



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

December 16, 2021

The Council of Park City, Summit County, Utah, met in open meeting on December 16, 2021, at 4:30 p.m. in the City Council Chambers.

WORK SESSION

Summit Land Conservancy Discussion - Iron Mountain Open Space Donation and Conservation Easement Proposal:

Heinrich Deters, Trails and Open Space Manager, and Cheryl Fox, Summit Land Conservancy, presented this item. Deters reviewed a resident requested to place a conservation easement on the blue zone depicted on the map in the staff report. Since that time, the amount of land proposed for the conservation area grew, and the current proposal included a significant land donation from the Colony Subdivision. Fox stated some of the parcels had deed restrictions but some did not, so this easement would secure the open space.

Council Member Gerber asked if any property would change ownership, to which Deters stated the two parcels owned by the Colony would be conveyed to the City. Mayor Beerman indicated there was no more buildable land and the motivation from developers to get land was incredible. He was happy to see the conservation protection on these lands.

Council Member Worel asked about weed abatement and ongoing maintenance costs. Deters stated he could bring back maintenance estimates. Council Member Joyce asked that the property be researched for mining claims or other detrimental things.

Mayor Beerman stated there was overwhelming support to move ahead with this conservation easement. Fox indicated Summit Land would raise funds for the stewardship of the land. She also thanked Council for their service and thanked the retiring members for all their work and support of Summit Land.

Council Member Joyce asked if the Citizens' Open Space Advisory Committee (COSAC) should reactivate with all the land use issues going on. Mayor Beerman stated COSAC members were told they would reconvene when the Clark Ranch land use discussions began.

Discuss Diversity, Equity, and Inclusion (DEI) Special Service Contracts Funding Recommendations:

Council Member Gerber disclosed her children attended PC Tots, which was one of the contracts in this discussion, but she didn't receive any monetary benefit.

Kirsten Darrington and Jed Briggs, Budget Department, presented this item. Darrington explained the background of special service contracts and how some contracts were split off into regular service contracts. She reviewed the RFP timeline for the DEI special service contracts and noted the budget included \$250,000 for FY22 and \$250,000 for FY23. The selection committee prioritized new or expanded programming and services with a focus on DEI. There were 19 applications submitted and 13 were recommended for funding for a combined two-year total of \$449,800. She displayed a graph of the organizations that submitted applications and were recommended for funding. Briggs stated the DEI contracts were part of the budget amendment that would be adopted during the regular meeting.

Council Member Gerber stated the funding was really for a year and a half since it was midway through FY22. She stressed big chunks of funding were given to organizations trying new programs. Council Member Joyce explained the committee was looking for new ideas, not the same programs that had been around for years. He suggested the new Council discuss whether they wanted to fund new ideas only, or look at what had worked best over the years and fund those programs. Council Member Henney noted there had been a lot of push back from nonprofits and there was intentional education to get them onboard. Council Member Worel thanked the liaisons for their efforts and especially for clarifying the timeline for the next year and a half. Mayor Beerman felt the process had been refined and it was solid.

Council Member Henney asked if some of these programs could evolve to the regular service contract process. Briggs stated the regular services were delineated in the budget, and this could be a future Council discussion.

Mayor Beerman opened the meeting for public comment.

Cheryl Sosnick, Park City Seniors, stated this was a bold step for the seniors. They hit the ground running and they thanked Council for their support. Council Member Worel disclosed she was part of the seniors group and she consulted with them on their application.

Lynn Ware Peek stated she was on the committee. Innovation was a great thing, but more thought should be put into the proposals going forward.

Chris Cherniak supported the funding for the programs. He hoped the applicants would take the opportunity to collaborate with other groups regarding their programs. Council

Member Joyce stated one thing the committee evaluated was all the organizations that would be involved with the program.

Communities That Care (CTC) Annual Update:

Council Member Henney asked for clarification on his conflict of interest, which was being in a relationship with the director of Communities that Care, to which Margaret Plane stated she did not recommend Council Member Henney participate in the discussion since he would be abstaining from Council direction.

Kirsten Darrington, Budget Analyst, and Mary Christa Smith, Executive Director of Communities That Care, presented this item. Darrington stated the City had previously donated \$60,000 for this program and Smith would be requesting another \$60,000 donation.

Smith reviewed this program began in 2017, after two tragic teen deaths from substance overdose. This program trained and supported professionals as they interacted with youth. She indicated the Park City Community Foundation (PCCF) oversaw this program. Smith conducted a needs assessment over the past 12 months and indicated there was still significant substance abuse and mental illness among youth. She noted some achievements in 2021 included community education, training professionals, online expansion, a public service campaign, partnerships with youth organizations, and more.

Smith stated there was a federal Drug-Free Communities Grant that was only available because of the CTC organization in Park City. This grant would be a \$125,000 per year match for 10 years. She asked that Park City donate \$60,000 and noted Summit County had made the same commitment.

Diego Zegarra, PCCF, stated CTC was a prevention program, and it was hard to measure things that didn't happen. This program was very beneficial to the community. Lynn Ware Peek, CTC Chair, asserted the learning and collaboration with this program were so helpful in bringing other organizations together to work on prevention and identifying the issues in the community around substance abuse and mental illness.

Council Member Joyce asked if the Mental Health Alliance was different than CTC and why both were needed. Smith indicated CTC focused solely on youth prevention.

Council Member Gerber favored moving forward with the funding, but noted if this was a 10-year funding cycle, there should be a combined meeting with the other entities to determine how the ongoing funding would be achieved. Mayor Beerman stated he would ask Matt Dias to arrange a regional meeting.

Council Member Worel indicated this was a great program and she was especially impressed that this was a science-based program. CTC played an important role in the community with mental health. She did not want a long-term commitment, and asked for a regional discussion. She was disappointed that the funds requested for this program was more than some of the other regular service contracts received.

Council Member Joyce felt the model of selecting special service contract recipients was more beneficial because staff could look at the group of applications to determine a priority in funding. Smith stated in comparison with other nonprofits in the community, the \$60,000 commitment turned into \$250,000 with the federal match, which would provide a great benefit.

Mayor Beerman reviewed with the deaths of the young men in the community, the City realized there was a gap. This program was focused in its mission. He suggested moving this into the regular service contract category, which would have to be approved each year, but it would have some stability. He thanked Smith for her work and the service the program gave to the community.

Council Member Gerber stated it was important to figure out how to fund mental health in the community and she looked forward to future discussions. Council Member Joyce suggested the DEI special service contract structure would weed out the mental health applications. He asked if Council wanted a separate fund for mental health. Mayor Beerman reviewed the City created CTC because Council realized help was needed. He thought the funds were leveraged well.

Council Member Worel clarified the Council's first budget item for mental wellness went to fund the Mental Wellness Alliance. When the County absorbed the director position, the City used that money to invest in CTC.

Millicent Tracey stated she was on the PCCF board and was a parent. Her family benefitted from the CTC program and she indicated the program was well run.

