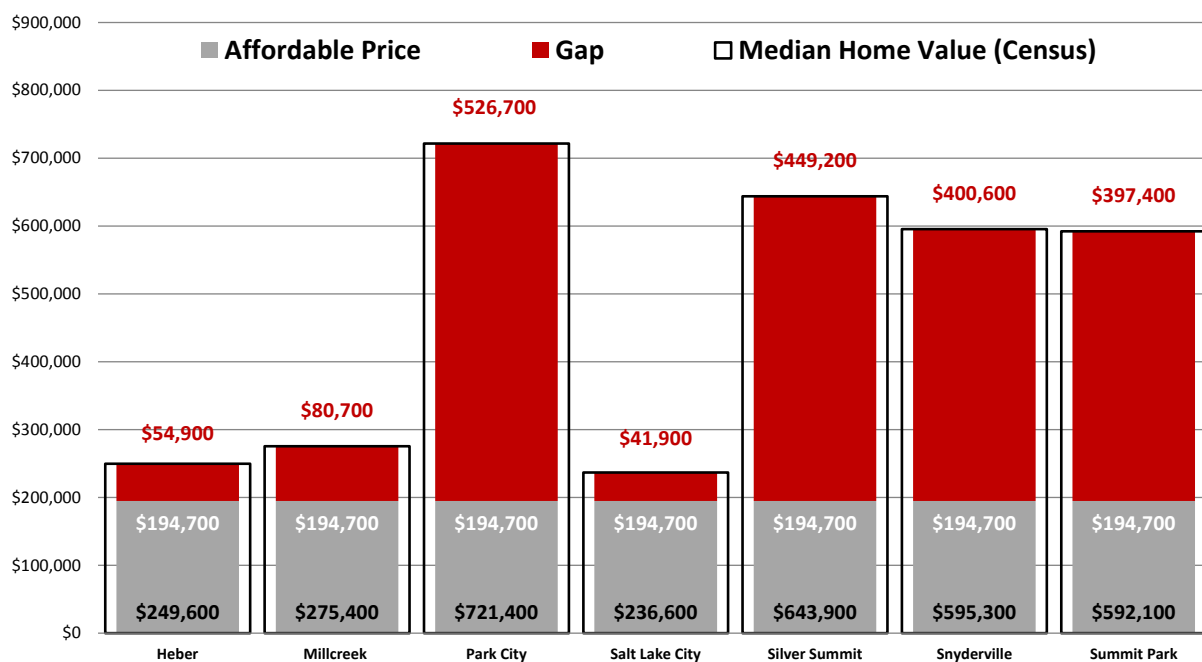


Source: U.S. Census, Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Census-Affordability.xlsx|TABLE 2 - Aff Price in 2000

In 2013, the estimated regional income had increased to approximately \$53,700 and the average 30-year fixed mortgage rate had dropped to approximately 4.0 percent, making higher-priced homes relatively more “affordable” than under 8.0 percent average mortgage rates in 2000. A household earning the regional median income in 2013 could afford to purchase a home for \$194,700, as shown in **Figure 18**. But because the median value of homes had increased so substantially in Park City, Silver Summit, Snyderville, and Summit Park, the affordability gaps had widened considerably.

In Park City, the affordability gap had increased 65 percent to \$526,700. But most striking were the increases in affordability gaps for the city’s northern three neighbors. The affordability gap in Silver Summit increased 150 percent from \$180,300 to \$449,200. The gap in Snyderville increased by 77 percent, and the gap in Summit Park increased by 70 percent. The affordability of houses in Heber remained relatively unchanged, although Millcreek became slightly less affordable, and Salt Lake City’s housing became slightly more affordable.

**Figure 18**  
**Affordability Gap by Regional Standards, 2013**



Source: U.S. Census, Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Census-Affordability.xlsx\TABLE 2 - Aff Price in 2013

## 2.4.2 Estimates of Housing Need

The following tables detail updates to two of the methods the City has previously used to estimate the magnitude of housing need for the City. In the first table, **Table 2**, one of the critical assumptions used in the calculation involves a factor called the “location substitution” factor of 34 percent.

### **Location Substitution Method**

As mentioned previously, it appears through research that this number originated from an analysis of 2005 commuting data that identified 34 percent of the City’s jobs were held by City residents. It was held that this was an optimal number to maintain and has been applied to estimates of affordable housing demand since then. Although there is little documentation on the derivation of this 34 percent factor, EPS has determined that the actual number of residents living and working in Park City at the time was approximately 1,800, which equated to 15 percent of the city’s jobs. That portion has remained relatively stable since then, fluctuating only between 15 and 20 percent.

The other factor used in this analysis is 39 percent, which characterizes a portion of all jobs that are deemed to be central or “core” to the local economy. Using this method, it is estimated for 2014 that there is a need for 378 more affordable housing units for households of local job-holders that would be interested in living in Park City, assuming also that the 269 units in the pipeline can meet a portion of this demand.

**Table 2**  
**Housing Need, Location Substitution Method**

|                                                  | Factor | 2013       | 2014       |
|--------------------------------------------------|--------|------------|------------|
| Individuals working in Park City                 |        | 12,079     | 12,911     |
| Multiply by Location Substitution Rate           | 34%    | 4,107      | 4,390      |
| Subtract persons already living in the City      |        | 1,737      | 1,901      |
| Estimate of those wanting to live in the City    |        | 2,370      | 2,489      |
| Divided by 1.5 jobs per household                | 1.5    | 1,580      | 1,659      |
| Multiply by % of core sector jobs                | 39%    | 616        | 647        |
| <u>Less: Pipeline projects</u>                   |        | <u>269</u> | <u>269</u> |
| <b>Estimate of households needing assistance</b> |        | <b>347</b> | <b>378</b> |

Source: Park City Municipal Corporation; Economic & Planning Systems

H:\153048-Park City UT Housing Review\Data\153048-Housing Need Calcs.xlsx\TABLE 1- Location Sub Method

### Commuting Method

The second method of estimating housing need is based on the commuter method, which adjusts for several different factors, including an adjustment for the portion of jobs considered primary, an apportionment for households living in 84098, as well as the portion of jobs considered core sector. This analysis estimates that there is a need for 476 housing units to meet the needs of additional commuters that would be interested in living in the city.

**Table 3**  
**Housing Need, Commuter Method**

|                                                  | Factor | 2013       | 2014       |
|--------------------------------------------------|--------|------------|------------|
| Individuals working in Park City                 |        | 12,079     | 12,911     |
| Less % of those already living in City           |        | 1,737      | 1,901      |
| Workers living outside City limits               |        | 10,342     | 11,010     |
| Multiplied by % of primary jobs                  | 84%    | 8,687      | 9,248      |
| Divided by 1.5 jobs per household                | 1.5    | 5,792      | 6,166      |
| Less % for households living in 84098            | 69%    | 3,996      | 4,254      |
| Estimate of those wanting to live in the City    |        | 1,795      | 1,911      |
| Multiply by % of core sector jobs                | 39%    | 700        | 745        |
| <u>Less: Pipeline projects</u>                   |        | <u>269</u> | <u>269</u> |
| <b>Estimate of households needing assistance</b> |        | <b>431</b> | <b>476</b> |

Source: Park City Municipal Corporation; Economic & Planning Systems

H:\153048-Park City UT Housing Review\Data\153048-Housing Need Calcs.xlsx]TABLE 2 - Commuter Method

### Commuting and Distribution Method

EPS has constructed a third method for estimating the magnitude and type of housing need. This method uses multiple pieces of information from commuting patterns and the distribution of employment by industry, as well as average wages by industry and adjustments for average jobs per household. In 2014, there were 12,900 jobs in Park City, and living in Park City, there were nearly 4,000 workers employed either in Park City or elsewhere. This methodology is most likely a conservative estimate of need, given that the total number of in-commuters was approximately 10,600 in 2014.

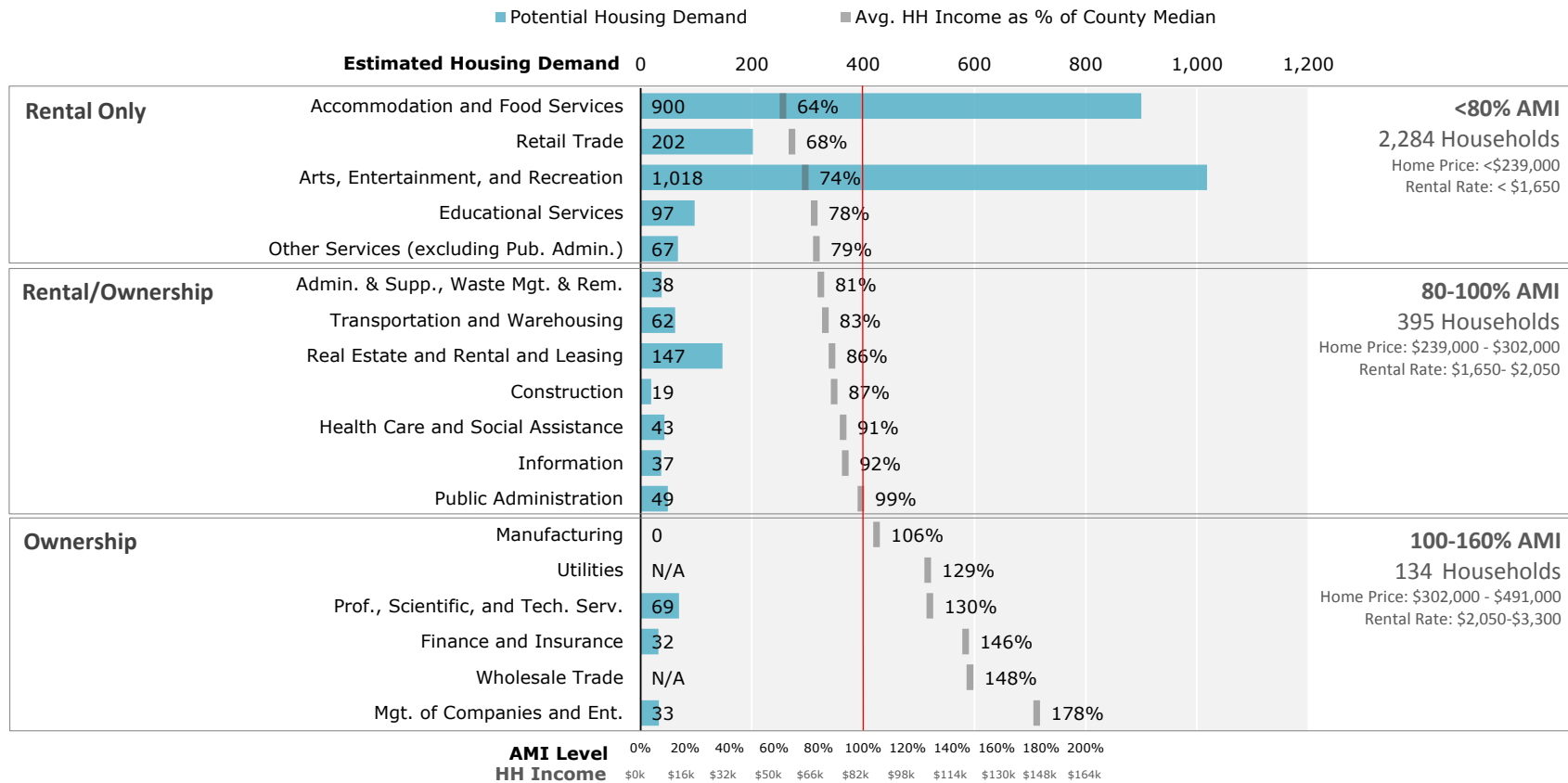
While it isn't possible with the available data to document the distribution of employment for only those Park City residents employed in Park City, it is possible to identify the general magnitude of net in-commuting by industry by juxtaposing the distribution of Park City jobs with the distribution of employed Park City residents. The following chart illustrates the distribution of estimated households for those remaining (net in-commuting) workers that would be interested in living and working in Park City. The distribution is sorted by AMI level and categorized according to which income levels are appropriate for different housing types. For example, it is estimated that there are a total of 2,284 households at income levels below 80 percent AMI, a majority of which are in the accommodations and food services or arts, entertainment, and recreation sectors.

These households fall within the category of rental housing only, though. Their affordable purchase price would be in the range of \$239,000 or less, a category of housing affordability that is generally not available in Park City. There are an estimated 395 households, however, in the range of 80 to 100 percent AMI, where the target affordability range falls between \$239,000 and \$302,000. This is classed as the rental or ownership housing category (e.g. townhomes or condos). At the higher end of the spectrum are an estimated 195 households in sectors that support generally ownership housing and represent also more stable year-round employment categories, such as finance and insurance, professional and technical services, wholesale trade, and management. At this income level, household would be targeting affordable purchase prices of \$302,000 to \$491,000. Combined, the top two categories (from 80 to 160 percent AMI) represent a total possible housing demand of 529 housing units.

EPS does not believe that the magnitude of need estimated with this methodology is any more accurate than the City's other two methodologies. After all, this method assumes that 50 percent of the in-commuting workforce would be interested in living in Park City. It is possible that a smaller portion of the in-commuting workforce would prefer to live in Park City if given the chance. The value in this method, however, is the distribution of housing need by AMI level. As such, these estimates imply that 81 percent of the need is for housing at or below 80 percent AMI. Only 14 percent of the housing need falls in the 80 to 100 percent AMI category, and 5 percent of housing need is estimated to fall into the 100 to 160 percent AMI category.

**Figure 19**  
**Estimated Housing Demand in Park City by AMI Level, 2014**

## Estimated Housing Demand by AMI Level



## 3.0 POLICY CONSIDERATIONS

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This chapter details research completed for the sake of understanding how Park City's existing housing policy might evolve further to address its growing affordable housing needs. This section provides a discussion of the most common elements of development-based approaches to affordable housing policy:

- Employment generation
- Mitigation rates
- Inclusionary zoning requirements and set-asides
- Density bonuses

While additional discussion of some of these policy considerations follows in the recommendations chapter, this chapter also contains a discussion on establishing a housing goal of target and the benefits to the local community of achieving the goals. In general, this discussion is intended to facilitate the public dialogue on setting a housing target for the community and identifying which mechanisms are appropriate to achieve it.

### 3.1 Commercial Linkage

#### 3.1.1 Employment Generation Rates

The affordable housing requirements for commercial development in Park City's existing housing resolution are based on general average employment generation rates from a variety of mountain resort communities. A primary objective of this study was to collect primary data from the city's employers and provide locally-relevant generation rates that could be incorporated into a modified form of the housing resolution.

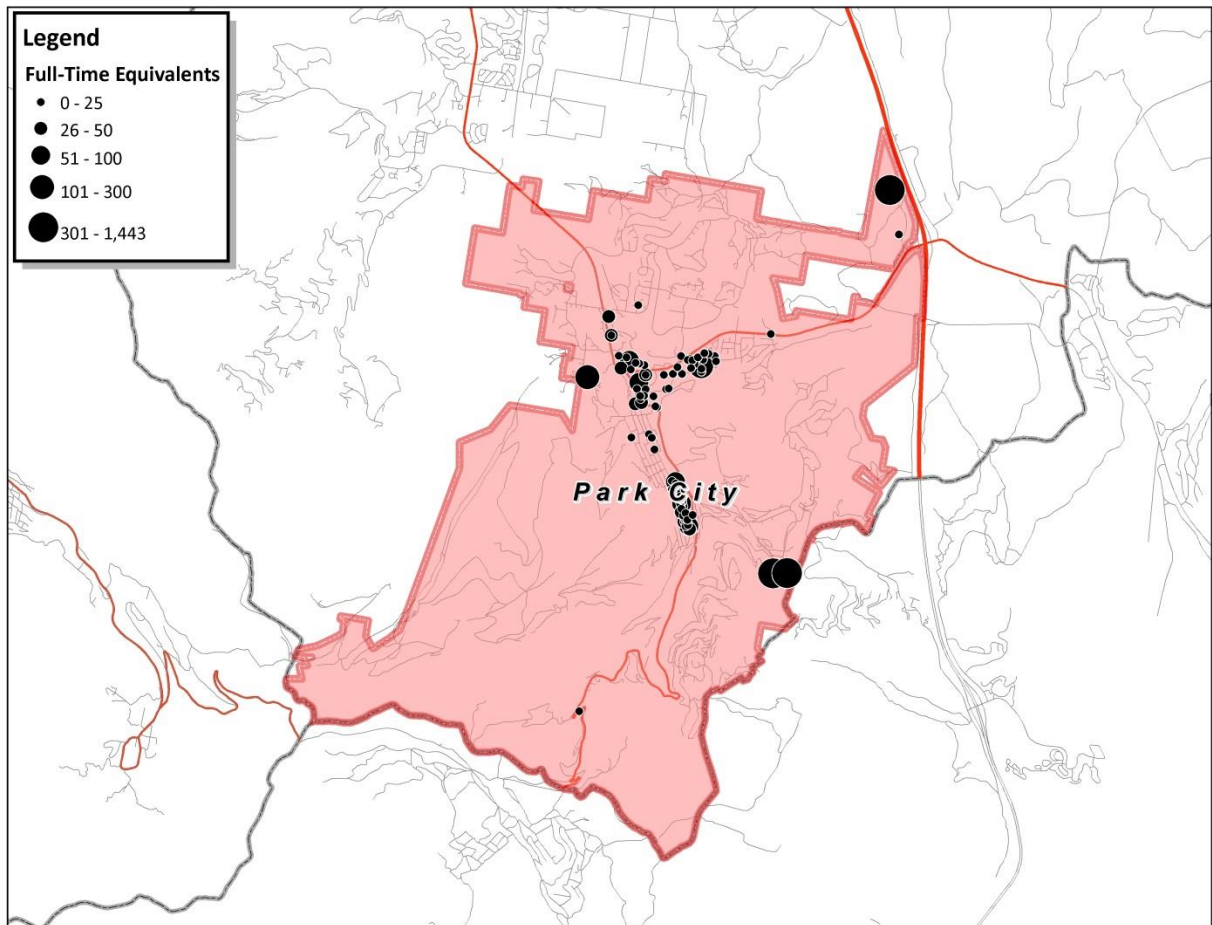
A survey for the city's businesses was designed and fielded via email through three of the city's primary business community contacts, including the Park City Area Lodging Association (with 137 members), the Park City Area Restaurant Association (190 members), and all of Park City's Historic Main Street members. It was estimated that in total, surveys were sent to more than 500 establishments.<sup>2</sup> In addition to collecting responses electronically, survey information was collected door-to-door during December 2015.

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<sup>2</sup> As a point of comparison, there are approximately 2,580 establishments in Summit County. It was not possible to identify the number of establishments for Park City alone with data available from the BLS.

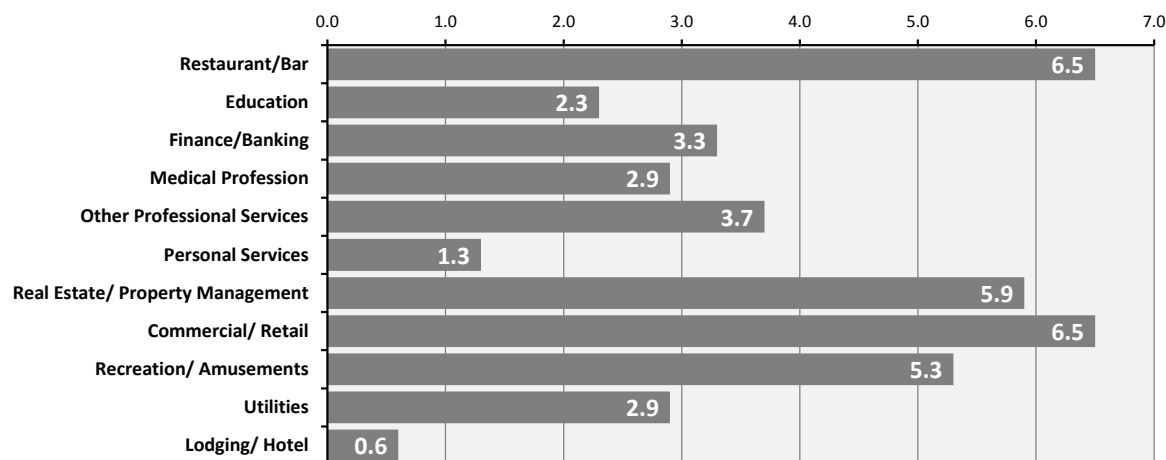
**Figure 20** illustrates the location and magnitude of employment (in terms of full-time equivalents) represented by the survey information. In total, 138 surveys were tabulated, representing a response rate of approximately 28 percent and representing business employment during the low-season of 3,021 FTEs and 5,126 FTEs during the high-season. Additionally, 11 lodging establishments were tallied in the responses, accounting for 3,581 rooms in the city.

**Figure 20**  
**Indexed Average Sales Prices in Park City, 2000-2015**



**Figure 21** illustrates the current FTE rates in Resolution 13-15. These rates have been used for estimating the employment generation rates for new non-residential development since they were first incorporated into Resolution 10-06. According to staff, they reflect overall average FTE generation rates among other resort economies in the Rocky Mountain West and are credited to research from RRC Associates.

**Figure 21**  
**Existing FTE Generation Rates**



Source: Park City Municipal Corporation; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-SurveySummary\_3.14.16.xls|TABLE 1 - Existing Rates

EPS employee generation survey data for Park City are generally in line with the current factors in the existing housing resolution. In fact, for a majority of the existing categories, the FTE generation rates have decreased: education, finance/banking, medical profession, other professional services, real estate/property management; general commercial/retail. **Figure 22** illustrates the employee generation rates based on information collected through the survey.

The commercial mitigation portion of the current housing resolution bases its mitigation requirement on 20 percent of the 4.4 full-time equivalents (FTEs) generated per 1,000 square feet of commercial space. Based on analysis and vetting of the survey responses from Park City employers, the overall rate is currently estimated at 4.1 FTEs per 1,000 square feet for the City.

The information collected provides sufficient detail to replace the existing types of rates with City-relevant numbers as well as differentiate between, for example, a full-service restaurant (8.1 FTEs per 1,000 square feet) and a quick-casual or fast food restaurant (6.9 FTEs per 1,000 square feet). These generation rates are based on 14 and 10 businesses, respectively.

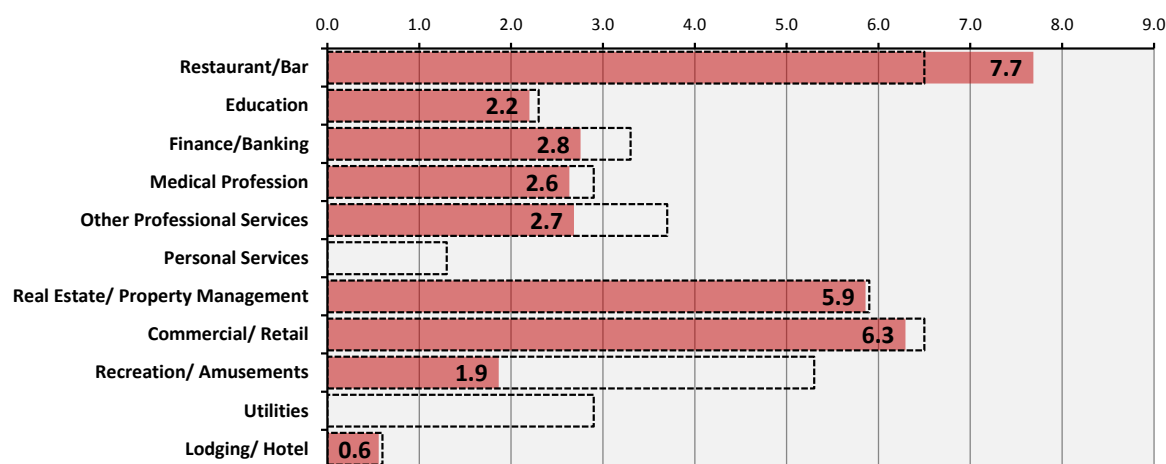
All categories except one ("other professional services") were within 20 percent of the current generation rate. The current employment generation rate is 3.7 FTEs per 1,000 square feet, and the survey data, which include most likely a different sampling of land uses (i.e. business types), indicate an average of 2.7 FTEs per 1,000 square feet.

Another business category for which its original definition is unclear is the category for recreation and amusement. It is unclear what the composition of recreation and amusements was in the original data. The new category accounts for an average generation rate for: art galleries, other galleries, movie theaters, museums, visitor centers, and theaters.

The restaurant/bar generation rate was 6.5 FTEs per 1,000 square feet and is estimated at 7.7 FTEs in the survey data. Jobs classified as education were at 2.3 FTEs, and the survey data show a factor of 2.2 FTEs per 1,000 square feet. The category of finance and insurance is currently 3.3 FTEs, but the survey data indicate the 2.8 FTEs. Medical profession businesses have an average of 2.9 FTEs, and the survey data have an average of 2.6 FTEs for that land use. Real estate and property management were at 5.9 FTEs per 1,000 square feet and did not change in the survey data.

The restaurant and bar category is the only category to have increased over the existing rates. This generation rate is based on a wide selection of 25 full service and quick casual restaurants and averages 7.7 FTEs per 1,000 square feet of space. Lodging and hotels were at 0.6 FTEs per room, and the survey data indicate that this factor also did not change. The generation rate for lodging establishments, which includes hotels, motels, resort areas, and condo-hotels, is based on 13 responses representing 3,581 rooms in Park City.

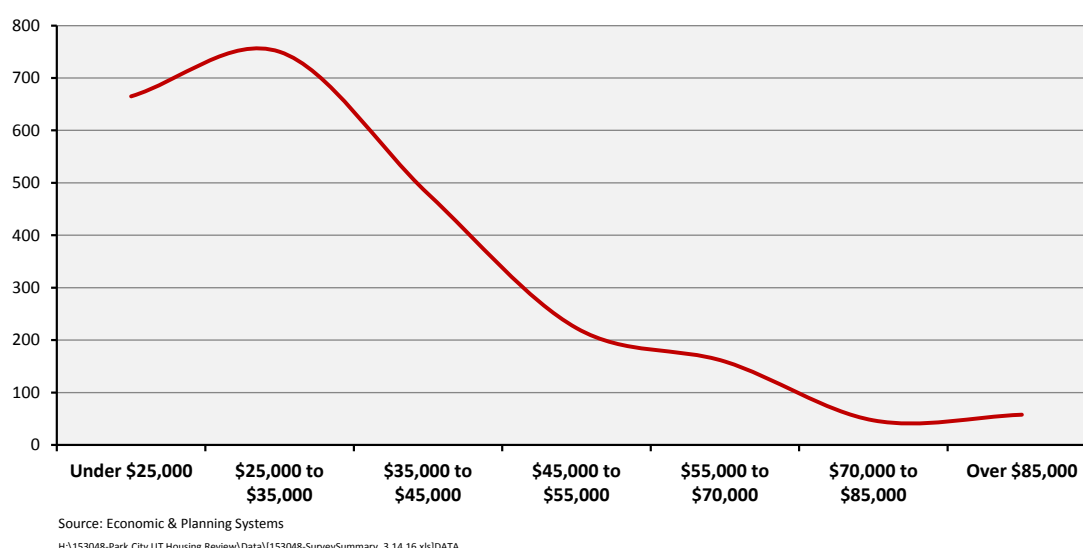
**Figure 22**  
**Survey-Based FTE Generation Rates**



Source: Park City Municipal Corporation; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-SurveySummary\_3.14.16.xls\TABLE 1 - Existing Rates

**Figure 23** illustrates the distribution of jobs (both part-time and full-time) by salary levels. The purpose for reporting and illustrating this distribution is to provide evidence of the representativeness of the survey sample, while also illustrating the magnitude of relatively low-paying jobs in Park City's economy. While not all businesses provided this level of information, the following distribution is based on the responses of 44 businesses, representing 2,381 part- or full-time positions. In 2014, the average annual wage for Summit County was approximately \$38,400. Using salary midpoints for each category, the average annual wage for positions represented in the survey data is \$35,900, indicating that the distribution of employment and businesses sampled in the employer survey reflects a representative sample of Park City's employers.

**Figure 23**  
**Distribution of Employee Salaries**



It should be noted that this basis of calculating employment generation rates is always subject to a margin of error. On one hand, asking employers the number of their full-time and part-time staff relies on the accuracy of the information the person surveyed has available. On the other hand, it relies on the respondent's knowledge of the total floor area of their space, and in the absence of that (which is very common), the accuracy of this part of the information is reliant on either the respondent's or the data-gatherer's ability to accurately gauge the size of the space. EPS made every attempt to fully vet the numbers given to all data-gathers in the survey work. We cross-checked the square-footage numbers against Summit County Assessor data.

### 3.1.2 Commercial Mitigation Requirements

The city's commercial development employment mitigation requirements are related to commercial linkage programs. Commercial linkage programs are a form of impact fee assessed on new commercial developments or major employers. They are designed to mitigate the need for workforce housing generated by new or expanding commercial business or development. In some cases, commercial linkage programs require the construction of employee housing (as is commonly the case in resort settings), but typically in-lieu fee revenues are collected to fund the development of affordable or workforce housing.

Because linkage fees are a type of impact fee, they require a nexus study. Such a study provides a quantitative basis for the connection (i.e. the nexus) between the affordable or workforce housing demand generated and the amount of space being developed or redeveloped. Fees are often calculated on a per-1,000 square-foot basis of commercial space and based on the number of employees generated by a particular type of land use. Because employee generation rates differ widely among land uses, communities with a commercial linkage program (or similar) distinguish between retail, restaurant, office, hotel, and industrial space, or sometimes with greater distinction of land use as in Park City. It is important to note that commercial linkage fees, like development impact fees and as they are a variation on exactions, can only be used to pay for the impact of the new development and may not be used to address existing deficiencies.

As is the case in many other communities, commercial linkage programs are often just one component of the community's housing strategy. In conjunction with an inclusionary zoning ordinance, for example, a community is able to address the demands for affordable or workforce housing generated by both new residential and commercial development. Such policies have been adopted in Boston (fees are approximately \$8 per 1,000 square feet), Boulder (adopted fees will range from approximately \$1 to \$8), Cambridge (recommended increase of fees from \$4 to \$12), San Francisco (fees range from \$16 to \$24 per square foot), and Seattle (fees range from \$5 to \$17 per square foot). Currently, a few other cities have been evaluating how to structure a commercial linkage program including Denver and Portland.

In addition to these urban markets, the following section provides an overview of several comparable mountain communities' commercial linkage programs.

- Telluride, CO: Telluride's general employee generation rate is 4.5 FTEs per 1,000 square feet, nearly identical to Park City's current overall rate. The Town currently mitigates commercial and hotel uses consistently at 40 percent of the employee generation rate. Research indicates that the program is fairly successful in getting units built on-site, attributable to a land use code that makes it much more complicated to build such units off-site. In addition, commercial developers can only "buy out" of 10 percent of their total mitigation requirements or when the mitigation calls for less than the required minimum 500 square feet per employee unit, further encouraging the building of on-site units. Each mitigation requirement is multiplied by 350 square-feet to establish the total floor area to be provided.

- San Miguel County, CO: San Miguel County's commercial linkage program was last updated in 2012 and requires a 15 percent mitigation of employees generated across all use categories. In addition to its lower mitigation rate, the county's generation rates are also lower than Park City's. Office, restaurant, and general retail uses are all classified as generating 3 FTEs per 1,000 square feet of use, but hotels/lodging are classified as having a rate twice as high as Park City's, i.e. at 1.5 FTEs per room.
- Vail, CO: The Town of Vail's employee housing mitigation program, established in 2007, requires developers to mitigate 20 percent of employees generated by different commercial uses, and that at least 50 percent of those affordable units be built onsite. The town distinguishes between a set of business types slightly different from Park City's current types. Lodging uses are estimated to generate 0.7 FTEs per room; professional office users are estimated to generate 3.2 FTEs per 1,000 square feet (compared to Park City's current 3.7 and survey-based 2.7 FTEs). The Town makes no distinction between types of restaurants, however, and estimates they generate 6.75 FTEs per 1,00 square feet (compared to Park City's current 6.5 FTEs and the survey-based 7.7 FTEs). Real estate offices are estimated to generate 5.1 FTEs versus Park City's current and survey-based 5.9 FTEs. The Town also includes a few other specialty categories, such as conference facilities, health clubs, and spas.
- Steamboat Springs, CO: The Town of Steamboat Springs is illustrative of the challenges faced by mountain communities when balancing the needs of affordable housing options with economic vitality. The town implemented its first commercial linkage program in the mid-2000s, only to remove the program in the face of the economic crisis in 2008. The town council and planning leadership decided that the additional burdens such a program placed on developers and businesses impeded growth and negatively impacted the business climate. Due to the limited duration of the program's existence, town planners say it is difficult to ascertain whether the program would have successfully generated the levels of affordable housing needed in Steamboat. Given the still struggling economy and changes in the town council, there are no immediate plans to revive the program.
- Aspen/Pitkin County, CO: Aspen has broader categories of land uses in its Growth Management Quota System (GMQS), which was updated last in 2012. In general, businesses in Aspen are estimated to generate 4.7 FTEs per 1,000 square feet, which includes its commercial core designations, neighborhood commercial, commercial lodges, and ski base areas. Within its mixed-use zone districts, the city estimates there are 3.6 FTEs per 1,000 square feet, and within its service commercial/industrial zone districts 3.9 FTEs per 1,000. For lodging (specifically, for accommodations located in commercial lodge, lodge, and ski base zone districts), it is estimated that there are also 0.6 FTEs per room. The city's current mitigation rate is 60 percent and has produced approximately 2,800 residential units, 1,500 of which have been for-sale units and 1,300 rental units. And consistent with its commercial mitigation rate, Aspen's community goal is to house 60 percent of its workers locally.

- Jackson/Teton County, WY: The commercial linkage programs of Jackson and Teton County are similar, in that they identify non-residential land uses to be mitigated at 35 percent of employees generated. The difference in their land use codes, however, is that Jackson identifies the floor area of space required per land use category, whereas Teton County identifies the number of employees and thus units that must be mitigated per land use category. Interestingly, Jackson/Teton County's community housing goal (i.e. related to the commercial mitigation rate) is 65 percent, a number they have justified because they believe the loss of a local workforce and associated diversity also reflects the loss of a sense of community. This development-based policy, however, does not seem to be at risk of inapplicability given the coordinated effort between the town and county, as well as the land availability for offsite affordable housing construction in unincorporated Teton County.

## 3.2 Inclusionary Zoning

### 3.2.1 Set-Aside Requirements

Inclusionary zoning (IZ) requires developers to "set aside" a portion of new housing construction as affordable to households at specified income levels. IZ set-aside requirements generally range from 10 to 30 percent, and the affordability level generally ranges from 60 to 100 percent of area median income (AMI), based on family size defined by HUD. In most versions of IZ, a developer can comply with its requirements by building the units on site as a part of the overall project master plan and/or by building them in an off-site location. Alternatively, many IZ programs allow for all or a portion of the housing requirement to be met by cash-in-lieu (CIL) payments – i.e. the payment of a fee in-lieu of building units, as with Park City's policy.

Nationally, according to recent research by the Lincoln Land Institute (Jacobus, 2015) more than 500 communities have adopted some form of inclusionary zoning. Montgomery County, Maryland was one of the earliest to adopt IZ and has built over 14,000 affordable or workforce housing units, although a majority of these units' deed restrictions have since expired and are no longer in the affordable housing inventory. All cities and towns in Massachusetts, for example, are subject to General Law Chapter 40B which requires communities with less than 10 percent affordable housing to require new developments to provide 20 percent affordable housing and redevelopments to provide 15 percent affordable units.

In general, most policies in the U.S. apply only to new residential construction, and there is generally a threshold of applicability. Most programs set a threshold where the policy applies only to projects at a scale of 5 to 10 or more units. There are a few outlier policies, though. On one end of the spectrum, there are a small handful of policies that have no threshold, i.e. that apply to all projects and thus assess a fraction of an affordable housing requirement. On the other hand, there are programs with much larger thresholds, e.g. 30 units, where the intent is to apply the policy only to mid- to larger-scale projects.

The selection of cities chosen for research here fall in the middle of the range with thresholds of 5 to 30 units and with set-aside requirements of generally 10 percent. Based on EPS's recent research, the following is a summary of set-aside requirements from more urban markets around the country:

- Arlington County, VA: 5 percent
- Austin, TX: 20 percent (of bonus floor area)
- Boston, MA: 13 percent
- Boulder, CO: 20 percent
- Burlington, VT: 15 to 25 percent
- Cambridge, MA: 15 percent
- Chapel Hill, NC: 15 percent
- Chicago, IL: 10 percent
- Denver, CO: 10 percent
- Irvine, CA: 15 percent
- Montgomery Co., MD: 15 percent
- Redmond, WA: 10 percent
- San Francisco: 12 percent
- Santa Fe, NM: 15 percent
- Santa Monica, CA: 20 percent
- Washington, D.C.: 8 to 10 percent

This section provides an overview of the inclusionary zoning requirements of the same mountain resort communities.

- Jackson/Teton County, WY: This policy sets a residential inclusionary zoning policy set-aside at 25 percent workforce housing on-site. As in other communities, alternative compliance may be satisfied through the provision of off-site units, dormitory style units, the conveyance of land, or deed-restricting existing housing. There are, however, multiple clauses in the land development regulations that state on-site construction is not required if "impractical or inequitable", for example, allowing for the possibility of off-site pooling of workforce housing unit requirements from one or more projects. Off-site locations are evaluated by the Jackson Town Council based on land use criteria such as: proximity to employment centers, commercial services, and infrastructure; compliance with Jackson/Teton County Comprehensive Plan; compatibility with surroundings; compliance with maximum gross densities of surroundings; size and materials for the selection of an appropriate location.

Interestingly, there is also a residential linkage requirement for large single-family dwellings of 2,500 square feet or greater to mitigate the additional service workers generated by these types of housing units. These fees are estimated via a highly-complicated formula that differentiates between construction on lots platted before or after 1995. Fees per square foot range from \$1.98 per square foot to \$14.39 per square foot.

Similar to Aspen, a weakness of the program is there is no provision for the development of units for the gap between workforce and market rate housing. With average prices in excess of \$1.0 million in the county, workforce households in the \$65,000 to \$100,000 income range are still largely priced out of area housing and are commuting from over one hour away in the Victor and Driggs communities of Teton County, Idaho.

- Telluride, CO: The Town of Telluride and its housing authority adopted comprehensive workforce housing guidelines in 1994 (and subsequently amended over the years). The general goal of Telluride's workforce housing programs is to provide workforce housing for persons who make a living from employment within the boundaries of the Telluride R-1 School District and their families.

Telluride requires that all new residential (i.e. single-family, duplex, and multifamily) development provide workforce housing for 60 percent of new employees generated. For new commercial development, housing units must be provided for 40 percent of employees generated. The workforce housing requirements can be met by cash payments, construction of new deed-restricted housing, or deed-restriction of existing housing. Incentives to create new housing also exist, such as a density bonus granted within residential zones intended to establish more secondary dwelling units.

To incentivize the provision of housing under these land use requirements, Telluride grants several types of incentives. The first, and most common among all communities is a density bonus, where a residential development, for example, is allowed to construct secondary dwelling units. There is also a green building incentive, where if a development exceeds minimum green building requirements, an incentive is granted. Some typical incentives are the waiver of water/sewer tap fees for the employee dwelling units or the building and development application fees are credited toward building permit fees.

- Vail, CO: The Town of Vail started a workforce housing program in 1996. At that time, Vail created a housing team responsible for policy direction, project definition, developer and consultant selection, and asset management. Vail has helped more than 175 local employees purchase housing units (through a lottery system) within its boundaries. There are currently 727 deed-restricted rental and for-sale employee housing units within Vail.

In addition to its non-residential development policy, the employee housing program requires that new residential development and redevelopment provide 10 percent deed-restricted employee housing units (EHUs) where the 10 percent results in a mitigation requirement of 438 square feet or greater. The housing requirement is actually measured in gross residential floor area (GRFA) which is then converted to housing units.

As with the town's commercial mitigation strategy, the employee housing program requires that at least 50 percent of employee housing mitigation be provided on-site unless the developer provides sufficient evidence that such units are not possible. Because Vail is almost completely built out, there are limited available sites for building off-site units. Instead, developers typically purchase individual existing condominium units that are then designated as deed-restricted employee housing. These units tend to be concentrated in several condominium projects in West Vail. This concentration is generally not viewed as a "problem" by the community, as West Vail is predominately occupied by permanent residents and many of these buildings have long been employee housing. Thus, new workforce units represent a continuation of current use rather than a noticeable change in use.

- Aspen/Pitkin County, CO: The City of Aspen and Pitkin County both created their workforce housing programs in 1974. In 1982, both entities were combined into the Aspen/Pitkin County Housing Authority (APCHA). There are two main funding sources for the housing program, a 1.0 percent RETT (City of Aspen only) and a portion of the City/County sales tax. The purpose of the housing program is "to create a balanced community representative of the various types of people that live, work and retire in the area and to assure the existence of a supply of desirable and workforce housing for persons currently employed in Pitkin County, persons who were employed in Pitkin County prior to retirement, the disabled who have worked or are working in Pitkin County, and other qualified persons of Pitkin County as stated in the Aspen/Pitkin County Workforce Housing Guidelines." As indicated previously, the city maintains an overall goal to house 60 percent of the area workforce locally.

The city Growth Management Quota System (GMQS) affects any new residential and commercial construction in Aspen. Though Aspen characterizes its workforce housing requirements as more general employee housing requirements, Aspen has each of the major workforce housing tools: an IHO for multifamily residential construction, residential linkage program for single-family and duplex construction, and a commercial linkage program for non-residential development. For example, in addition to the commercial mitigation rate, the GMQS requires residential development provide a total of 30 percent of total floor area as affordable.

As with most IHOs or linkage programs, a developer may construct units off-site or pay a fee in-lieu of the construction requirement. Each year the CIL is increased by 3 percent or the Consumer Price Index (CPI), whichever is greater.

Aspen has also recently adopted another alternative to the on-site, off-site, and payment of a CIL option: a housing certificate program. This program, established in 2010, created an open market solution, much like a "cap and trade" program functions to benefit the environment by incentivizing the reduction of emissions. A developer who provides workforce housing units beyond the required amount by zoning receives housing certificates that another development may purchase in lieu of building units. Aspen does not place value on these certificates, so their value is determined in the free market by the two developers. If there are no or insufficient certificates to purchase, the developer must return to the Aspen Planning Board and/or City Council to amend the final approval and satisfy the workforce housing requirement either through the construction of units or payment of a CIL.

### **3.2.2 Density Bonuses**

Use of the density bonus as a development incentive is generally the most economically valuable incentive governments have to leverage. They are widely used around the country in the context of other common development incentives, but their effectiveness varies as widely as the variety of communities who use them. In some communities, density bonuses have little to no value because either the market wants low-density development or development pressures have simply never reached or exceeded base entitlements. In other communities, density bonuses have measurable economic value that can be leveraged for the provision of community needs, such as affordable housing.

Based on EPS's experience with the financial and economic modeling of density bonuses within the context of development-based policies such as mandatory and voluntary inclusionary zoning, or simply in the context of incentives, the following is a general overview of findings that occur consistently among our projects in both rural and urban settings. That is, the economics, and thus value, of density bonuses are reflective of construction and building types, and less dependent on the regional variations in construction labor or materials costs.

In areas where demand for density or development exceeds the base entitlement level, a density bonus can create positive additional value (i.e. profit) for a development. Using a financial modeling tool to estimate residual value under multiple development prototypes, EPS has consistently found that positive economic value can be leveraged to feasibly provide community benefits. Residual value refers to an additional profit value, netting all development costs and profit factors.

There are multiple trigger points as a project increases in scale, however, where greater density does not result in positive economic value to the project. Specifically, when a project exceeds 6 floors (usually constructed as one floor or concrete with 5 floors of wood frame above), significant additional costs were incurred for different construction materials, fire suppression systems, and general building core if a density bonus was offered that required a development to shift into a higher cost construction type. Trigger points also occur at 10 floors and again at 20 floors.

Strong markets like Park City, however, can support an increase in market rate rents, sales prices, or lease rates in proportion to the higher construction costs. If a market is strong enough to support revenue increases in proportion to the increased construction costs, then the density bonus maintains a positive residual value.

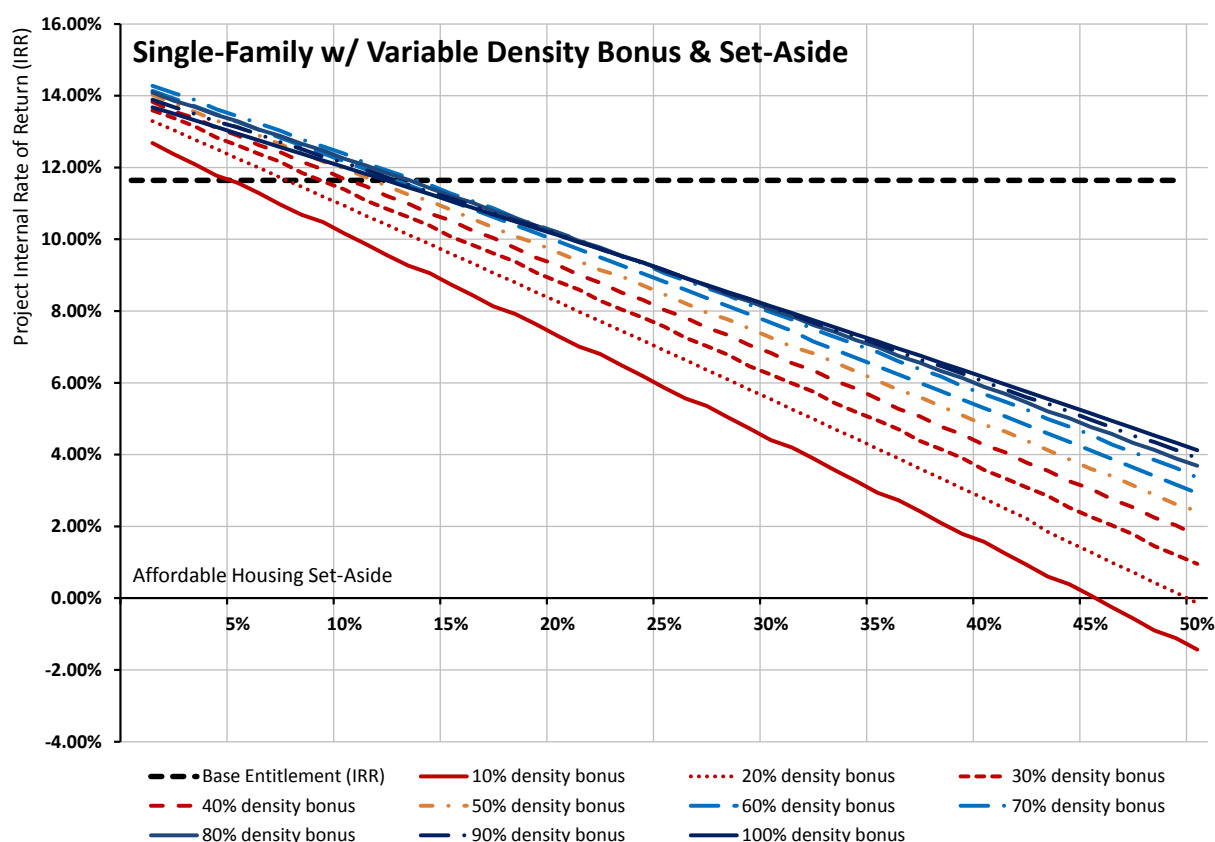
### ***Supportable Set-Asides***

The following two figures illustrate the results of economic and financial modeling for single-family and townhome developments, two of the more common prototypical residential development types for Park City. The modeling is based on typical relationships between construction costs, land values, and supportable market-rate for-sale pricing. The model used determines the internal rate of return (IRR) for various project prototypes with different set-aside requirements for each level of density bonus assigned.

**Figure 24** illustrates the magnitudes of supportable affordable housing set asides within the context of typical single-family developments. Each colored line series represents a different level of density bonus granted to the project, and the intersection between those lines and the perpendicular dotted black line (the IRR for a project with no affordable housing requirement) reflects. The point of intersection indicates the optimal affordable housing set-aside for a project granted respective levels of density bonus. The purpose of identifying the point of intersection in a development-based policy analysis is to identify a point at which the decision to take advantage of a certain development option is optimal by comparison to alternatives.

For example, a project receiving a 10 percent density bonus could not support more than a 5 percent affordable housing set-aside without pushing the IRR below the base entitlement level. A project receiving a 20 percent density bonus could support nearly a 12 percent affordable housing set-aside. A project receiving 90 percent density bonus could support up to 13 percent affordable housing, but a 100 percent density bonus seems to begin affecting the IRR negatively.

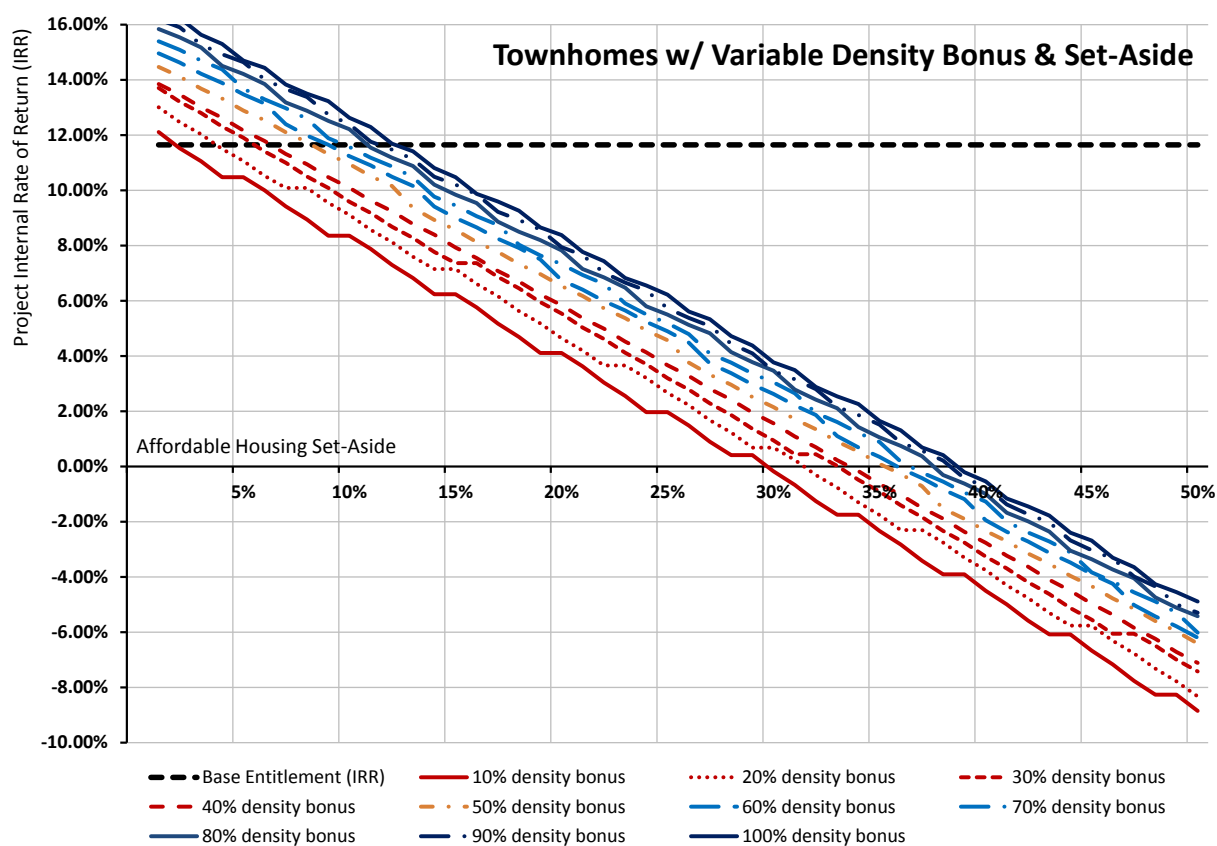
**Figure 24**  
**Supportable Set-Aside with Variable Density Bonuses in Single-Family**



**Figure 25** illustrates the magnitudes of supportable affordable housing set asides within the context of typical townhome developments. Again, each colored line series represents a different level of density bonus granted to the project, and the intersection between those lines and the perpendicular dotted black line (the IRR for a project with no affordable housing requirement) reflects. The point of intersection indicates the optimal affordable housing set-aside for a project granted respective levels of density bonus.

The findings here illustrate that a project receiving a 10 percent density bonus could not support more than a 2 percent affordable housing set-aside without pushing the IRR below the base entitlement level. A project receiving a 20 percent density bonus could support nearly a 5 percent affordable housing set-aside. A project receiving 70 percent density bonus could support up to 10 percent affordable housing, and a 100 percent density bonus could support up to 13 percent affordable housing.

**Figure 25**  
**Supportable Set-Aside with Variable Density Bonuses in Townhomes**



### 3.3 Housing Goal

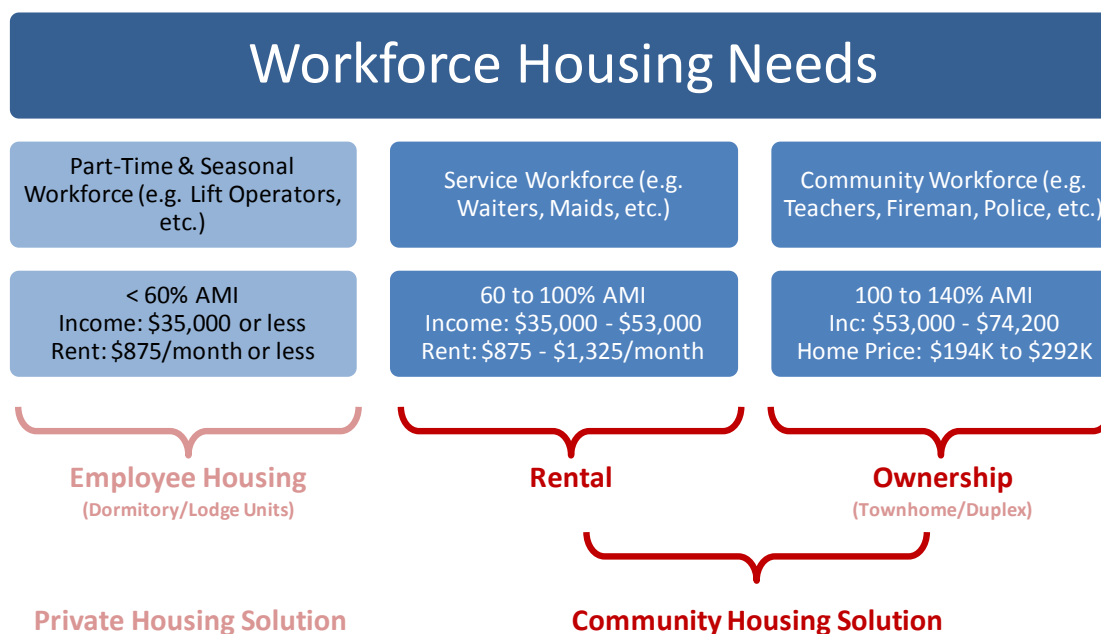
A target of 60 or 65 percent of its workforce living locally, as in the case of Aspen or Jackson Hole, may be a long term goal, if not unfortunately out of reach for Park City right now. EPS recommends that Park City set a more realistic target, reflecting on where it is today (i.e. 15 percent of the city's jobs live locally), of what can be achieved in the next 10 years.

#### 3.3.1 Spectrum of Need

Among the first considerations, as illustrated previously under the estimates of housing need, is a spectrum of housing need (**Figure 26**) that identifies two types of need to be provided by the community: those of the service workforce, such as retail and service sector jobs; and those of the community workforce, such as teachers, fireman, police, etc.

- **Rental Housing:** Given the distribution of wages from the employer survey, a majority (80 percent) of housing needs would fall under the category of the part-time and seasonal workforce housing (less than 60 percent of the region's median income – approximately \$53,000). As such, most of the housing need would be most appropriately met with either dormitory-style employer-built rental housing or market-rate/affordable rental housing.
- **Ownership Housing:** Approximately 10 percent of the workforce falls into the category of community workforce, or between 100 and 140 percent of the region's median household income. This need would be met by for-sale units (townhomes and condominiums, with some portion of single-family), and to the extent possible, the greater the variety of product developed to meet these needs, the more the housing may be able to accommodate longer-term stability and upward mobility possibilities.

**Figure 26**  
**Workforce Housing Spectrum**



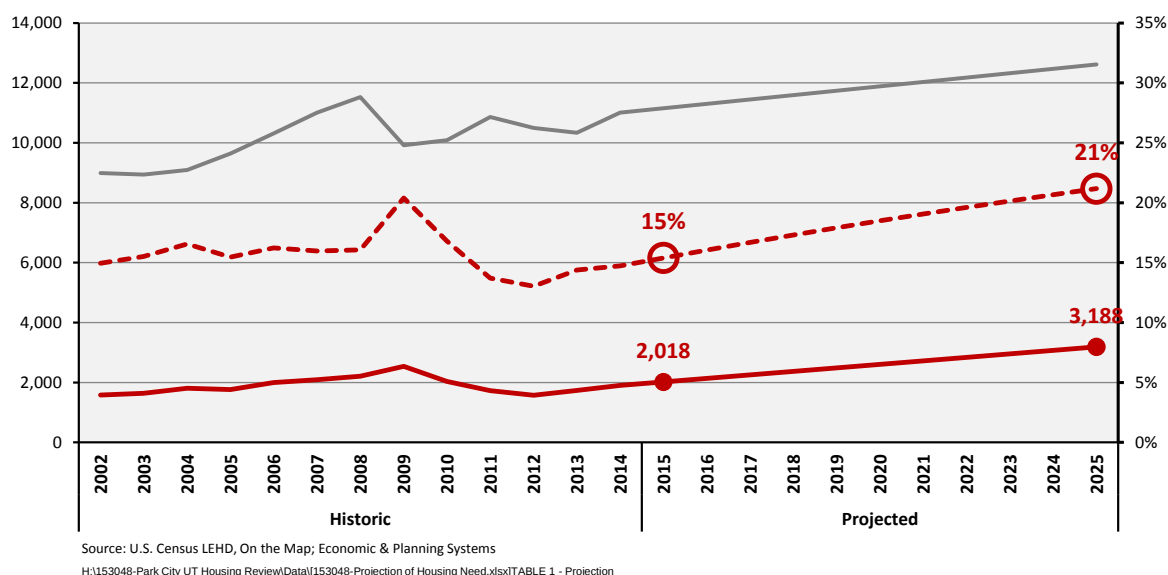
### 3.3.2 Community Target

**Figure 27** illustrates a projection of the number and portion of Park City’s workforce that live and work locally, given an increased commercial mitigation rate. This projection assumes that Park City adopts a much higher commercial mitigation rate, in line with the highest among comparable communities, at 60 percent. The analysis assumes that the City’s employment level continues to grow at the annual rate of 195 jobs per year for the past 13 years, which averages out the effects of the recession.

The solid grey line illustrates both the historic and projected in-commuters. The solid red line illustrates both the historic and projected jobs held by the city’s residents, and the dotted red line illustrates the portion of all jobs held by city residents. (The portion of the city’s total jobs is currently 15 percent, roughly the same as in 2002.) The projection assumes that 60 percent of each year’s new 195 jobs, equating to 117 jobs, is housed locally. By 2025, this would imply that an additional 1,170 jobs would be held by local residents, lifting the ratio of locally-employed residents to 21 percent.

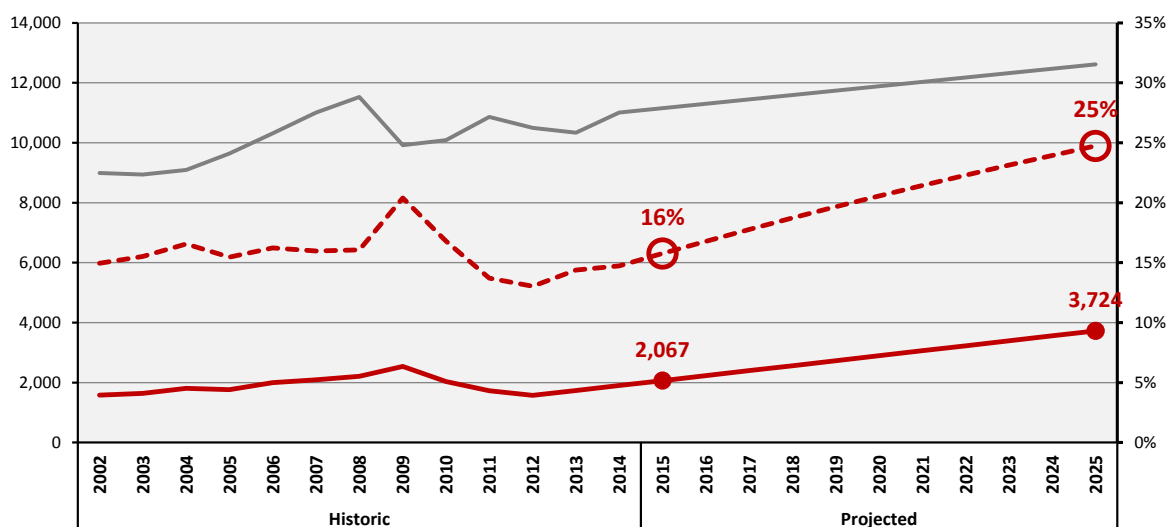
If it is assumed that there are 1.5 jobs per household and that households form exclusively from the new 117 locally-employed residents, a demand for 78 housing units would result from this policy, translating to a total demand for new housing (independent of housing that is also built for the second homeowner market) of 858 units over 10 years. This magnitude of affordable housing development would be equivalent to more than two times the magnitude of affordable housing developed in the city (including inclusionary zoning and LIHTC projects) since 1980.

**Figure 27**  
**60 Percent Mitigation Rate, Projection of Locally-Employed Residents**



Alternatively, **Figure 28** illustrates how a very aggressive mitigation rate of 85 percent might impact the portion of the city's workforce living locally. This projection assumes that 85 percent of new workers are housed locally, requiring the production of 111 new housing units per year to meet this demand. In total, this goal would require more than 1,200 new housing units over the next 10 years.

**Figure 28**  
**85 Percent Mitigation Rate, Projection of Locally-Employed Residents**



Source: U.S. Census LEHD, On the Map; Economic & Planning Systems  
H:\153048-Park City UT Housing Review\Data\153048-Projection of Housing Need.xlsx\TABLE 1 - Projection

### 3.3.3 Benefits of Local Resident Workforce

Housing a larger portion of Park City's workforce locally has broader community, social, and economic benefits. The more households that live locally, the better for developing the sense of community on which households place increasing value. Among the economic benefits, the more households that live locally, the more local business is supported.

Illustrated in **Table 4** below are estimates of the impact that the workforce housing goal would have on local retail spending. Assuming that new households had similar incomes to a recent regional income estimate (\$53,700), total personal income (TPI) estimated between \$46.1 million and \$65.3 million annually. Of that total, households typically spend approximately 35 percent of their income on retail goods and services, of which a portion comes from daytime expenditure, such as meals or small errands during the workday.

Retail expenditure includes a wide spectrum of purchases, including convenience goods, clothing, electronics, sporting and entertainment, building materials and gardening supplies, eating out, and groceries. Based on EPS's experience evaluating these conditions for other mountain resort communities, we believe it is reasonable to assume that approximately 50 percent of working households' expenditure could occur within Park City, or approximately \$16.1 million to \$22.9 million in additional local spending. This additional spending would support the equivalent of an additional 26,900 to 38,100 square feet of local retail space at an average of \$300 per square foot per year.

**Table 4**  
**Estimated Impact of New Household Retail Spending**

|                                        | Households | Household Income |              | Estimated Income Spent on Retail |                   |            |
|----------------------------------------|------------|------------------|--------------|----------------------------------|-------------------|------------|
|                                        |            | Average          | Total        | Annual                           | Local Supportable | Floor Area |
|                                        |            |                  |              | 35%                              | Capture 50%       | \$300      |
| New Resident Households                |            |                  |              |                                  |                   |            |
| Target 20% of Workforce Living Locally | 858        | \$53,703         | \$46,080,000 | \$16,130,000                     | \$8,065,000       | 26,900     |
| Target 25% of Workforce Living Locally | 1,216      | \$53,703         | \$65,280,000 | \$22,850,000                     | \$11,425,000      | 38,100     |

Source: Economic & Planning Systems

H:\153048-Park City UT Housing Review\Data\153048-Retail Capture of New HHs.xlsx\Calculation

## 4.0 *RECOMMENDED POLICIES AND IMPACTS*

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### **4.1 Recommendations**

The following recommendations are intended to directly address the city's interest in updating and modifying the residential and non-residential applications of the existing housing resolution. They are also intended to serve as a basis for:

- Continuing city-led discussions and efforts regarding the prioritization of affordable housing policy;
- Identification, by the city's leadership, of affordable and workforce housing production targets; and
- Identification of who is or should be the beneficiaries of such policy

Most of the recommendations concern the existing housing resolution, which can be classified as a development-based approach to addressing affordable housing problems. In this category, a community often needs an increase to the supply of housing. Such approaches stem from the view that because the development community builds housing (and thus, whose housing prices are a part of the problem), they are equipped and should be responsible. This is the case with inclusionary zoning and linkage programs, the two development-based approaches that are at the root of the city's housing resolution.

A few of the recommendations, on the other hand, can be classified as community-based approaches. For a growing number of communities, strong leadership and political will are translating into the recognition that a policy that broadens the responsibility of addressing complicated challenges across the community not only lowers the financial burden placed on any one portion of the community, but, because it is locally generated, results in greater flexibility of its use.

#### **4.1.1 Development Incentives**

From a development-based approach, Park City should consider providing additional development incentives. A first consideration concerns the development of rental units. To address this need, the City could consider deferring, abating, or granting back some portion of local property taxes to property owners/managers for keeping units in long-term affordability.

From one perspective, and because 9 percent low-income housing tax credit (LIHTC) allocations are so limited, it might be worthwhile to explore this tool as a way to "fund" additional housing without necessarily having to generate funds. In such a case, there are a number of communities that have established such a mechanism to very effectively incent the development of affordable rental units.

The City could decide what level of affordability (e.g., a percent of the affordable workforce wage) and what term (e.g., units remain affordable at specified income level for 15 to 30 years) to require. This technique could be applied to new and rehabilitated rental properties, as well as new developments. (This recommendation needs to be considered within the City's legal authority.)

To illustrate the potential impact on a new development, Table X below shows the impact that a full (100 percent) property tax abatement could have on the return on cost (ROC) metric. The calculations are shown for a LIHTC project as well as a market-rate rental project. The general assumptions made are based on either information available from the Summit County Assessor's website or common practice regarding development costs. As such, a few of the assumptions made in this analysis are:

- LIHTC development costs are \$200,000 per unit
- Market-rate rental development costs are \$240,000 per unit
- Both projects have 80 units
- LIHTC rents are estimated at 60 percent AMI or \$1,050 per month (2015)
- Market-rate rents are estimated at \$1,650 per month
- Average annual O&M expenses are \$4,800 per unit

#### **LIHTC Projects**

Although Summit County property tax records for five past LIHTC projects (which were all developed before 2000), average property taxes per unit are approximately \$230 per year. This is based on tax records for Holiday Village, Parkside Apartments, Washington Mill, Aspen Villas, and Iron Horse Apartments. The assumptions outlined above indicate that a new LIHTC project might have property taxes as high as approximately \$900 per month.

Under these assumptions, the base ROC for a project not receiving a property tax abatement is estimated to be 3.43 percent. By abating property taxes for this project, the ROC is estimated to increase to 3.90 percent, reflecting an increase in NOI of nearly \$75,000 per year. While it is difficult to presume that this would be accretive to every project ROC, the fact remains that decreased expenses means a greater debt service coverage ratio for a project.

#### **Market-Rate Projects**

The use of a property tax abatement in the context of a market-rate rental development, however, could have a substantial impact on the ROC metric in a development consideration. Assessors often appraise rental properties by either the replacement or income methodologies. As mentioned above, it is assumed that the development cost for such a project would be slightly higher at \$300,000 per unit. It is also estimated, that because of it, property taxes are estimated to be higher as well.

The base ROC is estimated to be approximately 5.78 percent with all expense and 6.25 percent with the property tax abatement. It is fairly common that a rental project development will seek a base ROC of 6.00 percent. While these numbers are not based on any specific project, the impact of the property tax abatement could, assuming the magnitude of these assumptions is correct, make a project either more feasible or encourage a project to move forward that otherwise would not have.

**Table 5**  
**Estimated Impact of a Property Tax Abatement**

|                            | Units | Total Dev. Cost | Gross Income | Expenses  |                | NOI         |                   | ROC   |                   |
|----------------------------|-------|-----------------|--------------|-----------|----------------|-------------|-------------------|-------|-------------------|
|                            |       |                 |              | O&M       | Property Taxes | Base        | Excl. Prop. Taxes | Base  | Excl. Prop. Taxes |
| LIHTC Project              | 80    | \$16,000,000    | \$1,008,000  | \$384,000 | \$74,624       | \$549,376   | \$624,000         | 3.43% | 3.90%             |
| Market-Rate Rental Project | 80    | \$19,200,000    | \$1,584,000  | \$384,000 | \$89,549       | \$1,110,451 | \$1,200,000       | 5.78% | 6.25%             |

Source: Economic & Planning Systems

H:\153048-Park City UT Housing Review\Data\153048-Development Incentive Values.xlsx\TABLE 2 - Impacts

As it concerns for-sale housing, the City should consider whether the per-unit fee waiver, currently a part of the existing housing resolution, is worth maintaining. Because the gap between market rate and affordable units is so great (currently estimated at nearly \$950,000), the \$5,000 per unit waiver of fees is not enough to motivate a developer; it is therefore, largely symbolic. At a minimum, the City should consider having a discussion about waiving either 100 percent or some substantial portion of permit and impact fees. (In context, the fee waiver was set at \$5,000 in 1991. In today's dollars, it would need to be approximately \$8,600 to have at least the same value.)

#### 4.1.2 Density Bonus

##### **Applicability**

The City should expand the applicability of the density bonus for affordable housing and consider raising the density bonus. The density bonus is granted only to MPDs in the City's Land Management Code. Using additional entitlements to motivate a developer to provide affordable housing can be a strong incentive in markets where additional density is particularly valuable. As a matter of policy coverage, EPS believes that the density bonus should be made available to any development that would look for ways to include affordable housing, including commercial and infill developments.

##### **Current 10 Percent**

The density bonus is frequently the strongest incentive an inclusionary zoning ordinance can offer in any setting where development pressures exceed entitlement. In EPS's experience, an increase in density, while greater efficiencies of land are usually realized (lowering the per-unit costs of land), is still associated with more construction costs. There are two challenges for most communities utilizing this incentive.

On one hand is calibrating the amount of density, recognizing the marginal costs of construction, so that it has sufficient residual value to motivate a developer to pursue it. On the other hand is calibrating the amount of the "requirement" so that it doesn't eliminate the positive residual value of the density bonus itself. That is, there is value in the density bonus that can be leveraged for additional community benefit (i.e., affordable housing), but it needs to be of sufficient scale so as not to make the density bonus worth pursuing at all.

Currently, Section 15-6-5(A)(1)(b) allows the Planning Commission to grant a maximum of 10 percent density bonus if a developer proposes an MPD where more than 30 percent of the equivalent units are affordable (or employee) housing. Therefore a developer of a residential MPD in Park City would have two basic choices: comply with the standard 15 percent set-aside requirement, or provide an additional 15 percent affordable housing for 10 percent additional density. It is very unlikely that these two elements have been calibrated such that a developer would be economically indifferent to the two choices – i.e., they would both yield the same financial return, or even ideally that the financial return of the project with the density bonus is actually higher.

### **Recommendation**

EPS recommends that the City re-evaluate its motivation for the two factors and discuss to what extent they can be brought into closer economic alignment. For example, the findings of the economic modeling detailed in the previous chapter indicate that density bonuses of various higher magnitudes may more economically support certain set-aside requirements.

For example, a single-family project receiving a 10 percent density bonus could not support more than a 5 percent affordable housing set-aside without pushing the IRR below the base entitlement level. A project receiving a 20 percent density bonus could support nearly a 12 percent affordable housing set-aside. A project receiving 90 percent density bonus could support up to 13 percent affordable housing, but a 100 percent density bonus seems to begin affecting the IRR negatively.

