



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
March 30, 2017**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 30, 2017.

CLOSED SESSION

5:30 pm To discuss Property, Personnel and Litigation

I. STUDY SESSION

1. Discuss Budget Financial Impact Assessment Report
2. Joint Meeting with Recreation Advisory Board to Discuss Work Plan for the Coming Year

WORK SESSION

5:30 pm Council Questions and Comments and Manager's Report

3. Main Street Plaza Project Update
4. Council Top Priorities Discussion on Citizen Involvement
5. Council Top Priorities Discussion on Multi-Cultural Citizen Involvement

REGULAR MEETING

6:00 PM

II. ROLL CALL

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. February 28Th Coffee with Council Recap
2. 2017 Main Street Sidewalk Construction Update

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

V. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from March 9, 2017

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into a Three (3) Year Contract with an Option of Two (2) One-Year Extensions, in a Form Approved by the City Attorney's Office, with Zion's Public Finance, Inc. for Financial Advisory Services Related to Water Revenue Bond Issuance, Storm Water Revenue Bond Issuance, Sales Tax Revenue Bond Issuance, Tax Increment Bond Issuance, and Refinancing and Refunding of Bonds
2. Request to Authorize the City Manager to Enter into a Three (3) Year Contract with an Option of Two (2) One-Year Extensions, in a Form Approved by the City Attorney's Office, with Farnsworth & Johnson PLLC for Bond Counsel Services Related to General Obligation, Water Revenue Bond Issuance, Storm Water Revenue Bond Issuance, and Refinancing/Refunding of Existing Debt and with Gilmore Bell PC for Bond Counsel Services Related to Sales Tax Revenue, Tax Increment Bond Issuance, and Refinancing/Refunding Existing Debt
3. Request to Authorize the City Manager to Sign a UDOT Consultant Services Agreement with AECOM for Construction Engineering Management Services for the Prospector Avenue Re-Construction Project in a Form Approved by the City Attorney and for an Amount of \$116,408
4. Request to Authorize the City Manager to Sign a UDOT Consultant Services Agreement with Horrocks Engineers for Material Testing Services for the Prospector Avenue Re-Construction Project in a Form Approved by the City Attorney and for an Amount of \$60,762
5. Request to Authorize the City Manager to Sign an Agreement with CenturyLink for Relocation of Their Facilities for the Prospector Avenue Re-Construction Project in a Form Approved by the City Attorney and for an Amount of \$66,695

VII. OLD BUSINESS

1. Consideration to Approve Ordinance 2017-11, an Ordinance Amending Title 4-Licensing: Chapter 8, Special Event Permit, of the Municipal Code of Park City, Utah
2. Consideration of an Appeal of the Planning Commission's Decision to Approve the Conditional Use Permit for a Private Event Facility at the Historic Kimball Garage (638 Park Avenue) - Appellant Sanford Melville, John Stafsholt, and Sandra Morrison of the Park City Historical Society

VIII. NEW BUSINESS

1. Consideration to Approve Ordinance 2017-12, an Ordinance Approving a Second Extension of the March 3, 2018 Approval of the 1043 & 1049 Park Avenue Plat Amendment Located at 1043 & 1049 Park Avenue, Park City, Utah
2. Request to Authorize the City Manager to Sign the Professional Services Agreement in a Form Approved by the City Attorney with T2 Systems Incorporated in an Amount Not to Exceed \$2,649,280.00 for Main Street Parking Technology
3. Consideration to Approve the March for Science, a Level Three First Amendment Event to be Held on Saturday, April 22, 2017, from 9:30 A.M. to 3:00 P.M. Beginning in the Brew Pub Parking Lot, Traveling Down Main Street, Connecting to Swede Alley at the Bear Bench Crossing, Then Returning to the Brew Pub Parking Lot, with Additional Activities in the Santy Auditorium, Pursuant to Findings of Fact, Conditions of Approval and Conclusions of the Law in a Form Approved by the City Attorney's Office and a Fee Reduction Request in the Amount of \$ 9,746.00
4. Consideration to Approve Ordinance 2017-10, an Ordinance Approving the Cottages – Amending Lots C & D Plat Amendment 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
5. Consideration to Approve Ordinance No. 2017-13, an Ordinance Approving the Eighth (8Th) Supplemental Plat for Constructed Units – the Belles at Empire Pass, Amending Units 13 + 14 Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney
6. Consideration to Approve Ordinance No. 2017-14, an Ordinance Approving the First Amended Yard Subdivision 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
7. Consideration to Approve Ordinance 2017-15, an Ordinance Amending the Land Management Code of Park City, Utah, Revising Chapter 15-6 Master Planned Developments

IX. ADJOURNMENT

X. REDEVELOPMENT AGENCY MEETING

1. Consideration to Authorize the City Manager to Enter into a Construction Manager at Risk (CMAR) Agreement in a Form Approved by the City Attorney's Office with Newstar Construction, Inc., for Pre-Construction Services on Woodside Park Phase 1, the Former Fire Station Lot Located at 1353 Park Avenue, in an Amount Not to Exceed \$17,250

XI. ADJOURNMENT

XII. AGENDA ITEMS

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 p.m. to 9 p.m. Posted:

See: www.parkcity.org



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Council is being asked to discuss and (if needed) provide direction regarding the FIAR. The numbers reflected in this staff report represent preliminary assumptions and estimates and are subject to change. If Council provides substantial changes to the FIAR assumptions/projections, then the Results Team and CIP Committee will take these into consideration when making their recommendation to the City Manager.

Respectfully:

Nate Rockwood, Capital Budget, Debt & Grants Manager

City Council Staff Report



Subject: Annual Financial Impacts Report
Author: Nate Rockwood
Department: Budget Department
Date: March 30, 2017
Type of Item: Informational/Discussion

Summary Recommendation

Council is being asked to discuss and (if needed) provide direction regarding the FIAR. The numbers reflected in this staff report represent preliminary assumptions and estimates and are subject to change. If Council provides substantial changes to the FIAR assumptions/projections, then the Results Team and CIP Committee will take these into consideration when making their recommendation to the City Manager.

Acronyms

FIAR - Financial Impact Assessment Report
BFO – Budgeting for Outcomes
RDA – Redevelopment Agency
MBA – Municipal Building Authority
CIP – Capital Improvement Project/Plan
SLAC - Service Level Assessment Committee
BPE Fees – Building, Planning and Engineering Fees
YTD – Year-to-date

The Opportunity

The Budget department staff prepares and presents the annual financial impact report for City Council at the start of each budget process. The report projections are used to set the revenue budget of the upcoming budget year and provides a long-range forecast of the revenues associated with the City's General Fund. Because the General Fund revenues are a good balance of property tax, sales tax, BPE fees, and recreation fees, the FIAR is a relatively good way to evaluate the overall city economy and the financial operational health of the city government. The presentation of the FIAR is a good point for City Council to provide long-range financial direction for the City.

Background

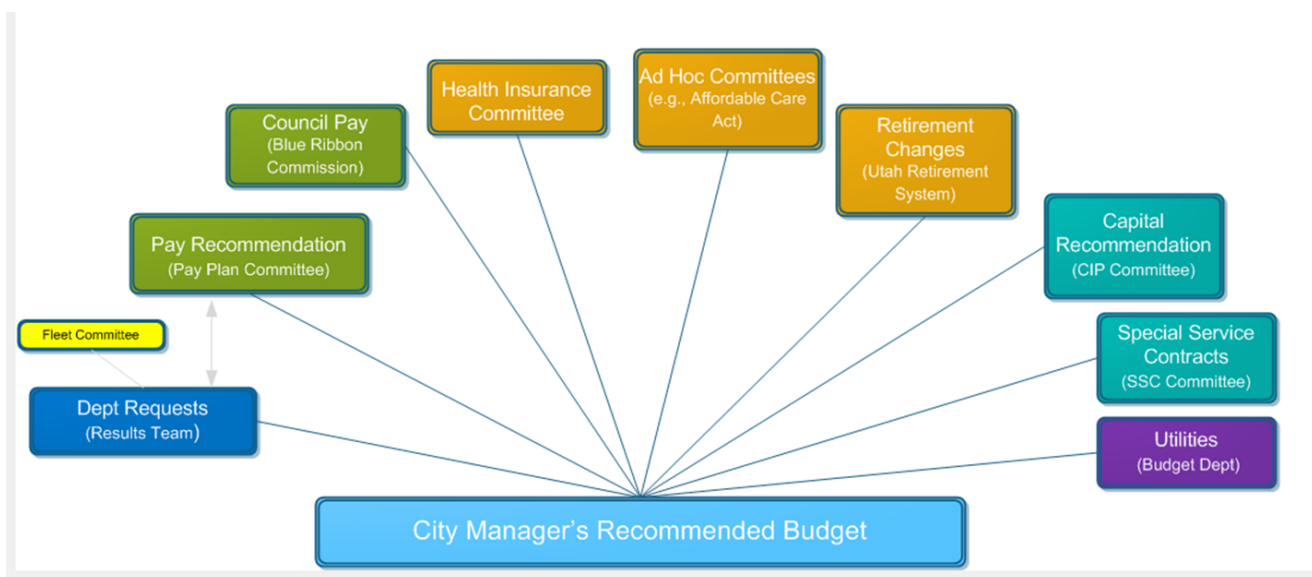
This budget season will be the second year of the budget biennium. Between February and June we will be working on adjusting the FY 2017 Budget as well as developing the FY 2018 budget and 5 year capital improvement plan (CIP).

The City Manager's Recommended Budget is constructed drawing upon Council input and direction received during the Council Retreat in March, as well as Council input received during work sessions and study sessions throughout the year. The annual Financial Impact Assessment Report (FIAR) is projections of the City's expenditures and revenues over the next ten years for the City's General Fund. The FY18 budget and 5-year CIP have to fit within the confines of the FIAR's projected expenditure and revenue increases. The funding level

recommendation has to account for what could be considered “inflationary” increases like Pay Plan, health insurance, and retirement as well as more discretionary increases like departmental requests for new levels of service, CIP enhancement, etc.

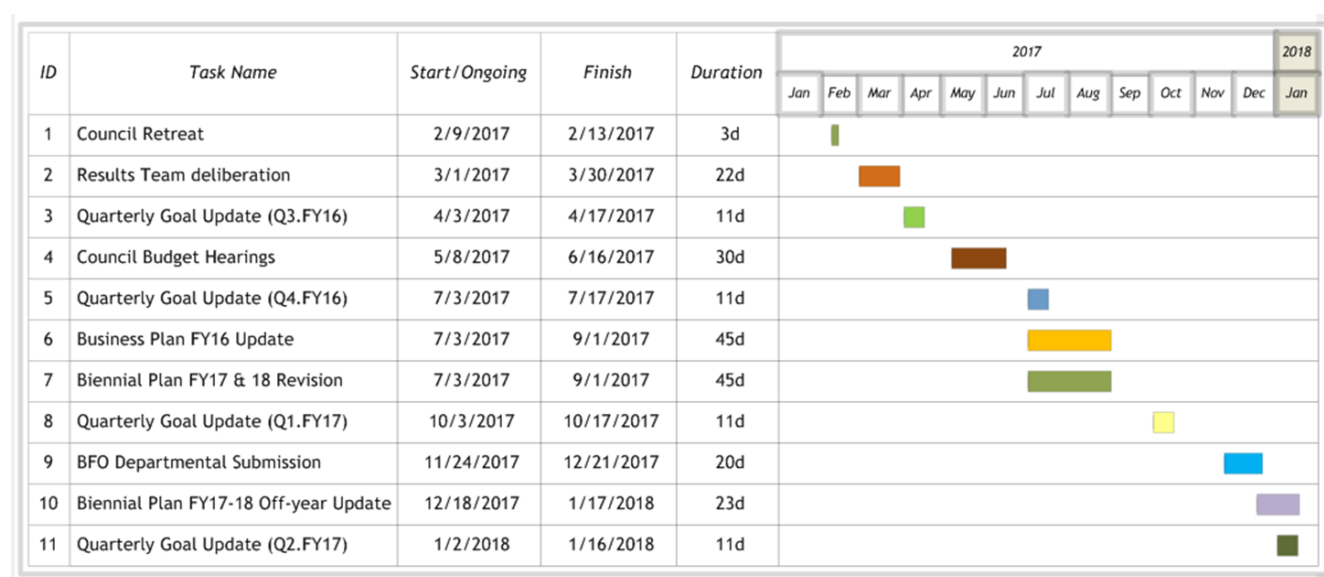
Below are the City's Long-Term Budget Strategies for crafting the City Manager's Recommended Budget:

1. Budget draws upon Council input from Council Retreat and FIAR projections as a guide
 - Performance-driven operating budget based upon Council's goals, objectives, and desired outcomes
2. Two-year budget process with fewer budget requests coming in the “off-year”
 - Second-year budget requests that will be considered are ones that
 - i. will come with revenue offsets;
 - ii. are accompanied by expense reductions, or that;
 - iii. are required by law; or
 - iv. are necessitated by market/environment changes that happened since the last budget adoption
3. Budget committees' recommendations will be considered
 - Committees include Results Team as well as CIP, Pay Plan, and Fleet Committees and any other ad hoc committees needed for unique circumstances
 - Results Team will make recommendations by considering BFO score, manager's bid request, established need, available resources, and performance measures
4. All operating and capital budget requests should be considered during the budget process
5. General Fund budget surplus should be used for capital projects and are typically referred to a capital project funded with the transfer from the General Fund



Utah State law requires that the City Manager present to Council a balanced budget at the first regularly scheduled Council meeting in May. A balanced budget is defined by Utah Code: “The total of the anticipated revenues shall equal the total of appropriated expenditures.” The proposed budget must be available for public inspection during normal business hours after it has been filed with the City Council. Between the first City Council meeting in May and the presentation of the Final Budget on June 15, the Council has the opportunity to review the proposed budget, consider public comment, and finally, adopt a balanced budget. Before June 22 the Council must adopt either a tentative budget if the certified property tax rate is to be exceeded (property tax increase) or a final budget and proposed tax rate (no tax increase). If there is a property tax increase, the Council is required to hold an additional public hearing before adopting the budget in August (Truth in Taxation hearing).

The high-level timeline showing the budget process is provided below:



The timelines and process for the budget hearings is detailed below:

February 9-10 City Council Retreat

February 22 – March 31 – Results Team reviews and negotiates bids

March 6 – All CIP requests submitted in Board

March 6 – March 30 – CIP Committee Reviews Capital requests

March 30 – April 6 – Executive Team Budget Review (adjust Results Team & CIP recommendation if needed)

April 6 - 30 – Budget Dept prepares Tentative Budget Documents

May 11 - Tentative Budget adopted & certified tax rate adopted by ordinance (Council must adopt tentative budget on its first meeting in May)

May 25 – Budget Hearing

June 8 - Budget Hearing

June 15 – Final Budget Adopted – City Budget, RDA, MBA budgets adopted by resolution (no later than June 22)

Analysis

Financial Impact Assessment Report

Attached is the 2017 Financial Impact Assessment Report (Attachment A). This report is organized to forecast revenues and operating, capital, and debt service expenses for the General Fund and capital expenditures anticipated to be funded through transfer of the general fund surplus. The information contained in the report is intended to inform decision makers in the upcoming budget process by illustrating the potential impacts of current financial decisions on the financial health of the City in both the near and distant future. The figures presented in the FIAR help set the funding limits for both the operating and capital budget process as related to the general fund and general fund capital transfer.

The figures below incorporate expenses and revenues from the General Fund as well as the General Fund transfer to the CIP.

Operating expense projections are shown using the service level associated with the 2017 Budget as the base year. The table below shows the FY 2017 service level projected over ten years using the 4.5% growth rate identified in the 2010 Service Level Assessment Committee (SLAC) update. The projected surpluses (or deficits) for each year are shown in the following table and graph.

Ten-year Financial Impact Forecast

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Revenue	\$35,786	\$37,477	\$38,220	\$39,130	\$40,301	\$41,207	\$42,111	\$42,989	\$43,865	\$44,740
Op. Expenses (Base)	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325
Inflationary Growth	\$0	\$1,013	\$2,060	\$3,141	\$4,259	\$5,413	\$6,606	\$7,838	\$9,111	\$10,426
Operating LOS Growth	\$0	\$414	\$833	\$1,259	\$1,691	\$2,129	\$2,573	\$3,023	\$3,480	\$3,943
CIP Expenses	\$4,109	\$3,643	\$2,980	\$2,545	\$2,595	\$2,645	\$2,695	\$2,745	\$2,795	\$2,845
Debt Service	\$179	\$178	\$181	\$182	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$35,613	\$36,573	\$37,380	\$38,453	\$39,870	\$41,512	\$43,199	\$44,932	\$46,711	\$48,540
Rev/Exp	\$173	\$904	\$840	\$677	\$431	-\$306	-\$1,088	-\$1,943	-\$2,846	-\$3,800

*In Thousands (x1,000)

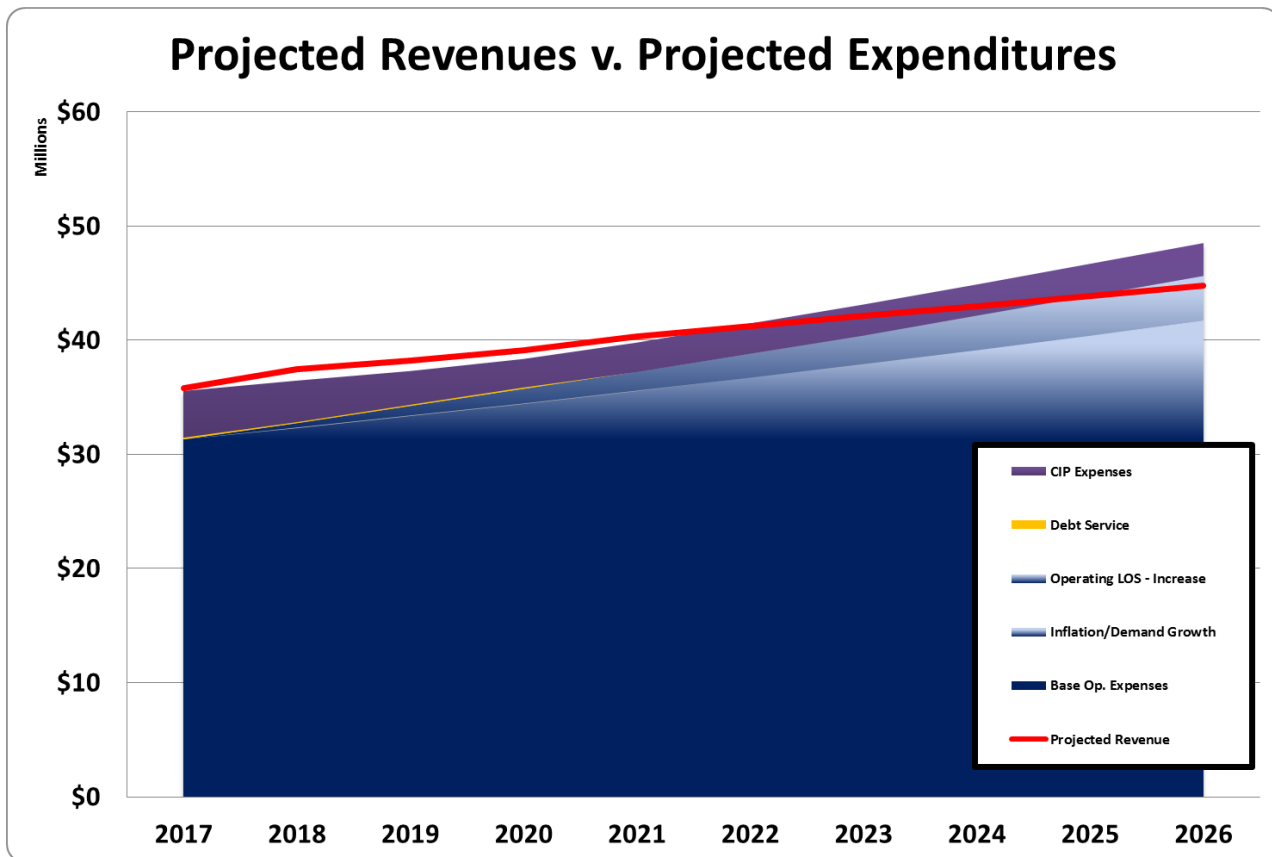
Aggregate Surplus/(Shortfall) Over Ten-Years (2017 to 2026)

-\$6,957,724

Financial Impact Assessment Trends

The FIAR projections are based on long-range historical trends. As the economic environment of the resort economy ebbs and flows, the FIAR is intended to act as a long-range measure and reference for future financial decisions. As the City moves forward, revenue growth will be added and evaluated in the contexts of the historical trends and will help form an updated FIAR projection for 2018 which will guide the City in the second year of the biennium budget process.

Staff has prepared a formal presentation of the Financial Impact Assessment Report, which will be presented as part of the Council meeting.



Alternatives for City Council to Consider

1. Recommended Alternative: Council should discuss and provide direction regarding the FIAR

Pros

- a. The financial report is an annual step in the budget process and should be used as a guide for long term financial planning of the City's revenues and expenditures related to the General Fund.
- b. This is a critical point at which Council could direct staff of any changes to revenues or expenditures recommendations. This could include recommended increases or decreased to the 4.5% operating threshold or potential increases or decreases to current revenue levels.
- c. Long range financial planning is the sign of good local government.

Cons

- a. The City is in the midst of a strong revenue growth pattern, which can lead to increase operating spending levels if not properly evaluated in the context of long-term trends.

2. **Null Alternative:** Staff will continue with the budget schedule.
3. **Other Alternatives:** Council could recommend alternate methods of forecasting or financial planning.

Departmental Review

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

Attachments

Attachment A – FIAR

PARK CITY

1884

A 10-YEAR PROJECTION OF
PARK CITY'S FINANCIAL CONDITION

Financial

Impact

Assessment

Report



Prepared For :

Park City Mayor and City Council

Prepared By :

Budget, Debt, & Grants Committee

Packet Pg. 12

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General Fund Revenue Year-over-Year Comparison by Type (includes sales tax transferred to the Capital Improvement Fund 031)								
General Fund Revenue Type	FY 2015	FY 2016	FY 2017 YTD	FY 2017 Budget	FY 2017 Projection	% +/- FY17 YTD over FY17 Budget	% +/- FY17 Proj. over FY 16	% +/- FY17 Proj. over FY 17 Budget
Sales Tax	\$ 11,010,763	\$ 12,132,265	\$ 5,408,936	\$ 12,959,669	\$ 12,981,524	42%	7%	0.2%
Property Taxes	\$ 9,840,209	\$ 10,608,571	\$ 10,285,946	\$ 10,670,557	\$ 11,023,233	96%	4%	3.3%
Franchise Tax	\$ 3,061,207	\$ 3,185,820	\$ 1,912,691	\$ 3,225,000	\$ 3,268,354	59%	3%	1.3%
Planning Building & Engineering Fees	\$ 2,578,017	\$ 1,873,987	\$ 1,275,941	\$ 2,437,000	\$ 2,100,000	52%	12%	-13.8%
Recreation	\$ 1,908,556	\$ 1,978,866	\$ 1,129,236	\$ 2,138,900	\$ 2,035,088	53%	3%	-4.9%
Ice Revenue	\$ 771,061	\$ 753,837	\$ 522,059	\$ 788,000	\$ 768,914	66%	2%	-2.4%
Licenses	\$ 412,605	\$ 456,599	\$ 304,897	\$ 543,000	\$ 479,137	56%	5%	-11.8%
Intergovernmental	\$ 110,775	\$ 131,127	\$ 132,550	\$ 179,000	\$ 139,072	74%	6%	-22.3%
Court Fees	\$ 99,640	\$ 90,239	\$ 35,346	\$ 91,000	\$ 90,239	39%	0%	-0.8%
Fees/Other	\$ 315,041	\$ 504,200	\$ 318,455	\$ 542,000	\$ 504,200	59%	0%	-7.0%
Interfund Transfers	\$ 2,166,534	\$ 2,256,360	\$ 1,261,908	\$ 2,397,547	\$ 2,396,614	53%	6%	0.0%
Total	\$ 32,274,408	\$ 33,971,870	\$ 22,587,965	\$ 35,971,673	\$ 35,786,374	63%	5.3%	-0.5%

Figure ES-1: Park City General Fund Revenues by Type

The following narrative and analysis details the most recent projections of both the short and long-range financial outlook for Park City Municipal Corporation. The analysis is intended to inform City Council in the upcoming budget process by illustrating the potential impacts of pending financial decisions on the financial health of the City in both the near and distant future. The details of projections, assumptions, methodologies, etc., are contained in the body of the report and appendices. This summary reviews key findings and the most pertinent details for budget decisions.

Current Economic Conditions

While the effects of the past recession have had a significant impact on Park City in 2008 and 2009, the recovery in the local economy has outpaced the gradual and somewhat difficult recovery experienced on the national level. This relatively quick recovery and the addition of new large lodging developments paired with the budget reductions instituted in FY 2009 and FY 2010, resulted in an operating budget

surplus during the 2015 fiscal year, as it did in FY 2013 and FY 2014. In addition to the return of strong recreation activity over the last four years, the City has experienced a recent growth in building activity in FY 2014 and FY 2015. These factors have all contributed to a recalibration of projected revenues and a very strong revenue outlook for Park City.

While Summit County and the State of Utah have experienced a very healthy economy over the past year, the nation's economy continues to show many signs of a slow continued recovery. The Index of Leading Economic Indicators, produced by the Conference Board, has been increasing steadily over the last three years. January's findings continued to show positive trends projected for the next 6 to 12 months. Current indicators, such as Gross Domestic Product, Consumer Confidence Index, and the stock market have shown positive trends over the last several years. GDP has shown consistent growth since quarter 2 of 2009.

The DestiMetrics Program (formerly MTRiP) is reporting positive data trends in

the Travel Price Index, enplanement data, and occupancy. Projected occupancy rates are up an average 6% over last year levels. Projected Average Daily Rates (ADR) are up an average 11.2% over last year and projected revenue per available room (REVPAR) is up 10.4% as well. These are all positive long range trend which indicating continued growth in the region. With this year's positive snow season, the City has experienced a strong winter season with January 2017 sales returns up 6.3% over last year. Strong first and second quarter sales trends are above the five-year average and will likely keep the City on track to meet budgeted sales revenue amounts in FY 2017 which were set based on a projected 7% growth over FY 2016. The Year-to-date sales tax figures thru January are up 5.7% compared to this time last year. While the growth over last years is not at the 7% projection and budget, it is anticipated that February will also be up over FY 2016 and sales tax will come in at or just under the 7% budget.

In addition, the amount visitors are spending outside of lodging has been increasing as well. The average visitor spent 9.2% more in FY 2015 than in FY 2014 and 10.2% more in FY 2016 than in FY 2015. All this adds up to strong sales tax in Park City, which, coupled with above average building activity and continued consistency in property tax, leads to positive revenue news for the City for the foreseeable future.

Short Range Surplus

Stable revenue projections for the current fiscal year along with a moderately increased budget mean General Fund

surpluses are expected over the next several years. Surplus General Fund revenue is transferred to the Capital Fund to provide ongoing capital replacement needs and to fund new capital projects. With the some additional property tax revenue over budget projections in FY 2017, revenues are expected to be sufficient to cover operating costs, debt service payments, and allow the City to meet many of the City's anticipated goals and priorities. It is expected that revenues in FY 2018 will come in at projected levels.

While these surpluses continue to paint a positive picture for Park City, particularly given the deficits the City has faced during the budgets of 2009 and 2010, it should not be relied upon in perpetuity. Much of the revenue growth is due to dramatic growth in the sales tax revenue.

This year's sales tax numbers while strong at 5.6% growth, begin to show that sales tax may be starting to level off at a rate more in line with traditional Park City growth. It has not been anticipated that growth could maintain the 10% year-over-year growth levels seen over the last two years. FY 2017 projected growth rate was set at 7% with FY 2018 set at 5%. Staff feels confident these levels will hold true. Staff continues to recommend that surpluses be used primarily for one-time allocations, such capital improvement projects.

Long Range Outlook

Although the recovery in sales tax revenue and the return of building growth to the property tax "new growth" equation significantly delays the timeline, as has been

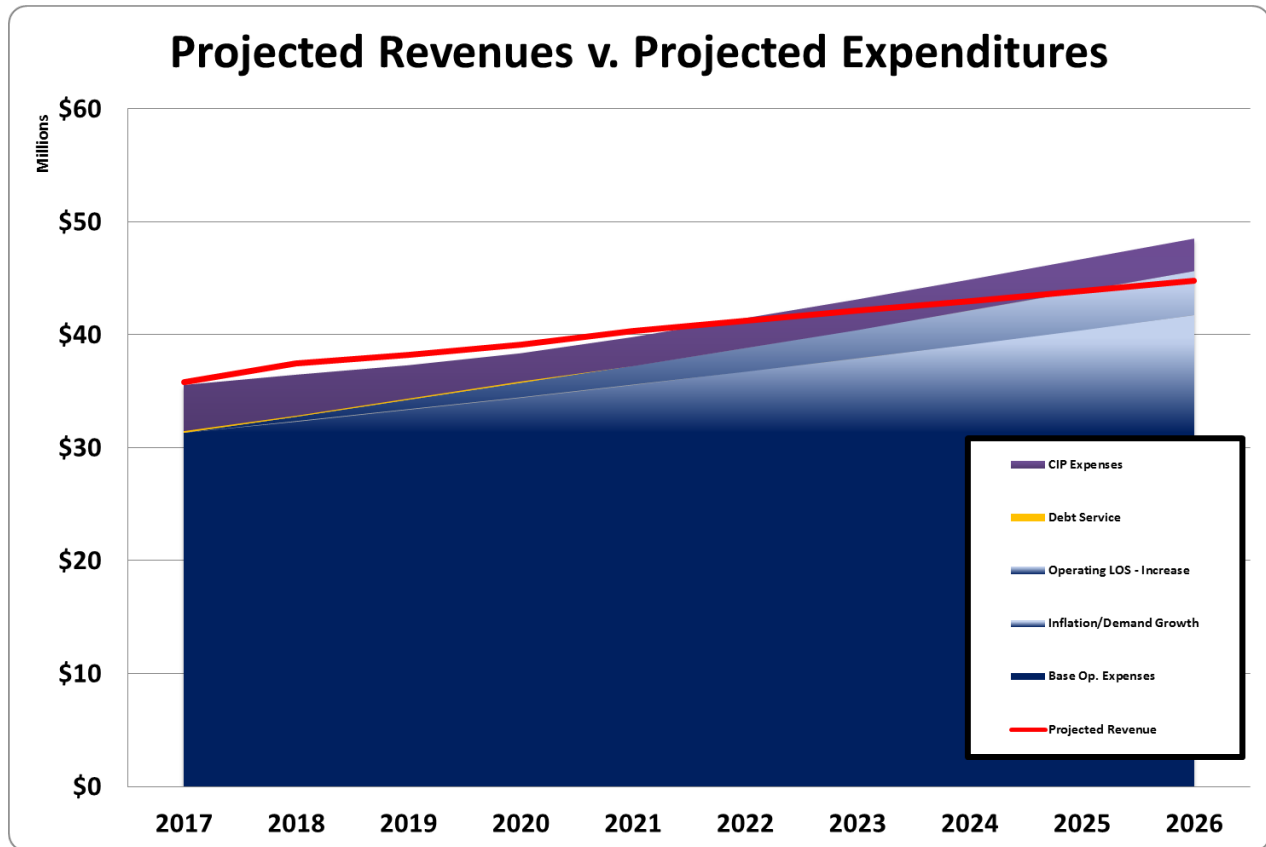


Figure ES-2: The FIAR Graph

illustrated in all prior FIAR's, long-term projections continue to show deficits in future years. Currently deficits are projected starting in FY 2022 and continue in perpetuity. While FY 2022 may seem several years off, in terms of revenue and expenditure forecasting it is important to continue to discuss the underlying cause of the projected deficits.

There are two key underlying factors for these future projected deficits. The first is discretionary growth in operating expenses (referred to as "operating level of service increase" in the projections). This is the anticipated increase in expenditures related to enhanced levels of service which future Councils are likely to consider. It is based

on the prior experience of the City as reported in the 2010 SLAC analysis. However, it is certainly arguable whether Council will continue to direct staff to enhance levels of service at the pace of the last 10 years.

However, it is almost indisputable that over any span of 10 years, Council will need to enhance services to some degree, which will lead to increased overall expense. These increases are increasingly likely in the face of the anticipated capital infrastructure improvements necessary to keep up with development growth in the next five to ten years. The projections show that *any* amount of new expense for enhanced services will magnify deficits over the long run.

The second underlying factor which is the systemic driving force behind the less than favorable long-range projections and will be the most difficult to overcome is effect which the Truth in Taxation process has on the property tax base.

Truth in Taxation is the legislative requirement that the City's property tax general levy be adjusted down to collect the same dollars from existing property and improvements as the prior year. It is true that the City collects new dollars from new growth, but as the City approaches build-out and settles into a less aggressive rate of redevelopment, it is unlikely that the growth in this revenue stream will overcome the inflation hurdle. Thus Truth in Taxation effectively strips the inflationary component from this critical revenue. Property tax revenue accounts for 31 percent of General Fund revenue. The end result is a diminishing of cities' purchasing power over time which will eventually lead to deficits. It also shifts the City's revenue dependency to less stable revenues sources such as sales tax and building fees.

Recent trends in property tax sales and dramatic increases in property value pose a secondary problem. As the assessed value of the City continues to go up, the property tax rate continues to drop. Because of increasing assessed values Summit County and Park City now have the lowest property tax rates in the entire state of Utah. With current high property sales not yet factored into the current assessed value it can be expected that the property tax rates will continue to float down to even lower levels. When Park City is compared to other property tax rates

by all 50 states metropolitan areas adjusted to like comparables, Park City ranks as the lowest property tax rate at 50th out of 50. This means Park City has the lowest property tax rates among all Utah cities and the lowest compared to all major cities in the U.S.

The City gets by with low property tax rates by relying on high sales tax revenue. However, City Council should be aware that this places a large reliance on a less stable revenue source and may ultimately lead to less revenue to be dedicated to core city needs and core infrastructure needs.

As the property tax rate, floats down further, it will have a negative effect on the city's ability to take advantage of property value on new growth. A one million dollar new growth value would provide nearly 25% less property tax today as it would have 5 years ago. This issue will become more pronounced as assessed values adjust to current market sales and large new developments come on line.

Recommendations

The Budget Department recommends the following solutions for the two identified factors causing long-term deficits.

First, every level of service enhancement should be accompanied by an offset when possible. An offset can be either a revenue offset (ie: new revenue source, increased tax or fee, etc.) or an expenditure offset (ie: reduced budget due to efficiencies gained, cut to another service in the budget, etc.).

Second, the Budget Department recommends that Council continue to

evaluate the current revenue and taxation policy and adjust it as necessary to establish a sustainable approach to the long-term financing of City services.

Although somewhat outdated, the Budget Department produced a revenue mix analysis in 2010 which outlined some possible steps which might be considered in order to stabilize revenue volatility and ensure the ongoing delivery of current levels of service. One suggested recommendation included the institution of regular, small property tax increases to keep this revenue source up with inflation. While increases would not be necessary in the near future, it is important to continue to understand and make the public aware of the potential long-term revenue issues. The City must find ways to keep revenue at levels which will allow the City to fund future infrastructure needs which continue to cost more and more each year. The City must also find ways to take advantage of strong growth from both overnight visitors and day guests and the sharp rise in property market sales.

In past revenue shortfall years' staff was directed to explore more thoroughly the expenditure side of the budget in an effort to address both long-term and short-term deficits. This prompted the City to initiate the Budgeting for Outcomes (BFO) process, which has been carried out over the last 5 years and continues to be the central theme for the budget process. BFO will provide Council with an opportunity to adjust ongoing expenses and reaffirm current levels of service.

Regardless of the decisions that Council makes via BFO, the root problem remains in

place. There are inflationary pressures on *all* of the expenses in Park City's budget over time, and one-third of Park City's General Fund revenue does not increase with inflation, which also affects the new property tax level of new growth.

The principle of time-value of money is working against Park City (and all Utah cities, for that matter) and short of cutting service levels perpetually, there is no easy way to overcome projected deficits by focusing solely on the expenditure side of the equation.

In 2001, the City formed a Service Level Assessment Committee (SLAC) in order to determine future expenses and revenues. The report showed an operating deficit in future years. At the time Council took action to minimize this projected deficit by reducing \$600,000 in expenditures. Fortunately, revenues came in higher than projected.

In fiscal year 2007, the Budget Department conducted meetings with liaisons from City Council regarding budget issues. One of the requests from the Council liaisons to the Budget Department staff was to revisit the idea of forecasting revenues and operating, capital, and debt service expenses for the General Fund. This is the tenth year that the Budget Department has prepared and presented these projections as the Financial Impact Assessment Report (FIAR).

Purpose

Staff has put together a group of decision tools to assist Council with the budget process. These decision tools help to provide information about various aspects of the City when policy direction is being established. It is anticipated that the FIAR will be a reference for Council to estimate the impacts of additional operating and

capital spending as well as policy decisions in future years.

The primary output of this analysis is a 10-year projection of surpluses or deficits of General Fund revenues. Council can use these projections to plan for future expenses. Projected short-term surpluses could be used to fund one-time capital projects, while projected deficits would require budget cuts or changes in taxes or fees.

There is a level of uncertainty when dealing with projections of any kind. The accuracy of a forecast will most likely decrease the further out it is from the base year of the analysis. Therefore, general trends in the projections are a more valuable output of this analysis rather than specific data in future years.

Findings

Figure B-1 shows projected surpluses and deficits over the next ten years. As found in fig. B-1, the current forecast shows surplus revenue until FY 2022. General Fund surplus revenue is transferred to the Capital Fund to fund ongoing capital needs and new recommended projects.

Ten-year Financial Impact Forecast

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Revenue	\$35,786	\$37,477	\$38,220	\$39,130	\$40,301	\$41,207	\$42,111	\$42,989	\$43,865	\$44,740
Expense	\$35,613	\$36,573	\$37,380	\$38,453	\$39,870	\$41,512	\$43,199	\$44,932	\$46,711	\$48,540
Rev - Exp	\$173	\$904	\$840	\$677	\$431	-\$306	-\$1,088	-\$1,943	-\$2,846	-\$3,800

In Thousands
(x1,000)

Aggregate Surplus/(Shortfall) Over Ten-Years (2015 to 2024) **-\$6,957,723.98**

Figure B-1: Projections of Surplus/Deficit (in thousands)

REVENUES

The following revenues were used in the General Fund projections: Property Tax, Sales Tax, Franchise Tax, Planning, Building, & Engineering Fees, Recreation Fees, Ice Facility Fees, Licenses, Intergovernmental (or Grants), Court Fees, Miscellaneous/Other Revenue, and Interfund Transfers. These revenues were projected using various methods of trend forecasting with the exception of Interfund Transfers. These methods are outlined in the Appendix under the revenue section. All projections are based on current local economic conditions with the assumption that there will be no significant changes to current tax legislation. Figure AM-1 displays various revenue sources for future years in the General Fund.

Property Taxes

Park City's property tax collection is based on numerous factors such as the prior year collections, collection rate, debt service needs, total taxable assessed value, and a new growth component. Each year a mil levy is set by dividing the "budgeted" property tax (that is the amount the City collected the prior year, and it is determined by the State) by the base assessed value (AV) for properties and improvements that existed the prior year. The mil levy is then applied to any new growth value, which is what generates any growth in property tax.

To project these amounts, the Budget Department estimated base AV growth using an exponential trend. The projected base AV is used to calculate an estimated mil levy in future years. This mil levy is then applied to both the projected base AV

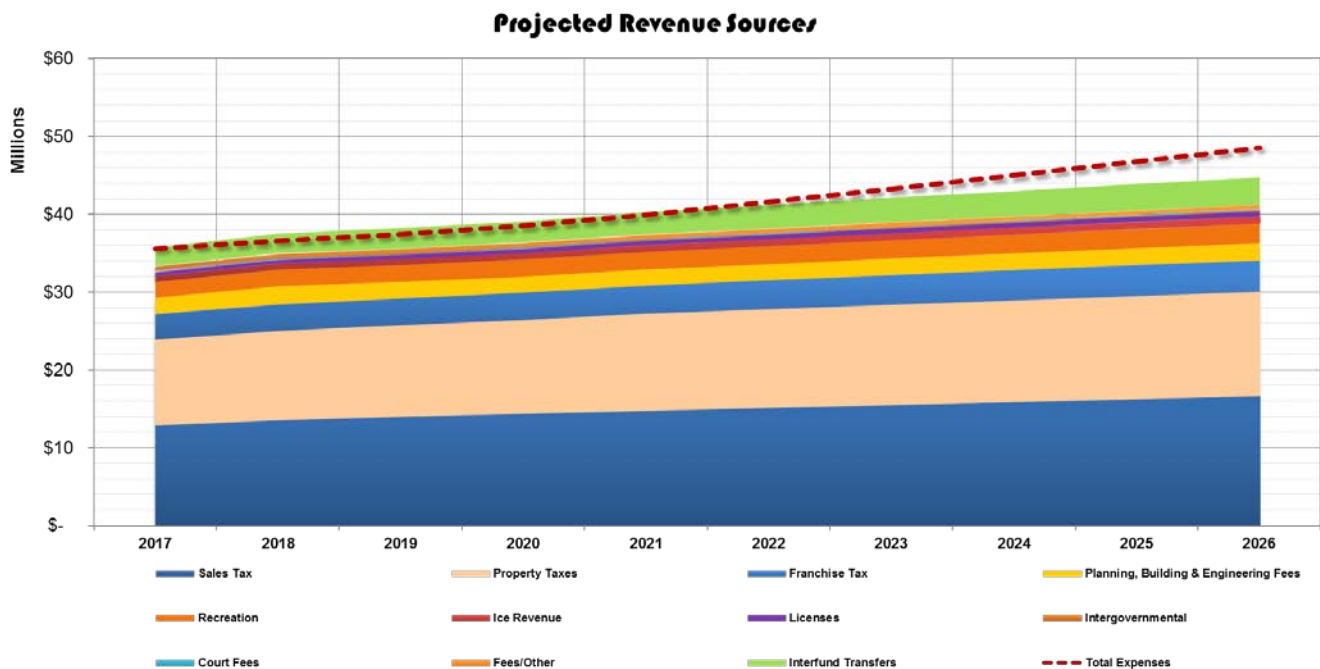


Figure AM-1: Projected Revenue Sources

and the projected new growth to generate the revenue estimates.

In the process of updating the base AV projection in FY 2012, it was found that the methodology used was inadvertently including past year's new growth increment. This had the effect of double counting new growth totals, driving up expected future base AV and therefore prematurely driving down the future mil levy.

These low future mil levies were then applied to projected new growth totals which resulted in a lower tax value for new growth than is now expected. The current base AV projection has been recalibrated to project base AV independent of past year's new growth.

In addition to the change in the base AV projections a second recalibration in FY 2012 was also necessary for new growth projections. In past FIAR's, the Budget Department had projected new growth based on a logarithmic trend which would allow growth projections to settle into a natural rate of redevelopment over the next 10-15 years. While this methodology did properly reflect redevelopment rates of a city approaching build out, it was not correctly capturing the effects of inflation of future new growth values. Therefore, the new growth projection has been recalibrated as an average percentage of projected AV and therefore appropriately reflects the correct proportion of future property base AV. In FY 2017, new growth figures were updates to include potential growth in key economic development areas.

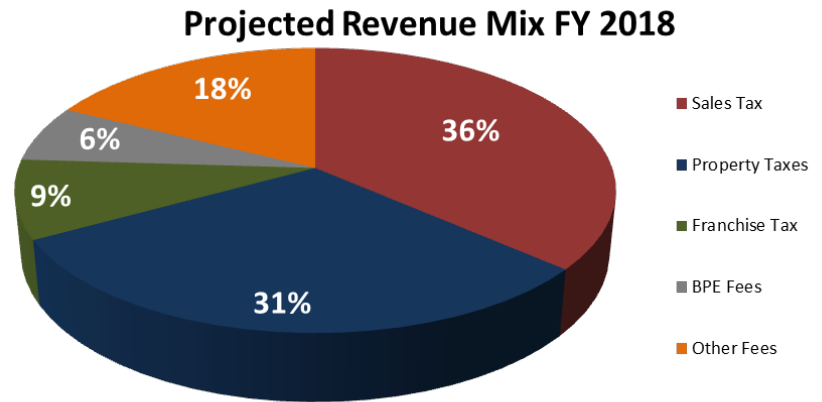


Figure AM-2: Projected Revenue Mix

In addition to the general levy revenues, the City also collects minor amounts for delinquent taxes, interest on delinquent taxes, and fee-in-lieu (motor vehicle tax). Delinquent taxes are also erratic, and a logarithmic trend was used to project this based on the thinking stated above. Fee-in-lieu is fairly consistent and flat, so a simple average was used for projection.

Sales Tax

Property, sales, and franchise taxes make up nearly 80% of the total General Fund revenues. Sales tax has increased at a fairly steady rate for the past decade peaking in FY 2008 then dropping during the last recession in 2009 and 2010. Due to large resort developments coming online in the last several years, sales tax revenue has grown significantly with FY 2016 as the highest in sales tax generation to date. FY 2017 is currently budgeted at 7% growth over FY 2016. Sale through January are up 5.6% over FY 2016.

Sales tax has grown significantly in the past 3 years with year-over-year growth rates averaging 7.9% with growth rates even

higher in the last 2 years. While the Budget Department is not anticipating a drop in sales tax in the near future, it must be recognized that sales tax growth rates at the current average rate is unsustainable over a long term trend. The current trend show continued short turn growth over the next 2 years (7% FY 2017 and 5% FY 2018) with this trend leveling out and returning to the long-term trend over the next 10 years.

Sales tax is widely considered a volatile revenue source and this holds especially true for Park City as roughly two-thirds of the year's sales tax come in the winter months. This means that the City's most significant revenue source is dependent upon a productive ski season and stable local and national economic conditions. The method forecasting future sales tax assumes that these factors will remain fairly predictable in future years. The forecasting method will also smooth out large fluctuations incorporating only sustained trends when predicting future sales tax. The larger collection years are assimilated into the future projections. The forecasting method also assumes that there will be no major legislative changes to affect sales tax collection for the City. The current long-range trend line for sales tax is remarkably consistent with an R-squared value of 0.88.

For short-term projections lodging bookings data (as reported by DestiMetrics) are used as an indicator to project visitor nights for the next 6-12 months. This data can be somewhat erratic and fluctuates rapidly, but it provides a more immediate picture colored by current economic conditions not captured by the long-term trend.

Franchise Tax

Franchise taxes and fees account for about nine percent of General Fund revenue. This revenue source has been fairly consistent each year and is typically charged as a percentage of sales from utility companies. Last year the Budget Department used a new statistical analytics software (BEAM) which works with the Board budgeting software to forecast the franchise tax and fees. This trend is extremely reliable although the revenue has experience fluctuation recently due to shifting utility use in telecommunications.

Building, Planning, & Engineering Fees

BPE Fees are typically the fourth largest revenue source in the General Fund. Projection of these fees are subject to the same issues and concerns outlined in the property tax projection narrative. They are tied to growth, which is geographically bound. Eventually these fees will settle into a certain level at the natural rate of redevelopment. Recent local and national economic recover have led to significant growth activity and has highlighted the potential for extreme swings in BPE revenue. Despite high inspections in FY 2016 BPE fees were down from projections. FY 2017 has seen similar lower fee revenue.

Therefore, in order to project these fees, a logarithmic trend is used. This does not provide a strong predictor in the short-term, and in the long-term it functions as little more than an average which increases ever more slightly from year to year. However, considering the volatile nature of the historical data coupled with the lack of a

reliable leading indicator for purposes of econometric modeling, an average is about the best you can do. The logarithmic trend at least introduces some additional logic into the equation. While BPE have been down significantly during the recession years, fees were up slightly in FY 2013, significantly in FY 2014 and 2015, and dipped down slightly in FY 2016. In FY 2017 the prediction is for BPE fees to come in slightly higher than the average, although potentially lower than levels projected in last year's FIAR.

Recreation & Ice Fees

Recreation fees have grown steadily on a linear trend (R-squared .95). Some might argue that these fees are subject to the population growth parameters which bind new growth related revenues. However, as the fee levels are reasonably fluid and adjust with demand, they function on more of a price inflation basis, similar to sales tax. Linear growth, then, is reasonable, as well as historically accurate. Recreation revenue had been down significantly during the construction of the MARC, however since its opening recreation revenues have experienced a steep rebound.

Ice revenues continue to be projected using the 5-year Ice Revenue Model. This model is based on projected fee schedule adjustments and user growth projections by activity type. The model is driven by manager inputs for fee schedule and growth projections of individual activity types. It is anticipated that the Ice Revenue Model projections will more accurately reflect real changes in actual usage and fee structure over time.

Other Revenues

Other revenues include licenses including the festival facilitation fee associated with business licenses and liquor licenses. Intergovernmental revenue includes state and federal grants, state monies for liquor and drug enforcement, Summit County Recreation, Arts, & Parks Tax grants, Restaurant Tax grants, etc. Most grants received by the City are related to capital or a City enterprise fund (such as water, golf, transit), however some apply to operations like the ice facility or police and end up in the General Fund. Reimbursed court fees refer to the portion of fines collected by the Summit County Justice Court which are distributed to Park City for police and/or prosecutorial expense. Any money due to traffic citation is included in this amount. Fees/Other contain various revenue types, interest earnings from funds invested in the state pool being the largest of these.

Each of these revenues are projected using some form of time-series analysis, generally linear. See the Appendix for details.

Interfund Transfers

Interfund transfers are currently based on a study that determines the amounts to be transferred to and from the General Fund. The study was updated by the Budget Department in cooperation with the Storm Water, Water, Transit and Golf Departments in FY 2016, the calculations are updated annually as part of the budget process. The study apportions administrative costs to enterprise fund activities in a manner similar to an overhead calculation. Future increases and/or decreases to transfers will be

determined once the current level of transfers fall outside the appropriate range as defined in the study and updated regularly.

This study does not project changes in these transfers despite the fact that changes are anticipated. Any adjustment to the level of the transfers would be set by policy, and therefore adjusting these levels would violate the underlying assumption that policy remains static.

If, however, they were to be projected, it should be based on the relative growth of enterprise funds compared to the relative growth of the General Fund.

Short-Range Projections

The preceding describes methodology and assumptions for long-term projections. However, these projections have been modified in many cases in the short-term. Primarily, year-to-date information for the current year is incorporated into a model which uses five-year averages of year-to-date compared to year-end to project year-end totals for the current year. In the case of sales tax and property tax, variations of this methodology are used and the computer projection is overridden.

In FY 2017, some subjective modification has been made to sales tax, property tax, BPE fees, and interest earnings. These modifications were made necessary due to current building activities and current sales tax growth. In all cases, either a simple multiplier or smoothing factor was applied to ease the projection back to the long-term curve.

EXPENSES

Operating Expenses

In the fall of 2009, a committee of City staff reconvened to update the 2000 SLAC report. The committee agreed that the most valuable output from the original report was the distribution of the increment of operating expenses over a ten-year period into three categories describing the nature of the growth. Efforts were focused on reproducing this data for the ten-year period between 2000 and 2010. It was agreed that the results would tie into the City's long-term financial planning and therefore would be reported in this FIAR rather than as a separate report.

As part of the update process, the committee (consisting of Pace Erickson, Kim Leier, Phil Kirk, Jon Pistey, Thomas Eddington, Diane Foster, and budget staff) sought to rename and clarify the definition of the three categories used in the 2000 report. The following details the three categories into which operating expense growth was distributed for this SLAC update:

Inflation: Any growth in the cost to provide the same quantity and quality of existing service in 2000. This is basically price increases (e.g., road salt costs more now than it did then, even if we buy the same amount).

Any decrease in program costs due to efficiencies gained, economies of scale, reorganizations, etc., would be accounted for here. Increased costs due to State or Federal mandates would also fit in this category.

Increased Demand: Any growth in expenditures due to providing more of the same service to more population, visitors, users, lane miles, etc. (e.g., we buy more salt because we have more lane miles than we had in 2000). A change in the sophistication of user or population demand which causes increased expense could also be accounted for here.

Increased Service Level (Council Directed): Growth in expenses related to direction given by Council to increase/expand new services or the level at which existing services are provided. Also operating expenses resulting from capital projects which represent a greater level of service, such as the Ice Arena, would fit (e.g., we buy more salt because Council

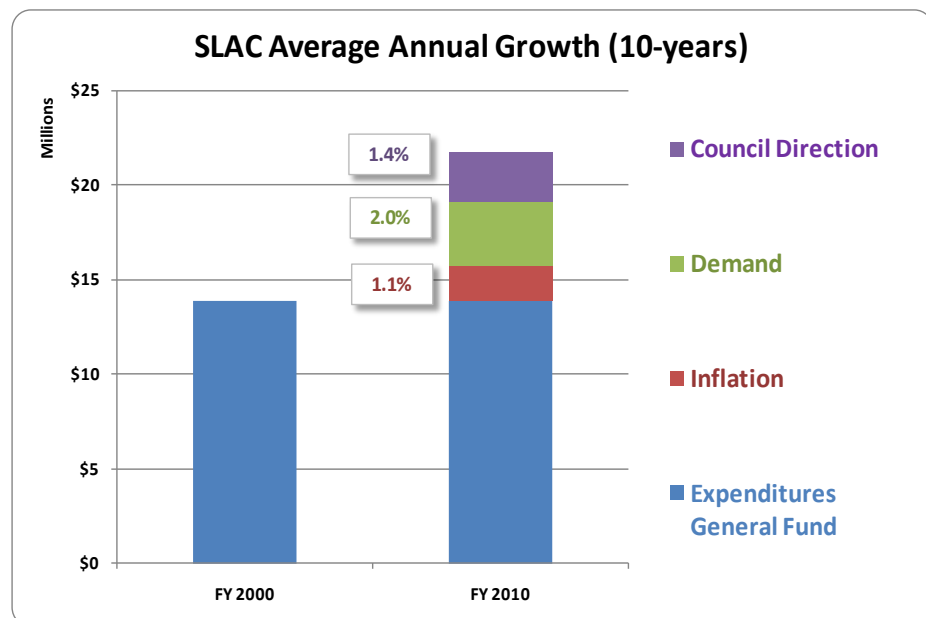


Figure AM-3: SLAC Results

directed us to salt the roads more often).

The committee sent a survey to managers which showed the programs run by each department along with the cost for those programs. Managers were asked to divide up their 2010 budget among the programs their departments run today, calculate the incremental cost for their programs between 2000 and 2010, and divide each increment into the categories that best describes the impetus for the growth (or decline) that occurred.

The resultant rates of increase from the SLAC update, specific to General Fund activity, are as follows: Inflation – 1.1%; Demand – 2.0%; and Increased Service Level – 1.4%. A total 4.5% annual operating increase.

These percentages are applied to FY 2017 budgeted expenditures to project operating expense growth through 2026 in this FIAR update. More detailed results of the study are included in the appendix of the FIAR. In updating actuals for FY 2014 it was found that expenditures had grown at a rate which was consistent with the results of the SLAC study. Therefore the Budget Department continues to view the findings of the SLAC study as the most relevant for projecting future expenditures.

In addition, as part of the BFO process, the budget department has used the growth projections of the SLAC study as the baseline target growth rate when determining the annual operating budget.

Capital Expenses

Park City finances capital projects in three manners. First, many capital projects are financed using specific revenues which are collected with the sole intention of funding capital projects. These revenues are earmarked for capital projects and cannot be spent on operations. By and large, these revenues are received directly into the Capital Projects Fund and never impact the General Fund directly. Examples of such funding sources include impact fees, grants, special contributions and donations, sale of assets, class B & C road funds, RDA increment, interest earnings, additional resort sales tax, etc.

Capital projects are also financed with excess operating funds from the current year. This is the portion of General Fund revenues that remains after all operating expenses are paid. Essentially, this is the operating surplus that this report seeks to define. However, there is the portion of that surplus that is already dedicated to capital projects. Although these are non-earmarked funds, they are committed by Council to capital projects through the 5-year Capital Improvement Plan or the Asset Management Plan.

General Fund Transfer Projects						
Projects	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
CP0006 Pavement Managment Implementation	300,000	440,000	440,000	440,000	440,000	440,000
CP0017 ADA Implementation	5,000	5,000	5,000	5,000	5,000	5,000
CP0036 Traffic Calming	37,500	10,000	10,000	-	-	-
CP0041 Trails Master Plan Implementation	30,000	30,000	30,000	30,000	30,000	30,000
CP0042 Property Improvements Gilmore O.S.	100,000	-	-	-	-	-
CP0061 Economic Development	25,000	25,000	-	-	-	-
CP0074 Equipment Replacement - Rolling Stock	700,000	700,000	750,000	750,000	800,000	800,000
CP0075 Equipment Replacement - Computer	296,000	308,700	308,700	308,700	308,700	308,700
CP0089 Public Art	4,268	-	-	-	-	-
CP0089 Public Art	75,000	75,000	75,000	-	-	-
CP0142 Racquet Club Program Equipment Replaceme	60,000	60,000	60,000	60,000	60,000	60,000
CP0146 Asset Management/Replacement Program	552,709	552,709	552,709	552,709	552,709	552,709
CP0150 Ice Facility Capital Replacement	50,000	50,000	50,000	50,000	50,000	50,000
CP0191 Walkability Maintenance	40,500	40,500	40,500	40,500	40,500	40,500
CP0217 Emergency Management Program	10,000	10,000	10,000	-	-	-
CP0229 Dredge Prospector Pond	-	-	-	-	150,000	-
CP0250 Irrigation Controller Replacement	20,000	20,000	20,000	20,000	20,000	20,000
CP0264 Security Projects	50,000	50,000	50,000	-	-	-
CP0266 Prospector Drain - Regulatroy Project	-	-	300,000	-	-	-
CP0267 Soil Repository	300,000	-	-	1,000,000	-	-
CP0269 Environmental Revolving Loan Fund	100,000	-	-	-	-	-
CP0280 Aquatics Equipment Replacement	11,250	11,250	11,250	11,250	11,250	11,250
CP0283 Storm Water Utility Study	1,197	-	-	-	-	-
CP0290 APP Development	(82,248)	-	-	-	-	-
CP0294 Spriggs Barn	(18,312)	-	-	-	-	-
CP0312 Fleet Management Software	-	31,986	-	-	-	-
CP0328 Meeting Documentation Software	(20,000)	-	-	-	-	-
CP0332 Library Technology Equipment Replacement	24,387	24,387	24,387	24,387	24,387	24,387
CP0333 Engineering Survey Monument Re-establish	5,000	5,000	-	-	-	-
CP0334 Repair of Historic Wall/Foundation	-	45,000	-	-	-	-
CP0336 Prospector Avenue Reconstruction	170,000	200,000	200,000	-	-	-
CP0337 Solar Installation - MARC	36,618	-	-	-	-	-
CP0340 Fleet Shop Equipment Replacement	15,000	15,000	15,000	15,000	15,000	15,000
CP0348 McPolin Barn Seismic Upgrade	1,400,000	-	-	-	-	-
CP0349 Payment for snow storage lot	170,000	-	-	-	-	-
CP0351 Artificial Turf Replacement Quinn's	-	-	-	-	600,000	-
CP0352 Parks Irrigation System Efficiency Imp	25,000	25,000	25,000	25,000	25,000	25,000
CP0353 Remote snow storage site improvements	25,000	25,000	50,000	-	-	-
CP0354 Streets and Water Maintenance Building	871,221	1,308,418	596,361	-	-	-
CP0368 Video Storage Array	40,000	-	-	-	-	-
CP0374 Building Permit Issuance Software	218,000	-	-	-	-	-
CP0387 VMS Replacement	-	40,000	-	-	-	-
CP0400 Guardrail Royal Street and DVD	100,000	-	-	-	-	-
TOTAL GF Transfer	5,748,090	4,107,950	3,623,907	3,332,546	3,132,546	2,382,546

Figure AM-4: Capital Expense Projections from General Fund Transfer (FY2017 Budget)

The final method for financing capital projects is debt, or more specifically, bond issuance financing. For these projects, the City issues bonds and uses the proceeds to pay for the project. The City then makes debt service payments over many years to retire the debt. The proceeds are received

directly into capital projects funds and never impact the General Fund. The debt service is paid for using various funding sources depending on the type of debt issued and the financing strategy.

For purposes of long-range projections, the relevance of a capital project is determined

by the type of funding: general fund transfer (A), flexible (B) or inflexible (C). Type B projects are not relevant to long-range projections since their funding will not come from General Fund or operating revenues. Expenses for Type C projects will be accounted for through debt service expense, so actual project expenses are irrelevant to this study. Type A projects are relevant since they impact the General Fund surplus.

Figure AM-4 shows all of the Type A projects and their requirements of the General Fund by year, according to what is currently scheduled in the 5-year Capital Improvement Plan. These figures serve as the basis for the capital expense portion of the long-range projection analysis. Projects that are intended to have ongoing funding, such as Asset Management and Equipment Replacement, were extrapolated out beyond the 5 years.

Debt Service

The City has five categories of debt: General Obligation (GO) Bonds, Sales Tax Revenue Bonds, Water Revenue Bonds, RDA Tax Increment Bonds, and Notes/Contracts Payable. GO debt is generally funded by increased property tax, thus having a net zero impact on the General Fund. Sales Tax bonds can be funded using varying strategies, but are generally retired using sales tax (or General Fund surplus, for purposes of this study). Water Revenue debt service is paid with enterprise fund revenues and does not impact the operating fund. RDA debt is paid with RDA property tax increment, which is earmarked revenue that does not impact the General Fund.

Notes/Contracts Payable are often retired using operating revenues.

This study ignores all debt that has no impact or a net zero impact on the General Fund. This means that GO debt, Water debt, RDA debt, and Sales Tax debt funded by non-operating funds (such as impact fees or the additional resort communities sales tax) are excluded from the long-range projections. Figure AM-4 shows current debt service amounts that will be paid from General Fund revenues.

Debt service includes sales tax debt for 2014A sales tax bond. Debt service of the 2014 A is show in fig. AM-5.

Long-Term Debt Service (from General Fund)		
Date	Sales Tax Revenue Refunding Bond	Grand Total
	2014 A*	
'17	\$ 169,510	\$ 169,510
'18	\$ 169,741	\$ 169,741
'19	\$ 169,549	\$ 169,549
'20	\$ 169,587	\$ 169,587
'21	\$ 169,523	\$ 169,523
'22		

*estimated - calculation to be determined as part of budget process

AM-5 Debt

In 2012, Park City votes approved a half-cent sales tax increase known as the Additional Resort Communities Sales Tax. This tax revenue is received directly into the capital improvement fund (Fund 031) or debt service fund (Fund 071). It is anticipated that future sales tax revenue bonds will be issued against this additional revenue and will therefore not affect the General Fund.

APPENDIX FY2017



Financial Impact Assessment Report

Ten-year Financial Impact Forecast

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Revenue	\$35,786	\$37,477	\$38,220	\$39,130	\$40,301	\$41,207	\$42,111	\$42,989	\$43,865	\$44,740
Op. Expenses (Base)	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325	\$31,325
Inflationary Growth	\$0	\$1,013	\$2,060	\$3,141	\$4,259	\$5,413	\$6,606	\$7,838	\$9,111	\$10,426
Operating LOS Growth	\$0	\$414	\$833	\$1,259	\$1,691	\$2,129	\$2,573	\$3,023	\$3,480	\$3,943
CIP Expenses	\$4,109	\$3,643	\$2,980	\$2,545	\$2,595	\$2,645	\$2,695	\$2,745	\$2,795	\$2,845
Debt Service	\$179	\$178	\$181	\$182	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$35,613	\$36,573	\$37,380	\$38,453	\$39,870	\$41,512	\$43,199	\$44,932	\$46,711	\$48,540
Rev/Exp	\$173	\$904	\$840	\$677	\$431	-\$306	-\$1,088	-\$1,943	-\$2,846	-\$3,800

*In Thousands (x1,000)

Aggregate Surplus/(Shortfall) Over Ten-Years (2017 to 2026)

-\$6,957,724

Revenue Projections

Budget Summary

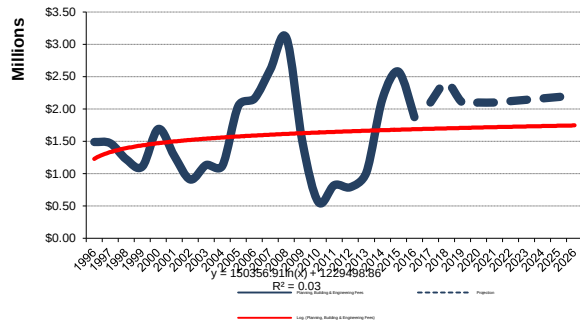
Description	Actual Revenue (15 Years)															Average Annual Change 10 Years (2007 -2016)
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
General Fund Revenue (thousands)																
Sales Tax	6,844	6,253	6,560	7,847	8,530	8,588	9,205	8,091	8,474	8,989	9,569	9,749	10,104	11,011	12,132	4.1%
Property Taxes	6,091	5,834	6,153	7,244	6,731	6,756	7,141	6,937	7,741	8,647	9,964	10,024	9,279	9,840	10,609	5.4%
Franchise Tax	1,642	1,703	1,855	2,309	2,715	2,530	2,749	2,720	2,774	2,907	2,816	3,037	3,159	3,061	3,186	2.7%
Planning Building & Engineering Fees	910	1,136	1,122	2,047	2,159	2,611	3,098	1,496	562	825	791	1,020	2,154	2,578	1,874	8.9%
Recreation	-	-	990	1,067	1,225	1,241	1,287	1,368	1,227	850	1,426	1,689	1,831	1,909	1,979	7.9%
Ice Revenue	-	-	-	-	161	407	402	458	459	597	688	662	811	771	754	7.7%
Licenses	36	29	21	88	91	48	173	207	212	228	345	392	423	413	457	41.5%
Intergovernmental	83	7	174	45	179	54	158	84	119	137	147	330	139	111	131	30.5%
Court Fees	66	51	77	103	101	75	92	101	106	95	80	76	86	100	90	23.5%
Fees/Other	788	628	527	815	904	1,090	1,040	646	453	468	465	441	478	315	504	-4.5%
Interfund Transfers	-	-	-	-	1,450	1,618	2,350	1,450	1,450	1,520	1,472	1,416	1,347	2,167	2,256	7.2%
Total	16,460	15,640	17,479	21,565	24,246	25,020	27,696	23,558	23,578	25,262	27,763	28,836	29,810	32,274	33,972	3.7%

* Actual in red indicate outliers

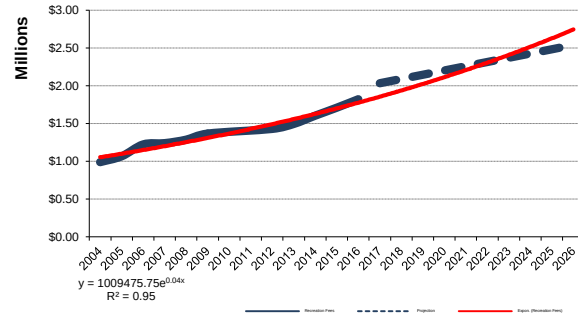
Description	Projected Revenue (10 Years)										Average Annual Change (10 Years)
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
General Fund Revenue (thousands)											
Sales Tax	12,982	13,631	14,108	14,477	14,846	15,215	15,584	15,953	16,322	16,691	2.8%
Property Taxes	11,023	11,490	11,752	12,009	12,434	12,652	12,864	13,045	13,218	13,385	2.2%
Franchise Tax	3,268	3,351	3,433	3,516	3,598	3,681	3,764	3,846	3,929	4,011	2.3%
Planning Building & Engineering Fees	2,100	2,400	2,100	2,100	2,100	2,121	2,142	2,164	2,185	2,207	0.8%
Recreation	2,035	2,091	2,148	2,204	2,260	2,316	2,372	2,429	2,485	2,541	2.5%
Ice Revenue	769	784	800	816	832	849	866	883	901	919	2.0%
Licenses	479	504	528	553	577	602	626	651	675	700	4.3%
Intergovernmental	139	139	139	139	139	139	139	139	139	139	0.0%
Court Fees	90	90	90	90	90	90	90	90	90	90	0.0%
Fees/Other	504	504	504	504	504	504	504	504	504	504	0.0%
Interfund Transfers	2,397	2,492	2,617	2,722	2,921	3,038	3,159	3,285	3,417	3,554	4.5%
Total	35,786	37,477	38,220	39,130	40,301	41,207	42,111	42,989	43,865	44,740	2.5%

Time-Series Trend Projections

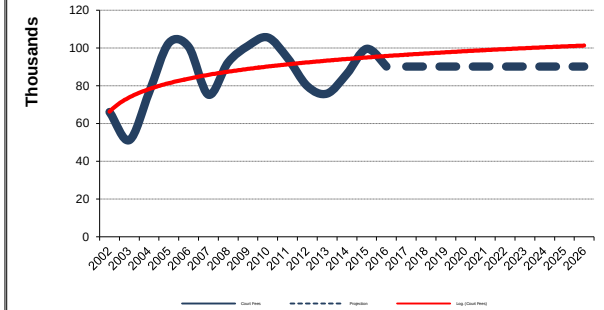
Planning, Building & Engineering Fees



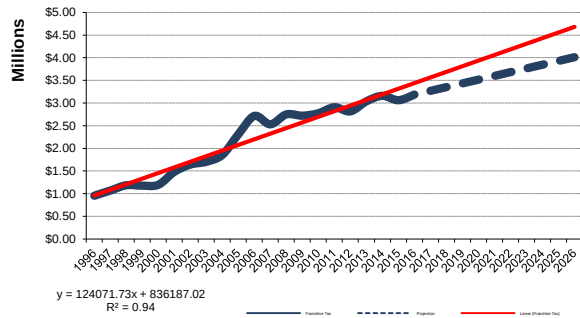
Recreation Fees



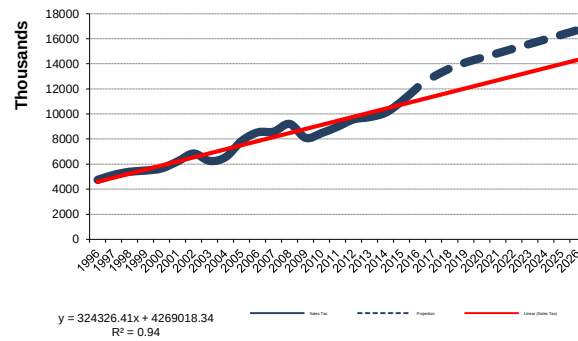
Court Fees



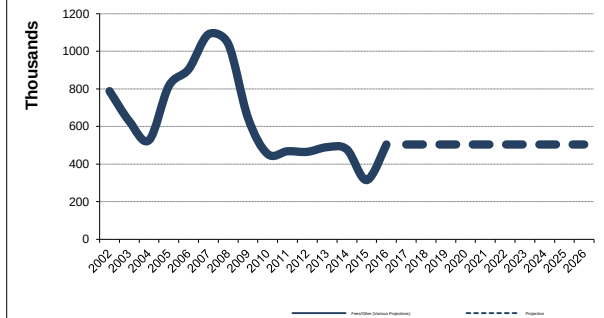
Franchise Tax



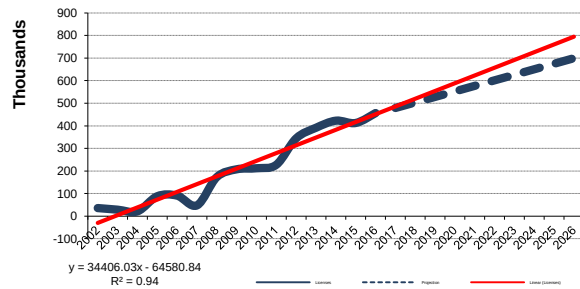
Sales Tax



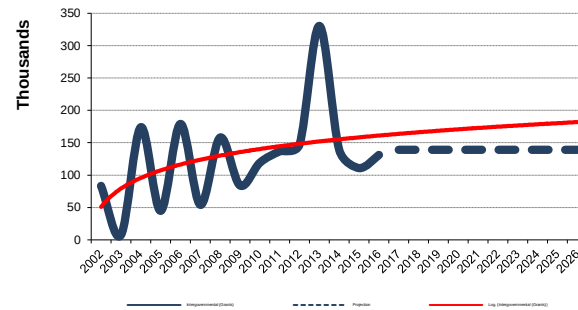
Fees/Other (Various Projections)



Licenses



Intergovernmental (Grants)



Expense Projections

Base Expenses

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Personnel	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072	\$21,889,072
Materials, Supplies, & Services	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686	\$7,585,686
Capital Outlay	\$437,390	\$437,390	\$437,390	\$437,390	\$437,390	\$437,390	\$437,390	\$437,390	\$437,390	\$437,390
Interfund Transfer & Contingency	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226	\$1,413,226
Other										
Total:	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374	\$31,325,374
CIP Expenses	\$4,108,774	\$3,642,593	\$2,979,983	\$2,545,389	\$2,595,389	\$2,645,389	\$2,695,389	\$2,745,389	\$2,795,389	\$2,845,389
Debt Service	\$179,097	\$178,297	\$180,897	\$181,697	\$0	\$0	\$0	\$0	\$0	\$0

Inflation/Demand Expense Growth

3.32%

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Personnel	\$0	\$725,823	\$749,890	\$774,756	\$800,446	\$826,988	\$854,410	\$882,742	\$912,013	\$942,254
Materials, Supplies, & Services	\$0	\$251,535	\$259,875	\$268,493	\$277,396	\$286,594	\$296,097	\$305,915	\$316,059	\$326,539
Capital Outlay	\$0	\$14,503	\$14,984	\$15,481	\$15,995	\$16,525	\$17,073	\$17,639	\$18,224	\$18,828
Interfund Transfer & Contingency	\$0	\$21,300	\$22,006	\$22,736	\$23,490	\$24,269	\$25,073	\$25,905	\$26,764	\$27,651
Other										
Total:	\$0	\$1,013,160	\$2,059,916	\$3,141,382	\$4,258,708	\$5,413,084	\$6,605,737	\$7,837,938	\$9,110,998	\$10,426,271

Expanded Level of Service Expense Growth

1.31%

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Personnel	\$0	\$287,233	\$291,002	\$294,820	\$298,689	\$302,609	\$306,579	\$310,602	\$314,678	\$318,807
Materials, Supplies, & Services	\$0	\$99,541	\$100,847	\$102,170	\$103,511	\$104,869	\$106,245	\$107,640	\$109,052	\$110,483
Capital Outlay	\$0	\$5,740	\$5,815	\$5,891	\$5,968	\$6,047	\$6,126	\$6,206	\$6,288	\$6,370
Interfund Transfer & Contingency	\$0	\$21,300	\$22,006	\$22,736	\$23,490	\$24,269	\$25,073	\$25,905	\$26,764	\$27,651
Other										
Total:	\$0	\$413,813	\$833,482	\$1,259,100	\$1,690,758	\$2,128,551	\$2,572,576	\$3,022,929	\$3,479,711	\$3,943,023

Expense Projections

Interfund Transfers:

Expenses:

Object Code	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
9121-Fleet Charge Inflation/Demand	\$384,600	\$12,753	\$13,176	\$13,613	\$14,064	\$14,531	\$15,012	\$15,510	\$16,024	\$16,556
9122-Fleet Maint Charge Inflation/Demand	\$257,750	\$8,547	\$8,830	\$9,123	\$9,425	\$9,738	\$10,061	\$10,395	\$10,739	\$11,095
9121-Fleet Charge Council Directed	\$384,600	\$12,753	\$13,176	\$13,613	\$14,064	\$14,531	\$15,012	\$15,510	\$16,024	\$16,556
9122-Fleet Maint Charge Council Directed	\$257,750	\$8,547	\$8,830	\$9,123	\$9,425	\$9,738	\$10,061	\$10,395	\$10,739	\$11,095
9165-Insurance Fund Charge	\$444,676	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
9255-Golf Tournament Youth/Employee	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Contingency	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total - Inflation/Demand	\$1,413,226	\$21,300	\$22,006	\$22,736	\$23,490	\$24,269	\$25,073	\$25,905	\$26,764	\$27,651
Total - Council Directed	\$1,412,026	\$21,300	\$22,006	\$22,736	\$23,490	\$24,269	\$25,073	\$25,905	\$26,764	\$27,651

Assumptions: See SLAC Study

In 2010, a committee of City staff reconvened to update the 2000 SLAC report. The committee agreed that the most valuable output from the original report was the distribution of the increment of operating expenses over a ten-year period into three categories describing the nature of the growth. Efforts were focused on reproducing this data for the ten-year period between 2000 and 2010. It was agreed that the results would tie into the City's long-term financial planning to project expenditure growth.

Inflation: Any growth in the cost to provide the same quantity and quality of existing service in 2000. This is basically price increases (e.g., road salt costs more now than it did then, even if we buy the same amount). Any decrease in program costs due to efficiencies gained, economies of scale, reorganizations, etc., would be accounted for here. Increased costs due to State or Federal mandates would also fit in this category.

Increased Demand: Any growth in expenditures due to providing more of the same service to more population, visitors, users, lane miles, etc. (e.g., we buy more salt because we have more lane miles than we had in 2000). A change in the sophistication of user or population demand which causes increased expense could also be accounted for here.

Expanded Level of Service: Growth in expenses related to direction given to increase/expand new services or the level at which existing services are provided. Also operating expenses resulting from capital projects which represent a greater level of service, .

Interfund Transfers: It was determined that the fleet charges (fuel and maintenance) to the General Fund are subject to market forces and will be affected by inflation and increased discretionary spending. Therefore the fleet charge projections were calculated using the aforementioned growth rates. All other interfund transfers as well as contingency are set by policy and were assumed to remain the same. Interfund transfers to debt service and capital funds were excluded as the CIP and debt service projections effectively capture this expense.

SLAC Study FY 2010

DEPT NAME	2000 COST	2010 BUDGET	INCREMENT	INFLATION	DEMAND	COUNCIL	ANNUAL %
BUDGET, DEBT, AND GRANTS	\$317,097	\$245,224	-\$71,873	-\$136,050	\$19,933	\$44,244	-2.54%
BUILDING DEPARTMENT	\$909,284	\$1,739,144	\$829,860	\$410,080	\$302,260	\$117,520	6.70%
BUILDING MAINTENANCE	\$694,689	\$1,073,369	\$378,680	\$107,002	\$100,670	\$171,008	4.45%
CITY COUNCIL	\$131,345	\$217,984	\$86,639	\$50,803	\$21,660	\$14,177	5.20%
CITY MANAGER	\$234,328	\$598,312	\$363,984	\$151,977	\$95,307	\$116,700	9.83%
CITY RECREATION	\$1,368,182	\$1,508,534	\$140,352	-\$240,013	\$176,092	\$204,273	0.98%
COMMUNICATION	\$401,064	\$719,026	\$317,962	\$63,592	\$222,573	\$31,796	6.01%
COMMUNITY & ENVIRONMENT	\$90,360	\$457,994	\$367,634	\$20,234	\$174,340	\$173,060	17.62%
DRUG EDUCATION	\$21,187	\$5,999	-\$15,188	-\$3,184	-\$12,004	\$0	-11.85%
ECONOMY	\$309,971	\$450,684	\$140,713	-\$36,745	-\$33,360	\$210,817	3.81%
ENGINEERING	\$269,826	\$370,233	\$100,407	\$52,515	\$35,652	\$12,240	3.21%
FIELDS	\$0	\$193,179	\$193,179	-\$9,687	-\$9,687	\$212,553	0.00%
FINANCE	\$426,546	\$797,094	\$370,548	\$193,444	\$86,004	\$0	6.45%
FLEET SERVICES	\$855,608	\$2,335,909	\$1,480,301	\$573,380	\$159,748	\$747,173	10.57%
GOLF MAINTENANCE	\$566,573	\$675,339	\$108,766	\$63,608	\$54,158	-\$9,000	1.77%
GOLF PRO SHOP	\$540,703	\$597,008	\$56,305	\$36,136	\$20,170	\$0	1.00%
HUMAN RESOURCES	\$449,179	\$602,813	\$153,634	\$17,769	\$35,920	\$99,945	2.99%
ICE FACILITY	\$0	\$820,584	\$820,584	\$84,528	\$84,528	\$651,528	0.00%
LEADERSHIP	\$14,814	\$115,617	\$100,803	\$15,000	\$43,000	\$42,803	22.81%
LEGAL	\$456,140	\$808,107	\$351,967	\$42,914	\$221,329	\$87,724	5.89%
LIBRARY	\$503,598	\$845,171	\$341,573	\$157,770	\$169,519	\$14,284	5.31%
PARKS AND CEMETERY	\$1,063,192	\$1,372,435	\$309,243	\$76,873	\$90,666	\$141,704	2.59%
PLANNING	\$802,678	\$945,294	\$142,616	\$37,591	\$221,096	-\$116,070	1.65%
POLICE	\$2,158,186	\$3,520,444	\$1,362,258	\$297,903	\$753,045	\$311,310	5.01%
PUBLIC WORKS ADMIN	\$191,691	\$288,520	\$96,829	-\$12,065	\$35,174	\$73,720	4.17%
STATE LIQUOR ENFORCE	\$43,530	\$66,785	\$23,255	\$5,395	\$7,721	\$10,139	4.37%
STREET LIGHTS/SIGNS	\$154,800	\$184,000	\$29,200	\$13,651	\$8,146	\$7,403	1.74%
STREET MAINTENANCE	\$1,452,748	\$1,845,168	\$392,420	\$94,600	\$210,560	\$87,260	2.42%
SWEDE ALLEY	\$33,063	\$80,450	\$47,387	\$11,847	\$0	\$35,540	9.30%
IT	\$811,508	\$1,159,710	\$348,202	\$32,321	\$294,066	\$21,815	3.63%
TENNIS	\$341,557	\$634,855	\$293,298	\$157,602	\$122,170	\$13,527	6.39%
TRANSPORTATION OPERATION	\$2,902,837	\$6,865,919	\$3,963,082	\$1,260,620	\$761,323	\$1,941,140	8.99%
WATER BILLING	\$0	\$120,379	\$120,379	\$60,190	\$40,026	\$20,163	0.00%
WATER OPERATIONS	\$2,025,540	\$3,889,498	\$1,863,958	\$307,099	\$1,507,035	\$49,824	6.74%
All Funds	\$20,723,708	\$36,241,881	\$15,518,173	\$4,140,584	\$6,018,839	\$5,540,318	
General Fund	\$13,832,447	\$21,564,650	\$7,732,203	\$1,849,238	\$3,486,067	\$2,578,466	



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

This is the annual meeting with City Council and the Recreation Advisory Board (RAB). The RAB is a seven member board that is appointed by City Council. Members serve three year terms and may not serve more than two consecutive three year terms. RAB members serve without compensation but are given access to PC MARC at no charge (except tennis).