The Council supported the \$60,000 donation for CTC, with the direction that before next year's request, they meet with the other entities in the region to discuss ongoing funding. Some Council members were not in favor of long-term funding.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman	Present

Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Nann Worel (via Zoom) David Everitt, Deputy City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	
Council Member Max Doilney	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Gerber thanked Council Member Joyce for pushing her to consider other points of view. She thanked Council Member Henney and Mayor Beerman for standing with her as a young council member. She appreciated Council Member Henney's advise to say things in a way everyone could understand. The three had been wonderful mentors and teachers and she wished them the best.

Council Member Worel stated the combined service of the three outgoing members was 25 years of service, knowledge, leadership and visioning. Each contributed so much in their own way and brought forth many initiatives that improved the community. She announced that she would be resigning her seat as a council member after this meeting so applications could be accepted for the open council seat beginning tomorrow. She thanked Mayor Beerman for his mentorship of her and thanked Council Members Henney and Joyce for their leadership on the Council.

Council Member Joyce stated he would miss his interactions from being on Council and Planning Commission. Like Council Member Gerber said, they sometimes disagreed and then they put it behind them.

Council Member Henney stated the past eight years had been great, and Council was the job he enjoyed the most of all his jobs. This position was all about the relationship he had with the community. He felt like he belonged to Park City and didn't just live here.

Mayor Beerman indicated he was grateful for the friends he had made over the years because of his roles on the Council. He gave a shout out to the City staff and stated they made it their career to make a difference in the community. He had faith the new Mayor and Council would continue to run a great city.

Mayor Beerman also explained the status of the road closures on Marsac during snowstorms. UDOT contracted with a company to plow and that company declined to

renew the contract. Efforts had been made to collaborate to resolve the plowing issue. He was confident a solution would be found.

Staff Communications Reports:

1. Drop, Load, and Stage (DLS) Program Update

2. Winter Service Orange Routing Royal Street

3. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2020:

Council Member Henney commented the Finance Department award of excellence was for an outstanding job. The Budget Department also received awards, which was a great compliment.

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

Mayor Beerman opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Rick Barros thanked staff and Council for the solution of implementing the new Bronze Transit Route. He thought it was necessary to get the word out to notify the residents in the area and encourage transit use. He also wanted to get the word out on fire mitigation. He stated wildfires were a major concern for the community, and each subdivision needed to make an effort to keep their space debris free.

Nancy Delaska thanked Council for listening to the residents' concerns on transit going to Royal Street. She was very encouraged and grateful.

David Everitt stated on behalf of PCMC, he wanted to thank the retiring three members for the service they had given to the community. He indicated it was hard to be there for the constituents and be a leader that the community needed. Especially during 2020, they gave great leadership in a dark time. Open space, community housing and pursuing aggressive sustainability goals were some of their accomplishments. This community was better from the service they gave.

Charlie Sturgis thanked the Council and the three who were leaving their seats. He saw Council members come and go and projects come and go. He stated the important thing to remember was that this was a hard job and everyone worked so hard and did the best they could.

Paul Kerwin stated in the 1970s none of the Council or audience met sober. Things had changed. He thanked the three for leading the community through the pandemic. The

communication was outstanding. He complimented Council Member Henney for his execution, Council Member Joyce for his communication, and stated Mayor Beerman had a tough job and he did an excellent job.

Carolyn Wawra eComment: "I wanted to thank Mayor Andy Mayor Beerman, Council Member Steve Council Member Joyce and Council Member Tim Council Member Henney for all their years of service to our community. I am proud of the work we have accomplished as a community with your leadership and am grateful for your commitment to our town's critical priorities. You have all been advocates for the environment and allies of Recycle Utah. I have truly enjoyed working with you."

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from November 18, 2021:

Council Member Henney noted the votes on the items included his name even though he was absent from the meeting, and he requested the votes state he was excused.

Mayor Beerman referred to Page Five, Line One, and requested the word "moved" be replaced with "incorporated."

Council Member Gerber moved to approve the City Council meeting minutes from November 18, 2021 as amended. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Joyce, and Worel

EXCUSED: Council Member Doilney

ABSTAIN: Council Member Henney

Council Member Henney abstain

V) CONSENT AGENDA

1. Request to Approve and Accept the Fiscal Year 2021 Draft Annual Comprehensive Financial Report (ACFR):

Council Member Joyce commented this was a tremendous amount of work and he encouraged the new Council and residents to review this item, which explained in layman's terms the City's budget. Council Member Gerber thought the statistics in the back of the report were interesting too.

2. Request to Approve the Special Event Temporary Alcoholic Beverage Licenses during the 2022 Sundance Film Festival:

Council Member Worel asked if staff anticipated a special meeting for late applicants. Beth Bynan, Business License Specialist, stated there were more applicants that would be requesting approval at the January 6th Council meeting.

3. Request to Approve the Type 2 Convention Sales Licenses for Operation during the 2022 Sundance Film Festival:

4. Request to Authorize the City Manager to Enter into a Design Professional Services Agreement with Horrocks Engineers in an Amount Not to Exceed \$268,107 in a Form Approved by the City Attorney, for the Preparation of a Feasibility Analysis for the SR 248/Snow Creek Drive Active Transportation Crossing:

Council Member Joyce asked if the sidewalk project planned for that area would be delayed because of this project. John Robertson, City Engineer, stated the sidewalk project would begin, but would stop at the hotel.

5. Request to Approve a Contract with Neubrain, in a Form Approved by the City Attorney, for a Software Update and Five Years of Maintenance for Board Budgeting Software, for a Total Amount Not to Exceed \$115,745.60:

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

RESULT: APPROVED

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

EXCUSED: Council Member Doilney

VI) OLD BUSINESS

1. Consideration to Approve Ordinance 2021-49, an Ordinance Adopting an Adjusted Budget for FY2022 for Park City Municipal Corporation:

Jed Briggs and Penny Frates, Budget Department, presented this item. Briggs reviewed the discussion from last week and noted there were some additional considerations the Council wanted to discuss. Frates stated the Police Department wages would be adjusted to the 90th percentile and the Library IT coordinator pay would be increased. Briggs stated a senior environmental project manager position would be added at Council's request. Frates indicated that from the Transit discussion last week, \$112,000 would be added to create a Bronze Transit Route.

Council Member Gerber asked if the \$180,000 for the environmental project manager position would be for a half year or for a whole year, to which Briggs stated it was an

annual increase. Mayor Beerman indicated from the Transit discussion last week, the residents stated they didn't need it very frequently, and he thought it didn't need to start at 6:35 a.m. David Everitt, Deputy City Manager, stated it was scheduled to be in line with staffing and shifts. Mayor Beerman asked to get back with Council after he clarified route times with staff.

Kim Fjeldsted, Transit Manager, stated there was increased ridership on the Orange Line and staff felt the Bronze route could help with capacity. Council Member Gerber asked if the times could be adjusted if ridership was not strong in the early morning hours, to which Fjeldsted affirmed.