In the townhome example, the findings illustrate that a project receiving a 10 percent density bonus could not support more than a 2 percent affordable housing set-aside without pushing the IRR below the base entitlement level. A project receiving a 20 percent density bonus could support nearly a 5 percent affordable housing set-aside. A project receiving 70 percent density bonus could support up to 10 percent affordable housing, and a 100 percent density bonus could support up to 13 percent affordable housing.

### **4.1.3 Commercial Mitigation**

The City should modify the commercial component of the housing resolution. From the perspective of a policy modification, it is always possible to convert this commercial mitigation strategy into an actual commercial linkage program— i.e., using a nexus study to establish fees that are assessed to new non-residential developments on a per-square foot basis by land use categories.

EPS believes that the current version of a “commercial mitigation strategy” generally achieves the same outcomes as a commercial linkage program might, and that the magnitude of units built or in-lieu fees collected would be roughly equivalent. Like the survey data collected in this study, a nexus study also collects data to identify the number of FTEs generated by different non-residential land uses. It quantifies the distribution of jobs by occupational category and assigns them to wage levels. The workers (and their households) are distributed by median income categories, from which it can be estimated what portion of all jobs created by the new non-residential development require housing assistance. The fee is calculated as the affordability gap, or the difference between the market rate and price of an affordable housing unit to particular households by median income level. The total affordability gap for the lower-income households is estimated and divided by the total square feet of a development to determine a per-square foot fee.

### **Generation Rate**

The City should discuss the merits of incorporating the new survey-based employment generation rates. It should be acknowledged that this type of basis for calculating employment generation rates is always subject to a margin of error. On one hand, asking employers the number of their full-time and part-time staff relies on the accuracy of the information the person surveyed has available. On the other hand, it relies on the respondent’s knowledge of the total floor area of their space, and in the absence of that (which is very common), the accuracy of this part of the information is reliant on either the respondent’s or the data-gatherer’s ability to accurately gauge the size of the space. EPS made every attempt to fully vet the numbers given to all data-gathers in the survey work. We cross-checked the square-footage numbers against Summit County Assessor data.

### **Mitigation Rate**

Aside from the 15 percent residential set-aside requirement, there are a couple other factors that seem to be associated with mitigation of affordable housing need. On one hand is the 20 percent mitigation factor applied to the commercial component; on the other hand is the 34 percent “location substitution” factor identified and both require the mitigation of some portion of the housing demand generated by those uses. In the case of the City’s current resolution, 20 percent appears to have been chosen as a number reflective of the portion of FTE-based households in need of housing assistance, though no documentation is available to confirm this. EPS recommends that the City evaluate whether or not to pursue a substantially higher mitigation rate, as via by the establishment of a housing goals, discussed in the following recommendation.

#### **4.1.4 Establish a Housing Goal**

The evolution of the city’s current housing resolution, as outlined in Chapter 2, illustrates clearly the city’s intent to prioritize affordable housing, but also illustrates how the City’s statements did not identify actual goals. In the original ordinance, 37-91, City Council states if feels a need to protect and enhance the community’s diversity by encouraging a mix of housing, and to “assist those members of our community that have demonstrated their commitment to Park City by either their residency and/or their work history...” A few years later, in 6-94, the City Council established affordable housing as a high priority goal and top priority action item, but did not identify what that goal should be. In the revised 7-95, City Council indicated that affordable housing should be an “action target” for the years 1995 and 1996, but did not identify what that

target would be. In one of the more substantial characterizations of the City's goals, 17-99 listed out seven categories of target populations, such as those who live in Park City, the "essential" public and private sector service workforce, full-time employees of businesses within city limits, residents of the city for the past 24 months, business owners or their representatives, senior citizens, and the physically or mentally challenged.

At this time, establishing an actual housing goal – i.e. a concrete numeric target, should be the city's highest priority.

As indicated earlier in the report, the closest the city has come to identifying a numeric target has been the informally-adopted "location substitution" rate of 34 percent. Research into the root of this factor shows that it may have been based unintentionally on the incorrect ratio of "job-holding residents" to total Park City jobs. Historic in- and out-commuting trends indicate that in 2005, when the location substitution factor was developed, that the ratio of Park City residents working in Park City was actually 15 percent (not 34 percent).

As outlined in the previous chapter, a number of other mountain resort communities who deal with the same problem of an in-commuting workforce have either a higher mitigation rate or have codified a housing goal based on City Council direction. Both Jackson Hole and Aspen have adopted housing goals. Aspen has a stated target of housing 60 percent of its workforce locally, and as such, holds its commercial mitigation rate at 60 percent. Jackson Hole also has a stated policy target of housing 65 percent of its workforce locally, although it requires just 35 percent commercial mitigation.

EPS recommends that Park City not only engage in a discussion of what it would like the target to be, but whether or not it believes that a modified commercial mitigation rate should or needs to be the only manifestation of that policy goal. That is, even if the City chooses to adopt a high locally-housed workforce target, the City will likely never achieve its goals with future commercial development alone. And if Park City did embark on a nexus study to quantify the jobs-housing linkage for commercial development, this mitigation rate would be a factor developed in the analysis, which then becomes, for communities with such policy, the subject of policy debate and community goals.

#### **Target #1: 20 Percent Workforce Living Locally**

Based on the projection of future employment levels with a modified commercial mitigation requirement of 60 percent, it is optimistic but attainable to achieve a level of 20 percent of the workforce living locally within the next 10 years. This would mean, however, that the rate of housing production for the local population would have to more than double from its current rate of 33 new occupied housing units per year to nearly 80 occupied housing units per year.

#### **Target #2: 25 Percent Workforce Living Locally**

Based on the projection of future employment levels with a modified commercial mitigation requirement of 85 percent, it is optimistic but attainable to achieve a level of 25 percent of the workforce living locally within the next 10 years. This would mean, however, that the rate of housing production for the local population would have to more than triple its current rate of 33 new occupied housing units per year to nearly 110 occupied housing units per year.

#### **4.1.5 Fee In-Lieu Structure**

The City should modify its in-lieu fee structure. The current housing resolution establishes a structure based on three pieces of information: 1) the median market value per square-foot of 600 to 1,600 square foot units sold in the prior year; 2) multiplied by 900 square feet; and 3) the affordable home sale price for a household earning Park City's workforce wage subtracted from the result. Questions that the city should answer in this process include:

- Is the City receiving adequate revenues from these fees such that the same number of units as the 15 percent residential or 20 percent commercial mitigation rate requirements could build?
- Has the City been able to use those funds to build the same number of units?
- Or is the in-lieu fee inadequate to build units in appropriate locations?
- Should it be based on assumptions that more accurately reflect the market?
- Looking ahead, are there even development opportunities for which the fees based on the same calculation will be useful?

As a point of consideration, if land is becoming scarcer and its value continues to escalate, there may be a good justification for changing the fee methodology such that it results in a higher fee per unit.

#### **Approaches**

There are a variety of approaches to structuring an in-lieu fee: 1) the difference between a market rate unit and a deed-restricted affordable unit; 2) a percent of the construction cost; 3) a percent of the maximum affordable sales price; 4) a percent of the land value to construct units elsewhere; and 5) nexus-based fee, which is described in recommendation above.

For example, the current methodology (#1 above) relies on one piece of outside information: the market rate price per square-foot from the Summit County Assessor. In #2 above, no outside information is needed for calculating a percent of the affordable sales price. In #3, outside information is required for two components: one for establishing a base construction cost per square foot that developers can agree is accurate, and another for escalating the value annually with the Bureau of Labor Statistics Producer Price Index (PPI), for example. In #4, outside data would need to be collected as well to document the value of land with comparable sales. In #5, the methodology would use outside data for the fee calculation, but because of its complexity of inputs, an annual escalation with the PPI, for example, might be too simplistic, while a full recalculation of the fee might be unnecessarily time-consuming.

#### **Construction Cost Method**

Given considerations for complexity versus simplicity of the in-lieu fee's design, considerations for the magnitude of revenues generated, and considerations for the ease in making annual updates, EPS recommends that the City adopt a construction cost methodology for its in-lieu fee structure. This method would rely on only one piece of information for the actual in-lieu fee (construction cost per unit), rather than the current three.

This per-unit factor could be developed using the City's own development projects of a relevant prototype, such as single-family homes, townhomes, or condos. The methodology would also involve making annual updates, using either the BLS producer price index (PPI) for all residential construction (i.e., for Material and Supply Inputs to Construction Industries, which is published annually on a 1½ year lag), or the consumer price index (CPI), which is published by the BLS monthly and without a lag. Either way, the methodology does not rely on collection of magnitudes of MLS or Assessor data each year for updates.

EPS also recommends that the City consider applying a percentage to this factor, such as 75 percent of the total cost of construction, so as to remove a portion often attributable to land costs.

To illustrate the potential revenues that might have been generated with this methodology, **Table 6** shows the overall number of units permitted between 2004 and 2014 along with the number of units permitted that yielded inclusionary zoning units. In total, there were 1,416 units permitted between 2004 and 2014, 520 of which are estimated to be in MPDs and annexations for which there were inclusionary zoning units produced.

Had the housing resolution been applied to all residential development, as recommended, and assuming these remaining residential developments paid a fee in-lieu of constructing affordable units, it is estimated that the city would have generated approximately \$19 million in in-lieu fees.

This calculation is based on the average cost of construction of \$240,000 for 2014, which has been de-escalated for the previous years using the Bureau of Labor Statistics' producer price index. The calculation also assumes that the fee in-lieu is 75 percent of the cost of construction. The rationale for such a factor is that land costs are often approximately 25 percent of the total development cost. As such, the city would want to structure its fee in-lieu to compensate at least for the cost of construction.

**Table 6**  
**Estimated Hypothetical Fees In-Lieu, 2004-2014**

|                     | Units Permitted |                     |       |                     | Fee In-Lieu     |            |                      |
|---------------------|-----------------|---------------------|-------|---------------------|-----------------|------------|----------------------|
|                     | Overall         | Less: MPDs / Annex. | Other | IZ Applied to Other | Const. Cost [1] | Fee / Unit | Revenue (\$ million) |
| <b>Factor</b>       |                 |                     |       | 15%                 |                 | 75%        |                      |
| <b>2000 to 2014</b> |                 |                     |       |                     |                 |            |                      |
| Overall Total       | 1,416           | 520                 | 896   | 134                 | ---             | ---        | \$19,132,538         |
| Annual Average      | 129             | 47                  | 81    | 12                  | \$240,000       | \$180,000  | \$1,739,322          |

[Note 1]: The cost of construction is assumed to be \$240,000 in 2014. It is de-escalated by the producer price index from the Bureau of Labor Statistics. In 2004, it is estimated that the cost of construction per unit was \$171,000.

Source: U.S. Census; Park City Municipal Corporation; Economic & Planning Systems

H:\153048-Park City UT Housing Review\Data\153048-Fee in-lieu estimates.xlsx]TABLE 2 - Estimates

#### **4.1.6 Housing Resolution Applies to All New Residential Development**

The City should consider modifying the residential portion of the housing resolution to apply to all residential development.

The City should consider applying this portion of the resolution to all residential development. This is based on the review of the intent of the original housing resolution and the focus of subsequent iterations on annexations and MPDs, as well as analysis of historic building permit data, and an understanding of development in the pipeline. That is, it is unlikely that annexations or MPDs will be a majority or even a substantial component of development moving forward, such that the housing resolution as written will continue to be effective.

For either of the previous options, EPS would recommend that an exemption be structured for projects that are contributing to the City's affordable housing inventory. As such, the exemption could be drawn at units that are priced below a certain affordability mark. For example, in 2014 the maximum affordable purchase price for a household earning 100 percent of median income (\$89,886) was \$359,600. Alternatively, the maximum affordable purchase price for a household earning 150 percent of the Park City workforce wage (\$73,253 for a household of two persons) was \$282,700. Whatever the threshold, EPS recommends that it serve equally as a proxy for the size of units being constructed.

The implication of this is that all new residential development, large and small-scale projects of all structure sizes would apply. Given that the City has been concerned about recent increases in the number of larger single-family homes (i.e., second homes) that have not been subject to the resolution, it would be in the interest of the City to adopt a mechanism by which these are either subject to a higher mitigation, or that units priced more affordably (or of a smaller size) would be exempt.

One option available is that the City could consider establishing a residential linkage program, which would establish the nexus between the level of affordable housing demand generated by units at various price points (i.e., proxy for size). There are two methodologies that such an analysis could employ: 1) other resort economies who have traditional residential linkage programs have conducted door-to-door surveys of the actual employment generated by their household (i.e., gardeners, housekeepers, other staff, etc.); and 2) there are a few larger, urban markets that have adopted residential linkage programs that rely on a nexus established on the basis of overall employment (i.e., jobs vis-à-vis household spending patterns). The first method requires primary data collection, and the second relies on input-output modeling factors.

The other option is that the City keep its existing mitigation structure, but apply it to all new construction or demo-rebuild projects (i.e., no threshold). The fee in-lieu structure would be kept the same, but its outcome would require that smaller projects would be a fraction of a per-unit fee.

#### **4.1.7 Deed Restrictions**

The City should pursue a blended approach to structuring deed-restricted ownership units. There are two common approaches to deed restrictions – shared equity and value appreciation limits. In general, the shared equity model lowers the initial cost of home-ownership for households and offers them the opportunity to own the property in the long run while not necessarily attempting to manipulate the “value” of the property for the sake of keeping it in the affordable inventory.

The limited appreciation model, on the other hand, seeks to manipulate the value by arbitrarily setting a price appreciation limit that is sometimes set to 2 or 3 percent. During high appreciation times, this is a frustrating element for buyers because they don’t benefit from equity gains. Both of these approaches may offer the development community more flexibility in the product it builds, and may open up a slightly wider inventory of housing to households in need of affordable housing.

##### ***Shared Equity***

This tool works well in an environment where considerable magnitudes of new housing are being built. Although it might have been very effective for Park City to have had this in place when a vast majority of new development was occurring in annexations and MPDs, there still are opportunities to use it moving forward. It would be worthwhile engaging city officials in a discussion of how to establish the program so that it could be utilized where effective.

Specifically, the shared equity approach means that a borrower purchases a home by providing a downpayment, typically 5 percent, borrows approximately 75 percent of the value of the property and receives a low-interest equity loan of up to 20 percent (or some limit). At the end of the mortgage term or earlier, the equity loan is paid off in full plus 20 percent of the property’s value escalation.

In a housing market where construction costs are high, this may be an effective way to leverage the construction of units that would otherwise enter the market at slightly higher price points than the typical affordable unit. Because the mortgaged value of the property to the homeowner is actually 75 percent of its face value at the time of sale, it may also be a valuable technique to address the burgeoning need for middle-income housing, an issue that has been raised with increasing frequency.

While a lower equity loan means less for a household to pay back over time, the larger the equity loan, the lower the “point of entry” for households in need. As such, the City may want to consider this element as a point of leverage to manipulate given market conditions. That is, the City could establish a policy where equity loans are available up to a maximum amount, and the borrower could choose whether or not to take advantage of the full value.

The challenge with this technique, however, will be that the City effectively cannot lend its credit or make loans. To take advantage of this option, the City will have to explore what third-party entities would be appropriate for administering such a program, such as Mountainlands Community Housing Trust or the Housing Authority. Perhaps the City could work to organize local and regional banks to establish a shared equity loan pool whereby the banks receive Community Reinvestment Act credits or other tax abatement incentives.

Beyond the obvious application for this structure on ownership condominiums, townhomes, and single-family homes, this may be a model worth exploring in a rental (or leasehold) context. Instead of an equity loan to the homebuyer, the City might explore whether it has the resources (i.e., pass through of capital funds) to grant lower interest equity loans to a new rental development in exchange for a portion of the units to be provided as affordable.

While the specific terms of the stipulations would have to be worked out, this might be a second policy option to use for new rental developments (versus the option to utilize property tax abatements for new or rehabilitated rental properties). In such an example, instead of a 20 percent equity loan being paid off at the end of the mortgage term, the City receives a 20 percent share of the rents.

In general, the advantages of the shared appreciation model are that it lowers the barrier to entry for households and gives them an opportunity to buy into the market and build equity at the same pace as the rest of the market. On the other hand, the shared equity model works well in a market that is constantly producing new units. In theory, after the first round of households has purchased such a deed-restricted home and sold it, there is risk that the housing inventory could enter the market-rate inventory unless a fail-safe mechanism is included, such as a first right of refusal for the city.

The advantages of the limited appreciation model are generally that once the unit enters the deed-restricted inventory, and assuming that covenants are written appropriately, the unit will remain in the affordable inventory, benefiting households for as long as the deed restriction lasts.

On the other hand, in a market like Park City's, where the average sales price of units continues to escalate at more than 6 percent per year, maintaining an affordable inventory that is limited to 2 or 3 percent appreciation means that households who buy these units do not have an opportunity to build equity alongside the market. Beyond this equity concern, the affordable inventory is likely to be a more limited inventory of housing types, meaning that if a household living and working in Park City wanted to move into a different home, they would be limited to the overall variety of available affordable inventory.

#### **4.1.8 Timing of the Policy Change**

It is important with the modification of existing policy or adoption of new policy that affects land development that a date be selected sometime in the future, at which point all applications received would apply to the revised policies. Depending on the length of time between, for example, permit application and time of construction or site plan and building permit, EPS recommends that, at the time City Council may approve the recommendations governing the housing resolution, a date be chosen that reflects this amount of time.

#### 4.1.9 Funding Priorities

The City should establish priorities for allocating the recent \$40 million RDA Fund allocation. Previous Councils have drawn made important, symbolic, but necessary declarations of need, intent, and priorities in the housing resolution. The recent allocation of \$40 million for capital is an important backdrop to such conversations. The City should engage its elected officials, however, in a policy discussion oriented around determining and voicing their concerns, vision, and direction regarding housing priorities.

That discussion should utilize major analytical findings from this study as guideposts for policy debate, not necessarily as prioritizations or exact magnitudes of need. The analytical findings of this study, and other studies that have preceded it, can be interpreted as a selection of ways to look at this need. As there are multiple methodologies here and developed throughout the years by PCMC staff, there is a need to view these findings through the lens of political priority, perceived urgency, as well as within the context of other City priorities.

EPS recommends that the City consider the various programmatic ways it might utilize the allocated funds. Programmatic considerations include making some portion of the funds available through a Notice of Funding Availability (NOFA), through which the City could create a competitive environment among both housing developers and service providers for use of the funds. Such a process can leverage the private sector for creative and financially efficient uses of funds.

Another potential programmatic use of funds could be the acquisition of a strategic parcel of land that the City believes might be valuable in the future as a mixed-use redevelopment, in which the land could be leveraged for a public-private partnership development.

In addition, some portion of the funds could be allocated to the purchase of existing units that might be appropriate for a shared equity or shared ownership program.

While the City is not authorized under its accounting rules to make loans (i.e., for the purpose of establishing a mortgage pool or shared equity program), the City should still engage in discussion around who would be an appropriate entity to carry out such a function, how it would be done, and what variety of programs it would offer. It is valuable to consider that the original resolution (37-91) set forth an objective to establish a mortgage pool, working with lenders. While it is not clear from subsequent versions of the resolution whether this concept was ever piloted, it is clear that there are obvious obstacles to doing it today. Furthermore, it does not appear that the Mountainlands Community Housing Trust offers this type of assistance through its various ownership programs.

In terms of beneficiaries, the City could utilize analysis of affordability conditions from this and other studies to identify magnitudes of need, looking at income level, community workforce contingent, and the type of development typically associated with that type of need. For example, EPS prepared revisions of previous gap analyses as well as a new methodology to estimate magnitude of housing type need by respective income levels of in-commuters.

Based on the analysis of trends, the City would see more effective results and higher production if it focused more on community-based solutions, such as use of funding mechanism, than relied solely on its housing resolution, which is a development-based approach.

# Housing Resolution & Policy Review

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**City Council Study Session  
April 28, 2016**

Prepared by:

Daniel R. Guimond, Principal  
David Schwartz, Vice President



**Economic & Planning Systems, Inc.**

Berkeley

Denver

Los Angeles

Sacramento

# Inclusionary Zoning Ordinance

(Development-Based Approach)

- **Pros**

- A greater portion of residential/commercial development contributes to affordable housing
- Widely used (outside UT), including many resort communities
- Does not require a citywide vote

- **Cons**

- No case law precedent in Utah
- Uses high cost of capital to build affordable housing
- Legal/political risks may be greater than the achievable production

# Dedicated Funding

## (Community-Based Approach)

- **Pros**

- More equitable (spreads responsibility across the entire community)
- More productive (is not dependent on market development cycles to get units built)
- Uses lower cost of capital to build affordable housing
- Achievable production outweighs political risk of taking the issue to voters

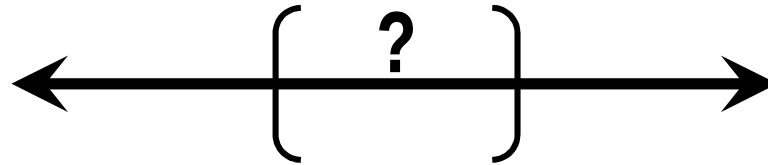
- **Cons**

- Requires strong political will
- Requires voter approval

# Is there a middle ground?

(re: Inclusionary Zoning Ordinance)

**Current Policy:**  
Resolution-Based  
(Only to MPDs and  
Annex.)



**Recommendation:**  
Ordinance-Based &  
Applies to More  
Development

## 1. Maintain the Resolution-Based Approach

- Ø Include specific types of by-right development
  - Large-scale infill projects
  - Mixed-use developments

- Ø Apply policy to projects above a square-footage or unit threshold

## 2. Moderate the Ordinance-Based Approach

- Ø Apply policy to projects above a square-footage or unit threshold

## 3. Augment either approach

- Ø City could negotiate the provision of affordable housing with any residential/non-residential project that would like additional density

## Density Bonus Discussion

- **Issue:** Section 15-6-5(A)(1)(b) allows the Planning Commission to grant a 10% density bonus if an MPD provides
  - 30% equivalent units of affordable/employee housing.
- **Situation:** A developer of a residential MPD in Park City would have two basic choices:
  - a) comply with the standard 15% set-aside, or
  - b) provide an additional 15% affordable housing for a mere 10% density bonus
- **Problem:** The math doesn't work.

# Density Bonus Applications

General increase in allowable density/height

- **Pros**

- More efficient use of land
- Greater density means more units; more units is better for PC's supply-side problem

- **Cons**

- NIMBY concerns
- View sheds
- Community character

Increase density bonus for affordable housing (EPS recommendation)

- **Pros**

- The economics work better and is more likely to be used
- More efficient use of land
- Greater density means more units; more units is better for PC's supply-side problem

- **Cons**

- NIMBY concerns

## Other Recommendations

- Defer or abate a portion of property taxes on rental units in exchange for keeping them affordable
- Increase or remove the per unit fee waiver
- Modify the commercial component of the housing resolution
  - Adopt new employee generation rates
  - Applicability threshold
- Establish a program to provide soft second mortgages to lower the entry cost for affordable units
- Base the fee in-lieu calculation on construction cost
- City should establish priorities for the \$40M affordable housing allocation
- City should establish a housing goal or target

# Phasing/Implementation Considerations

- Targeted near-term actions
  - Minor (middle-ground) modifications to resolution-based approach
  - Adjustment to LMC regarding density bonus for any residential or non-residential developments that wants to provide affordable/workforce housing
- Broader targets requiring community education/buy-in
  - Ongoing funding source (e.g. dedicated sales tax)
  - One-time funding source (e.g. GF allocations, GO bonds)



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

The Public Art Advisory Board (PAAB) has been working to clarify their role to help promote and cultivate the Public Art Plan, Policy and Public Art Collection. Discussions have focused on strengthening the Public Art Policies and Strategic Planning Initiatives including project implementation and completion.

**Respectfully:**

Michelle Kellogg, City Recorder



## City Council Staff Report

**Subject:** Public Art Advisory Board Policy Update  
**Author:** Jenny Diersen, Staff Liaison to the Public Art Advisory Board  
**Department:** Economic Development  
**Date:** Thursday, June 30, 2016  
**Type of Item:** Informational

### Summary Recommendation

City Council should confirm their support for the direction and role of the Park City Public Art Advisory Board including a review of policies and strategic plan. Staff is planning to return at a regularly scheduled meeting in July to adopt policy refinements.

### Executive Summary

The Public Art Advisory Board (PAAB) has been working to clarify their role to help promote and cultivate the Public Art Plan, Policy and Public Art Collection. Discussions have focused on strengthening the Public Art Policies and Strategic Planning Initiatives including project implementation and completion.

The seven member [Public Art Advisory Board](#) was created in 2004. According to the [Public Art Plan](#), PAAB's purpose is to provide recommendations to City Council regarding all public art expenditures, and establish future funding opportunities for public art to:

- Stimulate vitality and economy of the City.
- Enhance Park City's standing as a leading cultural destination.
- Advance public understanding of visual art.
- Enhance the aesthetic quality of daily life and provide a sense of place.

Staff seeks for City Council to consider an update and provide direction to the Public Art Advisory Board, including:

- Public Art Advisory Board Policies
  - Intent of the Public Art Policy
  - Board Roles & Administration
  - Primary Functions, Goals and Strategies
- Funding
- Projects Updates

### Acronyms

|              |                                                  |
|--------------|--------------------------------------------------|
| Arts Council | Park City Summit County Arts Council             |
| CIP          | Capital Improvement Plan                         |
| PAAB         | Public Art Advisory Board                        |
| MARC         | Park City Municipal Athletic & Recreation Center |
| RFQs         | Request for Qualifications                       |
| RFPs         | Request for Proposals                            |

### **The Problem**

The Public Art Plan and Policy has not been updated since its inception in 2004. It is important to remember that PAAB's recommendations regarding roles, administration and project updates will impact:

- Community, arts and culture groups, and local businesses.
- Involvement and coordination with other City Departments.
- Goal in the General Plan of promoting a [\*sense of community\*](#) (page 28 through 31) by continuing to grow as an arts and culture hub encouraging creative expression.

### **Background**

|                  |                                                                                                                      |
|------------------|----------------------------------------------------------------------------------------------------------------------|
| October 17, 2013 | <a href="#">Public Art Advisory Board Update</a>                                                                     |
| October 17, 2013 | <a href="#">Minutes</a> – page 2                                                                                     |
| May 28, 2015     | <a href="#">Work Session Update Regarding Policies &amp; Strategic Plan</a><br>Pages 101 through 107                 |
| May 28, 2015     | <a href="#">Minutes</a> - No comments were recorded                                                                  |
| August 20, 2015  | <a href="#">Work Session Public Art Advisory Board Joint Meeting with Council</a><br>Pages 169 through 173           |
| August 20, 2015  | <a href="#">Minutes</a> for Work Session Public Art Advisory Board Joint Meeting<br>With Council – pages 4 through 5 |

In 2003, the City established the [Public Art Plan](#) and [Policy](#). On [October 17, 2013](#), a [strategic plan](#) was presented to City Council designed to coincide with the quality and purpose of public art. The PAAB continues to review its policies and strategic plans on a yearly basis. Council was supportive of the plan and the Board used the plan to focus their efforts on programs and projects that related to specific goals.

### **Analysis**

#### **Public Art Advisory Board Policies & Roles**

PAAB has been discussing the following changes with regards to the intention of the Public Art Policy and Public Art Advisory Board Policies and roles and seeks Council direction before they return for City Council approval of the policies at a future meeting.

#### Intentions of the Public Art Policy:

- Public Art is currently defined as any visual work of art, in or on City Property financed either wholly or in part, with City funds or grants procured by the City.
- Currently the PAAB is tasked with making recommendations regarding expending funds on visual artworks.
  - The PAAB has brought up discussion regarding spending funds on other forms of art for example, temporary exhibitions or performances experiences (dance, music, theatre). These types of temporary displays or performances could be integrated in numerous ways including the opening of new or redeveloped sites,

reviving dark store fronts, and also as part of community culture, outreach and education.

- The challenge is our current funding mechanisms are tied to Capital Project Budget and are required to be tied to an asset of the City. Temporary Exhibitions or Performance Experiences would not be a permanent asset to the City, but may enable the PAAB to create special projects and citywide programs that will have a greater impact than permanent artworks placed around the city.
- Is it the PAAB's role further investigate other funding mechanisms and policies to help encourage temporary exhibitions or performance experiences for the community or should they remain focused on permanent acquisition of the visual arts?

### Administration

The PAAB has been administered by the Park City Summit County Arts Council (Arts Council) since its inception. Changes in the leadership of the Arts Council have led to discussions of changes regarding the administration of the PAAB. PAAB intends to make a recommendation that the PAAB should be administered by the City, but that the Arts Council should maintain a supportive role for the PAAB in new ways. These changes require clarity in the roles of the Arts Council, PAAB and staff. Staff intends to further clarify these roles with Arts Council before returning for policy adoption will further clarify any additional changes.

### **Arts Council**

The Arts Council's role has included:

- Corresponding with PAAB board members and community leaders
- Developing and implementing strategic plans
- Advertising for board vacancies
- Research and reporting
- Oversight of Art Projects, including development of RFPs, distributions lists, reviews and site visits
- Creation of Agendas, Minutes, meeting packets, board binder materials and other meeting materials.

Proposed role clarity changes for Arts Council include no longer administering the PAAB. The Arts Council will:

- Serve as a resource for grant writing and new funding opportunities.
- Promote the Park City Public Art Collection and Projects
- Leverage partnerships and collaborations between the PAAB and the Summit County Public Art Advisory Board, as well as, the Arts Council, other arts and culture organizations and initiatives.

### **PAAB**

The roles and responsibilities of PAAB shall continue to include:

- Adhering to attendance and voting policies.
- Reviewing board agendas, packets and any other necessary materials prior to meetings.
- Participating in Open Meetings Training annually, attending City Council meetings or community functions as appropriate discussions and occasions arise.
- Making recommendations to City Council regarding the Public Art Plan, Strategic Plan and implementation of Public Art projects, funding, maintenance, repair and inventory of the Public Art Collection.

Changes to the PAAB Policies include:

- Annually appointing a Chair and a Vice-Chair. The Chair of the Board is responsible for running meetings, including keeping the board focused on agenda items, keeping time at meetings, and summarizing motions that the PAAB recommends. The Chair may assist staff in the creation of agendas and presentations to City Council or at community events. When the Chair is unavailable, the Vice Chair shall assist the Chair with duties as described above.
- Change Board Terms from two year terms to three year terms.
  - PAAB Projects take 12 to 18 months to complete from project identification through project completion.
  - The PAAB and staff have concern that each year three or four seats are available for appointment. With short terms, continuity is a challenge.
  - PAAB recommends that members are staggered so that each year either two or three seats are open for appointment.

### **Staff**

Proposed role clarity changes for Staff include administration of the PAAB. Staff will continue to:

- Advise, provide input, and serve as a resource for the PAAB, and coordinate communications with other City Departments on projects and assist in obtaining department approvals as needed.

Staff will additionally take on the following tasks:

- Create and post agendas and board packets and distribute to the board prior to meetings.
- Record meeting minutes and distribute both draft and final meeting minutes to the Board.
- Give monthly budget updates to PAAB and disperse approved allocations for public art projects. Coordinate budgetary requests on behalf of the PAAB with the Budget department or at the request of the City Manager or City Council.
- Manage public art projects in process from creation of Request for Proposals/Qualifications through completion and final acceptance of installation. This includes coordination, communication and management of Public Art Projects with other City Departments and the community.

- Oversee updating the Public Art Plan, Strategic Plan and implementation of Public Art projects and manage the maintenance, repair and inventory of the Public Art Collection.
- Provide input to the City related to the work of PAAB, including preparing reports for City Council meetings on items requiring direction from City Council and/or the City Manager.

Because the Arts Council is reducing its administrative role of the PAAB, these tasks will fall to staff. Staff has been assuming these roles over the past year, and the Economic Development department believes this is manageable within existing staff resources and the time currently required to support the PAAB in this role.

#### Primary Functions, Goals & Strategies

Understanding of the PAAB's primary functions, goals and strategies is essential for the success of the Public Art Plan and Strategic Plan. As outlined in the General Plan's [sense of community](#) (page 28 through 31), the PAAB seeks confirmation that it should make recommendations to City Council regarding Public Art Plan, Policy and Public Art Collection including expending funds on and facilitating works in order to:

- Stimulate the vitality and economy of the City
- Enhance Park City's standing as a leading cultural destination
- Advance public understanding of visual art.
- Enhance the aesthetic quality of daily life and provide a sense of place.

Public Art Advisory Board makes recommendations to City Council; the Council shall have final approval on matters recommended by the PAAB. The primary functions and responsibilities of the PAAB shall remain the same and include:

1. Review of a cultural assessment of the Park City cultural community.
2. Creation of a strategic public art plan that would include public art policy refinements and recommendations of expenditures of the Public Art Fund. Ensure that public art is safe, accessible, durable, and compatible with community standards.
- 2a. Upon completion of the strategic public art plan and review of the cultural assessment, the Public Arts Advisory Board shall meet with City Council in a work session to obtain approval.
3. Establish guidelines for implementation of the Public Art Policy, including methods of selecting artists and commissioning works of art. Process must be consistent with City purchasing procedures.
4. Process public art proposals submitted to Park City Municipal and make recommendations regarding appropriations for works of art and art projects to the City Manager.
5. Review, on an annual basis, the artwork projects of the Public Art Policy as a reflection of the program's intent, and recommend appropriate maintenance requirements.
6. Make recommendations for future funding of the Public Art Fund.
7. Make recommendations for the establishment of a contribution percentage for art based on construction cost of public and private development.

8. Make annual updates to the City Council on the progress of the Public Art Policy.

In order to accomplish these tasks the PAAB has updated their goals and program strategies. The intent of the Public Art Policy remain the same, but bring action to the goals and strategies. These goals help the board focus on “what” needs to be done. An detailed description of the Goals and Strategies can be found in Exhibit C. An outline of these the goals include:

1. CREATING a cohesive Public Art Program
2. SELECTING sites that are significant to the community and collection as a whole
3. MAINTAINING the collection
4. EDUCATING the community by providing up to date information and outreach.
5. ADVOCATING for opportunities for public art

An outline of the Strategies include:

1. DEVELOP a strategic plan to support the selection of works and projects.
2. ESTABLISH guidelines for Public Art Policy
3. RECOMMEND and make annual updates on these policies.
4. ENCOURAGE early collaboration between artists and City Departments
5. INVOLVE the community in the process of public art.
6. PROMOTE continued community involvement, partnerships and outreach.
7. COLLABORATE with organizations including the Park City Summit County Arts Council, Summit County Public Art Advisory Board and other organizations to create unity, ensure unique settings.
8. CONTRIBUTE to the discussion of city revitalization and development efforts both in planning and execution of projects.

#### Questions for City Council to Consider with regards to Board Roles and Administration:

1. Does City Council agree with PAAB’s current recommendation regarding the role of Arts Council’s support of the Board including reducing is role to administer the PAAB?
2. Does City Council agree with PAAB’s current direction to amend board terms to two (2), three (3) year terms and adopt both attendance and voting policies? Staff recommends modifying Terms to promote continuity across projects.
3. Does City Council believe that PAAB should continue to focus on visual arts, or should they explore making recommendations regarding inclusion of temporary exhibitions and performance experiences and funding sources for such programs?
4. Does City Council believe that PAAB should continue to explore including all permanent works, rather inside of or on City property in the collection?
5. Does City Council agree with the purpose of the Public Art Advisory Board including program goals and strategies?

## **Funding**

PAAB would like to thank City Council for the continued support of funding public art. Public Art has been financed primarily through two funding sources within the capital budget. The first funding method is a direct allocation from each the General Fund and the Lower Park Avenue RDA. The second funding method is through a 1% cost of construction contribution from a qualifying capital improvement project (such as the Library Remodel or the Main Street streetscape improvements). 1% funds remain in project budgets for the capital improvement project, until the capital improvement project is completed.

- The PAAB believes that they may make recommendations to use the 1% public art funds outside of a project site, but should first consider using the funds for the specific project site. The PAAB believes they should make findings to use the 1% fund outside of the project site. When 1% project funds are not used within a project budget by the time the project is completed the remaining funds are transferred into the Public Art Project Budget as part of the year-end budget adjustments.
- The PAAB makes this recommendation and is seeking clarity as a combination of these funds (specifically for smaller 1% allocations) allows the PAAB to plan for larger projects in some of their targeted high priority project areas. Combining smaller funding allocations, allows the PAAB to works towards acquiring more impactful and meaningful works or projects for the collection.

As the PAAB continues to look at Strategic and Project Plans, PAAB anticipates spending budget allocations from the 1% project funding and Public Art Project funding. PAAB would like to continue exploring additional funding potentials including grants and unsolicited private funding and partnerships to ensure the program continues to grow and evolve. PAAB believes these additional funding options would leverage for unique and engaging programs and opportunities outside of site specific public artworks.

| <b>Public Art Project Budget (CP0089)Update 07/2016</b>                            | <b>Amount</b>    |
|------------------------------------------------------------------------------------|------------------|
| General Fund Transfer, Unrestricted                                                | \$130,389        |
| Lower Park RDA, (restricted to use within LPA RDA)                                 | \$57,748         |
| <b>Total Public Art Project Budget Balance</b>                                     | <b>\$187,137</b> |
|                                                                                    |                  |
| Deer Valley Drive II Beautification 1%                                             | \$7,725          |
| McPolin Barn Renovation 1%                                                         | \$14,000         |
| Main Street Improvement Estimated Total 1%                                         | \$150,000        |
| <b>Total 1% Project Funding</b>                                                    | <b>\$171,725</b> |
|                                                                                    |                  |
| <b>Total Public Art Budget Balance<br/>(1% and General Funds Combined Balance)</b> | <b>\$358,862</b> |
|                                                                                    |                  |
| <b>Expenditures</b>                                                                |                  |
| Library Project ( July 2015) 1%                                                    | \$60,251         |
| Quinn's Public Art (September 2015) CIP                                            | \$85,622         |
| Maintenance DV Dr. Tunnel Repair (March 2016)                                      | \$410            |
| Planned - PC MARC Project (November 2016)                                          | \$12,000         |
| Planned - Utility Box Project (Fall 2016)                                          | \$25,000         |
| <b>Total Expenditures 2015/2016</b>                                                | <b>\$183,283</b> |

#### Questions for City Council to consider regarding Funding:

1. PAAB believes that they can recommend for 1% Funds to be used outside of the sites from which the funding originates and is seeking direction from Council regarding the 1% allocation.
2. Does City Council believe PAAB is headed in the right direction with looking at additional funding sources including grants and unsolicited private funding?
3. Does City Council believe there are any other funding sources that the PAAB should consider?

#### **Project Update**

The PAAB adopted a [strategic plan](#) in 2013. The Board continues to review project priorities at board meetings in an effort to focus selection of projects on items that fulfill the program's goals, strategies and the purpose of the Public Art Program. A project update is attached as Exhibit B.

#### Highlights of Completed Projects include:

- *Tell Me A Story* by artist Danielle Wyckoff of Grand Rapids, Michigan  
Located on the interior of the Library in the entry hall.
- *Symphony of Movement* by artist Joshua Wiener of Boulder, Colorado  
Located at Quinn's Junction near the dog park.
- Tunnel Mural – *A Sacred Community* was donated by students Danny Stephens, Miguel Galaz and Jessika Jeppson from the University of Utah, and is located on the Poison Creek Trail 100 yards North of Vinto Restaurant.

### Highlights of Upcoming Projects Include:

- **PC MARC Interior Installation**  
The PAAB has been working with staff including the team at the PCMARC staff to identify an appropriate site and theme for an interior work. The RFP will be released shortly.
- **Utility Box Project with Rocky Mountain Power**  
The Public Art Advisory Board understands that one of City Council's high priorities is focusing on Energy Conservation. The PAAB has proposed a pilot project to Rocky Mountain Power, in which roughly ten (10) Rocky Mountain Power utility boxes would be wrapped with artwork from our local community along the theme of emPOWERment. The emPOWERment theme would encourage both local artists and students to submit designs focusing on taking action to reduce our of carbon footprints through renewable power sources, efficient transportation, recycling and reuse, maintaining natural environment, water and energy conservation, as well as, supporting local farmers, artist and businesses.

### Future Projects include high priority on the following areas:

#### Main Street Improvements

The PAAB currently has an allocation of 1% of the project budget from Main Street enhancements. The PAAB believes that these projects would be completed in 2017/2018. For all of the Main Street Improvement Projects, the PAAB recommends:

- Continuing to work with design teams and project managers for the sites listed above to coordinate processes for selecting artwork at these sites specifically, rather through an RFP or RFQ process or through coordination with Design Teams.
- That they be consulted with regards to placement or integration of Public Art in throughout the design process.
- Working to understand the project sites, so that work chosen for these sites may complement each other and perhaps the specific site.

#### Additional projects include:

##### Public Art Mapping, Inventory and Maintenance Plan

With the current PAAB Art Map Site out of date, the PAAB has worked to put together an basic inventory of pieces in the collection by conducting both site visits as well as working with various departments in the City. The board believes over the next year it should focus on creating an updated inventory and as well as public art mapping of the works we have in the collection.

### Questions for City Council to consider regarding Project & Strategic Plan Updates:

1. Are there projects that City Council would like for PAAB to focus on specifically or that should have a higher priority?
2. Are there project areas that City Council feels that PAAB should consider that have not been mentioned?

## Department Review

Sustainability, Budget, Executive and Legal Departments have reviewed this report and comments have been incorporated within the report.

## Funding Source

Public Art has been financed primarily through two (2) funding sources both within the capital improvement plan. The first funding method is a direct allocation to the Public Art capital project (CP0089) from the General Fund transfer and the Lower Park Ave. RDA. The second funding method is through a 1% contribution from a qualifying capital improvement project.

## Alternatives for City Council to Consider

### 1. Recommended Alternative:

City Council should confirm their support for the direction and role of the PAAB including Public Art Advisory Board Policies, Intent of the Public Art Policy, Board Roles & Administration, Primary Functions, Goals and Strategies, Funding & Projects Updates

#### Pros

- a. Clarifications of PAAB's roles will help PAAB make recommendations on funding and Public Art policy which will help enhance the aesthetic quality of daily life for citizens and provide a sense of place.
- b. PAAB's work positively impacts the City's Council's goals for creating a world class, multi seasonal resort destination, and creating an inclusive community of diverse economic and cultural offerings.

#### Cons

- a. PAAB will make recommendations that will affect the community and coordination with City Departments. It is important to understand the PAAB's recommendations should reflect a balance between community engagement and economic development opportunities.

### 2. Null Alternative:

City Council could ask to bring this item back for further review. Staff would ask City Council to confirm the items to be focused on for a future meeting.

#### Pros

- a. Allows PAAB and staff additional time to further discuss questions City Council may have regarding the roles and direction of PAAB.

#### Cons

- b. PAAB would not have confirmation of the direction and work they are doing as we move to fulfilling board vacancies. There is concern that some of the work and recommendations that PAAB has made would be lost.

### 3. Other Alternatives:

City Council could choose to provide no direction regarding PAAB's direction and role.

#### Cons

Neither Staff nor PAAB would have confirmed direction of the role and work of PAAB.

### **Attachments**

- A Resolution 36-03 Public Art Advisory Board and Policy
- B Public Art Project Update
- C PAAB 2016 Public Art Policies DRAFT
- D PAAB 2016 Public Art Policies DRAFT attachments
  - Acknowledgements
  - Land Management Code 15-4 (Lighting and Signs)
  - Original Public Art Policy
  - Re-siting and Deaccessioning Policy
  - Park City Public Art Donations Policy
  - Park City Public Art Board Member Policy
  - Park City Public Art Inventory List

Resolution No. 36-03

**RESOLUTION ESTABLISHING THE PUBLIC ART ADVISORY BOARD AND A PUBLIC ART POLICY**

WHEREAS, Art is an integral part of the Park City community and support of public art is an established goal of the City Council, and

WHEREAS, Art is part of Park City's flare and the City has taken a more active role over the last five years to facilitate and encourage art in public places and desires to adopt a written policy for art; and

WHEREAS, It is the goal of the current City Council to make sure a cohesive plan for public art exists to enhance the quality of life in Park City; and

WHEREAS, Park City is committed to continuing support and development of public art; and

WHEREAS, Art should be accessible to the public, durable to the outdoor elements, safe to the public, and compatible with community standards, and

WHEREAS, the City Council set aside an additional \$200,000 in appropriated Capital Improvement Program (CIP) funds for the FY 2003-2004 and FY 2004-2005 to be spent to acquire and integrate public art,

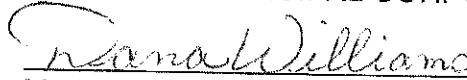
NOW, THEREFORE BE IT RESOLVED, that

**SECTION 1. BOARD AND POLICY ADOPTED.** The attached Arts Policy and subsequent establishment of the Public Art Advisory Board is hereby adopted on December 11, 2003.

**SECTION 2. EFFECTIVE DATE.** This Resolution becomes effective upon adoption.

PASSED AND ADOPTED this 11th day of December, 2003.

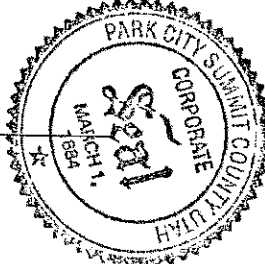
PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

  
Janet M. Scott, City Recorder



## Public Art Policy

### PURPOSE OF THE POLICY

The purpose of this policy is to establish a process for the selection, purchase, commission, placement, and maintenance of works of art via the expenditure of the monies generated through the Public Art fund established in the Park City Municipal budget for FY 2003-04 and FY 2004-05 and subsequent funding mechanisms.

### INTENT OF THE POLICY

It is the stated intent of the Public Art Policy to direct the inclusion of public art in order to expand Park City citizens' experience with works of art and enable them to better understand their communities and their individual lives. By encouraging artists capable of creating works of art in public places, the Public Art Policy shall strive to stimulate the vitality and economy of the City and enhance Park City's standing as a leading cultural destination. Thus, it is the goal of the Public Art Policy to expend the funds on and facilitate works of art and art projects of redeeming quality, which advance public understanding of visual art and enhance the aesthetic quality of daily life and provide a sense of place.

### GENERAL TERMS

"Public Art" means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

"Work of art" includes, but is not limited to the **art forms** of; sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture, and performance art facilities. Works of art include, but is not limited to the **art mediums** of; weaving, carving, painting, assemblage, collage, welding, casting, and sculpting.

### ADMINISTRATION OF THE PUBLIC ART ADVISORY BOARD AND POLICY

The Public Art Advisory Board and Public Art Policy will be administered by the Park City Summit County Arts Council for FY 2003-04 and FY 2004-05. The administration of the Public Art Board and Public Art Policy shall be a separate and additional cost to the \$200,000 Public Art Fund. City Council has approved an additional \$6,750 for the annual administration of the Public Art Advisory Board to be distributed to the Arts Council in monthly installments of \$562.50. This would be in addition to their current service contract with the city. It is understood that with the funds the City provides for

specific projects, the administrator of the funds will work to leverage funds for additional projects and works of art.

### **COMPOSITION AND FUNCTION OF THE PUBLIC ART ADVISORY BOARD**

The Public Art Advisory Board shall have seven (7) members appointed by the City Council. Composition of the Board will include representation from the professional art community and the general public, and should consist of visual artists, performing or film artists, a design professional, an art educator, art professional, producer, designer, gallery director, or curator, and representatives from the Park City community and business community who are interested in serving on the Public Art Advisory Board. Board members shall live in Park City proper. Board members shall serve for no more than one two-year term every five years. The Special Events and Facilities Manager or her designee shall serve ex-officio without vote. It is also encouraged that students from the community be included on the panel to serve ex-officio without vote. Staggered terms shall be assigned by the City Council in the selection process. This board shall be reviewed as part of the budget process in 2005.

#### **The primary functions/responsibilities of the Public Art Advisory Board are:**

1. Review a cultural assessment of the Park City cultural community.
2. Create a strategic public art plan that would include public art policy refinements and recommendations of expenditures of the Public Art Fund. Ensure that public art is safe, accessible, durable, and compatible with community standards.
- 2a. Upon completion of the strategic public art plan and review of the cultural assessment, the Public Arts Advisory Board shall meet with City Council in a work session to obtain approval.
3. Establish guidelines for implementation of the Public Art Policy, including methods of selecting artists and commissioning works of art. Process must be consistent with City purchasing procedures.
4. Process public art proposals submitted to Park City Municipal and make recommendations regarding appropriations for works of art and art projects to the City Manager.
5. Review, on an annual basis, the artwork projects of the Public Art Policy as a reflection of the program's intent, and recommend appropriate maintenance requirements.
6. Make recommendations for future funding of the Public Art Fund.
7. Make recommendations for the establishment of a contribution percentage for art based on construction cost of public and private development.
8. Make quarterly updates to the City Council on the progress of the Public Art Policy.

After the Public Art Advisory Board makes recommendations to City Council, the Council shall have final approval.

## **APPROPRIATION AND ALLOCATION OF FUNDS**

The Public Art Advisory Board shall develop recommendations to the City Council regarding the specific allocation of the \$200,000 public art fund established in July 2003. The following are several options to be considered. Consistent with these policies, art will not be approved without review by City staff and the approval of City Council.

1. **“Art on the Corner” Concept:** Art on the Corner is a unique outdoor sculpture project designed to recognize the arts, develop community pride and draw people to the Main Street. This exhibit would be free to the public and can include many sculptures in a variety of media and styles. A small portion of the \$200,000 could be allocated as seed money for this type of program after which the program would become self-sustaining.
2. **Public Art at Existing Public Buildings:** City buildings may be selected for site-specific Public Art. Possible Locations are Marsac Building, Carl Winters Library and Education Center, Miners Hospital Plaza, McPolin Farm. At the Transit Center, seven of the nine muses currently exist. The infrastructure for two additional muses is in place. The Board should consider commissioning the final two muses.
3. **Art in Parks and Trails:** Art parks and art along our city trail system would enhance the value of both. Specifically along the Poison Creek Trail system that would encourage pedestrian activity from City Park to Main Street. This program could include, but not be limited to sculpture, sound gardens, Murals painted inside the 4 remaining bare tunnels, performance kiosks, etc.
4. **Specific Proposals by Artists or Purchase of Existing Art:** The Public Art Advisory Board will consider specific proposals from artists, as well as the purchase of existing work. The commission will determine policy and criteria for the selection process.
5. **Maintain and/or complete existing Public Art Property:** The existing six Public Art pieces/sites owned by Park City Municipal Corporation are in a variety of disrepair and completion. The Public Art Advisory Board should consider value and original contracts to consider investing additional funds in this inventory. This might include: completion of the Transit Center art and Poison Creek tunnel murals projects, cleaning of the Bronze Miner, and plaster/paint repair of the Swede Alley Mural.



## **PARK CITY PUBLIC ART ADVISORY BOARD**

Park City's Public Art Advisory Board (PAAB) was established by Park City Municipal Corporation, and is administered by the Park City Summit County Arts Council. Members are appointed by the Mayor with the advice and consent of the City Council. Members must reside within the municipal boundary of Park City.

The PAAB makes recommendations to City Council regarding the expenditure of City funds for public art projects. The board also makes recommendations to City Council regarding future sources of funding for public art.

### **Makeup of the Board:**

- There are seven (7) voting members and three (3) non-voting members on the Park City Public Art Advisory Board
- Each of the voting members may serve two two-year terms
- Terms begin on July 1, end on June 30, and are staggered
- Board members are not compensated

### **Roles of Advisory Board Members (Voting and Non-Voting)**

#### Voting Members

- There are seven (7) voting members on the board, each of whom is eligible to serve two two-years terms
- Only voting members are allowed to make a motion and to vote on motions brought up by the board

#### Non-voting Members

- There are three (3) non-voting members on the board
  - o Park City's City Council Liaison
    - Advise, provide input – particularly from the City Council's perspective - serve as a resource to the Advisory Board, and to provide input to the City Council related to the work of the, or at the request of, the Public Art Advisory Board
  - o Staff member(s) from Park City Municipal Corporation
    - Advise, provide input – particularly from the City staff perspective - serve as a resource to the Advisory Board, and to provide input to the City related to the work of, or at the request of, the Public Art Advisory Board
    - Prepare staff reports and managers reports for City Council meetings on items requiring direction from Council
    - Coordinate communication with other City Departments on projects and assist in obtaining department approvals
    - Disperse funds for approved public art projects from the allocated amount for public art
  - o Executive Director of the Park City Summit County Arts Council
    - Handle administrative needs of the Board including:
      - Draft agenda for each meeting, distribute agenda to members for changes, and bring final agenda to meetings
      - Make sure Board members have the materials needed for agenda items
      - Communicate with members regarding Board issues
      - Work with PCMC on issues related to Board matters (research, policy, etc.)

- Expend funds related to the administration of the Advisory Board – funds provided by PCMC to the Arts Council (not the City funds appropriated for public art)
- Provide input and serve as a resource to the Advisory Board; provide feedback to the Arts Council on the work of the Art Advisory Board.

**Expectations of members:**

Meetings begin at 6:00 p.m. and typically last 1½ to 2 hours. Members are expected to be timely.

Agendas and any necessary materials or meeting packets are distributed in advance and members are expected to read the information prior to the meeting in order to facilitate shorter meetings.

Three absences, excused or unexcused, within a year, may result in removal from the Board.

**Task Roles held by Members:**

- Chair
  - o Runs board meetings (brings meeting to order, keeps focus on agenda items)
  - o Summarizes discussion points for the minutes
- Secretary (role performed by Arts Council Executive Director)
  - o Keeps minutes of each meeting, records votes, and distributes minutes to members prior to, or at, the following board meeting
- Public Relations (assigned board member)
  - o Writes press releases, PSAs, copy for materials related to Art Advisory Board projects
  - o Handles all press-related inquiries regarding Art Advisory Board projects
  - o Provides input on PR strategy regarding Art Advisory Board issues and projects
- Project teams (formed as necessary with a minimum of two board members)
  - o Take the lead on research, identification of resources, budgeting, etc., for new projects suggested by the Board.
  - o Liaison with artists interested in project RFPs to answer questions, visit artists' studios and meet with artists as necessary.
- Full Board
  - o Handle review of art projects in process - RFPs, review of draft art, final review of art plans, oversight of art implementation, etc.

### Completed Projects 2015-2016

Over the past year the PAAB has completed several projects including:

- *Tell Me A Story* by artist Danielle Wyckoff of Grand Rapids, Michigan  
Located on the interior of the Library in the entry hall.  
Funding to complete this project came from 1% of the remodel of the Library's Project Budget (\$68,000). A small remaining budget exists and has been rolled into the PAAB's general funds, but is restricted to the Lower Park RDA.
  - *Symphony of Movement* by artist Joshua Wiener of Boulder, Colorado  
Located at Quinn's Junction near the dog park.  
Funding to complete this project came from the PAAB's General Funds, which are funded by additional CIP allocations (\$86,000.00).
  - Repairs and Maintenance  
Graffiti was reported on the tunnel under Deer Valley Drive. The Graffiti was repaired by the artist, Trent Call. Costs were under \$500.
  - Donations  
Tunnel Mural – *A Sacred Community* was donated by students Danny Stephens, Miguel Galaz and Jessika Jeppson from the University of Utah, who partnered with the Kimball Art Center's Young Artists Academy Program to complete the mural.
    - Through the summer of 2015, they completed the mural and engaged community members to take part in helping to paint the mural as they came through the area.
    - Estimated value of the work is \$5,000. Though funds were not used to acquire the work, maintenance funds may be required to help touch up a few areas that have had recent minor damage.
- Judy Taylor Framed Limited Edition Print of Miners Hospital was donated by a local family.
- The artwork is on display on the interior of the Miners Hospital.
  - The estimated value of the work is \$700.

### Pending Projects

The PAAB is currently coordinating several projects including:

- PC MARC Interior Installation  
The PAAB has been working with Staff including the team at the PCMARC staff to identify an appropriate site and theme for an interior work.  
*Funding to complete this project is currently estimated at \$12,000. Funding to complete this project will come from 1% of the solar panel installation at the PCMARC and an additional allocation from the PAAB's general funds which are funded by additional CIP allocations.*
- Utility Box Project with Rocky Mountain Power  
The Public Art Advisory Board understands that one of City Council's high priorities is focusing on Energy Efficiency. The PAAB has proposed a pilot project to Rocky Mountain Power, in which roughly ten (10) Rocky Mountain Power utility boxes would be wrapped

## Exhibit B – PAAB Project Update 2015 /2016

with artwork from our local community along the theme of emPOWERment. The emPOWERment theme would encourage both local artists and students to submit designs focusing on taking action to reduce our carbon footprints through renewable power sources, efficient transportation, recycling and reuse, maintaining natural environment, water and energy conservation, as well as, supporting local farmers, artist and businesses.

- Rocky Mountain Power is currently working on an agreement to begin working with Park City on a public art 'pilot' program.
- Should this be a successful project, we would evaluate and hope to be able to continue adding 3 to 5 utility boxes to the collection each year.
- Additionally the PAAB believes that this project may create positive PR and educational opportunities for both the City and Rocky Mountain Power with regards to sustainable efforts and outreach.
- The board currently is hoping to be able to release an RFP for artwork by August. Depending on the response from our community, this project may not be completed (due to weather) until Spring/Summer of 2017.
- Funding to complete this project is currently estimated at \$25,000 and will come from the PAAB's General Funds which are funded by additional CIP allocations. If possible, the PAAB may consider applying for the Rocky Mountain Power Foundation Grant with regards to arts and culture for assistance in helping to fund this project.
- Repairs and Maintenance
  - Bus Shelter
  - Work from the bus shelter near the Library on the East side of street was removed from the site. There is a case number, but no lead. The artist, John Helton, has been contacted and he has offered to donate his time to fix the work. The PAAB is waiting on an estimate of costs on materials (cast copper). Costs for repair of this project would come from the PAAB's General Fund which is funded by additional CIP allocations.
- Donations
  - Art Pianos for All
  - Mark Maziarz, local photographer and artist, has approached the Public Art Advisory Board and asked if the City is interested in acquiring the Pianos. This project will be discussed at the July meeting.

## Future Projects

The PAAB has identified a high and medium priority on the following projects:

- Main Street Improvements
  - Bear Bench Plaza – art pad
    - The board recommends waiting until 2017 to release an RFP or RFQ for an artwork to be placed at the Bear Bench art pad after they have seen how other Main Street Improvement projects can be coordinated with this major corridor.
  - Bob Wells Plaza
  - Brew Pub Plaza
  - China Bridge connections and way finding to Main Street
  - Miners Park Plaza
    - The Board has worked with the design group and project manager for the Miners Park and recommended working with the design team to create an art piece that enhances other needs in the space. Because the Miners Park project has been

placed on hold, it is the Board's current recommendation, that they continue working with the design team through this process.

The PAAB has an allocation of 1% of the project budget from Main Street enhancements. The PAAB believes that these projects would be completed in 2017/2018. For all of the Main Street Improvement Projects, the PAAB recommends:

- Continuing to work with design teams and project managers for the sites listed above to coordinate processes for selecting artwork at these sites specifically, rather through an RFP or RFQ process or through coordination with Design Teams.
- That they be consulted with regards to placement or integration of Public Art in throughout the design process.
- Board is currently working to understand the project sites, so that work chosen for these sites may complement each other and perhaps the specific site.

- Public Art Mapping, Inventory & Maintenance Plan

The Public Art Collection is 32 years old. With more than thirty (30) pieces in the Public Art Collection, the Public Art Advisory Board has worked to put together an basic inventory of pieces in the collection by conducting both site visits as well as working with various departments in the City. The board believes over the next year it should focus on creating a professional inventory and documentation as well as public art mapping of the works we have in the collection. This process will focus on several areas:

- Revitalization of the current Park City Public Art Map and Website.
- Official adoption of artwork into the Park City Public Art Collection as recommended by the Park City Public Art Advisory Board at a meeting held each Summer or Fall.
- Establishment of maintenance schedules for works throughout the collection.
- Establishment of a funding for repairs for unforeseen artwork damage, that requires more than regular maintenance.

- Lower Park RDA

The Board currently has \$57,000 restricted to this area. The board will be conducting a site visit of this area and will discuss how they may implement strategic placement of artwork through this corridor to help enhance pathways, transit, and our community's story. We anticipate following up with plans for this are in the Summer of 2017.

- Areas outside of Old Town

There may be potential sites for public art in many of our welcoming corridors and areas throughout Park City. PAAB continues to evaluate areas at Quinn's Junction, Prospector and Bonanza Park for appropriate public art sites. In addition, the board continues to evaluate sites both individually as well as how they would be balanced and viewed to the collection as a whole.

- Transit & Parking Coordination

The PAAB also understands that another one of City Council's high priorities is to increase the use of alternate modes of transportation. The board is continuing to explore how to help increase ridership and engagement through public art and our transit systems, trails and pathways. The PAAB is hoping to meet with both Transportation and Parking Services departments to see how they can further assist in offering unique works of art, design elements to further engagement with the community.

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## **Park City Public Art History**

### **Beginnings**

In an effort to enhance Park City as leading cultural destination, Park City Council has taken steps to promote and maintain the vision of the public art collection. The Public Art collection helps to ensure the aesthetic quality of daily life and provide a sense of place in the community for its citizens. Public Art is a fundamental element and defining characteristic of the City.

The Park City Art Foundation dedicated Park City's first piece of public art entitled *Park City Scape*, by artist James Mcbeth, in October, 1984. This piece currently resides at the south side of Park City's historic Miner's Hospital Building at City Park.

In February 1999, the Park City Summit County Arts Council established the first Art in Public Places plan to help create the framework for a strong and healthy public art program. The plan was formulated, in part, to help guide the selection process for the art at the Park City Transit Center, funded through a grant from the Federal Transit Authority. Criteria and standards were developed that were applied to this particular project

In December of 2002 the first makings of a public art policy were presented and discussed by City Council.

In May of 2003 the planning department solidified the City's commitment to art by clarifying and codifying a section of the LMC to specifically address the placement of art on public property. Code section LMC 15-4-15 (Exhibit A) addresses requirements for light, safety, and appropriate outdoor materials as well as an application process for anyone who desires to put art on public property.

In July, 2003 Council allocated \$200,000 in funds as seed money for a new Public Art Program. In December 2003, a Public Art Policy was adopted by Park City Council establishing a Public Art Advisory Board to be administered by the Park City Summit County Arts Council. (Attached as Exhibit B).

In May of 2004, a seven-member Public Art Advisory Board was appointed by Park City Council to create this strategic art plan, make recommendations to City Council regarding public art placement and expenditures, and establish future funding opportunities for public art. By July of 2004, the Public Art Advisory Board in association with the Park City Summit county Arts Council prepared the first Park City Public Art Plan.

### **Today**

The arts are an integral part of the Park City community and have been for many years. Park City is filled with artworks throughout both the City. In addition, many art galleries, private collections, performance venues and non-profit organizations thrive in Park City and are dedicated to elevating arts and culture through the City.

City Council works with the Public Art Advisory Board as well as the Park City Summit County Arts Council to ensure a cohesive plan for public art is in place now and for the future. These groups

continue to work together to enhance the quality of life in Park City and to promote the City's Public Art Collection. In order to accomplish this, continued collaboration among many City, County, and State departments, as well as community partners is essential.

Today, Park City's Public Art Collection has grown to more than 35 pieces in the permanent collection. Whether riding the bus, walking on Poison Creek Trail, visiting Main Street or the many City owned buildings, you will find artwork that both inspires the future and celebrates our past. A [Public Art Map](#) is available on the City's website and an inventory list is attached as Exhibit F.

DRAFT

## **Glossary of Terms**

**Deaccessioning** The removal of an existing permanent work of art from Park City's Public Art collection. The policy for deaccessioning is outlined in the attached re-siting and deaccessioning policy. (Exhibit C)

**Long Term** A period lasting of an extended period of time.

**Permanent** A period lasting or remaining unchanged indefinitely.

**Private Art** Any visual work of art owned privately, which is displayed in or on City Property for any length of time; or any visual work, financed either wholly or in part, with City funds or grants procured by the City, displayed in or on Private Property.

**Public Art** Any visual work of art displayed for any length of time in or on City Property and/ or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or grants procured by the City.

**Request for Proposals (RFP)** A solicitation, made through a bidding process, for procurement for submissions for a specific opportunity that requires development of a proposal. The RFP defines the specific requirements for the proposal, including the project budget, criteria and constraints, description of the project site, and format for submission of the proposal.

**Requests for Qualifications RFQ** Generally refers to the pre-qualification stage of the procurement process. Those who successfully respond to the RFQ may be requested to submit a Request for Proposal.

**Re-Siting** The relocation of an existing work of art in Park City's Public Art collection. The policy for Re-Siting is outlined in the attached re-siting and deaccessioning policy. (Exhibit C)

**Site-Specific:** A work commissioned, created, purchased or donated for a particular place.

**Temporary** A period lasting of only limited time.

**Visual Art** Art forms of; sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture. Works of art include, but is not limited to the art mediums of; weaving, carving, painting, assemblage, collage, welding, casting, mixed media, multimedia and sculpting.

## **Administration**

The commission of public art is an unusually subjective arena for the public sector. Questions of taste, style and content are complex matters to be addressed through a governmental process and the products of the public art program are highly visible to the public.

Park City's Public Art Advisory Board (PAAB) was established by Park City Municipal Corporation, and is supported by the Park City Summit County Arts Council. The Public Art Advisory Board shall have seven (7) members appointed by the Mayor and City Council. Composition of the Board will include representation from the community who live in the City Limits of Park City and are interested in serving on the Public Art Advisory Board. Board members shall serve for no more than two consecutive, three-year terms. Terms are staggered. Members must reapply for a second term. Appointments to fulfill vacant terms do not include term limits. Terms begin on July 1, end on June 30, or until vacancies are filled. Board members are not compensated.

The City Manager or his/her designee shall appoint a Staff Liaison to the board as ex-officio without vote. A City Council liaison shall also be appointed to the Board as ex-officio without a vote. It is encouraged that students from the community be included on the panel to serve ex-officio without vote.

The seven (7) member PAAB makes recommendations through the Staff Liaison who shall take recommendations to the City Manager or his/her designee or City Council regarding strategic planning, acquisition, expenditures, funding and budgetary requests, project identification, donations, proposals or qualifications, maintenance, repair, re-site or deaccession of public art, as well as and policy refinements. All decisions regarding Public Art shall be made final by the City Council.  
EXHIBIT E.

The PAAB works to make recommendations to help promote and cultivate the Public Art Plan, Policy and Public Art Collection by expending funds on and facilitating works in order to:

- Stimulate vitality and economy of the City.
- Enhance Park City's standing as a leading cultural destination.
- Advance public understanding of visual art.
- Enhance the aesthetic quality of daily life and provide a sense of place.

### **Public Art Program Goals**

1. CREATE a cohesive public art program that is embraced by the Park City Community by selecting projects and works of art, excellent in both conception and execution, which enhance, celebrate, reflect and inspire the community's identity, environment, culture and history for the enjoyment of its citizens and visitors.
2. SELECT sites for public art which are significant to the community, the collection as a whole and will maximize interaction with the work.
3. MAINTAIN the collection with proper identification and care of the collection through use of appropriate and consistent signage, cataloguing and maintenance of Park City's public art collection. This includes ensuring that public art is safe, accessible, and durable.
4. EDUCATE the community by providing up to date educational materials and information about the public art collection. Public art may be used as a way to engage the community and as an element of outreach.
5. ADVOCATE for and assist with the facilitation of opportunities for visual art and artists through commissions, exhibitions and funding opportunities and partnerships.

### **Public Art Program Strategies**

1. DEVELOP a Strategic Plan to support the selection of works and projects for the Park City Public Art Collection, upon review of a cultural assessment of the Park City community
2. ESTABLISH guidelines for implementation of the Public Art Policy, including selection, purchase, donations, commission, placement, and maintenance of works of public art.
3. RECOMMEND placement, acquisition, maintenance, repair, re-site, de-accession, budget and funding for works of art and public art projects to the City Manager or his/her designee or City Council. Make annual updates to the City Council on the progress of the Public Art Policy and Collection.
4. ENCOURAGE early collaboration among artists with planners, architects, engineers, and appropriate departments and partners in the design of public facilities and spaces.
5. INVOLVE the Park City Community in advancing and enhancing public art. Provide opportunities for artists to work throughout the community in creating works which will be meaningful and appropriate to the selected settings. Find ways to incorporate public art as an element of community education
6. PROMOTE continued community involvement, partnerships and outreach for the Public Art Collection, including reviewing assessments of the Park City cultural community.
7. COLLABORATE with community organizations, entities and individuals including, the Summit County Park City Arts Council (SCPCAC) and Summit County Public Art Advisory Board (SCPAAB), to create unity and ensure uniqueness in Public Art Collections.
8. CONTRIBUTE to City revitalization and development efforts both in planning and execution of projects.

### **Overview of Public Art Selection and Approval Process**

1. Public Art Advisory Board identifies a project and presents a recommendation to the City manager including nature of the project, potential site location and budget.
2. Recommendation is reviewed by City Manager and Staff, and recommendation is brought to City Council for direction by the City Staff Liaison.
3. If approved by City Council, Public Art Advisory Board will generate a request for proposals (RFP) to artists in accordance with Park City's purchasing policy.
4. The Public Art Advisory Board shall review artists' proposals, who shall present their ideas with drawings, photographs, machetes or other visual models, technical considerations and project budget. The board will then make a selection based on the guidelines and criteria outlined in this document.
5. The Public Art Advisory Board will present their recommendation to the City Manager and or his/her designee, or City Council for final approval.
6. When projects are approved, Park City Municipal Corporation will enter into a contract with the artist and work in conjunction with the Public Art Advisory Board for installation through completion and final acceptance of the project.

### **Acquisition**

As the Public Art Advisory Board acquires works of art the Public Art Advisory Board shall make a recommendation to the City Manager or his/her designee with final authority by City Council.

### **Donations**

Citizens of Park City and others have offered to contribute to Park City's public art collection with generous gifts of artwork. It is the responsibility of the Public Art Advisory Board to review such proposed gifts on behalf of Park City.

In the case of a proposed donation of art to the Park City Public Art Program, the donor will present a proposal to the Public Art Advisory Board in accordance with the donation policy (Exhibit D), and the Public Art Advisory Board will vote to accept or reject the donation based on the goals and objectives as set forth in this policy. If accepted, the selection and approval process outlined above will be followed with the exception of the generation of a request for proposal. If rejected, the Board shall inform and make a recommendation to the City Manager or his/her designee. Final authority for appeals should be brought to the City Council.

### **Specific Proposal by Artists**

An artist or group of individuals may propose a project to the Public Art Advisory Board. If such a proposal meets the intent of the Public Art Policy, the Public Art Advisory Board shall make a recommendation and state rather a call to artists and request for proposals is required. The Park City Public Art Advisory Board's recommendation will be brought to the City Manager or his/her designee with final authority by City Council. If a call to artist and request for proposals is required, it shall follow the Park City Municipal purchasing policy as well as the selection and approval process outlined above.

### **Purchase of Art**

The Public Art Advisory Board may consider the purchase of a work of art if the piece identified meets the intent of the Public Art Policy. Once a piece is identified, the selection and approval process outlined above will be followed with the exception of the generation of a request for proposal. In this case, no more than ten percent (10%) of the cost of the work may go toward a dealer or agent.

### **Design Criteria**

The following are a suggested set of criteria which the Public Art Advisory Board shall use as guidelines in the identification, selection and acceptance of public art.

1. **Quality:** Acquisitions for Park City's Public Art Collection shall be of exceptional quality and enduring value. Consideration shall include artists experience in successful projects, material selection craftsmanship and reflect enduring artistic quality. .
2. **Authenticity:** Successful art projects are authentic to the community and their surroundings. Work shall be original and not identical of something already exists in the collection. Works of art shall be compatible in style, scale, material, form and content with their surroundings, and should form an overall relationship with either the site and/or the collection as a whole.
3. **Engagement:** A vital element of a successful Public Art Program is the connection of the work to the community. The artwork should have the ability to engage the community from conception to completion. A work with such engagement should help the community feel both ownership of the art, as well as, an ongoing appreciation of the work. Work may tell a story of the community's past or present, and may portray a sense of the place, people and spirit that live here. The

artwork may speak to a specific community, area or neighborhood or unite our diverse community.