Respectfully:

Ken Fisher, Recreation Manager

Study Session

To: Diane Foster, For City Council
Author: Ken Fisher, Recreation Manager
Subject: RAB/Council Study Session
Date: March 30, 2017



Recreation

Background

The Recreation Advisory Board (RAB) is a seven member board that is appointed by City Council. Members serve three year terms and may not serve more than two consecutive three year terms. RAB members serve without compensation but are given access to PC MARC at no charge (except tennis).

The purpose of the Recreation Advisory Board as outlined in Ordinance 03-06 (attachment 1) is

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To advise the City Council and staff on parks, recreation and beautification projects as requested by the City Council.
- (3) To support and promote the policies and programs of the Library and Recreation Departments.
- (4) To advise and support staff on staff recommended budget priorities concerning parks, recreation and beautification projects and programs.
- (5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.
- (6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

RAB has met annually with City Council to discuss the coming year's work plan.

RAB Members

Alisha Niswander (Chair) – Serving second 3 yr. term expires July 2018

Alisha Niswander moved to Park City for one winter in 2001. A couple years after moving here, Alisha started her own company, Mountain Vista Touring. She guides tourists in a variety of mountain sports while satisfying her need and desire to be out in nature. Alisha also has a side business, Threadheads, where she upcycles cashmere,

wool, climbing ropes and other things into usable or wearable items. She resides in a Old Town in one of Mountainlands Community Housing Developments and thanks her lucky starts each and every day.

When she's not "working", Alisha is running up and down hills, split boarding, climbing rocks, riding bikes in the Park City and Salt Lake areas.

Eric Hoffman (Vice Chair) - Serving first 3 yr. term; expires 7/2017

Eric has been a Park City resident since the early 90s, and has worked in a variety of tourism industry jobs. He has been working at Park City Mountain since 2003 and is currently the Brand Equity Marketing Manager there. Eric lives in Park Meadows with his wife and 10 year old daughter, and can be found either on his mountain bike or at the MARC pool in the summer or on the ski runs above town in the winter.

Jane Campbell – filled vacancy so eligible for 2 more 3 year terms. Current term expires July 2017:

Jane Campbell has loved living in Park City since 1989 when she moved here with her young family. While raising two sons she volunteered with the PC school district, KPCW, Friends of the Library, the Library Advisory board, and the People's Health Clinic. She also ran Mountain Mediation which served the Summit County court system. She ended her career as Major Gift Officer with Westminster College.

Currently retired, Jane can be found hiking, biking, skiing and walking her dog Lily on the wonderful Park City Trails.

Meisha Lawson Ross – Serving second 3 yr. term; expires July 2019

Meisha Ross moved to Park City in late 2007 from Colorado's Summit County. In her time in Park City, Meisha has started a marketing consulting firm, married, and started a family. Meisha and her husband Adam are currently learning how to manage work, recreation, and parenthood mostly by finding new ways to play with little Lachlan in tow.

As a new parent, Meisha brings a fresh perspective to Park City's recreation by seeking opportunities for young families. She looks forward to raising Lachlan in such a recreation inspired community.

Meisha assists several tourism brands in the Park City area define and execute marketing efforts, is involved in the special event community, and serves on COSAC on behalf of RAB

Sebe Zeisler- Serving first 3 yr. term; expires July 2018

Sebe Ziesler moved to Park City in 2008 to raise his family. His wife Ali grew up in PC and her mom still lives here. Being near a grandparent was an important consideration for determining where to move and as Sebe telecommutes to Silicon Valley as a chip engineer, location was a flexible parameter.

Sebe's hobby is the sport of triathlon. He started and ran the Park City Triathlon Club for several years and after helping with the MARC tiny tri, he decided to become more involved in general recreation by volunteering for RAB.

Ed Parisian- filled vacancy so eligible for 2 more 3 year terms. Current term expires July 2017:

Ed semi-retired to PC in spring 2006 from Portland, OR. In a prior life in Boston, he graduated Magna cum Laude, rec'd his MBA from Babson, and was an Auditor, Controller, Treasurer, Consultant. Deciding that line of work wasn't his most fulfilling, Ed moved to Portland in 1996 to work at Nike, most recently as FW Development Pricing Mgr for a \$1B category. While a great position, at a great company, in a great city, after 7+ yrs he decided the Fortune 500 scene wasn't his cup of tea. It was hard to leave Nike's "playland" campus, but not hard to leave the Portland rain.

After moving to PC, Ed taught skiing at PCMR for 3 yrs, and for 4 yrs was a Supervisor (a/k/a Zamboni driver) at the PC Ice Arena...bucket-list jobs. Ed has been involved in sports and rec all his life, from ranked tennis player to dart leagues and everywhere in between, and has been a USA Hockey certified referee for 12 yrs now, working over 1500 games. He has also volunteered and advocated for many causes throughout his life, and still does. He has decided that his true calling was as a trust-funded Philanthropist, a position he still seeks.

Cabot Wooley- Serving first 3 yr. term; expires July 2019

Cabot is recently new resident of Park City, though his ties here go back to his childhood.

He is passionate about being involved in this community and threw his hat in the ring to serve with the Parks and Rec just after a couple of days of relocating here from Las Vegas. His wife and three kids are equally excited about their new home and are taking full advantage of the outdoors as well as organized sports in the Park City area.

Professionally, Cabot has diverse experience consulting at the C-level in the travel, hospitality and luxury lifestyle sectors, as well as food, consumer packaged goods, retail, healthcare, not-for-profit and financial services.

Previously, Cabot led the international operations of two of North America's largest food companies—Farmland Industries and Maple Leaf Foods. His execution of operational efficiency, multi-national team building and multi-cultural business acumen supported record growth throughout his tenures.

Potential Discussion Topics:

Parks Preservation

While RAB was not supportive of utilizing a third party preservation easement on parks other than the Library Field they would like to explore other options to preserve city owned parks.

RAB would like to form a subcommittee to research and recommend to Council a method of preserving our parks. This would include:

- Work with staff to research options
- Research what other communities have done to preserve parks while allowing park development to occur
- Make a recommendation to RAB followed by a recommendation to City Council

Community Center

RAB historically has had a role in facility development as they were instrumental in the development of the PC MARC.

- Have a RAB representative & an alternate be involved in the development of the facility design.
- Attend meeting with the design team, attend public outreach meetings
- Vital link to the community in communicating the project.

Recreation Master Plan

The Master Plan was recently completed & Council passed a resolution in support of the plan on March 16, 2017. The plan may be found at

<http://www.parkcity.org/Home/ShowDocument?id=37307>

- RAB would like to discuss with Council how to get Council support for the recreation facilities when recreation has not been directly identified by Council as a high or top priority. Recreation plays an indirect role in many of the priorities identified by Council such as an Inclusive & Healthy Community and the top priority of Citizen Wellbeing with the desired outcome of mental, physical and behavioral health.
- Project priority: While RAB realizes that these project may be at a future date that is uncertain it would be beneficial to begin the discussion with Council.
 1. Expansion at the PC MARC to include multi-purpose gym and second floor of fitness. Estimated cost of construction: \$4,275,000
 2. Expansion of playing fields at Quinns to include 2 multi-purpose artificial turf fields with parking & restrooms. Estimated cost of construction: \$3,420,000
 3. Indoor Aquatics at the PC MARC consisting of lap lanes & leisure pool. Estimated cost of construction: \$7,706,000
Additional Ice Sheet: Amanda Angevine will discuss options for ice expansion at a later date with Council.

Next steps

- Assign two Council members to be on the Regional Recreation Committee which will be made up of 2 officials from PCSD, Basin Recreation & PCMC
- Work with Community Engagement to begin public outreach campaign to determine public support for a potential recreation bond. The last recreation bond that was passed was in 2001 for \$2 million for ice & \$2 million for neighborhood parks. RAB doesn't want to do anything to undermine PCSD bond so any concerted effort would occur later this fall and in conjunction with the Regional Recreation Committee.

Attachment 1: Ordinance & RAB Policies & Procedures

Attachment 1:

Ordinance No. 03-06

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES

WHEREAS, Utah Code Annotated (“UCA”) § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA ' 11-2-2 gives cities the authority to organize and play sports and other recreation activities; and

WHEREAS, UCA § 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

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

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

SECTION 2. AMENDMENT. Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2- 4-17 RECREATION ADVISORY BOARD CREATED.

There is hereby created a Recreation Advisory Board. The Board shall consist of up to

seven (7) members, and one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

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

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

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

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

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To advise the City Council and staff on parks, recreation and beautification projects as requested by the City Council.
- (3) To support and promote the policies and programs of the Library and Recreation Departments.
- (4) To advise and support staff on staff recommended budget priorities

concerning parks, recreation and beautification projects and programs.

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

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

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

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

SECTION 3. DISSOLUTION OF THE EXISTING PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RELATION TO OTHER LETTERS OF INTENT, CONTRACTS, RESOLUTIONS, OR ORDINANCES. The current Parks, Recreation and Beautification Advisory Board is hereby dissolved and the terms of all current members is hereby terminated. Any and all legal references to or requirements of the Parks, Recreation and Beautification Advisory Board in any contract, letter of intent, resolution, ordinance or other document shall be assumed and under the jurisdiction of the Recreation Advisory Board.

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

PASSED AND ADOPTED this 13th day of March, 2003.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

RECREATION ADVISORY BOARD

Policies and Procedures

1. The RECREATION ADVISORY BOARD (BOARD) is created by Municipal Code of Park City ("Code") Section 2-4-17, attached as Exhibit A and incorporated herein. Nothing in these policies shall overrule any requirement in Section 2-4-17, as amended
2. The Board will advise City Council and staff on parks and recreation policy as requested by the City Council and consistent with the Code. The City Council will refer particular matters to the Board for discussion, public input and recommendations. The Mayor or Council liaison member will communicate the Council's referral of a matter to the Board.
3. The Board shall meet annually with the City Council as part of the Council's visioning workshop, or as otherwise directed by the Council, to receive updated city goals and direction from the City Council.
4. The Chair of the Board shall communicate regularly with the City Council Board liaison member regarding priorities of the Board as they relate to City Council goals. The City Council liaison member will typically report Board progress on matters to the City Council at least once a month. The Board will provide a quarterly progress report to the City Council during work session of a regular meeting.
5. The role of the City Council liaison will be to:
 - Attend regularly scheduled meetings.
 - Communicate back to the Board recreation issues brought to Councils attention, or acted on by City Council.
 - Notify Council of recreation issues brought to the Board by citizens.
 - Align Board priorities with Council goals.
 - Be a non-voting member of the Board.

6. The Board may request background information from the recreation staff, but such requests shall typically occur at meetings and information shall be requested by the Board as a whole, and all members of the Board shall receive a copy of the information. Board members will use reasonable efforts to communicate independent research material and ex parte information received from the public to the other Board members.
7. 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 Board members. Minutes shall be kept at all meetings.
8. Special Task Forces for the study of particular issues may be created by the Mayor and Council. Task Forces may include members of the Board. They will typically serve for 6 months, or until they have completed the work for which they were appointed. Each Task Force shall meet goals and objectives as outlined by the Mayor and Council. The Task Force will elect a Chair to communicate with the Mayor and City Council. City Manager will approve any staff involvement in these Task Forces.
9. Special committees may be appointed by the Chair, with the advice and consent of the Mayor and City Council. These committees will deal with operational, and capital project issues. City Manager will approve any staff involvement in these committees.
10. Special "Friends" groups may be formed by Staff, with the advice and consent of the Mayor, City Council, and City Manager. These groups may include members of the Board. Staff will communicate directly with Council any Council issues brought to the group. These groups will deal with user specific programming, operational, and capital issues.
11. At its first meeting, and annually thereafter, the Board shall elect a Chair, Vice-Chair and any additional officers as necessary. The Chair shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Vice-Chair or a Board member designated by the Chair shall preside when the Chair is absent. The agenda for meetings shall be prepared and noticed by the Recreation Manager and the Chair.
12. The Board shall also act as a sounding board for new recreation policies and programs. The Board will hear initial proposals by the public for new programs and ideas, unless otherwise decided by the City Council. Prior to initiating staff time or resources on a new program or policy, the Board shall inform the City Council of the matter and request direction on how to proceed and the timing priority of the new matter.

13. The Board may provide annual policy recommendations in conjunction with the City's review of the General Plan with regard to use of City facilities and property for recreation purposes, and recommendations on recreation policies generally.



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff is asking City Council to consider the update on the current design with regards to the water and play feature, the implications of the request to consider brick paving in Main Street and the West side sidewalk as part of the Main Street Plaza project, and the recommended timeline for construction.

On August 11, 2016 Council reviewed an updated schematic design and directed staff to proceed with the design development and construction drawings for the Plaza. A detailed cost estimate was reviewed by staff shortly after that Council update. Staff identified including soils mitigation and miscellaneous permitting and other owner soft costs that resulted in an estimated project cost of \$7.5M. Staff and the architects worked to identify alternative funding sources as well as scope reductions to the project to meet the \$7M budget.

Within the \$7M budget the scope includes a flexible event plaza, underground parking, a convertible pavilion/stage, a by-pass road, "Poison Creek" water feature, landforms, landscaping, restrooms, storage for plaza operations, trash/recycling compactors and an integrated artistic and interactive play feature. The project team has also included net zero offsets for the plaza within the budget.

On November 3, 2016 Council discussed the value engineering items to meet the project budget of \$7million and awarded the design contract to GSBS in order to allow the project team to proceed with the project design and meet the desired goals for the Main Street Plaza.

On December 8, 2016 during Questions and Comments, the City Council requested that staff return to discuss the value engineering, or removal of the "pavers" from Main Street in order to meet the \$7 million project budget.

Staff met with the Recreation Advisory Board (RAB) on March 7, 2017 to discuss the play feature for the Plaza. Staff is updating Council on RAB's recommendation with regard to water and play. Staff will also present multiple alternatives for construction timelines along with a recommendation to start in spring of 2018.

Respectfully:

Matthew Twombly, Senior Project Manager



City Council Staff Report

Subject: Main Street Plaza Project
Author: Matthew A. Twombly
Department: Sustainability
Date: March 30, 2017
Type of Item: Informational

Summary Recommendation

Staff recommends the City Council consider:

1. An update on water and play features;
2. The paving options for Main Street as part of the Main Street Plaza project;
3. Timeline for the start of construction; and
4. Expanded scope of the transportation study.

Executive Summary

Staff is asking City Council to consider the update on the current design with regards to the water and play feature, the implications of the request to consider brick paving in Main Street and the west side sidewalk as part of the Main Street Plaza project, and the recommended timeline for construction.

On August 11, 2016 Council reviewed an updated schematic design and directed staff to proceed with the design development and construction drawings for the Plaza. A detailed cost estimate was reviewed by staff shortly after that Council update. Staff identified including soils mitigation and miscellaneous permitting and other owner soft costs that resulted in an estimated project cost of \$7.5M. Staff and the architects worked to identify alternative funding sources as well as scope reductions to the project to meet the \$7M budget.

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Acronyms

CIP	Capital Improvement Program
CUP	Conditional Use Permit
HDDR	Historic District Design Review
HPCA	Historic Park City Alliance
M	Million
PCMC	Park City Municipal Corporation

The Problem

The project has gone through a detailed stakeholder, public design and value engineering process to balance the tradeoffs of costs to build, maintain and program with daily activation goals while meeting the \$7 million budget established during the FY 2017 CIP Budget process.

Background

- On June 16, 2016 the City Council directed the design team to design a more passive but flexible plaza without the multipurpose space, incorporate an artistic and interactive play feature. Council also set the project budget at \$7M within the FY 2017 \$8.5M Main Street Plazas CIP budget. This approval was based on the architect's estimate of construction cost at this phase of Schematic Design.
- On August 11, 2016 Council was supportive of the presented Schematic Design and directed the team to proceed with the Design Development, Planning process, and Construction Documents with the goal of beginning construction in 2017.
- Based on the schematic design presented, a Schematic Design cost estimate was developed for the project by a cost estimating consultant. It was at this time that it became apparent that previous estimates did not include \$300,000 of miscellaneous owner soft costs (impact fees, owner FF&E items (trash compactors, tables, chairs, maintenance equipment) testing and inspections...), \$160,000 of additional contaminated soils (above the \$1,121,000 included in the estimate) necessary to be removed, and approximately \$210,000 in Concept Design fees. The resulting estimate including these costs exceeded the \$7 million project budget (\$7.526 M) within the Main Street Plazas CIP budget set in June of 2016. The estimate did include approximately \$260,000 of already expended Schematic Design fees.
- From August 11, 2016 to November 3, 2016, staff including Economic Development, Budget, Assistant City Manager and Community Development Director worked collaboratively with the design team to finalize the current recommendation, balancing Council's goals, finish aesthetics, design, program, and costs within the \$7 million project budget.
- On November 3, 2016 Council discussed the value engineering items, the project budget of \$7 million and awarded the design contract to GSBS in order to allow the

project team to proceed with the project design and meet the desired goals for the Main Street Plaza

- On December 8, 2016 during Questions and Comments, the City Council requested that staff return to discuss the value engineering, or removal of the “pavers” from Main Street in order to meet the \$7 million project budget.
- On March 7, 2017 staff met with the Recreation Advisory Board (RAB) to discuss the play feature for the Plaza and they recommended to expand the water feature and recommended a theme of climbing nets over swing-like features.
- On March 16, 2017 during Questions and Comments, the City Council again in response to ongoing input from neighborhood residents, requested staff investigate the ability to utilize the Plaza road to allow the trolley to circulate and not extend to the current turnaround at Daly/Hillside Avenues.

Past Plaza Council meetings:

4/2/15	Council Report (page 94)	Scope of RFP for design services
4/2/15	Minutes (Page 4)	
8/20/15	Council Report (Page 4)	Scoping Interviews with Council
8/20/15	Minutes (Page 1)	
10/22/15	Report (Page 47)	Affirm project process and programming
10/22/15	Minutes (Page 4)	
11/19/15	Report (Page 16)	Define the project goals
11/19/15	Minutes (Page 3)	
12/17/15	Report (Page 48)	Preliminary Concept Design and Site Analysis
12/17/15	Minutes (Page 4)	
1/14/16	Report (Page 10)	Consider options with various program goals
1/14/16	Minutes (Page 2)	
2/4/16	Report (Page 107)	Recommended concept and program goals
2/4/16	Minutes (page 8)	
2/25/16	Report (Page 228)	Award contract for Schematic Design & Design update
2/25/16	Minutes (Page 11)	
5/19/16	Report (Page 103)	Schematic Design with feasibility of on/offsite parking
5/19/16	Minutes (Page 4)	
6/16/16	Report (Page 4)	Direction on project budget of \$7M
6/16/16	Minutes (Page 2)	
8/11/16	Report (Page 129)	Refined Schematic Design
8/11/16	Minutes (Page 5)	
11/03/16	Report (Page 75)	Value Engineering/Award of Design Phase 3
11/03/16	Minutes (Page 10)	
12/08/16	Minutes (Page 2)	Council request to bring back the Main St paving

Alternatives for City Council to Consider

Brick Paving:

1. Recommended Alternative: Staff recommends:

- Paving Main Street with asphalt (not brick pavers),
- Installing high-back granite curb on East side along the Plaza, and
- Paving the West side sidewalk with granite pavers and granite curb consistent with the rest of Main Street.

Pros

- a. The project recommended by staff is within the \$7M budget within the Main Street Plazas project CIP Budget.

- b. Staff believes the value engineering to remove the brick pavers on Main Street will not compromise the goals established for the plaza.
- c. Using high back granite curb and asphalt paving at Main is more consistent with the Historic District Design Guidelines by reinforcing traditional materials, streetscapes and pedestrian rhythms
- d. The project budget will not need to be increased or other projects either on Main Street or other budgeted priorities postponed.
- e. The project can move forward through Design Development, Conditional Use Permit, construction documents, and Historic District Design Review, with the goal of beginning construction in 2018.

Cons

- a. The removal of the brick pavers from Main Street may be considered as reducing the level of quality of the overall project.
- b. With the lack of retail storefronts at 205 Main, the brick paving provides a stronger attachment to the lost retail opportunities across the street.

2. Council could choose to pave the section of Main Street adjacent to the Main Street Plaza with brick pavers.

Pros:

- a. The brick paving may appear to have a higher level of quality and create a stronger “place”.
- b. May help identify the end of the commercial district.
- c. Create a stronger link to the plaza and provide a more intuitive, continuation when the plaza is programmed and the street open to foot traffic.

Cons:

- a. Adding brick pavers on Main Street will require an increase in the project budget of approximately \$650,000 - \$800,000. The increase in budget for the project will need to come from the reprioritization of other Main Street or CIP project budgets.
- b. The brick pavers will require additional funds for maintenance and replacement.
- c. There will likely be additional design costs, time and delays to the project application to Planning and Engineering for the CUP, HDDR and Engineering permitting process.
- d. Will provide a wide area that may appear to be a crosswalk or pedestrian safe area, which could be confusing, and unsafe. Additionally this creates an untraditional streetscape pattern, which is inconsistent with the Historic District Design Guidelines.
- e. Utility repairs will be difficult, expensive, take significantly longer and depending on the time of year may look in disrepair until weather permits restoring the brick paving.

3. Null Alternative: Council could choose to postpone the project at this time.

Pros:

- a. Could allow resort city sales tax to be allocated to other priorities.

Cons:

- a. It will delay or eliminate the project.
- b. There has been a significant investment into the design at this point.

Timeline:

1. Recommended Alternative: Staff recommends that the project continue through the design and planning process and start construction in the Spring of 2018.

Pros

- a. Spring is always the ideal time to start construction in Park City.
- b. Bidding during the winter months likely results in the least expensive project.
- c. This timeline will allow for adequate development of Planning, production of construction drawings and public process on traffic, circulation, and transit.
- d. The timeline should allow staff to start and finish the project in the same calendar year.
- e. This option is supported by the Historic Park City Alliance.

Cons

- a. The start time is later than originally hoped.

2. Alternative 2 - Depending on the design and approval progress the project could start in the Fall of 2017 and continue to completion the following Fall of 2018.

Pros:

- a. The construction would begin earlier.

Cons:

- a. The construction would shut down parking in the lot and Main Street for the winter season.
- b. There would be significant cost for Winter conditions.
- c. This timeline may reduce the public involvement process on traffic, circulation and transit.
- d. Construction duration and impacts will be longer.

3. Alternative 3 - Depending on the design and approval progress the project could start in the Fall of 2017, shut down for the Winter and start again the following Spring of 2018.

Pros:

- a. Construction would begin earlier.

Cons:

- a. Same as 2 although the site would be unattractive and possible nuisance and liability.

Analysis

Based on City Council direction on August 11, and November 3, 2016, to proceed with the design and construction of the Main Street Plaza, and the value engineering to meet the \$7M project budget:

Cost

Based on the November 3, 2016 meeting, the team identified value engineering. The value engineering options recommended include:

- Change all the stone steps and stairs to concrete. There are a series of steps along the North side cascading from the plaza to the New Road and Swede. There are also steps on the East side from the Plaza to Swede along with the ADA ramp.
- Delete the Faces Sculpture. The public art will be the 1% of construction costs (~\$58,960 determined at construction bidding) included in the \$7M project budget. Staff will work with the Public Art Advisory Board to determine how and where the 1% for art is allocated.
- Delete the green roof at the restroom. Deleting the green roof would allow additional space for solar panels and help toward making the project Net-zero. Green roofs require additional water, are expensive to maintain and difficult to establish in the Park City climate.
- Transfer the cost of the playground, Main Street paving and Main Street Sidewalks and Streetscape to other existing CIP budgets and funding sources as identified in the chart below. In each case we have support from the Budget Manager and the manager responsible for the funding source to pursue this approach.

Plaza Schematic Design					
	Schematic Estimate August 11	Updated Estimate Sept 13	Value Engineering Sept 13 – Oct 25	Total including funding from other budgets	Notes
Soft Costs					
Owner Impact Fees, Testing, 1% Art, Misc.	Not Included	\$300,000	\$300,000	\$300,000	
Conceptual Design – Scoping, Stakeholder Participation	Not Included	\$210,000	\$210,000	\$210,000	
Schematic Design	\$171,000	\$261,000	\$261,000	\$261,000	
Design Development, CD's, Admin.	\$621,000	\$550,000	\$510,000	\$510,000	

Soft Costs Total	\$792,000	\$1,321,000	\$1,281,000	\$1,281,000	
Soft Cost Difference from Schematic Estimate		\$529,000	\$489,000	\$489,000	
Construction Estimate	\$6,205,000	\$6,205,000	\$5,715,000	\$5,896,000	\$5,896,000 total construction with items funded by other budgets.
Total Project Costs	\$6,997,000	\$7,526,000	\$6,996,000	\$7,177,000	
Value Engineering (To meet \$7M budget)					
Plaza					
Soils	\$1,121,000	\$1,281,000	\$160,000		More tonnage than original estimate. Staff will develop a plan to sort and test material to minimize export.
Stone Stairs to Concrete	\$202,000	\$77,000	(\$125,000)		
Delete Sculpture Faces	\$250,000	\$0	(\$250,000)		1% construction (\$58,960) public art included above
Playground Feature	\$50,000	\$0	(\$50,000)	\$50,000	Fund by Parks Impact Fees
Pavers at Main Street sidewalk	\$40,000	\$0	(\$40,000)	\$40,000	Fund from Main Street Streetscape
Main Street					
Asphalt Pavers to Asphalt	\$158,000	\$0	(\$158,000)	\$54,000	Fund from Pavement Management
Granite Curb	\$17,000	\$0	(\$17,000)	\$17,000	Fund from Main Street Streetscape
Asphalt Paving and Conc. Curb	\$20,000	\$0	(\$20,000)	\$20,000	Fund from Pavement Management
Buildings					
Green Roof at Restroom	\$45,000	\$5,000	(\$40,000)		Additional space is necessary for Net-zero goal. Green roofs are difficult to grow in PC. Still need membrane.
Additive/Alternate to Delete Elevator & include Ramp Instead	\$138,000	\$88,000	(\$50,000) if necessary at bidding		Ramp from driveway along Swede and up onto the plaza in front of the play area.
Owner Construction	\$0	\$0	\$50,000		Owner Contingency

Contingency					
Total			(\$490,000)	\$181,000	

Brick Paving

The highlighted Main Street Value Engineering option removes the Asphalt Pavers and includes some asphalt required for grading and patching on Main Street. The proposed \$54,000 in asphalt is recommended to come from Pavement Management. After additional research it was determined the asphalt pavers would not work in this application.

Staff has used brick pavers in the Street in 3 different locations. The largest application is the intersection of Main Street and 7th Street. The cost of the 2,500 square feet of paving for 7th and Main was approximately \$250,000. Staff estimates that the 8,000 sf of paving for Main Street will cost between \$650,000 and \$800,000 depending on timing, bidding climate, availability of brick, etc.

Staff has additional concerns with brick pavers as 3 different types of brick have been used on other Main Street projects. The first application was the crosswalks on Swede Alley. These seem to be holding up the best after 5 winters. Seventh and Main intersection has three winters and this has experienced significant wear and also heaving from the sub-base. The crosswalks at the Bob Wells Plaza have had two winters and the bricks are showing significant wear. Staff anticipates that the brick in the roadway will require replacement somewhere between 5 and 10 years depending on the brick, quality of construction, sub-base, and slope. Staff also has concerns regarding the utilities in this section of Main Street, potential repairs and patching within the brick paving.

As the design of the plaza continues to evolve and project budget considered much of the brick on the plaza has been reduced. This is consistent with Council direction to create a more passive park rather than a programmed event plaza. As the plaza now includes more lawn and less brick paving it is less critical to have brick paving on the Street. Staff anticipates that the use of Main Street and the plaza for event use to be limited as the stage has been converted to a pavilion for shaded seating.

Staff and the design team also discussed the curb and gutter on the east side of Main Street along the Plaza. The design team considered a flush or tapered granite curb rather than a high-back granite curb (rest of Main). Staff has significant concerns with this application for drainage and because this type of construction has never been used in Park City. The taper also takes up considerably more horizontal width. If such a curb were to be used then a significant number of bollards would be required to protect the pedestrians in the sidewalk. There are significant maintenance issues with the bollards and snow removal.

Because of the construction of the Parkite at 333 Main and 205 Main Street, staff postponed the design and construction of the Main Street sidewalks on the west side from 4th Street to 2nd Street from 2016 to 2017. The design was contracted in 2016 for

an early 2017 start to construction. As the design evolved for the sidewalk the team of MGB+A and staff designed the sidewalks to be granite curb and pavers with granite bands between 4th and 2nd Street consistent with the rest of Main Street. The section of sidewalk directly across from the Plaza could be changed to brick pavers but will require some redesign costs. Staff is recommending that this side of the sidewalk be constructed with the granite pavers as the timing, procurement and possible difference in pavers due to availability between the two contractors could result in a less than desirable outcome.

Design development drawings for the plaza including paving alternatives can be found in Document Central at [link](#).

Timing:

With regard to the construction timeline, during the November 3, 2016 meeting staff expressed concern about when we could start the physical construction and noted that the timing is reflective of the overall process including, finalization of scope & budget by Council, progressing the design drawings, and the regulatory approval processes, each of which has and could further impact the schedule.

While they were fruitful, the ongoing discussions with Council on scope & project budget through November delayed the start of the design development process until December. Due to neighborhood concerns and continued discussions on scope, including paving, traffic and circulation, it continues to have an impact on ability to complete design development stages. In order to address the neighborhood concerns, staff will expand the traffic study to further investigate using the Main Street Plaza road as well as other possible measures.

Staff and the design team have been developing design development drawings with regards to building layout, materials, pedestrian circulation and site development to begin the planning approval process. The team has also been working with the PAAB on the Public Art component for the Plaza.

Water/Play – RAB

On March 7, 2017 staff met with the Recreation Advisory Board (RAB) to discuss the play feature for the Plaza and showed a few of the play options with sketches as well as photos from other areas. RAB recommended that the design team continue to refine a play area that used more climbing net features rather than the swing-like features. Due to the small size of the play area more elaborate features could not be integrated.

RAB also requested that the water feature be expanded in scope. Staff explained that due to the size of the plaza, the proximity to the circulation areas, and cost that the water feature was designed to fit in the current design. In the drawings presented it was hard to see the whole scope and size of the water feature. In the presentation to Council, staff and the design team hope to better show and explain the size and scope of the water feature.

Council could direct staff and the design team to expand the scope of the play area and or the water feature but that would have budget implications for both design and construction.

Traffic Study

Based on ongoing input from the neighborhood and Council, staff is currently refining and will be recommending expanding the scope of the traffic study with Parametrix to include additional study including:

1. Analysis of the proposed road at the plaza and the possible impacts or relief to be used as a trolley turn-around instead of at the current Hillside/Daly/Main intersection.
2. The ability for fire, and large delivery trucks to maneuver during an event if Main is closed at the Plaza.
3. Recommendations for improved signage.
4. Analysis of potential one-way street on Main Street to Hillside including direction, excess pavement, and loading/unloading areas for business and commercial vehicles.
5. Evaluate the feasibility of a potential new road around China Bridge to Swede Alley to help alleviate certain commercial vehicles, such as taxis, concierge vehicles, or small buses.

The expanded scope of the study will require Council approval and this has not yet been scheduled for Council authorization.

Recommendation:

Pavers:

Due to cost and the other concerns staff is recommending that Main Street remain asphalt paving, the curb on the east side is high-back granite curb (consistent with the rest of Main Street) and the paving of the sidewalk across from the Plaza be granite pavers (consistent with rest of Main and immediately North and South).

Cost containment and additional, unanticipated expenses are always a sensitive concern. As we move into the Design Development phase and the Planning approval process, staff will continue to mature cost estimates based on more detailed drawings. At that time staff and the design team can look at further value engineering or bidding additive alternates to keep the project within budget. Staff will return to Council toward the end of the Design Development phase to present the recommended plans and budget at that time. This will be another opportunity for Council to consider project alternatives, including termination of the project or amending scope or budget.

If Council wishes to incorporate any of the value engineered options back into the project then the Main Street Plazas Budget would need to be adjusted for FY2018 or other Main Street project budgets reduced. Adjusting the Main Street Plazas Budget for FY2018 would likely require decreasing or delaying other projects currently funded with the Additional Resort Communities Sales Tax. Adding the brick paving back into the project will also increase design fees.

Timing:

Staff recommends proceeding with the design development, planning approval, coordination of the traffic study and public process with an anticipated construction start in the Spring of 2018.

Circulation/Traffic Study:

Staff will return to Council with additional analysis from the expanded scope of the study.

Department Review

This report has been reviewed by Sustainability, City Attorney's Office, Budget, and City Manager.

Funding Source

The funding is from the Downtown Enhancements CIP, more specifically the one half of one percent Additional Resort Community Sales Tax increase. Staff has set a \$7 Million Dollar budget for the Main Street Plaza within the \$8.25 Main Street Plazas Budget.



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

During Council's annual retreat in February, council members identified citizen involvement as a Top Priority. Staff strives to create innovative programs to support Council's goal of fostering an "[engaged and effective government and citizenry](#) Staff is asking for council discussion on citizen involvement outcomes it seeks to achieve in the coming year, feedback on strategy recommended by staff, and consensus on direction to meet Council's goals.

Respectfully:

Jennifer Diersen,



City Council Staff Report

Subject: Council Top Priorities Discussion on Citizen Involvement
Authors: Linda Jager, Community Engagement Manager
Lynn Ware-Peek, Community Engagement Liaison
Elizabeth Quinn-Fregulia, Community Engagement Associate
Department: Community Engagement
Date: March 30, 2017
Type of Item: Work Session- administrative

Summary Recommendation

Staff recommends that Council confirm its goals for the Top Priority of Citizen Involvement, consider staff recommendations, and provide feedback for staff to define and implement effective engagement initiatives.

Staff also recommends that Council discuss a revised title for this Top Priority in order to align with the City's department name.

Executive Summary

During Council's annual retreat in February, Council members reaffirmed citizen involvement as a Top Priority. Staff strives to create innovative programs to support Council's goal of fostering an "[engaged and effective government and citizenry](#)." Staff is asking for Council discussion on citizen involvement outcomes it seeks to achieve in the coming year, feedback on strategy recommended by staff, and consensus on direction to meet Council's goals.

Acronyms

IAP2 International Association of Public Participation
PCMC Park City Municipal Corporation

The Opportunity

Serving as an internal resource to elected officials and staff, the Community Engagement Team seeks to inspire and support transparent, concise and consistent dialogue between Park City Municipal Corporation and the community we serve, while also increasing citizen participation and involvement with our local government.

Community Engagement Goals:

- **Early and ongoing community involvement:** Involve stakeholders early in decision-making processes to help identify issues and set priorities before any conclusions are made.
- **Transparency and accountability:** Take the responsibility of proactively reaching our audience and providing useful and timely information.

- ***Inclusiveness:*** Maintain a commitment to seek out the venues and avenues of communication that members of our community engage in.
- ***Enable participation:*** Provide a variety of methods (in-person, online, mail, phone, as appropriate) through which community members can participate in and become educated about a project.
- ***Innovation and measurement:*** Use new approaches and emerging technologies and borrow from other organizations to continuously discover what resonates with our stakeholders.
- ***Perspective:*** To ensure a successful community engagement program, our team will incorporate positivity, empathy, a sense of humor and a balanced perspective to our work and our interaction with the public.
- ***Listening:*** Asking questions of our community members will be met with active listening to understanding their issues and concerns.
- ***Simplicity and clarity:*** Use plain language to ensure that our message resonates with as many people as possible across all of our audience segments.

Background

After a reorganization of the Public Affairs Department, PCMC's Community Engagement Department launched in August 2016. While several of the City's previous community engagement efforts were effective, staff sees an opportunity to expand and diversify our strategy. We cannot rely on only a handful of channels to reach our stakeholders. Community engagement tools must be diverse and consistent to ensure we are successfully communicating with our stakeholders.

Community engagement is both a *process* and an *outcome*. It is the *process* of developing ongoing relationships with our stakeholders, and involving them in problem solving and decision making activities that impact our City. The desired *outcomes* are transparency, accountability, and increased awareness of and participation in local issues. These outcomes are all essential elements for creating and sustaining a complete community.

Staff is active members and has received training in the public participation principles of the International Association for Public Participation (IAP2). The IAP2 Public Participation Spectrum provides staff with a resource to evaluate and design effective public outreach programs.

IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.



INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Focusing on making an immediate impact on the City's community outreach efforts, the Community Engagement Department has made significant progress in the following areas:

- **Council Community Outreach Series** – In October 2016, staff launched a series of informal monthly meet-ups connecting stakeholders with Council members to chat informally about Park City initiatives and issues. To date we have hosted five events, with an average of 30 attendees per event. Public feedback has been extremely positive, specifically citing the opportunity for public to engage with Council in a less formal setting which supports more open and extended dialogue.
- **“Taking it to the Streets” Initiative** - In 2014, efforts were taken to increase community collaboration with citizens and businesses over proposed city projects. The “Taking it to the Streets” initiative was used to engage and inform citizens and businesses on Main Street Enhancements, the Lower Park Avenue Redevelopment Project, and through “What’s Next Park City” community presentations. As a result of this effort, Park City received high marks in the area of community engagement from citizens in the 2015 National Citizen Survey, and was honored with the “Voice of the People” award in the field of Excellence in Community Engagement. The Community Engagement Team continues this effort with twice weekly visits with Main Street merchants, collaboration with other City departments on Main Street outreach campaigns, and active participation with the Historic Main Street Business Alliance.
- **Park City Municipal Video Spotlight Series** - In our continuing efforts to engage with the community, staff is working with Eclectic Brew Productions to produce short and entertaining videos highlighting the City's work on Council's critical priorities. These videos showcase the people, projects and programs involved in this effort and serve to inform and update the community. Videos are promoted and shared via social media and the City's newsletter, and are available on the City's [YouTube Channel](#). Staff is currently working to secure additional screening opportunities in the community with the Park City Film Series and other organizations.

- **Multi-Project Open House** - Working with a variety of City departments, staff will continue to organize and host biannual open house events that feature a variety of City projects and initiatives. This format benefits the community by consolidating what were once several smaller outreach events to a convenient one-stop-shop approach where residents can view and discuss several projects at one time.
- **Community Engagement Staff as a Centralized Communication Resource** - Staff has worked with all departments to advise and/or implement enhanced community outreach programs. Through these diverse and unified efforts, internal city departments have reported an increase in public participation and program and project awareness. Additionally, the Community Engagement staff is able to share their knowledge and experience with other staff as a centralized resource. Below are a number of campaigns where Community Engagement staff has worked directly with specific departments:

Capital Budget, Debt & Grants – Branding consultation and support for strategic plan graphic and document	Engineering – Prospector Ave. road improvements public outreach campaign	Legal and Capital Budget, Debt & Grants – Bonanza Flats voter information collateral; Bonanza Flats purchase option press conference	Public Utilities - Stormwater Initiative print, digital and public service announcements; Snow removal public outreach campaign; Water emergency social media notification	Transportation & Transit - Ride On Park City and Let's Go Summit campaigns, Proterra electric bus preview and press conference, Main Street Trolley launch, Kimball Junction Transit Center grand opening and press conference
Economic Development – Woodside Park/Bonanza Park outreach	Environmental Sustainability Georgetown University Energy Prize outreach and promotion; 100% Committed press conference	Parking – Participation on Parking Management Task Force, development of community outreach plan	Special Events - Main Street and community special event impact messaging; event text alert notification system	Executive – Media facilitation; talking point preparation; Sundance Base Camp and Cinetransformer event marketing and promotion

- **Update to the 2009 Community Visioning** - Staff is planning to launch an update to the 2009 Community Visioning for 2019. Because a robust community visioning process can take six months or more, staff may begin the 2019

Community Visioning in 2018. Another alternative is to start “Park City 2020” in 2019, as having the community visioning coincide with the decade can be a good marker for a community.

- **Digital Communications** – In an effort to provide timely and interactive communications, the department has deployed a diverse mix of digital communication platforms to proactively inform and engage our stakeholders.
 - *PCMC Monthly E-Newsletter* – Several enhancements have been made to the City’s monthly e-newsletter including a new mobile-friendly layout, expanded coverage including a monthly Letter from the Mayor, and a monthly video feature. Distribution to internal staff was added to increase awareness of city-wide news and staff engagement. Monthly distribution is 1,900, with an open rate of 39%.
 - *City Council Summary* – For those unable to attend City Council meetings, the department created a concise, digital recap that is distributed the Monday following the previous week’s Council Meeting. The digital publication includes a high level recap of the City Council meeting, including Council action, links to staff presentations, and a preview of the upcoming Council agenda. The City Council Summary is distributed digitally to 1544 subscribers and 336 City staff.
 - *Text Alerts* – Utilizing the current Everbridge emergency alert system, staff worked with the Emergency Manager to create event specific text alerts to residents and event attendees to provide traffic, transit, parking and weather impact information. This effort was piloted during the 2017 Sundance Film Festival for Festival attendees, and for the Women’s March participants. The service was well received with a total of 1,300 subscribers, and has been cited as a valuable tool in mitigating traffic impacts and increasing utilization of the pilot park-and-ride program.
 - *Social Media* – Staff has introduced a strategic editorial plan to maximize the effectiveness of our existing social media platforms, which include Facebook, Twitter, Instagram and YouTube. Content is developed consistent with City messaging strategy and shared on the appropriate platform to increase audience engagement. Collectively, the department has seen a 23% increase in platform followers.
- **Media Relations** – Staff has established strong and positive working relationships with KPCW, Park City Television, the Park Record, and all major Salt Lake media outlets. We are also working with local media partners to host community events such as an upcoming Running for Office Forum with the Park Record.
- **Direct Citizen and Business Engagement:** Approximately three years ago staff realized that the number of construction projects on Main Street, both private-sector and public-sector, had increased to the point that the merchants and employees of Main Street needed accurate and timely information about all of these projects. In an unusual step, the City took ownership for communicating to residents and businesses about all of these construction projects. Since that time the Community Engagement Liaison has had a significant role in direct outreach.

In addition to this, it is important to recognize the role of our elected officials and staff in direct community engagement. From one-on-one conversation at the grocery store, MARC, concerts or on the trail, these are important avenues for direct and personal communication.

Recommendations for City Council to Consider

To augment and expand upon our community engagement strategy, staff recommends the following for Council consideration:

- **Expand the Council Community Outreach Series** to include informal outreach gatherings with non-profit groups, multi-cultural organizations, neighborhoods/HOAs, youth, educators, and other groups of interest to Council. Staff recommends Council include neighborhood backyard events where citizens can invite Council members to meet and talk with neighbors at their homes, in a Q&A format that is similar to coffee with Council. These can be pot-luck events or the City can provide ice cream sandwiches or similar items. In addition, the community engagement team will actively seek out community events and programs for Council participation.
- **Enhance partnerships with community public relations partners** – Deer Valley Resort, Park City Chamber of Commerce, Park City Community Foundation, Park City Medical Center, Park City Mountain, Park City School District, Summit County and the Sundance Institute – by forming an informal work group where we can share best practices and collaborate on community outreach projects.
- Utilize innovative communication methods in order to adapt to and effectively reach our diverse audience. This strategy can include implementing a robust **online community engagement platform**, similar to [Aspen Community Voice](#), which gives residents an easily accessible and convenient opportunity to share input on a variety of city projects and initiatives. Online community engagement can also be used to augment the City's existing public comment opportunities.
- Establish an internal **PCMC Communications Workgroup** comprised of one representative from each city department. The group will be facilitated by the community engagement team and will function as a communications resource for the entire organization. The group will focus on cross-training, developing and implementing best practices in social media, collateral development, community outreach campaigns, and more – all with a unified and coordinated approach to our internal/external communications and community outreach.
- Create and distribute a **Community Engagement Toolkit** to include turn-key community engagement resources such as PCMC branding guidelines, a digital asset library, templates for community outreach events, and more. The community engagement team will also offer training and support other department's use of these resources to achieve their community engagement goals.

- Continue to explore and **pilot innovative social media applications** such as Facebook Live and Instagram Stories to connect with our stakeholders and share City events and initiatives.

To better align with the City's department structure and titles, staff recommends Council consider revising the title of this Top Priority to Community Engagement.

Department Review

The following Departments have reviewed this Staff Report: Capital Budget, Debt & Grants; Sustainability; City Attorney and Executive



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that Council discuss its goals for the Top Priority of Multi-cultural Citizen Involvement, consider staff recommendations, and provide feedback for staff to define and implement effective outreach initiatives.

Staff also requests a discussion with Council to confirm the community groups we hope to reach through this Top Priority, and share suggestions of what to name the Top Priority.

Respectfully:

Jennifer Diersen,



City Council Staff Report

Subject: Council Top Priorities Discussion on Multi-cultural Citizen Involvement
Authors: Linda Jager, Community Engagement Manager
Lynn Ware-Peek, Community Engagement Liaison
Elizabeth Quinn-Fregulia, Community Engagement Associate
Department: Community Engagement
Date: March 30, 2017
Type of Item: Work Session- administrative

Summary Recommendation

Staff recommends that Council discuss its goals for the Top Priority of Multi-cultural Citizen Involvement, consider staff recommendations, and provide feedback for staff to define and implement effective outreach initiatives.

Staff also requests a discussion with Council to confirm the community groups we hope to reach through this Top Priority, and share suggestions of what to name the Top Priority.

Executive Summary

Formal multi-cultural community engagement at the City is in development stage while informal community engagement has been ongoing by the Mayor, Council and staff as a Top Priority. The Community Engagement Department seeks direction from Council on how we can continue to shape this outreach to meet Council's goals.

Acronyms

PCMC	Park City Municipal Corporation
PCPD	Park City Police Department
PCSD	Park City School District

The Opportunity

Through multi-cultural citizen involvement initiatives, the Community Engagement Team seeks to inform and educate our community and boost public participation in City activities. The team is also in the process of taking on management of senior engagement activities in addition to outreach being managed by Summit County.

Multi-cultural Citizen Involvement Goals:

- Embrace myriad communications channels that foster awareness, increase understanding, inspire dialogue, and build support for City initiatives while reflecting community diversity and support a compete community.
- Maintain commitment to finding appropriate venues for and avenues of communication that all members of our community engage in.

- Proactively provide information to the public.
- Work to identify each multi-cultural group within our community and identify and address interests/concerns of that group.
- Invite all to contribute their voice and participate in the process of our local government.

Background

The Census Bureau Report for 2010 shows 24.1% of those living in the 84060 zip code identify themselves as Hispanic or Latino.

For a number of years the City donated to a non-profit focused on Latino community engagement and headed by Shelley Weiss. The City also provided office space for Weiss in the Police building.

In the summer of 2015 the Executive Directors of the Park City Education Foundation and the Park City Community Foundation, along with the Principal of McPolin Elementary School approached the City Manager to discuss what they had observed to be needs of the Latino community. In July 2015 Mayor Jack Thomas hosted a meeting with the aforementioned groups, along with several other community groups that serve the needs of the Latino population. This group informally named Park City Advocates met nearly every month throughout 2015 and the Mayor hosted the first ever bi-lingual study session in Spanish and English on December 10, 2015.

Achievements during this time included:

- 1. Addition of Lynn Ware Peek as the Community Engagement Liaison**
 - a. Fluent in Spanish
 - b. Responsible for working with other community partners to support the Latino community
- 2. Council direction to put affordable housing on a fast track**
- 3. City Council summaries in Spanish**
- 4. Library**
 - a. Hired Pablo Abarca, a full-time Youth and Spanish Services Library Assistant
 - b. Providing 1-on-1 computer help in Spanish
 - c. Monthly Family Spanish Storytime
 - d. We have translated our program brochure into Spanish
 - e. Sponsored a movie screening of "Underwater Dreams" with the Park City Film Series for the Bright Futures Program
 - f. Provided a tour and information for Bright Futures Students
 - g. Partnered with the PCSD for the Good Neighbor Program. Volunteers and students met over the summer on their own accord, even though the program takes the summer off.
 - h. Currently translating PSA's for Cada Domingo on KPCW.

- i. Katrina Kmak be attending the Feria Internacional Del Libro de Guadalajara International Book Fair to provide materials for our Spanish collection
- j. Lunch and Learn for Deer Valley Employees with a focus on Latino Services available at the Library

5. Recreation

- a. Transportation to after school programs through a grant from the Beano Solomon Fund
- b. Youth recreation flyers translated to Spanish
- c. Cada Domingo – Adult and Youth Program translated for PSA's
- d. Cada Domingo – staff interviewed on radio about upcoming youth programs.
- e. Recreation Supervisor met with outreach school coordinators and worked to provide the best means of conveying program information and scholarship opportunities.

6. Senior Community Outreach

- a. Conduct outreach to seniors to support transition of the senior program from existing location to its future home.
- b. Interact with Library, Recreation, and Summit County senior programmers to support development of programming during transitional period and in future location.

In early 2016, the United Way hired a Partnership Director for Promise Park City. Since 2016, Partnership Director has taken over facilitation responsibilities for the Park City Advocates, now renamed Promise Advocates.

in September of 2016 based on the City's desire to engage the Latino community, staff responsibility for Latino community outreach was added to the a Community Engagement Liaison , with approximately 1/3 of the role dedicated to this effort.

The Community Engagement Liaison currently serves in a “connector” capacity. When we create connections between our multi-cultural community and the City, we bring multi-cultural issues to light, increase the scope of our representational governance, and enable us to determine what and where resources are needed in the community.

As with any population in our community, we want to focus on inclusion, connecting with and engaging the multi-cultural community so that we hear their voice, understand their needs, and can respond with providing resources, in collaboration with our multi-cultural outreach partners.

In the last six months, we have established relationships and are actively participating with Park City's Latino outreach leaders through the following efforts:

- Hired a new Community Engagement Liaison (Lynn Ware Peek) and revised the position's job description to include an emphasis in multi-cultural community engagement.

- Established partners including a City Council liaison, staff liaison and Summit County representatives on hosting outreach activities at the Park City Senior Center.
- Established collaborative partnerships with PC Unidos, Latinos in Action, the PCSD Latino Outreach Specialist, Bright Futures, Park City Library, Promise Advocates, PCPD Victim Advocacy program, CONNECT, People's Health Clinic, and continue to expand our network of multi-cultural advocates in the Park City Community.
- Organized a community outreach event with PC Unidos in December to address the community's immigration concerns.
- In partnership with the PC Unidos group, created a Facebook page to share resources, services, and information. We publicize events, forward school information, and are working to build this go-to resource for the Spanish speaking population.
- Coordinate with the host of KPCW's Cada Domingo Spanish-only radio program to book guests, upload program to KPCW website, and provide links to PC Unidos Facebook page. We have produced programs on affordable housing, immigration resources, multi-cultural outreach in the schools and municipality. We also provide unofficial council summaries which are translated each week to be discussed on air.
- In partnership with the special events task force of Promise Advocates, we engaged with The Project for Deeper Understanding to include multi-cultural issues as a topic. An event will be held this spring and we are participating in the planning for this event. We also participate regularly in Promise Advocates.
- Coordinating with Christian Center of Park City, we are co-producing a Latino Art Festival. Lynn Ware-Peek is scheduled to co-emcee the event and work with festival founder Max Ventura to present a more inclusive community event.
- Work with various departments like the Park City Library and PC MARC to distribute information in English and Spanish.
- Encourage involvement of emerging Latino leaders to serve on boards and commissions. For example, we have partnered with Mountainlands Community Housing to bring a multi-cultural addition to their board. We are also working with a large restaurant group to encourage leaders to participate in PC UNIDOS.

Staff Recommendations for City Council to Consider

Staff sees engagement with our multi-cultural community as one of support to help make connections between the City and our community partners who do outreach and serve our community. The PCMC community engagement liaison occupies a seat at the table to offer our services and institutional knowledge of the community.

As the City tries to navigate through new immigration policies and at the same time support this vital part of our community, staff recommends a "behind-the-scenes" approach as the best and most effective one. Our team hopes to continue to connect resources and facilitate and increase multi-cultural citizen involvement in leadership,

and help the voices of all segments of our community to be heard. The following are some of the programs¹ we propose for the upcoming year:

- **“Pasar la Voz” initiative** - Partner with groups like Bright Futures and Latinos in Action to encourage Latino youth to participate in City issues that would affect their community. Their involvement would contribute to elevated leadership that would inspire the Latino community as a whole.
- **Community meetings** - Create a series, perhaps at Anaya’s and the Park City Senior Center, for Council outreach, similar to Coffee with Council
- **J-1 Multi-cultural student workers** - We are working with the Christian Center to improve the experience of the J-1 visa holder. Our short term goal is to enlist more families within Park City limits to house these student workers to provide better affordable housing situation for the students and a rich cultural exchange.
- **Media outreach** – Together with our community partners, we will provide resources for our Latino audiences as content share on Cado Domingo -KPCW's weekly Spanish-language program, offering three hours every Sunday of national, international and local news, music and interviews of importance for the area's Spanish speaking community] and Univision, a Salt Lake TV station serving a primarily Hispanic audience which is available locally.
- **Safety video series** - Working with the Park City Police Department, specifically Officer Franco Libertini, we seek to create a Spanish language video series of safety related issues to post on the PC Unidos Facebook page, and to provide to other community partners.
- **Continued Support of Mayor and City Council Outreach Activities:** The City Manager and Community Engagement Liaison continue to support the Mayor and City Council in their outreach activities. For example, Mayor Jack Thomas and City Council Member Nann Worel hosted a meeting where they invited the Executive Directors and the Latino Community Engagement Coordinators from The Christian Center, People’s Health Clinic Peace House, Holy Cross Ministries and PC Tots. The purpose of this meeting was to determine what types of support the Latino community needs right now and the best ways for the City to provide help. A follow up meeting is scheduled.
- **Consider changing the name of the Top Priority to better reflect the diverse populations that we serve:**
From “Multi-Cultural Citizen Involvement” to possibly:
Multi-Cultural and Multi-Generational Community Engagement
Latino Community Engagement
Diverse Community Engagement

As a community, it benefits us to engage all of our residents with the assumption that often the best engagement is finding out where and how to access the diverse perspectives that make up our complete community.

¹ Subject to <https://le.utah.gov/xcode/Title63G/Chapter1/63G-1-S201.html>

Department Review

The following Departments have reviewed this Staff Report: Budget, Debt & Grants; Sustainability; City Attorney and Executive.



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

On February 28, 2017, Park City Municipal's Community Engagement Department held Coffee with Council, the fourth in a series of monthly Council outreach events. Council members Cindy Matsumoto and Andy Beerman hosted the event, which was held from 4-5:30pm at the Park City Coffee Roasters location at the Park City Library. Approximately 25 residents and business owners attended the event for informal conversation about City projects and initiatives. This informational report provides includes a recap of topics and conversation held during the event.

Respectfully:

Jennifer Diersen,



February 28, 2017

Coffee with Council Recap

Council members presenting: Andy Beerman, Cindy Matsumoto

Other council members present: none

City staff present: Linda Jager, Jason Glidden, Elizabeth Quinn Fregulia, Shelley Hatch

Members of the Public: Diane Bernhardt, Eileen Kintner, Carol Murphy, Rebekha Monson, Randy Scott, Bob Donaldson, Lorraine Stuecken, Wally Stuecken, Anna Moore, Steve Joyce, Michael Kaplan, Daniel Lewis

Notes prepared by Elizabeth Quinn Fregulia

CONVERSATION:

Rebekha Monson began the conversation. She said that she is a resident of Old Town and said that Sundance has “gotten totally out of control.” She wanted to express her total dissatisfaction with the management of the event. She used the example of her mother being snowed in for four days because the barricades prevented the snow plows from accessing her house. She also said the parties at The Shop are inappropriate. They have nothing to do with filmmaking, and are just parties for the sake of parties. This (where The Shop is) is not Main Street.

Councilwoman Matsumoto answered that she heard her frustrations and mentioned that Councilman Beerman will be bringing a parking plan to Council. Mr. Beerman added that Council hears her loud and clear and said they continue to look at ways to improve the process. He said this year’s Sundance was particularly epic with the snow. It pushed our town to capacity and beyond. He remarked that it is “kind of amazing that we got through the day of the Women’s March,” given all of the challenges. He added that they are always seeking to model best practices. He mentioned the idea of how traffic was managed during the Olympics: only people who are officially part of the event are allowed to drive; everyone else must take a shuttle. He said the current Council is certainly very resident-centric in its thinking; they are not trying to increase economic activity right now. He also asked that when residents send emails to please send them to all of Council.

Mr. Beerman said there will be a Sundance work session at the March 9 Council meeting. They cannot publish whether Sundance representatives will be in attendance, but they usually come when they are on the agenda. He gave Sundance credit and said they are very responsive to constructive criticism. He said they understand they are a big group and have worked with the city in the past.

Carol Murphy mentioned the variable message signs coming into town and asked if the city can ever program them to simply say, “Turn around; go home” when the traffic is too heavy. Ms. Matsumoto acknowledged that we have had a real increase in the number of people coming to town for any number of events. She said the city will be implementing the long-range parking plan within the year. She also hopes to eventually activate the Richardson

Flat parking lot and include a parking-designated lane. “We can handle more people, we just can’t handle more traffic.” Starting April 1, funding from the two transportation taxes will start accruing, which will help fund these plans.

One resident acknowledged there is a fine line between encouraging people to park elsewhere and saying “you can’t park here.” Mr. Beerman said we should have started planning for traffic mitigation five years ago, but this was hard to do this given that we were in a recession. He mentioned that major bus lanes will be coming on-line within the next six months, but we are not planning to build any more parking. He also mentioned the idea of dynamic pricing: the more people want to park, the more expensive it gets. Aspen implemented a program like this and used the revenue they generated to purchase electric cars to shuttle people around town. He guaranteed that the parking program (which will be implemented over the summer) will be controversial, but pointed out that Aspen instituted something similar and their downtown revenues went up.

A resident in attendance said the city was doing a great job with satellite parking. She suggested the “stick” of saying if someone wanted to have a car in Park City they should register it and get a decal. The fee would be small for a resident, larger for a tenant. She said this would encourage people to take Ubers, etc. If people are paying \$20/day to park in town, they would reconsider. Good tax revenue.

Ms. Matsumoto mentioned the idea, which she had seen in Europe, of city gates leading into town.

Lorraine Stuecker complimented the city for placing police cars at intersections with their lights flashing. She thought it was a very good idea. Mr. Beerman said this was an idea borrowed from another community. People are much more orderly and less likely to run yellow lights when a police officer is in the vicinity.

Wally Stuecker said a community in Michigan did this, but with dummies. Ms. Matsumoto explained that we have real police officers stationed in the cars. If needed, they can get out to direct traffic, but this can be very dangerous.

Daniel Lewis asked more about traffic management during the Olympics. Ms. Matsumoto explained that Main Street was closed to traffic and we used satellite lots. Mr. Lewis said he and wife were living closer to town at the time and had a bus stop created across the street. They walked across the street and caught bus every day. It was seamless: everyone got to meet people from across the country. Mr. Beerman said they learned a lot from producing the Olympics but also pointed out that they had federal funding to execute programs.

Ms. Monson asked everyone to remember that children are still trying to go to school during Sundance. This was not the case during the Olympics. Would Sundance consider moving the festival to the summer? Mr. Beerman explained that the dates are based on the larger festival tour, so this would be a non-starter. He said Sundance was gracious enough to move it one week so that it was off of the MLK, Jr., weekend. Ms. Matsumoto asked the group to remember that they started Sundance in January when there was nothing else going on in town.

Randy Scott said that people really appreciate the free buses, as well as the shuttle out to the hospital, where he works as a volunteer.

Mr. Beerman said he’s excited about the electric buses coming on-line for the bus-rapid transit line. They’re not necessarily bigger capacity, although the city did order the larger size. Hopefully we can also start using them in neighborhoods to reduce noise complaints.

Mr. Scott asked the councilors to please talk about SR248. He’s from northern California, and explained that the Golden Gate Bridge has movable barricades, which they move depending on whether the heavy traffic is inbound

or outbound. Ms. Matsumoto answered that we don't want to encourage people to drive in to town. We don't want to widen the road to accommodate more cars. We want people to stop at the edge and bus in. Mr. Beerman said when they removed the median strip from 248, there was pressure to widen the road. "But we don't want to do this; we want to create it as a bus lane," he said. He credited the city's Transportation Planning Manager Alfred Knotts with leading the charge to do the study. "We're not going to build this town for more cars. How do we get people out of their cars and widen the lanes to create a more complete street?" he asked.

Mr. Joyce remarked that the city is pushing affordable housing along a lot faster than we have in the past, "But at same time we're putting up a bond for Bonanza Flat, we've voted for transportation bonds, the water bonds are going to go up, and now we're hearing about school bonds. How do you keep the town affordable when we're talking about substantial increases?" Mr. Beerman said this is a great question. "We're looking at affordability as a general issue." In terms of the two transportation and transit taxes, the majority will be borne by visitors. "If you get rid of one car, you'll realize substantial savings. You can qualify for a bigger house." He pointed out the knock-on quality of life issues: "You're going to pay a premium to live other people's vacations. It's a tricky balance."

Ms. Matsumoto said she is very discouraged to hear that 70 percent of homes in Park City are now second homes. She doesn't know how much the 800 affordable units that are projected to come online will change that ratio. Having families in town is very important to her and important to the council. "To keep a real town with a real heartbeat, we need families."

Ms. Murphy asked, "Aren't we afraid to say that having second homeowners in town is a great thing? They are great community members. Last night they helped raise \$1.1 million at The Montage for Bonanza Flat. Eighty percent of the bills for the MARC, Library, etc., are paid for by second homeowners. We just need to watch the trend as it creeps into the neighborhoods. The neighborhoods have already been decimated by VRBO and Air BNB. We don't have block parties anymore. But neighborhoods such as Thaynes and Park Meadows are still a 50/50 split (between primary and second homeowners), and this is what we're really focused on. Deer Valley will never be a focus—it was designed as second home area. Ms. Matsumoto added that besides paying a big part of the tax bill, a lot of second homeowners are very good citizens. Ms. Monson asked whether Old Town is not a priority for preserving primary homeowners. Mr. Beerman said no, but it's harder to protect it because of the zoning of nightly rentals. "We can't roll back the clock, but we want to make Old Town more enjoyable for families. We've identified Lower Park Avenue as having a higher percentage of families, so we're trying to keep it family-based, especially in terms of enhancing amenities such as the library, community center, park, and the like." Ms. Matsumoto said we did have discussions about removing nightly rentals in Old Town, but there was a real backlash from people who had moved here some years ago then moved away but kept the first home as income. Ms. Monson said she agreed but pointed out that density does not seem to be considered (especially Treasure Hill): it just adds to the problem. Ms. Matsumoto said this project does add to the problem. If she could stop it, she would. But we need to go through the process. She said the council worked very hard to bring down the density with money, and weren't able to solve the problem. Mr. Beerman said Treasure is a legacy problem: "We're stuck with it. It's not terribly compatible, but we're stuck. We spent a lot of time negotiating with them and ultimately couldn't come to agreement. We don't like it; we just don't have a choice."

A resident said she would like to thank us for everything we do. "I feel so proud of the people who are working for our city and would like to say thank-you."

Mr. Stuecker said he rode up on a chair lift with someone complaining about traffic. His response was, "Look at Los Angeles, Houston, or Michigan on a Saturday football game." Mr. Beerman agreed that we have first-world problems. "Our traffic isn't so bad, but that's why we moved here."

Mr. Beerman asked the group what he think is missing from the critical and top priorities. One resident said she has lived on Park Avenue since 1968 and said there is a parking problem that does not ever seem to be resolved. "We should have resident stickers," she said. "Our street is a parking lot for the employees who work on Main Street." Ms. Matsumoto said we have pushed people off of Main Street, so it looks like we have created a secondary problem. She thanked her for bringing this attention to her and said they will address it. Mr. Beerman said it's a good point and they should talk about further. Three things contribute to traffic: tourists, employees, and residents. Tourists are the easiest ones to get out of their cars. Employees are harder to retrain, "But if Wal-Mart can train their employees, hopefully we can train our employees to take the bus in or park at remote lot. We don't want to squeeze the balloon."

Ms. Murphy asked what will a housing authority would look like? "This is a complex management system—how do you manage this, for example, if someone ends up working in Salt Lake? Managing it is harder than building it." Ms. Matsumoto said the units we are building right now will be for sale. She said she doesn't think we can put constraints on what people can do with a unit after they buy it. They would still be a resident of the town even if they worked in Salt Lake. Mr. Beerman said we still want to encourage families to stay and be a part of our community. We don't necessarily want to discriminate based on where people work. Ms. Murphy said Council should think about how they phrase the issue of housing because it's always spoken about in terms of keeping employees close by. Mr. Beerman said they are talking a lot about whether we should have specific incentives for first responders, seniors, other special demographics. "We're starting to delve into this year; in the next six-to-twelve months you'll see some movement. We are thinking about hiring a housing guru to forward the issue even further."

Mr. Joyce said he loves the three critical priorities. "You didn't pick easy ones. I would hope you would keep these three things sitting at top of the list for years. City Council used to dilute stuff: they would have lots of top priorities and they changed every year." He asked Council to just "keep grinding it out and don't switch them as soon as you get momentum." Ms. Matsumoto said that government moves slowly and Council's very committed to the priorities.

Mr. Beerman explained the difference between a critical and top priority. Critical priorities are high-resource challenges. "Open space, for example, has established programs, so it doesn't require the same laser focus." He agreed with Mr. Joyce that these problems are almost generational—the next five-to-ten years will require the biggest push. "This is the most aligned council in a while. Our focus now is how to institutionalize them." Ms. Matsumoto added that if we don't do something now about the critical priorities, they will change Park City.

Anna Moore said that she works at Yuki Yama on Main Street. She asked that the hospitality industry not be forgotten in the housing discussion. She said there is a growing gap in affordability for hospitality staff. "We tend to feel left out, but we're the face of the tourism industry." Ms. Matsumoto asked Ms. Moore, if she wants to rent or buy. She responded that she is a student so would want to rent but eventually buy. "But there just aren't as many options," Ms. Moore said. "There is also a lack of protection as a renter. A lot of owners don't rent out their units anymore." Ms. Matsumoto said the one good thing is that the homes the city is planning to build in Lower Park each have small studios (300-sf). They will be in charge of renting them but they will be rent-controlled. The city has been talking about having much of the units built-in, sort of furnished (a built-in bed with storage underneath) The renter would not be obligated to buy all of the furniture.

A resident said the Christian Center used to have a program to line up seasonal workers with housing. Another resident said that this program consistently runs out of places before they run out of people.

Mr. Beerman said 48 or 58 units of the Lower Park project will be rentals. They are intended exactly for workforce housing. Mr. Beerman said he empathizes because he runs a hotel. Councilwoman Becca Gerber has also been a complete champion for rental housing. The challenge is in the financing: when the city subsidizes rental housing, it becomes very hard to recoup their costs, as opposed to building homes for sale. Ms. Moore responded that the city is investing in the community. Mr. Beerman said we're trying to get creative and figure out a compromise.

Mr. Scott asked, "What is the city doing to deal with the Mayflower project and growth in the Heber Valley?" Ms. Matsumoto said it's hard to control Wasatch County. He responded that the bus system could alleviate a lot of the commute problems. Ms. Matsumoto said they have approached Wasatch County in past years to create a regional transportation system. Wasatch has been reluctant in the past, but the city is reaching out again. She thinks they might now be interested in creating a regional transportation system. "We are trying to be good neighbors; it's a matter of finding things that will work for both parties. It will take a few years of more talking and figuring out a compromise." Mr. Beerman said Wasatch County has aggressive plans—which is part of why we are trying to protect our entry corridors. Wasatch County is just at a different point in their arc of development. Ms. Matsumoto added that Park City having a strong affordable housing initiative makes them feel better and perhaps more willing to work with us. Ms. Beerman said there may have been a misperception on their part that we weren't dealing with our housing and were outsourcing it to them. He said the beauty of regional projects is that they tend to be non-partisan. We can also build coalitions with nonprofits, other stakeholders.

Ms. Murphy asked about SEAC (the Special Events Advisory Committee). Ms. Matsumoto said representatives from SEAC will be at the projects open house on the 15th. "We revamped the whole committee and are starting over from scratch," she said. Mr. Beerman explained that it used to be a stakeholder group, "So we re-comprised the group to be all residents because we hear enough from the stakeholders. We don't want to be a town that just revolves around the resort economy. Now we're the dog that caught the car."

Michael Kaplan pointed out the buses don't run after midnight so hospitality workers need to drive. He added that businesses suffer in the off-season. He also said he's been trying to keep certain chains off Main Street because they can change the authenticity of the town. Some chains—The North Face and Patagonia's—fit in. The next step in the evolution, though, is Armani, Gucci. "How can we avoid being a 'mall on a hill' and following in the steps of Aspen and Vail?" he asked. Both council members heartily agreed. He said he did do an analysis and only 12 percent of the stores on Main Street are chains. Ms. Matsumoto joked that we should set a cap at 13 percent. Mr. Kaplan said we were lucky because the spaces were so small, until Gorsuch came along. He brought along an article that uses San Francisco and Nantucket as models for preventing this problem.

A resident asked about the issue of empty storefronts (especially on Main Street), and Ms. Matsumoto responded we have a plan. Mr. Beerman said Council recently passed a requirement that requires stores to have year-round tenants. Ms. Matsumoto mentioned the example of the Claim Jumper: they will now have a movable art gallery. So it's progress. She said now we need to figure out how many hours they will be open. Mr. Kaplan pointed out the neighboring blight to the adjacent stores.

Ms. Moore asked whether the city will expand later hours for buses that go out further. Mr. Beerman said, "We've experimented and it went badly, but we're trying again. We need to retool the education and how we handle parking, in terms of making it harder for employees to find parking in town." He said he would love to have two satellite lots having buses come every 10-to-15 minutes. "We would love the whole workforce to come in by bus." Ms. Moore pointed out that if you get off work later than 1:50 a.m., you're stranded. She added, "And especially this year the buses have been late, which means that you're late to work." Mr. Beerman said two focal points for buses are the base of PCMR and Old Town, which are both very congested. "We're trying to put one in Bonanza—a

more central area—to help with backups. The buses can get stuck at the resort, for example.” Linda Jager invited Ms. Moore to be part of a focus group to represent after-hours workers who need to take the bus. Ms. Moore said she was excited to see all the great strides that the city was making in this realm.

Ms. Murphy said that the Richardson Flat Park & Ride is a great solution, but it’s not a very attractive place. Ms. Matsumoto suggested adding a shelter with coffee shops. Ms. Murphy also suggested lockers. “An open field worked for the Olympics but it does not work for day-to-day.” Ms. Matsumoto added that they are aware of the issues of amenities and safety. Ms. Beerman said he has heard requests for amenities that include a convenience store, bathrooms, coffee shop, and daycare. These things would help people utilize park-and-rides. Ms. Moore said a coffee shop would be brilliant: the first thing hospitality people get before their shift is caffeine.

Mr. Beerman gave update on fund-raising for Bonanza Flat and said they are “making great strides” toward closing the fund-raising gap. Salt Lake City’s Public Utilities and Metro Water units have made “a significant commitment,” and put a “sizable dent” in the number. He mentioned the major fund-raiser the evening before, which raised \$1.1M. Salt Lake County will get back to us in next two weeks with their commitment. “We’re closing in on it,” he said. “We have to decide by March 15th to exercise the second option, but it looks like we’ll be successful enough to feel comfortable putting down the money at the next option.” Council will discuss this at their next Council meeting on the 9th. Ms. Matsumoto said she thought it was great!

Mr. Kaplan asked if we could put lifts on the open space. Ms. Matsumoto said the property will have a conservation easement—that wasn’t really in the plan. Mr. Beerman said there will definitely be some bike trails, and groomed Nordic skiing; we want to keep the road seasonal. They may run gravity-feed cat tracks. Lifts are very controversial: they would go across the top of the watershed and degrade it. There is not regional support to do this. Salt Lake City and County don’t have to filtrate their water to the degree that we do and are very protective of their water sources. Lifts are controversial at this point but there may be ways to have creative connections. The open space will always be very activated during the summer. Mr. Kaplan said he thoughts lifts were low-impact, but Mr. Beerman said the other entities are adamantly against them.

The staff and council members thanked the members of the public for coming and providing their comments, insights, and ideas.



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Main Street Sidewalk Construction 2017 Update

On March 21, 2017 the HPCA strongly supported moving forward with the Main Street Sidewalk construction for 2017. The 2017 Main Street Sidewalk Improvement project consists of granite pavers and granite curb replicating what has been done to date. The improvements slated for this year go from 4th Street to the Treasure Mountain Inn entrance across from the future Main Street Plaza corner. Staff is working to bid the project and award a contract to start construction as soon as possible after the close of the resorts on April 16, 2017. The construction contract will advertise to bid next week with a bid opening date of April 13, 2017. The bid award will tentatively go to Council on April 27, 2017. We are hoping to have executed contracts and start construction mid-May.

In order to expedite the project, staff has ordered the purchase of the granite directly with the quarry instead of having the contractor order the granite after the contract award. The granite order will take 5-6 weeks for delivery. The granite is tentatively scheduled for delivery the week of April 24, 2017. Staff feels this is the most expeditious way to begin the project this Spring. Staff is not concerned with any warranty issues with directly purchasing the granite rather than the contractor, as the granite has significantly outlasted the contractor's one year warranty. Staff also recommends completing the design and postponing the sidewalks from Treasure Mountain Inn to Grappa until the Spring of 2018. This will also allow for the traffic study currently underway to be completed and any recommendations incorporated into the Main Street Plaza or sidewalk construction in 2018. The sidewalk work from TMI to Grappa could possibly be done later in 2017 once designed and as directed, but staff recommends beginning in 2018 in conjunction with the Main Street Plaza construction.

Respectfully:

Matt Dias, Asst City Manager



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for the March 9, 2017, City Council meeting.
Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



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

March 9, 2017

The Council of Park City, Summit County, Utah, met in open meeting on March 9, 2017, at 1:30 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property at 1:30 p.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

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

WORK SESSION

Council Questions and Comments:

Council Member Worel attended the Immigration Forum and gave a shout out to Chief Carpenter and Sheriff Martinez, indicating the Latino community had great trust in law enforcement. She asserted the Climate Reality Training in Denver was amazing, and remarked that former Vice President Gore presented 60% of the training sessions. She participated on the Women in Leadership panel with Council Members Gerber and Matsumoto and noted Malena Stevens, Makena Hawley and Adriane Juarez did a great job organizing that event. She attended the Summit County Partnership for Effective Mental Health and Substance Abuse Action Steering Committee meeting and indicated this group would have a new name in the near future. She noted there would be a Mental Health Summit on April 21st at the Park City Hospital for those interested in attending. She also attended a Peace House Board meeting and announced the spring luncheon would be May 11th and Jane Patten would be honored. She indicated PC Tots had been in business one year and it hoped to open its second location by May 1st.

Council Member Matsumoto attended the Immigration Forum and thanked the greater Park City community for coming out and supporting the immigrants in the community. She also participated in the Women's Leadership Panel and thanked all the women and men who attended. She attended the Recreation Advisory Board meeting and indicated

1 the group would be coming to the next City Council meeting to discuss the Facilities
2 Master Plan. She went to the Coffee with Council at the library, and noted a good mix of
3 age groups were represented. The Sundance Film Festival and affordable housing were
4 major topics of discussion at that gathering. She attended the Historic Preservation
5 Board meeting, where they talked about how flat roofs would fit into the historic district.
6

7 Council Member Henney attended the Park City reception at the Legislature as well as
8 the fundraiser for Bonanza Flats held at the Montage. He also attended the Chamber
9 Bureau Board of Directors meeting and the Prospector Square Property Owners
10 Association meeting, but had nothing to report from those meetings.
11

12 Council Member Gerber attended the Immigration Forum, and thought it was a great
13 meeting where people could speak honestly and openly. She attended the Utah League
14 of Cities and Towns (ULCT) Legislative Policy Meeting with Mayor Thomas, Council
15 Member Beerman and Assistant City Manager, Matt Dias. She went to the Park City
16 Area Lodging Association (PCALA) where concern was expressed about the alcohol
17 bills that were moving forward in the Legislature. She attended a New Park information
18 session with nonprofits about Bonanza Flats as well as a Ski Utah meeting at Solitude.
19 She also attended the Park City Film Series meeting, where the addition of closed
20 captioning was discussed. She noted that in April, the Film Series would host
21 environmental films. She indicated she was part of the Women in Leadership Panel
22 discussion as well.
23

24 Council Member Beerman attended the Legislative Policy Committee (LPC) meeting,
25 and indicated the City had to meet with the Homebuilders Association to discuss some
26 proposed legislation. He also attended the reception at the Legislature and went to the
27 Montage fundraiser for Bonanza Flats, which raised \$1.1 million. He informed Council
28 and staff of a "SeeClickFix" app for community engagement, where residents would be
29 able to take a picture of problems in the community, such as cracks in the sidewalk, and
30 send them to the City so they could be fixed. He also noted Colorado Association of Ski
31 Towns (CAST) would be holding a meeting on climate change. He attended the Climate
32 Reality Training and stated it was amazing. He indicated 1000 people were in
33 attendance, and Park City received an award for its efforts to become a net zero
34 community. He felt this recognition would have a ripple effect on other cities.
35

36 Mayor Thomas stated he also attended the Climate Reality Training and thanked those
37 who helped him get to the training. He stated Luke Cartin represented the City well as
38 he participated in a panel discussion at the training. He also felt that Moab would not
39 have been as far along on their Net Zero Energy goal without the help of Council
40 Member Beerman, and thanked him for all his efforts. He met with the senior citizens,
41 and met with Wasatch County to discuss the Bonanza Flats purchase. He attended the
42 legislative functions and thanked Matt Dias for his work at the Legislature. He also
43 attended the Planning Commission meeting. He honored one of the City's bus drivers,

1 who saw some students bullying others on the bus and stopped to call the school and
2 report the incident.

3
4 **1. Discuss City Employee Housing Policy:**

5 Rhoda Stauffer, Affordable Housing Project Manager, and Anne Laurent, Community
6 Development Manager, presented this item. Laurent stated this report was organized
7 from the housing needs assessment, which was presented to Council in December, and
8 from the employee survey. Stauffer explained that if the City were to have an affordable
9 housing obligation based its 281 full time employees, 37.5 Affordable Unit Equivalents
10 (AUE) would be required. Since 1991, the City spent \$3.9 million in its efforts to have
11 employees live in the community, which resulted in helping 36 employees buy homes by
12 giving monthly housing stipends and providing low cost employee rental units. The
13 number of employees living in Park City continues to decline and Human Resources
14 reported recruiting new employees had become increasingly difficult. She indicated
15 Transit only had 13 guaranteed units and it needed an additional 46 units over the next
16 five years.

17
18 Council Member Matsumoto expressed concern with having vacant Transit housing
19 during the summer months. Stauffer stated it was not optimal to have vacancies, but
20 having the housing was a major boost for recruiting in the winter.

21
22 Stauffer recommended adding 10 units for long-term rental and/or for sale with a sell-
23 back requirement for City employees. She suggested reserving 10 units over the next
24 few years from the units being built for affordable housing. She also recommended
25 adding 46 studio apartment style units for seasonal transit employees. The Council
26 indicated they were in support of the recommendations. There was additional
27 discussion on options for the months where transit housing would be vacant.

28
29 **2. Review 2016 Carbon Footprint for Park City's Municipal Operations:**

30 Celia Peterson, Environmental Sustainability Project Manager, and Luke Cartin,
31 Environmental Sustainability Manager, presented this item. Peterson reviewed that
32 emissions consisted of on-site natural gas and fossil fuel consumption, purchased
33 electricity and other factors, such as employee commutes to work. The City goal was to
34 achieve 100% renewable energy and to ensure that City buildings would use less
35 energy than the energy produced. She stated that incremental measurements should be
36 based towards achieving the goal.

37
38 Peterson reviewed actions that the City was currently taking to accomplish the net zero
39 goal, including building net zero buildings, working with Rocky Mountain Power, and
40 increasing conservation efforts in the Water Department. She noted that a climate
41 reality training for City employees would be held March 31st, a community tree planting
42 day would be held on Arbor Day, and other activities were being planned throughout the
43 year to raise awareness and progress towards the City's goal.

1 Cartin stated that many asked how a measurement would be taken of the City's
2 progress towards becoming a Net Zero Carbon City compared with the data of previous
3 years. He stated he had reviewed the statistics from past years to make sure there was
4 a consistent comparison, but he indicated the focus was on moving forward, and noted
5 the purchase of electric buses, and working with the Water and Golf teams would be
6 significant signs of progress.

7
8 Kyle MacArthur, Water Distribution Manager, indicated the measurements for Buildings
9 and Water were now calculated in a new way, which resulted in a difference in usage
10 measurements from past years. Council Member Beerman asked if Council wanted to
11 talk about buying electric buses at a future meeting. Foster stated the electric buses
12 were 40 feet long and that length of bus would not be able to make some of the turns in
13 the City. Council Member Beerman indicated the City was 100% committed to being net
14 zero and a vehicle purchase policy should be set to show that commitment, unless there
15 were extenuating circumstances. Cartin explained the vehicle industry timeline that was
16 needed to fill vehicle requests.