Mayor Beerman opened the public hearing.

Todd Delaska stated he could attest the capacity on the Orange Line was standing room only going to Silver Lake when he used to work at Park City Mountain Resort (PCMR). He thought the early morning and late afternoon buses had high usage.

Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Ordinance 2021-49, an ordinance adopting an adjusted budget for FY2022 for Park City Municipal Corporation. Council Member Joyce seconded the motion.

RESULT: APPROVED

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

EXCUSED: Council Member Doilney

2. Consideration to Adopt Resolution 30-2021, a Resolution Amending the Fee Schedule:

Penny Frates, Budget Analyst, stated there were minor adjustments that were discussed last week.

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

Council Member Joyce moved to adopt Resolution 30-2021, a resolution amending the Fee Schedule. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

EXCUSED: Council Member Doilney

3. Consideration to Approve Ordinance 2021-50, an Ordinance Amending Title 14, Trees/Landscaping; Streets, Sidewalks and Stairs; Streetcuts; Snow Removal; Street Address System; News Racks by Adding Chapter 14-7, Small Wireless Facilities in the Public Right of Way of the Municipal Code of Park City; and Approving the Master License Agreement, Design Standards, and Permit Application. for the Installation of Small Wireless Facilities in City Rights-of-Way:

John Robertson, City Engineer, and Tom Daley, Deputy City Attorney, presented this item. Robertson reviewed the legislation passed by the State which prohibited cities from passing stricter requirements on 5G. He indicated two applications were received for small wireless facilities within the City right-of-way. He noted the design standards presented for approval did not include designs for the Historic District. Those standards would come to Council for approval in February, 2022. Daley explained the orders from the Telecommunications Act in 2018, which was to remove impediments to implementing 5G. Mayor Beerman reviewed these documents would allow for upgrades in technology. Daley stated 5G defined the antenna by linear foot length.

Council Member Worel stated she did not like it when the federal and state governments decided what municipalities could and could not do. She asked what enforcement went along with this ordinance. Daley stated fines could be implemented. Council Member Worel asked if the fines would be added to the Fee Schedule. Daley stated the fines were in the Master License Agreement. She asked how the violations would be determined. Daley stated there would be testing of the facilities, and there were times when the provider would default on the agreement, and the City could enforce that agreement.

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

Council Member Gerber moved to approve Ordinance 2021-50, an ordinance amending Title 14, Trees/Landscaping; Streets, Sidewalks and Stairs; Streetcuts; Snow Removal; Street Address System; News Racks by Adding Chapter 14-7, Small Wireless Facilities in the Public Right of Way of the Municipal Code of Park City; and approving the Master License Agreement, Design Standards, and permit application for the Installation of small wireless facilities in City rights-of-way. Council Member Joyce seconded the motion.

RESULT: APPROVED

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

EXCUSED: Council Member Doilney

4. Consideration to Approve Ordinance No. 2021-51, an Ordinance Amending Land Management Code Sections 15-2.1-2, 15-2.2-2, 15-2.3-2, 15-2.4-2, 15-2.5-2, 15-6-2, 15-2.9-2, 15-2.10-2, 15-2.11-2, 15-2.12-2, 15-2.13-2, 15-2.14-2, 15-2.15-2, 15-

2.16-2, 15-2.17-2, 15-2.18-2, 15-2.19-2, and 15-2.23-2 Uses, 15-4-7 Accessory Apartments, and 15-15-1 Definitions, Amending Accessory Apartment Regulations:

Rebecca Ward, Assistant Planning Director, stated this item was discussed last week. She defined internal accessory dwelling units as units regulated by the State. Accessory apartments were units attached to the home or the attic of a garage. She reviewed the current regulations for additional dwelling units (ADU). The proposed amendments would allow the units to be as small as 280 square feet, the property owner wouldn't have to live on site, but long-term rentals would be required, would remove the proximity cap, and would allow detached units on larger lots.

Ward indicated at the meeting last week, Council requested for staff to review the applications with public noticing and public hearing requirements. There would also be a deed restriction placed on the property and the ADU would have a minimum rental of 90 days. The long-term rental requirement for the single-family home was removed per feedback at the last Council meeting. Ward stated the Housing Department staff monitored long-term rental compliance and currently there was 100% compliance. For ADUs, there would be an annual compliance report from a third-party monitoring business.

Council Member Gerber asked why the ADUs weren't similar to the Internal Accessory Dwelling Units (IADU). Ward indicated there would be State code changes in the 2022 Legislative session and then staff would look at amending the IADUs.

Council Member Joyce asked if conditional use permit (CUP) language should be included with nonconforming ADUs. Ward stated nonconforming ADUs could be reviewed at staff level if it met the criteria. These applications would still go to the Planning Commission if they met additional requirements and that was the reasoning for the code language. Council Member Joyce stated he wouldn't hold up the amendments but asked if Margaret Plane, City Attorney, could work on Line 1541. Ward stated the language was in the code since the 1990s, and she could evaluate it to see why the language was in there, but she could see Council Member Joyce's suggestion to allow a nonconforming use to continue without going through this process.

Council Member Worel asked what enforcement there was for conforming units that were not in compliance. Ward indicated there was a process for helping the property come into compliance or eliminate the use. She gave examples of ADUs being converted to art studios by removing the kitchen.

Mayor Beerman opened the public hearing.

Lou Moreno requested that Council oppose the ordinance. There was an overwhelming voice from the survey to say no because of impacts to neighborhoods. He asked what

the vision was for the City. He could see this ordinance turning neighborhoods from single-family residences to multifamily residences. He lived in Arie Subdivision and roads were dangerous and they would be more congested with ADUs. He suggested opposing this tonight and letting a new Council make a decision next year. The Planning Department was wonderful and he hoped Council would oppose or continue the item.

Powder Bursick was happy to see HOAs could prohibit ADUs, but State law superseded the HOA. The other concern was enforcement. She could see someone renting a unit for 90 days and only staying in it for two weeks. She opposed the amendment the way it was currently written.

Angela Moschetta supported the accessory unit amendments and thought it was a great way to help people cover their bills. She agreed with the other comments about concern with enforcement. She discussed companies that leased and then subleased properties to get around nightly rental restrictions.

Mayor Beerman closed the public hearing.

Council Member Gerber asked if an ADU list would be created, to which Ward affirmed. Council Member Gerber asked if current ADUs were tracked. Ward stated all legal ADUs were tracked. She noted properties would have a deed restriction and the accessory unit would be rented for 90+ days.

Council Member Worel didn't think there was sufficient enforcement for violators. Council Member Joyce stated more options were needed for workforce housing. There was also a general issue of the fight to have municipalities control their own Airbnbs. He thought the State would make changes and then the City could make changes. He felt the City should push more workforce housing and try to control the nightly rentals. Council Member Gerber stated these amendments would help staff track and enforce ADUs better than the nightly rentals. She also read the survey and didn't think the survey said No to accessory apartments. She indicated housing was a crisis for those who worked in the City and the City was trying to find ways to create affordable housing. She stated efforts had to start somewhere. Council Member Worel indicated when these amendments were implemented and evaluated, they would be grandfathered in if there were impacts such as parking, etc.