4. **Creativity:** Creativity can be communicated through a wide range of artistic styles. The artist should be able to explain why their work is creative and how their concept solves the problem through vision, process, thoughts, ideas, feelings, use of materials and other areas. Artwork should create excitement, be unique and/or original and have the ability to inspire, create a sense of wonder. Artwork may be innovative or imaginative, and have the ability to transcend traditional ideas or techniques, and create new meaningful interpretations or to inspire the community and our imagination.
5. **Other Considerations:** Ensure that public art is safe, accessible, durable, as pertains to the appropriate time period of display of the work and is compatible with community standards. Artworks shall not require excessive maintenance or repair costs. Lighting and site preparations should be considered. Artworks that require frequent maintenance are discouraged. Artwork shall not create safety problems to the public or liability problems to the City.

### **Artist Participation**

It is strongly recommended to involve artists at the earliest appropriate stage for each public art project. City planners and developers are encouraged to include artists on project design teams. There is an immeasurable value to artists' involvement – a new perspective and fresh approach from the artist's viewpoint can often bring a whole new sense to the project and, more practically, can save on expenses.

### **Site Location**

The Park City Public Art Program is designed to celebrate Park City's culture with a strong appreciation for the arts. Appropriate site selection will assure that art is safe and accessible to both locals and visitors. The Public Art Advisory Board may consider all city-owned property and identify those locations that will maximize the public's interaction with art.

Commissions for art may consider how they relate to the particular site, the collection as a whole or be designed to create a reflective or enriching experience for the public.

### **Community Involvement**

The Public Art Advisory Board holds monthly public meetings, which are open to the public subject to the State Open Public Meetings Act. Each meeting shall provide time within the agenda for public input.

Based on the findings of the [Community Visioning from 2009](#), 'Sense of Community' is defined as *what unites Parkites – a common ground – despite diverse social, economic, and cultural backgrounds. While our natural setting and recreational opportunities brought many people to Park City, it is the strong sense of Community that keeps people here. It is essential to residents that the Sense of Community they know remains intact and retains its funkiness, diversity and playfulness. For Parkites, the presence of arts and culture adds to our quality of life through the abundance of diverse local opportunities to enjoy and explore the arts through many mediums.* The Community Visioning outlines several Goals and Strategies specific to ensure that arts and culture in Park City will continue to grow as a hub, encouraging creative expression.

### Installation

The artist shall be responsible for all applicable permits and fees, as pertains to the contract executed by the City and Artists, regarding the installation of the artwork. Consideration should be given to the preparation of the site well in advance of the installation date. All necessary materials, including mountings, anchorages, containments, pedestals, barriers, drains, power, lighting fixtures, etc., should be specified in the scope of work. The artist should consider installation design that addresses visibility and cohesiveness to the artwork, including, lighting, additional patinas, protective coatings, accessibility, safety, durability and purpose. The installation techniques should not detract from the artwork's function or aesthetics, and shall follow the rules as outlined to appropriate building and planning codes. Required notifications should be considered and coordinated with the proper authorities in advance of any work.

### Maintenance

The City of Park City takes great pride in its collection of owned and displayed works of art and recognizes the importance of this artwork to the cultural and economic wellbeing of the community. The City is committed to the documentation, preservation and maintenance of the collection. The Public Art Advisory Board (PAAB) shall be responsible for recommendations in regards to this process.

The goal of the Public Art Maintenance Policy is to maintain the City's collection of artwork to ensure long-term enjoyment of the collection and to take action to prevent the deterioration of works before they come to a state of disrepair or deaccession (Exhibit C). A Maintenance Policy recommendation shall accompany each piece as it is accepted into the collection, as well as address continued maintenance and cleaning for pieces throughout the collection as a whole. The PAAB shall review the Park City Public Art Collection on an-going evaluation or as directed by City Council or the City Manager or his or her designee.

Artists shall be required to submit a schedule with recommended specifications and costs estimates for regular and annual maintenance based on the function, aesthetics, and materials of the artwork. Regular maintenance includes removal of accumulated dirt or dust, adjustments or lubrication of parts, and replacement of lights as necessary. Annual maintenance shall include reapplication of protective coatings, replacement or reapplication of parts, fixtures, paint or patina touch-ups as well as cleaning procedures. Maintenance Plans submitted by the artist shall also address concerns regarding vandalism mitigation.

Consideration of funding of the repairs, maintenance, or restoration of artwork should be taken into account when recommending artwork. The City will include maintenance provisions in the contract that stipulate the length of time the artist shall warranty the work and be responsible for repairs. Should the property, building or fixture on which the artwork is situated be damaged or destroyed, the PAAB shall make a recommendation with regards to the situation to the City Manager or his or her designee for final approval by the City Council.

### Funding

The key to sustaining a vibrant and diverse public art program is to establishing an on-going funding mechanism for the public art fund. The following are suggested possible methods to accomplish this.

1. **1% for Art:** This method stipulates that 1% of the cost of constructing or renovating a public building or site shall be set aside for artwork. The 1% allocation shall be used for art at the

specific site where the improvements or construction have occurred. Funds which may remain may be deposited into the general public art fund.

2. **Annual budget for public art:** Park City Municipal Corporation may elect to allocate a certain set amount for public art in each budget cycle with a recommendation from the PAAB for the general public art fund.
3. **Public – Private Initiatives:** A project may be funded partially through Public Art Funds and partially through private, business, development, civic and/or other organization contributions. Public art funding may be leveraged through challenge grant opportunities. Such contributions shall be recommended to and approved by the City Manager or City Council as pertains to the City's purchasing policies.
4. **Donation of Artwork:** Individuals, businesses and other organizations may choose to donate artwork to the Park City public art collection.
5. **Local, State and National Grants:** Park City Municipal Corporation and the Park City Summit County Arts Council may be eligible for grants to support the Public Art Program.
6. **Maintenance Funds:** The Public Art Advisory Board shall review and recommend a Maintenance Fund Budget for public art in accordance with the City's budget cycle. The PAAB shall recommend an annual budget plan with regards Annual Maintenance to the collection as a whole, as well as anticipated maintenance or reserve funds for items such as vandalism, documentation reports including preservation efforts and/or re-siting to include temporary storage as necessary.

The Public Art Advisory Board will consider all these options for funding, and present a funding recommendation to the Budget Department with final approval from City Council.

### **Acknowledgements**

The authors gratefully acknowledge the contributions of Park City citizens who joined in the process to create this Public Art Plan. We also commend the work of the 1999 Art in Public Places committee for their hard work in establishing Park City's first Art in Public Places criteria and guidelines. Their work and resulting documents have served as models for the 2004 Public Art Advisory Committee. A few of the many active participants are listed below. Thank you all for sharing your vision and great ideas!

#### **Public Art Original Project Sponsors**

- Park City Municipal Corporation  
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Brian Hess, Executive Director

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- Ron Butkovich
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- Susan Packard
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- Peter Roberts

#### **2004 Park City Council Members**

- Kay Calvert
- Marianne Cone (Liaison to Public Art Advisory Board)
- Candace Erickson
- Jim Hier
- Joe Kernan

#### **2004 Park City Staff**

- Tom Bakaly
- Alison Butz (Liaison to Public Art Advisory Board)
- Gary Hill
- Mark Christensen

#### **2004 Consultation**

- Nancy Boskoff: Salt Lake City Arts Council
- Jim Glenn: Utah Arts Council Public Art Director
- Peg Bodell: Artist and past Park City Council

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calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, PUT and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

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

**(P) TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property also require Planning Department approval and

execution of the City's standard drive test agreement.

*(Amended by Ord. Nos. 02-47; 06-22; 09-10)*

**15-4 -15. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY.**

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain public/City-owned Properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

- (1) The outdoor display of works of art must comply with the height and Setback requirements of the Zoning District where it is located.
- (2) Outdoor display of works of art that are displayed in excess of six (6) months must be designed and created with materials that will

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withstand the weather conditions and the elements.

(3) The outdoor display of works of art must comply with all applicable Building Codes;

(4) In cases where the City is not the Owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however, the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one square foot (1 sq. ft.), may be attached to the work of art or its support base.

(6) The outdoor display of works of art shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(l) Lighting.

(C) **CITY COUNCIL REVIEW**. Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the

outdoor display or works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display or works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall execute all necessary agreements prior to installing any approved Public Art on City-owned/public Property.

*(Amended by Ord. Nos. 03-13; 06-22)*

**15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.**

Prior to the issuance of an Administrative Permit for any temporary Structure, tent, or vendor, the following requirements shall be met:

(A) **APPLICATION**. An Application must be submitted to the Planning Department including the following information:

(1) **GENERAL DESCRIPTION**. An overview of the proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

(2) **SITE PLAN**. The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code

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shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) **PROHIBITIONS.** The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) **OTHER EXEMPTIONS.**

(a) **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light.** All outdoor light fixtures

producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(c) **Up-lighting.** Up-lighting is permitted under the following conditions:

(i) The use of luminaires for up-lighting on any residentially or commercial zoned Lot or Property or within a City ROW or Open Space zone, is permitted only for City-funded or owned statues, public monuments, ground – mounted Public Art, or flags of the United States of America.

(ii) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

(iii) Up-lighting is permitted thirty (30) minutes before sunset and until 11:00 p.m.; or, one hour after the close of location

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based on normal  
hours of operations,  
whichever is later.

(17) **TEMPORARY  
EXEMPTION.**

(a) **Requests.** Any  
Person may submit a written  
request to the Planning  
Director for a temporary  
exemption. A temporary  
exemption request shall  
contain the following  
information:

(i) Specific  
exemption or  
exemption request;

(ii) Type and Use  
of outdoor light  
fixtures involved;

(iii) Duration of  
time for requested  
exemption;

(iv) Total wattage;

(v) Proposed  
location on Site;

(vi) Description of  
event or reason for  
need of exemption;  
and

(vii) Other data as  
deemed necessary to  
adequately review and

made a determination  
on the request.

(b) **Approval; Duration.**

The Planning Department  
shall have ten (10) Business  
days from the date of a  
complete submission of the  
temporary request to act, in  
writing, on the request. The  
Planning Department shall  
approve the request if it finds  
that the exemption is  
necessary for public safety,  
security or other public  
necessity and the exemption  
does not materially subvert  
the purpose of this Chapter.

If approved, the exemption  
shall be valid for not more  
than thirty (30) days from the  
date of approval. The  
approval shall be renewable  
by the Planning Director  
upon consideration of all the  
circumstances and provided a  
finding of public safety or  
necessity is made, and no  
intent to circumvent the  
intent of this Chapter is  
present. Each such renewed  
exemption shall be valid for  
not more than thirty (30)  
days.

(c) **Denial/Appeal.** If the  
request for a temporary  
exemption is denied, the  
Person making the request, in  
writing, may appeal the

Resolution No. 36-03

**RESOLUTION ESTABLISHING THE PUBLIC ART ADVISORY BOARD AND A PUBLIC ART POLICY**

WHEREAS, Art is an integral part of the Park City community and support of public art is an established goal of the City Council, and

WHEREAS, Art is part of Park City's flare and the City has taken a more active role over the last five years to facilitate and encourage art in public places and desires to adopt a written policy for art; and

WHEREAS, It is the goal of the current City Council to make sure a cohesive plan for public art exists to enhance the quality of life in Park City; and

WHEREAS, Park City is committed to continuing support and development of public art; and

WHEREAS, Art should be accessible to the public, durable to the outdoor elements, safe to the public, and compatible with community standards, and

WHEREAS, the City Council set aside an additional \$200,000 in appropriated Capital Improvement Program (CIP) funds for the FY 2003-2004 and FY 2004-2005 to be spent to acquire and integrate public art,

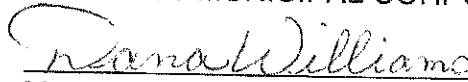
NOW, THEREFORE BE IT RESOLVED, that

**SECTION 1. BOARD AND POLICY ADOPTED.** The attached Arts Policy and subsequent establishment of the Public Art Advisory Board is hereby adopted on December 11, 2003.

**SECTION 2. EFFECTIVE DATE.** This Resolution becomes effective upon adoption.

PASSED AND ADOPTED this 11th day of December, 2003.

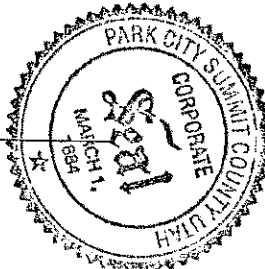
PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

  
Janet M. Scott, City Recorder



## Public Art Policy

### PURPOSE OF THE POLICY

The purpose of this policy is to establish a process for the selection, purchase, commission, placement, and maintenance of works of art via the expenditure of the monies generated through the Public Art fund established in the Park City Municipal budget for FY 2003-04 and FY 2004-05 and subsequent funding mechanisms.

### INTENT OF THE POLICY

It is the stated intent of the Public Art Policy to direct the inclusion of public art in order to expand Park City citizens' experience with works of art and enable them to better understand their communities and their individual lives. By encouraging artists capable of creating works of art in public places, the Public Art Policy shall strive to stimulate the vitality and economy of the City and enhance Park City's standing as a leading cultural destination. Thus, it is the goal of the Public Art Policy to expend the funds on and facilitate works of art and art projects of redeeming quality, which advance public understanding of visual art and enhance the aesthetic quality of daily life and provide a sense of place.

### GENERAL TERMS

"Public Art" means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

"Work of art" includes, but is not limited to the **art forms** of; sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture, and performance art facilities. Works of art include, but is not limited to the **art mediums** of; weaving, carving, painting, assemblage, collage, welding, casting, and sculpting.

### ADMINISTRATION OF THE PUBLIC ART ADVISORY BOARD AND POLICY

The Public Art Advisory Board and Public Art Policy will be administered by the Park City Summit County Arts Council for FY 2003-04 and FY 2004-05. The administration of the Public Art Board and Public Art Policy shall be a separate and additional cost to the \$200,000 Public Art Fund. City Council has approved an additional \$6,750 for the annual administration of the Public Art Advisory Board to be distributed to the Arts Council in monthly installments of \$562.50. This would be in addition to their current service contract with the city. It is understood that with the funds the City provides for

specific projects, the administrator of the funds will work to leverage funds for additional projects and works of art.

|                                                                  |
|------------------------------------------------------------------|
| <b>COMPOSITION AND FUNCTION OF THE PUBLIC ART ADVISORY BOARD</b> |
|------------------------------------------------------------------|

The Public Art Advisory Board shall have seven (7) members appointed by the City Council. Composition of the Board will include representation from the professional art community and the general public, and should consist of visual artists, performing or film artists, a design professional, an art educator, art professional, producer, designer, gallery director, or curator, and representatives from the Park City community and business community who are interested in serving on the Public Art Advisory Board. Board members shall live in Park City proper. Board members shall serve for no more than one two-year term every five years. The Special Events and Facilities Manager or her designee shall serve ex-officio without vote. It is also encouraged that students from the community be included on the panel to serve ex-officio without vote. Staggered terms shall be assigned by the City Council in the selection process. This board shall be reviewed as part of the budget process in 2005.

**The primary functions/responsibilities of the Public Art Advisory Board are:**

1. Review a cultural assessment of the Park City cultural community.
2. Create a strategic public art plan that would include public art policy refinements and recommendations of expenditures of the Public Art Fund. Ensure that public art is safe, accessible, durable, and compatible with community standards.
- 2a. Upon completion of the strategic public art plan and review of the cultural assessment, the Public Arts Advisory Board shall meet with City Council in a work session to obtain approval.
3. Establish guidelines for implementation of the Public Art Policy, including methods of selecting artists and commissioning works of art. Process must be consistent with City purchasing procedures.
4. Process public art proposals submitted to Park City Municipal and make recommendations regarding appropriations for works of art and art projects to the City Manager.
5. Review, on an annual basis, the artwork projects of the Public Art Policy as a reflection of the program's intent, and recommend appropriate maintenance requirements.
6. Make recommendations for future funding of the Public Art Fund.
7. Make recommendations for the establishment of a contribution percentage for art based on construction cost of public and private development.
8. Make quarterly updates to the City Council on the progress of the Public Art Policy.

After the Public Art Advisory Board makes recommendations to City Council, the Council shall have final approval.

### **APPROPRIATION AND ALLOCATION OF FUNDS**

The Public Art Advisory Board shall develop recommendations to the City Council regarding the specific allocation of the \$200,000 public art fund established in July 2003. The following are several options to be considered. Consistent with these policies, art will not be approved without review by City staff and the approval of City Council.

1. **“Art on the Corner” Concept:** Art on the Corner is a unique outdoor sculpture project designed to recognize the arts, develop community pride and draw people to the Main Street. This exhibit would be free to the public and can include many sculptures in a variety of media and styles. A small portion of the \$200,000 could be allocated as seed money for this type of program after which the program would become self-sustaining.
2. **Public Art at Existing Public Buildings:** City buildings may be selected for site-specific Public Art. Possible Locations are Marsac Building, Carl Winters Library and Education Center, Miners Hospital Plaza, McPolin Farm. At the Transit Center, seven of the nine muses currently exist. The infrastructure for two additional muses is in place. The Board should consider commissioning the final two muses.
3. **Art in Parks and Trails:** Art parks and art along our city trail system would enhance the value of both. Specifically along the Poison Creek Trail system that would encourage pedestrian activity from City Park to Main Street. This program could include, but not be limited to sculpture, sound gardens, Murals painted inside the 4 remaining bare tunnels, performance kiosks, etc.
4. **Specific Proposals by Artists or Purchase of Existing Art:** The Public Art Advisory Board will consider specific proposals from artists, as well as the purchase of existing work. The commission will determine policy and criteria for the selection process.
5. **Maintain and/or complete existing Public Art Property:** The existing six Public Art pieces/sites owned by Park City Municipal Corporation are in a variety of disrepair and completion. The Public Art Advisory Board should consider value and original contracts to consider investing additional funds in this inventory. This might include: completion of the Transit Center art and Poison Creek tunnel murals projects, cleaning of the Bronze Miner, and plaster/paint repair of the Swede Alley Mural.



## **PARK CITY PUBLIC ART ADVISORY BOARD**

Park City's Public Art Advisory Board (PAAB) was established by Park City Municipal Corporation, and is administered by the Park City Summit County Arts Council. Members are appointed by the Mayor with the advice and consent of the City Council. Members must reside within the municipal boundary of Park City.

The PAAB makes recommendations to City Council regarding the expenditure of City funds for public art projects. The board also makes recommendations to City Council regarding future sources of funding for public art.

### **Makeup of the Board:**

- There are seven (7) voting members and three (3) non-voting members on the Park City Public Art Advisory Board
- Each of the voting members may serve two two-year terms
- Terms begin on July 1, end on June 30, and are staggered
- Board members are not compensated

### **Roles of Advisory Board Members (Voting and Non-Voting)**

#### Voting Members

- There are seven (7) voting members on the board, each of whom is eligible to serve two two-years terms
- Only voting members are allowed to make a motion and to vote on motions brought up by the board

#### Non-voting Members

- There are three (3) non-voting members on the board
  - o Park City's City Council Liaison
    - Advise, provide input – particularly from the City Council's perspective - serve as a resource to the Advisory Board, and to provide input to the City Council related to the work of the, or at the request of, the Public Art Advisory Board
  - o Staff member(s) from Park City Municipal Corporation
    - Advise, provide input – particularly from the City staff perspective - serve as a resource to the Advisory Board, and to provide input to the City related to the work of, or at the request of, the Public Art Advisory Board
    - Prepare staff reports and managers reports for City Council meetings on items requiring direction from Council
    - Coordinate communication with other City Departments on projects and assist in obtaining department approvals
    - Disperse funds for approved public art projects from the allocated amount for public art
  - o Executive Director of the Park City Summit County Arts Council
    - Handle administrative needs of the Board including:
      - Draft agenda for each meeting, distribute agenda to members for changes, and bring final agenda to meetings
      - Make sure Board members have the materials needed for agenda items
      - Communicate with members regarding Board issues
      - Work with PCMC on issues related to Board matters (research, policy, etc.)

- Expend funds related to the administration of the Advisory Board – funds provided by PCMC to the Arts Council (not the City funds appropriated for public art)
- Provide input and serve as a resource to the Advisory Board; provide feedback to the Arts Council on the work of the Art Advisory Board.

**Expectations of members:**

Meetings begin at 6:00 p.m. and typically last 1½ to 2 hours. Members are expected to be timely.

Agendas and any necessary materials or meeting packets are distributed in advance and members are expected to read the information prior to the meeting in order to facilitate shorter meetings.

Three absences, excused or unexcused, within a year, may result in removal from the Board.

**Task Roles held by Members:**

- Chair
  - o Runs board meetings (brings meeting to order, keeps focus on agenda items)
  - o Summarizes discussion points for the minutes
- Secretary (role performed by Arts Council Executive Director)
  - o Keeps minutes of each meeting, records votes, and distributes minutes to members prior to, or at, the following board meeting
- Public Relations (assigned board member)
  - o Writes press releases, PSAs, copy for materials related to Art Advisory Board projects
  - o Handles all press-related inquiries regarding Art Advisory Board projects
  - o Provides input on PR strategy regarding Art Advisory Board issues and projects
- Project teams (formed as necessary with a minimum of two board members)
  - o Take the lead on research, identification of resources, budgeting, etc., for new projects suggested by the Board.
  - o Liaison with artists interested in project RFPs to answer questions, visit artists' studios and meet with artists as necessary.
- Full Board
  - o Handle review of art projects in process - RFPs, review of draft art, final review of art plans, oversight of art implementation, etc.

### **Acknowledgements**

The authors gratefully acknowledge the contributions of Park City citizens who joined in the process to create this Public Art Plan. We also commend the work of the 1999 Art in Public Places committee for their hard work in establishing Park City's first Art in Public Places criteria and guidelines. Their work and resulting documents have served as models for the 2004 Public Art Advisory Committee. A few of the many active participants are listed below. Thank you all for sharing your vision and great ideas!

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- Joe Kernan

#### **2004 Park City Staff**

- Tom Bakaly
- Alison Butz (Liaison to Public Art Advisory Board)
- Gary Hill
- Mark Christensen

#### **2004 Consultation**

- Nancy Boskoff: Salt Lake City Arts Council
- Jim Glenn: Utah Arts Council Public Art Director
- Peg Bodell: Artist and past Park City Council

## **Exhibit C - Re-Siting and Deaccessioning Policy**

While the intent of acquiring public artworks is for long-term and permanent display, circumstances may arise that require the Public Art Advisory Board (PAAB) consider and upon review, give recommendation for re-site or deaccession a public artwork. This policy is designed to create a process to ensure that re-siting of a site-specific artwork and deaccessioning occurs thoughtfully, and impartially. The re-siting and deaccessioning policy applies to all the works in Park City's Public Art Collection, including those commissioned by or donated to the City.

### **Re-siting Works of Art**

The Public Art Advisory Board is charged with reviewing potential re-siting situations and may consider moving a public artwork for one or more of the following reasons:

- The site is being eliminated, is no longer publically accessible, or there are other changes in relevant circumstances that require a work be removed from the site.
- The site is being changed so that the artwork is no longer compatible with its setting.
- The condition and/or security of the artwork cannot be reasonably guaranteed at its current site.
- The artwork has become a danger to public safety.

If the PAAB decides that one or more of the above conditions exist, it may proceed as follows:

- Public Art Advisory Board members make a good faith effort to discuss re-siting with the artist or donor.
- If the PAAB is not able to recommend an alternate site, the artwork may be recommended for deaccession or placed into storage until other options become available.
- PAAB members refer the recommendation to the City Manager or his/her designee or to City Council with final decision made by the City Council.

### **Compromising Conditions**

If the structural integrity or condition of an artwork is critically damaged, rather through environmental impacts, vandalism or other unforeseen conditions, the City Council may authorize its immediate removal without the Public Art Advisory Board's recommended action. The work shall be placed in temporary storage. The Public Art Advisory Board shall be notified of the removal at the time the action is made. The Public Art Advisory Board shall recommend repair, re-site or deaccession within thirty (30) days of the notification.

### **Deaccessioning Works of Art**

Deaccessioning is a procedure for removal of an artwork from a public art collection. This applies to all works in Park City's collection, including those purchased by or donated to the City.

Deaccessioning shall only be considered after careful and impartial evaluation of the work by the Public Art Advisory Board after efforts have been found for the piece to be within disrepair, inability to re-site. All contractual documents relating to the work shall be consulted prior to the beginning or the deaccessioning process.

The Public Art Advisory Board may recommend dissension or disposal of works of art in the Park City Public Art Collection under the following criteria.

- A new site for an artwork cannot be found for a piece that needs re-siting.
- The artwork has been damaged or has deteriorated beyond reasonable repair.

- The artwork endangers public safety, and/or the condition or security of the work cannot be assured.
- The artwork requires excessive maintenance or has faults in design, concept, construction or workmanship.
- After proper and thorough community education and outreach, there is adverse public reaction to the artwork.
- The Public Art Advisory Board has made recommendations and findings that the work has no cultural value or is fraudulent or not authentic,

If deaccessioning is being considered, PAAB may recommend the following actions.

- Request that the artist or donor purchase or exchange the artwork.
- Sale through auction, gallery dealer resale, or direct bidding in compliance with laws governing surplus property. Proceeds from any such transaction shall be designated to the Public Art Fund for PAAB to apply to other projects.
- Trade through gallery or other institution for comparable work or works of comparable value.
- Donation of artwork to another governmental agency, non-profit organization or institution. Artwork shall not be given to City employees, City Council or City Board Members.
- Destruction of artwork that is unsalable, severely damaged and/or of negligible value.

Upon finding that a work should be considered for deaccessioning, the following steps shall be followed:

- Findings or suggestions that artwork should be deaccessioned, shall be brought to the attention of the Public Art Advisory Board.
- The contract pertaining to the artwork shall be consulted.
- The PAAB shall review findings, and when appropriate, the PAAB may gather professional opinions with regards to conservators, engineers, safety experts and or art historians, etc.
- After review, PAAB shall make a recommendation to the City Manager or his or her designee for all works valued at under \$10,000 and/or to the City Council for all works valued over \$10,000. City Council shall have final authority on all matters regarding deaccession of artwork.

## **Exhibit D - Park City Public Art Donations Policy**

### **Guidelines and Criteria for Review Process of Proposed Gifts of Art**

From time to time, the citizens of Park City and others have offered to contribute to Park City's public art collection with generous artworks and donations. It is the responsibility of the Public Art Advisory Board to consider and review such proposed gifts on behalf of the City.

The Public Art Advisory Board shall be responsible for considering all gifts to the City's Public Art Collection as pertains to the definition of Public Art. The Public Art Advisory Board shall make donation recommendations based upon the same selection design criteria it uses for acquiring works for the Public Art Collection

The donor will present a proposal to the PAAB, as for the process below, and the PAAB shall vote accept or deny the donation in accordance with the selection and approval process as outlined in the Public Art Advisory Board Policies. A request for proposal or qualifications shall not be required.

All decisions to accept or decline art donations shall be recommended by the Park City Public Art Advisory Board and brought to the City Manager or his or her designee. City Council shall have the final authority on all decisions regarding donations in accordance with the value of the donation based on the City's purchasing policies.

Those wishing to make a donation to the Public Art Collection, shall follow the following process:

#### **I. Written Proposal or Letter of Intent**

Any person, corporation or private entity desiring to make a donation to Park City's public art collection, shall submit a written proposal or letter of intent for the PAAB for its review. The material submitted should include a description and specifications of the proposed gift, including artist, title, dimensions, material, proposed location, value and a profile on both the artist and the donor. Depending on the proposed gift, other information that may be requested, such as, a maquette, drawing or photograph of the work, site drawings, installation details, a professional appraisal of the value of the work, and estimate for maintenance costs and maintenance instructions and schedule.

#### **II. Design Criteria**

In general, the acceptance and placement of donated works of art shall be considered in review of the Design Criteria (Quality, Authenticity, Engagement, Creativity, and Other Considerations) of the public art program: Circumstances, such as memorial gifts, may arise that cause additional criteria to be considered for donation approval.

#### **III. Site Criteria**

The proposed site for the donation should be described in the written proposal. The placement of artwork shall be appropriate to the size, scale, design and character of the particular site; The work may build a relationship to the space or natural environment. The artwork's relationship to pedestrian traffic patterns, visibility and public access to the work should also be considered. The Public Art Advisory Board shall have final recommendation of potential sites for donations.

The Public Art Advisory Board may ask for assistance in the review from city departments such as, Engineering, Building, Planning and Public Works or consult with design professionals on proposals that require their expertise before making a recommendation for approval or denial of the artwork.

#### **IV. Memorial Gifts**

Memorial gifts may raise other issues to be considered. The significance of the event or person being memorialized must be documented in the proposal. The memorial may represent broad community values and should be meaningful or thought provoking to future generations. The location for a memorial is particularly important in the consideration and the proposal should give a justification for the proposed site. The context of the proposed memorial and its relationship to the site will be considered.

#### **V. Associated Costs**

The donor should cover the costs of shipping or delivery, fabrication and installation of the artwork. The donor may be responsible for engineering requirements, design and cost of pedestal or display pad, lighting, structural support and foundation, and landscaping of the site with review and approval from the Building, Planning or Engineering Departments at the City.

Donations of artwork that require public art funds to be used to pay for site preparation, installation, framing, restoration or repairs shall be considered by the PAAB when voting on acceptance or denial of the work. In addition, the Public Art Advisory Board shall consider the maintenance and repair costs of the work. The Public Art Advisory Board shall evaluate such expenses at the time the work is being considered.

The PAAB shall be responsible for the costs of an identification plaque for the work.

#### **VI. Terms of Agreement**

In cases, when the artwork is to become the property of the City, the terms of Final Art Acceptance Agreement shall be included in the recommendation to the City Manager or his or her designee or to City Council in a form approved by the City Attorney's Office.

In cases, as to which the gift is to be on temporary loan or display to the City, the terms of such a loan will be included in a recommendation to the City Manager or his or her designee or to City Council in a form approved by the City Attorney's Office.

## **Exhibit E - PARK CITY PUBLIC ART ADVISORY BOARD MEMBER POLICIES**

Park City's Public Art Advisory Board (PAAB) was established by Park City Municipal Corporation, and is supported by the Park City Summit County Arts Council. Meetings are to be held on the same patterned day, time and location each month.

### **Makeup of the Board:**

The members of the Public Art Advisory Board shall have seven (7) voting members appointed by the Mayor and City Council. The Public Art Advisory Board shall have seven (7) members appointed by the Mayor and City Council. Composition of the Board will include representation from the community who live in the City Limits of Park City and are interested in serving on the Public Art Advisory Board. Board members shall serve for no more than two consecutive, three-year terms. Terms are staggered. Members must reapply for a second term. Appointments to fulfill vacant terms do not include term limits. Terms begin on July 1, end on June 30, or until vacancies are filled. Board members are not compensated.

The City Manager or his/her designee shall appoint a Staff Liaison to the board as ex-officio without vote. A City Council liaison shall also be appointed to the Board as ex-officio without a vote. It is encouraged that students from the community be included on the panel to serve ex-officio without vote.

### **Expectations of Board Members**

#### Voting Members

PAAB will review and work towards the goals and strategies of the Public Art Program Policies and Plans. The PAAB will:

- o Read and review board agendas, meetings packets and minutes as well as any other necessary materials.
- o Participate in and adhere to the annual Open Meetings Training provided by the Legal Department, review the Park City Officials Handbook, sign oath of office and disclosure statement.
- o Attending City Council meetings or community functions as appropriate discussions or occasions arise.
- o Annually appoint a Chair and Vice-Chair position. The Chair of the board is responsible for running meetings, including keeping the board focused on agenda items, keeping time at meetings, and summarizing motions that the board makes for minutes. Additionally the Chair may assist the staff liaison in setting meeting agendas and presenting at City Council or community events. The Vice Chair shall assist the Chair with duties as described above, when the Chair is unavailable or at the request of the Chair.
- o All voting members shall make efforts to adhere to the attendance policy. Two (2) absences in a total year are allowed. Those members who are absent for more than the allowed limit shall be reviewed by the Public Art Advisory Board. Should the Public Art Advisory Board find reason to recommend removal of a member that does not uphold the attendance policy, City Council shall review the matter and confirm or deny the

recommendation. Only voting members are allowed to make a motion and to vote on motions brought up by the board.

#### Voting Procedures

- o Super Majority Voting is required for purchase or donation recommendations on projects with budgets exceeding twenty-five thousand dollars (\$25,000.00). PAAB participation is required for such purchase recommendations, with a minimum of six (6) voting members at the physical site of the meeting. Electronic participation is not permitted during these discussions. To recommend such projects, a majority of no less than four (4) voting Board members is required.
- o Purchases or donation recommendations on projects with budgets that are less than twenty-five thousand dollars will require a minimum of four (4) voting members at the physical site of the meeting. Electronic participation is allowed, but those who are participating electronically may not vote on the recommendation of the purchase or donation. To recommend such projects, a majority vote of no less than three (3) voting Board members is required for such projects, as long as it does not result in a split decision.
- o Purchases or donation recommendations on projects with budgets that are less than twenty-five thousand dollars will require a minimum of four (4) voting members at the physical site of the meeting. Electronic participation is allowed, but those who are participating electronically may not vote on the recommendation of the purchase or donation. To recommend such projects, a majority vote of no less than three (3) voting Board members is required for such projects, as long as it does not result in a split decision.
- o Electronic Participation is allowed and shall be counted as attendance, however, there must be a quorum at the meeting site (for PAAB, this is 4 members).
  - Members will not be allowed to vote on purchases or donations by phone or email or other forms of electronic correspondence. Members will be allowed to vote on motions made during the meeting.
  - Board members are responsible for notifying the City Staff Liaison regarding Electronic Participation no later than three (3) business days in advance of their absence so that electronic connections and necessary documents can be acquired.
  - No more than two (2) forms of electronic participation shall be permitted at one meeting.

#### Non-voting Members

- o Executive Director of the Park City Summit County Arts Council supports the PAAB. The Arts Council:
  - Provides input and serve as a resource to the Advisory Board.
  - Provides feedback regarding the work of the Arts Council and the Park City Public Art Advisory Board.
  - Serves as a resource for grant writing.
  - Promotes the Park City Public Art Collection.
  - Helps to form partnerships and collaborations between the Park City Public Art Advisory Board and the Summit County Public Art Advisory Board, as well as, other arts and culture organizations.
  - Expends funds provided by PCMC through Special Services Contract with the Arts Council (not the City funds appropriated for public art collection).

## Exhibit D - PAAB Public Art Policies DRAFT attachments

- o Park City Council Liaison
  - Provides advise, and input – particularly from the City Council's perspective - serve as a resource to the Advisory Board
  - Provide input to the City Council related to the work of the, or at the request of, the Public Art Advisory Board
- o Youth Liaison
  - Provides advice, and input – particularly from the youth perspective – serving as a resource to the Advisory Board.
- o Staff member(s) from Park City Municipal Corporation will handle the administrative needs of the board. The staff member(s):
  - Advise, provide input, and serve as a resource for the PAAB, and coordinate communications with other City Departments on projects and assist in obtaining department approvals as needed.
  - Create and post agendas and board packets and distribute to the board prior to meetings.
  - Record meeting minutes and distribute both draft and final meeting minutes to the Board.
  - Give monthly budget updates to PAAB and disperse approved allocations for public art projects. Coordinate budgetary requests on behalf of the PAAB with the Budget department or at the request of the City Manager or City Council.
  - Manage public art projects in process from creation of Request for Proposals/Qualifications through completion and final acceptance of installation. This includes coordination, communication and management of Public Art Projects with other City Departments and the community.
  - Oversee updating the Public Art Plan, Strategic Plan and implementation of Public Art projects and manage the maintenance, repair and inventory of the Public Art Collection.
  - Provide input to the City related to the work of PAAB, including preparing reports for City Council meetings on items requiring direction from City Council and/or the City Manager.

Pending amendment July, 2016



## PARK CITY PUBLIC ART COLLECTION INVENTORY

SUBMITTED BY JUDY HORWITZ (July 12, 2016)

### **ASSET #     PARK CITY SCAPE    (on web-site as Snowflakes)**

Acquired October 1984

Artist James McBeth (changed name to Gaelic spelling MacBeth) art professor Weber State, Ogden, in 1996 63 yrs. old, in 1996 did concrete work at the Gallivan Center SLC, replacing work which he had done he had done 5 years before

Southside of Miner's Hospital

3 Abstract pieces  
snow flakes on stands over mountains; cut out buildings

Brushed stainless steel

History First piece of Park City Public Art  
Gift of the Park City Foundation and 40 individuals and businesses

Signage (large metal with silver writing on stand)

#### **PARK CITY SCAPE**

The Park City Art Foundation was chartered after the first Park City Art Festival in 1970. The organization was incorporated and consisted of a volunteer membership and officers who organized and directed the arts festivals from 1971 through 1971.

During a visit to Park City by a former president of the inactive Foundation, it was proposed that funds still in the account of the organization be used to present a piece of public art to Park City. With the guidance of City Councilwoman, Tina Lewis, the Foundation commissioned sculptor James McBeth.

Active members of the Park City Foundation were Bob and Sharon Fleck, John and Suzie Stagg, John and Jennifer Sharp, Dale Gibbs, Victor and Francine Buck, Mike Dontje, Jim Patterson, Denis and Helen Norton, Mike and Dorie Spurlock, Jan McComb, Marianne Cone and David Chaplin.

In addition to the Foundation's initial funding, the following people and organizations made contributions of time and money toward the completion of this sculpture:  
(40 names are listed)

Source Deseret News, Oct 3, 1996 "3 Parts Sand, 1 Part Concrete"

**ASSET # MINER**

Acquired Miner's Day 9/5/1999

Artist Peter Fillerup of Midway, Utah

(Also did Emmett "Bud" Wight, the skier with the 2 different skis for the Park City Museum, sponsored by Alan and Carol Larson, dedicated Oct. 16, 2009 and one from his Pony Express on permanent display Redstone Center Gate)

405 Main Street- Miner's Park

Bronze Sculpture of a Miner

Given to City (2 plaques on post behind Miner)

THE MINER'S SCULPTURE DONORS  
PARK CITY MINERS (22 couples, families, businesses)  
SILVER LODE MINERS (16 couples, families, businesses)  
LEAD ORE MINERS (18 couples, families, businesses)  
ZINC MINERS (60 couples, families, businesses)  
COPPER MINERS (12 Couples, families, businesses)

Signage

MINORS ARE THE ANONYMOUS THOUSANDS WHOSE ONLY  
MONUMENTS ARE THE WASTE DUMPS IN THE MOUNTAINS

This sculpture is dedicated to the remarkable accomplishments of those men who mined with great effort and ingenuity the silver and lead ore found in these mountains, men who simultaneously established the community of Park City which is now our legacy to preserve and enjoy.

The mining engineer is examining a piece of rock which was cored from the earth by a diamond drill, capable of extracting ore from over 1,000 feet away. Miners were always hopeful that another bonanza was about to be discovered.

Jim Ivers (1914-2000), a mining engineer who modeled for this sculpture, had a humble beginning in the mining industry. In 1928, as a 14 year-old, he drove a horse-drawn wagon to Thaynes Canyon, delivering supplies to remote operations. Like his father and grandfather before him, Jim worked in the Park City mines. His interest spurred him to obtain two degrees in Mining Engineering from Columbia University. He came back to work in the Silver King Mine for many years, then left to work in other mining camps, returning to Park City as President and General Manager of United Park City Mines Co. In the 1960's Jim shared the responsibility of directing the mining company's new ski area, now called Park City Mountain Resort.

At one time Park City was well known as the site of a great silver mining bonanza; now it is world famous for its skiing.

This sculpture is the work of Peter Fillerup of Midway, Utah. It was dedicated on Mine's Day, September 5, 1999, and given by the citizens of Park City to the community.

Photo By permission of Park City Museum

Source Park Record July 11, 2014 "The Public can get their Fillerup at Hoffman Fine Art"

**ASSET # 01898                      MURAL TRANSIT CENTER**

Acquired 3/23/2001

Marianne Cone, Park City

Director of Park City Museum 1988-1998; City Council woman

Additional murals can be seen in the Marriott Summit Watch's parking garage, where Marianne painted scenes borrowed from Park City Museum's collection of historic photographs

564 Swede Alley

Inside Transportation Building

Painting and wood

30 ft X 14 ft

It incorporates many historic touches: from the Silver King

Coalition Mines building, horse-drawn wagons, Denver & Rio Grande rail car and Skier hitting the slopes, right down to an actual Nash hubcap and old hiking boot.

Artist's Explanation "Good public art enhances life in a community and engages the viewer to interact and ponder the artist's work."

Funded probably by through a grant from the Federal Transit Authority  
(see ASSEST # 01990 Seven Muses)

No signage

Condition (spring 2016) excellent

Source: Park City Magazine summer/fall 2005 "Born to Run"

**ASSET # 01899                      FRANZ THE BEAR (On sheet sculpture BEAR BENCH)**

Acquired 3/23/2001 (made 2000)

Artist Michele vanden Heuvel, Albuquerque, NM. Masters in Art Therapy  
University of NM; whimsical bronzes and liturgical sculpture

560 Main  
Sidewalk between Main Street and Swede Alley

Bench sculpture

Bronze

Signage            Franz  
                      The Bear  
                      October 2000  
                      Michele vanden Heuvel, Sculptor  
                      Albuquerque, New Mexico

Condition (spring 2016) good

Explanation    She (Michele) says, "I strive to create pieces that are *touchable* and take on a life of their own, literally becoming "real" for the viewer. Allowing the visitor (particularly children) to touch my work with their hands is extremely important to me. To see well-worn areas on my bronzes tells me that the piece is being loved & explored. "

Source: Google Michele vandenHeuval – Weems Gallery

**ASSET # 01900                      SEVEN MUSES (on sheet Muses- Transit Center)**

Acquired 3/23/2001

Collaborative project of 7 artists – from left to right

Calliope by Gary Anderson  
Clio by Kerri Buxton/Brad Taylor  
Thalia by Darl Thomas  
Erato by William J Kranstover  
Terpsichore by Ed Dolinger  
Urania by William R Littig  
Polythymnia by Flores Sahagun Littig

564 Swede Alley - Transit Center

Explanation - Inspired by Greek Mythology, representing the 9 children of Zeus and references classical personifications of literature., science and the arts

History “ In February 1999, the Arts Council established the first Art in Public Places plan to help create the framework for a strong and healthy public art program. The plan was formulated, in part, to help guide the selection process for the art at the Park City Transit Center, funded through a grant from the Federal Transit Authority. Criteria and standards were developed that were applied to this particular project, but no mechanism for continued funding was established. This document has served as a model for the development of this plan”

Abstract sculptures on poles

Funded through a grant from the Federal Transit Authority

Signage - only name of piece and artist - Letters stamped out in pieces of aluminum

Source: Park City Public Art Master Strategic Plan

**ASSET #      “ LIFE IN THE ONTARIO MINE”**

Acquired 2001 (don't know exact date)

Artist Paul Jakuboski, Park City fine artist, illustrator, instructor,  
most known for large scale mural work

Poison Creek Trail under entrance from Deer Valley Drive to lower Mail Street  
Plaza at Vinto Restaurant

Tunnel mural

Artist's Explanation “Public art is something free that everyone can enjoy. It  
creates landmarks and mirrors culture”

Signage painted on wall

“Life in the Ontario Mine”

by (2 plaques on post behind Miner)

2001 touch up 2008

“ Sponsors”

Park City Municipal Corporation

Park City/Summit county Arts Council

Volunteers:

BJ Kase Peg Bodell

Jennifer Flemming, Young Riley, Joyce & Bill Brown

Donna Gergison, Don Lonberg, Bill, S.A.C

Paint Donations by Park City Recycle Center and Columbia Paints

Condition (spring 2016) Ceiling peeling badly

Source “Paul Jakubowski Public Art” Paul Jakubowski.com

**ASSET # 02267      OLYMPIC CAULDRON**

Acquired 12/3/2002

Artist – Chris Coleman, Marysville UT. Sculptor – mixed media artist;  
Park City Olympic Art Planning Committee

Roundabout of Deer Valley Drive and Marsac Avenue

Cor-ten steel cauldron

Donation by 40 families and businesses

Signage

For 17 days in February 2002, the International Olympic Flame burned brightly in Park City. Hospitality Cauldrons, smaller versions of this sculpture before you, lined Main Street adding their light and warmth to the celebrations.

The following underwriters made this possible as Park City welcomed the world to the  
XIX Olympic Winter Games

(Then listed 40 Families and Businesses)

Artist Chris Coleman

Source [chriscolemanstudio.com](http://chriscolemanstudio.com)

**ASSET # 02313      OLYMPIC CAULDRON 31-49150-7319**

Acquired 12/23/2002

Round About Deer Valley Drive and Marsac Avenue

Comments – I think this is the aluminum flame portion for **ASSET # 02267**  
**Olympic Cauldron**

**ASSET # 02378      MOOSE**

Acquired 2/19/2004

Artist unknown

Park City Public Works, southeast corner Iron Horse and Short Line Drive  
Moved from 9<sup>th</sup> Avenue

Red moose on ski boots on skis

History Part of Moose on The Loose (2003) A collaborative fundraising project benefiting The Egyptian Theater Company, The Kimball Art Center, and the Park City Performing Arts Foundation. 21 life size moos were “born” in October 2003, complete with birth announcements in The Park Record to acknowledge the sponsorships of the moose’s adoptive parents. The moose were on display in Park City and Summit County throughout the 2003/4 winter holidays. A large community party was held to celebrate the graduation of the moose as they are auctioned off in style, December 27 at the Kimball Art Center. In 2003/4 For a complete listing of Moose on the Loose artists, a Moose-to-Moose location map, or other information, please contact Mona Marler at (655-8252 or toll free at (866) MY-MOOSE.

Moose 7 ½ ft tall, 9 ft long, weighs 250 lbs

Taxidermy mannequin of foam and plaster; antlers, hooves and neck skin wattle added, then covered in fiberglass and decorated by mostly local artists

Cost \$3,000 for fabrication and delivery before decorated

Artists donated their time and materials for decoration – paid \$300 stipend

Donated    Don’t know who gave (understand came in bad condition  
–    don’t know if refurbished; if done when, by whom, cost)

Condition

Missing antler 5/8/2013

(spring 2016 condition poor; rusting where left antler attached; at ankles on top of ski boots, on back)

No signage

Sources    Park City Strategic Plan; Deseret News Sept 8, 2003 “Park City trumpets it moose on the loose”  
Park City Magazine winter/spring 2004 “Make Way for Moose”

**ASSET # 02468      MAKING TRACKS (on sheet Olympic Legacy Art Hwy 224  
Entrway-31-4)**

Acquired: February 2005

Artist Cliff Garten, Marina Del Ray, CA and  
G. Brown Design Inc Site and Landscape Design Salt Lake City

2499 N SR Highway 224

Abstract sculpture

ski trail in snow, mountain bike tracks, luge and bobsled run,  
role of movie film

3ft wide, ¾" thick, stainless steel ribbon, 17ft high arch in shape of 2002  
Winter Olympic Games symbol

Site specific – "hole in arch aligned to focus a beam of sun onto a plaque  
below the arch at noon on each February 8, commemorating the  
opening day of the Olympics"

International competition - 30 entries

Selection committee of 17 from arts community ( ? was PAAB involved), City  
Council and Chamber Bureau

Commissioned for Olympic Legacy Entryway

Dedicated February 8, 2005 dedication (February 8, 2002 was the day the  
Games began in Utah)

? Was it a public/private partnership

Signage - Sign stainless on stand

For 17 days in February 2002, the world watched with admiration as  
Park City hosted athletes from many countries in the best Olympic  
Winter Games ever. To honor and forever remember this  
achievement the citizens of Park City dedicate this Olympic inspired  
sculpture...

"Making Tracks"

By G. Brown Design & Cliff Garten Studio  
honoring Park City's role in hosting the  
XIX Olympic Winter Games

Park City Municipal Corporation wishes to thank Metal Arts Foundry  
and other major contributors including Lowell Construction, Kappus  
Landscape, Zelkova, Earth Movers, Night Vision, Stantec Consulting

February 2005

Has up lights –

Condition (seen spring 2016)

Lights -one broken, one cut

Sources Park City Magazine winter/spring 2005 “Making Tracks”  
C. Brown Design website

DRAFT

**ASSET #02552                      BRIAN HESS MEMORIAL SOUND GARDEN (on sheet  
Sound Garden)**

Acquired 10/20/2005

Artist-in -Residence and designer Frank Youngman, Cadillac MI,  
Band teacher to middle and high school students in Lake County  
Michigan and musician. Musical activist  
Had constructed 2 sound gardens in MI  
"I haven't had any training at this. I've just always liked creating," "Let's  
just say I'm doing what I like to do  
Also did 'Sound Treasures,' for Mountain Trails Foundation on the McLeod  
Creek Trail, dedicated on Aug. 13, 2007.

City Park, just south of Skate Park, just off Poison Creek Trail

4 piece Rustic Music sculpture  
wooden supporting beams taken from trestles in the Great Salt Lake  
chimes - recycled brake drums, ironwood posts (30 logs were brought  
from Michigan), a piano sound board (Walton Piano Co.) from a piano  
once owned by the late Brian Hess, former executive director of the Park  
City/Summit County Arts Council

Co Sponsors – Mountain Trails Foundation and Park City/Summit County Arts  
Council

History Brain child of Carol Potter, Executive Director of the Mountain  
Trails Foundation. "A lot of my mission is making the Park City trails  
system unique," said Potter. Potter often walked Park City's Poison  
Creek Trail through City Park and thought it would be the perfect site for  
Youngman's unique interpretation of public art and performance. Visitors  
could walk and bike to it in summer, or plan an in-town snowshoeing trek  
to the garden in winter. She approached the City Council.

Youngman came spring break 2005 to develop the concept and in  
summer of 2005 opened a store front studio in Old Town to construct it.

Opening Celebration August 15, 2005 Hosted by: Park City Summit  
County Arts Council - Frank Youngman spoke, demonstration of one of  
the instruments, Percussion and woodwinds musicians perform on the  
Gazebo Percussion procession from the Gazebo to the Sound Garden,

No signage - Just north in same park area is a single metal rotating flower

Condition (summer 2016) some of the gongs are broken

Sources Park City Magazine winter/spring 2006 "The Sound of Music";  
Park City Council Meeting July 7, 2005  
Mountain trails Sound Garden Flickr.com/photos/Kelly  
Photo/1112091120  
[www.zoominfo.com/p/Frank-Youngman/202304565...](http://www.zoominfo.com/p/Frank-Youngman/202304565...)

**ASSET # 02553            'WAVES, PLANES AND PARALLELS'**  
**(Called Copper on City Public Art Map;**  
**on sheet bus shelter art Library east)**

Acquired 10/1/2005

Artist John Helton

1250 Park Avenue (opposite Park City Library)  
Skate Park Bus Stop

Bus Shelter decoration

Abstract sculpture – curvilinear piece reflecting the activities of skiing and  
skateboarding

Bronze

Funded from the initial \$200,000 given to PAAB in 2004

Condition (spring 2016) The copper has been removed from back side (east  
side) of bus shelter exposing rotting and damaged wood

Signage Plastic on glass of shelter, facing both inside and out

**ABSTRACT LANDSCAPE**

The rugged and spectacular Western landscape is interpreted with a unique vision in this sculpture titled "Waves, Planes and Parallels." Utah's mountains, canyons and rivers with their exposed layers of ancient rock, as well as the layers of previous civilizations and cultures, reveal the relationship between the old, the new and the infinite.

Artist John Helton created this sculpture in 2006

Public Art Advisory Board

Source Park City Magazine winter/spring 2006 "Bus Stop – Art Stop"

**ASSET # 02555            UNDER THE COVER OF A GOOD BOOK**  
**( on web-site GOOD BOOKS; on sheet bus shelter art Library west )**

Acquired 10/1/2005

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P. Brown

1255 Park Avenue  
Library Bus Stop

Bus shelter decoration

roof in the shape of an open book with GOOD BOOKS printed on roof;  
metal books on shelves on front

Funded from the initial \$200,000 given to PAAB in 2004

Condition (spring 2016) roof rusted, books rusted; exposed wood in back

Signage Plastic with black lettering; seen from inside and out

**UNDER THE COVER OF A GOOD BOOK**

Not only can you take refuge in this bus shelter, you can spend quality time in the library. Books, magazines, tapes, videos computers, art, special programs and friendliness all await visitors and residents.

The library has been an important part of local life since 1888 when it started with 82 books. In 1982 over 5,000 books were moved from the Main Street building (approved in 1913) into Miner's Hospital via a line of over 750 volunteers forming what was called a "Book Brigade." After outgrowing its Hospital home, in 1993 the library moved into the historic former Carl Winters High School building behind you.

Artists William Littig, Cordell Taylor, Bernardo Flores-Sahagun and Jared P. Brown created This sculpture in 2005

Public Art Advisory Boards

Source Park City Magazine winter/spring 2006 "Bus Stop – Art Stop"

**ASSET # 02556      THE CHINESE CONNECTION**  
**(on sheet and web site DRAGON)**

Acquired 11/15/2005

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P. Brown

1723 Kearns  
Adolph's Bus Stop (at east end of building)

Bus Shelter decoration

Description metal dragon (made of tubes) on peak of roof

Funded from the initial \$200,000 given to PAAB in 2004

Condition – spring 2016 ends of shelter at roof triangle rusted

No signage 5/8/13 and spring 2016

Signage text according to "Susan's changes 7/31/06"

**THE CHINESE CONNECTION**

Park City was born when rich silver ores were discovered in 1868. Chinese immigrants, imported to build the transcontinental railroad, found their way to Park City. Not allowed below ground to mine, they handled camp chores of cooking and washing. They were an integral part of life in Park City and lived in a community at the top of Swede Alley where the China Bridge parking structure now stands.

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P.  
Brown created this sculpture 2005

Public Art Advisory Board

**ASSET # 02631      FOLLOWING THE VEIN (ORE RISING Park Record;  
on sheet BUS SHELTER ART GOLD DUST LANE)**

Acquired 7/6/2005

Artist Brian Guercio

Gold Dust Lane - Prospector Bus Stop

Description – NOT THERE

(not mentioned or looked at on PAAB tour 5/8/2013)

Bus shelter decoration

Mentioned as Fiberglass, silver-colored sculpture

Artist's Explanation "Its deliberate "bio-morphic" shape has some tongues wagging. "I realize that the form of the sculpture could be construed as some kind sexual innuendo, but sometimes a cigar is just a cigar," said Guercio. "The main purpose of the piece is to comment on the transition of Park City's identity [from ore to people]. I think good art asks more questions than answers, and that it can mean different things to different people."

Funded from the initial \$200,000 given to PAAB in 2004

Signage text according to "Susan's changes 7/31/06"

**FOLLOWING THE VEIN**

In 1868 prospectors discovered silver sticking out of the ground near Park City most had to be mined from the underground as deep as 2,500 feet from veins ranging from a couple of inches to several feet wide.

When a silver vein is found in the rock, it has to be blasted into pieces small enough to be taken out of the ground through a network of tunneling and shafts in small rail cars.

Artist Brian Guercio created this sculpture in 2005.

Public Art Advisory Board

Condition (spring 2016) there is NO decoration on this bus top;

The roof appears new. Big question – Who removed it? Why was it removed? How was it removed? Did they follow De-accessioning policy?

Source Park City Magazine winter/spring 2006 "Bus Stop – Art Stop"

**ASSET # 02632      BOOTS & SADDLE (called WILD STAR on web-site;  
on sheet bus shelter – Silverlake)**

Acquired 7/6/2005

Artist Marissa Robbins

7620 Royal Street E  
Deer Valley Silver Lake Bus Stop

Bus shelter decoration a three-dimensional collage new cowboy boots, old spurs,  
belt buckles and mining artifacts all over the walls

Artist's Explanation "I tried to depict our rugged past and our glorious present,"

Funded from the initial \$200,000 given to PAAB in 2004

Condition roof rusting; dusty; windows dirty, clock filthy, wood needs staining  
Christmas lights cord and outlet hanging

Signage

BOOTS & SADDLE  
Park City's Western heritage is  
captured both inside and outside  
this bus shelter

Artist Marissa Robbins created this  
Elaborate art in 2005

Park City Advisory Board

Source Park City Magazine winter/spring 2006 "Bus Stop – Art Stop"

**ASSET # 02633                      DOGS OF BARK CITY**  
**(on sheet bus shelter art-Albertsons west)**

Acquired 7/6/2005

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P. Brown

1776 Park Avenue  
Bus Stop Across from Fresh Market (Albertson's)

Bus shelter decoration    3 -D low relief metal sculpture of dogs on the roof  
with dog bones on either end

Funded from the initial \$200,000 given to PAAB in 2004

Condition – (spring 2016) sculpture fine but brown metal support awful  
need painting

No Signage    5/8/2013 and spring 2016

Signage text according to “Susan’s Changes 7/31/06

BELOVED POOCHES  
Park city locals love their dogs  
have nicknamed the town “Bark City.”

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P.  
Brown created this sculpture 2005

Public Art Advisory Board

Source    Park City Magazine winter/spring 2006 “Bus Stop – Art Stop”

**ASSET # 02634      UP IN FLAMES**  
**( FLAMES on web-site; on sheet bus shelter art-Albertsons east)**

Acquired 7/6/2005

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P. Brown

1751 Park Avenue  
Fresh Market Bus Stop(old Albertson's)

Bus Shelter decoration – abstract metal flames on peak of roof

Funded from the initial \$200,000 given to PAAB in 2004

Condition – (spring 2016) sculpture fine but metal supports of shelter awful  
and needs painting

No signage 5/8/2013 and spring 2016

Signage text according to "Susan's Changes 7/31/06

UP IN FLAMES  
Much of Park City burned during the  
Great Fire of 1898 which started in a  
hotel on upper Main Street. Nobody  
knew the exact cause but since the  
fire started early in the morning, theories  
ranged from a guest's unattended candle  
to a kitchen stove's chimney igniting.

Artists William Littig, Cordell Taylor,  
Bernardo Flores-Sahagun and Jared P.  
Brown created this sculpture 2005

Public Art Advisory Board

Source Park City Magazine winter/spring 2006 "Bus Stop – Art Stop"

**ASSET # 02840      PAINTING (no title)**  
**(on sheet 46 X 60 oil painting – Thomas Elmo Willi)**

Acquired 9/19/2007

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue  
Pubic Safety Building, Administrative Office

46" X 60" Oil painting on canvas  
A painted collage of historical photographs of police officers  
and Old Town, miners and homes and a shield Park City Police 1884

Purchased because Police Chief Lloyd Evans, who retired in June  
2008, wanted it - NO RFP

\$5,000 from Police Department Funds; No Public Art funds

No signage

For more information and questions call Claire Marlin at Police Dept.,  
has bill of sale

**ASSET # 02850      PAINTING (no title)**  
**(on sheet 46 X 60 oil painting – Thomas Elmo Willi)**

Acquired 9/19/2007

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue  
Pubic Safety Building, Conference Room

46" X 60" Oil painting on canvas  
A painted collage of historical photographs of police officers  
and Old Town, miners and homes

Description – no title –  
A composite picture of different buildings in Park City and shield Park City  
Police 1884

Purchased because Police Chief Evans wanted it; NO RFP

\$5,000 from Police Department Funds; No public art funds;

No signage

For more information and questions call Claire Marlin at Police Dept.,  
has bill of sale

**ASSET # 02994      MUSE TRANSIT CENTER**

Acquired 7/26/2007

Artist unknown

Not titled

Middle of sculptures  
Outdoors - Park City Transit Center

Explanation assume representing 8<sup>th</sup> of Zeus's 9 children ( 8 done in MUSES)

No signage

**ASSET #02997      EUTERPE (on sheet muse at OLD TOWN TRANS CNT)**

Acquired 8/2/2007

Artist Rachel Slick, Tuscon AZ. Summer Kitchen Studios, a family design and fabrication team working with emphasis on public artworks.

Middle Muse - right end as facing  
Outdoors - Park City Transit Center

Signage  
Think aluminum – not match the others  
Euterpe Homage to the muse of Lyrical Poetry

Cost \$9,600

Comment ASSEST # 02994 and ASSEST # 02997 may be reversed

Source Rachel Slick RFQ proposal on website

**ASSET # 03266      SCHOOL OF FISH (on sheet Fish Sculpture)**

Acquired 12/11/2008

Artist Scott Whitaker aka Scotty Soltronic, Salt Lake City; worked in Silicon Valley as computer programmer and professional hacker; Burning Man in 2006 changed him; now artist, activist; started Sol systems Productions

Metal cut by Prescott McCarthy, Park City High School grad

1374 Sullivan Road

On Poison Creek Trail Behind Miner's Hospital

Found sculpture – 100% recycled material –primarily steel and other scrape metal from Park City and surrounding areas, lights, mining and farm equipment which were prevalent in Park City

Seven separate fish on poles

You Tube video (Aug 28, 2008) shows the fish moving

Several have outdoor lights on fish with wires; don't know if were or are connected

Selected after submitting a proposal to complete the ideas of Judy Taylor, a local artist who passed away the year before, to create a fish installation. Whitaker brainstormed the concept of constructing "metaphoric fish" that might be found in Poison Creek.

Funding - was this funded by one of the two funds the Park City Arts Council established in Judy Taylor's honor; the second to be used to create a piece of public art in her memory?

Condition – (SPRING 2013) very bad, rusted, exposed cut electric wires

Sources Park Record Aug. 19, 2011

Park Record July 7, 2008 "A double –take on art overlooked"

Park City Art – You Tube Aug. 28, 2008

The Art/ Shabu Park City

Catalyst – The Building Man by Alice Tolen

**ASSET # 03267      ART KIDS**

Acquired 11/7/2008

Artists Bob Commander and children from non-profit Art- Kids program

2262 Kearns Avenue  
Learning Center Bus Stop at Comstock

Bus Shelter decoration - a whimsical Park City bus out of metal

Funded from the initial \$200,000 given to PAAB in 2004

Condition 5/8/2013 missing yellow panels and some sculptures  
(Spring 2016) Rust on front – especially letter “R”, “Y”, “C”,  
the dog, bottom of skate boarder;  
don’t see any yellow panels so assume not replaced –  
don’t know what were missing pieces so don’t know if replaced

No signage 5/8/2013 and spring 2016

Signage text according to “Susan’s Changes 7/31/06

**ARTS KIDS**

Arts-kids, a Park City non-profit that  
empowers youth through the expressive  
arts created this sculpture in 2006.

Public Art Advisory Board

Source Park City Magazine winter/spring 2006 “Bus Stop – Art Stop”

**ASSET # 03369      "THIS HISTORICAL PAST AND PRESENT DAY VIEW OF  
PARK CITY' also saw as PARK CITY'S PRIDE(  
on sheet miner's hospital and nurses)**

Acquired 8/28/2008

Artist Thomas Elmo Williams, Helper UT. Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue   Public Safety Building Lobby      Left painting on east wall

Artist's Explanation (in RFP in file at Public Safety Building)–  
painting represent Park City and Public Safety throughout time  
"a celebration of community and public service "– nurses and  
the Miner's hospital

Artist's approach to his work   To research old artifacts and photographs, and to  
also interview local residents, some of whom, in Park City are long-time  
friends. "I want the paintings to be a tribute to public safety, yet at the  
same time, represent Park City as a whole," "Art does not exist merely to  
entertain. It can play a role in the improvement of our collective  
existence."

7ft X 3ft Oil painting on canvas

One panel of 2 triptych mural illuminating all aspects of Park City from its  
mining history to the 2002 Olympics to the daily life of Parkites young and  
old, two and four-legged

limited pallet of warm sepia tones accented occasionally with red and turquoise,  
affecting a romantic quality found in old photographs.

Style "Modern-day WPA" or a modern Ashcan painter, a school of American  
realist artists based in New York City from 1908-1914 who depicted  
alleyways, tenements and "slum dwellers."

RFP – 20 entries submitted ideas ranging from sculptural work in rock to an  
electric light display the request for proposals emphasized a design  
"authentic to the community and its surroundings," per the City's Public  
Art Plan.

\$68,000 available from 1% of construction costs for Public Safety Building

Cost \$40,000 for entire mural of 6 paintings - \$16,00 went back into PCMC

No signage

Source   Park Record April 8, 2008 "Coal miner commissioned to paint Police  
Department building"

RFP on file at Public Safety Building; Claire Marlin at Police Dept.

**ASSET # 03370      PARK CITY'S PRIDE – (on sheet Main Street)**

Acquired 8/28/2008

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue

Public Safety Building Lobby      Center painting on east wall

Artist's Explanation (in RFP in file at Public Safety Building)–  
painting represents Park City as a whole (Main Street, filled with law enforcement officers, city workers, business owners, and men, women, children at work and play.

Artist's approach to his work To research old artifacts and photographs, and to also interview local residents, some of whom, in Park City are long-time friends. "I want the paintings to be a tribute to public safety, yet at the same time, represent Park City as a whole," "Art does not exist merely to entertain. It can play a role in the improvement of our collective existence."

7ft X 3ft Oil painting on canvas

One panel of 2 triptych mural illuminating all aspects of Park City from its mining history to the 2002 Olympics to the daily life of Parkites young and old, two and four-legged  
limited pallet of warm sepia tones accented occasionally with red and turquoise, affecting a romantic quality found in old photographs.

Style "Modern-day WPA" or a modern Ashcan painter, a school of American realist artists based in New York City from 1908-1914 who depicted alleyways, tenements and "slum dwellers."

RFP – 20 entries submitted ideas ranging from sculptural work in rock to an electric light display the request for proposals emphasized a design "authentic to the community and its surroundings," per the City's Public Art Plan.

\$68,000 available from 1% of construction costs for Public Safety Building

Cost \$40,000 for entire mural of 6 paintings - \$16,00 went back into PCMC

No signage

Sources Park Record April 8, 2008 "Coal miner commissioned to paint Police Department building"  
RFP on file at Public Safety Building; Claire Marlin at Police Dept.

**ASSET # 03371     PARK CITY'S PRIDE (on sheet bob sled)**

Acquired 8/28/2008

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue

Public Safety Building Lobby     Right painting on east wall

Artist's Explanation (in RFP in file at Public Safety Building –“The history, fun and joy of Park City's ever popular skiing industry. The beauty and serenity of Park City's wonderful canyons and mountains”

Artist's approach to his work     To research old artifacts and photographs, and to also interview local residents, some of whom, in Park City are long-time friends. "I want the paintings to be a tribute to public safety, yet at the same time, represent Park City as a whole," "Art does not exist merely to entertain. It can play a role in the improvement of our collective existence."

7ft X 3ft Oil painting on canvas

One panel of 2 triptych mural illuminating all aspects of Park City from its mining history to the 2002 Olympics to the daily life of Parkites young and old, two and four-legged  
limited pallet of warm sepia tones accented occasionally with red and turquoise, affecting a romantic quality found in old photographs.

Style "Modern-day WPA" or a modern Ashcan painter, a school of American realist artists based in New York City from 1908-1914 who depicted alleyways, tenements and "slum dwellers."

RFP – 20 entries submitted ideas ranging from sculptural work in rock to an electric light display the request for proposals emphasized a design "authentic to the community and its surroundings," per the City's Public Art Plan.

\$68,000 available from 1% of construction costs for Public Safety Building

Cost \$40,000 for entire mural of 6 paintings - \$16,00 went back into PCMC

No signage

Sources Park Record April 8, 2008 "Coal miner commissioned to paint  
Police Department building"  
RFP on file at Public Safety Building; Claire Marlin at Police Dept.

**ASSET # 03372 PARK CITY'S PRIDE – (on sheet band)**

Acquired 8/28/2008

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue

Public Safety Building Lobby

Right painting on north wall

Artist's Explanation (in RFP in file at Public Safety Building)– "History, foundation, and strength of the Park City Police Department would be evident and represented well by use of the original Police Station Building" BPOE Band 734 Today's Southwestern Trading Company

Artist's approach to his work To research old artifacts and photographs, and to also interview local residents, some of whom, in Park City are long-time friends. "I want the paintings to be a tribute to public safety, yet at the same time, represent Park City as a whole," "Art does not exist merely to entertain. It can play a role in the improvement of our collective existence."

4ft X 35t oil painting on canvas

One panel of 2 triptych mural illuminating all aspects of Park City from its mining history to the 2002 Olympics to the daily life of Parkites young and old, two and four-legged

limited pallet of warm sepia tones accented occasionally with red and turquoise, affecting a romantic quality found in old photographs.

Style "Modern-day WPA" or a modern Ashcan painter, a school of American realist artists based in New York City from 1908-1914 who depicted alleyways, tenements and "slum dwellers."

RFP – 20 entries submitted ideas ranging from sculptural work in rock to an electric light display the request for proposals emphasized a design "authentic to the community and its surroundings," per the City's Public Art Plan.

\$68,000 available from 1% of construction costs for Public Safety Building

Cost \$40,000 for entire mural of 6 paintings - \$16,00 went back into PCMC

No signage

Sources Park Record April 8, 2008 "Coal miner commissioned to paint Police Department building"

RFP on file at Public Safety Building; Claire Marlin at Police Dept

**ASSET # 03373      PARK CITY'S PRIDE – (on sheet policeman & 2 kids)**

Acquired 8/28/2008

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue

Public Safety Building Lobby    Center painting on north wall

Artist's Explanation (in RFP in file at Public Safety Building)– "The compassion, strength, and devotion of all Public Safety Officers." (Policeman, 3 children and a dog)

Artist's approach to his work    To research old artifacts and photographs, and to also interview local residents, some of whom, in Park City are long-time friends. "I want the paintings to be a tribute to public safety, yet at the same time, represent Park City as a whole," "Art does not exist merely to entertain. It can play a role in the improvement of our collective existence."

4ft X 5ft oil painting on canvas

One panel of 2 triptych mural illuminating all aspects of Park City from its mining history to the 2002 Olympics to the daily life of Parkites young and old, two and four-legged  
limited pallet of warm sepia tones accented occasionally with red and turquoise, affecting a romantic quality found in old photographs.

Style "Modern-day WPA" or a modern Ashcan painter, a school of American realist artists based in New York City from 1908-1914 who depicted alleyways, tenements and "slum dwellers."

RFP – 20 entries submitted ideas ranging from sculptural work in rock to an electric light display the request for proposals emphasized a design "authentic to the community and its surroundings," per the City's Public Art Plan.

\$68,000 available from 1% of construction costs for Public Safety Building

Cost \$40,000 for entire mural of 6 paintings - \$16,00 went back into PCMC

No signage

Sources    Park Record April 8, 2008    "Coal miner commissioned to paint  
Police Department building"  
RFP on file at Public Safety Building; Claire Marlin at Police Dept.

**ASSET # 03374      PARK CITY'S PRIDE – (on sheet painting of mine & miners)**

Acquired 8/28/2008

Artist Thomas Elmo Williams, Helper UT Prolific painter, once a coal miner (for 14 ½ years, was injured in an industrial accident, and could no longer work in mines.) He never went to school in painting. Utah artist David Richie Johnson launched his career. This was his first public art commission.

2060 Park Avenue

Public Safety Building Lobby      Left painting on north wall

Artist's Explanation (in RFP in file at Public Safety Building)– "Would reflect the Pride of Park City's Mining Industry (underground and surface miners)

Artist's approach to his work To research old artifacts and photographs, and to also interview local residents, some of whom, in Park City are long-time friends. "I want the paintings to be a tribute to public safety, yet at the same time, represent Park City as a whole," "Art does not exist merely to entertain. It can play a role in the improvement of our collective existence."

4ft X 5ft oil painting on canvas

One panel of 2 triptych mural illuminating all aspects of Park City from its mining history to the 2002 Olympics to the daily life of Parkites young and old, two and four-legged

limited pallet of warm sepia tones accented occasionally with red and turquoise, affecting a romantic quality found in old photographs.

Style "Modern-day WPA" or a modern Ashcan painter, a school of American realist artists based in New York City from 1908-1914 who depicted alleyways, tenements and "slum dwellers."

RFP – 20 entries submitted ideas ranging from sculptural work in rock to an electric light display the request for proposals emphasized a design "authentic to the community and its surroundings," per the City's Public Art Plan.

\$68,000 available from 1% of construction costs for Public Safety Building

Cost \$40,000 for entire mural of 6 paintings - \$16,00 went back into PCMC

No signage

Sources Park Record April 8, 2008 "Coal miner commissioned to paint Police Department building"

RFP on file at Public Safety Building; Claire Marlin at Police Dept.