17
18 Council Member Henney asked if there was an update on the Georgetown Energy
19 Prize. Cartin stated at the last Summit Community Power Works (SCPW) meeting, he
20 learned 50 communities had submitted applications for the prize, and the City would
21 know if it was one of the top 10 finalists by April 15th.

22
23 Council Member Matsumoto stated she was in favor of having a policy for buying
24 electric vehicles. Cartin indicated he could come back at a future work meeting to
25 discuss that idea further. Council Member Beerman suggested linking the policy with
26 future vehicle retirement dates. He also asked that a website page be set up so the
27 public could see updates on reaching the net zero goal.

28
29 **3. Special Event Fee Reduction Update:**

30 Jenny Diersen, Special Events Coordinator, Jason Glidden, Economic Development
31 Manager, and Jed Briggs, Budget Manager, presented this item. Diersen reviewed the
32 benefits of reducing fees for special events, including community, cultural and economic
33 benefits. She indicated the fee reduction process would affect the budget and the event
34 calendar depending on the adjustments made. She stated the highest fees that were
35 reduced were parking fees and public safety fees.

36
37 Diersen recommended maintaining the annual Council review, changing the
38 applications to focus on the criteria for critical priorities, having a staff review committee
39 that would inform the Special Events Advisory Committee (SEAC) and City Council, and
40 having a one-time application date change from April 1 to May 1 for FY 2018 events.

41
42 Council Member Worel asked if sustainability standards could be required for the events
43 in the City. Diersen indicated she was in favor of setting sustainability standards and
44 hoped the events would exceed the standards that would be set.

1
2 Council Member Gerber indicated the goal of a nonprofit event was to raise money, and
3 she thought that should remain the priority. If they had to pay all the event fees, it would
4 negate the reason for the fundraiser.

5
6 Council Member Beerman suggested notifying the event organizers that the standards
7 would be set at a future date so the organizations could be prepared. Diersen explained
8 this year would be the pilot program and next year the standard would be required.
9 Council Member Beerman asked that the Police Department be reimbursed for their
10 time at the events. Briggs stated the Police Department could make increased budget
11 requests to compensate for the fee waivers. Glidden stated the waivers would be
12 tracked so Police would have a better understanding of an amount to request.

13
14 **4. Discuss Construction and Development and Impact Fee Reduction Policy:**

15 Michelle Downard, Deputy Building Official, and Nate Rockwood and Jed Briggs,
16 Budget Managers, presented this item. Briggs reviewed the difference between
17 construction and development fees versus impact fees. He stated over the course of
18 several years, the revenues received in Building should balance its expenses.

19
20 Rockwood explained impact fees and how they were collected in the City. Downard
21 proposed a plan for reviewing fee waiver requests. She indicated a staff review
22 committee could be formed that would award points based on weighted criteria. Based
23 on the points from the application, a waiver could be granted.

24
25 Council Member Henney asked what happened to instigate this proposed review
26 committee. Downard stated there were many waiver requests and staff would like to
27 consider each request based on consistent standards. She recommended a committee
28 be formed, that thresholds of \$25,000 per request and \$200,000 per fiscal year be
29 adopted for Council review, and that non-profits would be considered as providing a
30 broad public purpose and therefore, eligible for fee waivers. She also stated there would
31 be outreach to make builders and non-profits aware of the thresholds.

32
33 Council Member Beerman suggested requiring energy conservation before waiving a
34 water impact fee. He also asked that City projects might exceed the \$200,000 threshold.
35 Downard explained City projects would already be approved so they would
36 automatically receive a fee waiver.

37
38 **5. Discuss Parking Infrastructure Request for Proposal (RFP)**

39 Kensie Coulson, Parking, Alfred Knotts, Transportation Planning Manager, and Julie
40 Dixon, Dixon Resources, presented this item. Coulson explained the City had a parking
41 study performed by Nelson Nygaard that addressed technology, infrastructure, and
42 demand-based parking. Based on this study, the City was moving quickly to implement
43 the recommendations.

1 Dixon indicated technology would be implemented for signage and mobile apps so
2 travelers would know where to park before they arrived in the City. She hoped drivers
3 would utilize the park-n-rides, but they would also have guidance if they needed to park
4 in town. She discussed the needs of the China Bridge parking garage, and also
5 indicated that mitigating greenhouse emissions would be a goal in this implementation
6 schedule as well. She hoped to have the first phase completed by June.

7
8 Knotts emphasized that the free bus service was excellent and the new E-bike share
9 program was a big stride in completing this project. Dixon noted that public outreach
10 would be emphasized with at least a 30-day window before the new parking program
11 would be implemented.

12
13 Council Member Worel stated many were concerned with parking for Main Street
14 employees. Coulson explained that the "Guaranteed Ride Home" program would be in
15 place before the rest of the project was implemented so employees would know they
16 would be able to get back to their parked vehicle no matter what time they finished
17 work. Foster indicated the City employees planned to lead by example with regard to
18 parking. Michael Barille, Park City Alliance, stated there were good discussions and the
19 membership was excited for the resources being used to resolve parking issues. Foster
20 also explained that at certain times of the year, employees could park for free.

21
22 Gerber indicated this program would begin in the summer when employees bike to
23 work, but she was concerned that as the temperature dropped in the fall, employees
24 might not want to walk and ride bikes. She asked how Dixon would judge the success
25 after implementation, did Dixon have a plan for increased messaging when winter
26 employees came to town, and would there be a messaging plan for local residents.
27 Dixon noted that the parking plan was going to happen incrementally so the public
28 would be able to adjust to the changes. She stressed that outreach would be ongoing.

29
30 Council Member Henney stated this project met his expectations and he felt it was
31 practical and viable. He asked Michael Barille, who represented merchants on Main
32 Street, if the unrepresented people were being reached. Barille stated the process was
33 just beginning and in order to get the necessary feedback surveys would need to be
34 sent out as well as meeting with the resorts.

35
36 Council Member Gerber noted there were alternative parking lots, such as at the
37 resorts, library and other public parking areas, and that drivers might begin using them
38 as the parking plan was implemented. She asked if Coulson was working with these
39 entities in order to coordinate efforts. Coulson stated all organizations would be included
40 in the outreach process. In speaking with other cities, they indicated that after the
41 adjustment period, the locals really embraced the parking plan because it reduced traffic
42 congestion.

1 Barille noted there were many issues that would need to be analyzed in order to meet
2 the community's needs. He hoped to look at the proposed satellite parking lots.

3
4 **6. 2017 Sundance Film Festival Debrief**

5 Jason Glidden, Economic Development Manager, Alfred Knotts, Transportation
6 Planning Manager, Sarah Pearce, Executive Director of Sundance Institute, and Tina
7 Graham, Associate Director of Operations of Sundance Institute, presented this item.
8 Mayor Thomas thanked Sarah as she was leaving her position at Sundance, and gave
9 her flowers on behalf of the City.

10
11 Glidden stated with Sundance there were always successes and problems and this year
12 was no different. Park City received 55 inches of snow in 10 days, and the Women's
13 March, which was originally planned for 300, actually had 9,000 people in attendance.
14 He discussed the associated challenges for each department during this event. Transit
15 ridership increased which resulted with that department being short on staff and there
16 was a lot of traffic congestion on Park Avenue. Transportation Planning saw impacts to
17 residential areas, congestion and accidents, and obstruction to traffic caused by taxis,
18 rideshare, shuttles and commercial vehicles. Parking Services had issues with towing,
19 snow banks and the drop-off/pick-up zones for taxis.

20
21 Some positive feedback was received because Communications put out a "Rules of the
22 Road" pamphlet and outlined the permitting process with a calendar. Feedback was that
23 this pamphlet was helpful in getting permitted. A local's guide was also distributed to
24 help locals navigate through the Sundance traffic. A text message system was also set
25 up to help with the traffic flow.

26
27 Glidden explained the operations during the festival. He indicated the liquor licenses
28 and convention sales licenses had decreased and attributed that to increasing rents on
29 Main Street. He also discussed the problems of late applications. He displayed some
30 feedback from merchants, with comments regarding communication, loading, parking
31 fees, access to businesses, garbage pickup, snow removal, etc.

32
33 The Special Events Advisory Committee also gave feedback, recommending more
34 snow removal, access to parking for the post office, containing the event, and affordable
35 ticket prices for locals.

36
37 Glidden listed the next steps for staff including completing a traffic plan, having special
38 parking permits for loading/unloading, parking enforcement, and proposed amendments
39 to the code as it related to licensing. He noted the current issues, including rent prices,
40 number of available bathrooms, late permit applications, commercial traffic in residential
41 areas and coordinating messaging to residents and businesses.

Pearce indicated Sundance Institute was also working to mitigate problems with the festival. She stated that Sundance was a great partner with the City and she wanted it to be a great event for everyone.

Council Member Matsumoto stated it was a good festival and she thought the City and Sundance worked well together. She felt Sundance was an important event that helped define part of the community. She suggested shutting down the neighborhoods to traffic during the festival. She asked if the non-affiliated events hurt the merchants and were there complaints of events in the residential neighborhoods. Michelle Downard stated the code enforcement staff was increased and they were prepared and handled the situations. She noted that staff stopped by some parties but found nothing in violation of City codes. Council Member Matsumoto hoped the Main Street Business Alliance could work with local businesses to bring the rents down so temporary businesses could afford to come in. She also suggested locating the less impactful events near the residential areas.

Council Member Henney asked to table this item since it was past 6:00 p.m. He also recommended that the events not dismantle after the first weekend.

Mayor Thomas stated Sundance was unpredictable since there were so many variables. But he knew Sundance worked endlessly throughout the year to coordinate as many aspects as possible to make the event run smoothly. Pearce thanked the City staff for all their help.

REGULAR MEETING

I. ROLL CALL

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

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

- **Park City Heights Sales Update:**
- **2017 Special Event Calendar Preview and Update:**
- **Stormwater Inspections:**
- **Anti-Freeze Additives in Fire Sprinkler Systems:**

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

Michael Barille, Historic Park City Alliance (HPCA), stated all the comments about Sundance were correct. He requested coordination on the leasing of spaces. The Lower Main closure and event installation was a learning experience and some things didn't work with that regard. He indicated some merchants had experienced decreased revenue from the street closure, garbage pickup was a problem, and there were some communication gaps. He also suggested rerouting some bus routes might be helpful.

Lynn Fey expressed concern about a Conditional Use Permit discussion that was scheduled for the March 30th meeting. She read a prepared statement that indicated this permit request would not comply with the requirement for a historic building. Mark Harrington asked Council not to discuss this item prior to the meeting in question.

Jason Morgan expressed concern about the Lower Main Street activation period during Sundance. He had seen different events turnover in a day's time and thought four days to set up and four days to take down was excessive.

Junior Richard, Cabin Park City, applauded the event planners. He saw less foot traffic than before but he was able to run his business. With flow changes, more attention was given to Lower Main. He felt a lot of money came into the City with this event and he didn't mind having a little less business for a few days. He hoped Acura would come back to Lower Main next year.

Mellie Owen stated she volunteered at Sundance and tried to get her neighbors involved as well. She saw a big safety issue with the increased neighborhood traffic, and hoped the City could find solutions to resolve the alternate traffic patterns.

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from February 9, 10, 13, 16 and 19, 2017:

Council Member Gerber requested the February 16th minutes, on Page 4, Line 22, reflect that the tally did not include bikes.

Council Member Worel clarified that in the February 9th minutes, Page 4, Lines 6 and 7, she had indicated there was a high suicide and substance abuse rate in the community.

Council Member Beerman indicated that in the February 9th minutes, Page 7, Lines 20-21, he had asked if the City should have a role change.

Council Member Henney moved to approve the City Council Meeting minutes from February 9, 10, 13, 16 and 19, 2017, with the above mentioned amendments. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Contract with Mountain Land Supply Company, in a Form Approved by the City Attorney, for a Software License and Computer Resources Not to Exceed a Total of \$121,511 in 2017 and Not to Exceed \$40,000 Per Year in Software as Service Fees in 2018, 2019, 2020, and 2021; and Concurrently Authorize the City Manager to Execute the Sensus Advanced Metering Infrastructure Agreement, as Approved by the City Attorney:

Council Member Beerman asked about the funds the City would use to pay for this system. Jason Christensen stated this request would be paid from the Water Capital Fund and the Operation Budget in the Water Fund.

2. Request to Approve Resolution 04-2017, a Resolution Proclaiming March, 2017, as Park City Nutrition Month:

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

RESULT: APPROVED

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

VI. OLD BUSINESS

1. Consideration to Approve the Second Option Payment of \$1,500,000 to Redus Park City LLC, for the Purchase of Bonanza Flats:

Tom Daley, Deputy City Attorney, and Wendy Fisher, Utah Open Lands Executive Director, presented this item. Daley explained the City signed a purchase agreement on January 12 and made the first option payment on January 13. The agreement was to

1 either close on March 15 or make a second option agreement in the amount of \$1.5
2 million and extend the closing date to June 15.

3
4 Fisher thanked Council for having the foresight to put the bond on the ballot in
5 anticipation of purchasing this property. She indicated 1,500 people had contributed to
6 the fundraising campaign. There was a substantial contribution by Summit County in the
7 amount of \$5.75 million. After one night of fundraising, another \$1.1 million was
8 collected, bringing the total from private sector to \$1,825,000. Midway City also donated
9 \$10,000. She noted contributions from challenge grants continued to come in, and the
10 City was \$3.5 million away from meeting the \$38 million goal.

11
12 Mayor Thomas opened the meeting for public input.

13
14 Ray Bloxham, resident of Brighton Estates, invited Council to come tour the
15 neighborhood.

16
17 Bridgette Meinhold supported approving the second option payment. It was noted her
18 paintings fundraiser raised \$23,000.

19
20 Cheryl Fox thanked Council for purchasing this open space.

21
22 Mayor Thomas closed the public input portion of the meeting.

23
24 Council Member Henney stated the success seen from fundraising showed that there
25 was a strong interest in making this purchase happen.

26
27 Council Member Beerman moved to approve the Second Option Payment of
28 \$1,500,000 to Redus Park City, LLC, for the Purchase of Bonanza Flat. Council
29 Member Gerber seconded the motion.

30 **RESULT: APPROVED**

31 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

32
33 **2. 2017 Legislative Update:**

34 Matt Dias, Assistant City Manager, presented this item. He indicated the Legislature met
35 each year in a 45 day session and noted that there had been a lot of activity this year.
36 Dave Stewart represented the City at the Legislature and Dias commended him for
37 doing exemplary work.

38
39 Dias stated the most difficult bill for the City was the Fire Sprinkler bill. Michelle
40 Downard explained HB 281 targeted the Park City requirement that residences have fire
41 sprinklers. She thanked those that supported and collaborated to resolve the concern.
42 One issue that the Homebuilders Association argued was the problem of the sprinkler

1 systems freezing and breaking. The City proposed to include anti-freeze in the lines to
2 remedy the problem. The Park City Fire Chief, Paul Hewitt, indicated that residential
3 sprinkler systems have improved over the years and he was grateful for the City's work
4 to resolve this issue. Mayor Thomas expressed appreciation that the Homebuilders
5 Association met with the City and that the problem was resolved.

6
7 Dias stated another bill that was watched was the Alcohol bill. He worked on this issue
8 with regard to the proximity to parks, churches, etc. of establishments that sold alcohol,
9 and thought the current facilities would be grandfathered in but expressed concern for
10 future uses of properties. He also reviewed the DUI bill, which reduced the legal alcohol
11 limit to .05 blood alcohol content.

12
13 Dias indicated the Short Term Nightly Rental bill would prohibit the City from using an
14 advertisement as grounds to cite the property owner. He also noted that plan checks,
15 food trucks, statewide Transient Room Tax (TRT), and School and Institutional Trust
16 Lands Administration (SITLA) local land use preemption were other bills that the City
17 worked on at the Legislature this term.

18 19 VII. NEW BUSINESS

20 21 **1. Consideration to Authorize the Mayor to Enter into an Interlocal Agreement** 22 **Between Park City and Summit County for Cost Sharing of the Electric Bike Share** 23 **Program in the Amount of \$300,000 in a Form Approved by the City Attorney:**

24 Alfred Knotts, Transportation Planning Manager, and Matthew Hartnett, Transportation
25 Analyst, presented this item. Knotts reviewed that the County entered into a contract
26 with an E-bike vendor. A feasibility analysis was performed and site suitability was
27 considered. Also, the County received a grant that would fund Phase II of this project.
28 He noted the City was funding a greater portion of this project, \$300,000 of the
29 \$489,000 required for Phase I of the project, but Phase II would provide additional
30 stations within the City that would not require any additional investment on the City's
31 part. Phase I site locations for the E-bikes included Prospector Square, Town Lift, Fresh
32 Market, Old Town Transit Center, and the library.

33
34 Knotts felt this program would reduce vehicle miles travelled and greenhouse gas
35 emissions. His team would monitor the program for effectiveness as well as for any cost
36 benefits. Site locations for Phase II would include the MARC, the Brew Pub lot, and
37 neighborhood locations within the Prospector area. Knotts indicated the funds from the
38 proposition which passed in November would be used to help fund Phase II, along with
39 the grant that the County received.

40
41 Council Member Henney noted that the critical priorities were addressed tonight and he
42 was excited to see they were all in the implementation stage.
43

Council Member Worel asked where the bikes would be stored from January through March. Knotts stated that the bikes would be stored at a City or County facility. Caroline Rodriguez, Summit County, noted that the contract indicated that if there was no room for storage in the City, then the bikes would be stored in the County.

Council Member Beerman suggested having a station in the middle section of Main Street, such as the Bob Wells Plaza, instead of having two stations on Lower Main. He also thought the bikes should be stored by mid-November to reduce wear and tear.

Council Member Gerber asked if sites in Phase II would be near apartments in Prospector Square, such as Aspen Villas. Knotts affirmed that lease negotiations were underway, and he hoped to see the bikes at locations where people would go midday, locations by the transit spine, and places most visible to the public.

Mayor Thomas opened the meeting for public input. No comments were given. Mayor Thomas closed the public input portion of the meeting.

Council Member Henney moved to authorize the Mayor to enter into an Interlocal Agreement between Park City and Summit County for cost sharing of the Electric Bike Share Program in the amount of \$300,000 in a form approved by the City Attorney. Council Member Beerman seconded the motion.

RESULT: APPROVED

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

2. Consideration to Authorize the City Manager to Enter into a Professional Services Agreement for Commissioned Art Between Park City Municipal Corporation and Mike Wong, Owner of Iko, LLC, for Public Art for the Interior of the PCMARC in a Form Approved by the City Attorney Not to Exceed \$12,000.00:

Jenny Diersen, Staff Liaison for the Public Art Advisory Board (PAAB), and Mike Wong, Artist, presented this item. Diersen reviewed the process for attaining this interactive art piece and announced its location within the MARC. She indicated Wong guaranteed a 10 year warranty on the piece, his bid was under budget, and he was using the PC CAPS students to create this piece. Wong stated he was excited to work with the students on this project.

Mayor Thomas opened the meeting for public input. No comments were given. Mayor Thomas closed the public input portion of the meeting.

Council Member Worel moved to authorize the City Manager to enter into a Professional Services Agreement for Commissioned Art between Park City Municipal Corporation and Mike Wong, owner of Iko, LLC, for public art for the interior of the

1 PCMARC in a form approved by the City Attorney not to exceed \$12,000.00. Council
2 Member Matsumoto seconded the motion.

3 **RESULT: APPROVED**

4 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5
6 **3. Consideration to Approve Resolution No. 05-2017, a Resolution Amending**
7 **the Police Complaint Review Committee Policies and Procedures and Replacing**
8 **Resolution No. 23-10 in Its Entirety:**

9 Michelle Downard, Chair of the Police Complaint Review Committee, presented this
10 item. She indicated this was an advisory board that reviewed complaints and provided
11 the Police Chief with recommendations on how to address the complaints. She
12 reviewed the proposed amendments to the Policies and Procedures, including the
13 addition of eligibility requirements for membership on the committee, rules that would
14 comply with the Open Meetings Act, the definition of a quorum, and others as noted in
15 the staff report.

16
17 Downard explained that a minority of the committee wanted the citizen members to
18 have a minimum of two in attendance so that staff would not outnumber the citizens
19 when a vote was taken. The majority recommendation was to maintain the current
20 requirement of a quorum. She indicated that she would make all attempts to
21 accommodate schedules so that the full committee could be in attendance. She noted
22 that the final decision would always be made by the Chief of Police.

23
24 Council Member Henney felt the concern was about procedure rather than from
25 experience. Downard concurred that the concern was about the perception that
26 recommendations where staff had the majority vote might be skewed in favor of the
27 Police Department.

28
29 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
30 closed the public hearing.

31
32 Council Member Beerman agreed that the community might have the wrong perception
33 if the citizens were not in the majority and asked if there could be a workaround to
34 remedy the perception. Downard stated a workaround to the definition of quorum could
35 be made to change the minimum number present from three out of five members to four
36 out of five members.

37
38 Council Member Gerber asked about the makeup of the committee. Downard explained
39 there was legal representation, the Police Chief, someone taking minutes, and five
40 voting members of which three were community members and two were staff members.
41 Harrington stated a workaround to this perception could be to require that a minimum of
42 two citizens and two staff members be present, or that three affirmative votes be

1 required. The Council was in favor of requiring three affirmative votes to pass a
2 recommendation on to the Police Chief.

3
4 Council Member Henney moved to approve Resolution No. 05-2017, a resolution
5 amending the Police Complaint Review Committee Policies and Procedures and
6 replacing Resolution No. 23-10 in its entirety, with the addition of requiring three
7 affirmative votes to pass a recommendation on to the Police Chief. Council Member
8 Beerman seconded the motion.

9 **RESULT: APPROVED**

10 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

11
12 **4. Consideration to Continue an Ordinance Approving the Village at Empire**
13 **Pass North Subdivision Plat, Located Within Pod "A" of the Village at Empire**
14 **Pass Master Planned Development, Pursuant to the Findings of Fact,**
15 **Conclusions of Law, and Conditions of Approval in a Form Approved by the City**
16 **Attorney:**

17 Kirsten Whetstone, Senior Planner, presented this item. She explained the owner
18 acquired surrounding property to this parcel and desired to include it in the plat. They
19 had requested a continuation while the new request was being considered by the
20 Planning Commission.

21
22 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
23 closed the public hearing.

24
25 Council Member Matsumoto moved to continue an ordinance approving the Village at
26 Empire Pass North Subdivision Plat, located within Pod "A" of the Village at Empire
27 Pass Master Planned Development, pursuant to the findings of fact, conclusions of law,
28 and conditions of approval in a form approved by the City Attorney. Council Member
29 Henney seconded the motion.

30 **RESULT: CONTINUED TO A DATE UNCERTAIN**

31 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

32
33 **5. Consideration to Approve Ordinance 2017-07, an Ordinance Approving the**
34 **B2 East Subdivision Plat Located at 9300 Marsac Avenue, Pursuant to the**
35 **Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form**
36 **Approved by the City Attorney:**

37 Kirsten Whetstone, Senior Planner and Doug Ogilvy, Redus Development, presented
38 this item. It was indicated that this parcel was part of the Montage Master Plan. Council
39 Member Worel asked how many affordable housing units this development would be
40 responsible for. Whetstone indicated the requirement was 4.2 Affordable Unit

1 Equivalents (AUE), and each AUE equaled 800 square feet for a total of 3,360 of
2 affordable housing space. Council Member Worel asked if the residential condos would
3 include the affordable housing units. Whetstone stated the affordable housing would be
4 in addition to the planned residential units, but they would be part of the building.
5 Council Member Worel asked if a Certificate of Occupancy was required for each
6 residential unit, to which Whetstone responded that the buildings would receive the
7 Certificates of Occupancy. A deed restriction would be placed on the condominium plat
8 for the affordable units. Council Member Worel asked if Condition of Approval #16,
9 requiring the affordable housing, was strong enough to require that the affordable units
10 be built before the other units. Whetstone stated it was normal with this development to
11 construct the affordable units along with the other units in the building, and the entire
12 building would need to receive the Certificate of Occupancy prior to anyone moving into
13 the units.

14
15 Ogilvy suggested the requirement happen when the Conditional Use permit was
16 granted. Harrington suggested adding to Condition of Approval #16, "Phasing of
17 affordable housing units shall be commensurate with the Certificates of Occupancy for
18 the buildings."

19
20 Council Member Beerman indicated that sometimes the homeowners' association dues
21 were a problem for some affordable units within a market rate project. He asked if there
22 was language that capped those fees. Whetstone indicated capping the fees was
23 usually made with the condominium plat approval. Harrington stated this issue was
24 addressed sufficiently in the master HOA agreement.

25
26 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
27 closed the public hearing.

28
29 Council Member Henney moved to approve Ordinance 2017-07, an ordinance
30 approving the B2 East Subdivision Plat located at 9300 Marsac Avenue, with the
31 amendment of Condition of Approval #16, pursuant to the findings of fact, conclusions
32 of law, and conditions of approval, in a form approved by the City Attorney. Council
33 Member Worel seconded the motion.

34 **RESULT: APPROVED**

35 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

36
37 **6. Consideration to Approve Ordinance No. 2017-08, an Ordinance Approving**
38 **the Sorensen Plat Amendment Extension Request, Located at 422 Ontario**
39 **Avenue, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of**
40 **Approval in a Form Approved by the City Attorney:**

Francisco Astorga Senior Planner, stated issues arose as the owner tried to record the plat, so the property owner had submitted an extension request while he continued to work to resolve the issues.

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

Council Member Henney moved to approve Ordinance No. 2017-08, an ordinance approving the Sorensen Plat Amendment Extension Request, located at 422 Ontario Avenue, 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

7. Consideration to Remand the Alice Claim Subdivision & Plat Amendment Located at Approximately Alice Claim South of Intersection of King Road, Ridge Avenue, and Sampson Avenue to the Planning Commission:

Francisco Astorga, Senior Planner, reviewed that last July, the Planning Commission forwarded a positive recommendation for a Conditional Use Permit (CUP) for three 10 foot walls. The decision was appealed by two owners but one appeal had been withdrawn. A letter was submitted during the public input portion of this meeting with regard to this issue, and the letter would be on record as the item went back to the Planning Commission. He noted this letter could be found on the City website on the Alice Claim page.

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

Greg Brown, DHM Design project manager, stated the entry was being taken out of the hillside and put on the historic side, and requested that Planning Commission only focus on that change instead of the entire project.

Council Member Henney moved to remand the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim South of the intersection of King Road, Ridge Avenue, and Sampson Avenue to the Planning Commission in its entirety. Council Member Matsumoto seconded the motion.

RESULT: REMAND TO PLANNING COMMISSION IN ITS ENTIRETY

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

8. Consideration to Stay an Appeal of Conditional Use Permit (CUP) Approval by the Park City Planning Commission for Retaining Walls Over Six Feet (6') in Height:

Francisco Astorga Senior Planner, indicated there was a request from the applicant to stay the CUP appeal, depending on the Planning Commission's decision.

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

Council Member Gerber moved to stay an appeal of Conditional Use Permit (CUP) approval by the Park City Planning Commission for retaining walls over six feet (6') in height. Council Member Beerman seconded the motion.

RESULT: STAY

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

9. Consideration to Continue Ridge Avenue Plat Amendment, Located at Approximately Alice Claim South of Intersection of King Road, Ridge Avenue, and Sampson Avenue:

Francisco Astorga Senior Planner, indicated the Ridge Avenue Plat Amendment was being continued and would come back with the Alice Claim Subdivision and Plat amendment for Council consideration.

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

Council Member Beerman moved to continue Ridge Avenue Plat Amendment, located at approximately Alice Claim South of the intersection of King Road, Ridge Avenue, and Sampson Avenue to a date uncertain. Council Member Henney seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

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

10. Consideration to Continue an Ordinance Approving the Main Street Plaza Subdivision, Located at 220 & 250 Main Street Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City

Council Member Gerber asked if continuing this subdivision would delay the Main Street Plaza Project. Erickson said encroachments needed to be cleaned up and thus the reason to continue.

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

- 1 Council Member Worel moved to continue an ordinance approving the Main Street
2 Plaza Subdivision, located at 220 & 250 Main Street, pursuant to findings of fact,
3 conclusions of law, and conditions of approval in a form approved by the City Attorney.
4 Council Member Henney seconded the motion.

5 **RESULT: CONTINUED TO A DATE UNCERTAIN**

6 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

7
8 **VIII. ADJOURNMENT**

9 With no further business, the meeting was adjourned.

10
11 Michelle Kellogg, City Recorder



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

The City contracts for financial advisory service to assist in the bond issuance process. Financial advisors provides their expertise in the bond market to help obtain high bond ratings and acquire the best interest rates. The Financial Advisor (FA) also works with the City in creating financing options and structures as need to fund various city projects or objectives.

Respectfully:

Nate Rockwood, Capital Budget, Debt & Grants Manager



City Council Staff Report

Subject: Financial Advisory Services Contract Award
Author: Nate Rockwood
Department: Budget, Debt & Grants Department
Date: March 30, 2017
Type of Item: Administrative

Summary Recommendation

Authorize the City Manager to enter into a three (3) year contract with an option of two (2) one-year extensions, in a form approved by the City Attorney's Office, with Zion's Public Finance, Inc. for financial advisory services related to Water Revenue Bond Issuance, Storm Water Revenue Bond Issuance, Sales Tax Revenue Bond Issuance, Tax Increment Bond Issuance, and Refinancing and Refunding of bonds (Please see Exhibit A - Fee Schedule for more details about compensation).

Executive Summary

The City contracts for financial advisory service to assist in the bond issuance process. Financial advisors provides their expertise in the bond market to help obtain high bond ratings and acquire the best interest rates. The Financial Advisor (FA) also works with the City in creating financing options and structures as need to fund various city projects or objectives.

Acronyms

RFP – Request for Proposal
FA - Financial Advisor
GO – General Obligation

The Opportunity

Financial Advisor services are critical to the proper functioning of the City. Costs related to the service generally occur once bonds are issued and are paid from the proceeds of the bonds closing/final costs. The financial impact is relatively low (especially considering the exceptionally competitive bids that were received) and the financial benefit is high.

Background

The City traditionally contracts for Financial Advisor services to assist with bond issuances and bond ratings. The professionalism of a financial advisor is indispensable to the process as it is unrealistic to have a staff member who is immersed enough in the bond market to provide sufficient expertise. Financial Advisors are also critical for obtaining a high bond rating and finding the best rates when issuing bonds. Potential savings in interest expense due to having a financial advisor are significant, and far outweigh the incremental cost.

Park City Municipal Corporation requested proposals from qualified Financial Advisors for municipal bond related issues. Candidates' proposal and presentation were evaluated by the Financial Advisory Selection Committee based on established criteria.

The committee evaluated each candidate. Score sheets were filled out using specific criteria and were summed together to determine the rankings of the three candidates.

Financial Advisory Selection Committee:

Lori Collett - Finance Manager

Jed Briggs – Budget Operations Manager

Nate Rockwood – Capital Budget, Debt & Grants Manager

Alternatives for City Council to Consider

1. Recommended Alternative: (1) Approve the contract with Zion's Public Finance, Inc. for Financial Advisory services for water revenue bonds, storm water revenue bonds, sales tax revenue bonds and tax increment bonds.

Pros:

- a) Three-year contracts will allow the city access to Financial Advisory services when needed.
- b) Financial Advisory services will provide cost saving on bond issuance.
- c) The Financial Advisor provides the City with advice on financial structures and best practices.

2. Null Alternative: Staff would be required to retain financial advisory service on a per bond basis.

3. Other Alternatives: Council could provide direction to continue the RFP process and search for other candidates for Financial Advisory Services.

Analysis

Selection of the consulting firm was based on the following criteria:

- Relationship/Trust
- Prior (positive) experience working with the City – Institutional Knowledge
- Overall Cost
- Experience with major rating agencies
- Qualifications and relevant experience of assigned personnel (Depth of resources)
- Excels in multiple areas of bond issuance (Creative "Outside of the box" thinking)

The City has contracted with George K. Baum & Company as the FA for the 2017 GO bonds, which are to be priced and sold in May 2017. The City will evaluate the need for financial advisor work on future GO bonds on an as needed basis.

Department Review

Budget, Debt, & Grants Department, City Attorney's Office, and City Manager

Funding Source

All Financial Advisor fees are included as part of the closing/final costs of issuance of the related bonds.

Attachments

Exhibit A – Scope of Services & Fee Schedule

Scope of Services

The Service Provider agrees to meet the City's requirements and provide the services outlined below. Required services include, but are not limited to the following:

Provide the City with expert financial advice and assistance on financing techniques and options on matters pertaining to the issuance and sale of securities including Sales Revenue Bonds, Water revenue, Storm water and other Municipal financing options for the City and its related agencies which include: a Municipal Building Authority, two Redevelopment Agency project areas, and a Water District.

- A. To make studies and recommendations on methods and the structuring of financings including payment, security details and bond specifications believed advantageous to the City.
- B. Provide sophisticated cash flow bond schedules and sizing analyses for the City.
- C. To cooperate with recognized bond counsel, to be selected by the City, in connection with proceedings authorizing the issuance of bonds.
- D. To cooperate with an underwriter, to be selected by the City (if desired for any particular bond issuance), in connection with proceedings authorizing the issuance of bonds.
- E. Participate in the preparation of official statements for the issuances setting forth financial and other information about the City and the bond issue.
- F. Participate in the drafting of documents utilized by the City in their financing, Draft Official Statements.
- G. Have representatives present at meetings, when requested or notified, on matters concerning financial techniques and bond issues.
- H. Assist the City with selection of underwriters of the bond issue through a competitive selection process.
- I. Assist, as directed by the City, with presentations to rating agencies and bond insurance companies concerning the issuance.
- J. Perform other functions normally contemplated to be within the scope of duties of a fully qualified financial advisor including advising the City on the public sale and/or private placement of bonds.

COMPENSATION (Fee Schedule)

The following fee schedule is included in the Zion's Public Finance, Inc. contract:

<u>Type of Issuance</u>	<u>Fee (\$10 million Bond Issuance)</u>
Storm Water Revenue Bond	\$17,500
Water Revenue Bond	\$17,500
Sales Tax Revenue Bond	\$15,000
Tax Increment	\$20,000
Refinancing/Refunding	\$20,000

Drafting Official Statement for all Bond issuances - \$5,000



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

The City contracts for bond counsel to assist in the bond issuance process. Bond counsel provides their expertise in the bond market and in-depth knowledge of state and federal municipal bond law.

Respectfully:

John Umbel,



City Council Staff Report

Subject: Bond Counsel Services Contract Award
Author: Nate Rockwood
Department: Budget, Debt, & Grants Department
Date: March 30, 2017
Type of Item: Administrative

Summary Recommendation

Authorize the City Manager to enter into a three (3) year contract with an option of two (2) one-year extensions, in a form approved by the City Attorney's office, with Farnsworth & Johnson PLLC for bond counsel services related to General Obligation, Water Revenue Bond issuance, Storm Water Revenue Bond issuance, and Refinancing/Refunding of existing debt. (Exhibit A – Farnsworth & Johnson, scope of services and fee schedule) and with Gilmore Bell PC for bond counsel services related to Sales Tax Revenue, Tax Increment Bond issuance, and Refinancing/Refunding existing debt (Exhibit B – Gilmore Bell PC, scope of services and fee schedule).

Executive Summary

The City contracts for bond counsel to assist in the bond issuance process. Bond counsel provides their expertise in the bond market and in-depth knowledge of state and federal municipal bond law.

Background

The City traditionally contracts for bond counsel services to assist with bond issuances. Bond Counsel will be required to take an active role in assisting the City with respect to the issuance of debt and possibly other financing options. The City has contracted with multiple bond counsel firms depending on bond type, which allows for the widest diversity of resources.

Park City Municipal Corporation requested proposals from qualified bond counsel firms for municipal bond related issuances. Candidates' proposals were evaluated by the bond counsel selection committee based on established criteria.

Acronyms

RDA – Redevelopment Authority
RFP – Request for Proposals

The Opportunity

The City will receive legal services to write resolutions and review official statements for future bond issuances. Three-year contracts will allow the City to issue bonds as needed to meet the City's financing needs. Having bond counsel under contract will provide access to specific legal advice related to state bonding acts and bond industry practices.

Alternatives for City Council to Consider

- 1. Recommended Alternative:** (1) Approve the contract with Farnsworth & Johnson for bond counsel services for General Obligation bonds, Water revenue bonds and storm water revenue bonds. (2) Approve the contract with Gilmore Bell for bond counsel services for sales tax revenue bonds and tax increment bonds.

Pros:

- a) Three-year contracts will allow the city access to bond counsel when needed.
 - b) Long-term bond counsel will provide cost saving on bond issuance.
- 2. Null Alternative:** Staff would be required to retain bond counsel on a per bond basis.
 - 3. Other Alternatives:** Council could provide direction to continue the RFP process and search for other candidates for Bond Counsel Services.

Analysis

The City received proposals from Farnsworth & Johnson and Gilmore Bell. City staff has worked extensively with both firms on debt issuance and has found both firms to be highly qualified and to represent the City in a professional manner. Both firms provided highly competitive bids. It is the recommendation of staff that the City contracts with each firm for debt issuance services consistent with what was previously contracted over the past 5 years. Staff recommends that by contracting with both firms the City will continue to maximize bond counsel resources and retain institutional knowledge from previous debt issuance. It is recommended that Farnsworth & Johnson handle General Obligation, Storm Water Revenue Bonds, and Water Revenue Bonds issuance and Gilmore Bell handle Sales Tax Revenue Bonds and Tax Increment Bonds issuance.

The Bond Counsel fee schedules based on a \$10,000,000 bond issuance:

The following fee is included in the Farnsworth & Johnson contract:

<u>Type of Issuance</u>	<u>Fee</u>
General Obligation Bond	\$7,500
Storm Water Revenue Bond	\$11,500
Water Revenue Bond	\$11,500
Refinancing/Refunding	same as above rates (respectively)

The following fee schedule is included in the Gilmore Bell contract:

<u>Type of Issuance</u>	<u>Fee</u>
Sales Tax Revenue Bond	\$16,000
Tax Increment Bonds	\$22,000
Refinancing/Refunding	same as above rates (respectively)

Department Review

Budget, Debt, & Grants Department, City Attorney's Office, and City Manager

Funding Source

All Bond Counsel fees are included as part of the closing/final costs of issuance of the related bonds.

Attachments

Exhibit A – Farnsworth & Johnson, Scope of Services and Fee Schedule

Exhibit B – Gilmore Bell, Scope of Services and Fee Schedule

Exhibit A – Farnsworth & Johnson, Scope of Services and Fee Schedule

Scope of Service

Provide the City with expert legal counsel and assistance on matters pertaining to the issuance and sale of securities including General Obligation Bonds, Water Revenue Bonds, and other Municipal financing options for the City and its related agencies which include: a Municipal Building Authority, two Redevelopment Agency Project areas, and a Water District.

- A. To make studies and recommendations on all bond related issues believed advantageous to the City.
- B. Prepare resolutions and other legal documents related to the issuance of municipal debt.
- C. To cooperate with recognized financial advisors, to be selected by the City, in connection with proceedings authorizing the issuance of bonds.
- D. To cooperate with an underwriter, to be selected by the City (if desired for any particular bond issuance), in connection with proceedings authorizing the issuance of bonds.
- E. Participate in the preparation of official statements for the issuances setting forth financial and other information about the City and the bond issue.
- F. Participate in the drafting of documents utilized by the City in their financing.
- G. Have representatives present at meetings, when requested or notified, on matters concerning financial techniques and bond issues.
- H. Perform other functions normally contemplated to be within the scope of duties of fully qualified bond counsel including advising the City on the public sale and/or private placement of bonds.

The following fee schedule is included in the Farnsworth & Johnson contract:

<u>Type of Issuance</u>	<u>Fee (\$10 million Bond Issuance)</u>
General Obligation Bond	\$7,500
Storm Water Revenue Bond	\$11,500
Water Revenue Bond	\$11,500
Refinancing/Refunding	same as above rates (respectively)

Exhibit B – Gilmore Bell, Scope of Services and Fee Schedule

Scope of Service

Provide the City with expert legal counsel and assistance on matters pertaining to the issuance and sale of securities including Revenue Bonds, and other Municipal financing options for the City and its related agencies which include: a Municipal Building Authority, two Redevelopment Agency Project areas, and a Water District.

- A. To make studies and recommendations on all bond related issues believed advantageous to the City.
- B. Prepare resolutions and other legal documents related to the issuance of municipal debt.
- C. To cooperate with recognized financial advisors, to be selected by the City, in connection with proceedings authorizing the issuance of bonds.
- D. To cooperate with an underwriter, to be selected by the City (if desired for any particular bond issuance), in connection with proceedings authorizing the issuance of bonds.
- E. Participate in the preparation of official statements for the issuances setting forth financial and other information about the City and the bond issue.
- F. Participate in the drafting of documents utilized by the City in their financing.
- G. Have representatives present at meetings, when requested or notified, on matters concerning financial techniques and bond issues.
- H. Perform other functions normally contemplated to be within the scope of duties of fully qualified bond counsel including advising the City on the public sale and/or private placement of bonds.

The following fee schedule is included in the Gilmore Bell contract:

<u>Type of Issuance</u>	<u>Fee (\$10 million Bond Issuance)</u>
Sales Tax Revenue Bond	\$16,000
Tax Increment Bonds	\$22,000
Refinancing/Refunding	same as above rates (respectively)



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Prospector Avenue. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community (5,000 - 50,000 population) and thus qualifies for these funds. This contract with AECOM provides for the construction engineering management services through the construction phase of the project. The agreement is not attached because it is currently going through the UDOT approval process. Park City has previously signed this agreement for both the Bonanza Drive and the Deer Valley Drive projects, which were also funded through the Small Urban Fund program.

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: UDOT Consultant Services Agreement for
Prospector Avenue Construction Engineering Management
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: March 30, 2017
Type of Item: Administrative

Summary Recommendations:

Staff recommends City Council authorize the City Manager to sign a UDOT Consultant Services Agreement with AECOM for construction engineering management services for the Prospector Avenue Re-Construction Project in a form approved by the City Attorney and for an amount of **\$116,408**.

Executive Summary:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Prospector Avenue. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community (5,000 – 50,000 population) and thus qualifies for these funds. This contract with AECOM provides for the construction engineering management services through the construction phase of the project. The agreement is not attached because it is currently going through the UDOT approval process. Park City has previously signed this agreement for both the Bonanza Drive and the Deer Valley Drive projects, which were also funded through the Small Urban Fund program.

Concurrent with this agreement is one with Horrocks Engineers to provide material testing for the construction phase of this project.

Acronyms:

AECOM – Architecture, Engineering, Consulting, Operations, and Maintenance
CEM – Construction Engineering Management
HOA – Home owner's association
LED – Light emitting diode
STP – Surface transportation funds
UDOT – Utah Department of Transportation

The Problem:

Prospector Avenue, classified as a commercial collector in the Traffic and Transportation Master Plan, is less pedestrian friendly than other streets in the community and does not meet the City's desired "complete streets" standard. The street and pedestrian lighting is not as energy efficient as newer lighting in the City and the storm drain system has several deficiencies. Additionally, there are no bus pull outs/facilities on this street. UDOT prefers to go through a separate consultant

selection process for each phase of the project. AECOM provided consultant services for the design of the project and now staff is recommending that AECOM provide the CEM services.

Background:

- Park City was awarded \$1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Bonanza Drive,
- Another \$1,000,000 in Small Urban Funds was awarded to Park City for the Deer Valley Drive Phase 1 reconstruction road project,
- For the year 2016, Park City has been awarded another \$1,000,000 in Small Urban Fund grant money for the reconstruction of Prospector Avenue,
- The original grant application to the Small Urban Fund program was made in 12/2011 and Park City was awarded the grant money in early 2012 with the funds to be available in the fall of 2016,
- This grant money has a matching requirement where Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant.
- On August 11, 2016, City Council approved a UDOT consultant services agreement with AECOM to provide engineering design, environmental documentation and implementing a public involvement process through the design phase of the project.

Alternatives:

A. Approve the Request:

This alternative provides the CEM resources necessary for the re-construction of Prospector Avenue. This is staffs recommendation.

Pros – The project will be constructed with the proper over sight and will meet the stringent requirements of a federally funded road project.

Cons – The alternative may not be the most efficient use of City funds but providing the proper level of over sight is the most effective.

B. Deny the Request:

Pros – The City's local funds allocated to this project could be used for other needs.

Cons – Because this project is federally funded, this CEM service should not be provided by in-house City staff. If City staff did try to provide the CEM services, we would be short on resources and most probably need to come back to Council with a consultant contract to complete the CEM services.

Analysis:

The Prospector Avenue Re-construction project will extend from just east of Bonanza Drive to the Gold Dust Lane and Sidewinder Drive intersection. The project's design elements were developed during a February 26, 2016 internal City meeting in which Prospector Square HOA was present and is proposed to include:

- Maintain parallel parking,
- Reduction of lane widths to 12 feet,
- Eight (8) foot wide multi-use pathway on the north side of the street,
- 5 ½ feet wide sidewalks on the south side of the street,

- Update the lighting to LED and new fixtures,
- Roll curb and gutter instead of high back curb and gutter,
- A storm drain system,
- Fiber optic conduit,
- Sharrows,
- Cross walks,
- Four to five feet wide park strips on both sides of the street, and
- Bus pull-outs.

The CEM services provided for this project will include providing on-site resident engineering, construction inspection, project documentation, process contractor payments, address change requests and project closeout. Under a separate contract with Horrocks Engineers, material testing will be provided in support of the CEM services.

Because this project will be administered by UDOT, the consultant was selected using UDOT's selection process. Because the consultant's fee was less than \$150,000, UDOT allows direct selection from the UDOT existing consultant pool. (This pool is operated similar to the State Contract where Park City is allowed to purchase items directly). AECOM was direct selected based on the following:

- Public Outreach Team – AECOM has been providing public outreach on this project since the start of design. For continuity sake, staff believes it is important to continue with the same team so the contacts to the residences and businesses remains stable,
- AECOM provided consultant services through design and have good insight on the elements of the projects and how they came to being, and
- The lead construction person for AECOM provided CEM services for the Bonanza Drive Re-Construction and is well respected in the construction industry.

Because their overhead rate was established through their inclusion in the UDOT consultant pool, the scope of services and hours to complete the work were negotiated and finalized with AECOM. Staff has reviewed the fee and finds it to be reasonable.

Project Schedule

The construction of Prospector Avenue is anticipated to commence in early to mid-June with completion by October 15, 2017. To meet this schedule the design must be sent down to the UDOT complex by the first week in April so it can be prepared for the bidding process.

This agreement must be in place before our consultant can send this project down to the UDOT complex so it can be put out to bid.

Project Budget

The following is the estimated project to date. This project estimate was developed recently when the plans and specifications were approximately 90% complete;

Project Budget (See Funding Source Section) **\$2,235,000**

Estimated Construction Cost	\$1,292,706
Utilities Relocation Costs	\$ 94,680
CEM Costs	\$ 150,000
Design Costs	\$ 263,266
Contingency and Non-Bid Costs	<u>\$ 200,000</u>

Total Estimated Project Costs **\$2,000,652**

This agreement for \$116,408 is a part of the CEM costs noted above. Along with the Horrocks Engineers material testing fee of \$60,762, the total for CEM Costs comes to \$177,170. This total fee exceeds the budget noted above of \$150,000. To cover this budget overage of \$27,170, funds from the proposed contingency line item above will be used.

Department Review:

This report has been reviewed by City Manager, Budget, Public Utilities, Sustainability, Transportation Planning and Legal. All issues have been resolved.

Funding Source:

The Council has approved funding for this project as follows;
Capital Project cp0336 (Prospector Avenue Reconstruction) contains \$875,000 for the project. Additional monies in the amount of \$1,000,000 have been encumbered through UDOT's STP Small Urban Funds Program.

The storm water fund will provide funding for the storm system improvements in the amount of \$360,000. This storm water funding was submitted to the CIP committee and is part of the CIP program for fiscal year 2017 and fiscal year 2018.

Recommendation:

Staff recommends City Council authorize the City Manager to sign a UDOT Consultant Services Agreement with AECOM for construction engineering management services for the Prospector Avenue Re-Construction Project in a form approved by the City Attorney and for an amount of **\$116,408**.

Exhibit A – AECOM's Prospector Avenue Cost Proposal

UDOT CMS Cost Proposal

Contract Number:	NEW	Mod:		Project Number:	F-LC35(213)	PIN:	10858
UDOT Primary Contact:	Peter S. Tang						
PIN Description:	Prospector Ave, Park City						

Labor Costs				
Employee Name	Contract Job Title	Hours	Proposal Rate	Labor Cost
AVERY, MONIQUE	DOCUEMT CONTROL	280	\$28.97	\$8,111.60
CARTER, RAY	RESIDENT ENGINEER	180	\$62.26	\$11,206.80
RICHARDS, CHELSEA	INSPECTOR/TESTOR	660	\$29.05	\$19,173.00
WILLIAMS, BRADLEY	FIELD ENGINEER	68	\$50.00	\$3,400.00
Total Hours:		1,188		
Total Direct Labor:				\$41,891.40
Overhead:			139.14%	\$58,287.71
Total Direct Labor plus Overhead:				\$100,179.11
Fixed Fee:			11.50%	\$11,520.60
Burdened Labor Cost:				\$111,699.71
Other Direct Charges				
ODC Item	Unit of Measure	Qty	Item Cost	Extended Cost
COMPANY MILEAGE	MILE	8,800.0	\$.535	\$4,708.00
Total Other Direct Charges:				\$4,708.00
Total Contract Cost:				\$116,407.71



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Prospector Avenue. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community (5,000 - 50,000 population) and thus qualifies for these funds. This contract with Horrocks Engineers provides material testing support services to the Construction Engineering Management (CEM) service contract with AECOM through the construction phase of the project. The agreement is not attached because it is currently going through the UDOT approval process. Park City has previously signed this agreement for both the Bonanza Drive and the Deer Valley Drive projects, which were also funded through the Small Urban Fund program.

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: UDOT Consultant Services Agreement for
Prospector Avenue Material Testing
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: March 30, 2017
Type of Item: Administrative

Summary Recommendations:

Staff recommends City Council authorize the City Manager to sign a UDOT Consultant Services Agreement with Horrocks Engineers for material testing services for the Prospector Avenue Re-Construction Project in a form approved by the City Attorney and for an amount of **\$60,762**.

Executive Summary:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Prospector Avenue. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community (5,000 – 50,000 population) and thus qualifies for these funds. This contract with Horrocks Engineers provides material testing support services to the Construction Engineering Management (CEM) service contract with AECOM through the construction phase of the project. The agreement is not attached because it is currently going through the UDOT approval process. Park City has previously signed this agreement for both the Bonanza Drive and the Deer Valley Drive projects, which were also funded through the Small Urban Fund program.

Concurrent with this staff report is one with AECOM to provide CEM services for the construction phase of this project.

Acronyms:

AECOM – Architecture, Engineering, Consulting, Operations, and Maintenance
CEM – Construction Engineering Management
HOA – Home owner's association
LED – Light emitting diode
STP – Surface transportation funds
UDOT – Utah Department of Transportation

The Problem:

Prospector Avenue, classified as a commercial collector in the Traffic and Transportation Master Plan, is less pedestrian friendly than other streets in the community and does not meet the City's desired "complete streets" standard. The street and pedestrian lighting is not as energy efficient as newer lighting in the City and the storm drain system has several deficiencies. Additionally, there are no bus pull

outs/facilities on this street. UDOT prefers to go through a separate consultant selection process for each phase of the project. AECOM provided consultant services for the design of the project and staff is recommending that AECOM provide the CEM services while this recommendation is to have Horrocks Engineers provide material testing support to AECOM's CEM agreement.

Background:

- Park City was awarded \$1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Bonanza Drive,
- Another \$1,000,000 in Small Urban Funds was awarded to Park City for the Deer Valley Drive Phase 1 reconstruction road project,
- For the year 2016, Park City has been awarded another \$1,000,000 in Small Urban Fund grant money for the reconstruction of Prospector Avenue,
- The original grant application to the Small Urban Fund program was made in 12/2011 and Park City was awarded the grant money in early 2012 with the funds to be available in the fall of 2016,
- This grant money has a matching requirement where Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant.
- On August 11, 2016, City Council approved a UDOT consultant services agreement with AECOM to provide engineering design, environmental documentation and implementing a public involvement process through the design phase of the project.

Alternatives:

A. Approve the Request:

This alternative provides the material testing resources necessary during the construction phase of the project. This is staff's recommendation.

Pros – The project will be constructed with the proper oversight and will meet the stringent requirements of a federally funded road project.

Cons – The cost of the material testing but this service is a requirement of federal funding to ensure the materials are proper and installed according to the requirements of the construction documents..

B. Deny the Request:

Pros – The City's local funds allocated to this project could be used for other needs.

Cons – There are no cons for material testing. These material testing services cannot be provided by in-house City staff because the City lacks a material testing facility.

Analysis:

The Prospector Avenue Re-construction project will extend from just east of Bonanza Drive to the Gold Dust Lane and Sidewinder Drive intersection. The project's design elements were developed during a February 26, 2016 internal City meeting in which Prospector Square HOA was present and is proposed to include:

- Maintain parallel parking,
- Reduction of lane widths to 12 feet,

- Eight (8) foot wide multi-use pathway on the north side of the street,
- 5 ½ feet wide sidewalks on the south side of the street,
- Update the lighting to LED and new fixtures,
- Roll curb and gutter instead of high back curb and gutter,
- A storm drain system,
- Fiber optic conduit,
- Sharrows,
- Cross walks,
- Four to five feet wide park strips on both sides of the street, and
- Bus pull-outs.

The material testing provided for this project will include providing testing services for all concrete and asphalt elements installed as part of this project. Under a separate contract with AECOM, CEM services will be provided for the project.

Because this project will be administered by UDOT, the consultant was selected using UDOT's selection process. Because the consultant's fee was less than \$150,000, UDOT allows direct selection from the UDOT existing consultant pool. (This pool is operated similar to the State Contract where Park City is allowed to purchase items directly). Horrocks Engineers was direct selected based on the following:

- Past Experience – Horrocks Engineers has been providing material testing services for many federally funded projects and are well versed on federal and state requirements.
- Horrocks Engineers have provided consultant services for numerous other local projects in Park City and have performed well on these projects.

Because their overhead rate was established through their inclusion in the UDOT consultant pool, the scope of services and hours to complete the work were negotiated and finalized with Horrocks Engineers. Staff has reviewed the fee and finds it to be reasonable.

Project Schedule

The construction of Prospector Avenue is anticipated to commence in early to mid-June with completion by October 15, 2017. To meet this schedule the design must be sent down to the UDOT complex by the first week in April so it can be prepared for the bidding process.

This agreement must be in place before our consultant can send this project down to the UDOT complex so it can be put out to bid.

Project Budget

The following is the estimated project to date. This project estimate was developed recently when the plans and specifications were approximately 90% complete;

Project Budget (See Funding Source Section) **\$2,235,000**

Estimated Construction Cost	\$1,292,706
Utilities Relocation Costs	\$ 94,680
CEM Costs	\$ 150,000
Design Costs	\$ 263,266
Contingency and Non-Bid Costs	<u>\$ 200,000</u>
 Total Estimated Project Costs	 \$2,000,652

This agreement for \$60,762 is a part of the CEM costs noted above. Along with the AECOM CEM fee of \$116,408, the total for CEM Costs comes to \$177,170. This total fee exceeds the budget noted above of \$150,000. To cover this budget overage of \$27,170, funds from the proposed contingency line item above will be used.

Department Review:

This report has been reviewed by City Manager, Budget, Public Utilities, Sustainability, Transportation Planning and Legal. All issues have been resolved.

Funding Source:

The Council has approved funding for this project as follows;
Capital Project cp0336 (Prospector Avenue Reconstruction) contains \$875,000 for the project. Additional monies in the amount of \$1,000,000 have been encumbered through UDOT's STP Small Urban Funds Program.

The storm water fund will provide funding for the storm system improvements in the amount of \$360,000. This storm water funding was submitted to the CIP committee and is part of the CIP program for fiscal year 2017 and fiscal year 2018.

Recommendation:

Staff recommends City Council authorize the City Manager to sign a UDOT Consultant Services Agreement with Horrocks Engineers for material testing services for the Prospector Avenue Re-Construction Project in a form approved by the City Attorney and for an amount of **\$60,762**.

Exhibit A – Horrocks Engineers' Prospector Avenue Cost Proposal

**Prospector Ave, Park City
F-LC35(213) Pin 10585**

		Classification			Gradation			Days				Hours				Techs				Total				Total Hrs	
		1	6	6			0															6			
UTBC	running														3	1		3				3			
Concrete Sand/Agg	running				42	2.5	105								15	3	1	45				105			
																							45		
Assuming 1 suppliers/mix designs per week for 15 weeks including sample running to plants every week.																									
Concrete Cylinders	running				64	1	64								60	3	1	180				64			
																							180		
Assuming cylinder pickup 4 days per week for 15 weeks.																									
HMA	Corrections														6	15	3	270				270			
					3	2.5	7.5																7.5		
Assuming 6 days of paving approximately 1000 ton/day. Includes binder sampling and sample running.																									
Documentation															10	4	1	40				40			
Completing the HMA reports and Project Concrete Log for placement in Project Wise.																									

Total Hrs 6

 177

 538

Miles

Total Hrs	Rate	Cost
720.5	77.78	56040.49
7614	0.62	4720.68

Grand 60761.17



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Prospector Avenue. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community (5,000 - 50,000 population) and thus qualifies for these funds. This agreement with CenturyLink is to provide telephone utility relocation services for the Prospector Avenue re-construction project. With the width of Prospector Avenue being changed, there are numerous telephone facilities that will conflict with the proposed sidewalk and/or bus pullouts that will need to be relocated. CenturyLink will be signing Park City's standard agreement.

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: Agreement with CenturyLink for Utility Relocation
Services for the Prospector Avenue Project
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: March 30, 2017
Type of Item: Administrative

Summary Recommendations:

Staff recommends City Council authorize the City Manager to sign an agreement with CenturyLink for relocation of their facilities for the Prospector Avenue Re-Construction Project in a form approved by the City Attorney and for an amount of **\$66,695**.

Executive Summary:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Prospector Avenue. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community (5,000 – 50,000 population) and thus qualifies for these funds. This agreement with CenturyLink is to provide telephone utility relocation services for the Prospector Avenue re-construction project. With the width of Prospector Avenue being changed, there are numerous telephone facilities that will conflict with the proposed sidewalk and/or bus pullouts that will need to be relocated. CenturyLink will be signing Park City's standard agreement.

Acronyms:

AECOM – Architecture, Engineering, Consulting, Operations, and Maintenance
HOA – Home owner's association
ROW – Right-of-Way
STP – Surface transportation funds
UDOT – Utah Department of Transportation

The Problem:

Prospector Avenue, classified as a commercial collector in the Traffic and Transportation Master Plan, is less pedestrian friendly than other streets in the community and does not meet the City's desired "complete streets" standard. The street and pedestrian lighting is not as energy efficient as newer lighting in the City and the storm drain system has several deficiencies. Additionally, there are no bus pull outs/facilities on this street. As in most road projects, the proposed design of Prospector Avenue has created conflicts with existing utilities that must be addressed. Per Park City's franchise agreement with CenturyLink, Park City is responsible for the cost for any impacts to CenturyLink's facilities as a result of city work in the Right-of-Way (ROW).

Background:

- Park City was awarded \$1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Bonanza Drive,
- Another \$1,000,000 in Small Urban Funds was awarded to Park City for the Deer Valley Drive Phase 1 reconstruction road project,
- For the year 2016, Park City has been awarded another \$1,000,000 in Small Urban Fund grant money for the reconstruction of Prospector Avenue,
- The original grant application to the Small Urban Fund program was made in 12/2011 and Park City was awarded the grant money in early 2012 with the funds to be available in the fall of 2016,
- This grant money has a matching requirement where Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant.
- On August 11, 2016, City Council approved a UDOT consultant services agreement with AECOM to provide engineering design, environmental documentation and implementing a public involvement process through the design phase of the project.

Alternatives:**A. Approve the Request:**

This alternative allows for the processing of the agreement with CenturyLink to relocate their conflicting facilities in Prospector Avenue. This is staff's recommendation.

Pros – The existing telephone utilities will be properly relocated so they do not conflict with the City's proposed sidewalks and/or bus pullouts.

Cons – The cost for the relocation of the CenturyLink facilities.

B. Deny the Request:

Pros – The City's local funds allocated to this project could be used for other needs.

Cons – Without the telephone facilities relocated, staff will need to make the decision to either build the project with the conflicts (telephone boxes would be located in the sidewalk or in the bus pullout), redesign around the telephone conflicts or stop the project. .

Analysis:

CenturyLink has facilities in the ROW for land-line telephone service in Park City. The telephone utility facilities to be relocated are owned and operated by CenturyLink. The utility facilities are located within Park City's ROW based on the City's franchise agreement with this utility company. Any movement of CenturyLink's facilities can only be done by CenturyLink.

Project Schedule

The construction of Prospector Avenue is anticipated to commence in early to mid-June with completion by October 15, 2017. To meet this schedule the design must be sent down to the UDOT complex by the first week in April so it can be prepared for the bidding process. The relocation of CenturyLink's facilities is anticipated to occur during the construction period between mid-June and October 15.

This agreement must be in place before our consultant can send this project down to the UDOT complex so it can be put out to bid.

Project Budget

The following is the estimated project to date. This project estimate was developed recently when the plans and specifications were approximately 90% complete;

Project Budget (See Funding Source Section) **\$2,235,000**

Estimated Construction Cost	\$1,292,706
Utilities Relocation Costs	\$ 94,680
CEM Costs	\$ 150,000
Design Costs	\$ 263,266
Contingency and Non-Bid Costs	<u>\$ 200,000</u>

Total Estimated Project Costs **\$2,000,652**

As part of the project estimate above is a line item for utilities relocation in the amount of \$94,680. With this utility relocation cost of \$66,695, the utility relocation costs for this project are still within the budget of \$94,680.

Department Review:

This report has been reviewed by City Manager, Budget, Public Utilities, Sustainability, Transportation Planning and Legal. All issues have been resolved.

Funding Source:

The Council has approved funding for this project as follows;

Capital Project cp0336 (Prospector Avenue Reconstruction) contains \$875,000 for the project. Additional monies in the amount of \$1,000,000 have been encumbered through UDOT's STP Small Urban Funds Program.

The storm water fund will provide funding for the storm system improvements in the amount of \$360,000. This storm water funding was submitted to the CIP committee and is part of the CIP program for fiscal year 2017 and fiscal year 2018.

Recommendation:

Staff recommends City Council authorize the City Manager to sign an agreement with Century Link for Relocation of their facilities for the Prospector Avenue Re-Construction Project in a form approved by the City Attorney and for an amount of **\$66,695**.

Exhibit – CenturyLink's' Prospector Avenue Cost Proposal



QWEST dba Centurylink QC
 Estimate of Job Costs
 without Betterments
 March 8, 2017

JOB DESCRIPTION: Park City Project F-LC35(213) PIN 10858;
 Prospector Ave in Park City
 N.197400

DESCRIPTION	Total Estimated Hours	100% Estimated Costs
TELCO Engineering	20	1,700.00
TELCO Engineering Direct Overhead & Benefits		270.00
TELCO Construction		
TELCO Construction Direct Overhead & Benefits for Line, Splice & Plant		
Contract Vendor Labor		34,522.00
Contract Vendor Other		
TELCO Materials		
Contract Vendor Material		4,193.00
Contract Vendor Engineering		13,200.00
TELCO Engineering General Supervision	87.27	1,178.18
Aid to Construction		1.00
Other Charges		
Contingency		4,000.00
Corporate In-Direct Non-Reporting Overheads		7,630.53
TOTALS		66,694.71

*Total QWEST dba CenturyLink Cost, support
 costs included* 66,694.71

*Percent of QWEST dba CenturyLink
 costs billable to Park City* 100%

Total cost to Park City, support costs included 66,694.71

*This report is Confidential Qwest dba CenturyLink information and is not to be
 disclosed or distributed.*



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff recommends the City Council review and approve changes to section [4-8-9](#) of the Park City Municipal Code (Exhibit A), as well as, Fee Reduction Policy (Exhibit B), based on direction received at the [March 9, 2017](#) City Council Meeting.

The City Council's stated goals for the Special Event Fee Reduction process are to:

- Balance positive economic and community outcomes of Special Events;
- Mitigate event impacts to the community - specifically City Councils critical priorities including environmental and transportation impacts, as well as residential impacts;
- Ensure Public Safety & Security; and
- Effectively and efficiently utilize City resources.

Staff has worked through the Special Event Fee Reduction process for one year, and recommends making changes to the Special Event Fee Reduction process based on the following:

- Direction from City Council to 'take the foot off the gas pedal' regarding events;
- Practical application over the past 12 months including fee reduction for the Shot Ski event, Fourth of July and Tour of Utah, where Council specifically reduced the amount of fees;
- Special Event Fee Reduction Analysis; and
- SEAC Recommendations.

Respectfully:

Jennifer Diersen,

City Council Staff Report



Subject: Municipal Code & Policy Changes related to City Service Fees for Special Events
Author: Jenny Diersen, Special Events Coordinator
Department: Special Events
Date: Thursday, March 30, 2017
Type of Item: Legislative

Summary Recommendation

Staff recommends the City Council approve Ordinance 2017-11, adopting amendments to section [4-8-9](#) of the Municipal Code (Exhibit A), as pertains to Fee Reduction for Special Events, as well as the Fee Reduction Policy (Exhibit B). A summary of the changes include:

- A. Maintain total annual \$200,000 Special Event City Service Fee Reduction threshold amount;
- B. Maintain the same types of fees that can be reduced;
- C. Update the Special Event Fee Reduction criteria to better align with City Council's critical priorities and goals;
- D. Create a staff committee to review Special Event Fee Reduction requests. SEAC will no longer make recommendations regarding Fee Reduction Amounts, though SEAC will continue to make recommendations regarding the Fee Reduction Policy. Maintain staff's authority for review at \$25,000; and
- E. Modify deadline for July – December events from April 1 to May 1 for FY 2018 only.

Executive Summary

Staff recommends the City Council review and approve Ordinance 2017-11, which includes amendments to section [4-8-9](#) of the Park City Municipal Code (Exhibit A), as well as, Fee Reduction Policy (Exhibit B), based on direction received at the [March 9, 2017](#) City Council Meeting.

The City Council's stated goals for the Special Event Fee Reduction process are to:

- Balance positive economic and community outcomes of Special Events;
- Mitigate event impacts to the community – specifically City Councils critical priorities including environmental and transportation impacts, as well as residential impacts;
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- Effectively and efficiently utilize City resources.

Staff has worked through the Special Event Fee Reduction process for one year, and recommends making changes to the Special Event Fee Reduction process based on the following:

- Direction from City Council to 'take the foot off the gas pedal' regarding events;

- Practical application over the past 12 months including fee reduction for the Shot Ski event, Fourth of July and Tour of Utah, where Council specifically reduced the amount of fees;
- Special Event Fee Reduction Analysis; and
- SEAC Recommendations.

Acronyms

BFO	Budgeting For Outcomes
CIP	Capital Improvement Projects
FY	Fiscal Year
PCMC	Park City Municipal Corporation
SEAC	Special Events Advisory Committee

The Problem & the Opportunity

The City has long supported Special Event Fee Reductions to supplement City Service expenses for events in Park City. The Fee Reduction process has:

- Facilitated Special Events that bring economic and community benefit, mitigate impacts, ensure safety and security, and fiscal responsibility; and
- Created an expectation for many event applicants who are now reliant upon fee reductions to help budget for the City Service costs and their events generally.

Fee reductions directly affect the City's budget through department staffing and ability to provide certain levels of services, which directly affect the threshold and balance of the event calendar. When the City increases or decreases services and does not make commensurate budget adjustments for changed levels of service, it puts a strain on department's budget that provide these services.

To ensure events are safe, the general level of public safety required continues to increase. This increase in required city service fees creates challenges for the event applicant's ability to budget for such increases in fees and increased mitigation efforts.

Levels of fee reduction approvals also directly influence event applicant's ability to host events that bring positive cultural experiences and economic benefits to the community. City service fees for special events continue to rise annually due to changes in the fee schedule and increases in required level of service, plus the general inflationary component of providing those services.

Background

City Council Reports:

June 4, 2015	Special Events Advisory Committee Establishment – pages 656 through 663 / Minutes – page 9
January 28, 2016	Special Events Department Code Changes – page 93 through 140 / Minutes – pages 9 through 10
March 24, 2016	Title 4, Chapter 8 Special Event Code Amendment – pages 67 through 101 / Minutes – page 7

May 5, 2016	Special Event Fee Reduction (July 1 through December 31) pages 152 through 170 / Minutes – page 9
September 22, 2016	Special Events Threshold Discussion / Minutes – pages 7-13
November 3, 2016	Special Events Advisory Committee, Event Prioritization & Fee Reduction Update / Minutes – pages 7 – 9
November 17, 2016	Special Events Advisory Committee Amendment / Minutes – Pages 7 & 8
March 9, 2017	Special Event Fee Reduction Update / Minutes – not yet approved.

On January 28th, and March 24th 2016 City Council approved amendments to [Chapter 4, Section 8 of the Municipal Code](#) with regards to Special Events. These changes included a Special Event Fee Reduction Policy for City Services, which established an annual cumulative threshold for Special Event City Service Fee Reduction of \$200,000. City Service Contracts and First Amendment Events are not calculated into this total.

Event applicants may submit Fee Reduction Requests bi-annually:

- April 1st Deadline – Events July 1 – December 31;
- October 1st Deadline – Events January 1 – June 30.

Event applicants who request fee reductions are graded on criteria, as outlined in the Fee Reduction policy (Exhibit B).

Fees eligible for reduction through this process include the following areas:

- Special Events Application Fee;
- Building Permit;
- Facility or Equipment Rental;
- Field and Parks Rental;
- Special Use of Public Parking Permit;
- Bleachers;
- Trail Fees; and
- Public Safety Personnel.

[Analysis](#)

On [September 22](#) and [November 3, 2016](#), City Council gave and confirmed direction to ‘take the foot off the gas pedal’ and to generally consider new events, only if there are compelling community, cultural or economic benefits.

Based on Council’s direction, staff returned to the March 9th City Council meeting for requested affirmations and changes to section [4-8-9](#) of the Park City Municipal Code (Exhibit A and the Fee Reduction policy (Exhibit B).

- A. Maintain annual \$200,000 Special Event City Service Fee Reduction threshold amount;
- B. Maintain types of fees that can be reduced.
- C. Changing the Special Event Fee Reduction criteria to better align with City Council’s critical priorities and goals.

- D. Create a staff committee to review Special Event Fee Reduction requests. SEAC will no longer make recommendations regarding Fee Reduction Amounts, though SEAC will continue to make recommendations regarding the Fee Reduction Policy. Maintain City Council's authority for review at \$25,000.
- E. Modify deadline for July – December events from April 1 to May 1 for FY 2018 only.

A. Maintain annual \$200,000 Special Event City Service Fee Threshold.

With an established cumulative special event city service fee reduction threshold of \$200,000.00 annually for all Level 1, 2 and 3 events, staff has been working to track and understand City Service costs of special events and [FY 2017 Fee Reduction Analysis](#) (page 38 & 39). Staff understands this threshold was set as a way to:

- Maintain the amount of special event city services being reduced; and therefore
- Control impacts to the City's budget.

As staff has been tracking these fees across multiple departments, fees continue to increase for events due to increases in fee schedule (cost of providing service), mitigation efforts, and required security & safety precautions.

Maintaining Threshold and adding additional criteria for event applicants, will allow implementation of further mitigations for residential, transportation and sustainable impacts, while planning for increasing costs due to mitigations.

B. Additional Fee Reduction Criteria.

Staff recommends adding a new Special Event Fee Reduction criteria to include:

Demonstrates extraordinary efforts to reduce and mitigate environmental, transportation and residential impacts associated with their event consistent with adopted City Council priority/policy goals and the General Plan.

As requested by City Council, the first step of a phased approach of achieving increased mitigations is creating standard requirements for mitigating transportation, environmental and residential impacts for which event applicants can use as a base to measure impacts and create change. These standard mitigations will be a requirement of event applicants that must be met in order to approve an event. The standard criteria will be a trial/test during the FY 2018, and after analysis will become a requirement in FY 2019.

In FY 2018, event applicants who are willing to try/test the standards, will be able to request fee reduction for this particular Fee Reduction Criteria. This will allow staff and event organizers time to test the mitigations and give an analysis of costs, and logistics of such requirements. In FY 2019, the additional Fee Reduction Criteria, will not be applied to events who are meeting required mitigation standards. Event applicants will need to show that they are going above and beyond the standards if they looking to use this specific criteria for the City to reduce their fees.

C. Change Special Event Fee Reduction Review Process.

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, to better estimate fees for event applicant, as well as the impacts to the overall City budgeting process.

SEAC recommends no longer reviewing Fee Reduction applications, as their role has been clarified to focus on community perspective and impacts of events. SEAC stated that they need more information to make decisions regarding Fee Reduction and that they were discouraged with the lack of information, and incomplete applications that were received from Fee Reduction applicants. SEAC also stated that they would like to be informed of changes with the policy and application, and kept informed of fee reduction amounts after they are approved biannually.

A City staff fee reduction review committee will be created to evaluate the Special Event Fee Reduction Applications. The committee (which will be similar to staff committees that make recommendations on the BFO and CIP allocations) will bring recommendations to Special Events staff, based on the criteria in the Special Event City Service Fee Reduction Policy. Special Events staff will bring the recommendation to review of the Budget and Economic Development Managers for a final recommendation. Requests under \$25,000 will be reviewed and approved by the City Manager. City Council will maintain authority and review threshold for any event requesting over \$25,000 in Special Event City Service Fee Reduction and will maintain authority for appeals regarding fee reduction. Staff will continue to update Council and SEAC biannually regarding Special Event Fee Reduction analysis.

Alternatives for City Council to Consider

1. **Recommended Alternative:** City Council review and approve Ordinance 2017 – 11, which includes amendments to section [4-8-9](#) of the Park City Municipal Code (Exhibit A), as well as, Fee Reduction Policy (Exhibit B). Staff recommends the following including:
 - Maintain annual \$200,000 Special Event City Service Fee Reduction threshold amount;
 - Maintain types of fees that can be reduced.
 - Changing the Special Event Fee Reduction criteria to better align with City Council's critical priorities and goals.
 - Create a staff committee to review Special Event Fee Reduction requests. SEAC will no longer make recommendations regarding Fee Reduction Amounts, though SEAC will continue to make recommendations regarding the Fee Reduction Policy. Maintain City Council's authority for review at \$25,000.
 - Modify deadline for July – December events from April 1 to May 1 for FY 2018 only.

Pros

- a. Creates clarity in City Council's goals for Fee Reduction process in reducing negative event impacts, while balancing positive economic, community and cultural benefits, while ensuring public safety, security, and fiscal responsibility.

- b. Implement changes to drive positive change for Council's critical priorities.
- c. Allows SEAC to focus on the community perspective of events, and keeps SEAC informed.
- d. Allows staff time to implement changes.
- e. Increases the fiscal responsibility of the City and event applicants.
- f. Creates consistency with Fee Reduction policies throughout the City.
- g. Events create a sense of community and place in our community, and specifically relates to the City's Goals in the General Plan ([goals 11 & 13](#)).

Cons

- a. Some community members may see these changes as not being strong enough to curb some of the negative impacts of events.

2. **Modify Alternative:** City Council could modify the recommended changes.

Pros

- a. Staff would receive clear direction from Council before returning to the next meeting recommending approval of changes.

Cons

- a. Any additional modifications may require additional coordination with staff and event applications.

3. **Null Alternative/Status Quo:** City Council could choose to not make changes to the Special Event Fee Reduction Code and Policy. This would signal to staff and event applicants that the current process is sufficient in accomplishing City Council's goals & priorities with regard to Special Events and the fee reduction process.

Pros

- a. The Special Event Fee Reduction process would continue as it has for the past year.

Cons

- a. Staff and event applicants would not have clear direction on City Council's priority for reducing event impacts.

4. **Do Nothing Alternative:** City Council could provide no direction regarding Special Event Fee Reduction process changes.

Cons

- a. Staff as well as event applicants would not have direction regarding how to implement changes to the Special Event Fee Reduction Process to achieve City Council's goals for this process.

Department Review

Special Events, Economic Development, Building, Budget, Legal and Executive Departments have reviewed this report.

SEAC reviewed the FY 2017 Fee Reduction requests, and recommends no longer evaluating or making recommendations regarding Special Event Fee Reduction requests. At both the February 15th and March 15th SEAC meetings, the committee asked to stay informed of approved fee reduction amounts, as well as be made aware of fee reduction policy and application changes previous to recommending changes to Council.

Funding Source

Special Event Fee Reductions are covered through existing department budgets as part of the City's General Fund.

Attachments

- A Title 4 Chapter 8, Special Event Fee Reduction DRAFT code changes
- B DRAFT changes Special Event Fee Reduction Policy
- C DRAFT changes Special Event Fee Reduction Application
- D Ordinance Amending PCMC Section 4-8 Special Events

Exhibit A – Section 4-8-9 Special Fee Reduction DRAFT Changes

- A. Annually, the city will allocate up to two hundred thousand dollars (\$200,000) to be used to reduce City Service Fees required for Special Events. Allocation of reduced Fees will be determined at the sole discretion of the Economic Development Manager and Budget Manager(s), City Manager ~~or~~ and City Council. Unmet thresholds at the end of a year will not be carried forward to future years.
- B. The ~~Economic Development City Manager and Budget Manager(s)~~ may reduce the following Special Event permitting and associated City Service Fees up to a total of twenty five thousand dollars (\$25,000) after reviewing a recommendation from the Economic Development Manager and Budget Manager upon a finding of eligibility pursuant to the criteria provided herein:
1. Application;
 2. Building permit;
 3. Facility and/or equipment rentals;
 4. Field and/or park rentals;
 5. Special use of public parking permit;
 6. Bleachers;
 7. Trail; and
 8. Public Safety Personnel

If the total fee reduction request exceeds twenty five thousand dollars (\$25,000) or includes other City service Fees outside the Fees mentioned above, then the request must be approved by City Council in a Public Meeting.

- C. All fee reduction requests will be reviewed twice a year. All ~~event~~ Special Event fee reduction requests must be submitted to the Special Events Coordinator prior to the application deadlines:
1. October 1st – Events occurring between January 1st and June 30th.
 2. April 1st – Events occurring between July 1st and December 31st.

Applications received outside of the normal application process may be considered for reductions but must demonstrate an immediate need for reduction and provide justification to why the application was not filed within the specified deadline.

- D. Fee reduction applications will be evaluated by a City Staff review committee comprised of City Departments which the fees directly impact the Special Event Advisory Committee (SEAC) and a recommendation will be submitted to the Special Events Department. Special Events staff will make a recommendation to the Economic Development Manager and Budget Manager(s) and City Manager or City Council. Final determinations will be made by these parties as outlined above in section 4-8-9 (B). All decisions may be appealed with the final decision given by the City Council. Eligibility for a full or partial fee reduction shall be determined by the City pursuant to the following criteria, none of which shall be individually controlling:
1. Charges event admission or fees for participation and policy for attendees or participants unable to pay such fees;
 2. Event provides free programs to the community, or raises funds for organizations that provide free programs, benefiting local youth, seniors or underserved constituents;
 3. Provides economic opportunities to the community including positive tax benefits, raises funds or provides revenue opportunities to the City to offset City services and costs required by the event;
 4. Provides community and/or economic event opportunities during resort off seasons, defined as September 21 – November 21, and April 1 – May 15, excluding holidays;
 - 4.5. Demonstrates extraordinary efforts to reduce and mitigate environmental, transportation and residential impacts associated with the event consistent with adopted City Council priority/policy goals and the General Plan; and
 - 5.6. 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.

Fee reduction requests must be filed bi-annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee reduction for any application shall not create a precedent for future requests.



Special Event Fee Reduction Policy

Park City Municipal Corporation is committed to facilitating Park City's community, cultural and economic vibrancy ~~and economic development~~ by hosting special events, ~~and to, while~~ mitigating for the impact of these events. As pertains to section 4-8-9 of the Park City Municipal Code, in this effort, the City will annually allocate/allocates up to two hundred thousand dollars (\$200,000) to be used towards to reducing/reduce City Service Fees required to for Special Events provide city services for special events. Fees eligible to be reduced include the following City Service Fees: Special Event 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. Fee reduction requests for Special Events must be filled bi-annually, unless otherwise approved in a City Services agreement by the City Council. Approval of any fee reduction for any Special Event application shall not create precedent for future requests.~~ In order to be eligible for a Special Event Fee Reduction, applications must be filled out in their entirety. Incomplete applications will not be considered.

A. Special Event Fee Reduction Evaluation Criteria

Eligibility for a full or partial fee reduction shall be determined by the City based on the following criteria, none of which shall be individually controlling. 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 to the community, or raises funds for organizations or free programs, benefitting local youth, seniors or underserved constituents;
3. **Criterion 3:** Provides economic opportunities to the community including, 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 community and/or economic opportunities during the off season.
5. **Criterion 5:** Demonstrates extraordinary efforts to reduce and mitigate environmental, transportation and residential impacts associated with the event consistent with adopted City Council priority/policy goals and the General Plan.
4. ~~Provides event opportunities during resort off seasons, defined as September 21-November 15, and April 1-May 15, excluding holidays;~~

- ~~5-6.~~ **Criterion 65:** 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.

Fee Reduction applications will be evaluated by the City departments which they directly impact and will be submitted to the ~~The~~ City's Special Events Department. Special Events staff and Special Events Advisory Committee (SEAC) will review make a recommendation to the ~~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 may be downloaded from the City's 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 1st** for events occurring January 1st through June 30th, and
- **April 1st** for events occurring July 1st through December 31st.

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

Exhibit B – Special Event City Service Fee Reduction Policy DRAFT changes

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~~ approvals shall ~~will~~ be noticed to the applicants ~~by May 15th for those events occurring July 1 through December 31st, and November 15th for those events occurring January 1 through June 30th~~ no later than 15 (fifteen) business days after determinations are made by the City Manager or City Council.