Council Member Gerber asked if staff could track these like other affordable housing units. Council Member Joyce stated these units were already there and the amendments were in place. The rules were changing to make it easier for units to get approved. But some of the rules were making the use more restrictive. Council Member Worel asked what would be done when the units intended for workforce were used for nightly rentals.

Mayor Beerman asked if there was language in the amendments to block subletting, and if not, could that be added. Ward stated staff was looking into that, but she felt the language allowed for workforce rentals. Companies would more than likely be interested in the single-family home over a small ADU. Mayor Beerman thought that was something that needed to be addressed. Council Member Joyce stated that was not just an ADU problem, but it was a problem Citywide.

Council Member Gerber asked how affordable housing was tracked. Jason Glidden stated ADUs could be tracked with the other affordable units. Housing compliance was done on an annual basis with an affidavit that must be signed. He noted the neighbors reported on nonconforming units. Notice would be given to correct the situation within a certain time, criminal charges could be filed, or the City could force the sale of the property. He noted subleasing was not allowed. Council Member Gerber supported the amendments, but asked for tracking and enforcement language. She asked if the process should be written in the code. Mayor Beerman indicated the desire was to have the ADUs enforced the same as affordable housing. Plane indicated the process could be covered through the deed restrictions, but she could take another look to see if language could be added to the amendments.

Council Member Henney stated the amendments and tweaks made were outstanding. There were issues with the role and authority of CCRs. He thought staff should find out if CCRs prohibiting nightly rentals would stand up in court. There were some neighborhoods where ADUs would work and some where they wouldn't work. He stated Council passed ordinances prohibiting nightly rentals in entire neighborhoods and he supported that.

Council Member Henney moved to approve Ordinance No. 2021-51, an Ordinance amending Land Management Code Sections 15-2.1-2, 15-2.2-2, 15-2.3-2, 15-2.4-2, 15-2.5-2, 15-6-2, 15-2.9-2, 15-2.10-2, 15-2.11-2, 15-2.12-2, 15-2.13-2, 15-2.14-2, 15-2.15-2, 15-2.16-2, 15-2.17-2, 15-2.18-2, 15-2.19-2, and 15-2.23-2 Uses, 15-4-7 Accessory Apartments, and 15-15-1 Definitions, amending accessory apartment regulations.

Council Member Joyce requested the motion to approve be amended to include "with changes to Section C, beginning at Line 1526 about existing nonconforming accessory apartments so it is clear it does not require CUP process, and it allows existing nonconforming to continue without having to go back to the Planning Department or Planning Commission." Council Member Gerber also requested to require the deed restrictions to move towards alignment with the affordable housing deed restrictions so there is a method staff can use for tracking, enforcement, and monitoring." Ward suggested amending Line 1443 to clarify the deed restrictions in a form approved by the City Attorney.

Council Member Henney accepted the amendments to the motion. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, and Joyce

NAY: Council Member Worel

EXCUSED: Council Member Doilney

Council Member Joyce clarified the internal ADU restrictions and stated the ADUs were not part of the State legislation and HOAs could prohibit them.

VII) NEW BUSINESS

1. Consideration to Approve Ordinance 2021-52, an Ordinance Amending the Land Management Code Section 15-2.13.2 to Prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3:

Spencer Cawley, Planner, stated the Land Management Code (LMC) allowed nightly rentals in the residential development zone and 90% of residents of the subdivision were in favor of prohibiting nightly rentals. He noted there were three nightly rental business licenses in the subdivision, and they would continue to operate if the ordinance was passed as long as they maintained active business licenses. He noted this request was consistent with a few other subdivision requests.

Mayor Beerman opened the public hearing.

Chris Carter stated there were issues with homes being rented in the neighborhood and it led to the process between the neighbors to get nightly rentals prohibited.

Mayor Beerman closed the public hearing.

Council Member Joyce commented he liked it when neighbors came together and decided to protect their neighborhoods. He encouraged staff to perform outreach that an ordinance could be passed prohibiting nightly rentals. Council Member Gerber asked how the enforcement changed. Council Member Joyce stated the HOA prohibition would require one neighbor to sue another. With this ordinance, the City code enforcement staff would get involved. Council Member Gerber noted the City was somewhat dependent on neighbors reporting violations.

Cawley stated that although there was no mechanism for enforcement, staff reviewed all business licenses for nightly rentals to ensure they were in compliance with the zone. Council Member Worel stated this neighborhood had some 10-bedroom homes under construction, and there was a difference between these mini-hotel nightly rentals and a

little condo that was rented out. She asked if there could be a differentiation. She supported this ordinance.

Council Member Gerber moved to approve Ordinance 2021-52, an ordinance amending the Land Management Code Section 15-2.13.2 to prohibit nightly rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3. Council Member Joyce seconded the motion.

RESULT: APPROVED

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

EXCUSED: Council Member Doilney

2. Consideration to Approve the 2022 Sundance Film Festival Supplemental Plan and Level Five Event Permit:

Jenny Diersen, Special Events Manager, Jonathan Weidenhamer, Economic Development Manager, and Betsy Wallace, Tina Graham, Robert Dick, and Jasmine Abad, Sundance Film Festival team, were present. Diersen indicated in the past few years, Sundance was highly focused on having a safe event. Staff proposed transportation changes to mitigate impacts. She reviewed Council tentatively approved a 10-day transportation plan, but noted Swede Alley could not have two-way for residents, emergency, and loading exceptions. If staff decided to revert to the normal traffic flow earlier than 10 days, notice would be given one day in advance.

Diersen indicated some items not included in the Council report were Acura's request to park their vehicles on three spots on City property. She noted the car on Main Street would only be parked 8:00 a.m.-10:00 p.m. daily during the event. Diersen also stated outreach would begin the first part of January.

Wallace thanked staff for all their work. The most important consideration was how to bring people together safely. The festival would be held in a hybrid format with participation in-person and virtually. Council Member Joyce asked if there was an estimate of attendance over the 10-day duration. Wallace stated there would be fewer theatres and more online viewings so it was hard to estimate.

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

Council Member Henney indicated Sundance always worked with requests from the City to resolve issues and make the City work and function for the residents who lived here.

Council Member Henney moved to approve the 2022 Sundance Film Festival Supplemental Plan and Level Five Event Permit. Council Member Joyce seconded the motion.