**ASSET #      BENCH AND BIKE RACK**

Acquired ????

Artist Missy Robbins, works with many different mediums – also designed the bus shelter in 2005 at Silver Lake in Deer Valley.

Racquet Club Park  
SE corner behind MARC

Bench/bike rack is the sculpture

Wrought iron – from an old British garden gate

RFP

Condition spring 2016 and 5/8/2012 side panel missing from bench

No signage

Source Park Record 7/4/2008 “A double-take on art overlooked”

**ASSET #      BANNERS - PARK CITY ICE ARENA**

Acquired????? 2009/2010

Artist unknown

675 Gilmore Way

Inside Ice Arena - on west wall of the ice area itself

Call for Artists Park City Ice Arena banners July 2009

5 huge banners representing left to right:

figure skating, speed skating, curling, sled hockey and ice hockey

Park City ice arena written on two end ones

From 1% of construction costs

No signage

**ASSET # 04837      SHELTERING ASPENS (On sheet Marsac Plaza Art Tree)**

Acquired 1/6/2012

Artist Koryn Rotstad, Seattle WA

Rolstad, who studied engineering and environmental design under the late inventor Buckminster "Bucky" Fuller, received her degree from the University of Washington that specialized in Fuller's theories of components and systems. At first, Rolstad didn't want to become a visual artist, but is able to fulfill her need to create because of her public art commissions.

445 Marsac Avenue  
South entrance City Hall

Sculpture emulates an iconic aspen grove unique for this region

A grove of 80 trees, clustered in 7 stands of groupings, planted in existing poured concrete planter boxes (foliage and tress were removed)

The base posts are brushed aluminum that are powder coated" The tree posts themselves are not coated and are bent a bit so people can look up into the pieces to the leaves.

Over 1000 elliptical eco-resin leaves in 5 different tones that are able to exude hundreds of different colors when the light shines on them during different times of the day

70% recycled aluminum, 40% recycled PETG translucent resin colored ellipses

Natural planting of local flora and stones for the final surface finish.

Lighting LED experience at night (is it still there?)

International RFQ (Request for Qualification \_  
something sculptural, sense of place

Cost \$65,000.00 for design drawings, engineering, materials, fabrication and installation

1% from renovation costs of City Hall

Artist's Explanation "This Public Arts project is a good example of identifying a community aesthetic and culture, utilizing existing structures and incorporating natural ambient seasonal lighting for extra colored shadowing and pedestrian interaction

Award 2013 CODArtworx (Collaboration of Design + Art) International Award for Public Art in Landscape Environment. Sponsored by Interior Design Magazine

Signage Stainless sign attached to a tree

"Sheltering Aspen"

Exhibit D - PAAB Public Art Policies DRAFT attachments

Artist Koryn Rotstad  
Koryn Rotstad Sudios  
Seattle WA

Commissioning Agency  
Park City Municipal Corporation  
Public Art Advisory Board  
2012

Condition 5/8/2013 leaves are dusty  
(Spring 2016) several trunks bad condition

Sources

Park Record January 6, 2012 "A Public Spectacle at City Hall"

Design Journal, Archinterious | 'Sheltering Aspen' Park City-City Hall ...

<https://designjournalmag.com/.../325454-sheltering-aspen-park-city-city-...>

KORYN ROLSTAD - Artist / Designer ARTIST BIO Koryn Rolstad ...

[www.urbanartcommission.org/sites/298/uploaded/artist.../resume.pdf](http://www.urbanartcommission.org/sites/298/uploaded/artist.../resume.pdf)

Koryn Rolstad Sudios on Facebook

**ASSET # 04838 "LIGHT THE FIRE WITHIN" (on sheet as OLYMPIC FLAME)**

Acquired 1/27/2012

Artist Willaim J. "Kranny" Kranstover Park City resident, property appraiser for over 30 years, graduated the University of Wisconsin with a degree in fine arts, spent time at the California College of Arts and Crafts in Oakland, CA and worked at galleries in San Francisco. Work popped up all over Park City. William J. "Kranny" confessed later to creating the artwork as a protest. The city council, the planning commission and the Historic District Commission wanted to approve all art that would be on public display. "Obviously, (the sculptures) weren't commissioned pieces. Those

, Collaborated with his daughter Malia Macheel, Park Record cartoonist, who made the design and with Michael Berque

SW corner of Bonanza Drive and Kearns Blvd, on Mark Fisher's property behind Maverick Gas (originally set up on Kimball Art Center deck during the 2002 Winter Olympic Games where it stayed for 9 years)

35 ft tall, 30' wide, 9 ft off ground (raised off the ground for safety reasons)  
3,000lb aluminum and steel  
airplane bolts  
high gloss airplane paint

Created for 2002 Olympics

Commissioned by General Motors to adorn its headquarters at Kimball for the 2002 Olympic games

History "The Kimball requested to keep the piece on its plaza after the Games ended. Last year, Kimball leaders began discussing renovation plans for the plaza and executive director Robin Marrouche approached City Hall's Public Art Advisory Board to discuss the panel's interest in accepting the sculpture into the city's public art collection. The board initially recommended acceptance of the piece by the Park City Council and considered several locations. However, the Kimball decided to refurbish the base of the sculpture and it remained on the plaza....the Kimball again contacted City Hall with a request to move the sculpture. City staffers considered various locations and estimated the cost of moving the piece to be close to \$40,000. Although there are two separate city art funds available, a \$40,000 project would nearly drain either of the sources. The Public Art Advisory Board unanimously agreed it did not want to add the sculpture to the public art collection because of the cost. The issue went before the Park City Council and members upheld the recommendation that the sculpture not be moved. That's when Fischer stepped in and expressed interest in moving the piece to property he owns on the southwest corner of Bonanza Drive and Kearns Boulevard, in a grassy area next to the Maverick gas station. Fischer filed an application with City Hall to move the piece. In the application, he stated his willingness to fund the move as well as the relocation of trees in the area to make room for the artwork. ...the sculpture will get a new, smaller base, as the current base was not part of the original artwork."

Lighting "Kranstover is also happy the sculpture will be subtly

illuminated with LED lights at night. "We did have it lit up during the Olympics and turned them on a couple of times afterwards, but it will be lit permanently now," he said. "People will see some wonderful light shows."

Time Capsule will be filled with articles from *The Park Record*, as well as other mementos from various Park City businesses, nonprofit organizations and schools, as well as the sculpture's original drawings.

Condition (Spring 2016) Ball rusty, pvc piece and metal pipe on ground, electrical wire on ground

Sources: Park Record Oct. 15, 2010 "Olympic Sculpture may be on Move"  
Park Record Sept 23, 2011 "Artist happy with Sculpture 's new Home"  
Park Record Feb. 18, 2011 " Bill "Karnny" Kranstover to show paintings at Jean Louis"

**ASSET # 05360 BRAVE HEART**  
**(on sheet Mural Bonanza Drive Tunnel)**

Acquired 6/30/2012 (however 11 next to signature at each end of tunnel)

Artist Benjamin Wiemeyer, has a degree in intermedia sculpture from the University of Utah, 2009 resident Spiro Art Center, P.C.  
2012 co- founded WOW Atlier, SLC, multi-disciplinary design studio that emphasizes art—

Bonanza @ Iron Horse  
End of Poison Creek Trail

Tunnel Mural – graffiti art

No signage

Sources School of Architecture News – Benjamin Wiemeyer mural Mississippi State University  
Artist Profile – Ben Wiemeyer You Tube May 29, 2009

**ASSET # 06037 DEER VALLEY DRIVE TUNNEL**

Acquired 8/31/2012

Artist Trent Call, SLC born and raised, received a BFA from the U of Utah,

Deer Valley Drive @ Bonanza

Under Deer Valley Drive; west side of Bonanza (at stop light)

Tunnel Art – cartoon imagery

biggest wall that Call had painted to date

Artist's style bright colors, bold line work, skilled textures and patterns

Artist's Explanation " I like to think that the medium depicts the style.

Spray paint is large and fast with a variety of line"

"Murals are a unique art form, accessible and viewable by everyone, not just museum-goers. It becomes part of your landscape; a part of the city as a whole."

Condition (spring 2016) Paint peeling at south east corner; some north east End and also along bottom. Rust east side near south entrance. Patch of gray paint south entrance east side

Sources Blonde Grizzly Sept 19, 2012 "Trent Call Gallery Stroll"

Utah Stories April 18, 2014 Trent Call and the SLC Urban Art Scene

**ASSET # missing      MURAL KEARNS TUNNEL @ COMSTOCK**

Acquired 2012 (don't know exact date)

Artists – at least 32 (some signed mostly not)

Under Kearns Blvd east side of Comstock

Tunnel mural divided into large 32 panels, 16 each side

No signage

Condition (spring 2016) good

DRAFT

**ASSET # 06038      AIR (on sheet PC MARC entry way cyclist)**

Acquired 3/15/2013

Artist; Jorge Blanco, Sarasota, FL ([jorgeblancosculpture.com](http://jorgeblancosculpture.com)), Venezuelan born- American artist sculptor, freelance graphic designer, furniture designer, illustrator; developed iconic comic strip “Castaway”

1200 Little Kate  
Front The MARC

Site specific outdoor sculpture

3 figures elevated on a rectangular column (4” x 8”), 10 ft high to prevent damage from vandalism, climbing, graffiti, etching, hard water irrigation and to ease snow removal in winter

Aluminum, powder coating, assembled with nuts and bolts

Style combines geometric presentation and figuration  
Sculptures in primary colors

Artist's Explanation   Bicycling is a symbol of sustainable transportation and environmental conservation, plus it ‘a healthy activity that can be much fun

No signage – name is on piece

Sources Jorge blanco sculpture website  
Air/Public Archive  
Jorge Blanco – OA Gallery

**ASSET # 07410**

**FLACO**

Acquired 8/22/2013 (made 2010)

Artist Jamie Burnes, Sante Fe, NM; graduated Skidmore College with BA in studio art

1250 Park Avenue (places on west of two pads)  
Rotary Park

Mix-media horse of cor-ten steel and rot resistant cedar  
110"w x 96"h x 26"d  
base CorZTen Steel Jnb 2010  
on 4' x4'pad installed by PCMC

Art on Loan Program  
Purchased through MAR Gallery

Signage plaque 6" x 6" square with artist's name,  
contact information (Jamieburnes.com 505-670-6638)  
Horse's dimensions and material

Sources various Gallery Mar websites

**ASSET #     MINERS HOSPITAL PRINT**

Acquired    ???? 2015

Artist   Judy Taylor, Park City. Watercolorist; BFA from University of Illinois. Known for her iconic pictures of Park City. Married to Hal Taylor, former Mayor of Park City who was in many of her prints, died in summer 2006 of a severe stroke. Former PAAB member, appointed July 2005; The Park City Arts Council has since established two funds in Judy Taylor's honor. One is earmarked for a Park City High Sch scholarship that will be awarded to a college-bound senior who is planning to study art. The second will be used to create a piece of public art in her memory.

Somewhere inside Miner's Hospital  
1354 Park Avenue

Limited Edition matted framed signed lithographic print (#332 of 700) of  
Miner's Hospital  
24" x 36"

Donated by Park City resident who was moving out of town

Artist's Comments   " With world conflicts, stress, and illness touching all our lives, I hope my paintings can bring color and positive feelings to the viewer.

Sources   Park City Magazine winter/spring 2007 "Remembering Judy Taylor"  
PAAB Minutes April 13, 2015  
A Brush with Color – Watercolor Online  
Summary- City Council July 7, 2005

**ASSET #      SURROUNDINGS**

Acquired June 2015 (don't know exact date)

Artist Danielle Wyckoff, Asst. Professor Kendall College of Art and Design,  
Grand Rapids MI, Spiro Arts resident in 201 and a Kimball Art  
Center "Relevant" artist in 2012

Foyer, Park City Library

Multi- media mountainscape, two and three- dimensional aspects:

Eight panels 30" x 7'

Hand-screen text in various cool colors printed on mulberry paper

Text about Park City that she collected from local residents and  
people who have a special connection to the town (50 storytellers- all  
represented) and written accounts of turn of the century miners from  
the Park City Museum

Texts make an image- reference to the mountains surrounding Park City

Dozens of recycled aluminum discs of various sizes, hung in front of panels –  
spin

A nod to Park City's silver mining history

Pay tribute to the dynamic weather of the area- snow and sunshine

Reflect light and cast shadows like the shadows spread over the  
mountains

Artist's Explanation "(This piece) involves the collaboration of Park City  
storytellers.... honors the way in which community and environment  
influence each other as well as the role of a library as a place for  
learning and sharing." "My work already involved collecting stories."

Artist's comment "It's really a beautiful thing to have this next step in my career  
being based in Park City. because I feel this connection to the town."  
(been here a handful of times, each time has been a boost to her career)  
now represented by Soltesz Fine Art, Portland Or. Melissa Soltesz –  
former PAAB member)

RFP - Site specific piece, commissioned for the new foyer of PC Library

1% of construction costs

Source Park Record June 12,2015 "Wyckoff honored to create art for the  
Park City Library"

Surroundings: Danielle C. Wyckoff daniellewyckoff.com

Danielle Wyckoff awarded public art commission in Park City  
solteszfinearts.com

"Surroundings" RFP Proposal, Danielle C. Wyckoff 2015

**ASSET #     A SACRED COMMUNITY**

Acquired summer 2015

Artists University of Utah students Danny Stephens, Miguel Galex and  
Jessika Jeppson,  
Under the direction of Professors Rosi Hayes and Lindsay Larsen

On Poison Creek Trail  
Tunnel below drive into Park Station Condos from 224  
1000 Town Point and Park Station Access

Tunnel Mural

Spray paint, and magic markers, finished with outdoor urethane to repel  
water

Students (taking a class on engaging community through art)  
approached Public Art Advisory Board April 2015

Students contributed time and imagination to the project  
Materials donated by Home Depot, the University of Utah, the artists and  
others

An interactive experience for over 1,000 Park City residents and visitors.  
As the artists installed the piece, they recruited cyclists and pedestrians to  
contribute to the accomplishment of the piece.

Artist's Explanation "My fellow artist and I wanted to highlight the artist in  
everyone. By bringing citizens into the making process, we hoped  
to instill ownership of the mural into the very people who walk by it  
every day. This experience was meant to awaken, revive and educate."

Condition – (spring 2016) paint chipping on western sloped top walls at  
both ends of tunnel (not on east walls) ; looks like it could have been  
from skateboarders

Source Park City Press Release "**PARK CITY'S PUBLIC ART ENHANCED BY  
NEW INSTALLATIONS**" Elizabeth Quinn Fregulia

**ASSET #      SYMPHONY OF MOVEMENT**

Commissioned in 2014, installed 9/2015

Artist Joshua Weiner, Boulder CO

Quinn's Junction Highway 248 (east of Dog Park)

2 rows of 160 4" anodized aluminum 1/2" wall pipes

(can be walked through; Weiner likes working with aluminum because of its strength and appearance- no maintenance, will last hundreds of years. Its reflective surface creates a rich interplay with sunlight)

15' x 50' x 12'

frame created in his studio – quickly assembled on site  
each pole weights approximately 50 lbs

Artist's Explanation   Symphony of Movement is something of an optical illusion: it is intended to appear kinetic without actually moving. "The viewer's own movement—and their interaction with the piece—are what animates it," "The piece remains stationary, but as the viewer moves toward and around it, it seems to move of its own accord: by having the viewer as an active force in the experience, the viewer becomes part of the artwork." "The casual observer will notice that some of the pipes lean forward to reflect the ground, while others lean back to reflect the sky, bringing lines of light to the ground. As the viewer circles the piece, the rods reverse in direction. The observer, the ground, and the sky all engage in a dialogue curated by the piece at the center."

Cost    \$84,700 paid from Public Art General Funds

Sources

Park Record Oct 16, 2015 "Symphony of movement" public art comes to Quinn's Junction"

[www.JoshuaWeiner.com](http://www.JoshuaWeiner.com)

Park City Press Release "PARK CITY'S PUBLIC ART ENHANCED BY NEW INSTALLATIONS" Elizabeth Quinn Fregulia

Joshua Weiner Symphony of Movement proposal, May 7, 2015



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Following a mid-year review of the 2014 City Council Priorities, “Transportation” and “Housing” were escalated to “Critical Priorities”, which are issues that could have a significant negative impact on our community if not addressed expeditiously. As such, Council directed staff to revisit the General Plan and other transportation specific documents specifically the accelerated implementation of the 2011 Traffic and Transportation Master Plan and action elements from other related transportation plans/studies. Following the re-evaluating of existing guidance documents, Transportation Planning and Public Works/Transit identified the following “Focus Areas”:

- Transit Planning
- Transportation Demand Management
- Parking Management
- Congestion Management
- Corridor Planning

As noted above, “Corridor Planning” is identified as a primary focus area to address existing and future transportation related issues on Park City’s entry corridors, specifically SR 224 and SR 248. Over the years, various corridor plans/studies have been completed for both corridors with the most recent effort focusing on an update to the 2009 SR 248 Corridor Plan.

The intent of this update was to recalibrate traffic volume projections forecasted in 2009 based on the current existing condition and re-evaluate the alternatives, including the recommended preferred alternative which is described as four (4) lanes within the existing footprint with two lanes providing priority to transit/High Occupancy Vehicles (HOV), including transit. The recent update to the 2009 “SR 248 Corridor Plan” revalidated this alternative as the preferred alternative.

**Respectfully:**

Alfred Knotts, Transportation Planning Manager

## City Council Staff Report



**Subject:** State Route 248 Corridor and Safety Improvement Project Update  
**Author:** Alfred Knotts - Transportation Planning Manager  
**Department:** Community Development Department/Transportation Planning  
**Date:** June 20, 2016  
**Type of Item:** Informational

### **Summary Recommendation:**

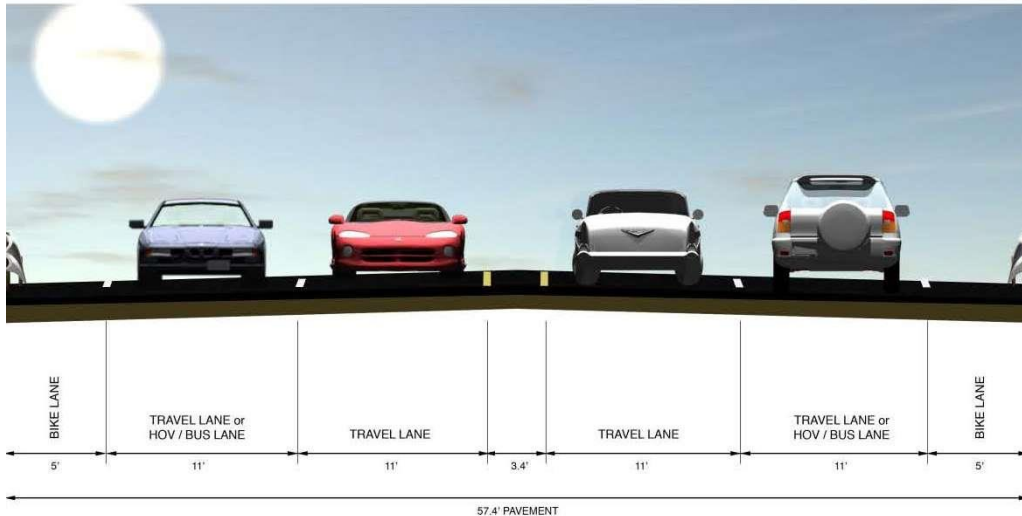
No action is requested, however; Council should receive an update on the SR 248 Corridor and Safety Improvement Project including preliminary scope, schedule, and budget.

**Executive Summary:** Following a mid-year review of the 2014 City Council Priorities, "Transportation" and "Housing" were escalated to "Critical Priorities", which are issues that could have a significant negative impact on our community if not addressed expeditiously. As such, Council directed staff to revisit the General Plan and other transportation specific documents specifically the accelerated implementation of the 2011 Traffic and Transportation Master Plan and action elements from other related transportation plans/studies. Following the re-evaluating of existing guidance documents, Transportation Planning and Public Works/Transit identified the following "Focus Areas":

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The intent of this update was to recalibrate traffic volume projections forecasted in 2009 based on the current existing condition and re-evaluate the alternatives, including the recommended preferred alternative which is described as four (4) lanes within the existing footprint with two lanes providing priority to transit/High Occupancy Vehicles (HOV), including transit. The recent update to the 2009 "SR 248 Corridor Plan" revalidated this alternative as the preferred alternative. A typical cross-section of this configuration is provided below:



A copy of the “SR-248 Corridor Plan” can be accessed via the link below:

<http://52.26.130.11/Home/ShowDocument?id=8433>

### Acronyms in this Report:

HOV – High Occupancy Vehicles

LRTP – Long Range Transportation Plan

SR – State Route

STIP- State Transportation Improvement Program

UDOT – Utah Department of Transportation

### The Problem:

Over the last several years, Park City and the surrounding area have experienced considerable growth in residential development, commercial development, commuter travel as well as destination and day visitor travel. As a result, Park City’s entry corridors and local streets can operate at capacity during peak times, which includes weekday peak travel times as well as peak ski weekends and events. In order to adequately address transportation issues and reduce dependency on the private automobile, improvements to our entry corridors are necessary to address existing and future deficiencies in our transportation system.

### Background:

In 2006, Council adopted the Entry Corridors Management Strategic Plan. This strategic plan set forth objectives for the management of transportation and traffic along the City’s entry corridor’s (SR-224, SR-248 and Bonanza Drive). One of the key objectives identified in the strategic document is, “to gain a thorough understanding of volumes and travel patterns that make up the current and future traffic conditions along the entry corridors.” Another key objective identified in the plan is, “ensure current capacity of entry corridors are utilized effectively before expanding roads or related infrastructure.”

In 2008 SR 248 Corridor Management Plan was initiated. This plan was completed in 2009 formally adopted by Council on February 12<sup>th</sup>, 2009. A copy of the adopting resolution can be viewed via the following link: <https://parkcity.municipalcodeonline.com/book?type=resolutions#name=04-09>

Upon completion and subsequent adoption of the 2009 plan, traffic volumes on the SR 248 Corridor began to level off and traffic growth and delays on the corridor were not approaching projections. The fact these conditions did not materialize can mostly be attributed to the downturn in the local, state, and national economy, therefore, the recommendations within the plan did not proceed into Project Development nor was the project programmed in the UDOT State Transportation Improvement Program (STIP).

Following the Council's elevation of transportation and congestion to a "Critical Priority" in 2014 staff allocated resources to develop an update to the 2009 plan to re-evaluate the 2015 existing conditions in the corridor and the 2009 projections. This effort included additional travel demand modeling including modeling of the alternatives evaluated in the 2009 report. As a result of the supplemental effort a preferred alternative was identified to advance into Project Development.

Due to the fact SR 248 is part of the State Highway system, planning, design, and construction of any improvements on SR 248 requires oversight and approval from the Utah Department of Transportation. As such, Transportation Planning staff submitted the 2009 report and 2015 update to the Region 2 Traffic Operations Engineer for review and concurrence on the findings and associated recommendation. Following UDOT's concurrence on the findings in the 2015 update, Transportation Planning staff submitted correspondence to UDOT Region 2 Director Bryan Adams related to an alternative project delivery method in which Park City would procure engineering and environmental/permitting services from the state approved contract using local funding to advance the project. Transportation Planning staff has since received concurrence to advance the project into Project Development utilizing this approach. Staff has already budgeted funding for this effort within the current FY 2015/2016 budget. Staff will provide additional detail to Council and the public on the relationship between local funding the STIP as well as the overall funding strategy for funding project construction

**Analysis:**

Currently improvements on SR 248 are not included in the five (5) year STIP meaning state and/or federal funding is not programmed for this project from 2016 through 2021. The project delivery approach outlined above allows Park City to proactively advance the project with local funding. Concurrent with project development activities, staff will work with Region 2 to identify and program construction funding in the nearest possible future. Staff is optimistic that the SR 248 Project will moving up on STIP given the proactive approach the City is taking with funding, procurement of professional services, and public engagement.

The initial construction cost estimate contained in the State Long Range Transportation Plan (LRTP) for the SR 248 Project is approximately \$9.8 million (in 2014 dollars) however, this did not contemplate some of the project elements outlined above. It is assumed that completion of the project will require the City and UDOT to fund and construct the project in two (2) or more phases.

**Next Steps:**

Over the next few weeks staff will continue to work with UDOT on the final Scope of Work which will be submitted for their review and approval. The initial scope of the project is as follows:

- Richardson Flat access/intersection improvements
- HOV/Transit Only lanes
- School access improvements
- Bonanza Drive/SR 248 intersection improvements
- Pedestrian x-ing improvements

Following approval from UDOT on the Scope of Work, a Request for Qualifications will be issued to UDOT's list of prequalified firms approved to perform engineering and environmental/permitting services. Staff will then convene a selection committee of internal and external members to review and evaluate the proposals. At the conclusion of the consultant evaluation process, staff will return to Council for consideration of awarding a professional services agreement to the successful firm.

In addition to the information contained in this staff report, staff will also be providing a detailed presentation to Council and the public as part of the June 30, 2016 Council meeting.

**Department Review:**

This report has been reviewed by the Legal Department, Transportation Planning, Community Development, and the City Manager.

**Funding Source:**

No funding needs are associated with this report; however, expenditures will be required in the near future to advance the SR 248 Project. This will be brought back before Council as part of a future action.



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

This is an informational update for City Council on the work of the Special Events Advisory Committee (SEAC). Staff will be returning in the fall for a joint session with City Council.

**Respectfully:**

Jennifer Diersen,

## City Council Staff Communications Report

**Subject:** Special Events Advisory Committee (SEAC) Update  
**Author:** Jenny Diersen, Special Events Coordinator  
**Department:** Special Events  
**Date:** Thursday, June 30, 2016  
**Type of Item:** Informational

### Summary Recommendation

This is an informational update for City Council on the work of the Special Events Advisory Committee (SEAC). Staff will be returning in the fall for a joint session with City Council.

### Executive Summary

The Special Event Department has been working on a number of projects to help efficiently manage events taking place in the Park City Community. Discussions have centered on balancing between positive economic outcomes and community impacts. Additionally, staff has looked into several tools to help mitigate event impacts and help decrease event fatigue in the Park City area.

October 9, 2014 [Special Events Study Session](#) – pages 3 to 15  
 October 9, 2014 Special Events Study Session [Minutes](#) – pages 1 through 2  
 June 4, 2015 [Special Events Advisory Committee Creation Staff Report](#) – pages 657 to 663  
 June 4, 2015 Special Events Advisory Committee Creation [Minutes](#) – page 9

Following a study session with City Council on October 9, 2014, the following goals were proposed by the City Council to help reduce event fatigue:

- Reduce event impacts on residential neighborhoods;
- Create a tool for evaluating and prioritizing events;
- Increase community participating in event debriefing; and
- Efficiently utilize City resources.

On June 4<sup>th</sup>, 2015 City Council approved the resolution stating the formation of the Special Event Advisory Committee (Exhibit A). SEAC's purpose is to provide advice and recommendations to City Council and staff on:

1. **Event Threshold** – Provide input and advice of suggested event threshold levels in regards to event types, venue guidelines, and total number of events.
2. **Event Resource Assistance** – Make recommendations on the level of City services to be provided to an event.
3. **Event Debrief** – Provide information on event performance once the event is complete.

SEAC has held five meetings over the last year. Our next meetings are scheduled on July 12<sup>th</sup> and October 11<sup>th</sup>.

### Acronyms

SEAC/Committee- Special Events Advisory Committee

### The Problem

The Special Events Department has worked to help SEAC understand their role to increase community involvement and find a balanced way to debrief and prioritize the busy event calendar, as well as make recommendations on level of City Services provided at events.

Council's direction on these recommendations will make an overall impact on the threshold of events in Park City. It is important to remember that each of SEAC's recommendations regarding these three objectives will directly affect each other with regards to:

- The overall event threshold in Park City;
- Individual events across the event calendar;
- The City's role in (facilitating) events;
- Correlating fee reductions to the levels of services the City may provide at events, as well as, on the City's budget; and
- Local businesses, nonprofits and the community.

With regard to SEAC's policies and procedures, since SEAC's formation, Park City staff requested that a County staff representative was asked to sit on the committee with non-voting rights to help with cross jurisdiction coordination of events. Staff also presented a Managers Report on July 9<sup>th</sup>, 2015 (Exhibit F) with a recommendation to add the School District as a community partner representative with voting rights. Adding just the School District as a voting member, would make SEAC have an even numbered committee, which may cause split decisions when voting on recommendations. Staff suggests adding both the School District and County representative to the committee as voting members as our events effect their properties and our coordination regarding events. In the near future staff plans to return to Council with a Consent Agenda item asking Council to approve the addition of these two representatives, unless Council directs otherwise.

## **Background**

The Special Events Advisory Committee (SEAC) has held five (5) meetings over the past year and has been working on numerous projects. A list of the SEAC committee members, which is comprised of four (4) appointed Community Members, and seven Community Partner Members, can be found on the City's website on the [SEAC webpage](#).

As staff has worked with SEAC regarding the objectives of the group, it has been important to:

- Articulate the significance of the balance between positive community and economic benefits with community impacts such as traffic, transportation, and noise;
- Educate and explain to the committee on the unique parameters or conditions of approval for each event.

SEAC has been working on many projects over the past year. These projects include:

### **Calendar Preview:**

At each SEAC meeting, the committee reviews the Special Events Calendar. The purpose of doing this is to preview events coming up within the next quarter, and educate and answer questions that the committee may have regarding the events. This preview of the event calendar has also allowed SEAC and staff to help coordinate events, and consider recommendations to Council on any conflicts specifically when multiple events fall on the same day. A preview of the summer calendar is attached as Exhibit B.

### **Event Debrief:**

At each SEAC meeting, the Committee reviews the past events. Staff helps to facilitate conversations by reviewing the parameters of the events and asking committee members to answer the following questions.

*Questions for Committee Regarding Specific Events:*

- *What do you think is working / What do you like and why?*

- *What do you think isn't working/ Where and how can the event improve/ What don't you like and why?*
- *What feedback have you heard either from community members or from organizations? How many people are giving you this feedback and how are the comments coming to you or being solicited?*

Staff has received feedback from many events such as 4<sup>th</sup> of July, Arts Festival, Tour of Utah, Park Silly Market, Thin Air Festival, Spring Gruv, Sundance and World Cup. As we head into a busy and dynamic summer event season, we are working to utilize these questions as well as the event prioritization sheet to continue making recommendations on overall threshold of events.

### **Fee Reduction & Park City's Role**

Fee reductions are an important tool that is used to help facilitate events, and very much establishes the city's "role" in balancing community and economic goals. Fee Reductions directly affect the City's budget, department staffing, which directly affect the threshold and balance of our event calendar.

Council established a target of an annual threshold for City Service Fee Reduction of \$200,000, at the [January 28<sup>th</sup> Special Event Municipal Code Approval](#). This level of Fee Reduction can directly influence the balance of amount, type, and size of the City's event calendar.

Event organizers that request fee reductions are graded on 5 criteria, as outlined in the Fee Reduction policy (Exhibit C). City Service Fee Reductions are reviewed on a biannual basis for all permitted events. SEAC reviews events that make requests for City Services over \$10,000. Staff and those departments which the Fee Reductions directly affect review and make recommendations on City Service Fee Reductions under \$10,000. The next Fee Reduction Application Deadline is October 1, 2016 for events that are scheduled January 1 through June 30<sup>th</sup>.

Combined approvals by the City Council and City Manager , totaled \$146,185 for the current Fee Reduction period (July 1 through December 31) for Fiscal Year 2017. Staff anticipates another 15 events will apply for Fee Reduction at the next Fee Reduction period, and estimates fee request to be \$40,000. This would bring total Fee Reduction Estimate to \$186,185 for Fiscal Year 2017.

Department coordination is essential with regards to Fee Reduction and its effect to the City Budget, It is also important that departments understand the costs and time of their services, so we can better estimate fees for event organizers, as well as the impacts to the overall City budgeting process. Staff will continue to track fees for all events (reduced and invoiced). Fees will be discussed regularly with departments, and reviewed at the October SEAC meeting, and presented to Council again at a regularly scheduled meeting in late October, early November.

### **Event Prioritization**

SEAC formed a Taskforce to help develop an Event Prioritization grading tool (Exhibit D). This tool may be used for events that fall on the same weekend, or may have similar purpose or type (such as concert series, running or trail events, events in the same/similar location). The purpose of this tool is to evaluate events comparatively to each other and help to establish quality events that positively affect our community and culture as well as bring positive economic benefit to the community. This is a tool that we have just began to use, and that we anticipate being heavily used through the busy summer event season, as we begin to debrief, especially as events compete for calendar dates.

### **Policies & Procedures**

SEAC has been working to establish Committee Policies and Procedures. A draft of these policies and procedures is attached as Exhibit E. Some of the key points of the SEAC Policies include:

- Only one absence per year is permitted.

- Members may participate electronically only once a year.
  - Cannot vote on items as pertains to Fee Reduction electronically.
- Members who may represent an event, will disclose such conflicts of interest.
  - The member would be able to speak on the matter during public comment, but would not be able to vote on a recommendation regarding the specific event.

### Department Review

The Special Events, Economic Development, Executive and Legal Departments have reviewed this report.

### Funding Source

No funding is needed for this project. Staff will continue to monitor and update City Council regarding Fee Reduction for Special Events.

### Alternatives for City Council to Consider

#### 1. Recommended Alternative:

This is an informational update for City Council on the work of the Special Events Advisory Committee (SEAC). Staff will be returning in the fall for a joint session with City Council.

#### Pros

- SEAC's role is to help balance positive community and economic benefits of events with the negative impacts that events bring.
- SEAC's recommendations will influence the event calendar allowing for more quality events.
- SEAC positively impacts City Council's goals of creating a world class, multi seasonal resort destination, creating an inclusive community of diverse economic and cultural offerings.
- SEAC also positively impacts the City's goal of increasing citizen involvement, as well as coordination with our community partners and other jurisdictions.

#### Cons

- SEAC will be making recommendations that will directly affect the event offerings in town. It is important to note that these recommendations may influence community partner's ability to host events, and cross jurisdiction coordination.
- There is a fine balance of enhancing the quality of events. SEAC's recommendations should be clear on how they will affect our community partners, stakeholders and the community as a whole.

#### 2. Alternative 2 – Request that staff bring this item back to Council in a work session in July or August 2016:

#### Pros

Council could change the current trajectory of SEAC (change from the current direction described in this report

#### Cons

Council has a fairly busy agenda this summer, with numerous topics and interviews for boards and commissions.

### Attachments

|           |                                              |
|-----------|----------------------------------------------|
| Exhibit A | Resolution Special Events Advisory Committee |
| Exhibit B | Summer 2016 Event Calendar                   |
| Exhibit C | Special Fee Reduction Policy                 |
| Exhibit D | Special Event Prioritization Sheet           |

Exhibit E DRAFT SEAC Policies and Procedures  
Exhibit F July 9, 2015 Managers Report – SEAC Addition

## **Resoultion 05-15**

### **RESOLUTION TO APPOINT A SPECIAL EVENT ADVISORY COMMITTEE TO ADVISE THECOUNCIL ON HOSTING EVENTS THAT WILL CREATE A DIVERSE AND WELL BALANCED OFFERING TO THE LOCAL COMMUNITY**

**WHEREAS,** Park City plays hosts to various special events;

**WHEREAS,** Council has a goal to maintain a balanced cultural event offering;

**WHEREAS,** Council has a goal to create a world class multi-seasonal resort economy;

**WHEREAS,** Clear communication and coordination between local non-profits, committees and organizations and the City Council is vital to the overall success and fabric of the Park City community.

**NOW THEREFORE,** be it resolved by the Park City Council as follows:

1. The City Council will appoint an advisory committee, to be referred to as the Special Event Advisory Committee (SEAC), to advise and make recommendations to City Council on special events being permitted within Park City.

2. The SEAC be made up of the following stakeholder groups:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Area Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Representatives from Vail Resort & Deer Valley Resort
- Mountain Trails Foundation

Each stakeholder group will be responsible for providing a representative to sit on the committee. Stakeholder groups should make every effort to have the same person represent the group, and avoid multiple people attending meetings throughout the year, in an effort to maintain consistency and efficiency with the committee.

3. The City Council shall appoint four (4) at large community members to serve on the committee. These community members must reside within City limits, and should not be an active member of the boards or commissions of any of the above mentioned stakeholder groups. The four at large members should represent a cross section of various neighborhood areas throughout Park City. Each at large member shall be appointed to a three year term, although for the initial term 2 members will be appointed for 2 years and 2 members will be appointed for 3 years in order to stagger the appointments. Members shall serve no more than two consecutive terms.

This Resolution shall become effective upon adoption, dated this 4th day of June, 2015.

PARK CITY MUNICIPAL CORPORATION

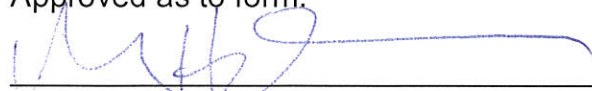
  
Mayor Jack Thomas

Attest:



Marci Heil, City Recorder

Approved as to form:



City Attorney's Office



# July 2016

| July 2016 |    |    |    |    |    |    | August 2016 |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|-------------|----|----|----|----|----|----|
| Su        | Mo | Tu | We | Th | Fr | Sa | Su          | Mo | Tu | We | Th | Fr | Sa |
| 3         | 4  | 5  | 6  | 7  | 1  | 2  | 7           | 1  | 2  | 3  | 4  | 5  | 6  |
| 10        | 11 | 12 | 13 | 14 | 8  | 9  | 14          | 8  | 9  | 10 | 11 | 12 | 13 |
| 17        | 18 | 19 | 20 | 21 | 15 | 16 | 21          | 15 | 16 | 17 | 18 | 19 | 20 |
| 24        | 25 | 26 | 27 | 28 | 22 | 23 | 28          | 22 | 23 | 24 | 25 | 26 | 27 |
| 31        |    |    |    |    | 29 | 30 |             | 29 | 30 | 31 |    |    |    |

|            | Sunday                                                                    | Monday                                                                                        | Tuesday                                                                                | Wednesday                                                                           | Thursday                                                                              | Friday                                                                                                        | Saturday                                                                                        |
|------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 6/26 - 7/1 | Jun 26                                                                    | 27                                                                                            | 28                                                                                     | 29                                                                                  | 30                                                                                    | Jul 1                                                                                                         | 2                                                                                               |
|            |                                                                           |                                                                                               |                                                                                        |                                                                                     |                                                                                       | Departmental Event Staffing Master List, 2015 Wasatch<br>7:00am 10:00pm<br>Firecracker Baseball<br>Tournament | 7:00am 10:00pm<br>Firecracker Baseball<br>1:00pm 6:00pm Miners<br>6:00pm 10:00pm Deer           |
| 7/3 - 8    | 3                                                                         | 4                                                                                             | 5                                                                                      | 6                                                                                   | 7                                                                                     | 8                                                                                                             | 9                                                                                               |
|            | 10:00am 5:00pm Park<br>Silly Sunday Market (                              | 6:00am 5:00pm Fourth<br>7:00am 10:00pm Firecr<br>8:00am 9:00pm Fourth<br>3:00pm 9:30pm Fourth |                                                                                        | Sundance Tech Night<br>8:00am 7:00pm Food<br>and Wine<br>5:00pm 10:00pm MTM         | 8:00am 7:00pm Food<br>and Wine                                                        | 8:00am 7:00pm Food<br>and Wine<br>6:00pm 10:00pm Deer<br>Valley Music Festival                                | RUN Events (Quinn's<br>8:00am 7:00pm Food a<br>1:00pm 6:00pm Miners<br>6:00pm 10:00pm Deer      |
| 7/10 - 15  | 10                                                                        | 11                                                                                            | 12                                                                                     | 13                                                                                  | 14                                                                                    | 15                                                                                                            | 16                                                                                              |
|            | 10:00am 5:00pm Park<br>Silly Sunday Market (                              | 7:00am 9:00pm Triple<br>Crown Softball<br>5:00pm 9:00pm<br>Beethoven Music Fe                 | 7:00am 9:00pm Triple<br>Crown Softball                                                 | 7:00am 9:00pm Triple<br>Crown Softball<br>5:00pm 10:00pm MTM<br>Wed Night Concert ( | 7:00am 9:00pm Triple<br>Crown Softball<br>5:00pm 10:00pm Big<br>Stars Bright Nights ( | 7:00am 9:00pm Triple<br>3:00pm 10:00pm Lobst<br>5:00pm 11:30pm Sund<br>6:00pm 10:00pm Deer                    | 7:00am 9:00pm Triple<br>Crown Softball<br>1:00pm 6:00pm Miners<br>6:00pm 10:00pm Deer           |
| 7/17 - 22  | 17                                                                        | 18                                                                                            | 19                                                                                     | 20                                                                                  | 21                                                                                    | 22                                                                                                            | 23                                                                                              |
|            | 10:00am 5:00pm Park<br>Silly Sunday Market (                              | 6:00am 9:00pm Triple<br>Crown Baseball<br>5:00pm 9:00pm<br>Beethoven Music Fe                 | Mid Week Mtn Bike R<br>6:00am 9:00pm Triple<br>Crown Baseball                          | 6:00am 9:00pm Triple<br>Crown Baseball<br>5:00pm 10:00pm MTM<br>Wed Night Concert ( | 6:00am 9:00pm Triple<br>Crown Baseball<br>5:00pm 10:00pm Big<br>Stars Bright Nights ( | Sundance Summer Scr<br>6:00am 9:00pm Triple C<br>6:00pm 10:00pm Deer<br>6:00pm 10:00pm Uncor                  | The Karate Kid (Willow<br>6:00am 9:00pm Triple C<br>1:00pm 6:00pm Miners<br>6:00pm 10:00pm Deer |
| 7/24 - 29  | 24                                                                        | 25                                                                                            | 26                                                                                     | 27                                                                                  | 28                                                                                    | 29                                                                                                            | 30                                                                                              |
|            | 10:00am 5:00pm Park<br>Silly Sunday Market (                              | Pioneer Day                                                                                   | 4:00pm 9:00pm Mid<br>Week Mtn Bike Race<br>Series (Round Valley<br>or Snow Park/Silver | 5:00pm 10:00pm MTM<br>Wed Night Concert<br>(DV)                                     | 5:00pm 10:00pm Big<br>Stars Bright Nights<br>(Deer Valley)                            | Gallery Stroll (Main Str<br>5:00pm 11:30pm Sund<br>6:00pm 10:00pm Deer                                        | Jupiter Peak Steeplech<br>Summer Skateboard J<br>1:00pm 6:00pm Miners<br>6:00pm 10:00pm Deer    |
| 7/31 - 8/5 | 31                                                                        | Aug 1                                                                                         | 2                                                                                      | 3                                                                                   | 4                                                                                     | 5                                                                                                             | 6                                                                                               |
|            | Departmental Event Staffi<br>10:00am 5:00pm Park<br>Silly Sunday Market ( |                                                                                               |                                                                                        |                                                                                     |                                                                                       |                                                                                                               |                                                                                                 |

# August 2016

| August 2016 |    |    |    |    |    |    | September 2016 |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|
| Su          | Mo | Tu | We | Th | Fr | Sa | Su             | Mo | Tu | We | Th | Fr | Sa |
| 7           | 1  | 2  | 3  | 4  | 5  | 6  | 4              | 5  | 6  | 7  | 1  | 2  | 3  |
| 14          | 8  | 9  | 10 | 11 | 12 | 13 | 11             | 12 | 13 | 14 | 15 | 16 | 17 |
| 21          | 15 | 16 | 17 | 18 | 19 | 20 | 18             | 19 | 20 | 21 | 22 | 23 | 24 |
| 28          | 22 | 23 | 24 | 25 | 26 | 27 | 25             | 26 | 27 | 28 | 29 | 30 |    |

|                | Sunday                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------|-----------|----------|--------|----------|
|                | Jul 31                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Aug 1  | 2       | 3         | 4        | 5      | 6        |
| Jul 31 - Aug 6 | Departmental Event Staffing Master List, 2015 Wasatch County Event List<br>Extreme Soccer (Quinns Sports Complex , School District Fields )<br>Arts Festival Gala (KAC)<br>Extreme Soccer<br>6:00pm 10:00pm Deer Valley Music Festival (Deer Valley Snow P<br>Summit Co Fair (Coalv<br>TOU<br>8:00am 6:00pm Volleyb                                                                                                                                                                                                                                                      |        |         |           |          |        |          |
|                | 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 8      | 9       | 10        | 11       | 12     | 13       |
| Aug 7 - 13     | Departmental Event Staffing Master List, 2015 Wasatch County Event List<br>Summit Co Fair (Coalv<br>TOU<br>5:00pm 10:00pm Big Stars Bright Nights (Deer Valley)<br>Summit Co Fair (Coalv<br>5:00pm 9:00pm Beethoven Music Fest (City park)<br>Summit Co Fair (Coalv<br>PCIFF<br>Summit Co Fair (Coalv<br>5:00pm 10:00pm MTM Wed Night Concert (DV)<br>PCIFF<br>Summit Co Fair (Coalv<br>Arts Fest?<br>PCIFF<br>Summit Co Fair (Coalv<br>5:00pm 11:30pm Sundance Summer S<br>Arts Fest?<br>Motts Concert (DV?)<br>PCIFF<br>RUN Events (Quinn's T<br>Summit Co Fair (Coalv |        |         |           |          |        |          |
|                | 14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 15     | 16      | 17        | 18       | 19     | 20       |
| Aug 14 - 20    | Departmental Event Staffing Master List, 2015 Wasatch County Event List<br>Arts Fest?<br>ASAE Party (Main Stre<br>5:00pm 9:00pm Beethoven Music Fest (City Park)<br>5:00pm 10:00pm MTM Wed Night Concert (DV)<br>Motts Concert (DV?)<br>5:00pm 11:30pm Sundance Summer Screenings (S End City park)<br>Inside Out (Trailside P<br>1:00pm 6:00pm Miners Park Concert Series ( 5:00pm 10:00pm Big Stars Bright Nights (                                                                                                                                                    |        |         |           |          |        |          |
|                | 21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 22     | 23      | 24        | 25       | 26     | 27       |
| Aug 21 - 27    | Departmental Event Staffing Master List, 2015 Wasatch County Event List<br>10:00am 5:00pm Park Silly Sunday Market (Lower Main Street)<br>1:00pm 6:00pm Miners Park Music Fest (Min<br>First Day of School PC<br>5:00pm 10:00pm MTM Wed Night Concert (DV)<br>5:00pm 10:00pm Big Stars Bright Nights (Deer Valley)<br>Gallery Stroll (Main Str<br>5:00pm 11:30pm Sundance Summer S<br>5:00pm 10:00pm Back Alley Bash<br>Classic Car Show Lowe<br>Mid Mountain Marath<br>5:00am 5:00pm NAC - 3:00pm 9:00pm YBDIO<br>5:00pm 10:00pm Big St                                 |        |         |           |          |        |          |
|                | 28                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 29     | 30      | 31        | Sep 1    | 2      | 3        |
| Aug 28 - Sep 3 | Departmental Event Staffing Master List, 2015 Wasatch County Event List<br>10:00am 5:00pm Park Silly Sunday Market (Lower Main Street)<br>12:00pm 6:30pm Sundance Screen Breakdown (S City park)<br>5:00pm 10:00pm MTM Wed Night Concert (DV)                                                                                                                                                                                                                                                                                                                            |        |         |           |          |        |          |

# September 2016

| September 2016 |    |    |    |    |    |    | October 2016 |    |    |    |    |    |    |
|----------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
| Su             | Mo | Tu | We | Th | Fr | Sa | Su           | Mo | Tu | We | Th | Fr | Sa |
| 4              | 5  | 6  | 7  | 1  | 2  | 3  | 2            | 3  | 4  | 5  | 6  | 7  | 1  |
| 11             | 12 | 13 | 14 | 8  | 9  | 10 | 9            | 10 | 11 | 12 | 13 | 14 | 8  |
| 18             | 19 | 20 | 21 | 15 | 16 | 17 | 16           | 17 | 18 | 19 | 20 | 21 | 15 |
| 25             | 26 | 27 | 28 | 22 | 23 | 24 | 23           | 24 | 25 | 26 | 27 | 28 | 22 |
|                |    |    |    | 29 | 30 |    | 30           | 31 |    |    |    |    | 29 |

|                | Sunday                                                                                                     | Monday                                                                                          | Tuesday | Wednesday | Thursday                                                                | Friday                                                                                                                 | Saturday                                                                                                   |
|----------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------|-----------|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
|                | Aug 28                                                                                                     | 29                                                                                              | 30      | 31        | Sep 1                                                                   | 2                                                                                                                      | 3                                                                                                          |
| Aug 28 - Sep 3 |                                                                                                            |                                                                                                 |         |           | Departmental Event Staffing Master List, 2015 Wasatch County Event List |                                                                                                                        |                                                                                                            |
|                |                                                                                                            |                                                                                                 |         |           |                                                                         |                                                                                                                        | 7:00am 8:30pm Point 2 Point (Mid Mtn. )<br>5:00pm 10:00pm Big Stars Bright Nights (Deer Valley)            |
|                | 4                                                                                                          | 5                                                                                               | 6       | 7         | 8                                                                       | 9                                                                                                                      | 10                                                                                                         |
| Sep 4 - 10     | Departmental Event Staffing Master List, 2015 Wasatch County Event List                                    |                                                                                                 |         |           |                                                                         |                                                                                                                        |                                                                                                            |
|                | 10:00am 5:00pm Park Silly Sunday Market (Lower Main Street)                                                | 6:00am 4:00pm Miners Day (Main Street & City Park)<br>2:00pm 8:00pm Miners Day Bowl Jam (City P |         |           |                                                                         |                                                                                                                        | Dirt Jump Jam (Dirt P<br>1:00pm 6:00pm Hike for Hunger (Deer Valley)                                       |
|                | 11                                                                                                         | 12                                                                                              | 13      | 14        | 15                                                                      | 16                                                                                                                     | 17                                                                                                         |
| Sep 11 - 17    | Departmental Event Staffing Master List, 2015 Wasatch County Event List                                    |                                                                                                 |         |           |                                                                         |                                                                                                                        |                                                                                                            |
|                | 8:00am 2:00pm Walk A Mile in Her Shoes (City Park Main Stree<br>10:00am 5:00pm Park Silly Sunday Market (  |                                                                                                 |         |           |                                                                         | 7:00am 12:00pm Autumn Aloft (N40 Field and School District Fields)                                                     | RUN Events (Quinn's<br>The Perfect Game (Fiel<br>7:00am 12:00pm Autumn Aloft (N40 F<br>7:00pm 9:00pm Autum |
|                | 18                                                                                                         | 19                                                                                              | 20      | 21        | 22                                                                      | 23                                                                                                                     | 24                                                                                                         |
| Sep 18 - 24    | Departmental Event Staffing Master List, 2015 Wasatch County Event List                                    |                                                                                                 |         |           |                                                                         |                                                                                                                        |                                                                                                            |
|                | 7:00am 12:00pm Autumn Aloft (N40 F<br>8:00am 12:30pm Tour<br>8:00am 3:30pm Harley<br>10:00am 5:00pm Park S |                                                                                                 |         |           |                                                                         |                                                                                                                        | North Face Endurance (10:00am 4:00pm Scarecrow Festival (McPolin Barn)                                     |
|                | 25                                                                                                         | 26                                                                                              | 27      | 28        | 29                                                                      | 30                                                                                                                     | Oct 1                                                                                                      |
| Sep 25 - Oct 1 | Departmental Event Staffing Master List, 2015 Wasatch County Event List                                    |                                                                                                 |         |           |                                                                         |                                                                                                                        |                                                                                                            |
|                | North Face Endurance (                                                                                     |                                                                                                 |         |           |                                                                         | To Dec 31<br>Gallery Stroll (Main Str<br>1:00pm 7:00pm Park City Cross Country Invitational (Quinns Junction & Round V |                                                                                                            |

# October 2016

| October 2016 |    |    |    |    |    |    | November 2016 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| Su           | Mo | Tu | We | Th | Fr | Sa | Su            | Mo | Tu | We | Th | Fr | Sa |
|              |    |    |    |    |    | 1  |               |    | 1  | 2  | 3  | 4  | 5  |
| 2            | 3  | 4  | 5  | 6  | 7  | 8  | 6             | 7  | 8  | 9  | 10 | 11 | 12 |
| 9            | 10 | 11 | 12 | 13 | 14 | 15 | 13            | 14 | 15 | 16 | 17 | 18 | 19 |
| 16           | 17 | 18 | 19 | 20 | 21 | 22 | 20            | 21 | 22 | 23 | 24 | 25 | 26 |
| 23           | 24 | 25 | 26 | 27 | 28 | 29 | 27            | 28 | 29 | 30 |    |    |    |
| 30           | 31 |    |    |    |    |    |               |    |    |    |    |    |    |

|              | Sunday                                                                  | Monday                                                | Tuesday | Wednesday | Thursday | Friday                   | Saturday                                                                                                               |
|--------------|-------------------------------------------------------------------------|-------------------------------------------------------|---------|-----------|----------|--------------------------|------------------------------------------------------------------------------------------------------------------------|
|              | Sep 25                                                                  | 26                                                    | 27      | 28        | 29       | 30                       | Oct 1                                                                                                                  |
| 9/25 - 30    |                                                                         |                                                       |         |           |          |                          | Departmental Event Staffing<br>8:00am 12:00pm Park<br>City Cross Country<br>Invitational (Quinns<br>Junction & Round V |
|              | 2                                                                       | 3                                                     | 4       | 5         | 6        | 7                        | 8                                                                                                                      |
|              | Departmental Event Staffing Master List, 2015 Wasatch County Event List |                                                       |         |           |          |                          |                                                                                                                        |
| 10/2 - 7     |                                                                         |                                                       |         |           |          |                          | 6:00am 6:00pm Red<br>Rock Relay                                                                                        |
|              | 9                                                                       | 10                                                    | 11      | 12        | 13       | 14                       | 15                                                                                                                     |
|              | Departmental Event Staffing Master List, 2015 Wasatch County Event List |                                                       |         |           |          |                          |                                                                                                                        |
| 10/9 - 14    |                                                                         |                                                       |         |           |          |                          |                                                                                                                        |
|              | 16                                                                      | 17                                                    | 18      | 19        | 20       | 21                       | 22                                                                                                                     |
|              | Departmental Event Staffing Master List, 2015 Wasatch County Event List |                                                       |         |           |          |                          |                                                                                                                        |
| 10/16 - 21   |                                                                         |                                                       |         |           |          |                          |                                                                                                                        |
|              | 23                                                                      | 24                                                    | 25      | 26        | 27       | 28                       | 29                                                                                                                     |
|              | Departmental Event Staffing Master List, 2015 Wasatch County Event List |                                                       |         |           |          |                          |                                                                                                                        |
| 10/23 - 28   |                                                                         |                                                       |         |           |          | Gallery Stroll (Main Str |                                                                                                                        |
|              | 30                                                                      | 31                                                    | Nov 1   | 2         | 3        | 4                        | 5                                                                                                                      |
| 10/30 - 11/4 | Departmental Event Staffing Master List, 2015 Wasatch                   |                                                       |         |           |          |                          |                                                                                                                        |
|              |                                                                         | 3:00pm 6:00pm<br>Howl-o-ween On<br>Main (Main Street) |         |           |          |                          |                                                                                                                        |



## **Special Event Fee Reduction Policy**

Park City Municipal Corporation is committed to facilitating Park City's community vibrancy and economic development by hosting special events, and to mitigating for the impact of these events. In this effort, the city will annually allocate up to two hundred thousand dollars (\$200,000) to be used towards reducing fees required to provide city services for special events. Fees eligible to be reduced include the following City Service Fees: Application, Building Permit, Facility or Equipment Rental, Public Safety Personnel, Field and Park Rental, Special Use of Public Parking Permit, and Trail Use. Fees may be reduced for qualifying first-time and recurring events. In order to be eligible for a Special Event Fee Reduction, applications must be filled out in their entirety.

### **A. Special Event Fee Reduction Evaluation Criteria**

The City will consider the following when reviewing a special event fee reduction request:

1. **Criterion 1:** Charges event admission or fees for participation, and policy for attendees or participants unable to pay such fees;
2. **Criterion 2:** Provides free programs, or raises funds for organizations or free programs, benefitting local youth, seniors or underserved constituents;
3. **Criterion 3:** Provides positive tax benefits, raises funds or provides revenue opportunities to the city to offset City services and costs required by the event;
4. **Criterion 4:** Provides event opportunities during resort off seasons, defined as September 21-November 15, and April 1-May 15, excluding holidays;
5. **Criterion 5:** Demonstrates that the imposition of fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

The City's Special Events Department and Special Events Advisory Committee (SEAC) will review applications and submit recommendations to a panel consisting of the Economic Development Manager and Budget Manager(s) and the City Manager. The City Manager may approve fee reductions up to twenty five thousand dollars (\$25,000). If the total fee reduction request exceeds twenty five thousand dollars (\$25,000), or includes city service fees other than those indicated above, the request must be approved by City Council in a Public Meeting or through an approved City Services

Contract. Appeals may be brought to the Special Events Department with final authority by the City Manager or his or her designee and City Council.

#### **B. Special Event Fee Reduction Appropriations**

The City currently reduces fees for Special Events through collaboration with multiple city departments. Of the fees required for city events, no more than two hundred thousand dollars (\$200,000) per annum will be waived; allocation of fee reductions will be determined at the sole discretion of the Economic Development and Budget Manager(s), City Manager or City Council. Unmet thresholds at the end of a year will not be carried forward to future years.

#### **C. Special Event Fee Reduction Categories**

Applications for Special Events Fee Reductions will be placed in five potential categories for tracking and evaluation processes. Categorization is determined by the event meeting at least one criterion listed for each category:

1. Local/Community Cultural Event:  
Events of or relating to artistic or social pursuits, hosted by organizations from Summit and Wasatch counties, and including vendors and/or participants and marketed to audiences within the state of Utah;
2. Local/Community Recreational Event: Events of or relating to sporting or competitive pursuits, hosted by organizations from Summit and Wasatch counties, and including vendors and/or participants and marketed to audiences from within the state of Utah;
3. Regional Cultural Event:  
Events of or relating to artistic or social pursuits, hosted by organizers from Utah counties including Summit and Wasatch counties, or from states including but not limited to Colorado, New Mexico, Arizona, Nevada, Idaho, Wyoming, or Montana, and including national vendors and/or participants and marketed to national audiences;
4. Regional Recreational Event: Events of or relating sporting or competitive pursuits, hosted by organizers and including vendors and/or participants from Utah counties including Summit and Wasatch counties, or from states including but not limited to Colorado, New Mexico, Arizona, Nevada, Idaho, Wyoming, or Montana, and including national vendors and/or participants and marketed to national audiences;
5. National and/or International Event:  
Events of or relating to artistic or social, sporting or competitive, or other pursuits determined to be valuable by the City, hosted by international or national organizations from states excluding those defined as 'regional', listed above, and including vendors and/or participants and marketed to national or international audiences.

#### **D. Application Process**

Application forms will be available for download from the City's [www.parkcity.org](http://www.parkcity.org) website, available via email from the Special Events Coordinators, or within the Special Events Office of City Hall. In order to apply for a Fee Reduction,

applicants must request an estimate of City Service event fees from the Special Events Department; estimates will be made available by the Special Events Department no later than one week (7 days) prior to the Application deadline. Estimates are not binding on the City; event organizers should anticipate fluctuations in final costs based on estimated fees.

#### **E. Deadlines**

All applications for Special Events Fee Reductions must be received no later than the following dates each year to be eligible for bi-annual consideration;

- **October 1<sup>st</sup>** for events occurring January 1<sup>st</sup> through June 30<sup>th</sup>, and
- **April 1<sup>st</sup>** for events occurring July 1<sup>st</sup> through December 31<sup>st</sup>.

Applications received outside the scheduled application process may be considered when the applicant demonstrates an immediate need for funding and provides justification for why the application was not filled within the specified deadline, unless otherwise directed by the Council.

Extraordinary requests received must meet all of the following criteria to be considered:

1. The request must align with the Special Event Fee Reduction Evaluation Criteria;
2. The applicant must show that the requested fee waivers represent an immediate fiscal need that could not have been anticipated before the deadline; and
3. The applicant must demonstrate significant consequences of not being able to wait for the next semiannual review.
  - i. Significant consequences could include inability to hold event due to event date or immediate fiscal need, but not wish or preference.

#### **F. Award Policy**

The reduction of Special Events fees shall be administered pursuant to applications and evaluation criteria established by the Special Events Department and Special Events Advisory Committee, and approved by the Economic Development and Budget Managers, City Manager or City Council upon the determination that such action is consistent with the overall goals of the City.

Fee Reduction amounts will be noticed to the applicants by May for those events occurring July 1 through December 31<sup>st</sup>, and November for those events occurring January 1 through June 30<sup>th</sup>.

Nothing in this policy shall create a binding contract or obligation of the City. Individual event permits and their associated fees may vary from permit to permit at the discretion of City. Any reduction of Special Event fees is valid only for the permit specified therein and shall not constitute a promise of future reward. The City reserves the right to reject any and all applications, and to waive any

technical deficiency at its sole discretion. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

Exhibit D – Special Events Prioritization Sheet

| Special Events Grading Criteria                                                                                            |             | EVENT 1 | EVENT 2 | EVENT 3 | EVENT 4 | EVENT 5 | EVENT 6 | EVENT 7 | EVENT 8 | EVENT 9 |
|----------------------------------------------------------------------------------------------------------------------------|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Economic Effects:                                                                                                          |             |         |         |         |         |         |         |         |         |         |
| Reinforce the support of business community and visitor appeal (1 means little enhancement)                                |             |         |         |         |         |         |         |         |         |         |
| Lodging                                                                                                                    | 1 out of 10 |         |         |         |         |         |         |         |         |         |
| Restaurant Sales                                                                                                           | 1 out of 10 |         |         |         |         |         |         |         |         |         |
| Retail Sales                                                                                                               | 1 out of 10 |         |         |         |         |         |         |         |         |         |
| Enhancement to visitor experience                                                                                          | 1 out of 10 |         |         |         |         |         |         |         |         |         |
| Higher score means event has greater economic effect                                                                       | 40          |         |         |         |         |         |         |         |         |         |
| Community Effects                                                                                                          |             |         |         |         |         |         |         |         |         |         |
| Reinforce the sense of community and/or community spirit ( 1 -little enrichment                                            | 1 - 10      |         |         |         |         |         |         |         |         |         |
| Provides a memorable and unique experience while preserving and enriching Park City's heritage, diversity and environment. | 1 out of 10 |         |         |         |         |         |         |         |         |         |
| Attendance Accessibility                                                                                                   | 1 out of 10 |         |         |         |         |         |         |         |         |         |
| Community Outreach                                                                                                         | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Financial Benefit to non profits and community?                                                                            | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Higher score means that event has greater benefit to community                                                             | 30          |         |         |         |         |         |         |         |         |         |
| Impact Experience                                                                                                          |             |         |         |         |         |         |         |         |         |         |
| Effects (1 - major impact)                                                                                                 |             |         |         |         |         |         |         |         |         |         |
| Traffic                                                                                                                    | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Parking                                                                                                                    | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Noise                                                                                                                      | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Environmental                                                                                                              | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Schedule (1 - major impact)                                                                                                |             |         |         |         |         |         |         |         |         |         |
| Season of Occurrence                                                                                                       | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Diversity to Event Calendar                                                                                                | 1 out of 5  |         |         |         |         |         |         |         |         |         |
| Higher score means event is less impactful                                                                                 | 30          |         |         |         |         |         |         |         |         |         |
| Total higher score means event has higher economic and community value and less impacts                                    | TOTAL       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |



## **Special Events Advisory Committee (SEAC) Policies & Procedures**

### **Purpose of SEAC**

The City Council appointed an advisory committee, to be referred to as the Special Event Advisory Committee (SEAC), to advise and make recommendations to City Council on Special Events being permitted within Park City. SEAC's mission is to provide recommendations to City Council and staff on the following regarding Special Events:

- Event Threshold – Discuss, review and prioritize event threshold levels in regards to event types, venue guidelines, and total number of events, and prioritize events that fall on the same calendar day as well as event conflicts during the calendar year.
- Event Resource Assistance – Make recommendations on events that request over ten thousand dollars (\$10,000.00) of City Services to be reduced.
- Event Debrief – Provide information on event performance once the event is Complete.

Recommendations made by SEAC will be brought to either the City Manager or his/her designee or City Council for final approval. The City Council may refer particular matters regarding Special Events to the Committee for discussion, public input and recommendations.

The SPECIAL EVENTS ADVISORY COMMITTEE (SEAC) is created by Resolution 05-15..., attached as Exhibit A and incorporated herein. SEAC's role is purely advisory to City Council.

SEAC shall meet on a quarterly basis throughout the year on the second Tuesday of February, April, July and October. Meetings are held from noon to 2:00 p.m. at the Park City Library, Room 201. Special Meetings may be called.

### **SEAC Composition**

#### Voting Members

SEAC is comprised of twelve (12) voting members. Only voting members are allowed to make a motion and to vote on motions brought up by the Committee. Committee members are not to be compensated. Four (4) At Large Community Members are appointed by the Mayor with the advice and consent of the City Council and must reside within the municipal boundaries of Park City.

#### **Voting Stakeholder Groups:**

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Area Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Representative from Vail Resort
- Representative from Deer Valley Resort
- Mountain Trails Foundation

- Park City School District

Each stakeholder group will be responsible for providing a representative to sit on the Committee. Stakeholder groups should make every effort to have the same person represent the group, and avoid different people attending meetings throughout the year, in an effort to maintain consistency and efficiency with the Committee.

### **At Large Community Members**

The City Council shall appoint four (4) At-Large Community Members to serve on the Committee. These Community Members must reside within City limits, and shall not be an active member of the boards or commissions of any of the above mentioned stakeholder groups. The four (4) at-Community Members should represent a cross section of various neighborhood areas throughout Park City. Each Community Member shall be appointed to a three-year term, although for the initial term two (2) members will be appointed for two (2) years and two (2) members will be appointed for three (3) years in order to stagger the appointments. Members shall serve no more than two (2) consecutive terms. Terms begin on July 1 and end on June 30. Community Members shall continue to serve until their successors are appointed.

### Non -Voting Members

There are three (3) nonvoting stakeholders on the Committee.

### **Park City Council Liaison**

- Communicate to the Committee event issues brought to Council's attention, or acted on by Council.
- Notify Council of event issues brought to the Committee by citizens.
- Align Committee priorities with Council goals.

### **Summit County Staff Liaison(s)**

- Provide coordination for event impacts and information between Park City and Summit County.
- Provide input and serve as a resource for the Committee; provide feedback to County Departments as necessary.

### **Park City Municipal Staff Member(s)**

- Handle administrative needs of the Committee including, drafting, posting and distributing agendas for each meeting and bring agenda and minutes to be approved to meetings with necessary attachments or supporting documents.
- Communicate with Committee Members regarding Committee Business, including policies, research, and event information.
- Serve as a resource for the Committee and provide input to the City related to, or at the request of the Committee.
- Prepare Staff Reports on recommendations to the City Manager or City Council.
- Coordinate Public Relations and Media or Communications Plans on behalf of the City and Special Events Advisory Committee.
- Coordinate communication with other City Departments on projects and assist in obtaining department approvals with regards to Events related activities.
- Provide input and serve as a resource to the Committee.
- Provide feedback to the City Council on the work of the Committee.

### **Community Involvement**

Meetings are open to the public subject to the State Open Public Meetings Act. Each quarterly meeting shall provide time within the agenda for public input. The Special Events Advisory Committee (SEAC) supports holding public informational meetings to assess the community's vision for and periodic review of Special Events.

### **Expectations of SEAC**

Meetings typically last two (2) to three (3) hours. Members are expected to be timely. Agendas and any necessary meeting materials or packets are distributed several days in advance and members are expected to read the information prior to the meeting in order to facilitate a shorter meeting. Due to the quarterly meeting schedule, all voting members are expected to be in attendance of each meeting, as meeting dates and times are published a year in advance. If members cannot attend, they should contact a member of the City Staff one week in advance, or as soon as they are aware they cannot attend the meeting.

Due to the quarterly meeting schedule, more than one absence in a year, excused or unexcused, may result in removal from the Committee.

Prior to initiating staff time or resources on a new program or policy, the Committee shall vote on a recommendation to proceed. The City Manager or the City Council shall provide final decision on whether to proceed or not.

The Committee may request background information from the Special Events staff, but such requests shall typically occur at meetings and information shall be requested by the Committee as a whole, and all members of the Committee shall receive a copy of the information.

Committee members shall use reasonable efforts to communicate independent research material and ex parte information received from the public with record to all other Committee members.

The Committee shall meet annually with the City Council as part of the Council's visioning workshop or through a combined meeting, or as otherwise directed by the Council, to receive updated City goals and direction from the City Council. If appropriate, The Committee may provide recommended revisions to this policy

Special Task Forces for the study of particular issues with regards to Special Events may be created by the Committee, Mayor and Council. Task Force members may include members of the Special Events Advisory Committee, but a quorum of the Special Events Advisory Committee cannot be held during such meetings. The taskforce will serve until they have completed the work for which they were appointed or until their successors are appointed.

### **Conducting Business**

The Committee shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a simple majority of the voting members.

Committee members are responsible for disclosing any conflicts of interests with regards to their association with particular Special Events.

Exhibit E – SEAC Policies & Procedures

Electronic participation may be allowed by a policy adopted by resolution by the Committee. This policy is attached as Exhibit C.

Closed meetings may only be held for purposes authorized by U.C.A. 54-4-5, as amended. A quorum for the transaction of business shall be a simple majority of the Committee Members. Minutes and recordings shall be kept at all meetings.

DRAFT

### **Exhibit B - Special Events History**

Long before Park City became a renowned mountain resort destination, it was primarily known as a mining town. In the late 1860s, prospectors discovered silver, gold and other valuable ore in the surrounding mountains. Shortly thereafter, miners flooded the area and set up a boom town – Park City. Mining activities continued until the 1970s. Today, Park City is home to two world-class resorts: Deer Valley Resort and Park City Mountain Resort.

Events are an important part of our community - from recreational and cultural events, sun to snow, and international to local.

The Special Events Department is part of the Sustainability and Economic Development Department within the City of Park City. We create a place to work, live and play that strengthens the character and vibrancy of our community. Our goal is to create a balanced and viable mountain resort community. The Special Events Department issues permits for events held within Park City and coordinates with community partners, neighborhoods and surrounding cities and counties to minimize any negative impacts of planned events.

In 2002, Utah hosted the Olympic Winter Games with great success. The unsung heroes of the Olympics were the thousands of volunteers who dedicated much of their Olympic involvement to ensuring a wonderful experience for others and creating memories that will last a lifetime. 175 city volunteers contributed more than 6,000 hours to the games, or the equivalent of 750 working days (and this figure doesn't even count the public safety volunteers).

Annually, each January, Park City hosts the internationally renowned Sundance Film Festival. This event brings film, music and art lovers from around the world to Park City for ten days. Since 1985, hundreds of films launched at the Sundance have gained critical recognition, received commercial distribution, and reached worldwide audiences eager for fresh perspectives and new voices. Year after year, Sundance pursues new ways to introduce more people to the most original and authentic storytelling.

The Miner's Day Celebration (Labor Day) has been running for 118 years. It is currently organized by the Park City Rotary group and benefits the more than 80 nonprofits in the County.

Each year the Special Events Department permits more than 70 events in Park City, for an average of 130 event days. Annual total attendance at Park City's events is growing rapidly at a rate of 5 to 8 percent per year, and in 2015 is estimated that 401,000 people were in attendance.

- 70% of the events in Park City are organized by non-profit organizations.
- 25% of the events in Park City use the beautiful and diverse trail systems.
- 43% of events in park City affect Historic Main Street.
- 33% of events use Park City School District property, facilities or fields.

Special Events are a coordinated effort by many entities. The Special Events Department works with event organizers to facilitate events and assist them with city regulations. In addition, the Staff works closely with various city, county and state departments as well as community partners to make the events possible and minimize impacts on residents and visitors in Park City.