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.

PARK CITY MUNICIPAL CORPORATION SPECIAL EVENT FEE REDUCTION APPLICATION



Special Events
435.615.5150
specialevents@parkcity.org

Complete applications for Special Events Fee Reductions must be received by following dates each year to be eligible for bi-annual consideration: October 1st for events occurring January 1st through June 30th, and April 1st for events occurring July 1st through December 31st. Applications received outside the scheduled application process may be denied for approval. In order to be eligible for a Special Event Fee Reduction, applications must be filled out in their entirety. Please refer to the Special Events Fee Reduction Policy for more information.

FEE REDUCTIONS ARE NOT VALID UNTIL SIGNED AND APPROVED BY
THE CITY MANAGER OR CITY COUNCIL

Per Park City Municipal Code Section 4.8.9: ~~The City annually a~~ Annually, the city will allocates up to two hundred thousand dollars (\$200,000) to be used to reduce City Service fees required for special events. If the total fee reduction request exceeds twenty five thousand dollars (\$25,000), then the request must be approved by City Council Meeting in a Public Meeting or through an approved City Services Contract. Please refer to the Park City Municipal Code and Fee Reduction Policy for complete information.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

Date of <u>Fee Reduction</u> Application		
<u>Event</u> Applicant Legal Organization Name		
<u>Event Name</u>		
Organization Contact (First, Last)		
Title/Position	Phone	Email
Organization Street Address		
Organization Mailing Address		
Is organization a registered non-profit?	Yes ☐ No ☐	

SPECIAL EVENT FEE INFORMATION ~~N TO BE COMPLETED BY APPLICANT~~

EVENT TITLE:		
EVENT DATE (S)		
Estimate of total fees requested to be waived, <u>provided by the Special Events Department</u> <u>MUST BE COMPLETED BY THE APPLICANT</u>: 1. <u>Event</u> Application Fee 2. Building Permit 3. Facility/ <u>Equipment</u> <u>Rental</u> 4. Field/Park Rentals 5. Special Use of Parking	1. \$ _____ 2. \$ _____ 3. \$ _____ 4. \$ _____ 5. \$ _____ 6. \$ _____ <u>7.</u> \$ _____ <u>8.</u> \$ _____	Total fees which could be Reduced: Total Fees Requesting to be Reduced: % or \$ amount Total Fees reduced in previous year if annual event: <u>Total City Service Fees paid to the City in previous year if annual</u>

APPLICANT AND SPONSORING BUDGET INFORMATION The following information is required in order for the City to consider waiving Special Event fees. Only direct program or event fees may be listed.

Program or Event Expenses

A. Salaries/ Fees

Artists/Performance/Speakers Contracted Staff	\$ _____
Administrative	\$ _____
Program Staff	\$ _____
Other (Specify)	\$ _____
<u>Total Salaries/Fees</u>	\$ _____

B. Facility/ Space Rental Fees (non-city)
\$ _____

C. Remaining Costs (itemize)

Equipment Rental (non-city)	\$ _____
Marketing	\$ _____
Travel	\$ _____
Insurance (non-city)	\$ _____
Misc. fees (please specify)	\$ _____
Other (please specify)	\$ _____
<u>Total Event Costs</u>	\$ _____

D. Total Special Events Fees
\$ _____

Attach additional pages as needed to illustrate details of expenses listed above.

TOTAL Program Operating Expenses (A+B+C+D)
\$ _____

Program or Event Income

E. Registration and/or Participation Income
\$ _____

_____ participants x	\$ _____ reg. or part. fees
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F. Donations or Sponsorships

Corporate/ Business	\$ _____
Foundations/ Grants	\$ _____
Clubs/Organizations	\$ _____
Memberships	\$ _____
Individual Donors	\$ _____
Other (please specify)	\$ _____
<u>Total Donation/Sponsorship Total</u>	\$ _____

G. Other income (please specify)
\$ _____

Attach additional pages as needed to explain other income sources

TOTAL Program Operating Income (E+F+G)
\$ _____

AGREEMENT AND SIGNATURE

I hereby certify that the information provided is true and correct to the best of my knowledge and that a true financial hardship would be wrought on the organization I represent if the municipal event fees are not waived.

Name (printed)		
Signature (if electronic signature is available):	Date:	

TO BE COMPLETED BY APPLICANT	TO BE COMPLETED BY THE CITY
Municipal City Service Fees	Total Amount or % of Fees Waived
- Application Fee _____ Facility Rentals Building Permit _____ Field Rentals Facility/Equipment Rental _____ Public Parking Spaces Field/ Park Rental _____ Bleachers Special Use of Parking Permit _____ Fire Permit Bleacher Rental _____ - Trail Fees _____ - Public Safety Personnel _____	Total Amount or Percentage of fees waived _____ \$ or % Approved By: _____ _____ Date _____
Total of fees that can be waived _____	Notes or Clarifications for reduced fees:

FOR MUNICIPAL USE ONLY
Date, Application received
Date, Application approved
Date, Applicant notified

Ordinance No.2017-11

**AN ORDINANCE REGARDING SPECIAL EVENT FEE REDUCTIONS AMENDING TITLE 4-
LICENSING: CHAPTER 8, SPECIAL EVENT PERMIT, OF THE MUNICIPAL CODE OF PARK
CITY, UTAH**

WHEREAS, special events within the city limits of Park City continue to grow; and

WHEREAS, Park City desires to facilitate events that provide positive impacts to the local resort economy, contribute to the unique historic character and cultural vitality of the City, and help to build a higher quality of life for city residents, visitors and the local business community; and

WHEREAS, special events range from very small neighborhood-level events to city-wide, multimillion dollar productions; and

WHEREAS, special events held in the City impact public safety and impede the flow of pedestrian and vehicular traffic; and

WHEREAS, a special event permit application process will allow the City to manage neighborhood impacts of private events and balance the competing uses of its public spaces to ensure that members of the public are able to access public spaces; and

WHEREAS, a special event fee reduction process will allow the City and event applicants to be fiscally responsible provided such reductions are administered consistent with City Council critical priorities, Economic development goals and the General Plan; and

WHEREAS, the City desires to encourage special events to undertake extraordinary efforts above and beyond those reasonably required to mitigate public impacts for purposes of regulatory approval in order to further the City's critical priorities and goals to reduce environmental, residential and transportation effects on the community;

WHEREAS, Park City Municipal Corporation wants to ensure public health, safety, and welfare during all permitted events; and

WHEREAS, when more than one event occurs in the same general area, the occupancy level of venues, public property, adjacent city streets and sidewalks increases, which may create an unsafe condition and strain the City's resources and infrastructure; and

WHEREAS, limiting the number of special events that may occur simultaneously will allow the City to prevent people from being injured due to overcrowding, overcapacity streets and sidewalks, and will allow the City to better manage its resources and infrastructure; and

WHEREAS, citizens need to quickly access public space to respond to current events through spontaneous speech.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH THAT:
SECTION 1. AMENDMENTS TO TITLE 4 – Licensing of the Municipal Code Chapter Eight (Special Event Permit). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Municipal Code of Park City is hereby amended as redlined (see Attachment A).

Exhibit D – Ordinance Amending Title 4 Chapter 8 Special Event Permit
SECTION 2. This ordinance shall become effective upon publication.

PASSED AND ADOPTED by the Park City Council this 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

On December 14, 2016, the Planning Commission approved a Conditional Use Permit (CUP) for a Private Event Facility at the historic Kimball Garage at 638 Park Avenue. The CUP allowed for private events to occur both in the interior spaces of the proposed new addition to the historic building as well as the rooftop terrace. It also included approval of a temporary tent structure to be used during these private events.

The Planning Commission's determination was appealed to City Council on December 22, 2016, by Sanford Melville, John Stafsholt, and Sandra Morrison of the Park City Historical Society. The appeal outlines the appellants' argument that the Planning Commission erred in their determination as the appellants find that the CUP does not adequately address or mitigate issues such as design compatibility and compliance with the Design Guidelines; noise; lighting; traffic and parking; need for an Admin-CUP for all outdoor events; approval of a tent through the CUP process; and goals and objectives of the Park City General Plan.

In reviewing this appeal, City Council must review the factual matters de novo and determine the correctness of the Planning Commission's decision in its interpretation of the application of the Land Management Code. City Council's review shall be limited to consideration of only those matters raised by the petition, unless City Council, by motion, enlarges the scope of the appeal to accept information on other matters. The burden is on the appellant to prove that the Planning Commission erred.

Furthermore, the City finds these appeals as a non-adversarial process and the following apply (LMC 15-1-18 (H)):

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

Respectfully:

Anya Grahn, Planner II

City Council Staff Report

Subject: 638 Park Avenue (Kimball Garage)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03412
Date: March 30, 2017
Type of Item: Quasi-Judicial – Appeal of Planning Commission’s
Determination of Compliance with the Design Guidelines for
Historic Districts and Historic Sites

Summary Recommendations

Staff requests that the City Council review the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue, and consider upholding the Planning Commission’s approval of the CUP.

Topic

Appellant(s): Sanford Melville, John Stafsholt, and Sandra Morrison of the
Park City Historical Society
Location: Kimball Garage at 638 Park Avenue, owned by CPP Kimball
LLC (represented by Tony Tyler and Architect Craig Elliot)
Zoning: Historic Recreation Commercial (HRC), Heber Avenue
Subzone
Adjacent Land Use: Residential single-family and multi-family; commercial
Reason for review: Appeals of Planning Commission’s decisions are reviewed
by the City Council

Acronyms

BOA	Board of Adjustment
CUP	Conditional Use Permit
FAR	Floor Area Ratio
HCB	Historic Commercial Business
HDDR	Historic District Design Review
HRC	Historic Recreation Commercial
LMC	Land Management Code
IBC	International Building Code

Executive Summary/Proposal

On December 14, 2016, the Planning Commission approved a Conditional Use Permit (CUP) for a Private Event Facility at the historic Kimball Garage at 638 Park Avenue. The CUP allowed for private events to occur both in the interior spaces of the proposed new addition to the historic building as well as the rooftop terrace. It also included approval of a temporary tent structure to be used during these private events.

The Planning Commission’s determination was appealed to City Council on December 22, 2016, by Sanford Melville, John Stafsholt, and Sandra Morrison of the Park City

Historical Society. The appeal outlines the appellants' argument that the Planning Commission erred in their determination as the appellants find that the CUP does not adequately address or mitigate issues such as design compatibility and compliance with the Design Guidelines; noise; lighting; traffic and parking; need for an Admin-CUP for all outdoor events; approval of a tent through the CUP process; and goals and objectives of the Park City General Plan.

In reviewing this appeal, City Council must review the factual matters de novo and determine the correctness of the Planning Commission's decision in its interpretation of the application of the Land Management Code. City Council's review shall be limited to consideration of only those matters raised by the petition, unless City Council, by motion, enlarges the scope of the appeal to accept information on other matters. The burden is on the appellant to prove that the Planning Commission erred.

Furthermore, the City finds these appeals as a non-adversarial process and the following apply (LMC 15-1-18 (H)):

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
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3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

Background

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is proposing to rehabilitate the existing historic building for Retail and other Commercial uses and add a new addition to the east, adjacent to Main Street. The upper level of the addition will be reserved for a Private Event Facility that extends on to the rooftop terrace. (This CUP will allow for outdoor private events, without requiring individual Administrative CUPs for outdoor events. It also permits the construction of tents on the rooftop terrace, as conditioned.)

The Planning Commission reviewed a CUP for a Private Event Facility at the historic Kimball Garage at 638 Park Avenue on December 14, 2016 [See [Packet](#) (starting page 95) and [Minutes](#) (starting page 60)]. A CUP shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The Planning Commission reviewed fifteen criteria and determined that all the impacts of this application were mitigated. They voted unanimously (6-0) to approve the CUP for Private Event Facility at the historic Kimball Garage at 638 Park Avenue on December 14, 2016, according to the findings of fact, conclusions of law, and conditions of approval. The Planning Commission Chair does not vote (unless there is a tie).

The Land Management Code (LMC) section 15-1-18 requires that final action by the Planning Commission on CUPs be appealed to the City Council within ten calendar days of the final action. The decision was appealed to the Park City Council on December 22, 2016, by Sanford Melville, John Stafsholt, and Sandra Morrison of the Park City Historical Society. The appellants submitted a complete appeal to the Planning Department which was then in turn submitted to the City Recorder on December 22, 2016, of the Conditional Use Permit (CUP) approval of the Private Event Facility at 638 Park Avenue. (Exhibit A – Appeal). The appeal was received within the ten (10) day appeal period.

Staff has been coordinating with the applicant and the appellant in order to find a date where both parties were available; March 30th was the first date that they agreed to.

Recent History of Applications

The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016; an appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment (BOA) met on October 18, 2016, denied the appeal and upheld staff's determination [[Staff Report](#) (page 23) and [Minutes](#).] The time to appeal that decision to the District Court has past and no appeal has been filed.

The Park City Museum had objected to a number of issues, including the removal of one (1) of the two (2) barrel vaults forming the roof of the building; however, the BOA found that the removal complied with the Design Guidelines as rooftop additions are permitted on commercial buildings in the Main Street National Register District, of which the Kimball Garage is a part of. Further, because the barrel was not visible from the primary public rights-of-way, it was appropriate to remove it to accommodate the rooftop deck addition which will sit below the parapet and will generally not be visible from the Heber Avenue right-of-way.

The BOA stressed that the rooftop terrace addition was largely permissible because it would generally not be visible from the Heber Avenue right-of-way. As designed, the rooftop terrace will be setback from the Heber Avenue façade of the building in order to minimize the visibility of the necessary railing from street view. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck. (See [BOA Minutes](#) 10.18.16)

The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016 (See [Ordinance 2016-21](#)). The plat was recorded on February 3, 2017.

On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. It is important to note that in 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The property is currently in the Heber Avenue Subzone of the HRC District. The proposed FAR of the proposed project with the new addition is 1.45.

Burden of Proof and Standard of Review

The City Council is acting in a quasi-judicial manner. Therefore, like with a judge, all contact by the parties with the Council related to the appeal should be at the hearing. No “ex-parte” or one on one contact should occur.

Pursuant to LMC 15-1-18(G), the City Council “shall review the factual matters de novo and it shall determine the correctness of a decision of the [Planning Commission] in its interpretation of the application of the land Use ordinance.”

This means that the City Council will review the evidence presented to the Planning Commission anew and will not give any deference to the Planning Commission’s decisions on how to apply the facts to the law. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition, unless City Council, by motion, enlarges the scope of the appeal to accept information on other matters. The burden is on the appellant to prove that the Planning Commission erred.

Appeal

The appellants are requesting the Conditional Use Permit for the Private Event Facility be denied as they believe it does not comply with the following CUP criteria (summarized from the appellants appeal letter, Exhibit A):

- A. LMC 15-1-10(D)(2) which requires that the Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation and LMC 15-1-10(E) Review Criteria for Conditional use permits;
- B. LMC 15-1-10(E)(12) Noise, vibration, odors, steam, and other mechanical factors that might affect people and Property Off-Site;
- C. LMC 15-1-10(E)(10) Signs and lighting;
- D. LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area; LMC 15-1-10(E)(4) Emergency Vehicle Access; and LMC 15-1-10(E)(13) Control of Delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pick-up Areas;
- E. LMC 15-1-10(E)(5) Location and amount of off-Street parking;
- F. Approval bypasses the City’s typical requirements for Admin-CUPs for outdoor events;

- G. LMC 15-1-10(D)(1) the Application complies with all requirements of this LMC (and applicant argues that it does not because they find the proposal does not comply with the Design Guidelines);
- H. Approval of a tent on the roof-top deck
- I. Roof-top outdoor event facility does not comply with LMC 15-1-10(E)(16)—goals and objectives of the Park City General Plan
- J. Roof-top outdoor event facility is inconsistent with the Design Guidelines

Staff has analyzed each of these further below:

A. LMC 15-1-10(D)(2) which requires that the Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation and LMC 15-1-10(E) Review Criteria for Conditional use permits:

The appellant has argued that this large private commercial indoor/outdoor event facility is incompatible with the surrounding residential neighborhood, and unmitigated, as required by LMC 15-1-10(D)(2) and (4) as well as LMC 15-1-10(E). Further, they find that it is inconsistent with the goals and objectives of the Park City General Plan for this neighborhood, as must be considered under LMC 15-1-10(E)(16).

LMC 15-1-10(D) requires that the Planning Commission concludes that the proposed CUP complies with all of the requirements of the LMC; that the use is compatible with surrounding Structures in Use, scale, mass and circulation; and that the effects of any differences in Use or scale have been mitigated through careful planning.

The Planning Commission found that the proposed CUP for a Private Event Facility was compatible in use, scale, mass, and circulation to surrounding Structures. Additionally, the Planning Commission added a number of conditions of approval to the CUP in order to mitigate issues such as:

- Noise and sound impacts
- Location of utilities and mechanical equipment
- Use of umbrellas, portable heaters, and similar improvements on the rooftop deck
- Location, duration, and frequency of tents on the rooftop deck
- Exterior lighting

These elements will be discussed in more detail further on in this report.

The appellant also argues that the CUP does not comply with LMC 15-1-10(E), which are the 16 criteria that the Planning Commission uses to evaluate a CUP. Again, the Planning Commission found that the project complied with all of these criteria as conditioned.

The appellant points out the project does not comply with LMC 15-1-10(E)(16) which requires the Planning Commission to review the application for consistency with the goals and objectives of the Park City General Plan. The LMC dictates that such review for consistency shall not alone be binding.

The Planning Commission did review and find that the proposal complied with the General Plan. They found that Goal 16 of the General Plan expresses the need to maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. In addition to investing in the rehabilitation of one of the City's Landmark historic buildings, the private event space will support the tourism industry while also catering to locals' needs. The private event space utilizes Main Street as a backdrop and setting for the events while also providing an opportunity to draw more locals to Main Street. The events will draw visitors to Main Street, as well, and encourage visitation to the diverse business mix of the street-level commercial uses. The private event space will contribute to our goals of maintaining and enhancing the long-term viability of the Historic District.

B. LMC 15-1-10(E)(12) Noise, vibration, odors, steam, and other mechanical factors that might affect people and Property Off-Site

The appellants find that the noise which will be broadcasted from the Private Event Facility will negatively impact the quality of life of the surrounding residential neighborhood and the up-slope adjoining areas. The outdoor commercial event space consists of 2,500 square feet and can hold up to 480 people. The appellant argues that the space can be used daily, year-round with typical operating hours between 8am and midnight. Though the CUP was approved with a Condition of Approval that only permits outdoor speakers and music from 11am to 10pm, the appellant argues that the impacts of the noise have not been mitigated at all by the conditions of approval, as required by LMC 15-1-10(E)(12).

As presented to the Planning Commission and incorporated into the approval of the CUP, the maximum capacity of the Private Event Facility—both the indoor and outdoor spaces—is 480 guests. The Planning Commission also limited the hours of use of the Private Event Facility from 8am to midnight, with outdoor speakers limited to 11am to 10pm in accordance with the City's Noise Ordinance. The Planning Commission shared the public's concerns regarding noise, and thus approved the CUP with the following Conditions of Approval in an effort to mitigate the noise impacts:

#5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.*
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.*

#13. The hours of operation within the interior shall be limited to 8am to midnight.

#15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

#16. Outdoor speakers will only be allowed between the hours of 11am to 10pm.

#17. The applicant agrees to abide by all current and future Park City municipal codes.

Finally, in the event that noise does become a nuisance at this site, the Planning Commission incorporated a Condition of Approval that would the following Condition of Approval:

#23. In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.

C. LMC 15-1-10(E)(10) Signs and lighting

The appellant has also expressed concern that light pollution from this facility will negatively impact the surrounding neighborhood and has not been mitigated, as required by LMC 15-1-10(E)(10).

All exterior lighting must be in compliance with the Park City codes and the Design Guidelines for Historic Districts and Historic Sites. All exterior lighting needs to be downward directed and shielded. The Planning Commission approved the CUP with the following Condition of Approval to mitigate any light pollution:

#22. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.

D. LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area; LMC 15-1-10(E)(4) Emergency Vehicle Access; and LMC 15-1-10(E)(13) Control of Delivery and service vehicles, loading and unloading zones, and

Screening of trash and recycling pick-up Areas;

The appellant argues that the traffic considerations and the capacity of the existing streets in the area have not been adequately considered, addressed nor mitigated, as required by LMC 15-1-10(E)(2), (4), and (13). They found that staff erroneously based its analysis on the assumption that this new large commercial event space will not generate any new traffic to the site versus previous uses of the site. No traffic study has been done to support such an assumption, and the assumption defines common sense. The frequency of large events at this location is planned to greatly increase traffic over prior uses.

The property is currently accessed by Main Street along the east side, Heber Avenue along the south side, and Park Avenue along the west side. The previous owner of the building—the Kimball Art Center—regularly used the entire building and adjacent plaza area on the southeast corner of the site for events, approved through Special Events permits. Because the current owner will be reducing the overall size of the event space compared to that of the previous owners, the applicant did not conduct a transportation study as they found there would be reduced demand based on the size of the proposed event space and the Planning Commission did not ask for one.

During their occupancy of the building, the Kimball Art Center frequently held large events both through the special events license, Master Festival License, and private events. In 2015, the Kimball hosted an event with an occupant load of 697 people. The Planning Commission agreed with the applicant's finding that the proposed Private Event Facility will have an occupancy load of 480 people (including the use of the rooftop terrace and balcony), a 32% reduction from past event occupancy loads; however, the frequency of the private events will likely increase greatly due to this use.

The Planning Commission concurred with staff's analysis that the new event space would generate no new traffic to the site. Many of the applicant's anticipated events—meetings, cocktail receptions, weddings, etc.—will likely not meet the maximum occupancy load for the space of 480 occupants; however, others will. Guests and patrons using the Private Event Space will have to abide by the same parking and access restrictions as other visitors to Main Street and this development. Depending on the size of the event, the Planning Commission anticipated seeing an increase during load in and load out; however, the Planning Commission found that the Main Street area along with China Bridge are adapted for these influxes of traffic.

E. LMC 15-1-10(E)(5) Location and amount of off-Street parking

The appellants also argues that the location and amount of off-street parking have not been adequately considered, addressed, nor in any way mitigated, as required by LMC 15-1-10(E)(5). The appellants found that the staff erroneously based its analysis on a finding that this new large event space would not generate any new traffic to the site. They argue that the proposed project actually eliminates existing on-site parking spaces

and is intended to vastly increase the frequency of events at this location. Furthermore, they argue that the parking provisions for this CUP do not meet the requirements of the International Building Code (IBC).

As previously noted, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to an FAR of 1.5; the applicant is proposing a total FAR of 1.45 following completion of the new addition. The applicant was not required to provide on-site parking as they did not exceed the 1.5 FAR. Exterior spaces, such as the rooftop terrace, are not included in the FAR calculation.

Any traffic generated by the private event facility will likely find parking in one of the City's public parking lots such as the Flagpole lot or China Bridge, along Park Avenue, or in one of the nearby private parking garages at Summit Watch, Gateway Mall, or the Town Lift. The applicant anticipates that most event attendees will be shuttled from off-street lodging or will be lodging in Old Town.

The Planning Commission found that no new traffic will be generated to this site; however, staff does anticipate an increase in traffic at this intersection during load-in and load out. The Planning Commission agreed with staff's finding that the Main Street area along with China Bridge is adapted for these influxes of traffic. The Planning Commission approved the CUP with Condition of Approval #3 which states that guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.

Staff has also consulted with the Building Department and found that there are no IBC requirements requiring on-site parking.

F. Approval bypasses the City's typical requirements for Admin-CUPs for outdoor events

The appellant also contends that the approval of this CUP for a large indoor/outdoor private event facility for an unlimited number of events without having to obtain individual Administrative CUPs for outdoor events in perpetuity, improperly bypasses the controls that the City normally has over the operation of such events and their impacts on the City and its residents. The appellants maintain that there is no precedent for such a pre-approved outdoor event facility, and no real control or review of the negative impacts the private event facility will have on surrounding residential neighborhoods.

Because this CUP regulates the outdoor rooftop terrace, the applicant will not be required to apply for additional Admin-CUPs for any outdoor events and uses that may utilize the rooftop terrace associated with the private event facility; the CUP also permits the installation of any tents on the rooftop deck.

Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following:

- A. Use of City personnel;
- B. Impacts via disturbance to adjacent residents;
- C. Traffic/parking;
- D. Disruption of the normal routine of the community or affected neighborhood; or
- E. Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.

Any organized activity involving the use of, or having an impact, on the above shall require a permit as outlined in Section 4-8-2 of the Municipal Code. Event levels are determined based on degree of City Impacts including but not limited to anticipated attendance, use of amplified sound, transportation and parking, use of public or private property and admission. Any event may be defined as the following if they meet one or more of the listed criteria in a given category:

- A. Level One Event: The attraction of crowds up to 199 people; OR necessity for rolling street closure.
- B. Level Two Event: The attraction of crowds between 200 and 499 people; OR necessity for partial street closure.
- C. Level Three Event: The attraction of crowds greater than 500 people; OR necessity for street closure.

Because any event at this site that is at full occupancy—480 people—could be considered a Level Two Event, the Planning Commission incorporated additional conditions of approval consistent with those used by the Special Events Department for Level Two Special Events as part of their CUP approval, including:

#3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.

#4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.

#5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.*
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City*

Noise Ordinance for the outdoor use.

The Planning Commission found that the applicant shall request a Special Events Permit for any event that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP in Condition of Approval #2.

Staff disagrees that there is no precedent for a pre-approved outdoor event space such as this. There are several examples of the Planning Commission approving a CUP to allow for or increase the frequency of tent installations, including the following examples:

- On October 26, 2016, The Planning Commission approved a CUP for the tent at 515 Main Street on [[Packet](#) (page 45) and [Minutes](#) (page 6)]. The tent may be installed a maximum of 15 times per year for durations no longer than ten (10) days each in the private courtyard. The CUP allows the installation of tents, use of outdoor speakers, outdoor music, catered parties, and outdoor displays of merchandise within the private, enclosed courtyard. The tent did not increase the occupancy of the existing people, which is limited to 49 occupants. Conditions of Approval were added to limit the duration of the tent, require compliance with the City's noise or nuisance ordinance, and provide an option to return to the Planning Commission should there be any complaints.
- Additionally, there was an Outdoor Event Administrative CUP approved on August 18, 2006, that permits primarily private events such as parties, weddings, and receptions at the Town Lift at 825 Main Street. Large public or private events associated with a master festival or special event continue to be reviewed under those types of permits. Again, conditions of approval were added requiring compliance with the noise ordinance and the applicant must apply for a building permit for any tent over 200 square feet.

G. LMC 15-1-10(D)(1) the Application complies with all requirements of this LMC (and applicant argues that it does not because they find the proposal does not comply with the Design Guidelines)

The appellants also argue that the CUP cannot be granted unless the application complies with all the requirements of the LMC. The appellants maintain that approval of an outdoor event space on the roof of the historic Kimball Garage violates the LMC because the historic roof form of the landmark building is not being maintained—one of the two barrel-vaulted roof forms are being removed to accommodate a new 2,500 sf. deck. They argue that this is in conflict with Specific Design Guideline B.1.1: Maintain the original roof form. Further, they contend that the Board of Adjustment (BOA) did not determine that the Design Guideline requirement to maintain the original roof form of the historic building was being met.

The Planning Commission found that the CUP application did comply with all of the requirements of the LMC, including compliance with the Design Guidelines. The BOA reviewed the Park City Museum's appeal of the HDDR and upheld staff's determination

that the HDDR complied with the Design Guidelines. The Park City Museum had the opportunity to appeal the BOA's determination to District Court, but choose not to. The appeal period for the HDDR's compliance with the Design Guidelines has expired.

H. Approval of a tent on the roof-top deck

The appellant argues that the Planning Commission's approval of a tent on the rooftop deck of the Kimball Garage as part of the Private Event Space's outdoor facilities is at odds with the concerns and reasons that the Board of Adjustment stated were important in their decision to allow the rooftop deck to replace the historic barrel roof of the Kimball Garage. The appellant is correct that the BOA was concerned that no tables, umbrellas, or chairs on the deck be visible, as outlined in the BOA minutes. The appellant is also correct that the BOA did not review the plans for the tent. Tents do not require a Historic District Design Review (HDDR) as they are temporary structures and the tent was not included in the HDDR submittal and appeal.

The BOA found that the proposed removal of one of the barrel-vaulted roof forms to accommodate the rooftop terrace was appropriate largely because the terrace would not be visible from the public right-of-way. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, heaters, tents, and other temporary structures from detracting from the invisibility of the deck.

The Planning Commission incorporated Condition of Approval #11 in an effort to mitigate the appearance of any rooftop furnishing; Condition of Approval #11 requires that the use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

The Planning Commission's approval of the CUP also regulated any tents installed on the rooftop terrace as part of the Private Event Facility use. The applicant has designed a side-gable tent of 780 square feet. The tent is fifteen feet in height from its base to the top of its roof peak; it does not exceed the height limitations of this zone. The applicant proposes to install the tent on the northeast corner of the rooftop terrace, where it will be screened from Park Avenue by the barrel-vault roof and from Heber Avenue by the parapet of the historic Kimball Garage. The tent is set back beyond the east-west midpoint of the rooftop terrace to further minimize its visibility and reduce its size.

LMC 15-4-6 Temporary Structures, Tents, and Vendors, only allow tents and other temporary structures to be installed for a duration no longer than 14 days and no more than 5 times per year on the same Property or Site. The Building Department will have to re-evaluate the space's occupancy load should a tent be installed on the rooftop terrace based on the space's sanitation facilities, seating, food service/handling, snow removal, etc. The Building Department also requires a fire permit for the installation of

any tent equal to or greater than 400 square feet, the square footage measured from the outside dimensions. Planning Staff finds that they can track the frequency and duration of the tent through a fire permit.

The Planning Commission expressed concern about the use of tents on the rooftop terrace, especially given the BOA's input to maintain the rooftop terrace as invisible from the public right-of-way. The Planning Commission mitigated the visibility of the tent by requiring it to be setback from the parapet and south edge of the roof terrace. The Planning Commission also approved the CUP with the following Findings of Fact and Conditions of Approval that regulate the tent:

12. Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.*
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.*
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.*
- d. The tent shall be no more than fifteen feet (15') in height.*
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.*
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.*
- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.*
- h. The size of the tent shall be limited to 780 square feet.*
- i. The rooftop terrace shall be limited to one (1) tent.*
- j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.*

I. Roof-top outdoor event facility does not comply with LMC 15-1-10(E)(16)—goals and objectives of the Park City General Plan.

The appellants also argue that the outdoor space of the Private Event Facility is inconsistent with the goals and objectives of the Park City General Plan, a CUP requirement outlined in LMC 15-1-10(E)(16). They argue that heating a large 2,500 square foot rooftop deck surface and a large outdoor tent for year-round commercial event uses does not comply with the General Plan's Natural Setting strategy which explicitly calls for "improving energy efficiency and encouraging conservation in homes and businesses."

As previously noted, the Planning Commission found that the CUP as proposed complied with Goal 16 of the General Plan which expresses the need to maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. In addition to investing in the rehabilitation of one of the City's Landmark historic buildings, the private event space will support the tourism industry while also catering to locals needs. The private event space utilize Main Street as a backdrop and setting for the events while also providing an opportunity to draw more locals to Main Street. The events will draw visitors to Main Street, as well, and encourage visitation to the diverse business mix of the street-level commercial uses. The private event space will contribute to our goals of maintaining and enhancing the long term viability of the Historic District.

The Planning Commission did not discuss the sustainability of the rooftop terrace. The LMC does not provide sustainability requirements for temporary structures, such as tents, nor does it prevent outdoor heaters.

J. Roof-top outdoor event facility is inconsistent with the Design Guidelines

Finally, the appellants argue that the outdoor event facility is inconsistent with the "Sustainability" provisions of the Historic Design Guidelines, which are incorporated into the LMC by reference per LMC 15-11-11. They contend that the CUP cannot be granted unless the application complies with all requirements of the LMC, per LMC 15-1-10(D)(1). The appellants maintain that heating the outdoor rooftop terrace and tent of the outdoor Private Event Facility is not energy efficient and does not promote sustainability.

Again, the Planning Commission found that the CUP complied with all requirements of the LMC, including compliance with the applicable Design Guidelines. The Park City General Plan does promote sustainability and the Design Guidelines do address ways in which historic buildings can be more sustainable; however, there currently are no provisions in the LMC that disallow heating outdoor spaces such as rooftop decks and patios. The applicant is not out of compliance with the LMC.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On March 16, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on March 18, 2017, according to requirements of the Land Management Code.

Public Input

Public Input was taken during the December Planning Commission meeting and was included in the staff report and minutes [See [Packet](#) (starting page 95) and [Minutes](#)

(starting page 60)].

Public Input has also been provided by Lynn Fey during the March 9, 2017, City Council meeting (See [Audio](#)) and Ed Parigian during the March 16, 2017, City Council meeting (see [Audio](#)). Ms. Fey's comments have been included in Exhibit C; whereas, Mr. Parigian verbally expressed concern about the Kimball Garage CUP setting a precedent that would negatively impact the neighborhood due to the noise generated by the open air deck.

Alternatives

- The City Council may uphold the Planning Commission's approval of the CUP and deny the appeal.
- The City Council may reverse the Planning Commission's approval of the CUP and uphold the appeal.
- The City Council may direct staff to provide additional analysis and continue the appeal to a future date.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The CUP for the Private Event Facility at the historic Kimball Garage will be denied and the Private Event Facility will not be permitted. The applicant shall find a new use for the space in the new addition. The outdoor terrace will remain as it was approved as part of the HDDR.

Recommendation

Staff requests that the City Council review the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue, and consider upholding the Planning Commission's approval of the CUP.

Exhibits

Exhibit A – Appeal

Exhibit B – Planning Commission Action Letter for CUP, 12.16.16

Exhibit C– Public Comment

PROPOSED ORDER DENYING APPEAL AND UPHOLDING THE PLANNING COMMISSION'S CUP APPROVAL:

Finding of Fact:

1. The subject property is located 638 Park Avenue. It is also Lot 1 of the Kimball on Main plat amendment that was recorded on February 3, 2017.
2. The property is located in the Historic Recreation Commercial (HRC) District.
3. Per 15-2.5-10 the property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial

Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.
8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
13. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
14. The Conditional Use Permit (CUP) for the Private Event Facility requires that all developments are subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.
15. The Planning Commission held public hearings for the CUP application on November 9, 2016 and December 14, 2016; the Planning Commission unanimously approved the CUP application with a 6-0 vote on December 14, 2016. The Planning Commission Chair does not vote (unless there is a tie).

16. The Planning Commission approval of the CUP was appealed to the City Council and on December 22, 2016.
17. The proposal complies with LMC 15-1-10(D) in that the City Council found that the CUP complies with all of the requirements of the LMC; that the use is compatible with surrounding Structures in Use, scale, mass and circulation; and that the effects of any differences in Use or scale have been mitigated through careful planning.
18. The proposal complies with LMC 15-1-10(E)(12) in that noise, vibration, odors, steam, and other mechanical factors that might affect people and Property Off-Site have been mitigated through the Conditions of Approval of the CUP approved on December 14, 2016.
19. The proposal complies with LMC 15-1-10(E)(10) in that exterior lighting has been mitigated through the Conditions of Approval of the CUP approved on December 14, 2016. All exterior lighting must be in compliance with the Park City codes and the Design Guidelines for Historic Districts and Historic Sites.
20. The proposal complies with LMC 15-1-10(E)(2) in that traffic considerations including capacity of the existing streets in the area; LMC 15-1-10(E)(4) Emergency Vehicle Access; and LMC 15-1-10(E)(13) control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pick-up Areas. The City Council has found that the the current owner will be reducing the overall size of the event space and the new event space will not generate any new traffic to the site. Guests and patrons of the Private Event Space will have to abide by the same parking and access restrictions as other visitors to Main Street.
21. The proposal complies with LMC 15-1-10(E)(5) Location and amount of off-street parking. The Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Improvement District as of January 1, 1984, for a parking requirement up to an FAR of 1.5. The applicant is proposing a total FAR of 1.45 following completion of the new addition, and is not required to provide on-site parking. Exterior spaces, such as the rooftop terrace, are not included in the FAR calculation.
22. The proposal does not bypass the City's typical requirements for Admin-CUPs for outdoor events. Because the CUP regulates the outdoor rooftop terrace, the applicant will not be required to apply for additional Administrative-CUPs for any outdoor events and uses that utilize the rooftop terrace associated with the Private Event facility. The CUP also approved the installation of any tents on the rooftop deck, with Conditions of Approval. There are precedents for tents being included on CUP approvals, including the tent at 515 main Street (approved by the Planning Commission on October 26, 2016) and the Outdoor Event Administrative CUP approved in 20016 for the Town Lift at 825 Main Street.
23. The proposal complies with LMC 15-1-10(D)(1) in that the application complies with all requirements of the LMC, including the Design Guidelines. The BOA reviewed the Park City Museum's appeal of the HDDR and upheld staff's determination that the HDDR complied with the Design Guidelines.
24. The approval of a tent on the rooftop deck is not at odds with the concerns and reasons that the Board of Adjustment stated were important to their design as approved with Conditions of Approval by the Planning Commission on December 14, 2016.

25. The rooftop outdoor event space complies with LMC 15-1-10(E)(16) Goals and Objectives of the Park City General Plan. The proposal contributes to maintaining the Historic Main Street District as the heart of the City for residents and encourages tourism in the district for visitors. The LMC does not regulate the sustainability of temporary structures, such as tents, nor does it prevent outdoor heaters.
26. The proposed rooftop outdoor event facility is consistent with the Design Guidelines, as determined by the BOA during the October 18, 2016 appeal hearing.
27. The approval of a tent on the rooftop deck complies with the Land Management Code and Design Guidelines as approved with Conditions of Approval by the Planning Commission on December 14, 2016.
28. The proposed rooftop outdoor event facility complies with LMC 15-1-10(E)(16) Goals and Objectives of the Park City General Plan as it maintains the Historic Main Street District as the heart of the City for residents and encourages tourism in the district to visitors. The private event space will contribute to our goals of maintaining and enhancing the long term viability of the Historic District.
29. The proposed Rooftop outdoor event facility is consistent with the Design Guidelines as determined by the BOA during the October 18, 2016 hearing.

Conclusions of Law

1. The application is consistent with the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
3. The Planning Commission did not err in granting the CUP approval.

Conditions of Approval

1. All conditions of approval of the Planning Commission's approval on December 14, 2016, approval continue to apply.
2. Approval is based on plans reviewed by the City Council on March 30, 2017. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Order

1. The appeal of the Planning Commission's approval of a Conditional Use Permit (CUP) for the building at 638 Park Avenue is denied. The decision of the Planning Commission is upheld.

Date: December 22, 2016



Notice of Appeal to City Council, pursuant to LMC 15-1-18, of Planning Commission's decision on 12/14/16 granting the Conditional Use Permit for a Private Event Facility on the roof of the historic Kimball Garage Site at 638 Park Avenue

Petitioners: Sanford Melville
527 Park Ave., PO Box 3568, Park City
435-659-0573
smelville@outlook.com
standing: submitted written and public comment

John Stafsholt
633 Woodside Ave., Park City
435-513-2933
jstafsholt@aps-tech.com
standing: provided public comment

Sandra Morrison/Park City Historical Society
528 Main Street, PO Box 555, Park City
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smorrison@parkcityhistory.org
standing: submitted written and public comment

The above-named Petitioners hereby provide notice of their appeal to City Council, pursuant to LMC 15-1-18, of the decision of the Planning Commission on December 14, 2016 granting a Conditional Use Permit (CUP) for a Private Event Facility on the roof of the historic Kimball Garage site at 638 Park Avenue.

The reasons of the appeal include the following:

1. The requirements of LMC 15-1-10 for approval of a Conditional Use have not been met in this case because the use is not compatible due to its impact on the municipality and surrounding neighbors, and the conditions imposed as part of the approval do not substantially mitigate or eliminate the detrimental impacts. Specifically,
 - A. This large private commercial indoor/outdoor event facility is incompatible with the surrounding residential neighborhood, and unmitigated, as required by LMC 15-1-10(D)(2)&(4), 15-1-10(E). Further, it is inconsistent with the goals and objectives of the Park City General Plan for this neighborhood, as must be considered under LMC 15-1-10(16).
 - B. The noise which will be broadcast from this large 2500 square foot rooftop outdoor commercial event facility for 480 people, allowed to operate for as many days a year as the operators can schedule, with typical operating hours between 8am and midnight and outdoor speakers and music allowed 11am to 10pm, will most certainly negatively impact the quality of life of the surrounding residential neighborhood and the up-slope adjoining areas. These impacts have not been mitigated at all by the conditions of approval, as is required by LMC 15-1-10(E)(12).



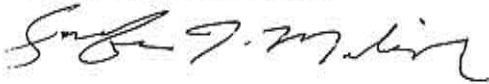
- C. The light pollution from this facility will negatively impact the surrounding neighborhood, and has not been mitigated, as required by LMC 15-1-10(E)(10).
- D. The traffic considerations and the capacity of the existing streets in the area have not been adequately considered, addressed, nor mitigated, as required by LMC 15-1-10(E)(2), (4), & (13). The Staff erroneously based its analysis on the assumption that this new large commercial event space will not generate any new traffic to the site versus previous uses of the site. No traffic study has been done to support such an assumption, and the assumption defies common sense. The frequency of large events at this location is planned to greatly increase over prior uses.
- E. The location and amount of off-street parking have not been adequately considered, addressed, nor in any way mitigated, as required by LMC 15-1-10(E)(5). Again, the Staff erroneously based its analysis on a finding that this new large commercial event space will not generate any new traffic to the site. The Kimball project is in fact eliminating existing on-site parking spaces, and is intended to vastly increase the frequency of events at this location. In addition, the parking provisions for this CUP do not meet the requirements of the International Building Code.
- F. The approval of this CUP for a large private commercial indoor/outdoor event facility for an unlimited number of events, and without having to obtain individual Administrative CUP's for outdoor events in perpetuity, improperly bypasses the controls that the City normally has over the operation of such events and their impacts on the City and its residents. There is no precedent for such a pre-approved outdoor event facility, and no real control or review of the negative impacts this incompatible outdoor commercial event facility will most certainly have on the surrounding residential neighborhoods. LMC 15-1-10.
- G. A CUP cannot be granted unless the application complies with all requirements of the Land Management Code. LMC 15-1-10(D)(1). This application for an outdoor event space on the roof of the historic Kimball Garage building violates the LMC because the historic roof form of this landmark building is not being maintained. Instead half of the double-barrel roof of the historic building is being removed and replaced by a 2500 square foot deck for the outdoor event space. "Maintain[ing] the original roof form" of a historic building such as the Kimball Garage is explicitly required by Park City's Historic Design Guidelines (Specific Guideline B.1.1, p.30), which are incorporated into the LMC by reference per LMC 15-11-11. Although the Board of Adjustment decided, on a split vote, that half of the Kimball Garage roof could be removed and replaced by a roof-top deck to facilitate the developer's project, the BOA did not determine that the Historic Design Guideline requirement to "maintain the original roof form" of the historic building was being met. To the contrary, one of the two barrel vaults or the original roof form is being allowed to be removed and changed to a flat roof-top deck.
- H. The large tent that the CUP permits on the roof-top deck of the Kimball Garage for the outdoor event facility is at odds with the concerns and reasons that the Board of Adjustment stated were important in their decision to allow the roof-top deck to replace the historic barrel roof of the Kimball Garage. The Board was concerned that no tables or chairs or umbrellas on the deck should be visible, as shown in the minutes of the BOA



hearing. However, that there would be a large tent, 15 foot tall and 780 square feet in size, installed on the roof-top deck was not revealed to the Board of Adjustment.

- I. The roof-top outdoor event facility is inconsistent with the goals and objectives of the Park City General Plan, an item to be considered under LMC 15-1-10(E)(16). Heating a large 2500 square foot roof-top deck surface and a large outdoor tent for year-round commercial event uses does not comply with the General Plan's "Natural Setting" Strategy, which instead explicitly calls for "Improving energy efficiency and encouraging conservation in homes and businesses." Park City General Plan p.44.
- J. The roof-top outdoor event facility is inconsistent with the "Sustainability" provisions of the Historic Design Guidelines, which are incorporated into the LMC by reference per LMC 15-11-11. A CUP cannot be granted unless the application complies with all requirements of the Land Management Code, per LMC 15-1-10(D)(1). The Specific Guidelines for Historic Sites state in the section "L. Sustainability" (Guidelines p.40) that efforts should be made to reduce the carbon footprint of historic buildings. Adding a large roof-top deck to a historic building and heating the outdoor deck and outdoor tent for year-round commercial event uses is not energy efficient and does not promote sustainability, and therefore this use does not meet the "Sustainability" provisions of Park City's Historic Design Guidelines.

Respectfully submitted,



Sanford Melville
on behalf of Petitioners



Date: March 19, 2017

Appeal to City Council, pursuant to LMC 15-1-18(C), of the Planning Commission's decision on 12/14/16 granting a Conditional Use Permit for a Private Event Facility on the roof of the historic Kimball Garage Site at 638 Park Avenue

Hearing Date: March 30, 2017

I. SUMMARY OF REASONS FOR APPEAL

This is an appeal of the Planning Commission's approval of a Conditional Use Permit (CUP) for operation of a permanent indoor/outdoor rooftop private event center at the site of the historic Kimball Garage, adjacent to a residential neighborhood. This proposed commercial event center Use is not compatible at this location. It will have severe detrimental impacts on the surrounding neighborhood and the municipality that cannot be eliminated and have not been reasonably mitigated.

Although the Planning Commission approved the CUP application, the Chair was strongly opposed and made the following statement:

"Chair Strachan stated that he would not be voting in favor of the CUP because the impacts are unknown and, therefore, could not be mitigated. None of the Conditions are clean, which is a good indication that the mitigation will not be clean. Chair Strachan believed the public comments were right on point; and he was unsure how this was ever approved by the Board of Adjustment. Chair Strachan did not believe the associated impacts could be reasonably mitigated." (Minutes of 12/14/16 meeting at p.69).

Chair Strachan was correct. The Planning Commission's grant of this CUP did not comply with the requirements of LMC 15-1-10 (Conditional Use Review Process), and failed to properly review and mitigate the CUP's impacts as specified in 15-1-10(E). The grant of this CUP was an error that can and should be corrected by the City Council in this appeal.

There are many individual reasons why this appeal should be granted. A detailed explanation of these reasons is provided in Section II (pp. 4-13). A summary of these reasons is provided directly below (pp. 1-3), including the following:

- Attached Exhibit A is a recent photo of the Kimball Garage. There can be no doubt that the sounds emanating from a large indoor/outdoor commercial event operation on top of this building will be **highly disruptive to the surrounding residential neighborhood**. The occupant capacity for this private event facility is for up to 480 people. The event center has a large outdoor component — it includes as part of the event facility an outdoor rooftop terrace of 2530 square feet over the historic Kimball Garage, plus a 477 square foot outdoor balcony overlooking the Heber Avenue-Main Street corner — over 3000 square feet of outdoor event space. Typical operating hours for this nightly event center will be between 8am and midnight, with outdoor speakers and music allowed 11am to 10pm. (For example, think of a large happy group outdoors on the rooftop deck singing along to "YMCA" until 10pm or later, night after night.) The adjacent residential neighborhood extends up the

hillsides above the event center location. The noises emanating outward and upward from the outdoor portions of this large nightly event center will inevitably be highly disruptive to the adjacent residential neighborhood. The sounds will also be heard by other nearby upslope residences. This commercial event operation is incompatible at this location, and its detrimental impacts have not been mitigated. [See Section II, para. A, pp. 4-5]

- Residents of Old Town accept the additional noise and inconvenience that comes from the many **public events** that take place on our streets throughout the year. These events add to the vibrancy of our Town and most residents truly enjoy being able to freely join in the fun. However, these are public events and the City exerts some control over them and their impacts. **A commercial private event business is quite another matter altogether.** The applicant is asking that the residents of the community sacrifice quality of life for the exclusive benefit of a private event business and its patrons. [See Section II, para. G, page 10]
- This event center is unlike a banquet hall at one of our large hotels, or a large group event at one of our local restaurants. First of all, those are primarily indoor facilities. In addition, such hotels and restaurants must necessarily take into consideration that any event they hold must not unduly disturb their other guests (*i.e.*, hotel guests, other diners). In contrast, this commercial event center will have no such incentives, and instead **will have only the incentive to hold as many large events as possible, as often as possible**, regardless of impact on the nearby residential neighborhood, or on other nearby commercial ventures. Would you want this nightly outdoor event center in your neighborhood? Would you want such an event center on the roof of the radio station just below the Marsac Building? [See Section II, para. A, page 5]
- Approval of this CUP means that **the surrounding neighborhood will no longer remain a residential area**, and will instead shift entirely to nightly rentals. Who would want to have their primary residence where they will have to endure hearing the noises from a large nightly commercial indoor/outdoor event center? Is this the future of Old Town that this City Council wishes to endorse? Why should the City favor a commercial event business over the concerns of City residents? [See Section II, para. G, page 10]
- This CUP will allow for an unlimited number of outdoor private events at this site without ever requiring individual Administrative CUP's or any other permits for those outdoor events. The CUP will also allow the event center to operate for as many days a year as the operators can schedule - without the need for any further approval or control by the City for any outdoor events. **There is no precedent for such pre-approval of an outdoor/indoor event operation for all time.** The CUP definitely treats this event business differently and preferentially than all the other entities that seek to schedule events in Park City. It also bypasses review by the Special Events Advisory Committee. There is no good justification for treating this proposed event business preferentially. [See Section II, para. E, page 9]
- No traffic study was done and no consideration was given in the CUP approval to the **traffic congestion** that will inevitably result as event-goers arrive and leave after the event. Further, no consideration was given to the fact that Heber Avenue, where the loading and unloading access and entry to this event center is placed, is a two-lane street that is a major bus route for the City. As multiple cars, shuttle vehicles, and trucks stop and idle to drop-off and pick-up event-goers, caterers, supplies and staff on this narrow street, the passage of other

vehicles and buses will be impaired significantly, or blocked. [See Section II, para. C, pp. 6 - 7]

- No provision is made in the CUP approval for any **parking** for this new major event center operation. In fact, this project eliminates all the parking that previously existed at this site. The developer has stated that the large amount of outdoor rooftop assembly space is an important part of the private event center, but has unreasonably excluded this rooftop assembly space square footage from the project's parking requirement calculations. [See Section II, para. D, page 8]
- The outdoor components of the rooftop event center will be prominently visible from most vantage points surrounding the historic Kimball Garage. The staff report states the rooftop deck will "generally not be visible from the public right-of-way along Heber Avenue." This is accurate only if you stand directly alongside the building. If you cross Heber Avenue or view the building from Park Avenue or the neighboring properties to the west, the view is essentially as shown in Exhibit A. [See Section II, para. B, page 6]
- There is absolutely **no benefit to the vibrancy of Old Town and Main Street that will occur from this commercial private event center** — only the negative impacts of more traffic congestion and more competition for the existing parking spaces. People who attend events at an event center do all their activities there, and will not be patronizing any of the restaurants, bars, or stores in Old Town. [See Section II, para. G.2., pp. 10-11]
- Approval of this rooftop commercial event center will inevitably provide **precedent for approval of more such facilities**. Is this the future of Old Town that City Council wishes to endorse? [See Section II, para. E, page 9]
- This roof-top outdoor event facility is **inconsistent with the goals and objectives of the Park City General Plan, the "sustainability" provisions of the Historic Design Guidelines, and the City's sustainability goals generally.** Heating over 3000 square feet of outdoor surfaces and a large outdoor tent for year-round commercial event uses is in no way energy efficient and is inconsistent with the City's energy goals. [See Section II, para. F, page 9]
- An outdoor portion of the event center will be on a large 2530 square foot rooftop deck above the historic Kimball Garage where guests will assemble. To accommodate the requested rooftop outdoor event space, the developer plans to remove half of the original barrel-vaulted roof of the historic building and replace it with a flat rooftop deck. Allowing a rooftop deck to replace the historic vaulted roof of the Kimball Garage **does not comply with the requirements of the LMC and Historic Guidelines to "maintain the original roof form"**. [See Section II, para. H, pp. 11-12] Further, the City denied the previous Kimball project applicant's request to replace the original roof form with a rooftop deck on the basis that such failed to meet City Guideline B.1.1. Therefore, approval here would be **inconsistent and arbitrary application of City code requirements**. [See Section II, para. I, page 12]

Accordingly, the City Council can and should reverse in its entirety the Planning Commission's unprecedented and erroneous approval of this CUP, since this use of the property for a commercial private indoor/outdoor nightly event center is not compatible with the surrounding area, and its detrimental impacts cannot be reasonably mitigated.

II. UNDER PROPER APPLICATION OF LMC 15-1-10, THIS CUP MUST BE DENIED

The Code under which this CUP is evaluated is provided in LMC 15-1-10, which states in relevant part:

15-1-10. CONDITIONAL USE REVIEW PROCESS

“There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.”

** * **

“If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.”

** * **

(D) STANDARDS FOR REVIEW

“The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;*
- (2) the Use will be Compatible with surrounding Structures in Use, scale mass and circulation; and*
- (3) The effects of any differences in Use or scale have been mitigated through careful planning.”*

LMC 15-1-10(E) lists specific items which Planning must review when considering whether or not the impacts of the proposed Conditional Use are mitigated, including noise, traffic considerations, parking, loading and unloading zones, and consistency with the goals and objectives of the Park City General Plan.

As demonstrated below, the proposed Conditional Use for a Indoor/Outdoor Private Event Facility is not compatible due to its impact on the municipality and surrounding neighbors, its effects have not been mitigated, and this Use does not comply with all requirements of the LMC.

A. Detrimental Noise Impact from Rooftop Outdoor Nightly Event Center.

LMC 15-1-10(E)(12) requires consideration of the impact of a conditional use’s “noise . . . that might affect people and Property Off-site”.

Exhibit A is a recent photo of the Kimball Garage building from the corner of Park and Heber Avenues. The outdoor components of the private event center include an outdoor terrace of 2530 square feet on the top of the Kimball building, plus a 477 square foot outdoor

balcony overlooking the Heber Avenue-Main Street corner. As stated in the 12/14/16 Staff Report (at p.96): “Both the balcony and the terrace” — over 3000 square feet of outdoor event space — “will be used as part of the Private Event Facility.”

The capacity for this event facility is for up to 480 guests. Finding of Fact #37, 12/16/16 Action letter. (This is more than the capacity of the Miner’s Camp day lodge at Park City Mountain ski area.)

Typical operating hours for this nightly event center “will be between 8am and midnight.” Finding of Fact #33. Further, “outdoor speakers and music” will be allowed “between the hours of 11am to 10pm.” (Finding of Fact #33; Condition of Approval #16 - 12/16/16 Action letter.) This event facility would be allowed to operate for as many days a year as the operators can schedule. Accordingly, **the noise regularly emanating from this nightly outdoor event facility will be significant.**

The adjacent residential neighborhood begins right across Park Avenue from this facility and extends up the hillsides above the event center. Noise travels uphill especially well. There can be no doubt that the sounds emanating from this nightly event center will inevitably be highly disruptive to the adjacent residential neighborhood, as well as to other nearby upslope residences in the area. It will most certainly negatively impact the surrounding residents’ quality of life.

In its analysis of the noise impact from the outdoor portions of the event facility, which found no unmitigated noise impacts, planning staff stated:

“There are no expected additional impacts on adjacent residents/visitors or Property Off-Site. The applicant anticipates that noise will be similar to the existing use of the building”.

12/14/16 Staff Report at p.104. Both of these assertions are plainly wrong. The prior use of the Kimball Garage was the Kimball Art Center, which had far more limited regular operating hours, had no outdoor rooftop deck or balcony, had no outdoor speakers and music, and only occasionally held events. The Kimball Garage building’s prior use and the proposed private event center Conditional Use are entirely different and are not comparable.

This event center is unlike a banquet hall at one of our large hotels, or a large group event at one of our local restaurants. First of all, those are primarily indoor facilities. In addition, such hotels and restaurants must necessarily take into consideration that any event they hold must not unduly disturb their other guests. In contrast, this commercial event center will have no such incentives, and instead will have only the incentive to hold as many large events as possible, as often as possible, regardless of impact on the nearby residential neighborhood or on anyone else.

This commercial private nightly event operation is most definitely incompatible at this location. Its detrimental noise impacts, and particularly the noise impacts due to the outdoor portions of the event center, will be significant and are not mitigated in any meaningful way by the conditions of approval, as is required by LMC 15-1-10(E)(12).

B. Significant Visual Impact Due to Rooftop Outdoor Event Center.

The staff report and Action letter for this CUP state that the rooftop deck will be “generally not visible from the primary public right-of-way right-of-way along Heber Avenue.” (12/14/16 Staff Report p.102; 12/16/16 Action letter Finding of Fact #9.) In fact, however, the outdoor components of the event center will be prominently visible from Heber Avenue and from many other vantage points. For example, Exhibit A is a recent photo of the existing Kimball Garage building taken from Park Avenue near its intersection with Heber Avenue.

It is plain to see from this photo that a 2530 square foot rooftop deck over half of the existing roof, along with the required three foot high safety railing around the deck, will be highly visible. Also highly visible will be the allowed large tent (15 foot tall, 780 square foot), the umbrellas, portable heaters, furniture, and the many people that will all be on the rooftop deck during the many private events intended to be held at this commercial event center. The rooftop deck component of the event center and its uses will be **highly visible**.

In addition, use of the outdoor deck and balcony in the evenings will require lighting. The light pollution emanating out from this large rooftop outdoor facility will negatively impact the surrounding neighborhood, and cannot be mitigated, as required by LMC 15-1-10(E)(10)

C. Traffic Congestion Impact Due to Nightly Commercial Event Center.

LMC 15-1-10(E)(2) requires that the “**traffic considerations including capacity of the existing Streets in the Area**” be considered. These traffic issues have not been adequately considered, addressed, nor mitigated. The staff erroneously based its analysis on the assumption that this new large commercial nightly event center “will not generate any new traffic to the site” versus previous uses of the site. 12/14/16 Staff Report p.99. However, no traffic study has been done to support such an assumption, and this assumption defies common sense. Instead, staff supported this assumption on the following statement:

“In 2015 the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people (including the use of the rooftop terrace and balcony), a 32% reduction from past event occupancy loads.”

12/14/16 Staff Report p.99; 12/16/16 Action letter FF#27. Of course, this statement could only be true if the proposed Private Event Facility of this CUP is limited to a single one-time event of 480 people. In reality even if there was a prior one-time event of 697 people, a planned regular scheduling of events for up to 480 persons will generate vastly more traffic to the site. The frequency of large events at this location for this CUP is planned to greatly increase over prior uses. The traffic considerations for this CUP have been glossed over and ignored.

Staff states that because this event facility would otherwise be considered a “Level Two Event”, staff “has incorporated additional conditions of approval consistent with those used by the Special Events Department for Level Two Special Events, including:

#3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.”

12/14/16 Staff Report p.100. Based on this, staff found “No unmitigated impacts, as conditioned.” In fact, however, the traffic impacts due to this Private Event Facility are not mitigated in any way whatsoever by the content of condition of approval #3, nor by any other condition of approval.

No traffic study was done to assess the capacity of the existing streets, and no consideration was given in the CUP approval to the **traffic congestion** that will inevitably result as event-goers arrive, and leave after the event. No consideration was given to the fact that Heber Avenue, where the loading and unloading access and entry to this event center is placed, is a two-lane street that is a major bus route for the City. In fact, there is no indication in the Staff Report that the City Transit Department was even consulted about the impact of this proposed event center on the Park Avenue/Heber Avenue bus corridor.

It is obvious that as multiple cars, shuttle vehicles, catering vans, and other trucks stop and idle to drop-off and pick-up event-goers and supplies on these narrow streets, the passage of other vehicles and busses will be impaired significantly, or blocked.

In addition, no real consideration was given to the impact on “emergency vehicle Access”, as required by LMC 15-1-10(E)(4). Instead, Staff provided only the following statement:

“Primary emergency access for the building is from Main Street, Heber Avenue, and Park Avenue. The entrance to the upper level event space will be limited to a lobby load along Heber Avenue. **No unmitigated impacts.**”

12/14/16 Staff Report p.101. Given the inevitable traffic congestion that will result from this event center, it is inevitable that emergency vehicle access will be significantly impacted. In fact, there is no indication in the Staff Report that the Fire Department was even consulted about the impact.

Further, no real consideration was given to the impact on “control of delivery and service vehicles, loading and unloading zones”, as required by LMC 15-1-10(E)(13). Instead, Staff provided only the following:

“Service and delivery volumes to the building will increase based on the use of the private event space; however the applicant does to anticipate additional trucks or more frequent service that the precious art center, and no additional loading areas are proposed. . . . **No unmitigated impacts.**”

12/14/16 Staff Report p.106. Again, this finding defies reality and defies common sense. The frequency of large events at this location for this CUP is planned to greatly increase over prior uses, and so will delivery and service vehicles for these events.

The significant traffic congestion impacts that will result from this CUP have been glossed over and ignored, and have not been mitigated. Accordingly the requirements by LMC 15-1-10(E) have not been met.

D. Increased Parking Shortage Impact of Nightly Commercial Event Center.

LMC 15-1-10E)(5) requires that the “location and amount of off-Street parking” be considered. The parking impacts of the proposed event center have not been adequately considered, addressed, nor in any way mitigated for this CUP.

No provision is made in the CUP approval for any parking for this new major event center operation. In fact, this project eliminates parking that previously existed at this site. The developer has stated that the large amount of outdoor assembly space is an important part of the this private event center, but has unreasonably excluded the outdoor assembly space square footage from the project’s parking requirement calculations.

In the 12/14/16 Staff Report at p.101, staff found no unmitigated parking impacts based on the plainly erroneous finding that “no new traffic will be generated to this site.” This could only be true if the number of events were limited to those of the prior use of the building. In fact, however, staff acknowledges that “the frequency of private events will increase due to this use.” 12/14/16 Staff Report p.99. This commercial nightly event facility is intended to vastly increase the frequency of private events, and therefore the corresponding traffic and parking issues, at this location.

Staff further stated:

“Any traffic generated by the private event facility will likely find parking in one of the City’s public parking lots such as the Flagpole lot or China Bridge, along Park Avenue, or in one of the nearby private parking garages at Summit Watch, Gateway Mall, or the Town Lift.”

12/14/16 Staff Report p.101. Given the vast increase in the frequency of large events anticipated at this private event center, there can be no real doubt that there will be a large impact on the competition for available public parking spaces due to this CUP.

Staff stated that even though it found that no new traffic would be generated to this site,

“staff does anticipate an increase in traffic at this intersection during load-in and load out. Staff finds that the Main Street area along with China Bridge are adapted for these influxes of traffic.”

“Staff has incorporated Condition of Approval #3 emphasizing guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.”

“No unmitigated impacts.”

12/14/16 Staff Report p.101.

Plainly, staff’s analysis of the parking issues and impacts due to this CUP minimizes and ignores its real parking impacts. This new use of the Kimball Garage for a commercial nightly event center will vastly increase the competition for the existing parking spaces in Old Town without in fact making any contribution to mitigate those impacts, as is required by LMC 15-1-10(E)(5). The parking impact of this CUP is in fact entirely unmitigated.

E. Unprecedented Prior Approval in this CUP for Unlimited Future Events.

The proposed event facility is designed for up to 480 people, which is defined in the LMC as a Level Two Event requiring a Special Events Permit. (12/14/16 Staff Report, pp.99-100.)

However — “This CUP will allow for outdoor private events, without requiring individual Administrative CUPs for outdoor events.” (12/14/16 Staff Report, p.95.)

“Because this CUP regulates the outdoor rooftop terrace, the applicant will not be required for additional Admin-CUPs for any outdoor events and uses that may utilize the rooftop terrace associate[d] with the private event facility;”

12/14/16 Staff Report, p. 96.

The CUP will also allow the event center to operate for as many days a year as the operators can schedule — without the need for any further approval or control by the City. **There is no precedent for such pre-approval of an outdoor/indoor event operation.** The CUP definitely treats this event business differently and preferentially than all the other entities that seek to schedule events in Park City. It also bypasses review by the Special Events Advisory Committee. There is no good justification for treating this proposed event business preferentially.

The approval of this CUP for a large private commercial indoor/outdoor event facility for an unlimited number of events, and without having to obtain individual Administrative CUP's for outdoor events in perpetuity, improperly bypasses the controls that the City normally has over the operation of such events and their impacts on the City and its residents. **This is unprecedented**, and it is a very poor policy since there is no real control or review of the negative impacts this incompatible outdoor commercial nightly event facility will most certainly have on the surrounding neighbors.

It is further poor policy in that it will provide precedent for more such pre-approved permanent private event centers.

F. This CUP is Inconsistent with City Sustainability Goals.

The roof-top outdoor event facility is inconsistent with the “Sustainability” provisions of the Historic Design Guidelines, which are incorporated into the LMC by reference per LMC 15-11-11. A CUP cannot be granted unless the application complies with all requirements of the Land Management Code, per LMC 15-1-10(D)(1). The Specific Guidelines for Historic Sites state in the section “L. Sustainability” (Guidelines p.40) that efforts should be made to reduce the carbon footprint of historic buildings.

Adding a large roof-top deck to a historic building and heating the outdoor deck and outdoor tent for year-round commercial event uses is not energy efficient and does not promote sustainability, and therefore this use does not meet the “Sustainability” provisions of Park City's Historic Design Guidelines.

G. This CUP is Inconsistent with the Park City General Plan.

The proposed commercial indoor/outdoor nightly event business of this CUP is inconsistent with the Park City General Plan in at least the following four ways:

1. It will discourage primary home ownership in the surrounding area

Approval of the roof-top outdoor nightly event facility that is sought in this CUP is inconsistent “with the goals and objectives of the Park City General Plan”, an item to be considered under LMC 15-1-10(E)(16). The General Plan states:

“Planning efforts to maintain primary home ownership in the Old Town neighborhood is motivated by the community’s Vision. **In order to Keep Park City Park City, it is essential that Parkites be located in the heart of the City.**”

General Plan - Vol. 2, at p.217 (emphasis added). A nightly rooftop event center adjacent to a residential neighborhood will most definitely have the opposite effect — **it will discourage primary home ownership in that area** due to the inevitable noise that will regularly emanate from the outdoor facility. It will discourage primary home owners from remaining as residents of the neighborhood, and will discourage any potential new primary residents from locating there.

As stated above, this event center is unlike a banquet hall or ballroom at one of our large hotels, or a large group event at one of our local restaurants. Not only are these primarily indoor facilities, but these hotels and restaurants must necessarily take into consideration that any event they hold must not unduly disturb their other guests. In contrast, this commercial event center will have no such incentives, and instead will have only the incentive to hold as many large events as possible, as often as possible, regardless of impact on the nearby residential neighborhood or on anyone else.

Residents of Old Town accept the additional noise and inconvenience that comes from the many public events that take place on our streets throughout the year. These events add to the vibrancy of our Town and residents truly enjoy being able to freely join in the fun. However, these are public events and the City exerts some control over them and their impacts. A commercial private event business is quite other matter altogether. The applicant is asking that the residents of the community sacrifice quality of life for the exclusive benefit of a private event business and its patrons.

Who would want to have their primary residence where they will have to endure hearing the noises from a large private nightly indoor/outdoor commercial event center? Allowing this CUP will most certainly discourage primary home ownership in this area, and will instead encourage the surrounding residential neighborhood to shift entirely to only nightly rentals. If that is what this Council now wishes to encourage, then the General Plan should be revised to reflect that.

2. It will not encourage visitation to Main Street shops or restaurants

The Staff Report makes the assertion that the private event space of this CUP

“will draw visitors to Main Street, as well, and encourage visitation to the diverse business mix of the street-level commercial uses. The private

event space will contribute to our goals of maintaining and enhancing the long term viability of the historic District.”

12/14/16 Staff Report at p.107. This is an incorrect characterization of the impact of this private event center. There is absolutely **no benefit to the vibrancy of Old Town and Main Street** that will occur from this commercial private event center — only the negative impacts of more traffic congestion and more competition for the existing parking spaces. People who attend events at an event center do all their activities there, and will not be patronizing any of the restaurants or shops in Old Town.

3. *It does not improve energy efficiency*

Heating a large 2530 square foot roof-top deck surface, a 477 square foot balcony, and a large outdoor tent for year-round commercial event uses does not comply with the General Plan’s “Natural Setting” Strategy, which instead explicitly calls for “Improving energy efficiency and encouraging conservation in homes . . . and businesses.” See Park City General Plan - Vol. 2, p.44.

4. *It will be precedent for more such pre-approved private event facilities*

Approval of this indoor/outdoor rooftop commercial event center will inevitably provide precedent for approval of more such facilities, along with their negative impacts. Is this the future of Old Town that City Council wishes to endorse? Why would we do this? Who is this good for?

H. This CUP Fails To Meet All LMC Requirements.

A CUP cannot be granted unless “the Application complies with all requirements of this LMC”. LMC 15-1-10(D)(1). This application for an outdoor event space on the roof of the historic Kimball Garage building violates the LMC because the historic roof form of this landmark building, shown in Exhibit A, is not being maintained. Instead half of the double-barrel roof of the historic building is being removed and replaced by a 2530 square foot deck for the outdoor event space.

“Maintain[ing] the original roof form” of a historic building such as the Kimball Garage is **explicitly required** by Park City’s Historic Design Guidelines (Specific Guideline B.1.1, p.30). These Guidelines are incorporated into the LMC by reference per LMC 15-11-11. Although the Board of Adjustment decided, on a split vote, that half of the Kimball Garage roof could be removed and replaced by a roof-top deck to facilitate the developer’s project, the BOA did not determine that the Historic Design Guideline requirement to “maintain the original roof form” of the historic building was being met. To the contrary, one of the two barrel vaults or the original roof form is being allowed to be removed and changed to a flat roof-top deck.

In addition, the BOA’s reasoning in allowing the roof-top deck included the assurances that the deck would be invisible. 12/16/16 Action letter FF #8 & 9. In fact, however, the outdoor deck and other components of the event center will be prominently visible from Heber Avenue and from many other vantage points. This is plain to see from the recent photo provided in Exhibit A of the Kimball Garage taken from near the Park and Heber Avenue intersection. A 2530 square foot rooftop deck over half of the existing roof, along with the required three foot high safety railing around the deck, will be highly visible.

Further, the large tent that the CUP permits on the roof-top deck of the Kimball Garage for the outdoor event facility is at odds with the concerns and reasons that the Board of Adjustment stated were important in their decision to allow the roof-top deck to replace the historic barrel roof of the Kimball Garage. The Board was concerned that no tables or chairs or umbrellas on the deck should be visible, as shown in the minutes of the BOA hearing. However, fact that there would be a large tent, 15 foot tall and 780 square feet in size, installed on the roof-top deck was not revealed to the Board of Adjustment. This large tent will be highly visible, as will the umbrellas, portable heaters, furniture, and the many people that will all be on the rooftop deck during the many private events intended to be held at this commercial event center. The rooftop deck components of the event center and their use will be **highly visible**.

I. Inconsistent Arbitrary Enforcement of City Code.

Allowing a rooftop deck to replace the historic vaulted roof of the Kimball Garage not only fails to comply with the requirements of the LMC, but it would also constitute inconsistent and arbitrary application of City codes and would be improper. Specifically, when the Kimball Art Center sought to replace the original barrel-vaulted roof of the historic Kimball Garage with a flat rooftop deck as part of their proposed renovation, the City in August of 2014 denied that request on the basis that such “**does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained.**” See letter submitted to City Council from former KAC Board member, Lynn Fey, dated Feb. 15, 2017; and Notice of Planning Department Action dated August 21, 2014.

It couldn't be more clear -- the KAC was required to maintain the original Kimball garage barrel-vaulted roof, and was not allowed to replace it with a rooftop deck.

Therefore, any approval by the City of the current requested rooftop event space on top of the Kimball Garage on a deck replacing the original vaulted roof would constitute inconsistent and arbitrary application of City codes and be improper.

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III. CONCLUSION

The actual facts regarding this commercial private event facility show that its noise impacts will be bad for the nearby residential neighborhood, operation of the facility will be bad for traffic and parking issues in Old Town, and it will not contribute to the vibrancy of Main Street or its existing businesses. There is no benefit to the City or its citizens from grant of this CUP. Why would you want to approve this CUP?

A CUP must meet the requirements of LMC 15-1-10. These LMC requirements have not been met in this case because the use is not compatible due to its impact on the municipality and surrounding neighbors, and the conditions imposed as part of the approval do not substantially mitigate or eliminate the detrimental impacts, as is required in the code. This CUP must be denied.

Respectfully submitted,

/ S /

on behalf of

Sanford Melville
John Stafsholt
Sandra Morrison

Petitioners/Appellants

Exhibit A





December 16, 2016

Tony Tyler
CPP Kimball LLC
C/O: Columbus Pacific Properties
429 Santa Monica Blvd. Ste. 600
Santa Monica, CA 90401

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03313
<u>Subject</u>	638 Park Avenue/Historic Kimball Garage
<u>Address</u>	638 Park Avenue
<u>Description</u>	Conditional Use Permit for Private Event Facility and Tent
<u>Action Taken</u>	Approved
<u>Date of Action</u>	December 14, 2016

On December 14, 2016, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the proposed Private Event Facility and Tent at 638 Park Avenue based on the following:

Findings of Fact

1. The Condition Use Permit is for a private event facility at 638 Park Avenue .
2. The property is located in the Historic Recreation Commercial (HRC) District).
3. Per 15-2.5-10he property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.

8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1-foot front yard setback along Park Avenue and the new addition will have a 12-foot rear yard setback along Main Street.
13. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
14. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
15. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line. The new addition will have a 5-foot setback from the north property line.
16. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1-foot side yard setback along Heber Avenue; the new addition will have a 10-foot setback along Heber Avenue.
17. Per LMC 15-2.5-4, a project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless

an additional Access is approved by the Planning Commission. The applicant has provided vehicular access along Heber Avenue.

18. Per LMC 15-2.5-5, no structure, including a tent, shall be erected to a height greater than 32 feet from Existing Grade; the height of the roof on the new addition is a maximum of 30.5 feet.
19. Per LMC 15-2.5-5(A)(3), mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building; the applicant is proposing parapets incorporated into the design of the street front facades in order to reduce the visibility of rooftop mechanical equipment. These parapets do not exceed 4.5 feet in height, for a maximum height of 35 feet above existing grade.
20. Per LMC 15-2.5-5(A)(5), an Elevator Penthouse may extend up to eight feet (8') above the Zone Height. The applicant has proposed an elevator penthouse on the northwest corner of the new addition. The height of the Elevator Penthouse does not exceed 38 feet in height from Existing Grade.
21. Per LMC 15-2.5-6, Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.
22. Per LMC 15-2.5-8, all exterior mechanical equipment must be screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District. The applicant has proposed to locate mechanical equipment on the rooftop of the new addition, screening it with parapets and other rooftop screening.
23. Per LMC 15-2.5-9, all Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards. The applicant has proposed an acceptable refuse storage area along the north property line, adjacent to Main Street.
24. On the third level of the new addition, the applicant is proposing a Private Event Facility. The Private Event Facility will include 3,785 square feet of interior space on the top floor above the street level commercial spaces as well as a 477 square foot outdoor balcony and 2,530 square foot rooftop terrace.
25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.
26. The Private Event Facility will be accessible from a street-level lobby along Heber Avenue. Access, circulation, and lobby areas are permitted within Storefront property.

27. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.
28. Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following: (A) Use of City personnel; (B) Impacts via disturbance to adjacent residents; (C) Traffic/parking; (D) Disruption of the normal routine of the community or affected neighborhood; or (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.
29. There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
30. Outdoor use of the terraces and balconies are permitted by this CUP, and shall comply with all conditions and regulations included herein.
31. Any temporary structures, such as tents, are permitted by this CUP, and shall comply with all conditions and regulations included herein.
32. The Building Department will require a fire permit for the installation of any tent in excess of 400 square feet, measured from the outside dimensions.
33. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance.
34. There are no open space requirements specified for this development.
35. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors.
36. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
37. The event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480.
38. The site is located within the Park City Soils Ordinance boundary and FEMA flood Zone A.
39. The site is located in a FEMA flood Zone A.
40. The CUP application was deemed complete on September 28, 2016 upon receipt of additional materials.

41. The proposed conditional use meets the criteria set forth in LMC 15-1-10(E).
42. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of approval apply to this Conditional Use Permit for a Private Event Facility as well as a temporary tent.
2. Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.
3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.
4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.
5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:
 - a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.
 - b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.
6. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.
7. The final building plans and construction details for the project shall meet substantial compliance with the HDDR approved on June 20, 2016 and the drawings reviewed by the Planning Commission on November 9, 2016.
8. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
9. A Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition

10. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.
12. Any proposed tent shall comply with the following regulations:
 - a. The tent shall not increase the occupancy of the existing building.
 - b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
 - c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
 - d. The tent shall be no more than fifteen feet (15') in height.
 - e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
 - f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
 - g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
 - h. The size of the tent shall be limited to 780 square feet.
 - i. The rooftop terrace shall be limited to one (1) tent.
 - j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.
13. The hours of operation within the interior shall be limited to 8am to midnight.
14. The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking.
15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
16. Outdoor speakers will only be allowed between the hours of 11am to 10pm.
17. The applicant agrees to abide by all current and future Park City municipal

codes.

18. The applicant must submit a condo plat in order to sell any of the individual retail/commercial units.
19. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
20. All projects within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning Departments prior to issuance of a Building Permit.
21. Property is located in a FEMA flood Zone A. The lowest occupied floor shall be at or above the base flood elevation. Additionally, an H and H study must be completed showing the impacts to the flood plain. Any changes to the flood plain by 12 inches or more will require the filing of a LOMR.
22. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.
23. In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Historic Preservation Planner

February 4, 2017

Lynn Fey
[address]
Park City, Utah

Re: PL-16-03412 - Appeal of 638 Park Avenue CUP
Hearing before City Council on [tentatively, February 23, 2017]

Dear Members of City Council,

I understand that the City is being asked to approve a Conditional Use Permit (CUP) for an indoor/outdoor commercial event center at the site of the historic Kimball Garage. To accommodate the requested rooftop outdoor event space, the developer plans to remove half of the original barrel-vaulted roof of the historic building and replace it with a 2530 square foot flat rooftop deck.

Any such approval by the City of this requested rooftop event space on the Kimball Garage would constitute inconsistent and arbitrary application of City codes and would be improper, and I strongly urge you not to make such a mistake.

I was a member of the Board of the Kimball Art Center when KAC asked the City to approve KAC's request to replace the original barrel-vaulted roof of the historic Kimball Garage building with a flat rooftop deck as part of our proposed renovation project. The KAC's proposal was flatly denied as failing to comply with the requirement that for renovation of a historic building the original roof form must be maintained. In fact, the Notice of Planning Action dated August 21, 2014, which denied the KAC's proposed renovation, expressly stated in paragraph 41:

41. The proposed renovation does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained. Because of its structural incapacities, the applicant proposed reconstructing a flat roof on the building that would also act as a rooftop deck. The rooftop deck consumed the entire rooftop space.

It couldn't be more clear — the KAC was required to maintain the original barrel-vaulted roof, and was not allowed to replace it with a rooftop deck.

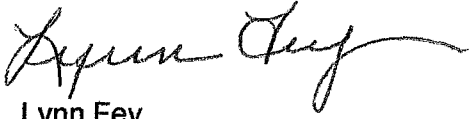
However, that is just what the City is being asked to approve for the current applicant. Any such approval would be no less than inconsistent and arbitrary application of City rules.

I am aware that the City's Historic Guideline B.1.1 requires that renovation of a historic building must "maintain the original roof form", (as was required of the KAC in 2014). I am informed that LMC 15-11-11 states that "The Design Guidelines are incorporated into this Code by reference." Further, LMC 15-1-10(D)(1) expressly requires that a CUP cannot be issued unless the application "complies with all requirements of this LMC".

Therefore, I do not see how the requested CUP for a rooftop deck outdoor event space on top of the Kimball Garage can be allowed, as such does not comply with all the requirements of the LMC.

I urge you to consistently apply our City codes and, in fairness, deny approval of the requested CUP for a rooftop deck outdoor event space at the site of the historic Kimball Garage.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Fey", with a long horizontal flourish extending to the right.

Lynn Fey



PLANNING DEPARTMENT

August 21, 2014

Matt Mullin
Kimball Art Center, Inc.
638 Park Avenue
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Project Address</u>	638 Park Avenue
<u>Description</u>	Historic District Design Review - Denial
<u>Date of Action</u>	August 21, 2014
<u>Project #</u>	PL-14-02270
<u>Project Representative</u>	Steve Brown
<u>Project Architect</u>	Elliott Workgroup – Craig Elliott
<u>Design Architect</u>	BIG – Bjarke Ingels Group

Summary of Staff Action – Denial

This letter serves as the final action letter denying the proposed rehabilitation of 638 Park Avenue pursuant to the Historic District Design Guidelines subject to the following Findings of Fact and Conclusions of Law. Staff reviewed this project in accordance with the Historic District Design Guidelines, specifically with Specific Guidelines A. Site Design, B. Primary Structures, and D. Additions to Historic Structures. The applicant proposed to rehabilitate the historic landmark structure and construct a new addition.

Findings of Fact

1. The property is located at 638 Park Avenue.
2. It is identified by Summit County as Tax Parcel PC-107-108-X.
3. The Historic District Design Review Application was submitted on March 3, 2014; it was deemed complete on March 14, 2014. A public hearing was held on March 31, 2014.
4. The first property and courtesy mailing notices were mailed out on March 14, 2014.
5. During staff's review of the project, staff uncovered discrepancies between the Physical Conditions Report and Historic Preservation Plan. An updated Historic Preservation Plan was submitted to the Planning Department on May 16, 2014.