RESULT: APPROVED

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

EXCUSED: Council Member Doilney

VIII) ADJOURNMENT

IX) PARK CITY WATER SERVICE DISTRICT MEETING

II) ROLL CALL

Attendee Name	Status
Chair Andy Beerman Board Member Becca Gerber Board Member Tim Henney Board Member Steve Joyce Board Member Nann Worel (via Zoom) David Everitt, Deputy Executive Director Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
Board Member Max Doilney	Excused

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

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

III) CONSENT AGENDA

1. Request to Authorize the Mayor to Execute a Memorandum of Agreement in a Form Approved by the City Attorney, to Continue Leasing Surplus Water to Weber Basin through Provisions in the Western Summit County Project Master Agreement:

Council Member Joyce explained this item and indicated the City sold water to Weber Basin who sold it to Summit County. Currently, the surplus water was saving the region from building a new water facility. He urged the Board to pay attention to the water issues.

Board Member Gerber moved to authorize the Mayor to execute a Memorandum of Agreement in a form approved by the City Attorney, to continue leasing surplus water to Weber Basin through provisions in the Western Summit County Project Master Agreement. Board Member Henney seconded the motion.

RESULT: APPROVED

AYES: Board Members Gerber, Henney, Joyce, and Worel

EXCUSED: Board Member Doilney

IV) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

DEI Special Service Contracts Funding Recommendations FY22 & FY23



BACKGROUND

- Special Service Contracts: Provides unique and valued services to our community
- In FY20, Council approved a revamp of this program, creating two categories:
 - 1) Regular Service Contracts (4-year contract)
 - 2) Social Equity Service Contracts (2-year contract)
- The RFP for social equity services was delayed to open in Nov. 2021
- SSC Subcommittee changed the name of the social equity category to Diversity, Equity, and Inclusion (DEI)

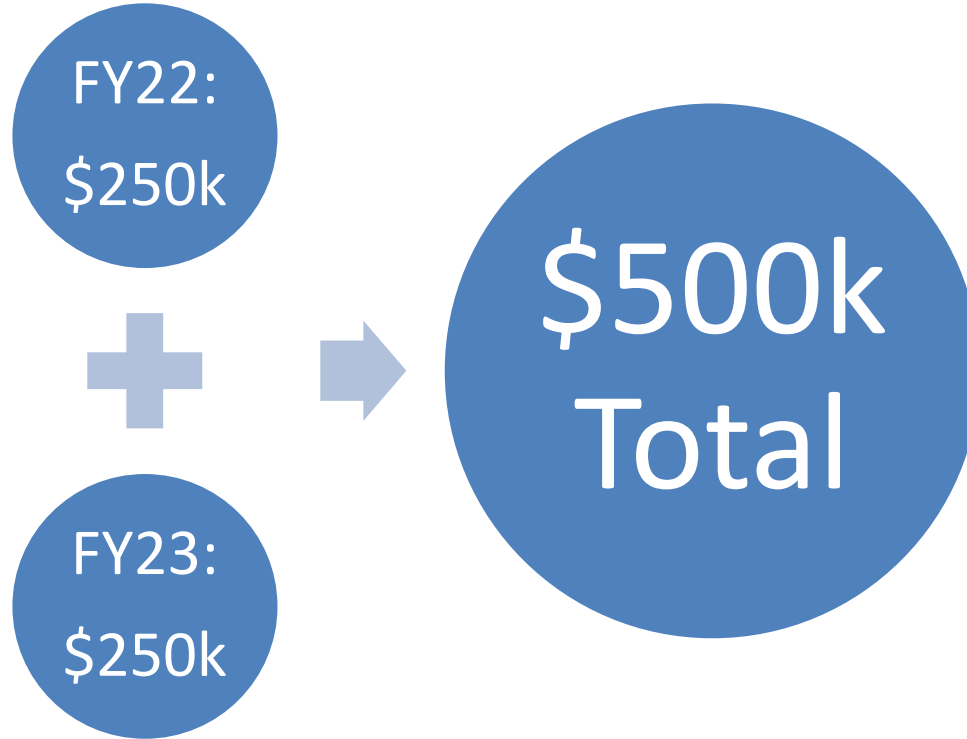


RFP TIMELINE

- October 29, 2021: RFP opened
- November 19, 2021: Submission deadline
- Nov. 29 – Dec. 3rd: Subcommittee reviewed applications



BUDGET



REVIEW PROCESS

- Subcommittee comprised of City Council members and City employees
- Applications were evaluated based the criteria established in the Special Services Contract policy.
- Prioritized new or expanded programming and services with a focus on diversity, equity, and inclusion.



APPLICATION STATS

- 19 applications submitted
- 13 recommended for funding
- A total of \$449,800 recommended in funding
 - \$239,900 in FY22
 - \$209,900 in FY23
- 6 applications were not recommended for funding
 - received individual outreach from a subcommittee member



RECOMMENDATIONS

Applicant	FY22 Recommended Amount	FY23 Recommended Amount	TOTAL AMOUNT
Arts Council of Park City & Summit County	\$ 22,400.00	\$ 22,400.00	\$ 44,800.00
Big Brothers Big Sisters of Utah	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00
Christian Center	\$ 15,000.00	\$ -	\$ 15,000.00
Jewish Family Service	\$ -	\$ 20,000.00	\$ 20,000.00
KPCW	\$ 5,000.00	\$ -	\$ 5,000.00
Mountain Mediation	\$ 20,000.00	\$ 20,000.00	\$ 40,000.00
Mountainlands Community Housing Trust	\$ 50,000.00	\$ 50,000.00	\$ 100,000.00
Park City Community Foundation: Equity Advancement Cohort	\$ 50,000.00	No request for 2nd yr.	\$ 50,000.00
Park City Film	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00
Park City Seniors	\$ 25,000.00	\$ 25,000.00	\$ 50,000.00
PC Tots	\$ 25,000.00	\$ 25,000.00	\$ 50,000.00
SOS Outreach	\$ -	\$ 20,000.00	\$ 20,000.00
Youth Sports Alliance	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
Total	\$239,900	\$209,900	\$449,800



Applicants Not Recommended for Funding:

The following applicants were not recommended for funding. The Subcommittee has provided personal outreach to each applicant, notifying them of the decision along with a detailed explanation.

Applicant	FY22 Requested Amount	FY23 Requested Amount	Total Requested Amount
EATS Park City	\$10,262	\$10,262	\$20,524
Egyptian Theatre	\$50,000	\$50,000	\$100,000
Park City Community Foundation: Early Childhood Resources	\$25,000	\$25,000	\$50,000
People's Health Clinic	\$20,000	\$20,000	\$40,000
Summit Community Gardens	\$7,500	\$7,500	\$15,000
Utah Clean Energy	\$25,000	\$25,000	\$50,000
Totals	\$137,762	\$137,762	\$275,524





COMMUNITIES THAT CARE

Sparking a Revolution in Youth Mental Wellness

Our **MISSION** is to
collaboratively **improve the**
lives of youth and families
by fostering a culture of health
through prevention.



Founding Partners

Park City Municipal
Summit County Health Department
The Park City Community Foundation

South Summit School District
North Summit School District
Park City School District



Our Unique Position



What Sets Us Apart in Summit County?