## MANAGER'S REPORT – 7/9/2015

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**Submitted by:** Jason Glidden  
**Subject:** Special Event Advisory Committee

On March 19, 2015, City Council authorized staff to notice the formation of the Special Event Advisory Committee (SEAC). SEAC's mission is to provide recommendations and feedback to City Council and staff on:

- **Event Prioritization** - Scoring both existing and new events based on a series of weighted categories.
- **Event Resource Assistance** - Make recommendations on the level of City services to be provided to an event.
- **Event Debrief** - Provide information on event performance once the event is complete

The proposed makeup of SEAC was to include representatives from the following groups/entities:

- Historic Park City Alliance (HPCA)
- Park City Lodging Association
- Park City Restaurant Association
- Park City Chamber of Commerce & Visitors Bureau
- Representatives from Vail Resort & Deer Valley
- Four community at large members

As staff has begun the process of reaching out to the stakeholder groups, a request was made to include the Park City School District on SEAC. After careful consideration, staff felt that this was an important stakeholder group that was inadvertently overlooked and should be on the committee. The School District plays a major role in a large number of special events by hosting various recreational events as well as providing off-site parking. Staff plans to add the Park City School District as a stakeholder to SEAC unless directed differently from City Council.

**Respectfully:**

Jason Glidden, Economic Development Program Manager



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Staff is notifying City Council of the date the community will see new Stormwater utility fee on their utility bill.

**Respectfully:**

Christine Morgan, Storm Water Coordinator



## City Council Staff Communication Report

**Subject:** Stormwater Utility Fee  
**Author:** Chris Morgan, Stormwater Coordinator  
**Department:** Public Utilities  
**Date:** June 30, 2016  
**Type of Item:** Informational

### Purpose

Staff is notifying City Council of the date the community will see new Stormwater utility fee on their utility bill.

### Stormwater Utility Billing

The stormwater fee will accrue starting on July 1<sup>st</sup> 2016, but customers will see the Stormwater Utility Fee for the first time on their August 1, 2016 utility bill. This fee will be billed monthly and will be for the services provided in the previous month, consistent with the water base rate.

The department has an Equivalent Surface Unit (ESU) recalculation option if a customer disagrees with the ESU determination on his or her property. Customers may apply for a recalculation. The documents describing the process of the recalculation as well as the request form can be found in the Stormwater Division of Public Utilities on the Park City Municipal website.



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Procuring and implementing new permit software remains a priority of the Community Development team. It was initially anticipated that a Request for Proposals (RFP) would have been issued several months ago. For this reason staff is providing this update on progress and schedule to the City Council.

**Respectfully:**

Anne Laurent,

## City Council Staff Communication Report



**Subject:** New Permit Software Update  
**Author:** Anne Laurent, Community Development Director  
**Department:** Community Development  
**Date:** June 30, 2016  
**Type of Item:** Staff Communication

Procuring and implementing new permit software remains a priority of the Community Development team. It was initially anticipated that a Request for Proposals (RFP) would have been issued several months ago. For this reason staff is providing this update on progress and schedule to the City Council.

Over the last several months staff has worked on securing additional funding for FY2017 starting July 1st through the budget development process and \$200,000 was included in the capital funding and will be added to the \$25,000 previously allocated for a total project budget of \$225,000. The ability for the customer to submit permit applications and plans electronically without having to travel to City Hall is a primary priority. However, this increased project budget will allow for a software package with capabilities that will generate internal efficiencies and coordination improvements processing permits through electronic and parallel plan reviews and remote/real time inspection reporting capabilities through a mobile inspection app utilizing a tablet.

Additionally, the building department has been reviewing and updating their applications, checklists, and work flows in preparation of implementation. It is important to note that permit processes are not standardized and reflect the local community codes and established processes. Staff has been discussing areas of our process that are not as effective as they could be and suggesting changes and improved educational/resource materials for applicants. It is anticipated these process changes would be implemented with the new software as well as rolling out new resource guide material on the City's website. Some of the customer feedback received during recent workshops and focus groups has and will aid in process changes and software implementation decision making.

Building staff has limited resource availability during the summer construction and Sundance Film Festival time periods. The progress of the software implementation will highly depend on staff's ability to provide final content information to the selected vendor, then review and test the product. The fall/early winter, and early springtime are the best opportunities to provide adequate staff participation in the software set up and implementation. It is the goal of the Community Development team to roll out the new software in the late spring 2017. The software roll out may be executed in phases as staff tests and ensures everything is working before the current permit system is no longer utilized.

The following types of permits are anticipated to be included in, tracked, and managed through the new permit software:

Building Permits

- Building and Fire Permits (30 workflows)
- Assembly Occupancy Operational Permit
- Master Festival and Special Event Permit (3 workflows)

Engineering Permits

- Work in Public Right-of-Way
- Closure or Partial Closure of Streets
- Encroachment into Public Right-of-Way

Water System Hot Tap

Temporary Parking Permit

Code Enforcement Cases

- Request for Determination
- No application – code violation tracking

Business Licenses

- Inspection Request
- Business License

Planning and Zoning Cases

- Annexation Petition
- Appeal of Planning Determination
- Conditional Use Permit (Administrative)
- Conditional Use Permit
- Conditional Use Permit (Steep Slope)
- Determination of Historic Significance
- General Plan Amendment
- Historic District Design Review (Pre-Application)
- Historic District Design Review
- Historic District Grant
- Land Management Code Amendment
- Lot Line Adjustment (Administrative)
- Master Planned Development (Pre-Application)
- Master Planned Development
- Master Sign Plan
- Modification of Approval
- Plat Amendment/Subdivision/Record of Survey
- Sign
- Transfer of Development Rights
- Variance
- Zone Change

Property Management

- No application – oversight and compliance tracking

Through internal cross-department discussions about the new software, the unexpected potential arose to include tracking and managing other permit types issued by the City through the new software. Specifically, special event permits, parking permits, and property management (land and housing) were identified as involving many of the same departments reviewing and approving the permits. It is the intent of staff to maximize the capability of the selected software product and allocated budget to improve the efficiency of customers submitting for a permit, and staff reviewing, tracking, and processing all sets of a permit through closure.

Next steps in the project include issuing the RFP, reviewing proposals, and selecting a preferred vendor for City Council consideration by the end of August. The fall/early winter months will be used to provide all the necessary information to the vendor to set up the software, and the springtime 2017 will be used to test the product. This conceptual schedule may change based upon the selected vendor and their availability and suggested timeframes. A proposal evaluation committee and implementation working team will include approximately a dozen staff representatives from all affected departments, as well as owner and contractor user representatives.



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Based on discussion at the City Council retreat earlier this year in March and subsequent Councilor comments during public meetings, staff has discussed options for integrating the General Plan content into staff reports as relevant and in a meaningful way. It is important to reiterate that the purpose of the General Plan is to serve as a high level guiding policy document for land use and new development and redevelopment and does not supplant adopted regulatory code.

**Respectfully:**

Anne Laurent,

## City Council Staff Communication Report



**Subject:** General Plan Integration into Staff Reports  
**Author:** Anne Laurent, Community Development Director  
**Department:** Community Development  
**Date:** June 30, 2016  
**Type of Item:** Staff Communication

Based on discussion at the City Council retreat earlier this year in March and subsequent Councilor comments during public meetings, staff has discussed options for integrating the General Plan content into staff reports as relevant and in a meaningful way. It is important to reiterate that the purpose of the General Plan is to serve as a high level guiding policy document for land use and new development and redevelopment and does not supplant adopted regulatory code.

The Planning Department serves as the main coordination hub between the General Plan and the Land Management Code through processing land use applications for both private and City land use and development projects. Past practice was to address General Plan and Land Management Code issues at the time of applications. More recently over the last six months, planning staff has proactively coordinated with other departments on project development and staff reports such as the Recreation Master Plan and new Public Utility Building prior to the submittal of a formal land use application. Additionally, planning staff continues to keep an eye out for agenda items that have relevant General Plan application during agenda review at weekly management team meetings.

It is still possible that development projects are brought at early phases of design to seek City Council input that are not far enough along to determine compatibility with all areas of the General Plan. For this reason, both the Community Development and Sustainability teams support adding a General Plan section to the Staff Report template as a reminder to the author to check in with planning staff, and the heading can be deleted or labeled 'N/A' if determined not to be applicable to the topic. Staff expects that it may take a few rounds of trying out different modifications to the Staff Report template to get something that works just right.

If there are specific questions on an agenda item regarding the General Plan, staff will do their best to answer the question at the meeting or follow up with the City Council in a subsequent communication.

Staff anticipates continued discussions on how to update the Land Management Code to better support the General Plan policy goals and objective and frustration when the Land Management Code does not support something that is viewed as consistent with the General Plan. Although there are several major cases currently being considered by the

Planning Commission and consuming the agendas, staff and the Planning Commission remain committed to holding Land Management Code discussion, drafting and proposing revisions for consideration of action.



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Staff is providing Council with a summary of the 2015 Rain Harvest Program, and a preview of our 2016 Rain Harvest Program.

The Rainharvest program last year was a huge success. Over the summer Utah Rivers Council partnered with 6 municipalities, including Park City, to offer discounted rain barrels across northern Utah. This means every time it rains enough to fill a 50 gallon barrel we save 115,000 gallons of water, resulting in millions of gallons saved over time.

**Respectfully:**

Brenda Wilde, Water Billing Coordinator



## City Council Staff Communication Report

**Subject:** Rain Harvest Program  
**Author:** Brenda Wilde, Water Billing Coordinator  
**Department:** Public Utilities  
**Date:** June 30, 2016  
**Type of Item:** Informational

### Purpose

Staff is providing Council with a summary of the 2015 Rain Harvest Program, and a preview of our 2016 Rain Harvest Program.

The Rainharvest program last year was a huge success. Over the summer Utah Rivers Council partnered with six municipalities, including Park City, to offer discounted rain barrels across northern Utah. This means every time it rains enough to fill a 50 gallon barrel we save 115,000 gallons of water, resulting in millions of gallons saved over time.

### Rain Harvest Program 2015

The Utah Rivers Council partnered with Park City (PC) and Summit County (SC) to offer a limited quantity of subsidized rain barrels in 2015. We sold 145 barrels at the \$40 subsidized price to Park City residents, another 145 barrels at the \$40 price to Summit County residents and about 50 more sold for the non-subsidized \$75 price the day of the event and the week after.

### Rain Harvest Program 2016

This year we are offering subsidized barrels for \$50 each and quantities are limited to 200 barrels for PC residents and 200 barrels for SC residents. Park City will subsidize amounts to \$25.00 per barrel for PC residents and Summit County will subsidize amounts to \$25.00 per barrel for SC residents. There is no limit on the \$75 barrels after those are gone. The reason for raising the price to \$50 is to be able to provide the subsidy to more residents. Staff will tap the Landscape Water Audit Capital Improvement Project to fund the subsidy for up to \$5,000.

### Path Forward

- End of June – Market the program with Social Media, KPCW & Park Record
- Aug 6th – Distribute Rain Barrels, Jeremy Ranch Elementary School.



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

**Main Street Streetscape -2016 Season**

- Miners Plaza - Renovation of Miners Plaza has been delayed.

For further information contact Craig Sanchez [csanchez@parkcity.org](mailto:csanchez@parkcity.org) 435-615-5206

**Water Projects - Prospector**

Water line upgrades as part of a joint project with Snyderville Basin Water Reclamation District.

- Prospector Drive
  - Sewer Main Line Replacement
  - Installation of 2 storm drain line
- Double Jack Court
  - New clean out sewer manhole
  - Water line replacement
- Single Jack Court
  - New clean out sewer manhole
- Nail Driver Court
  - New clean out sewer manhole
  - Water line replacement
- Keystone Court
  - New clean out sewer manhole
  - Water line replacement
- Bonanza Court
  - Water line replacement
- Prospector Ave
  - Replacing approximately 22 valves - will have localized water outages

The water improvements consist of replacement of the existing 2" water main for the cul-de-sacs to a 6" PVC line with a flush hydrant, and new 1.5" service lines to the existing meters. Any water outages will be coordinated with the home owners.

For further information please contact Craig Sanchez at [csanchez@parkcity.org](mailto:csanchez@parkcity.org) 435-615-5206

**Park Avenue Pathway**

- June 10- Project is substantially complete (asphalt finalized)
- June 13-17 punchlist walk through, landscaping on west side

- June 20-24 pour concrete sidewalk/pad and place benches, trash cans, bike racks....finish landscaping, punchlist (redo ADA approaches on east side per punchlist)
- June 27 - July 22 Century Link (Fugal) will be conducting work in the Utah Department of Transportation Right of Way. The work will take place from the corner of Park Ave (224) and Deer Valley Drive north to Chase Bank. The east lane will be closed to traffic in this area.

For further information contact Heinrich Deters [hdeters@parkcity.org](mailto:hdeters@parkcity.org) 435-615-5205

#### **Lowell Ave project**

- There have been some contract issues with the utility sub-contractor on the Lowell Avenue Project and the sub-contract was terminated. Granite (the general contractor) has been working diligently to replace the contractor but this process is taking time. Based on this change and the need for the utility work to be the first item of work, the project is currently on hold until a new utility sub-contractor is on board. In the meantime, Granite will work on the dust control and keeping the road maintained.

For further information please contact Kim Clark [Kim.clark@parkcity.org](mailto:Kim.clark@parkcity.org)

#### **McPolin Barn -**

- McPolin Barn award of the contract will be on the June 30, 2016 Council Agenda.
- Likely mobilize the first or second week of July.

#### **Street Projects -**

##### Pavement Overlays, Rotomilling and Utility Adjustments

The following streets have been identified within the pavement management program to receive rotomilling and asphalt paving.

Utility Adjustments- Utility adjustments are required after an overlay to raise manholes, water valves, gas valves, and monument markers to the same grade as the new pavement surface. Most require lowering prior to an overlay due to the rotomilling process and require adjusted after overlay application:

Asphalt overlay- Asphalt pavement overlay refers to any paved road surfaced with asphalt. Hot Mix Asphalt (HMA) is a combination of approximately 95% stone, sand, or gravel bound together by asphalt cement, a product of crude oil. Asphalt cement is heated aggregate, combined, and mixed with the aggregate at an HMA facility. The asphalt is placed, and then compacted.

Rotomilling- is a controlled technique that removes asphalt from the existing pavement to a desired depth. (Typically 1-4 inches)

| Pavement Overlays, Rotomilling and Utility Adjustment Schedule |                               |                 |           |              |                    |
|----------------------------------------------------------------|-------------------------------|-----------------|-----------|--------------|--------------------|
| Street Name                                                    | Section                       | Lower Utilities | Roto-mill | Asphalt Pave | Readjust Utilities |
| Aspen Springs Drive                                            | Meadows Drive to Canyon Court | 7/1             | 7/5       | 7/6          | Week of 7/11       |
| Three Kings Drive                                              | Silver King to Kings Court    | 7/1             | 7/5       | 7/7 & 7/8    | Week of 7/11       |

|                   |                                      |     |     |           |              |
|-------------------|--------------------------------------|-----|-----|-----------|--------------|
| Ontario Ave       | State Route 224 to State Route 224   | 7/5 | 7/6 | 7/9       | Week of 7/11 |
| Sunny Side Drive  | Deer Valley to Mellow Mountain Dr.   | 7/5 | 7/6 | 7/9       | Week of 7/18 |
| Deer Valley North | Deer Valley So. To Solamere Drive    | 7/6 | 7/7 | 7/11      | Week of 7/18 |
| Solamere Drive    | Deer Valley North to Sun Ridge Drive | 7/6 | 7/8 | 7/12&7/13 | Week of 7/18 |
| Guardsman Conn    | SR224 to Royal Street                | N/A | 7/9 | 7/14      | N/A          |

### Slurry Seal

The following streets have been identified within the pavement management program to receive slurry seal pavement treatment.

Slurry seal is used as a pavement preservation treatment to extend the life of the street. The slurry seal which is made from emulsified asphalt (a mixture made from oil and fine sand aggregate). During application residents will receive a 7 day notice followed by a 24 HR notice. Street side parking will be restricted and access will be limited.

| <b>TYPE II Slurry Seal Schedule</b> |                                              |                       |
|-------------------------------------|----------------------------------------------|-----------------------|
| <b>Street Name</b>                  | <b>Section</b>                               | <b>Scheduled work</b> |
| Lucky John Drive                    | Monitor Drive to Meadows Drive               | 6/27 & 6/28           |
| Evening Star Drive                  | Little Kate to Lucky John Drive              | 6/27 & 6/28           |
| Meadows Drive                       | Lakeview Court to Normans Way                | 6/27 & 6/28           |
| Holiday Ranch Loop Road             | SR 224 to Lucky John Drive                   | 6/27 & 6/28           |
| River Burch Court                   | Little Kate to End of Cul-de-sac             | 6/27 & 6/28           |
| Hackney Court                       | Holiday Ranch Loop Road to End of Cul-de-sac | 6/27 & 6/28           |
| Sidewinder Drive                    | SR 248 to Comstock Drive                     | 6/30                  |
| Comstock Drive                      | SR248 to Sidewinder Drive                    | 6/30                  |
| Sun Ridge Drive                     | Solamere Drive to End of Cul-de-sac          | 6/29 & 6/30           |
| Thistle Drive                       | Sun Ridge to Telemark Drive                  | 6/29/& 6/30           |
| Golden Eagle Loop                   | Royal Street to Royal Street                 | 6/29 & 6/30           |
| Golden Eagle Court                  | Golden Eagle Loop to End CDS                 | 6/29                  |
| Silver Lake Drive                   | Royal Street to Perseverance Court           | 6/29                  |

### Sealcoat Trails

The following Bike Paths have been identified within the pavement management program to receive High Density Mineral Bond as part of the overall pavement management strategy:

High Density Mineral Bond is similar to a slurry seal. It requires an asphalt emulsion like a slurry seal but in higher quantities. It also utilizes smaller aggregate, a slate and refined corundum, instead of the sand used in a slurry seal. This difference in aggregates size helps the mixture to be smoother to the touch and helps the application to stick to the roadway instead of ravel. This application of high density mineral bond will be more resident and friendly for trail users than a slurry seal application.

| <b>Sealcoat Trails Schedule</b> |                                          |                  |
|---------------------------------|------------------------------------------|------------------|
| <b>Trail Name</b>               | <b>Section</b>                           | <b>Schedule</b>  |
| Sunny Slopes Trail              | Meadows Drive to Round Valley Trail Head | July 18 and 19th |

|                                                                   |                                        |                  |
|-------------------------------------------------------------------|----------------------------------------|------------------|
| Meadows Drive Trail                                               | Sunny Slopes Drive to American Saddler | July 18 and 19th |
| Holiday Ranch Loop Road<br>Path Jupiter View Dr to<br>Little Kate |                                        | July 18 & 19th   |
| McLeod Creek Trail                                                | Meadows Drive to City Limit's (West)   | July 18 and 19th |
| SR224 Trail                                                       | Thaynes Canyon Dr. to Payday Drive     | July 18 and 19th |
| Deer Valley Drive Path                                            | Doe Pass to Stone Bridge               | July 18 and 19th |

#### Gutter Removal and Replacement

Large sections of gutter have been identified for removal and replacement prior to milling and paving. Note (Only failing sections of Gutter will be replaced) the gutter replacement will help provide adequate drainage from the road extending the life of the pavement. Driveway access will be made available with the use of metal plates

| <b>Concrete Gutter Replacement schedule</b> |                       |              |                   |
|---------------------------------------------|-----------------------|--------------|-------------------|
| <b>Street Name</b>                          | <b>Section</b>        | <b>Begin</b> | <b>Completion</b> |
| Deer Valley Dr. North                       | South to Solamere Dr. | June 10      | June 30           |
| Solamere Drive                              | DV to Sun Ridge Dr.   | June 13      | June 30           |

**Crack Seal-** Cracking in pavements occurs when a stress is built up in a surface causing a fissure or crack to open. Crack sealing and crack filling are methods which can be used to repair these cracks in pavement surfaces. The Contractor will apply 30 tons of crack seal to various city streets and 3 tons of crack seal to bike paths.

Schedule, Month of SEPTEMBER 2016

NOTE: The above schedule could change to as weather and equipment failures dictate.

For further information please contact Troy Dayley [troy@parkcity.org](mailto:troy@parkcity.org) 435-615-5637

#### **Private Construction Projects**

205 Main Street - Completion Summer 2016

- Stair relocation and transformer placement

352 Main Street - The Spur

- Construction has begun on the renovation of The Spur to include a presence on the Main St. level.

For further information please contact Craig Sanchez [csanchez@parkcity.org](mailto:csanchez@parkcity.org) 435-615-5206

**Respectfully:**

Craig Sanchez,



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

The Library has updated the Library Room Use and Rental Policies, combining and simplifying two policies into one, for the purpose of reducing barriers to understanding for renters and will report on Library room usage in the year since the remodel.

**Respectfully:**

Adriane Juarez, Library Director



## City Council Staff Report

**Subject:** Library Room Use Report & Policy Consolidation  
**Author:** Adriane Herrick Juarez & Becca Lael  
**Department:** Library  
**Date:** June 30, 2016  
**Type of Item:** Staff Communication Report

### Executive Summary

- The Library has updated the Library Room Use and Rental Policies, combining and simplifying two policies into one, for the purpose of reducing barriers to understanding for renters and will report on Library room usage in the year since the remodel.
- This consolidation comes from community feedback on previous confusion with policies and expectations for use.
- The Library is pleased to report highly successful use of the rooms in the Library since the renovation with steadily increasing numbers of reservations since the Grand Opening.
- Statistics that Council requested (on 09/17/2015) are within the attachments at the end of the report.

### Background

| <u>Date</u>        | <u>Item</u>                                                                                               |
|--------------------|-----------------------------------------------------------------------------------------------------------|
| June 11, 2015      | <a href="#">Meeting Minutes</a> Council approves room rental policy (pg 8)                                |
| September 17, 2015 | <a href="#">Meeting Minutes</a> Council approves non-profit rate (pg 4)                                   |
| May 19, 2016       | <a href="#">Meeting Minutes</a> Council approves recommended rate changes for library room rentals (pg 3) |

- a. Increased time with renters who need information on the differences between two policies and increased time after or during rentals with renters who did not understand the policies.

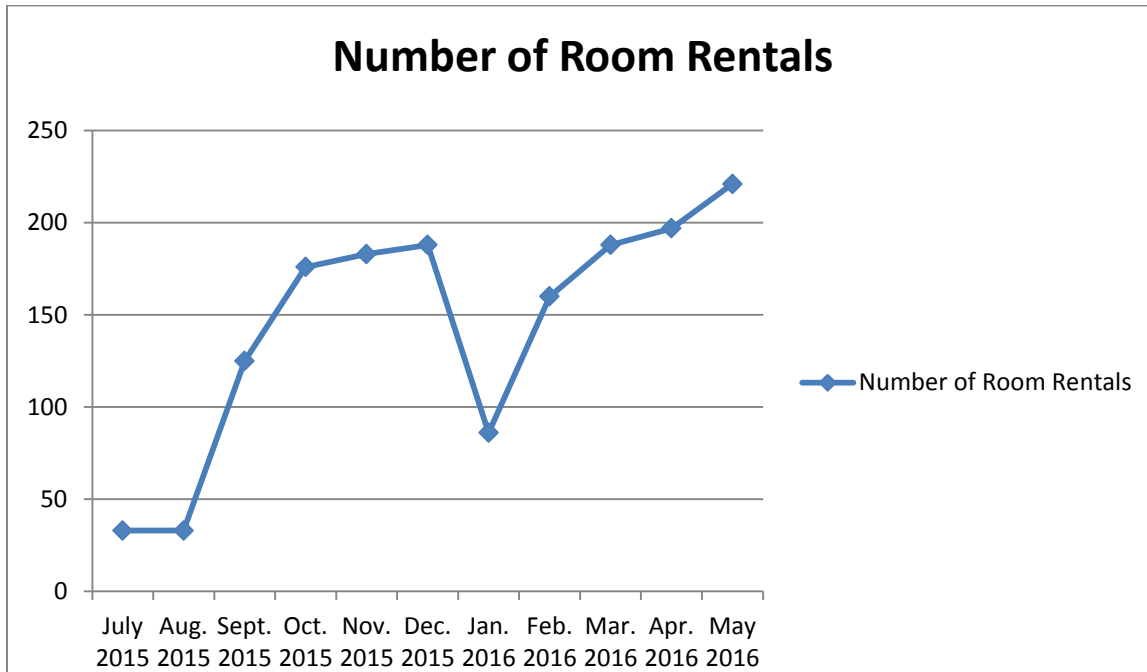
### Department Review

Special Events Department; Golf, Recreation, Ice, Library Management Team; Legal Department; City Manager Department.

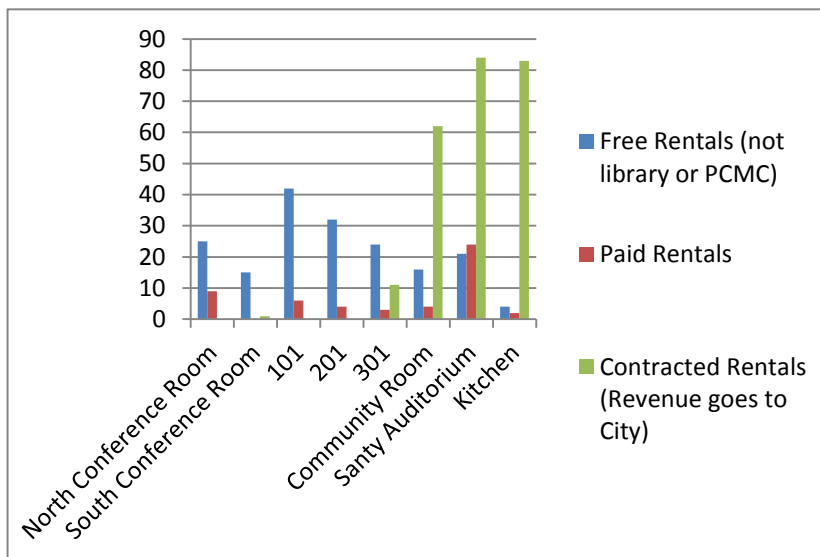
### Attachments

- A Room Rental Statistics
- B Floor Plans
- C Proposed Room Rental Policy
- D Current Policies (Library Facility Policy)
- E Current Policies (Gathering Room Policy)

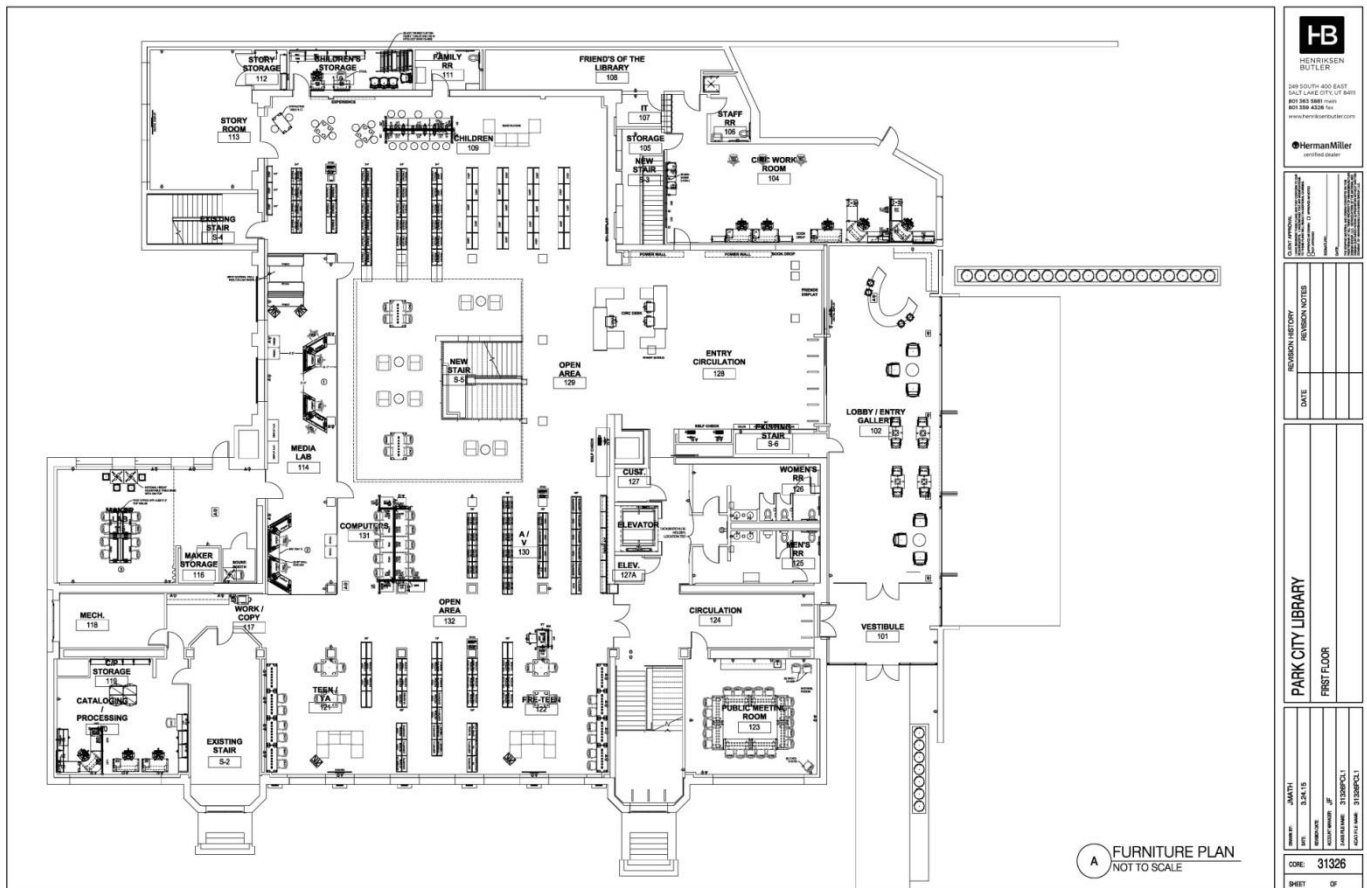
## Attachment A: Room Rental Statistics

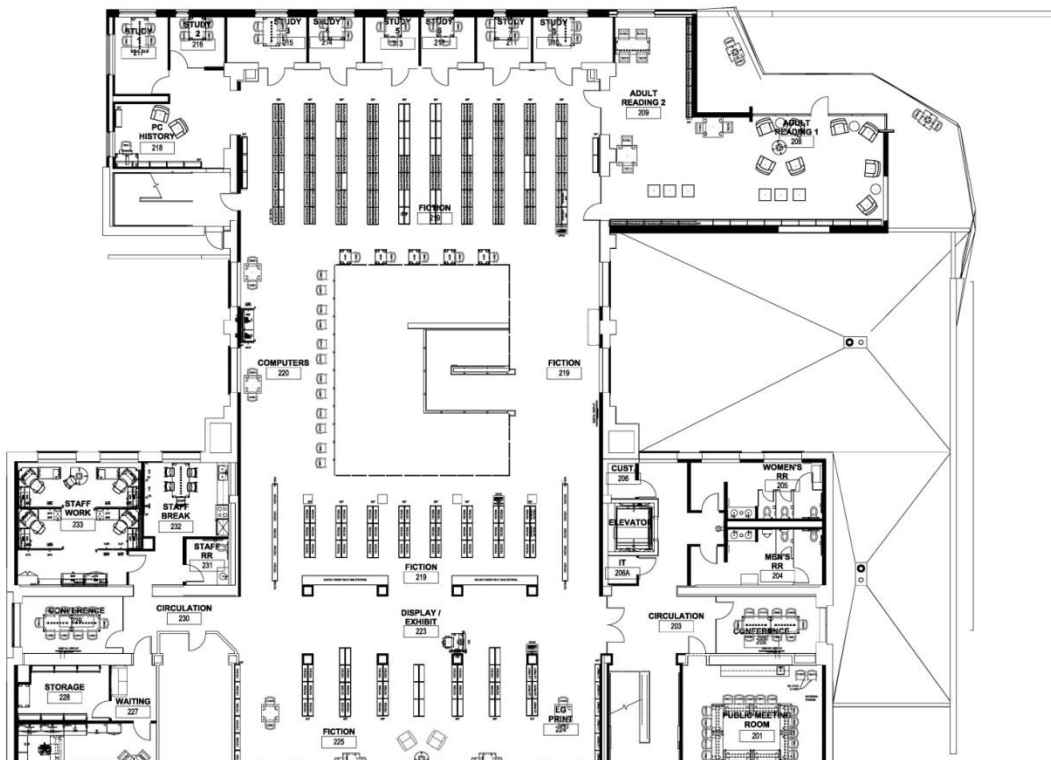


## Rentals by Type of Renter (not including library use or contracted use, July 2015 to February 2016)



## Attachment B: Floor Plans





HENRIKSEN  
BUTLER

240 SOUTH 400 EAST  
SALT LAKE CITY, UT 84111  
801 383 5881 main  
801 383 4326 fax  
www.henriksenbutler.com

HermanMiller  
certified dealer

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| REVISION HISTORY |  |
| REVISION NOTES   |  |

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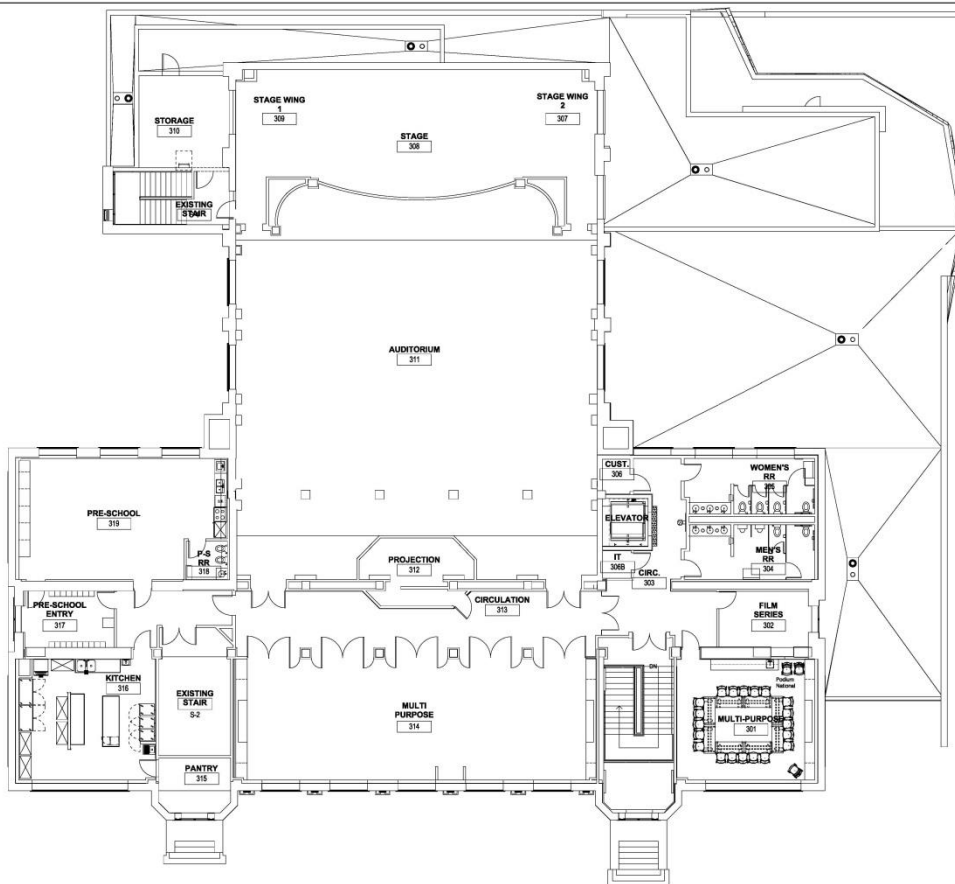
HermanMiller  
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A FURNITURE PLAN  
NOT TO SCALE

## PARK CITY LIBRARY

## POLICY

---

### ROOM USE & RENTAL POLICY

Park City Municipal Corporation (the City) offers “Rooms” in the Park City Library which may be reserved by the public. These Rooms are owned and operated by the City, and the City Council has authorized the Library Director to administer these policies regarding public access to the Rooms. The following policies and procedures govern room rentals only. Long term tenant leases are reviewed and administered by the Special Events Department.

The City does not endorse the viewpoints or activities expressed by the participants or the policies or beliefs of the organization or individual using the Rooms (“Users”). No advertisement or announcement implying such endorsement shall be permitted, nor shall any group using the Rooms use the Building as its official address, unless approved by Library Director or pursuant to a long term tenant lease.

#### 1. ELIGIBILITY FOR ROOM USE & RENTAL RESERVATIONS

##### 1.1 Reservations & Deposits

Reservations shall be accepted on a first-come, first-served basis, except as pertains to long term tenant leases. Reservations will be taken no more than six months and no less than three days in advance, or as approved by the Library Director or his/her designee.

Reservations shall be requested online. Library staff will assist patrons who request aid in completing online requests. Once a request is submitted, the Library Director or designee will review the request and if approved, shall issue an approval with any conditions deemed necessary.

Payment of all necessary fees and deposits shall be required for any room reservation to be complete.

##### 1.2 Cancellations & Refunds

Request for cancellation must be made in writing to the Library Director or his/her designee. If the cancellation is made three days or more prior to the event, the User will receive a deposit refund. Cancellations made less than three days in advance will receive a 50% refund of fees and deposit refund. Cancellation made the day of the reservation will not receive a refund. In each case, the User may be charged a cancellation fee.

##### 1.3 Hours and Use

During times when the Library is closed, the Rooms shall only be available for use, as approved by the Library Director or his/her designee. The Library Director or his/her designee may deny the use of the Room to an applicant if the use, purpose or activity:

1.3.1 is illegal; or

1.3.2 presents health or security risks or is potentially hazardous; or

1.3.3 would interfere with Library operations; or

- 1.3.4 is commercial activity without proper licensing; or  
 1.3.5 does not comport with the Park City Municipal Corporation Land Management Code.

Minors under the age of 18 must have Rooms reserved by an adult who is willing to take responsibility for any liability. Study Rooms are available to minors without adult permission.

The Library Director or his/her designee may enter the Facilities at any time to ensure there are no violations of this Policy.

#### 1.4 Library Rooms Fee Schedule

Fees will be assessed based on the following groupings:

**Group 1:** Activities which are free and open to the public during Library hours. Groups such as book clubs, support groups, government institutions, Library/City partners, HOAs, and other affiliated community organizations, as approved by the Library Director.

**Group 2:** Activities during Library hours which are open for public participation but charge a fee for entry or activities which are closed to the public.

**Group 3:** Activities which are outside of Library operating hours or promote or solicit business. This includes businesses that offer initial free services/consultations/presentations, and then later charge a fee or contact attendees.

**Non-profits:** Receive one free contiguous rental of up to four hours, per month, which may be split between multiple Rooms within the Library's operational hours.

| Room & Location                          | Occupancy | Group 1 | Group 2   | Group 3                                       | Non-Cleaning Fine       |
|------------------------------------------|-----------|---------|-----------|-----------------------------------------------|-------------------------|
| 101 (1 <sup>st</sup> Floor)              | 34        | Free    | \$25/hour | \$50/hour                                     | \$20/hour, \$40 minimum |
| 201 (2 <sup>nd</sup> Floor)              | 34        | Free    | \$25/hour | \$50/hour                                     | \$20/hour, \$40 minimum |
| 301 (3 <sup>rd</sup> Floor)              | 34        | Free    | \$25/hour | \$50/hour                                     | \$20/hour, \$40 minimum |
| North Conference (2 <sup>nd</sup> Floor) | 12        | Free    | \$20/hour | \$40/hour                                     | \$20/hour, \$40 minimum |
| South Conference (2 <sup>nd</sup> Floor) | 12        | Free    | \$20/hour | \$40/hour (unavailable outside library hours) | \$20/hour, \$40 minimum |
| Study Rooms 1-8 (2 <sup>nd</sup> Floor)  | 3-6       | Free    | Free      | Free (unavailable outside library hours)      | \$20/hour, \$40 minimum |
| Community Room (3 <sup>rd</sup> Floor)   | 85        | Free    | \$75/hour | \$150/hour                                    | \$20/hour, \$40 minimum |
| Santy Auditorium                         | 516       | Free    | \$95/hour | \$200/hour                                    | \$20/hour, \$40 minimum |

|                                            |    |             |             |                                                  |                         |
|--------------------------------------------|----|-------------|-------------|--------------------------------------------------|-------------------------|
| (3 <sup>rd</sup> Floor)                    |    |             |             |                                                  |                         |
| Kitchen<br>(3 <sup>rd</sup> Floor)         | 10 | Free        | \$20/event  | \$40/event                                       | \$20/hour, \$40 minimum |
| Entry Hall<br>(1 <sup>st</sup> Floor)      | 43 | Unavailable | Unavailable | \$300/hour<br>(unavailable during library hours) | \$20/hour, \$40 minimum |
| Entry Hall<br>Patio(1 <sup>st</sup> Floor) | 90 | Unavailable | Unavailable | \$400/hour<br>(unavailable during library hours) | \$20/hour, \$40 minimum |

## 1.5 Santy Technology Fees

### 1.5.1 Projection Fees: Users have two options for projection.

**1.5.1.1** Users may use the in-house technology at no additional cost. Users are responsible for scheduling a training to learn to use the equipment and facilitate use during their rental. Training must be scheduled at least one week prior to the rental date(s).

**1.5.1.2** Users may rent the Projection Booth and have a trained projectionist manage technology needs. The Projection Booth rents for \$500 per event rental (\$250 for Non-Profits), with a hired projectionist approved by the Park City Library. Projectionists have their own fee scale; Users pay projectionists directly. A list of approved projectionists is available upon request.

### 1.5.2 Lighting Fees

Stage lighting may be rented when approved by the Library Director or his/her designee. Any change in the direction of lighting must be made by a pre-approved vendor at the expense of the User. The User shall pay the vendor directly. Lighting must be returned to the original direction before vacating the rental. The Projection Booth and a projectionist must be reserved to utilize lighting.

## 2. FOOD, BEVERAGE, & SMOKING

### 2.1 Alcoholic Beverages

The use of alcoholic beverages is allowed in Rooms except Study Rooms 1-8, the North Conference Room, and the South Conference Room. The User shall make any request for permission to serve alcoholic beverages in Room(s) in writing only. The Library Director or his/her designee reserves the right to approve or deny the request. Furthermore, the User is responsible for adhering to state liquor laws as set forth in the State Code and by the [Utah Department of Alcoholic Beverage Control](#) including obtaining permits as necessary.

### 2.2 Food & Beverage

All food and beverage, including any brought in by Users, Caterers or Food Vendors ("Providers"), must be approved by the Library Director or his/her designee. Providers shall adhere to the following rules.

#### 2.2.1 Rules for Food Providers

**2.2.1.1** Providers are responsible for following proper permitting as required by City, County, and State laws.

**2.2.1.2** Provider staff and supplies must enter and exit through locations designated by the Library staff.

**2.2.1.3** Parking or loading areas for Providers must be approved by Library staff.

Providers cannot block any entrance to the building.

**2.2.1.4** Gas, charcoal grills, sternos, and open flames for cooking or other decorative elements are strictly prohibited inside the building. Providers are responsible for bringing their own electrical cords as needed.

### **2.3 Smoking**

Smoking is strictly prohibited inside the building. In accordance with Utah Indoor Clean Air Act (Utah Code Annotated § 26-38-1 et seq.), smoking (including e-cigarettes) is not permitted in public buildings, including libraries, or within 25 feet of any entrance.

## **3. DECORATIONS, EQUIPMENT, & SET UP**

Users shall have 15 minutes prior to the reserved event time for set-up. If more time is needed, it is the responsibility of the User to reserve additional time. All decorations, signs, and equipment must be approved by the Library Director or his/her designee.

**3.1** Upon arrival, it is the responsibility of the User to inspect the Rooms and report any problems immediately to the Library staff. Failure to do so may result in cleaning or damage fees.

**3.2** The User must be present in order to accept or make deliveries. At no time shall the Library staff be permitted to accept or make deliveries for a User.

**3.3** Any temporary structures such as stages, tents, inflatables, etc., may require a permit from the City Planning or Building Departments. The User is responsible for obtaining such permits as necessary.

**3.4** Food Trucks and selling items in the parking lot or lawn is prohibited. (Park City Municipal Code 4-3-8).

**3.5** The use of painter's tape and removable self-stick wall pads are pre-approved for adhering items to wall surfaces. All other adhering materials (such as nails, tacks, tape, etc.) are prohibited.

**3.6** Music or other noise including amplified sound is permitted, but must be kept to a level which does not interfere with or disturb other activities in the building. The Library Director or his/her designee may revoke permission for music or other noise in order to maintain the proper functioning of the Library.

**3.7** The Library Director or his/her designee may require additional insurance for the use or rental of a Room or Rooms(s) if the use will increase risk to the City.

**3.8** All furniture or other temporary equipment brought into the Library shall have protective caps to avoid scratching floors and damaging walls. Movement of furniture must be done with the use of rubber-wheeled dollies or carts. All furniture must be lifted, not dragged. It is the responsibility of the User to move all furniture or equipment. Library staff will not assist with the movement of furniture or equipment unless approved in advance.

**3.9** Tables and chairs shall not be moved between Rooms unless approved by Library staff.

**3.10** Users are responsible for downloading and testing software needs ahead of time. If Users need special accommodations or require assistance with any of the technology, Library staff must be notified at the time a reservation is confirmed.

## **4. BREAKDOWN & CLEANING**

All Users are responsible for completing breakdown and clean-up of their reservation with the time allotted. The Library Director or his/her designee has the discretion to charge a cleaning fine if these policies are not followed.

**4.1** All Rooms must be cleared, cleaned and vacated 15 minutes prior to Library closing unless Users have prearranged their event to go past closing time. Users are responsible for being aware of closing times. Any User that has not cleared, cleaned and vacated the Room 15 minutes prior to closing will be charged after-hours fees as stated in the *Fee Schedule* above.

**4.1.1** Removal of plaques, art, tables, chairs, podiums or other items or equipment from the Rooms is strictly prohibited. Rooms, tables, chairs and other equipment should be placed back in their original state at the end of a reservation.

**4.1.2** All approved signage, decorations or other temporary items must be removed by the end of rental period. Storage of any goods by persons or groups using the Rooms is not allowed.

**4.1.3** Any damage caused to the Room(s) or equipment, including beverage or food accidents, must be immediately reported to Library staff. Cleaning or damage fees may apply.

**4.1.4** Tables and countertops must be wiped down, and chairs and tables stacked/arranged appropriately. It is the responsibility of the User to remove and dispose of trash. Users must clean the whiteboard before vacating the Room.

**4.1.5** It is the responsibility of the individual or organization who reserves the space to be courteous to the next reservation and to be aware of the time that they must vacate the Room and return it in its original, clean state on time.

**4.1.6** Users are responsible for notifying Library staff if cleaning supplies are needed.

**4.1.7** Users must return the key issued to them. Failure to do so will result in paying for the replacement costs.

**4.1.8** The User must inform Library staff when vacating the Room.

## **5. FILMING & PHOTOGRAPHY**

Users must review Library Policy and [City filming and photography permit guidelines](#) if they wish to photograph or film inside the Rooms. It is the responsibility of the User to obtain filming or photography permits, if necessary.

## **6. CAPACITY & PERMITS**

In order to ensure the health, safety and welfare of Users, visitors and Library patrons, and City Staff, capacity shall not exceed the posted requirements in each Room.

**6.1** It is the responsibility of the User to obtain any additional City, County or State permits or approvals that may be necessary.

**6.2** Some events may require security due to attendance. The Library Director or his/her designee will determine appropriate security, which must be paid for by the User.

## **7. PARKING**

The Park City Library is located in a residential area. Limited, non-exclusive parking is available next to the Library and surrounding area for those who utilize the Rooms. It is the responsibility of all Users to obey and follow all posted signs and restrictions. Park City is not responsible for damage or loss of vehicles on City property.

**7.1** Users shall refer to the [Park City website](#) for information regarding walkability and transit schedules to alleviate parking pressures in the area. Carpooling and/or ridesharing is highly encouraged for those who do choose to use drive to the Library.

7.2 The Library Director or his/her designee may require a User to have a parking and transportation plan.

7.3 All deliveries for Room reservations must be prearranged. It is the responsibility of the User to inform Library staff at the time that the reservation is confirmed if deliveries will be required.

## **8. SUPPLEMENTAL POLICIES & SPECIAL CONDITIONS**

The following spaces within the Park City Library are unique. Special conditions of spaces are as follows:

### **8.1. Entry Hall**

8.1.1 Separate groups may make reservations for the Entry Hall and Entry Hall Patio at the same time. If the Entry Hall Patio is rented by a separate group, the Library Director or his/her designee will determine entry access to the Library.

### **8.2 Entry Hall Patio**

8.2.1 Separate groups may make reservations for the Entry Hall and Entry Hall Patio at the same time. If the Entry Hall is rented by a separate group, the Library Director or his/her designee will determine entry access to the Library.

8.2.2 Any outdoor use, music or noise must end by 10:00 p.m. as pertains to the Park City Noise Ordinance (Park City Municipal Code 6-7) unless approved by the Library Director or his/her designee.

8.2.3 Rental of this space does not include the field.

8.2.4 The Library Director and his/her designee shall do their best to help the User plan for alternatives regarding inclement weather situations, however they are not required to provide alternative space (the User rents their space at their own risk of inclement weather).

### **8.3 Study Rooms**

8.3.1 The Study Rooms are available in two-hour increments per day. Users may continue occupying longer if no one is waiting.

8.3.2 Cannot be reserved in advance.

8.3.3 A phone number is required for use.

### **8.4 North & South Conference Rooms**

8.4.1 The North & South Conference Rooms may be used as a backup Study Room if vacant and all Study Rooms are occupied, or at the discretion of Library Staff. At that time, the Rooms will follow all Study Room policies.

### **8.5 Jim Santy Auditorium**

8.5.1 Users are responsible for obtaining licensing as may be required for showing films, movies, music or other recorded items.

8.5.2 Use may require additional staff at the discretion of the Library Director or his/her designee at a fee to be incurred by the User.

8.5.3 Renters are responsible for obtaining licensing as may be required for showing films, movies, music or other recorded items.

8.5.4 Shall not conflict with the daily operations of the Library or tenants of the Building, unless approved by the Library Director or his/her designee.

### **8.6 Community Room**

8.6.1 Shall not conflict with the daily operations of the Library or tenants of the Building, unless approved by the Library Director or his/her designee.

## **9. DAMAGES & LIABILITY**

The City is not liable for any loss or damage to any equipment owned or rented by User while on City property. Users will be held responsible for any damage to City property caused by anyone attending the activities organized by the User.

Any conduct occurring on City property which is unlawful or inappropriate shall result in the immediate termination of the use and forfeiture of all deposits and fees, and may result in fines and criminal charges being instituted.

## **10. APPEALS PROCESS**

An applicant aggrieved by an administrative decision about the use of the Rooms may appeal the decision in writing to (1) the Library Director, if rental occurred on the second floor, or (2) the Economic Development Manager, if rental occurred on the first or third floors. Appeals must be filed within five business days of the action that gave rise to the grievance. The Library Director or Economic Development Manager will render a determination based on findings within five business days. Appeal of the Library Director or Economic Development Manager's determination may be made in writing to the City Manager. The City Manager's determination is final.

## **Attachment D: Current Policies (Library Facility Policy)**

# **Park City Library Facility Use & Rental Policy**

The following policies and procedures govern the use of Park City Library Facilities (the Facilities), in accordance with the Library's mission. The Library's Mission is to provide:

- High-quality educational opportunities;
- Customer service that exceeds expectations; and
- Technology and information in a variety of formats to sustain a connected, knowledgeable and engaged citizenry.

At all times, those using the Library Facilities must adhere to the Patron Behavior Policy, in addition to the following.

### **I. Library Facilities**

The Library offers Facilities which may be reserved or used by the public. The Library Facilities and approved occupancies are listed below:

#### **Second Floor**

Study Rooms 1 through 8 –

Occupancy 3 - 6 Public

Meeting Room 201 –

Occupancy 34 Conference

Room North – Occupancy 12

Conference Room South –

Occupancy 12

The City does not endorse the viewpoints or activities expressed by any users or participants, or of the policies or beliefs of the organization or individual using the Facilities. No advertisement or announcement implying such endorsement shall be permitted, nor shall any group using the Facilities use the Library as its official address, unless approved by the Library Director and/or his/her designee.

### **II. Eligibility for Room Use & Rental**

Reservations shall be accepted on a first-come, first-served basis, except that Library and City uses – including City leases with third parties such as the Park City Film Series and the Sundance Institute – shall always take priority.

Fees will be assessed based on the following groupings:

- Group 1:** Activities which are free, open to the public, and educational/informational.
- Group 2:** Activities which are open for public participation but charge a fee for participation such as fundraisers, conferences or events.
- Group 3:** Activities which are closed to the public such as private receptions, meetings or parties, and/or which may promote or solicit business, sponsorship, membership or donations.
- Group 4:** Activities which are outside of Library operating hours.

### **III. Reservations**

#### **A. Reservations & Deposits**

Reservations will be taken no more than six months and no less than one week in advance, or as approved by the Library Director and his/her designee.

Reservations may be requested online by completing the Reservation Request Form (the Form). The Library staff will assist patrons who request aid in completing the Form. The person requesting use of the Facilities must complete the Form in its entirety. Once the Form is completed, the Library Director or his/her designee will review the request and, if approved, issue an approval with any conditions deemed necessary.

An invoice for deposits and/or fees with required payment dates will be issued at the time the reservation is confirmed.

#### **B. Cancellations & Refunds**

Request for cancellation must be made in writing by email or letter to the Library Director or his/her designee no later than three calendar days in advance of the reservation. If the cancellation is timely, the User will receive a refund of all deposits. Cancellations made less than three days in advance will receive a 50% refund of deposits. Cancellations made the day of the reservation will not receive a refund. Refunds will be issued no more than thirty days after being approved by the Library Director or his/her designee.

As a condition of approval, the Library Director or his/her designee may at his/her discretion impose more-stringent cancellation policies on a particular reservation.

#### **C. Hours and Approval of Use**

During times when the Library is closed, the Facilities shall be unavailable for use, unless approved by the Library Director or his/her designee.

The Library Director or his/her designee may deny the use of the facility to an applicant if, in the Director's opinion:

- a. the purpose of the use or activity is illegal;
- b. the use presents health or security risks or is potentially hazardous; or
- c. the use would interfere with the functioning of the Library.
- d.

Minors under the age of 17 are not permitted to use or rent any of the facilities, with the exception of Study Rooms, unless accompanied by an adult.

#### **D. Library Facilities Fee Schedule**

Fees will be assessed based on the following groupings:

- Group 1:** Activities which are free, open to the public, and educational/informational.
- Group 2:** Activities which are open for public participation but charge a fee for participation such as fundraisers, conferences or events.
- Group 3:** Activities which are closed to the public such as private receptions, meetings or parties, and/or which may promote or solicit business, sponsorship, membership or donations.
- Group 4:** Activities which are outside of Library operating hours.

| Location             | Room                        | Occ.  | Group 1 | Group 2 & 3 | Group 4     |
|----------------------|-----------------------------|-------|---------|-------------|-------------|
| Library<br>2nd Floor | Study Rooms<br>1 - 8        | 3 - 6 | Free    | Unavailable | Unavailable |
| Library<br>2nd Floor | Meeting<br>Room 201         | 34    | Free    | \$25/Hour   | \$50/Hour   |
| Library<br>2nd Floor | North<br>Conference<br>Room | 12    | Free    | \$20/Hour   | \$40/Hour   |
| Library<br>2nd Floor | South<br>Conference<br>Room | 12    | Free    | \$20/Hour   | Unavailable |

The Library may require that staff be present at some activities to provide appropriate security, technical support, custodial, or maintenance services. Facility set-up and break-down are the sole responsibility of the User. (Refer to sections V. and VI. for details.)

When Facilities are used by recognized Library support groups, partners, or other affiliated community organizations, it is the policy that all activities be planned by the group in consultation and cooperation with a Library staff member designated as liaison to the group. With this participation, it should be possible to schedule events so that they have minimal impact on normal work schedules. Staff will make a concerted effort to meet the needs of the group within an adjusted work schedule. If this is not possible because of budget constraints, reduced services, vacancies, etc., the support group may be required to pay a fee to cover the costs of keeping the Facility open during non-service hours.

#### **IV. Food & Beverage**

Food and Beverage shall be permitted in Library Facilities. The Library Director or his/her designee may modify these policies for a particular reservation if he/she deems necessary and may require a security deposit to protect against damage to City property.

##### **A. Alcoholic Beverages**

The User shall request in writing permission to serve alcoholic beverages in Library Facilities. The Library Director or his/her designee reserves the right to approve or deny the request. Once the Library Director or his/her designee approves the use, the User is responsible for adhering to state liquor laws as set forth in the State Code and by the Utah Department of Alcoholic Beverage Control, including obtaining permits as necessary.

##### **B. Smoking**

Smoking is strictly prohibited inside the Library. In accordance with Utah Indoor Clean Air Act (Utah Code Annotated § 26-38-1 et seq.), smoking is not permitted in public buildings, including libraries, or within 25 feet of any entrance.

##### **C. Food**

Food, including that which is brought in by Users, Caterers or Food Vendors (Providers), must be approved by the Library Director or his/her designee. Providers shall adhere to the following rules.

##### **i. Rules for Food Providers**

- a. Food Providers are responsible for following proper permitting as required by City, County, and State laws.
- b. Provider staff and supplies must enter and exit through locations designated by the Library staff.
- c. Parking or loading areas for Providers must be approved by Library staff.
- d. Gas, charcoal grills and open flames for cooking or other decorative elements are prohibited.
- e. Request to use any electrical appliances must be approved by the Library Director or his/her designee and electrical requirements must be given to Library staff at least one week prior to the event. Providers are responsible for bringing their own electrical cords as needed.
- f. Set-up time for the use will be determined by Library staff.
- g. All Facilities used by Providers shall be left clean and in good condition. Surfaces shall be wiped clean. Nothing (including water and ice) may be poured in the drinking fountains, landscaping, or grass areas. All food, beverages, refuse (trash, waste, recycling), and equipment shall be removed from the premises immediately following the event.
- h. Providers and Users shall agree to restore the Facilities to their original condition. Failure to restore Facility to this condition may result in additional charges for cleaning and may result in revocation of authorization for future use under the recommendation of the Library Director and his/her designee.
- i. The Library is not responsible for any property left in the Facility or on the Library premises. Items may be discarded by public sale or destruction, without notice to the user or any other party, and without liability to the Library or City.
- j. The Park City Library Building has a kitchen, the use of which can be requested at the time of a reservation if needed. The Library Director or his/her designee shall coordinate the use of the Kitchen with other reservations or uses that may occur at the same time. Costs to use

the Kitchen are at the discretion of the Library Director or his/her designee based on the fee schedule as provided in the *Gathering Room Use and Facility Rental Policy*.

#### **V. Decorations, Equipment & Set Up**

Users shall have 15 minutes prior to the reservation time for set-up. If more time is needed, it is the responsibility of the User to reserve additional time. All decorations, signs, and equipment must be approved by the Library Director or his/her designee.

- i. Upon arrival, it is the responsibility of the User to inspect the Facilities and report any problems immediately to the Library staff. Failure to do so may result in cleaning or damage fees.
- ii. The User must be present in order to accept or make deliveries. At no time shall the Library staff be permitted to accept or make deliveries for a User.
- iii. Any temporary structures such as stages, tents, inflatables, etc., may require a permit from the City Planning or Building Departments. The User is responsible for obtaining such permits as necessary.
- vi. Use of glitter, confetti, and glue shall be approved for use by the Library Director or his/her designee.
- v. Nails, tacks, tape and other materials that are used for adhering items to wall surfaces shall be approved by the Library Director or his/her designee.
- vi. Service animals, Intermountain Therapy Animals, and dogs owned by City and Library employees are permitted in the Facilities. . All other animals must be approved by the Library Director and or his/her designee. If animals are permitted, owners are responsible cleaning up after the animals and are financially responsible for any damage, harm, or liability incurred while on City property.
- vii. Music or other noise is permitted but must be kept to a level which does not interfere with other Library activities. Library staff may revoke access to the Facilities if music or other noise is interfering with Library activities.
- viii. The Library may at any time enter the Facilities to ensure that no unlawful activities are therein occurring.
- ix. The Library Director or his/her designee shall determine require a deposit based on the fee schedule depending on the the use or rental of the space.
- x. All furniture or other temporary equipment brought into the Library shall have protective caps to avoid scratching floors and damaging walls. Movement of furniture must be done with the use of rubber-wheeled dollies or carts. All furniture must be lifted, not dragged. It is the responsibility of the User to move all furniture or equipment. Library staff will not assist with the movement of furniture or equipment unless approved ahead of time.
- xi. All rooms contain tables and chairs and have access to the wireless network for Internet use. Tables and chairs shall not be moved between rooms unless approved by Library staff.
  - a. Each meeting and conference room is equipped with a Smart TV with a self-contained camera for video-conferencing (no computer required). Patrons may use personal laptops for presentations; the Library does not provide computers in meeting or conference rooms. The Library may provide VGA & HDMI connections, which must be requested ahead of time.
  - b. Users are responsible for downloading and testing software needs ahead of time. If Users need special accommodations or require assistance with any of the technology, the Library staff must be notified at the time a reservation is confirmed.
  - c. Meeting and conference rooms may contain white-boards that may be used. The equipment cupboard in each room contains markers, an eraser, and cleaning supplies with instructions regarding use and cleaning. Users must clean the white-board before vacating the room.
  - d. It is the responsibility of the User to return the equipment in the same condition which it was provided to them.

- e. Additional equipment reservations and rentals shall be the responsibility of the User.
- f. Those who need assistance with equipment should notify Library staff at the time a reservation is confirmed.

## **VI. Breakdown & Cleaning**

All Users are responsible for completing breakdown and clean-up by the end of the reservation. The Library Director or his/her designee has the discretion to charge a cleaning or breakdown fee based on the City's fee schedule if these policies are not followed.

All Facilities must be cleared, cleaned and vacated 15 minutes prior to Library closing. Users are responsible for being aware of closing times. Any User that has not cleared, cleaned and vacated the room 15 minutes prior to closing will be charged after-hours fees as stated in the *Fee Schedule* above.

### **A. Breakdown and Cleaning Policies**

- iii. Removal of plaques, art, tables, chairs, podiums or other items or equipment from the rooms is strictly prohibited. Facilities, tables, chairs and other equipment should be placed back in their original state at the end of a reservation.
- iv. All approved signage, decorations or other temporary items must be removed by the end of rental period. Storage of any goods by persons or groups using the rooms is not allowed.
- v. Any damage caused to the Facility or equipment, including beverage or food accidents, must be immediately reported to Library staff. Cleaning or damage fees may apply.
- vi. Tables and countertops must be wiped down, and chairs and tables stacked/arranged appropriately. It is the responsibility of the User to remove and dispose of refuse (trash, waste, recycling).
- viii. The User must inform Library staff when vacating the room.
- ix. No gratuities may be given to Library staff.

## **VII. Filming & Photography**

Users must review Library Policy and City filming and photography permit guidelines if they wish to photograph or film inside the Facilities. It is the responsibility of the User to obtain filming or photography permits, if necessary.

## **VIII. Capacity & Permits**

In order to ensure the health and safety of Users and other Library patrons, as well as Library staff, capacity may not exceed the posted requirements in each room.

- a. It is the responsibility of the User to obtain any additional City, County or State permits or approvals that may be necessary.
- b. Some events may require security due to attendance. The Library Director and his/her designee will determine appropriate security, which must be paid for by the User.

## **IX. Parking**

The Park City Library is located in a residential area. Limited, non-exclusive parking is available at the Library and surrounding area for those who utilize the building and its Facilities. It is the responsibility of all users to obey and follow all posted signs and restrictions. Park City is not responsible for damage or loss of vehicles on City property.

- a. Those individuals or organizations that reserve Facilities in the building should refer to the Park City Municipal site for information regarding walkability and transit schedules to alleviate parking pressures in the area. Carpooling and/or ridesharing is highly encouraged for those who do choose to use drive to the facility.
- b. The Library Director or his/her designee may require a User to have a parking and transportation plan.
- c. All deliveries for Facility reservations must be prearranged. It is the responsibility of the organizer to inform Staff if deliveries are required during the initial request of their reservation.

## **X. Supplemental Policies**

### **i. Study Rooms**

- Use shall be free for the general public. The Study Rooms may not be used in any way to promote or solicit business, membership, sponsorship, or donations.
- May be utilized by minors without parental supervision.
- Cannot be reserved in advance.
- Shall be used only during Library operating hours.
- The consumption of alcohol is strictly prohibited in Study Rooms.

### **ii. Meeting Room 201**

- Shall be used during Library operating hours. The Library Director and his/her designee shall grant permission to use this Facility either before or after hours.

### **iii. North Conference Room**

- Shall be used during Library operating hours. The Library Director and his/her designee shall grant permission to use this Facility either before or after hours.

### **iv. South Conference Room**

- Shall only be used during Library operating hours.
- The consumption of alcohol is strictly prohibited in the South Conference Room.

## **XI. Damages and Liability**

The Park City Library will assume no liability for loss or damage to any equipment owned or rented by User while in its facilities. Such Users will be held responsible for any damage to the Building or Library property caused by anyone attending the activities organized by the User.

Any conduct occurring on City property which is unlawful or inappropriate shall result in the immediate termination of the use and forfeiture of all deposits and fees, and may result in fines and criminal charges being instituted.

The City shall not be responsible for the loss or damage of personal property occurring on City property during the use of the Facilities.

## **XII. Appeals Process**

An applicant aggrieved by an administrative decision about the use of the Facilities may appeal the decision in writing to the Library Director within seven days of the action that gave rise to the grievance.. The Director will render a determination within 5 days. Appeal of the Library Director's determination may be made to the City Manager. The City Manager's determination is final.

## **Attachment E: Current Policies (Gathering Room Policy)**

# **Gathering Room Facility Use & Rental Policy**

The following policies and procedures govern the use of certain Rooms in the Park City Library Building for short term rentals. Long term rentals (for over 30 days) are reviewed and administered by Special Event Staff.

### **I. Gathering Rooms in the Park City Library Building**

Park City Municipal Corporation (the City) offers Rooms which may be reserved by the public. These Rooms are owned and operated by the City, and the City Council has authorized the Library Director to administer these Policies regarding public access to the Rooms. The Rooms and their approved occupancies are listed below.

#### **First Floor**

Entry Hall – Occupancy 43  
Entry Hall Patio – Occupancy 90  
Public Meeting Room 101 – Occupancy 34

#### **Third Floor**

Public Meeting Room 301 – Occupancy 34  
Jim Santy Auditorium – Occupancy 516  
Community Room – Occupancy 85  
Kitchen – Occupancy 10

The City does not endorse the viewpoints or activities expressed by the participants or the policies or beliefs of the organization or individual using the Rooms. No advertisement or announcement implying such endorsement shall be permitted, nor shall any group using the Rooms use the Building as its official address.

The Rooms are only available to the public for reservation when not being used by the City or when doing so would not interfere with leases or agreements between the City and other parties.

### **II. Eligibility for Room Use & Rental**

Reservations shall be accepted on a first-come, first-served basis, except that City uses – including City leases with third parties such as the Park City Film Series and the Sundance Institute – shall always take priority.

Fees will be assessed based on the following groupings:

- Group 1:** Activities which are free, open to the public, and educational/informational.
- Group 2:** Activities which are open for public participation but charge a fee for participation, such as fundraisers, conferences or events.
- Group 3:** Activities which are closed to the public such as private receptions, meetings or parties, and/or which may promote or solicit business, sponsorship, membership or donations.
- Group 4:** Activities which are outside of Library operating hours.

### **III. Reservations**

#### **A. Reservations & Deposits**

Reservations will be taken no more than six months and no less than one week in advance, or as approved by the Library Director and his/her designee.

Reservations may be requested online by completing the Reservation Request Form (the Form). The Library staff will assist patrons who request aid in completing the Form. The person requesting the use of facility must complete the Form in its entirety. Once the Form is completed, the Library Director or his/her designee will review the request and, if approved, issue an approval with any conditions deemed necessary.

An invoice for deposits and/or fees with required payment dates will be issued at the time the reservation is confirmed.

#### **B. Cancellations**

Request for cancellation must be made in writing by email or letter to the Library Director or his/her designee no later than three (3) calendar days in advance of the reservation. If the cancellation is timely, the User will receive a refund of all deposits. Cancellations made less than three days in advance will receive a 50% refund of deposits. Cancellations made the day of the reservation will not receive a refund. Refunds will be issued no more than thirty days after being approved by the Library Director or his/her designee.

As a condition of approval, the Library Director or his/her designee may at his/her discretion impose more-stringent cancellation policies on a particular reservation.

#### **C. Hours and Approval of Use:**

During times when the Library is closed the Rooms may be available for use as approved by the Library Director or his/her designee.

The Library Director or his/her designee may deny the use of the facility to an applicant if, in the Director's opinion:

- a. the purpose of the use or activity is illegal; or
- b. the use presents health or security risks or is potentially hazardous.
- c.

Minors under the age of 17 are not permitted to use or rent any of the Rooms, unless accompanied by an adult.

#### **D. Gathering Rooms Fee Schedule**

Fees will be assessed based on the following groupings:

- Group 1:** Activities which are free, open to the public, and educational/informational.
- Group 2:** Activities which are open for public participation but charge a fee for participation such as fundraisers, conferences or other promotional events.
- Group 3:** Activities which are closed to the public such as private receptions, conferences or parties, and/or which may promote or solicit business, sponsorship, membership or donations.
- Group 4:** Activities which are outside of Library operating hours.

| Location                         | Room                          | Occ. | Group 1    | Group 2    | Groups 3&4 |
|----------------------------------|-------------------------------|------|------------|------------|------------|
| Library<br>1 <sup>st</sup> Floor | Entry Hall                    | 43   | \$150/Hour | \$150/Hour | \$300/Hour |
| Library<br>1 <sup>st</sup> Floor | Entry Hall<br>Patio           | 90   | \$200/Hour | \$200/Hour | \$400/Hour |
| Library<br>1 <sup>st</sup> Floor | Public<br>Meeting<br>Room 101 | 34   | Free       | \$25/Hour  | \$50/Hour  |

|                                  |                               |     |                                         |           |            |
|----------------------------------|-------------------------------|-----|-----------------------------------------|-----------|------------|
| Library<br>3 <sup>rd</sup> Floor | Public<br>Meeting<br>Room 301 | 34  | Free                                    | \$25/Hour | \$50/Hour  |
| Library<br>3 <sup>rd</sup> Floor | Jim Santy<br>Auditorium       | 516 | Free                                    | \$95/Hour | \$200/Hour |
| Library<br>3 <sup>rd</sup> Floor | Community<br>Room             | 85  | Free for two<br>(2) hours,<br>\$25/Hour | \$75/Hour | \$150/Hour |
| Library<br>3 <sup>rd</sup> Floor | Kitchen                       | 10  | Free                                    | \$30      | \$40       |

The Library Director and/or City may require that staff be present at certain activities to provide appropriate security, technical support, custodial, or maintenance services. In addition to the above fee(s), the User will be required to pay for these staff services as according to the City's Fee Schedule or as approved by the Library Director.

When Rooms are used by recognized City support groups, partners, or other affiliated community organizations, it is the policy that all activities be planned by the group in consultation and cooperation with a City staff member designated as liaison to the group. With this participation, it should be possible to schedule events so that they have minimal impact on normal work schedules. Staff will make a concerted effort to meet the needs of the group within an adjusted work schedule. If this is not possible because of budget constraints, reduced services, vacancies, etc.,

#### **IV. Food & Beverage**

Food and Beverage shall be permitted in the Rooms, subject to the following policies. The Library Director or his/her designee may modify these policies for a particular reservation if he/she finds good cause to do so and may require a security deposit to protect against damage to City property.

##### **A. Alcoholic Beverages**

The User shall request in writing permission to serve alcoholic beverages in the Room(s). The Library Director or his/her designee reserves the right to approve or deny the request unless already indicated below in Section X. Once the Library Director or his/her designee approves the use, the User is responsible for adhering to state liquor laws as set forth in the State Code and by the Utah Department of Alcoholic Beverage Control, including obtaining permits as necessary.