6. Throughout the process, staff was in discussion with the application regarding the application's issues of non-compliance with the Design Guidelines. The applicant requested staff on August 6, 2014, for a determination based on the original submittal.
7. The property is located in the Heber Avenue Subzone of the Historic Recreation Commercial (HRC) District.
8. The allowed uses within the Heber Avenue Subzone are identical to the allowed uses of the Historic Commercial Business (HCB) District. Entertainment Facility, Indoor is an allowed use within this zone.
9. The site is a developed parcel with a historic structure, identified on the City's Historic Sites Inventory (HSI) as a "Landmark" site.
10. The historic building is approximately 22,883 square feet in size. The proposed addition is approximately 15,092 square feet.
11. The landmark structure was constructed in 1929 to replace the Kimball Brothers Livery Stable. It was rehabilitated in 1976 to house the Kimball Arts Center. The building was listed as part of the Park City Main Street National Register Historic District in 1979.
12. The structure was renovated in 1976 with minor changes that did not affect the site's original design character.
13. The total lot size is 18,526 square feet.
14. The required front yard setbacks along Heber and Park Avenues are ten feet (10'). On a corner lot, the side yard that faces a street is ten feet (10') for the main structure.
15. The minimum rear yard setback along Main Street is ten feet (10').
16. The minimum side yard setback along the north property line is five feet (5').
17. Per Land Management Code (LMC) 15-2.5-5, no structure shall be erected to a height greater than thirty-two feet (32') from existing grade. Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions are granted by the Planning Director. As proposed the southeast corner of the structure rises gradually to form a point that is roughly 46 feet in height. No habitable space is located in this section of the building. This architectural feature was not reviewed for a height exception by the Planning Director because the design of the addition did not meet the Design Guidelines as outlined below.
18. The proposed renovation complies with Universal Guideline #1 as the site will be used as it was historically and will require minimal changes to the distinctive materials and features. In 1976, the Kimball Brothers Garage underwent extensive interior alterations in order to accommodate its new use as an art center. The applicant intends to repair and maintain the existing structure and its steel window frames.
19. The proposed renovation complies with Universal Guideline #2 as changes to the site or building that have acquired historic significance in their own right shall be retained and preserved. Rather, the applicant proposed to remove additions made in 1976 for the conversion of the art center as well as other c. 1976 exterior additions added at later dates; these include the corrugated metal and CMU

structures such as the kiln room and stair and elevator rooms attached to the east side of the building. These additions are not historic.

20. The proposed renovation complies with Universal Guideline #3 as the applicant does not propose to remove any historic exterior features of the building. Those features that are so deteriorated that they required replacement—such as the steel frame windows on the north elevation—were proposed to be replaced in-kind.
21. The proposed renovation complies with Universal Guideline #4 as distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. As no historic exterior finishes had been lost, there was no need to reproduce missing historic elements.
22. The proposed renovation complies with Universal Guideline #5 as deteriorated or damaged historic features and elements will be repaired rather than replaced. The only historic features requiring repair are the historic steel-frame windows on the south elevation. The applicant proposed to repair and preserve these windows; those that could not be repaired due to the severity of deterioration would be replaced in-kind. Other non-historic windows on the south elevation were to be replaced in-kind.
23. The proposed renovation complies with Universal Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines such as the c.1976 additions on the northeast corner of the structure were intended to be removed. These additions housed the elevator, stairs, and fire kiln. No other incompatible features are known to exist.
24. The proposed renovation complies with Universal Guideline #7 as the owner did not propose to introduce any architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exist.
25. Compliance with Universal Guideline #8 is incomplete as the Preservation Plan did not specify whether or not chemical or physical treatments would be undertaken using recognized preservation methods to ensure that these treatments did not damage or alter the appearance of historic materials.
26. The proposed renovation does not comply with Universal Guideline #9 as the new addition will destroy a significant percentage of historic materials along the east wall of the building as approximately 76 linear feet of the east wall would be enclosed by the new addition.
27. The proposed renovation complies with Specific Guideline A.1.1 as it maintains the existing front and side yard setbacks of Historic Sites. The applicant does not intend to change the front and side yard setbacks of the historic site along the north, west, and south elevations. The addition was proposed to be added to the east elevation.
28. The proposed renovation complies with Specific Guideline A.1.2 as the main entry, as it exists today, will be retained and will provide access to a reception area for employees and office spaces. A new entrance on the corner of Main Street and Heber is proposed for the museum exhibition space.

29. The proposal complies with Specific Guideline A.1.3 as the original path or steps leading to the main entry will be maintained. The applicant does not intend to change the steps or ramps at the southwest corner of the historic building.
30. Specific Guidelines A.2.1 and A.2.2 are not applicable as there are no historic stone retaining walls to maintain.
31. Specific Guidelines A.3.1, A.3.2, and A.3.3 are not applicable as there are no historic fences and handrails to maintain.
32. Specific Guideline A.4.1 is not applicable as there are no historic hillside steps that may be an integral part of the landscape to maintain.
33. The proposed renovation complies with Specific Guideline A.5.1 as landscape features that contribute to the character of the site will be preserved. The applicant does not propose to change any landscape features of the site. Rather, additional landscaping will be added along the north elevation of the structure. Minimal landscaping existed here historically.
34. The proposed renovation complies with Specific Guideline A.5.2 as landscape treatments for walkways, paths, and the building were incorporated in a comprehensive, complementary, and integrated design. The applicant intends to preserve the urban characteristics of the site that relate to the historic district and commercial core as a whole. Additional landscaping is proposed along the rear of the structure on the north elevation.
35. The proposed renovation complies with Specific Guideline A.5.3 as the historic character of the site shall not be significantly altered by substantially changing the proportion of built or paved area to open space. As proposed, the new addition would replace an existing terrace and parking area. The new addition would provide additional density to the historic commercial district and fill a gap that exists in the current urban fabric of this neighborhood.
36. The proposed renovation complies with Specific Guideline A.5.4 as the proposed landscape plans balance water efficient irrigation methods and drought tolerant and native plant materials with existing plant materials and site features that contribute to the significance of the site. Additional plantings were proposed for the existing planting bed along the north elevation.
37. Specific Guideline A.5.5 is not applicable as there is no driveway proposed for this site that would require snow storage.
38. The proposed renovation complies with Specific Guideline A.5.6 as the applicant provided a detailed landscape plan that respects the manner and materials used traditionally in the districts. Due to its location in the commercial core, there is very little room for landscaping on this site. The applicant however, did expand an existing planting area on the north elevation and planned to plant additional shrubs along this elevation.
39. The proposed renovation complies with Specific Guideline A.5.7 as landscaped separations are proposed between parking areas, drives, service areas, and public use areas including walkways, plazas, and vehicular access points. The planter along the north elevation will help separate the driveway and parking area to the east of the adjacent historic structure along Park Avenue.
40. The proposed renovation complies with Specific Guideline A.5.8 as the original grading of the site will be maintained when and where feasible.

41. The proposed renovation does not comply with Specific Guideline B.1.1 as the original barrel-vaulted roof structure will not be maintained. Because of its structural incapacities, the applicant proposed reconstructing a flat roof on the building that would also act as a rooftop deck. The rooftop deck consumed the entire rooftop space.
42. Specific Guideline B.1.2 is not applicable as new roof features, such as photovoltaic panels (solar panels) and/or skylights were not proposed.
43. Compliance with Specific Guideline B.1.3 is incomplete as the applicant did not specify if gutters and downspouts would be installed during the renovation.
44. Compliance with Specific Guideline B.1.4 is incomplete as the applicant did not indicate if the proposed roof colors would be neutral and muted and materials would not be reflective.
45. The proposed complies with Specific Guideline B.2.1 in that primary and secondary façade components, such as window/door configuration, wall planes, recesses, bays, balconies, steps, porches, and entryways will be maintained in their original location on the façade. Rather, the historic structure will remain largely as-is from the exterior, though repairs and restoration will occur. The only elevation impacted by the new addition is the east side of the historic structure.
46. The proposed renovation complies with Specific Guideline B.2.2 as the applicant intended to preserve damaged and deteriorated façade materials by repointing the historic brick and restoring the historic steel-frame windows on the north elevation.
47. Compliance with Specific Guideline B.2.3 is incomplete as the Preservation Plan does not identify that the disassembly of historic elements—window, molding, bracket, etc.—is necessary for its restoration, recognized preservation procedures and methods for removal, documentation, repair, and reassembly should be used. The preservation methods to be used on the restoration of the historic steel-frame windows on the north elevation were not specifically outlined.
48. The proposed renovation complies with Specific Guideline B.2.4 as the Preservation Plan specifies that if historic exterior materials cannot be repaired, they will be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The applicant has indicated that any historic windows on the north elevation that cannot be restored will be replaced in-kind.
49. Specific Guideline B.2.5 is not applicable as substitute materials such as fiber cement or plastic-wood composite siding, shingles, and trim boards have not been proposed.
50. Specific Guideline B.2.6 is not applicable as substitute materials have not been proposed on a primary or secondary façade (as stated in B.2.4 and B.2.5).
51. The proposed renovation complies with Specific Guideline B.2.7 as no interior changes that affect the exterior appearance of facades, including changing original floor levels, changing upper story windows to doors or doors to windows, and changing porch roofs to balconies or decks are proposed.
52. Specific Guideline B.3.1 is not applicable as no new proposed foundation will raise or lower the structure generally more than two feet (2') from its original floor elevation. The only proposed foundation work is in the southwest corner of the

- building where excavation will occur beneath the structure to create additional basement space.
53. Specific Guideline B.3.2 is not applicable as the original placement, orientation, and grade of the historic building is not proposed to change.
 54. Specific Guideline B.3.3 is not applicable as no new foundation is proposed beneath the historic structure, and the original grading will be retained.
 55. Specific Guideline B.4.1 is not applicable as there are no historic door openings, doors, and door surrounds.
 56. Specific Guideline B.4.2 is not applicable as there are no historic doors that will need to be replaced. Any replacement doors will be compatible to the historic structure.
 57. Specific Guideline B.4.3 is not applicable as there is no intent to add storm doors and/or screen doors on primary or secondary facades.
 58. The proposed renovation complies with Specific Guideline B.5.1 as historic window openings, windows, and window surrounds will be maintained. Historic window openings and historic steel-frame windows on the north elevation will be maintained. Those historic windows that cannot be made safe and serviceable through repair will be replaced in-kind.
 59. The proposed renovation complies with Specific Guideline B.5.2 as replacement windows will only be installed if the historic windows cannot be made safe and serviceable through repair. Replacement windows should exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material. Historic steel-frame windows on the north elevation will be restored, except for those windows that cannot be made safe and serviceable through repair.
 60. Specific Guideline B.5.3 is not applicable as the applicant does not propose to install any storm windows.
 61. The proposed renovation complies with Specific Guideline B.6.1 as mechanical equipment and utilities, including heating and air conditioning units, meters, and exposed pipes, will be located on the rear façade or another inconspicuous location (except as noted in B.1.2) or incorporated into the appearance as an element of the design. Any new rooftop mechanical equipment would be installed on the northeast corner of the existing structure and screened from view.
 62. The proposed renovation complies with Specific Guideline B.6.2 as ground-level equipment should be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials. The applicant intends to install new mechanical equipment on the northeast corner of the roof of the historic structure.
 63. The proposed renovation complies with Specific Guideline B.6.3 as the plan avoids removing or obstructing historic building elements when installing systems and equipment. The rooftop location of new mechanical equipment would not remove or obstruct historic building elements.
 64. Specific Guideline B.6.4 is not applicable as contemporary communication equipment such as satellite dishes or antennae have not been proposed.
 65. The proposed renovation complies with Specific Guideline B.7.1 as original materials such as brick and stone that are traditionally left unpainted will not be

- painted. The applicant did not propose to paint any original masonry materials traditionally left unpainted. Existing painted concrete surfaces will be repainted.
66. Specific Guideline B.7.2 is not applicable as there are no wood surfaces on the historic building that will be painted.
 67. Compliance with Specific Guideline B.7.3 is incomplete as the applicant did not specify if low-VOC paints would be used.
 68. Specific Design Guideline C.1 Off-street parking is not applicable as the applicant does not intend to provide off-street parking.
 69. Specific Design Guideline C.2 is not applicable as the applicant is not proposing to construct any driveways.
 70. Specific Design Guideline C.3 is not applicable as the applicant is not proposing any detached garages.
 71. The proposed addition complies with Specific Design Guideline D.1.1 as the applicant has demonstrated that the existing structure cannot accommodate the growing needs of the Kimball Art Center and an addition to the historic building is necessary.
 72. The proposed addition does not comply with Specific Design Guideline D.1.2 as the addition is not visually subordinate to the historic building when viewed from the primary public right-of-way along Heber Avenue. The height of 46 feet at the corner of Heber Avenue and Main Street as well as the scale of the proposed new addition overpowers the historic structure and blocks the view of the historic structure from the intersection of Heber Avenue and Main Street. Further, the heavy massing of the new addition detracts from the historic structure.
 73. The proposed addition does not comply with Specific Design Guideline D.1.3 as the addition obscures and contributes significantly to the loss of historic materials. The new addition consumes nearly the entire length of the east elevation of the existing structure. The transitional element is setback two feet (2') from the plane of the north and south walls. The east wall is roughly eighty feet (80') in length; however, four feet (4') of the eighty (80) will remain visible on the exterior.
 74. The proposed addition does not comply with Specific Design Guideline D.1.4 where the new addition abuts the historic building, a clear transitional element between the old and the new has not been designed. The proposed transitional element is 2'6" in width. The transitional element should provide greater visual connection between the historic structure and the new addition.
 75. The proposed renovation complies with Specific Design Guideline D.1.5 as the applicant intends to remove additions that were constructed c.1976 and have not achieved historic significance in their own right.
 76. The proposed renovation does not comply with Specific Guideline D.2.1 as the Addition does not complement the visual and physical qualities of the historic building. There is no reflection of the historic building's materials, rhythm, patterning, or solid-to-void ratio that would tie the new addition to the old building.
 77. The proposed addition does not comply with Specific Guideline D.2.2 as the building components and materials used on addition are not similar in scale and size to those found on the original building.

78. The proposed addition does not comply with Specific Guideline D.2.3 as the window shapes, patterns and proportions found on the historic building are not reflected in the new addition.
79. The proposed addition does not comply with Specific Guideline D.2.4 as the large addition is not significantly visually separated from the historic building when viewed from the public right of way.
80. Specific Guideline D.3. Scenario 1: Residential Historic Sites is not applicable.
81. Specific Guideline D.4. Scenario 2: Residential Historic Sites is not applicable. Specific Guideline E. Relocation and/or Reorientation of Intact Buildings is not applicable..
82. Specific Guideline F. Disassembly/Reassembly of All or Part of a Historic Structure is not applicable.
83. Specific Guideline G. Reconstruction of an Existing Historic Structure is not applicable.
84. Specific Guideline H. Accessory Structure is not applicable.
85. Specific Guideline I. Signs is not applicable as no signage has been proposed as part of this application. Any new signs would require a sign permit.
86. Specific Guideline J. Exterior Lighting is not applicable as no exterior lighting has been proposed as part of this application.
87. Specific Guideline K. Awnings is not applicable as no awnings have been proposed as part of this application.
88. The proposed renovation complies with Specific Guideline L.1 as the owner will maintain a substantial percentage of interior floors, walls, and non-structural elements. The Kimball Art Center was remodeled in 1976 and the majority of the interior walls are from this prior remodel. With the exception of the east exterior wall, the applicant did not intend to remove a substantial percentage of original interior walls.
89. Specific Guideline L.2 is not applicable.
90. The proposed renovation complies with Specific Guideline L.3 as it retains the inherent energy-conserving features of historic buildings and its site, including shade trees, porches, operable windows, and transoms. Any historic operable windows that could not be made safe and serviceable through repair would be replaced in-kind.
91. The proposed renovation complies with Specific Guideline L.4 as it increases the thermal efficiency of historic buildings by observing traditional practices such as weather-stripping and insulating. The applicant intends to improve the thermal efficiency of the historic structure by replacing non-historic windows with new thermal-pane windows.
92. Specific Guideline L.5 is not applicable as the owners are not proposing to use sources of renewable energy—on- or offsite.
93. The proposed renovation complies with Specific Guideline M.1 as the visual impact of exterior treatments associated with seismic upgrades will be minimized. The applicant did not intend for seismic upgrades to affect the exterior of the structure. The Preservation Plan notes that exterior tie-rod anchor plates will be inspected and repaired where necessary.

94. The proposed renovation complies with Specific Guideline N.1 as barrier-free access will be provided that promotes independence for the disabled to the highest degree practicable, while preserving the character-defining features of historic buildings. There is an existing ADA entrance to the structure on the southwest corner of the main entrance that will remain.
95. The proposed renovation complies with Specific Guideline N.2 in that the appearance of accessibility ramps or elevators will not significantly detract from the historic character of the building. The existing ADA entrance meets the grade of the sidewalk at this location and does not significantly detract from the historic character of the building.
96. Specific Guideline N.3 is not applicable as there are no existing historic doors.
97. Specific Guideline MSHS1 does not comply as the proposed addition will cause the building to be removed from the National Register of Historic Places, and it will be listed as a non-contributing building within the Main Street National Historic District. The new addition does not contribute to the historic character of the district. It does not reflect the materials, composition, rhythm, patterning, or proportions of the historic district nor the historic Kimball Garage.
98. The proposed addition does not comply with Specific Guideline MSHS2 in that the alignment and setback along Main Street are character-defining features of the district. Within the Main Street commercial district, the historic rhythm and pattern of building heights and widths has been maintained. The proposed addition alters this pattern and does not relate to the existing module of historic buildings along the street. The proposed addition complies with Specific Guideline MSHS3 in that the orientation of the primary entrance is located on the corner, consistent with other non-historic structures on the south side of the Heber Avenue-Main Street intersection and maintains the original historic corner entrance as well along Heber and Park Avenue.
99. Specific Guideline MSHS4 is not applicable as street furniture, planters and other elements proposed for the building-sidewalk interface have not been proposed as part of this application.
100. Specific Guideline MSHS5 is not applicable as no exterior lighting elements have been proposed as part of this application.
101. The proposed renovation does not comply with Specific Guideline MSHS6 as the proposed rooftop deck addition is not set back from the primary façade. The plans show that the rooftop deck will consume the entire roof structure of the historic structure. It is not evident how visible the rooftop deck or its railings would be from the primary facades.
102. Specific Guideline MSHS7 is not applicable as this property does not front Swede Alley.
103. The plans subject to review are dated March 10, 2014.

Conclusion of Law

1. The proposal does not comply with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites.

The owner, applicant, or any person with standing as defined in Section 15-1-18(D) of the Land Management Code (LMC) may appeal any Planning Department decision made on a Historic District Design Review Application to the Historic Preservation Board. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his/her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

If you have any questions, please do not hesitate to contact me. I can be reached at (435) 615-5067, or via e-mail at anya.grahn@parkcity.org.

Sincerely,



Anya E. Grahn
Historic Preservation Planner



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

March 13, 2017

To: Park City Council members

From: Sarah Klingenstein
2131 Lucky John Drive
Park City, UT 84060

Re: Appeal of the Conditional Use Permit for a Private Event Facility on the roof of the historic Kimball Garage Site

Dear Council,

When I heard that the Planning Commission approved this application and what it meant, I asked myself: *“Why would the City go to great lengths evaluating, mitigating and possibly scaling back events on the one hand, and allow this kind of unbridled event expansion on the other?”*

I was so discouraged to hear that this approval creates a space that can hold outdoor events with music and lighting for as many nights a year as they want to program it. I believe it will also create parking and traffic issues in a section of town that is already stressed by tourism and events, in spite of Staff’s assumptions that there will not be increased traffic generation. It is hard for me to believe that the Kimball Art Center held events several nights a week that brought in up to 480 people nightly.

As a member of the Special Events Advisory Committee, I have heard the vehement concerns of residents of that part of town regarding events such as Sundance and Silly Market. I have heard our Council wrestle thoughtfully with the question of event fatigue. Most recently, you expressed a desire to either take the City’s foot off the gas or apply it to the brakes on events. To me, this approval means “gunning it”, “putting the pedal to the metal, or whatever automotive analogy you care to use to describe a significant increase in noise, lighting, traffic, and parking problems to Old Town.

Not only do I predict that Old Town residents will find their days and nights much less livable, especially during our beautiful Park City summers. I also predict that Old Town will become less enjoyable for residents around the City and County, and for visitors seeking Park City’s small town charms. I also predict

that the same issues we saw at their height during Sundance 2017 with airBnB and Uber will only grow with this venue.

The argument that the proprietors must adhere to City noise, light, and traffic ordinances in the management of this space does not satisfy. The event planners can be made to adhere to those ordinances, yet that won't be enough. And there is no way to mitigate some of these impacts. A band on the rooftop till 10 p.m. every weekend all summer (as a new Park City wedding venue is discovered) will make former noise concerns pale in comparison.

I have been so encouraged to read the City's newly crafted visions and goals for our small town. Please have these forefront in your minds as you hear this appeal. And please come down on the side of what is best for your citizens.

Thanks for your hard work each week on our behalf,

Sarah Klingenstein



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

On March 6, 2016, the Park City Council approved a plat amendment at 1043 and 1049 Park Avenue. The owner of the property is requesting an extension to the plat amendment approval so that he may have extra time to work out an encroachment agreement with the neighbor to the south of 1043 Park Avenue. The 1049 Park Avenue Plat Amendment was recorded on June 13, 2014; whereas, 1043 Park Avenue currently consists of the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City. The applicant is proposing to add approximately five feet (5') of the north portion of existing Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house is on its own lot. Additionally, this plat amendment will remove the lot line which runs through the historic house at 1043 Park Avenue. No modifications have been made to the original plat proposal.

Respectfully:

Anya Grahn, Planner II

City Council Staff Report

Subject: 1043& 1049 Park Avenue
Author: Anya Grahn, Planner
Date: March 30, 2017
Type of Item: Extension of Condominium plat approval
Project Numbers: PL-17-03486

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving a request for a one year extension for the 1043 & 1049 Park Avenue plat approval, based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Description

Applicant: 1043 & 1049 Park Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Single and multi-family residential
Reason for Review: Extensions of condominium plats require review and final action by the City Council.

Acronyms

Historic Residential-1 (HR-1)
Historic Sites Inventory (HSI)
Historic District Design Review (HDDR)

Executive Summary

On March 6, 2016, the Park City Council approved a plat amendment at 1043 and 1049 Park Avenue. The owner of the property is requesting an extension to the plat amendment approval so that he may have extra time to work out an encroachment agreement with the neighbor to the south of 1043 Park Avenue. The 1049 Park Avenue Plat Amendment was recorded on June 13, 2014; whereas, 1043 Park Avenue currently consists of the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City. The applicant is proposing to add approximately five feet (5') of the north portion of existing Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this plat amendment will remove the lot line which runs through the historic house at 1043 Park Avenue. No modifications have been made to the original plat proposal.

Background

Both 1043 and 1049 Park Avenue are listed on Park City's Historic Sites Inventory (HSI). 1043 Park Avenue is designated as "significant," and 1049 Park Avenue is designated as "landmark". Both properties were built between 1895-1905, during the Mature Mining Historic Era (1894-1930). The historic house at 1049 Park Avenue encroaches over its south property line into the 1043 Park Avenue property, and the historic house at 1043 Park Avenue encroaches over its south property line into 1035 Park Avenue. There is currently a Conditional Easement agreement between 1043 and 1049 Park Avenue for

maintenance of the encroachment of the 1049 Park Avenue historic house, recorded in April 2004.

The historic house at 1043 Park Avenue received a Historic District grant in 1990; however, it does not appear that grant funds were ever awarded or that any renovation work was completed. In 2014, a building permit was issued to restructure the roof from the interior in order to meet snow loads. The house has been used as a nightly rental.

The historic house at 1049 Park Avenue also had improvements in the past. In 2007, a plat amendment was previously approved for Sarah's Subdivision to replat 1049 Park Avenue; however, the plat was never recorded. Similarly, the property received a Historic District Grant in 2009, but the funds were never dispersed due to inactivity. After the current owner acquired the property, a Historic District Design Review (HDDR) application was approved in 2013 and a Historic District Grant was awarded the same year. The plat amendment for the 1049 Park Avenue Subdivision which only included Lot 13 and north 5 feet of Lot 12 was approved by City Council in March 2014, and the plat was recorded in June 2014 (see City Council staff report 3.20.14—Exhibit G).

The Planning Commission reviewed the 1043 & 1049 Park Avenue plat amendment on February 10, 2016, and unanimously forwarded a positive recommendation to City Council. City Council approved the plat amendment on March 3, 2016, as [Ordinance 16-12](#). The plat included two (2) conditions of approval that have not yet been met:

- At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
- At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.

On February 27, 2017, the owner submitted a Request for Extension or Modification of Approval application to the Planning Department. The application was deemed complete on March 2, 2017. The subject property consists of all of the 1049 Park Avenue Subdivision as well as the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City which is where 1043 Park Avenue is located.

The applicant has requested the extension so that he may have more time to work with the neighbor to the south of 1043 Park for the necessary encroachment agreements. The encroachment agreements are required in order to meet the conditions of approval of the 2016 plat amendment approval.

Analysis

Planning Staff finds there is good cause for the plat extension. This plat amendment proposes to create two (2) lots of record from the existing Lot 1, 1049 Park Avenue subdivision, as well as the north half (1/2) of Lot 11, the south 20 feet of Lot 12 and the north half (1/2) of Lot 22, Block 4, Snyder's Addition. It was approved in 2016, and no further modifications to the plat are proposed as part of this extension. By granting the extension, City Council will provide the owner additional time to enter into encroachment agreement with the neighbor to the south of 1043 Park Avenue and meet the conditions of approval outlined in the 2016 approval.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District for the existing situation:

Existing Conditions:				
Required	1043 Park Avenue (Lot 2) Existing	Permitted	1049 Park Avenue (Lot 1), Existing	Permitted
Lot Size	2,984.3 square feet	1,875 square feet minimum Complies	2,640.7 square feet	1,875 square feet minimum Complies
Allowed Footprint	1,174 square feet	1,261.78 square feet square feet, maximum. Complies	1,043 square feet	1,138.27 square feet, maximum. Complies
Front/Rear Yard Setbacks	26 feet, front yard; 78 feet rear yard	15 feet, for total of 30 feet Complies¹	19 feet, front yard; 10 feet rear yard	10 feet, for total of 20 feet Complies¹
Side Yard Setbacks	7 feet north side yard; 0 feet south side yard	3 feet, minimum for total of 6 feet. Historic – valid complying¹	3 feet north side yard; 0 feet south side yard	3 feet, minimum for total of 6 feet. Historic – valid complying¹

¹LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

As previously noted, the historic house at 1049 Park Avenue encroaches over the existing lot line and into the 1043 Park Avenue property. The applicant intends to relocate the property line approximately 3.5 feet at the east (front) side of the property and approximately 6.5 feet at the west (rear) side of the property in order to maintain a minimum 3 foot side yard setback from the house at 1043 Park Avenue, which complies with Building Code requirements. The relocation will create a side yard setback for 1043 Park Avenue of 3 feet and a side yard setback for 1049 Park Avenue of 2.36 feet. The modification to the existing property line between 1043-1049 Park Avenue will eliminate the encroachment of the historic 1049 Park Avenue house into the 1043 Park Avenue property, while also allowing 1043 Park Avenue to meet International Building Code separation requirements for fire safety.

The following conditions will exist following the plat amendment:

Proposed Conditions:		
	1043 Park Avenue (Lot 2)	1049 Park Avenue- (Lot 1)
Lot Size	2,994.7 square feet	2,630.4 square feet
Allowed Footprint	1,265.43 square feet	1,134.49 square feet

At the recommendation of the Development Review Committee (DRC) and the Building Department from 2016, the applicant located the new property line between 1043 and 1049 Park Avenue to be 3 feet from 1043 Park Avenue and 2.36 feet from 1049 Park Avenue (see Exhibit F). This will allow 1043 Park Avenue to meet the required three foot

(3') side yard setback and comply with the International Building Code (IBC) requirements for fire ratings. The relocation of the existing lot line will also resolve the encroachment of 1049 Park Avenue and provide the structure with a 2.36 foot side yard setback along the south side of the property. Historic structures that do not comply with Building Setbacks are valid complying structures per LMC 15-2.2-4.

As part of the renovation of 1049 Park Avenue, a deck was constructed over the existing property line into the 1043 Park Avenue property, now owned by the same owner. The applicant is working with the City to remove a portion of the new deck at 1049 Park Avenue in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height. Condition of Approval #7 has been added to this plat amendment to guarantee that the work is completed.

The survey also reveals a number of encroachments:

- At 1043 Park Avenue, the historic house extends two feet (2') over the south property line into the 1035 Park Avenue property. Further, the hot tub encroaches two feet (2') over the rear (west) property line, and there is an existing block patio that extends over the 1043-1035 Park Avenue lot line in the south side yard.
- At 1049 Park Avenue, the historic house extends three feet (3') over the property line and the historic front porch is built to property line. The deck at 1049 Park Avenue extends to the south wall of the historic house, and encroaches approximately five feet (5') over the existing property line. By relocating the property line between 3.5 and 6.5 feet to the south, the encroachments at 1049 Park Avenue will be resolved. Staff has added Condition of Approval #4 requiring that the applicant address all encroachments on the site which will exist after the proposed lot line amendment prior to plat recordation.

The City Engineer will also require two (2) – ten foot (10') snow storage easements to be granted along the front and rear property lines of 1043 Park Avenue to address street frontages, per Condition of Approval #3; public snow storage easements have already been granted as part of the 1049 Park Avenue Subdivision and shall remain along Park Avenue.

Process

Approval of the extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the condominium plat at Summit County. Recordation shall occur prior to March 3, 2018 or the approval will expire, unless the applicant submits a written request for an additional extension.

Department Review

This project has gone through an interdepartmental review. The Development Review Committee (DRC) had no new issues that were not previously addressed in the original plat amendment approval.

There have also been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make changes to the proposed plat.

Notice

On March 16, 2017, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record on March 4, 2017, in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting on March 30, 2017.

Alternatives

- The City Council may approve the request for an extension of approval for the 1043 & 1049 Park Avenue Plat Amendment as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension request to a date certain and request additional information.
- There is not a “no action” option with this type of item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of the condominium plat. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation

The proposed condominium plat would not be recorded and the ownership of the building would still be split by deed as previously recorded.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving a request for a second one year extension of the 1043 & 1049 Park Avenue Plat approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Exhibit A- Ordinance and proposed Plat Amendment

Exhibit B- Written request for extension

Exhibit C- August 9, 2016 approved Ordinance

Ordinance No. 2017-12

AN ORDINANCE APPROVING A SECOND EXTENSION OF THE MARCH 3, 2018 APPROVAL OF THE 1043 & 1049 PARK AVENUE PLAT AMENDMENT LOCATED AT 1043 & 1049 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 1043 & 1049 Park Avenue have petitioned the City Council for approval of an extension of the 1043 & 1049 Park Avenue Plat Amendment approval;

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

WHEREAS, proper legal notice was sent to all affected property owners;

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on plat amendment located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on March 3, 2016, and approved the 1043 & 1049 Park Avenue Plat Amendment;

WHEREAS; the City Council, held a public hearing on March 30, 2017 and approved an extension of the condominium plat approval to March 3, 2018;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 1043 & 1049 Park Avenue Plat Amendment approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1043 & 1049 Park Avenue Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 1043 and 1049 Park Avenue.
2. City Council approved the plat amendment on March 3, 2016, as Ordinance 16-12.
3. The properties are located in the Historic Residential (HR-1) District.
4. The subject property consists of all of the 1049 Park Avenue Subdivision, recorded in 2013, as well as 1043 Park Avenue, which contains the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City.
5. The applicant is proposing to add the north five feet (5') of Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this will remove the lot line which runs through the historic house at 1043 Park Avenue.
6. The house at 1043 Park Avenue is listed as "Significant" on Park City's Historic Sites Inventory; the house at 1049 Park Avenue is listed as "Landmark."
7. The proposed Plat Amendment creates two (2) lots of record from the existing one (1) lot, two (2)-half (1/2) lots, and one partial lot.
8. The Plat Amendment removes one (1) lot line going through the historic house at 1043 Park Avenue, and the interior lot line separating Lots 11 and 22.
9. The Plat Amendment also resolves the encroachment of the historic house at 1049 Park Avenue encroaching over the existing property line and into the 1043 Park Avenue property.
10. The proposed Plat Amendment combines the property into two (2) lots. 1043 Park Avenue (Lot 2) will contain 2,994.7 square feet and 1049 Park Avenue (Lot 1) will contain 2,630.4 square feet.
11. A single-family dwelling is an allowed use in the District.
12. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
13. The minimum lot width required is twenty-five feet (25'). The proposed lots meet the minimum lot width requirement.
14. At 1043 Park Avenue, the maximum building footprint allowed based on proposed lot size of 2,994.7 square feet is 1,265.43 square feet.
15. At 1049 Park Avenue, the maximum building footprint allowed based on the proposed lot size of 2,630.4 square feet is 1,134.49 square feet.
16. The minimum front/rear yard setback for 1043 Park Avenue is fifteen feet (15') based on the lot depth. The minimum total front/rear yard setback is thirty feet (30').
17. The minimum front/rear yard setback for 1049 Park Avenue is twelve feet (12') based on the lot depth. The minimum total front/rear yard setbacks for both lots are twenty-five feet (25').
18. The minimum side yard setbacks for both lots are three feet (3') based on the lot width. 1043 Park Avenue currently has side yard setbacks of seven feet (7') on the north and 0 feet on the south. 1049 Park Avenue currently has a side yard setback of three feet (3') on the north and 0 feet on the south. Both historic houses encroach over their prospective south property lines.
19. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. 1043 and 1049 Park Avenue are valid complying structures.

20. At 1043 Park Avenue, the existing historic house encroaches approximately two feet (2') over the south property line and into the 1035 Park Avenue property. The hot tub and block patio also encroach two feet (2') over the west (rear) property line.
21. At 1049 Park Avenue, the existing historic house encroaches approximately 3 feet (3') over the south property line and into the 1043 Park Avenue property. There is a deck, constructed in 2015, that encroaches five feet (5') over the current property line.
22. 1043 and 1049 Park Avenue are located in a FEMA Flood Zone X.
23. On February 27, 2017, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
24. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
25. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this extension of approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontages of 1043 Park Avenue; the existing public snow storage easements along Park Avenue at 1049 Park Avenue shall remain.
4. At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
5. At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.
6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
7. At 1043 Park Avenue, vehicular access to the site shall be limited to Woodside Avenue.

8. A portion of the new deck at 1049 Park Avenue shall be removed to the property line in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height.

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

PASSED AND ADOPTED this 16th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

SNYDER'S ADDITION TO PARK CITY SURVEY, BLOCK 4

THE NORTH HALF OF LOT 11, THE SOUTH 20 FEET OF LOT 12 AND THE
NORTH HALF OF LOT 22

AND

1049 PARK AVENUE SUBDIVISION

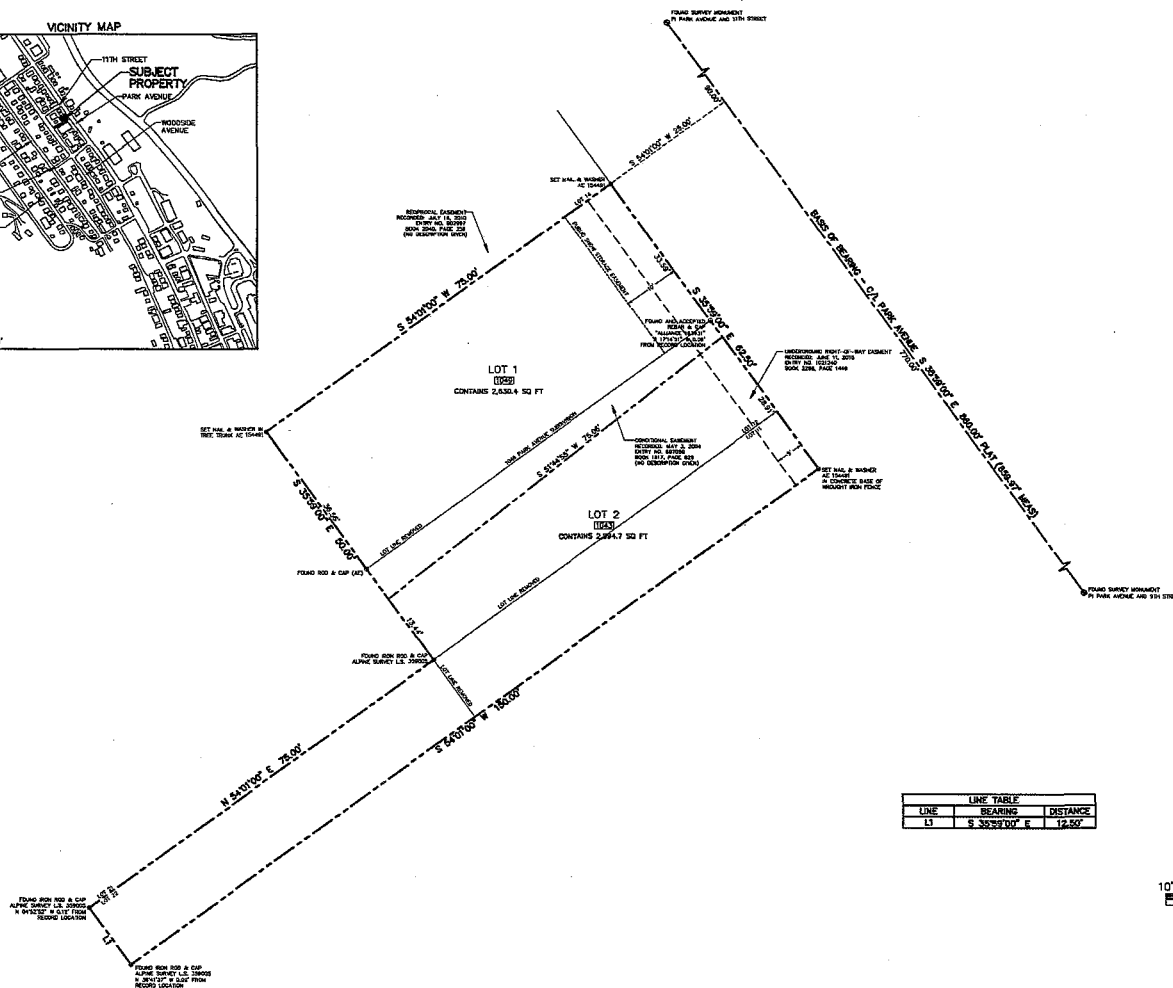
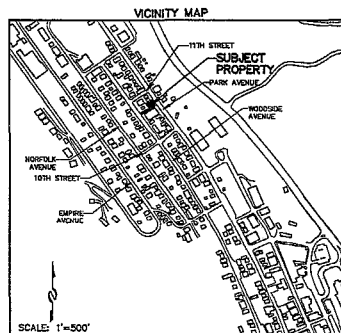
(1043 & 1049 PARK AVENUE)

PROJECT INTENT

1049 Park Avenue is currently a recorded plat that combines all of Lot 13 and the north 5 feet of Lot 12 and 1043 Park Avenue contains remnants of originally platted lots in Block 4, Snyder's Addition to Park City Survey. One residence occupies each of the two subject properties. The owner desires to accomplish two goals with this plat amendment. 1) To situate a new lot line between the existing residences and 2) To remove the existing lot lines of the originally platted lots and what is currently the south line of Lot 1 of 1049 Park Avenue Subdivision.

The purpose of the extension is to allow time to complete the above described plat by recording it with Summit County. One of the conditions of approval to complete the plat is to obtain an encroachment agreement from the adjacent property to the south of the 1043 Park Avenue property. Discussions have taken place with the neighbor and at this point in time have not been able to obtain the required encroachment agreement. A one year extension is requested to allow more time to obtain the encroachment agreement, and with the extension granted, the plat will be required to be recorded by March 3, 2018.





LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 38°59'00" E	12.50'



A RE-SUBDIVISION OF PLATTED LOTS IN BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY **1043 & 1049 PARK AVENUE PLAT AMENDMENT**

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4638738, as provided by the laws of the State of Utah, and that by authority of the owner, the Record of Survey map of 1043 & 1049 PARK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been filed in the office of the County Recorder of the State of Utah.

BOUNDARY DESCRIPTION

PARCEL 1:
The North 26 of Lot 11, the South 50 feet of Lot 12, and the North 3 of Lot 22, Block 4, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2:
All of Lot 1, 1049 Park Avenue Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1043 PARK AVENUE HOLDINGS, LLC, on its Parcel 1, the undersigned owner of the herein described tract of land, to be known hereafter as 1043 & 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that it has consented this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

Jeffrey Stanford Pierce, Manager
1043 PARK AVENUE HOLDINGS, LLC

ACKNOWLEDGMENT

State of _____
County of _____
On this _____ day of _____, 2016, Jeffrey Stanford Pierce personally appeared before me, the undersigned Notary Public, in and for said state and county, having been duly sworn, Jeffrey Stanford Pierce acknowledged to me that he is the managing member of 1043 PARK AVENUE HOLDINGS, LLC and that he signed the above Owner's Declaration and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____
Residing in _____
My commission expires _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Jeffrey Stanford Pierce, on its Parcel 2, the undersigned owner of the herein described tract of land, to be known hereafter as 1043 & 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that he has consented this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

Jeffrey Stanford Pierce, an unmarried man

ACKNOWLEDGMENT

State of _____
County of _____
On this _____ day of _____, 2016, Jeffrey Stanford Pierce personally appeared before me, the undersigned Notary Public, in and for said state and county, having been duly sworn, Jeffrey Stanford Pierce acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Declaration and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____
Residing in _____
My commission expires _____

NOTE
This subdivision is subject to the Conditions of Approval in Ordinance 16-_____

LEGEND

XXXX Street address on Park Avenue

SHEET 1 OF 1



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016
BY _____
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016
BY _____
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2016
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016
BY _____
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016
BY _____
PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER

Ordinance No. 16-12

AN ORDINANCE APPROVING THE 1043 & 1049 PARK AVENUE PLAT AMENDMENT LOCATED AT 1043 AND 1049 PARK, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 1043 and 1049 Park Avenue have 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 February 10, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 3, 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 approve the 1043 & 1049 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 1043 & 1049 Park Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 1043 and 1049 Park Avenue.
2. The properties are located in the Historic Residential (HR-1) District.
3. The subject property consists of all of the 1049 Park Avenue Subdivision, recorded in 2013, as well as 1043 Park Avenue, which contains the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City.
4. The applicant is proposing to add the north five feet (5') of Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this will remove the lot line which runs through the historic house at 1043 Park Avenue.
5. The house at 1043 Park Avenue is listed as "Significant" on Park City's Historic Sites Inventory; the house at 1049 Park Avenue is listed as "Landmark."

6. The proposed Plat Amendment creates two (2) lots of record from the existing one (1) lot, two (2)-half (1/2) lots, and one partial lot.
7. The Plat Amendment removes one (1) lot line going through the historic house at 1043 Park Avenue, and the interior lot line separating Lots 11 and 22.
8. The Plat Amendment also resolves the encroachment of the historic house at 1049 Park Avenue encroaching over the existing property line and into the 1043 Park Avenue property.
9. The proposed Plat Amendment combines the property into two (2) lots. 1043 Park Avenue (Lot 2) will contain 2,994.7 square feet and 1049 Park Avenue (Lot 1) will contain 2,630.4 square feet.
10. A single-family dwelling is an allowed use in the District.
11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
12. The minimum lot width required is twenty-five feet (25'). The proposed lots meet the minimum lot width requirement.
13. At 1043 Park Avenue, the maximum building footprint allowed based on proposed lot size of 2,994.7 square feet is 1,265.43 square feet.
14. At 1049 Park Avenue, the maximum building footprint allowed based on the proposed lot size of 2,630.4 square feet is 1,134.49 square feet.
15. The minimum front/rear yard setback for 1043 Park Avenue is fifteen feet (15') based on the lot depth. The minimum total front/rear yard setback is thirty feet (30').
16. The minimum front/rear yard setback for 1049 Park Avenue is twelve feet (12') based on the lot depth. The minimum total front/rear yard setbacks for both lots are twenty-five feet (25').
17. The minimum side yard setbacks for both lots are three feet (3') based on the lot width. 1043 Park Avenue currently has side yard setbacks of seven feet (7') on the north and 0 feet on the south. 1049 Park Avenue currently has a side yard setback of three feet (3') on the north and 0 feet on the south. Both historic houses encroach over their prospective south property lines.
18. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. 1043 and 1049 Park Avenue are valid complying structures.
19. At 1043 Park Avenue, the existing historic house encroaches approximately two feet (2') over the south property line and into the 1035 Park Avenue property. The hot tub and block patio also encroach two feet (2') over the west (rear) property line.
20. At 1049 Park Avenue, the existing historic house encroaches approximately 3 feet (3') over the south property line and into the 1043 Park Avenue property. There is a deck, constructed in 2015, that encroaches five feet (5') over the current property line.
21. 1043 and 1049 Park Avenue are located in a FEMA Flood Zone X.
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontages of 1043 Park Avenue; the existing public snow storage easements along Park Avenue at 1049 Park Avenue shall remain.
4. At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
5. At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.
6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
7. At 1043 Park Avenue, vehicular access to the site shall be limited to Woodside Avenue.
8. A portion of the new deck at 1049 Park Avenue shall be removed to the property line in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height.

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

PASSED AND ADOPTED this 3rd day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas
Jack Thomas, MAYOR

ATTEST:

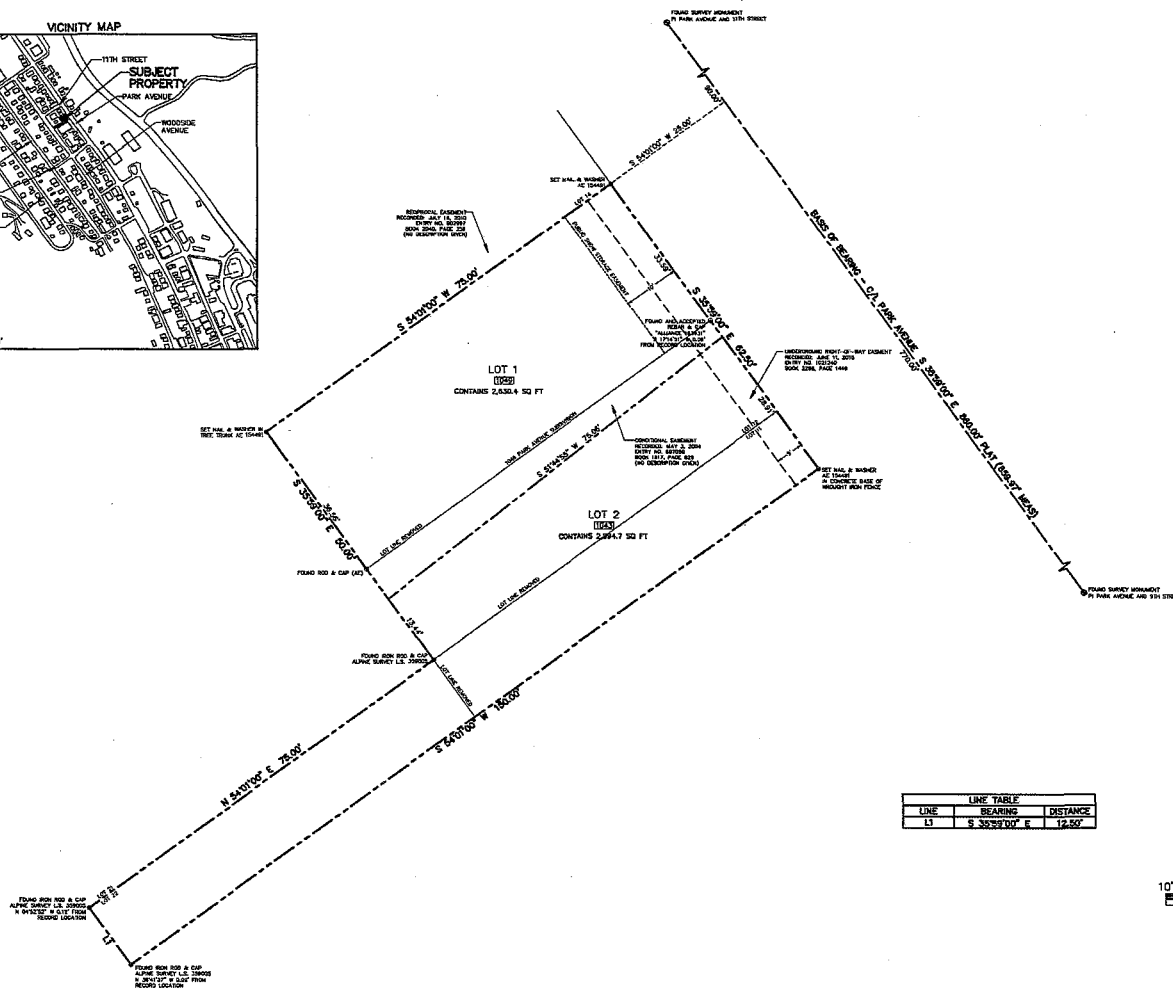
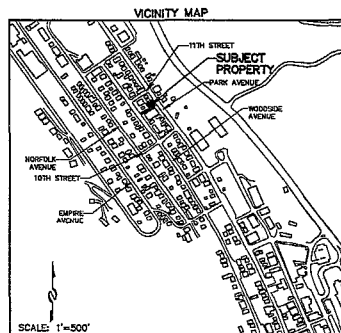
Michelle Kellogg
City Recorder



APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 38°59'00" E	12.50'



A RE-SUBDIVISION OF PLATTED LOTS IN BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY **1043 & 1049 PARK AVENUE PLAT AMENDMENT**

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4638738, as prescribed by the laws of the State of Utah, and that by authority of the owner, the Record of Survey map of 1043 & 1049 PARK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been filed in the office of the County Recorder of the State of Utah. I further certify that the information on this plat is correct.

BOUNDARY DESCRIPTION

PARCEL 1:
The North 26 of Lot 11, the South 50 feet of Lot 12, and the North 3 of Lot 22, Block 4, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2:
All of Lot 1, 1049 Park Avenue Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1043 PARK AVENUE HOLDINGS, LLC, on its Parcel 1, the undersigned owner of the herein described tract of land, to be known hereafter as 1043 & 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that it has consented this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

Jeffrey Stanford Pierce, Manager
1043 PARK AVENUE HOLDINGS, LLC

ACKNOWLEDGMENT

State of _____
County of _____
On this _____ day of _____, 2016, Jeffrey Stanford Pierce personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jeffrey Stanford Pierce acknowledged to me that he is the managing member of 1043 PARK AVENUE HOLDINGS, LLC and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____
Residing in _____
My commission expires _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Jeffrey Stanford Pierce, on its Parcel 2, the undersigned owner of the herein described tract of land, to be known hereafter as 1043 & 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that he has consented this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

Jeffrey Stanford Pierce, an unmarried man

ACKNOWLEDGMENT

State of _____
County of _____
On this _____ day of _____, 2016, Jeffrey Stanford Pierce personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jeffrey Stanford Pierce acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____
Residing in _____
My commission expires _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-_____.

LEGEND

XXXX Street address on Park Avenue

SHEET 1 OF 1

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 302 Main Street, P.O. Box 2004, Park City, Utah 84060-2004	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

The Complete Parking Management Solution RFP was advertised and a selection committee scored incoming proposals. T2 Systems Incorporated was selected based on their holistic approach to the proposed project. This staff report requests authorization to enter into a contract with Service Provider T2 Systems Incorporated for a flexible and comprehensive parking system. The scope of work is found as Attachment A. The proposed Service Provider Agreement includes design, construction, equipment, technology and support for a complete and integrated parking project that unites the suggested recommendations and goals from the Nelson Nygaard Downtown and Main Street Parking Management Plan. Due to the robust nature of the project, the timeline demonstrates a phased approach and a three year contract term.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: Main Street Parking Technology Service Provider Agreement
Author: Kenzie Coulson, Parking & Fleet Manager
Department: Public Works/ Parking
Date: March 30, 2017
Type of Item: Administrative

Summary Recommendation

Staff recommends that Council consider authorizing the City Manager to sign the Service Provider/Professional Services Agreement in a form approved by the City Attorney with T2 Systems Incorporated in an amount not to exceed Two million, Six Hundred Forty-Nine Thousand, Two Hundred Eighty Dollars (\$2,649,280.00) for an integrated and turnkey parking management system.

Executive Summary

The Complete Parking Management Solution RFP was advertised and a selection committee scored incoming proposals. T2 Systems Incorporated was selected based on their holistic approach to the proposed project. This staff report requests authorization to enter into a contract with Service Provider T2 Systems Incorporated for a flexible and comprehensive parking system. The scope of work is found as Attachment A. The proposed Service Provider Agreement includes design, construction, equipment, technology and support for a complete and integrated parking project that unites the suggested recommendations and goals from the Nelson Nygaard Downtown and Main Street Parking Management Plan. Due to the robust nature of the project, the timeline demonstrates a phased approach and a three year contract term.

Acronyms

RFP	Request for Proposal
HPCA	Historic Park City Alliance
Dixon	Dixon Resources Unlimited
TDM	Transportation Demand Management
PARCS	Parking Access Revenue Control System
CIP	Capital Improvement Project
PGS	Parking Guidance System
LPR	License Plate Recognition
CPMS	Complete Parking Management Solution

The Problem

The discussion and concern related to availability of parking and increased traffic in the Main Street area led to a comprehensive list of recommendations, provided by Nelson Nygaard. With assistance from parking consultants Dixon Resources Unlimited, staff issued a comprehensive RFP for construction, equipment, services, and technology that will address the Nelson Nygaard recommendations in a complete and integrated turnkey solution. Uniting the elements of the study into one phased project creates an action plan and road map that provides a foundation for a demand-based parking program with tools to serve the unique needs of Park City.

Staff has learned through open houses and other one-on-one interactions with employees, residents, and business owners that parking is a personal need. Each person has slightly different travel patterns. The selected foundation for technology allows the flexibility to meet as many possible needs from employees, residents, guests, and business owners.

The proposed Service Provider will act as a Prime Contractor for construction, implementation of technology, testing, and ongoing support and maintenance of the overall system. The project focuses on better utilization of existing parking and a demand-based platform that allows for modification based on growth and change. Consultants Dixon Resources Unlimited will continue to advise staff and also focus on community outreach elements.

Goals

Primary key goals include the following:

- Reducing traffic congestion and single occupancy vehicle trips
- Keeping Main Street businesses vital
- Supporting Main Street employees with incentives and viable parking options
- Continuing focus on community outreach
- Providing an easy parking experience, with increased information available to guests and residents

Background

- On June 25, 2015, Council approved a consultant contract with Nelson Nygaard for the creation of a strategic parking management study specific to the Main Street area.
<http://parkcityut.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2060&Inline=True>
- On June 9, 2016, Council performed a final review of the Main Street Parking Plan completed by consultant firm Nelson Nygaard.
<http://parkcityut.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2142&Inline=True>
- Following Council's support of the Main Street Parking Plan, a Main Street Parking Implementation Task Force was created. The Task Force convenes bi-weekly.

- On October 20, 2016, Blake Fannesbeck brought an Informational Report to Council regarding the status of the Downtown and Main Street Parking Plan implementation and an anticipated timeline.
<http://parkcityut.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2195&Inline=True>
- On December 15, 2016, Council approved the Service Provider Agreement for Dixon Resources Unlimited, for project management and consulting.
<http://parkcityut.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2213&Inline=True>
- On February 2, 2017, Kenzie Coulson offered a Staff Communications Report to update Council on the revised anticipated parking technology timeline.
<http://parkcityut.igm2.com/Citizens/FileOpen.aspx?Type=14&ID=2222&Inline=True>
- On March 9, 2017, Kenzie Coulson brought an Informational Staff Report to Council, outlining the Park City Municipal RFP issued on March 3, 2017 called the Complete Parking Management Solution.
<http://parkcityut.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2238&Inline=True>
- On March 20, 2017, the Complete Parking Management Solution vendor selection committee convened and selected vendor T2 Systems Incorporated.

Analysis

Selection Process

Staff advertised the RFP and received four proposals by the posted deadline from the following firms:

- KES/Tiba
- Passport Parking
- SkiData
- T2 Systems Incorporated

A selection committee comprised of the following individuals reviewed the proposals:

<u>Reviewer</u>	<u>Department</u>
Blake Fannesbeck	Transit & Public Works
Kenzie Coulson	Parking & Fleet Services
Zafer Batmaz	Technology Services (Public Works)
Jason Glidden	Special Events
Linda Jager	Communications
Matthew Hartnett	Transportation Planning

Each proposer was evaluated based on the following evaluation criteria as detailed in the RFP:

- Qualifications of firm and project team members.
- Previous related similar work and references.
- Responsiveness to required turnkey project. Demonstration of integration and project management.
- CPMS overall approach and service offerings, including regional support and training.
- Wayfinding & brand proposal.
- Other factors deemed relevant by selection committee.

The committee selected the vendor proposal from T2 Systems Incorporated based on above factors and the proposer's demonstration of a quality integrated approach to this complex project. Competing proposals had a less integrated approach, meaning that they proposed fewer core requirements and optional preferred solutions, as referenced in the RFP Scope of Work.

The RFP requested the core requirements to include PARCS, PGS, and Wayfinding/Brand. T2 Systems Incorporated was the only proposal to include a response that addresses each core item. T2 Systems also included all six optional preferred services, including

1. parking meters,
2. mobile payment,
3. citation/permit management,
4. enforcement handhelds,
5. collection services,
6. mobile/handheld license plate recognition technology.

<u>Proposer</u>	<u>Core Requirements of PARCS, PGS, Wayfinding/Brand</u>	<u>Optional Preferred Services</u>
SkiData	PARCS, PGS only	0
KES/TIBA	PARCS, PGS only	2
<i>T2 Systems</i>	<i>PARCS, PGS, Wayfinding/Brand</i>	6
Passport	mobile payment solution only	N/A

T2 Systems Incorporated is a large company who has provided holistic projects for many cities, including the following: Boulder, Norfolk, Indianapolis, Sioux Falls; universities including Old Dominion University, The University of British Columbia; and a variety of other public, private, and municipal clients. Staff performed reference checks and received positive responses from T2 Systems clients. Previous and current clients of T2 Systems confirmed that they perform tasks proactively, can operate on a demanding schedule, and consistently meet deadlines. References also consistently noted that T2 Systems was able to integrate their existing data systems and software with their technology, and were

willing to spend the time testing systems, training staff, and tailoring data collection to client needs. Likewise, any subcontracting work required was efficiently managed by T2 Systems, and also consistently met deadlines as required. Every reference contacted said they had an exceptional experience working with T2 Systems and would highly recommend them.

Project Phases

Forward movement of this project creates the ability to seek community input, specific to incentive plans and employee, resident, and business owner needs. With the vendor in place, there will be opportunity to follow up on employee, resident, and business owner suggestions at the detail level.

Pending further vendor analysis, the project will require electrical and concrete work. Once complete, the vendor then has the ability to define the exact construction timeline. It is anticipated that construction and testing will take place until mid-summer.

Staff recommends that once testing is complete, the demand-based paid parking portion of the project should go live for Friday and Saturday nights and some special events. Pending data, incentives, and subsequent community outreach, the demand-based system can be rolled out further during the coming year.

This soft launch approach allows time for additional community outreach from Main Street employees and business owners who might not be present during the shoulder season of April and May. It also allows time to tailor employee incentives to better coincide with the roll out.

Staff does not intend to conduct obtrusive construction that could impact summer Main Street operations in a negative way and intends to bring all construction and roll out plans to Council for approval. In addition, staff will seek Council approval on an updated Fee Schedule at a later date.

Phase 1: April

Construction

- Vendor design team to provide wayfinding signage location recommendations for China Bridge garage
- Electrical/ Civil Work assessment
- Refinement of construction timeline, to include Parking Access Revenue Control System (gates on China Bridge garage), parking zone detection and signage in the China Bridge garage, auto count for surface lots and Gateway garage, multi-space parking meter install, license plate recognition hardware install, and wayfinding signage install.

Outreach

- Call for public input regarding employee, resident, and business owner incentives and needs. Advertisement via newspaper and radio

- Creation of an online community forum for public comment
- Public Forum #1
- Outreach groups initiated, with focus on employee/resident programs and incentives. Groups are to include a wide range of businesses, i.e. retail, restaurants, bars, galleries, etc.
 - Main Street employees
 - Main Street business owners
 - Other Park City businesses and organizations
 - Residents

Phase 2: May-June

Construction

- Construction timeline, Fee Schedule, and roll-out plan presented to Council

Outreach

- Public Forum #2 & #3
- Outreach group meetings continue, 1-2 per month
- Presentation of brand
- Carpool program and final incentives identified
- Park and ride options identified and prepped for roll out

Phase 3: July-August

Outreach

- Outreach group meetings continue, 1-2 per month. Possibility for new participants per the summer season
- Community education efforts continue
- Continued monitoring of the timeline and incentive planning

Other Relevant Factors

Outreach

While community outreach and engagement was detailed in the section above, it is important for Council to know that the PCMC Parking and Community Engagement staff are working in lockstep on this process. Additionally, Julie Dixon from Dixon Resources Unlimited has been hired to support PCMC Parking and Community Engagement staff in the implementation process, given the depth and breadth of her experience in rolling out comprehensive, integrated systems.

As mentioned earlier in this report, the Parking & Fleet Manager has had innumerable one-on-one conversations with Main Street business owners and employees – and it has become clear that individuals want to know how this specifically impacts them, relative to their unique needs – rather than having generalized information.

Because of this and the aforementioned soft rollout schedule, Parking is working to nail down specifics that we can communicate to individuals. For example, Parking is **currently evaluating** as part of the soft rollout the *possibility* of allowing all Employee

China Bridge parking permits (\$150 annual fee) to stay valid until December 15, 2016. These permits allow verified Main Street area employees to park in China Bridge and Gateway Garage for up to 24 hours except for:

- Not valid after 6pm on Friday & Saturday nights and
- Not valid during Arts Fest

If staff determines it is feasible to allow the Employee China Bridge permits to be valid until December 15, then the soft rollout will focus on paid parking in China Bridge during Arts Fest and on Friday and Saturday nights only. Parking for other patrons will still be limited to the 6 hour timeframe.

It is important to note that staff is still working with the user community to define the soft rollout that has the highest likelihood of successful implementation, including ease of understanding and ease of use for individuals in the community.

Environmental

This project will reduce Park City's carbon footprint. Wayfinding signage, mobile application, and online tools will demonstrate to guests, employees and residents the availability of parking in the Main Street area, and will highlight alternate options such as free transit and park-and-ride options.

Signage in the China Bridge garage will be designed to direct parkers to available parking, which will minimize idling and searching for open spaces. Signage leading to Main Street will also help quickly direct guests to parking or other transit options. Main Street employee incentives will include free and low cost options for carpoolers, thereby reducing single occupancy vehicle trips.

Ease and Efficiency

The proposed technology creates a flexible solution that unites recommended goals and makes it easier for employees, residents, and guests to make choices based on their needs. An alternative would be to simply place gates on the primary garages. But that idea alone is not flexible and focuses on revenue generation, rather than larger TDM goals. This solution is a responsive system that can address critical needs for locals, employees, and guests.

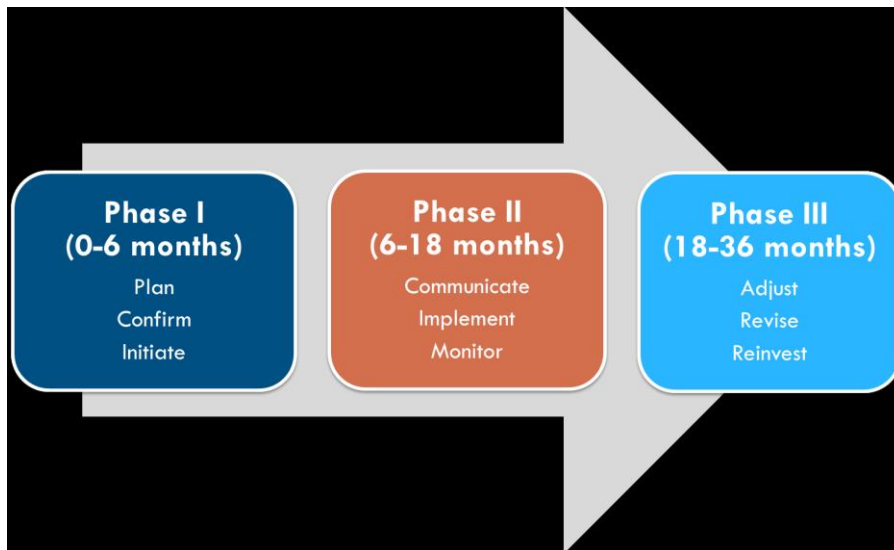
Data

The technology included in this project creates a platform for accommodating current demand, as well as future demand. The increased data will demonstrate opportunity for responding to growth and trends in a progressive manner. The City will be able to proactively respond to patterns of traffic and will have real-time statistics showing parking usage. This data will be critical to managing growth as a responsive government.

Future

This project will require ongoing support and monitoring to ensure that goals are met. Figure 6.6, below, is referenced from the Nelson Nygaard Downtown and Main Street Parking Management Plan. Staff will plan to continue to assess and update Council for the next three years. Residential program enhancements, special event modifications and valet programs are scheduled to be addressed separately from the proposed scope.

Figure 6.6



Alternatives for City Council to Consider

- 1. Recommended Alternative:** Staff recommends that Council consider authorizing the City Manager to sign the Service Provider/Professional Services Agreement in a form approved by the City Attorney with T2 Systems Incorporated, in an amount not to exceed Two million, Six Hundred Forty-Nine Thousand, Two Hundred Eighty Dollars (\$2,649,280.00) for an integrated and turnkey parking management solution per the Park City Municipal Corporation Complete Parking Management Solution RFP.

Pros

- a. The proposed Service Provider agreement will result in construction and install of equipment for a demand- based parking program and parking management solution that aligns with Main Street and Downtown Parking recommendations provided by Nelson Nygaard.
- b. This Service Provider agreement will hold the vendor accountable for a phased approach toward parking revenue controls, real-time dynamic space counting, parking guidance, mobile app and mobile payment options, citation and permit management software, parking meters, wayfinding signage, and branding of the Main Street parking solution.
- c. The proposed agreement creates the foundation for addressing growth and traffic in the Main Street area. The details of demand-based fee structures, incentive plans, and roll-out timeline are subject to Council approval at a later date.

Consequences of Selecting This Alternative

Selection of the staff recommended alternative will result in the authorization of the City Manager to sign the Service Provider/ Professional Services Agreement in a form approved by the City Attorney with T2 Systems Incorporated, which will result in immediate action and construction based on the Nelson Nygaard study recommendations.

- 2. Deny the Item Alternative:** Council could choose to not authorize the contract with any proposer.

Cons

This alternative would require staff to reopen negotiations with proposers or begin the RFP process again resulting in a delay of implementation of Nelson Nygaard recommendations and demand-based parking. Staff does not recommend this alternative.

- 3. Modify the Item Alternative:** Council could choose to change the contract terms or award to another vendor. Staff does not recommend this alternative.

Cons

Modifying the Item would require additional research that would delay the implementation of demand-based parking and the recommendations of the Main Street and Downtown Parking Plan. Modifying could result in missing the spring season for construction.

Modifying the item by reducing the scope would result in an incomplete solution that would not address Transportation Demand Management goals and may negatively

impact Main Street businesses. For example, by reducing the scope to include a parking revenue system without the other components, the City would generate revenue on the garage, but would not be able to provide technology-driven incentives for Main Street employees, real-time information and mobile payment options to help those planning their trips, and enhanced ease and wayfinding signage.

4. **Continue the Item Alternative:** Council could choose to continue the item. Staff does not recommend this alternative.

Cons

Continuing could delay the implementation of demand-based parking and further delay action on the recommendations of the Main Street and Downtown Parking Plan. Continuing could result in missing the spring season for construction.

5. **Do Nothing Alternative:** Council could choose to do nothing regarding this issue, but this would cause no action toward Council goals. Traffic will increase and parking will become more difficult in the future. Staff does not recommend this alternative.

Department Review

This document was reviewed by Public Works, Executive, Legal, Special Events, Transportation, Budget and Sustainability staff.

Funding Source

Funding for this project is available from City Capital Improvement Project (CIP) Funds. Staff will utilize parking revenue to offset the operational cost for annual software licensing fees, warranty fees, and technology servicing fees.

Attachments

- A Complete Parking Management Solution Scope of Work:
<http://www.parkcity.org/Home/ShowDocument?id=37411>
- B Project Component Pricing Schedule (includes example cost estimate for three years)



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff received the March for Science First Amendment Event Application on March 14, 2017. The applicant anticipates 1,000 participants in attendance. Due to the estimated number of participants, and impacts associated with the event, staff has qualified this event as a Level 3 First Amendment Event, which requires the approval of City Council as according to section [4-8-4-C-4](#) of the Park City Municipal Code.

Respectfully:

Tommy Youngblood, Events Coordinator



City Council Staff Report

Subject: March for Science Level Three First Amendment Event Approval

Author: Tommy Youngblood, Special Event Coordinator

Department: Special Events Department

Date: March 30, 2017

Type of Item: Administrative

Summary Recommendation

Staff recommends City Council review and approve the March for Science, a Level Three First Amendment Event to be held on Saturday, April 22, 2017 from 9:30 a.m. to 3:00 p.m. comprised of a march beginning in the Brew Pub Parking Lot at 9:30 am traveling down Main Street connecting to Swede Alley at the Bear Bench Crossing then returning to the Brew Pub Parking Lot for a rally ending at 12:00 pm with additional activities in the Santy Auditorium from 12:00pm – 3:00pm. Staff makes this recommendation based on findings of the fact, conditions of approval and conclusions of the law in a form approved by the City Attorney's Office and Fee Reduction in the amount of \$ 9,746.00.

Executive Summary

Staff received the March for Science First Amendment Event Application on March 14, 2017. The applicant anticipates 1,000 participants in attendance. Due to the estimated number of participants, and impacts associated with the event, staff has qualified this event as a Level 3 First Amendment Event, which requires the approval of City Council as according to section [4-8-4-C-4](#) of the Park City Municipal Code.

The Problem

The submission date is 40 days from the planned date of the event and requires a compressed time for application process and review. This application also does not fit into the timeline for the Fee Reduction Application Process. Due to the nature of First Amendment events, the type of activity creates compressed timeline for application review and evaluation. Staff is working with the applicant to meet all operational and logistic coordination and requirements, as well as mitigations and communications. Staff does believe that the event will have a level of impacts that trigger a Level Three Special Event, hence requiring City Council approval.

As pertains to section 4-8-9 of the Municipal Code, because the fee reduction application was received outside of the timeline, staff is also requesting City Service Fee Reduction for \$ 9,746.00 for the event. The applicant has demonstrated an immediate need for reduction, and has justifying why the application was not filed within the deadline.

Background

- Staff received a First Amendment Event Application on March 14, 2017 for the March for Science from Josh Hobson with the Park City March for Science (Exhibit A)
- According to information provided by the applicant: The March for Science champions robustly funded and publicly communicated science as a pillar of human freedom and prosperity. The group unites as a diverse, nonpartisan group to call for science that upholds the common good and for political leaders and policy makers to enact evidence based policies in the public interest.
- There are several goals for the Park City March for Science including:
 - To stand with and show public support to the scientific community,
 - Give local scientists and science educators an open platform to interact with the public, and
 - Engage and inspire children and families to showcase how thoroughly scientific advancement benefits our daily lives.
- The event is scheduled for March 22, 2017. The ski resorts' scheduled closing date is April 16, weather and conditions permitting.
- Staff has been working with the applicant, Josh Hobson with the Park City March for Science, regarding logistics, safety and security for the event. The applicant continues to coordinate and work with staff to ensure all mitigations and requirements are met.
- Staff anticipates an estimate of 1,000 people will be in attendance for the March for Science. The organizer continues to monitor their social media feedback to update Staff on crowd estimates to insure proper mitigations of impacts.
- Impacts associated with the event include a rolling road closure, parking removal, and transportation planning, and City Facility use.
- The march portion of the event will begin and end at the Brew Pub Parking Lot (Exhibit B), a post-march rally activities are being planned for the Santy Auditorium. The overall event has been planned along the following timeline:
 - 6:00am - 8:30am : Setup in Brewpub Lot
 - 8:30am - 9:00am : Attendees arrive
 - 9:30am: March begins at Brew Pub Lot, travels down Main Street to the Bear Bench, marchers will use the Bear Bench crossing to Swede Alley then travel south from the crossing to return to the Brew Pub Lot.
 - 10:00am – 12:00 pm: March ends and rally begins at Brew Pub Lot comprised of three 10-minute speeches by renowned scientists and one 3-minute speech by a Park City High School student
 - 12:00pm: Rally at Brew Pub Lot ends
 - 12:00 pm - 1:30pm: Tear down of Brew Pub set-up and lot reopens
 - 12:00 pm – 3:00pm: Post rally activities planned for the Santy Auditorium
 - A three hour program scheduled to include a 20-minute presentation followed by 5 – 6 speakers with a 5 minute question and answer period after each.
- Parking will be removed from the Brew Pub Lot on Saturday, April 22, 2017 from 6 a.m. to 1 p.m. for set-up and post March rally. The lot will be noticed for parking removal during the above stated times on Friday evening, April 21, 2017.

- 20 parking spaces will be removed from Swede Alley across from the Transit Center to facilitate the march as it travels from the Bear Bench crossing to Swede Alley.
- No parking is being required to be removed from Main Street for this activity.
- Staff will coordinate with the applicant to find auxiliary parking areas for attendees outside of the Old Town/Main Street core. The Applicant has agreed to work in coordination with the City to ensure adequate off-site parking, currently slated for the Park City High School Lot, and traffic circulation in the vicinity of the event.
- The applicant is communicating that the event will be held rain or shine and there are no alternate dates requested for weather contingencies
- The applicant will encourage participants in the event to carpool, walk and take transit to the event.
 - Depending on the size of the event, there may be temporary closures of Swede Alley associated with the event in order to ensure the safety of the public.
 - Staff will coordinate with the applicant to ensure that if transit operations are modified, they have the ability to stay on schedule and continue to have access to routes during this time.
- Staff has been working to coordinate communications for this event through the Special Events and Community Engagement Departments. Staff is working to coordinating outreach to HPCA, Main Street Businesses, Chamber, Resorts, County and SEAC. Staff will require the applicant to utilize local media outlets including KPCW and HPCA for community mitigation information, as well as, using City Social Media and website to communicate information. Staff is working to consider utilizing the PC Alerts Text Mass Emergency Notification System for up to date information regarding this event.
- Like the Women's March, this is a satellite event to a larger march in Washington, D.C. On April 22, there are four other March for Science events planned for the state of Utah in the following cities: Salt Lake City, Logan, St. George and Moab. Each event is locally planned and not affiliated with the applicant for the Park City event.

Analysis

Staff finds the March for Science, First Amendment Event Permit is an activity conducted for the purpose of expressing political, social, religious or other views protected by the First Amendment of the United States Constitution and Article 1, Section 15 of the United States Constitution, including speechmaking, marching, demonstrating and debating public issues:

- 1) On City property;
- 2) Necessitating a rolling street closure; and
- 3) Creating impacts on services and transportation arising from the size of the event.

Fee Reductions

The timing of this event does not allow it to be included into the Fee Reduction Process, which calls for fee reduction applications for events occurring January 1 – June 30th be submitted by October 1st of the previous year.

The applicant has obtained the following insurance for the event and is not requesting a waiver of these requirements:

- \$2,000,000 per occurrence /\$4,000,000 aggregate
- Proof of Workers Comp. \$500,000

Auto Liability not required. There are no vehicles associated with this event as per the description of the event.

[Title 4-8-8 \(D\)](#) of the Park City Municipal Code allows for the following fee assessment exception for First Amendments Events:

EXCEPTIONS: Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, 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.

Based on a statement of hardship from the applicant (Exhibit D), the applicant of the event is requesting a full fee reduction for required City Services in the amount of \$ 9,746.00

Estimated City Services	
Removal of parking on Swede Alley 20 spaces - \$16 per space	\$ 320.00
Brew Pub Parking Lot Fee 51 spaces - \$16 per space	\$ 816.00
Santy Auditorium Rental Fee	No Fee Required
Building Permit Fee	\$ 300.00
Police Officer Fee 16 officers @ \$75 per hour 4 hour each (64 Total hours)	\$ 8,310.00
Total City Fees	\$ 9,746.00

Staff recommends the event approval and fee reduction as the applicant has been working with Staff to meet the requirements of the Municipal Code Title 4, Chapter 8, in accordance with the attached findings in Exhibit C.

Department Review

Due to the timeline to execute this report, Special Events, Public Safety and Economic Development Departments, Legal and Executive have reviewed this report.

Due to the timeline to execute this report, Budget, Building, Transportation Planning Public Works Departments have not reviewed this report, though they have been and will continue to be involved with coordination regarding this event.

Funding Source

A waiver of the related city fees is requested by the applicant. If granted the funds would be transferred to the relevant departments from the city's General Fund.

Alternatives for City Council to Consider

1. Recommended Alternative: This is staff's recommendation.

Staff recommends City Council review and approve the Level Three First Amendment Special Event permit for the March for Science to be held on Saturday, April 22, 2017 from 6:00 a.m. to 3:00 p.m., based on findings of the fact, conditions of approval and conclusions of the law in a form approved by the City Attorney's Office. Additionally staff recommends that Council approve Fee Reduction in the amount of \$ 9,746.00 for the event.

Pros

1. The event promotes First Amendment Rights of free speech promoting an informed and active community participation in governance
2. The march route supports Council goals of reducing the negative impacts of the these types of events by allowing Heber Ave. and the lower portion of Swede Alley to remain open to Transit and normal vehicular Traffic.

Cons

1. The request for fee reduction shifts most of the operational costs for the event from the applicant to the General Fund

2. Modify Alternative:

City Council could modify the approval of the March for Science to be held on Saturday, April 22, 2017. Staff would need specific feedback on proposed findings and/or event changes on how to proceed with the event.

3. Denial Alternative:

City Council could deny the approval of the March for Science to be held on Saturday, April 22, 2017. Staff would need specific feedback regarding how to proceed with the event.

Pros

1. There would be no use of city funds for this activity

Cons

2. The event would not take place as planned by the applicant

Attachments

- A March for Science First Amendment Event Application
- B Site Plan for the March for Science First Amendment Event
- C DRAFT Findings for the March for Science First Amendment Event
- D Statement requesting reduction of associated fees



Park City Municipal Corporation

Special Event Permit Application

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1478
Park City, Utah 84060
speialevents@parkcity.org

Print

Submit

You must save the PDF first, then open from computer, complete and submit.

APPLICATIONS DO NOT CONSTITUTE AS A PERMIT.

PERMITS ARE APPROVED BY THE SPECIAL EVENTS DEPARTMENT OR CITY COUNCIL IN WRITING AFTER COMPLETE APPLICATIONS ARE REVIEWED UNDER PARK CITY MUNICIPAL CODE 4-8.

Applications for Special Event Permits are due no later than 90 days (Level 3), 60 days (Level 2), or 30 days (Level 1) prior to an event. Incomplete applications cannot be reviewed. Applications submitted after the deadlines as described above may be denied. More information can be found at www.parkcity.org or by contacting speialevents@parkcity.org.

IF YOU HAVE QUESTIONS, OR WOULD LIKE TO SCHEDULE A MEETING BEFORE SUBMITTING YOUR APPLICATION, PLEASE CONTACT:

Tommy Youngblood tommy.youngblood@parkcity.org 435.615.5187 Jenny Diersen jenny.diersen@parkcity.org 435.615.5188

APPLICATION FEES & EXPENSES

Level Three Special Event Permit \$160.00
Level Two Special Event Permit \$80.00
Level One Special Event Permit \$40.00

- Application Levels are determined by the Special Events Department after reviewing complete applications.
- Additional fees for other City Services will be estimated and provided to the applicant upon receipt of a complete application.
- Applicants may incur additional expenses from other City, County or State jurisdictions.
- Fee Reductions for some City Services are considered bi-annually. Fee Reduction Applications are due on:
• April 1, for events July 1 – December 31; and October 1, for events January 1 – June 30.