CTC is the only organization with the primary role of coordinating the Summit County community specifically regarding youth substance use, mental wellness and suicide.



CTC Summit County's Unique Position

Hub, Connector, Convener

- Putting an end to substance use and suicide.
- Create a culture of health for youth and families.



We connect the dots.

2021 Goals

*Goal #1: **Build capacity** for prevention of youth substance use and suicide in Summit County, Utah.*

*Goal #2: **Develop and implement a communications plan** for building awareness and skills in our community guided by prevention science.*

*Goal #3: **Offer professional development and training** to all youth serving organizations.*

*Goal #4: **Deliver prevention programs** to parents and community members*

*Goal 5: **Demonstrate a commitment to DEI** in our strategy, tactics and executive structure*



2021 Achievements

- *Consistent, ongoing convening of our coalition*
- *Professional Development of CTC staff and coalition members*
- *Community Education: parenting classes, Mental Health Mondays podcasts, How to be a Trusted Adult*
- *Online platform expansion*
- *Data collection*
- *Strategic planning*
- *Resource development: youth mental health toolkit and resource guide*
- *Commitment to DEI*
- *Public service campaign*
- *Partnered with local youth serving organizations to share resources and activities*
- *Ongoing resource and gaps analysis*

Listed in the staff report

Drug Free Communities Grant

"One of the marvelous things about community is that it enables us to help people in a way we couldn't as individuals." – Jean Vanier

Expanding Our Prevention Capacity

In 2020, we were successfully awarded the highly competitive Drug Free Communities grant by the Center for Disease Control and Prevention (CDC). This grant requires a 100% non-federal match during the first five-year period funding. In 2025, we will be eligible to reapply for an additional five years of funding, which requires increasing local match funds annually. The commitment of Summit County and Park City to secure this match is essential to bringing a total of \$1.25 million in funds to our community in 10 years and achieve our prevention goals.



Request for Council

\$60,000 match for CTC Summit County – annually, up to 10 years, as long as we are successful in our continuing application for the Drug Free Communities Grant.

- *Regional collaboration and partnership with Summit County's \$60,000 match.*
- *Ensures \$250,000 in annual funding for youth substance use and suicide prevention in Park City/Summit County.*



FY22 Budget Adjustment Update



FY22 Budget Adjustment Recommendation

General Fund FY22 Budget Adjustment Update

- **Police** - \$466k to bring Police pay into 90th percentile of market-range
- **Library** - \$19k to adjust Library IT Coordinator budget to align pay with actual duties being performed
- **Senior Environmental Project Manager** (FKA Environmental Regulatory Manager) - \$180k total compensation including benefits and taxes to reinstate position
 - Ensure the safe, strategic, and proactive remediation of soils
 - Serve as the municipality's lead liaison working with various State and Federal environmental and regulatory agencies, community groups, residents, and other parties to ensure compliance and responsible environmental stewardship
 - Support and accelerate the City capabilities to make capital investments on City-owned land

FY22 Budget Adjustment Recommendation

Transportation Fund FY22 Budget Adjustment Update

- \$112k addition for Bronze route
 - Temporary route will run from 12/26/21-04/16/22
 - Every 45 minutes from 6:35 am-9:50 pm, 7 days a week
 - Adds capacity to Silver Lake in peak times

An aerial photograph of a mountain town covered in snow. The town is densely packed with buildings, mostly in shades of brown, tan, and green. The surrounding landscape is a vast, snow-covered mountain slope. The sky is a clear, pale blue.

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS



INTERNAL ACCESSORY DWELLING UNITS

The state legislature enacted HB 82 this year, which preempts local regulation and HOA CC&Rs for what the state calls Internal Accessory Dwelling Units (IADUs) – an apartment built within the existing footprint of a single-family home.

Municipalities retained some regulations.

Park City enacted a restrictive code to minimize IADU impacts:

- They can only be constructed on lots 6,000 SF or larger (an Old Town lot is 1,875 SF, so IADUs can only be built on a lot equal to 3.2 Old Town lots)
- The property owner must live on site
- One additional on-site parking space must be provided



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Accessory Apartments are dwelling units that are attached to or within a single-family home and have been allowed in most residential zones since the 1990s.

In 2018, City Council directed Planning staff to evaluate Land Management Code barriers to Accessory Apartment construction to incentivize private development of more long-term rentals.

Completing these amendments is Goal 2 of the City's 2021 Housing Assessment and Plan.



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Work Sessions + Public Hearings

The Historic Preservation Board, Planning Commission, and City Council conducted work sessions and public hearings from 2018 – 2021 to discuss amendments.



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Sudbury Report

The City hired a consultant to evaluate the Accessory Apartment code.

Some recommendations, like removing the requirement that property owners live on site, are incorporated.



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Accessory Apartment Survey

An Accessory Apartment Survey was open to the community
September 24 through November 4.

195 community members completed the survey.



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Current Regulations

Only one per lot

Must be between 400 and 1,000 SF

Cannot be more than 1/3 the size of the main home

No more than two bedrooms

Requires one additional parking space per Accessory Apartment bedroom

No more than four may be located within a 300-foot radius

Must be rented for more than 30 days

Must be attached to the single-family home or garage

Property owner must live on site



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Proposed Amendments

On November 10, the Planning Commission unanimously forwarded a positive recommendation to:

Allow in the Community Transition Zone (Park City Heights area)

Allow as small as 280 SF

Remove requirement that property owner live on site, but require long-term rentals

Remove the proximity cap of four within a 300-foot radius

Allow to be detached on lots 3,750 SF or larger

Retain the most restrictive site requirements



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Level of Review

The Planning Commission was split. The current code requires Planning Commission approval of a Conditional Use Permit in three residential Historic Districts.

- Three Commissioners were in favor of retaining Commission review
- Three Commissioners were in favor of allowing staff-level review
- The Chair voted to break the tie to recommend staff-level review

On December 9, the City Council reviewed the proposed code and requested changes to
allow for staff-level review, but require public notice and a public hearing

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Notice

Homeowner Association CC&Rs may prohibit Accessory Apartments

Notice to the homeowner association is required prior to Accessory
Apartment application submittal

Notice will be mailed to neighbors and posted to the property
prior to a public hearing

Homeowner Associations registered with the City will
receive notice prior to building permit issuance

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Long-Term Rental Lease

The proposed amendments remove the requirement that the property owner live on site

As requested by Council, property owners will record a deed restriction prohibiting Accessory Apartment nightly rentals and requiring a 90-day rental term

(The requirement that the single-family home be a six-month rental term has been removed)

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Long-Term Rental Compliance

The Housing Department tracks compliance on an annual basis for deed restricted properties and currently has a 100% compliance rate.

Planning will similarly require an annual report for deed restricted Accessory Apartments to verify compliance with the 90-day rental term.

Third-party monitoring of Accessory Apartments will help verify compliance with the minimum 90-day rental term.