##### **B. Smoking**

Smoking is strictly prohibited inside the Building. In accordance with Utah Indoor Clean Air Act (Utah Code Annotated § 26-38-1 et seq.), smoking is not permitted in public buildings, or within 25 feet of any entrance.

##### **C. Food**

Food, including that which is brought in by Users, Caterers or Food Vendors (Providers), shall be requested to the Library Director or his/her designee. Providers shall adhere to the following rules.

##### **i. Rules for Food Providers**

- Food Providers are responsible for following proper permitting as required by City, County, and State laws.
- Provider staff and supplies must enter and exit through locations designated by the Library staff.
- Parking or loading areas for Providers must be approved by Library staff.
- Gas, charcoal grills, and open flames for cooking or other decorative elements are prohibited.
- Request to use electrical appliances shall be approved by the Library Director or his/her designee, and electrical requirements must be given to Library staff at least one week prior to the event. Providers are responsible for bringing their own electrical cords as needed.

- f. Set-up time shall be included in the rental time for the use. Additional rental time for set up and shall be at the discretion of Library staff.
- g. All Rooms used by Providers shall be left clean and in good condition. Surfaces shall be wiped clean. All food, beverages, refuse (trash, waste, recycling), and equipment shall be removed from the premises immediately following the event.
- h. Providers and Users shall agree to restore the Rooms to their original condition. Failure to restore Rooms to this condition may result in additional charges for cleaning and may result in revocation of authorization for future use under the recommendation of the Library Director and his/her designee.
- i. The City is not responsible for any property left in the Room(s) or elsewhere in the Building. Items may be discarded by public sale or destruction, without notice to the user or any other party, and without liability to the Library or City.
- j. The Building has a kitchen, the use of which can be requested at the time of a reservation if needed. The Library Director or his/her designee shall coordinate the use of the Kitchen with other reservations or uses that may occur at the same time. Costs to use the Kitchen are at the discretion of the Library Director or his/her designee based on the fee schedule above.

#### **V. Decorations, Equipment & Set Up**

Users shall have 15 minutes included in their reservation time for set-up. If more time is needed, it is the responsibility of the User to reserve additional time. All decorations, signs, and equipment, shall be approved by the Library Director or his/her designee.

- i. Upon arrival, it is the responsibility of the User to inspect the Room(s) and report any problems immediately to the Library Staff. Failure to do so may result in cleaning or damage fees.
- ii. The User must be present in order to accept or make deliveries. At no time shall the Library staff be permitted to accept or make deliveries for a User.
- iii. Any additional temporary structures such as stages, tents, inflatables, etc., may require a permit from the Planning or Building Departments. The User is responsible for obtaining such permits as necessary.
- iv. Use of glitter, confetti, and glue shall be approved by the Library Director or his/her designee provides.
- v. Nails, tacks, tape and other materials that are used for adhering items to wall surfaces shall be approved by the Library Director or his/her designee.
- vi. Service animals, Intermountain Therapy Animals, and dogs owned by City and Library employees are permitted in the Rooms. All other animals must be approved by the Library Director and or his/her designee. If animals are permitted, owners are responsible cleaning up after the animals and are financially responsible for any damage, harm, or liability incurred while on City property.
- vii. Music or other noise including amplified sound is permitted, but must be kept to a level which does not interfere with or disturb other activities in the building. The Library Director or his/her designee may revoke permission for music or other noise in order to maintain the proper functioning of the Building.
- viii. The Library staff may enter any activity held in the Rooms to ensure that no unlawful activities are therein occurring.
- iv. The Library Director or his/her designee may require additional insurance for the use or rental of a Room or Room(s).
- x. All furniture or other temporary equipment brought into the Library must have protective caps to avoid scratching floors and damaging walls. Movement of furniture must be done with the use of rubber-wheeled dollies or carts. All furniture must be lifted, not dragged. It is the responsibility of the User to move all furniture or equipment. Library staff will not assist with the movement of furniture or equipment unless approved ahead of time.
- xi. The Rooms may contain tables and chairs, which must not be moved to another room unless approved by Library staff.

- a. Each meeting room is equipped with a Smart TV with a self-contained camera for video-conferencing. Patrons may use personal computers for presentations; the Library does not provide computers in meeting or conference rooms. The Library may provide VGA & HDMI connections, which must be requested ahead of time.
- b. Users are responsible for downloading and testing software needs ahead of time. If Users need special accommodations or require assistance with any of the technology, they must notify the Library Director at the time a reservation is confirmed.
- c. Meeting rooms may contain white-boards that may be used. The equipment cupboard in each room contains markers, an eraser, and cleaning supplies with instructions regarding use and cleaning. Users must clean the white-board before vacating the room.
- d. It is the responsibility of the User to return the equipment in the same condition in which it was provided to them.
- e. Additional equipment reservations and rentals shall be the responsibility of the User.
- f. Those who need assistance with equipment should notify Library staff at the time a reservation is confirmed.

## **VI. Breakdown & Cleaning**

All Users are responsible for completing breakdown and clean-up by the end of the reservation. The Library Director or his/her designee has the discretion to charge a cleaning fee according to the City's Fee Schedule if these policies are not followed.

### **A. Breakdown and Cleaning Policies**

- i. Removal of plaques, art, tables, chairs, podiums or other items or equipment from the Rooms is strictly prohibited. Tables, chairs and other equipment should be placed back in their original state at the end of a reservation.
- ii. All approved signage, decorations, or other temporary items must be removed by the end of the reservation period. Storage of any goods by persons or groups using the Rooms is not allowed.
- iii. Any damage caused to the Rooms or to City or Library equipment, including beverage or food accidents, must be immediately reported to Library staff. Cleaning or damage fees may apply.
- iv. Tables and countertops must be wiped down, and chairs and tables stacked/arranged appropriately. It is the responsibility of the User to remove and dispose of refuse (trash, waste, recycling).
- v. It is the responsibility of the individual or organization who reserves the space to be courteous to the next reservation and to be aware of the time that they must vacate the room and return it in its original, clean state on time.
- vi. The User must inform Library staff when vacating the Rooms.
- vii. No gratuities may be given to Library or City staff.

## **VII. Filming & Photography**

Users must review City filming and photography permit guidelines if they wish to photograph or film inside the Rooms. It is the responsibility of the User to obtain filming or photography permits, if necessary.

## **VIII. Capacity & Permits**

In order to ensure the health, safety, and welfare of Users, visitors, Library patrons, and City staff, capacity shall not exceed the posted requirements in each.

- a. It is the responsibility of the User to obtain any additional City, County or State permits or approvals that may be necessary.
- b. Some events may require security due to attendance. The Library Director or his/her designee will determine appropriate security, which must be paid for by the User.

## **IX. Parking**

The Building is located in a residential area. Limited, non-exclusive parking is available next to the Building. It is the responsibility of all Users and their invitees to obey and follow all posted signs and restrictions. The City is not responsible for damage or loss of vehicles on City property.

- a. Users should refer to the Park City website for information regarding walkability and transit schedules to alleviate parking pressures in the area. Carpooling and/or ridesharing is highly encouraged for those who choose to drive to the Building.
- b. The Library Director or his/her designee may require a User to have a parking and transportation plan.
- c. All deliveries to the Rooms must be prearranged. It is the responsibility of the organizer to inform Library staff at the time that the reservation is confirmed if deliveries will be required.

## **X. Supplemental Policies**

### **X. Special Conditions**

The following spaces within the Park City Library are unique. Special Conditions of spaces are as follows:

#### **i. Patio and Entry Hall**

- Use of alcohol shall be permitted in accordance with the Utah Department of Alcoholic Beverage Control.
- Shall only be available for rental prior to or after Library hours, or as approved by the Library Director and his/her designee.
- The Library Director or his/her designee is not obligated to provide alternative indoor space if inclement weather prevents the use of the patio.
- Shall be rented individually or together. If rented individually by different groups, the Library Director or his/her designee will determine entry access to the Building.
- Shall not conflict with the daily operations of the Library, or tenants of the Building, unless approved by the Library Director or his/her designee.
- Patio use must end no later than 10:00 p.m., unless approved by the Library Director or his/her designee.
- Any outdoor music or noise must end by 10:00 p.m. as pertains to the Park City Noise Ordinance.

#### **ii. Meeting Room 101**

- Use of alcohol shall be permitted in accordance with the Utah Department of Alcoholic Beverage Control.
- Shall not conflict with the daily operations of the tenants of the Building, unless approved by the Library Director or his/her designee.
- Shall be rented before, during or after Library hours.

iii. Meeting Room 301

- Use of alcohol shall be permitted in accordance with the Utah Department of Alcoholic Beverage Control.
- Shall not conflict with the daily operations of the tenants of the Building, unless approved by the Library Director or his/her designee.
- Shall be rented before, during or after Library hours.

iv. Jim Santy Auditorium

- Use of alcohol shall be permitted in accordance with the Utah Department of Alcoholic Beverage Control.
- Use of this facility may require additional fees for projectionists, sound or other technical stage/auditorium operations.
- Renters are responsible for obtaining licensing as may be required for showing films, movies, music or other recorded items.
- Use may require additional staff at the discretion of the Library Director or his/her designee at a fee to be incurred by the renter.
- Shall not conflict with the daily operations of the tenants of the Building, unless approved by the Library Director or his/her designee.
- Shall be rented before, during or after Library hours.

v. Community Room

- Use of alcohol shall be permitted in accordance with the Utah Department of Alcoholic Beverage Control.
- Shall not conflict with the daily operations of the tenants of the Building, unless approved by the Library Director or his/her designee.
- Shall be rented before, during or after Library hours.

vi. Kitchen

- Use of alcohol shall be permitted in accordance with the Utah Department of Alcoholic Beverage Control.
- Request of use shall be noted at the time the applicant requests the reservation.
- Use is subject to availability at the discretion of the Library Director or his/her designee.
- Use may be rented separately from other facilities within the building.
- Shall be available for use before, during or after business hours.
- Shall not conflict with the daily operations of the Library, or tenants of the Building, unless approved by the Library Director or his/her designee.

**XI. Damages and Liability**

The City is not liable for any loss or damage to any equipment owned or rented by User while on City property. Users will be held responsible for any damage to the

Building or other City property caused by anyone attending the activities organized by the User.

Any conduct occurring on City property which is unlawful or inappropriate shall result in the immediate termination of the use and forfeiture of all deposits and fees, and may result in fines and criminal charges.

The City shall not be responsible for the loss or damage of personal property occurring on City property during the use of the Rooms.

#### **XII. Appeals Process**

An applicant aggrieved by an administrative decision about the use of the Rooms may appeal the decision in writing to the Economic Development Manager within seven days of the action that gave rise to the grievance. The Manager will render a determination within 5 days. Appeal of the Economic Development Manager's determination may be made to the City Manager. The City Manager's determination is final.



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Attached for your approval, please find the minutes for June 9, 2016, and June 16, 2016. Thank you for your consideration.

**Respectfully:**

Michelle Kellogg, City Recorder



**PARK CITY COUNCIL MEETING MINUTES  
445 MARSAC AVENUE  
PARK CITY, UTAH 84060**

**June 9, 2016**

The Council of Park City, Summit County, Utah, met in open meeting on June 9, 2016, at 1:00 p.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property and litigation at 1:00 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

**CLOSED SESSION**

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

**WORK SESSION**

**Discuss 2016 Budget Policy - General Contingency Policy and Reserves:**

Jed Briggs, Budget Department, presented this item. He stated the City spent \$50,000 of the projected \$100,000 in the General Contingency Fund and would spend the other \$50,000 after the 2016 budget closed. Uses for the funds included the City videos, effective meeting trainings, etc. Council Member Matsumoto asked about the effective meetings training and inquired if that would be part of the regular budget in future years. Foster stated this program was now called Gold Medal Meetings and was done in house so there would be no additional cost. Council Member Matsumoto asked about the Courchevel expense. Rockwood indicated this was for the student exchange program with Courchevel.

Council Member Beerman asked what the process was for drawing from the funds. Briggs explained the requests came from managers for unexpected items throughout the year. Council Member Beerman requested that an official policy be written on how to access those funds. Council Member Matsumoto stated there was a danger in earmarking those funds as extra money for the Council to spend at the end of the budget year. Mayor Thomas felt this contingency fund was needed by the entire City for unexpected expenses. Council Member Beerman requested a Council contingency fund for its small requests throughout the year. Council Member Henney asked if each department had contingency funds. Briggs noted the funds had contingencies and there

1 was a contingency fund set aside for snow removal. Council Member Henney asked if a  
2 Council contingency fund could be taken from the sales tax revenue surplus. Rockwood  
3 stated contingency funds were budgeted and were not used with reserves. Council  
4 Member Beerman asked how the City replacement funds worked. Rockwood stated  
5 inventory was evaluated and equipment was put on a replacement schedule, and funds  
6 were set aside to fund those replacements. That was true for asset management as  
7 well, where buildings, roofs, etc. were on a replacement schedule. The State Code  
8 allowed for those replacements through the capital budget.

9  
10 Council Member Gerber asked if a Council contingency fund could be funded from the  
11 sales tax surplus. Briggs stated the contingency fund would be an ongoing expense. If it  
12 was dependent on surplus, there might not be any contingency for the years that had no  
13 surplus. Council Member Worel was in favor of having a Council contingency fund as  
14 well. Council Member Beerman stated the assumption that Council would spend the  
15 entire contingency fund was false, because this Council had acted very responsibly with  
16 spending City funds. Briggs confirmed that Council would have a contingency fund and  
17 asked what dollar amount the Council would like. The Council agreed to \$50,000 for  
18 that fund.

19  
20 **Staffing Update – Pursuing Net Zero Goals through Support of the Georgetown**  
21 **University Energy Prize Competition:**

22 Council Member Henney recused himself because of his personal relationship with a  
23 member of Summit Community Power Works (SCPW). Foster stated she recommended  
24 focusing on the Georgetown Energy Prize by supporting SCPW. She explained her  
25 reasoning for recommending a \$7,500 allocation to SCPW. She also indicated that  
26 SCPW focused entirely on energy. It was clarified that a non-profit was needed to head  
27 up the Georgetown Energy Prize and SCPW was created for that purpose.

28  
29 Council Member Worel asked if only non-profits could vie for special service contracts.  
30 Rockwood stated the State Code required that if donations were made to entities, the  
31 benefits of having that service needed to be defined, and there was a cap of 1% of the  
32 budget that could be awarded. He noted there were multiple ways of contracting with  
33 the City.

34  
35 Council Member Beerman was in favor of funding SCPW as a direct contract in the  
36 future and supporting this now in the hope of achieving the prize. Council Member  
37 Gerber asked why funds were needed for next year if the goal was to win the prize this  
38 year. Foster stated it was her understanding that this would be a permanent non-profit.  
39 Council Member Matsumoto favored having SCPW go through the contract process,  
40 and do away with the special service contract it received. She wanted to fund the  
41 \$30,000 that was requested in order to give support to the efforts of attaining the prize.  
42 Council Member Beerman clarified that the request was for \$45,000. It was indicated  
43 that the \$15,000 from the special service contract fund and \$30,000 from the  
44 Environmental Sustainability Department would be used to fill this need. Council

Members Gerber and Worel supported this funding option. Mayor Thomas, and Council Members Matsumoto and Beerman favored using \$45,000 from the absence of personnel in the Environmental Sustainability Department for the contract, and leaving the \$15,000 in the Special Service Contract Fund that was originally awarded to SCPW. The majority agreed to the \$45,000 contract, using funds from the Environmental Sustainability Department.

Mary Christa Smith, SCPW, thanked Council for their support.

**Recreation Advisory Board Interviews:**

The Council interviewed Cabot Woolley, Howard Silverman and Meisha Ross to fill the two vacancies on the Recreation Advisory Board. Mayor Thomas indicated a decision would be made in the next few days.

**Review Lower Park Avenue Housing Request for Proposals (RFP) Scope – 1364 Woodside Avenue:**

Jonathan Weidenhamer, Economic Development Manager, presented this item. He indicated there was a Request for Proposals (RFP) to construct housing on the fire station parcel. Now that the City had purchased 1364 Woodside Avenue next to the fire station parcel, he sought direction on looking at the Woodside parcel separately with regard to housing or to consider both parcels together. He noted the RFP would need to be issued again if the parcels were combined. Council Member Henney was not favorable to reopening the whole process and delaying the timeline. Council Member Worel stated it was important to have a coordinated effort, so she felt it would be worth the time to figure out the Master Plan for the whole area. Weidenhamer stated that a Master Plan of the area could be done without delaying the timeframe. Council Member Gerber indicated she was not in favor of delaying the process. Harrington stated there was a process to add to a project at a later date, but he did not recommend increasing the scope at this point. Council Member Beerman favored master planning the entire project, but did not want to design the 1364 Woodside parcel at this point. Council Member Matsumoto agreed. It was decided to proceed with the current RFP.

**Review Main Street and Downtown Parking Management Study Results:**

Phil Olmstead, Nelson and Nygaard, and Brian Andersen, Parking, and Blake Fannesbeck, Transportation Department, presented this item. Fannesbeck reviewed the process of brainstorming ways to alleviate the weekend parking problem in the City. He stated the driving force for this study was to have sufficient parking for employees and customers.

Olmstead stated there was a great deal of work needed in the next six to nine months to implement this parking management plan. He noted the parking demand in downtown was not uniform – evenings and weekends were busier, as well as events that come to the City. He recommended that off streets become "pay to park" during busy times, and

1 that Main Street parking fees increase during peak times as well as during certain times  
2 of the year. He also felt the City should lower parking fees during non-peak times.

3  
4 With regard to employee parking for downtown businesses, he recommended creating  
5 the "Access Park City" travel program. This would be a shuttle program during peak  
6 times, and it would run late enough to accommodate the late shift workers. Parking  
7 revenue could be used to incentivize the employees to use transit services. Discounting  
8 parking passes was another recommendation, which would allow the employees to pay  
9 for parking only on the days they work. Olmstead recommended visible signage to  
10 parking locations, variable message signs, having regulatory signage, online education,  
11 and parking apps.

12  
13 Fonnesbeck indicated that this program was flexible to allow changes as the City grows  
14 and changes. He stated there was \$1 million reserved for these capital projects. Council  
15 Member Matsumoto asked how the user would know when parking was free and when  
16 there was a charge. Olmstead stated communication was key in making this program a  
17 success. There was no one way the communication would reach everyone, so many  
18 different avenues would be needed, including apps, websites, signs, etc.

19  
20 Council Member Beerman stated this was a great report, and this program made sense.  
21 He asked if statistics could be gathered on what percentage of parking was used by  
22 employees. Olmstead indicated there would be monitoring so this information could be  
23 collected. Council Member Worel liked the multifaceted plan. In looking at the timeline  
24 and the operating costs, she asked if this was built into the budget. Fonnesbeck stated  
25 the operating costs were not included in the next year's budget, but the infrastructure  
26 was included in the Capital Improvement Projects Fund. Foster stated the Budget  
27 Department was aware of the project and operating costs could be figured out mid-year,  
28 especially because this was a revenue based program.

29  
30 Mayor Thomas indicated he liked the flexibility of the system as well as the holistic  
31 approach. Council Member Beerman asked how long it would take to implement.  
32 Olmstead stated to do it right, it would be six to nine months. A formal policy should be  
33 adopted, and then the City should begin to determine resources needed internally  
34 because a lot more manpower would be needed for this program. An education piece  
35 would also be critical for this program to succeed. He noted that signage and  
36 infrastructure could be put in place and the employees should have the travel options in  
37 place before pricing was rolled out.

38  
39 Fonnesbeck requested that he give Council a monthly update so the community could  
40 stay informed on the progress of this program.

41  
42 Council Member Henney was supportive of the program and felt this met a lot of the  
43 concerns from the employees and office people in town. Council Member Matsumoto  
44 agreed and thought it needed to be done correctly, which might take a little longer.

1 Fonnesbeck thought having a committee to help with implementation would expedite  
2 the process.

3  
4 Council Member Gerber asserted she was excited to see the implementation and was  
5 impressed that this program was so comprehensive. She liked the consistency of an  
6 employee shuttle. She knew this would be a big change for the community and liked the  
7 opportunity for some continued free parking. Andersen expressed his appreciation to  
8 the Transportation Advisory Committee for all their work.

9  
10 **Discuss Vail Resort's Pending Trademark Application for "Park City":**

11 Mayor Thomas stated that this item was important to the community. Who we are is  
12 important to the community. We have evolved over time, from mining to skiing. He knew  
13 that the ski industry was important and as a community, we are co-dependent with the  
14 resorts. But we can't forget who we are. We have tremendous benefits from this  
15 relationship: the schools, parks, playgrounds, the arts and culture and history of the  
16 community. He indicated Vail was a new member of the community and initially the  
17 relationship was a little rocky, with a lawsuit that resulted with Vail's initiation into this  
18 community. He remembered the fear this community had during that legal process, and  
19 the worry that was felt when one of the resorts wondered if it wouldn't open one year.  
20 Mayor Thomas thought things had now changed, and referred to this past ski year. It  
21 was a record year in business, things are going well and to some extent he thought the  
22 community should be celebrating. Now there is a need to work through the trademark  
23 issue between the resort and the community. He also noted that no decision would be  
24 made tonight, but the purpose of this meeting was to hear public input.

25  
26 Mark Harrington, City Attorney, referred to his staff report in the online packet, and  
27 stated this process evolved from the combination of the two ski areas – the Canyons  
28 and Park City Mountain Resort- last summer. As Vail unrolled its new "Park City"  
29 signage for the combined resort, some questions arose from the Council. There were  
30 some stakeholder meetings with representatives from the Chamber of Commerce to talk  
31 to Vail about the "Park City" branding and "There Is Only One" tagline. He noted that the  
32 Council watched the issue, but there was no time to do anything about it because the  
33 pending trademark application was filed in 2014 by the previous owner. The application  
34 was denied in November, 2015. Vail then amended the application this spring, and a 30  
35 day opposition period began May 9<sup>th</sup> and would conclude tonight at 9:59 p.m. Mountain  
36 Standard Time to file an opposition to that application. Harrington indicated the  
37 amended trademark application was much narrower in scope than the original. The  
38 amended application would provide Vail a trademark for ski facilities including skiing  
39 and snowboarding and including classes in skiing and snowboarding.

40  
41 He stated geographic references generally cannot be trademarked unless there is a  
42 distinction in the meaning of the name. This type of trademark (for which Vail applied)  
43 was a weaker trademark and would allow others to continue to use the name as well.  
44 He stated the Council felt that the community needed to be aware of this application,

1 therefore the word went out that this trademark application was pending. The City  
2 cannot say the trademark would or would not affect businesses, but it can say that it is  
3 unlikely to affect your business in certain circumstances. Harrington noted that Vail had  
4 indicated its intent was to protect itself within the ski industry. The Council needed to  
5 consider what role the City should take with regard to this matter. He stated that cities  
6 cannot trademark city names and then divvy out use to certain entities. He further  
7 entailed the technicalities of trademarks. He indicated Vail had been cooperative in  
8 trying to mitigate the concerns of the community. Mayor Thomas stated the Council had  
9 worked on this issue since November and progress had been made. He also noted that  
10 Vail had reached out to the community as well to resolve concerns.

11  
12 Bill Rock, Chief Operating Officer, Park City Mountain Resort, stated he respected the  
13 community and the passion of its citizens. He stated Vail's intent was not to impact  
14 anyone's business here in Park City, but was to protect its ski area. Right now the "Park  
15 City" trademark was open for anyone to take. He noted the destination travellers say  
16 they are coming to ski in Park City. Vail wanted to make sure that nobody else could  
17 represent themselves as Park City the ski area, including setting up a website saying  
18 they were Park City Mountain Resort. Rock stated over 40 businesses use Park City in  
19 their name. He referred to Park City Brewery as a business that uses Park City as a  
20 stand alone name for its product, having a trademark to protect itself against anybody  
21 wanting to make a Park City beer. He asserted he had no intention of impacting  
22 anybody's business here. Vail had drafted a memorandum of understanding (MOU) and  
23 noted there was a process which they were working through. He also indicated other  
24 resorts such as Sun Valley had their names trademarked so this process was not  
25 uncommon. He concluded by saying that he was open to talk to anyone who wanted to  
26 discuss this further.

27  
28 Kristin Williams, Vail Attorney, stated that locally there was concern on how to refer to  
29 the ski area in a way that wasn't confusing it with the City. She indicated Vail listened to  
30 that concern and was willing to work to distinguish the name locally by referring to the  
31 entire name of the resort, Park City Mountain Resort.

32  
33 Mayor Thomas opened the meeting for public input.

34  
35 Angela Moschetta with Sarah Berry, Future Park City, read the following prepared  
36 statement: *Thank you, Councilors and Honorable Mayor, not only for bringing this*  
37 *matter to the attention of our community but also for giving us the opportunity to offer*  
38 *actionable recommendations here today. Without your efforts on our behalf, this issue*  
39 *may have been decided long ago before the community had been made aware of its*  
40 *potential impact and been given the opportunity to raise a collective voice.*

41  
42 *My name is Angela Moschetta, and I have been a resident, both full and part time in*  
43 *Park City for over 9 years. I stand before you today representing myself, my co-founder*  
44 *Sarah Berry, a 12 year resident and local businesses owner, and the 278 members of*

1 *Future Park City, a civic engagement initiative we began exactly one week ago today in*  
2 *order to facilitate communication and collaboration among civic leaders, community*  
3 *agencies, local businesses and organizations, and residents.*

4  
5 *We, as a community, recognize that Vail, as one of the largest employers in town and*  
6 *stewards of a ski mountain that brings tremendous value to all of us - as citizens,*  
7 *employees, business owners and skiers – has a job to do, a business to operate, a*  
8 *brand to enforce and shareholders and employees to protect, many of whom are our*  
9 *friends, family and neighbors. Their role in the future of this town is a huge one, and one*  
10 *of our goals as Future Park City is to embrace Vail and bridge the divide that many*  
11 *perceive to exist between their interests and those of our community.*

12  
13 *The idea of trademarking the town name is simply anathema to many people. For*  
14 *emotional, historical and philosophical reasons, the thought of the town name being*  
15 *“owned” by a big, corporate entity immediately raised everyone’s defenses. But, as we*  
16 *have sought to bring light to this issue through our Future Park City meetings and the*  
17 *advice and counsel of experts in the field, the realities of trademark law are different and*  
18 *nuanced, and our knee jerk emotional objections in some case may have to be*  
19 *tempered with the protections and interests that our local business community can also*  
20 *achieve by navigating this process fairly and equitably with Vail as a willing partner, and*  
21 *not a perceived enemy of the town.*

22  
23 *Pursuant to a phone call I had yesterday with Kristin Williams of Vail Resorts and a*  
24 *meeting Future Park City held last night with concerned citizens and business owners,*  
25 *many of whom have filed for extension to oppose the trademark, I am confident that*  
26 *with your strong and clear advocacy on behalf of our Park City community and with the*  
27 *commitments that Vail has offered to put in writing and make legally binding, swift and*  
28 *satisfactory resolution of all current issues that have arisen between Vail and our town*  
29 *is assured.*

30 *To be sure, Vail has already started the commendable process of public fence mending*  
31 *by promising in very clear terms that they will enter into memorandums of*  
32 *understanding with Park City Municipal as well as local businesses owners for the*  
33 *purposes of eliminating confusion and protecting local businesses.*

34  
35 *With respect to local businesses, Vail states: “We have offered to Park City Municipal*  
36 *to enter into agreements with any local business who uses Park City in their name and*  
37 *who is concerned that our trademark application may negatively impact their business.”*  
38 *With respect to Vail’s general trademark application, they state: “We would also be*  
39 *willing to work out a memorandum of understanding with the City to clarify any part of*  
40 *our trademark application and how it would be applied.”*

41  
42 *And with respect to widely held community concern about confusion between Park City,*  
43 *the geographic definer of our community, and Park City, the land mass and resort*  
44 *facilities maintained by Vail Resorts, Kristin Williams expressly stated that Vail has*

1 started to address this and will continue to by adding the word “mountain” back into  
2 signage, radio spots, advertisements and other marketing materials as they appear  
3 locally.

4  
5 In the spirit of bridging the gap between our community values and the rights and  
6 obligations of Vail as a resort operator, and also balancing the needs and wants of our  
7 small businesses community, we have engaged this discussion and wish to put forth  
8 what we think is the logical compromise – one that truly and completely addresses the  
9 legal and business issues at stake and ensures harmony going forward.

10  
11 First to the matter of the trademark application: The federal government rejected  
12 Powder Corp’s initial filing on the basis of geography and broad scope, indicating that  
13 an amended application present a considerably more refined scope. Vail responded by  
14 seeking to trademark Park City specific to: “Providing facilities for skiing and  
15 snowboarding, and conducting classes and instruction in skiing and snowboarding.” It is  
16 the word “facilities” specifically that continues to cause confusion within our community,  
17 this only compounded by Vail spokespersons Bill Rock and Kristin Williams as recently  
18 as today on KPCW repeatedly referring to the scope of their trademark application as  
19 “ski area operations.” For the purpose of the memorandum of understanding in which  
20 Vail has offered to clarify any part of their trademark application and how it will be  
21 applied, we ask that they further define this scope, what specifically it encompasses and  
22 what it includes.

23  
24 With respect to the protection of local businesses, we ask that Vail’s memorandum of  
25 understanding with Park City Municipal affirm it will not pursue any kind of trademark  
26 action against any present or future business using the geographically distinctive words  
27 “Park City” in its name, regardless of goods or services overlap, with the sole exception  
28 being any entity that attempts to operate a SKI RESORT in direct competition with Vail  
29 and the Park City Mountain operation; specifically limiting this definition to ONLY a  
30 competing business attempting to sell access to lift-serviced regions of skiable terrain in  
31 which said business is operating and using the words “Park City” in its branding and  
32 identity. Perhaps this is how the application scope can be clarified...

33  
34 As a result of conversations with local business owners in recent days, we ask for a  
35 notable exception to the local protection and that is that any currently operational  
36 businesses registered outside of this region that funnels money directly into our  
37 community and/or local businesses, also benefit from the same protections Vail will offer  
38 to local businesses.

39  
40 To underscore and further ensure its promises, we ask that Vail initiate action and  
41 establish a clear and easily discoverable process for the purposes of inviting all  
42 community businesses and any affiliates defined by them to enter into individual  
43 memorandums of understanding with each of them in order that every potentially

1 impacted business have the security of its own mutually agreeable and legally binding  
2 document.

3  
4 All this said, we respect and support Vail's right to pursue action against any individual  
5 or business, now or in the future, attempting to use the words Park City in connection  
6 with the operation of a ski resort. And we understand that enforcement of Vail's  
7 trademark in this manner, should the trademark be upheld, will benefit our community.

8  
9 Finally, to the matter of brand confusion.... Vail ski resort began operations in 1962. The  
10 town was incorporated in 1966. It is no wonder that the resort and town brands are one  
11 and the same. Park City the town was founded in 1869. Our first ski resort came along  
12 in 1963 and it was called Treasure Mountain.

13  
14 Per Wikipedia... "Treasure Mountain's name was changed to the Park City Ski Area for  
15 its fourth season of 1966-67, and in 1996, became known as Park City Mountain  
16 Resort." The entry goes on to refer to Park City Mountain Resort and PCMR, but never  
17 simply Park City. And herein lies the rub.

18 Bill Malone may have told Ms. Williams that he refers to the two resorts in Park City as  
19 Deer Valley and simply Park City, which has implied for Vail that people recognize the  
20 ski operation as simply Park City. But there is context in these situations. There is the  
21 foundation of a conversation that has already established a geographic marker, so that  
22 when specifics turn to ski resorts, abbreviated names such as Park City or even DV  
23 make sense. It is the same kind of context provided by a beer bottle when one sees  
24 Park City on a label. Everyone knows it's a beer and not a state map.

25  
26 But what happens when people approaching on 224 miss the "Welcome to Park City"  
27 sign and then see one somewhere on Empire Ave or on Lowell? Is that large sign  
28 adjacent a huge land mass complete with buildings, parking lots, street signs, buses  
29 and people identifying a resort OR a community? And that is the bleed our people fear.

30  
31 This community is made of magic. We are outdoorsy, we are neighborly, we are savvy,  
32 we are conscious citizens, we are certainly silly and quirky, and most of all, we are  
33 proud. We are the home of the US Ski Team. We have hosted Olympic & World Cup  
34 events celebrated the world over. Ski legends call this town home. Whether we are from  
35 a multi generation Park City family or brand new in town, WE define our community. WE  
36 are Park City, our actions, our events, our hospitality, our leadership, our people...

37  
38 Vail knows this and more importantly, understands the financial viability of others  
39 continuing to visit, delight in and celebrate this. And so do other businesses that set up  
40 shop here, some putting our name in their name... There's strength in our brand.  
41 There's pride in our brand. And it is for these reasons that the community feels slighted  
42 over Vail's OWN branding and marketing choices and is fearful that after 15 or 20 more  
43 years of people like Bill or Kristin representing town and our ski resort as one and the

1 same, that our brand and the resort brand will become as inextricably linked, and  
2 essentially muddled, as the one originating from Vail, Colorado.

3  
4 There are MANY different types of Park City businesses including Deer Valley,  
5 Chimayo, Old Town Cellars, Twice the Dough Donuts and then Park City Pizza, Park  
6 City Brewery, Park City Lodging, Park City Sports and Park City the ski resort. And the  
7 one true Park City that they ALL identify with and attach themselves to, whether their  
8 name is geographically descriptive or not, is the living, breathing community before you  
9 here today. Again, WE are Park City.

10  
11 We appreciate wholeheartedly the actions Vail has undertaken to address confusion  
12 locally, which includes and will include, as verbally confirmed by Ms. Williams, adding  
13 the word "mountain" back into radio spots, signage and other marketing materials. But  
14 this is not enough.

15  
16 Maintaining our community brand and its legacy is of tremendous importance to the  
17 citizens, businesses and repeat visitors that make us who we are. For this reason, we  
18 ask that Vail enter into a memorandum of understanding with Park City Municipal and  
19 agree to refer to its ski resort in Park City as Park City Mountain Resort or Park City  
20 Mountain or Park City Resort in ALL of its external communications and materials. We  
21 ask that it abandon its tagline, "there is only one" and that is also immediately cease  
22 usage of the hashtag #oneparkcity. As part of this understanding, we ask that the  
23 Council and Vail continue to work towards mutually agreeable branding, advertising and  
24 corporate communications guidelines that respect Vail's commercial rights to market the  
25 resort – which benefits all of us in many ways – and at the same time preserve the  
26 historic legacy and identity by which our town of Park City is also known by the non-  
27 skiing and snowboarding community worldwide.

28  
29 For all memorandums of understanding entered into between Vail Resorts and Park  
30 City Municipal, we ask that they identify Park City's residents and businesses as third  
31 party beneficiaries. Additionally, we ask that all agreements between Vail and Park City  
32 Municipal and Vail and individual businesses continue in perpetuity.

33  
34 We ask that City Council consider our recommendations as speaking for the fair and  
35 legitimate concerns of members of our business community and residents of the town,  
36 as have been documented and agreed upon in consensus by several such members  
37 who met under the Future Park City umbrella to discuss these issues.

38  
39 Lastly, we ask that the Vail executives in attendance here today, state for the record  
40 that this proposal, in its general and specific requests, fairly and accurately represents  
41 the intentions of Vail – as they have both publicly and privately stated to this community  
42 and in the media - to limit the scope of their trademark application to protect only  
43 against competitors to their core business of operating the ski resort itself, and their  
44 desire to protect the local community and not, over time, subsume and threaten the

1 *interests of our community that have made this town such a special place to live. Thank*  
2 *for your time.*

3  
4 Dana Williams, former Park City Mayor, stated he was one of 100 who had filed  
5 opposition to the trademark application. He stated the City talked about trademarking  
6 "Park City" in 2003-2004. He researched famous trademark cases, and used the band  
7 Chicago as an example of others trying to use other cities' brands. He didn't think this  
8 was about the protection of ski resorts, but had to do with distinctiveness. Williams  
9 asserted this City was distinctive 100 years before becoming a ski town. He reflected on  
10 a meeting he had with Vail where it was discussed that Vail was now part of the "Park  
11 City" brand, and emphasized that Park City was the City's brand. He thought our name  
12 was part of the priorities of the City. He felt the City's name should be protected, and  
13 requested that the Council say no to an MOU and defend the City's name in  
14 Washington during the hearings.

15  
16 Paul Kerwin, business owner since 1985, stated he had concern with the MOU. City  
17 councils, CEOs, senior management all come and go but trademarks stay the same. No  
18 matter how narrow that would be, he was concerned about the small businesses. Over  
19 time, things change, and it could be possible to have cease and desist orders on local  
20 businesses, and small businesses wouldn't have the funds to properly defend  
21 themselves against a corporate entity like Vail. A trademark gives a company so much  
22 leverage. He thought the City Council needed to protect the community and its  
23 businesses. He didn't think an MOU could adequately protect businesses.

24  
25 Chip Prettnner, 43 year resident, requested the Council to just say no.

26  
27 Ed Parigian stated the new signage was put up to deceive people because there is no  
28 mention of ski areas. People now ask him where old town is because they follow the  
29 signs and end up at the resort. He stated Vail wanted to be good neighbors but that  
30 takes time. He cautioned the Council to be on guard because things change.

31  
32 Bill Malone, Chamber of Commerce, stated when the Chamber members first became  
33 aware of this, the concern was for local businesses here now, and for businesses that  
34 might want to come here in the future. After conversations with the City and resort, the  
35 Chamber felt confident that the MOU can work. He offered to help be part of the  
36 solution, and would help businesses maintain their monikers of Park City. He indicated  
37 the Chamber had marketed the community for 35 years, and there was no confusion  
38 around the world on where Park City was located. He said there was confusion on the  
39 local level and Vail would work to correct local signage. With regard to the rest of the  
40 world, the Chamber referred the ski areas as Park City and Deer Valley in their  
41 marketing efforts.

42  
43 Sharon Christiansen indicated Vail was a publicly traded company so their first  
44 obligation was to their stockholders, not to Park City. Things change over time and she

1 didn't want future stockholders to come in with different expectations then what was  
2 presented tonight.  
3  
4 Mayor Thomas stated public comments could continue during the Public Input portion of  
5 the regular meeting.

6 **REGULAR MEETING**

7  
8 **I. Roll Call**  
9

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

10  
11 **II. Communications and Disclosures from Council and Staff**

12 Council Member Beerman stated for the last several months a number of people had  
13 been working to bring an employer to town and announced that the Ski Industries  
14 Alliance (SIA) would be moving here and would be employing about 25 people.

15 **III. Public Input (Any Matter of City Business Not Scheduled on the Agenda)**

16 Mayor Thomas stated those who wished to comment with regard to the Park City  
17 trademark or any other item which was not on the agenda could do so at this time.

18  
19 Andre Shumetov, marketing for Park City Brewery, stated this issue had sent them  
20 talking to lawyers and trying to understand the issue. He felt there was atrocious  
21 communication on this issue. He related what he had learned from talking to attorneys:  
22 The likelihood of the trademark going through was very good and there was nothing the  
23 City could do about it; you don't have to have a trademark registration to defend your  
24 trademark so Park City Lodging for example, could defend its name against Vail if Vail  
25 decided to pursue that against them; and you have to be in operation for five years  
26 before you can register the name. He agreed that the scope of the application needed  
27 to be further narrowed. He recommended that Vail open up the communication with  
28 local businesses.  
29

1 Matt Lawyer, patent lawyer, stated the MOU was weak and requested that Vail consider  
2 contracting with the City government to license the trademark. The license would be  
3 limited in scope and gives the City the sole rights to enforce the Trademark against local  
4 businesses so that Vail could just come to the City if there is a problem.

5  
6 Sebastian Ziesler spoke about the Storm Water fee. He indicated he had received the  
7 flyer explaining this new fee and felt it was another tax. He thought there were many  
8 residents on fixed incomes and this equated to a 30% tax increase for some. He also  
9 asserted that some services provided with this utility fee were not considered utilities in  
10 his opinion, such as mowing the parks and police protection. He did not think collecting  
11 a mandatory fee was the right approach for the City.

12  
13 Michael Kaplan stated he taught international marketing in the United States and  
14 overseas, and wanted to reiterate the value of the City's brand. He thought Vail was  
15 riding on the coattails of the City for name recognition. He felt the resolution to this was  
16 to have Vail use the entire name of the resort in their marketing.

17  
18 Tom Carlson called into the City and his statement was read into the record by Kellogg,  
19 indicating his suggestion that Vail apply to have the trademark "On Mountain" Resort  
20 and specifically exclude the City's name. This would support the commercial interests in  
21 the City.

22  
23 Kevin Valaika, Lisa Williams, Sanota Janid, and Ethel Preston added their names to the  
24 list of other speakers in support of not trademarking the City's name.

25  
26 Mayor Thomas closed the public input portion of the meeting.

27  
28 **Council Comments and Questions:**

29 Council Member Gerber indicated she attended the Off Leash Dog Task Force meeting,  
30 where they discussed what would be presented at next week's City Council meeting.  
31 She also attended the Planning Commission meeting at Santy Auditorium where a  
32 discussion took place with regard to Treasure Mountain, and she stated more meetings  
33 on this topic would be held through December.

34  
35 Council Member Worel stated she attended the Board of Health meeting, where a water  
36 concurrency ordinance was passed. Park City had specifically requested to be exempt  
37 but was denied because they felt it was clear that all municipalities were exempt. She  
38 also attended the Park City Advocacy meeting, where the group began to divide up into  
39 different task forces that would each address a specific issue. She attended the Joint  
40 Transit Advisory Board (JTAB) meeting, and stated a short term transportation plan  
41 would be presented in July. It was also announced that new buses had been ordered  
42 and would come online in the winter.

Council Member Henney stated he spent day with Foster at the Transportation Task Force meeting, narrowing the project list and discussing funding options, and then at the JTAB meeting, where the parking proposal was discussed. He also attended the Weber Water District meeting.

Council Member Matsumoto indicated she attended the Recreation Advisory Board (RAB) meeting where the Dog Task Force and the Rec Facilities Master Plan were discussed.

Council Member Beerman stated he attended a Mountain Accord meeting. He watched the Treasure Hill discussion at the Planning Commission meeting and then went to the Future Park City meeting. He commented that the bike racks were being distributed around the community, and he wanted someone to evaluate that they were being placed in the best locations. He also noticed construction everywhere and some places seemed unsafe, and he felt this was too much for residents. Heinrich Deters stated Park Avenue construction was for gas lines, water lines, and the walkability project. He hoped to do it in the off-season and as of today the project was done.

Mayor Thomas indicated he attended the Transportation Task Force meeting and the Fire Board meeting. He asked for a backup in the event that he couldn't attend a Promise Partnership Regional Council meeting.

Council Member Gerber stated she heard about the change for the bikes on the buses. A mother with four children stated she couldn't get all four kids on the bus with bikes if two other bikers were already onboard. She also was asked if money could be raised to add additional bike racks to the backs of the buses. Fonnesebeck stated Deer Valley trails weren't ready so there was some concern with having too many people on bikes up there. He stated this was a pilot program and issues would be evaluated.

Foster stated that having SIA in Park City, which Council Member Beerman announced, had been accomplished in large part from his efforts.

#### **IV. Consideration of Minutes**

##### **Consideration of a Request to Approve the City Council Meeting Minutes from May 19, 2016:**

Council Member Gerber indicated on Page 62 of the packet, the spelling of the app should be Vutility. Also, on Page 68, she had recommended the \$7 million placeholder but had concerns that the project couldn't be completed for that amount.

Council Member Beerman moved to approve the City Council Meeting minutes from May 19, 2016 with the above mentioned amendments. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Matsumoto and Worel

**ABSTAIN:** Council Member Henney

**V. New Business**

**1. Public Hearing to Receive Comment with Regard to the Fiscal Year 2016-2017 Tentative Budget:**

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

**2. Consideration of Approval of Street Dining on Main Lease for Tupelo at 508 Main Street in a Form Approved by the City Attorney:**

Ashley Scarff, Planning Department, stated Tupelo requested to have a dining deck at 508 Main Street. Planning recommended issuing the permit.

Council Member Matsumoto stated the previous owner applied for on-street dining and there was a concern. Scarff stated the concern was with regard to pedestrians crossing 5<sup>th</sup> Street at that intersection, but it was resolved because the deck was shortened. Council Member Matsumoto asked Planning to observe that location for possible concerns. Council Member Beerman asked if there was a deadline for these applications. Scarff stated there was a rolling application period for the duration of the contract period. Council Member Beerman stated he would prefer to have Council do a walk through before approving the lease. It was decided to have a group walk through next Thursday before Council meeting.

Council Member Matsumoto moved to continue the approval of the Street Dining on Main Lease for Tupelo at 508 Main Street in a form approved by the City Attorney until after the walk through. Council Member Worel seconded the motion.

**RESULT: CONTINUED**

**Next: 6/16/2016**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**3. Consideration of a Request to Continue a Public Hearing on an Ordinance for the 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision, Located at 220 King Road, Park City, Utah:**

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

Council Member Worel moved to continue a public hearing on an ordinance for the 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision, located at 220

King Road, Park City, Utah, to June 30, 2016. Council Member Beerman seconded the motion.

**RESULT: CONTINUED**

**Next: 6/30/2016**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**4. Consideration of an Ordinance Approving a Third Extension of the August 9, 2012, Approval of the Ontario Mine Bench Subdivision Located at 7700 Marsac Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney. (A) Public Hearing (B) Action:**

Kirsten Whetstone, Planning Department, stated there were no changes to the proposed plat, but there was a condition that the subdivision must be recorded by October 30, 2016 or the extension would expire.

Council Member Gerber asked about the water usage letter included in the packet. Whetstone explained there were leaks, irrigation that was not turned off and other issues yet to be resolved.

David Smith, United Mine, stated the water was pumped up to the site. There were two significant leaks that had been fixed, but there was still significant usage and they hadn't found the source.

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

Council Member Beerman moved to approve Ordinance 2016-27, an ordinance approving a third extension of the August 9, 2012, approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**5. Consideration of an Ordinance Approving a Third Extension of the August 9, 2012, Approval of the Ontario Mine Bench Condominium Plat Located at 7700 Marsac Avenue, Park City, Utah Pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney. (A) Public Hearing (B) Action:**

1 Whetstone stated this plat was related to the subdivision plat, but this was a  
2 condominium plat. The same condition of approval was required of recording the plat  
3 before October 30, 2016, or the extension would expire.

4  
5 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas  
6 closed the public hearing.

7  
8 Council Member Beerman moved to approve Ordinance 2016-28, an ordinance  
9 approving a third extension of the August 9, 2012, approval of the Ontario Mine Bench  
10 Condominium Plat located at 7700 Marsac Avenue, Park City, Utah, pursuant to the  
11 findings of fact, conclusions of law, and conditions of approval in a form approved by the  
12 City Attorney. Council Member Worel seconded the motion.

13 **RESULT: APPROVED**

14 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

15  
16 **6. Consideration of a Request to Continue a Public Hearing on Land**  
17 **Management Code Amendments:**

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

20  
21 Council Member Matsumoto moved to continue a public hearing on Land Management  
22 Code Amendments. Council Member Henney seconded the motion.

23 **RESULT: CONTINUED**

24 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

25  
26 Council Member Beerman moved to close the meeting to discuss property and litigation  
27 at 7:05 p.m. Council Member Worel seconded the motion. Voting Aye: Council  
28 Members Beerman, Gerber, Henney, Matsumoto and Worel.

29  
30 **CLOSED SESSION**

31  
32 Council Member Beerman moved to adjourn from Closed Meeting. Council Member  
33 Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney,  
34 Matsumoto and Worel.

35  
36 **VII. Adjournment**

37 With no further business, the meeting was adjourned.

38  
39  
40  
Michelle Kellogg, Park City Recorder



**PARK CITY COUNCIL MEETING MINUTES  
445 MARSAC AVENUE  
PARK CITY, UTAH 84060**

**June 16, 2016**

The Council of Park City, Summit County, Utah, met in open meeting on June 16, 2016, at 1:00 p.m. for an onsite tour of a possible Tupelo Dining Deck, 508 Main Street.

At 1:30 p.m. the City Council meeting continued in the Council Chambers.

Council Member Gerber moved to close the meeting to discuss property, personnel and litigation at 1:30 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

**CLOSED SESSION**

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

**WORK SESSION**

**Council Questions and Comments:**

Council Member Gerber stated she attended Peace House Board meeting and the Friends of the Farm meeting. She commented that she was disturbed by what happened in Orlando and asked if there was anything the City could do, or that the Council could do personally, to encourage the state and fed government to look into stronger gun laws. She wanted to protect our citizens and visitors. Mayor Thomas wanted to share our compassion and concern, he knew Orlando was far away but he felt the cities were knitted together by social media and humanity. He hoped to create a moment in the community to show compassion and concern. Council Member Matsumoto stated that before the tragedy in Orlando she had asked about the conceal carry law that was recently decided by the court. Harrington clarified that was a circuit court decision and explained the ruling was that the ability to carry a concealed weapon was not necessarily a protected right. He stated he had not researched that but could look into that case and report back to Council if further information was desired. Council Member Beerman sympathized and agreed with Council Member Gerber, stating he didn't like guns, but he could understand the constitutional right to bear arms. He indicated this situation involved weapons of war, not people's personal guns. He felt if this could be clarified for the community, he would like to look at it.

1 Mayor Thomas indicated a resolution or candlelight vigil would be appropriate to show  
2 solidarity with Orlando. Council Member Gerber hoped information could be dispersed  
3 educating people on how to reach out, whether by phone calls or letters, to take this to  
4 the next level.

5  
6 Council Member Henney stated he attended the Tiny Triathlon at the MARC, where he  
7 read a City proclamation, declaring it the cutest triathlon ever. He attended  
8 Mountainlands Community Housing Trust Board meeting, where they continued to turn  
9 out affordable housing in the county. He attended the Summit Mosquito Abatement  
10 District meeting as well, and reported there were mosquito problems at SR 32 and Rob  
11 Young Lane. He also attended the Summit Land Conservancy meeting, where he  
12 provided comments on e-bikes and memorial benches in Round Valley.

13  
14 Council Member Beerman indicated he attended the Utah League of Cities and Towns  
15 (ULCT) summer presentation. He noted there was a speaker who talked about Utah's  
16 economy and it was impressive; with Utah having a diverse and strong economy and  
17 low unemployment. He and Mayor Thomas also met with Rocky Mountain Power (RMP)  
18 to discuss obtaining a clean, renewable energy plan. He indicated he had received  
19 public input about traffic in old town and he requested a future discussion on  
20 commercial traffic coming into old town. The Council agreed to have that discussion.

21  
22 Council Member Worel stated she attended the Park Silly Market and she felt it had  
23 come a long way from former years. She attended the Public Art Advisory Board  
24 (PAAB) meeting and noted they would be coming before Council with some new draft  
25 policies for the Council to consider. Thanks to Judy Horowitz, they now have an  
26 inventory of all the public art the City owns. She also attended the Library Board  
27 meeting and reported the library had 149,000 visits year to date.

28  
29 Mayor Thomas noted he and Council Member Beerman attended the ULCT and RMP  
30 meetings. He also spoke at the Mountain Plains Association of Housing Redevelopment  
31 Conference, and indicated those 200 people were as passionate about affordable  
32 housing as Park City. He and Liza Simpson were also on a discussion panel with that  
33 same group.

34  
35 **Main Street Plaza Design Update:**

36 Council Member Beerman recused himself for this discussion.

37  
38 Jonathan Weidenhamer, Economic Development Manager, with Clio Rayner, Christine  
39 Richmond and David Brems, with GSBS, and Craig Vickers with Civitas, presented this  
40 item. Weidenhamer reviewed the status of the project and stated the staff report  
41 recommended Scheme D, but he was amenable to other options as well. He stated if  
42 the Council would like to consider going above the \$7 million budget, other projects  
43 could be delayed such as Miner's Plaza and the Lower Main Street sidewalks.

1 Richmond explained five different plaza options. Scheme A was presented at the last  
2 meeting and had an estimated cost of \$6,732,565. Scheme B was more expensive, with  
3 an estimated cost of \$8,701,323, as it included the full building implementation. Scheme  
4 C had an estimated cost of \$8,378,284, and did not include the sandwich shop but did  
5 have a landing deck for the elevator to connect to the green roof. Scheme D had an  
6 estimated cost of \$7,786,411 and had a two stop elevator that would not connect to the  
7 green roof. Scheme E had an estimated cost of \$7,624,345, and did not include the  
8 multipurpose building. Rayner stated any variations to these options could be  
9 considered as well.

10  
11 Council Member Worel stated from talking to residents, having another space for events  
12 was a concern. Richmond stated the 41 days of events for this plaza included  
13 Sundance and Park Silly, so that narrowed the days for stand-alone events. She  
14 estimated five concerts would be held there in the summer. Other than that, the plaza  
15 would be scheduled for daily use such as fitness classes.

16  
17 Council Member Matsumoto stated a reason for going through this process was  
18 because the businesses at the top of Main Street wanted a space that would draw the  
19 public to the top of Main Street. She felt the design fit the intent of the space. She  
20 preferred one of the schemes that included the multipurpose building, but she had  
21 concern with the catwalk. She also thought the traffic could be worked out to avoid the  
22 residential areas. She favored Schemes B, C and D.

23  
24 Council Member Henney thought all the options were excellent. With regard to parking,  
25 he didn't see that congestion would be a problem. He felt less is more so he was not in  
26 favor of the multipurpose building or the sandwich shop. He favored Schemes A and E.

27  
28 Council Member Gerber indicated she too was in favor of scaling the project down and  
29 felt the basic need would be met with the stage, elevator and restrooms. She liked the  
30 idea of a play structure for local residents and asked if the play structure could be  
31 incorporated into an art piece. She also suggested having the restrooms close to the  
32 elevator. She favored Scheme A.

33  
34 Mayor Thomas was in favor of Scheme A as well, noting it scaled down the impact of  
35 the northwest corner.

36  
37 Council Member Henney stated having a playground that doubled as functional art  
38 would be desirable. He also wanted to clarify that this space was not appropriate for  
39 affordable housing.

40  
41 Mayor Thomas opened the meeting for public input.  
42

1 Alison Kuhlow, Historic Park City Alliance (HPCA), stated Scheme A would be favorable  
2 as it could grow, but stated an art feature at the plaza was needed in order to draw  
3 people to the area.

4  
5 Doug Stephens stated the neighborhood traffic was a concern. He hoped the hard turn  
6 at Swede Alley and Main Street could be looked at and suggested that this be looked at  
7 during the planning process.

8  
9 Peter Mark stated he liked the scaled down version of the plaza as well. He asked that  
10 the Trolley be used more effectively to bring people to the plaza.

11  
12 Mayor Thomas closed the public input portion of the meeting.

13  
14 Council Member Matsumoto asked if the intersection had been looked at. Richmond  
15 stated the traffic study would look at the turning movements and radiuses. She indicated  
16 GSBS would be meeting with the group performing the study as soon as the study was  
17 completed. Council Member Matsumoto asked if an art feature could be included in the  
18 budget. Rayner stated the iconic art feature was included but the kinetic piece was not  
19 included. Weidenhamer stated playground art could be added to the project while  
20 maintaining the budget. The restroom location was also discussed and it was decided  
21 that it was located in the best place on the plaza site. The Council supported the  
22 Scheme A design.

23  
24 **Review Final Budget 2016-17:**

25 Jed Briggs, Budget Operations Manager, presented this item with Kory Kersavage and  
26 John Umbel. Kersavage reviewed the changes in the 2016 budget.

27  
28 Ice Department budget increased by \$77,000 but increased revenues would offset the  
29 increase.

30  
31 Parking Department budget increased \$90,000 but revenues would offset the increase.

32  
33 McPolin Farm budget increased \$8,000.

34  
35 Building Department budget increased \$80,000 for contract services for inspections.

36  
37 Transportation Operations budget increased \$608,000 for enhanced services and to  
38 pay overtime because of bus driver shortages.

39  
40 **Small increase to revenue codes based off of actuals:**

41 State Contribution increased \$12,267

42 Library Fundraising Donation increased \$16,491

43 Tobacco Compliance increased \$1,430

44 Confiscations increased \$871

1 Fleet IFTS decreased:

2 General Fund expenses decreased \$223,000

3 Transit Fund expenses decreased \$58,000

4 Fleet Fund revenue decreased \$283,000

6 Lump Merit increased due to performance reviews changing from end of calendar year  
7 to end of fiscal year:

8 General Fund: \$292,714

9 Water Fund: \$36,889

10 Golf Fund: \$6,193

11 Transportation Fund: \$57,136

12 Fleet Fund: \$15,789

14 Vacancy Factor zeroed out from -\$1,452,882 and distributed to General Fund  
15 departments. Difference is \$900,000.

17 Self-Insurance Fund (Risk Management) IFT increased \$500,000.

19 Kersavage noted there was a \$5,000 adjustment in the Fleet Budget for storm water,  
20 and \$4,867 increased for expenses and revenues into Fund 22 based off a grant  
21 received. He stated these changes would need to be mentioned when the budget was  
22 adopted tonight.

24 In response to an inquiry, Kersavage explained the vacancy factor in the General Fund  
25 was that salaries needed to be budgeted as if every position was filled and positions  
26 were paid at the top of the pay grade. This amount from vacancies would be dispersed  
27 among the various departments. It was noted this fund began in the negative and so it  
28 was critical to estimate it as closely as possible.

30 Kersavage then explained the changes to the 2017 budget.

32 City Recorder Contract increase of \$13,000

34 Police Department increase of \$50,000 but special event police fees will offset this  
35 increase.

37 Building Maintenance increase of \$101,200 but IFT revenues and a decrease in utilities  
38 will offset the increase.

39 .

40 Council Contingency Fund created with a balance of \$50,000

42 EconomyFund increased \$25,000 for services for the 4th of July event. This is to  
43 cover the Restaurant Tax Grant that the City received for two years.

1 Administrative IFTs to General Fund:

2 Water Fund: \$24,604 increase  
3 Golf Fund: \$8,444 increase  
4 Transit Fund: \$58,139  
5 Storm Water Fund set at \$50,000  
6

7 Self-Insurance Fund (Risk Management) IFTs

8 Water Fund: \$869 decrease  
9 Golf Fund: \$2,053 increase  
10 Transit Fund: \$28,039 increase  
11 General Fund: \$165,000 increase  
12

13 Council Member Matsumoto asked about the Restaurant Tax Grant. Foster explained  
14 the City received a two-year grant, so those funds needed to be shown in the budget so  
15 they could be spent. Council Member Henney asked about the adjusted budget for  
16 reduced utility cost. Umbel stated he wasn't sure what caused the decrease, but was  
17 willing to attribute it to the LED lights in the City buildings.  
18

19 Umbel spoke about the changes made on the Capital projects. Council Member Worel  
20 asked about funds that were allocated to the Public Art Budget. Rockwood stated funds  
21 that went into that budget were not lost at the end of the fiscal year, but they would keep  
22 accumulating.  
23

24 Central Wasatch Commission Update:

25 Ann Ober, Sustainability, stated the Central Wasatch Commission was now the  
26 governing board of Mountain Accord. She indicated Summit County received \$400,000  
27 to complete the I-80 alternative analysis. She also explained there was a traffic study  
28 with regard to Big and Little Cottonwood Canyons and I-80. She indicated Park City and  
29 Summit County would share a seat on the newly formed commission. The Council  
30 agreed Council Member Beerman would fill that spot, with Mayor Thomas acting as the  
31 nonvoting alternate.  
32

33 Review Storm Water Management Plan:

34 Jason Christensen, Water Department, stated that the State was giving the City five  
35 years to be in compliance with the MS4 water standards. He reviewed six minimum  
36 control measures: Public education and outreach, public participation/involvement, illicit  
37 discharge detection and elimination, construction site runoff control, post-construction  
38 runoff control, and municipal pollution prevention and good housekeeping. Christensen  
39 stated illicit discharge detection and elimination, construction site runoff control and  
40 post-construction runoff control needed to be in compliance by January, 2018. Public  
41 education and outreach, public participation/involvement and municipal pollution  
42 prevention and good housekeeping needed to be in compliance by 2021. He explained  
43 the procedures for detecting illegal discharges such as pouring paint in the storm drains,  
44 etc. He indicated the City was doing well on construction site runoff control, but would

enhance those efforts and for the post construction runoff control he would educate builders before construction commenced.

Mayor Thomas opened the meeting for public comments. No comments were given. Mayor Thomas closed the public comment portion of the meeting.

**Monthly Affordable Housing Update:**

Rhoda Stauffer, Affordable Housing, presented this item. She displayed a video that addressed the problem of workforce housing in Park City.

Stauffer stated the Regional Conference of Housing Officials met today and the video was shown. She also noted a tour was given of the transit housing facility.

She stated the 1450-1460 Park Avenue project received historic district design approval for the submitted plans, and thanked Anya Grahm for her diligent work on this project.

Stauffer also reviewed that the housing market needs analysis contract was in review by legal and would be signed by next week. This would analyze housing need and market. The deeper analysis of commuter patterns, the clearer profile of eligible households and what they would buy and rent would be Part B of the analysis. Scott Loomis with Mountainlands wanted this to be a regional study, so he was trying to get Summit County onboard to pay for that part of the study.

Council Member Matsumoto asked when the Ivory Homes affordable units would be available. Stauffer stated Ivory Homes asked for fee waivers, but was advised to set a price before making those requests. Anne Laurent stated she spoke with a representative and was told that the market price homes were being evaluated and when those prices were set, the affordable units would have set prices as well.

Council Member Gerber asked for clarification on the Lower Park Avenue project status and asked if the City wanted to set a preference for either owner occupied units or rentals at this point. Stauffer stated it was her understanding that the units would be a mix of both.

**REGULAR MEETING**

**I. Roll Call**

| I. | Attendee Name   | Title          | Status  |
|----|-----------------|----------------|---------|
|    | Jack Thomas     | Mayor          | Present |
|    | Andy Beerman    | Council Member | Present |
|    | Becca Gerber    | Council Member | Present |
|    | Tim Henney      | Council Member | Present |
|    | Cindy Matsumoto | Council Member | Present |

|                  |                        |         |
|------------------|------------------------|---------|
| Nann Worel       | Council Member         | Present |
| Diane Foster     | City Manager           | Present |
| Mark Harrington  | City Attorney          | Present |
| Matt Dias        | Assistant City Manager | Present |
| Michelle Kellogg | City Recorder          | Present |

**II. Communications and Disclosures from Council and Staff**

**III. Public Input (*Any Matter Of City Business Not Scheduled On The Agenda*)**

Mayor Thomas opened the meeting for comments from the audience on items not listed on the agenda. No comments were given.

**IV. Consideration of Minutes**

**Consideration of a Request to Approve the City Council Meeting Minutes from June 2, 2016:**

Council Member Worel moved to approve the City Council Meeting minutes from June 2, 2016. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**V. Appointments and Resignations**

**1. Recreation Advisory Board Appointments - Meisha Ross and Cabot Woolley:**

Council Member Matsumoto moved to approve Recreation Advisory Board Appointments - Meisha Ross and Cabot Woolley. Council Member Beerman seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**2. Library Board Appointments - Abby McNulty and Kristy Hoffman:**

Council Member Worel moved to approve Library Board Appointments - Abby McNulty and Kristy Hoffman. Council Member Matsumoto seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**VI. Consent Agenda**

**1. Request to Authorize the City Manager to Execute the Fourth Addendum for the Well Source Alternatives Assessment Professional Services Agreement (PSA) with CH2M Hill Engineers (CH2M), in a Form Approved by the City Attorney, for Additional Park Meadows Well Filtration (Creekside Water Treatment Plant) Design Services for an Increase to the Current Contract Amount of \$131,005.00 for a Total Contract Amount Not to Exceed \$479,671.00:**

Council Member Matsumoto moved to approve the Consent Agenda. Council Member Beerman seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**VII. Old Business**

**1. Off-Leash Dog Areas Pilot Program Final Report:**

Heinrich Deters, Trails Manager, with Allison Childs and Ed Parigian, Off-Leash Dog Task Force Members, presented this item. Deters referred to the staff report and noted the time and effort put into this pilot program by the task force members. He stated the task force recommended that the off-leash areas remain in effect with annual reports to the Council. He spoke about two trails in Round Valley that had previously been excluded from off-leash accessibility, and recommended that they also be considered off-leash areas. It was indicated that these trails were not in the City limits, but the County Manager and County Council were supportive of allowing those trails to be off-leash.

Council Member Beerman indicated the Silver Quinn Trail was inconsistent, in that some points of the trail were off-leash and other parts were on-leash. He requested that the trail extend to that point, and that the task force might meet with IHC to petition the use of its property. Deters explained the recommendation was to include the corridor itself and the City had a public easement across that area. He stated that area was included in the pilot program and would continue as an off-leash area.

Deters asked the Council to approve the shaded area of the map of the library field as an off-leash area as well. It was initially thought there should be a separate space for sledding during the winter months, but there didn't seem to be a problem sharing the space. Council Member Worel asked if the invisible boundary was working. Deters stated it worked well, but it would continue to be monitored. Council Member Beerman indicated the program worked because it was kept simple.

Deters reviewed the data collection during the past six months. There was onsite observations, an online questionnaire, and reported incidents. He stated there was some noncompliance with waste pickup and having the dog on-leash in the trailhead areas, but overall, reports were positive with regard to dog encounters and voice/sight

1 control. Deters indicated that there were 483 respondents to the online survey. He  
2 noted the majority of users in Round Valley were not City residents. He also noted that  
3 Animal Control reported on incidents during the past six months and indicated there  
4 were 27 dog bites specific to Park City and Snyderville Basin.

5  
6 Deters reviewed the recommendations from the task force, including using City  
7 resources to have a resource liaison. This position could be covered with open space  
8 maintenance funds until the next budget year. Council Member Beerman asked that a  
9 specific title be given to this position. Council Member Worel asked if this would be a  
10 fulltime position. Deters stated it would evolve to a fulltime position at the next budget  
11 year. Ed Parigian stated the task force looked at many aspects for this program, as well  
12 as other cities to compare off-leash programs.

13  
14 Other recommendations by the task force included implementing an education/outreach  
15 web page, having coordinated enforcement, exploring dog prohibited areas, having  
16 additional fenced dog areas, having additional mutt mitt stations and trash cans, and  
17 using the Recreation Advisory Board (RAB) to continue monitoring and recommending  
18 options with regard to the off-leash areas.

19  
20 Council Member Beerman asked that a trail be designated as a no dog trail for the  
21 segment of the population that voiced their concerns about having separate trails,  
22 noting that this could be difficult and the City might have to construct a new trail to  
23 accommodate this request. He asked that a location be at least identified by September  
24 1<sup>st</sup>. Council Members Matsumoto and Worel agreed. They asked to see a timeline for  
25 this project.

26  
27 Council Member Gerber thanked the group for their time and efforts and she felt there  
28 was a continued need for a task force, whether that function would be filled by the RAB  
29 or by a separate group, to continue to monitor and collect data. She also felt the  
30 community should be reminded that this was a privilege and not a right to have their  
31 dogs off-leash.

32  
33 Council Member Henney agreed that RAB continue in monitoring these areas, but  
34 requested that the Council check-ins occur more frequently than once a year, and  
35 suggested a twice per year check-in. The Council agreed to have two Council check-ins  
36 per year.

37  
38 Allison Childs indicated she felt this program was evolving, and monitoring and  
39 education were essential. She thought the Round Valley trails were going extremely  
40 well.

41  
42 Mayor Thomas opened the meeting for public comments. No comments were given.  
43 Mayor Thomas closed the public comment portion of the meeting.

**2. Consideration to Approve Ordinance 2016-29, an Ordinance Amending Title 10, Chapter 1 Section 4.5, Non-Motorized Trail Use, of the Park City Municipal Code:**

Heinrich Deters and Stu Johnson, Trails Department, and Preston Stinger, Fehrs and Peers, presented this item. Deters indicated that the changes since the City amended its ordinance in 2015 were due to major changes in the State Code. In the current State Code, electric bikes were now classified the same as a non-motorized bikes. Three classes of bikes were identified and Deters recommended that Class I and II of bikes should be allowed on natural surfaces as well as paved surfaces, but Class III bikes should only be used on paved surfaces, since they could reach a maximum speed of 28 miles per hour. The bikes needed to be labeled by class so it would be clear which class of bike was being ridden.

Johnson reviewed the outreach program for the e-bike analysis. Several local entities with trails supported e-bikes, but when contacting the public, it was requested that e-bikes be banned from the single-track trails. Johnson noted that a petition had been started to enforce the requested ban.

Deters stated there would be monitoring and if problems arose, the police would be contacted. It was also indicated that the City had begun to erect signage along the trails last year, as part of the pilot program, to educate users.

Council Member Henney asked how riding these e-bikes over lands that had a conservation easement would affect the conservation easement. He also asked if the City would encourage e-bikes as an alternative mode of transportation. He thought there might be a desire to use wide soft surface trails as a traffic corridor. Deters stated it came down to a simplicity issue. He indicated that if a lot of use was observed, then the rule for Class III e-bikes could be reevaluated.

Council Member Beerman was in favor of keeping this simple and suggested adding language to the motion that the rules apply except where signage notes differently. The Council was favorable to that suggestion.

Stinger reviewed the data collection. He indicated that the average speeds were similar between e-bikes and regular bikes, but regular bikes far exceeded the e-bikes in the maximum speeds observed. Some conclusions were that the majority of respondents were favorable to e-bikes. He noted having e-bikes would encourage less single-occupant vehicles, less congestion and better air quality.

Council Member Worel stated Seattle had an e-bike share program and they had some significant challenges. She requested that those challenges be looked at so the City could learn from them.

Mayor Thomas opened the public hearing.

1 Kate Sattelmeyer, Summit Land Conservancy, stated the board discussed this issue and  
2 she was submitting a letter for the public record. She felt the new state code helped by  
3 defining e-bikes, but they had concerns with the notion of a transportation corridor. The  
4 typical users of this trail were slow movers, and she pictured that the e-bike users would  
5 be using the trail to get to the Park City Mountain Resort. She supported the non-use of  
6 e-bikes on single-track trails.

7  
8 Deters noted the rail trail would allow e-bikes.

9  
10 Jan Brussel, Pedego Bicycles, stated the single track concern should be worked out  
11 over time. His demand for e-bikes was by people who wanted to commute to work and  
12 those that were recreational tourists that take slow, leisurely rides around the City. A  
13 side benefit was that sedentary people were now able to get out of the house and move.

14  
15 Mayor Thomas closed the public hearing portion of the meeting.

16  
17 Harrington read the proposed additional language to the ordinance, adding a Section  
18 Three: "Electric or assisted bikes may be permitted through an official transportation  
19 corridor as approved through a designated traffic control device." Also, in Paragraphs  
20 One and Two, the word "or" should be stricken next to "multi-use pathway." Also, he  
21 would add e-bike to the list of exceptions to Paragraph B in both Sections One and Two.  
22 Council Member Henney wanted the flexibility to say there were trails the e-bikes could  
23 use.

24  
25 Council Member Beerman asked if this ordinance could be passed by a motion that  
26 included "with additional language drafted by the City Attorney." After some discussion,  
27 it was decided to bring back the ordinance with the additional language included at the  
28 next City Council meeting.

29  
30 Council Member Matsumoto moved to continue Ordinance 2016-29, an ordinance  
31 amending Title 10, Chapter 1 Section 4.5, Non-Motorized Trail Use, of the Park City  
32 Municipal Code. Council Member Beerman seconded the motion.

33 **RESULT: CONTINUED**

**Next: 6/30/2016 6:00 PM**

34 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

35  
36 **3. Consideration of Approval of Street Dining on Main Lease for Tupelo at 508**  
37 **Main Street in a Form Approved by the City Attorney:**

38 Ashley Scarff, Planning Department, presented this item. Mayor Thomas indicated this  
39 was a one-way street so the concern that people would take a hard right would not be  
40 relevant.

Scarff reviewed that this lease was recommended for approval. The area was taped off so Council could see the dimensions and setback. Council Member Matsumoto suggested lowering the deck to be level with the road and use an open railing so additional sight would be provided.

Council Member Beerman thought when the program was implemented that decks could not be directly across the street from each other. Scarff stated there was language indicating Planning had the discretion of determining if decks were too close to each other.