AS THE APPLICANT YOU UNDERSTAND & AGREE TO THE FOLLOWING: (Check all that you understand and agree to)

- ☒ To insure prompt and accurate processing of your application, ensure that ALL support materials and documentation accompany your application. Failure to do so will constitute an incomplete application and may delay review and approval processes. I understand a complete application shall include this application completed, with traffic and transportation plan, contingency plan – including operations plan, emergency plan, weather conditions and residential and notification outreach plan; site plan and permission of use for properties.
- ☒ Park City Municipal Corporation requires a certificate of insurance in an amount to be determined by the City Attorney's Office. Submitting incomplete application information may delay the ability to determine the amount required. The amount of insurance required by the City Attorney's office is final and the applicant shall be required to submit proof of coverage including naming Park City Municipal Corporation, 445 Marsac, P.O. Box 1480, Park City, Utah 84060 as additionally insured prior to the start of any event activity.
- ☒ After the application is evaluated, the applicant will be responsible for providing proof that I have obtained other permits as necessary from City, County or State agencies, as well as the application fee amount based on the Level of event.
- ☒ I understand that as the applicant, I will assume and reimburse the City for any and all costs and expenses determined by Park City Municipal Corporation. Park City Municipal Corporation may require a deposit to cover such expenses. I may incur costs from other departments or other jurisdictional agencies. I understand I can request an estimate of City Services for the event upon submitting a complete application, and that should I choose to, I can request a reduction of fees for some services as pertains to Park City Municipal code 4-8-9 through the bi-annual fee reduction application and process.
- ☒ I understand I am able to request a meeting with the Special Events Department prior to submitting an application and that this application does not constitute as a valid permit. I understand that permits are approved by the Special Events Department or City Council in writing after complete applications are reviewed under Park City Municipal Code 4-8.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME OF EVENT: PARK CITY MARCH FOR SCIENCE			
FIRST TIME EVENT:	☒ Yes ☐ No	ANNUAL EVENT:	☐ Yes ☒ No
ANNUAL EVENT THAT WILL BE THE SAME AS LAST YEAR:		☐ Yes ☐ No	
ANNUAL EVENT THAT WILL HAVE CHANGES FROM LAST YEAR:		☐ Yes ☐ No	
NAME OF APPLICANT (FIRST & LAST): JOSH HOBSON			
TITLE / POSITION: LEAD ORGANIZER			
BUSINESS / ORGANIZATION NAME: PARK CITY MARCH FOR SCIENCE			
IS BUSINESS / ORGANIZATION A REGISTERED NON-PROFIT		☐ Yes, a copy of IRS paperwork is attached	☒ No
MAILING ADDRESS OR BUSINESS / ORGANIZATION: PO BOX 1926			
CITY, STATE, ZIP: PARK CITY, UT 84060			
PHYSICAL ADDRESS OF BUSINESS / ORGANIZATION:			



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Park City, Utah 84060
specialevents@parkcity.org

CITY, STATE, ZIP: PARK CITY, UT 84060	
PHONE (PRIMARY): 347-622-1562	PHONE (SECONDARY):
EMAIL: josh.hobson@gmail.com	
BUSINESS / ORGANIZATION WEBSITE:	
SOCIAL MEDIA LINKS: TWITTER: @MarchforScienceParkCity FACEBOOK: FACEBOOK.COM/EVENTS/1515182551839119/	
DAY OF EVENT PRIMARY CONTACT:	
ON-SITE DAY OF PRIMARY CONTACT NAME (FIRST & LAST): JOSH HOBSON	
ON-SITE DAY OF PRIMARY CONTACT CELL PHONE: 347-622-1562	
ON-SITE DAY OF PRIMARY CONTACT EMAIL: josh.hobson@gmail.com	
PUBLIC EVENT INFORMATION	
WEB SITE FOR PUBLIC EVENT INFORMATION:	
PHONE NUMBER FOR PUBLIC EVENT INFORMATION:	
EMAIL ADDRESS FOR PUBLIC EVENT INFORMATION:	
Overall event description is attached as a separate document, with the contingency plan and is submitted with the application.	
EVENT LEVEL DETERMINATION	
THE EVENT WILL INCLUDE THE FOLLOWING ACTIVITIES: (Check all that apply)	
☐ FESTIVAL / FAIR	☐ PARADE
☐ SKI / SNOW BOARD	☐ RUN
☐ BIKE	☐ WALK
☐ TRAIL USE	☐ CONCERT
☐ CULINARY	☐ FILMING
☐ ARTS & CULTURE EVENT	☐ HOLIDAY CELEBRATION
☐ RECREATION / SPORTING EVENT	☒ OTHER: MARCH AND RALLY
THE EVENT WILL INVOLVE THE USE OF: (Check all that apply)	
☒ MAIN STREET	☐ RESORT PROPERTY
☒ SCHOOL DISTRICT PROPERTY	☐ PRIVATE PROPERTY
☐ CITY PARKS	☐ CITY FIELDS
☐ CITY FACILITY RENTAL	☐ RESIDENTIAL AREAS
☐ PARK CITY LIMITS	☐ MULTI-JURISDICTION
☒ AMPLIFIED SOUND	
THE TARGET MARKET FOR THIS EVENT IS: (Check all that apply)	
☒ YOUTH / FAMILIES	☒ ADULTS
☒ LOCAL	☐ STATE-WIDE
☐ REGIONAL	☐ NATIONAL
☐ INTER NATIONAL	☐ SPECTATORS
☒ PARTICIPANTS	☐ OTHER:
THIS EVENT WILL: (Check all that apply)	
☐ LIMIT # OF PARTICIPANTS	☒ BE FREE FOR SPECTATORS
☐ LIMIT # OF SPECTATORS	☐ CHARGE ADMISSION FOR SPECTATORS
☐ CHARGE PARTICIPANTS	☐ NOT INCLUDE VENDORS OR SPONSOR
☒ BE FREE FOR PARTICIPANTS	☒ INCLUDE VENDORS OR SPONSOR
☒ BE FREE AND OPEN TO THE PUBLIC	☐ BE A PRIVATE EVENT
THIS EVENT WILL BE HELD: (Check all that apply)	
EVENT DATE(S): APRIL 22ND 2017	
☐ MONDAY	☐ TUESDAY
☐ WEDNESDAY	☐ THURSDAY
☐ FRIDAY	☒ SATURDAY
☐ SUNDAY	
☐ WEEKLY	☐ MONTHLY
☐ SERIES	☒ ONE DAY
NUMBER OF EVENT(S): 1	# OF CONSECUTIVE DAYS:



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ONE DAY EVENT HOUR(S)					
EVENT HOUR(S):	9 AM - 4 PM	OPENING TIME:	9 AM	EVENT ENDS:	4 PM
EVENT SET-UP DATE:	APRIL 22ND	BREAK-DOWN DATE:	APRIL 22ND		
SET-UP TIME(S):	5 AM	BREAK-DOWN TIME(S):	1 PM FOR FLAGPOLE LOT 5 PM FOR ECLES		
MULTIPLE DAY EVENT HOUR(S) - If different for each date					
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
INCLIMATE WEATHER INFORMATION:					
DAY:	DATE:	OPENING TIME:	EVENT ENDS:		
EVENT SET-UP DATE:		BREAK-DOWN DATE:			
SET-UP TIME(S):		BREAK-DOWN TIME(S):			
☒	No inclement weather date is required, and the event will be held rain or shine. I understand the event may be cancelled or postponed by the city due to hazardous or damaging conditions				
EVENT ATTENDANCE (Complete all that apply)					
IF ANNUAL EVENT:					
TOTAL EVENT ATTENDANCE OF PREVIOUS YEAR:			TOTAL DAILY EVENT ATTENDANCE OF PREVIOUS YEAR:		
ALL APPLICANTS MUST COMPLETE THE FOLLOWING SECTION (NEW OR ANNUAL EVENTS)					
ESTIMATED # OF PARTICIPANTS:			ESTIMATED # OF VENDORS:		
ESTIMATED # OF SPECTATORS:			ESTIMATED # OF VOLUNTEERS:		
ESTIMATED # OF STAFF:			ESTIMATED DAILY ATTENDANCE:		
ESTIMATED HIGHEST TOTAL ATTENDANCE AT ONE TIME:			ESTIMATED TOTAL ATTENDANCE OF ENTIRE EVENT:		
I anticipate the event to have an attendance of 500 or more people and understand, as the applicant, I may be required to obtain a mass gathering permit from summit county: http://www.summitcountyhealth.org/					



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SIDEWALK & STREET USE (circle and complete all that apply)

THE EVENT WILL HAVE:

STREETS

☒	STREET CLOSURE MAP IS ATTACHED	CLOSURE SIGN / MARKING	
☒	ROLLING CLOSURE	☐ PARTIAL CLOSURE	☐ FULL CLOSURE ☐ NO CLOSURE
NAMES OF STREETS TO BE CLOSED:		TIMES: (START / END OF CLOSURE)	
MAIN ST FROM BREW PUB FLAGPOLE LOT TO HEBER		START: 9:00	END: 9:30
HEBER AVE FROM MAIN TO SWEDEN AVE		START: 9:15	END: 10:00
		START:	END:
		START:	END:

REASON FOR CLOSURE: THE MARCH ROUTE WOULD USE THE BREW PUB LOT AS AN ASSEMBLY POINT, MARCH DOWN MAIN TO HEBER AVE, AND RECONGREGATE IN THE FLAGPOLE LOT

SIDEWALKS

☐	SIDEWALK CLOSURE MAP IS ATTACHED	CLOSURE SIGN / MARKING	
☐	PARTIAL CLOSURE	☐ FULL CLOSURE	☒ NO CLOSURE ☐ CROWD CONTROL PLAN

ADDRESS:

ADDRESS OF CLOSURE: (FROM / TO)

TIMES: (START / END OF CLOSURE)

FROM:	TO:	START:	END:
FROM:	TO:	START:	END:
FROM:	TO:	START:	END:
FROM:	TO:	START:	END:

REASON FOR CLOSURE:

TRAILS

TRAIL COURSE MAP IS ATTACHED	COURSE / SIGN MARKING INFORMATION IS ATTACHED
------------------------------	---

NAMES OF TRAILS TO BE USED:

PARADE

ASSEMBLY AREA:	DISBANDING AREA:	# OF PARADE ATTENDEES:
PARADE IS:		
☐ WALKING ONLY	☐ VEHICLES & WALKING	☐ VEHICLES ONLY ☐ WILL HAVE ANIMALS

OTHER PARADE INFO:



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CITY PARKING FACILITIES REQUEST

GENERAL PARKING (Where will you be directing event attendees to park cars?)

HOW MANY PARKING SPACES DOES THE EVENT NEED? 300		AT HIGHEST POINT?	
☐ MAIN STREET	☐ CHINA BRIDGE	☒ FLAGPOLE LOT	☒ BREW PUB LOT
☐ SANDRIDGE PARKING LOTS	☐ PARK AVENUE	☐ CITY PARK	☐ MAWHINNEY LOT
☐ QUINNS LOT	☐ RICHARDSON FLATS	OTHER:	
WILL THE EVENT PROVIDE TRANSPORTATION SERVICES TO THE EVENT FROM PARKING AREAS?:			
YES ☒ NO ☐			
ADA PARKING AVAILABLE?:			
YES ☒ NO ☐			
THE EVENT WILL REQUIRE PARKING REMOVAL?:			
YES ☒ NO ☐			
The event will require parking removal as indicated below, and I will complete a special use of public parking application as required with the Park City Parking Services Department			

NAME OF AREA OR STREETS:	BETWEEN:
TIME - START / END:	REASON (what/who):
NAME OF AREA OR STREETS:	BETWEEN:
TIME - START / END:	REASON (what/who):
NAME OF AREA OR STREETS:	BETWEEN:
TIME - START / END:	REASON (what/who):
NAME OF AREA OR STREETS:	BETWEEN:
TIME - START / END:	REASON (what/who):

TRANSPORTATION

WILL THE EVENT PROVIDE ALTERNATIVE TRANSPORTATION OPTIONS?

☐ BUS	☒ BIKE	☒ WALK
------------------------------	--	--

THE APPLICANT IS PROVIDING SHUTTLE OR BUS TRANSPORTATION OUTSIDE OF THE CITY'S SCHEDULE. THE APPLICANT HAS PROVIDED BUS DROP OFF AREA ON THE SITE MAP ATTACHED WITH THIS APPLICATION.

NAME OF TRANSPORTATION PROVIDER / COMPANY:

PHONE:

EMAIL:

THE APPLICANT IS PROVIDING BIKE TRANSPORTATION AT THE EVENT. WE HAVE PROVIDED BIKE PARKING AREAS ON THE SITE MAP WITH THIS APPLICATION.

WE ARE PROVIDING WALKING AS AN OPTION TO ATTEND THE EVENT. WE HAVE PROVIDED WALKING PATH IDEAS ON THE SITE MAP WITH THIS APPLICATION.

ADDITIONAL TRANSPORTATION INFORMATION: **IN OUR PROMOTIONS, WE WILL STRONGLY URGE ATTENDEES TO WALK, BIKE, OR PARK AT THE HIGH SCHOOL AND BUS IN. WE WILL PROVIDE FREE BIKE VALET AT BOTH THE FLAGPOLE LOT AND HIGH SCHOOL**

PUBLIC FACILITY USE

CHECK ALL THAT APPLY:	☐ MINERS HOSPITAL AT CITY PARK	☐ PARK CITY LIBRARY MEETING ROOMS	☐ JIM SANTY AUDITORIUM
	☐ SOPUTH CITY PARK	☐ CITY PARK COVERED BBQ AREA	☐ CITY PARK GAZEBO / STAND
	☐ CITY PARK SOFTBALLFIELD	☐ CITY PARK RUGBY FIELD	☐ SKATE PARK AT CITY PARK
	☐ QUINN'S SPORTEX FIELDS	☐ ROTARY PARK	☐ SCHOOL DISTRICT FIELDS
	☐ DIRT JUMP PARK	☐ PARK CITY ICE ARENA	☒ OTHER: ECCLES CENTER



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TEMPORARY STRUCTURES & FLAMMABLE MATERIALS

I UNDERSTAND ALL TEMPORARY STRUCTURES AND FLAMMABLE MATERIALS MUST BE APPROVED BY THE PARK CITY BUILDING DEPARTMENT. SUCH INSPECTIONS WILL REQUIRE A FIRE/BUILDING PERMIT TO BE SUBMITTED 10 DAYS BEFORE THE EVENT, AS WELL AS AN INSPECTION THE DAY OF THE EVENT.

☐	☐	☒	☐	☐
TEMPORARY BLEACHERS	INFLATABLES	CANOPIES	TEMPORARY BADGES	TEMPORARY LIGHTING
TENTS 10X10 OR UNDER		HOW MANY: <u>1</u>		
TRAILER		HOW MANY:		
STRUCTURES OVER 6 FEET TALL		PURPOSE:		HOW MANY:
DOES EVENT HAVE ELECTRICAL NEEDS?:		☒ YES	☐ NO	DOES EVENT REQUIRE USE OF GENERATORS
				☒ YES ☐ NO
WILL YOU BE REQUESTING PERMITS FOR FIREWORKS?:				☐ YES ☒ NO
WILL THE EVENT REQUIRE THE USE OF FLAMMABLE MATERIALS, FUELS OR GASSES?:				☐ YES ☒ NO
NAME SUCH MATERIALS:				

WASTE MANAGEMENT AND RECYCLING

THE EVENT WILL PROVIDE ITS OWN GARBAGE CANS AND WASTE MANAGEMENT.						
THE EVENT WILL PROVIDE ITS OWN DUMPSTERS, WHICH IS INDICATED ON THE SITE MAP.						
☒ THE EVENT WILL USE THE CITY'S GARBAGE CANS AND WASTE MANAGEMENT, REQUIRING ADDITIONAL FEES.						
THE EVENT WILL USE THE CITY'S DUMPSTERS, REQUIRING ADDITIONAL FEES.						
THE EVENT WILL HIRE A COMPANY AND PROVIDE RECYCLING SERVICES FOR THE FOLLOWING MATERIALS:						
☐	☐	☐	☐	☐	☐	☐
PLASTIC	PAPER	ALUMINUM	GLASS	CARDBOARD	COMPOST	OTHER
THE EVENT WILL UTILIZE CITY RESTROOM FACILITIES (List areas of city restroom facilities below:						
☒ THE EVENT WILL BRING ITS OWN RESTROOMS AND SANATARY STATIONS. (May be required by Summit County Health Department or Park City Building Department)						
WILL ANIMALS BE AT THE EVENT?: ☐ YES ☒ NO IF YES, PLEASE DESCRIBE TYPE OF ANIMALS AND WASTE PLANS						
TYPES OF ANIMALS:						
I HAVE INCLUDED THE PLACEMENT OF THE ANIMALS IN THE SITE MAP OR LINE UP IN THE CONTINGENCY PLAN						
WILL DOGS BE ALLOWED AT THE EVENT?: ☐ YES ☐ NO ☐ LEASHED ☐ UNLEASHED						
WASTE MANAGEMENT PLAN HAS BEEN DESCRIBED IN THE CONTINGENCY PLAN ATTACHED TO THIS APPLICATION.						

FOOD & MERCHANDISE SALES

I UNDERSTAND THAT ALL VENDORS MUST OBTAIN A PARK CITY BUSINESS LICENSE. ALL VENDORS SERVING FOOD OR DRINKS MAY BE REQUIRED TO OBTAIN A FOOD SERVICE OR FOOD HANDLERS PERMIT FROM SUMMIT COUNTY.				
WILL THERE BE SALE OF MERCHANDISE?:			☐ YES	☒ NO
WILL THERE BE COMPLIMENTARY FOOD?:			☐ YES	☒ NO
WILL THERE BE SALE OF FOOD?:			☐ YES	☒ NO
WILL THERE BE ALCOHOL FOR SALE?:			☐ YES	☒ NO
☐	☐	☐		
BEER	WINE	LIQUOR		
I HAVE CONTACTED THE PARK CITY FINANCE DEPARTMENT REGARDING REQUIREMENTS FOR BEER & LIQUOR LICENSES.				



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I UNDERSTAND THAT THE UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (UDABC) MAY REQUIRE OTHER PERMITS.				
WILL FOOD ITEMS BE PRE-PACKAGED?:			☐ YES	☐ NO
WILL FOOD ITEMS BE COOKED ON SITE?:			☐ YES	☐ NO
I UNDERSTAND THAT IF COOKING IS ONSITE, A PARK CITY BUILDING/FIRE PERMIT MAY BE REQUIRED.				
WILL FOOD ITEMS BE PREPARED OFFSITE?:			☐ YES	☐ NO
DESCRIBE ITEMS:				
TEMPORARY SIGNS				
WILL THERE BE TEMPORARY SIGNS AT THE EVENT?:			☒ YES	☐ NO
I HAVE ATTACHED A SIGN PLAN DESCRIBING THE CONTENT, SIZES AND LOCATIONS IN THE CONTINGENCY PLAN.				
SAFETY - SECURITY				
THE EMERGENCY AND SECURITY PLAN HAS BEEN ATTACHED IN THE OPERATIONS PLAN, INCLUDING CROWD CONTROL, ACCESS, FIRST AID. AFTER REVIEW OF THIS APPLICATION, REQUIREMENTS FOR EMTS, FIRE AND POLICE SERVICES WILL BE DETERMINED AS PART OF THE CONDITIONS OF APPROVAL OF THIS EVENT. THE SPECIAL EVENTS DEPARTMENT WILL BE ABLE TO GIVE THE APPLICANT AN ESTIMATE OF SUCH CITY SERVICE REQUIREMENTS.				
☒ THE EVENT WILL REQUIRE LAW ENFORCEMENT SERVICES BEYOND ROUTINE PERIODIC PATROL.				
THE EVENT WILL NOT REQUIRE LAW ENFORCEMENT SERVICES BEYOND ROUTINE PERIODIC PATROL.				
COMMUNICATION NEEDS				
WILL THERE BE INSTALLATION OF AN ANTENNA FOR COMMUNICATION NEEDS?:			☐ YES	☐ NO
INSTALLATION OF AN ANTENNA FOR COMMUNICATION IS INDICATED IN THE SITE PLAN WITH SPECIFICATIONS.				
MARKETING OF EVENT				
PROPER MARKETING OF YOUR EVENT IS VITAL TO ITS SUCCESS. PLEASE CONTACT THE PARK CITY CHAMBER FOR ADDITIONAL INFORMATION AND ASSISTANCE: www.visitparkcity.com				
I HAVE CHOSEN TO LIST INFORMATION REGARDING MY EVENT ON THE PARK CITY CHAMBER'S WEBSITE.				
I HAVE CHOSEN NOT TO LIST INFORMATION REGARDING MY EVENT ON THE PARK CITY CHAMBER'S WEBSITE.				
WHO IS THE TARGET MARKET FOR THIS EVENT?:		LOCAL RESIDENTS, ESPECIALLY YOUTH		
WHERE IS THE TARGET MARKET FOR THIS EVENT?: (choose all that apply)				
☐ LOCAL	☐ REGIONAL	☐ NATIONAL	☐ INTERNATIONAL	
WILL THIS EVENT BE FILMED AND TELEVISED?: (choose all that apply)			☐ YES	☐ NO
☐ LOCAL	☐ REGIONAL	☐ NATIONAL	☐ INTERNATIONAL	
PLEASE LIST ALL ADVERTISEMENT INCLUDING MEDIA COVERAGE, NEWSPAPER AND MAGAZINES:				
MEDIA (RADIO/TV): KPCW				
NEWSPAPER: PARK RECORD				
MAGAZINES:				
OTHER: SOCIAL MEDIA, PCTV, WORD OF MOUTH				
PLEASE SELECT RANGE OF MARKETING BUDGET:				
☒ \$100 OR UNDER	☐ \$100 - \$500	☐ \$500 - \$1,000	☐ \$1,000 - \$2,500	☐ ABOVE \$2,500



Park City Municipal Corporation

Special Event Permit Application

Special Events Department
City Hall, Third Floor
445 Marsac Avenue
P.O. Box 1478
Park City, Utah 84060
specialevents@parkcity.org

APPLICANT AGREEMENT & SIGNATURE

I, the undersigned representative, have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein, including supporting documentation is complete and accurate.

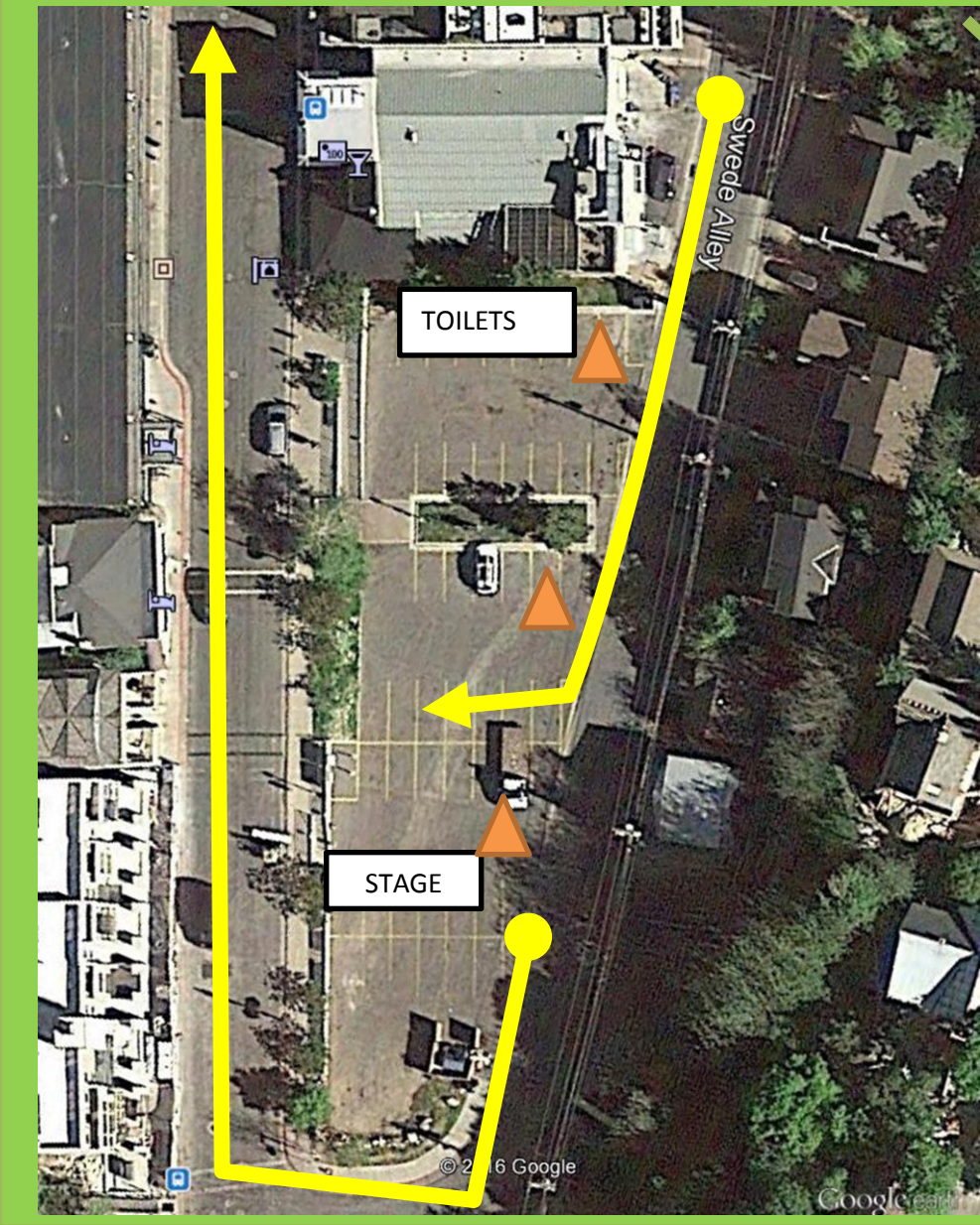
Name (Printed):

JOSH HOBSON

Signature:

Date: 3-1-17

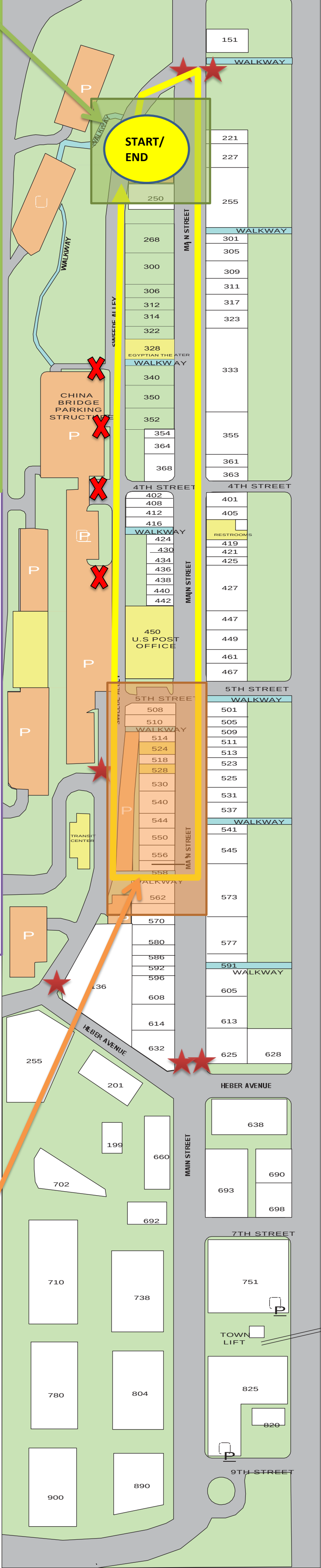
Exhibit B



March for Science - EVENT TIMELINE
Saturday April 22, 2017

- **6:00am - 8:30am** : Setup in Brewpub Lot
- **8:30am - 9:00am** : Attendees arrive
- **9:30am**: March begins at Brew Pub Lot, travels down Main Street to the Bear Bench, marchers will use the Bear Bench crossing to Swede Alley then travel south from the crossing to return to the Brew Pub Lot.
- **10:00am – 12:00 pm**: March ends and rally begins at Brew Pub Lot comprised of three 10-minute speeches by renowned scientists and one 3-minute speech by a Park City High School student
- **12:00pm**: Rally at Brew Pub Lot ends
- **12:00 pm - 1:30pm**: Tear down of Brew Pub set-up and lot reopens
- **12:00 pm – 3:00pm**: Post rally activities planned for the Santy Auditorium
 - A three hour program scheduled to include a 20-minute presentation followed by 5 – 6 speakers with a 5 minute question and answer period after each.

1000 people are anticipated. The size of crowd may necessitate closure of Swede to accommodate until event is over after parade. Transit will need access and exit from Roundabout





PARADE ROUTE



POLICE OFFICERS/CARS - 8 officers



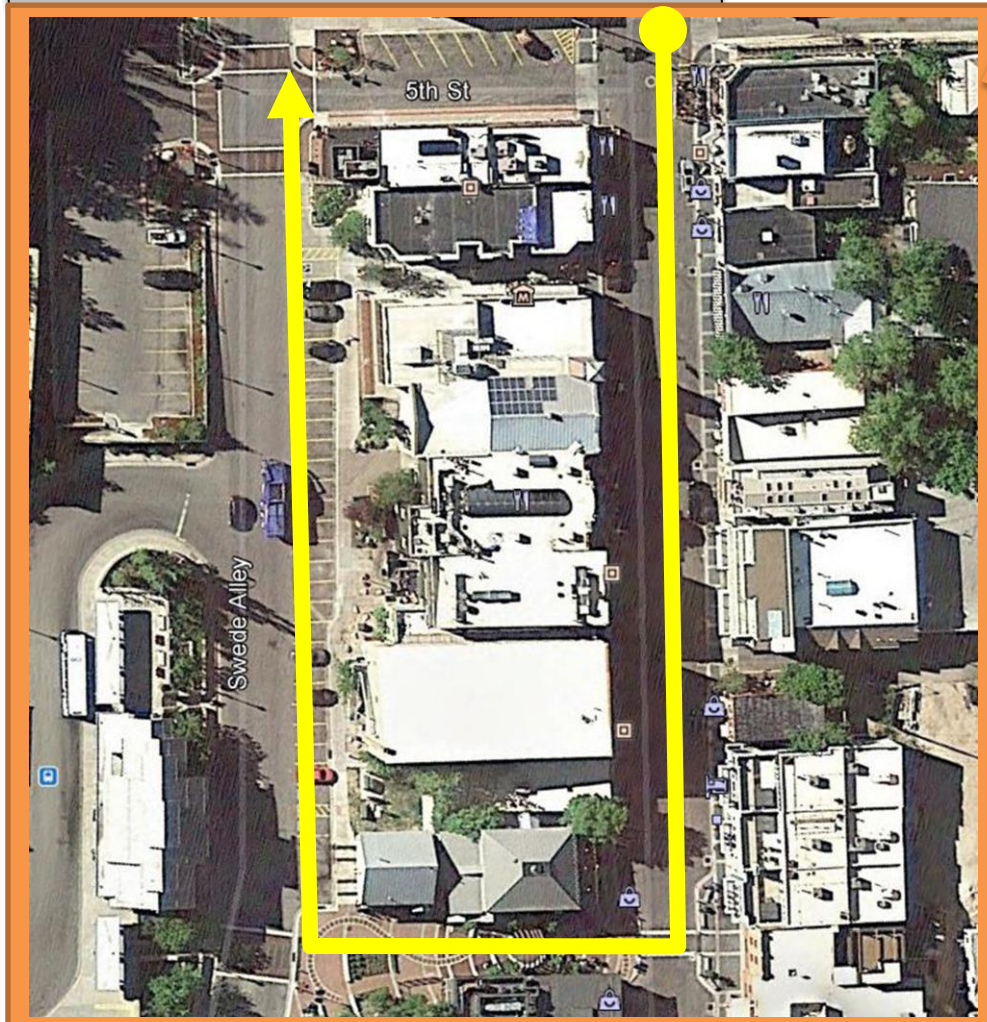
BARRICADES – Type 1



CLOSE EXITS FROM CHINA BRIDGE



CLOSE ONE WAY ON 4TH FROM MAIN TO SWEDE





FIRST AMENDMENT SPECIAL EVENT PERMIT

Type of License: Level 3 First Amendment Event
Event Name: March for Science
Event Date(s): Saturday, April 22, 2017
Event Location: Main Street Area – Brew Pub Parking Lot, Main Street, Heber Avenue & Flagpole Parking Lot
Licensee: Park City March for Science
Contact Person: Josh Hobson
Approved By: City Council of Park City
Approval Date: Thursday, March 30, 2017

The City Council of Park City has approved the First Amendment Event Permit for the March for Science a Level Three First Amendment Event to be held on Saturday, April 22, 2017 from 9:30 a.m. to 3:00 p.m. comprised of a march beginning in the Brew Pub Parking Lot at 9:30 am traveling down Main Street connecting to Swede Alley at the Bear Bench Crossing then returning to the Brew Pub Parking Lot for a rally ending at 12:00 pm with additional activities in the Santy Auditorium from 12:00pm – 3:00pm. This First Amendment Event Permit has been issued under the authority described within the Park City Municipal Code Section 4-8 based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The March for Science a Level Three First Amendment Event to be held on Saturday, April 22, 2017 from 9:30 a.m. to 3:00 p.m. comprised of a march beginning in the Brew Pub Parking Lot at 9:30 am traveling down Main Street connecting to Swede Alley at the Bear Bench Crossing then returning to the Brew Pub Parking Lot for a rally ending at 12:00 pm with additional activities in the Santy Auditorium from 12:00pm – 3:00pm. Staff has determined the application to be licensed as First Amendment Event under the Park City Municipal Code Section 4-1-1.48. There are temporary, rolling street closures and use of City property restrictions associated with this approval.
2. The conduct of the First Amendment Event will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular or pedestrian traffic in the area of the venue. No portion of the event will obstruct sidewalks or public rights-of-ways. Public transportation and other vehicular and pedestrian traffic in the area will be interrupted for a minimal amount of time.
3. The concentration of persons, vehicles, or animals will not duly interfere with the movement of police, fire, ambulance and other emergency vehicles on the streets or with provision of other public health and safety services.

4. The size and scope of the event will require the need for City police, fire or other services. However, Police, fire, or other essential public employees will not be diverted from their normal duties to protect the remainder of the City from the impacts of this event.
5. The event is expecting a maximum of 1,000 attendees. This includes participants, spectators, volunteers, staff and vendors. The event will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. Due to the anticipated attendance and type of event there will not be an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. March for Science submitted their initial application on March 14, 2017; there are no other Special Event Permits that have been granted for Saturday, April 22, 2017.

DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
April 22	March for Science	Main Street Area – Brew Pub Parking Lot, Main Street, Santy Auditorium	9:30 a.m. – 3:00 p.m.	1,000

8. This is the application submitted by Josh Hobson with the Park City March for Science. Mr. Hobson has been working with City Staff to ensure that all conditions of the event will be met. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. As according to section 4-8-9 of the Park City Municipal Code, City Service Fees associated with this event have been waived.
10. Staff finds March for Science , First Amendment Event Permit is an activity conducted for the purpose of expressing political, social, religious or other views protected by the First Amendment of the United States Constitution and Article 1, Section 15 of the United States Constitution, including speechmaking, marching, demonstrating and debating public issues on City property. This event may not include solicitations or activities which propose a commercial transaction, race, rally, parade or event using motor vehicles and bicycles or footraces.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The Applicant shall provide all required permits required by federal, state and local agencies,

along with any associated fees.

2. The Applicant shall ensure that all activities abide by the laws and parameters set forth by Standards for License Approval section 4-8-5.
3. The Applicant shall provide monitors for crowd control and safety, in addition to, any other services or facilities necessary to ensure compliance with City noise, sign or other applicable ordinance(s).
4. The Applicant has agreed to provide monitors for crowd control and safety, in coordination with the City to ensure sufficient number of traffic controllers and signs, barriers and traffic devices.
5. The Applicant has agreed to provide safety, health and sanitation equipment and services and facilities to ensure that the First Amendment Event will be conducted without creating unreasonable negative impacts to the area with due regard for safety and the environment.
6. The Applicant has agreed that there will be no distribution of handbills literature, or other printed matter to passersby or place them on cars, buildings, driveways, doorways or porches.
7. The Applicant has agreed to work in coordination with the City to ensure adequate off-site parking and traffic circulation in the vicinity of the event. The applicant will encourage participants in the event to carpool, walk and take transit to the event.
8. The Applicant provides a schedule of events, and provides access to any site for purposes of Code enforcement as outlined by Park City Municipal Code 4-8-11.
9. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
10. The Applicant shall require that all persons it is responsible for (participants, volunteers, spectators, and others) use the area in a safe and responsible manner. The applicant shall be liable for any damage resulting to the use area, including streets, buildings, signs, restrooms, benches and other improvements adjacent to the trails by either the applicant or the persons it is responsible for. All tents, stages, temporary structures, signs and trash shall be collected, packed out, and disposed of properly immediately following the event.
11. Applicants shall provide, upon application of a Special Event Permit, proof of liability insurance in the amount of four million dollars (\$4,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. All applicants shall further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
12. In the event of extreme weather, health, safety or welfare concerns or other scheduling conflict due to unforeseen circumstances, the City reserves the right to cancel an event at any time. The applicant has chosen to forgo a weather date for the event.

APPROVED this Thursday the 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

City Manager, Diane Foster

Attest:

City Recorder,

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit D

3/17/17

Park City City Council,

I am writing to you today to ask that you waive the city's fees for the upcoming Park City March for Science.

The organizers of the March wanted Park City residents to be able to join millions across the country on April 22nd as we raised our voices to protest policies detrimental to our environment, our personal well-being, and the future livability of our planet. We see that our community has many members who would join us. We also recognize the need to ensure public safety and to work with the city to assure that our free speech activity harmonizes with the neighborhood it will take place in.

In order to not have to find corporate sponsorship for our first amendment activity, we have only accepted private donations to help us bear the operational costs. But, even providing a bare stage and a microphone, toilet facilities and event insurance, already stretches our meager budget. We organizers are a group of concerned citizens, and do not enjoy the endowment of a foundation behind us.

It is not our wish that our free speech require commercial activity to subsidize it. We feel that enough Park City and Summit County residents would participate to make this worth the personal investment of our time to organize. We recognize that in using city property, that the city has a list of reasonable requirements concerning mass gatherings, and we will find ways to cover insurance, provide accessible toilet facilities and the like.

But this event, unlike almost every other in the calendar, is not in any way a commercial exercise, a fundraiser for any group or organization, or a promotion for any company or product. We would like to provide a platform for Park City residents and local scientists to redress our grievances. The fees that the city is asking make it considerably more difficult to provide such a platform without some corporate logo on a banner next to the speaker.

Thank you for your consideration,

Josh Hobson

Lead Organizer

Park City March for Science



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Lots C and D are owned by the Cases. Lot D is currently occupied by their existing residence and approximately half of the garage and a parking pad are currently located on Lot C. It is the desire of the owners to move the lot line so that all structures are entirely on Lot D to meet the side yard setback of 12 feet for the RD zone. The applicants have expressed intent to build a home for their children. As proposed, Lot D contains 27,635 SF and Lot C contains 31,895 SF. On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. There were no comments made by the public and the Commission forwarded a positive recommendation to the City Council; the vote was unanimous (5-0).

Respectfully:

Makena Hawley, Planner I

City Council Staff Report

Subject: The Cottages – Amending Lots C & D
Author: Makena Hawley, City Planner
Project Number: PL-17-03444
Date: March 30, 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staffs recommends City Council hold a public hearing for The Cottages – Amending Lots C and D located at 7545 & 7585 Sterling Drive and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Description

Applicant: Robert and Suzanne Case, represented by Marshall King of Alliance Engineering, Inc.
Location: 7545 & 7585 Sterling Drive
Zoning: Residential Development (RD) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Executive Summary/Proposal

Lots C and D are owned by the Cases. Lot D is currently occupied by their existing residence and approximately half of the garage and a parking pad are currently located on Lot C. It is the desire of the owners to move the lot line so that all structures are entirely on Lot D to meet the side yard setback of 12 feet for the RD zone. The applicants have expressed intent to build a home for their children. As proposed, Lot D contains 27,635 SF and Lot C contains 31,895 SF. On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. There were no comments made by the public and the Commission forwarded a positive recommendation to the City Council; the vote was unanimous (5-0).

Background

The properties are located at 7545 & 7585 Sterling Drive. The property is in the Residential Development (RD) District. The subject property consists of Lots C and D of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision. Both lots are subject to the Deer Valley Master Planned Development (MPD). There is no change in density, parking, type or character of units; therefore the plat amendment is consistent with provisions of the Deer Valley MPD. Currently Lot D contains an existing single family home and a double car garage that encroaches over the common lot line with parking pads on either side of a zero front yard setback. Both structures were constructed in 1996.

In 1983, the Silver Lake Knoll Cottages Phase 1 was approved as a Planned Unit Development and contained 7 lots total. The garages and driveways were identified as common area and the buildable pad was placed on the plat with zero front yard setbacks to the road (See Exhibit C). This plat was vacated by Ordinance 86-10 in 1986.

In 1985, the Silver Lake Knoll Cottages Phase II was approved as a Planned Unit Development and contained 10 lots total (See Exhibit D).. The garages and driveways were identified as common area and the buildable pad was placed on the plat with zero front yard setbacks to the road. This plat was vacated by Ordinance 86-4 in 1986.

The Cottages, a re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision, was approved in 1986. It consists of 11 single family lots which is a combination of the Silver Lake Knoll Cottages Phase I and Phase II (See Exhibit B). The plat contained several plat notes regarding items such as Woodland View Drive being a private drive and expectations for utility developments as well as two items which were peculiar to a plat:

One item is a setback recommendation from the April 24, 1986 City Council Minutes (Exhibit I). The plat was approved on consent agenda and with it the staff recommendation that "Due to the slope considerations and the fact the total number of access points along Woodland has been reduced, the staff now recommends that zero setbacks be approved for garages only. The minimum setback for the residences shall be 10 feet from the new expanded easement line". Later on June 13, 1990, there was a request for technical revisions to conditions of approval which changed the front yard setbacks for garages but only on lots G, H, and K. At this time, 4 garages (including the one on Lots C & D) were already built along Sterling Drive under the original P.U.D.

The second item is that the plat calls out "Existing Building Pads" on only lots A, B, D, and F. These building pads reflect 4 of the 7 private lot building pads from the Phase 1 P.U.D. but not what currently exists as built. No minutes were found that reflect the reasons behind placing the "Existing Building Pads" on the newest plat. After additional research, it was found the pads were intended to indicate where buildings were currently located but that setbacks still apply. No further resources were found as to why the building pads were placed on only 4 lots. Staff does not find it necessary to continue the use of the "Existing Building Pad" from The Cottages original approval however the lot would be sufficient to follow the normal zone setbacks regulations.

There has only been one additional plat amendment to the Cottages, called the Cottages re-plat from 1999. This was a lot line adjustment between Lot F and Lot E due to the applicant's proposal for an addition on their house that would have encroached into the setbacks.

In 2006, an easement was granted from Lot C to Lot D to "use, maintain, repair, and replace the garage structures and landscaping" (See Exhibit H). This easement will become moot after this plat amendment is recorded.

On January 26, 2017, the Planning Department received a complete Plat Amendment application for the Cottages – Amending Lots C & D.

On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. There were no comments made by the public and the Commission forwarded a positive recommendation to the City Council; the vote was unanimous (5-0).

Purpose

The purpose of the Residential Development RD District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Analysis

The plat amendment will put the full existing garage onto the property of Lot D with 12 feet of side yard setbacks to the property line which is the minimum requirement for the RD zone (See Exhibit E). This will eliminate the need for the grant of easement, eliminate the legal non-complying structure in terms of side yard setbacks and will leave Lot C with no existing structures on the lot. The existing garage with the 5 foot setback from the front property line will remain as is and the structure will fully belong to Lot D.

Lot D will go from approx. 23,721 sq. ft. to 27,635 sq. ft.

Lot C will go from approx. 35,807 sq. ft. to 31,895 sq. ft.

Good Cause

Staff finds Good Cause for this plat amendment. The new lot line will put the original shared garage fully on Lot D's property to utilize for their personal purposes, versus requiring an easement for it. Lot C will be fully undeveloped.

Process

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

Department Review

This project has gone through an interdepartmental review. No issues were raised by any departments or service providers regarding this proposal that have not been

addressed.

Notice

The property was posted and notice was mailed to property owners within 300 feet on February 15, 2017. Legal notice was also published in the Park Record according to requirements of the Land Management Code on February 18, 2017.

Public Input

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

Alternatives

- The City Council may approve The Cottages – Amending Lots C and D plat amendment as conditioned or amended; or
- The City Council may deny The Cottages – Amending Lots C and D plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on The Cottages – Amending Lots C and D plat amendment.
- 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 proposed building would remain as is and the property owner would need to maintain the easement to fully utilize the garage that crosses property lines.

Recommendation

Staffs recommends that the City Council hold a public hearing for The Cottages – Amending Lots C and D plat amendment located at 7545 & 7585 Sterling Drive and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat Amendment
- Exhibit B – The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F
- Exhibit C – Silver Lake Knoll Cottages Phase I
- Exhibit D – Silver Lake Knoll Cottages Phase II
- Exhibit E – Existing Conditions Map showing existing and proposed plat lines
- Exhibit F – Aerial Photograph
- Exhibit G – Site Photographs
- Exhibit H – Grant of Easement for use of garage over property lines
- Exhibit I – City Council Minutes of April 24, 1986

Ordinance No. 2017-10

**AN ORDINANCE APPROVING THE COTTAGES – AMENDING LOTS C AND D
LOCATED AT 7545 & 7585 STERLING DRIVE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 7545 & 7585 Sterling Drive has petitioned the City Council for approval of the plat amendment; and

WHEREAS, on February 16, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 22, 2017 proper legal notice was posted in the Park Record; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, March 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2017, 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 approve The Cottages – Amending Lots C and D Plat Amendment.

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

SECTION 1. APPROVAL. The Cottages – Amending Lots C and D plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7545 & 7585 Sterling Drive in the Residential Development (RD) District.
2. The subject property consists of Lot C and Lot D of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision approved by the City Council and recorded at Summit County on October 10, 1986.
3. Both lots are subject to the Deer Valley MPD.
4. The proposal complies with the allowed uses in the RD District.
5. Lots C and D are owned by the Cases.
6. Lot D is currently occupied by the Cases' existing residence and Lot C is

- essentially vacant. Approximately half of the garage and a parking pad associated with the house on Lot D are currently located on Lot C.
7. It is the desire of the owners to move the lot line so that all structures are entirely on Lot D to meet the side yard setback of 12 feet for the RD zone.
 8. The subject property consists of Lots C and D of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision.
 9. Currently Lot D contains an existing single family home and double car garage that crosses the common property line, with parking pads on either side of a zero front yard setback.
 10. Both structures were constructed in 1996.
 11. In 1983 from Silver Lake Knoll Cottages Phase 1 was approved as a Planned Unit Development and contained 7 lots total. The garages and driveways were identified as common area and the buildable pad was placed on the plat with zero front yard setbacks to the road. This plat was vacated by Ordinance 86-10 in 1986.
 12. In 1985, the Silver Lake Knoll Cottages Phase II was approved as a Planned Unit Development and contained 10 lots total. The garages and driveways were identified as common area and the buildable pad was placed on the plat with zero front yard setbacks to the road. This plat was vacated by Ordinance 86-4 in 1986.
 13. The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision was approved in 1986. It is an 11 single family lots as a combination of the Silver Lake Knoll Cottages Phase I and Phase II.
 14. A Planning Department's setback recommendation to allow zero setbacks from the front lot line to the garages was approved by the City Council on April 24, 1986.
 15. The plat Silver Lake Knoll Cottages Phase II calls out "Existing Building Pads" on only lots A, B, D, and F. These building pads reflect 4 of the 7 private lot building pads from the Phase 1 P.U.D. but not what currently exists as built. No minutes were found that reflect the reasons behind placing the "Existing Building Pads" on the newest plat. After additional research, it was found the pads were intended to indicate where buildings were currently located but that setbacks still apply. No further resources were found as to why the building pads were placed on only 4 lots.
 16. The "Existing Building Pad" from The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision are not necessary, the lot would be sufficient to follow the normal zone setbacks regulations.
 17. In 2006, an easement was granted from Lot C to Lot D to "use, maintain, repair, and replace the garage structures and landscaping". This easement will become moot after this plat amendment is recorded.
 18. On January 26, 2017, the Planning Department received a complete Plat Amendment application for the Cottages – Amending Lots C & D.
 19. The plat amendment will effectively locate the existing garage fully onto Lot D with 12 feet of side yard setbacks to the property line meeting the minimum requirement for the RD zone.
 20. This plat amendment eliminates the need for the grant of easement, eliminates

the legal non-complying structure in terms of side yard setbacks and leaves Lot C with no existing structures on the lot.

21. The existing garage will maintain the 5 foot setback from the front property line and will be located entirely upon Lot D.
22. Lot D will go from approx. 23,721 sq. ft. to 27,635 sq. ft. of lot area.
23. Lot C will go from approx. 35,807 sq. ft. to 31,895 sq. ft. of lot area.
24. The property was posted and notice was mailed to property owners within 300 feet on February 15, 2017.
25. Legal notice was also published in the Park Record according to requirements of the Land Management Code on February 18, 2017.
26. On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. There were no comments made by the public and the Commission forwarded a positive recommendation to the City Council; the vote was unanimous (5-0).
27. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. The plat is consistent with the provisions of the Deer Valley MPD.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision shall continue to apply.
4. The easement dated June 15, 2006 on Lot C shall be removed.

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

PASSED AND ADOPTED this 30^h day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney
Attachment 1 – Proposed Plat

Proposed Plat



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, I have prepared this plat map of THE COTTAGES-AMENDING LOTS C & D, 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.

BOUNDARY DESCRIPTION

PARCEL 1:

LOT C, THE COTTAGES, a subdivision, according to the official plat thereof, recorded October 10, 1986 as Entry No. 259166 of the official records in the office of the Summit County Recorder.

Easement 1

Together with a non-exclusive easement to use the roadway presently known as "Sterling Drive" to gain ingress and egress to and from the above-described real property.

Easement 2

Subject to and together with an easement recorded June 15, 2006 as Entry Number 781002 in Book 1797, Page 1368 of the official records in the office of the Summit County Recorder.

PARCEL 2:

All of Lot "D", THE COTTAGES, a subdivision, according to the official plat thereof on file and of record in the office of the Summit County Recorder, State of Utah.

Easement 1

Together with a non-exclusive easement to use the roadway presently known as "Sterling Drive" to gain ingress and egress to and from the above-described real property.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Suzanne P. Case, as to an undivided one-half interest in Parcel 1, the undersigned owner of the herein described tract of land, to be known hereafter as THE COTTAGES-AMENDING LOTS C & D, does hereby certify that she has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2017.

Suzanne P. Case

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Robert A. Case, a married man, as to an undivided one-half interest in Parcel 1 and as to Parcel 2, the undersigned owner of the herein described tract of land, to be known hereafter as THE COTTAGES-AMENDING LOTS C & D, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2017.

Robert A. Case

ACKNOWLEDGMENT

State of _____,
County of _____ ss:

On this _____ day of _____, 2017, Suzanne P. Case personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Suzanne P. Case acknowledged to me that she is the owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

State of _____,
County of _____ ss:

On this _____ day of _____, 2017, Robert A. Case personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert A. Case acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

A LOT LINE ADJUSTMENT PLAT

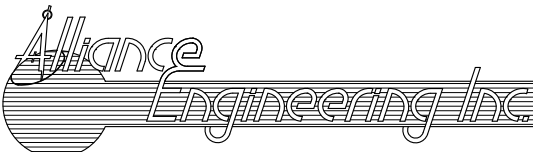
THE COTTAGES-AMENDING LOTS C & D

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

1/18/17 JOB NO.: 8-9-16 FILE: X:\SilverLakeVillage\dwg\sr\plat2016\080916.dwg



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____

DAY OF _____, 2017

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

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____

DAY OF _____, 2017

BY _____

CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____

DAY OF _____, 2017

BY _____

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2017

BY _____

PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

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

2017

BY _____

MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017

BY _____

PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____

ENTRY NO. _____

FEE _____

RECORDER _____

NOTES:

- Woodland View Drive is a private drive recorded on Silver Lake Knoll No. 2 Subdivision, Entry No. 202075. Woodland View Drive is maintained by Woodland View Drive Association. No future Public Maintenance will be undertaken.
- All lots are subject to a 5 foot wide slope, snow storage, drainage, utility, and access easement along right-of-ways of Woodland View Drive.
- o Iron rods to be set at lot corners.
- Sanitary sewer laterals are provided for Lots E through K from Woodland View Drive with the exception of Lot H. Sewer ejector pumps may be required.
- Sanitary sewer laterals are provided for Lots A through D from Woodland View Drive.
- The existing buildings on Lots A, B, and F are serviced by private ejector pumps.

Q ROYAL STREET WEST
(70' R/W-FULL WIDTH, AS DEDICATED)

SCALE 1"=50'

Exhibit B - The Cottages - A re-subdivision of Silver Lake Knoll
No. 2 Parcel E & F

SURVEYOR'S CERTIFICATE

I, James G. West, do hereby certify that I am a registered land surveyor and that I hold certificate No. 3082, as prescribed under the laws of the State of Utah. I further certify that I have made a survey of the tract of land shown on this plat and described herewith, and have subdivided said tract of land into lots lettered A through K, and that the same has been surveyed and staked on the ground as shown on this plat.

I further certify that in my opinion this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

April 23, 1986
Date

James G. West
James G. Johnson & Associates
By: *James G. West*

3082
JAMES G. WEST
STATE OF UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all by these present that we, the undersigned owners of this described tract of land and shown herein, having caused the same to be subdivided into lots to hereafter be known as The Cottages, do hereby dedicate for perpetual use of the public the easements as shown on this plat, EXCEPT for the 50 foot wide protective easement, and do warrant, defend and save Park City Municipal Corporation and Snyderville Basin Sewer Improvement District harmless against easements or other encumbrances on these easements.

William J. Enloe
William J. Enloe
By: *Geraldine L. Enloe*
Geraldine L. Enloe

Ballard F. Smith, Jr.
Ballard F. Smith, Jr., Trustee Under Declaration of Trust dated June 12, 1986
By: *Linda Ardel Smith*
Linda Ardel Smith, Trustee Under Declaration of Trust dated June 12, 1986

Royal Street Corporation
By: *James G. West*
President

The Fieldstone Company
By: *James G. West*
President

First Security Bank of Utah, N.A. Trustee
By: *James G. West*
Trust Officer

Deer Valley Resort Company
By: *James G. West*
Vice President

ACKNOWLEDGEMENT

STATE of Utah)
COUNTY of Summit) ss.

On this 23 day of April, 1986, personally appeared before me *John E. Miller*, who being by me duly sworn, did say that he is Vice President of Royal Street of Utah, a Utah Corporation, which is the general partner of Deer Valley Resort Company, a Utah limited partnership, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said corporation as such general partner, and said *John E. Miller* duly acknowledged to me that said partnership executed the same.

Anna M. Palmer
Notary Public
Residing at: *Park City, UT 84060*

My Commission Expires: 7-6-86

ACKNOWLEDGEMENT

STATE of UTAH)
COUNTY of SUMMIT) ss.

On this 5th day of September, 1986, personally appeared before me *John E. Miller*, who being by me duly sworn, did say that he is Vice President of Royal Street of Utah, a Utah Corporation, which is the general partner of Deer Valley Resort Company, a Utah limited partnership, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation as such general partner, and said *John E. Miller* duly acknowledged to me that said Corporation executed the same.

Anna M. Palmer
Notary Public
Residing at: *Park City, Utah*

My Commission Expires: 7-6-86

ACKNOWLEDGEMENT

STATE of UTAH)
COUNTY of SUMMIT) ss.

On this 10th day of September, 1986, personally appeared before me *Edgar B. Stern, Jr.*, who being by me duly sworn, did say that he is President of Royal Street Corporation, a Louisiana Corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation as such President, and said *Edgar B. Stern, Jr.* duly acknowledged to me that said Corporation executed the same.

Anna M. Palmer
Notary Public
Residing at: *Park City, UT*

My Commission Expires: 8-30-87

ACKNOWLEDGEMENT

STATE of California)
COUNTY of Orange) ss.

On this 27th day of August, 1986, personally appeared before me *Peter M. Ochs*, who being by me duly sworn, did say that he is President of the Fieldstone Company, a California Corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation as such President, and said *Peter M. Ochs* duly acknowledged to me that said Corporation executed the same.

Anna M. Palmer
Notary Public
Residing at: *Park City, Utah*

My Commission Expires: 7-6-86

THE COTTAGES

A RESUBDIVISION OF SILVER LAKE KNOLL NO. 2 PARCEL E & F SUBDIVISION LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND THE SOUTHWEST QUARTER OF SECTION 22, ALL IN T.2S., R.4E., S.L.B. & M., PARK CITY, SUMMIT COUNTY, UTAH

COTTAGES EAST OF WOODLAND VIEW DRIVE

Beginning at a point which is North 98.94 and East 1.70 feet from the Southwest Corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, (Basis of Bearing being North 00° 40' 31" East to the East quarter corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); said point being the southwest corner of Parcel "C" of Silver Lake Knoll # 2 Parcel E and F Subdivision as recorded at the Office of the Recorder in Summit County, Utah as entry number 206450 on June 3, 1983, said point also being on the easterly right-of-way of Woodland View Drive, a private road and the following four calls on said right-of-way: 1) thence North 06° 00' 00" East 36.41 feet to a point on a 530.00 foot radius curve to the right (center bears South 84° 00' 00" East 530.00 feet of which the central angle is 53° 00' 00"); 2) thence northeasterly along the arc of said curve 490.26 feet; 3) thence North 59° 00' 00" East 61.34 feet to a point on a 470.00 foot radius curve to the left (center bears North 31° 00' 00" West 470.00 feet of which the central angle is 12° 48' 11"); 4) thence northeasterly along the arc of said curve 105.03 feet; thence South 43° 48' 11" East 102.36 feet; thence South 21° 00' 00" East 127.00 feet to a point on the westerly right-of-way of Sterling Drive, a private road, and the following four courses being on said right-of-way: 1) thence South 69° 00' 00" West 94.77 feet to a point on a 355.00 foot radius curve to the left (center bears South 21° 00' 00" East 355.00 feet of which the central angle is 53° 00' 00"); 2) thence South 33.64 feet to a point on a 356.05 foot radius curve to the left (center bears South 65° 00' 00" East 356.05 feet of which the central angle is 20° 03' 23"); 3) thence South 78.97 feet; thence South 83° 10' 00" West 41.99 feet to the point of beginning. Contains 2.81 acres.

COTTAGES WEST OF WOODLAND VIEW DRIVE

Beginning at a point which is North 59.78 and West 194.66 feet from the Southwest Corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, (Basis of Bearing being North 00° 40' 31" East to the East quarter corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); said point being the Southwest Corner of Parcel 6A of the Silver Lake Knoll # 2 Parcel E and F Subdivision as recorded in the Office of the Recorder of Summit County, Utah as entry number 206450 on June 3, 1983; said point also being on the easterly right-of-way at Royal Street West as dedicated and the following six calls being said right-of-way: said point also being on a 899.09 foot radius curve to the right (center bears North 82° 59' 44" East 899.09 feet of which the central angle is 16° 37' 28"); 1) thence northerly along the arc of said curve 260.87 feet; 2) thence North 9° 37' 12" East 169.74 feet to a point on a 146.56 foot radius curve to the right (center bears South 80° 22' 48" East 146.56 feet of which the central angle is 47° 33' 10"); 3) thence northeasterly along the arc of said curve 121.65 feet; 4) thence North 57° 10' 42" East 203.59 feet to a point on a 401.43 foot radius curve to the left (center bears North 32° 49' 18" West 401.43 feet of which the central angle is 20° 05' 43"); 5) thence northeasterly along the arc of said curve 140.79 feet to a point on a 356.58 foot radius compound curve to the left (center bears North 52° 55' 01" West 356.58 feet of which the central angle is 15° 55' 49"); 6) thence northeasterly along the arc of said curve 99.14 feet; thence South 43° 48' 11" East 253.27 feet to a point on the westerly right-of-way of Woodland View Drive, a private road, and the following five calls being on said right-of-way to a point on a 430.00 foot radius curve to the right (center bears North 50° 28' 46" West 430.00 feet of which the central angle is 19° 28' 46"); 1) thence South 59° 00' 00" West 61.34 feet to a point on a 570.00 foot radius curve to the left (center bears South 31° 00' 00" East 570.00 feet of which the central angle is 53° 00' 00"); 2) thence South 25° 00' 00" West 33.64 feet to a point on a 356.05 foot radius curve to the left (center bears South 65° 00' 00" East 356.05 feet of which the central angle is 20° 03' 23"); 3) thence South 78.97 feet; thence South 83° 10' 00" West 41.99 feet to the point of beginning. Contains 4.25 acres

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF
PARK CITY COUNCIL THIS 24TH DAY OF
APRIL A.D. 1986 AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED

James G. West
MAYOR

ATTEST: *James G. West*
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
PARK CITY CITY ENGINEERING DEPART-
MENT ON THIS 24TH DAY OF APRIL
A.D. 1986.

Orin W. DeHaan PE
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS 23rd
DAY OF April A.D. 1986

Brooklyn A. Allen
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 18th
DAY OF September A.D. 1986.

J. C. Smith
CITY ATTORNEY

RECORDED

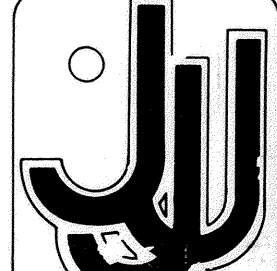
N# 259166
STATE of Utah
COUNTY of Summit
RECORDED AND FILED AT THE REQUEST OF:
Western States Title
35.8
FEES 10-10-86
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
P.O. Box 168
Park City, Utah 84060

(801) 643-9811

J.B. NO. 13-2-86 G.O.



OWNER'S DEDICATION AND CONSENT TO RECORD
Know all by these present that we, the undersigned owners of this described tract of land and shown herein, having caused the same to be subdivided into lots to hereafter be known as The Cottages, do hereby dedicate for perpetual use of the public the easements as shown on this plat, EXCEPT for the 50 foot wide protective easement, and do warrant, defend and save Park City Municipal Corporation and Snyderville Basin Sewer Improvement District harmless against easements or other encumbrances on these easements.

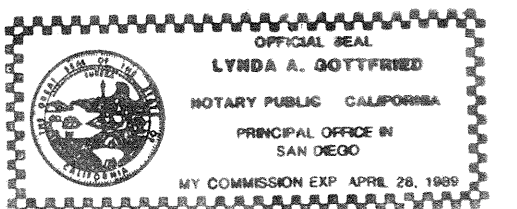
Imperial Savings Association
By Araceli R. Labrador Its Assistant Vice President
Araceli R. Labrador

Western Savings and Loan Company
By Samuel A. Smith Its Vice President

Citicorp Homeowners, Inc
By David C. Smith Its S.R. Vice President

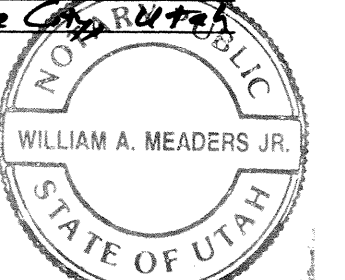
STATE OF California)
COUNTY OF San Diego) ss.
On the 9th day of September, 1986, personally appeared before me Araceli R. Labrador who being by me duly sworn, did say that she is Asst. Vice President of Imperial Savings Assn., a California Corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation as such _____, and said _____ duly acknowledged to me that said Corporation executed the same.

My Commission Expires: 4-28-89 Notary Public Lynnda A. Gottfried
Residing at: San Diego, CA



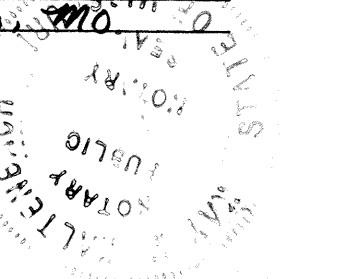
STATE OF UTAH)
COUNTY OF SALT LAKE) ss.
On the 10th day of September, 1986, personally appeared before me Curtis S. Astin who being by me duly sworn, did say that he is a Vice President of Western Savings and Loan Company, a Utah corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation as such _____, and said Curtis S. Astin duly acknowledged to me that said Corporation executed the same.

My Commission Expires: August 18, 1988 Notary Public William A. Meaders Jr.
Residing at: Salt Lake City, Utah



STATE OF Missouri)
COUNTY OF St. Louis) ss.
On the 11th day of Sept, 1986, personally appeared before me David C. Smith who being by me duly sworn, did say that he is Sr. Vice President of Cit. Corp. Homeowner Inc., a Delaware Corp., and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation as such _____, and said David C. Smith duly acknowledged to me that said Corporation executed the same.

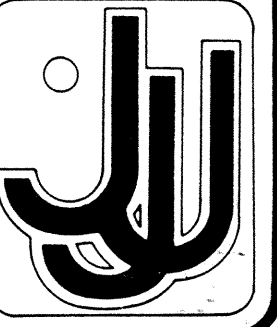
My Commission Expires: 6-4-90 Notary Public Ray M. Peterson
Residing at: St. Louis, MO



Entry No. 259166
REQUEST OF Western States Title
S. 35 AN ORDER SUMMIT CO. RECORDER
RECORDED 10-10-86 1:52 PM

THE COTTAGES
A RESUBDIVISION OF SILVER LAKE
KNOLL NO. 2 PARCEL E & F
SUBDIVISION LOCATED IN PART OF
THE SOUTHEAST QUARTER OF
SECTION 21 AND THE SOUTHWEST
QUARTER OF SECTION 22, ALL IN
T.2S., R.4E., S.L.B. & M., PARK
CITY, SUMMIT COUNTY, UTAH

J.J. Johnson & Associates
Park Meadows Plaza,
Highway 248
P.O. Box 1661
Park City, Utah 84060



(801) 649-9811
2 of 2
JOB NO. 13-2-86 G.O.

Exhibit C - Silver Lake Knoll Cottages Phase I

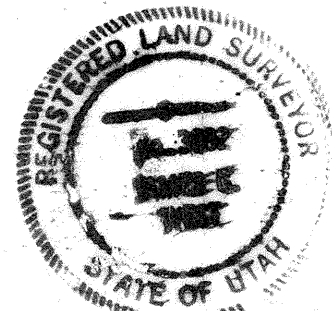
SURVEYOR'S CERTIFICATE

I, James G. West, do hereby certify that I am a registered land surveyor and that I hold certificate No. 3082, as prescribed under the laws of the State of Utah. I further certify that I have made a survey of the tract of land shown on this plat and described herewith, and have subdivided said tract of land into private lots numbered 1 through 7, both inclusive, limited common areas, and common areas, and that the same has been surveyed and staked on the ground as shown on this plat.

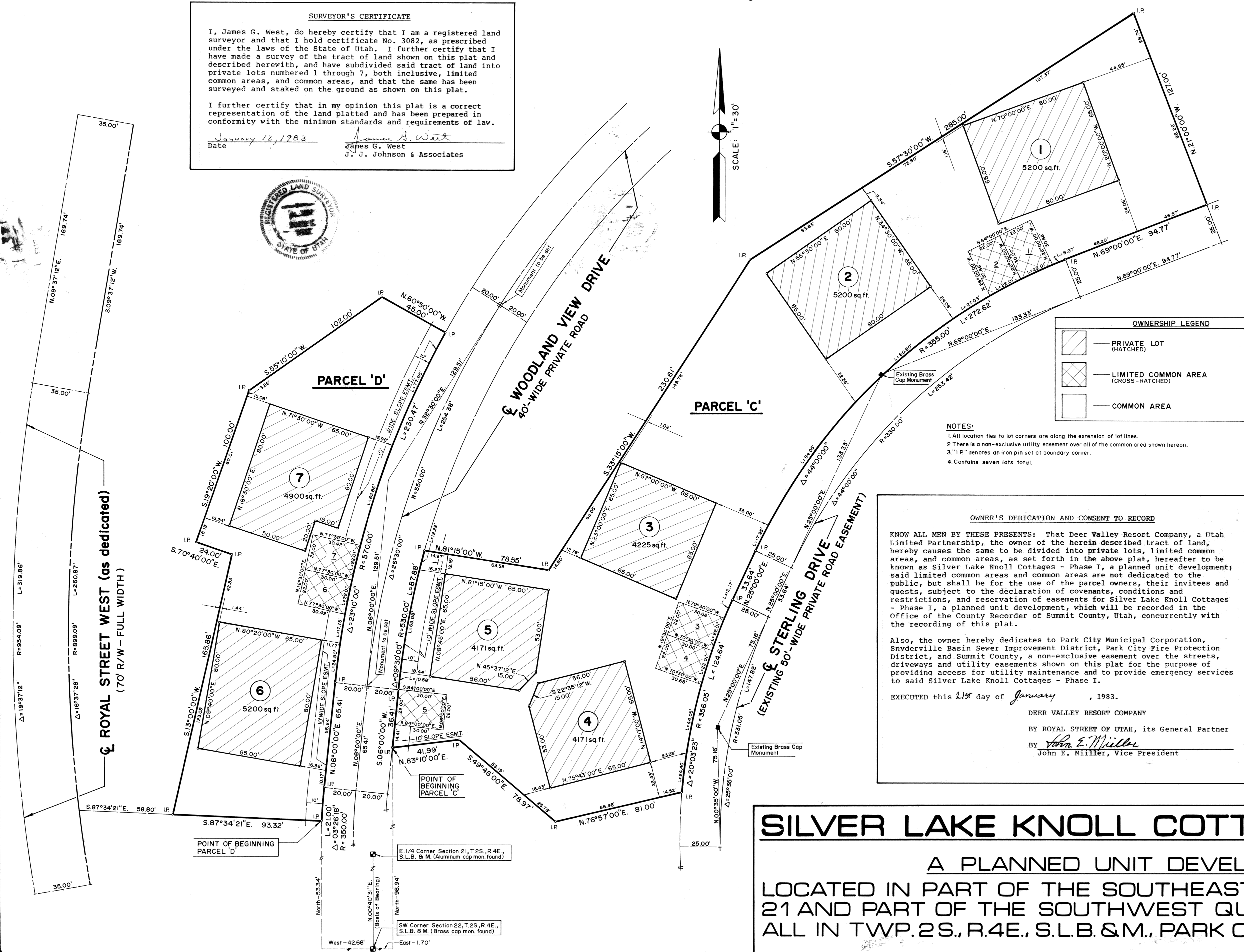
I further certify that in my opinion this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

January 12, 1983
Date

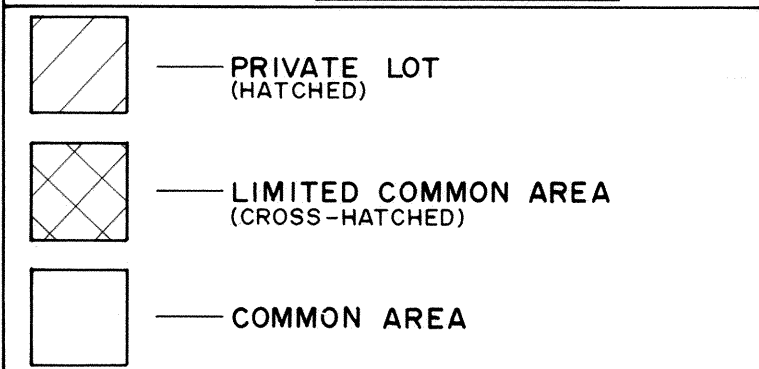
James G. West
James G. West
J. J. Johnson & Associates



SCALE: 1"=30'



OWNERSHIP LEGEND



NOTES:

- All location ties to lot corners are along the extension of lot lines.
- There is a non-exclusive utility easement over all of the common area shown hereon.
- "I.P." denotes an iron pin set at boundary corner.
- Contains seven lots total.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That Deer Valley Resort Company, a Utah Limited Partnership, the owner of the herein described tract of land, hereby causes the same to be divided into private lots, limited common areas, and common areas, as set forth in the above plat, hereafter to be known as Silver Lake Knoll Cottages - Phase I, a planned unit development; said limited common areas and common areas are not dedicated to the public, but shall be for the use of the parcel owners, their invitees and guests, subject to the declaration of covenants, conditions and restrictions, and reservation of easements for Silver Lake Knoll Cottages - Phase I, a planned unit development, which will be recorded in the Office of the County Recorder of Summit County, Utah, concurrently with the recording of this plat.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, a non-exclusive easement over the streets, driveways and utility easements shown on this plat for the purpose of providing access for utility maintenance and to provide emergency services to said Silver Lake Knoll Cottages - Phase I.

EXECUTED this 21st day of January, 1983.

DEER VALLEY RESORT COMPANY

BY ROYAL STREET OF UTAH, its General Partner

BY John E. Miller
John E. Miller, Vice President

BOUNDARY DESCRIPTION

Parcel "C" of Silver Lake Knoll No. 2 Subdivision, as dedicated, being part of the Southeast Quarter of Section 21 and part of the Southwest Quarter of Section 22, all in Township 2 South, Range 4 East, Salt Lake Base and Meridian, in Summit County, Utah, said Parcel "C" being more particularly described as follows:

Beginning at a point which is North 98.94 feet and East 1.70 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 83° 10' 00" East 41.99 feet; thence South 49° 46' 00" East 78.97 feet; thence North 76° 57' 00" East 81.00 feet to a point on the northwesterly right-of-way line of a 50.00 foot wide private road easement, commonly known as Sterling Drive, said point also being on a 356.05 foot radius curve to the right (center bears South 85° 03' 23" East 356.05 feet of which the central angle is 20° 03' 23"); the following four courses being along said right-of-way line: 1) thence Northeasterly along the arc of said curve 124.64 feet; 2) thence North 25° 00' 00" East 33.64 feet to a point on a 355.00 foot radius curve to the right (center bears South 65° 00' 00" East 355.00 feet of which the central angle is 44° 00' 00"); 3) thence Northeasterly along the arc of said curve 272.62 feet; 4) thence North 69° 00' 00" East 94.77 feet; thence North 21° 00' 00" West 127.00 feet; thence South 57° 30' 00" West 285.00 feet; thence South 33° 15' 00" West 230.61 feet; thence North 81° 15' 00" West 78.55 feet to a point on the easterly right-of-way line of a 40.00 foot wide private road easement, commonly known as Woodland View Drive, said point also being on a 530.00 foot radius curve to the left (center bears South 74° 30' 00" East 530.00 feet of which the central angle is 9° 30' 00"); the following two courses being along said right-of-way line: 1) thence Southwesterly along the arc of said curve 87.88 feet; 2) thence South 6° 00' 00" West 36.41 feet to the point of beginning. (Basis of Bearing: North 00° 40' 31" East from said Southwest corner of Section 22 to the East quarter corner of Section 21.)

Contains 1.6670 acres, more or less

ALSO, Parcel "D" of Silver Lake Knoll No. 2 Subdivision, as dedicated, being part of the Southeast Quarter of Section 21 and part of the Southwest Quarter of Section 22, all in Township 2 South, Range 4 East, Salt Lake Base and Meridian, in Summit County, Utah, said Parcel "D" being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of a 40.00 foot wide private road easement, commonly known as Woodland View Drive, said point also being North 53.34 feet and West 42.68 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said beginning point also being on a 350.00 foot radius curve to the right (center bears South 87° 26' 18" East 350.00 feet of which the central angle is 03° 26' 18"); the following three courses being along said right-of-way line: 1) thence Northerly along the arc of said curve 21.00 feet; 2) thence North 6° 00' 00" East 65.41 feet to a point on a 570.00 foot radius curve to the right (center bears South 84° 00' 00" East 570.00 feet of which the central angle is 23° 10' 00"); 3) thence Northeasterly along the arc of said curve 230.47 feet; thence North 60° 50' 00" West 45.00 feet; thence South 55° 10' 00" West 102.00 feet; thence South 19° 20' 00" West 100.00 feet; thence South 70° 40' 00" East 24.00 feet; thence South 13° 00' 00" West 165.86 feet; thence South 87° 34' 21" East 93.32 feet to the point of beginning. (Basis of Bearing: North 00° 40' 31" East from said Southwest corner of Section 22 to the East quarter corner of Section 21.)

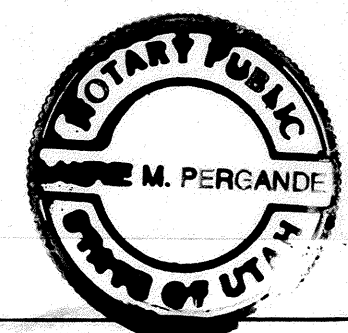
Contains 0.6438 acres, more or less.

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On the 21st day of January, 1983, personally appeared before me John E. Miller, who, being by me duly sworn, did say that he is a Vice President of Royal Street of Utah, a Utah Corporation, which is the general partner of Deer Valley Resort Company, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said corporation as such general partner, and said John E. Miller duly acknowledged to me that said partnership executed the same.

Laurie M. Ingande
Notary Public
My Commission Expires 3-16-83
Residing at: Park City, Utah



SILVER LAKE KNOLL COTTAGES-PHASE I

A PLANNED UNIT DEVELOPMENT

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND PART OF THE SOUTHWEST QUARTER OF SECTION 22, ALL IN TWP.2S.,R.4E., S.L.B.&M., PARK CITY, SUMMIT CO., UTAH

CITY COUNCIL APPROVAL

PRESENTED TO THE PARK CITY COUNCIL
THIS 21st DAY OF January, A.D. 1983, AT WHICH TIME THIS
PLANNED UNIT DEVELOPMENT WAS APPROVED

MAYOR
ATTEST: CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
PARK CITY ENGINEERING DEPARTMENT ON THIS 21st DAY OF JANUARY
A.D. 1983.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS 21st DAY OF January, A.D. 1983.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 3rd
DAY OF January, A.D. 1983.

CITY ATTORNEY

RECORDED

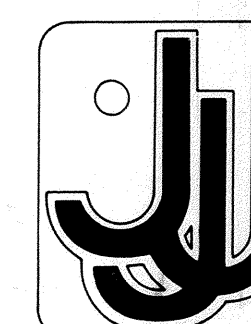
NO. 202077
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Western States Title
Fees \$13.50
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

(801) 649-9811

JOB No. 20-2-82 RCK 1-12-83



Beginning at the southwest corner of Lot 6 within the Silver Lake Knoll No. 2 Parcel E and F Subdivision recorded June 3, 1983 in Park City, Summit County, Utah, entry No. 206450. Said point being on the westerly right-of-way line of Royal Street West; said point also being on a 899.09 foot radius curve to the right (center bears North 82° 59' 44" East 899.09 feet of which the central angle is 16° 37' 28"); thence Northwesterly along the arc of said curve 260.87 feet to a point of tangency; thence the following three calls being along said right-of-way line: 1) thence North 9° 37' 12" East 169.74 feet to a point on a 146.56 foot radius curve to the right (center bears South 80° 22' 48" East 146.56 feet of which the central angle is 47° 33' 30"); 2) thence Northeasterly along the arc of said curve 121.65 feet to a point of tangency; 3) thence North 57° 10' 42" East 98.00 feet; thence South 30° 30' 00" East 105.00 feet; thence North 52° 00' 00" East 220.00 feet; thence North 66° 00' 00" East 99.34 feet; thence South 43° 48' 11" East 91.49 feet to a point on the easterly side of a private drive known as Woodland View Drive, said point being on a 430.00 foot radius curve to the right (center bears North 43° 48' 11" West 430.00 feet of which the central angle is 12° 48' 11"); thence Southwesterly along the arc of said curve 96.09 feet; thence the next two calls being along said right-of-way line: 1) thence South 59° 00' 00" East 61.34 feet to a point on a 570.00 foot radius curve to the left (center bears South 31° 00' 00" East 570.00 feet of which the central angle is 29° 50' 00"); 2) thence Southwesterly along the arc of said curve 296.79 feet; thence the following five calls being along Silver Lake Knoll Cottages - Phase I as recorded February 9, 1984 in Park City, Summit County, Utah, Entry No. 202077: 1) thence North 60° 50' 00" West 45.00 feet; 2) thence South 55° 10' 00" West 102.00 feet; 3) thence South 19° 20' 00" West 100.00 feet; 4) thence South 70° 40' 00" East 24.00 feet; 5) thence South 13° 00' 00" West 165.86 feet; thence the following call being along "The Enclave" condominium project as recorded February 9, 1983 in Park City, Summit County, Utah, Entry No. 202075; thence North 87° 34' 21" West 58.80 feet to the POINT OF BEGINNING. Contains 2.6043 acres, more or less.

SURVEYOR'S CERTIFICATE

I, W. Fred Lodman, do hereby certify that I am a registered land surveyor and that I hold certificate No. 6150, as prescribed under the laws of the State of Utah. I further certify that I have made a survey of the tract of land shown on this plat and described herewith, and said tract of land into private lots numbered 8 through 17, both inclusive, limited common areas, and common areas, and that the same has been surveyed and staked on the ground as shown on this plat.

I further certify that in my opinion this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

Date 4 Jan 85

W. Fred Lodman
W. Fred Lodman
J. J. Johnson & Associates

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That Deer Valley Resort Company, a Utah Limited Partnership, the owner of the herein described tract of land, hereby causes the same to be divided into private lots, limited common areas, and common areas, as set forth in the above plat, hereafter to be known as Silver Lake Knoll Cottages - Phase II, a planned unit development; said limited common areas and common areas are not dedicated to the public, but shall be for the use of the parcel owners, their invitees and guests, subject to the declaration of covenants, conditions and restrictions, and reservation of easements for Silver Lake Knoll Cottages - Phase II, a planned unit development, which will be recorded in the Office of the County Recorder of Summit County, Utah, concurrently with the recording of this plat.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, a non-exclusive easement over the streets, driveways and utility easements shown on this plat for the purpose of providing access for utility maintenance and to provide emergency services to said Silver Lake Knoll Cottages - Phase II.

PART B

Beginning at the southeast corner of Lot 5 within the Silver Lake Knoll No. 2 Parcel E and F Subdivision recorded June 3, 1983 in Park City, Summit County, Utah, Entry No. 206450; said point being on Silver Lake Knoll Cottages - Phase I recorded February 9, 1984 in Park City, Summit County, Utah, Entry No. 202077; thence North 81° 15' 00" West 78.55 feet to a point on the easterly side of a private drive known as Woodland View Drive; the following four calls being on said right-of-way: 1) said point on a 530.00 foot radius curve to the right (center bears South 74° 30' 00" East 530.00 feet of which the central angle is 43° 30' 00"); 2) thence northeasterly along the arc of said curve 402.38 feet; 3) thence North 59° 00' 00" East 61.34 feet to a point on a 470.00 foot radius curve to the left (center bears North 31° 00' 00" West 470.00 feet of which the central angle is 12° 48' 11"); 4) thence northeasterly along the arc of said curve 105.03 feet; thence South 43° 48' 11" East 102.36 feet; thence the following two calls also being along said Silver Lake Knoll Cottages - Phase I: 1) thence South 57° 30' 00" West 285.00 feet; 2) thence South 33° 15' 00" West 230.61 feet to the POINT OF BEGINNING. Containing 1.140 acres, more or less.

EXECUTED this 3rd day of JANUARY, 1985.