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Parking

Single-family homes require two on-site parking spaces. Accessory Apartments require one additional on-site parking space for each bedroom.

No changes are proposed.

The Historic Preservation Board recommended future parking reductions through car shares and deed restrictions prohibiting car ownership.

Proximity to transit is another consideration for reduced parking.

The Housing, Transportation, and Planning Departments applied for a grant to evaluate a possible affordable housing overlay that would allow for parking reductions for affordable housing along transit stops.

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Parking

The Neighborhood Traffic Management Program Committee includes Engineering, Parking, Police, Streets, Transportation, and Open Space staff who work with neighborhoods to address parking concerns, including evaluation of parking needs in balance with traffic, emergency vehicle access, transit, bicycle, and pedestrian uses

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Remove the Proximity Cap

There is no complete record of illegal and non-conforming Accessory Apartments.

The proposed amendments require that the Accessory Apartment impacts be mitigated on site.

There are no reductions to required parking, and the Accessory Apartment is required to comply with the most restrictive standards for the lot (maximum building footprint, setbacks, and areas or limits of disturbance established on plats).



ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Allow Detached Accessory Apartments

Restrict to a maximum height of 18 feet

Allow only on lots 3,750 SF or larger (two 25' x 75' Old Town lots)

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Non-Compliance

The code allows for Planning Department revocation of a permit.

If the Department revokes a permit, the property owner may appeal to the Board of Adjustment.

ACCESSORY APARTMENTS

LAND MANAGEMENT CODE AMENDMENTS

Recommendation

Staff recommends the Council conduct a public hearing and consider approving Ordinance No. 2021-51