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

Council Member Matsumoto moved to approve Street Dining on Main Lease for Tupelo at 508 Main Street in a form approved by the City Attorney with the condition that the deck be as low as possible and that it has open railings. Council Member Henney seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**VIII. New Business**

**1. Consideration to Approve Ordinance 2016-30, an Ordinance Adopting a Revised Budget for FY 2016 and a Budget for FY 2017 for Park City Municipal Corporation and Its Related Agencies:**

Kory Kersavage, Budget Department, reviewed that the Council should adopt the budget with the changes discussed tonight and those included in the staff report.

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

Council Member Matsumoto moved to approve Ordinance 2016-30, an ordinance adopting a Revised Budget for FY 2016 and a Budget for FY 2017 for Park City Municipal Corporation and its related agencies as amended by the budget office. Council Member Henney seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**2. Consideration to Approve Resolution No. 14-2016, a Resolution Amending the Fee Schedule; and Replacing and Repealing Resolution 08-15 in Its Entirety:**

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

Council Member Worel moved to approve Resolution No. 14-2016, a resolution amending the Fee Schedule; and replacing and repealing Resolution 08-15 in its entirety. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**IX. Adjournment**

With no further business, the meeting was adjourned.

**X. PARK CITY MUNICIPAL BUILDING AUTHORITY**

**A. Roll Call**

| II. | Attendee Name    | Title                  | Status  |
|-----|------------------|------------------------|---------|
|     | Jack Thomas      | Chairman               | Present |
|     | Andy Beerman     | Board Member           | Present |
|     | Becca Gerber     | Board Member           | Present |
|     | Tim Henney       | Board Member           | Present |
|     | Cindy Matsumoto  | Board Member           | Present |
|     | Nann Worel       | Board Member           | Present |
|     | Diane Foster     | City Manager           | Present |
|     | Mark Harrington  | City Attorney          | Present |
|     | Matt Dias        | Assistant City Manager | Present |
|     | Michelle Kellogg | Secretary              | Present |

**B. New Business**

**1. Consideration to Approve Resolution No. MBA 02-2016, a Resolution Adopting the Park City Municipal Building Authority Revised Budget for Fiscal Year 2016 and the Budget for Fiscal Year 2017:**

Board Member Beerman moved to approve Resolution No. MBA 02-2016, a resolution adopting the Park City Municipal Building Authority Revised Budget for Fiscal Year 2016 and the Budget for Fiscal Year 2017. Board Member Henney seconded the motion.

**RESULT: APPROVED**

**AYES:** Board Members Beerman, Gerber, Henney, Matsumoto and Worel

**C. Adjournment**

With no further business, the meeting was adjourned.

**XI. PARK CITY REDEVELOPMENT AGENCY**

**A. Roll Call**

| III. | Attendee Name    | Title                  | Status  |
|------|------------------|------------------------|---------|
|      | Jack Thomas      | Chairman               | Present |
|      | Andy Beerman     | Board Member           | Present |
|      | Becca Gerber     | Board Member           | Present |
|      | Tim Henney       | Board Member           | Present |
|      | Cindy Matsumoto  | Board Member           | Present |
|      | Nann Worel       | Board Member           | Present |
|      | Diane Foster     | City Manager           | Present |
|      | Mark Harrington  | City Attorney          | Present |
|      | Matt Dias        | Assistant City Manager | Present |
|      | Michelle Kellogg | Secretary              | Present |

**B. New Business**

**1. Consideration to Approve Resolution No. RDA 02-2016, an Resoluiton Adopting the Fiscal Year 2016 Revised Budget and the Fiscal Year 2017 Budget for Park City Redevelopment Agency:**

Board Member Henney moved to approve Resolution No. RDA 02-2016, a resolution adopting the Fiscal Year 2016 Revised Budget and the Fiscal Year 2017 Budget for Park City Redevelopment Agency. Board Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Board Members Beerman, Gerber, Henney, Matsumoto and Worel

**C. Adjournment**

With no further business, the meeting was adjourned.

The Regular Meeting of the City Council was reopened.

1 Council Member Beerman moved to close the meeting to discuss property and litigation  
2 at 7:35 p.m. Council Member Worel seconded the motion. Voting Aye: Council  
3 Members Beerman, Gerber, Henney, Matsumoto and Worel.

4  
5 **CLOSED SESSION**

6  
7 Council Member Beerman moved to adjourn from Closed Meeting. Council Member  
8 Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney,  
9 Matsumoto and Worel.

10  
11 **VII. Adjournment**

12 With no further business, the meeting was adjourned.

13  
14  
15 

---

Michelle Kellogg, Park City Recorder  
16



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Local First Utah is a non-profit organization that works to educate the public, government and business owners about the economic and social benefits that occur when we choose to buy from the locally owned independent businesses in our communities.

Independents Week is one of the annual public awareness campaigns of Local First Utah. As part of the campaign, Local First Utah is calling on mayors, city councils and other elected officials throughout the state of Utah to lend their support and officially declare the week of July 1<sup>st</sup> – July 7<sup>th</sup> as “Independents Week” in their communities.

**Respectfully:**

Michelle Kellogg, City Recorder



## City Council Staff Report

**Subject: A Resolution In Support of Local First Utah's Independents Week**

**Author: Michelle Kellogg, City Recorder**

**Department: Executive**

**Date: June 30, 2016**

**Type of Item: Resolution**

### Summary Recommendation

To support Independents Week July 1-7, 2016, and encourage residents to shop locally.

### Executive Summary

Local First Utah is a non-profit organization that works to educate the public, government and business owners about the economic and social benefits that occur when we choose to buy from the locally owned independent businesses in our communities.

Independents Week is one of the annual public awareness campaigns of Local First Utah. As part of the campaign, Local First Utah is calling on mayors, city councils and other elected officials throughout the state of Utah to lend their support and officially declare the week of July 1<sup>st</sup> – July 7<sup>th</sup> as "Independents Week" in their communities.

For more information, please see the Local First Utah website:

<https://localfirst.org/campaigns/independents>

### Alternatives for City Council to Consider

- 1. Recommended Alternative:** Approve the Resolution supporting "Independents Week"

#### Pros

- a. Local independent businesses help preserve the uniqueness of the community and give residents a sense of place.
- b. Park City's core of independently-owned businesses gives back to this community in goods, services, time and talent.
- c. The health of Park City's economy depends on our support of businesses owned by our friends and neighbors.

#### Cons

- a. None

#### Consequences of Selecting This Alternative

Supporting this resolution would promote goodwill with the local businesses within the community.

- 2. Null Alternative:** If this resolution was not passed, there would be no impact.

## **Department Review**

Legal  
Executive

## **Attachments**

A Resolution 15-2016, A Resolution In Support of Local First Utah's Independents  
Week

**RESOLUTION NO. 15-2016**  
**A Resolution In Support of Local First Utah's Independents Week**

**Whereas**, Independents Week provides a time to celebrate the independence of the members of the community of Park City and the entrepreneurial spirit represented by our core of local independent businesses; and

**Whereas**, the individual decisions every community member makes today affect the future of Park City; and

**Whereas**, Park City's local independent businesses help preserve the uniqueness of the community and give us a sense of place; and

**Whereas**, Park City's core of independently-owned businesses give back to this community in goods, services, time and talent; and

**Whereas**, the health of Park City's economy depends on our support of businesses owned by our friends and neighbors; and

**Whereas**, Park City's independent business owners and employees enrich community members' shopping experiences with their knowledge and passion;

**Therefore**, as we celebrate Independents Week 2016, we acknowledge that the ability to choose the direction of Park City lies within each of us.

NOW, THEREFORE, the Mayor and City Council of Park City, do hereby proclaim the week of July 1-7, 2016, as: "Independents Week" and salute our community members and locally owned independent businesses who are integral to the unique flavor of Park City and honor their efforts to make Park City the place we want to live and work.

PASSED AND ADOPTED this 30<sup>th</sup> day of June, 2016.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Jack Thomas

Attest:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

Approved as to Form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Currently the historic McPolin Barn is at significant risk due to snow loads, wind, and seismic forces. Based on the structural assessment Council determined that the City pursue a Code Level Upgrade where the building could be occupied by less than 50 people to tour the building at any time of year. The seismic upgrades will be taken to a life safety level to accommodate occupancy of less than 50 people.

The upgrades consist of installing a steel brace frame, new footings, shear walls and additional roof trusses. The windows will be replaced with replicas, and the re-use of some of the old frames found inside the barn. To attach the new brace frames to the roof the non-historic shingles and sheathing will be removed and replaced with new material. If necessary the historic sheathing underneath may need to be cut, numbered, removed, and then reattached after the brace frame installed. The project team is hoping to leave the historic sheathing in place, but has planned for the worst case to remove and reattach the sheathing at the brace frames. This is the least invasive method and has been approved through the Historic District Design Review (HDDR) and the Historic Preservation Board (HPB).

Council should review the proposed Guaranteed Maximum Price (GMP) from Hogan and Associates Inc., and approve Amendment 1 to the CMAR Contract for the McPolin Barn Structural Upgrades project. Staff also requests that the Council waive Building Permit related fees for the project. The structural upgrades to the McPolin Barn help to meet City Council's desired outcomes, notably historic preservation.

**Respectfully:**

Matthew Twombly, Senior Project Manager

## City Council Staff Report



**Subject:** McPolin Barn Structural Upgrade - Award of Construction Manager at Risk (CMAR) Contract. Waive Fees  
**Author:** Matthew Twombly  
**Department:** Sustainability  
**Date:** June 30, 2016  
**Type of Item:** Administrative – Award of Contract, Waive Fees

### Summary Recommendation

1. Staff requests authorization to proceed with the McPolin Barn Structural Upgrade Project and authorize the City Manager to enter into an Amendment #1 to the construction manager at risk (CMAR) contract in a form approved by the City Attorney's Office with Hogan and Associates, Inc., for the Guaranteed Maximum Price (GMP) of One Million One Hundred Ninety Three Thousand Ninety Dollars. (\$1,193,090).
2. Staff requests Council waive Building Permit Fees estimated at Twelve Thousand Six Hundred Fourteen Dollars (\$12,614).

### Executive Summary

Currently the historic McPolin Barn is at significant risk due to snow loads, wind, and seismic forces. Based on the structural assessment Council determined that the City pursue a Code Level Upgrade where the building could be occupied by less than 50 people to tour the building at any time of year. The seismic upgrades will be taken to a life safety level to accommodate occupancy of less than 50 people.

The upgrades consist of installing a steel brace frame, new footings, shear walls and additional roof trusses. The windows will be replaced with replicas, and the re-use of some of the old frames found inside the barn. To attach the new brace frames to the roof the non-historic shingles and sheathing will be removed and replaced with new material. If necessary the historic sheathing underneath may need to be cut, numbered, removed, and then reattached after the brace frame installed. The project team is hoping to leave the historic sheathing in place, but has planned for the worst case to remove and reattach the sheathing at the brace frames. This is the least invasive method and has been approved through the Historic District Design Review (HDDR) and the Historic Preservation Board (HPB).

Council should review the proposed Guaranteed Maximum Price (GMP) from Hogan and Associates Inc., and approve Amendment 1 to the CMAR Contract for the McPolin Barn Structural Upgrades project. Staff also requests that the Council waive Building Permit related fees for the project. The structural upgrades to the McPolin Barn help to meet City Council's desired outcomes, notably historic preservation.

## Acronyms

|       |                                 |
|-------|---------------------------------|
| CMAR  | Construction Manager at Risk    |
| CIP   | Capital Improvement Program     |
| GMP   | Guaranteed Maximum Price        |
| HDDR  | Historic District Design Review |
| HPB   | Historic Preservation Board     |
| PCMC  | Park City Municipal Corporation |
| YBDIO | Your Barn Door Is Open          |

## The Problem

- Currently, the Building is at significant risk due to snow loads, wind, and seismic forces. The proposed structural upgrades will not only help protect and preserve the historic structure, but enhance the cultural and historic fabric of Park City by allowing visitors to see the historic re-use of mine structure timbers and period construction methods.
- Any waiver of fees over \$10,000 must be authorized by the City Council.

## Background

- On February 6, 2014 Council, the Friends of the Farm, and staff had a Study Session to discuss the McPolin Farm policies and structural conditions.
- On June 8, 2014 staff entered into a Minor Professional Services Agreement with SWCA to develop a Historic Preservation Plan for the Farm site and structures.
- On January 29, 2015 Council discussed the preservation of the Barn and directed staff to complete the Historic Preservation Plan, procure a more formal structural analysis of the barn, and gather community input to help inform any future dialogue and decisions on farm uses.
- On June 11, 2015 Council reaffirmed staff's recommendation to proceed with the structural upgrades to the barn. The estimate for temporary occupancy code level upgrade was \$1,024,000.
- On December 10, 2015 CRSA was awarded the professional service provider contract for the design, engineering and HDDR permitting for the McPolin Barn Structural Upgrade Project for \$90,935. The results of the Farm Use survey were presented to Council at the meeting.
- On February 25, 2016 the McPolin Barn Structural Upgrade Preconstruction Services contract was awarded to Hogan Construction. The design team of CRSA also provided an update on the drawings.
- On April 6, 2016 the HPB reviewed and approved the McPolin Barn Structural Upgrade project construction and preservation plan. On April 7, 2016 the project received the final action letter and approval of the HDDR by Planning Staff.

Past Plaza Council meetings:

|         |                                      |
|---------|--------------------------------------|
| 2/6/14  | <a href="#">Council Report</a> pg 5  |
| 2/6/14  | <a href="#">Meeting Minutes</a> pg 1 |
| 1/29/15 | <a href="#">Council Report</a> pg 5  |
| 1/29/15 | <a href="#">Meeting Minutes</a> pg 1 |
| 6/11/15 | <a href="#">Council Report</a> pg 13 |

6/11/15 [Meeting Minutes](#) pg 2  
12/10/15 [Council Report](#) pg 314 Consent Agenda  
2/25/16 [Council Report](#) pg 220  
2/25/16 [Meeting Minutes](#) pg 10  
4/6/16 [HPB Report](#) pg 1  
4/6/16 HPB Minutes pending

### **Alternatives for City Council to Consider**

- 1. Recommended Alternative: Award the Guarantee Maximum Price (GMP) proposal to Hogan Construction in the amount of One Million One Hundred Ninety Three Thousand Ninety Dollars. (\$1,193,090) and waive the Building Permit Fees estimated at Twelve Thousand Six Hundred Fourteen Dollars (\$12,614):**

#### Pros

- a. The proposed GMP is within the project budget.
- b. The proposed work is consistent with prior Council direction to preserve the historic and iconic McPolin Barn.
- c. The structural upgrades will bring the barn up to seismic, wind, and snow load building codes and allow the public of up to 50 people to tour the barn.
- d. The proposed project is the least intrusive to the historic building.
- e. The project can begin after award and execution of the agreement and be completed by November of this year.
- f. Hogan Construction will self-perform much of the subcontract work which helps with the schedule as most subcontractors are busy with other projects at this time.
- g. Trail access and restrooms will be open to the public during construction.

#### Cons

- a. Due to the late season bidding, subcontractor bids may not have been as competitive as the team had hoped because most subcontractors are currently busy.
- b. The Farm compound will not be available for the YBDIO (Your Barn Door Is Open) and Scarecrow Festival events this year.

- 2. Null Alternative:** Council could choose to not award the GMP and postpone the project.

#### Pros:

- a. It could allow for more competitive bids in late winter.
- b. It may be possible to still have the Scarecrow Festival and possibly the YBDIO event.

#### Cons:

- a. Industry trends indicate that construction costs will only continue to rise as construction demand is increasing in the region.

### **Analysis**

Consistent with State code and PCMC procurement policy Hogan Construction received subcontractor bids and competitive quotes on June 13, 2016 at 2:00 PM and the

Sustainability Senior Project Manager was in attendance. The prequalification of subcontractors and invitation to bidders was advertised in the Park Record on May 21<sup>st</sup> and 25<sup>th</sup>, 2016; in the Tribune on May 21<sup>st</sup> and 22<sup>nd</sup>, 2016; in the Utah Legals; and on the City's website. Hogan Construction submitted subcontract bids for self-performed work on Friday June 10, 2016.

The GMP includes the general conditions, the cost of the bond, all the subcontract costs, the Construction Manager's fee of 7.5%, allowances and a contingency. The general conditions are the costs associated with the construction manager's on-site personnel including vehicles, travel, wages, as well as other expenses to manage the site such as construction fencing, toilets, independent testing and inspection, and other incidental expenses.

The estimated construction costs at the 90% drawings on May 17, 2016 were one million one hundred ninety three thousand ninety dollars (\$1,193,090). Certain subcontracts such as the shoring and micro-pile footings were more than estimated and some a little less. In discussion with the project team we decided to keep the GMP the same as the May 17, estimate of \$1,193,090 and slightly adjust the contingency and general conditions. In the GMP there is an allowance for the Silos of one hundred thousand dollars (\$100,000). The silos have not yet been designed and will require a separate building permit. Once construction is underway on the barn the project team will have a better handle on the contingency and the cost of the silos. The team also recommended holding a minimum 10% contingency on the cost of construction in the GMP because of the nature of working with such a historic structure.

Municipal Code 11-12 requires the payment of fees to the Building Department for any development requiring a building permit. City Council may waive fees serving a beneficial public purpose. Administrative Policy requires any City project Building Permit Fees over \$10,000 to be waived by the City Council.

### **Department Review**

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

### **Funding Source**

There is \$1,400,000 budgeted in the McPolin Barn Seismic Upgrade CIP account. Beside the GMP there are soft costs including architect and engineering fees, public art and miscellaneous other expenses.

### **Attachments**

Exhibit A: Hogan Construction Proposed GMP

## Exhibit A



**Hogan & Associates Construction, Inc.**  
940 North 1250 West • Centerville, Utah 84014  
(801) 951.7000 • (801) 951.7100 fax  
www.hoganconstruction.com

Matt Twombly  
Senior Project Manager  
Park City Municipal Corporation  
P. O. Box 1480  
Park City, Utah 84060

Date: June 20, 2016

Re: McPolin Barn Structural Upgrade  
Guaranteed Maximum Price Amendment

Matt,

Pursuant to receiving and favorably reviewing the subcontractor bids that were received at the public bid opening on June 13<sup>th</sup>, 2016, in partnership with yourself and CRSA Architects, we offer the amount of \$1,193,090.00 as the Guaranteed Maximum Price to construct and complete the project.

The Guaranteed Maximum Price is to provide the scope of work as described in the CRSA McPolin Barn Structural Upgrade plans and specifications that were received on June 3<sup>rd</sup>, 2016.

Attached are Exhibit 1 – GMP Summary, Exhibit 2 – Specifications Table of Contents and Exhibit 3 – Cover Page of CRSA McPolin Barn Structural Upgrade drawings for your review and acceptance.

The anticipated date of Substantial Completion shall be November 1<sup>st</sup>, 2016.

We thank you and the City for the opportunity to help you with this great project and we look forward to working with you until it's successful completion.

Respectfully,

**Hogan & Associates Construction, Inc**

A handwritten signature in blue ink, appearing to read "Dave Andersen".

**Dave Andersen**  
Vice President / Project Director

cc: file





6/20/2016

### McPolin Barn Structural Upgrade

Park City Municipal Corporation

#### GMP Summary

#### Exhibit 1

| Line Item | Description                                                                      | Bid Totals 6-14-16 | Contractor / Vendor  | Notes                                                                                                                                     |
|-----------|----------------------------------------------------------------------------------|--------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Div. 2    | Survey & Layout                                                                  | \$ 3,000.00        | Hogan                |                                                                                                                                           |
| 024119    | Demo & Shoring                                                                   | \$ 42,470.00       | Hogan                |                                                                                                                                           |
| 012000    | Excavation for pile caps, misc. footings, etc.                                   | \$ 7,385.00        | Hogan                |                                                                                                                                           |
|           | Equipment- Includes lifts, scaffolding, shoring, etc.                            | \$ 20,000.00       | Hogan                |                                                                                                                                           |
| 016333    | Micro pile Installation                                                          | \$ 73,480.00       | Jones Excavation     | As per revised quote from Jones Excavation dated 6/20/16                                                                                  |
| 033000    | Structural & misc. interior concrete work                                        | \$ 16,566.00       | Hogan                |                                                                                                                                           |
| 040110    | Remove Paint from Foundation                                                     | \$ 10,982.00       | Hendricksen Painting | Stone Foundations Only- No Concrete                                                                                                       |
| 051200    | Structural Steel Supply                                                          | \$ 54,000.00       | Hogan                |                                                                                                                                           |
| 051200    | Structural Steel Installation                                                    | \$ 76,785.00       | Hogan                |                                                                                                                                           |
| 061000    | Rough Carpentry Costs                                                            | \$ 221,632.00      | Hogan                | Does not include rough sawn lumber, stamps to be removed.                                                                                 |
| 064300    | Replace stairway with new code compliant stairs to access second floor           | \$ -               |                      | Included in rough carpentry                                                                                                               |
| 061000    | Misc. Fasteners                                                                  | \$ 12,000.00       | Hogan                |                                                                                                                                           |
| 073113    | Demo & Replace asphalt shingle roofing                                           | \$ 42,000.00       | Peries Roofing       | Includes removal and replacement of all asphalt roofing.                                                                                  |
| 070150.19 | Roof Preparation                                                                 |                    |                      | Included with division 073113                                                                                                             |
| 085200    | Provide & install new custom windows                                             | \$ 50,000.00       | Hogan                |                                                                                                                                           |
| 088000    | Glazing                                                                          |                    |                      | Included with division 085200                                                                                                             |
| 099300    | Paint & Stain                                                                    | \$ 37,942.00       | Hendricksen Painting |                                                                                                                                           |
| 099113    | Paint New Windows                                                                | \$ -               |                      | Included in Paint and Stain bid                                                                                                           |
| 024119    | Repair Gyp Ceiling in Milk Barn                                                  | \$ 2,200.00        | Hogan                | Req'd to upgrade trusses over this area.                                                                                                  |
| Div. 26   | Provide Additional Lighting on Second Level                                      | \$ 14,968.00       | CR Lighting          | Includes CR lighting bid option #1 for hay loft lighting (\$11,944), added new exit signs (\$1,298), and electrical demolition (\$1,298). |
| Div. 10   | Extinguishers & Cabinets Allowance                                               | \$ 1,500.00        |                      | Allowance                                                                                                                                 |
|           | Signage & Plaques Allowance                                                      | \$ 5,000.00        |                      | Allowance                                                                                                                                 |
|           | Fire Sprinkler Relocation Allowance                                              | \$ 10,000.00       |                      | Allowance                                                                                                                                 |
|           | Silos Allowance                                                                  | \$ 100,000.00      |                      | Allowance                                                                                                                                 |
|           | Materials Testing & Special Inspections Allowance                                | \$ 3,000.00        |                      | Allowance                                                                                                                                 |
|           | Re-grade & repair landscape to get water away from building Allowance            | \$ 20,000.00       |                      | Allowance- Not shown on plans                                                                                                             |
| 033053    | Misc. concrete patching, footing repair & foundation wall repair, etc. Allowance | \$ 23,850.00       |                      | Allowance                                                                                                                                 |
| 040140.62 | Stone Repointing                                                                 | Incl. Above        |                      |                                                                                                                                           |
|           | Pre-Construction Services                                                        | \$ 21,900.00       |                      |                                                                                                                                           |
|           | General Conditions                                                               | \$ 129,375.00      |                      |                                                                                                                                           |
|           | Contractor Fee (7.5%)                                                            | \$ 75,809.58       |                      |                                                                                                                                           |
|           | Bond & Insurance (1%)                                                            | \$ 10,758.46       |                      |                                                                                                                                           |
|           | Contingency                                                                      | \$ 106,485.96      |                      |                                                                                                                                           |
|           |                                                                                  | \$ 1,193,090.00    |                      |                                                                                                                                           |

#### Clarifications:

- 1 Price does not include building permit or impact fees
- 2 Architectural Design Fees Not Included
- 3 Builders Risk Insurance by Owner
- 4 GMP Based on CRSA McPolin Barn Structural Upgrade
- 5 Drawings received 6/3/2016

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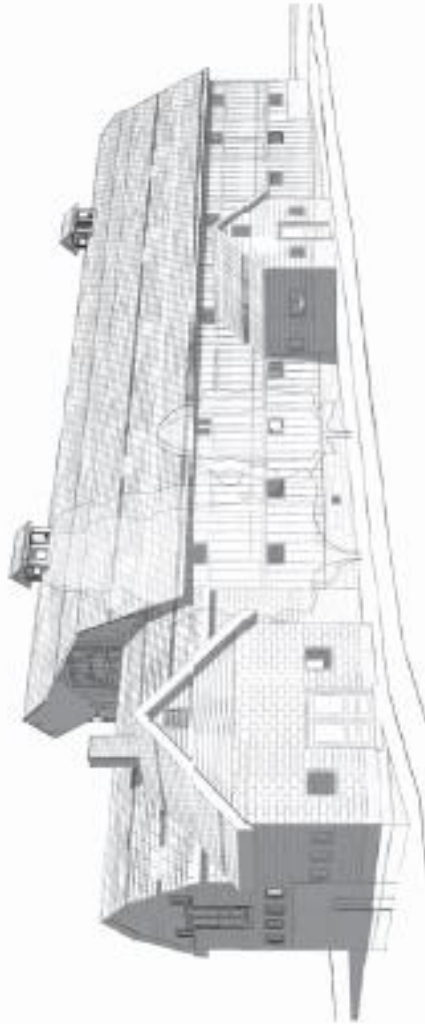
**316333** - DRILLED MICROPILES



# MCPOLIN BARN STRUCTURAL UPGRADE

3000 HIGHWAY 224 PARK CITY, UTAH 84060

ARCHITECT'S PROJECT NO: B15-093



MCPOLIN BARN  
STRUCTURAL UPGRADE  
12345 HWY 224  
PARK CITY, UT 84060  
ARCHITECT'S PROJECT NO: B15-093

|            |                |
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| DATE       | 10/15/2015     |
| BY         | DAVID L. SMITH |
| CHECKED BY | DAVID L. SMITH |
| DATE       | 10/15/2015     |

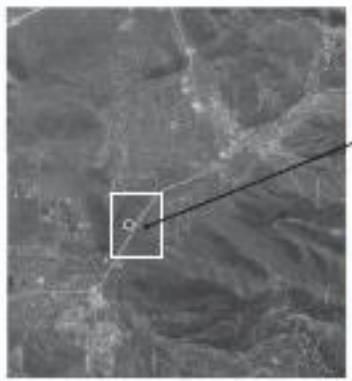
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**SITE LOCATION**  
MCPOLIN BARN



**VICINITY MAP**  
MCPOLIN BARN



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Plat Amendment application to create two (2) lots of record from one (1) platted lot. The existing, current, lot is identified as Lot 2 of the Treasure Hill Subdivision Phase 1 (First Amended Record of Survey Map) recorded in August 1997. Staff recommends the City Council hold a public hearing for the requested Plat Amendment located at 220 King Road and consider denying the requested application based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

**Respectfully:**

Francisco Astorga, Senior Planner

## City Council Staff Report

**Subject:** Second Amended Lot 2, Phase 1, Treasure Hill Subdivision  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Project Number:** PL-16-03098  
**Date:** 30 June 2016  
**Type of Item:** Legislative – Plat Amendment

### Summary Recommendations

Staff recommends the City Council hold a public hearing for the Second Amended Lot 2, Phase 1, Treasure Hill Subdivision located at 220 King Road and consider denying the requested application based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

### Description

**Applicant:** 220 King Road LLC and M. Constance Sfire represented by Robert Sfire and Marshall King, Alliance Engineering, Inc.  
**Location:** 220 King Road  
**Zoning:** Approved Master Plan  
**Adjacent Land Uses:** Residential and recreation open space  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action

### Executive Summary/Proposal

Plat Amendment application to create two (2) lots of record from one (1) platted lot. The existing, current, lot is identified as Lot 2 of the Treasure Hill Subdivision Phase 1 (First Amended Record of Survey Map) recorded in August 1997.

### Background

On February 9, 2016, the City received a Plat Amendment application named the Second Amended Lot 2, Phase 1, Treasure Hill Subdivision. See Exhibit B – Proposed Plat Amendment. The property is located at 220 King Road. For zoning, the property is in an approved Master Plan. The subject property consists of all of Lot 2, Phase 1, Treasure Hill Subdivision. See Exhibit M – Treasure Hill Subdivision Phase 1 (recorded April 1996) and Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997). The entire subject area is recognized by Summit County as Parcel nos: THILL-2-A-AM and THILL-2-B-AM (Tax IDs). The site is part of the [Sweeney Properties Master Plan](#) (SPMP) approved on October 16, 1986, as part of the Miscellaneous Properties. According to the narrative section of the 1986 approved master plan below:

*The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space. Based upon the zoning in effect at this time, in excess of 450 units could*

*be requested. While this may be somewhat misleading due to certain physical and technical constraints (i.e: access, slope, utilities), it does reveal that a significant reduction in total density proposed has been incorporated into the project. Each area proposed for development has been evaluated on its own merits. During the course of review, numerous concepts were considered with densities shifted around.*

*The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit. For additional clarity a brief narrative description of each development area follows:*

*[1.] Coalition Properties (known as Town Lift East & West sites)*

*[...]*

*[2.] HR-1 Properties (Known as Car-Sheen & MPE sites)*

*[...]*

*[3.] Hillside Properties (knows as Mid-Station and Creole Gulch sites)*

*[...]*

*[4.] Miscellaneous Properties*

*In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.*

The SPMP was amended on October 14, 1987. See Exhibit L – SPMP Revised Conditions of Approval 10.14.1987. The amendment identified it as minor as it did not result in increased height in any of the development parcels. The 1987 modification included the following:

*Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.*

The two (2) King Road unit equivalents are found at 200 and 220 King Road. 220 King Road is the subject site.

Currently, the site contains a single-family dwelling and a guest house. See Exhibit D – Lot Line Exhibit, Exhibit E – Aerial Photograph, Exhibit F – Site Photograph, Exhibit G – Survey, and Exhibit H – Survey S-2470 Treasure Hill Sub. Lot 1 and 2.

According to Summit County Assessor's Office records, the single-family dwelling was built in 1998 and has a living area of 2,288 square feet, a basement area of 1,297 square feet, and an attached/built-in garage area of 650 square feet. The combined area of the single-family dwelling per County records is 4,235 square feet. The existing Building Footprint of the single-family dwelling is approximately 2,003 square feet.

According to Summit County Assessor's Office records, the guest house was built in 2000 and has a living area of 1,793 square feet, a basement area of 633 square feet, and an attached/built-in garage area of 304 square feet. The combined area of the guest house per County records is 2,730 square feet. The existing Building Footprint of the guest house dwelling is approximately 1,450 square feet.

In April 2000, the Park City Planning Commission approved a Conditional Use Permit for a 2,700 square foot detached guest house on the site. See Exhibit I – Guest House CUP Action Letter 07.21.2000. At the time, the site had an existing accessory apartment in the main residence that had to be removed prior to issuance of a certificate of occupancy for the guest house. A notice of the guest house CUP and a deed restriction prohibiting rental of the guest house separate from the main house was listed as a condition of approval of the Guest House CUP. The notice was recorded with Summit County in January 2003. See Exhibit J – Guest House Notice to Purchasers 01.10.2003. Another condition of approval of the guest house CUP indicated the following language: "No further subdivision of this lot is permitted."

Summit County assesses the Lot as two (2) separate Tax Serial Nos. THILL-2-A-AM and THILL-2-B-AM. Each tax notice contains a separate legal description which starts as: "*a portion of Lot 2, Treasure Hill Sub. Phase 1 Amended,*" as well as a separate acreage designation consisting of 0.77 and 0.47, respectively. The submitted title report indicates that 220 King Road LLC owns Lot 2A (Tax Serial no. THILL-2-A-AM). The submitted title report indicates that 220 King Road LLC owns an undivided  $\frac{1}{2}$  interest of Lot 2B and that M. Constance Sfire owns an undivided  $\frac{1}{2}$  interest of lot 2B (Tax Serial no. THILL-2-B-AM).

Upon review of past Planning Department files, staff found a 1997 memorandum sent from Eric DeHaan, City Engineer, to the Legal Department that identifies two (2) deeded parcels within a platted lot of record. See Exhibit K – Eric DeHaan Memo 07.10.1997. The memo states that the title report from that time shows that the lot has two (2) owners, one (1) for each of two (2) portions of the platted lot. City Engineer DeHaan explained that he understood that was done by the owner for tax purposes. City Engineer DeHaan expressed concerns with deeds that were able to be recorded which acted to subdivide parcels in a manner that was inconsistent with Park City's ordinances. DeHaan explained that it appeared that no damage was created since the lot was the subject of an amended plat which erased the deed line and expressed concern that the practice still occurred. He also indicated that the general public could be harmed by similar acts of subdivision by deed resulting in improperly planned access and utility issues. He hoped that such practice could be eliminated by Summit County's Recorder refusing to record any deed which covers a parcel smaller than what exists

prior to the deed in question.

Staff further researched the situation and found that the following took place in April 15, 1996:

- Entire area owned by Beaulieu, Carlig, and Sweeney Land Company was transferred to Beaulieu and Carlig. [[Quit Claim Deed, Entry No. 00452300](#)]
- Ownership changed from Beaulieu and Carlig to Robert Sfire only for the legal description of Parcel A, what is now assigned as Parcel THILL-2-A-AM. [[Warranty Deed, Entry No. 00452303](#)] and [[Warranty Deed, Entry No. 00452304](#)]
- Ownership changed from Beaulieu and Carlig to Robert Sfire and M. Constance Sfire, only for the legal description of Parcel (2) or B, what is now assigned as THILL-2-B-AM. [[Warranty Deed, Entry No. 00452305](#)] and [[Warranty Deed, Entry No. 00452306](#)]

The separation of the two (2) areas shown on the survey prepared by JD Gailey, professional Land Surveyor indicates such delineation in the form of a deed line. The narrative from the same survey explains the following: 9. The legal validity of the interior lot line, labeled here as the 'Deed Line', is unresolved and not a component of this survey. It is shown hereon at the requests of the owner. The legal description shown on this survey is as simple as the following which is still applies: All of Lot 2, Treasure Hill Subdivision, Amended, according to the official plat thereof on file and of record in the office of the Summit County Recorded. See Exhibit G – Survey.

The public hearing for this proposed Plat Amendment was originally scheduled for the May 11, 2016 Planning Commission meeting as the property owner was not able to make the April 27, 2016 Planning Commission meeting. The May 11, 2016, public hearing was continued to the May 25, 2016 Planning Commission meeting at the request of the property owner.

The Planning Commission held another public hearing on May 25, 2016 and reviewed the request. During this Planning Commission meeting, the Commission forwarded a **negative recommendation** to the City Council; the vote was five to one (5-1). See Exhibit O – May 25, 2016 Planning Commission Meeting Minutes.

The Planning Commission indicated that they would love to help Mr. Sfire and that it seemed that it would be good for the community and his request was supported by property owners; however, as Planning Commissioners their job is to enforce the Land Management Code. The Commission indicated that the only way to change the situation would be to amend the Master Plan. The Commission added that the Sweeney Master Plan is a big agreement that was achieved with a lot of give and takes; the restrictions were carefully decided 30 years ago and the Planning Commission is always reluctant to unravel little pieces without understanding the discussion and the reasons for the decisions that were made. Assistant City Attorney McLean reiterated that the only way would be to amend the Sweeney Master Plan because they cannot manufacture density.

## Analysis

The proposed Plat Amendment requests to create two (2) lots of record from the existing platted lot. Lot A is to contain 20,314 square feet and Lot B is to contain 33,381 square feet. Lot A would contain the existing guest house (that would be turned into a single-family dwelling) and Lot B would contain the existing single-family dwelling. The applicant explains in his plat intent document that they would like to split the properties so that they can sell one home and keep the other home for themselves.

Staff identifies that the proposal has a serious flaw with the allocated/permitted density. The approved and amended master plan indicated that 220 King Road development would be restricted to a single family home with no greater than 3,500 square foot footprint and maximum building heights of 25 feet. This is consistent with the approved, amended, and recorded Lot 2, Phase 1, Treasure Hill Subdivision (Plat Amendment), which shows the exact language as written below on note 1 in conjunction with the recorded platted. See Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997).

### *SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:*

- 1. FOOTPRINT. The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:*
  - a. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;*
  - b. Exterior walkways;*
  - c. Exterior stairs;*
  - d. Driveways.*
- 2. BUILDING AREA LIMITS. Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the forgoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.*
- 3. CONSTRUCTION DISTURBANCE. Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet*

*beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.*

- 4. HEIGHT. The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.*
- 5. FACADE HEIGHT, EASTERLY FACING. The maximum façade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.*
- 6. MASSING. House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.*
- 7. SEWER LATERALS. Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.*
- 8. FIRE SPRINKLING. Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.*
- 9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.*

Staff does not find that the proposed Plat Amendment is in compliance with the approved Master Plan, as amended. The site is allocated to one (1) single-family dwelling. The applicant requests to have (2) lots, each one (1) with a single-family dwelling. While the Park City Planning Commission approved a guest house on the lot, the guest house had specific conditions of approval that complied with the allocated/permitted density: The approved accessory apartment had to be removed prior to issuance of certificate of occupancy for the guest house; a notice of the guest house and a deed restriction prohibiting rental of the guest house separate from the main house was recorded with the County; and finally a note was added to the

approved CUP which said “No further subdivisions of this lot is permitted.” Also the combined Building Footprints of the existing single-family dwelling and the guest house equates to 3,453 square feet as the Master Plan and Plat restrict it to 3,500 square feet.

The applicant could work with the Sweeney Land Company/Park City II LLC (Sweeney), property owner of undeveloped approved density in the Hillside Properties, where 197 residential unit equivalents have been allocated. The only way to acquire additional density to this site is by amending the approved SPMP Master Plan to allocate the one (1) needed residential unit equivalent. Staff is currently reviewing a Conditional Use Permit application submitted by Sweeney in 2004 for the development of the Hillside Properties (Mid-station and Creole-Gulch). At this time Sweeney indicated to the Planning Department verbally that his company does not consent to a request to amend the originally approved (and already amended) SPMP to allocate one (1) residential unit equivalent to 220 King Road.

The City Engineer also recognizes that subdividing the property would require an additional sewer lateral. Snyderville Basin Water Reclamation District (SBWRD) does not allow sewer laterals to cross other properties.

#### Good Cause

Staff does not find Good Cause as the Plat Amendment does not meet the approved allocated/permitted density of the lot. Good Cause is defined as the following:

*Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.*

Staff finds that the site should follow its approved master plan density. Master plans set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the Master plan process can provide design flexibility necessary for well-planned, mixed use developments that are compatible with the surrounding neighborhood.

#### 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.

#### Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code.

### **Public Input**

Public comments was received just before the Planning Commission meeting. See Exhibit P – Public Input.

### **Alternatives**

- The City Council may deny 220 King Road Plat Amendment; or
- The City Council may approve 220 King Road Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 220 King Road Plat Amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

### **Significant Impacts**

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

### **Consequences of not taking the Planning Department's Recommendation**

The site density would increase from one to two (1 to 2). The site would be in violation of its approved allocated/permitted density.

### **Summary Recommendation**

Staff recommends the City Council hold a public hearing for the Second Amended Lot 2, Phase 1, Treasure Hill Subdivision located at 220 King Road and consider denying the requested application based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

### **Exhibits**

Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment  
Exhibit B – Proposed Plat Amendment  
Exhibit C – Applicant's Project Description  
Exhibit D – Lot Line Exhibit  
Exhibit E – Aerial Photograph  
Exhibit F – Site Photograph  
Exhibit G – Survey  
Exhibit H – Survey S-2470 Treasure Hill Sub. Lot 1 and 2  
Exhibit I – Guest House CUP Action Letter 06.21.2000  
Exhibit J – Guest House Notice to Purchasers 01.10.2003  
Exhibit K – Eric DeHaan Memo 07.10.1997  
Exhibit L – SPMP Revised Conditions of Approval 10.14.1987  
Exhibit M – Treasure Hill Subdivision Phase 1 (recorded April 1996)

Exhibit N – Lot 2, Phase 1, Treasure Hill Subdivision (recorded August 1997)  
Exhibit O – May 25, 2016 Planning Commission Meeting Minutes  
Exhibit P – Public Comments

### **Links**

- Sweeney Property Master Plan:  
<http://www.parkcity.org/Home/ShowDocument?id=25505>
- Quit Claim Deed, Entry Number 00452300:  
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452300.pdf?id=DOCC00452300.A0&parent=DOCC00452300>
- Warranty Deed, Entry No. 00452303:  
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452303.pdf?id=DOCC00452303.A0&parent=DOCC00452303>
- Warranty Deed, Entry No. 00452304:  
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452304.pdf?id=DOCC00452304.A0&parent=DOCC00452304>
- Warranty Deed, Entry No. 00452305:  
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452305.pdf?id=DOCC00452305.A0&parent=DOCC00452305>
- Warranty Deed, Entry No. 00452306:  
<http://property.summitcounty.org/eaglesoftware/eagleweb/downloads/00452306.pdf?id=DOCC00452306.A0&parent=DOCC00452306>

## Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment

### **FINAL ACTION DENYING A REQUEST FOR AN ORDINANCE FOR THE SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION PLAT AMENDMENT LOCATED AT 220 KING ROAD, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 220 King Road has petitioned the City Council for approval of the plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 11, 2016 and May 25, 2016 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 25, 2016, forwarded a negative recommendation to the City Council; and,

WHEREAS, on June 30, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to deny the 220 King Road Second Amended Lot 2 Phase 1, Treasure Hill Subdivision Plat Amendment.

NOW, THEREFORE the City Council of Park City, Utah finds as follows:

**SECTION 1. DENIAL.** The 220 King Road Second Amended Lot 2 Phase 1, Treasure Hill Subdivision Plat Amendment request for an Ordinance as shown in Attachment 1 is denied subject to the following Findings of Facts and Conclusions of Law:

#### Findings of Fact

1. The property is located at 220 King Road.
2. The property is zoned as an approved master plan.
3. The subject property consists of all of Lot 2, Phase 1, Treasure Hill Subdivision.
4. The entire subject area is recognized by Summit County as Parcel no: THILL-2-A-AM and THILL-2-B-AM (Tax IDs).
5. The site is part of the Sweeney Properties Master Plan (SPMP) approved on October 16, 1986, as part of the Miscellaneous Properties.
6. The Sweeney Properties Master Plan narrates Miscellaneous Properties as the following: *In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to*

*be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.*

7. The Sweeney Properties Master Plan was amended on October 14, 1987. The amendment identified it as minor as it did not result in increased height in any of the development parcels.
8. The 1987 Sweeney Properties Master Plan modification included the following: *Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.*
9. The two (2) King Road unit equivalents are found at 200 and 220 King Road.
10. The site contains a single-family dwelling and a guest house.
11. The single-family dwelling was built in 1998 and has a combined area of 4,235 square feet.
12. The existing Building Footprint of the single-family dwelling is approximately 2,003 square feet.
13. The guest house was built in 2000 and has a combined area of 2,730 square feet.
14. The existing Building Footprint of the guest house dwelling is approximately 1,450 square feet.
15. In April 2000, the Park City Planning Commission approved a Conditional Use Permit for a 2,700 square foot detached guest house on the site.
16. In 2000, the site had an existing accessory apartment in the main residence that had to be removed prior to issuance of a certificate of occupancy for the guest house.
17. A notice of the guest house CUP and a deed restriction prohibiting rental of the guest house separate from the main house was listed as a condition of approval of the Guest House CUP.
18. The notice was recorded with Summit County in January 2003.
19. The approved guest house Conditional Use Permit indicated that no further subdivision of this lot is permitted.
20. The proposed Plat Amendment requests to create two (2) lots of record from the existing platted lot.
21. The applicant stated that they would like to split the properties so that they can sell one home and keep the other home for themselves.
22. The proposed Plat Amendment does not meet its allocated/permitted density.
23. The approved and amended master plan indicated that 220 King Road development would be restricted to one (1) single family home with no greater than 3,500 square foot footprint and maximum building heights of 25 feet.
24. The combined Building Footprints of the existing single-family dwelling and the guest house equates to approximately 3,453 square feet.
25. The approved and amended master plan is consistent with the approved, amended, and recorded Lot 2, Phase 1, Treasure Hill Subdivision.
26. The proposed Plat Amendment is not in compliance with the approved Master

Plan as amended.

27. The site is allocated to one (1) single-family dwelling.
28. The applicant request to have (2) lots, each one (1) with a single-family dwelling.
29. Good Cause for the proposed Plat Amendment if not found as issues related to density are not addressed but rather intensified. Positive benefits are not provided and negative impacts are not mitigated.
30. The proposed Plat Amendment would create non-compliance with the approved master plan density as it would add one (1) dwelling unit to a parcel identified in the master planned as having only one (1) dwelling unit.
31. Master plans set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment.
32. There are numerous pedestrian/access easements across this property.

#### Conclusions of Law

1. The proposed Plat Amendment is not consistent with the Park City Land Management Code and applicable State Law regarding Subdivisions as the approved allocated/permitted density is not observed.
2. The public would materially injured by granting of the proposed Plat Amendment.
3. The proposed Plat Amendment adversely affects health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed Plat Amendment as the plat Amendment does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code and approved the Master Plan.
5. The proposed Plat Amendment is not in conformance with the Sweeney Properties Master Planned Development, as amended.

Exhibit B – Proposed Plat Amendment

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

1. FOOTPRINT. The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the footprint calculations:

- (a) Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- (b) Exterior walkways;
- (c) Exterior stairs;
- (d) Driveways.

2. BUILDING AREA LIMITS. Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.

3. CONSTRUCTION DISTURBANCE. Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining-lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.

4. HEIGHT. The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.

5. FACADE HEIGHT, EASTERLY FACING. The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.

6. MASSING. House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.

7. SEWER LATERALS. Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.

8. FIRE SPRINKLING. Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.

9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.



**SURVEYOR'S CERTIFICATE**  
I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
KNOW ALL MEN BY THESE PRESENTS that the undersigned owners, as to Lot 2B, to be known hereafter as SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION, do hereby certify that we have caused this Plat Amendment to be prepared, and we 220 King Road, L.L.C., a Utah limited liability company, as to an undivided 1/2 interest, and M. Constance Sfire, as to an undivided 1/2 interest, do hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set their hands this \_\_\_\_ day of \_\_\_\_\_, 2016.

By: Robert Sfire, Manager  
220 King Road, L.L.C., a Utah limited liability company

By: M. Constance Sfire

**BOUNDARY DESCRIPTION**  
Lots 2A and 2B, Lot 2 Phase 1, Treasure Hill Subdivision, First Amended Record of Survey map, according to the official plat thereof on file and of record, in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
KNOW ALL MEN BY THESE PRESENTS that the undersigned owner, as to Lot 2A, to be known hereafter as SECOND AMENDED LOT 2, PHASE 1, TREASURE HILL SUBDIVISION, does hereby certify that it caused this Plat Amendment to be prepared, and that, Robert Sfire, as manager of 220 King Road, L.L.C., a Utah limited liability company, does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

By: Robert Sfire, manager  
220 King Road, L.L.C., a Utah limited liability company

**ACKNOWLEDGMENT**  
State of \_\_\_\_\_  
County of \_\_\_\_\_ ss:  
On this \_\_\_\_ day of \_\_\_\_\_, 2016, Robert Sfire, 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, did say that he is the manager of 220 King Road, L.L.C., a Utah limited liability company and that said document was signed freely and voluntarily by him on behalf of said corporation.

**ACKNOWLEDGMENT**  
State of \_\_\_\_\_  
County of \_\_\_\_\_ ss:  
On this \_\_\_\_ day of \_\_\_\_\_, 2016, Robert Sfire 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, did say that he is the manager of 220 King Road, L.L.C., a Utah limited liability company, and that said document was signed freely and voluntarily by him on behalf of said corporation.

**ACKNOWLEDGMENT**  
State of \_\_\_\_\_  
County of \_\_\_\_\_ ss:  
On this \_\_\_\_ day of \_\_\_\_\_, 2016, M. Constance Sfire, 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, did say that she is a owner and that said document was signed freely and voluntarily.

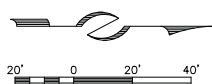
By: Notary Public  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

By: Notary Public  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | N 66°12'00" E | 16.39    |
| L2         | N 23°31'34" W | 17.11    |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L3         | S 86°21'58" W | 8.00     |
| L4         | N 23°38'00" E | 25.00    |

**NOTES:**  
1. This subdivision is subject to the Conditions of Approval in Ordinance 16-\_\_\_\_\_.  
2. All conditions of approval, easements and dedications contained in the Phase 1 Treasure Hill Subdivisions are unaffected by this amendment.



SECOND AMENDED LOT 2, PHASE 1,  
TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,  
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SHEET 1 OF 1

|                                                                                                                                 |                                                                                                                                                                                                         |                                                                                                                                   |                                                                                                                                                                                |                                                                                                                      |                                                                                                                                               |                                                                                                                                                                       |                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <br>(435) 649-9457<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664 | <b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b><br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____<br>DAY OF _____, 2016<br>BY _____<br>S.B.W.R.D. | <b>PLANNING COMMISSION</b><br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____<br>DAY OF _____, 2016<br>BY _____<br>CHAIR | <b>ENGINEER'S CERTIFICATE</b><br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____<br>DAY OF _____, 2016<br>BY _____<br>PARK CITY ENGINEER | <b>APPROVAL AS TO FORM</b><br>APPROVED AS TO FORM THIS _____<br>DAY OF _____, 2016<br>BY _____<br>PARK CITY ATTORNEY | <b>COUNCIL APPROVAL AND ACCEPTANCE</b><br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016<br>BY _____<br>MAYOR | <b>CERTIFICATE OF ATTEST</b><br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016<br>BY _____<br>PARK CITY RECORDER | <b>RECORDED</b><br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____<br>DATE _____ TIME _____ ENTRY NO. _____<br>FEE _____ RECORDER _____ |
|                                                                                                                                 |                                                                                                                                                                                                         |                                                                                                                                   |                                                                                                                                                                                |                                                                                                                      |                                                                                                                                               |                                                                                                                                                                       |                                                                                                                                                            |
|                                                                                                                                 |                                                                                                                                                                                                         |                                                                                                                                   |                                                                                                                                                                                |                                                                                                                      |                                                                                                                                               |                                                                                                                                                                       |                                                                                                                                                            |

PLAT INTENT

SECOND AMENDED LOT 2  
PHASE 1, TREASURE HILL SUBDIVISION  
February 9, 2016

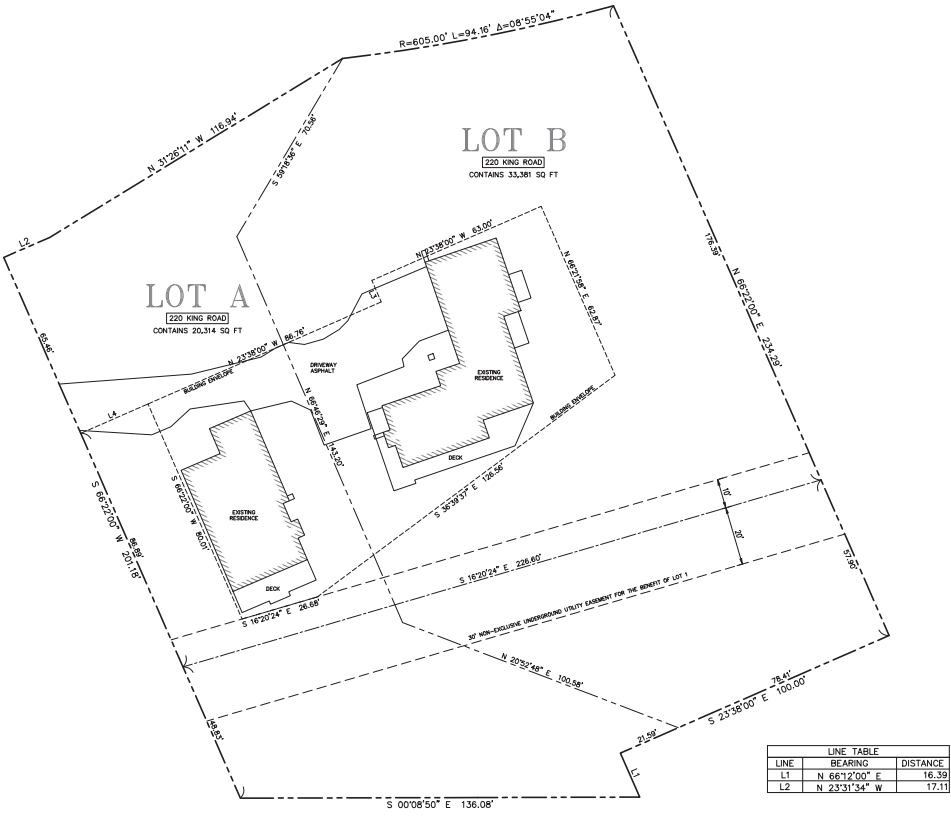
We have lived at 220 King Rd. in Old Town for 18 years. It is at the very top of King Road just before the gate. We have two homes there situated on one large lot that is 1.2+ acres. We purchased this land as two legally described parcels. We would like to split these properties so that we can sell one home and keep the other home for ourselves.

Over the past 10 years I have been trying to split these parcels and have met with numerous PCMC staff regarding this. Because this lot is part of a master plan development it seems to have its own rules, yet it is not part of the hotel/condo project that shares the same name, Treasure Hill.

We have been told that splitting the property would affect the density in Old Town. We don't want to make any physical changes to this property, but only to change the legal status of ownership. By splitting the property we would eliminate nightly rentals at both homes and create a better neighborhood situation. By eliminating nightly rentals there would actually be less density use in the neighborhood. And of course homeownership is always better for any neighborhood.

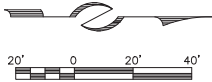


Exhibit D – Lot Line Exhibit



| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | N 66°12'00" E | 16.39    |
| L2         | N 23°31'34" W | 17.11    |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L3         | S 68°21'58" W | 8.00     |
| L4         | N 23°38'00" W | 25.00    |





(438) 648-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2864 Park City, Utah 84060-2864

STAFF:  
MARSHALL KING  
JESSE MORENO

DATE: 2/9/16

LOT LINE EXHIBIT  
TREASURE HILL SUBDIVISION, PHASE 1, LOT 2  
220 KING ROAD

FOR: BOB SPIRE  
JOB NO.: E-1-16  
FILE: X:\ParkCitySurvey\dwg\Exhibits\Treasure Hill Lot 2 Lot Line Exhibit.dwg

SHEET  
1  
OF  
1

Exhibit E – Aerial Photograph

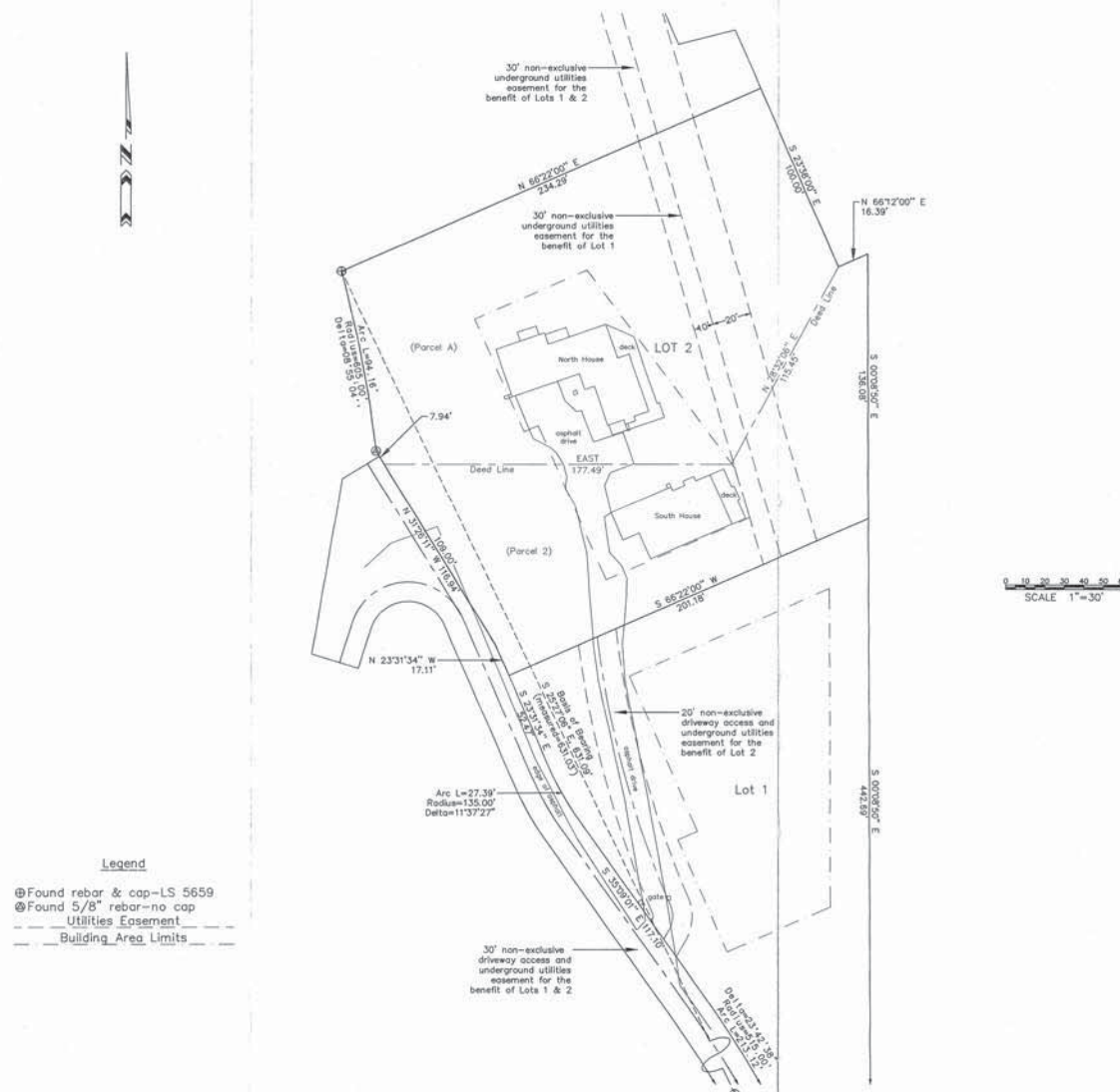


|                                                                                                                                                                                                                   |                                                                                 |                                                                                                                                                                                                                                    |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <br><small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br/>323 Main Street P.O. Box 2064 Park City, Utah 84060-2064</small> | <small>(435) 649-0457</small><br><b>STAFF:</b><br>MARSHALL KING<br>JESSE MORENO | <b>AERIAL PHOTOGRAPH</b><br><b>TREASURE HILL SUBDIVISION, PHASE 1, LOT 2</b><br><b>220 KING ROAD</b><br><br><b>FOR: BOB SPIRE</b><br><b>JOB NO.: E-1-16</b><br><b>FILE: X:\ParkCitySurvey\dwg\Exhibits\Treasure Hill-ortho.dwg</b> | <b>SHEET</b><br><b>1</b><br><b>OF</b><br><b>1</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|



RECEIVED  
FEB 09 2016  
PARK CITY  
PLANNING DEPT.

Treasure Hill Subdivision  
Lot 2



NARRATIVE

1. Survey requested by: Robert Sfira.
2. Purpose of survey: locate the houses on the property.
3. Basis of survey: found property monuments, as shown.
4. Date of survey: October 19, 2001.
5. Property corners found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plot of Treasure Hill Subdivision, on file and of record in the office of the Summit County Recorder, for other possible easements and restrictions.
8. For previous surveys see the First Amended Record of Survey Map, Lot 2, Phase I, Treasure Hill Subdivision, recorded as File No.481377, and Record of Survey File No. S-2470, both on file in the office of the Summit County Recorder.
9. The legal validity of the interior line, labeled here as the 'Deed Line', is unresolved and not a component of this survey. It is shown hereon at the request of the owner.

LEGAL DESCRIPTION

All of Lot 2, Treasure Hill Subdivision, Amended, according to this official plot thereof on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plot is a true representation of said survey.

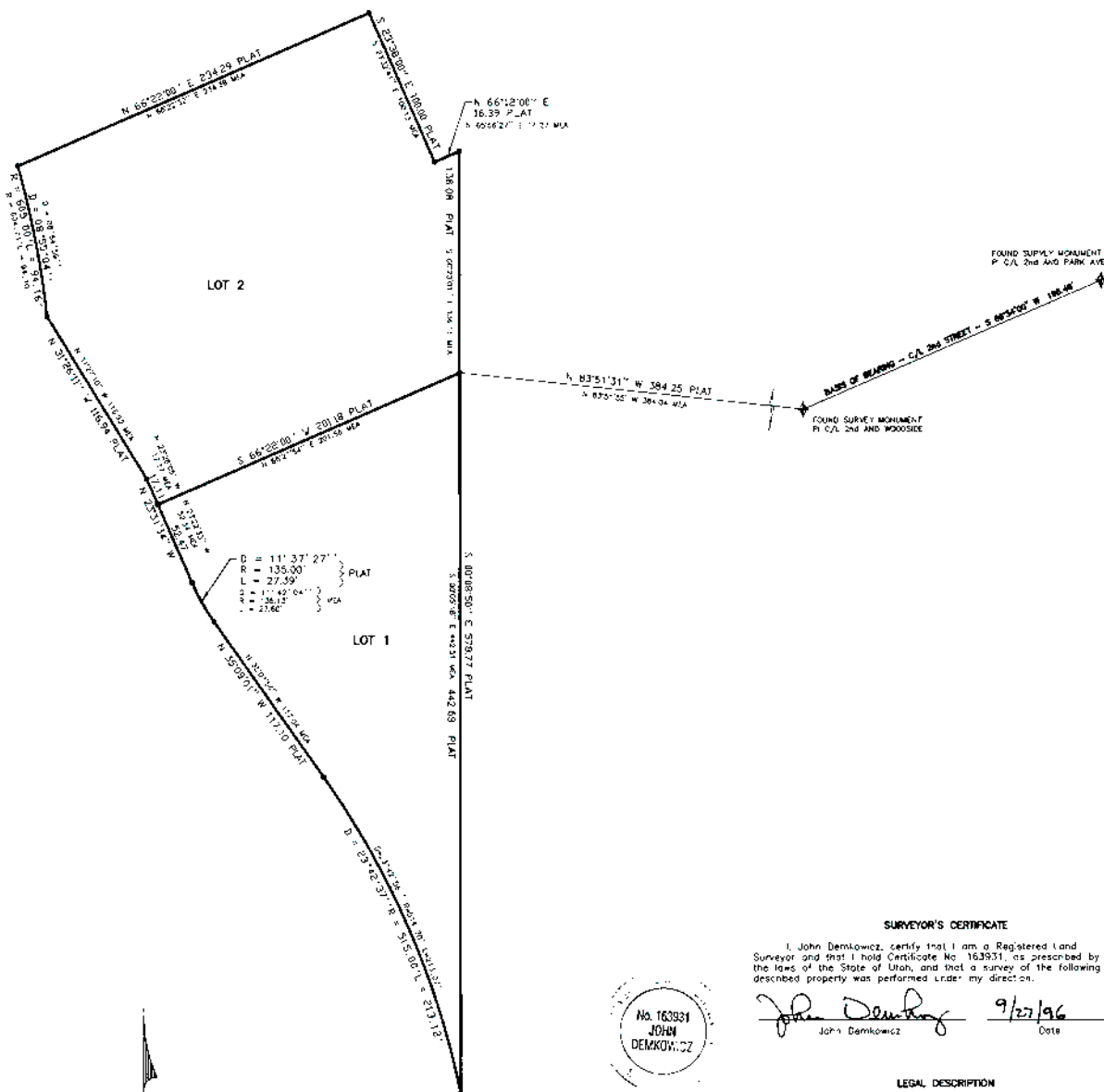
Nov 5 2001  
Date



J.D. Galley, License #359005

Alpine Survey, Inc.  
19 Prospector Drive  
Park City, Utah 84060  
(435) 655-8016

# Exhibit H – Survey S-2470 Treasure Hill Sub. Lot 1 and 2



## SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

*John Demkowicz* 9/27/96  
John Demkowicz Date

## LEGAL DESCRIPTION

LOTS 1 AND 2, TREASURE HILL SUBDIVISION according to the official plat thereof on file and of record in the office of the Summit County Recorder.

## NARRATIVE

1. Location of survey: Section 16, T2S, R4E, S1B&M.
2. Basis of survey: Found Survey Monuments as shown.
3. Refer to the subdivision plat for location of easements.
4. Date of Survey: 8-23-96.
5. Property corners were found as shown.
6. \* Denotes found and accepted iron rod w/cap .5 5659.
7. Property was vacant at time of survey.



June 21, 2000

Department of Community Development  
Engineering • Building Inspection • Planning

William Mammen, AIA  
Mammen Associates Architecture  
P O Box 1720  
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

|                                            |                                                                                                                                                                 |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Project Name</u>                        | 220 King Road CUP for a Guest House                                                                                                                             |
| <u>Project Description</u>                 | Conditional Use Permit for a 2,700 sf detached guest house on Lot 2 of the Treasure Hill Subdivision Plat (a portion of the Sweeney Master Planned Development) |
| <u>Date of Meeting</u>                     | April 26, 2000                                                                                                                                                  |
| <u>Action Taken By Planning Commission</u> | Approved according to the findings of fact and conclusions of law in the staff report. The conditions of approval are listed below.                             |

Conditions of Approval

1. All standard project conditions shall apply.
2. The existing accessory apartment in the main residence shall be removed prior to issuance of a certificate of occupancy for the guest house.
3. A notice of this Conditional Use Permit and a deed restriction prohibiting rental of the guest house separate from the main house shall be recorded at the County prior to issuance of a certificate of occupancy for the guest house.
4. A lighting, grading, and landscaping plan, compatible with the existing landscaping, shall be submitted to and approved by the Planning Department prior to issuance of any building permit.
5. Architectural elevations for the guest house shall be approved by the Planning Department, for compliance with the Historic District Design Guidelines and steep slope review criteria, prior to issuance of a building permit.
6. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of a building permit.
7. Approval of this Conditional Use Permit is valid for one year from the date of Planning Commission approval, (unless a building permit for the guest house is issued prior to the expiration date).

William Mammen

Page two

June 21, 2000

8. A financial guarantee, for the value of all public improvements and landscaping to be completed, shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
9. No further subdivision of this lot is permitted.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone", with a stylized flourish at the end.

Kirsten A. Whetstone, AICP  
Senior City Planner

WHEN RECORDED, MAIL TO:

PARK CITY MUNICIPAL CORPORATION  
ATTN: CITY RECORDER  
PO BOX 1480  
PARK CITY, UTAH 84060

ATT: KIRSTEN

PLANNING Dept

**NOTICE TO PURCHASERS**

In consideration of the issuance of an conditional use permit for a Guest House, by the Planning Commission of the City of Park City, on the 26 day of April, 2003 on the following described property, to wit:

00644287 BK01503 Pg01061-01062

ALAN SPRIGGS, SUMMIT CO RECORDER  
2003 JAN 10 16:24 PM FEE \$13.00 BY DMG  
REQUEST: COALITION TITLE

I hereby acknowledge and agree to the following restrictions relating to said Guest House permit:

"The said Guest House may not be sold or leased separate from the Main House."

I further agree to the recording of this agreement in the office of the Summit County Recorder.

DATED 11-4-02

OWNER:

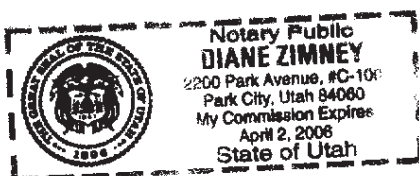
*Robert M. Fire*

*x Monstancere Fire*

STATE OF UTAH

COUNTY OF Summit

The foregoing Notice to Purchasers was acknowledged before me this 4th day of November, 2002, by ROBERT FIRE & M., the owner of the above described property, who executed the same. *Monstancere Fire*



*Diane Zimney*  
NOTARY PUBLIC

BK1503 PG1061

**EXHIBIT "A"**

Order Number: 00006784

**PARCEL 1:**

BEGINNING AT A POINT WHICH IS SOUTH 66°22' WEST 21.67 FEET AND SOUTH 00°08'50" EAST 81.95 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF LOT 32, BLOCK 78, MILLSITE RESERVATION TO PARK CITY, UTAH SAID POINT ALSO BEING SOUTH 66°40' WEST 240.50 FEET AND SOUTH 00°08'50" EAST 599.26 FEET FROM A PARK CITY MONUMENT AT THE INTERSECTION OF PARK AVENUE AND 4TH STREET; AND RUNNING THENCE SOUTH 00°08'50" EAST 136.08 FEET; THENCE SOUTH 66°22' WEST 201.18 FEET; THENCE NORTH 23°31'34" WEST 17.11 FEET THENCE NORTH 31°26'11" WEST 109 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH 31°26'11" WEST 7.94 FEET TO A POINT ON A 605 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 11°00' WEST 94.07 FEET); THENCE RUNNING NORTHWESTERLY ALONG THE ARC OF SAID CURVE 94.16 FEET (DELTA=08°55'04"); THENCE NORTH 66°22' EAST 234.29 FEET; THENCE SOUTH 23°38' EAST 100.00 FEET; THENCE SOUTH 28°32'08" WEST 115.445 FEET; THENCE WEST 177.49 FEET TO THE POINT OF BEGINNING.

SERIAL NO. THILL-2-A-AM  
PARCEL 2:

BEGINNING AT A POINT WHICH IS SOUTH 66°22' WEST 21.67 FEET AND SOUTH 00°08'50" EAST 81.95 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF LOT 32, BLOCK 78, MILLSITE RESERVATION TO PARK CITY, UTAH SAID POINT ALSO BEING SOUTH 66°40' WEST 240.50 FEET AND SOUTH 00°08'50" EAST 599.26 FEET FROM A PARK CITY MONUMENT AT THE INTERSECTION OF PARK AVENUE AND 4TH STREET; AND RUNNING THENCE SOUTH 00°08'50" EAST 136.08 FEET; THENCE SOUTH 66°22' WEST 201.18 FEET; THENCE NORTH 23°31'34" WEST 17.11 FEET; THENCE NORTH 31°26'11" WEST 109.00 FEET; THENCE EAST 177.49 FEET; THENCE NORTH 28°32'08" EAST 115.445 FEET; THENCE NORTH 65°12'00" EAST 16.39 FEET TO THE POINT OF BEGINNING.

SERIAL NO. THILL-2-B-AM

BK1503 PG1062

Coalition Title Agency, Inc.

**MWMORANDUM**

**To: Mark Harrington**

**From: Eric DeHaan**

**Date: July 10, 1997**

**Subject: Deeded parcels within a platted lot at Treasure Hill Subdivision**



As you may have noticed, the title report for Lot 2 at Treasure Hill Subdivision shows that the lot apparently has two owners, one for each of two portions of the platted lot. It is my understanding from Bob Sfire, the owner of one deeded parcel and the part owner of the other, that this deeded arrangement was accomplished at his request for tax purposes.

The concern is that apparently deeds can still be recorded which act to subdivide parcels in a manner inconsistent with Park City's ordinances, which I believe to be in accordance with State law on the subject.

In the case of Bob Sfire and Lot 2 of Treasure Hill Subdivision, it appears that no damage has been done since the lot is the subject of an amended plat which will erase the deed line. However, it is of some concern that the practice could still occur, and it is not difficult to imagine a similar situation where the general public could be harmed by similar acts of subdivision by deed resulting in improperly planned access and utility issues. As City Engineer I would hope such practices could be eliminated by Summit County's Recorder refusing to record any deed which covers a parcel smaller than what exists prior to the deed in question.

Please let me know if you need further information.

cc: Megan Ryan ✓

Revised Conditions of Approval to Sweeney MPD  
October 14, 1987

V. STAFF RECOMMENDATIONS:

Staff recommends approval of the proposed revision in the Sweeney MPD based upon the following findings:

1. The modification to the Sweeney MPD is minor and does not result in increased height in any of the development parcels.
2. That the extension of ski runs under the Town Lift is beneficial to the community.