DEER VALLEY RESORT COMPANY

BY ROYAL STREET OF UTAH, its General Partner

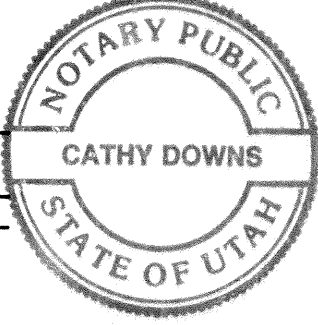
By John E. Miller
Vice President

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On the 3rd day of JANUARY, 1985, personally appeared before me JOHN E. MILLER, who, being by me duly sworn, did say that he is a Vice President of Royal Street of Utah, a Utah Corporation, which is the general partner of Deer Valley Resort Company, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said corporation as such general partner, and said JOHN E. MILLER duly acknowledged to me that said partnership executed the same.

Cathy Downs
Notary Public
My Commission Expires 8-15-87
Residing at: Park City, UTAH

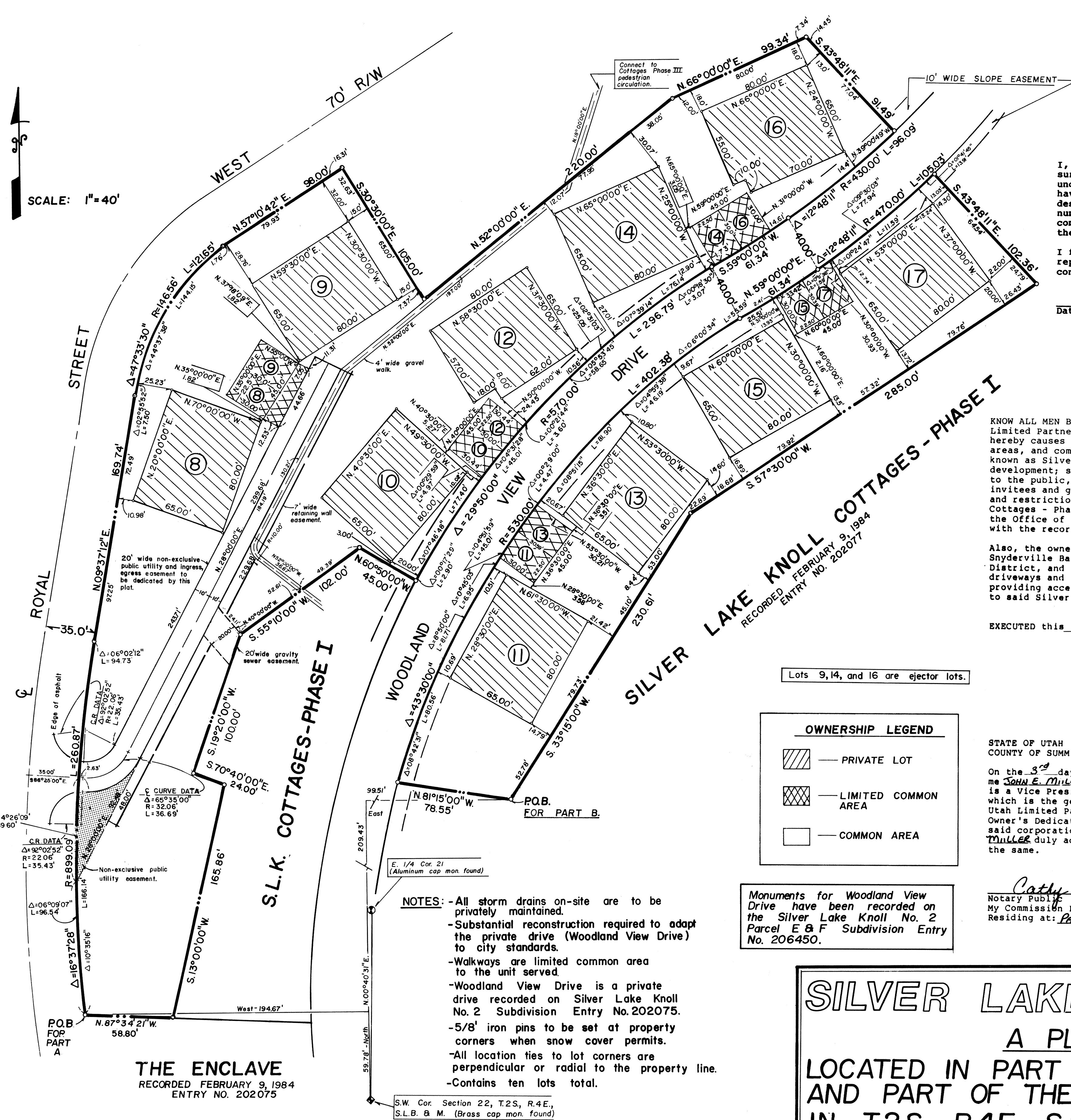


SILVER LAKE KNOLL COTTAGES - PHASE II

A PLANNED UNIT DEVELOPMENT

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND PART OF THE SOUTHWEST QUARTER OF SECTION 22 ALL IN T.2S., R.4E., S.L.B. & M., PARK CITY, SUMMIT COUNTY, UTAH

LOT NO.	BLDG. PAD IN SQ. FT.
8	5200
9	5200
10	5200
11	5200
12	5086
13	5200
14	5200
15	5200
16	5100
17	5200



Lots 9, 14, and 16 are ejector lots.

OWNERSHIP LEGEND

- PRIVATE LOT
- LIMITED COMMON AREA
- COMMON AREA

Monuments for Woodland View Drive have been recorded on the Silver Lake Knoll No. 2 Parcel E & F Subdivision Entry No. 206450.

- NOTES:**
- All storm drains on-site are to be privately maintained.
 - Substantial reconstruction required to adapt the private drive (Woodland View Drive) to city standards.
 - Walkways are limited common area to the unit served.
 - Woodland View Drive is a private drive recorded on Silver Lake Knoll No. 2 Subdivision Entry No. 202075.
 - 5/8" iron pins to be set at property corners when snow cover permits.
 - All location ties to lot corners are perpendicular or radial to the property line.
 - Contains ten lots total.

CITY COMMISSION APPROVAL

PRESENTED TO THE PARK CITY CITY COMMISSIONERS THIS 10th DAY OF JANUARY, A.D. 1985, AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED.

John C. Gamm
MAYOR

C. J. Smith
ATTEST CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS TENTH DAY OF JANUARY, A.D. 1985.

Eric W. DeHaan, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY CITY PLANNING COMMISSION ON THIS TENTH DAY OF JANUARY, A.D. 1985.

David E. Clark
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 15 DAY OF JANUARY, A.D. 1985.

Thomas E. Clark
CITY ATTORNEY

RECORDED

No. 234361 recorded 1-5-22-85 at 12:45

STATE OF Utah
COUNTY OF Summit

RECORDED AND FILED AT THE REQUEST OF:
Western States Title

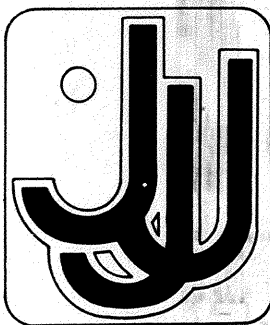
\$ 20.00 FEES
Alan Spriggs
COUNTY RECORDER

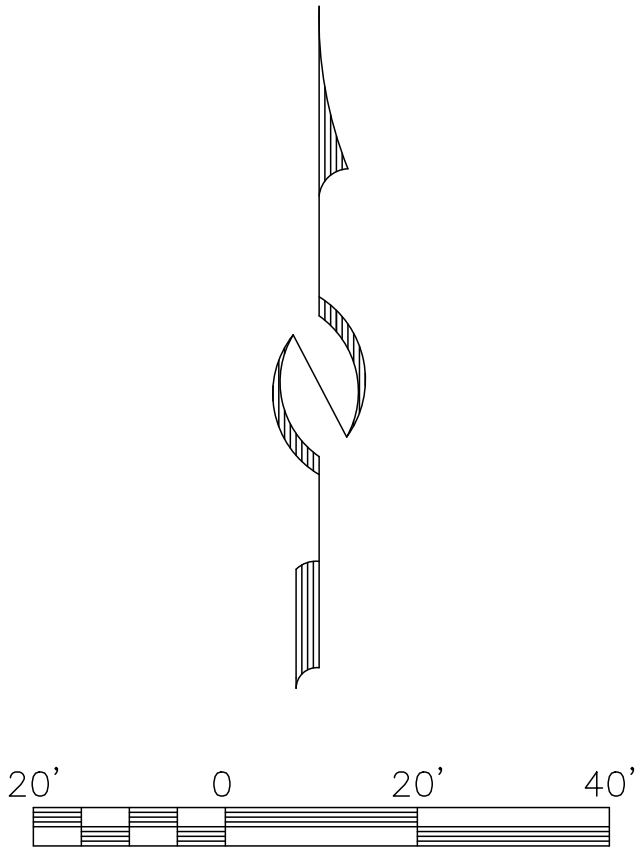
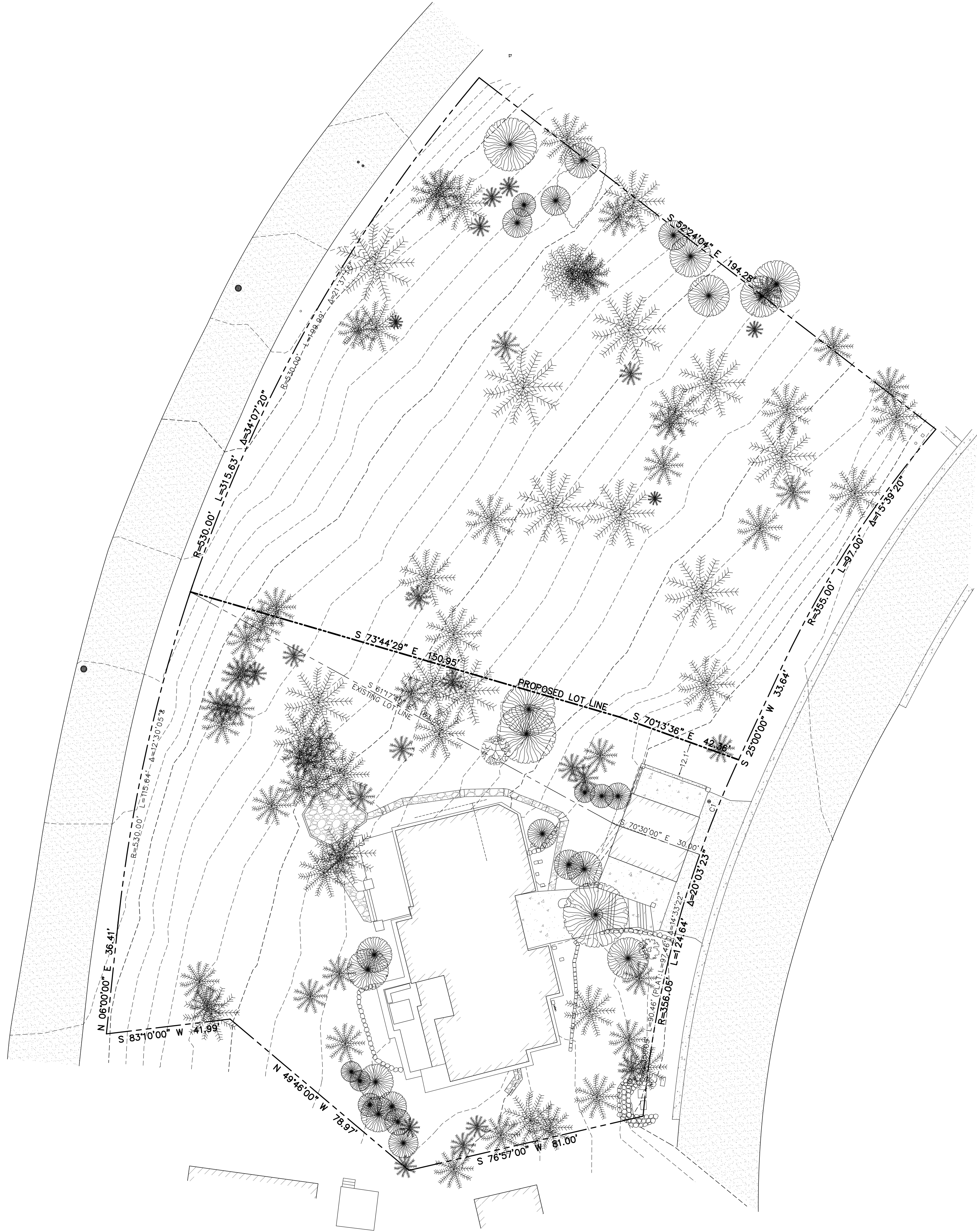
J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
P.O. Box 1661
Park City, Utah 84060

(801) 649-9811

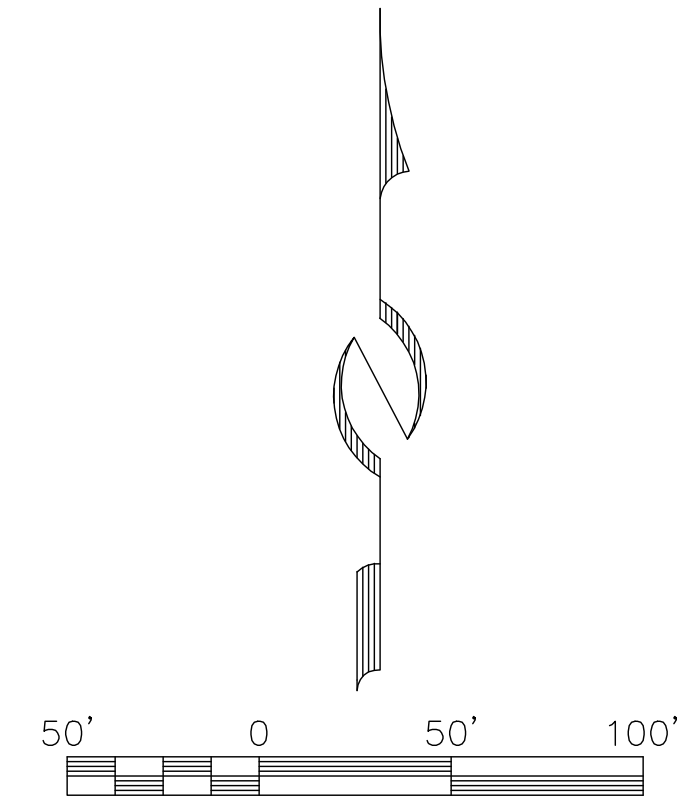
JOB NO. 6-2-85 G.O.





BOUNDARY EXHIBIT
THE COTTAGES, LOTS C & D
7585 & 7545 STERLING DRIVE

Exhibit F - Aerial Photograph



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MARSHALL KING RYAN BETZ	AERIAL PHOTOGRAPH THE COTTAGES LOTS C & D	SHEET 1 OF 1
	DATE: 11/21/16	FOR: JOB NO.: 8-9-16 FILE: X:\SilverLakeVillage\dwg\Exhibits\Cottages C&D-ortho.dwg		

**Exhibit G - Aerial
Photograph**



The Cottages, Lots C & D – looking easterly



The Cottages, Lots C & D – looking northeasterly



The Cottages, Lots C & D – looking west



The Cottages, Lots C & D – looking northerly



The Cottages, Lots C & D – looking southerly



The Cottages, Lots C & D – looking southeasterly

**Exhibit H – Grant of Easement for
use of garage over property lines**

00781002 Bk01797 Pg01368-01371

ALAN SPRIGGS, SUMMIT CO RECORDER
2006 JUN 15 12:47 PM FEE \$16.00 BY BW
REQUEST: COALITION TITLE AGENCY, INC.
Electronically Recorded by Simplifile

WHEN RECORDED, PLEASE RETURN TO:

Thomas T. Billings, Esq.
VAN COTT, BAGLEY, CORNWALL & MCCARTHY
50 South Main, Suite 1600
Salt Lake City, UT 84144

**DECLARATION
AND
GRANT OF EASEMENT**

This DECLARATION AND GRANT OF EASEMENT (the "Agreement") is made and entered into as of the 26 day of May, 2006, by and between FRANCESCA B. OAKLEY and PETER G. DIAMANDIS (collectively, "Grantor"), whose address is 50 Rowayton Ave. Norwalk, CT 06853-1631, and FRANCESCA B. OAKLEY ("Grantee"), whose address is 2509 Myrtle Street
Monroe, LA 71201

RECITALS

WHEREAS, Grantor owns certain real property (the "Grantor's Property") located in Summit County, Utah, more particularly described as follows:

LOT C, THE COTTAGES SUBDIVISION, a resubdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision, located in Section 21 and 22, T2SR4E Salt Lake Base and Meridian, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

Tax Serial Nos. COT-C; COT-C-1

WHEREAS, Grantee owns certain real property (the "Grantee's Property") located in Summit County, Utah, more particularly described as follows:

LOT D, THE COTTAGES SUBDIVISION, a resubdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision, located in Section 21 and 22, T2SR4E Salt Lake Base and Meridian, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

Tax Serial No. COT-D

WHEREAS, there currently exists on a portion of Grantor's Property (the "Easement Property") a garage structure and certain landscaping maintained, used by, and belonging to Grantee. Said Easement Property is more particularly described as follows:

Part of Lot C THE COTTAGES, a subdivision located in Sections 21 and 22, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Park City, Summit County, Utah, said part of Lot C being more particularly described as follows: beginning at the Easterly corner common to Lots C and D of The Cottages, thence N 70°30'00" W 30.00 feet, thence N 61°17'40" W 10.43 feet, thence N 19°30'00" E 32.83 feet, thence S 70°30'00" E 41.98 feet to a point on 356.05 foot radius curve, thence southerly along the arc of said curve a distance of 34.55 feet through a central angle of 5°33'38" to the point of beginning.

Containing 1401 square feet or 0.032 acres.

Tax Serial Nos. COT-C; COT-C-1

WHEREAS, Grantor desires to grant to Grantee an exclusive perpetual easement on, over, across, through and under the Easement Property, to use, maintain, repair and/or replace the garage structure and landscaping on the Easement Property and other lawful purposes.

NOW, THEREFORE, to that end and for and in consideration of the terms and conditions of this Agreement, as well as the mutual benefits to be derived herefrom and therefrom:

1. Grantor hereby GRANTS AND CONVEYS to Grantee, for good and valuable consideration, an exclusive perpetual easement on, over, across, through and under the Easement Property (the "Easement"), to use, maintain, repair and/or replace the garage structure and landscaping thereon and any other lawful purpose; TO HAVE AND TO HOLD said Easement unto the Grantee, and its successors and assigns. The Easement is for the benefit of and appurtenant to the Grantee's Property, and shall run with the land in the event of any transfer of Grantee's Property..

2. Exclusive use of Easement Property is hereby granted, and Grantor shall have no right no right to use the Easement Property in common with Grantee.

3. Grantee shall hold harmless and indemnify Grantor from and against any and all losses, claims, injuries, demands, judgments, or liabilities of any nature arising from, caused by, or related to, in whole or in part, Grantee, or Grantee's employees, agents, contractors, representatives, or invitees crossing over or being upon the Easement Property.

4. This Agreement may not be modified except with the consent of all of the record owners of the Grantee's Property and the Grantor's Property, and then only by written

instrument duly executed and acknowledged by all of the required owners duly recorded in the office of the County Recorder of Summit County, Utah.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah. This Agreement shall be recorded in the records of the County Recorder of Summit County, Utah.

6. All of the provisions in this Agreement, including the benefits and burdens, shall be and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

"GRANTOR"

Francesca B. Oakley
FRANCESCA B. OAKLEY, an individual

Peter G. Diamandis
PETER G. DIAMANDIS, an individual

"GRANTEE"

Francesca B. Oakley
FRANCESCA B. OAKLEY, an individual

STATE OF LOUISIANA)
PARISH : ss.
~~COUNTY OF OUACHITA~~)

The foregoing instrument was acknowledged before me this 25th day of May, 2006, by Francesca B. Oakley, an individual.

RECORDERS NOTE
DUE TO THE COLOR OF THE INK
OF THE NOTARY SEAL AFFIXED
TO THIS DOCUMENT, THE
SEAL MAY BE UNSATISFACTORY
FOR COPYING.

Betty Green
NOTARY SIGNATURE AND SEAL
Betty Green RN: 068208

STATE OF *Connecticut*
COUNTY OF *Fairfield* ^{SS} *Darwin*

May The foregoing instrument was acknowledged before me this 26 day of
2006, by Peter G. Diamandis, an individual.

Lucy A Stuart

NOTARY SIGNATURE AND SEAL

LUCY A. STUART
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2010

Exhibit I - City Council Minutes of April 24,
1986

PARK CITY
CITY COUNCIL MEETING
APRIL 24, 1986

ROLL CALL

Mayor Hal Taylor called the meeting of the City Council to order at approximately 6:10 p.m. at the Marsac Municipal Building on Thursday, April 24, 1986. Members in attendance were Kristen Rogers, Jim Doilney, Ann MacQuoid, and Tom Shellenberger. Al Horrigan was absent and excused. Staff in attendance were Arlene Loble, City Manager; Tom Clyde, City Attorney; J. Craig Smith, Assistant City Attorney; Bill Ligety, Advanced Planning Administrator; Eric DeHaan, City Engineer; Jerry Gibbs, Public Works Director; and Frank Bell, Chief of Police.

PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business.

China Bridge Parking Structure - Eric DeHaan, City Engineer, reported that the contractor will start earth work on the China Bridge parking structure, a 273 parking space project funded by the Redevelopment Agency, proposed to be completed October 9, 1986. The construction will make it inconvenient for those parking in Swede Alley behind the Egyptian Theatre, however, Swede Alley will be open to traffic.

Hearing nothing further, the Mayor closed the public input session.

PUBLIC HEARING

1. A Public Hearing Vacating a Portion of a 50 Foot Wide Non-Exclusive Utilities, Drainage, and Access Easement Located in Park Meadows Subdivision No. 5 - The Assistant City Attorney explained that this vacation is for 35 feet of an existing 50 foot easement. When other access to Park Meadows was obtained by the City, all except the utility portion of this easement became surplus. The homeowners have petitioned the City for this vacation.

With no comment from Council or the public, the public hearing on the vacation was closed.

2. Amendments to the Park City Sign Code - Bill Ligety explained the proposed amendments to the Sign Code involving the clarification of the size for nameplates for residential properties. The second change allows for outside menu displays. The third change would limit the maximum size of signs which is now 10% of the side of a building to 5% or a maximum of 45 square feet in area. For signs over 45 square feet, Planning Commission approval must be obtained. Another language change involves public necessity signs, which clears up the approval process. Special events fliers are addressed in the amendment, which restricts them to private property inside buildings and limits the period of time allowed for display. The section on temporary construction/real estate signs has been liberalized some to allow a longer period and to allow additional signage for initial marketing. There is clarification for materials for temporary signs, as plywood has always been allowed but the ordinance was unclear in that regard. Section 8 deals with variance for the placement of temporary signs, and is amended to reflect that Section 8 should be referenced rather than Section 7. The HRC zone was established after the Sign Code was adopted. The Sign Code is not generally specific by zones, but there

were three issues where clarification is in order with regard to compliance in the HRC zone. With regard to free standing signs, it is recommended that no change to the ordinance be made, meaning that free standing signs would be allowed as they are in other zones in town and would need to meet the setback and the size requirements of the zone. Secondly, with regard to neon signs, the recommendation from the Planning Commission and Historic District Commission, outlines that the within the HRC zone there are actually two subzones -- one is the commercial area at the bottom of Main Street allowing a wide range of commercial uses to the east of Main Street. The commercial uses there correspond with the commercial uses on Main Street, and neon signs are recommended to be allowed in that area. The other part of the HRC zone along Park Avenue has more limited uses because of its residential transient nature, and the recommendation there is that neon signs not be allowed because of the impact offsite on the areas that would be permanent residential as well as transient. The third section pertaining to the HRC has to do with vacancy signs. Vacancy signs are allowed in only a couple of zones, and this ordinance amendment would allow vacancy signs as a right by use in that zone.

The Mayor invited the Council or the public to comment.

Guy Hildebrand - Owner of the Rio Grande on Park Avenue in the HRC zone, commented on the proposed sign code amendment as it relates to neon signs in the HRC. He currently has two neon signs on the north and south ends of the building. Mr. Hildebrand contended that tourists and residents alike have appreciated the neon signs in the widows, alerting the public to the business. The neon signs are standard 12" x 18" Coors signs, along with a redwood sign well under the 5% proposed maximum. He felt that the signage is helpful and necessary for a business.

Tom Shellenberger commented that he is familiar with the building and the signage, and asked if it was possible to provide a variance allowing the neon signs until the building is torn down. He felt that the signs are necessary. Ann MacQuoid asked if there have been complaints on the signage. Bill Ligety indicated that he has received only one informal complaint.

Guy Hildebrand - Emphasized that the neon signs are installed on the north and south inside widow shelves (12" back from the window) and not viewed by Park Avenue.

Tom Shellenberger felt that the signage allowed in the HCB ought to extend to the HRC, because the uses are so similar. He continued to support the recommendation that neon signs be allowed in this zone, but not fronting on Park Avenue.

Jim Doilney suggested that the neon signs on the Rio Grande Building be grandfathered to the expiration of their lease in 3 1/2 years. Councilman Doilney continued that the neon signs would be less offensive than allowing the Rio Grande to erect signage 5% of the side of the building, and felt that the petitioners request should be granted in exchange for the 5% approach allowable by ordinance.

With no further comment, the public hearing on the amendments to the Sign Code was closed.

MINUTES OF MEETING OF APRIL 17, 1986

Kristen Rogers, "I move approval". Jim Doilney seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

CONSENT AGENDA

Jim Doilney, "I move approval on Items 1 and 2". Tom Shellenberger seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

1. A Resolution Welcoming the Utah Federation of Women's Clubs, Inc. a Member of the General Federation of Women's Clubs to Park City, Utah and Declaring the Week of April 27 to May 3, 1986 as "Appreciation of Women Volunteers Week" - The Mayor has been asked by several members of the Ladies Antheneum to welcome the Utah Federation of Women's Clubs, Inc. to Park City on May 1. This organization was founded in Salt Lake City in 1893 and is a member of the General Federation of Women's Clubs, the largest and oldest non-denominational, non-partisan, international service organization of volunteer women in the world. In light of the GFWC commitment to enhance communities by the efforts of its membership, it is appropriate to recognize the contributions of women volunteers.

2. Approval of Plat for The Cottages A Resubdivision of Silver Lake Knoll No. 2, Parcel E and F - The Cottages is an eleven lot subdivision proposed on Woodland View Drive and Sterling Drive, both of which are private streets in the Silver Lake area of Deer Valley. Lot sizes in The Cottages range from 19,466 square feet to 35,976 square feet.

The Cottages includes all of the area formerly approved as Silver Lake Knoll Cottages Phase II, a Planned Unit Development, resulting in the recent request to vacate that plat. The Cottages also contains portions of Silver Lake Knoll Cottages, Phases I and III, which accounts for the several owners' names on the plat in addition to Deer Valley Resort Company.

Through the course of reviewing The Cottages' resubdivision as a single-family subdivision, a number of key issues were identified by the participants in the Staff Review process.

Private Road - Woodland View Drive is a private roadway. The street does not meet the city standards for public roads from a number of standpoints, including right-of-way width, construction standards, and setbacks. Most subdivision lots in town front on a public street and there is a distinct possibility that at some future date the City may be requested to take over maintenance, snow removal, and undertake a substantial upgrading. The City Engineer has estimated a total cost in excess of \$100,000 to upgrade the existing street so it is proposed that the Woodland View Drive Road Association continue to maintain the road as a private street in perpetuity.

The staff has recommended that 5 foot easements be provided along both sides of Woodland View Drive. The additional 10 feet added to the existing 40 foot road

easement would provide a total 50 feet of right-of-way (the City's standard for residential streets). The plat reflects these additional easements.

Setbacks - Section 7.4 of the Land Management Code prescribes the minimum setbacks required for single family subdivisions typical in the RD zone. Originally, the staff recommended (as was discussed during a work session with the Planning Commission on April 9, 1986) that a 5 foot setback be provided in combination or addition to the 5 foot easement proposed. Due to slope considerations and the fact that the total number of access points along Woodland has been reduced, the staff now recommends that zero setbacks be approved for garages only. The minimum setback for the residences shall be 10 feet from the new expanded easement line. Staff is grateful to Bob Kammerle and Bill Coleman for their assistance in working out this compromise.

Trails - At the Planning Commission's work session, there was considerable discussion regarding trail connections through the proposed project. The consensus was to obtain the easement now, adjacent to and co-linear with the 5 foot easement on the east side of Woodland View, and that actual construction not be required at this time.

Staff recommends approval of the plat as submitted subject to completion of the vacation of the Silver Lake Knoll Cottages Phase II plat and subject to the condition that the plat not be recorded until all owners' signatures and notarizations thereof are present on the plat.

PUBLIC COMMUNICATIONS AND PETITIONS

1. Approval of Restaurant Liquor License Consent for Alex's Restaurant, 442 Main Street - These licenses have typically been scheduled under the Consent Agenda, but the Utah Liquor Commission has requested that the City Council take a closer look at consent letter requests. This restaurant was one that the Commission felt appropriate for a restaurant liquor license, and staff recommends approval. Jim Doilney suggested that the Mayor write the Liquor Commission indicating that this item has been reviewed and not casually passed. Tom Shellenberger, "I move approval". Ann MacQuoid seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

2. Approval of Class "A" Beer License for Grand Hotel Galleria Partners, Located at 580 Main Street - The City Manager explained that this is a retail license and would be in conjunction with the State liquor store outlet that has been recently toured by the Liquor Commission. There was concern at the time that although the license was approved, it appeared to have almost no liquor available at the time. The Chief of Police reported that the store is now reasonably stocked.

Mike Troup - Owner of the building, emphasized that the reason the Galleria was not well stocked when the Commission visited, is that the Liquor Commission was delinquent in a delivery. Mr. Troup explained that they are expanding and there will be a full service delicatessen operated independently in conjunction with the liquor store. This will be located in the lower part of the building, encompass two store areas and

have Main Street access, and should be operating by the first of June. Directories will be installed within three weeks and the liquor outlet will be visible on Main Street.

Jim Doilney, "I move approval". Ann MacQuoid seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

COMMUNICATIONS AND REPORTS FROM COUNCIL AND STAFF

1. Planning Commission Meeting - Craig Smith, Assistant Attorney, reported that the Commission approved the non-water portion of the Deer Valley Special Exception Permit. The golf course maintenance building was reviewed and metal materials were proposed, however, the Planning Commission preferred the original facade treatment. Both the proposed golf course hotel and the Empire/Park Avenue lodge were discussed.

2. Utah Safe Drinking Committee - Jerry Gibbs reported that he met with this Committee with regard to the \$2 million revenue bonds; \$500,000 of which for the refinancing and \$1.4 million for water improvements. The Committee funded in part the request -- providing an interest buy-down and credit enhancement for the water improvements, however they turned down the refinancing of the Farmers Home Administration loan. Arlene Loble clarified that the FHA requested that now that Park City's financial position is much stronger that we would seek alternative bond financing (recognizing that it would be at a higher interest rate), since the City was financially capable of doing that.

3. State Industrial Revenue Bond Committee - Jim Doilney, a member of the Committee, reported that tax exempt bonds are still available and there are funds available for applicants in Park City.

4. Indoor Recreation Task Force - Kristen Rogers reported that the Task Force has been working diligently on a recommendation on a new facility and have been visiting various cities, including Rock Springs, Green River, and Orem, and Logan for comparison purposes. Hopefully, by the end of May, there will be specific proposals and costs. Through the summer, public input will continue to be solicited, and the proposals will be refined.

5. County Revenue Sharing Plan - Mayor Taylor reported that he met with the Summit County Commission and the other five mayors in the County, vieing for the \$120,000 available in revenue sharing funds. The City was requesting \$35,000 for the bandstand project, and was granted \$14,000.

6. All-America Cities Award - The Mayor continued that last Friday, the City received the disappointing news that we were not selected as an All-America City. The Mayor emphasized that Park City, nonetheless, is an All-America City and thanked all involved who enthusiastically contributed their time, efforts and talents in the competition.

REPORTS FROM COMMISSIONS AND BOARDS

None before Council.

RESIGNATIONS AND APPOINTMENTS

ABE1117

None before Council.

ORDINANCES

None before Council.

OLD BUSINESS

Approval of Sales Agreement of War Veterans Memorial Building from Park City Municipal Corporation to MacQuoid Company and Related Agreements - The Mayor entertained a motion to table since the Legal Department has not received the necessary documents to proceed with the sale. Tom Shellenberger, "I so move". Jim Doilney seconded. Motion carried. Ann MacQuoid disclosed that she will abstain from voting and discussing this matter because her husband is the potential buyer of the building.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Abstention
Tom Shellenberger	Aye

Tom Clyde clarified that the headline in the Park Record was totally misleading, alluding that he had problems with Mac MacQuoid's proposal. The problem was solely related to the form of the agreement prepared by MacQuoid's attorney. Important unaddressed specifics of the agreement included the lease agreement on the social center room and the terms of the facade easement. Those documents were received today, but Mr. Clyde felt that it should be reviewed further.

NEW BUSINESS

1. Adoption of Capital Improvement Budget for 1986 - The City Manager explained that the budget has been reviewed extensively by the City Council in work session. This budget is the smallest since the Capital Improvement Fund was created, reflecting the down-turn in impact fees, as the Capital Improvements Budget is designed by its very nature to adjust to that revenue. The total budget is \$1,796,400. There is an additional \$120,000 worth of projects considered in the hopes that should additional funds become available through increases in sales tax revenues, these could be considered again in the budget process. No projects would be funded automatically based on the availability of funding, and would require specific Council action. Ann MacQuoid, "I move approval of the Capital Improvements Budget". Kristen Rogers seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

2. Mid-Year Budget Revision for Fiscal Year 1985-86 - The City Manager explained that this was discussed during the work session, reflecting a decrease in overall budgeted expenditures in order to balance the shortfall experienced in revenues, primarily related to planning and building fees. These may well be offset by increases in delinquent property taxes, sales tax, and Resort Cities Sales Tax, but the conservative recommendation of the Finance Director is that given the unknown of those additional revenues, that it would be appropriate to use the balance of contingency funds available to offset those revenue loses, and to reduce the overall budget of \$299,000. At the end of the year, if there are revenues available, as a part of the budgeting

process for the upcoming fiscal year, Council can consider making revisions at that time. Jim Doilney, "I move approval". Tom Shellenberger seconded. Motion carried. Jim Doilney added his appreciation in staff's conservative approach.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

3. Acceptance of Audit Report for Fiscal Year 1984-85
- The City Manager recommended tabling action on the audit report. The management letter, accompanying the audit report, was discussed during work session, but there was no opportunity to review the report itself and Council asked that they meet with the auditors. Jim Doilney, "I move we table". Ann MacQuoid seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

4. Temporary Lease of the Lower Level of the Old Library Building (Formerly Leased by Snow Country Antiques) to the Park City Chamber Bureau for a Period of Four Months (May through August) - The Chamber/Bureau has requested to utilize this space on a temporary basis, as they had made arrangements to lease the Old Town Shoppes Building, but that space subsequently became unavailable. The Chamber is desperately short of space in their upstairs headquarters. Although they would only be charged \$600 a month, the City Manager suggested that Council accept the offer, because leasing the space during the summer is unlikely. In the meantime, the Chamber/Bureau would like to look at the space and see how it works in anticipation that they may well want to rent it on a long term basis in conjunction with their upstairs headquarters. If they decide not to remain in the building, they would probably be requesting that the Council release them from their contract, but the space they have that was anticipated for their office space, given their increase in staff, is inadequate for their purposes. The City Manager felt that this a good experiment for a long term rental, and also helps the Chamber/Bureau out in this interim period.

Kristen Rogers asked what their current rent totals. The City Manager responded that it is \$8 per square foot, which is a subsidized rate in exchange for their manning the Museum. The Museum expense is some \$15,000 per year, but again that is provided by a grant from the City. The proposed space downstairs would be \$6 per square foot. The previous tenant, Snow Country Antiques, was charged \$12 per square foot, which was reduced to \$10. This rental arrangement did not work out well. Kristen Rogers requested that an analysis be prepared of exactly what the City contributes. Arlene Loble pointed out that the grant request for the year will provide the contributions made by the City. Kristen Rogers, "I move approval". Ann MacQuoid seconded. Motion carried.

Al Horrigan	Absent
Kristen Rogers	Aye
Jim Doilney	Aye
Ann MacQuoid	Aye
Tom Shellenberger	Aye

5. Award of Bid for Three Police Department Vehicles
- Frank Bell, Chief of Police, commented that in order to take advantages of the 1986 model year, approval is required by May 1 since the factory will be closing for new orders. Chief Bell indicated that he has had a good experience with the four-door Jeep Cherokee models purchased in the past. It is his recommendation to award the bid to Dan Eastman AMC in the amount of \$12,888 per unit. The Mayor emphasized that the local dealership, Mawhinney Motors had submitted a bid on the Jeep vehicles, but their bid was somewhat higher.

Tom Shellenberger, "I move to award the bid to Dan Eastman AMC". Ann MacQuoid seconded. Motion carried.

With no further business, the regular meeting of the City Council was adjourned at approximately 7 p.m.

* * * * *

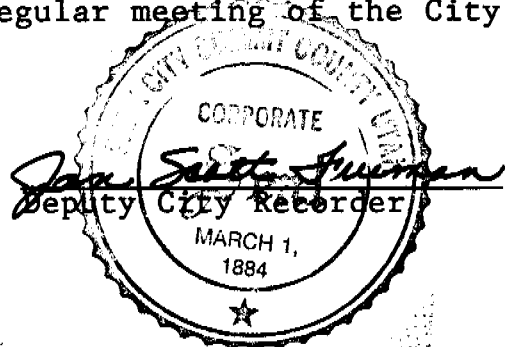
The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

* * * * *

MEMORANDUM OF CONVENING CLOSED SESSION

The City Council met in closed session at approximately 5:40 p.m. to discuss litigation and property matters. Members in attendance were Mayor Hal Taylor, Kristen Rogers, Jim Doilney, Ann MacQuoid, and Tom Shellenberger. Councilman Al Horrigan was absent. Staff in attendance were Arlene Loble, City Manager; Tom Clyde, City Attorney; and J. Craig Smith, Assistant City Attorney. Kristen Rogers, "I move to close the meeting". Ann MacQuoid seconded. Motion carried. The meeting was opened at approximately 6:15 p.m. and the regular meeting of the City Council conducted.

Prepared by Jan Scott Freeman





DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

The purpose of this application is to plat as-built conditions of constructed Units 13 and 14 and to identify common, limited common and private areas for these units, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as-built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

Respectfully:

Michelle Kellogg, City Recorder

City Council Staff Report



PLANNING DEPARTMENT

Project Number: PL-17-03459
Subject: Eighth (8th) Supplemental Plat for Constructed Units – The Belles at Empire Pass, Amending Units 13 + 14
Author: Francisco Astorga, AICP- Senior Planner
Date: 30 March 2017
Type of Item: Legislative – Supplemental Plat (Condominium Plat Amendment)

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Eighth (8th) Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium Plat amending Units 13 and 14 located at 40 + 46 Silver Strike Trail and consider approving the requested application based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

Topic

Applicant: Wichita, LP represented by Alliance Engineering Inc.
Location: 40 + 46 Silver Strike Trail
Zoning: Residential Development District as part of the Village at Empire Pass Master Planned Development
Adjacent Land Uses: Single-family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass Master Planned Development, ski trails and open space.
Reason for Review: Condominium plat amendments require Planning Commission review and recommendation with review and Final Action by the City Council

Executive Summary/Proposal

The purpose of this application is to plat as-built conditions of constructed Units 13 and 14 and to identify common, limited common and private areas for these units, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as-built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

Purpose

The purpose of the Residential Development District is found [here](#).

Background

On February 1, 2017, the Planning Department received a complete application for this

plat to memorialize as-built conditions for Units 13 and 14 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011. This supplemental plat is a requirement of the underlying condominium plat.

On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" Master Planned Development and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Master Planned Development identified an area of Pod A as the location for eighteen (18) detached single-family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass Condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated Planned Unit Development style units for the Flagstaff Development area.

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two (2) lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject units, Units 13 and 14 of the Belles at Empire Pass are located on Lot 1 of the Silver Strike Subdivision and were originally platted as part of the Christopher Homes Condominium Plat.

On March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

All conditions of the underlying approvals, namely the Village at Empire Pass Master Planned Development; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass Condominium Plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. There are been five (5) supplemental plats recorded since November 20, 2012 to memorialize construction of all Belles Units constructed to date. After this plat, the only remaining unit is no. 3.

On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. The Commission forwarded a positive recommendation to the City Council; the vote was unanimous (6-0). See Exhibit H – 08 March 2017 Planning Commission Meeting Minutes.

Analysis

This request for an Eighth (8th) Supplemental plat for Constructed Units at The Belles at Empire Pass amending Units 13 and 14 and documents the final as-built conditions in accordance with the Utah Condominium Act. The zoning is Residential Development Master Planned Development; subject to the Village at Empire Pass Master Planned Development and underlying plats.

The Silver Strike Subdivision restricts each unit to a maximum house size of 5,000 square feet of gross floor area as defined in the Land Management Code, excluding 600 square feet for garage area and any basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents for these units, in addition to maximum house size. The unit equivalent formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the unit equivalent square footage are garage space up to 600 square feet per unit and all space designated as non-habitable.” Basement area is included in the unit equivalent calculations.

A total of 90,000 square feet (45 unit equivalent) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass Condominiums). Within the Flagstaff Development Agreement one (1) residential unit equivalent equals two thousand (2,000) square feet of gross floor area, including the basement area. Units 13 and 14 meet the maximum house size requirement in both gross floor area and unit equivalent calculation as noted above.

Unit 13 contains 4,199.8 sf. of gross floor area plus 495 sf. garage area and accounts for 2.099 unit equivalents based on the total floor area of 4,199.8 sf. (does not include garage area). Unit 14 contains 4,127.3 sf. of gross floor area plus 507 sf. garage area and accounts for 2.063 unit equivalents based on the total floor area of 4,127.3 sf. (does not include garage area). Unit 13 and 14 do not include a basement area. The fourteen (14) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 17) utilize 37.833 unit equivalents. Adding Units 13 and 14 brings the current total to 41.99 unit equivalents (See Exhibit G – Unit Equivalents Chart for the Belles Condominiums). Site development parameters are as follows:

	Permitted	Approved
Height	28' (+5' for pitched roof) total maximum of 33'	33' max with pitched roof. <u>Units 13 and 14 comply.</u>
Front setback	Maximum of 20', 25' to front facing garage.	20' minimum to house 25' minimum to garage. <u>Units 13 and 14 comply.</u>
Rear setback	Per Building Code and Master Planned Development (allows zero setback to internal property line).	40' minimum from Lot boundary. <u>Units 13 and 14 comply.</u>
Side setbacks	Setbacks are per the Building Code and Master Planned Development allows zero setbacks).	10' minimum from Lot boundaries allowed by Master Planned Development. <u>Units 13 and 14 comply.</u>
Parking	2 spaces required.	2 per unit. <u>Units 13 and 14 comply.</u>
Maximum house size (based on the Silver Strike Subdivision and defined per the Land Management Code)	5,000 sf (gross floor area excludes basement area, below final grade, and 600 sf of garage area).	Unit 13 contains 4,199.8 sf. gross floor area. Unit 14 contains 4,127.3 sf. gross floor area. <u>Units 13 and 14 comply.</u>
Unit equivalent (based on the Village at Empire Pass Master Planned Development)	Maximum of 45 Unit Equivalent for all of the Belles Condominiums. Gross floor area for unit equivalent calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc. Includes basement area.	Unit 15 – 4,199.8 sf. which is 2.10 unit equivalents. Unit 16 – 4,127.3 sf. which is 2.06 unit equivalents. <u>Units 13 and 14 comply.</u> Total of all platted units to date is 41.99 unit equivalents (all Units except 3).

Good Cause

Staff finds good cause for this Condominium Plat Amendment as it memorializes and documents as-built conditions and unit equivalent calculations for the units. Units 13 and 14 comply with the conditions of approval of the underlying plats, namely the Silver Strike Subdivision Plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the units are consistent with the development pattern envisioned in the Village at Empire Pass Master Planned Development, including the fourteen (14) technical reports.

Notice

On February 22, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on February 22, 2017.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes final action that may be appealed following the procedures found in Land Management Code § 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the Eighth (8th) Supplemental Plat for Constructed Units at The Belles at Empire Pass for Units 13 and 14, as conditioned or amended, or
- The City Council may deny the Eighth (8th) Supplemental Plat for Constructed Units at The Belles at Empire Pass for Units 13 and 14; or
- The City Council may continue the discussion on Eighth (8th) Supplemental Plat for Constructed Units at The Belles at Empire Pass for Units 13 and 14; 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 Suggested Recommendation

No certificate of occupancy for the two (2) units may be granted until the plat is recorded.

Recommendation

Staff recommends the City Council hold a public hearing for the Eighth (8th) Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium Plat amending Units 13 and 14 located at 40 + 46 Silver Strike Trail and consider approving the requested application based on the Findings of Fact and Conclusions of Law as found in the Draft Final Action Letter.

Exhibits

Exhibit A – Proposed Ordinance with Attachment 1 Proposed Supplemental Condo Plat
Exhibit B – Applicant's Project Intent
Exhibit C – Existing Conditions + Topographic Survey
Exhibit D – The Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass)
Exhibit E – Aerial Photograph
Exhibit F – Site Photographs

Exhibit G – Unit Equivalent Chart for the Belles Condominiums
Exhibit H – 08 March 2017 Planning Commission Meeting Minutes

Exhibit A – Proposed Ordinance

Ordinance No. 2017-13

**AN ORDINANCE APPROVING THE EIGHTH (8TH) SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS
AMENDING UNITS 13 AND 14, LOCATED AT 40 AND 46 SILVER STRIKE TRAIL,
PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 13 and 14, have petitioned the City Council for approval of the Eight (8th) Supplemental Plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

WHEREAS, on February 22, 2017 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published in the Park Record on February 22, 2017, and notice letters were sent to all affected property owners on February 22, 2017, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2017, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2017, the City Council held a public hearing on the Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Eighth (8th) Supplemental Plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for constructed Units 13 and 14.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Eight (8th) Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Units 13 and 14 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 40 and 46 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the Residential Development – Master Planned Development zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass Master Planned Development.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Master Planned Development identified the area of the proposed condominium plat as the location for 18 Planned Unit Development style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two (2) lots of record. Units 13 and 14 are located on a portion of Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I Condominium Plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two (2) more condominium units on Lot 1 of the Silver Strike Subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.
13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.

14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.
15. On July 30, 2015, the City Council approved the Seventh Supplemental Plat for Constructed Units 15 and 16.
16. On February 1, 2017 the Planning Department received a complete application for the Eighth (8th) Supplemental Plat for Constructed Units 13 and 14.
17. The purpose of the supplemental plat is to describe and document the as-built conditions and the unit equivalent calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
18. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass Master Planned Development, including the 14 technical reports of the Master Planned Development and the Flagstaff Development Agreement.
19. Units 13 and 14 are located on a portion of Lot 1 of the Silver Strike Subdivision Plat.
20. The approved maximum house size is 5,000 square feet of gross floor area, as defined by the Land Management Code. Gross floor area exempts basement areas below final grade and 600 square feet of garage area.
21. Unit 13 contains 4,199.8 sf. of gross floor area plus a 495 sf. garage area and accounts for 2.099 unit equivalents based on the total floor area of 4,199.8 sf. (does not include garage area).
22. Unit 14 contains 4,127.3 sf. of gross floor area plus a 507 sf. garage area and accounts for 2.063 unit equivalents based on the total floor area of 4,127.3 sf. (does not include garage area).
23. Unit 13 and 14 do not include a basement area.
24. The fourteen (14) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 17) utilize 37.833 unit equivalents. Adding Units 13 and 14 brings the current total to 41.99 unit equivalents.
25. The Flagstaff Development Agreement requires calculation of unit equivalents for all Belles units, in addition to the maximum house size. The unit equivalents formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit equivalent floor area includes all basement areas. Also excluded from the unit equivalent square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one (1) residential unit equivalent equals 2,000 sf.
26. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass Master Planned Development, and the conditions of approval of the Silver Strike Subdivision.
27. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 13 and 14.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 13 and 14, this supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".
6. The unit sizes and unit equivalents shall be reflected on the plat.

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

PASSED AND ADOPTED this 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

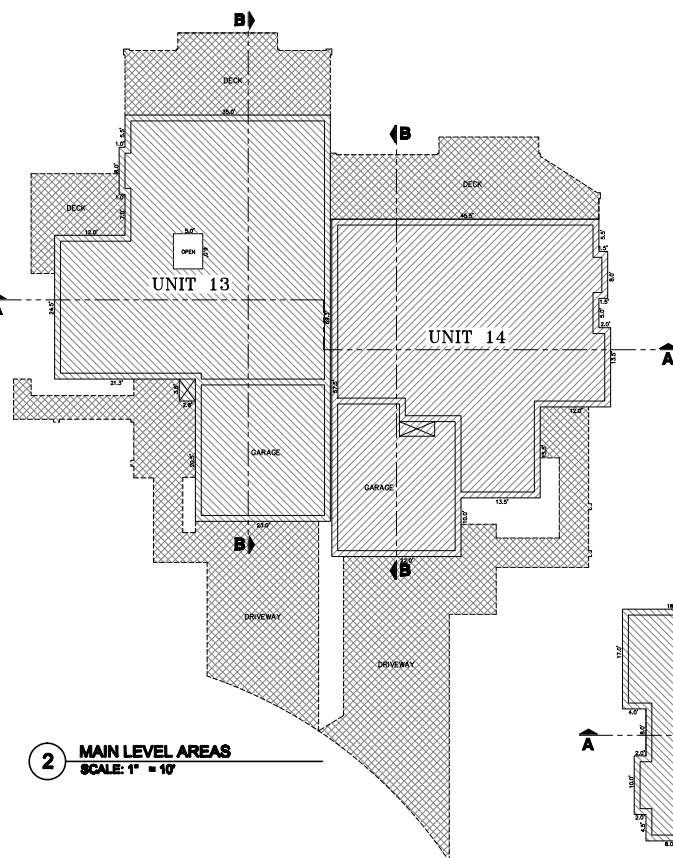
Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



2 MAIN LEVEL AREAS
SCALE: 1" = 10'

LEVELS	UE ⁶⁶ SQUARE FOOTAGE	GROSS RESIDENTIAL FLOOR AREA (SF)
LOWER	1,473.0	1,473.0
MAIN	1,748.8	1,748.8
UPPER	980.0	980.0
GARAGE	495.0	495.0
TOTAL SF	4,694.8	4,694.8
Garage Allowance	-495.0 ^{66a}	-495.0 ^{66a}
TOTAL SF	4,199.8	4,199.8

LEVELS	US** SQUARE FOOTAGE	GROSS RESIDENTIAL FLOOR AREA (SF)
LOWER	1,511.5	1,511.5
MAIN	1,599.5	1,599.5
UPPER	1,018.3	1,018.3
GARAGE	507.0	507.0
TOTAL SF	4,634.3	4,634.3
Garage Allowance	-507.0***	-507.0***
TOTAL SF	4,127.3	4,127.3

UNIT 13

UNIT 14

3 UPPER LEVEL AREAS

3 UPPER LEVEL AREAS
SCALE: 1" = 10'

 **COMMON AREA**

 **PRIVATE OWNERSHIP**

 **LIMITED COMMON OWNERSHIP**
(Limited Common Ownership shows including patios, entries, and decks.)
(Limited Common Ownership associated with a unit.)

SHEET 2 OF 3

EIGHTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

**A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 13 & 14
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK
CITY, SUMMIT COUNTY, UTAH**

JOB NO.: 6-6-10 FILE: X:\Empire\log\SilverStrikeSub\Plot\Bates\Units 13 + 14\Bates Units 13 & 14.LPD.jm

RECORDED

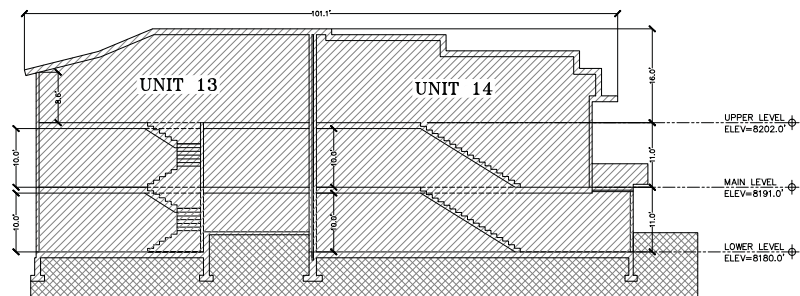
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

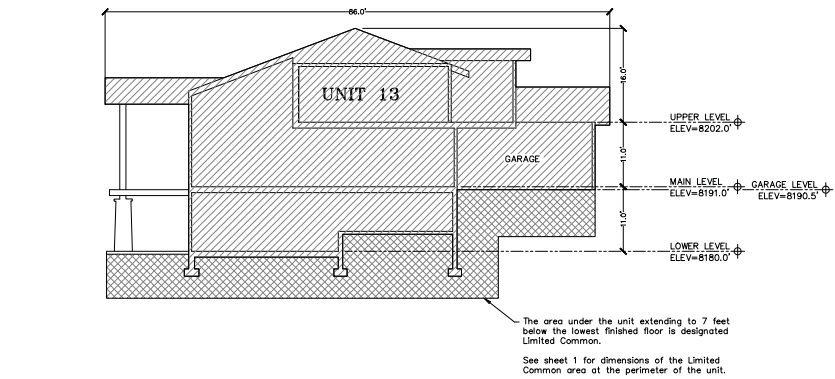
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FEE RECORDER

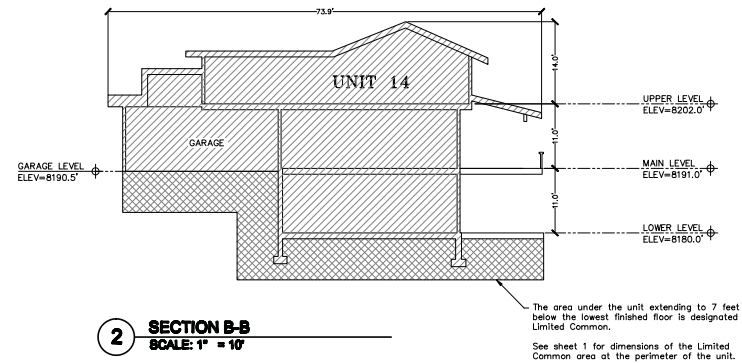
1/31/17



1 SECTION A-A
SCALE: 1" = 10'



2 SECTION B-B
SCALE: 1" = 10'



	COMMON AREA
	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP (Limited Common Ownership shown on this sheet denotes improvements including patios, entries, and decks. See Sheet 1 for full extents of limited associated with this.)

EIGHTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 13 & 14
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK
CITY, SUMMIT COUNTY, UTAH

JOB NO.: 6-6-10 FILE: _____

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____ RECORDER _____

PROJECT INTENT

THE BELLES AT EMPIRE PASS, UNITS 13 & 14
EIGHTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
January 25, 2017

The Belles at Empire Pass is a 17-unit condominium project. Seven supplemental plats have been recorded in the office of the Summit County Recorder amending Units 1-12 and Units 15- 17. The purpose of this eighth supplemental plat is to amend Units 13 and 14, which are currently under construction, to show the units as they will be constructed.

***The Belles at Empire Pass
Homeowners Association***

January 26, 2017

Planning Department
Park City Municipal Corp.
445 Marsac Avenue
PO Box 1480
Park City, UT 84060-1480

RE: Re-Plat Units 13 & 14,
40 & 46 Silver Strike Trail

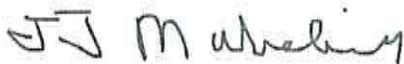
To Whom It May Concern:

Attached you will find the minutes of the Annual Meeting of the Belles at Empire Pass Homeowners Association which was held on December 29, 2016. At that meeting the member's unanimously authorized the President of the HOA, Joseph Mulvehill, to sign any plats or re-plats required by PCMC during the course of build out at the Belles.

Additionally, the Belles HOA approves the above referenced plats.

Thank you for your assistance in the approval of this plat.

Yours very sincerely,



Joseph Mulvehill
President



ANNUAL MEETING

The Belles at Empire Pass Homeowners Association

December 29, 2016

The Annual Meeting of the Bells at Empire Pass Homeowners Association (HOA) was held at 20 Silver Strike Trail at 4:00 PM MST December 29, 2016.

Mark H. Prothro, President of the HOA acted as chairman and Secretary of the meeting.

Those present were as follows:

Mark Prothro
Pat Prothro
Steve & Cynthia Levine
Jay Flatley
Joe & Mary Mulvehill
James & Tabitha Furyk
Jim Ryan
Ad Miller
Douglas Berman
Ping & Kim Li
Michael & Elyse O'Sullivan

Representing the HOA Manager:

Charlie Robbins
Steve Green
Deborah Larsen

Via Conference Call:

Joe McGrath

Proxies:

Ellen & Karl Schmidt
Jared & Jani Stone

Quorum

A quorum of more than 50% of the ownership group was established.

Minutes

The minutes of the annual Meeting held on December 29, 2015 were presented and read. A motion to approve the minutes was made by Jim Furyk and seconded Michael O'Sullivan. All in attendance approved.

The minutes of a BOD meeting held on August 23, 2016 were presented and read. A motion to approve the BOD minutes was made by Jim Furyk and seconded Joe Mulvehill.

New Property Manager Introduction

Mark Prothro introduced the new property manager for the HOA, Sea to Ski Properties, and provided those in attendance with a brief explanation of why the BOD decided to make a management change.

Reserve Account Balances

Mark went thorough the account balances. The General Account has \$24,954, the Townhomes have \$36,504 and the Insurance Reserve has \$10,000. In 2017, the HOA plans to transfer \$12,000 per quarter to the Townhome Account.



Insurance

Mark Prothro provided the attendees with information regarding the current Liability, Property and D&O Insurance coverage and made a recommendation to add a Commercial Liability Umbrella Policy. The Annual Premium for this umbrella coverage is \$550 and provides up to \$2,000,000 in coverage. The \$550 expense has been included in the proposed 2017 Budget.

Budget

Mark Prothro went through each page of the financial information for those in attendance. Information provided included:

- A November 30, 2016 Balance Sheet
- A reconciliation of the shared driveway expenses for Lots 15, 16 & 17
- A Cash Flow Report for November & December and estimated 2016 potential cash shortage
- 2017 Proposed Budget
- 2016 and 2017 Dues by Lot

Jim Ryan made a motion to approve the 2017 Budget and was seconded by Jim Furyk. All those in attendance approved the budget.

Election of Board Members

Current board members are:

- Mark Prothro, President, (term expires 12/31/16)
- JJ Bienaime, Secretary, (term expires 12/31/18)
- Jim Ryan, Board Member, (term expires 12/31/17)

The Nominating Committee has recommended Joe Mulvehill replace Mark Prothro as President with Joe's term expiring on 12/31/18. A motion to approve the selection of Joe Mulvehill as HOA Board President was made by Jim Ryan and seconded by Jim Furyk. All those in attendance approved the selection.

Other Business

Mark Prothro provided information and a website link to the HOA's documents contained on the cloud. A current owner contact list was also provided to the attendees.

Exterior improvements for the Townhomes were discussed by those in attendance. The primary project for the Townhomes during the early summer of 2017 will be exterior staining. The property manager will obtain and provide the BOD with 3 bids from local painting companies.

All those in attendance vote unanimously to approve the use of email as the primary means of HOA notification and communication of information.



Mark Prothro provided and discussed the \$8,500 credit that will be provided to the owners of Lots 15, 16 and 17 for the common driveway expense. Actual expenses for 2106 were much less than the \$15,000 that was budgeted. Actual common driveway expenses in 2016 were \$6,500.

Mark Prothro shared a letter from Deer Valley reminding all not use the ski trails in the evenings when the resort is closed.

Motion for Replats

PCMC requires new plats be filed upon completion of new homes. In 2017, two homes will be completed. Those homes are on Lots 13 and 14. Mark asked those in attendance to authorize the newly elected HOA President, Joe Mulvehill, the authority to sign plats on behalf of the HOA. Mark went onto explain that this approval and authority extends to plats and re-plats as may be required by PCMC for construction or after completion of a home or duplex after construction. Tabitha Furyk made a motion to approve Mark's recommendation and was seconded by Doug Berman. All in attendance approved. Motion carries.

Talisker Updates

Mark Prothro answered questions to the best of his ability from those in attendance regarding recent changes in and around the Talisker development.

Adjourn

There being no further business to come before the board, a motion was made to adjourn by Pat Prothro and seconded by Joe Mulvehill and unanimously carried - the meeting was adjourned at 5:05 PM MST.

Certification of Approval

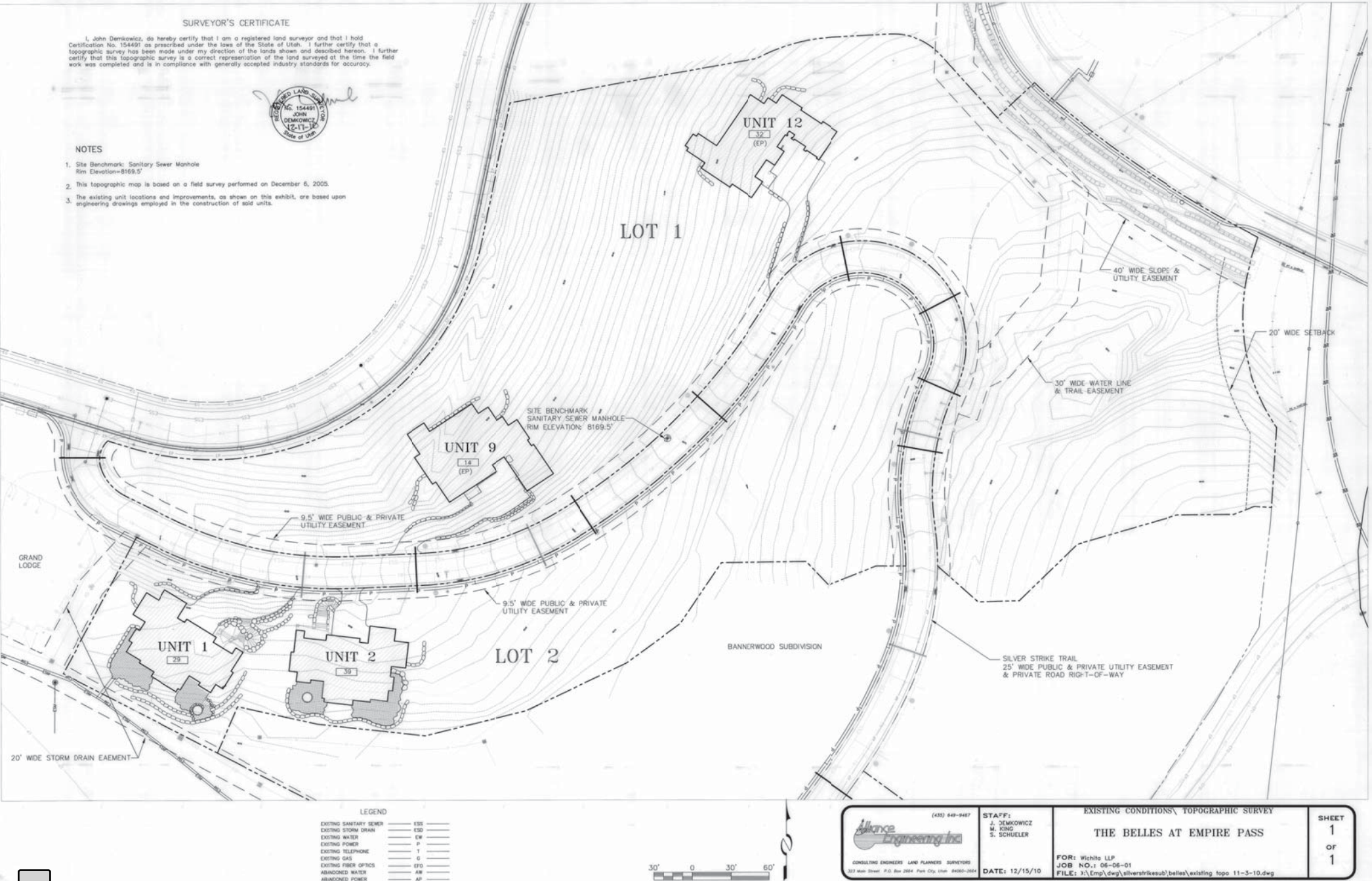
I hereby certify that the aforementioned minutes were approved by the Management Committee on January 3, 2017.

Signed:

Charles F Robbins
Property Manager for HOA



Exhibit C – Existing Conditions + Topographic Survey



NOTES

- This Record of Survey may of The Belles At Empire Pass, supersede, amend, register, and consolidate the following:
Christopher Homes at Empire Pass, Phase I, Recorded 10-18-2007, as Entry No. 827065
Christopher Homes at Empire Pass, Phase II, Recorded 2-20-2008, as Entry No. 836281
Christopher Homes at Empire Pass, Phase III, Recorded 12-11-2008, as Entry No. 860202
Christopher Homes at Empire Pass, Phase IV, Recorded 11-19-2008, as Entry No. 859543
- A Declaration of Condominium for The Belles At Empire Pass (originally Christopher Homes at Empire Pass) was recorded on October 3, 2007 as Entry Number 827065 in Book 1982 at Page 824 in the Office of the Summit County Recorder, as amended by [3] that First Amendment to Declaration of Condominium for Christopher Homes At Empire Pass, recorded December 26, 2008 as Entry Number 836281 in Book 1915 at Page 104 in the Office of the Summit County Recorder, State of Utah, [5] that Second Amendment to Declaration of Condominium for Christopher Homes At Empire Pass, recorded February 11, 2008 as Entry Number 860202 in Book 1958 at Page 1079 in the Office of the Summit County Recorder, State of Utah, and [6] that Third Amendment to Declaration of Condominium for Christopher Homes At Empire Pass, recorded November 18, 2008 as Entry Number 859543 in Book 1957 at Page 396 in the Office of the Summit County Recorder, State of Utah. Each unit shall automatically be amended to the actual dimensions constructed as the Corporation, Unit and shall include the common area and exterior of the Completed Unit for all Attached Units and shall include only the interior of the Units for all Town House Units. The detailed definitions of these terms are more fully set forth in the Amended Declaration Subject To Park City Ordinance 11-10-10 and the time and unless otherwise approved by the City Attorney and City Engineer, the Owner will be required to amend this Plat by recording a Supplemental Plat as defined by the Amended Declaration or other instrument is complete to reflect the as-built boundaries of the Completed Units, Common Areas and Limited Common Areas.
- The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the ULC. Gross Floor Area means the total area below that grade and 400 square feet of garage area; in addition, Unit 3 is limited to a maximum of 974 square feet of Basement Area.
- The Firefight Development Agreement requires a calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "located from the inside surfaces of the interior boundary wall of each completed unit, including all enclosed walls and components, as well as all stairs, decks, basins, pools, cabana's, and the well-insulated sun facilities. Unit Equivalent four (4) includes all basement areas. Also included from the UE square footage is garage space up to 400 square feet per unit and all above-decked areas are non-habitable." A total of 45 UE (90,000 square feet) are permitted for the units designated by this plat.
- A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that unit and 7' space below the boundary of the unit for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective unit. All other units within the described property shall be Common Area. The use of all Common and Limited Common areas is described in more detail in the Amended Declaration but shall include extensions and all trails.
- All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), the Park City Fire Protection District, Summit County and the Belles at Empire Pass Homeowners Association, Inc. for the purposes of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
- All Units are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. [The "Master Association"] shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving The Belles At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by The Belles At Empire Pass Owners Association, Inc., its part of the Common Expenses.
- Lots designated as Catcher Pumps (CP) lots may require privately owned wastewater ejector pumps.
- At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- Access to the units is by private roads and is not warranted by Park City.
- All conditions of approval of the Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.
- A fire protection plan specifying the use of modified 130 sprinklers is required for review by the Park City Building Department prior to issuance of any permit.
- Under certain limited circumstances as set forth in the Amended Declaration this Plat may be amended by the recording of Supplemental Plats without the consent of 67% of the unit owners.
- The recording of Supplemental Plats for Constructed Units shall be the responsibility of the original Declarant, or the Owner thereof, as is more fully set forth in the original Declaration and in the Amended Declaration.
- Construction of units shall comply with all setback, height and International Building Code (IBC) separation requirements.
- Prior to issuance of a final occupancy permit, the Supplemental Plat for that unit shall be approved by Park City Council and recorded with the Summit County Recorder.
- All conditions of the Firefight Mountain Development Agreement and Association Agreement continue to apply.
- This condominium plat is subject to all conditions of approval of Ordinance 11-10.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made and returned to me and signed by the owner of this Bounded and Restricted Condominium Plat of THE BELLES AT EMPIRE PASS CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. Further, I hereby certify that the information shown herein is correct.

[Signature] July 28, 2011
JOHN DEMKOWICZ, L.S. #154491 D.A.R.

BOUNDARY DESCRIPTIONS

(Parcel 1)
Units 1, 2, 3 and 4, Christopher Homes at Empire Pass Condominiums, Phase I, a Utah Expendable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded OCTOBER 3, 2007 as Entry No. 827065 and the Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827065 in Book 1982 at Page 824, SBMRD County Recorder's Office.

(Parcel 2)
Units 5, 6, 7, 8, 9, 10, 11 and 12, Christopher Homes at Empire Pass Condominiums, Phase II, a Utah Expendable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded FEBRUARY 20, 2008 as Entry No. 836281, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827065 in Book 1982 at Page 824 and First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 836281 in Book 1915 at Page 104, SBMRD County Recorder's Office.

(Parcel 3)
Units 13 and 14, Christopher Homes at Empire Pass Condominiums, Phase III, a Utah Expendable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded FEBRUARY 20, 2008 as Entry No. 836281, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827065 in Book 1982 at Page 824 and First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 836281 in Book 1915 at Page 104, SBMRD County Recorder's Office.

(Parcel 4)
Units 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, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412,

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, MONTA, LP, A UTAH LIMITED PARTNERSHIP, the owner of Units 4,5,6,7,8,9,10,11,12,13,14,15,16,17, and 18, hereby certifies that it has caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recording of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

The owner certifies that Units the units shown on this plat, but not under construction at the time the plat was recorded, all, when completed, be in conformance with the approved Master Planned Development, Declarations of Condominiums, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 28 day of December, 2010.

Monta LP
A Utah Limited Partnership
By: Mark H. Prothro
Mark H. Prothro
President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Mark Prothro the president of MONTA LP, a Utah Limited Partnership.
Teri Ekstrom
Notary Public
Residing in Summit County
My commission expires: 9/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, STEVEN H. LEVINE and CYNTHIA SILVAGGI LEVINE, CO-TRUSTEES OF THE STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997, the owner of Unit 1, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recording of this Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28th day of December, 2010.

Steven H. Levine
Steven H. Levine
Co-Trustee of the Steven and Cynthia
Levine Living Trust dated April 16, 1997

Cynthia Silvaggi Levine
Cynthia Silvaggi Levine
Co-Trustee of the Steven and Cynthia
Levine Living Trust dated April 16, 1997

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Steven H. Levine and Cynthia Silvaggi Levine co-trustees of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997.
Teri Ekstrom
Notary Public
Residing in Summit County
My commission expires: 9/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, VAN D. GREENFIELD AND AMY GREENFIELD, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 2, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recording of this Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28 day of JANUARY, 2010.

Van D. Greenfield
Van D. Greenfield
Joint Tenant

Amy Greenfield
Amy Greenfield
Joint Tenant

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28 day of January, 2010.
by Van D. Greenfield and Amy Greenfield, Joint Tenants.
Teri Ekstrom
Notary Public
Residing in Summit County
My commission expires: 9/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, JAY FLATLEY, TRUSTEE OF THE FLATLEY FAMILY TRUST, dated July 18, 2001, the owners of Unit 3, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recording of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

The owner certifies that Units the units shown on this plat, but not under construction at the time the plat was recorded, all, when completed, be in conformance with the approved Master Planned Development, Declarations of Condominiums, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 6th day of JANUARY, 2011.

Jay Flatley
Jay Flatley
Trustee of the Flatley Family Trust

ACKNOWLEDGMENT

State of CALIFORNIA
County of SAN DIEGO
This instrument was acknowledged before me this 6th day of JANUARY, 2011.
by Jay Flatley, Trustee of the Flatley Family Trust dated July 18, 2001.
J. Fisher
Notary Public
Residing in SAN DIEGO COUNTY
My commission expires: 4/16/2014

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, GREGORY D. GOVEN and JANE A. GOVEN, AS TRUSTEES OF THE GOVEN REVOCABLE FAMILY TRUST DATED MAY 4TH, 2008, the owners of Unit 12, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recording of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28th day of December, 2010.

Gregory D. Goven
Gregory D. Goven
Trustee of the Goven Revocable Family Trust
dated May 4th, 2008

Jane A. Goven
Jane A. Goven
Trustee of the Goven Revocable Family Trust
dated May 4th, 2008

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Gregory D. Goven and Jane A. Goven, Trustees of the Goven Revocable Family Trust.
Teri Ekstrom
Notary Public
Residing in Summit County
My commission expires: 9/10/2012

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Van D. Greenfield
Teri Ekstrom
Notary Public
Residing in Summit County
My commission expires: April 10, 2012

THE BELLES AT EMPIRE PASS

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 2 OF 2

JOB NO.: 8-6-10 FILE: 87(Empire)chgs555.plat(Bellev), Bellev plat-2.dwg

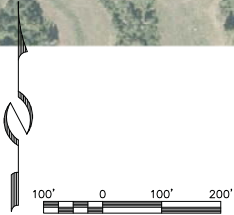
RECORDED 1931780

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF FORLITER TITLE

DATE 11/21/10 TIME 1:47 PM BOOK --- PAGE ---

577 FEE --- Robert Davis RECORDER

Exhibit E – Aerial Photograph



Alliance
(432) 848-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
322 Main Street, P.O. Box 2064 Park City, Utah 84060-2064

STAFF:
MARSHALL KING
RYAN BETZ
JESSE MORENO
DATE: 1/25/17

AERIAL PHOTOGRAPH
THE BELLES AT EMPIRE PASS
UNITS 13 & 14
FOR: WITCHITA LLP
JOB NO.: 6-6-10
FILE: X:\Empire\dwg\SilverStrikeSub\Plan\Belles\Units 13 + 14\Aerial-ortho.dwg

SHEET
1
OF
1



The Belles at Empire Pass, Units 13 & 14, looking north



The Belles at Empire Pass, Units 13 & 14, looking west



The Belles at Empire Pass, Units 13 & 14, looking south



The Belles at Empire Pass, Units 13 & 14, looking east

THE BELLES AT EMPIRE PASS

UNIT #	GROSS SQ. FOOTAGE ⁽¹⁾	UNIT EQUIVALENCY ⁽²⁾
Single Family Dwelling		
1 completed	6,010.8 SF	3.005
2 completed	6,614.0 SF	3.307
3 ⁽³⁾⁽⁴⁾⁽⁵⁾	5,974.0 SF	2.987
4 completed	5,629.0 SF	2.815
Duplex		
5 completed	4,194.0 SF	2.096
6 completed	3,673.5 SF	1.836
Duplex		
7 completed	4,208.0 SF	2.104
8 completed	3,673.5 SF	1.836
Single-Family Dwelling		
9 completed	5,738.0 SF	2.869
10 completed	5,754.5 SF	2.877
11 completed	5,754.5 SF	2.877
12 completed	5,275.8 SF	2.637
Duplex		
13 ⁽⁴⁾⁽⁵⁾	4,199.8 SF	2.099
14 ⁽⁴⁾⁽⁵⁾	4,127.5 SF	2.063
Single Family Dwelling		
15 under construction	6,626.8 SF	3.313
16 under construction	6,907.8 SF	3.450
17 completed	5,629.0 SF	2.815
TOTAL:	89,990 SF ⁽⁶⁾	45

(1) Gross living square footage is based on paint to paint area. There is a 600 sq.ft. allowance for the garage. Any additional garage area will be added to the gross living square footage.

(2) Unit Equivalency (U.E.): One U.E. is equal to 2000 sq.ft. and is based on the Gross Square Footage -see (1)

(3) Unit 3 is owned by a private party. This square footage is an allowance toward a future home. (Max basement area = 974 sq.ft.)

(4) Units Gross Square Footage & Unit Equivalency (UE) are subject to change. However, the maximum allowed UEs for The Belles At Empire Pass is 45 UEs.

(5) Units are allowed a max. of 5,000 sq.ft. based on paint to paint gross area and as defined by the Land Management Code, and per the Silver Strike subdivision notes & conditions.

02-10-11

Rev.2-13-15



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 8, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney; Jodi Barnett, Outside Counsel

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

February 22, 2017

Chair Strachan referred to page 7, first paragraph, and changed Heinrich Deter to correctly read Heinrich **Deters**

MOTION: Commissioner Joyce moved to APPROVE the minutes of February 22, 2017 as corrected. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Astorga introduced Tippi Morlan as the new Planner. Ms. Morlan is a USC graduate and she worked for Lehi City prior to coming to Park City.

Planner Astorga reported on the Alice Claim applications and noted that the applicant was able to obtain an access easement over the adjacent property. Since it had already gone through City Council review and public hearing, he expected the City Council to remand it

clear to us, and how you're going to mitigate them.

All right. Any more comments? Okay, we'll move on the agenda with a motion to continue.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit until April 12, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 40 & 46 Silver Strike Trail - Eighth Supplemental Plat for Constructed Units The Belles at Empire Pass, Condominium Plat Amending Units 13 & 14. (Application PL-17-03459)

Commissioner Phillips recused himself and left the room.

Planner Astorga reviewed the application for the Eighth Supplemental Plat for constructed units, the Belles at Empire Pass, amending units 13 and 14. A condition of approval requires replatting once these have been built. Planner Astorga reported that there would only be one left after these.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Facts, Conclusions of Law and Conditions of Approval found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Eighth Supplemental Plat for Units 13 and 14, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 40 & 46 Silver Strike Trail

1. The property, Units 13 and 14 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 40 and 46 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 13 and 14 are located on a portion of Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two (2) more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and

Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.

11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.

12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.

13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.

14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.

15. On July 30, 2015, the City Council approved the Seventh Supplemental Plat for Constructed Units 15 and 16.

16. On February 1, 2017 the Planning Department received a complete application for the Eighth (8th) Supplemental Plat for Constructed Units 13 and 14.

17. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.

18. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD, including the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.

19. Units 13 and 14 are located on a portion of Lot 1 of the Silver Strike subdivision plat.

20. The approved maximum house size is 5,000 square feet of Gross Floor Area, as

defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.

21. Unit 13 contains 4,199.8 sf. of Gross Floor Area plus a 495 sf. garage area and accounts for 2.099 UEs based on the Total Floor area of 4,199.8 sf. (does not include garage area).

22. Unit 14 contains 4,127.3 sf. of Gross Floor Area plus a 507 sf. garage area and accounts for 2.063 UEs based on the Total Floor area of 4,127.3 sf. (does not include garage area).

23. Unit 13 and 14 do not include a basement area.

24. The fourteen (14) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 17) utilize 37.833 Unit Equivalents (UE). Adding Units 13 and 14 brings the current total to 41.99 UE.

25. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

26. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

27. The findings in the analysis section are incorporated herein.

Conclusions of Law – 40 & 46 Silver Strike Trail

1. There is Good Cause for this supplemental plat as it memorializes the as-built conditions for Units 13 and 14.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 40 & 46 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 13 and 14, this supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.
6. The unit sizes and UEs shall be reflected on the plat.

Commissioner Phillips returned to the meeting.

3. **1251 Kearns Boulevard – Amended Yard Subdivision, Plat Amendment to split the property into two (2) lots of record and Right-of-Way dedication for Homestake Road and Munchkin Drive.** (Application PL-16-03346)



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff recommends the City Council hold a public hearing for the First Amended Yard Subdivision Plat Amendment, located at 1251 Kearns Boulevard, and consider approving the requested application based on the Findings of Fact and Conclusions of Law as found in the draft ordinance.

Respectfully:

Francisco Astorga, Senior Planner

**City Council
Staff Report**



PLANNING DEPARTMENT

Subject: First Amended Yard Subdivision
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-16-03346
Date: 30 March 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the First Amended Yard Subdivision Plat Amendment, located at 1251 Kearns Boulevard, and consider approving the requested application based on the Findings of Fact and Conclusions of Law as found in the draft ordinance.

Description

Applicant: 1251 Kearns Limited Liability Corporation, Mark Fischer represented by Rory Murphy
Location: 1251 Kearns Boulevard
Zoning: General Commercial with Frontage Protection Zone Overlay
Adjacent Land Uses: Retail commercial to the east, south, west: cemetery to the north
Reason for Review: Plat Amendments requests require Planning Commission review and City Council review and final action

Proposal

The property owner requests approval of a Plat Amendment application to split the property into two (2) lots of record by creating new property lines. Park City Municipal Corporation has entered into a Real Estate Purchase Contract to purchase the south lot of the subdivided property (also called the triangle in this report) and is scheduled to close on this property the first week of May. The proposed Plat Amendment also includes right-of-way dedication of Homestake Road for future road expansion and Munchkin Drive for future road extension.

Background

On February 9, 2017, the City received a completed Plat Amendment application for the First Amended Yard Subdivision Plat Amendment. The property is located at 1251 Kearns Boulevard. The property is in the General Commercial District with Frontage Protection Zone Overlay. The property was platted as Parcel 1 of The Yard Subdivision in 2011. The site contains 4.6 acres.

The site contains one (1) existing building on the north end and a parking lot on the south end of the site. The existing building houses two (2) restaurants/bars, allowed uses in the GC District, i.e., Blind Dog Restaurant & Sushi, the Boneyard Saloon & Wine Dive). The existing building also houses an event center, approved through a

Conditional Use Permit in June 2009 as an indoor entertainment facility. The half portion of the site to the south is also used as a commercial parking lot, approved through a Conditional Use Permit in June 2009. Currently the entire site has enough room to accommodate approximately 339 parking spaces.