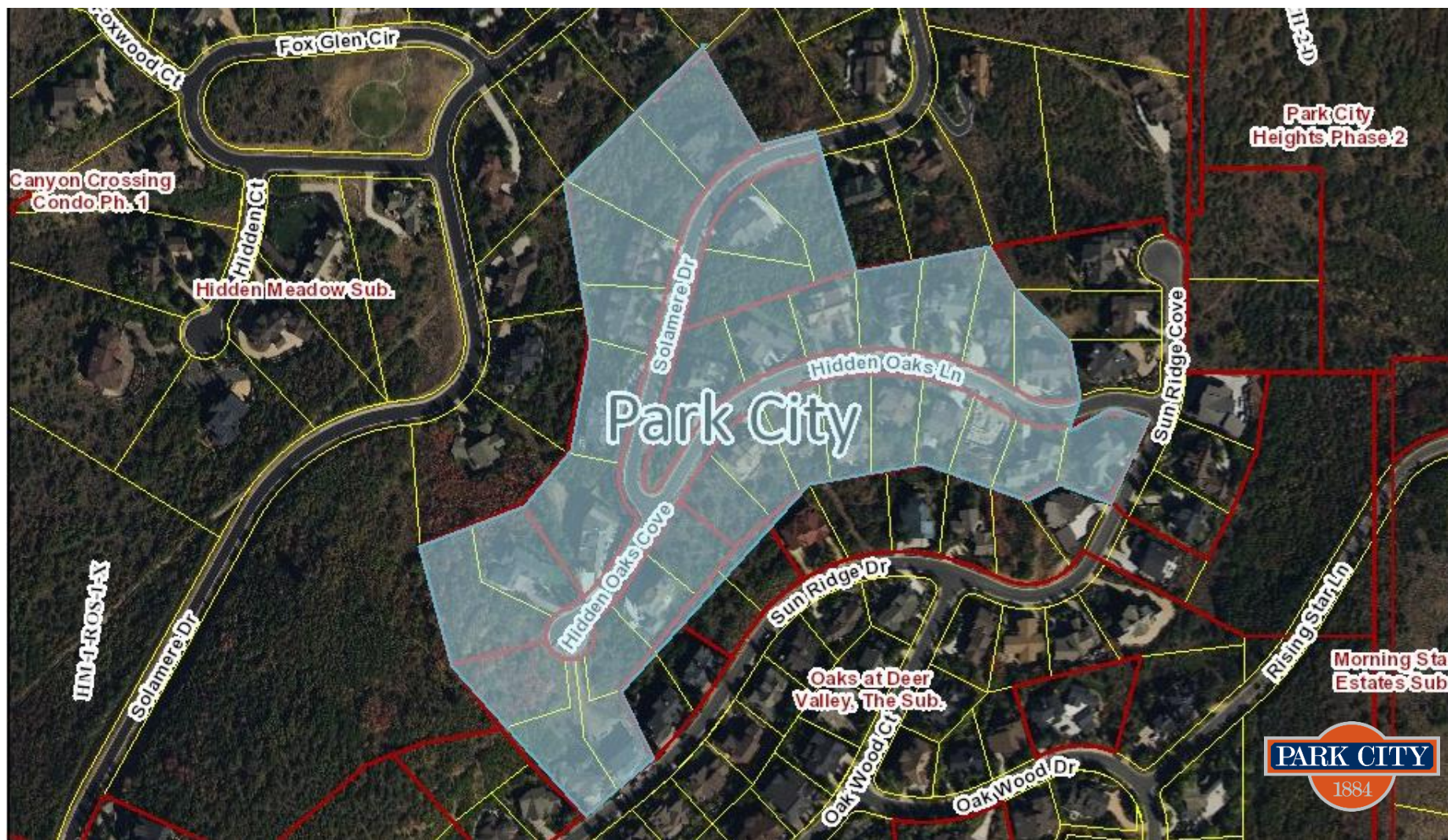
LMC AMENDMENT

Nightly Rentals in the Hidden
Oaks at Deer Valley Subdivision,
Phases 2 and 3



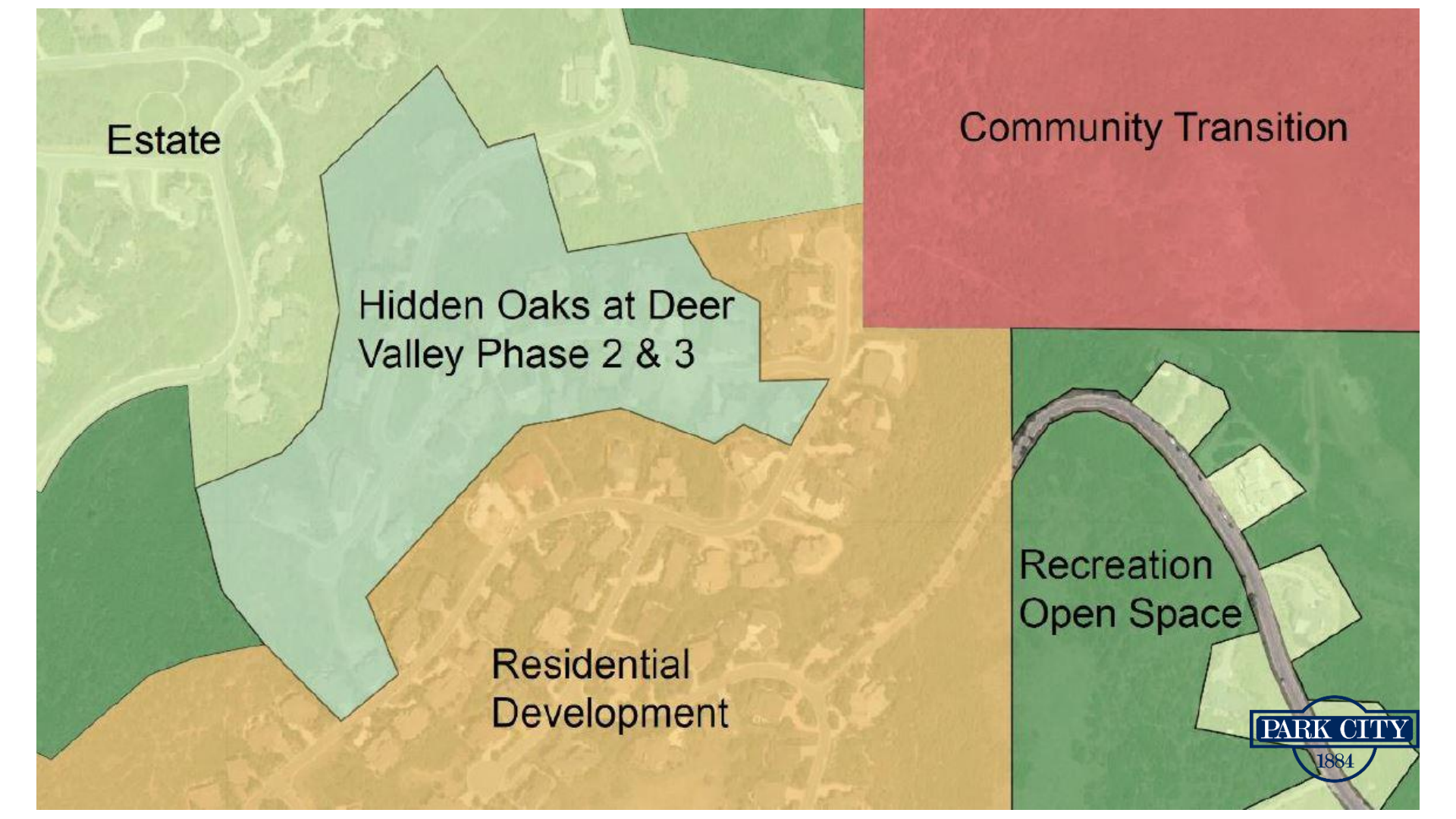
BACKGROUND

- LMC 15-2.13-2 allows Nightly Rentals in the subdivision.
- 90% of property owners support this amendment.
- On November 10, 2021, the Planning Commission reviewed the LMC Amendment and forwarded a unanimous, favorable recommendation for the City Council's consideration.



PARK CITY

1884



Estate

Community Transition

Hidden Oaks at Deer
Valley Phase 2 & 3

Residential
Development

Recreation
Open Space

PARK CITY

1884

BACKGROUND

- Phase 2: 13 of 16 property owners
 - Lots 42 and 46 have an existing Nightly Rental business license*
- Phase 3: 16 of 17 property owners
 - Lot 50 has a Nightly Rental business license*
- 18% Primary; 61% Secondary
 - Seven Lots remain unimproved/vacant

*Current active business license will remain valid if LMC amendment is approved as long as property owners renew each year and comply with Municipal Code 4-5-3, *Regulation of Nightly Rentals*.



ANALYSIS

The proposed Land Management Code Amendment to prohibit Nightly Rentals in Phases 2 and 3 of the Hidden Oaks at Deer Valley Subdivision complies with the Park City General Plan and Land Management Code.



— GENERAL PLAN —

- Mitigate adverse impacts
- Preserve primary residential neighborhoods
- Protect sense of community
 - **Objective 7C:** *Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley.*
 - **Community Planning Strategy 7.4:** *Focus nightly rentals within resort neighborhoods – Deer Valley and Park City Mountain Resort areas.*
 - **Community Strategy 11.4:** *Limit visitor-oriented development and nightly rental to existing resort neighborhoods. Restrict nightly rentals from primary residential neighborhoods.*

— NEIGHBORHOOD —

Lower Deer Valley encompasses the following Zoning Districts and corresponding regulations of Nightly Rentals:

Zoning District	Nightly Rental Regulation
Community Transition	Prohibited
Estate	Allowed
Residential Development	Allowed in most subdivisions
Recreation Open Space	Prohibited

— RD ZONE —

Prohibiting Nightly Rentals in Phase 2 and 3 is consistent with the General Plan as well as within some of the neighboring subdivision in the RD Zoning District.

15-2.13-2 footnote 3:

Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivisions Phases #1A and #1B, and Fairway Meadows Subdivision.

The petitioners assert their subdivision similarly needs to eliminate the impacts because, due to the size of the homes and the number of bedrooms, Nightly Rentals “are essentially ‘hotels’” and have generated parking, noise, and other concerns and complaints.

— PRIOR AMENDMENTS —

- June 2014: April Mountain and Mellow Mountain Estates Subdivisions
 - Ordinance No. 14-35
- July 2020: Meadows Estate Subdivision, Phases #1A and #1B
 - Ordinance No. 2020-38
- April 2021: Fairway Meadows Subdivision
 - Ordinance No. 2021-16

PROPOSAL

LMC § 15-2.13-2 *Residential Development – Uses*

Proposed Footnote #3:

Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, ~~and~~ Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Subdivision, Phase 2 and Phase 3.

DEPARTMENT REVIEW

On October 19, 2021, the Development Review Committee reviewed the proposal. The Planning, Engineering, and Legal Departments reviewed this application.



NOTICE

Staff published notice on the City's website and the Utah Public Notice website on October 27, 2021. Staff mailed courtesy notice to property owners within Phases 2 and 3 of the Hidden Oaks at Deer Valley Subdivision on October 27, 2021. The Park Record published notice on October 27, 2021.



—RECOMMENDATION—

(I) Review the proposed Land Management Code amendment to prohibit nightly rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3, (II) hold a public hearing, and (III) consider approving Ordinance No. 2021-52.

—ALTERNATIVES—

- The City Council may approve Ordinance No. 2021-52;
- The City Council may deny the proposed LMC Amendment; or
- The City Council may request additional information and continue the discussion to a later date.



SUNDANCE FILM FESTIVAL

SUPPLEMENTAL PLAN

PARK CITY

1881

SUNDANCE FILM FESTIVAL

————— 2022 Supplemental Plan —————

Sundance has done much work with Summit County Health Dept. to prepare for a safe, hybrid Festival.

Staff recommends transportation changes - one-way streets, transit, and parking changes – supported by HPCA and Sundance.

One change not in report. Acura car placement on City Property.

Next Steps for Community Outreach in January - English and Spanish