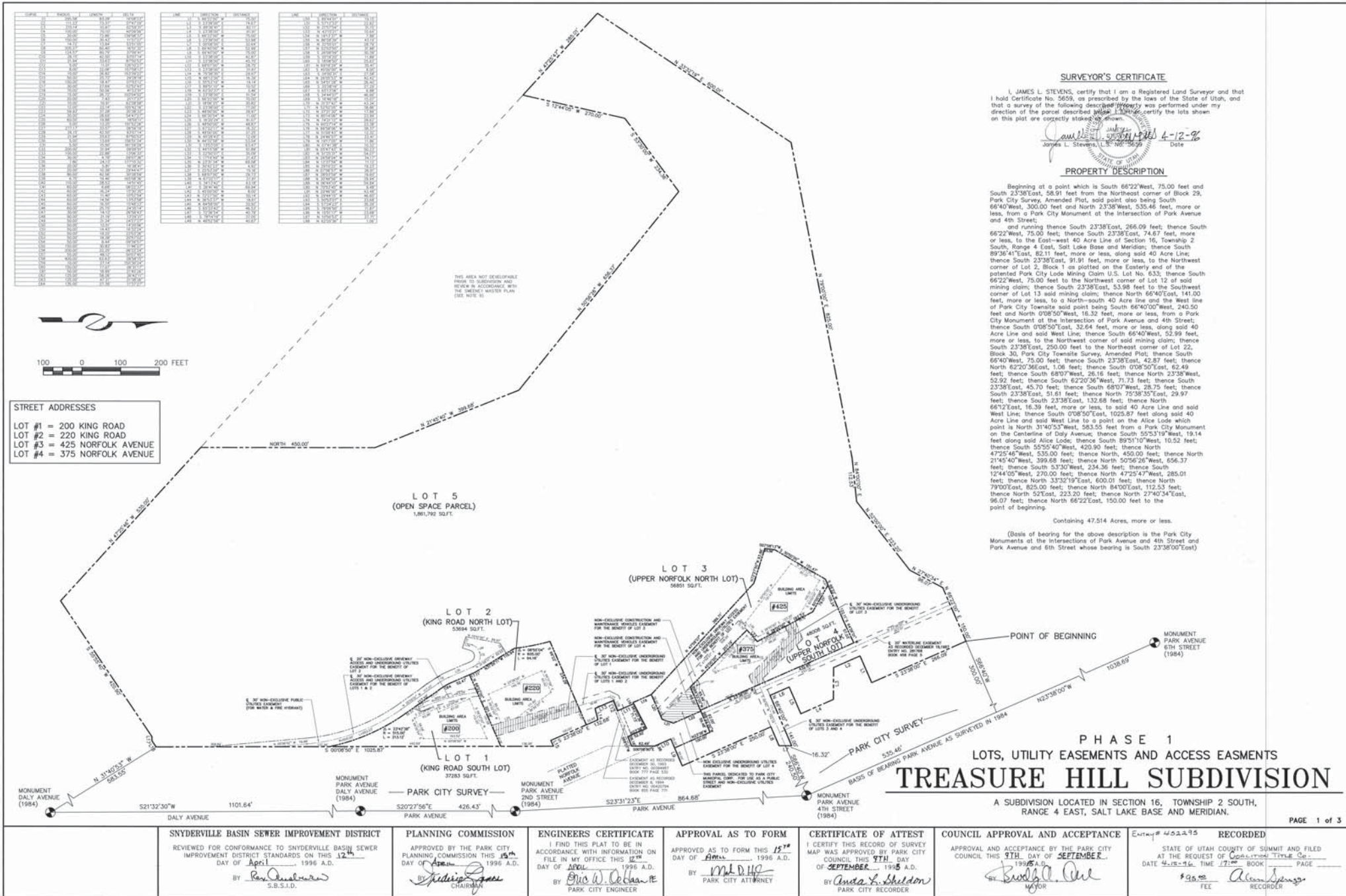
The following revised conditions shall be placed on the approval of this proposed modification:

1. The Sweeney MPD approval documents shall be revised to reflect the relocation of 12 units as follows:
  - a. Relocating 5 unit equivalents from the lower Town Lift Midstation to the upper Town Lift Midstation. The original height parameters will not be modified, but the footprint of the Town Lift Midstation site will be modified slightly.
  - b. Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.
  - c. Relocating 3 unit equivalents from the Buck parcel to Coalition West. The current proposal for Coalition West is based on all residential units. If some commercial unit equivalents were used, consistent with the HRC Zone, the 3 additional units could be absorbed within the existing proposed envelope.
2. That all conditions of the original Sweeney MPD remain in effect (copy enclosed).
3. That the City Engineer approve a preliminary design for the dwellings proposed off of upper Norfolk and King Road, and that the plans fully disclose the potential difficulty and expense in providing vehicular access and utility service to the parcels. The roadways off of upper Norfolk and King road shall be private driveways and will not be maintained or plowed by the City.

The Planning Commission and Staff shall review these proposals as conditional uses. This shall include review of the design of the structures to insure that they are designed to minimize visual impact. The design shall be consistent with the Historic District Guidelines.

4. The City Engineer has expressed concern over the feasibility of the units proposed above 5th Street. These two dwellings shall be subject to the full conditional use process by the Staff and Planning Commission. The Planning Commission will have the discretion to approve or deny the proposed units. The applicant must demonstrate that all significant impacts which may result from the construction of these units can be adequately mitigated.

Exhibit M – Treasure Hill Subdivision Phase 1 (recorded April 1996)





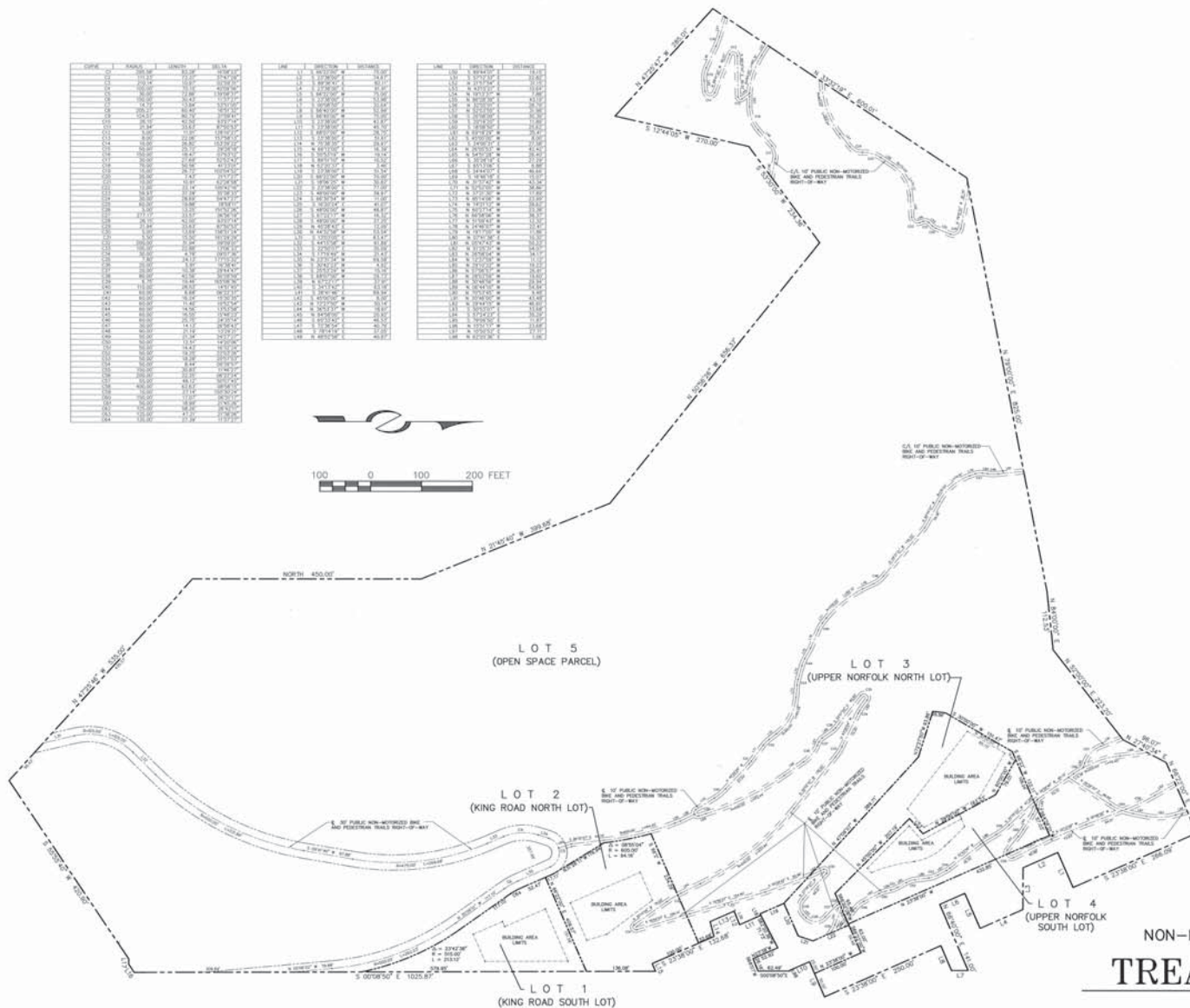
PAGE 2 OF 3

TREASURE HILL SUB. 2003

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
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# SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

- FOOTPRINT.** The maximum footprint, calculated from the outside face of walls and subject to the missing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:
  - Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
  - Exterior walkways;
  - Exterior stairs;
  - Driveways.
- BUILDING AREA LIMITS.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility piers) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.
- CONSTRUCTION DISTURBANCE.** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
- HEIGHT.** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
- FACADE HEIGHT, EASTERLY FACING.** The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.
- MASSING.** House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.
- SEWER LATERALS.** Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.
- FIRE SPRINKLING.** Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.
- PRECEDENCE.** The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.

## PHASE 1 NON-MOTORIZED BIKE AND PEDESTRIAN TRAILS RIGHT-OF-WAY **TREASURE HILL SUBDIVISION**

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,  
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 3 of 3

|                                              |                             |
|----------------------------------------------|-----------------------------|
| ENTRY # 452295                               | RECORDED                    |
| STATE OF UTAH COUNTY OF SUMMIT AND FILED     |                             |
| AT THE REQUEST OF <u>LOANATION TITLE CO.</u> |                             |
| DATE <u>11-15-94</u> TIME <u>11:00</u> AM    | PAGE <u>3</u>               |
| FEE <u>8.95</u>                              | RECORDER <u>[Signature]</u> |

TREASURE HILL SUB. 505



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MAY 25, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Makena Hawley, Planning Tech; Ashley Scarff, Planning Tech, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

May 11, 2016

Commissioner Thimm referred to page 10 of the Staff report, page 8 of the minutes, second paragraph from the bottom and changed volume of land to correctly read **value of land**. On page 28 of the Staff report, page 26 of the minutes, first paragraph, line 8, Commission Thimm changed to building up to read **building height**. On that same page, second paragraph, third line, Commissioner was changed to read **Commissioner Thimm**. In that same paragraph, third line from the bottom, Commissioner Thimm corrected depend what is easy to correctly read **beyond what is easy**.

Commissioner Phillips referred to page 22 of the Staff report, page 20 of the Minutes, last paragraph, line 10, and changed beautify mountains to correctly read, **beautiful mountains**.

MOTION: Commissioner Band moved to APPROVE the minutes of May 11, 2016 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed. Commissioner Joyce abstained since he was absent from the May 11<sup>th</sup> meeting.

**PUBLIC INPUT**

There were no comments.

3. Prior to installing a temporary structure, the Planning Department must sign off on a fire permit and record the date within the CUP application folder.
  4. A maximum of six (6) events which include a temporary structure per year are allowed.
  5. A maximum duration of a temporary structure if four (4) days.
  6. The use shall not violate the City noise or nuisance ordinance. Any violation of the City noise or nuisance ordinance may result in the CUP becoming void.
  7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
  8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
  9. In the case there are any complaints to the City regarding parking at the Chateaux Deer Valley, this CUP shall return to the Planning Commission for rereview.
5. **220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Division – Plat Amendment requesting two (2) lots from one (1) lot of record.**

Planner Francisco Astorga handed out public comments he had received. Of six written comments, five were in support of this plat amendment and one was opposed. The Commissioners took five minutes to read through the public comments.

Planner Astorga reviewed the application for a plat amendment identified as the second amended Lot 2, Phase 1 Treasure Hill Subdivision located at 220 King Road. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a negative recommendation to the City Council based on the findings of fact and conclusions of law as found in the draft final action letter.

Planner Astorga replied that Robert Sfire submitted an application for the plat amendment to split the existing lot into two lots. The site is part of the Sweeney Properties Master Plan; however, it is not part of the hillside properties identified as the Mid-Station and Creole Gulch CUP on file with the Planning Department. Planner Astorga pointed out that Mr. Sfire's property at 220 King Road is part of the Sweeney Properties MPD which requires a conditional use permit for each type of construction improvement. Planner

Astorga noted that the applicant had moved forward with conditional use permits for the existing single family dwelling and the existing guest house that is currently on the property.

Planner Astorga had provided a brief history of the site on pages 109 and 110 of the Staff report, explaining how the master plan allocated one unit of density to be associated with this specific lot. He stated that one challenge is that the site currently has two separate Tax IDs currently recognized by Summit County for taxing purposes. The Staff was able to find paperwork where the former City Engineer, Eric DeHaan, identified this component in a specific memo that was forwarded to the Legal Department in the 1990s. In his memo Mr. DeHaan expressed his concern regarding the two separate Tax ID numbers. He understood that it was done for taxing purposes but he was concerned that it would be confusing in the event of a subdivision because someone might think it was two different lots of record. Mr. DeHaan expressed his wish that Summit County would discontinue the practice of issuing different Tax ID numbers on these specific lots of record.

Planner Astorga stated that further research found that the lot was originally owned by Beaulieu, Carlig and Sweeney Land Company. On April 15, 1996 the Sweeney entity was removed from ownership of this lot and it was transferred to Beaulieu and Carlig in its entire configuration, which is the legal description of Lot 2 of the Treasure Hill Subdivision. That same day warranty deeds were transferred over from Beaulieu and Carlig to Ms. Sfire. However, it was done in two separate deeds and the Staff believes that was the reason for the two separate Tax ID numbers. The property was deeded in two separate parts and not as part of the entire lot of record. Planner Astorga had looked at the legal description of the warranty deeds and it was verified by the City Engineer that the legal descriptions are accurate per the split into two Tax ID notices.

Planner Astorga had found a survey that was done by Alpine Survey, a registered land surveyor. He reviewed a copy of the survey that was included on page 126 of the Staff report. He indicated the deed line that follows the same legal description from the warranty deeds. Planner Astorga pointed out that the surveyor put a note on the survey which reads, "The legal validity of the interior lot line labeled here as the deed line is unresolved and not a component of this survey. It is shown here at the request of the owner." Planner Astorga explained that through specific survey and practices, the survey was only supposed to show the legal lot of record, which is probably why the surveyor added the disclaimer.

Planner Astorga stated that in reviewing the Treasure Hill plats as currently approved and recorded, the Staff finds the same language regarding the Master Plan. Those special restrictions were shown on pages 113 and 114 of the Staff report. The plat effective shows the approval of the master plan. Planner Astorga noted that the first restriction on page 113 talks about the maximum building footprint. He stated that through the subsequent

conditional use permits for the single family dwelling and the guest house, Mr. Sfire was in compliance with the maximum building footprint of 3500 square feet.

Planner Astorga remarked that the Staff made finding for a negative recommendation because the lot is governed by the Sweeney Properties Master Plan. The only way Mr. Sfire could receive two lots of record from this lot would be if the original Sweeney Properties Master Plan is amended to allocate another unit to Mr. Sfire. In discussions with Pat Sweeney, who controls the existing MPD, Mr. Sweeney has indicated that he is not willing to file an application to amend the approved MPD that was approved on October 16, 1986 and subsequently amended for other parts and components of that same governing master plan.

Planner Astorga noted that the property was properly noticed. Letters were mailed to property owners within 300 feet and a notice was published in the newspaper.

Jodi Hoffman, legal counsel representing Bob and Constance Sfire, stated that she was approached by Mr. Sfire four years ago asking for her help. He explained that he has owned property in Park City for 20 years and he just wanted to keep his property. He had not intentions of changing how the property was being used, but he needed advice on what to do. She advised him at the time that the biggest issue he faced was dealing with the Sweeney Master Plan. Ms. Hoffman stated that after four years the issues have not been resolved. Mr. Sfire and his wife have lived on the property for the past eleven years. They are good neighbors, they love Park City and they want to continue living here. Without this subdivision it may not be possible.

Ms. Hoffman stated that the proposed plat amendment creates no additional density, it lowers the currently improved intensity of use, and it rewards 20 years of double taxation on two separate parcels that the Sfire's have been paying. It also affects their original purchase of two large parcels that were limited by building footprint and height. Ms. Hoffman believed the key factor was the limitation on building footprint and height.

Ms. Hoffman noted that the Staff had forwarded a negative recommendation based on what she believes is one apparent mischaracterization of fact and an apparent misapplication of conditions of the CUP; as well as another mischaracterization of law that she suggested the Planning Commission correct this evening. Ms. Hoffman referred to page 111 of the packet which correctly points out that the Sfire's Lot 2 is taxed as two separate single family parcels; one includes the main home and the other includes the home in which they reside. Ms. Hoffman remarked that the Staff also included a 1997 memo from Eric DeHaan that identifies both parcels but indicates no harm resulting from this parcels. The letter proposes no attempt to address a misperception, or the double taxation benefit

that Park City has accrued for the last 20 years as a result of there being two identified parcels.

Ms. Hoffman stated that she looked through the entire record and the Sfire's purchased Lot 2A and 2B to affect a 1031 tax exchange for separate parcels they had sold in another location. Ms. Hoffman emphasized that the Sfire's purchased two parcels. The purchase warranty deeds for both parcels show that the title transferred to them before the plat recorded. Ms. Hoffman pointed out that the recorded plats note the separate parcels as reflected on 138 of the Staff report. Ms. Hoffman stated that the Sfire's were new to Park City in 1996 and they not only relied on the advice for the 1031 exchange, but they also relied on advice from a seated Planning Commissioner who was their title officer, and from the elected County Attorney at the time, or his partner, who were both in contract with the City.

Ms. Hoffman felt it was important to remove any implication that the parcels were split after the Sfire's acquired it because they purchased two separate lots described by metes and bounds. She stated that everyone knows this is not a legal subdivision. They also know that the Summit County Recorder will record whatever is presented because of State law, which raises the issue of consumer protection. Ms. Hoffman noted that for 20 years the Sfire's have paid taxes on both parcels as full single family residential lots.

Regarding the CUP, Ms. Hoffman noted that the Staff points to a deed restriction that was signed years later that restricts the sale or lease of the smaller home, which is the home the Sfire's currently live in. The deed restriction was provided on page 130 of the Staff report. Ms. Hoffman referred to the CUP conditions on page 114 indicating that no further subdivision of this lot is permitted. She reiterated that the larger home and the smaller home are already on separately identified parcels, and the Sfire's were not asking to further subdivide. They were only requesting to keep the structures on the parcels on which each one was constructed. Ms. Hoffman read Condition #3 of the CUP, "Notice of a conditional use permit and deed restriction prohibiting rental of the guest house separate from the main house shall be recorded at the County prior to issuance of a certificate of occupancy for the guest house. She believed that was the document that was supposed to be recorded saying that the guest house cannot be rented separately from the main house. Ms. Hoffman stated that what was actually recorded was a document that said they could not alienate these two parcels from one another or rent them separately. She pointed out that the restriction was much broader than what was restricted by the condition of approval.

Ms. Hoffman stated that the Sfire's were required to remove an accessory apartment from the main house as a condition of the CUP, which they did immediately, yet the deed restriction that the City required still remains. Ms. Hoffman noted that currently the Sfire's

offer nightly rental of the main house, but they were offering to preclude this intense use as a condition of separating the lots.

Ms. Hoffman pointed out that the Sfire's executed a deed restriction on the two separately taxed parcels well after the homes were completed per the CUP, upon assurance from his friend who was the title officer and a Planning Commissioner that she would take care of it for him. Ms. Hoffman recognized that it was not something that the Planning Commission could consider and the facts could not be verified. However, after researching the title documents she believed it to be true.

Regarding the Sweeney MPD, Ms. Hoffman suggested that there might be a mischaracterization of the MPD density and what the MPD does or does not allow. She did not blame the Sweeney's for not wanting to amend the MPD. She did not believe it was necessary because a single family use is allowed and both houses are single family homes. It is confined to a 3500 square foot footprint and a height of 25 feet. A basement and two stories results in 10,500 square feet of residence; or 5.25 UEs under the current unit equivalency. Ms. Hoffman pointed out that in the Sweeney master plan the single family homes are encouraged to be broken up to separate the structures to reduce massing and help scale the homes and the structures up the hill in a modest way. Ms. Hoffman noted that this has been done.

Ms. Hoffman stated that the two homes currently have a combined 3450 square foot footprint, which is less than the restriction from the MPD. There is 6965 square feet of living space within the two structures on three floors, which is under the 10,000 square feet maximum that is allowed. Ms. Hoffman commented on the intensity of use that is allowed; noting that renting the larger house could bring six to ten cars from B&B guests.

Mr. Hoffman clarified that Mr. Sfire was offering to effect the primary intent that was effected through a legitimate transaction not by him but by prior owners. The Planning Department received six letters in support, and Mr. Sfire had a petition signed by seven of his neighbors supporting the lot split. They acknowledge that no additional homes could be built and the intent is simply to separate the house from the guest house. Ms. Hoffman reiterated that with that separation the home would be taken off of the nightly rental program, which would lead to a betterment of the neighborhood.

Ms. Hoffman noted that there has been no opposition until the one letter that was handed out this evening from Mr. Murphy in Washington State. She suggested that Mr. Murphy made not understand that the split would reduce the in intensity use. Ms. Hoffman argued that there is no public harm and there would be a substantial public benefit in the reduced intensity of use, as well as a separate private access easement that would result from this plat amendment.

Chair Strachan asked if the separate tax ID numbers correspond to the deed line. Ms. Hoffman answered yes. She explained that to effect the 1031 exchange, two separate entities with two separate sales prior to the purchase had to purchase two separate properties. She reiterated that everyone knew this, including the seated Planning Commissioner, the County Attorney, and the property owners. Ms. Hoffman stated that this is only an issue because of the opinion that the Sweeney MPD needs to be amended before this split could occur. She reiterated why she did not share that opinion and why the separate ownership would result in a net benefit, not a net detriment.

Chair Strachan opened the public hearing.

Jeff Brabender, a resident at 283 Norfolk, stated that he does not know the Sfire's but he is a neighbor who could potentially be impacted by this application. He listened to the arguments on both sides this evening. Both arguments seemed valid and technical but he did not believe they had a lot of utility or use in making a decision. Mr. Brabender noted that there are two houses next to each other on adequate space with plenty of parking and access. He thought that should stand on its own merits without being tied to the Sweeney project or anything else. Mr. Brabender understood they needed to work through the legal issues, but it was important to look at who is harmed and who benefits. He personally would not be harmed and he did not see how his neighbors or the City would be harmed. He agreed that there would be benefits; one being that he might get a real neighbor. Mr. Brabender encouraged the Planning Commission to find a way to address this issue on its own merits rather than on the technicalities.

Bob Sfire, the property owner, offered an explanation of the deed restriction that was signed. He stated that two years after he built the house Diane Zimney called him in Michigan telling him that the deed restriction was never signed and he needed to sign it. When he told her that one day he would want to sell one of the house separately she offered to get him through it. Mr. Sfire noted that he has been a landowner in Park City for 20 years and he signed the deed restriction on Ms. Zimney's advice, realizing now that it should not have been signed. Mr. Sfire wanted the Planning Commission to understand that he signed the deed restriction thinking that he would have help getting it changed when he decided to sell one of the houses. Mr. Sfire pointed out that if he is allowed to split the houses he would give up the nightly rentals, which would completely change the use of the house. He has a good property manager and the house is rented a lot. Sometimes there are eight to ten cars in the driveway and eight or more people in the house. He stated that the lesser use for the house would be to return it to a single family home that can be owned by a family. Ms. Sfire stated that he has to sell one of the houses. If he is not allowed to split the property and sell one house separately, he will have to sell both houses. He and his family love their house and do not want to move. Ms.

Sfire pointed out that selling the entire property to someone could potentially mean that someone could tear down both houses and build a McMansion on the property. He asked the Planning Commission to find a way to allow him to split his houses and sell them separately so he can remain living in his house.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that he was torn. On an emotional level he would love to help Mr. Sfire. It would be good for the community and his request was supported by the community. However, as Planning Commissioners their job is to enforce the Land Management Code. Commissioner Joyce stated that frequently what they would like to see happen is not what they can enforce with the LMC. He noted that Mr. Sfire's lot is part of a big, important MPD. The only way to change the situation would be to amend the MPD. The Sweeney MPD is a big agreement that was achieved with a lot of give and takes. The restrictions were carefully decided 30 years ago and the Planning Commission is always reluctant to unravel little pieces without understanding the discussion and the reasons for the decisions that were made. Commissioner Joyce pointed out that Mr. Sfire signed a legal document saying that one house could not be sold without the other. Commissioner Joyce clarified that he would like to help Mr. Sfire and he believes it would be good for the neighborhood, but from the standpoint of the Land Management Code he could not see how they could make it happen.

Commissioner Phillips shared the same sentiment. He lives nearby and he has witnessed and heard the impacts of the rentals and he agreed that eliminating nightly rentals would be a positive benefit to the neighborhood. Commissioner Phillips liked Mr. Sfire's intention and his willingness to add that to the deed was a good thing, but as a Planning Commission their job is to follow the Code. Commissioner Phillips questioned whether the Planning Commission could even legally grant this request. Assistant City Attorney McLean replied that the only way would be to amend the Sweeney MPD because they cannot manufacture density. Commissioner Phillips stated that splitting the lots would be great for the Sfire's and for the neighborhood, but there was no way the Planning Commission could legally defend a decision in Mr. Sfire's favor.

Commissioner Thimm agreed with Commissioners Joyce and Phillips. There is merit to splitting the lots, however, the Planning Commission cannot make a decision that renders the LMC meaningless. The LMC guides the Commissioners and he could see no way to change what is there and what has been put in place and actually signed.

Commissioner Band agreed that it would be great for the neighborhood and she would like to help the Sfire's. She suggested that Mr. Sfire talk with the Sweeney's and come back to

the Planning Commission if he is successful. She would love to keep the Sfire's in Park City.

Commissioner Suesser echoed the comments of her fellow Commissioners. She did not believe the Planning Commission had the authority to grant the requested plat amendment.

Commissioner Campbell agreed with the comments made by the other Commissioners and he had nothing further to add.

Planner Astorga stated that the Staff chose not to do an analysis regarding the nightly rental component because it was not indicated on the application that nightly rentals would be restricted. The Staff was not made aware of that restriction which is why it was not addressed in the Staff report. However, even with that information the Staff was not able to change the negative recommendation.

Planner Astorga pointed out that the current proposal did not match the warranty deed restrictions. He read from the last amendment to the plat that follows the legal description on page 138 of, "Deed line to be removed." That plat amendment was recorded in 1997.

MOTION: Commissioner Joyce moved to forward a NEGATIVE recommendation to the City Council for 220 King Road based on the Findings of Fact and Conclusions of Law as found in the draft final action letter. Commissioner Band seconded the motion.

VOTE: The motion passed 5-1. Commissioner Phillips voted against the motion.

Mr. Sfire understood that the Commissioners were in favor of splitting the houses, but the issue was with the MPD. Chair Strachan informed Mr. Sfire that the minutes would reflect their comments.

Commissioner Joyce clarified that because of the legal issues, he had not looked at the details of splitting the houses and what would be the conditions of approval. He was not prepared to say that he was ready to vote in favor if it had been legal. Commissioner Joyce wanted his comments to reflect that he was sympathetic with the issue and it seemed like there were reasonable considerations, but because of the legal issues they were not able to pursue the details to see if they could come to an agreement.

#### Findings of Fact – 220 King Road

1. The property is located at 220 King Road.
2. The property is zoned as an approved master plan.

3. The subject property consists of all of Lot 2, Phase 1, Treasure Hill Subdivision.
4. The entire subject area is recognized by Summit County as Parcel no: THILL-2-A-AM and THILL-2-B-AM (Tax IDs).
5. The site is part of the Sweeney Properties Master Plan (SPMP) approved on October 16, 1986, as part of the Miscellaneous Properties.
6. The Sweeney Properties Master Plan narrates Miscellaneous Properties as the following: In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.
7. The Sweeney Properties Master Plan was amended on October 14, 1987. The amendment identified it as minor as it did not result in increased height in any of the development parcels.
8. The 1987 Sweeney Properties Master Plan modification included the following: Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.
9. The two (2) King Road unit equivalents are found at 200 and 220 King Road.
10. The site contains a single-family dwelling and a guest house.
11. The single-family dwelling was built in 1998 and has a combined area of 4,235 square feet.
12. The existing Building Footprint of the single-family dwelling is approximately 2,003 square feet.
13. The guest house was built in 2000 and has a combined area of 2,730 square feet.

14. The existing Building Footprint of the guest house dwelling is approximately 1,450 square feet.

15. In April 2000, the Park City Planning Commission approved a Conditional Use Permit for a 2,700 square foot detached guest house on the site.

16. In 2000, the site had an existing accessory apartment in the main residence that had to be removed prior to issuance of a certificate of occupancy for the guest house.

17. A notice of the guest house CUP and a deed restriction prohibiting rental of the guest house separate from the main house was listed as a condition of approval of the Guest House CUP.

18. The notice was recorded with Summit County in January 2003.

19. The approved guest house Conditional Use Permit indicated that no further subdivision of this lot is permitted.

20. The proposed Plat Amendment requests to create two (2) lots of record from the existing platted lot.

21. The applicant stated that they would like to split the properties so that they can sell one home and keep the other home for themselves.

22. The proposed Plat Amendment does not meet its allocated/permitted density.

23. The approved and amended master plan indicated that 220 King Road development would be restricted to one (1) single family home with no greater than 3,500 square foot footprint and maximum building heights of 25 feet.

24. The combined Building Footprints of the existing single-family dwelling and the guest house equates to approximately 3,453 square feet.

25. The approved and amended master plan is consistent with the approved, amended, and recorded Lot 2, Phase 1, Treasure Hill Subdivision.

26. The proposed Plat Amendment is not in compliance with the approved Master Plan as amended.

27. The site is allocated to one (1) single-family dwelling.

28. The applicant request to have (2) lots, each one (1) with a single-family dwelling.

29. Good Cause for the proposed Plat Amendment if not found as issues related to density are not addressed but rather intensified. Positive benefits are not provided and negative impacts are not mitigated.

30. The proposed Plat Amendment would create non-compliance with the approved master plan density as it would add one (1) dwelling unit to a parcel identified in the master planned as having only one (1) dwelling unit.

31. Master plans set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment.

32. There are numerous pedestrian/access easements across this property.

Conclusions of Law – 220 King Road

1. The proposed Plat Amendment is not consistent with the Park City Land Management Code and applicable State Law regarding Subdivisions as the approved allocated/permitted density is not observed.

2. The public would materially injured by granting of the proposed Plat Amendment.

3. The proposed Plat Amendment adversely affects health, safety, and welfare of the citizens of Park City.

4. There is Good Cause to deny the proposed Plat Amendment as the plat Amendment does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code and approved the Master Plan.

5. The proposed Plat Amendment is not in conformance with the Sweeney Properties Master Planned Development, as amended.

6. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining Walls six feet (6') in height or more (Application PL-15-02669)**

**Francisco Astorga**

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**From:** Bill Kranstover <art@kranstover.com>  
**Sent:** Friday, May 20, 2016 11:25 AM  
**To:** Francisco Astorga  
**Subject:** 220 King Rd.

Francisco .....my thoughts on the above referenced property for Robert Sfire is a split of the property for marketability. To sell that property as one parcel would be very difficult to do. The alternative is to use one of the homes as a rental which would cause more traffic in an already heavily traveled neighborhood. Please take into consideration the neighbors and home owners who have lived there many years.  
Thank you William Kranstover

## Francisco Astorga

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**From:** RAPNWINS@aol.com  
**Sent:** Saturday, May 21, 2016 9:34 AM  
**To:** Francisco Astorga  
**Subject:** Bob and Connie Sfire support letter  
**Attachments:** Sfire letter to Park City.docx

Dear Mr Astorga,

I have attached a letter in support of Bob and Connie Sfire's request to sell one of their properties. I would appreciate your taking it into consideration.

Thank you.

Richard Parsons

Richard A. Parsons  
613 Main St.  
Suite 302  
PO Box 2381  
Park City, UT 84060

Mr. Francisco Astorga, AICP, Sr. Planner  
445 Marsac Ave.  
PO Box 1480  
Park City, UT 84060

May 20, 2016

Dear Mr. Astorga:

My name is Richard Parsons and I am writing this letter in support of Bob and Connie Sfire's request to maintain their existing home and sell the second one on the same property. I understand the master plan initiated many years ago but wouldn't think it unreasonable for the city to revisit the issue, particularly on a limited and unique situation such as this. Since the single family residences already exist there would be no additional footprint and existing building restrictions would remain in place. I would also think the 1.2 acre lot size easily supports two separate home sites, especially in consideration of other lot sizes in Old Town. Lastly, I believe the neighbors would much prefer an owner occupied home as a neighbor versus frequent rentals.

My wife and I have lived and owned property in Park City for 26 years. I mention this because we do have a long term presence in Park City and appreciate what Old Town has to offer.

We have known the Sfire's for many years and would appreciate any assistance you can provide in enabling them to sell one of their homes and remain neighbors. Hopefully, the Planning Commission and City Council will make a change or exception in this situation.

Thank you for your consideration.

Richard Parsons

## Francisco Astorga

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**From:** J&B <scarlet202@comcast.net>  
**Sent:** Sunday, May 22, 2016 4:21 PM  
**To:** Francisco Astorga  
**Subject:** King Road Request before the Park City Planning Commission

Mr. Francisco Astorga, AICP  
Senior Planner  
Park City Planning Commission

Dear Mr. Astorga,

My wife Bette and I have been full time residents of Park City for over 11 years. We participate in and volunteer for many many aspects of the community. Examples of our involvement include: for all the years we've been in Park City we have been event leaders for the 600 member Park City Mountain Sports Club. Bette leads history tours for the Park City Museum, is a founding member of the Womens Giving Fund, volunteers at the Kimball Art Center, and volunteers at the National Ability Center. My community contributions include. Board Member Park City Chamber Music Society, volunteer for the National Ability Center, regularly do free photography for the NAC, The Park City Library, Swaner EcoCenter, Habitat for Humanity, The American Red Cross, Park City Museum, and other local organizations. I am co-founder of the Summit Photography Group - a club dedicated to teaching photography and sharing members' work. Membership is free and open to all area residents.

I mention these participations to alert you to the fact that we feel we're at least as qualified and involved as any Park City citizen might be to offer opinions on Planning Commission decisions. During our time in Park City we have come to know and respect Bob and Connie Sfire. They are responsible members of the community. It is our understanding that on May 25th the Commission will consider their request to allow the 1.2 acre property they own on King Road to be split into two private residence lots. As you know two homes are now on that property. Under their plan the existing buildings and restrictions would remain as they are. There would be no impact on the town regarding need for services, increased local traffic, or setting a special precedent.

We are adding our voice to other Park City residents who urge the Planning Commission allow this property to be divided as requested. We trust you will share this letter with other members of the Commission. It is our expectation that by granting this request the Commission's action in this regard would be viewed as a positive step where a governmental agency is working *with* its citizenry rather than, as is unfortunately seen in some communities, as an adversary of those citizens.

Thank you,

Jonathan and Bette Scarlet  
2792 Four Lakes Drive  
Park City, UT 84060

[scarlet202@comcast.net](mailto:scarlet202@comcast.net)

## Francisco Astorga

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**From:** John Barry <jbarry54321@gmail.com>  
**Sent:** Tuesday, May 24, 2016 1:58 PM  
**To:** Francisco Astorga  
**Cc:** Bobsfire@gmail.com  
**Subject:** Sfire homes

Dear Mr. Astorga:

My friend Bob Sfire told me he has a Planning Commission hearing regarding his request to separate his two homes in Park City. I live across the valley from the Sfire's and can see each home clearly. I thank you in advance for your consideration.

Points I think should be considered:

1. The homes are collectively on 1.2 acres, easily split into acreage appropriate to each home's footprint. There is sufficient ingress/egress and parking to and for each home.
2. Ownership. As you would imagine the larger home, which Bob and Connie would like to sell is rented frequently or is vacant. If able to be separated and sold there is a high probability the home will be owner occupied, always a better course for any neighborhood.
3. The Sfire's have been in PC in excess of 20 years and want to stay in their home, the smaller of the two, and don't want to be landlords any longer.
4. By allowing a title split, Old Town will maintain its character with the two residences. If the request is denied, Bob will sell the property. Thus, the opportunity clearly exists that another 10,000 square foot testimony to ego may be built with sufficient trim lighting to be seen from Kamas. That's not my Old Town.
4. Why not? Yes, the purchase was part of a Master Plan from the 1980's, but as we are all aware in PC, planning decisions which seemed to be prudent and thoughtful at a point in time - and probably were- may need to change as circumstances do. In this case, the Sfire homes do not present any problem to traffic flow, unwanted or undesirable congestion in a residential area or require a re-zoning or purpose audit. There would be no negative impact on the area at all.

Thank you for your time, I hope you rule in Biob and Connie's favor.

Regards,

John Barry

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John Barry

## Francisco Astorga

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**From:** BEN NITKA <zego175@aol.com>  
**Sent:** Tuesday, May 24, 2016 1:45 PM  
**To:** Francisco Astorga  
**Subject:** RE: Robert Safire/220 King Road

I write in support of subdividing the property at 220 King Road. The lot is 1.2 acres at present and after subdividing would still be substantially larger than a miners lot in Old Town. They would share a drive and the lot already has off street parking for several cars. All in this property subdivided would have more positive attributes, less crowding and less impact than current housing in Old Town. Sincerely, Ben and Hilary Nitka, 14 Canyon Ct, P.C. Utah 84060



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Staff recommends Council hold a public hearing and approve the following:  
Approve recommended amendments to the Park City Municipal Code Section 10-1-4.5 Non-Motorized Trails Use governing motorized and electric assisted bicycle use on public multi-use pathways and natural surface trails. (Attachment I)

**Respectfully:**

Heinrich Deters, Trails and Open Space Program Manager



## City Council Staff Report

**Subject:** Electric Assisted Bicycles  
**Author:** Heinrich Deters and Stuart Johnson  
**Department:** Sustainability Department  
**Date:** June 30, 2016  
**Type of Item:** Legislative

### Summary Recommendation

Staff recommends Council hold a public hearing and approve the following:  
Approve recommended amendments to the Park City Municipal Code Section 10-1-4.5 Non-Motorized Trails Use governing motorized and electric assisted bicycle use on public multi-use pathways and natural surface trails. (Attachment I)

### Executive Summary

Staff is recommending Council consider amending MUNICIPAL CODE TITLE 10, to recognize recent changes to the Utah State Code, specific to electric assisted bicycles and their use, as well as, prohibiting Class III electric bicycles on multi-use pathways. Additionally, the ordinance would prohibit all classes of electric assisted bicycles and any other motorized vehicle on all natural surface trails unless otherwise designated.

### Acronyms

E-Bikes: Electric Assisted Bicycles  
NITC: National Institute for Transportation and Communities

### Background

On June 16, 2016 staff provided amendments to Park City Municipal Code Section 10-1-4.5 Non-Motorized Trail Use. After discussing the item in an open session, Council directed staff to return with further amendments, which would allow electric assisted bicycles on limited natural surface trails, if designated by a traffic control device (sign). Council was supportive of the use on wide natural surface trails but not singletrack trails.

This project included data collection efforts associate with electric assisted bicycle use within City limits.

| <u>Date</u>    | <u>Item</u>                                                                                                                           |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------|
| June 16, 2016  | <a href="#">Electric Assisted Bicycle Staff Report- Page 143</a>                                                                      |
| April 16, 2015 | <a href="#">Electric Assisted Bicycle Staff Report Page 137</a><br><a href="#">April 16, 2015 City Council Minutes-Page 4 E-Bikes</a> |

### **Department Review**

This report has been reviewed by the Sustainability, the City Attorney's Office and Executive Departments.

### **Funding Source**

Funding for the pilot program is projected to come from the Trails Master Plan.

### **Recommendation**

Approve recommended amendments to the Park City Municipal Code Section 10-1-4.5 Non-Motorized Trail Use governing motorized and electric bicycle use on public multi-use pathways and natural surface trails. (Attachment I)

### **Attachments**

Attachment I-Non-Motorized Trail Use

## **Attachment I- Non-Motorized Trail Use Ordinance**

### **ORDINANCE 2016-29**

AN ORDINANCE AMENDING TITLE 10, MOTOR VEHICLE, CHAPTER 1 SECTION 4.5, NON-MOTORIZED TRAIL USE, OF THE PARK CITY MUNICIPAL CODE.

WHERE AS THE CITY COUCIL OF PARK CITY, UTAH, FINDS AND RECITES THE FOLLOWING:

- A. The 2008 Trails Master Plan update and the 2011 Park City Traffic and Transportation Master Plan builds on a strong foundation of success by using a collaborative approach and addressing the current and future transportation needs of the community while integrating with the city's broader sustainability planning initiatives for creating a safe and efficient connected active transportation system.
- B. The ordinance allows the introduction of new strategies to increase bicycle mode share and encourage more people to safely complete trips by bicycle.
- C. In order to provide assurance that the use of electric assisted bicycles as an alternate mode of transportation contemplated by this program is safe, prudent, and in the best interest of all users of the city's multi-use path system, city staff evaluated the following factors and data on an ongoing basis:
  - a. The number of electric assisted bicycles on multi-use pathways;
  - b. The speeds associated with electric assisted bicycles on multi-use pathways;
  - c. Public input gathered pertaining to the pilot project;

- d. The number of reported incidents and risk management claims involving electric assisted bicycles occurring on multi-use paths that results in severe injury or fatality;

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

Section 1. Municipal Code of the Park City section 10-1-4.5 is hereby amended as follows:

10-1-4 UNIFORM TRAFFIC CODE.

U.C.A.41-6a, as amended to this date, is hereby adopted by Park City in full as a Uniform Traffic Code, except as conflicts with Section 4.5 below, and shall be cited as the Municipal Code of Park City, Utah, Section 10-6a and the Sections shall parallel the corresponding Utah Code sections in Chapter 6a and be so cited.

10-1-4.5 NON-MOTORIZED TRAIL USE

(A) DEFINITIONS.

~~(1) —“Electric assisted bicycle” means a moped~~

~~a. —with an electric motor with a power output of not more than 750 watts; and~~

~~b. —which is not capable of:~~

~~i. —Propelling the device at a speed of more than 20 miles per hour on level ground when~~

~~1. —Powered solely by the electric motor; and~~

~~2. —Operated by a person who weighs 170 pounds; and~~

~~ii. —Increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour;~~

~~c. —has fully operable pedals on a permanently affixed cranks; and~~

~~d. —weighs less than 75 pounds~~

- (1) “Multi-Use Pathway” means a way or path no less than eight (8’) feet in width that has a surface of concrete or asphalt and is separated from the roadway by an open space, a curb or other barrier.
- (2) “Natural Surface Trail” means a way or route with a surface other than concrete or asphalt, which serves the primary purpose of passive recreational use, such as hiking, mountain biking, snowshoeing, cross-country skiing and equestrian activities.
- (3) “Power Driven Mobility Device” means any mobility device powered by batteries, fuel, or other engines, that is used by individuals with mobility disabilities for the purpose of locomotion, including electric personal assistive mobility devices, electric-assisted bicycles, electric-powered foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability.

(B) PROHIBITION.

1. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, electric assisted bicycle or golf cart on a ~~multi-use pathway~~ or natural surface trail with the following exceptions:

~~(2) — This prohibition shall not apply to an electric assisted bicycle on a multi-use pathway unless prohibited by a designated traffic control device.~~

- a. This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and or biking unless prohibited by a designated traffic control device.
- b. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.
- c. This prohibition shall not apply to Class I and Class II electric assisted bicycles on natural surface trails, greater than five (5) feet wide, which have been identified as an official transportation corridor by the local highway authority. Additionally, the allowance of electric assisted bicycles shall be designated as such by a traffic control device.

2. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, Class III electric

~~assisted bicycle~~ or golf cart on a multi-use pathway ~~or natural surface trail~~ with the following exceptions:

a. This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and or biking unless prohibited by a designated traffic control device.

b. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.

(C) PENALTY. Any person violating the provisions of the Ordinance shall be guilty of a Class B misdemeanor.

(D) ENFORCEMENT. The Park City Police Department, upon notification shall have authority to investigate violations of this section and issue citations.

Section 2. Effective Date. This Ordinance shall take effect upon publication by City Council.

PASSED AND ADOPTED THIS 30<sup>th</sup> DAY OF JUNE, 2016.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, Mayor

Attest:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark Harrington, City Attorney



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

This is an ordinance to adopt the 2006 Utah Wildland Urban Interface Code with amendments. The objective of the Wildland Urban Interface Code is to establish minimum regulations consistent with nationally recognized good practices for the safeguarding of life and property. The regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildfire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

**Respectfully:**

Chadley Root, Chief Building Official



## City Council Staff Report

**Subject:** 2006 Utah Wildland Urban Interface Code  
**Author:** Chad Root, Chief Building Official/Fire Code Official  
Wade Carpenter, Fire Marshal/Chief of Police  
Kurt Simister, Deputy Fire Marshal  
Scott Adams, Assistant Chief, Park City Fire District  
**Department:** Building/Fire/Public Safety  
**Date:** June 30, 2016  
**Type of Item:** Legislative

**Executive Summary:** Proposal for City Council to adopt an Ordinance to adopt the 2006 Utah Wildland Urban Interface Code with amendments. The objective of the Wildland Urban Interface Code is to establish minimum building code regulations consistent with nationally recognized good practice for the safeguarding of life and property. The regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildfire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to Wildland fuels.

### **Acronyms:**

IFC – International Fire Code  
WUI- Wildland Urban Interface Code

### **Background:**

All Park City is located in the Wildland Urban Interface zone (WUI) as defined by the 2006 Utah Wildland Urban Interface Code. The WUI is the line, area or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel.

### **Analysis:**

It is the staff's recommendation that the 2006 Utah Wildland Urban Interface Code should be adopted through ordinance. This Code will reduce the threat of wildfires by putting fuel separations between structures and the forest. It reduces the ability of the home to burn if there is a forest fire by requiring defensible space and non-combustible construction. Also, if WUI is adopted, the City could receive funds from the State to help offset the cost of a Wildland Fire if it was to happen within Park City limits. The 2006 Wildland Urban Interface Code has been adopted by many Counties in the State of Utah with local amendments. The Wildland Urban Interface Code will be enforced by the Park City Department of Building and Fire Safety. Landscape plans will

be reviewed by Building Department Staff to ensure landscape plans comply with the interface code

**Department Review:**

Police, Fire, Emergency Management, Legal, Budget, Finance, Executive and Building.

**Significant Impacts/Consequences of not taking the recommended action:**

If City Council elects not to adopt the 2006 Wildland Urban Interface Code future homes would not be built to meet basic wildfire standards. The City would not be able to enforce any form of defensible space to protect structure fires from starting the forest and neighboring homes on fire. The Fire District may elect not to fight wildfires in certain neighborhood's due to the amount of wildland fuels which would not be safe for the fire fighters to be in during a wildfire.

**Recommendation:**

Staff recommends that Council adopts the 2006 Utah Wildland Urban Interface Code with amendments as this would reduce fire risk to all new structures and would also help slowly reduce the risk of a large wildland fire event within Park City.

**Funding Source:**

N/A

**Ordinance No. 2016-31**

**AN ORDINANCE ADOPTING TITLE 11, BUILDINGS AND BUILDING REGULATIONS, CHAPTER 21, UTAH WILDLAND-URBAN INTERFACE CODE, OF THE PARK CITY MUNICIPAL CODE**

WHEREAS, the City Council of Park City Municipal Corporation, Utah, (herein "City"), in conjunction with the Park City Fire Marshal, Fire Code Official and the Park City Fire District, has a desire to reduce the threat of wild fires within the City limits; and

WHEREAS, Park City and Summit County have the greatest amount of wildland/urban interface in the state of Utah; and

WHEREAS, the City and the Fire District desire to reduce the risk of wild fires which may cause extensive damage within the City; and

WHEREAS, the City will require defensible space on all permits for new construction, additions, remodels over \$50,000 and Nightly Rental Licenses; and

WHEREAS, the 2006 Utah Wildland-Urban Interface Code shall be amended to delete sections 505, 506; and

WHEREAS, Appendix A and Appendix B of the 2006 Utah Wildland-Urban Interface Code are adopted; and

WHEREAS, Section 101.1.1 is added and shall read as follows: 101.1.1 Applies to all New Construction, Additions, Remodels over \$50,000, and Nightly Rentals.

WHEREAS, this ordinance based on specific and hazardous environmental factors identified in the 2006 Utah Wildland-Urban Interface Code by the Park City Fire Marshal and Park City Fire Code Official as being ripe for wildfire and is effective as of July 1, 2016; and

WHEREAS, The Utah Division of Forestry, Fire and State Lands in consultation with local Fire Officials has designated all of Park City to be a Wildland Urban Interface area.

WHEREAS, pursuant to U.C.A. Section 53-7-225 and 15A-5-202.5, the City Council has the authority to prohibit the ignition or use of any ignition source within the Wildland Urban Interface which includes all lands within the Park City limits.

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

SECTION 1. Adoption. Title 11, Chapter 21 of Park City Municipal Code is hereby adopted as follows:

### **11-21-1 The 2006 Utah Wildland-Urban Interface Code.**

The 2006 Utah Wildland-Urban Interface Code, as adopted by the State of Utah as a Code permitted to be adopted by Municipalities and published by the International Code Council is hereby adopted along with its Appendix A and Appendix B with the following amendments:

- A. Section 101.1.1 is added and shall read as follows:  
101.1.1 Applies to remodels over \$50,000, all New Construction, Additions, and Nightly Rentals.
- B. Sections 505 and 506 of the 2006 Utah Wildland-Urban Interface Code are delete;

### **11-21- 2 Land Subject to Utah Wildland-Urban Interface Code.**

All the lands within the city limits of Park City are designated by the Utah Division of Forestry, Fire and State Lands as Wild Land Urban Interface area and are hereby included

### **11-21-3 Violations.**

Violations of this Ordinance shall be deemed a Class B misdemeanor and shall be punishable by a fine not to exceed \$1,000 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months

SECTION 2. EFFECTIVE DATE. Due to the extreme fire danger of being located within the Wildland-Urban Interface and the City Council's finding of necessity due to the immediate preservation of the peace, health and safety of the City, this Ordinance shall become effective July 1, 2016 upon the approval and passage. This Ordinance is related to building or safety standards pursuant to Utah Code 10-3-711 (2)(a) and is on file for use and examination by the public in the office of the City Recorder.

Dated this 30 day of June, 2016.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Jack Thomas

Attest:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney



**DATE: June 30, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with Elliott Work Group, in the amount of Seventy Thousand Dollars (\$70,000) for Project Management and Pre-Design.

**Executive Summary:**

On March 18, 2016 staff released an RFP ([RFP](#)) for planning and design for housing on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

- Delivering housing on the fire station parcel as the most important priority;
- Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
- Conducting a feasibility exercise on the program and location for senior needs;
- Examining proximate, existing city facilities for highest and best use.

The Scope of the RFP is split into four sections to accomplish these goals. The sections include:

- Project Management;
- Pre-Development – Planning and Schematic Design;
- Design Phase - Design Development, Entitlements & Construction; Document Development;
- Construction Phase - Construction Contract Administration.

The award of contract being considered tonight is for the first two sections only, Project Management and Pre-Development. Sections three and four (Design and Construction) will be considered for award solely at Council's discretion when the scope of work is finalized through Pre-Development.

**Respectfully:**

Jonathan Weidenhamer, Economic Development Manager

# Redevelopment Agency Staff Report



**Subject:** Lower Park Avenue Professional Service Provider Contract with Elliott Work Group for development of public property, including:

- Delivering housing on the Park Avenue fire station parcel as the most important priority;
- Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside Avenue to Empire Avenue;
- Conducting a feasibility exercise on the program and location for senior and other community needs;
- Examining proximate, existing city facilities for highest and best use.

**Author:** Jonathan Weidenhamer  
**Department:** Sustainability  
**Date:** June 30, 2016  
**Type of Item:** Administrative – Award of Contract

## Summary Recommendations:

Authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with Elliott Work Group, in the amount of Seventy Thousand Dollars (\$70,000) for Project Management and Pre-Design.

## Executive Summary:

On March 18, 2016 staff released an RFP ([RFP](#)) for planning and design for housing on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

- Delivering housing on the fire station parcel as the most important priority;
- Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
- Conducting a feasibility exercise on the program and location for senior and other needs;
- Examining proximate, existing city facilities for highest and best use.

The Scope of the RFP is split into four sections to accomplish these goals. The sections include:

- Project Management;
- Pre-Development – Planning and Schematic Design, Public Engagement;
- Design Phase - Design Development, Entitlements & Construction; Document Development;
- Construction Phase - Construction Contract Administration.

The award of contract being considered tonight is for the first two sections only, Project Management and Pre-Development. Sections three and four (Design and Construction) will be considered for award solely at Council's discretion when the scope of work is finalized through Pre-Development.

### **Acronyms in this Report:**

|      |                                           |
|------|-------------------------------------------|
| CMAR | Construction Manager at Risk              |
| GMP  | Guaranteed Maximum Price                  |
| MPD  | Master Plan Development                   |
| PCMC | Park City Municipal Corporation           |
| RFP  | Request for Proposals                     |
| RDA  | Lower Park Avenue Redevelopment Authority |

### **The Opportunity**

- City Council identified delivery of housing at the fire station parcel as its highest priority of the RDA, which is articulated in the current RFP.
- The recent acquisition of 1364 Woodside Avenue, adjacent to the fire station, is an opportunity for additional near term housing. On June 9 Council directed staff to not add this property to the current project, as it could have delayed the project.
- However, the existing RFP has a master plan component that covers the geographical area that includes 1364 Woodside so that area will be included in the high level planning.

### **Background**

- Council provided input on scope of the RFP on January 28, 2016. At that time Council prioritized delivery of housing on the fire station parcel and agreed isolating the fire station parcel was a strategy to deliver housing quickly:
  - January 28, 2016 Meeting (p.33) ([meeting packet](#))
  - January 28, 2016 Minutes/audio(p.5) ([minutes](#))( [audio](#))
- The Scope of the RFP is split into four sections to accomplish the Goals stated in the executive summary. The sections include:
  - Project Management;
  - Pre-Development – Planning and Schematic Design, Public Engagement;
  - Design Phase - Design Development, Entitlements & Construction; Document Development;
  - Construction Phase - Construction Contract Administration.
- The award of contract being considered tonight is for the first two only, Project Management and Pre-Development. The second sections will be considered for award solely at Council's discretion when the scope of work is finalized through Pre-Development.
- An internal committee of Community Affairs, Economic Development, Community Development, Transit and Budget met prior to release of the RFP and agreed that the benefits of one RFP for one consulting team (continuity in planning and design) outweighed the benefit of having two consulting teams, so long as

development of housing at the fire station parcel was clearly prioritized, which staff believes was articulated clearly in the RFP.

- The City Council agreed to a purchase agreement of 1364 Woodside on May 5, 2016, which is adjacent to the fire station parcel.
- On June 9, 2016 Council directed staff to move forward with the current scope, and not include 1364 Woodside in this project.
- Staff intends to release a separate, new RFP to secure design services for 1364 Woodside. While that design process will be separate from this contract, staff will continue to explore options to ultimately develop the fire station parcel and 1364 Woodside concurrently. Elliott Work Group will be permitted to submit a proposal on that RFP.

### **Alternatives for City Council to Consider**

Staff recommends that City Council expand the scope of the project to include the recently purchased 1364 Woodside. Based on an assumption that Council agrees, Council should consider the following alternatives:

1. **Recommended Alternative:** Enter into a professional service provider agreement with Elliott Work Group for Project Management and Pre-Design.

#### Pros

- a. Staff committee unanimously ranked their proposal and interview as the highest qualified to perform the scope of work.
- b. The firm is local and has intimate understanding of the land based on participation in past processes and master planning efforts, and through former ownership of one of the parcels.
- c. The firm has strong relevant experience in building affordable housing in Park City;
- d. The firm has developed a series of projects in town that are regarded as successful.

#### Cons

- a. The firm has developed a series of other projects in town, some that are regarded as controversial.

#### Consequences of Selecting This Alternative

Staff believes this team is the most likely to assist us in delivering housing on the fire station parcel the fastest.

2. **Null Alternative:** PCMC reserves the right to award to not award.

#### Pros

- a. None seen.

#### Cons

- a. Would go back to the drawing board with a new RFP, or delay the project indefinitely.

**3. Reject all Proposals: Release a new RFP to include 1364 Woodside.**

Pros

- a. Would guarantee design of 1364 and fire station parcels are done by the same firm.

Cons

- b. Council has already given direction not to do this.

**Analysis:**

- The RFP was advertised on March 23, and March 26, 2016 in the Park Record and March 22<sup>nd</sup> and 23<sup>rd</sup> in the Salt Lake Tribune. Additionally, the RFP was posted on the City's website and e-notify (March 18 – April 14, 2016) and Utah Legals website on March 22, 2016.
- A selection committee included the following participants:
  - Jonathan Weidenhamer
  - Anne Laurent
  - Steve Brown (Project Manager)
  - Rhoda Stauffer
  - Jason Glidden
  - Alfred Knotts
  - Matt Twombly
  - Nate Rockwood
- The RFP was released on March 18, 2016.
- The selection criteria and corresponding point valuation included:
  - Letter of Introduction (0)
  - Section I General Information (5)
  - Section II Team Make up and organization (5)
  - Section III Experience and References (35)
  - Section IV Project Approach (35)
  - Section V Summary (0)
  - Section VI Additional Proposal Requirements (5)
  - Section VII Cost Estimate & Schedule (15)
- Seven firms/teams issued proposals.
  - Caddis
  - CRSA
  - Elliott Work Group
  - Gigaplex/VCBO
  - GSBS
  - Process Studio/Community Studio
  - WOW
- Three firms were shortlisted and interviewed (4/27/16).
  - Caddis
  - Process Studio/Community Studio
  - Elliott Work Group

- The selection committee chose one firm for additional interview. Elliott Work Group was interviewed a second time (4/28/16) to address specific questions and concerns. A third meeting was held with that firm to finalize approach, timeline and specific deliverables (6/21/16).
- Based on those additional interviews, staff is recommending entering into a contract with Elliott Work Group for the Project Management and Pre-development Phases based on:
  - The team's response in their Proposal to the selection criteria listed above, and specifically:
  - The firms intimate knowledge of the land and ongoing participation of the past planning exercises in the neighborhood including the 2012 master plan and 2015 design studio;
  - Relevant experience building affordable housing in Park City;
  - Local firm;
  - Proposed work plan, schedule, phasing and public process
  - Fee proposal

Park City's purchasing policy states that Professional Service Contracts are exempt from competitive bidding, where the lowest quote need not necessarily be awarded the contract. Furthermore, the policy states that emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. Specifically, for the two phases recommended within this contract (Project Management and Pre-Design), the least expensive firm's proposal was \$57,000, while the most expensive firm's proposal was \$197,000.

The selected team will coordinate regular meetings with a steering committee throughout the design and public process. The steering committee will include representatives from Community Development (Housing and Transportation), Community Affairs, Economic Development, and Budget. The intent is to phase the professional services contract with the design team. The first phase, along with Project Management will be Pre-Design (conceptual and schematic design planning, and public process. The deliverables and timeline will include (see Exhibit A for detail):

| Pre-Development                                                                                                                        |                                                        | timeline |        | hours | cost     |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------|--------|-------|----------|
|                                                                                                                                        | Priority 1 - Housing Options of Fire Station Lot       | Jun-16   | Jun-16 | 250   | \$25,000 |
|                                                                                                                                        | Priority 2 - Determine Senior Center Location          | Sep-16   | Nov-16 | 50    | \$5,000  |
|                                                                                                                                        | Priority 3 - Develop Housing Options Woodside - Empir  | Jun-16   | Mar-17 | 200   | \$20,000 |
|                                                                                                                                        | Priority 4 - Develop Senior Center Concepts            | Nov-16   | Apr-17 | 100   | \$10,000 |
|                                                                                                                                        | Priority 5 - Develop Addl. Uses for Exist. Facilities  | Nov-16   | Apr-17 | 50    | \$5,000  |
|                                                                                                                                        | Priority 6 - Develop Plan to Replace Exist. Facilities | Jul-16   | 16-Nov | 50    | \$5,000  |
| Total Pre-Development Fees and Hours                                                                                                   |                                                        |          |        | 700   | \$70,000 |
| Design and Construction Phase Fees shall be negotiated upon successful completion of the Pre-Development work, as outlined in the RFP. |                                                        |          |        |       |          |

The award of contract being considered tonight is for the first two sections of the RFP only, Project Management and Pre-Development. Sections three and four (Design and

Construction) will be considered for award solely at Council's discretion when the scope of work is finalized through Pre-Development.

Staff believes we will be able to start construction of housing on the fire station parcel in 2017.

**Department Review**

Legal, Community Development, Budget, Community Affairs.

**Funding Source**

RDA

**Attachments:**

Exhibit A: Elliott Work Group Proposed Project Approach, Fee, Timeline

# Exhibit A - EWG Approach, Fee, Timeline



## 4. PROJECT APPROACH

### DESIGN APPROACH

Elliott Workgroup approaches design for any project by implementing a problem-solving process. For this project, we see the process progressing along the lines of the following steps:

- 1) Step 1 in the process requires **definition of project goals**, initiation of a data gathering process, and a community charrette process. This will also begin the public engagement process.
- 2) Step 2 is an **analysis of the site conditions**, zoning requirements and restrictions.
- 3) Step 3 defines the **carrying capacity** of the site in terms of size, floor area and use. This step will also begin the development of a project program and cost model.
- 4) Step 4 begins the design activities in the form of **site plan diagrams along with building massing** and use diagrams.
- 5) Step 5 includes **refinement of the uses**. Concepts of interaction with site conditions, solar access, views, parking and development of massing studies with respect to neighboring properties.
- 6) Step 6 begins the development of building interior concepts, size of potential units and other uses. **Architectural character can begin** to develop at this stage. Building Information Modeling (BIM) software will be used to study the 3-dimensional characteristics of the site. The cost model for the project will be updated significantly. Additional feedback from the client will be included along with additional meetings for public engagement.
- 7) Step 7 will incorporate received comments and develop the site masterplan and building interiors as appropriate for each phase of the masterplan. The BIM model will be updated with additional architectural character and imported into rendering and animation software. **The developed renderings and animations will be used to explain the design** and become a significant component of the public engagement process.

### PROJECT SEQUENCE

Using the steps defined above as an outline, EWG will further refine the tasks within each step. As our offices are located in Park City, we would propose holding **a two day open charrette in one of the city owned properties on site**. We would set up a network of computers and drawing stations so that those that stop in could see the work process and comment.

As Elliott Workgroup has had previous experience working in the area and on several pieces of the associated property, **we have already created 3-dimensional computer models of the site and surrounding properties**. This will save time and money and allow EWG to spend more time designing (which is not only fun, but beneficial to the project schedule).

EWG was also the architect that prepared the Preservation package for the historic structure that will need to be reconstructed. We are very familiar with the site, structures and requirements.



### PROJECT CHALLENGES

Generally, it is our belief that challenges are the equivalent of opportunity for a well prepared design team. This site is blessed with oodles of opportunity. Below is how we would describe the challenges to a private developer:

1. The site has a required historic reconstruction and also has an old building that was moved to the site from outside of the City limits that will need approval for removal/demolition/or something else. This will require significant participation from the Planning Department to gain approvals, which can be a lengthy and tenuous process.
2. The site sits between several multi-family condominium projects and single-family homes. This means the neighbors are diverse and plentiful and [finding a balance of density, need, use, financial performance will require a experienced and well informed design team](#). Elliott Workgroup can provide those needed attributes.
3. Based on information from the Sanbourne maps, the site was at one time part of a roundhouse/turnaround for the railroad and may have contaminated soils or unforeseen underground conditions.
4. The development business is unique in many ways and there are many different types of businesses. Providing information in a way that is attractive to developers that the City is hoping to attract will be extremely important. Elliot Workgroup has the experience to provide this information.

### PUBLIC ENGAGEMENT

In the previous “Design Approach”, an approach to public engagement is hinted at. For this project to be successful, it will need to be a transparent process. That is why we are suggesting to do the following:

1. Hold a public charrette process in one of the city owned buildings on site. This may be a two day event, that allows the design team to set up and design while the public can watch and comment.
2. [The design team will develop a simple website that has links to images of the design process, sketches, programs, and ultimately design renderings and animations that are uploaded at the end of each week on Friday afternoon. Anyone interested can follow and comment.](#)
3. Hold a preliminary public design presentation that shows multiple masterplan configurations, uses, and building massing.
4. Invite neighboring property owners to individual meetings at Elliott Workgroup's offices to discuss issues and expectations.
5. Present a final design concept in several different meetings at the Public Library, the Miner's Hospital, and any other location that City Staff deems important. The presentation will use drawings, renderings, and 3 dimensional animations of the proposed design to convey the concepts. This may be done over several weeks.



## FINANCIAL MODELING

Elliott Workgroup has been produced financial cost models for the State of Utah for funding projects, the University of Utah to raise funds for projects, for Ski Areas to define funding needed for phasing village development, for national development companies working in Park City, and local Park City development companies. *These cost models have been used to define construction budgets and used in the due diligence process as a tool to assist in the decision making process for land purchases.*

Our process uses a refined version of the Urban Land Institute (ULI) pro forma model. The Cost Model develops in complexity with the detail development of the design process. Early models use large scale financial information and gross building use and areas to define the direction. As the project design is refined, greater detail will be added to the Cost Model providing the information necessary to move the project forward.

Example of the summary page of a fictitious 24 unit project using the first phase, a short form cost model for a rental property. Note: This Cost Model assumes that Land Cost is not included.

A fully developed cost model will use recent construction cost information for similar projects built within Park City and surrounding communities.

## PROJECT SCHEDULE

Elliott Workgroup has the staff, the time and enough community interest to complete the project outlined in the RFP.



ELLIOTT

WORKGROUP

Example Short Form Cost Model

April 14, 2016

Project Cost

|                                                                  |                 |                      |                   |
|------------------------------------------------------------------|-----------------|----------------------|-------------------|
| Number of Units                                                  | 24              |                      |                   |
| Total Square Footage (net leasable)                              | 43,200          |                      |                   |
| Construction Hard Cost (including permits)/fees-AL               | \$165.00        | \$/s.f./net leasable | \$7,128,000       |
| Soft Costs                                                       |                 |                      |                   |
| Approval Fees (planning & survey)                                | \$30,000        | per unit             | \$720,000         |
| Architecture/Engineering/Geotech/Condo Plat                      | 7.00%           | of Construction Cost | \$498,960         |
| Legal                                                            | 1.00%           | of Construction Cost | \$71,280          |
| Appraisal and Title                                              | 0.50%           | of Construction Cost | \$35,640          |
| Marketing                                                        | \$500           | per unit             | \$12,000          |
| Taxes During Construction                                        | 0.50%           |                      | \$42,329          |
| Insurance During Construction                                    | \$275           | per unit             | \$6,600           |
| Total Soft Costs                                                 |                 |                      | \$1,386,809       |
| Contingency (in Construction Hard Cost)                          | 0.00%           |                      | \$0               |
| Total Project Cost                                               |                 |                      | \$8,514,809       |
| Rental Income                                                    |                 |                      |                   |
| *Based on \$500 per month per employee. 2 employees per bedroom. |                 |                      |                   |
| unit type                                                        | number of units | square feet per unit | total square feet |
| A-1 2-Bed Apartment                                              | 6               | 900                  | 5,400             |
| A-2 2-Bed Apartment                                              | 6               | 900                  | 5,400             |
| B-1 2-Bed Apartment                                              | 6               | 900                  | 5,400             |
| C-1 2-Bed Apartment                                              | 6               | 900                  | 5,400             |
| Parking Space Rental                                             | 24              |                      |                   |
|                                                                  |                 |                      |                   |
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**FEE PROPOSAL & SCHEDULE**

Revised 06.22.2016

Pre-Development

|                                                                     |                                                                                                                                                    |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority 1 - Housing Options of Fire Station Lot - 250 hours        | \$25,000                                                                                                                                           |
| Jun 27, 2016                                                        | Step 1 Project Start / Data Gathering                                                                                                              |
| Jul 14-15, 2016                                                     | Step 2 Design Charrette on Site                                                                                                                    |
| Jul 08, 2016                                                        | Step 3 First Draft Short Form Cost Model<br>using preliminary carrying capacity<br>concept                                                         |
| Jul 22, 2016                                                        | Step 4 Site Plan Diagrams and Massing<br>Open Project Website to Public                                                                            |
| Aug 12, 2016                                                        | Step 5 Concept Refinement                                                                                                                          |
| Sep 09, 2016                                                        | Step 6 Interior Development and BIM<br>3-D Development                                                                                             |
| Sep 30, 2016                                                        | Step 7 Complete/Presentation/Cost Model                                                                                                            |
| Priority 2 - Determine Senior Center Location - 50 hours            | \$5,000                                                                                                                                            |
| Sep 02, 2016                                                        | Step 1 Project Start / Data Gathering                                                                                                              |
| Nov 18, 2016                                                        | Step 7 Complete/Presentation/Cost Model                                                                                                            |
| Priority 3 - Develop Housing Options Woodside to Empire - 200 hours | \$20,000                                                                                                                                           |
| Jun 27, 2016                                                        | Step 1 Project Start / Data Gathering                                                                                                              |
| Jul 14-15, 2016                                                     | Step 2 Design Charrette on Site<br>*This step starts earlier than the RFP<br>Schedule to allow the connections to be<br>developed across the site. |
| Jul 08, 2016                                                        | Step 3 First Draft Short Form Cost Model<br>using preliminary carrying capacity<br>concept                                                         |
| Jul 22, 2016                                                        | Step 4 Site Plan Diagrams and Massing<br>Open Project Website to Public                                                                            |
| Aug 12, 2016                                                        | Step 5 Concept Refinement                                                                                                                          |
| Sep 09, 2016                                                        | Step 6 Interior Development and BIM<br>3-D Development                                                                                             |
| Mar 17, 2017                                                        | Step 7 Complete/Presentation/Cost Model                                                                                                            |

Note: The above fees and schedule follows the Tentative Schedule descriptions and dates provided in the RFP. The steps coordinate with the description in the Design Approach.



FEE PROPOSAL & SCHEDULE

Revised 06.22.2016

Pre-Development

|                                                                     |          |
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| Priority 4 - Develop Senior Center Concepts - 100 hours             | \$10,000 |
| Nov 28, 2016 Step 4 Site Plan Diagrams and Massing                  |          |
| Jan 19, 2017 Step 5 Concept Refinement                              |          |
| Mar 03, 2017 Step 6 Interior Development and BIM<br>3-D Development |          |
| Apr 14, 2017 Step 7 Complete/Presentation/Cost Model                |          |
| Priority 5 - Develop Addl. Uses for Exist. Facilities - 50 hours    | \$5,000  |
| Nov 28, 2016 Step 4 Site Plan Diagrams and Massing                  |          |
| Jan 19, 2017 Step 5 Concept Refinement                              |          |
| Mar 03, 2017 Step 6 Interior Development and BIM<br>3-D Development |          |
| Apr 14, 2017 Step 7 Complete/Presentation/Cost Model                |          |
| Priority 6 - Develop Plan to Replace Exist. Facilities - 50 hours   | \$5,000  |
| Jul 22, 2016 Step 4 Site Plan Diagrams and Massing                  |          |
| Sep 30, 2016 Step 5 Concept Refinement                              |          |
| Oct 14, 2016 Step 6 Interior Development and BIM<br>3-D Development |          |
| Nov 04, 2016 Step 7 Complete/Presentation/Cost Model                |          |

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| Total Pre-Development Fees and hours | 700 hours | \$70,000 |
|--------------------------------------|-----------|----------|

Design and Construction Phase Fees shall be negotiated upon successful completion of the Pre-Development work, as outlined in the RFP.

Note: The above fees and schedule follows the Tentative Schedule descriptions and dates provided in the RFP. The steps coordinate with the description in the Design Approach.