Prior to the City approval of a subdivision in late 2010, the site consisted of eight (8) separate legally described parcels. Some of these parcels overlapped, had gaps, or did not close. It was the purpose of that 2010 Plat Amendment application to eliminate the errors in the descriptions, unify the eight (8) parcels into one (1) lot of record, and incorporate the parcels into one (1) tax identification number.

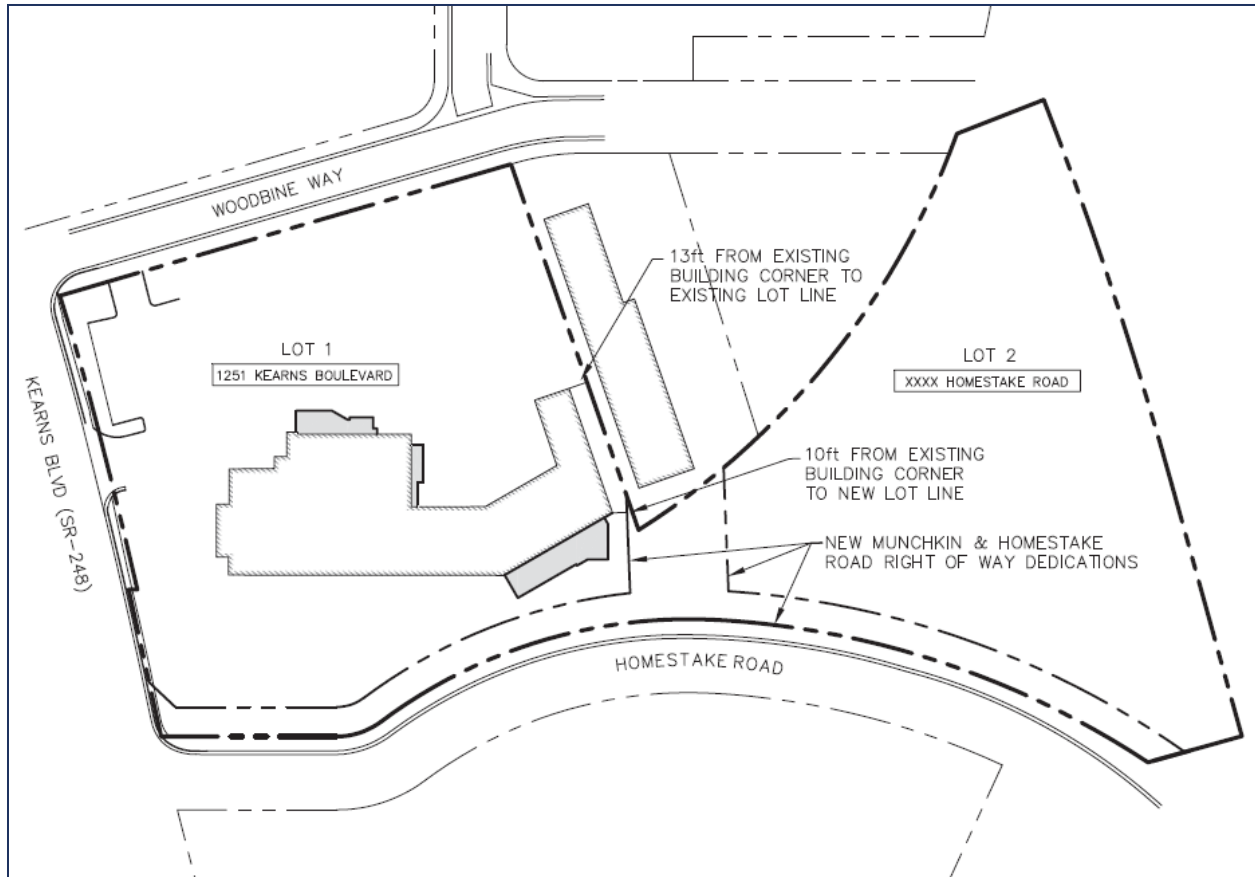
On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. The Commission forwarded a positive recommendation to the City Council; the vote was unanimous (6-0). See Exhibit J – 08 March 2017 Planning Commission Meeting Minutes.

Purpose

The purpose of the General Commercial District is found [here](#).

Analysis

The proposed Plat Amendment creates two (2) lots of record from the existing one-lot subdivision and dedicates right-of-way to the City for future Homestake Road expansion and Munchkin Drive extension. Currently the entire site resembles the shape of an hourglass. The proposal consists of creating a new lot towards the north end where the existing building sits, containing 2.31 acres, proposed Lot 1, and a new lot towards the south end where the parking lot is located containing 1.86 acres, proposed Lot 2. The proposal also entails right-of-way dedication to the City of 0.43 acres consisting of the western twenty feet (20') of the site along the entire length of Homestake Road for future road expansion and the right-of-way dedication of Munchkin Drive for future extension as the City is acquiring the land to extend Munchkin Drive from the east connecting it to Homestake Road. Both proposed lots are partially located in Federal Emergency Management Agency Flood Zone X. See diagram below:



Land Management Code § [15-2.18-3 Lot And Site Requirements](#) indicates that no building permit shall be issued for a lot unless such lot has the area, width, and depth as required, and frontage on a street shown as a private or public street on the Streets Master Plan (or on a private easement connecting to...[...]). All development activity must comply with the following minimum setback yards:

- Front – Twenty feet (20').
- Rear – Ten feet (10').
- Side – Ten feet (10').
- Frontage Protection Zone – Thirty feet (30'), from Kearns Boulevard only.

The General Commercial District does not have a maximum or minimum area, width, or depth standard. The site currently complies with the frontage of a public right-of-way requirement and the proposal does not affect this existing compliance. The existing building complies with the minimum required setbacks in the district. The site is subject to compliance with both Snow Release (clearance) and Clear View of Intersection sections listed under this same section (Land Management Code § 15-2.18-3 Lot and Site Requirements).

Land Management Code § [15-2.18-4 Building Height](#) indicates that no structure shall be erected to a height greater than thirty-five feet (35') measured from existing grade.

The existing building is in compliance with this maximum building height.

Utility Review

Snyderville Basin Water Reclamation District reviewed the proposed Plat Amendment that allowed them to evaluate their requirements for approval of the plat. The requirement for a Line Extension Agreement with Snyderville Basin Water Reclamation District to extend the public wastewater system to the property will be deferred until the submittal of a subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2. The following note will be added to the plat:

“Wastewater service to the Yard Subdivision, Lots 1 and 2 shall be provided by the Snyderville Basin Water Reclamation District. At the time of the recording of this plat, a public wastewater line is not adjacent to Lot 2. It shall be the responsibility of the owner of Lot 2 to extend the public wastewater system to the Lot according to the requirements of a Line Extension Agreement with the District”.

In response to the Department of Public Utilities review of the proposal, the following comments were made:

1. Fire Flow and Water System Pressure. Fire flows (flow-rate and duration) for the subject site will need to be established by the Fire Marshal and the Park City Municipal Corporation Chief Building Official. Additional building heights above three (3) stories may require special fire protection requirements that may have demands on the available water supply and pressure depending on the Fire Marshal's/Chief Building Official's requirements. Water modeling may need to be evaluated by Park City Water and necessary water system upgrades determined.
2. Water Infrastructure Master Planning. If off-site water system improvements are required to supply required water flow/pressures to the subject site, and those improvements are greater than what is identified in the existing Water Impact Fee Facilities Plan, the developer would likely be responsible for the cost of such improvements. Same for other impact fees e.g. streets, police, etc. Please be aware that to meet water demand requirements, it is possible that the water improvements will need to be in place at the occupancy of the first building.
3. Notice of Storm Drainage Considerations. Provide a drainage study prior to any development. The study should address pass-through flow-rates for adjacent areas impacted by the subject site Show on-site storm retention and detention areas meeting sizing requirements. Provide appropriate storm detention and storm drain sizing calculations.
4. Off-site easements. Off-site easements may need to be secured by the property owner in order to address utility connections in the future needed for water improvements to service the proposed parcels.

Off-Street Parking/Existing Uses

The applicant submitted documents on February 09, 2017 regarding parking, see Exhibit H – Applicant's Existing Business Parking Analysis as required by staff as a significant amount of parking located on the rear lot would no longer be part of the same property. On February 15, 2017, the Planning Department inspected the site and counted all stripped/available parking spaces located on the north end, proposed Lot 1. The Planning Department counted a total of 104 parking spaces. Staff only focused on stripped readily available spaces as the site contained several spaces that may have been stripped but had five plus feet (+5') of snow storage.

The restaurants found on-site, consisting of the Blind Dog Restaurant & Sushi and the Boneyard Saloon & Wine Dive, have a total net leasable floor area of 10,338 square feet, which triggers a total of 104 parking spaces. The parking ratio of a standard restaurant and bar is 1 space for every 100 sf. of net leasable area, including kitchen areas. The Event Center found behind the two (2) restaurants has a floor area of 6,887 square feet, which triggers a total of 35 parking spaces. The parking ratio of an indoor entertainment facility is 5 spaces per 1,000 sf. of floor area.

With the proposed Plat Amendment the property owner is not able to provide the required on-site parking for the event center. As stated on the applicant's parking narrative, the on-site parking will not be sufficient for the event center. Land Management Code § 5-3-2 Requirement below indicates that required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots. See exact language below:

5-3-2 Requirement

An Applicant must provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles at the time a Building is erected or enlarged.

If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking for the new Use as is required by this Chapter. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

The applicant wrote the following on their narrative: *"The adjacent property that Park City is purchasing has historically been the parking area for the Convention space. That use can no longer be accommodated without an arrangement with the soon-to-be City property located adjacent to the Yard property. The applicant has primarily been concerned with the existing restaurants and their parking requirements and requests that the further use of the Convention space be discussed with staff and parking determinations/restrictions made when the need arises. The contractual purchase agreement with Park City allows for the applicant to lease 30 spaces from the City for a rolling 90 days at a time in the back triangle parcel the City is purchasing. This would allow for the temporary use of the Convention space until such time as the City moves*

forward with development of the parcel.”

As indicated in the Land Management Code, the Planning Commission can allow off-site parking on adjacent property. The Planning Department found this as a good temporary solution to allow the applicant to use the event space with the utilized option of allowing the applicant to lease 35 missing spaces. If the applicant is not able to lease the needed 35 parking spaces from the property owner of proposed Lot 2, then the event center would not be able to operate unless another measure is formulated, reviewed, and activated.

During the Planning Commission review and public hearing that took place on March 8, 2017, the Planning Commission deliberated regarding allowing off-site parking. The Planning Commission found the lease option viable and allowed the property owner to keep utilizing the event space. In order for the event center on Lot 1 to continue operation, the applicant shall secure parking of the missing parking spaces on their Lot or on Lot 2. Should the applicant fail to obtain a lease of the required parking for the event center for whatever reason, the applicant shall cease to operate the event center.

Good Cause

Planning staff finds that there is good cause for this Plat Amendment as the Right-of-Way dedication will improve connectivity though the anticipated Munchkin Drive extension and Homestake Road will be expanded. Any future development will have to comply with the development standards of the current zoning district and applicable Conditional Use Permit and/or Master Planned Development standards.

Process

The approval of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 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 February 22, 2017. Legal notice was published in the Park Record on February 22, 2017 according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The City Council may approve the First Amended Yard Subdivision Plat Amendment, as conditioned or amended, or
- The City Council may deny the First Amended Yard Subdivision Plat Amendment; or

- The City Council may continue the discussion on First Amended Yard Subdivision; 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 would remain as is. The City would not be able to expand Homestake Road and extend Munchkin Drive without exploring other options. The City would not be able to develop the rear “triangle parcel” in the future. The existing rear “triangle parcel” would remain a commercial parking lot.

Summary Recommendations

Staff recommends the City Council hold a public hearing for the First Amended Yard Subdivision Plat Amendment, located at 1251 Kearns Boulevard, and consider approving the requested application based on the Findings of Fact and Conclusions of Law as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat Amendment
 Exhibit B – Applicant’s Project Narrative
 Exhibit C – 2011 Recorded Subdivision
 Exhibit D – Boundary Survey
 Exhibit E – Existing Building Exhibit
 Exhibit F – Aerial Photograph
 Exhibit G – County Tax Map
 Exhibit H – Applicant’s Existing Business Parking Analysis
 Exhibit I – Snyderville Basin Water Reclamation District Plat Review Letter
 Exhibit J – 08 March 2017 Planning Commission Meeting Minutes

Exhibit A – Draft Ordinance with Proposed Plat Amendment

Ordinance No. 2017-14

AN ORDINANCE APPROVING THE FIRST AMENDED YARD SUBDIVISION PLAT AMENDMENT LOCATED AT 1251 KEARNS BOULEVARD, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1251 Kearns Boulevard has petitioned the City Council for approval of the First Amended Yard Subdivision 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 public hearings on March 8, 2017, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on March 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the First Amended Yard Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. The First Amended Yard Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1251 Kearns Boulevard.
2. The property is in the General Commercial District with Frontage Protection Zone Overlay.
3. The property was platted as Parcel 1 of the Yard Subdivision in 2011 and the site currently contains 4.6 acres.
4. The site contains one (1) existing building on the north end and a parking lot on the south end of the site.
5. The existing building houses two (2) restaurants/bars, allowed uses in the General Commercial District, i.e., Blind Dog Restaurant & Sushi, the Boneyard

- Saloon & Wine Dive).
6. The existing building also houses an event center, approved through a Conditional Use Permit in June 2009 as an indoor entertainment facility.
 7. The half portion of the site to the south is used as a commercial parking lot, approved through a Conditional Use Permit in June 2009.
 8. Currently the entire site has enough room to accommodate approximately 339 parking spaces.
 9. The proposed Plat Amendment creates two (2) lots of record from the existing one-lot subdivision and dedicates ROW to the City for future Homestake Road expansion and Munchkin Drive extension.
 10. The proposal consists of creating a new lot towards the north end where the existing building sits, containing 2.31 acres, to be platted as Lot 1.
 11. The proposal consists of creating a new lot towards the south end where the parking lot is located, containing 1.86 acres, to be platted as Lot 2.
 12. The proposal consists of a ROW dedication to Park City Municipal Corporation of 0.43 acres consisting of the western twenty feet (20') of the site along the entire length of Homestake Road for future road expansion and the ROW dedication of Munchkin Drive for future extension as the City is acquiring the land to extend Munchkin Drive from the east connecting it to Homestake Road.
 13. Both lots are partially located in a Federal Environmental Management Agency Flood Zone X.
 14. All development activity must comply with the following minimum setback yards:
 - a. Front – Twenty feet (20').
 - b. Rear – Ten feet (10').
 - c. Side – Ten feet (10').
 - d. FPZ – Thirty feet (30'), from Kearns Boulevard only.
 15. The existing building complies with the minimum required setbacks in the district.
 16. The General Commercial District does not have a maximum or minimum area, width, or depth standard.
 17. The site currently complies with the frontage of a public right-of-way requirement and the proposal does not affect this existing compliance.
 18. The existing building is in compliance with this maximum building height.
 19. Snyderville Basin Water Reclamation District reviewed the proposed Plat Amendment that allowed them to evaluate their requirements for approval of the plat.
 20. The requirement for a Line Extension Agreement with Snyderville Basin Water Reclamation District to extend the public wastewater system to the property will be deferred until the submittal of a subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2.
 21. In response to the Department of Public Utilities review of the proposal, comments were made regarding fire flow and water system pressure, water infrastructure master planning, notice of storm drainage considerations, and off-site easements.
 22. Significant amount of parking located on the rear lot would no longer be part of the same property.
 23. On February 15, 2017, the Planning Department inspected the site and counted

- all stripped/available parking spaces located on the north end, proposed Lot 1, consisting of a total of 104 parking spaces.
24. The restaurants found onsite consisting of the Blind Dog Restaurant & Sushi and the Boneyard Saloon & Wine Dive have a total net leasable floor area of 10,338 square feet, which triggers a total of 104 parking spaces.
 25. The parking ratio of a standard restaurant and bar is 1 space for every 100 sf. of net leasable area, including kitchen areas.
 26. The Event Center has a floor area of 6,887 square feet, which triggers a total of 35 parking spaces.
 27. The parking ratio of an indoor entertainment facility is 5 spaces per 1,000 sf. of floor area.
 28. The proposed Plat Amendment creates a non-compliance of required on-site parking spaces for the event center.
 29. Land Management Code § 5-3-2 *Requirement* indicates that required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots.
 30. The adjacent property that Park City is purchasing has historically been the parking area for the event space.
 31. The event space can no longer be accommodated without an arrangement with the soon-to-be City property owner.
 32. The applicant has primarily been concerned with the existing restaurants and their parking requirements.
 33. The contractual purchase agreement with Park City Municipal Corporation allows for the applicant to lease spaces from the City for a rolling 90 days at a time in the back triangle parcel the City is purchasing.
 34. The Planning Commission can allow off-site parking on adjacent property.
 35. During the Planning Commission review and public hearing that took place on March 8, 2017, the Planning Commission deliberated regarding allowing off-site parking and found that the lease option allowed the property owner to keep utilizing the event space. If the property owner is unable to lease the required spaces from the future owner of proposed Lot 2, the City, the event space would need to cease any operations.
 36. The Planning Department and Planning Commission finds this a good temporary solution to allow the applicant to use the event space with the utilized option of allowing the applicant to lease spaces.
 37. Should the property owner not be able to lease the needed parking spaces from the property owner of proposed Lot 2, the event center would not be able to operate.
 38. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat

Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The requirement for a Line Extension Agreement with Snyderville Basin Water Reclamation District to extend the public wastewater system to the property will be deferred until the submittal of a subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2. The applicant shall be responsible for coordinating with Snyderville Basin Water Reclamation District as to the exact language needed to be placed on this plat as a note.
4. In order for the event center on Lot 1 to continue operation, the applicant shall secure parking of the missing parking spaces on their Lot or on Lot 2. Should the applicant fail to obtain a lease of the required parking for the event center for whatever reason, the applicant shall cease to operate the event center.
5. Ten foot (10') wide public snow storage easements shall be provided along the Homestake and Munchkin frontages for both lots.
6. Modified 13D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

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

PASSED AND ADOPTED this 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat Amendment

Attachment 1 – Proposed Plat Amendment

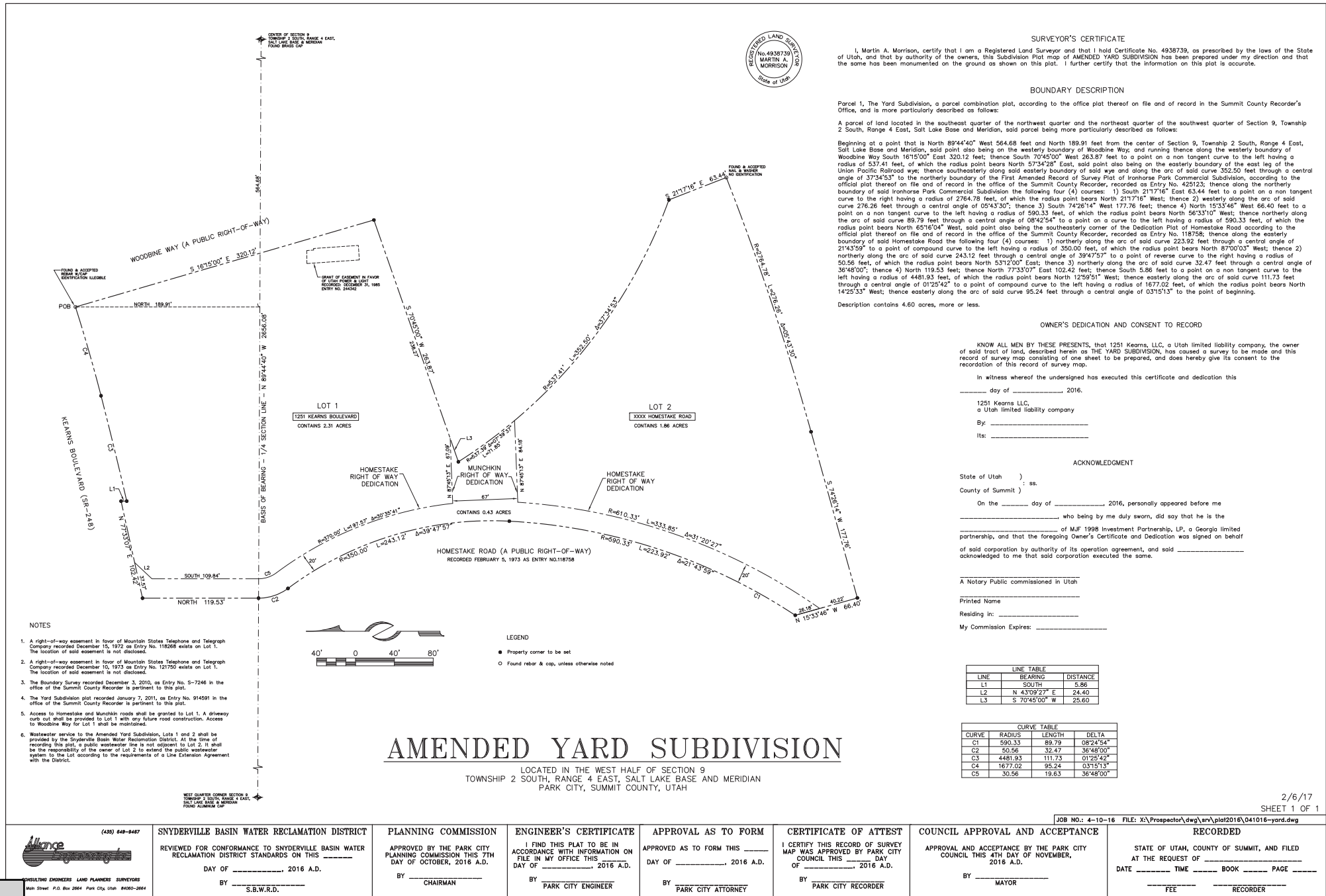


Exhibit B – Applicant's Project Narrative

October 17, 2016

Mr. Bruce Ericksen
Park City Planning Department
Park City Municipal Corporation
Park City, Utah 84060

RE: Proposed Yard Subdivision Narrative

Dear Bruce,

We are submitting this Yard Subdivision proposal to further the City's desire to purchase the "Triangle Parcel" from the current owner, Mr. Mark Fischer. The Agreement between Mr. Fischer and PCMC calls for this subdivision to take place prior to the closing of the property. Given a March 1 closing date, we have submitted this subdivision proposal on behalf of Mr. Fischer. The proposal essentially splits the property in half with Mr. Fischer retaining the "Yard" portion and the City acquiring the "Triangle" portion. The total number of lots proposed would be two. The purpose of this proposal is to allow for a clean conveyance to the City to purchase the property with a clear title.

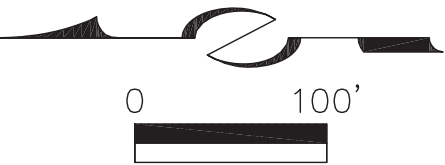
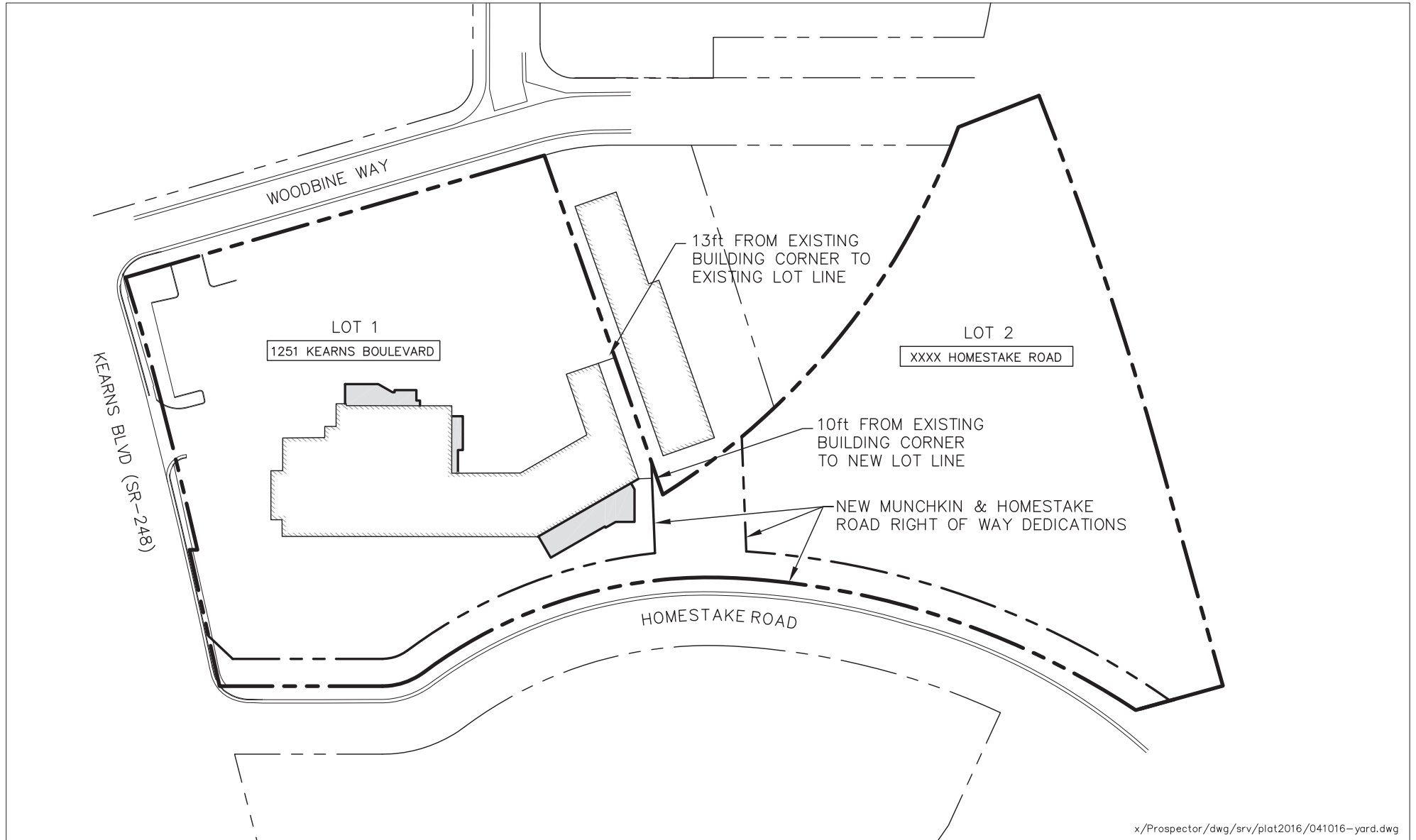
Thank you for your consideration of this proposal. The primary sources of information with the City are John Wiedenhiemer and Tom Daley. Please do not hesitate to contact me if I can be of any assistance whatsoever.

Sincerely,

Rory Murphy
435-640-5068



Exhibit E – Existing Building Exhibit



AMENDED YARD SUBDIVISION EXISTING BUILDING EXHIBITS

February 6, 2017

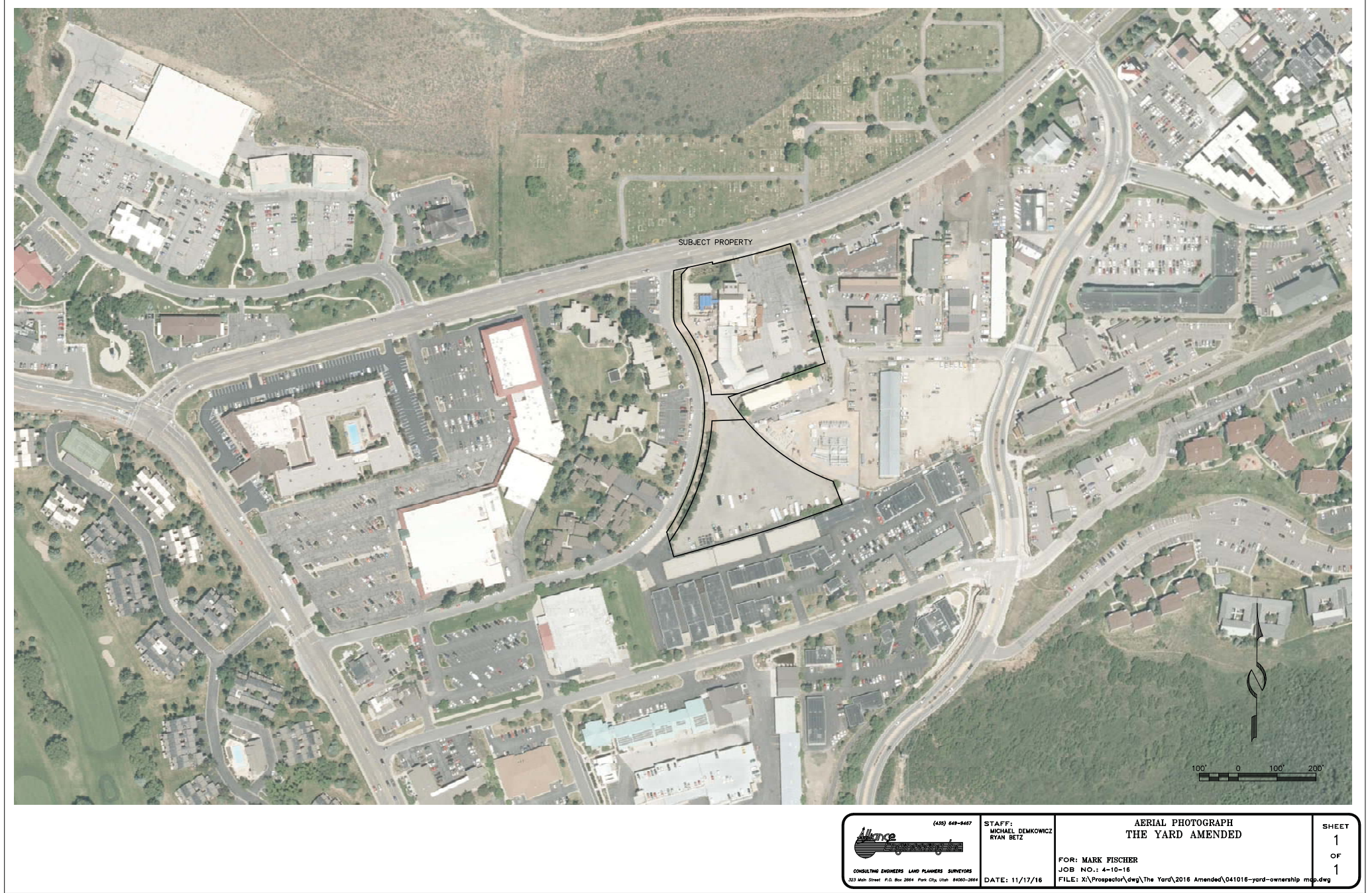
(435) 649-9467--PHONE
(435) 649-9475--FAX

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Exhibit F – Aerial Photograph



Alliance
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2064 Park City, Utah 84060-2064

(435) 648-9467

STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

DATE: 11/17/16

AERIAL PHOTOGRAPH
THE YARD AMENDED

FOR: MARK FISCHER
JOB NO.: 4-10-15

FILE: X:\Prospector\dwg\The Yard\2016 Amended\041015-yard-ownership map.dwg

SHEET
1
OF
1

Exhibit G – County Tax Map

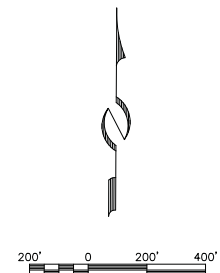
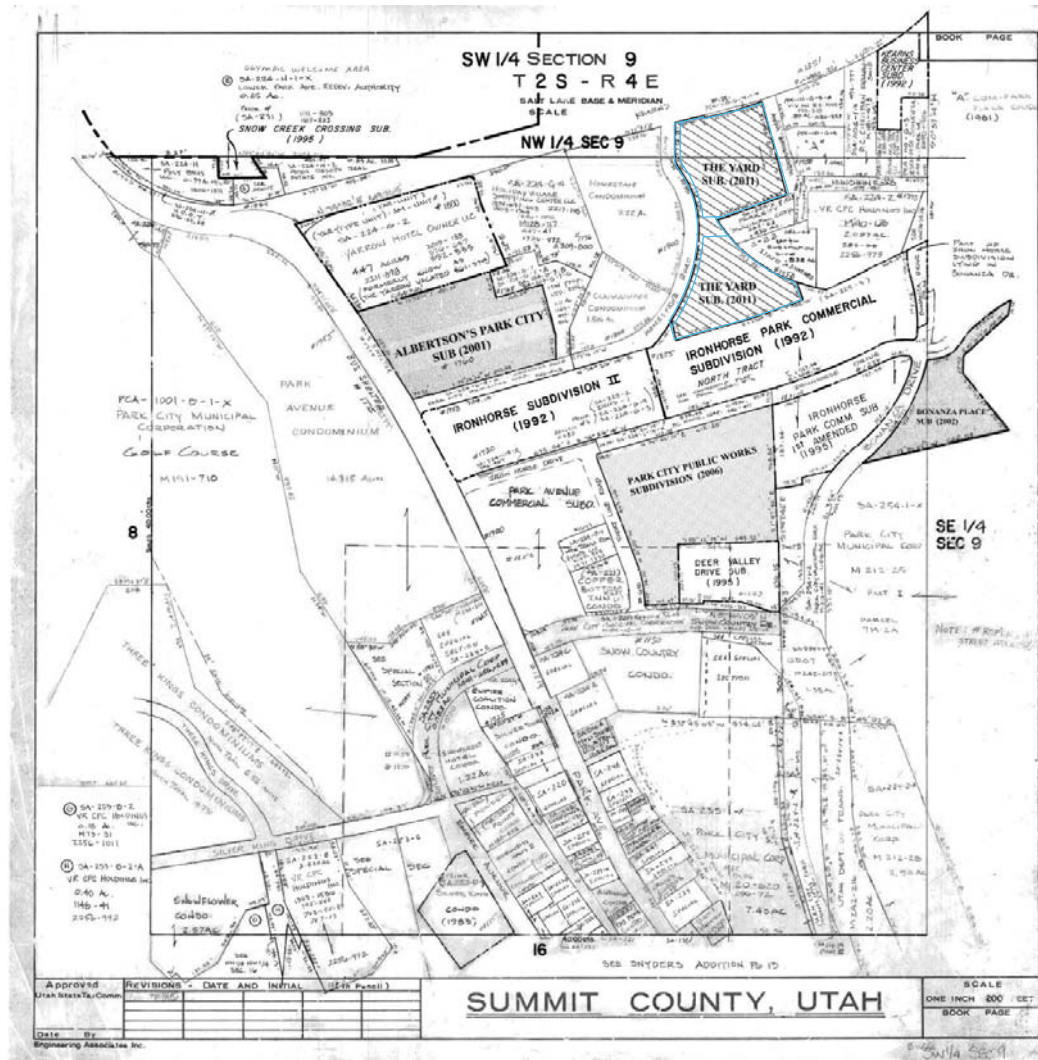


Exhibit H – Applicant's Existing Business Parking Analysis

February 9, 2017

Francisco Astorga, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

RE: Yard Existing Business Parking Analysis

Dear Francisco,

Please find attached two drawings that show the current uses floor plan for the businesses located in the Yard as well as the proposed parking study. The Uses Floor Plan shows the current uses and it differentiates the net leasable areas used for dining, food prep, bar, etc. from the common areas such as storage, mechanical, restroom and other areas that are not included in the calculations for parking requirements. The businesses analyzed are the Blind Dog Restaurant, the Boneyard and the Wine Dive.

The uses are all food and beverage and therefore the Park City Land Management Code requires one (1) space per hundred (100) square feet of net leasable area. The ratio is required for both dining areas as well as the "back of house" functions such as the kitchen and bar. The total net leasable area is calculated by Elliott Workgroup (Bryan Markkanen 435-649-0092) to be 10,338 square feet. This would trigger a parking requirement of 104 spaces. Bryan prepared his report on February 8th, 2017 to make his determinations. Bryan was then asked to lay out a parking analysis that utilizes the lot as fully as possible. His calculations found 122 parking spaces on the existing site. The existing parking allows for the existing uses.

The spaces described above are the number of spaces that could be located on the lot according to restrictions with space size, back-up areas, travel lanes, ingress, egress, etc. Please note that this study does include the 2-3 spaces that can be gained by the access to the Emporium area on the lower right corner of the Parking Study exhibit. Currently this access is open and will likely remain open, thus reducing the overall parking count to 119-120 total spaces. This would still allow for more than enough spaces for the current uses to meet Code. However, if the need arises, there is the potential for the additional 2-3 spaces to be added to the mix simply by placing closing the gate across this entrance. The traffic flow works reasonably well there at the present time, so the applicant would like to leave the spaces open for the time being.

Current Parking Inventory

Spaces available on MJF property	= 118 Spaces
Available Spaces with Closure of NE Entry	= 5 Spaces
Total Available on MJF Property	= 123 Spaces

Additional availability

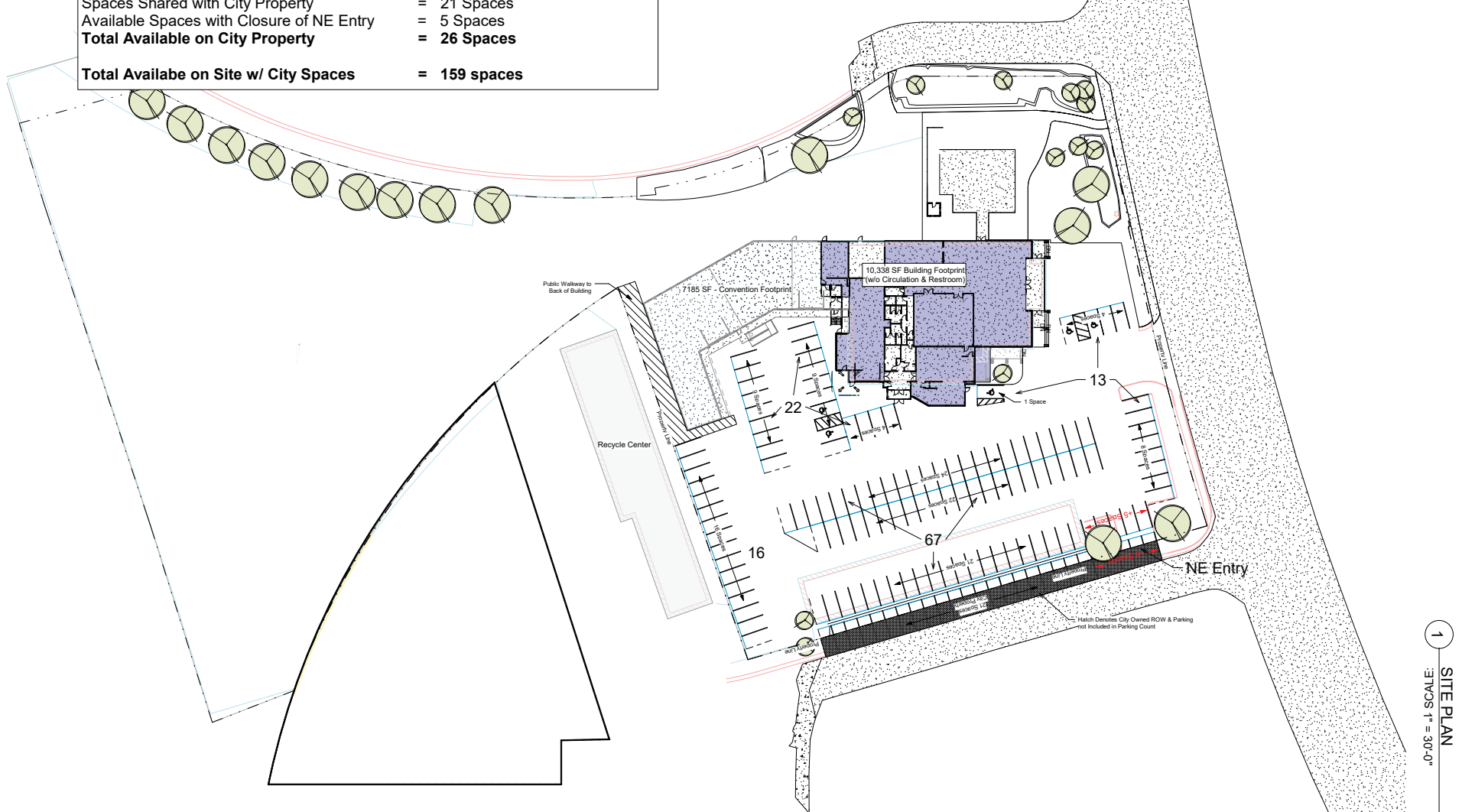
Spaces Shared with City Property	= 21 Spaces
Available Spaces with Closure of NE Entry	= 5 Spaces
Total Available on City Property	= 26 Spaces

Total Available on Site w/ City Spaces = 159 spaces

Parking Required per Use

10,338 SF - Building Footprint (No Convention)- 104 Spaces

Total Floor Area (Boneyard, Blind Dog - No Circulation or Restroom)
= 10,338 SF/ 100 sf per space
Parking spaces required = 104 Spaces



LAND MANAGEMENT CODE & DEFINITIONS

15-2.18-3 Lot And Site Requirements

C. REAR YARD. The minimum Rear Yard is ten feet (10').

REAR YARD EXCEPTIONS: The Rear Yard must be open and free of any Structure except:

6. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.

15-3-4 Specific Parking Area And Driveway Standards For Single Family Residences And Duplexes, Parking Areas With 5 Or More Spaces, And Parking Structures

B. PARKING AREAS WITH FIVE (5) OR MORE SPACES.

1. All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure.

15-3-6 Parking Ratio Requirements For Specific Land Use Categories

NON-RESIDENTIAL USES. In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses.

Restaurant, Standard and Bar - 1 space for every 100 sf of net leasable Area, including kitchen Areas

Definitions

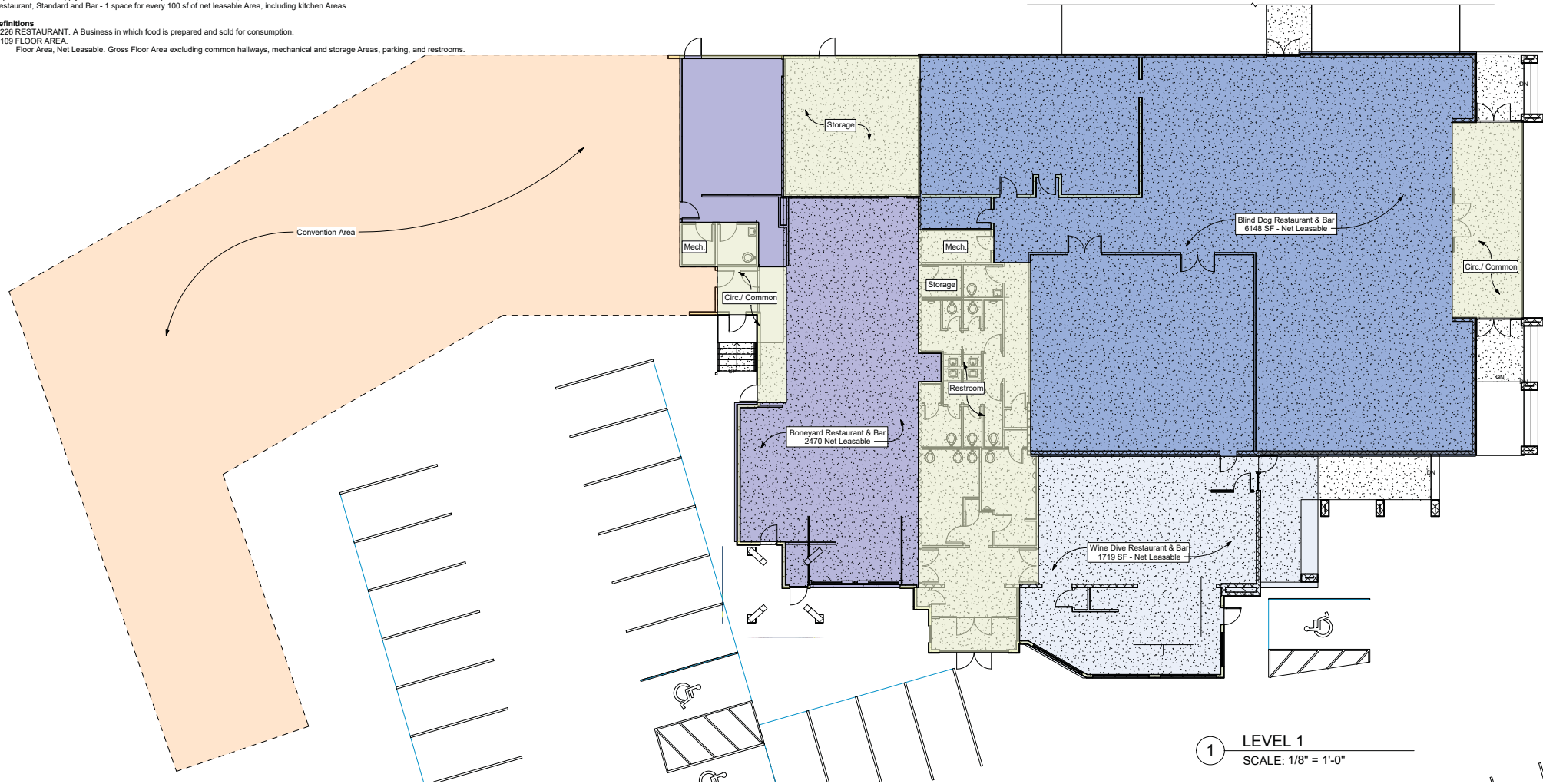
1.226 RESTAURANT. A Business in which food is prepared and sold for consumption.

1.109 FLOOR AREA.

Floor Area, Net Leasable. Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

Net Leasable Area

Common hallways, mechanical and storage Areas, parking, and restrooms.



1 LEVEL 1
SCALE: 1/8" = 1'-0"

Yard Convention Area Square Footage

<u>AREA</u>	<u>SF</u>
Assembly A	4,094
Assembly B	1,120
Assembly C	1,413
Assembly D	260
Restroom Pad	846
Outdoor Patio	365

Land Management Code & Definition

15-3-6 Parking Ratio Requirements for Specific Land Use Categories

Non-Residential Uses.

In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses.

Indoor Entertainment, Theater — 1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility. Therefore $6,667 \text{ sf} / 1000 \text{ sf} = 7 \times 5 \text{ spaces} = 35$ parking spaces.

Total Area for parking calculation

$$A + B + C = 6,667 \text{ sf}$$





SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

January 5, 2017

Mr. Francisco Astorga, AICP
Senior Planner
Park City Municipal Corporation
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

Subject: Amended Yard Subdivision
Plat Review

Dear Mr. Astorga:

We appreciate the opportunity to review the referenced plat. We offer the following comments:

1. Subdividing the existing “The Yard Subdivision”, which is currently a single lot subdivision, into two lots will result in proposed Lot 2 not having access to a public sewer line for wastewater service. In order to provide that access, an extension of the public sewer system will be necessary. The attached exhibit indicates the location of the nearest existing public sewer line and where the extension necessary to provide service to proposed Lot 2 might occur.
2. The extension of the public sewer system necessary to provide wastewater service to proposed Lot 2 will be the responsibility of the Developer and will require a Line Extension Agreement between the Developer and the Snyderville Basin Water Reclamation District (SBWRD).
3. Prior to SBWRD approving and signing the plat, the Developer must complete the following items associated with the line extension:
 - a. Line Extension Agreement submitted and approved by SBWRD
 - b. Payment of all required Application and Engineering Fees
 - c. Establishment of an Improvement Completion Agreement with associated collateral
 - d. Granting of easements to SBWRD
 - e. Final Design drawings completed and approved by SBWRD
 - f. Easements and any additional necessary notes shown on the plat.

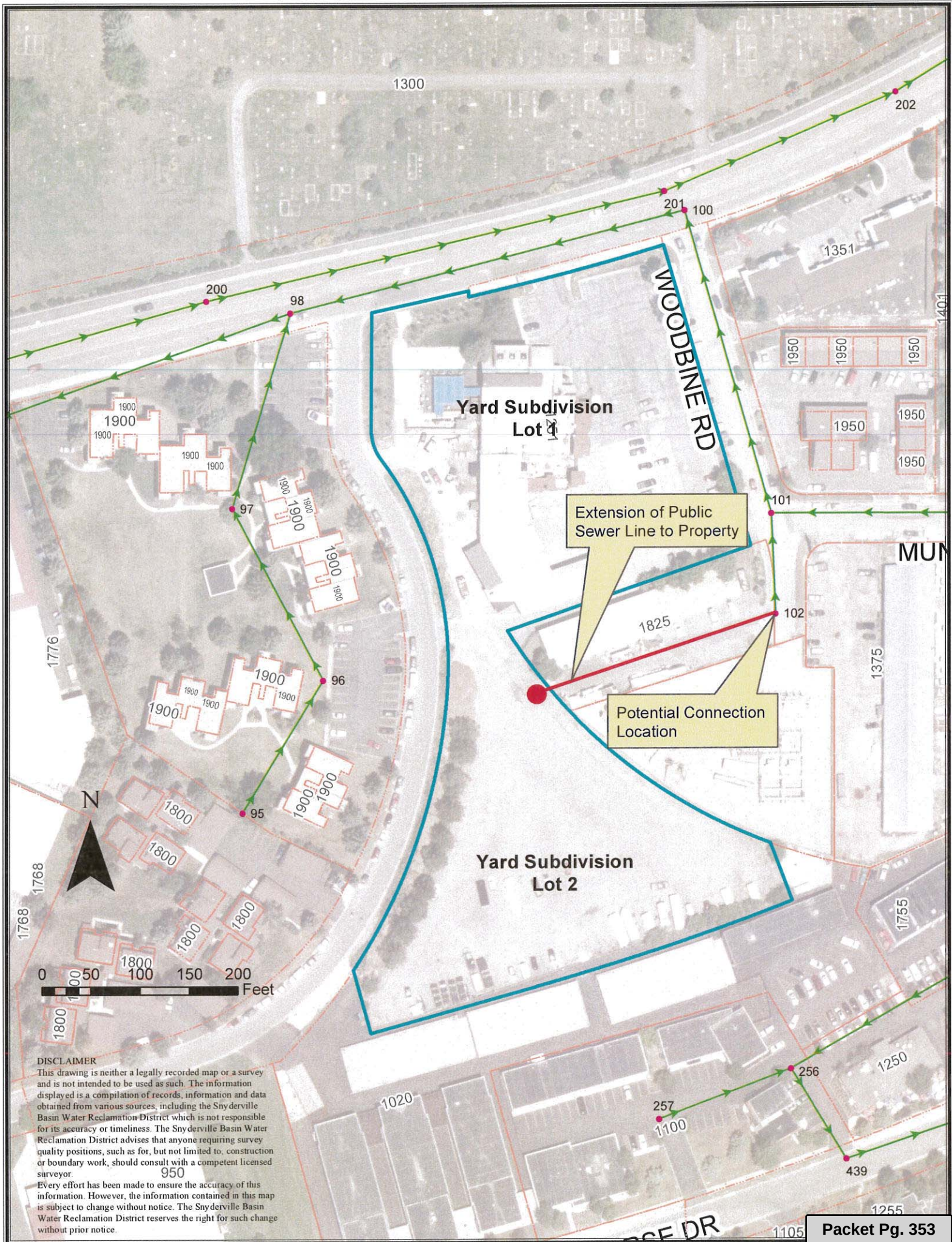
Please contact me at 435-214-5245 or Kevin Berkley at 435-214-5236 with any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Attachment

cc: Mark Fischer
Rory Murphy
Alliance Engineering
Project File



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 8, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney; Jodi Barnett, Outside Counsel

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

February 22, 2017

Chair Strachan referred to page 7, first paragraph, and changed Heinrich Deter to correctly read Heinrich **Deters**

MOTION: Commissioner Joyce moved to APPROVE the minutes of February 22, 2017 as corrected. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Astorga introduced Tippi Morlan as the new Planner. Ms. Morlan is a USC graduate and she worked for Lehi City prior to coming to Park City.

Planner Astorga reported on the Alice Claim applications and noted that the applicant was able to obtain an access easement over the adjacent property. Since it had already gone through City Council review and public hearing, he expected the City Council to remand it

3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 40 & 46 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 13 and 14, this supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.
6. The unit sizes and UEs shall be reflected on the plat.

Commissioner Phillips returned to the meeting.

3. **1251 Kearns Boulevard – Amended Yard Subdivision, Plat Amendment to split the property into two (2) lots of record and Right-of-Way dedication for Homestake Road and Munchkin Drive.** (Application PL-16-03346)

Planner Astorga reviewed the application for 1251 Kearns Boulevard, the First Amended Yard Subdivision. He reviewed an Exhibit on Page 68 of the Staff report, which entails subdividing the current one lot subdivision that occurred in 2009. The proposed subdivision also includes significant road dedication for both Homestake Road expansion and also a future extension to Munchkin road. He reported that the City was in the process of purchasing Lot 1 towards the rear of the property.

Planner Astorga stated that currently the sites house three businesses; a restaurant and an event center. Most of the parking for Lot 2 is adjacent towards the east of the property. He counted 104 parking spaces when he did his field inspection, and he only counted parking spaces that were striped and spaces that were not used for snow banks or snow storage. Planner Astorga calculated that both restaurants require exactly 104 parking spaces.

Planner Astorga remarked that the difficult is the event space. Per the square footage that was analyzed, the property is short 35 parking space. Under the current Real Estate Purchase Contract (REPC) that the property owner has with the City, the applicant has an option of leasing on a temporary basis x-number of parking stalls on the current Lot 2. The rear of the property has an approved use for a commercial parking lot. The Staff identifies this as a temporary solution, and once the future property owner, in this case the City, starts building and replacing the current asphalt, the temporary parking lease for the event center would not be renewed. The owner would not be able to utilize that specific event center unless an idea or concept is formulated, accepted and approved. While the property owner can amend that specific conditional use permit as it was approved in 2009, the Staff finds it appropriate to move forward with the temporary nature of it.

Planner Astorga stated that different ideas had been discussed from the temporary solution to the worst case scenario, which would be for the applicant to forego the use and demolish the back end of the property.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the parking situation, condition the approval, and forward a recommendation to the City Council.

Rory Murphy was present to represent Mark Fischer, the property owner, stated that the event center at this time is primarily used for two weeks during Sundance. The last few years it has also been used by the Latino community for weddings and parties. Mr. Murphy stated that the event space cannot be used without proper parking, and the arrangement was to work with the City while that space was still open and use the spaces for parking. If the Planning Commission finds that to be onerous to impose, the owner would not object. The primary concern are the three restaurants.

Mr. Murphy stated that his count of 122 spaces included the space behind the Recycle Center than sheds snow and gets snow pushed to it. Planner Astorga informed him that when they are covered with snow they cannot be counted. Mr. Murphy believed that was a fair assessment. He pointed out that they needed 104 parking spaces and they have 104 spaces, which was a lucky coincidence.

Commissioner Phillips asked if the new road right-of-way dedications are required or whether they were above and beyond what is required. Director Erickson replied that it was consistent with the Transportation Master Plan and the General Plan for the roadway system. Commissioner Phillips clarified that it was required. Director Erickson answered yes.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan appreciated the temporary solution to solve this problem. As Bonanza gets developed he believed they would need to do more of those agreements. It will not be easy and requires flexibility from both the developer and the City. Chair Strachan stated that he personally was not opposed to the temporary solution.

Commissioner Joyce thought it was a good idea. However, if 35 spaces are needed he wanted to know why the agreement with the City was to lease 30 spaces. He did not believe that would fix the problem. Planner Astorga stated that when the City signed the original REPC, which has been amended once already, they did not realize that the deficiency was 35 spaces. The deficiency was not found until he wrote the Staff report. The REPC will be amended once again to show that they have the number of parking spaces needed for that specific event or use. Planner Astorga reported that the property owner was working with Jonathan Weidenhamer to amend the REPC once again to have an agreement to lease whatever number they need.

Assistant City Attorney McLean stated that this was the first time she heard about altering the REPC. She remarked that there was another contractual way that the City could provide parking even after the transaction takes place.

Director Erickson clarified that the condition of approval was corrected in identifying 35 parking spaces. Planner Astorga stated that it was correct based on the existing square footage of the event space.

Commissioner Joyce pointed out that one finding says 35 spaces are needed and that it will be fixed in Finding #34 by getting 30 spaces. He thought there were conflicts within the Findings. Planner Astorga agreed, and suggested that they strike “30” out of the Finding. He revised the Finding to read, “The contractual purchase agreement with Park City allows the applicant to lease spaces from the City.”

Commissioner Joyce was comfortable with that revision.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the First Amended Yard Subdivision, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Rory Murphy commended Planner Astorga for his efforts and hard work to help resolve this issue.

Findings of Facts – 1251 Kearns Boulevard

1. The property is located at 1251 Kearns Boulevard.
2. The property is in the GC District with FPZ Overlay.
3. The property was platted as Parcel 1 of the Yard Subdivision in 2011 and the site currently contains 4.6 acres.
4. The site contains one (1) existing building on the north end and a parking lot on the south end of the site.
5. The existing building houses two (2) restaurants/bars, allowed uses in the GC District, i.e., Blind Dog Restaurant & Sushi, the Boneyard Saloon & Wine Dive).
6. The existing building also houses an event center, approved through a Conditional Use Permit in June 2009 as an indoor entertainment facility.
7. The half portion of the site to the south is used as a commercial parking lot, approved through a Conditional Use Permit in June 2009.

8. Currently the entire site has enough room to accommodate approximately 339 parking spaces.
9. The proposed Plat Amendment creates two (2) lots of record from the existing one-lot subdivision and dedicates ROW to the City for future Homestake Road expansion and Munchkin Drive extension.
10. The proposal consists of creating a new lot towards the north end where the existing building sits, containing 2.31 acres, to be platted as Lot 1.
11. The proposal consists of creating a new lot towards the south end where the parking lot is located, containing 1.86 acres, to be platted as Lot 2.
12. The proposal consists of a ROW dedication to Park City Municipal Corporation of 0.43 acres consisting of the western twenty feet (20') of the site along the entire length of Homestake Road for future road expansion and the ROW dedication of Munchkin Drive for future extension as the City is acquiring the land to extend Munchkin Drive from the east connecting it to Homestake Road.
13. Both lots are partially located in a FEMA Flood Zone X.
14. All development activity must comply with the following minimum setback yards:
 - a. Front – Twenty feet (20').
 - b. Rear – Ten feet (10').
 - c. Side – Ten feet (10').
 - d. FPZ – Thirty feet (30'), from Kearns Boulevard only.
15. The existing building complies with the minimum required setbacks in the district.
16. The GC District does not have a maximum or minimum area, width, or depth standard.
17. The site currently complies with the frontage of a public ROW requirement and the proposal does not affect this existing compliance.
18. The existing building is in compliance with this maximum building height.
19. Snyderville Basin Water Reclamation District (SBWRD) reviewed the proposed Plat Amendment that allowed them to evaluate their requirements for approval of the plat.
20. The requirement for a Line Extension Agreement (LEA) with SBWRD to extend the public wastewater system to the property will be deferred until the submittal of a

subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2.

21. In response to the Public Utilities Department's review of the proposal, the PCMC Department of Public Utilities provided comments regarding fire flow and water system pressure, water infrastructure master planning, notice of storm drainage considerations, and off-site easements.

22. The applicant submitted documents on February 09, 2017 regarding parking.

23. Significant amount of parking located on the rear lot would no longer be part of the same property.

24. On February 15, 2017, the Planning Department inspected the site and counted all stripped/available parking spaces located on the north end, proposed Lot 1, consisting of a total of 104 parking spaces.

25. The restaurants found onsite consisting of the Blind Dog Restaurant & Sushi and the Boneyard Saloon & Wine Dive have a total net leasable floor area of 10,338 square feet, which triggers a total of 104 parking spaces.

26. The parking ratio of a standard restaurant and bar is 1 space for every 100 sf. of net leasable area, including kitchen areas.

27. The Event Center has a floor area of 6,887 square feet, which triggers a total of 35 parking spaces.

28. The parking ratio of an indoor entertainment facility is 5 spaces per 1,000 sf. of floor area.

29. The proposed Plat Amendment creates a non-compliance of required on-site parking spaces for the event center.

30. LMC § 5-3-2 Requirement indicates that required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots.

31. The adjacent property that Park City is purchasing has historically been the parking area for the event space.

32. The event space can no longer be accommodated without an arrangement with the soon-to-be City property owner.
33. The applicant has primarily been concerned with the existing restaurants and their parking requirements.
34. The contractual purchase agreement with Park City Municipal Corporation allows for the applicant to lease spaces from the City for a rolling 90 days at a time in the back triangle parcel the City is purchasing.
35. The Planning Commission can allow off-site parking on adjacent property.
36. The Planning Department finds this a good temporary solution to allow the applicant to use the event space with the utilized option of allowing the applicant to lease spaces.
37. Should the property owner not be able to lease the needed parking spaces from the property owner of proposed Lot 2, the event center would not be able to operate.
38. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1251 Kearns Boulevard

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1251 Kearns Boulevard

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval

for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The requirement for a Line Extension Agreement with Snyderville Basin Water Reclamation District to extend the public wastewater system to the property will be deferred until the submittal of a subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2. The applicant shall be responsible for coordinating with Snyderville Basin Water Reclamation District as to the exact language needed to be placed on this plat as a note.

4. The applicant shall work with the property owner of Lot 2 to ensure parking of the missing parking spaces in order for the event center on Lot 1 to operate. Should the applicant fail to obtain a lease of the required parking for the event center for whatever reason, the applicant shall cease to operate the event center.

5. Ten foot (10') wide public snow storage easements shall be provided along the Homestake and Munchkin frontages for both lots.

6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

4. 7545 & 7585 Sterling Drive - Request for Approval of a Plat Amendment for Lot C & D of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision, to move the lot line between lots C & D so the existing garage is fully on Lot D's property. (Application PL-17-0344)

Planner Makena Hawley reviewed the application to amend Lot C and D of the Cottages at 7545 and 7585 Sterling Drive. She explained that the lot line would be moved slightly to make sure that the garage is fully on 7545 Sterling Drive. The applicants have been utilizing it this way with a grant of easement since 2006. All of the built environment will be on one lot, and the other lot will be completely vacant.

Planner Hawley stated that the only issue is that it would take away the building pad from the previous plats. However, the Staff believes it is a good idea because the building pad was put on the original plat, and then it was moved over to the other plat even though the building was not built within that pad. Through research of Minutes and Staff reports, the Staff could find no reason why the building pad was on certain lots, and there was no reason to keep it.



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

Respectfully:

Francisco Astorga, Senior Planner

City Council Staff Report



PLANNING DEPARTMENT

Application: PL-17-03348
Subject: LMC Amendments
Author: Francisco Astorga, AICP, Senior Planner
Date: 30 March 2017
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Staff recommends that the City Council review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider adoption of the proposed changes pursuant to the attached Draft Ordinance.

Description

Project Name: LMC Amendments
Location: Citywide
Proposal: Administrative and substantive amendments to the Park City Development Code regarding **Chapter 15-6 Master Planned Developments**- Removing requirements for Pre-Application Public Meeting and Determination of Compliance.
Reason for Review: LMC Amendments require Planning Commission review and City Council review and action.

Acronyms

For the sake of clarify here is a list of are acronyms used in this report:

CC&R	Covenants, Conditions and Restrictions
HOA	Homeowners Association
LMC	Land Management Code
MPD	Master Planned Development

LMC Statement of Purpose ([LMC § 15-1-2](#))

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- A. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- B. To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,

- C. To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- D. To protect the tax base and to secure economy in governmental expenditures,
- E. To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- F. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- G. To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,
- H. To protect and ensure access to sunlight for solar energy devices, and
- I. To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

General Plan

The General Plan is the guiding document for Park City - it is the blueprint for the future of the City. It is a long range policy plan that will guide future LMC and zoning decisions. The LMC is the regulatory document that addresses specific zoning and land uses within respective zones. The LMC and associated Zoning Map provide for specific uses and regulations within noted districts on the Zoning Map. Beyond these governmental tools for regulating land use are private Covenants, Conditions and Restrictions (CC&Rs) that are typically associated with Homeowners Associations (HOAs). These CC&Rs are enforced by their respective HOAs.

These proposed LMC amendments have been reviewed for consistency with the current adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law.

Background

As part of constant review of the LMC, the proposed amendments have come up either as policy discussions or as procedural items which need to be updated. The Planning Commission reviewed proposed LMC Amendment, Chapter 15-6 MPD- removing requirements for Pre-Application Public Meeting and Determination of Compliance for MPD during the October 26, 2016 Planning Commission meeting.

During the October 26, 2016 Planning Commission work session discussion, Planning Director Erickson, explained the difficulties of the MPD Pre-application conference as currently outlined in the LMC, specifically regarding compliance with the General Plan. During that meeting several comments were made by the Commission and by members of the public. Staff offered to work on the amendments after listening to the Commission. The Planning Commission continued this item to a date uncertain to allow staff to work on the amendment.

The Planning Commission reviewed the proposed amendment during their February 22, 2017 Planning Commission meeting. During that meeting the Commission reviewed the proposed language, conducted a public hearing, and forwarded a positive recommendation to the City Council. The Planning Commission vote was unanimous (4-0). Two (2) members were absent that meeting (Commissioner Campbell and Suesser).

Analysis

Chapter 15-6 Master Planned Developments- Removing requirements for Pre-Application Public Meeting and Determination of Compliance for Master Planned Developments (MPD).

Background: Staff and the Planning Commission have found difficulty with the MPD Pre-Application Conference as the LMC requires that the Planning Commission find compliance with the General Plan goals and objectives at a preliminary/conceptual stage. Given the preliminary nature of the Pre-Application, staff's analysis at this stage is difficult as not enough information is received at that conceptual stage to make a determination as to compliance. The applicant is still encouraged to present concepts to Planning Staff, the Planning Commission, and the public which allows these groups an opportunity to provide concerns on a general concept.

Purpose of Amendments: To add clarity and efficiency to the MPD pre-application process.

Implications and consequences: The applicant would still have an opportunity to share concepts early in the process with the Planning Department while reducing implied or perceived approvals from a Pre-Application MPD conceptual nature.

Staff recommendation: The following language is proposed:

15-6 Master Planned Developments

[...]

15-6-4 Process

- A. **PRE-APPLICATION CONFERENCE.** *A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-*

Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

- B. **PRE-APPLICATION WORK SESSION PUBLIC MEETING-AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development the Applicant may request a work session discussion with the Planning Commission after meeting with the Planning Department. If a work session is held, public input shall be permitted. The applicant is encouraged to conduct independent public outreach, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application work session public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. ~~This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.~~ The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

~~The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD and provide with the MPD application any comments received by the public.~~

~~For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan. [This paragraph was edited and moved to new section K]~~

- C. **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the

Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

- D. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. ~~All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.~~
- E. **PUBLIC HEARING.** In addition to the ~~possible preliminary public input work session~~, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.
- F. **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

- G. **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:
1. A legal description of the land;
 2. All relevant zoning parameters including all findings, conclusions and conditions of approval;
 3. An express reservation of the future legislative power and zoning authority of the City;
 4. A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
 5. A description of all Developer exactions or agreed upon public dedications;
 6. The Developers agreement to pay all specified impact fees; and
 7. The form of ownership anticipated for the project and a specific project phasing plan.

8. *A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.*
9. *A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.*

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

- H. **LENGTH OF APPROVAL.** *Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.*

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in the Chapter and the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

- I. **MPD MODIFICATIONS.** *Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement.*
- J. **SITE SPECIFIC APPROVALS.** *Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.*
The Planning Commission and/or Planning Department, specified at the time of

MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

~~K. **PRIOR APPROVALS.** For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.~~

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

On Wednesday February 8, 2017 a legal notice was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website. Also the two (2) members of the public that commented on the Pre-MPD LMC Amendment during the October 26, 2016 work session discussion were contacted in advance to let them know of the current proposal.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received at the time of this report other than that corresponding comments made during the October 26, 2016 Planning Commission meeting and work session (see [Exhibit B – October 26, 2016 Planning Commission Work Session Minutes](#)).

Alternatives

- The City Council may adopt the recommended language; or
- The City Council may amend and then adopt the amended language; or
- The City Council may reject the recommended language and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the recommended language; or
- The City Council may remand the item back to the Planning Commission for specific discussion.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from these LMC Amendments that provide clarification of current development code language and definitions and as further described above.

Recommendation

Staff recommends that the City Council review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider adoption of the proposed changes pursuant to the attached Draft Ordinance.

Exhibits

Exhibit A – Draft Ordinance with corresponding Attachments

Attachment 1 – LMC Chapter 15-6 Master Planned Developments

[Exhibit B – October 26, 2016 Planning Commission Work Session Minutes](#)

[Exhibit C – February 22, 2017 Planning Commission Staff Report](#)

[Exhibit D – February 22, 2017 Planning Commission Meeting Minutes](#)

Exhibit A – Draft Ordinance 2017-15

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 15-6 MASTER PLANNED DEVELOPMENTS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, Chapter 15-6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to the Pre-Application Public Meeting for MPDs as well as standards of review regarding the General Plan; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on October 26, 2016 and February 22, 2017, and forwarded a positive recommendation to City Council on February 22, 2017; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 30, 2017.

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6 (Master Planned Developments). The recitals above are incorporated herein as findings of fact. Chapter 15-6 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 30th day of March, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachments (Redlines of specific LMC Sections)

Attachment 1 – LMC Chapter 15-6 Master Planned Developments

Attachment 1 – LMC Chapter 15-6 Master Planned Developments

15-6 Master Planned Developments

[...]

15-6-4 Process

- A. **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.
- B. **PRE-APPLICATION ~~WORK SESSION~~ PUBLIC MEETING ~~AND DETERMINATION OF COMPLIANCE~~.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development ~~the Applicant may request a work session discussion with the Planning Commission after meeting with the Planning Department. If a work session is held, public input shall be permitted. The applicant is encouraged to conduct independent public outreach, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.~~

At the pre-Application ~~work session~~ public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. ~~This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.~~ The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

~~The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD and provide with the MPD application any comments received by the public.~~

~~For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.~~

- C. **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.
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- F. **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.
- Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.
- G. **DEVELOPMENT AGREEMENT.** Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:
1. A legal description of the land;
 2. All relevant zoning parameters including all findings, conclusions and conditions of approval;

3. An express reservation of the future legislative power and zoning authority of the City;
4. A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
5. A description of all Developer exactions or agreed upon public dedications;
6. The Developers agreement to pay all specified impact fees; and
7. The form of ownership anticipated for the project and a specific project phasing plan.
8. A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.
9. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

- H. **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in the Chapter and the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

- I. **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement.
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The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

- ~~K. **PRIOR APPROVALS.** For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.~~



DATE: March 30, 2017

TO HONORABLE MAYOR AND COUNCIL

On March 16, 2017 Council was informed that staff completed the selection process for a Construction Manager at Risk (CMAR) including preconstruction services for Woodside Park Phase 1 (the site of the former fire station on Park Avenue). The CMAR contract at this time is for preconstruction services of \$17,250. The \$17,250 is below the amount requiring Council award; however this CMAR contract will be amended to a contract for the full amount of construction, based on the current, estimated construction budget of \$2.5M. Council should review the Preconstruction Services Scope and approve the award of (CMAR) Contract for the Woodside Park Phase 1 project to the committee selected Construction Manager, Newstar.

Respectfully:

Jonathan Weidenhamer, Economic Development Manager

PCMC Woodside Park Phase I

CMGC PROPOSAL BREAKDOWN

PROPOSAL:

General Conditions Work: Basis 12 Month Project Duration

Preconstruction phase Services based on 12 weeks.

Project Manager	\$17,250.00
Project Superintendent	\$62,400.00
Expediter / Field Runner	\$107,328.00
First Aid & Safety	\$14,976.00
Temporary Construction Office; Equipment & Supplies	\$7,992.00
	\$10,500.00

Utilities

Supply of Electricity, Natural Gas and Water for Construction	By Owner, Connect to Existing Services
Distribution of Electricity, Natural Gas and Water for Construction (lines, panels, valves, heaters, ect.)	\$1,950.00
Communications (telephones, internet, etc.)	\$1,800.00
Portable Toilets	\$3,060.00
Mobilization / Demobilization	\$1,964.00
Construction Fencing & Barricades (temporary)	TBD
Project Sign (8' x 8')	\$550.00

Insurance

General Liability	\$7,500.00
Automotive	Included \$0.00
Workers Comp.	Included \$0.00

Clean up Including Dumpster

General Clean-up By Sub Contractors

Hoisting

Winterization Allowance (snow removal, protective coverings, temporary heat)

Travel Costs (if required)	n/a \$0.00
Vehicle costs G.C. (only if required)	\$14,400.00
Building Layout, Survey and Engineering	\$9,580.00
Construction Equipment	By Sub Contractors \$0.00
Small Tools / Consumables	\$0.00
Other Costs	Postage & Plan Distribution \$2,800.00

Total General Conditions Reimbursement:

\$264,050.00

Construction Manager Fee (4.75 % of Construction Costs)

Basis 2.5 Mil \$118,750.00

**TOTAL GENERAL CONDITIONS REIMBURSEMENT
PREMIUMS AND CONSTRUCTION MANAGER FEE**

**Bond TBD
\$382,800.00**

Profit Added for Self-Performed Work	4.75%
Construction Contingency	3.00%
Unused Contingency to	100.00%
Unused Funds from General Conditions Returned to	100.00%
Bookkeeping Policy (Open or Closed Book, Auditable?)	Always Open



RDA Staff Report

Subject: Woodside Park Phase 1 (former File Station Parcel)
Preconstruction Services - Construction
Manager at Risk Agreement Award

Author: Steve Brown

Department: Economic Development

Date: March 30, 2017

Type of Item: Administrative – Award of Contract

Summary Recommendation

Review the proposal from Newstar Construction and authorize the City Manager to enter into a Construction Manager at Risk (CMAR) agreement in a form approved by the City Attorney's Office with Newstar Construction, Inc., in the amount not to exceed \$17,250 Dollars.

Executive Summary

On March 16, 2017 Council was informed that staff completed the selection process for a Construction Manager at Risk (CMAR) including preconstruction services for Woodside Park Phase 1 (the site of the former fire station on Park Avenue). The CMAR contract at this time is for preconstruction services of \$17,250. The \$17,250 is below the amount requiring Council award; however this CMAR contract will be amended to a contract for the full amount of construction, based on the current, estimated construction budget of \$2.5M. Council should review the Preconstruction Services Scope and approve the award of (CMAR) Contract for the Woodside Park Phase 1 project to the committee selected Construction Manager, Newstar.

Acronyms

CIP	Capital Improvement Program
CMAR	Construction Manager at Risk
HDDR	Historic District Design Review
PCMC	Park City Municipal Corporation
RFP	Request for Proposals
RFQ	Request for Qualifications

The Opportunity

City Council has identified approximately \$40 million to pursue their critical goal of creating affordable housing.

Background

- On August 25, 2016, the City Council directed staff to pursue four single-family homes and four townhomes, each with an accessory apartment on the parcel where the former fire station sits on Park Avenue. The project includes a shared parking lot to the rear at 1364 Woodside. Council additionally asked staff to consider different

approaches to construction to better understand the community impact/disruption as well as cost of construction. This project is considered Phase I.

- On October 20, 2016 Council provided direction on the design details of Phase 1 - housing at the former fire station parcel, including ([link](#)):
- On December 1, 2016 the City Council provided preliminary direction on the preferred concept for affordable housing on the City property between Woodside and Empire Avenue referred to as Phase II housing ([link](#), p.6). Council was also presented with an overview and analysis of the tradeoffs balancing costs (land & construction), affordability and return on investment/subsidy goals.
- On January 5, 2017 Council approved a contract with EWG to complete design construction documents and administration for Phase 1 ([link](#), p.129).
- During the pre-construction services phase the construction manager working with the design team of EWG and staff will review the proposed schematic design and design development drawings and provide a cost estimate. The cost estimate will help determine a final budget request for FY 2018.
- During the Construction Manager at Risk (CMAR) selection process it was discussed that the 4 single family homes would not lend themselves toward modular as they are all unique and have different footprints. The schedule would be greatly affected to phase the single family and then the townhouses. If modular is a viable option for the townhouses then the 4 single family houses can be constructed while the modular is being fabricated. The modular construction would not need to be split in phases. The ability to develop the design to a level that the Construction Manager can verify the cost and scheduling comparisons between the methods will allow for a better decision.
- The proposed construction manager pre-construction services consist of participating in regular design team meetings, site investigations, scheduling, develop methods for the upgrade work, cost estimating value engineering, and help the team with the Historic District Design Review drawings, design and preservation plan. At about 80% construction documents the construction manager will develop a Guaranteed Maximum Price (GMP) for the project. Prior to the start of construction.

Alternatives for City Council to Consider

Staff recommends that City Council approve a single contract with Newstar Construction for the Pre-Construction of the Fire Station and 1364 Woodside Parcels. Council should consider the following alternatives:

1. **Recommended Alternative:** Enter into a CMAR agreement with Newstar Construction for Woodside Park Phase 1 Preconstruction Services.

Pros

- a. Enable staff to identify a solid construction cost estimate prior to entering into a Guaranteed Maximum Price contract for the project;
- b. The contractor working with the designer during completion of design typically reduces unknowns and results in a more cohesive team;
- c. The transfer of responsibility for construction and some risk from PCMC to CMAR;

- d. Bringing Newstar on as soon as possible will allow pricing on modular, sips panel, and stick frame construction to determine the lowest cost of construction on the project, as well an understanding of other potential benefits of modular construction, such as reduced duration of construction;
- e. Staff committee unanimously ranked Newstar's proposal for the project as the highest qualified to perform the scope of work.

Cons

- a. There is some, albeit minimal risk in entering into a professional services provider contract for Preconstruction Services, such as deciding not to move forward with construction, where these would then be sunk costs;
 - b. A typical low-bid process may produce lower cost of construction at bidding, but usually results in more change orders and unforeseen costs;
 - c. Design changes after construction begins are expensive.
2. **Null Alternative:** The City Council could choose not to award the CMAR contract to Newstar Construction, and instead direct staff to pursue a traditional low – bid construction delivery method:

Pros

- a. Construction cost is fixed at contract award;
- b. Maximum competitiveness ensured through low bid.

Cons

- a. Not awarding, then returning with a traditional bid project would likely delay the project;
- b. Pursuit of modular could only be done as a bid alternate which would require us to design for both modular and traditional/SIPS would result in additional cost;
- c. No CMAR input during design, planning or any value engineering process.
- d. Final budget unknown until bid.

Analysis

The Request for Qualifications/Proposals (RFQ/RFP) was advertised on January 20th and 23rd, 2016 in the Park Record and 19th and 20th in the Salt Lake Tribune. Additionally, the RFP was posted on the City's website, e-notify and Utah Legal website.

A selection committee included the following participants:

PCMC:

Steve Brown
Jonathan Weidenhamer
Matt Twombly
Dave Gustafson

Elliott Work Group:

Steve Bruemmer

Three (3) firms responded and their proposals are as follows:

Firm	Pre-con	CM Fee (cost of const.)	General Conditions (est. based on const. duration)*	Bond
Newstar	\$17,250	4.5%	\$264,050.00	1%
Northridge	\$17,500	7.5%	\$251,755.00	1%
Keller	\$32,015	6%	\$164,750.00	1%

*Newstar and Northridge estimated 12 months of construction, Keller only 6 months.

The selection committee interviewed all firms on March 6, 2017. Selection of the consulting firm was based on the following criteria:

- Experience on historic buildings.
- Experience with historic construction techniques.
- Strength of individuals committed to the project.
- Experience with construction manager/general contractor or CMAR delivery.
- Availability and communications.
- Strength of addressing PCMC concerns, HDDR process.
- Other services/cost proposed.

As defined in the City's purchasing policy: **Contracts for Professional Services, where the Service Provider is responsible for Building Improvements/Public Works Project (Construction Manager / General Contractor "CMGC" Method)** are contracts where the City contracts with a "Construction Manager/General Contractor" which is a contractor who enters into a contract for the management of a construction project when that contract allows the contractor to subcontract for additional labor and materials that were not included in the contractor's cost proposal submitted at the time of the procurement of the Construction Manager/General Contractor's services. The CMGC contract is exempt from competitive bidding. The selection of CMGC contracts shall be based on a documented evaluation process such as a Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The CMGC will implement all bid packages and subcontractors under a competitive bid requirement as required in the City's purchasing policy, including any self-performed work. The purchasing policy requires that the Project Manager will attend the award of all subcontracts which meet the threshold requirements in which the State Code (and our purchasing policy) requires a sealed bid if it was bid individually. The proposed CM/GC contract also requires that any competitive quotes for items of work between \$15,000 and the State Code amount (approximately \$135,000) will use the City's Local Bidder Preference.

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

control and most importantly improve schedule with early mobilization and phased bidding and construction.

The CMAR contract at this time is for preconstruction services of **\$17,250**. The \$17,250 is below the amount requiring Council award; however this CMAR contract will be amended to a contract of approximately \$2.5M, based on the estimated construction budget. At the point where 80-90% of construction documents are prepared, the Construction Manager will bid the project consistent with State code and City policies. The Construction Manager will then propose a Guaranteed Maximum Price (GMP) that includes a detailed schedule of work and costs based on the subcontractor bids, General Conditions, Construction Manager's Fee, Bonds and a Contingency.

Staff will return to Council for award of the Amendment #1 to the CMAR Agreement for the GMP. If the GMP is \$2.5 million, included in the GMP we will pay the Construction Manager a fee of \$118,750 (4.75% of estimated \$2.5M cost of construction) plus an estimated \$264,050 in General conditions (to be finalized at the GMP proposal), an estimated \$25,000 in bonds and a percentage held in contingency. The rest of the GMP would be based on subcontractor bid amounts of which the construction management firm may bid on subcontracts for the work.

Department Review

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

Funding Source

RDA Tax Increment Finance Bonds or Related Sales Revenue Bonds

Attachments

Exhibit A – Newstar Construction Proposal